

RECOMMENDATIONS TO COUNCIL ON 24 SEPTEMBER 2015 FROM CABINET ON 9 SEPTEMBER 2015

CAB46: ANNUAL GOVERNANCE STATEMENT 2014/15

The Chief Executive presented a report on the Council's Local Code of Corporate Governance which set out six core principles of good governance that focus on the systems and processes for the direction and control of the Council and its activities through which it accounts to, engages with and leads the community. These core principles included:

- Focusing on the purpose of the Council
- Roles and responsibilities of members and officers
- Standards of conduct and behaviour
- Decision making, scrutiny and risk management
- Developing capacity and capability of members and officers
- Engaging with local people and stakeholders

The extent to which the Council adhered to these principles was described in the Annual Governance Statement.

The Chief Executive explained that the preparation and publication of an Annual Governance Statement (AGS) was a statutory requirement. The AGS was a public statement that described and evaluated the Council's overall governance arrangements during a particular financial year. It included a self-assessment of the effectiveness of the governance arrangements, across all areas of activity, together with a statement of the actions being taken or required to address any areas of concern. The External Auditors had considered the report and considered it sound. The Statement was signed by the Leader and Chief Executive of the Council and published alongside the Statement of Accounts.

Councillor Pope asked if such documents in the future could be presented with track changes or something to identify where there had been changes.

Councillor Pope, in referring to the Action Plan, asked if the targets set out in the Plan would be achievable, to which it was confirmed that they were monitored by Management Team.

The Personnel Services Manager also explained that the External Auditors had suggested that in future years, now the Leisure Trust was in place, the arrangements with that should be reflected in the document.

It was noted that the Audit Committee had supported the report and recommendations.

RECOMMENDED: That the Annual Governance Statement for the 2014/15 year be approved for adoption and the Leader of the Council and the Chief Executive sign accordingly.

CAB47: STATEMENT OF ACCOUNTS 2014/2015 AND REPORT TO THOSE CHARGED WITH GOVERNANCE

The Assistant Director for Resources presented the report which introduced the Statement of Accounts (SOA) 2014/2015 – the Statement was the final accounts set out in a format which included the Council's balance sheet and associated notes. The report also considered the report from the Auditor on the Audit for the accounts 2014/2015 – the International Auditing Standard (ISA 260). It was noted that the Council's External Auditors had presented their report to the Audit Committee on 7 September. They had also indicated that they would be giving an Unqualified opinion on the Accounts for 2014/15.

Councillor Beales asked whether with the complexity of the Leisure Trust arrangements the Auditors were satisfied that it was working as well as intended. The Assistant Director commented that the accounts presented were for the first year, Ernst and Young had worked with the Alive Management auditors on the Audit which had been more complicated than pre Leisure Trust, the whole process would be finetuned in the coming years.

Councillor Beales also made reference to the Auditors comments on the 99 year lease for the property sold at Hunstanton which they felt should be added into the accounts over a 99 year period. Councillor Beales understood that for a lease over 50 years it could be dealt with as a Capital receipt. The Assistant Director Resources responded that the Auditors had re-iterated their requirement and so would mention it each year.

It was noted that the Audit Committee had considered the report and supported the recommendations.

RESOLVED: 1) That the authority for any changes required to the Statement of Accounts be delegated to the Assistant Director (designated Section 151 officer), in consultation with the Leader of the Council, and if necessary present an updated Statement to Council.

2) That the comments of the auditor on the ISA260 be noted.

RECOMMENDED that Council:

- 1) approve the Statement of Accounts for 2014/2015
- 2) note the comments of the auditor on the ISA260

CAB49: NON DOMESTIC RATES: EXTENSION OF TRANSITIONAL RELIEF

The Assistant Director Resources presented a report which explained that the Government had legislated to allow Councils to adopt a discretionary scheme of Transitional Relief for qualifying ratepayers in their area as the statutory scheme ended on 31 March 2015 and the revaluation had been deferred until 2017. The cost would be met in full by Central Government. This report detailed the proposed discretionary Transitional Relief scheme for the Borough.

The Assistant Director undertook to ascertain responses to the following questions:

- If there was a daily award of relief, and
- If the rate payer's circumstances changed so they no longer met the criteria, how was that clarified?

Councillor Long commented that the proposal was funded by Government and helped businesses, so he considered it would be remiss of the Council not to approve this. Councillor Beales concurred.

The Resources and Performance Panel had considered the matter and had supported the proposals.

RECOMMENDED: That the discretionary Transitional Relief scheme for 2015/2016 and 2016/2017 as detailed in the report be approved.

