

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**CIL SPENDING PANEL**

**Minutes from the Meeting of the CIL Spending Panel held on Tuesday, 5th March, 2024 at 11.30 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor J Moriarty (Chair)  
Councillors R Blunt, M de Whalley and S Sandell

**Under Standing Order 34:**  
Councillor A Kemp

**Officers:**

Amanda Driver, CIL Monitoring Officer  
Hannah Wood-Handy, Planning Control Manager  
Robyn Walkey, CIL Assistant  
Wendy Vincent, Democratic Services Officer

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **NOTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 30 October 2023 were agreed as a correct record.

3 **MATTERS ARISING**

There were no matters arising.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5 **URGENT BUSINESS**

There was none.

6 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor Kemp was present under Standing Order 34.

7 **CHAIR'S CORRESPONDENCE (IF ANY)**

The Chair advised that he had receive correspondence but would relate to item when the agenda item was discussed.

8 **CIL SPENDING PANEL REPORT - APPLICATIONS AND OFFICER RECOMMENDATIONS**

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

The Panel received a presentation from the CIL Officer, a copy is attached to the minutes.

The Panel's attention was drawn to the following sections of the presentation:

- CIL Funded Projects – Progress.
- Funding allocated to 64 parish areas in the Borough.
- Applications received funding over £100,000.
- Amount of CIL allocated and spend as at 2 March 2024.
- CIL Infrastructure Funding List – Financial Year 2024.
- CIL Governance Policy – 2024 Decision Making.
- Review and Allocation of the financial year applications (1 January to 1 February 2024).

Councillor Blunt commented that there was an even share of funding in the major towns of Hunstanton, King's Lynn, Downham Market and the spread of north and south areas of the Borough.

Councillor de Whalley stated that there were clearly notable gaps and that it would be good to encourage those that had not applied to make an application.

Councillor Blunt asked if there was a common factor in the areas which had not made an application. In response, the CIL Officer explained that there was no commonality. Members were advised that some of the smaller areas had applied and gave an example of Nordelph. The CIL officers advised that 64 of the 100 parishes/parished areas in the had received CIL funding.

The Chair added that applications should follow 'development' and referred to the rules and that this issue needed to be addressed when making allocations.

In response to questions from Councillor de Whalley on the figures being presented to the Panel, the CIL Officer explained that the figures were "live" as at 2 March 2024 setting out the spend and allocation to date.

Following a comment from the Chair, the CIL Officer highlighted the changes to the figures being presented to the Panel.

The Chair asked for clarification that there was enough funding available for all the applications received. In response, the CIL Officer explained that £940,000 as set out in the presentation was available if the Panel was minded to approve all the applications.

FY22 2/09: Castle Acre – Visitor Car Park

**(Reason for withdrawal – Allocated 19/08/22, 1 year commencement period expired. Planning Application Refused)**

The CIL Officer explained that in line with the CIL governance framework officers require confirmation by the Panel that the project can be withdrawn because planning permission had been refused. The Panel was informed that Castle Acre was working with Planning and the Conservation Team to reach a resolution prior to a new planning application being submitted.

**AGREED:** The Panel agreed that the application be withdrawn.

The Panel considered the applications received and determined the applications as follows:

29: King’s Lynn – West Lynn Riverbank Footpath Surfacing

There were four members of the public present for this item.

The CIL Officer outlined the reasons why this item was considered first under this Agenda item.

The CIL Officer explained that due to the amount of funding requested there was a concern that public funds may be put at risk as the application did not provide sufficient evidence relating to costings and sustainability, the essential requirements of a CIL application. It was explained that the Council had been identified that this was a risk and the Panel was required to base their decision on the application submitted considering due diligence. The Panel was advised that officers had provided considerable support to the applicant and allowed further information to be submitted after the deadline date. To date, officers had received approximately 20 emails from the applicant relating to the project and highlighted that this was something that had not been given to any other application and demonstrated the special provisions made by officers to support the application process.

The CIL Officer further explained that the additional information had not met the application requirements. To date, only one quote for costings had been submitted. Officers had liaised with Norfolk County Council who had provided plans and drawings of the location and specifications, but no breakdown of costings. The Panel was advised that the Council’s procurement process required three quotes for works over £5,000. It was noted that additional quotes could be submitted from Norfolk County Council approved contractors as the authority

always sub-contracted the work out, this would allow the best of CIL funds and meet audit requirements.

