

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

**CABINET SCRUTINY COMMITTEE**

**Minutes of a Meeting of the Cabinet Scrutiny Committee  
held on Tuesday 16 December 2014 at 6.00 pm  
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

**PRESENT:**

Councillors C Joyce (Chairman),  
P Foster, I Gourlay, J Loveless, A Lovett, T Manley,  
G McGuinness (*substitute for Councillor J Collop*), Mrs K Mellish,  
Miss S Sandell, J M Tilbury and D Whitby

**Portfolio Holder:**

Councillor Mrs E Nockolds, Portfolio Holder for Culture, Tourism and Marketing  
(*Substitute for Councillor N Daubney, Leader*)

**Management Team/Officers:**

Cara Jordan – Barrister  
Debbie Gates – Executive Director, Central and Community Services  
Toby Cowper – Principal Accountant  
Laura Leicester – Benefits Manager

**Apologies:**

Apologies for absence were received from Councillors J Collop, N Daubney,  
A Lawrence and D Pope

CSC83: **MINUTES**

Councillor Foster referred to page 493, CSC79, last paragraph of the Minutes and stated he had asked for it to be minuted that the Leader had refused to answer the question.

Councillor Foster also referred to page 492 on the Council's duty to co-operate, the Leader not having the names to hand of those particular Councillors involved in the process and commented that he expected the information to be available for the meeting this evening.

Councillor Gourlay referred to page 496 CSC81 and stated that he had heard Councillor Long on the radio relating to flood defences and that the Borough Council would have to pay for its own flood defences. *It should read that farmers and caravan owners would have to pay for its own flood defences*

The Minutes of the Meeting held on 20 November 2014 were agreed as a correct record and signed by the Chairman, subject to the amendments set out above.

CSC84: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC85: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CSC86: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present under Standing Order 34.

CSC87: **CHAIRMAN'S CORRESPONDENCE**

The Chairman, Councillor Joyce referred to the exchange of correspondence over the past weeks regarding the consultation which had taken place on the 20 minute parking bays on the Tuesday Market Place and outlined the consultation which had been undertaken, together with the responses received from the West Norfolk Disability Forum and the Town Centre Partnership.

The Executive Director, Central and Community Services referred to an email which set out the West Norfolk Disability Forum as an advocate for the provision of parking spaces around the town centre and which also took on board the consultation regarding the 20 minute parking bays on the Tuesday Market Place. Further allocations for parking bays were provided across the town centre.

The Chairman, Councillor Joyce asked Councillor Gourlay if he was satisfied with the response received. Councillor Gourlay confirmed that he was satisfied and the issues raised had been dealt with fairly.

CSC88: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC89: **CABINET REPORT – COUNCIL TAX SUPPORT SCHEME**

Councillor McGuinness commented that he had read the Cabinet Report and noted that the Government funding for the Council Tax Support Scheme had been reduced by 10% and that the Borough Council's Scheme was taking a 25% cut and asked why there was a difference in the funding and support available. In response, the Benefits Manager explained that funding for the Council Tax Support Scheme moved from demand led full reimbursement of the costs of the scheme paid by the Department of Communities and Local Government. The funding was also reduced by 10% which fell upon working age applicants as Government specified that no cuts could be made to the help given to pension age claimants.

In response to questions from Councillor McGuinness on impact analysis undertaken to ascertain if this was considered to be the correct scheme for the Borough Council, the Portfolio Holder explained that there were working parties set up in Norfolk Councils which should help to provide information relating to the impact upon the Borough. The Benefits Manager advised that a full impact analysis had not yet been undertaken as a full year's data was not yet available. The current scheme was implemented in April 2014 and it was the Council's aim to conduct an impact analysis when the relevant data was available.

Councillor McGuinness commented that the Borough Council's scheme seemed pecuniary to other Councils and outlined the current schemes in operation at Great Yarmouth, Waveney and Fenland Councils. The Portfolio Holder informed Members that Cabinet had agreed to undertake a review at year end.