CAB51: BUSINESS CONTINUITY MANAGEMENT POLICY STATEMENT & STRATEGY

The Environmental Health Manager presented a report which explained that the Council was a Category 1 responder under the Civil Contingencies Act 2004, which placed a duty on it to develop and maintain plans to ensure that if an incident occurred, the authority was able to continue to perform its critical activities and key services.

The Council's Policy Statement on Business Continuity Management was agreed by full Council in September 2013 and had been updated to reflect the changes to the Management structure with effect from May 2015.

Whilst updating the Policy Statement, the whole document, including details of the council's strategy and approach had been updated.

Councillor Long commented that it would be difficult to carry out a full exercise on King's Court and maintain the service to the public, so he felt it was good that the Plan existed and that e learning was available for staff. He asked if a full exercise had been considered. The Environmental Health Manager explained that table top exercises were carried out, and a recent exercise was undertaken in the new post room facilities also involving the fire service.

Councillor Beales asked if the Leisure Trust was in the same position as the Borough Council, to which it was explained that they had to make their own arrangements, but for the systems operated on their behalf by the Borough, a system had to be in place.

It was noted that the Audit Committee had supported the recommendations.

RECOMMENDED: 1) That the new version of the Business Continuity Policy Statement and Strategy be approved.

2) That delegated authority be granted to the Chief Executive, in consultation with the Leader, as Portfolio Holder for Business Continuity, to make further minor changes if deemed necessary.

CAB54: SIT E ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN - RESPONSES TO INSPECTORS REQUEST FOR FURTHER INFORMATION

An addendum page was submitted which set out the proposed minor amendments picked up at the Joint Panels meeting and the amended map of West Winch proposals.

Councillor Spikings presented the report which explained that the Examination into the Site allocations plan was adjourned on 7 July and the Inspector outlined a number of issues to which he required responses. The report set out the broad issues raised and sought the endorsement of Cabinet for a number of changes to the submitted plan and related matters. The approach covered:

- Habitat Regulation issues
- Flood risk issues
- Flexibility and deliverability

The report commented that the approach and detailed changes provided a pragmatic response and displayed sufficient flexibility in response to the Inspector's questions, and he had indicated he that the Borough Council's approach seemed to be appropriate. The Examination would resume on 30 September 2015, for the first day in the Committee Suite, then returning to Lynnsport thereafter.

Councillor Mrs Spikings in referring to the Habitat Mitigation Levy Panel proposed that the Panel should include 2 Members of the Borough Council, not the 1 proposed in the report. This was agreed. In referring to the Habitat Mitigation document, attention was drawn to the fact that it set out what was proposed and the location of sites where pressure was put on them, for example dog walking in sensitive bird nesting sites.

With regard to the Gravel Hill, West Winch site which was now proposed to be added to the Plan, it had been argued that removal of it originally from the Plan had rendered the overall development of the other areas unsound, therefore requiring its re-inclusion as the logical extension to the existing development proposals. Inclusion of the site would aid the provision of the relief road. Those areas of flood risk within the site could be used for open space or addressed through planning requirements. Councillor Mrs Spikings went on to say that West Winch Parish Council and a number of individuals were not happy with the proposal, but if approved today, the Inspector would take it as a modification, whereon members of the public would be consulted on it and those views expressed would be presented to the Inspector, who would give consideration to all points made on both sides.

The LDF Manager further explained that the Inspector had seen issues around habitat and had raised queries re flood risk and sought information on what the Council would do if it couldn't get the level of housing required by 2026. The report set out to explain where there was flexibility in delivery and how it would be covered. With regard to windfall sites the figures were set out in the report, and there was also evidence that sites were often more intensely developed than anticipated. He also reminded Members that there was a commitment to begin reviewing the Plan at an early stage, ensuring a commitment to keep looking forward.

In referring to West Winch, he explained that they needed to look at the sites which had been taken out or not put in, and their relationship to the larger site to ensure a viable/deliverable comprehensive area, which had all been subject to a re-examination of the sustainability appraisal. He re-iterated that the proposal would have to be subject to public consultation for presentation to the Inspector.

Under Standing Order 34, Councillor B Anota addressed the Cabinet on the West Winch changes to the plan as follows:

He drew attention to the level of feelings of distrust and anger in West Winch with the new proposals for the Gravel Hill Site, particularly with the traffic and flood risk on the site. He drew attention to the fact that there were only 2 access points onto the site, both of which were from the A10, which residents felt that it was already a very busy road. The comments he had received recommended that the Constitution Hill side of the village was a preferred option and the Gravel Hill side should be reconsidered.

