

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on
Tuesday, 15th November, 2022 at 3.30 pm in the Council Chamber, Town
Hall, Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor G Middleton (Vice Chair in the Chair)
Councillors R Blunt, H Humphrey, P Kunes, A Lawrence, G Middleton and
S Sandell

Apologies for absence were received from Councillors S Dark and A Dickinson

CAB79 APPOINTMENT OF VICE-CHAIR FOR THE MEETING

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

CAB80 MINUTES

RESOLVED: The Minutes of the Meetings held on 10 August, 26 September and 19 October 2022 were agreed as a correct record and signed by the Chair.

CAB81 URGENT BUSINESS

None

CAB82 DECLARATIONS OF INTEREST

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Councillors Blunt, Lawrence and Long declared a personal interest as Council appointed Directors of West Norfolk Housing Company Ltd and West Norfolk Property Ltd.

Councillors Long and Middleton declared a personal interest as Council appointed Directors of Alive West Norfolk. Councillor Middleton did not vote on the Kaset item.

Councillor Nockolds as a Director of Alive West Norfolk declared she was speaking as a councillor for the Kaset item.

All members declared that they would be speaking as Councillors rather than Directors on the Governance of Council Bodies item.

CAB83 CHAIR'S CORRESPONDENCE

None

CAB84 **MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillors A Dickinson (on Zoom so not able to be formally present in the meeting as a Cabinet member), C Joyce(Zoom), A Kemp and E Nockolds attended under standing order 34.

CAB85 **CALLED IN MATTERS**

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The call in for Member Delegated Decision - Council Tax Support Scheme 2023/24: Draft Scheme for Working Age Customers for Consultation was confirmed on 21 October 2022. This was submitted to the Corporate Performance Panel on 31 October 2022 for consideration.

The Call in was not upheld.

CAB86 **FORWARD DECISIONS**

The Forward Decisions List was noted.

CAB87 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

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Corporate Performance Panel on 31 October 2022 made recommendations on the following items:

CP64 Corporate Business Plan Monitoring Report 1 April – 30 September 2022

CP65 Review of Governance of Council Companies

The Environment and Community Panel on 1 November 2022 made recommendations on the following items:

EC39 Options for Kaset at Lynnsport

EC40 Extension to MRF Contract

CAB88 **PAY AWARD 2022 - 2023**

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Assistant Director – B Box presented the 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. The report recommended the pay increase for 2022/23 and outlined the budget implications. The comments of the Joint Employee Committee were set out in the report. It was noted that, subject to Council approval, it was hoped to be able to process the increase for the December wages.

Under standing order 34 Councillor Joyce drew attention to the comments made by the union whereby they expressed the preference for the increase to be a one off payment across the board for all grades. He also commented that the living wage amount should mirror the national picture of £10.90. It was explained that the national agreement was to reach that sum in 2023/24, which was also the intention for the local settlement for that year, whereas the £10.50 level was for the current year.

RECOMMENDED: 1) That an increase of £1,925 or 4% (whichever is the greater) be applied to all salary points.

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.

3) That officers review with Unison representatives the National Settlement once finalised and report to Cabinet should any further actions be recommended.

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.

CAB89 GOVERNANCE OF COUNCIL COMPANIES

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The Monitoring Officer presented a report which set out proposed actions to improve the governance arrangements surrounding the Council's three operating wholly owned trading companies: Alive West Norfolk, West Norfolk Housing Company Limited and West Norfolk Property Limited, following a governance review.

The primary recommendation was the creation of a 'Shareholder Committee', which was proposed to be a decision-making sub-committee of Cabinet, which would exercise the function of Shareholder. This would involve holding the companies to account against their business plans and approving governance documents in the Shareholder capacity. This would be a Council body which all

Members may attend under their Standing Order 34 rights and its decisions would be subject to the scrutiny call-in procedure.

To allay concerns around conflict of interest, it was proposed that for two out of the three companies, Members should be no longer act as directors, so that the Member role is fulfilled through the Shareholder function and holding the directors to account via the Shareholder Committee. The report detailed the reasoning for holding back at this stage on the third company for now.

To improve openness and transparency, it was also recommended that a 'Shareholder data room' be created through Mod Gov which would contain all relevant documents pertinent to the Council's Shareholder function, which Members would have full access to, on a confidential basis (where required).

All Board Members present stated they were speaking as Councillors not Directors for this meeting.