Councillor McGuinness asked what the cost would be to the Borough Council to match the schemes operated at Great Yarmouth, Waveney and Fenland Councils. In response, the Principal Accountant explained that if the Council operated a 100% scheme the cost would be as set out below:

- Borough Council £104,000.
- Police £190,000.
- Norfolk County Council £1,064,000.

The Chairman, Councillor Joyce referred to the contributions paid to Norfolk County Council and asked whether there were any assurances that the residents of West Norfolk were not paying more subsidy for services than other Norfolk District Councils,

Councillor Tilbury stated that Norfolk County Council did not spend money in specific areas of Norfolk according to the contributions made by each District/Borough Council, but that money was spent in priority order as required.

Councillor Gourlay commented that the collection rates appeared to be on track as at the same time last year, which indicated that people were coping. However, the Council could not be certain if this was the case as people could be in arrears with rent payments or not able to pay utility bills.

The Portfolio Holder for Culture, Tourism and Marketing added that the collection rate was around the same level as that for the same time last year and suggested that questions could be asked of the Citizens Advice Bureau if residents were experiencing particular problems relating to payment of bills, etc.

Councillor Gourlay asked if Cabinet would be calling witnesses such as the Citizens Advice Bureau when undertaking a review of the scheme. In response, the Portfolio Holder explained that meetings would be

scheduled with the Citizens Advice Bureau because the Council paid £75,000 per annum to the Citizens Advice Bureau to work and provide advice to the residents of West Norfolk.

The Chairman, Councillor Joyce asked if the Cabinet would consult with Housing Associations when undertaking a review of the scheme. In response, the Portfolio Holder informed the Committee that Borough Council Officers held regular meetings with Freebridge Community Housing. The Benefits Manager added that the Borough Council had a Welfare Team who dealt with benefits and where required home visits were made to offer assistance to claimants. However, it was highlighted that people would need to present themselves to the Council before any assistance could be provided.

In response to questions from the Chairman, Councillor Joyce on the Council's Benefits Team only providing advice to those people who had a disability and not those of a working age, the Portfolio Holder advised that this was not correct, the Council had a good Welfare Team who would also carry out home visits where necessary. Advice could also be provided via email, telephone, visits to Borough Council Offices or through the Citizens Advice Bureau.

The Chairman, Councillor Joyce enquired if the Council advised those claiming Job Seekers Allowance on benefits available. In response, the Portfolio Holder explained that anyone seeking advice would be directed to the correct officer/organisation to provide assistance.

Councillor Tilbury asked the Portfolio Holder when the analysis assessment information would be available and be subject to a report for all Councillors to view. In response, the Portfolio Holder explained that she could not give an exact date, but the information would be collated and presented to the Regeneration, Environment and Community Panel at the appropriate time.

Councillor Gourlay commented that as well as the Council consulting with the Citizens Advice Bureau, consultation should be undertaken with food banks. In response, the Portfolio Holder explained that if officers considered it necessary contact would be made with the food banks.

Councillor McGuinness asked what credence Cabinet had taken on the responses received during the consultation period. In response, the Portfolio Holder advised that three responses had been received and that Cabinet had read the responses and taken them into consideration when determining the policy.

In response to further questions from Councillor McGuinness on how the consultation exercise was conducted, the Portfolio Holder explained that consultation had taken place via the press, media, radio, face to face contact when people visited the Customer Information Centre.

CSC90: **CABINET REPORT – UPDATE TO FREEDOM OF INFORMATION AND DATA PROTECTION POLICIES**

The Chairman, Councillor Joyce asked the Portfolio Holder present to outline the changes to the policies. In response, the Portfolio Holder Culture, Tourism and Marketing drew the Committee's attention to paragraph 2.4 Environmental Information Regulations 2004 of the report and explained that the relevant information had been brought together in one document. The Portfolio Holder also referred the Committee to section 7 of the Scheme which related to the Environmental Information Regulations.

