

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on Tuesday, 1st August, 2023
at 3.30 pm in the Council Chamber, Town Hall, Saturday Market Place,
King's Lynn PE30 5DQ**

PRESENT: Councillor T Parish (Chair)
Councillors B Anota, A Beales, M de Whalley, C Morley, S Ring and S Squire

Apologies for absence were received from Councillors J Moriarty and J Rust

CAB15 **MINUTES**

RESOLVED: The Minutes of the meeting held on 27 June 2023 were agreed as a correct record and signed by the Chair.

CAB16 **URGENT BUSINESS**

None

CAB17 **DECLARATIONS OF INTEREST**

None

CAB18 **CHAIR'S CORRESPONDENCE**

None

CAB19 **MEMBERS PRESENT UNDER STANDING ORDER 34**

The following Councillors attended under standing order 34:

Councillors Blunt, Dickinson were present in the meeting.
Councillors Joyce and Moriarty were present on Zoom.

CAB20 **CALLED IN MATTERS**

None

CAB21 **FORWARD DECISIONS**

The Forward Decision List was noted

CAB22 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

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The following items were considered by Panels and the comments made were considered with each item on the agenda:

Environment and Community Panel – 18 July 2023

EC21 – Local Authority Housing Fund – Round 2

Corporate Performance Panel – 24 July 2023

CP31 – Draft Council Tax Scheme for 2024/25

CP32 – Revenue Outturn 2022/23

CP33 – Capital Outturn 2022/23

CP34 – Appointment of Representatives to Inquorate Parishes

CP32 – Exempt Capital Outturn Report

CP43 – Exempt Staff Pay Award

Regeneration and Development Panel – 25 July 2023

RD21 – CNC Building Control

RD27 – Exempt report – West Winch Collaboration Agreement

CAB23 REVENUE OUTTURN 2022/23

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Assistant Director – M Drewery presented a report which set out in summary the revenue outturn for 2022/2023 for the Council. The report showed details of the major differences between actual costs/income compared to the revised estimates for 2022/2023 reported in the January 2023 financial monitoring.

The accounts showed the Borough's spend of £19,690,449, which was £1,113,861 less than the revised position following January's financial monitoring report for 2022/2023 (£1,337,621 less than the original budget as approved by Council in February 2022). Throughout the year there was significant uncertainty and variation to budget as reported in the budget monitoring report, largely as a result of growing inflation. The Office for National Statistics reported a peak in inflation of 11.1% in October 2022, widely impacting the cost of living for individuals and businesses. This impacted the Councils forecasts for utilities and fleet running costs.

The Council's continuing strategy was to identify budget savings in year, as part of the monitoring process and at year end. Any savings were then transferred to the General Fund Reserve balance for use in future years. As a result consideration had been given to allocating

specific funds to provide contingency for known and estimated inflationary increases to the Council. The outturn report included additional transfers of £1,249,850 to earmarked reserves for continued operations and service delivery in 2023/24 and future years. The General Fund Reserve was increased from £8,983,760 to £9,644,559 at the start of 2023/2024 following the contribution from 2022/2023 surplus of £660,799.

It was noted that the Corporate Performance Panel had considered the report and supported the recommendations.

RESOLVED: 1) The draft revenue outturn position for 2022/2023 (section 2 of the report) be approved.

2) That the new transfers to reserves as listed at Appendix 2 of the report be approved.

3) That the amendments to the Earmarked Reserves Policy (Section 4 of the report) be approved.

4) That the Councillors Community Grant Scheme be extended for 2023/2024.

Reason for Decision

To consider and approve the draft revenue outturn position for 2022/2023 for the Council.

CAB24 CAPITAL OUTTURN 2022-23

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Assistant Director – M Drewery presented a report which provided details of the outturn of the 2022/2023 capital programme and outlined amendments and rephasing to the spending on schemes, revising the programme for 2022/2027.

