

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Corporate Performance Panel**

## **Agenda**

**Tuesday, 1st February, 2022**  
at 4.30 pm

in the

**Assembly Room  
Town Hall  
Saturday Market Place  
King's Lynn**

Available to view on:

<https://www.youtube.com/user/WestNorfolkBC>



**King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX**  
**Telephone: 01553 616200**

24 January 2022

Dear Member

**Corporate Performance Panel**

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 1st February, 2022 at 4.30 pm** in the **Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

**1. Apologies**

**2. Minutes (Pages 5 - 12)**

To approve the minutes from the Corporate Performance Panel held on 8 December 2021.

**3. Declarations of Interest**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on any item or simply observing the meeting from the public seating area.

**4. Urgent Business Under Standing Order 7**

To consider any business which, by reason of special circumstances, the

Chairman proposed to accept as urgent under Section 100(b)(4)(b) of the Local Government Act 1972.

**5. Members Present Pursuant to Standing Order 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**6. Chair's Correspondence (if any)**

**7. Review of Waste Collection Contract Performance - Stage 1 (Pages 13 - 22)**

**8. Summary of 2020/2020 Outturn Position of all Council owned Companies (Pages 23 - 28)**

**9. Report of the Informal Working Group - Review of the Unreasonable Complainants Policy (Pages 29 - 45)**

**10. Corporate Complaints Policy (Pages 46 - 52)**

The Chair will introduce this item.

The Panel are invited to consider if the Informal Working Group should look at the council's current Corporate Complaints Policy and if appropriate make a recommendation to Cabinet.

**11. Improvement in Attainment in West Norfolk - Position Statement (Pages 53 - 54)**

**12. Cabinet Forward Decisions List (Pages 55 - 57)**

**13. Work Programme (Pages 58 - 69)**

To note the Panel's Work Programme.

**14. Date of Next Meeting**

To note that the date of the next meeting of the Corporate Performance Panel will take place on 3 March 2022 at 4.30 pm.

**15. Exclusion of Press and Public**

To consider passing the following resolution:

"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”.

16. **Exempt Report: Presentation on Borough Council Fleet Management**  
(Pages 70 - 75)
17. **Exempt Report: KLIC Repayment Plan**
18. **Exempt Report: Town Deal Board**

To:

**Corporate Performance Panel:** B Ayres, J Collop, I Devereux (Vice-Chair), C Hudson, J Kirk, C Manning, J Moriarty (Chair), C Morley, S Nash, S Patel, C Rose and D Tyler

**Portfolio Holders:**

Item 7: Councillor P Kunes - Environment  
Item 8 and 18: Councillor G Middleton – Business, Culture and Heritage  
Items 9 and 10: Councillor B Long – Corporate Services  
Item 11: Councillor Dark - Leader  
Item 16: Councillor A Lawrence - Property  
Item 17: Councillor Mrs A Dickinson - Finance

**Officers:**

Alexa Baker: Monitoring Officer  
Becky Box: Assistant Director Central Services/Management Team Representative  
Michelle Drewery: Assistant Director, Resources  
Lorraine Gore: Chief Executive  
Matthew Henry: Assistant Director, Property and Projects  
Nathan Johnson: Public Open Space Manager

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

**CORPORATE PERFORMANCE PANEL**

**Minutes from the Meeting of the Corporate Performance Panel held on  
Wednesday, 8th December, 2021 at 4.30 pm in the Assembly Room, Town  
Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor J Moriarty (Chair)  
Councillors B Ayres, I Devereux (Vice-Chair), C Hudson, J Kirk, C Manning,  
C Morley, S Nash, S Patel, C Rose and D Tyler

**Portfolio Holders**

Councillor S Dark, Leader  
Councillor Mrs A Dickinson, Finance

**Officers:**

Tim Baldwin, Communications Officer (via Zoom)  
Becky Box, Assistant Director, Central Services/Management Team  
Representative (via Zoom)  
Michelle Drewery, Assistant Director, Resources (via Zoom)  
Ged Greaves, Senior Policy and Performance Officer (via Zoom)  
James Hawes, Trainee Procurement Officer (via Zoom)  
Jo Hillard, CIC Manager (via Zoom)  
Andrew Howell, ICT Web Team Manager (via Zoom)  
Jo Stanton, Revenues and Benefits Manager (via Zoom)  
Wendy Vincent Democratic Services Officer

CP63 **APOLOGIES**

An apology was received from Councillor J Collop.