The Panel was advised that having spoken to the applicant, the assumption was that the Borough Council would liaise with Norfolk County Council and manage the project as a stakeholder. It was explained that no evidence had been submitted to support this assumption and officers had been unable to gain information relating to the agreement. Members were informed that the legal terms of reference did not allow the Borough Council to enter into any partnership or joint venture with the applicants.

The CIL Officer outlined the options available to the Panel as set out below:

- The Panel was unable to suspend an application until further information was provided.
- In accordance with the CIL Governance Policy, the Panel may either refuse or recommend approval of the application.
- If the application was refused there was no ground for appeal and the application would not go forward to Cabinet
- If the Panel refused the application, the applicant may choose to resubmit the application after obtaining the additional information which formed part of the application requirements, for example, quotes and permissions.
- If the Panel recommended approval, the application would move forward to be reviewed by Cabinet. However, approval for the application was outside the CIL policy framework and would have to go to Full Council. for a decision as only one quote had been submitted and the requirement to ensure due diligence and value for money.

The Chair thanked the CIL Officer for the presentation.

The Chair read out an email from Councillor D Sayers as set out below:

"I trust this email finds you well. Can you please make this email availability for the CIL Spending Panel next week.

I am a resident of West Lynn and I am writing to express my wholehearted support for the CIL application (ID CIL FY24\_1/29) regarding the "West Lynn Riverbank Footpath Surfacing" project.

The project's goal to surface the West Lynn Riverbank Footpath, from the Football Field to the Freebridge, is of paramount importance for our community. This initiative not only aligns with our shared goal of enhancing local infrastructure but also promotes accessibility for residents of all ages and abilities. The need to create a durable standard surface, as advised by the Local Highways Authority, is evident, especially considering the ongoing development of 38 affordable homes.

The recent temporary closure of Clenchwarton Road has proven to be a crucial example of the importance of additional active travel routes into Kings Lynn town. This unexpected disruption highlighted the need for alternative routes, such as the West Lynn Riverbank Footpath, to ensure continued accessibility for residents and reduce dependence on traditional roadways.

The proposed improvements will not only benefit the existing residents but will also cater to the increased demand resulting from various factors, including potential future temporary closures. Furthermore, the alignment of this project with the Green Infrastructure - Active Travel initiative adds another layer of significance, contributing to the overall enhancement of our community's well-being.

The West Lynn Community Action Group has demonstrated substantial local support for this project, as evidenced by a petition with 154 signatures, positive responses from the County Councillor's West Lynn Transport Survey, and various emails of support from residents.

I also acknowledge and welcome the detailed research conducted by the Borough Council Officers, which highlights the absence of previous funding applications in West Lynn. This underscores the unique opportunity to address the current needs of our community through this CIL application.

In light of the comprehensive information provided, I strongly urge the Kings Lynn & West Norfolk Borough Council to approve the CIL application for the "West Lynn Riverbank Footpath Surfacing" project. The positive impact on local accessibility, the support from various stakeholders, and the alignment with broader infrastructure initiatives make this project a valuable investment for the well-being of our community.

Thank you for your attention to this matter, and I trust that you will consider this letter as a testament to the widespread support for the West Lynn Riverbank Footpath Surfacing project."

The Chair invited Councillor Kemp to address the Panel under Standing Order 34.

Councillor Kemp commented that application was long overdue in the sense that West Lynn had not been able to put anything forward as it had not had a group to do so. Now we have the West Lynn Action Group (in attendance at the meeting), responses had been received from residents and there was also a local transport survey. Councillor Kemp added that the application was about protecting the environment with green infrastructure and supporting growth.

Councillor Kemp explained that resurfacing the footpath would increase active travel and walking for all year round, which had been a request

from residents. The public footpath was in the ownership of Norfolk County Council who were the only organisation authorised to undertake the work. Norfolk County Council had given a quote of £260,000 and intimated they would be able to undertake the work with their contractors and therefore there was not a risk to public funds contrary to what the Panel may have heard because the money would be held by the Borough Council as a stakeholder. Councillor Kemp advised that the footpath surface would be asphalt and maintained by the County Council and had written agreement had been obtained.

Councillor Kemp went on to say that it was part of Council policies to decrease the number of short car journeys under 5 miles which was part of the Norfolk KLATS programme, a joint Borough and County policy and was also an element of the Air Quality Plan and for Public Health. Councillor Kemp advised she had a document from Public Health England which showed that the profile of South and West Lynn had significantly worse figures than the national average for emergency admissions to hospital for coronary heart disease and COPD which can be caused by the pollution from road transport and travel.

