

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

**Minutes from the Meeting of the Cabinet held on Tuesday, 26th March, 2019
at 5.00 pm in the Council Chamber - Town Hall, Saturday Market Place,
King's Lynn PE30 5DQ**

PRESENT: Councillor B Long (Chairman)

Councillors A Beales (from 17.51), R Blunt, I Devereux, P Hodson, A Lawrence,
Mrs K Mellish and Mrs E Nockolds

CAB126 MINUTES

RESOLVED: The Minutes of the Meeting held on 5 February 2019 were approved as a correct record and signed by the Chairman.

CAB127 URGENT BUSINESS

None

CAB128 DECLARATIONS OF INTEREST

None

CAB129 CHAIRMAN'S CORRESPONDENCE

The Chairman reported that the correspondence sent to the Chairman of the Corporate Performance Panel from Parishes relating to the Planning Sifting item had also been forwarded to Cabinet members for information.

CAB130 MEMBERS PRESENT UNDER STANDING ORDER 34

Councillor Parish - items 9 & 10
Councillors Fraser, Spikings and Moriarty – Item 10
Councillor Joyce - Items 12, 14, 15 and 17

CAB131 CALLED IN MATTERS

None

CAB132 FORWARD DECISIONS

The forward Decisions list was noted.

CAB133 MATTERS REFERRED TO CABINET FROM OTHER BODIES

The Environment and Community Panel on 5 March 2019 made the following recommendations from the Single Use Plastics Working Group.

Under standing order 34, Councillor Parish addressed the Cabinet as Chairman of the Informal Working Group and commended the recommendations to them, particularly the appointment of a member Champion for single use plastics.

The Chairman explained that currently the champion element would fall under the remit of Councillor Devereux as Cabinet Member for Environment.

Councillor Devereux explained that he had been present for the meetings of the Group which had included a wide variety of opinions. He reminded members that Defra had called a major consultation on plastics and recycling which was now underway and would probably lead to changes in legislation. He considered that those changes when known should be debated with input from the County Council and others and considered the new Administration would need to take a view.

RESOLVED: That the recommendations be generally endorsed, and reviewed in the new Administration.

CAB134 REVIEW OF THE OPERATION OF THE PLANNING SIFTING PANEL

Councillor Blunt presented a report which set out the details of the review of the Planning Sifting Panel which had been carried out after 12 months operation. In addition the detail of what is meant by 'exceptional circumstances' as set out in the original Cabinet report is to be reviewed. It was noted that the correspondence sent to the Chairman of the Corporate Performance Panel had been forwarded on to the Cabinet.

Under Standing Order 34, Mrs S Fraser addressed the Cabinet. She had attended the majority of the sifting meetings as an observer and whilst had started out not supporting it was now fully in support of it and considered that the views of the parishes were heard in the process.

Councillor T Parish addressed the Cabinet expressing the view that parish councils should have been consulted as they were the customers. He also had reservations about the amount of time permitted to call an item in to committee as he considered it too short.

The Assistant Director responded that the statutory consultation requirement was 21 days notice, but the Council gave 28 days from the

publication of the weekly list, which was more generous than most others.

Councillor Blunt also referred to the fact that parishes were asked for planning reasons for objections but were often not given. However, if the Panel had any concerns the decision would be taken by Committee. He confirmed that further planning training was to be offered to parishes and if their objections meant the items were submitted to Committee they were encouraged to speak at the meeting.

Under Standing Order 34, Councillor Mrs V Spikings addressed the Cabinet in support of the sifting panel. She explained that all the statutory consultees had to be taken into account and this was checked in the sifting panel. She acknowledged that some parishes did still need further training on the issue. She drew attention to the fact that officers could concentrate on writing fewer report and the Committee could concentrate fully on a more manageable number of items being submitted to it.

Under Standing Order 34, Councillor J Moriarty addressed the Cabinet and referred to the fact that the original item was called in to the Corporate Performance Panel, and to the Chief Executive's comments permitting that call in to be heard, but which was rejected by the Panel when heard. He made reference to a meeting of the sifting panel he had studied where parish views were not deemed to be planning reasons. He suggested that the parishes should be asked if they wanted the sifting process to be continued or not.

The Executive Director explained that it would have been helpful for Councillor Moriarty to have sat in on a few of the meetings as there were a number of incidences where there were valid planning reasons given and these went to committee. The number of applications being submitted to Committee was too high with the capacity to hold the attention pressed to the limit on occasions. The agendas were now more manageable. It was noted that the Chairman of the sifting panel was happy for any Councillor could attend the sifting panel to observe if they wished.

Councillor Blunt commented that the changes were better use of officers time. The Leader, in proposing the recommendations, commented that it would be for the Corporate Performance Panel to decide if they wished to monitor its progress further.