Councillor Middleton, in supporting the report reminded members that the way the companies were currently structured was not wrong, but the proposal was a better approach for the future for an open and transparent process.

Under standing order 34 Councillor Long reminded Members he had been involved at the inception of the Companies and was currently a member of all three of the Companies, also being Chair of West Norfolk Property and Alive West Norfolk and he endorsed to aims and objectives of the companies. He announced that with the change of governance Action Plan and the target date of January 2023, he did not wish to be scrutinised by the Cabinet members in his role. He therefore resigned with immediate effect from all of the Companies.

Councillor Middleton confirmed that going forward would be subject to that overview by the Shareholder Committee.

Councillor Nockolds, speaking as a councillor reminded members of the history of not wanting to subsidise to such a degree. She felt that the proposal had been rushed, the Alive West Norfolk Board had not been consulted but could have made suggestions. She felt that backbenchers should be more involved. She suggested that Alive West Norfolk Board be consulted and a task group of councillors where it could be discussed. She did not wish to return to the earlier days of the Company but wished to maintain the company which understood the residents and deprivation and maintain its work for the residents.

Under standing order 34 Councillor Kemp agreed with the provision of a Shareholder Committee, and felt that West Norfolk Housing Company and West Norfolk Property should be held to account to create enough affordable social housing for residents as there were large numbers of people on the waiting list with no hope of getting a

home. She wanted any member of the council to be able to be part of the Shareholder Committee.

Under standing order 34 Councillor Joyce stated that the arms length companies should be held to account. Regarding the membership of the Shareholder Committee he considered that Cabinet members should not be on the Committee if other Cabinet members were on the Boards.

Councillor Middleton drew attention to the wording of the report that the members of the Board would not be Cabinet Members.

Under standing order 34 Councillor Dickinson agreed that the approach was transparent and the proposal would achieve that.

The recommendations of the Corporate Performance Panel were noted.

Councillor Lawrence as a councillor drew attention to the requirements for the West Norfolk Housing Company as a Registered Provider which were set out by the Regulator, he asked if the proposals would effect those requirements. It was confirmed that the approach was to get the approach agreed and the changes settled which could then be put before the Regulator to ensure they were happy with the approach.

Councillor Blunt expressed concern about the degree of risk in changing structures for all companies. The monitoring officer confirmed this had been taken into account, but it would be managed in taking a staged approach.

Councillor Middleton was satisfied with the approach.

RESOLVED: 1) That a sub-committee to be known as 'the Shareholder Committee' be established and the terms of reference be set as shown in Appendix 1 to the report as the terms of reference for the Shareholder Committee. That full authority be delegated to the Shareholder Committee to carry out its terms of reference.

2) That authority be delegated to the Chief Executive in consultation with the Leader to enter Service Level Agreements between the Council and each of its wholly owned companies in respect of all support provided by the Council to that wholly owned company.

3) That the Corporate Governance Action Plan attached at Appendix 2 to the report be approved.

Reason for Decision

To improve the governance of the Council's wholly owned companies.

CAB90 **CORPORATE BUSINESS PLAN MONITORING REPORT**

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The Assistant to the Chief Executive presented the monitoring report which had been developed to demonstrate progress against the Council's Corporate Business Plan and contained information on the progress made on the key actions up to the end of September 2022.

There were currently 48 agreed actions in place to progress the Council's Corporate Business Plan. The monitoring report indicated that 29 of the actions were on track, 12 actions were slightly behind, 1 action was significantly behind, 1 action was on hold and 5 actions had been completed.

Additional performance information was available in the Q1 2022/23 corporate performance monitoring report, reviewed at the Corporate Performance Panel on 3 October 2022. The report comprised of a revised suite of indicators agreed by portfolio holders and management team as the key performance measures to monitor key council services and impacts on borough wide issues, all indicators are linked to the Corporate Business Plan priorities.

Attention was drawn to the difficulties recruiting to a number of professional posts.

The comments of the Corporate Performance Panel were noted.

Under standing order 34 Councillor Kemp commented on tree planting and sustainable travel.

Councillor Humphrey drew attention to the fact that only one indicator was red which was encouraging. He reminded members that recruitment was a major issue across the country. He was pleased with the additional explanatory information in the document.

RESOLVED: That the progress against the Corporate Business Plan be noted.

Reason for Decision

To consider progress with the delivery of the Corporate Business Plan for the period 1 April – 30 September 2022.

