

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

Minutes from the Meeting of the Cabinet held on Tuesday, 16th March, 2021 at 3.30 pm in a Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube - Zoom and You Tube

PRESENT: Councillor B Long (Chair)
Councillors R Blunt, P Gidney, P Kunes, A Lawrence, G Middleton
and E Nockolds

An apology for absence was received from Councillor S Dark

CAB235 **MINUTES**

RESOLVED: The minutes of the meeting held on 2 February 2021 were agreed as a correct record and signed by the Chair.

CAB236 **URGENT BUSINESS**

None

CAB237 **DECLARATIONS OF INTEREST**

Councillor Long declared a pecuniary interest in the Salters Road item as a Board Member at Freebridge Community Housing. He left the meeting during its consideration and informed Members that did the same at the Freebridge Board meeting.

CAB238 **CHAIR'S CORRESPONDENCE**

None

CAB239 **MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillors Dickinson, Morley, Parish, Rust and Ryves.

CAB240 **CALLED IN MATTERS**

None

CAB241 **FORWARD DECISIONS**

The Forward Decisions list was noted.

CAB242 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

The Environment and Community Panel on 9 March 2021 – Public Sector De-carbonisation Scheme

The Regeneration and Development Panel on 11 March 2021 – CIL, Salters Road King's Lynn and Southend Road, Hunstanton

Audit Committee on 15 March 2021 –Provision of Internal Audit Service

The comments where made from each of the bodies were taken into account when considering the items.

CAB243 **PUBLIC SECTOR DE-CARBONISATION SCHEME**

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Cabinet considered a report, the purpose of which was to provide an update on grants the council had been awarded, from the Department of Business, Energy & Industrial Strategy (BEIS), and to seek approval to enter into a contract to undertake the project to utilise those grants. The grants received were from the Government's £1 billion Public Sector Decarbonisation Scheme (PSDS) fund, and were for the provision of non/low carbon generating technologies, such as solar PV and air and ground source heat pumps, within several council owned buildings. It was explained that this was a continuation of the council's programme of decarbonising its estate, which was taking place through the Re:Fit programme.

Two bids had been submitted in two separate bidding rounds, with the first round bid for £2,838,546 approved by BEIS in January. On 22 February, the council also received confirmation that the second round bid has also been approved, subject to conditions, which was for a further £1,013,138. The total grants that had been received from the PSDS fund were therefore £3,851,684.

In addition, as this was a continuation of the Re:Fit programme the council was undertaking, the council would utilise the existing agreement with our Re:Fit partners, Ameresco, plus a new JCT Design & Build contract, to complete the project. As the value of the works was over £500,000, albeit this is 100% grant funded, further Cabinet approval is sought.

Under standing order 34 Councillor Rust sought information on the effectiveness of Ameresco,

Councillor Morley urged that sufficient staffing resources be put into the project to ensure its completion within the required timeframe. He commented that the equality impact assessment should be positive

rather than neutral and that the financial gains in coming years would be identified.

Councillor Parish commented on potential planning objections to air source pumps due to noise issues and hoped planning reasons would not cause delays.

Councillor Ryves commented that she hoped the process would assist in changing behaviour in the Borough and so making a meaningful reduction in carbon output.

In discussing the item Cabinet commended the work done in securing the grant aid and looked forward to it being carried out in the deadline.

RESOLVED: 1) That as the value of the required separate contract is above £500,000 for these extra grant funded works, the utilisation of our existing Re:Fit delivery partners, Ameresco, to deliver the project on behalf of the council be approved.

2) That the utilisation of the grant awarded under the Public Sector Decarbonisation Scheme, subject to the granting of any specific consents required for any of the buildings be noted and endorsed.

Reason for Decision

To ensure the delivery of the project within the relatively stringent timescales set out by the terms of the grant from the Department of Business, Energy & Industrial Strategy (BEIS).

CAB244 CREATION OF THE CIL SPENDING PANEL

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Cabinet was reminded that on 19 August 2020 Cabinet agreed and adopted the CIL Spending and Governance Processes document which proposed a scheme for allocating funds collected through the Community Infrastructure Levy.