RECOMMENDED: 1) That the results of the review of the sifting panel which has been operating for 12 months and the comments of the Corporate Performance Panel be noted.

- 2) That the continued operation of the sifting panel be endorsed
- 3) That the comments made on the issue of 'exceptional circumstances' be noted.

Reason for Decision

The operation of the sifting panel has reduced the amount of applications going to Planning Committee by 19% compared to the previous year. This enables the committee to concentrate better on those applications that do go, and has also helped free up capacity within the section. It is considered that the panel has worked well over the 12 months it has been in operation.

CAB135 RISK MANAGEMENT POLICY AND STRATEGY REVIEW

Councillor Hodson presented a report which explained that the Council's Risk Management Policy and Strategy was last reviewed and approved by Council on 1 March 2016. That review split the existing document into two documents, policy and strategy, and linked risk management more closely to the achievement of the council's objectives. The risk appetite was formally recognised within the policy, and the strategy provided a means of escalating risks from service and project level to the corporate risk register where necessary.

The policy had reached its scheduled review point and a refreshed version had been considered by Audit Committee in November 2018 and January 2019.

It was also noted that the Corporate business plan would be reviewed post-election, which meant that the risks would be re-assessed at that time.

A discussion ensued on when risks should be reported to the Cabinet, it was agreed that the Audit Committee would consider those, but significant risks would be drawn to Cabinet Members attention when they arose.

RECOMMENDED: That Council approve the Risk Management Policy and Strategy.

Reason for Decision

To ensure there is a comprehensive and up to date framework for the Council's management of risk.

CAB136 RECORD RETENTION AND DISPOSAL POLICY REVIEW

Councillor Long presented a report which explained that the Record Retention and Disposal Policy was last reviewed and approved by Council in January 2012. Given developments in working practices, digitalisation and legislation the policy was due for revision.

The revised policy had two components; the policy and a detailed schedule of records with related retention and disposal information.

Audit Committee considered the policy at its January 2019 and November 2018 meetings.

In discussing the report Councillor Devereux asked if there was to be an audit of the use of the policy, to which it was confirmed that if Audit Committee wished to do so they could.

Under Standing order 34, Councillor Joyce addressed the Cabinet on an FOI request for Committee Clerks notes to which they had been told they were destroyed. He questioned why a response of information not available had been given on further questions as to who had destroyed them when etc. He asked if there was a legal requirement to keep the notes.

The monitoring officer responded that it was usual practice for the notes to be destroyed, and that when an FOI request was made if there was not a document available then no information could be given.

RESOLVED: That the Record Retention and Disposal Policy be agreed.

Reason for Decision

To detail the Council's commitment to records management and provide a framework for the management of records including document retention and disposal.

CAB137 STAFF PAY AWARD 2019/20

The Leader presented the 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. The report recommended the pay increase for 2019/20 and outlines the budget implications.

Executive Director D Gates explained to Members that the unions had met with members at the Joint Employee Committee recently when the item was considered and they had indicated their support of the recommendations.

Councillor Mrs Mellish requested that it be put on record that so much work had been carried out to revise the bottom grades, and that work had been assisted by the good working relationship with the Unions. That view was echoed by the Leader who re-iterated that without the staff there was no Council.

RESOLVED: 1) That an annual pay award of 2% be implemented with effect from 1st April 2019.
 2) That the Authority continues its practice of matching the bottom point of PG Scales to the lowest point on the National pay scales which

equates to a minimum pay rate of £9.00 per hour from 1st April 2019. This continues the process of moving towards the expected level of the National Minimum Wage by 2020.

3) That minor amendments be made to other PG Grades to establish appropriate differentials following revision of PG12.

Reason for Decision

To implement an annual pay increase for employees which reflects the approach taken by the National Employers in relation to the percentage pay increase agreed for 2019/20, as part of the 2-year settlement agreed in 2018,. To reflect the approach taken by the National Employers in relation to increases in the minimum wage paid to employees. These recommendations are reflected in the Authorities Financial Plan for 2017 – 2022.

CAB138 TREASURY MANAGEMENT STRATEGY 2019/20

The Deputy Chief Executive presented a report which explained that the Council was required to receive and approve a Treasury Management Strategy Statement; Annual Investment Strategy; and Minimum Revenue Provision Policy Statement which covered:

- The Treasury Management Strategy
- Capital plans, including prudential indicators
- A Minimum Revenue Provision (MRP) Policy
- An Investment Strategy

The report covered the requirements of the Local Government Act 2003, the Chartered Institute of Public Finance Accountants (CIPFA) Prudential Code, the Ministry of Housing, Communities and Local Government (MHCLG) MRP Guidance, the CIPFA Treasury Management Code and the MHCLG Investment Guidance.