Under Standing Order 34 Councillor P Gidney addressed the Cabinet on the West Winch changes to the Plan as follows:

He commented that he understood the difficulty that the Inspector had placed the Borough in, but he felt it was important that if there were mistakes made in this process, they would be around for a very long time, as would the West Winch and North Runcton Neighbourhood Plan which in its development whilst working on the Neighbourhood Plan with the LDF Team the site had originally been taken out. He felt it was unfair to now include it, and that other service centres and villages should be looked at in order to increase the numbers overall, as some could take higher numbers, and if they had an existing transport system in place with bus routes they would be at no disadvantage, and would often help more local businesses by being developed by smaller builders, so keeping the money in the local area.

Councillor Gidney considered that what was proposed in their Neighbourhood Plan was right for the community, which felt that they had already been allocated a lot of the development, whilst the transport links were not sufficient. He asked if the higher density being referred to had been reassessed.

In summing up he requested that other communities be re assessed and added to, as it was important to get the decision right now because the impact of the decision would be in place for a long time.

Under Standing Order 34 Councillor C Joyce addressed the Cabinet as follows:

In referring to the statistics set out in the report Councillor Joyce stated he was unable to tally the statistics relating to numbers of houses required given to him elsewhere and those in the report.

He commented that the IDBs did a good job on the wider issue of flood risk, the Environment Agency and the County Council also took a lead on the issue. He asked why, when the Council was looking for advice on the issue it was not forthcoming at an early enough stage, but waited until applications were submitted. He also commented that he hoped the advice received was consistent, because often when personnel changed, so did the advice. He felt that the Council should put pressure on those agencies to give early advice on sites where there would be a problem.

Councillor Joyce also referred to the fact that the number of homes being brought forward generated traffic, and those people required services such as secondary schools, whereas in King's Lynn there was no developer contribution to them, but the existing schools were oversubscribed in year 7. He considered that the County Council were not asking for contributions from developers for those schools, and he hoped the introduction of CIL would alleviate this. He also commented that he was glad of the early review of the Plan as villages needed the services such as schools. In summing up he stated that a new review would help defend village schools and local communities and that he considered the big issue was to get consistent advice as early as possible.

Under Standing Order 34 Councillor K Mellish addressed the Cabinet on the report and asked whether the £50 per household habitat mitigation fee could be increased if a site was particularly sensitive.

She further asked whether the reference to an early review in 2016 should be given a specific timeframe and drew attention to the comments made at the Panels meeting and if the recommendation giving delegated authority included proof reading the document prior to it being submitted to the Inspector. She also asked if Cabinet was confident with the officer's report.

The LDF Manager responded to the points raised as follows:

With regard to Councillor Gidney's questions, he confirmed that design was part of the process, and the Plan set out strategic design parameters with design principles embedded in it which were stimulated by the Prince's Trust for the Built Environment. With regard to the impact assessment, a sustainability assessment had been carried out for the wider site.

Councillor Beales asked if the over arching Policy would be subject to Planning Policy on the ground. It was confirmed that with regard to the Neighbourhood Plan the role was important and a lot of local detail was put into it to make sure it enabled local community influence.

With regard to Councillor Anota's points about the flood risk, he confirmed that site specific flood risk assessments would have to be made for applications, and those sites at risk would potentially be used in different ways. With regard to the issue of

surface water which could potentially affect other parts of the village, the developer would have to work up a solution to it. He reminded Members that there had been a surface water strategy for that area, so there was good knowledge embedded in that. In referring to Councillor Joyce's points, the LDF Manager made reference to the discussion he had held with him on the King's Lynn area figures, and the overall housing calculations for sites plan. The report detailed what completions existed and the figures for the site allocation plan. He referred to the table where the figures were set up amounting to 16,500.

He stated that the drainage issues would be looked at in West Winch and had been considered as part of the Neighbourhood Plan.

With reference to the issue of schooling allocations, it was pointed out that it was necessary to take advice from the County Council with regard to projected figures for schooling, and the advice received from them formed part of the Plan. The same applied to the Health Service projections. Work was also being carried out with the CCG on better understanding the provision of doctors in the Health Service.

Councillor Beales drew attention to the fact that some schools were over subscribed, but also some others were under subscribed.

In answering the questions from Councillor Mellish, he explained that there would be a suite of measures available for addressing, avoiding and or mitigating problems on specific sensitive sites. This could include the provision of on site open spaces in developments to minimise the need to go to the sensitive areas to potentially walk a dog, and publicity to draw people's attention to the need for care around specific areas. Individual developers would also need to carry out assessments and provide mitigation measures. With regard to the level of the fee, it was reported that it would be a blanket charge across all new developments in the Borough. However, if once established it was found it was not enough it could be reconsidered by Council. The figures charged elsewhere varied from £25-100.