Councillor Kemp explained that footpath would encourage active travel and provided a facility for West Norfolk to walk to school and the shops. The footpath was disability friendly and could be used by both new and existing residents to improve the environment in West Lynn.

Councillor Kemp outlined the reasons why there was no risk to public funds as the Borough Council was in partnership with Norfolk County Council. Councillor Kemp commented that it was possible to have the request for the full £260,000, or if the Panel so wishes the County Council had said it was possible to surface the footpath in sections. Councillor Kemp added that the residents had worked hard to improve the environment in West Lynn. It was explained that there was no parish council and the King's Lynn Area Consultative Committee was not in a position to serve the community of West Lynn.

In conclusion, Councillor Kemp there was no other forum to discuss the application in depth and detail. For reasons of supporting the environment, growth, green infrastructure in the borough, public health, residential amenity, disability, accessibility, equality and the Council goals and policies of the Council's Air Quality Action Plan and the King's Lynn Transport Plan, Councillor Kemp asked the Panel to consider offering all or in sections of the amount requested so that a start may be made to improve the footpath.

Councillor Kemp stated that she was willing to answer any questions.

The Chair thanked Councillor Kemp for her contribution.

The Chair read out an email from the Monitoring Officer as set out below:

“Dear all,

Having reviewed this morning with Hannah, Amanda and Robyn the additional information provided in respect of the above application I remain concerned that if the CIL spending panel were to approve this project today, this would be outside the Council’s policy framework and therefore would need to be sent to Full Council for approval (via Cabinet).

Executive bodies, including CIL spending panel, are required to make decisions in accordance and within the Council’s policy framework. Only Full Council has authority to make a decision outside the policy framework. There is a de minimis threshold that applies to this process; not every single technical deviation from a policy will be referred to Full Council. The decision needs to be significant enough to warrant a realistic and foreseeable prejudice being caused.

I understand on the West Lynn footpath application, only one “quote” has been provided by Norfolk County Council. Setting aside officer’s concerns that the quote provided does not provide the level of detail we would expect, the most prominent issue is that the CIL policy framework requires three quotes. We know that Norfolk County Council has access to more than one contractor for their highways works, either via their frameworks or a procurement process, and furthermore I understand that for highways works such as this, Norfolk County Council have an ‘approved contractors list’ that members of the public can use instead of County to contract a supplier to carry out the works direct, and County will accept the works carried out.

Accordingly, I am concerned that the best value statutory duty would not be achieved by accepting only one quote, in contravention of the CIL policy framework. If further quotes were obtained, this could result in a considerable saving of public funds. Therefore, CIL Spending Panel minded to recommend approval of the application, this would be a decision outside the policy framework and would need referring to Full Council for approval (via Cabinet)

Lastly, with regards to a question on whether CIL Spending Panel items can be deferred, there is nothing within the Constitution or the policy framework that prohibits this. However, I would be concerned that deviating from status quo to effectively give special treatment to one application would be an unfair decision in relation to all the other applications that have been recommended for refusal and opens the Council up to challenge of the decision and Ombudsman complaints from other applicants.”

The Chair explained that a lot of work had gone into the application from the West Lynn Action Group, Councillors Kemp and Sayers and officers which was a worthy cause. However, concern was expressed that the rules of the CIL Panel had to be followed. The Chair added

that this was not meant as a criticism but that the application could be more ambitious with regard to the policies in place to include cycling.

The Chair invited questions and comments from the Panel, a summary of which is set out below:

Councillor Sandell commented that it was a good project and agreed with the community benefits listed she expressed concern that if the project was approved by the Panel would set a precedent. Councillor Sandell added that the Panel had rules and guidance had to follow and explained that it would not be fair to previous applications that had been refused for not meeting the criteria.

Councillor Blunt stated he was supportive of the project but added that it was difficult to approve the application as it currently stood. Councillor Blunt asked if it could be withdrawn or amended in a way in order that it could be accepted, rather than the Panel having to refuse it. In response, the CIL Officer explained that the applicant could decide today to withdraw the application prior to the Panel making any decision and advised that this would not preclude the applicant from re-submitting the application with a more fully formed project plan and the required quotes to officers. It was highlighted that officers had worked hard with the applicant to gain information prior to the Panel then officers would be happy to assist the Action Group wherever possible to get the project in a format to re-submit the application on 1 July 2024 in the next round of applications.