The scheme envisaged a Panel of elected Members to be known as the 'CIL Spending Panel' which was to have decision making powers in respect of a defined category of applications for CIL funding and is to make recommendations in respect of other categories.

In order to create a decision-making body, it was recommended that this be achieved by virtue of a sub-committee of Cabinet which can delegate its powers to its sub-committee. A revised report had been issued for the meeting which clarified a few points.

Under standing order 34 Councillor Rust commented that she felt the panel should be made up of 2 members from each party rather than

proportional as she considered it would ensure funding would be delivered across the board.

Councillor Morley commended the input of Independents to the preparatory work.

Councillor Parish as chair of the task group looking at CIL welcomed the Sub Committee now being set up and it being proportional. He also confirmed King's Lynn was included within the governance document.

Councillor Ryves commented that organisations in his area were enthused by CIL.

Councillor Blunt drew attention to the clearly defined process and the deadlines, and suggested that a meeting be held in May and training be provided for members. He flagged the need to be able to harness support from ward Members and parishes for applications within a deadline before the applications were considered.

Cabinet commented that the Sub-Committee would be proportional and would allocate the money where it was required in a fair manner.

RESOLVED: 1) That a Sub-Committee of Cabinet be created which shall be the CIL Spending Panel;

2) That the updated Terms of Reference at Appendix A to the amended report be approved and adopted for the CIL Spending Panel and the ability of members to make written representations on bids within pre set deadlines be agreed.

Reason for Decision

To create a body which shall operate as the CIL Spending Panel and refresh the Terms of Reference to reflect its constitution.

CAB245 DRAFT STANDING ORDER 11.2A - REFERRAL BACK TO CABINET FROM COUNCIL

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Cabinet was reminded that at the 14 January 2021 Council meeting it was agreed to refer back to Cabinet for further consideration the Cabinet Members recommendation to introduce a new SO 11.2A, as set out below:

“Draft amendment to Standing Order 11.2 referred back to Cabinet for further consideration and final decision by Council.

11.2A The procedure for putting questions under Standing Order 11.2.1 shall be as follows:

11.2A.1 The period of time for putting questions and receiving responses shall not exceed 30 minutes for all Cabinet Members, excluding the Leader.

11.2A.2 The period of time for putting questions and receiving responses to the Leader shall not exceed 15 minutes.

11.2A.3 The order of putting questions shall commence with one Member from the largest opposition group, proceeding in descending order to the smallest opposition group, followed by a Member from the ruling group. This order shall repeat until the time for questions has elapsed or there are no more questions to be put.”

In proposing the following for inclusion as the standing order, Councillor Long confirmed he had spoken to group leaders about them. Councillor Nockolds seconded the proposals.

Standing Order 11.2a

1. That the total time given for questions to Cabinet members except the leader be 50 minutes, and 15 minutes of the Leader.
2. That no question and answer exceed 10 minutes
3. There is no right to a supplementary question
4. That the cabinet members reports be presented “en bloc” and questions asked as follows with that order to be rotated at each meeting:

Major opposition group
2nd opposition group
Non aligned councillors
Administration group

5. That the suggestion be put to the chairs of panels, that to further facilitate the scrutiny of cabinet, panels consider having on their agendas a time limited question and answer session of cabinet members as appropriate to the work of the panel.

Cabinet discussed the proposals and the suggestion that the Panels have a question and answer session for Cabinet members was welcomed.

Under standing order 34 Councillor Rust asked that where questions were put to Cabinet members in advance they were responded to.

Under standing order 34 Councillor Morley felt Cabinet member questions at Panels would be a positive step with possibly longer than the 10minutes suggested, and the timeframe proposed for council was

fair but preferred opposition questions only. He suggested that Chairs should be from opposition groups.
Councillor Long confirmed the timeframes would be for a Panel to decide.

Under standing order 34 Councillor Dickinson stated that as Chair of Audit Committee she would also welcome a cabinet member question and answer session at her Committee.

Under standing order 34 Councillor Parish indicated he did not have an issue with the timings for questions except he felt the 10 minutes for each question was too long. He indicated he had encouraged members of his Group to submit questions in advance and asked for Cabinet Members to respond to them.

It was confirmed that the review of standing orders would be carried out in due course as required.

