

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

**CABINET**

**Minutes from the Meeting of the Cabinet held on Tuesday, 5th April, 2016  
at 5.30 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn**

**PRESENT:** Councillor N Daubney (Chairman)  
Councillors A Beales, R Blunt, Lord Howard, A Lawrence, B Long, Mrs E Nockolds  
and D Pope

CAB143 **MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 1 March 2016 were approved as a correct record and signed by the Chairman.

CAB144 **URGENT BUSINESS - LATE ITEM - POLLING DISTRICT AND POLLING PLACE REVIEW**

With the permission of the Chairman the item was accepted as a late item in order to ensure a polling station was available for the EU Referendum.

The Democratic Services Manager presented the Late Item on the Polling District and Polling Place Review as it this required to be updated for any changes in polling stations prior to any election being carried out.

Following the announcement that the EU Referendum was to take place on 23 June 2016, the Polling Station at the Red Cross Hall in King's Lynn was not available on this date, therefore the Polling Place Schedule was required to be updated to reflect that Kettlewell House would be used on this occasion.

Members requested that sufficient notification of the change and signage be arranged to ensure voters knew where the station was.

**RECOMMENDED:** That the Polling District and Place Review Schedule be adopted for the EU Referendum, and reverts back to the existing Schedule for future elections.

CAB145 **DECLARATIONS OF INTEREST**

Councillor J Collop declared a personal interest in the Members Allowances Panel report as he had occasionally worked with one of the Independent Panel members.

CAB146 **CHAIRMAN'S CORRESPONDENCE**

None

**CAB147 MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillor J Collop attended under Standing Order 34 for the Scrutiny Review Item and the Members Allowances Panel item.

Councillor Mrs K Mellish attended under Standing Order 34 for the Members Allowances report.

**CAB148 CALLED IN MATTERS**

None

**CAB149 FORWARD DECISIONS**

The Forward Decisions List was noted.

**CAB150 MATTERS REFERRED TO CABINET FROM OTHER BODIES**

Cabinet received the comments from Panels and the Joint Employee Committee on the reports. Their comments were taken into account with the item on the agenda.

**i) Resources and Performance Panel – 22 March 2016****RP134 Cabinet Report: Child Protection Policy**

The Panel supported the recommendation to Cabinet as set out below:

1. That Members approved the revised Child Protection Policy.
2. That Members delegate authority to the Executive Director, Central and Community Services, in consultation with the relevant Portfolio Holder, to agree amendments/updates to the Policy that may be required to ensure it remained compliant with legislation.
3. That Officers take steps to ensure that the Council's duty to safeguard and promote the welfare of children is appropriate reflected in contracts, leases and licences.

**RP135 Cabinet Report: Staff Pay Award**

RESOLVED: That the Panel supported the recommendation to Cabinet as set out below:

1. That an annual pay award of 1% be implemented with effect from 1<sup>st</sup> April 2016.
2. That the Authority continues its practice of matching the bottom point of PG13 to the lowest point on the National pay scales. This will start the process of moving towards the expected level of the Living Wage by 2020.

3. That discussions are held with recognised Trade Unions prior to the April 2017 pay award, to identify ways of fairly and affordably meeting the longer term Government target for the National Living Wage to equate to 60% of median earnings by 2020.

RP136 Cabinet Report: Review Of Members Allowances

RECOMMENDED: That the Panel supported the recommendations to Cabinet and Council as set out below:

1. That Cabinet is invited to comment on the recommendations of the Panel and make onward recommendations to Council in order to set the levels of remuneration for Councillors with effect from 21 May 2015.
2. That the Cabinet recommend to Council that the Scheme of Allowances be updated accordingly.
3. That for the next four years, any increases in allowances be linked to staff pay awards.
4. That the recommendation to delete the IT allowance is not agreed.

RP137 Cabinet Report: Review Of Scrutiny Arrangements

RECOMMENDED: That the Panel supported the recommendations to Cabinet and Council as set out below, and in particular recommendation 12, the second part 'or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda', should be supported.

Cabinet is invited to recommend to Council the following:

1. That the Cabinet Scrutiny Committee and the Scrutiny and Overview Liaison Committee are abolished.
2. That the Audit Committee be decoupled from the Resources & Performance Panel, and reduced in size to nine members with a meeting schedule linked to key audit events.
3. That the Resources & Performance Panel be renamed as the Corporate Performance Panel and its terms of reference be extended to provide for the Panel to consider the following:
  - Call-ins of Cabinet decisions;
  - Post implementation reviews of both major projects and significant policy changes/introduction of new policies;
  - Monitoring of the Medium Term Financial Plan.
4. That the Terms of Reference for all Panels be amended to explicitly place a greater emphasis on 'policy development' of proposed policy changes and new projects/initiatives, incorporating, where appropriate, clear recommendations for Cabinet and Council to consider.
5. That Council, Cabinet and the Panels move to a six-weekly cycle of meetings and that the programme of

meetings attached at Appendix 1 be adopted for 2016/17.