CP64 **MINUTES**

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The minutes of the meeting of the Corporate Performance Panel held on 8 November 2021 were agreed as a correct record and signed by the Chair.

CP65 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CP66 **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

CP67 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present under Standing Order 34.

CP68 **CHAIR'S CORRESPONDENCE**

The Chair read out the email set out below from the Assistant Director, Property and Projects to Councillor Beal and copied into himself and Councillor Middleton regarding Hunstanton Promenade Waste Water issues.

“Good to catch up with you today to discuss the waste water (and hard waste) issues that you flagged at Corporate Performance Panel (CPP) recently. I understand that the issues are :

Some kiosk tenants may be disposing of waste water, and other liquids such as frying oil, into the surface water drainage system on the promenade – that eventually discharges onto the beach.

Those kiosk operators with ice cream machines may generate fairly significant volumes of waste water (weekly) owing to the necessity to cleanse the ice cream machines thoroughly (with cleaning chemicals) potentially twice per week.

Some kiosk tenants may be disposing of hard waste in the litter bins within the Hunstanton resort. This waste is classified as Trade Waste and in theory should not be disposed of with “general waste”.

I reiterated that it was very difficult for my team (and the Resort Team) to police this issue.

Following our discussion today I propose that the way forward is :

I will get one of my team to write to all of the promenade kiosk tenants reminding them of their duties under the terms of their leases in respect of the disposal of waste and waste water. [Note – depending upon the outcome of bullet point three below – we may need to write to the kiosk traders again before next “season” starts – as a reminder]

I will make contact with the council’s Environmental Health (Food) Team to discuss general responsibilities that traders have in how they deal with waste from their kiosk operations – it is my understanding that this will all be classified as “Trade Waste”. Potentially we could then send information to each kiosk tenant.

We will look at alternative options for how to deal with the waste (both types) thereafter. This could be something that we (the council) sets up – however we would need to recoup these costs from the kiosk tenants – and this may be a sticking point.

I hope the above reflects our discussion.”

CP69 **CALL IN**

There were no call-ins.

CP70 **TOWN DEAL: YOUTH AND SKILLS RETAINING PLEDGE**

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T Humphries, Skills Policy Manager, Norfolk County Council presented the report circulated with the agenda.

T Humphries responded to questions and comments in relation to:

- Available budget.
- Allocation of funding.
- Spend per student.
- Government Green Book Appraisal.
- Cost benefit analysis.
- First project for Town Deal Board.
- Engagement with employers to identify potential candidates and recruitment process.
- Likely impact of this project on raising aspiration of young people.
- Modular training.
- Provision of services identified with other partners/training providers, for example, Adult Learning Services and the College of West Anglia.
- High Street presence to create an entrance and visibility of the project.
- Staff structure to support candidates.
- Evaluation of the project to judge if it is successful and ascertain if it made a difference to the current statistics available.

Councillor Morley commented that he would like to see the calculations for the cost benefit analysis.

The Chair thanked the Skills Policy Manager for attending and giving an informative report.

**RESOLVED:** The Panel noted the report and invited the Skills Policy Manager, Norfolk County Council to attend a Panel meeting in 2023 to provide an update.

CP71 **ANNUAL COMMUNICATIONS UPDATE**

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

The Panel received a presentation (copy circulated with the Agenda) from the Assistant Director, Central Services, Communications Officer, CIC Manager and ICT Web Team Manager.

Officers responded to questions in relation to:

- Future potential recording of telephone calls to both protect staff and Councillors. The Panel was advised a business case would be required to consider the introduction of recording telephone calls.
- Test and Trace.
- Channelshift project and various methods of communication for the public to access the council's services.
- Training received by all CIC staff.
- Increase in customers using web chat/frequently asked questions.
- Why the Borough Council was taking the lead role in the new website for the Climate Change Partnership.
- Future developments within the CIC, Communications and IT.
- You Tube representation.
- Utilising Councillors as a resource to send messages out to local communities.

