

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CORPORATE PERFORMANCE PANEL

Minutes from the Meeting of the Corporate Performance Panel held on Monday, 21st October, 2019 at 6.00 pm in the Council Chamber - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor S Dark (Chair)
Councillors Mrs A Dickinson, C Hudson, C Joyce, C Manning, J Moriarty (Vice Chair), C Morley, S Patel, D Pope and C Sampson

Portfolio Holders

Councillor B Long, Leader

Officers:

Becky Box, Policy, Performance and Personnel Manager

Lorraine Gore, Chief Executive

Honor Howell, Assistant Director

Noel Doran, Senior Solicitor, Eastlaw

Under Standing Order 34:

Councillor N Nash for Item CP50

CP43 **APOLOGIES**

Apologies for absence were received from Councillors B Ayres, J Collop and H Humphrey.

CP44 **MINUTES**

The Minutes of the meeting held on 9 September 2019 were agreed as a correct record and signed by the Chair.

CP45 **DECLARATIONS OF INTEREST**

Councillor S Nash was present under Standing Order 34 for Item 8 and declared an interest as he was currently taking legal action against the Council.

CP46 **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

CP47 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor S Nash for Item 8.

CP48 CHAIR'S CORRESPONDENCE

There was no Chair's correspondence.

CP49 CORPORATE COMPLAINTS POLICY

The Assistant Director presented the report and explained that the borough council strived to provide excellent services to its customers, visitors and businesses, and to deliver those services right first time. It was explained that occasionally, customers may be dissatisfied with council services and would make a complaint about the service they had received. It was highlighted that the council's current process focussed on the administration of complaints so a thorough review of the process had been conducted to drive greater consistency, reflect best practice, improve customer experience, and to ensure all complaints were dealt with appropriately.

The key issues were outlined as set out in the report.

Members' attention was drawn to the following sections of the report:

- Section 7 – Complaints that cannot be considered under this policy.
- Section 9 – Timescales for making a complaint.

The Panel was informed that the Local Government and Social Care Ombudsman offered training to Councils to assist the administration of their complaints processes. The council had booked the training for spring 2020 and all members of staff involved in the administration of complaints would be attending.

The Panel was invited to consider the draft corporate complaints policy and recommend approval to Cabinet.

The Assistant Director responded to questions in relation to the various stages of the complaints process and timescale to respond to complainants as set out in section 3 of the report.

Councillor Joyce asked what the level was of experienced officers dealing with complaints. In response, the Assistant Director explained that the complaint was initially considered by a Service Manager at Stage 1. However, if the complaint required specialist advice, for example, business rates, the complaint would be dealt with by a Service Manager with the relevant expertise. Members were advised that there were currently 15 staff processing complaints and would receive training in spring 2020.

Councillor Moriarty suggested that the Chair of the Standards Committee attend the training in spring 2020. In response, the Assistant Director advised that there was space on the training course.

In response to questions from Councillor Joyce on section 6 – Accessibility, the Assistant Director explained that written consent was required from any other third party to act on behalf of an individual.

Following questions from Councillor Morley on complaints where it was not possible to respond in the required timescale, the Assistant Director explained that the relevant department would be informed of the number of days the response had exceeded the timescale. Democratic Services sent out reminders to officers when a response was due and this would be escalated to service managers if necessary.

The Assistant Director provided clarification on MP enquiries received and explained that they were not processed as a corporate complaint.

In response to questions from the Chair regarding performance and how the data was analysed to identify trends, etc, the Assistant Director explained that the Council received an annual report from the Ombudsman and that this was reported to the Corporate Performance Panel. However, the Assistant Director undertook to include an annual monitoring report to be presented to the Corporate Performance Panel in future years.

RESOLVED: 1) The Panel considered the report and recommended that the Chair of the Standards Committee attend the training in spring 2020.

2) An annual monitoring report on Corporate Complaints be presented to the Panel.

2) The Panel recommended approval of the report to Cabinet subject to the above points being inserted into the policy.

CP50

MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR

In presenting the report, the Assistant Director explained that a recent review of corporate complaints and the Unreasonably Persistent Complaints Policy had highlighted a review of the policies was required to reflect best practice and to provide clarification on key points. It was explained that the report related to the policy on persistent complainants and had been renamed the Unreasonable Complainants Policy.

The Panel was advised that a tracked changes version of the policy was attached to the report. Members were invited to review the proposed changes and approve the revised policy.

Councillor Joyce referred to 4 – Implementation of the policy on page 42 and the proposal for the Executive Director in consultation with the Chief Executive or Monitoring Officer to authorise staff to terminate

contact with the complainant on the subject of the complaint(s) and discontinue any further investigation. Councillor Joyce outlined the benefits and disadvantages of the proposal and suggested that Members be involved in the internal appeal process. The Chief Executive agreed to look at the wording on page 42 section 4.