In response to further questions from the Chairman, Councillor Joyce relating to the procedure in place when requests had not been sent directly to the Freedom of Information Officer, the Portfolio Holder explained that the request received would be forwarded to the Freedom of Information Officer. She added that an Environmental Regulations request could be received verbally, but that a Freedom of Information request should be submitted in writing to the Borough Council.

The Chairman, Councillor Joyce commented that at the Cabinet meeting the issue of training staff had been discussed. The Chairman then outlined a scenario in that if an email had been received by an officer and he/she archived the document, or deleted it from their inbox, was it retrievable, or had it gone forever. The Portfolio Holder explained that if it was not available then it was assumed that the information had been deleted and not retrievable. Training would be organised for both staff and Councillors.

The Barrister, Cara Jordan explained that the Freedom of Information Act stated that information could only be provided if it was held and was available. It was noted that there were a variety of ways requests were made to Councils and that some members of the public were not aware that the Council had a Freedom of Information Officer. The Committee was advised that training on Freedom of Information and Data Protection would be received by both employees and Councillors in 2015.

The Chairman, Councillor Joyce asked if a folder had been deleted had it permanently left the Council's possession. The Portfolio Holder commented that she had not received training or had any technical expertise to answer the question, but added that it could be assumed that the folder once deleted had gone.

In response to further questions from the Chairman, regarding the requester not receiving all the information asked for and requesting an internal review, the Barrister explained that the Council had a choice to either reply and provide the information requested or to issue a refusal notice. She added that it was a good idea to offer the opportunity for an

internal review, although she did not think it was a specified requirement of the current legislation. If the Borough Council did not include provision for an internal review then the requester could go direct to the Information Commissioner's Office.

Councillor Loveless commented that the protocol had been set out clearly and that the scheme was well laid out to ensure any member of the public was treated correctly.

The Chairman, Councillor Joyce asked the Portfolio Holder if the Freedom of Information Officer or an independent person would undertake an internal review. The Portfolio Holder confirmed that an independent person would be appointed to undertake any such review.

Councillor Tilbury commented that it was likely that a request for an internal review would be received if the requester was dissatisfied with the outcome of the Freedom of Information request. The Council had reduced its workforce and expressed concern that additional work would be created with no satisfactory outcome to the requester. Councillor Tilbury added that there was an appeal process in that the requester could go direct to the Information Commissioner's Office who was an independent person. If the Information Commissioner's Office determined that the Council had not fully complied with the Freedom of Information Act then an appropriate penalty would be incurred.

Councillor Mrs Mellish concurred with the points raised by Councillor Tilbury and asked what the cost would be to the Council for an independent person to undertake an internal review. In response the Barrister explained that if there was no provision for an internal review, then the requester could go direct to the Information Commissioner's Office. The Information Commissioners' Office would send a letter to the Borough Council asking for the reasons why the information was not provided to the requester. Therefore, the cost to the Council would be providing a duplicate set of documents.

The Barrister added that if a requester had asked for a significant amount of information, under the internal review process it could perhaps be determined that it would take too much time to provide the information. The outcome of such an internal review could be to ask the requester to narrow down the information requested, the Borough Council could then determine whether or not to provide an element of it.

In response to questions from the Chairman, Councillor Joyce regarding confidentiality and Councillors, the Barrister advised that under the Freedom of Information Act, the Council needed to be transparent and had a duty to co-operate. It was highlighted there were around 20 exemptions and confidentiality was one and that each case would have to be considered on its own merit.

In response to questions and comments from Councillor Mrs Mellish, regarding documents permanently leaving the Council's possession, the

Chairman, Councillor Joyce invited Councillor McGuinness to offer his opinion. Councillor McGuinness explained that it would be dependent upon the Council's retention policy. ICT officers could go through the backup system from data centres and it therefore could not be assumed that the information had gone forever.

CSC91: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no delegated decisions to consider.

CSC92: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 22 January 2015 at 6 pm.

**Meeting closed at 6.48 pm**