In response to a question from the Chair with regard to viewing a specific planning application on the planning portal, the ICT Web Team Manager invited Councillor Moriarty to contact him following the meeting.

The Leader, Councillor Dark undertook to ascertain the figures for the initial funding for test and trace from Central Government.

The Leader, Councillor Dark outlined the work which had been undertaken by the above teams and thanked all officers for their work.

The Chair expressed personal thanks to the Graphics Team.

The Chair thanked officers for the annual update report.

**RESOLVED:** The Panel wished to continue to receive an annual update report.

## CP72 **COUNCIL TAX SUPPORT SCHEME**

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At the invitation of the Chair, the Leader, Councillor Dark addressed the Panel and explained that Councillor Sandell, Portfolio Holder was not able to be present at the Panel, and as the Leader put the report into context and explained that Cabinet was proud to propose a 9% increase in one year to help the 2,000 lowest income residents in West Norfolk. The Leader explained that the increase would be for every year going forward. The Leader drew the Panel's attention to section 5.8 of the report and highlighted that 40% of people in this group were working and 40% had children over the age of five and the majority were in the lowest council tax bands. The Leader also drew Members'



attention to section 8.2 and Appendix C which set out the impact of the Borough Council's decision on other local authorities in Norfolk.

In presenting the report, the Revenues and Benefits Manager explained that the council must implement a Council Tax Support (CTS) scheme for its working age residents for each financial year. It was highlighted that the council must first decide on a draft CTS scheme which was open for public consultation, and then must agree a final CTS scheme, taking into account the consultation responses.

The Panel was informed that since 2017, authority had been delegated to the council Leader, in consultation with the relevant Portfolio Holder and the s151 Officer, to agree the draft CTS scheme. The draft CTS scheme was open for consultation from 19 October 2021 to 29 November 2021 and the responses were included in the report.

The Revenue and Benefits Manager advised that the final CTS scheme for 2022/2023 was a continuation of the 2021/2022 CTS scheme, with an uplift to the maximum weekly CTS that can be paid under the scheme.

It was explained that the current limit of 75% would increase to 84% for 2022/2023 onwards and this would bring the council in line with several other Norfolk authorities and the CTS scheme more generous at a time when working age people may still be financially impacted by Covid-19.

The Revenues and Benefits Manager drew the Panel's attention to the key issues set out in the report.

The Revenues and Benefits Manager responded to questions in relation to the costs both to the Borough Council (£22,000) and Norfolk County Council (£361,000) for a 100% scheme.

Councillor Morley commented that in his view the council should look to increase the scheme to 100%.

Councillor Nash drew the Panel's attention to section 5.6 of the report: Customers who were in a protected group, including those who had reached pension age, were not subject to the weekly maximum council tax limit, and could receive up to 100% CTS.

Councillor Morley asked if paragraph 5.6 could be amplified so that those in dire straits could get 100% alleviation which would not have a significant impact on Norfolk County Council and would show that he Administration did care for those in the borough. In response, the Revenues and Benefits Manager explained that Appendix D provided a breakdown of those receiving up to 100% but undertook to carry out further analysis and add the information into the report.

Councillor Morley abstained from the vote to recommend to Cabinet and Council the final CTS scheme for 2022/2023.

The Chair thanked the Revenues and Manager for presenting the report and responding to questions from the Panel.

**RESOLVED:** The Panel noted the consultation responses and agreed the draft CTS scheme for 2022/2023 which went to public consultation and recommended to Cabinet and Council as the final CTS scheme for 2022/2023.

CP73 **CORPORATE PERFORMANCE MONITORING UPDATE Q2 2021/2022**

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In presenting the report, the Senior Policy and Performance Officer explained that the council's performance management framework had historically included performance monitoring and reporting of performance. Performance monitoring reports had been presented to the Corporate Performance Panel.

Members were reminded that a Covid-10 Recovery Strategy was agreed by Council on 8 October 2020.

The Senior Policy and Performance Officer advised that the report provided an update on the corporate performance monitoring indicators for the Recovery Strategy for the 2021/22 year.

The Panel's attention was drawn to the key issues set out in the report.