The capital programme outturn for 2022/2023 totalled £25,347,122 (including Exempt and Capital Loans) against an approved revised budget of £30,689,370 (£33,416,370 including Exempt and Capital Loans).

It was noted that it had been necessary to rephrase a total of £6,015,220 (£8,742,220 including Exempt) of scheme costs to future years. Useable capital receipts generated in the year totalled £11,189,651 and the capital resources available to fund expenditure in 2022/2023 were detailed in section 3 of the report.

It was noted that the Corporate Performance Panel had considered the report and supported the recommendations.

Councillor Beales noted the rephasing of the ICT budget with a view that there may be a need to bring it forward.

Councillor Morley commented that there was still a lot of work to be carried out on the Capital Programme so the approval was indicative

for the money approved for this year and subsequent rephasing that will take place.

RESOLVED: 1) That the outturn of the capital programme for 2022/2023 of £25,347,122 including Exempt Schemes be noted;

2) That the financing arrangements for the 2022/2023 capital programme be noted;

3) That the rephasing (as set out in Section 2.6 and Appendix 1a of the report) into the 2022/2027 capital programme and financing assumptions as detailed in the report noting that further review will be undertaken during monitoring in 2023/24 be approved.

4) That the new items to the capital programme as set out in Section 5.4 of the report (Tables 10 to 13) to be progressed be approved.

Reason for Decision

To report the outturn 2022/2023 for the Capital Programme and update members on capital spending and resources for 2022/2027.

CAB25 COUNCIL TAX SUPPORT - DRAFT SCHEME FOR 2024-25

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Cabinet considered a report presented by the Revenues and Benefits Manager which explained that the Council operated a scheme to help working age people on low incomes with the cost of their council tax by reducing their council tax bill. This was known as the Council Tax Support (CTS) scheme. There was a national set of regulations for a CTS Scheme for customers who had reached pension age, but the Council was free to decide the rules for its own CTS schemes for working age people in our area, taking into account some government requirements. This report only referred to our CTS Scheme for working age people.

The Council was required to review and agree its CTS scheme for working age residents for each financial year and there was a process to follow when deciding the CTS Scheme. The Council must first consult with Norfolk County Council and the Police and Crime Commissioner for Norfolk as they were affected by the scheme. The comments from the County Council were attached with the report. Cabinet must then decide on draft a set of rules for our working age CTS scheme which are then open for public consultation for six weeks. Once the consultation closed the responses must be reviewed and full Council must agree a final CTS scheme by March 2024, taking into account any comments made as part of the consultation.

It was noted that the Corporate Performance Panel had considered the report and supported Option 1 as the recommendation, whilst going forward looking at options to incorporate more people who were currently not within the scope of the scheme.

Under standing order 34 Councillor Dickinson commented that it would be good to have had more options to consider as well as more information on other Council's schemes to compare in the Panel meeting.

Councillor Beales asked about the effect that Universal Credit would have on future consideration. The Revenues and Benefits Manager confirmed that Universal Credit was being rolled out on a phased basis replacing legacy benefits where people could be identified by vulnerable groups. Those on Universal Credit had all benefits rolled into one which meant that they couldn't be identified as in need of the additional Council Tax support, and because the benefit was operated by DWP the Council couldn't look into the detail. This would mean that over time the data would not be available in the future.

Councillor Morley commented that people needed support and the system was harmonising the criteria for all. He considered it was a fair option to support people. He commented that the consultation process is being re-vitalised to encourage more people to contribute to ensure a fair and reasonable council tax support scheme for people.

Councillor Squire confirmed she would appreciate more information going forward on what other council's schemes looked like.

The Revenues and Benefits Manager explained that the final report which was to come back at a later date would contain the further options requested.

RESOLVED: That option 1 from Section 2 for the draft set of Working Age CTS Scheme rules for 2024/2025 which will then be open for public consultation.