Councillor Mrs Spikings reminded Members that a precise date couldn't be put on the review timetable until this Plan had been completed. She invited Members with any points to address on spelling errors in the report to contact either the LDF Team or Democratic Services.

Councillor Long pointed out that the sensitive areas already existed and had pressure on them, but some work had already been done in some areas to mitigate problems. He reminded Members that the bodies who had brought forward the concern about the levy were charities, rather than the formal bodies with responsibilities in that area because those bodies were already working on that. Councillor Mrs Spikings explained that a further report on the mitigation measures for this would be submitted in May 2016.

Councillor Long also reminded Members that the lead Authority on Flood Risk was the County Council. He commented that it was hard to mitigate for water run off, but the requirements of the plans and legislation would not be able to put right past wrongs such as brick weave and tarmac or riparian owners not looking after their drains.

With regard to the issue of schools, he responded that Norfolk County Council was not looking to close schools, but provide schools with a good educational offer which were attractive to parents.

With regard to the Gravel Hill, West Winch site, Councillor Beales commented that it was impossible for this to be looked at in isolation as the landowners had made it plain that it affected the viability of the overall site. He asked if the issue could be addressed by density of the development. Councillor Mrs Spikings drew Members attention to 4.4 of the report stating that there was potential on some allocations to produce more properties than originally identified. She also reminded Members that the West Winch Neighbourhood Plan was not yet an adopted document.

Councillor Beales commented that he felt it was clear that the local community had said that they didn't want dense development, so it was important not to close off all options, but the site paid for a lot of the infrastructure which was required for the area. He drew attention to the table in the report on p521 setting out the density proposed which was 24 per hectare. The original recommendations from the former Minister were 30 per hectare. He asked how those new figures had come about. The LDF Manager explained that they had been put forward following practical examples which had been considered by the Planning Committee, looking at the constraints of the sites, congestions, roads etc. He also confirmed that the figures given were when green space had been taken out of the equation.

Councillor Beales endorsed the issue of windfall applications despite the difference of opinion between planning inspectors on the issue. He sought assurance that the figures quoted were robust and could be accommodated. The LDF Manager drew attention to the fact that as values rose over time, further sites would become available, and it was expected that the numbers would be similar as in previous years. The report had tried to explain to the Inspector that the figures were not part of the Local Plan calculation, but had demonstrated that they did come forward, as between 2001 – 14, 3,958 windfalls had been completed against a total of 8,093, which was an average of 49%.

Councillor Beales asked if there were any fall back sites instead of the West Winch proposal. The LDF Manager responded that there was a limit to what could be changed across the Plan, but the next review would be a chance to change the strategy and objectives.

Councillor Beales stated he would support the recommendations but he had reservations that Gravel Hill be included as well as increasing density of housing on West Winch development sites and requested his comments be minuted.

RECOMMENDED: 1) That the content of the Inspector's request for further information in respect of the SADMP Examination be noted.

2) That the content of the Mitigation and Monitoring Strategy be endorsed. In particular that:

a) a Habitat Mitigation Levy at a rate of £50 be introduced for new housing in the Borough

- b) a Habitat Mitigation and Monitoring / Green Infrastructure Coordinating Panel be established and chaired by a Cabinet member from the Borough Council, along with a further Council representative.
- 3) That the following actions in respect of a 'fall back' position be agreed to ensure a flexible and deliverable supply of new housing:
 - a) Endorses the use of housing resulting from windfall permissions to count as a source of flexibility bolstering delivery from allocated sites.
 - b) Notes the position that potentially more intensive use can be made of existing proposed allocations.
 - c) An early review of the Local Plan is proposed.
 - d) A site at West Winch be included in the Plan having had regard to the assessments presented with this report.
- 4) Note that the above decisions have been taken having had regard to the effects outlined in the Strategic Environmental Assessment /Sustainability Appraisal updates for the policies and proposals as new /amended.
- 5) Request of the Inspector that the modifications as proposed and others that may arise at the Examination hearings, be subject to public consultation once the initial hearing sessions have concluded.
- 6) Delegated authority be given to the Executive Director Environment and Planning, in consultation with the Portfolio Holder for Development, in the authority to make minor amendments to enable suitable documents to be presented to the examination.

CAB55: REVISIONS TO THE MEMBER CODE OF GOOD PRACTICE FOR PLANNING

Councillor Mrs Spikings presented the report on the review of the Member Code of Good Practice for Planning which had been in place for a number of years. As a result the Code needed to be updated in line with the new legislative provision under the Localism Act 2011 relating to predetermination and the Planning Advisory Services had also produced updated Guidance.

She drew attention to the need for the Code to be inclusive for people with disabilities. She confirmed that it would be on the Council's website for the public to access.

RECOMMENDED: That the revised Code of Practice be adopted.