In response to questions from Councillor Devereux on the likelihood of continuing with Covid related performance indicators or moving more objectively towards business and commercial parameters for the new corporate business plan, the Senior Policy and Performance Officer explained that work was ongoing with Assistant Directors to develop service plans which would feed into the new corporate business plan and advised that it may be necessary to review the content in line with any forthcoming announcements.

The Senior Policy and Performance Officer responded to questions from Councillor Morley in relation to service plans meeting the corporate business plan outcomes and performance indicators.

The Chair referred to page 54 and protecting environment and tackling climate change and referred to the reintroduction of the food waste collection. The Chair added that it would be useful to have a performance measure for food waste in the year to come as a sign that the Borough Council was tackling climate change by reducing the level of waste going to landfill.

The Chair thanked the Senior Policy and Performance Officer for the corporate performance monitoring update report.

**RESOLVED:** The Panel reviewed and noted the council's performance indicators for Q2 2021/22. Performance against these indicators will continue to be reported to the Corporate Performance Panel via periodic updates.

CP74 **EMPLOYMENT MONITORING FIGURES - ANNUAL REPORT**

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The Panel received the Annual Employment Monitoring 2020/21 annual report.

The Assistant Director, Central Services outlined the background to the report.

The Assistant Director, Central Services responded to questions and comments from the Panel in relation to:

- An employee Opinion Survey being built into the review of internal communications.
- Opportunity for staff on an individual to feedback to line managers during the annual appraisal process.
- Organisational chart being available to view on Sharepoint. An overview of the structure of the council/resources and how it related to the corporate business plan would be presented to a future meeting.

The Assistant Director, Central Services advised that there was an overview of the organisation/services available on the website and it could be circulated to the Panel for information.

The Chair thanked the Assistant Director, Central Services for the annual report.

**RESOLVED:** The Panel noted the annual report.

CP75 **CABINET FORWARD DECISIONS LIST**

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The Panel noted the Cabinet Forward Decisions List.

CP76 **PANEL WORK PROGRAMME**

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The Chair invited Members to put forward any items for the future work programme.

CP77 **DATE OF NEXT MEETING**

CP78 **EXCLUSION OF 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 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act.

CP79 **EXEMPT CABINET REPORT: COUNCIL'S INSURANCE TENDER**

The Vice-Chair, Councillor Devereux was in the Chair for this item.

Councillor Moriarty did not take part in the debate on this item.

The Assistant Director, Resources presented the report and responded to questions and comments from the Panel.

Councillor Moriarty abstained from the recommendation below.

**RESOLVED:** The Panel recommend to Cabinet to approve the signing of contract(s) with the insurers that provide the best tender offers when measured against the pre-determined award criteria.

**The meeting closed at 7.07 pm**

**POLICY REVIEW AND DEVELOPMENT PANEL REPORT**

REPORT TO:	Corporate Performance Panel		
DATE:			
TITLE:	Review of New Waste Collection Contract performance – Stage 1 – a) of the contract change transition from Kier to SERCO, and b) throughout the pandemic; with actions on the lesson to be learned		
TYPE OF REPORT:	Post Implementation Review		
PORTFOLIO(S):	Environment		
REPORT AUTHOR:	Barry Brandford – Waste and Recycling Manager		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

**REPORT SUMMARY/COVER PAGE**

<b>PURPOSE OF REPORT/SUMMARY:</b>
Review of New Waste Collection Contract performance – Stage 1 – a) of the contract change transition from Kier to SERCO, and b) throughout the pandemic; with actions on the lesson to be learned
<b>KEY ISSUES:</b>
<ol style="list-style-type: none"> <li>1. Demobilisation of Kier Contract</li> <li>2. Mobilisation, Stabilisation and Delivery of the Serco Contract</li> <li>3. Relative Contract Performance against some key objectives</li> <li>4. Performance of waste related contracts through the pandemic</li> </ol>
<b>OPTIONS CONSIDERED:</b>
<p>Members may consider options in respect of contracts which are signed to be limited to the governance of the contract where this is provided for within the contract and where not provided for within the contract by Contract Standing Orders.</p> <p>Members may wish to consider if there are any areas of procurement strategy which may benefit from greater consideration for large contracts in the future.</p>
<b>RECOMMENDATIONS:</b>
Members are invited to consider what recommendations they may wish to make given the limitations provided for by contracts which have been signed or for future contract procurement and mobilisation.
<b>REASONS FOR RECOMMENDATIONS:</b>
<p>The procurement decision on significant contracts is decided as a Cabinet matter before procurement is commenced with key procurement tasks delegated to officers within the Portfolio of the service. Briefings are generally provided throughout the procurement to Directors and Portfolio Holders for their consideration.</p> <p>Contracts are managed at an operational level with clear expectations set out in contract documents with performance measured and reported on through processes set out in the contract.</p>

