



Cabinet
Tuesday, 16th November, 2021 at 3.30 pm
in the Assembly Room, Town Hall, Saturday Market
Place, King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **MATTERS REFERRED TO CABINET FROM OTHER BODIES** (Pages 2 - 10)

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda.

Environment and Community Panel – 5 October 2021 (attached)

Regeneration and Development – 19 October 2021 (attached)

Corporate Performance Panel – 8 November 2021

Member Major Projects Group – 10 November 2021

King's Lynn Area Consultative Panel -11 November 2021

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RECOMMENDATIONS TO CABINET 16 NOVEMBER 2021 FROM THE MEMBER MAJOR PROJECTS BOARD HELD ON 10 NOVEMBER 2021

Item 5 – Cabinet Report: Member Major Projects Board – Review of the Terms of Reference

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The Assistant Director, Property and Projects presented the report circulated with the Agenda and reminded the Board that the Council set up a Member Major Projects Board (MMPB) during 2019 to provide more formal over-sight and monitoring of the delivery of the Council's major projects and the programme of major projects.

It was highlighted that the operation and effectiveness of the Board had been hampered particularly by the Covid-19 Pandemic, with many projects being stalled or delayed and Board meetings being cancelled.

The Board was informed that the Council's Cabinet recognised the important role projects had in helping to deliver its aims and objectives and wanted to ensure that these projects were delivered successfully and in an appropriate way. Cabinet considered that a Project Board comprising a broad spectrum of Members/Councillors would help to provide greater over-sight and management of the Council's programme of major projects.

The report sought to provide a greater degree of clarity in respect of the role of the MMPB and particularly its relationship with other existing Panels and Committees within the council. Clarity was provided that the MMPB was a sub-committee of Cabinet. To this end revised Terms of Reference for the Member Major Projects Board were set out within the report.

The Assistant Director, Property and Projects referred to the comments made regarding the potential conflict with the scrutiny functions of other panels/committees at the July 2021 and outlined the reasons why it was necessary to re-draft the Terms of Reference. Reference was made to the appendix setting out the projects and how these would be placed on the MMPB work programme.

The Chair invited those Councillors attending under Standing Order 34 to address the Board.

Councillor Kemp addressed the Board under Standing Order 34 and commented that the Board was set up to look at risks of projects whether that was financial, environmental, social and others and to review lessons learnt following KLIC. Councillor Kemp stated that looking at risk was different from decision making and scrutiny.

Councillor Parish addressed the Board under Standing Order 34 in relation to the MMPB being a sub-committee of Cabinet, the decision making process and the role of the opposition members on the MMPB. Councillor Parish outlined the benefits, independent and valuable role of the Chairs of the Regeneration and Development and the Audit Committee being on the MMPB and added that they, in his opinion, should remain on the Board.

Councillor Morley addressed the Board under Standing Order 34 in relation to paragraph 2 of the Terms of Reference setting out the aims of the MMPB. Councillor Morley added that he felt the reporting function and aims, particularly relating to governance required strengthening and asked how the reporting module would be transmitted to the relevant

scrutiny panels to enable them to monitor projects. Councillor Morley asked if section 2.2 could be looked at to consider the points he had raised.

Councillor Joyce referred to 2.1(a) and asked if there should be a specific figure defining a “major project” and that would be a matter for Cabinet to decide.

Councillor Joyce referred to 2.1 (b) operate on behalf of the Cabinet, to provide assurance that the council’s major projects programme is run in accordance with the Officer Major Projects Board Terms of Reference and commented that if the words operate on behalf of the Cabinet could be deleted this would be acceptable.

In response, the Leader explained that he was happy to discuss the above proposed wording outside of the meeting in consultation with the Monitoring Officer and undertook to revise the proposed wording as set out above.

Councillor Rust commented that she felt the terms of reference as set out were woolly and did not give the lay outsider anything concrete and how robust it was. Councillor Rust added that this was set up to achieve something, but she felt it was a box ticking exercise and that proposed changes looked like Cabinet wanted to mark their own homework. Councillor Rust concluded by commenting that she was uncomfortable with the proposed changes could not support them.

The Chair responded to the comments made by Councillors Parish and Rust and outlined the purpose of the MMPB and the role and importance of the Scrutiny Panels. The Chair reaffirmed that the MMPB was a sub-committee of Cabinet.

Councillor Blunt addressed the Board in relation to the definition of a major project not just being in relation to money but resources, impact, etc and there was more than one definition and through the process officers would determine the definition and this could then be debated before it became a major project. Councillor Blunt commented that the Council needed to think about processes going forward and one of the key issues was to ensure the MMPB focused on risk and looked at each of the key indicators for each project to focus on. Councillor Blunt added that in his view it would be necessary to look at time, speed of delivery, capital and revenue implications, actual project definitions, resources and review them. Councillor Blunt commented that he hoped that all project documents presented to MMPB would enable the Board to review risks and identify if any projects being monitored on a RAG (Red, Amber, Green) rating moved into red or amber zones this would then require action and Opposition Members could ensure that reviews were completed.