CAB91 **BALLOONS, SKY LANTERNS AND FLYING RINGS**

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The release of balloons and sky lanterns in the outdoor environment poses a threat of harm to wildlife and livestock from ingestion, entanglement, entrapment and through the panic they cause. The flames within sky lanterns can pose a fire hazard and when released out to the sea a risk to the proper and effective operation of coastal rescue services.

Plastic flying rings, when used on the beaches and inadvertently left or lost present a risk to marine wildlife and in particular, seal pups as they may become trapped around the neck of the pups and may, in time, cause strangulation of the pup as they mature/grow if they are not caught, and the ring removed.

Both of the above are a potential source of litter and waste in our environment.

In proposing the recommendations Councillor Humphrey suggested that the same approach should be encouraged along the whole Norfolk and Suffolk coastline.

Under standing order 34, Councillor Nockolds in expressing the importance of the proposal drew attention to the fact that Parish Councils land should be included in it, or they be encouraged to introduce the policy for land in their area.

Under standing order 34, Councillor Long commended the encouragement of parishes and other land owners and authorities be encouraged to sign up to the Charter and adopt the policy themselves.

Under standing order 34, Councillor Kemp endorsed the approach.

Under standing order 34, Councillor Joyce drew attention to the fact that Parishes could come on board at any point in the future.

Under standing order 34 Councillor Dickinson supported the proposals.

Councillor Kunes drew attention to the issue of sky lanterns being dangerous in the countryside and the sea and they should be banned across the country.

Councillor Blunt suggested that the suggestion from Councillor Nockolds be included as a recommendations.

Councillor Lawrence supported the proposal.

It was suggested that Parish Councils be urged to adopt the policy and sign up to the County Council charter for any areas within their ownership. This could be emailed out to Parishes with links to both the policy and the County Council Charter.

RESOLVED: 1) That the council continue to prohibit the mass release of balloons and sky lanterns on council land and beaches through terms and conditions of hire.

2) That the Council continue to discourage any mass release of balloons and sky lanterns through funding or officer time.

- 3) That the use of flying rings on council beaches be prohibited and their use be proactively discouraged in other areas where there is a chance they could end up in the sea.
- 4) That the Norfolk County Council Balloon and Sky Lantern Charter be signed up to.
- 5) That available opportunities be used to promote these practices and encourage environmentally friendly alternatives, some of which can be found on the RSPCA website [Eco-Friendly Alternatives to Balloon Releases & Sky Lanterns | RSPCA](#).
- 6) That it be acknowledged that the extent of the powers available currently are to warn, inform and engage with land users in the hope that they comply, currently there are no associated resource to patrol the affected areas nor powers to penalise anyone failing to comply.
- 7) That all parish councils within the borough be encouraged to adopt this approach for areas within their ownership.

Reason for Decision

The recommendations enable the council to raise awareness of balloons, sky Lantern and flying ring releases as an avoidable animal welfare, financial and safety issue, and prevent release on Council land.

CAB92 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 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.

CAB93 EXTENSION TO THE MRF CONTRACT

The Waste and Recycling Manager presented the report explained that the contract for processing mixed dry recyclables collected by Councils in Norfolk was delivered by a joint venture company contract with Norse Environmental Waste Services Ltd (NEWS). This arrangement was for all seven Waste Collection Authorities in Norfolk (ie the District, City and Borough Councils) and the County Council in its role as a Waste Disposal Authority.

The contract expired on 30 September 2024. The parties to the contract had been in discussions regarding an extension to 2027,

subject to various changes in the contract. A decision was taken by Cabinet on this matter on 10 August 2022. Since that time, there have been developments which materially affect the risk profile previously reported to Cabinet. The report set out those changes so that Cabinet may consider whether the increased risk was accepted.

Under standing order 34 Councillor Joyce questioned the company which would be involved, and whether the amount was guaranteed. It was clarified which company was involved and confirmed that the increase in income was guaranteed as set out in the report.

The comments of the Environment and Community Panel were noted.

RESOLVED: 1) That the proposal of extending the MRF contract to 30th September 2027 be approved.

2) That Changing the “gate fee” under the MRF contract from fixed to variable as set out at section 4 of this report, to apply from 1st October 2021 be approved.

3) That as joint shareholder of Norse Environmental Waste Services Ltd (NEWS) it be agreed that changes to the Shareholder Agreement and MRF Contract be made to ensure the continued provision of the processing of collected dry recyclables up to 30th September 2027, such agreement to incorporate consequential drafting changes.