## **1. Introduction**

Members have requested a wide ranging report covering the following points

- Kier contract Demobilisation
- Serco contract mobilisation and stabilisation
- Waste and related contract performance throughout the pandemic

## **2. Kier Contract Demobilisation**

Settled process based upon one to one conversations with reference to contract and Licence to occupy. Kier had a mature attitude to demobilisation and provided continuing support.

- Allowed time of key managers to be available to Serco to facilitate change
- TUPE data was made available in a timely manner
- Renewal of wear and tear related to Kier occupation of the depot undertaken
- Exit plans for vehicles and plant produced and implemented

Final financial settlement completed promptly

## **3. Serco Contract Mobilisation and Stabilisation**

. The decision of the councils to award the contract to Serco was made in December 2019 and the contract contained a mobilisation plan approach which was part of the tender submission documents and a contractual document. This should have provided a clear path to mobilisation.

The initial bid was made in the knowledge of the additional risks associated with Brexit, although the scale of any impacts were unknown, provided some certainty as to the need for a number of milestones to be met. The councils applied themselves to these. However, mobilisation during the middle stages was more severely impacted by Covid 19 pandemic.

Services commenced in North Norfolk DC's area in April 2020.

Covid-19 meant that processes moved on-line and it was necessary to make appropriate adjustments and work with greater agility. This had particular effect upon the delivery of some vehicles as production was slowed. The impacts of Covid 19 pandemic do not give rise to a significant (Force Majeure) event in terms of the contract with Serco.

This council understanding the implications of Covid on service delivery during the summer of 2020 considered changes to the contract in terms of the ways in which food waste were to be undertaken compared to the initial offer from Serco. The council placed orders for vehicles to provide the services as requested by Serco in accordance with the agreed timeframe.

As restrictions eased in October 2020 substantial meetings resumed and in these meetings progress was sort which affected all parts of the service for west Norfolk. These included:

- Monitoring and Reporting
- Customer Care
- Commercial Waste Collection

- Household Residual Waste Collection
- Household Dry Recyclables Collection
- Customer Empowerment
- Bulky Waste Collection
- WEEE, Batteries and Textile Collection

All of the councils sort assurance on the quality, extent and contractual compliance with all of the terms in the contract project agreement.

The work on a number of these points has not seen to date full delivery. These include:

- Battery and small electrical items for recycling
- Data capture and reporting
- Missed collections rectified promptly
- Technology to support delivery of services, on vehicle video & photographs
- Detailed emergency and business continuity plans
- Complaint processes which support the customer
- Remove the use of agency staff
- Use of smaller collection vehicles for difficult to access sites
- Bulky item reuse scheme
- Commercial Manager to help grow our trade waste business
- Weekend litter bin empties working extended hours
- Environmental Improvement Trust Grants

Areas such as the collection of batteries and small electrical items has not commenced. Progress has been made but the solutions to problems first identified to Serco during the bid stage are only now being resolved.

Areas which also remain unresolved relate to the design and implementation of new collection rounds. Serco targeted reductions in carbon di oxide emissions through the design of services, as well as through more efficient vehicles. Only in November 2021 have Serco shown indicative progress towards the creation of these rounds. Serco have said that these were disrupted due to changes in the amount of waste due to Covid 19. There has to be a degree of sympathy for that position.

Restructuring of collection rounds means that the rounds currently used are those generated by Kier and do not take full account of housing growth. The legacy of such is that some rounds have too much work to do an example of this is the round that works in North Lynn where there has been substantial new development of houses. Garden waste rounds are additionally under pressure due to the increase in the number of subscribers. Serco have identified the need for additional collection vehicles. These are as follows:

- Garden Waste
- Mixed Dry Recycling

The capital cost of these vehicles is estimated at £350,000.