Under standing order 34 Councillor Ryves hoped to receive written answers from Cabinet members, and suggested question for Panels be put in advance in writing.

Councillor Long commented that who and how long questions were held would be up to the panel in accordance with the appropriateness of their agenda. He hoped long questions would be dealt with outside of meetings.

RECOMMENDED: That the following be recommended to Council and incorporated into standing orders in the appropriate way:

Standing Order 11.2a

6. That the total time given for questions to Cabinet members except the leader be 50minutes, and 15 minutes of the Leader.
7. That no question and answer exceed 10 minutes
8. There is no right to a supplementary question
9. That the cabinet members reports be presented "en bloc" and questions asked as follows with that order to be rotated at each meeting:

Major opposition group
2nd opposition group
Non aligned councillors
Administration group

10. That the suggestion be put to the chairs of panels, that to further facilitate the scrutiny of cabinet, panels consider having on their agendas a time limited question and answer session of cabinet members as appropriate to the work of the panel.

CAB246 NORFOLK STRATEGIC PLANNING FRAMEWORK UPDATE 2021

[Click here to view the recording of this item on You Tube](#)

Cabinet considered a report which set out the key updates to the Norfolk Strategic Planning Framework (NSPF) document, which when endorsed would be the third edition of the document. The NSPF document was going through a comparable endorsement procedure with all the local planning authorities in Norfolk. The main updates included:

- New updated sections on: Climate Change; Health; Telecoms; & Green Infrastructure;
- A new Agreement to support the New Anglia Local Enterprise Partnership Covid Economic Recovery Restart Plan;
- New Agreements covering: climate change – agreeing this is a cross-boundary issue; and supporting high speed Broadband provision in emerging local plans; and
- Updates/changes to existing agreements, for example, covering LPAs working towards a Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

The NSPF continued to provide an important function in delivering sustainable local plans capable of supporting housing and economic growth together with the necessary enabling infrastructure and service provision. Cross-boundary cooperation was a cornerstone of the Duty to Cooperate and of the NSPF; and was of particular importance in post-Covid recovery.

It was confirmed that the document was not planning policy, but a way to approach working with other authorities.

Under standing order 34 Councillor Rust commented on the amount of work involved in producing the document.

Under standing order 34 Councillor Morley commented that he had enjoyed reading the document, but felt it was lacking in highlighting west Norfolk specifically, in areas such as clustering – where the A10 corridor could be included, or visitor culture.

Councillor Long confirmed that the document would be updated regularly and those points could be put forward to the group for the future versions.

Under standing order 34 Councillor Ryves considered that west Norfolk should be looking to Cambridge.

Councillor Nockolds concurred with the comments made about the presence of west Norfolk, but also reassured that a Tourism Zone was being set up working with the NALEP. She welcomed the addition of healthy living and well being in the document.

Councillor Blunt acknowledged the comments made and agreed to take those forward for future editions of the document.

RESOLVED: 1) That the up-dated Norfolk Strategic Planning Framework be endorsed as part of the Borough Council's ongoing "duty to co-operate".

2) That the comments made regarding the featuring of west Norfolk more prominently in the document be borne in mind for the future amendments to the document.

Reason for Decision

The NSPF has already been used successfully to support the development of the local plan. It must be kept up to date to continue to fulfil this role.

CAB247 SALTERS ROAD, KING'S LYNN

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Councillor Long left the meeting during consideration of this item.

Cabinet decided that the item would be taken in public session. The report reminded Members that on 18th September 2018 it recommended to Council, that the Council enter into a contract with Homes England to accept their accelerated funding offer to bring this site forward. The contract with Homes England was agreed on the basis that this development should be taken forward as part of the Major Housing contract with Lovell Partnerships Limited, to facilitate the acceleration of the development.

The report updated Members on the progress made, together with how it was hoped that this scheme would be delivered in partnership with Freebridge Community Housing.

Under standing order 34 Councillor Rust welcomed the social rentable and shared ownership houses in an area in need of it, but was sad to lose the open space.

Under standing order 34 Councillor Morley asked whether the water authority would carry out any work required in the area, and whether there had been sufficient scrutiny as a large number of the Regeneration and Development Members did not participate due to being Planning Committee members.