CAB26 **STAFF PAY AWARD 2023-24**

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Cabinet received a report which reminded Members that the Council's annual pay increase for all employees was locally determined, having regard to national pay and labour market information. This paper recommended the pay increase for 2023/24 and outlined the budget implications. The report set out background information on inflation figures, public sector pay offers and pay settlements and the current positions with national negotiations.

The need to balance financial probity and transparency with the need to recruit staff so as to be able to deliver the financial objectives was stressed. Attention was drawn to the difficulty recruiting staff to senior and professional jobs despite recruiting to higher in the grade and offering training, progress schemes, hybrid working and flexi scheme.

Comments from Unison were included in the paper.

Councillor Parish asked the following questions around the points raised at the Panel meeting:

- Why did the proposal retain the same figures for all staff this year when the previous year higher paid staff received less. Executive Director – D Gates responded that the reason was that the proposal equated to a 22% rise for lower paid staff compared to 9 % for higher paid staff. Inflation over the 2 years from April 21 to April 23 totalled 17.7% (CPI) and 22.5% (RPI). To propose less than 5% for all staff would be de motivating for staff given budget provision made.
- Could a response be given on the comment raised about the increase to the top of all pay scales being a ‘ticking time bomb’. The Executive Director explained that without the increase staff on the tops of grades did not receive an increase on pay and only a one off payment in line with the prp scheme. It previously had meant that savings on budget provision had been made because staff were on the top of the grade and given no increase. It was anticipated that potential increase in prp payments would equate to less than £20,000 pa which would be within budget provision.
- Why was the proposal to increase the top of all pay grades not just those where there were recruitment difficulties. It was explained that particular difficulties were experienced recruiting to grades PG9 and above. The lower grades would be increased by smaller amounts as the staff were getting a larger pay increase. The proposals retained the differentials between grades.
- Why was the £750 not only being paid to lower paid staff. The Executive Director explained that it was being done to reflect the gap that all employees had experienced over the last 2 years in the cost of living verses pay awards. It reflected a higher percentage for lower paid staff.
- What would be the impact of only paying the £750 to those employees receiving the £1925 payment. It was noted that the impact on staff morale would be as previously outlined and that staff immediately above any ‘cut off’ point would be less favourably remunerated compared to colleagues just below the ‘cut off’.

Under standing order 34 Councillor Blunt asked what percentage of staff fell within the two groups of the pay award to see if there was any opportunity of introducing upper limits. The Executive Director confirmed that 23% of staff would be above the £38,000 line of a percentage increase or lump sum. Councillor Blunt asked how some boundaries could be pushed to get the staff in post. The Executive Director responded that the need to be able to increase the grade bands as proposed was essential to attract and retain staff in the first instance, as the cost of recruitment was high, and the worst case scenario was having to use agency staff where high sums paid included agency fees.

Councillor Morley asked if Job Evaluation criteria had been updated over the years, to which it was confirmed that it was a nationally recognised evaluation scheme, and all new jobs and changes in job descriptions were considered by the Panel or benchmarked against it.

Councillor Morley also commented that the money saved previously was now needed for the award, but the same position didn’t apply to Alive, the funding of which needed to be considered in the future.

Councillor Moriarty, under standing order 34, commented that the subject of staff retention in the planning department was under constant consideration.

Under standing order 34 Councillor Dickinson commented that she considered the pay award should be kept separate from review of salary scales. She thought there were more contributory factors to be considered in the review and did not consider there was sufficient information to make changes at this stage.

Councillor Beales drew attention to local determination of pay, which meant that it could be looked at in order to fill the gaps to try to reduce the use of agency staff. He also drew attention to the need to look at the provision for Alive. He supported the proposals set out in the report.

Councillor Ring commented on supply over quality issue and the need to look at the pay scales review. He commented on increasing salaries of staff threatening to leave.

Councillor Parish sought confirmation that if the proposals were agreed further work would be undertaken on grades etc. Councillor Squire requested that in reviewing grades the whole package being offered to staff be considered, this was confirmed along with the provision for Alive leisure. Councillor Parish commented that the bigger picture would be looked at to ensure the balance of wages and service was right.