Under Standing Order 34, Councillor Nash addressed the Panel and commented on the draft policy:

- Reference was made to the complaints section of the council's website and Councillor Nash commented that the information published penalised the Councillor.
- Reference to the Local Government Ombudsman and the "scattergun approach" when raising a complaint. The Assistant Director explained that this was a standard part of the Ombudsman advice and undertook to provide a more detailed definition on the policy.
- Page 43 – there was no mention where the complainant could raise a new complaint and this was unacceptable. The Assistant Director to revise the wording to include that the introduction of new evidence would be considered.
- Potential conflict of interest.
- Decision to go to Standards Committee for determination to invoke the policy.
- Councillor Nash stated that he had been on the unreasonably persistent complainants register for 3 years and 9 months.

Following further questions and comments from the Panel, the Assistant Director emphasised that the policy would only be invoked if the complainant had exhausted the council's corporate complaints policy and the Local Government Ombudsman. Councillor Moriarty referred to the last paragraph on page 42 and asked if the wording could be looked at to include – if the complainant had exhausted the council's corporate complaints policy and the Local Government Ombudsman, the complainant should as a last resort contact their MP or a Councillor.

Councillor Moriarty made further comments on page 42 of the policy and suggested that the Monitoring Officer together with the Chair or the entire Standards Committee may authorise staff to terminate contact with the complainant. The Assistant Director informed that Panel that Councillors, such as the Ward Councillor could be involved in the decision to invoke the policy rather than the entire Standards Committee, but his suggestion was not supported.

Following a discussion on the effect on staff dealing with complex complaints, the Panel was reminded of the Council's duty of care to look after employees.

Comments were made on the appeals process and it was recognised that an independent view would be beneficial. The Assistant Director

outlined the appeals process and highlighted that the appeal would be reviewed by a separate officer who had not been involved in investigating the complaint. The Chief Executive explained that she would make the decision to invoke the policy after an investigation had been undertaken by an Executive Director and added that an independent person or Chair and Vice- Chair of the Standards committee could be included.

The Chair suggested that the first line of the policy be amended to read:

“This policy sets out our approach to the exceptional circumstances when complainants who complain in a way that is unreasonable.” In response the Assistant Director reiterated that the policy was rarely invoked and undertook to amend the policy.

Councillor Sampson commented that consideration should be given to an acceptable timescale, for example, six months when a complainant submitted new evidence so that the complaint did not go on for a significant amount of time. Under Standing Order 34, Councillor Nash stated that the Local Government Ombudsman (LGO) policy was clear about a time limit and added that the relevant text could be taken from the LGO policy and inserted into the council's policy. However, Councillor Nash commented that it was not satisfactory to impose a time limit. Councillor Sampson did not disagree with Councillor Nash but raised concern that a line needed to be drawn somewhere to conclude a complaint. In conclusion, Councillor Dark reminded those present that the Panel should consider how new evidence should be submitted into the complaints process when determining the decision. The Assistant Director added that the main principle of the policy was to allow fairness and flexibility throughout the stages of the complaints process. The Leader highlighted the importance of allow new evidence to come forward when a complaint was being determined.

Councillor Tyler commented that professional officers were employed to determine the decision to invoke the policy so why would you wish to bring Councillors in to be included in the decision making process. Councillor Hudson concurred with the comment made by Councillor Tyler but highlighted the importance of an independent view.

Councillor Morley suggested that a flow chart be included to supplement the Policy to which the Panel agreed. The Assistant Director undertook to include a flowchart in the policy before being presented to Cabinet.

The Chair concluded that the consensus of the Panel was that a degree of independence was required when making the decision to invoke the policy and sought the view of Members as to whether this should be an Independent Person or the Chair and Vice Chair of the Standards Committee.

Councillor Joyce explained that there was a potential risk if one individual took the decision to invoke the policy and stated that the Standards Committee should be involved comprising two to three Members.

The Chief Executive added that two or three Members from the Standards Committee could be involved dependent on availability.

Councillor Mrs Dickinson commented that as the policy was rarely invoked, why was there a need to be so prescriptive on the involvement of the Standards Committee.

Following comments on Section 5 – Appeals procedure, point 6, the Assistant Director provided an overview of the appeal procedure and explained that if a complainant was placed on the register, this did not prevent the complainant from submitting a new complaint. The Chair suggested that this reassurance did not appear in the policy. In response, the Assistant Director agreed to clarify the point raised in the policy.