Councillor de Whalley commented that the MMPB gave a more holistic approach to projects as opposed to panels where a specific project was debated in more detail. Councillor de Whalley agreed with the comments made by his fellow Independent Councillors that having the Chairs of the Regeneration and Development Panel and Audit Committee allowed a different perspective and helped Members to keep abreast of the whole picture and to bring any key issues back to panels. Councillor de Whalley also referred to the proposed membership of the MMPB.

The Assistant Director, Property and Projects responded to questions and comments relating to the definition of a major project,, the importance of the programme of projects providing an holistic view of what the organisation was facing, for example, financing, staff resources, etc. The development and scrutiny function of the panels and the link to the MMPB. In relation to the Terms of Reference, the Assistant Director advised that they had not changed much since 2019, but it was felt that the MMPB conflicted with the role, particularly the scrutiny function of the Panels and that it was important this was resolved first in order to to set up a system that worked properly.

The Monitoring Officer outlined the reason for the recommendation within the report and confirmed that the Chairs of the Audit Committee and Regeneration and Development Panel would need to come off the MMPB. This was because within their own respective panels they had terms of reference which involved scrutinising or auditing and potentially applying that function to the activities of the MMPB if the respective Chairs of the Audit Committee and Regeneration and Development Panels were on the MMPB they would therefore be marking their own homework. If issues were referred to their respective Panels if they had been involved in decision making on MMPB. Removing the Chairs mentioned above from the MMPB would prevent conflict and support the correct operation of the panels.

Councillor Middleton stated that when issues were found with a previous major project, and gave KLIC as an example, everyone agreed that something like the MMPB needed to be set up in order for Councillors to keep a closer look on the decisions that the Council had made for its ongoing projects. Councillor Middleton outlined the arrangements in place prior to the MMPB being set up and this now provided Councillors with an overview of projects. The MMPB would look at how the projects were being progressed in line with certain criteria and if necessary, for example, a project was over budget or time then there would be an opportunity for the relevant panel to scrutinise the project.

In response to questions from Councillor Middleton on the role of the members of the MMPB having a conflict of interest if they were also a member of other panels, the Monitoring Officer explained that this would be in a position of conflict. The overall position of Members on the MMPB was that they were a sub-committee of Cabinet and therefore part of the decision making process. If the matter then went to a scrutiny panel or to Audit, the MMPB members would not want to be in a position of conflict. If a MMPB member found themselves in that situation they would then need to think what that meant, take advice and if necessary organise a substitute.

Councillor Joyce concurred with the comments made by Councillor Blunt with regard to impact.

Councillor Joyce further commented on scrutiny and potential stage conflict all sorts of ways and stated that he did not disagree with the Monitoring Officer, but added that it was also the situation that any member of council can place any item on any panel agenda to be scrutinised if it was within that panel's remit and added that there was a clear potential for risk that covered all Councillors and to stop a Member going onto MMPB because they were a Member or Chair of a scrutiny panel might be a bridge too far.

In response to the comments and questions raised by Councillor Joyce, the Assistant Director, Property and Projects explained that the reason for removing the Chairs of the Regeneration and Development Panel and the Audit Committee was actually to protect the governance arrangements and the scrutiny function of the panel and Audit Committee.

At the invitation of the Chair, Councillor Morley addressed the Board with regard to the membership of the Board, performance reports presented to MMPB, comments made by Councillor Blunt, performance management tools and relevant data being produced for the MMPB and scrutiny panels in a constructive and equitable manner on progress on projects.

In response to comments made by Councillor Morley, the Assistant Director, Property and Projects explained that it would be necessary to redesign the process of reporting into the MMPB so that Members knew what they were looking at and why. This process redesign would then form part of the work programme for the MMPB and it could be that the Board identified specific projects from the Cabinet confirmed major projects list and that the relevant project lead officer be invited to attend the MMPB to provide a briefing on that

specific project to enable monitoring to be undertaken thereafter. The briefing would include and identify the relevant project desired outputs and outcomes, timelines and budget estimates.

The Chair responded to the questions raised by Councillor Morley.

The Chair responded to the comments made by Councillor Parish in relation to the membership of the MMPB and panels and opposition members, particularly the Independent Group in relation to substitutes.

Councillor Joyce commented that the MMPB was a Cabinet sub-group and it was the decision of the Cabinet who it wished to be represented on the Board and added that perhaps Cabinet could reconsider the position with regarding to the role of the scrutiny panels and comments made by Councillor Parish.

