

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

**Minutes from the Meeting of the Cabinet held on Tuesday, 15th March, 2022
at 3.30 pm in the Assembly Room, Town Hall, Saturday Market Place, King's
Lynn**

PRESENT: Councillor S Dark (Chair)
Councillors R Blunt, P Kunes, A Lawrence, B Long, G Middleton and S Sandell

Apologies for absence were received from Councillor A Dickinson

CAB108 MINUTE'S SILENCE IN SUPPORT OF THE PEOPLE OF UKRAINE

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As it was the first Cabinet meeting since the commencement of the war by Russia against Ukraine, Cabinet held a minutes silence in support of the people of Ukraine.

CAB109 MINUTES

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The Minutes of the Meeting held on 9 February 2022 were agreed as a correct record and signed by the Chair.

CAB110 URGENT BUSINESS - EMERGENCY DECISION IN SUPPORT OF UKRAINIAN REFUGEES COMING TO THE BOROUGH

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The Chair reported that the Chief Executive had today following consultation with himself as the Leader and Councillor Sandell as Cabinet Member, signed a decision under her emergency powers to make funding available for Ukrainian refugees coming to west Norfolk. Members had received a copy of the decision earlier in the day, and all Group Leaders had expressed their support of the move.

CAB111 DECLARATIONS OF INTEREST

None

CAB112 CHAIR'S CORRESPONDENCE

None

CAB113 MEMBERS PRESENT UNDER STANDING ORDER 34

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Councillor Moriarty – items CAB 114, 116, 118 and 121

Councillor Parish – items CAB 114, 116 and 119

Councillor de Whalley – items CAB 116 and 119

CAB114 CALLED IN MATTERS - MEMBERS ALLOWANCES

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The Chair reported that CAB103 Members Allowances Independent Review from the meeting on 9 February 2022 was called in, considered and upheld at the Corporate Performance Panel meeting on 3 March 2022.

The CPP minute had been distributed and the recommendations were considered by Cabinet.

Councillor Moriarty spoke under standing order 34 and explained that the call in had been upheld on his casting vote and had resolved as below:

RESOLVED: The Corporate Performance upheld the call in and supported the Cabinet recommendations subject to:

- 1) Requesting Cabinet to ask the Independent Remuneration Panel to undertake a review on the special responsibility allowances for them to be equitable as a matter of urgency.
- 2) Asking Cabinet to take into account the debate and discussion at the Corporate Performance Panel before coming to a decision to go forward to Full Council.

Councillor Parish addressed Cabinet under standing order 34 in support of the allocation of increased levels of opposition leader special responsibility allowances.

The Chair drew attention to the advice received from the Monitoring Officer in relation to the matter in that no changes other than inflationary should be made at this stage. He drew attention to the Cabinet's recommendations made at its meeting on 9 February.

Cabinet considered the recommendations from the Corporate Performance Panel, had listened to the members addressing Cabinet under standing order 34 and debated the matter. On being put to the vote it was agreed that the original recommendations made by Cabinet be adhered to and considered by Council at its Special Meeting on 23 March 2022.

RECOMMENDED: 1) Having considered in detail the recommendations of the IRP, Cabinet considers that there two issues for not making significant changes Members' Allowances for the year commencing 1 April 2021. Firstly, the current financial climate is not propitious for increasing the overall sum paid to Councillors, which is the effect of the IRP's review. Secondly, there have been significant changes to working practices as a result of the pandemic, with Councillors seeing a wholesale change of having to carry out all of their duties from home, with all meetings conducted via online means, i.e. Teams and Zoom. This has resulted in what might amount to permanent changes to working practices and therefore a review would be better conducted when those revisions have been fully evaluated.

2) That existing allowances be increased in line with the inflationary increase of the officers' pay award, effective from 1 April 2021.

3) In accordance with the Regulations, Cabinet recommends that allowances for a maximum period of the next 3 years commencing 2022/23 should continue to be indexed in line with the officers' pay award. This is in compliance with the Regulations. An IRP may be called at any time should the need arise or be otherwise appropriate but in any case will be called no later than autumn 2024 to conduct a further review and to report its findings in sufficient time to allow a revised scheme to be approved by Council, in accordance with the regulations, to come into effect on 1 April 2025.

4) That, subject to receiving Council approval, the pecuniary implications to be paid in the current financial year.

CAB115 **FORWARD DECISIONS**

The Forward Decision List was noted

CAB116 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

Cabinet considered the comments and recommendations from other Council bodies as below:

- 1) **Environment and Community Panel** – 15 February 2022 made comments on the Hackney Carriage and Private Hire Licensing procedures item.
- 2) **Corporate Performance Panel** – 3 March 2022 – the Panel had supported the recommendations on the Legal Services Review, and requested a minor amendment to include the Monitoring Officer in the recruitment process.

Under standing order 34 Councillor Moriarty presented the comments to Cabinet drawing attention to the comments on the

involvement of the Monitoring Officer in the appointment of Legal staff. The comments were noted.

- 3) **The CIL Spending Panel – 15 March 2022** made recommendations to Cabinet on the transfer of funding from the CIL Strategic Pot to the Community Pot in the sum of £149,079.39 in order to facilitate the award of a greater number of requests in the Community Pot.