Councillor Moriarty suggested the following amendments:

- Page 43: Paragrap1: Add - unless the complaint contained new evidence/ information.
- Page 45: Appeals Procedure: Add – in consultation with the Standards Committee.
- The Policy to be reviewed on an annual basis by the Corporate Performance Panel.

The Leader commented that he welcomed the views of the Panel prior to the policy being considered by Cabinet.

The Chair thanked the Assistant Director for presenting the report and the Panel for their input into the draft policy.

RESOLVED: The Panel reviewed the proposed changes and recommended the approval of the policy subject to the amendments set out above.

CP51 **FORMAL COMPLAINTS AGAINST THE BOROUGH COUNCIL 1
APRIL 2018 TO 31 MARCH 2019 AND COMPLIMENTS RECEIVED**

The Chief Executive presented the formal complaints annual report circulated with the Agenda.

RESOLVED: The Panel noted the formal complaints annual report from 1 April 2018 to 31 March 2019.

CP52 **Q1 2019/2020 CORPORATE PERFORMANCE MONITORING
REPORT**

The Policy, Performance and Personnel Manager presented the report that contained information on the corporate Performance monitoring undertaken for Q1 2019/2020.

The Panel was reminded that performance indicators for 2019/20 had been agreed by portfolio holders and executive directors as the key performance measures for the year; they covered all directorates. The monitoring report highlighted specific performance issues; where indicators had not met agreed targets they were drawn out into an action report, which provided additional detail on what actions were being taken to correct performance that had a variance to target.

Members were informed that the Q1 2019/20 monitoring report showed that 44% of targets had been met, and performance had improved against target for 19 indicators. All calculations and analysis in the report was based on 52 indicators not the agreed 54, this was due to unavailable data for performance indicators EV3 and EV4.

In response to questions from Councillor Pope as to why the date was not available for performance indicators EV3 and EV4, the Policy, Performance and Personnel Manager explained that there was a delay due to additional commitments of the new refuse contract, update figures would be available in Q2.

Councillor Pope referred to HS7, asked for an explanation as to why the number of rough sleepers had increased. In response the Policy, Performance and Personnel Manager undertook to obtain an explanation from the Housing Manager.

Councillor Mrs Dickinson commented that some areas for comparison were not meaningful and gave HS8 as an example. In response, the Policy, Performance and Personnel Manager explained that some indicators were for monitoring purposes only and referred to the guidance circulated to the Panel for information. The Policy, Performance and Personnel Manager undertook to cross reference future reports to the Performance Indicators guidance document. Councillor Sampson stated that the figures had been comprehensively explained at a recent Environment and Community Panel by the Housing Services Manager. The Chief Executive advised that the presentation was available to view on Mod Gov.

Councillor Manning referred to HS8 and the cost of temporary accommodation. The Leader, Councillor Long explained that the Council had invested in converting a building into temporary accommodation to reduce the amount spent in B and B accommodation. Councillor Morley added that the cost of the temporary accommodation should be costed for the year and taken into account. The Policy, Performance and Personnel Manager undertook to email a direct response to the Panel.

The Policy, Performance and Personnel Manager informed Members that the Panel could request the Housing Services Manager to attend a future meeting and give a presentation. The Leader, Councillor Long advised that any items with specific housing enquiries should be directed to the Environment and Community Panel but any financial enquiries should go to the Corporate Performance Panel.

In response to a question from Councillor Joyce on HS11 and what was defined as the first contact, the Policy, Performance and Personnel Manager undertook to clarify the request.

Following a further question from Councillor CS! – Freedom of Information (FOI) requests, the Policy, Performance and Personnel Manager explained that the information requested was not held in a central file. The FOI process was managed by Eastlaw who would send requests to relevant officers and if required send reminders to ensure the information was available within the deadline.

RESOLVED: The Panel:

- 1) Reviewed the performance monitoring report.
- 2) Agreed the actions outlined in the action report.

CP53 **PANEL WORK PROGRAMME 2019/2020**

The following item to be added to the Panel's work programme:

- Review of the Planning Sifting Process – The chair undertook to invite the Environment and Community Panel to attend for this item at a future meeting on 7 April 2020.

CP54 **CABINET FORWARD DECISIONS LIST**

The Panel noted the Cabinet Forward Decisions List.

CP55 **DATE OF NEXT MEETING**

The next meeting of the Corporate Performance Panel would take place on 26 November 2019 at 6 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn.

CP56 **FOR INFORMATION ONLY: EMPLOYMENT MONITORING FIGURES - ANNUAL REPORT**

The Panel received the Employment Monitoring Figures – Annual Report for information only.

CP57 **FOR INFORMATION ONLY: ANNUAL SICKNESS MONITORING REPORT**

The Panel received the Annual Sickness Monitoring Report for information only.

The meeting closed at 8.13 pm