6. That in future years Panels elect their own Chairman and Vice-Chairman.
7. That the recording of meetings be changed to provide for a more succinct summary of discussion, decisions taken/recommendations made and the principle rationale for the decisions taken.
8. That additional Member scrutiny and policy development training be arranged to coincide with the introduction of the above changes.
9. That the scheme of delegation be amended, delegating authority to Portfolio Holders to authorise the implementation of policy changes required as a consequence of the introduction of primary of secondary legislation by government. Noting that Portfolio Holder delegated decisions are open to scrutiny and the call-in process in the same way as Cabinet decisions are.
10. That the Democratic Services Manager and Legal Services Manager be instructed to draft the consequential changes to the Council's constitution to give effect to the proposals outlined above.
11. That the Task Group be invited to undertake a subsequent review of the Council's constitution and the effectiveness of the changes made, following the implementation of the changes.
12. That Cabinet and Council consider the minority proposal as to whether the position of Vice-Chairman of the Audit Committee and the Corporate Performance Panel be reserved to a member of the opposition parties, or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda.

ii) **Regeneration and Development Panel – 23 March 2016**

RD67: Exempt Cabinet Report – King's Lynn Strategic Land Acquisition

RESOLVED: That the Regeneration and Development Panel support the recommendations to Cabinet as set out in the report.

iii) **Joint Employee Committee Meeting - 23 March 2016**

Pay Award 2016/2017

RESOLVED: The Joint Employee Committee noted the recommendations to Cabinet as follows:

1. That an annual pay award of 1% be implemented with effect from 1<sup>st</sup> April 2016.
2. That the Authority continues practice of matching the bottom point of PG13 to the lowest point on the National Pay Scales. This will

- start the process of moving towards the expected level of the Living Wage to equate to 60% of median earnings by 2020.
3. That discussions are held with recognised Trade Unions prior to the April 2017 pay award, to identify ways of fairly and affordably meeting the longer term Government target for the National Living Wage to equate to 60% of median earnings by 2020.

Comments received from Unison Members would be tabled at Cabinet prior to consideration of the Pay Award.

- iv) **Environment & Community Panel – 23 March 2016** – There were no recommendations from the Panel.

#### CAB151 **CHILD PROTECTION POLICY UPDATE**

As the Policy document was not included with the agenda, this item was deferred to the next meeting.

#### CAB152 **STAFF PAY AWARD 2016-17**

The Executive Director, D Gates presented a report which explained that the Council's annual pay increase for all employees was locally determined, having regard to national pay and labour market information and was continuing to reflect the Government's policy of public sector pay restraint and the Authority's ongoing budget savings requirement.

The report recommended the pay increase for 2016/17 and outlined the budget implications. The Executive Director explained that the Council usually matched the bottom figure agreed nationally for the minimum wage.

Following questions from Councillor Beales with regard to the minimum wage and the 2020 target, it was explained that the Council was currently matching the £7.20 minimum wage and the concern was such that the increase for 2020 should be gradual. Members were informed that work would have to be undertaken with the Unions to resolve any disparity between the grades for that bottom line increase.

The Joint Employee Committee had considered and noted the recommendations, and Unison Members had been invited to comment on it. Those comments had been distributed to Members.

The Resources and Performance Panel had considered the report and recommended its adoption.

**RESOLVED:** 1) That an annual pay award of 1% be implemented with effect from 1<sup>st</sup> April 2016.

2) That the Authority continues its practice of matching the bottom point of PG13 to the lowest point on the National pay scales. This will start the process of moving towards the expected level of the Living Wage by 2020.

3) That discussions are held with recognised Trade Unions prior to the April 2017 pay award, to identify ways of fairly and affordably meeting the

longer term Government target for the National Living Wage to equate to 60% of median earnings by 2020.

CAB153 **REPORT OF SCRUTINY STRUCTURES AND POLICY DEVELOPMENT TASK GROUP**

The Chief Executive presented a report which set out the conclusions of the Scrutiny Structures and Policy Development Task Group in response to the feedback from the Peer Review, consequent report of the Centre for Public Scrutiny (CfPS) report and the feedback from the Member workshop held on 8<sup>th</sup> October 2015.

It also made a number of recommendations to Cabinet and Council which sought to implement the principle recommendation of the CfPS report with effect from the beginning of the municipal year 2016/17.

It was noted that the Cabinet meeting previously scheduled for 17 May 2016 had been moved to the 24 May 2016.