Councillor Blunt presented the request which had been unanimously supported by the Spending Panel. He reported he would be coming back to a later meeting with a further review of the process once the review had been completed.

Under standing order 34 Councillor de Whalley spoke in support of the recommendation which he felt redressed the balance of awards given for small against large applications for funding .

Under standing order 34 Councillor Moriarty spoke in support of the recommendation and concurred with councillor de Whalley.

Under standing order 34 Councillor Parish supported the recommendation and the further review.

Cabinet considered and supported the request.

RESOLVED: That the transfer of £149,079.39 from the Strategic Fund into the Local & Community Fund be approved to allow the allocation of more CIL Funding to projects.

CAB117 **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING PROCEDURES AND CONDITIONS**

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Cabinet considered a report which explained that the Department for Transport published Statutory Standards in July 2020 setting out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Licensing Authorities were requested to consider the Standards by the end of January 2021, and were expected to make appropriate changes to their policies and procedures in early 2022.

The report incorporated the changes within the statutory standards into the Council's existing taxi and private hire procedures and conditions, and made further amendments to the same regarding the age/mileage and testing requirements of licensed vehicles.

Cabinet discussed the report and commended the amendments.

The support of the Environment and Community Panel was noted.

RECOMMENDED: That the Council be invited to adopt the revised Hackney Carriage and Private Hire Licensing Procedures and Conditions document.

Reason for Decision

Changes to the existing Hackney Carriage and Private Hire Licensing Procedures and Conditions document are required to incorporate Statutory Standards for the protection of the travelling public. Additional changes to the age and mileage of licensed vehicles are proposed to assist with financial hardship of the licensed trade, alongside additional vehicle testing requirements to ensure vehicle safety

CAB118 **REVIEW OF THE UNREASONABLE COMPLAINTS POLICY**

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The Assistant to the Chief Executive presented a report on a review of the Unreasonable Complainants Policy which had been undertaken by the Corporate Performance Panel via an informal working group.

On 1 February 2021, the Panel recommended to Cabinet that changes be made to the Policy and the Constitution, as proposed by the IWG.

Under standing order 34 Councillor Moriarty spoke in support of the report and recommendations set out in it.

Cabinet discussed the report and acknowledged the work that had gone into it. The Chair asked if any discussions had been held with the Ombudsman on the proposed changes. The Assistant to the Chief Executive confirmed she had had an informal discussion with the Ombudsman regarding the proposed changes and they thought the proposal to utilise the Standards Board was highly unusual in those circumstances. They had also expressed some concern that the imposition of the additional stage may well delay the timeframes a complainant could go to the Ombudsman. They had provided guidance that the process for a complainant should be clear and easy to access.

Cabinet acknowledged that the policy was only very rarely used, and following the information provided by the Ombudsman Cabinet questioned whether the use of the Standards Board in the process was proportionate, and could cause a delay for a complainant. The additional cost of holding standards hearings was also raised.

Under standing order 34, Councillor Moriarty suggested that Cabinet pass it back to the Panel for further consideration following the additional information. This was agreed.

RESOLVED: That the matter be referred back to the Corporate Performance Panel to give further consideration to the points raised by the Ombudsman regarding the proposed inclusion of the Standards Board as putting a further step in the path of someone making a referral to the Ombudsman.

Reason for Decision

At the Chair of the Panels request, to give the Panel the opportunity to consider those comments the Ombudsman before re-submitting recommendations.

CAB119 BIODIVERSITY TASK GROUP

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Cabinet was invited to set up a Biodiversity Task Group as agreed at the Council meeting on 10 September 2020.

Under standing order 34 Councillor de Whalley spoke in support of the report.

Under standing order 34 Councillor Parish sought clarification on the numbers of the Task Group. It was confirmed that the Chair would be one of the 3 conservatives, not an additional member.

RESOLVED: That a Task Group made up of 5 Members 3 Con, 1 Ind and 1 Lab, chaired by a Cabinet member be set up to give consideration to the issues identified in the notice of motion.

Reason for Decision

To respond to the Notice of Motion.

CAB120 EXCLUSION OF THE PRESS AND PUBLIC

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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.

CAB121 LEGAL SERVICES REVIEW

Cabinet considered a report which set out proposals for the provision of the council's legal services.

The options explored in the report were:

- Renew the arrangement with the current provider following a full review of the Service Level Agreement (SLA), excluding the Monitoring Officer role
- In-house provision with external commissioning when needed
- Section 113 delegation arrangement with another local authority
- Fully commissioned – public or private

Under standing order 34 Councillor Moriarty presented the comments from the Corporate Performance Panel who supported the recommendations with the suggested addition of the involvement of the Monitoring officer in recommendation 2. This was agreed.

RECOMMENDED: 1) That the Assistant to the Chief Executive invokes the notice period for termination of contract with the current provider (12 months)

2) That an in-house legal team be established and the resources recruited to manage the council's legal work and the Monitoring Officer be fully involved in that process.

3) That authority be delegated to the Chief Executive in consultation with the Leader of the Council to progress the project to create an in-house legal function, together with the procurement of software for the administration of the service. An in-house service is within budget, as set out in the Financial Implications within the report.

Reason for Decision

As set out in the report.

The minor amendment to recommendation 2 also takes into account the comments from the Corporate Performance Panel.

The meeting closed at 5.00 pm