The Chair therefore proposed the amended recommendation:

- 1) 2.1 (b) be amended to read: to provide assurance that the council's major projects programme is run in accordance with the Officer Major Projects Board Terms of Reference.
- 2) Advice be sought from the Monitoring Officer regarding the membership of the MMPB and the questions raised regarding Members of the Scrutiny Panels being also representatives on the MMPB.

The Board agreed the above amended recommendation.

Councillor Rust did not vote on the recommendation set out below.

Councillor de Whalley was against the recommendation as set out below.

RESOLVED: That the Member Major Projects Board recommended that Cabinet noted the content of the report and approve the revised Terms of Reference for the Member Major Projects Board, subject to the following additional recommendations which were agreed by the Board:

- 1) 2.1 (b) be amended to read: to provide assurance that the council's major projects programme is run in accordance with the Officer Major Projects Board Terms of Reference.
- 2) Advice be sought from the Monitoring Officer regarding the membership of the MMPB and the questions raised regarding Members of the Scrutiny Panels being also representatives on the MMPB.

RECOMMENDATIONS TO CABINET 16 NOVEMBER 2021 FROM THE CORPORATE PERFORMANCE PANEL HELD ON 8 NOVEMBER 2021

CP57: Cabinet Report – Review of the Corporate Business Plan

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

The Senior Policy and Performance Officer presented the report which appended the revised Corporate Business Plan for the period to the next local elections in 2023 which would be considered by Cabinet on 16 November 2021.

The Panel was reminded that the six priority areas from the previously agreed plan had been retained and were set out at section 1.3 of the report, the detail beneath those priorities had been re-cast and that formed 12 objectives and 47 key initiatives.

The Senior Policy and Performance Officer explained that the Plan would focus the activities for the remainder of the Administrative term and progress updates would be presented to the Panel.

The Leader commented that he had nothing further to add but that he was available to answer any questions from the Panel.

The Leader responded to questions from Councillor Morley in relation to governance and communication of the Corporate Business Plan. The Leader invited Councillor Morley and the Panel to forward wording in relation to governance and Cabinet would look at that.

The Leader gave the Panel assurance that the Corporate Business Plan would be communicated widely.

The Chair thanked the Senior Policy and Performance Officer for attending and presenting the report.

RESOLVED: The Panel recommend to Cabinet the approval of the Corporate Business Plan.

CP58: Cabinet Report – Update to the Major Projects Board Terms of Reference

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

The Assistant Director, Property and Projects presented the report and explained that the Council set up a Member Major Projects Board (MMPB) during 2019 to provide more formal over-sight and monitoring of the delivery of the Council's major projects and the programme of major projects.

It was highlighted that the operation and effectiveness of the Board had been hampered particularly by the Covid-19 pandemic, with many projects being stalled or delayed and Board meetings being cancelled.

The report sought to provide a greater degree of clarity in respect of the role of the MMPB and particularly its relationship with other existing Panels and Committees within the Council. The revised Terms of Reference for the Member Major Projects Board were set out in the report.

Councillor Joyce referred to page 10, 2.1(b) operate on behalf of the Cabinet, ... and commented that it naivety for the Labour Group to act on behalf of a Conservative Cabinet and added it should read operate on behalf of the Council. The Monitoring Officer explained that as it was a sub-committee of Cabinet it could only act on behalf of the Cabinet and not Council but that the alternative was to have a free standing committee.

The Chair added that 2.1(b) would remain, in principle, operate on behalf of Cabinet and that it was proposed there would be three representatives from other political groups and asked if those representatives were allowed to be on scrutiny panels and would they be in effect be scrutinising themselves. The Monitoring Officer advised that there would be a conflict so would not be able to sit on a scrutiny panel. The Chair asked the Leader if this was considered a possible problem. In response, the Leader thanked the Assistant Director, Property and Projects and the Monitoring Officer for the report and that the Chair had raised a good question.

The Leader further added that Cabinet was trying to give some clarity because at the first meeting of the MMPB there were some issues around the role and remit of the Board and its importance to move forward. The Leader provided context and provided an overview of importance of the development of projects, scrutiny and what was missing and why the MMPB was set up.

Councillor Morley commented that Cabinet was marking its own homework and asked how the scrutiny panels would be linked into the MMPB and enable to panels to carry out scrutiny effectively. Councillor Morley added that a governance review was required across the board and was not content or convinced this was a step in the right direction and would look for some comfort that it would feed into the various scrutiny panels with relevant data and performance modules based upon project management methodology which was used throughout the country but may not be by this Administration.

The Chair commented understood why the council lost track of events because of the Pandemic but was looking for reassurance that whilst work in recent months that people go back to the report to the Audit Committee in May 2019 and to the flowchart presented to Audit Committee, because going on as the council was, was accepted that it was not acceptable and mistakes were made and how did the council avoid them in the future. The Chair asked if Cabinet had considered that the council should have a MMPB and an additional scrutiny body as he was not convinced of the make-up and Cabinet marking their own homework was going to prevent a similar set of events that occurred two or three years ago.

