

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

Minutes from the Meeting of the Cabinet held on Tuesday, 22nd September, 2020 at 3.30 pm in a Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube - Zoom and You Tube

PRESENT: Councillor E Nockolds, Vice Chair in the Chair
Councillors P Gidney, P Kunes, A Lawrence, G Middleton and E Nockolds

Apologies for absence were received from Councillor B Long

CAB157 APPOINTMENT OF VICE-CHAIR FOR THE MEETING

RESOLVED: That Councillor Blunt be appointed Vice-Chair for the meeting.

CAB158 MINUTES

RESOLVED: The Minutes of the Meeting held on 19 August 2020 were approved as a correct record and signed by the Chair.

CAB159 URGENT BUSINESS

None

CAB160 DECLARATIONS OF INTEREST

None

CAB161 CHAIR'S CORRESPONDENCE

None

CAB162 MEMBERS PRESENT UNDER STANDING ORDER 34

Councillors A Ryves and M de Whalley attended under standing Order 34.

CAB163 CALLED IN MATTERS

None

CAB164 **FORWARD DECISIONS**

The Forward Decisions list was noted

CAB165 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

The recommendations from the Panels relating to reports on the agenda had been read by Cabinet members and were taken into account with the relevant items.

CAB166 **CLIMATE CHANGE POLICY**

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Cabinet considered the report which explained that the Motion to Council 5/19 was submitted to full council in October 2019. Council referred the motion to cabinet. The motion was discussed at cabinet on 4 February, 2020.

This was then agreed in Council on 7 July, 2020. Cabinet's recommendations were as follows:

- a. That officers be requested to prepare a climate change policy and separate strategy with action plan.
- b. That the council fully recognise the evolving climate crisis and work towards Borough Council carbon footprint neutrality and net zero district carbon emissions. The dates will be determined considering emerging policies at the national and local level.
- c. The current 12-month UEA intern post should be extended to a temporary 2-year fixed term post.

The report explained that this climate change policy was the first of 2 significant pieces of work requested by cabinet: the climate change policy and the climate change strategy and action plan.

It was pointed out that a climate change policy was needed to guide the direction of our climate change work going forwards. This policy provided a framework for other areas of council work to be referred against.

The policy would work alongside the council's corporate priority "protecting and enhancing the environment including tackling climate change".

The policy highlighted our approach to tackling climate change, through reductions in our greenhouse gas emissions, as well as being the first step to embedding a positive climate change culture within the council.

Under standing order 34 Councillor de Whalley addressed the Cabinet on the report stating he considered that the matter was under

resourced by the Council, he gave statistics relating to climate change and emissions. He stressed how important he considered it was to act quickly on this matter which he felt was a greater emergency than the current pandemic.

Under standing order 34 Councillor Ryes addressed Cabinet on the report. He congratulated officers on the report and policy which he felt focussed the mind.

Cabinet members supported the report which was one further step in a long journey. They thanked officers and Councillor Devereux who had been so involved whilst a cabinet member. The comments from the Environment and Community Panel were taken into account.

RECOMMENDED: That the climate change policy be adopted.

Reason for Decision:

To provide a framework and approach for future climate change work done by the BCKLWN.

CAB167 **NOTICE OF MOTION 1-20 - CLIMATE CHANGE**

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

Cabinet was reminded that Motion to Council 1/20 was submitted to Full Council in January 2020 and referred to Cabinet for consideration.

The wording of the Motion 1/20 was as follows:

“This council recognises that it is the body vested with the authority within its jurisdiction (The Borough of King’s Lynn and West Norfolk) to take such timely actions necessary to prevent dangerous climate change, as our fair share of the UK’s efforts to limit global temperature increase to 1.5°C (as per our commitments to the Paris Agreement), which is not only morally and politically the right thing to do but that it is also an inescapable legal obligation following the Dutch Supreme Court Judgement (Urgenda v The State of the Netherlands) on December 20th, 2019.”