The Executive Director conformed that the proposal to increase the top of pay scales was the first step on the journey to the wider piece of work to be done.

Councillor Parish informed Cabinet that Unison had asked him if the £750 could be paid as a lump sum, he reminded members that April to September would be paid as a lump sum. The Executive Director explained that payment of the whole lump sum would be making advance payments that would be recoverable if staff left. In response to a question it was confirmed that the sum reflected the gap in cost of living over the last 2 years, but the payment was part of the 23/24 award.

Councillor Beales supported the recommended proposal of part lump sum and the rest paid monthly. Councillor Morley suggested it be paid in 2 lump sums. On being voted upon it was agreed that the recommendations contained within the report be agreed.

The recommendations set out in the report were agreed.

RECOMMENDED: 1) That:

- a) An increase of £1925 or 5% (whichever is the greater) be applied to all salary points.
- b) A flat rate non-consolidated cost-of-living payment of £750pa (pro rata for part time employees) to be paid to all permanent employees and temporary staff (with a contract specifying a duration of 12 months or more) who were in post on 1st April 2023. This payment to be paid in 12 monthly instalments with effect from April 2023.
- c) The top points of all grades (not individual salaries) are increased by the maximum applicable percentage increase (10.38%) with effect from 1st

October 2023. This will not have an immediate financial impact but will assist with future recruitment and retention.

2) That changes to annual leave and working hours are not implemented as part of the local Pay Award as any changes to terms and conditions that are negotiated nationally would continue to apply to our employees.

Reason for Decision

To implement an annual pay increase for employees that balances the requirement to make financial savings with the need to recruit and retain good quality employees.

CAB27 CONTINUATION OF THE BOROUGH COUNCIL AS PART OF THE CNC BUILDING CONTROL PARTNERSHIP

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Cabinet considered a report which sought to agree confirmation of the continuation of the Local Authority Building Control (LABC) function carried out by CNC Building Control on behalf of the Borough Council, so that it continued for another 5 years.

The Participation Agreement for the provision of Building Control Services was reviewed and updated every 5 years, and it was now due for renewal/review. It was last reviewed/renewed at Cabinet in April 2018.

The current participation agreement involved 5 Local Authorities, namely South Norfolk district Council, who host the Building Control function on behalf of all the partner authorities, Broadland District Council, Norwich City Council, King's Lynn and West Norfolk Borough Council, and Fenland District Council.

The Building Control function had been carried out by CNC on behalf of the Borough Council since October 2010, when the Borough Council joined the partnership. It was considered to work well, and had offered significant financial savings to the Council during the course of its operation.

It was noted that the Regeneration and Development Panel had considered the report and supported the recommendations.

Under standing order 34 Councillor Blunt supported the recommendations and the work of CNC to date.

Councillor Beales asked if Option 2 of another organisation carrying out the role was realistic to which it was confirmed it was unlikely.

Councillor Moriarty asked Assistant Director Stuart Ashworth to address the concern of the panel on the issue of pensions. He

confirmed he had no concern for the matter, He commended Councillor Blunt for his previous service on CNC as cabinet member.

The Assistant Director explained that the question was raised on how the pensions were valued which was now done on a 3 year basis rather than annually. They had also requested further information on CNC at a future meeting.

RESOLVED: 1) That the Council continues to be part of the CNC Building Control partnership for the next 5 years.

2) That authority be delegated to the Executive Director – Environment & Planning, in consultation with the portfolio holder for Development and Regeneration to agree the full details of the CNC partnership agreement.

