

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on Tuesday, 17th March, 2020
at 3.30 pm in the Council Chamber - Town Hall, Saturday Market Place,
King's Lynn PE30 5DQ**

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

An apology for absence was received from Councillor G Middleton

CAB107 **MINUTES**

RESOLVED: The Minutes of the Meeting held on 4 February 2020 were agreed as a correct record and signed by the Chairman.

CAB108 **URGENT BUSINESS - PAY AWARD 2020/21**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chair decided that the following matter should be considered following the Government's advice on public gatherings relating to the Corona Virus, it was not definite that the meeting in April would go ahead.

RESOLVED: 1) That an annual pay award of 2.5% be implemented with effect from 1st April 2020.

2) That the Authority continues its practice of matching the bottom point of PG Scales to the lowest point on the National pay scales if these exceed the Borough Council's lowest pay point when the National Pay Award is agreed.

Reason for Decision

To implement an annual pay increase for employees which reflects current labour market information and the increasing difficulty experienced in recruiting professional technical and managerial posts throughout the Authority. To reflect the approach taken by the National Employers in relation to increases in the minimum wage paid to employees. These recommendations are reflected in the Authority's Financial Plan.

CAB109 **DECLARATIONS OF INTEREST**

None

CAB110 **CHAIR'S CORRESPONDENCE**

The Chair reported receipt of emails from Councillors on items where they had been requested to submit them in writing rather than attend in person due to the current restrictions.

CAB111 **MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillor M de Whalley attended under standing order 34.

Councillor Ryves had submitted questions on the Capital Strategy report.

Councillor Dickinson submitted her comments to present the Audit working group report.

Councillor Joyce submitted a comment supporting the proposals contained in the Compulsory Purchase Order report.

CAB112 **CALLED IN MATTERS**

It was noted that Call ins were made on the following items which were unsuccessful following consideration by the Chief Executive:

CAB97 – Notice of Motion 5/19 from Cllr de Whalley – Climate Change

CAB98 – Notice of Motion 4/19 from Cllr Kemp – Hardings Way

CAB103 – King's Lynn Area Transport Strategy (KLTS) was called in which was permitted by the Chief Executive. Corporate Performance Panel at its meeting on 2 March 2020 considered the item and did not support the call in, but did support the suggestion of a Task Group to monitor the KLTS.

CAB113 **FORWARD DECISIONS**

The forward decision list was noted.

CAB114 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

Nothing direct

CAB115 **CAPITAL STRATEGY 2020/21**

Cabinet considered a report which set out the Capital Strategy which outlined the principles and framework that shape the Council's capital decisions. The principal aim was to deliver a programme of capital investment that contributed to the achievement of the Council's

priorities and objectives as set out in the Corporate Plan. The Capital Strategy would be updated annually and will be put before Cabinet alongside the Treasury Management Strategy going forward so that it could be approved before the year to which it related began.

The Strategy defined at the highest level how the capital programme was to be formulated; it identified the issues and options that influenced capital spending, and set out how the resources and capital programme would be managed.

In response to how the Council's finances would be affected by the Corona Virus, the Chief Executive explained that the Revenue budget would be impacted considerably and investments affected, although the Government had indicated that funding would be made available. It was noted that balances would be used in the short term to ensure cash flow.

The Chair reported receipt of questions from Councillor Ryves on the item. He thanked Councillor Ryves for the questions, but reminded members that the Cabinet meeting was not a question and answer session.

RECOMMENDED: That the Capital Strategy 2020/21 as attached to the report be approved.

Reason for Decision

Not to approve these policies would contravene the requirements of both legislation and good practice. In addition, the external auditors may comment in their report to those charged with governance (ISA260).

CAB116 REPORT OF THE AUDIT CROSS PARTY WORKING GROUP ON KLIC

Cabinet considered the report which set out the report of the Audit Working Group. Cabinet was presented with the report of the working group and the minutes of the audit committee on 10 February 2020 when it received the report.

Councillor Dickinson had submitted her presentation of the report electronically, the Chair asked for this to be attached to the minutes for information.

RESOLVED: That the report and its recommendations be noted.

Reason for Decision: In order to receive the report of the Committee.