Members were reminded that comments could be made on all planning applications.

Under standing order 34 Councillor Parish commented that the discussions had not been in public, he felt there should be a better airing of the issue.

Under standing order 34 Councillor Ryves felt the debate should have been public. He sought legal advice for members to prevent pre determination. He asked what would happen if the contract with Freebridge didn't go ahead.

In debating the item, Cabinet commented that members of the Panel not on Planning Committee could have commented on the item. It was also agreed that "subject to planning permission being granted" be added to the recommendation.

RECOMMENDED: 1) That the Council enters a contract with Lovell Partnerships Ltd under the Major Housing Contract to deliver this project subject to planning permission being granted.

2) That the Council agrees to sell all properties to Freebridge Community Housing (FCH) as laid out in this report.

3) That if terms cannot be agreed with FCH the scheme is delivered as set out in paragraph 2.4 of the report.

Reason for Decision

1. To develop this site using the Major Housing contract with Lovell Partnerships Limited.

2. To allow the scheme to be developed using traditional methods.

CAB248 SOUTHEND ROAD, HUNSTANTON

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The item was taken in public. Cabinet was reminded that on 18th September 2018 it recommended to Council, that the Council enter into a contract with Homes England to accept their accelerated funding offer to bring this site forward. The contract with Homes England was agreed on the basis that this development should be taken forward as part of the Major Housing contract with Lovell Partnerships Limited, to facilitate the acceleration of the development.

The report updated Members on the progress made, explained why the application was previously refused at Planning Committee on 7th December 2020 and sought approval to sign contracts with Lovell if planning permission was granted, when re-presented to Planning Committee.

In discussing the report it was agreed that recommendation 2 in the report be deleted, and "subject to planning permission being received" be added to recommendation 1.

Under standing order 34 Councillor Morley, supported the housing for Hunstanton but sought clarification on the legal position for members on the Regeneration and Development Panel and Planning Committee.

The Chair reminded members that the Planning Committee received training on all such issues.

By way of clarification, the Monitoring officer confirmed she could provide further advice for members, but confirmed that the regulatory decision of the Planning Committee could be different to that of the Council.

Under standing order 34 Councillor Parish commented that the arrangements to sell the properties to local people were not practical in the long term.

Under standing order 34 Councillor Ryves commented on the layout of the parking areas referred to in the report and their optimum use and values.

The Chair reminded Members that the car parks were not always full except on bank holidays etc.

In debating the item Cabinet supported the ability of local people to purchase the properties, confirmed the Council's right of appeal, and the improvement the development would bring to that area of the town, in accordance with the Regeneration Masterplan.

RECOMMENDED: That the Council enters a contract with Lovell Partnerships Ltd under the Major Housing Contract to deliver this project subject to planning permission being granted.

Reason for Decision

- 1) To develop this site using the Major Housing contract with Lovell Partnerships Limited.
- 2) To allow the scheme to be developed using traditional methods.
- 3) To include the tenure mix shown in section 2.4 of this report.

CAB249 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

CAB250 PROVISION OF THE INTERNAL AUDIT SERVICE

Cabinet was presented with a report which outlined options on provision of Internal Audit Service Manager function following withdrawal of Shared Audit Manager arrangement with Fenland District

Council. It was confirmed that the report would be within Cabinets powers as it was within budget and current policy.

Under standing order 34 Councillor Dickinson presented the recommendations of the Audit Committee on 15 March.

Under standing order 34 Councillor Ryves commented that the Council should consider what audit resource it needs and he considered it should be a full time position.

The additional recommendation from the Audit Committee that it be reviewed in 18 months to 2 years was agreed.

RESOLVED: 1) That Borough Council for King's Lynn and West Norfolk enters into a Section 111 and 113 Agreement, to become part of Eastern Internal Audit Services (the Consortium) for the provision of Internal Audit Services, from 1 June 2021, under the Local Government Act 1972.

2) That in consultation with Leader of the Council, delegate to Assistant Director Resources (S151 Officer) and Monitoring Officer to finalise the agreement.

3) That the effectiveness of the arrangement be reviewed in 18 months to 2 years time.

Reason for Decision

To continue the provision of an effective internal audit function for the council.

The meeting closed at 5.58 pm