The Council's Treasury Advisor, Link Asset Services, provided a template document for the Treasury Management Strategy Statement. The Council had used this template in preparing the report.

The report looked at the period 2019-2023 which fitted with the Council's Financial Plan and Capital Programme. The report was based upon the Treasury officers' views on interest rates, supplemented with leading market forecasts provided by Link Asset Services. The Deputy Chief Executive undertook to publish the latest version of the rates for members attention.

Under Standing order 34 Councillor Joyce addressed Cabinet and commented that the Strategy was to ensure that background checks were done on anyone wanting to go into partnership with the Council and be paid any money. He considered that checklist had not been followed. He commented that the Council should be in a position where it could pull back if it needed to.

The Leader thanked officers for preparing the document , acknowledged that it was a challenging programme ahead for the Council which often meant pushing the envelope and that professional advisors were relied upon.

- RECOMMENDED:**
- 1) That the Treasury Management Strategy Statement 2019/2020, including treasury indicators for 2019-2023 be approved.
 - 2) That the Minimum Revenue Provision Policy 2019/2020
 - 3) That the Investment Strategy 2019/2020

Reason for the Decision

The council must produce a Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy 2019/2020 by 31 March 2019.

CAB139 NOTICE OF MOTION 1/19

The Chief Executive presented a report which reminded members that the following resolution (1/19) was proposed by Cllr Joyce at the Council meeting of 24 January 2019:

“That this Council establish an independent inquiry into the partnership of Norfolk and Waveney Enterprise Services, and its subsidiary companies, regarding the award of, administration of and financial relationship with the Borough Council of King's Lynn and West Norfolk.

To ensure the impartiality and independence of the inquiry the chair and personnel of such an inquiry be chosen by an outside body, notably the Local Government Association to report back to the Full Council no later than 28th February 2019.

The independent inquiry will have full access to all council documents associated with Norfolk and Waveney Enterprise Services and its subsidiary companies”

The matter was referred to Cabinet for consideration.

An internal Audit investigation had been commissioned by the Chief Executive in consultation with the Portfolio Holder in 2018. This report was presented to Audit Committee on 11 March which made resolutions set out in the report. A special Council meeting had been called for the 26 March, immediately following this meeting to consider a Notice of Motion submitted by Councillor Moriarty on the subject.

The Chief Executive indicated that members may wish to defer the item until after the Special Council meeting.

The Leader drew attention to the fact that the original motion had included a February time frame which would have meant that the Council's internal processes would not have been completed by that time. He welcomed Councillor Moriarty's notice of motion and hoped all would support it.

Under standing order 34 Councillor Joyce addressed the Cabinet. He referred to the amount of money involved and that he considered the council didn't know if any mistakes were made by us or our partners. He felt it important to carry out the review. He considered that the Audit Committee didn't consider how the Council had got involved with NWES so it was still to be looked at. He still felt there should be a time line on the review as they were still occupying the building.

The Leader, in referring to the anticipated acceptance of the notice of motion tabled for the special council meeting that night proposed that subject to that outcome, that Motion superseded the one referred to Cabinet at the January meeting.

RESOLVED: 1) That subject to the Notice of Motion being supported at the Special Council meeting following this meeting the matter be removed from the agenda as the notice of motion supersedes this.

2) That the conclusion of the Audit Committee and the resolutions they made be noted.

Reason for Decision

To respond to the notice of motion referred to Cabinet by full Council

CAB140 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 and 5 of Part 1 of Schedule 12A to the Act.

CAB141 FREEDOM OF THE BOROUGH NOMINATION

Cabinet considered a report which explained that the Borough Council had received a letter of nomination, supported by a number of referees, for Sir Richard Jewson KCVO JP, HM Lord-Lieutenant of Norfolk to be awarded Freedom of the Borough

RESOLVED: That at an Extraordinary Meeting of the Council be held after the Council meeting on 11 April 2019.

RECOMMENDED: 1) That the Extraordinary meeting of the Council be invited to approve the award of the Honorary of Freedom of the Borough to Sir Richard Jewson KCVO JP, HM Lord-Lieutenant of Norfolk, under s249 of the Local Government Act 1972, in recognition of the eminent service that Sir Richard has given to the Borough and Norfolk.

2) That the common seal of the Council be affixed to a certificate to be presented to Sir Richard at his retirement celebration on 4 July 2019.

Reason for Decision

To formally recognise Sir Richard Jewson and the service he has given to the Borough and Norfolk as a whole.

CAB142 **VERBAL UPDATE FOR MEMBERS ON THE LEGAL SITUATION WITH THE KLIC**

The Chief Executive and Monitoring gave Cabinet an update on the current legal position regarding the KLIC and NWES.

Under Standing Order 34 Councillor Joyce made comments to the Cabinet.

RESOLVED: That the legal position be noted

The meeting closed at 6.15 pm