“Environmental plans at all levels of government have the capacity to affect human rights, and the right to family life and the right to life. The Dutch Supreme Court’s ruling reflects this in stating that governments have a legal responsibility to reduce emissions, to mitigate climate change for the protection of their citizens under Articles 2 and 8 of the European Convention on Human Rights (ECHR, 1953). All governments bound by the ECHR are subject to the same obligations. The UK is a signatory to the ECHR, and the same obligations are on UK Statute as the Human Rights Act 1998. The scope of this Act within the UK is unaffected by the withdrawal agreement and can only be rescinded by an act of parliament.”

Under standing order 34 Councillor de Whalley, the mover of the motion addressed Cabinet disagreeing on the stance taken in the report about where the authority lay in relation to the case. He reminded Cabinet that west Norfolk was vulnerable whilst he considered that the Council was taking the bare minimum approach.

RECOMMENDED: That the motion be rejected.

Reason for Decision:

- The borough council is already taking timely actions to reduce emissions.
- The borough council is not the body vested with the authority within its jurisdiction to tackle all areas of King's Lynn and West Norfolk emissions.
- The Dutch Supreme Court Judgement (Urgenda v The State of the Netherlands) does not bind the UK courts or government but may be of persuasive influence.
- The acceptance or rejection of this motion will not be determinative of the extent to which the Urgenda case impacts the borough council.

CAB168 **REVISED REVENUE BUDGET 2020-21**

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The Assistant Director – Resources presented her report which explained that following the last monitoring report update to Cabinet, officers were asked to carry out a more detailed review of their budgets in order to identify plans to reduce the potential overspend in 2020/21 arising from the COVID-19 pandemic and report back to the September Cabinet meeting with recommendations for action. The report set out a proposal for revisions to the budget for 2020/21 which was the outcome of that work along with a number of proposed actions to further close the estimated budget gap.

The revised budget would also reflect the additional costs incurred by the Council in the response phase to the COVID-19 pandemic and the additional funding that had been received from central government.

The revised budget provided a funded budget for 2020/21 that incorporated budgets to meet the additional costs of COVID-19 to enable effective budget monitoring. There was still an expectation that a draw on the General Fund Reserve balance would be needed to fund the budget which was based on a prudent level at this time.

The report set out the council's progress towards Financial Plan priorities for 2020/21 in the period 1 April to 31 July 2020.

In presenting the report the Assistant Director stressed that the report and recommendations did not take into account the effect of a second wave of covid restrictions and their knock on effects.

Councillor Nockolds stressed the need to support the vulnerable members of the community, and the need to use the reserves for this purpose.

RECOMMENDED:

- 1) That the savings set out in Appendix 1 to the report be approved
- 2) That the revised revenue budget for 2020/21 set out in Appendix 2 to the report be approved

Reason for Decision

To align budgets in response to the COVID pandemic and ensure effective budget monitoring can take place during 2020/21

CAB169 **HOUSING DELIVERY TEST - ACTION PLAN**

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

Cabinet considered a report on the Government changes to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) which had introduced the Housing Delivery Test (HDT). This was a relatively new test for Local Planning Authorities (LPA) to navigate. The test measured the number of homes actually delivered against how many homes should have been delivered over the past three-year period. Results were expressed as a percentage which dictated the measures required for the LPA to take or the penalties it faced. The Borough Council's result for 2018 was 91%. This meant that a HDT Action Plan was required to be prepared. This was carried out and the Action Plan explored housing supply and delivery in some detail and then provided a series of Actions for the Borough Council to consider going forward in an attempt to increase housing supply and delivery. The Borough Council's result for 2019 is 83%. This meant that the HDT AP was required to be updated and in addition a 20% buffer was applied to the 5-year housing land supply calculation.

In discussing the paper concern was expressed about what the future tests would involve. The importance of ensuring councillors were aware of the requirements and the implications of not meeting the targets was expressed. A refresher on the requirements and implications for the Planning Committee was suggested. The importance of getting the Local Plan in place and adopted was stressed.

RESOLVED: That the Updated Housing Delivery Test Action Plan be approved.

Reason for Decision

To ensure that the Borough Council complies with its duties as set out within the NPPF and PPG. The Housing Delivery Test Action Plan is an update of the one which Cabinet endorsed previously. This sets out a series of updated appropriate actions for the Borough Council to consider and explore in the short, medium and long term in an attempt to increase housing supply and delivery.