Councillor Blunt asked if it was a Norfolk County Council project. In response, the CIL Officer explained that the land was owned by the Environment Agency and the Council currently held the deeds of the land. Highways were able to maintain the public right of way, but the land was owned by the Environment Agency so agreement would have to be sought from the Environment Agency for any upgrades to the public right of way.

The Chair invited Councillor Kemp to speak to the West Lynn Advisory Group.

Councillor Kemp liaised with the West Lynn Advisory Group.

Councillor Kemp explained that the footpath was a public right of way and Norfolk County Council owned it as a right and had the right to maintain it and any necessary consents would be sought. Councillor Kemp added that the Environment Agency did not have the right to stop the County Council maintaining it or otherwise improving the surface of its right of way. In response, the Chair explained that this was not an issue which would prevent the Panel making a decision.

In response to questions from Councillor Blunt regarding the required number of quotes and obtaining approval from the Environment Agency, the CIL Officer explained that Norfolk County Council as



provider would sub-contract the work out to one of their registered contractors and had indicated that they would gain approval from the Environment Agency. The Chair commented that his understanding was that the issue might be if vehicles were being moved it would be the question of the actual structure, but the principle did not seem to be an issue.

Councillor Kemp commented that the rest of the footpath from the ferry and including the middle Millennium section had already been surfaced with the approval of the Environment Agency. The remaining sections of the footpath would be surfaced to a standard that would withstand the friction of the wheels of the Environment Agency vehicles so having the work carried out under the framework agreement the Norfolk County Council had with its contractors it would be up to property highway standard.

Councillor de Whalley stated that if the application had to go through Cabinet and Full Council, the Panel had given conditional approvals previously and if the only showstopper was the quotes, could the Panel not make a recommendation to Cabinet that the application came back with the requisite quotes to ensure that the accessibility was there. Councillor de Whalley asked if it was a public right of way it was a footpath so cycling was something that was not currently permitted so would require a TRO in addition to it becoming a cycling route and could be looked at in the future if felt appropriate. In conclusion, Councillor de Whalley commented that he would happily put a recommendation to Cabinet that providing the additional quotes, detail and be provided and the accessibility could be provided that once it had worked by the time it went to Cabinet and potentially Full Council he did not see that as being an issue as was going through the due process.

In response, the Chair explained that such applications had not been previously approved. The Chair added that to his understanding where the figure was greater than £50,000 had to go to Cabinet but the Monitoring Officer had made it clear that it would be a risk too far, but it was the Panel's choice to make further exceptions.

Councillor de Whalley commented that previously conditional approval had been given to North Wootton sign which was deemed inappropriate after taking legal advice. In response, the CIL Officer explained why conditional approval had been given.

Councillor Sandell asked if the South Lynn Action Group had a constitution. Councillor Kemp stated there was a constitution in place.

Councillor de Whalley asked if a decision on the application could be deferred until the required number of quotes were available and then schedule an additional CIL Spending Panel to determine the application. In response, the Chair referred to the advice given by the

Monitoring Officer and added that the Council would be in danger if preferential treatment was given to this application.

Following questions from Councillor Blunt, the Chair commented that he had spoken to a senior highways officer regarding a cycle way and provided an overview the potential funding. The Chair added that he would be disappointed if the proposed works went ahead without including cycling.

**The Panel adjourned at 12.20 pm and reconvened at 12.25 pm.**

The Chair summed up the debate and added that the Panel recognised this was a worthy application, but referred to the issues addressed by the Monitoring Officer if the Panel approved the application in its current status. The Chair stated that the application could be more ambitious to include cycling.

The CIL Officer re-iterated the options available to the Panel as outlined above.

Councillor Sandell proposed that the application be refused. The proposal was seconded by Councillor Blunt and on being put to the vote was carried.

Councillor de Whalley voted against the decision set out below.

**AGREED:** The application was refused because only one estimate of costs, relating to expenditure, was received. This did not meet the CIL Policy requirements to be allocated funding.

20: Sedgeford – Village Hall Refurbishment and Security

Councillor Sandell commented that she supported the application as it was a good project with match funding.

**AGREED:** The application was approved for £3,428.

13: North Runcton – Cricket Club, Accessibility and Inclusivity Upgrade

**AGREED:** The application was approved for the amount of £39,396.

14: King's Lynn – Renovation of Gaywood Church Rooms

**AGREED:** The application was approved for £29,560

9: Marshland St James – Inclusive Playground

**AGREED:** The application was approved for £30,000.

6: Brancaster Staithe and Burnham Deepdale – Village Hall Play Equipment

The CIL Officer responded to questions from the Panel in relation to the match funding and the £20,000 reserve.