Reason for Decision

To ensure the continued provision of a statutory Local Authority Building Control function through the CNC Building Control partnership

CAB28 APPOINTMENT OF REPRESENTATIVES TO INQUORATE PARISHES

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The Assistant Monitoring Officer presented a report which explained that the Borough had over 100 Parish Councils in its area (Town Councils are treated as Parishes for the purpose of the report). The vast majority of those Councils collected precepts as part of Council Tax. In the event of those Parish Councils becoming inquorate, for example due to mass resignations or because an insufficient number of candidates submitted nomination papers to stand for election, this will render the Parish Council unable to take any decisions, including around the public funds that it holds.

The Local Government Act 1972 contained a provision designed to address this issue, providing that district Councils (i.e. the Borough Council) may appoint its own Councillors temporarily to make the Parish council quorate until there were a sufficient number of Parish Councillors, which will enable business to continue in the interim.

It was noted that the Corporate Performance Panel had supported the recommendations.

Under standing order 34 Councillor Dickinson commented that having attended Hunstanton Town Council's meeting they had problems attracting councillors so they were looking into reducing the number of councillors, and suggested that others struggling to co-opt should consider the same option.

The Assistant Monitoring Officer confirmed that community governance reviews were the way to kick start the reduction in numbers.

Councillor Parish informed Members that he proposed to hold a meeting with parishes to discuss issues they may be facing.

Under standing order 34 Councillor Moriarty expressed concern that sometimes people were not keen to put themselves forward could be the conduct of some members of the community towards them.

RECOMMENDED: That Council delegates to the Returning Officer the power to issue Orders under Section 91 (1) of the Local Government Act 1972 appointing Borough Councillors temporarily to Parish Councils, when required, after consultation with the proposed Borough Councillor(s) and their Group Leader (where relevant).

Reason for Decision

To streamline the process for making Orders under section 91(1), so as to protect public funds held by Parish Councils and to ensure ongoing governance of Parish Councils for the benefit of the residents of the Borough, in circumstances where a Parish Council within the Borough becomes inquorate

CAB29 **CABINET TASK GROUPS**

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This item was withdrawn at this stage.

CAB30 **LOCAL AUTHORITY HOUSING FUND - ROUND 2**

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Cabinet considered the report which provided information on the funding offered to BCKLWN in June 2023 through Round 2 of the Local Authority Housing Fund (LAHF). The programme had been established by the Department for Levelling Up, Housing and Communities (DLUHC) to support Local Authorities to acquire homes to accommodate households with housing needs who have arrived in the UK via Afghan resettlement and relocation schemes.

The Council had been offered grant to acquire 7 homes for Afghan households and 1 property for the council to use as temporary need to meet wider homelessness needs. This was subject to acceptance of terms by the Council through a Memorandum of Understanding. The purpose of the report was to seek approval to accept the grant, provide the required match funding and inform the Cabinet of the requirements of the grant funding and potential delivery options.

It was noted that the Environment and Community Panel had supported the recommendations.

Councillor Morley commented that the properties were unlikely to come back into the general stock as the occupants were likely to stay on. Councillor de Whalley supported the proposal.

Councillor Parish drew attention to an LGA discussion held where some areas did not have any suitable properties to purchase with large waiting lists. He asked where the match funding was to be taken from. It was noted that the report explained that section 5 of the report set out the arrangements for funding. It was noted that the detail of the proposed purchases was exempt information at this stage. Cabinet therefore proposed to move into exempt session. The decision was taken after that discussion.

CAB31 **EXCLUSION OF THE PRESS AND PUBLIC**

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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 items of business - 10 (part), 16 (part) and 18 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB32 **LOCAL AUTHORITY HOUSING FUND - ROUND 2**

Cabinet's attention was drawn to the financial information held in the appendix to the report.

RECOMMENDED: That :

- 1) The Council will enter a Memorandum of Understanding (Appendix 1) with DLUHC based on the attached prospectus for the Local Authority Housing Fund Round 2 (appendix 2)
- 2) The Council will accept the total sum of £868,000 offered to the Council by DLUHC under the Local Authority Housing Fund to deliver the programme understanding the match funding requirements as set out in the report and attached prospectus.
- 3) The Council will commit match funding of up to £952,000 to deliver the 7 homes.
- 4) The Council will seek to maximise the Flexible Housing Fund to reduce the overall match funding required from the Council.
- 5) Authority is delegated to the Chief Executive in consultation with the Portfolio Holder for Housing People and Communities to negotiate and agree the final terms of contract with DLUHC under which the grant will be accepted.