Under Standing Order 34, Councillor J Collop addressed the Cabinet. He expressed disappointment that some of the recommendations from the CfPS had not been taken on board. However he did hope that the proposals would help improve the current scrutiny arrangements. He supported the decoupling of Audit Committee from the Resources and Performance Panel, and hoped that the re-arrangement would be suitably resourced. He referred to recommendation 12 in the report which made reference to the ability to add agenda items to Panels, and expressed concern that there may not be representation by each Group on the Panels, and that any items put forward could be brushed aside.

Councillor Pope stated that he was of the opinion that all Members could ask for items to be added to panel agendas through the Chairman.

Councillor Beales drew attention to the fact that the Peer Review report stated that scrutiny was not working and the Administration had acted upon this amongst the overall task group findings with a radical recommendation that Panels should appoint their own Chairmen and Vice-Chairmen. He also proposed that if all Members were free to put an item onto each agenda without reference to the Chairman it could make the meetings far too unwieldy, therefore that right should be limited to Opposition Groups, with a requirement for them to be discussed. He hoped that this would encourage active participation.

Councillor Long endorsed those proposals re-iterating concern that the original proposal could have caused logistical problems.

Councillor Blunt particularly supported recommendation 3, and encouraged post project appraisals. He hoped that the accountability for projects and its aims and objectives were clearly identified to enable scrutiny of them.

It was confirmed that constitutional changes had to be submitted through Council.

It was also agreed that the new arrangements should be reviewed in 12 months time.

The Resources and Performance Panel had considered the report and had supported the recommendation, in particular the point about the entitlement to place items on Panel agendas.

**RECOMMENDED:**

1. That the Cabinet Scrutiny Committee and the Scrutiny and Overview Liaison Committee are abolished.
2. That the Audit Committee be 'decoupled' from the Resources & Performance Panel, and reduced in size to nine members with a meeting schedule linked to key audit events.
3. That the Resources & Performance Panel be renamed as the Corporate Performance Panel and it's terms of reference be extended to provide for the Panel to consider the following:-
  - call-ins of Cabinet decisions;
  - post implementation reviews of both major projects and significant policy changes/introduction of new policies;
  - Monitoring of the Medium Term Financial Plan.
4. That the Terms of Reference for all Panels be amended to explicitly place a greater emphasis on 'policy development' of proposed policy changes and new projects/initiatives, incorporating, where appropriate, clear recommendations for Cabinet and Council to consider.
5. That Council, Cabinet and Panels move to a six-weekly cycle of meetings and that the programme of meetings attached at Appendix 1 be adopted for 2016/17, with the change in Cabinet date to 24 May 2016 from 17 May 2016.
6. That in future years Panels elect their own Chairman and Vice Chairman.
7. That the recording of meetings be changed to provide for a more succinct summary of discussion, decisions taken/recommendations made and the principle rationale for the decisions taken.
8. That additional member scrutiny and policy development training be arranged to coincide with the introduction of the above changes.
9. That the scheme of delegation be amended, delegating authority to Portfolio Holders to authorise the implementation of policy changes required as a consequence of the introduction of primary or secondary legislation by government. Noting that Portfolio Holder delegated decisions are open to scrutiny and the call-in process in the same way as Cabinet decisions are.
10. That the Democratic Services Manager and Legal Services Manager be instructed to draft the consequential changes to the Council's constitution to give effect to the proposals outlined above.

11. That the Task Group be invited to undertake a subsequent review of the Council's constitution and the effectiveness of the changes made, 12 months following the implementation of the changes.
12. That the Opposition have the right to place an item on any Panel agenda for discussion, without the requirement to get agreement of the Chairman.

#### **CAB154 REVIEW OF MEMBERS ALLOWANCES**

Councillor Daubney welcomed Mike Press, a Member of the Independent Members Allowances Panel who had prepared the report for the Council. Mr Press presented the report for the 2016/2017 financial year, explaining that because over the years the allowance levels had been changed on an ad hoc basis, the Panel had carried out a total review, taking into account comments from Members in the process. He drew attention to the calculations carried out taking into account public service discount element of the work of Councillors, along with calculation for median average hourly rate for staff. Comparisons with other local authorities had also been made.

Mr Press made reference to the proposed increase to the Special Responsibility Allowance for the Planning Committee Chairman which reflected the large increase in workload and associated responsibility for the role. He considered that the proposal for the Licensing changes reflected the workflow at the present time. In relation to the carers allowances proposed, as had previously been the case, the Panel had made a recommendation for basic childcare, and also where full medical support carers were required, all of which had to be supported by receipts. In looking at the proposed increases, he drew attention to the fact that since 2007 the increase showed a 1.6% pa increase in that time.

Councillor Daubney thanked Mr Press and the other members of the Independent Panel for the work put into the report.