**AGREED:** The application was approved for £20,000.

23: Hunstanton – Henry Le Strange Community Orchard

**AGREED:** The application was approved for £4,000.

21: Upwell – St Peter’s Church, New Drainage and Masonry Repairs

**AGREED:** The application was approved for £30,000.

4: Tilney All Saints – RSPCA Norfolk West – Air Source Heat Pump Purchase

**AGREED:** The application was approved for £12,500.

19: Wiggshall St Mary Magdalen – Magdalen Academy, Outdoor Space

**AGREED:** The application was approved for £17,623.70.

26: Terrington St John – Purchase of former Church as Village Hall of former Church as Village Hall

The CIL Officer explained that the application was approved by the Panel it would be necessary to be forwarded to Cabinet for approval for £150,000. The Panel was advised that there were no quotes in relation to this application.

Councillor Sandell commented that the Panel did not have all the necessary information and asked if it should therefore be deferred to the next meeting. The CIL Officer explained why the application could not be deferred.

Councillor Sandell abstained against the decision set out below.

**AGREED:** The application was approved in principle for £150,000 subject to receiving Cabinet approval.

18: Wiggshall St Germans – Resurface Car Park at Memorial Hall

**AGREED:** The application was approved for £48,000.

28: King’s Lynn – North Lynn Methodist Church, Garden Project

The CIL Officer advised that no quotes had been received.

In response to questions from the Chair, the CIL Officer confirmed that the applicants would be informed of the reasons why the Panel refused the application.

The Chair advised that validation process would be explored with officers, for example, two weeks before the deadline for submission of applications.

Councillor de Whalley abstained against the decision set out below

**AGREED:** The application was refused.

12: West Acre – New Theatre and Props Storage

**AGREED:** The application was approved for £9,000.

24: Old Hunstanton – Beach Hut Upgrade

**AGREED:** The application was approved for £7,500.

27: West Winch – Village Hall Car Park Resurfacing

Only one quotation for the work had been received.

**AGREED:** The application was refused.

25: King's Lynn – Trues Yard, A Museum for the Community – Replacement Boiler/Storage

**AGREED:** The application was approved for £6,348.

8: Welney – Hurn Drove Resurfacing

**AGREED:** The application was approved for £15,000.

10: Hunstanton – RSPCA Shop LED Lighting

**AGREED:** The application was approved for £2,000.

7: King's Lynn – Gaywood Play Park 2

The CIL Officer explained that quotes had been received for the total project. As the Gaywood application was dead on £50,000 and not over £50,000, it will not have to be signed off by Cabinet.

**AGREED:** The application was approved £50,000.

22: Watlington – Primary School Library Refurbishment

Only one quotation for the work had been received.

Councillor de Whalley abstained against the decision set out below.

**AGREED:** The application was refused.

11: Crimphesham – Play Area Swing Set

Only one quotation for the work had been received.

Councillor de Whalley abstained against the decision set out below.

**AGREED:** The application was refused.

17: Castle Rising – Village Gateway

Councillor Moriarty abstained against the decision set out below.

**AGREED:** The application was approved for £4,875.

16: Castle Rising – Cricket Club, increase seating capacity

Councillor Moriarty abstained against the decision set out below.

**AGREED:** The application was approved for £2,760.

**Next Steps**

The CIL Officer outlined the next steps for the applications requiring Cabinet approval. Projects under £50,000 which had been approved would receive an officer letter and terms of reference for completion and return to the Council. A letter setting out the reasons why the application was refused would be sent to all unsuccessful applicants. It was highlighted that a timetable was published on the Borough Council's website.

Councillor Sandell asked if it was possible to extend the deadline for applications to six weeks to allow more opportunity for the required number of quotes to be received. In response, the CIL Officer explained that it was within the Panel's discretion to determine the opening, deadline and rounds of applications.

Councillors Blunt and de Whalley commented on the timetable of CIL funding rounds.

The Planning Control Manager outlined the issues and the timescale for applications and requirement to go through the correct democratic process.

In response to questions on the next round of CIL funding, the Planning Control Manager explained that a schedule of meetings would be agreed in principle and shared with Councillors.

**AGREED:** 1) Meeting to be scheduled in June 2024 to review the recommendations to go forward to Cabinet.

2) Meeting be scheduled for September/October 2024 to review the applications and agree a timetable of meetings.

9 **DATE OF NEXT MEETING**

To be scheduled as set out above.

**The meeting closed at 1.20 pm**