CAB170 SCRUTINY AND EXECUTIVE PROTOCOL

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The Monitoring Officer presented the report which presented a draft Protocol which was designed to assist Members of the Policy Review and Development Panels and the Cabinet by defining the relationship between the Executive and Scrutiny and the role of Cabinet Members in the Scrutiny process.

The Protocol had been prepared in response to the Ministry of Housing, Communities and Local Government's Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities ("the Statutory Guidance"). This was statutory guidance which Local Authorities must have regard to when exercising their functions.

The draft Protocol was presented to all three Panels and was supported.

RECOMMENDED:

- 1) That the draft Protocol attached to the agenda be recommended to Full Council for approval as drafted.
- 2) That the operation of the Protocol be reviewed after 12 months of operation.

Reason for Decision

To respond to the Statutory Guidance and promote a good working relationship between Scrutiny and the Executive.

CAB171 REVIEW OF STANDING ORDERS AND ARTICLES

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

The Monitoring Officer presented a report on the draft amendments to the Standing Orders and Articles within the Borough Council's

Constitution following on from the meetings with Group Leaders and the representative for the Independent Group.

The proposed changes were attached to the report with the amendments shown as 'tracked changes' in the documents.

In discussing the proposed amendments, Cabinet requested that the Monitoring Officer prepare some further amendments on the following matters:

- The setting of a time limit of questions at council of portfolio holders of 30 mins and the Leader of 15 mins. Those questions to be allocated in the order of largest opposition Group, smaller opposition group, then the Administration.
- That whilst the normal appointments to Chairs would remain with Annual Council, if there are vacancies during the course of the year, Council be able to appoint a replacement, nominated by the Leader as is the case for annual council.
- That once a decision is taken to continue to sit after 3hours of a meeting, a further vote is taken each hour thereafter.

It was proposed that the Leader be invited to agree the amended wording prior to the amended documents being submitted to Council.

RESOLVED: That Monitoring Officer be requested to draft further amendments and submit to the Leader for decision in time for submission to Council on the following areas:

- The setting of a time limit of questions at council of portfolio holders of 30 mins and the Leader of 15 mins. Those questions to be allocated in the order of largest opposition Group, smaller opposition group, then the Administration.
- That whilst the normal appointments to Chairs would remain with Annual Council, if there are vacancies during the course of the year, Council be able to appoint a replacement, nominated by the Leader as is the case for annual council.
- That once a decision is taken to continue to sit after 3hours of a meeting, a further vote is taken each hour thereafter.

RECOMMENDED: That the draft amendments to the Standing Orders and Articles attached to the report be recommended to Full Council for approval, subject to the further amendments as set out in the minute which will be submitted directly to Council.

Reason for Decision

To ensure that the Council's Constitution remains fit for purpose, reflects existing legislation and best practice

To take into account the comments of Cabinet members at the meeting.

CAB172 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.

CAB173 KLIC LOAN SETTLEMENT AGREEMENT

The Assistant Director – Property and Projects presented his report which set out the proposals for a Settlement Agreement and Payment Plan between Norfolk and Waveney Enterprise Services (NWES) and the Council relating to outstanding monies owed from the delivery of the King's Lynn Innovation Centre (KLIC), Nar Ouse Way, King's Lynn and sought authority to enter into the repayment arrangements as set out within the report.

RESOLVED: 1) That the settlement agreement and payment plan terms between NWES and the Council as set out within the report be approved and delegated authority granted to the Assistant Director Property & Projects to progress the contract documentation in consultation with the council leader.

2) That Authority be delegated to the Council's legal services provider to draft and complete the necessary legal and contractual documentation necessary for the King's Lynn Innovation Centre.

Reason for Decision

The Council during 2019 took possession of the King's Lynn Innovation Centre (KLIC) as part payment of monies owed from the financing arrangements for the delivery of this facility. The Settlement Agreement and Payment Plan proposals set out within this report provides the Council with a realistic approach to recouping the outstanding debt owed by Norfolk and Waveney Enterprise Services (NWES).

The meeting closed at 4.54 pm