4) That delegated authority be granted to the Chief Executive and Monitoring Officer in consultation with the Leader and the Portfolio Holder for the Environment to conclude negotiations with the relevant parties and complete the necessary documentation to bring Resolutions 1-3 into effect.

Reason for Decision

Whilst noting the changes in risk, an extension of the contract on the proposed terms does still represent the most viable option, as it will allow the service of sorting collected dry recyclables to be secured in the longer term and provide stability of arrangements during a period where national waste policy and legislation on waste is expected to lead to changes on the volume and composition of waste collected by Councils.

CAB94 WASTE CONTRACT - RE-INVESTING PERFORMANCE DEDUCTIONS

The Waste and Recycling Manager and G Hall Executive Director presented a report which explained that the current waste contract set a performance framework for service delivery. Where agreed targets

had not been met then performance deductions could be applied as a means of incentivising improvements to the service. The level of deductions in any year was set out in the report. These followed some discussions with Serco and the councils as parties to the contract.

The level of contract deductions for the first year of the contract (2021/22) had been settled, these were accepted and placed into an earmarked reserve in order to provide flexibility in providing the service for people of west Norfolk. Consequential amendments were made to Schedule 2 and 4 of the contract to remove ambiguities allowing greater flexibility in rectifying missed collections.

Under standing order 34 Councillor Kemp asked if the contract was being carried out efficiently as she felt there shouldn't be missed collections.

Under standing order 34, Councillor Joyce in speaking about his previous experiences, did not have any major issues with the proposals.

RESOLVED: 1) That a budget be set to one side into which these performance deductions should be paid. This budget would be used to fund improvements to waste collection across the Borough and that this includes an earmarked reserve.

2) That the Executive Director (Environment and Planning), in consultation with the Portfolio Holder for the Environment be authorised to make changes to Schedules 2 and 4 of the Waste and Related Services Contract 2021 to provide greater flexibility to the rectification of missed collections.

Reason for Decision

To enable investment to take place improving the quality and frequency of waste provision and provide increased flexibility to resolve missed bin collections.

CAB95 PROPOSAL TO RE-DEVELOP KASET – SKATEPARK AT LYNNSPORT

Councillor Blunt took the Chair for this item. Councillor Middleton informed members that as a Director of Alive West Norfolk he would not vote thereon.

The Assistant to the Chief Executive presented the report which investigated future options for the Skatepark at Lynnsport with a view to providing a range of new facilities to enhance and improve the offer and broaden the appeal. She explained that it would be a Council project as they would commission the work.

Under standing order 34 Councillor Nockolds – speaking as a Councillor and not Director of Alive West Norfolk confirmed that the Council should be looking at the options available to provide facilities for young people.

Under standing order 34 Councillor Kemp encouraged that young people be consulted on what they would like to see.

Under standing order 34 Councillor Joyce asked if any change of use would require planning permission.

The Assistant to the Chief Executive confirmed that any changes would require support from Sport England. She also confirmed the figures to Councillor Dickinson.

Cabinet members debated the proposal and confirmed they felt it would be a good idea to provide new facilities for young people on the site. It was confirmed that consultation would be undertaken to see what was wanted by the young people. The S151 officer would also give challenge to the figures provided which was agreed as an additional recommendation.

The comments of the Environment and Community Panel were noted.

RESOLVED: 1) That the Council, with the support of Alive West Norfolk progress the work to move to cost certainty for the project by providing funding of £110,942

2) That delegated authority be granted to the council's Section 151 Officer, in consultation with the Portfolio Holder for People and Communities and Portfolio Holder for Finance, that, following resolution on some outstanding queries on the proposed business case, funding of £110,942 is allocated from earmarked reserves to engage consultants to prepare a cost certainty model to inform a final business case on which a decision can be made.

Reason for Decision

The Kaset skatepark provides an area specifically aimed at skateboarding which limits the prospective service users. Kaset does not achieve high attendance numbers and does not, in turn, provide a profit. This project is designed to improve the offer to the boroughs residents by providing a state-of-the-art Activity Centre, which will offer a range of activities, aimed at children of all ages, and thus create a more inclusive and appealing leisure interest for our communities.

If the project is to proceed, a cost certainty model will provide the council with the data to support the decision-making process and demonstrate if the project is affordable and will provide a return on investment for the council.

The meeting closed at 5.21 pm