- 6) The Council will purchase up to 7 properties on the basis of a subsequent freehold transfer to West Norfolk Housing Company subject to agreement from West Norfolk Housing Company.
- 7) Authority is delegated to the Assistant Director (Regeneration, Housing and Place) and portfolio holder for Communities to provide grant funding from the Local Authority Housing Fund to Freebridge Community Housing in the event that they agree to bring an identified long term empty property back into use as detailed in the report.
- 8) The Council agrees to the principle of allocating 6 of the properties acquired through the fund to eligible Afghan households in accordance with the existing Local Lettings Plan. 1 property will be used as temporary accommodation.

Reason for Decision

The recommendations will ensure that the opportunity presented by the Local Authority Housing Fund to deliver affordable housing in the borough will be fully realised and will help to relieve pressures on the council's homelessness services.

CAB33 WEST WINCH COLLABORATION AGREEMENT

The Cabinet was presented with a report which provided information on the Borough Council entering the West Winch Landowners collaboration agreement as a landowner. The overall purpose of the collaboration agreement was to facilitate the delivery of the West Winch growth area over the next 20 years including securing the necessary land for the construction of the West Winch Housing Access Road which was an essential infrastructure requirement. The report also set out how as a landowner within the growth area the Council would work with both Norfolk County Council and Homes England to support government funding to deliver the road.

The collaboration agreement was an integral mechanism to securing government funding for the road and has been prepared over the last four years with specialist property and legal advisors and more recently Landowners' solicitors.

A discussion ensued on the item, with questions from Cabinet members responded to on the detail of the agreement and the partnership working with Homes England.

Under standing order 34, Councillor Moriarty wished his support for the recommendations to be recorded.

It was noted that the Regeneration and Development Panel had supported the recommendations.

RESOLVED: 1) That the Council will enter the Collaboration Agreement as a landowner and simultaneously enter the Framework S.106 Agreement and Promotion Agreement at a later date.

2) That authority is delegated to the Assistant Director of Legal, Governance & Licensing in consultation with the Portfolio Holder for Business and the Executive Director Place to approve the final terms of the collaboration agreement, Framework S.106 agreement and Promotion Agreement, subject to Norfolk County Council's Cabinet approval in respect of their funding input and to enter the collaboration agreement, and approval of the Homes England Business Case.

3) That the Council will enter into a Grant Funding agreement with Norfolk County Council to receive recoverable grant funding from Homes England (subject to approval) to purchase land in the growth area for the West Winch Housing Access Road and support the delivery of infrastructure in the West Winch growth area.

4) That the Council will enter a Grant Funding agreement with Norfolk County Council regarding the Cashflow for purchase of land within the Growth Area for development.

5) That authority is delegated to the Assistant Director of Resources/S151 Officer in consultation with the Portfolio Holder for Finance and Executive Director Place to approve final terms of the grant funding agreements between the Borough Council and Norfolk County Council (NCC) to support the repayment of the Homes England recoverable grant and cashflow funding provided as set out in recommendations 3 and 4 above.

6) That the Council will exercise land acquisition agreements to purchase land for the purpose of delivering the Growth Area.

Reason for Decision

By the entering the collaboration agreement the Borough Council is committed to facilitating delivery of the growth area in both a strategic and landowning capacity and ensuring it can come forward in accordance with the Councils adopted Master plan SPD (Cabinet Jan 23).

Securing a large proportion of the land for the West Winch Housing Access Road in the collaboration agreement also gives government confidence to make significant investment decisions to ensure the road is delivered.

The meeting closed at 5.48 pm