CAB117 POTENTIAL COMPULSORY PURCHASE ORDER - WEST LYNN

Cabinet considered a report which sought approval for the Borough Council to make use of the powers available to local authorities under the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”), Section 47 and to make a Compulsory Purchase Order (CPO) for 4 Ferry Square, West Lynn, King’s Lynn, PE34 3JQ (“the Land”) to enable it to be properly preserved and brought back into use.

It was noted that future damage to the property had been caused following recent storms. Advice was given that the financial position of the owners would not affect the proposed action.

It was noted that the report was not for Council recommendation as published, but it had been clarified that it was within Cabinet’s powers to do so.

The Chair reported receipt of an email from Councillor Joyce, one of the Ward members, in support of the proposed course of action.

RESOLVED: 1) That officers seek to acquire the property voluntarily from the owners, and if after attempts to voluntarily acquire the property from the owners fail, to make a Compulsory Purchase Order (CPO) for the acquisition of the Land and its disposal at auction with appropriate conditions to secure its repair.

2) That all aspects of the process be delegated to the Executive Director or Assistant Director for Environment and Planning, in consultation with the Portfolio Holder for Development.

Reason for Decision

To confirm this is not a recommendation to Council, but a decision within Cabinet’s powers.

The building is Grade II Listed and categorised as a building at risk because of its poor condition. It is unoccupied and reasonable steps are not being taken to properly preserve the building. In its current state it is also considered detrimental to the character, appearance and general wellbeing of the village.

The Council considers that should voluntary acquisition fail, the compulsory purchase of the Land will facilitate the carrying out of restoration work which will secure the future of the listed building, make a positive contribution to the character and appearance of the area, and promote the social and environmental wellbeing of its area for the reasons explained in this report.

CAB118 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 paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB119 **BUSINESS RATES HARDSHIP RELIEF APPEAL - 7336667**

Cabinet considered an appeal against the decision not to award Business Rates Hardship Relief to applicant no 7336667. The applicant attended the meeting and addressed the Cabinet on his case.

The Government's recent advice on assistance to businesses with business rates was reported on.

RESOLVED: That the decision not to award Business Rates Hardship Relief be upheld.

Reason for Decision

To ensure the decision regarding Hardship Relief is reviewed. The Hardship Relief guidelines state Cabinet can be asked to reconsider any decision regarding Hardship Relief.

The meeting closed at 4.10 pm

Verbal Presentation on the KLIC report

I'm not going to go through the KLIC Cross Party Working Group's report line by line as I'm sure everyone's read it thoroughly. It's been commended as being comprehensive so there's not much more to say.

I'm confident that all concerned will agree with me in saying that the Council must move forward from the mistakes that were made during what was an innovative project involving a third party to deliver a significant asset. A line must be drawn.

Indeed, the report doesn't focus wholly on the negative aspects of the project as there were potentially very significant, positive outcomes, unfortunately clouded over by shortcomings during the project delivery and ongoing.

The Council has come out of this project with a significant asset, producing a net income stream of £150,000 p.a. and the creation of that asset is hopefully providing a kick start to the development of the Nar Ouse Enterprise Zone, which in turn will further promote new businesses to set up in the area.

What we mustn't lose sight of is the lack of financial control and due diligence on this project and we must not become complacent in those areas just because we ended up with an asset. *[Request that statement to be minuted]* This was by no means guaranteed as described in detail in the report and could just as easily have gone the other way, i.e. a scenario where the Council ended up with a large loan outstanding, on which no repayments were being made, and without an asset therefore no net rental income was receivable.

The minutes of the Audit Committee to which the report was presented are also included in your report. Those minutes were slightly amended at the subsequent Audit Committee, most notably the expected loan repayment date being 5 May 2024, indicative that there was a detailed repayment schedule not just a nebulous date that might be indicated from merely stating a year.

Unfortunately it's noted from the previous report considered today that the first expected loan repayment of £58,850 has not been forthcoming, and the only repayment to the loan so far is the offset of the management fee that ordinarily the Council would be paying to NWES. The implication of this is significant to say the least. The management contract is currently subject to review and I'm not privy to what might be being negotiated but should that payment profile continue the loan would not be repaid until 2049.

On that note I commend the CPWG's report to you.