Councillor Long stated that he could see where the Panel was coming from regarding Cabinet marking their own homework. The most important thing that the council needed to get right was the methodology by which Cabinet approved a project to commence. Beyond that what process monitors it to ensure on track, time and budget to delivery right outcomes at the end. With regards to some projects the appropriate place, in his opinion, to be scrutinised was the appropriate panel.

Councillor Devereux commented that he recalled the earlier discussions at Cabinet where it had been decided that a MMPB was required and implicit in that decision was that there was process which managed the programmes of work and that they all conformed to a consistent process. In his view what was needed was a Project Assurance Board which sat over the top look what happening across the authority to ensure projects were delivered on time, within budget, right outcomes, etc and were there were lessons to be learned that could feed in going forward to the management activity. In conclusion, Councillor Devereux explained that a simple board was required to give Members confident that the right things were happening at the right time.

In response to observations made by the Chair, the Monitoring Officer explained that as an alternative to setting up a new scrutiny panel, the panel could look at reviewing the terms of the reference of the current scrutiny panels to consider whether you think they go further, far and specific enough to cover what was required to be scrutinised. The Chair expressed concern that this was a lesson learnt as to what happened previously that Councillors were not scrutinising efficiently enough, not doing their job properly and was the fault of Councillors that things went wrong and that they needed to change that. The Chair noted Councillor Devereux's reference to scrutiny and that the one thing MMPB did not do was scrutinise.

Councillor Blunt added that one thing that was lacking was the major project was set up and went through processes but there was not a way of presenting the project back to his need Cabinet and that this proposed role of the MMPB would enable this. Councillor Blunt commented that a continuous process of re-looking at any issues, monitoring, etc. and that he was suggesting it was a scrutiny body but a sub-committee of Cabinet. Cabinet needed to look at projects and enable the relevant Portfolio Holder to provide feedback on a particular project.

Councillor Joyce explained that the council needed some way to keep eye on major projects, the scrutiny system in place was a good system, but did not work, the right questions were asked and answers given. Councillor Joyce provided background information on the reasons why MMPB was set up. Councillor Joyce added that Cabinet took decisions on behalf of the council and if the MMPB was going to work in whatever form, then input was required from the opposition and that the aim was to make it work for the council.

In response, the Leader explained that he understood the points raised by Councillor Joyce and that the intent of the MMPB was to make it clearer to the opposition and would allow the Cabinet and three members of the opposition to see the projects and timelines, etc in that meeting which gave an opportunity would be making recommendations to Cabinet and made known to people. The Leader added that he took on board the comments from Councillor Joyce and undertook to look at the

wording if it did cause Councillor Joyce difficulty, but in relation to principle and ethos put opposition members into the MMPB process to provide an overview of projects.

Councillor Joyce referred to 2.1(b) and suggested that the following words be taken out – operate on behalf of the Cabinet.

The Chair added that the Monitoring Officer had outlined what the situation was and asked Councillor Joyce if the above wording was deleted then there was a solution.

The Monitoring Officer explained that Councillor Dark had explained that he was happy to take away the comments made by Councillor Joyce and have a look at them before the Cabinet meeting.

Councillor Long stated that there had not been MMPB meetings during the Pandemic as he took a decision that it was not important was therefore a deliberate decision taken by myself in consultation with the Chief Executive not to hold meetings as there were more pressing duties for officers to be undertaking during the national Pandemic.

The Chair added that he was looking for confirming referring back to original problem encountered by the council and why the Audit Committee report came forward with a recommendation for such a board and liked the suggestion from the Monitoring Officer to review the terms of the reference of the scrutiny bodies as they did not do their job and would not put forward a proposal but would leave Cabinet to consider those points during their informal discussions.

Councillor Morley commented that would like some form of reporting module that set out performance, time and costs and a better defined management methodology that enable scrutiny panels to scrutinise effectively. In response, the Leader provided reassurance that a mechanism would be explored as to how projects could be monitored in the first meeting of the MMPB which included opposition Members and report back.

The Chair asked the Leader if the Cabinet would discuss the points raised by the Panel in the Cabinet meeting and that it was not just rubber stamping exercise. It had been an important debate and important that the council needed to get it right.

Councillor Joyce, seconded by Councillor Moriarty that 2.1(b) be amended as follows

(b) To provide assurance that the council's major projects programme is run in accordance with the Officer Major Projects Board Terms of Reference.

And on being put to the vote was lost.

Councillor Patel, seconded by Councillor Manning proposed that the recommendation set out in the report, but on being put to the vote was lost.

RESOLVED: The Panel did not support the recommendation to Cabinet as set out in the report.