Under Standing Order 34, Councillor J Collop expressed disappointment that the Opposition Deputy Leaders allowance had been recommended to be deleted because it was not deemed significant enough to attract an allowance. He also drew attention to the fact that the King's Lynn Area Committee Chairman had been awarded an allowance, but not the Vice-Chair. He considered that the Deputy leaders should retain an allowance as they did have a meaningful role to play. He couldn't comment on the Vice-Chair of the Area Committee due to having an interest. He also considered that the linking to officer rises was a sensible approach.

Under Standing Order 34, Councillor Mrs K Mellish addressed the Cabinet on the proposals. She considered that the Licensing proposal could be justified, but did not accept that the proposed increase to the Planning Chairman's role was justified. She did not consider that any increase should be based on the personal performance of a Member. She acknowledged that the Planning Committee had a heavy workload at the moment, but reminded Members that the role was still voluntary, and she considered that when matched against the role of the Mayor or a Cabinet Member she considered it that it did not equate, as the Chairman of Planning Committee was always with officers support in its role, whereas the Mayor and Cabinet Members were not.

Councillor Mrs Mellish considered that the uplift should not be due solely to workload, which would usually balance itself out further down the line.

Councillor Daubney acknowledged that the Council had to give consideration to the Independent Panel's recommendations, and any recommendations and final decisions would go to Council for a decision.

Councillor Pope concurred with Councillor Mrs Mellish's comments, acknowledging that the workload should go down. He considered that Cabinet Members worked hard for their allowances.

Councillor Pope did not agree with the proposal for the differential in Licensing Chairs, as the workload for each changed over time, and both acted as each other's Vice-Chairman. He considered the fee should be equal.

Councillor Long agreed with the comment on the parity of Allowances for the Licensing Committee and Appeals Board, as the roles were to carry out a quasi-judicial role and did balance each other across the year workload wise.

Councillor Beales commented that it should be looked at objectively, and not as individuals, he asked for the rationale behind the recommendations.

Mr Press responded that the Panel had considered the evidence presented, and the Planning Committee Role had greater responsibility than the Licensing Chairmen He considered that the licensing Committee workload had decreased since the changes in legislation brought about its creation. In response to further questions on the devolvement of workload from responsibility, Mr Press confirmed they were linked.

Councillor Lord Howard commented that he considered that the proposed abolition of the Opposition Deputy leaders Allowance should not be agreed, as, in opposition, the Leaders needed the support. He considered that if any limitation was added, it should be on the minimum number in a Group.

Following the debate, Council Daubney proposed that:

- the Deputy Opposition Leaders Allowance be re-instated as there was a responsible role to be played.
- there be differentiation between the Licensing Committee and Licensing and Appeals Board Chairmen's Allowances.

Councillor Lawrence proposed that the Chairman of Planning Committee's increase be set at 50% of the proposed increase. (This equated to £544, instead of £1,088 increase.) This proposal was agreed.

The Resources and Performance Panel had considered the report and had supported the recommendations.

**RECOMMENDED:** 1) That the recommendations of the Panel be adopted with the following amendments to set the levels of remuneration for Councillors with effect from 21 May 2015:

- i. That the IT allowance for Members continue to be paid.
- ii. That the Opposition Deputy Leaders Allowances continue to be paid at the original amounts

- iii. That the proposed differentiation of Licensing Chairmen not be agreed (they continue to receive 50% of the overall amount each.)
  - iv. That the Planning Committee Chairman increase be limited to 50% of the proposed increase making it £5,594.
- 2) That the Cabinet recommend to Council that the Scheme of Allowances be updated accordingly.
- 3) That for the next four years, any increases in allowances be linked to staff pay awards.

**CAB155 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.”

**CAB156 STRATEGIC LAND ACQUISITION - KING'S LYNN**

The Property Services Manager presented the report which set out outline terms for a proposed strategic land and property acquisition of a prominent site in King's Lynn. Authority was sought from Cabinet to progress this acquisition through to completion, subject to agreeing acceptable terms in consultation with the relevant Portfolio Holder.

Cabinet commended the acquisition of the site which was an important entry to the town. The Regeneration and Development Panel had also considered the report and had supported the proposed acquisition.

- RECOMMENDED:**
- 1) That the acquisition of this land asset is progressed along the lines set out within this report.
  - 2) That the Capital Programme is adjusted to accommodate the acquisition of the site identified within this report.
  - 3) That delegated authority is given to the Property Services Manager to finalise the terms of the proposed disposals set out within this report in consultation with the Portfolio Holder for Regeneration and Industrial Assets.
  - 4) That authority is granted to the Legal Services Manager to progress the necessary transfer, or any other associated, documentation through to completion.

**The meeting closed at 6.52 pm**