Additionally, the use of legacy rounds has created issues once food waste collections were recommenced in July 2021. The rounds do not require an even allocation of personnel across the

working week to collect food waste caddies. There is a peak in use of this labour in the middle of the week, where King’s Lynn and its immediate environs are collected. Prior to both Brexit and Covid there were ample available agency staff willing to work part weeks to fulfil the service. Since July this year there has been a considerable shortage of labour to deliver this work. Additional burdens have been carried by crews who have worked short staffed and delivered the contract services. Serco have rewarded these staff but it can not be overstated how much they have done extra. The profile for loader deployment is considered a key risk where it is based on agency staff and the aim of the council is to ensure that the distribution of work in new rounds provides full time permanent employment opportunities and therefore stabilise the current position. The use of agency labour was to be removed by Serco as part of the contract. The change has not been delivered.

Covid related impacts have been more significant on the proposals for re-use of bulky waste and its collection and the reduction in activity by re-use partners has been identified as a problem in providing this service. However, Serco have not made any concrete proposals for collection and storage prior to passing items on for re-use.

The proceeding paragraphs have identified a number of areas which cause substantial concern to this council. These have been raised with Serco. The contract provides for three level of meeting:

1	Local	Local managers and the local Contract Manager and the Senior Contract Manager for Serco
2	Cross Contract Officers	Local managers with Senior Contract Manager and Regional Contract Manager and Managing Director for Serco
3	Members Board	Portfolio Holders supported by Officers and Senior Contract Manager and Regional Contract Manager and Managing Director for Serco

These meetings are minuted and programmed.

A further risk for the council is that Serco have been unable to produce an invoice pro-forma for the council identifying work volumes against the bill of quantities, income due to the council and other deductions and sums owed. Although the council can be fully certain of our estimates and expectations the absence of progress on billing is a concern. Serco.

The period of Mobilisation and Stabilisation in the contract ended at the start of August 2021 for this council. Prior to that date, as is normal for a contract of this nature, full application of certain contract conditions are waived. These will normally relate to contract deductions for the failure to deliver services fully in accordance with the project agreement.

In line with our working model for contract management the council expects to have all of the expected services delivered fully. It is incumbent on Serco to identify, record and report its performance and for the council to test and examine the information provided. Serco have not been able to produce reliable data on performance.

Performance deductions fall in to two categories

1. Administrative & Technical
2. Service Delivery



The council has identified significant shortcomings in both areas of performance and raises our concerns routinely at each appropriate level. The administrative and technical failures impinge on the internal workings of the council and cause officers to have to undertake additional work to review and assess performance and undertake checks on back office functions and does cause additional work for officers in waste management and elsewhere. They also cause increased demands on local service managers and supervisors in Serco. Serco must be obliged to meet their obligations.

The areas of service delivery which concerns the council more significantly are those which directly affect the customer through their interactions with Serco. Missed collections and missed assisted collections are higher than under the Kier contract and higher than can be reasonably tolerated. In the second phase of the report due to the Panel in 2022 these will be reported. The technical and administrative failures currently do not provide Serco with confidence in reporting these. Serco have said that the errors will be resolved in December 2021. Data for December 2021 has been provided but is not fully complete.

Contract and Contract management practices allow the council to raise these points locally and across the wider contract. This council is robust in raising its concerns.

Each contract meeting at a local level has the discussion on Health and Safety and Service Delivery. Health and safety is always a greater priority as risks to employees of Serco in providing services to residents is always greater than the health and safety outcomes of not providing services on any given day. The loss through accidents, of any seriousness, of employees will affect the ability to deliver services more significantly than any other factor in the waste collection industry. Our workers must go home safe and well at the end each day.

Service delivery focusing on the delivery of services to the most vulnerable through assisted lifts and clinical waste is the most important part of service delivery. The target for Serco, as for Kier previously, is zero defects. Each missed assisted lift bin not immediately rectified is a defect. The level of the cost of the defect represents the cost of dealing with the failure. The cost of the defect is greater than the cost of delivering the individual service for the year in the bill of quantities.

The council can step in to deliver failing service elements ourselves or employ alternate contractors. Our ability to deliver large scale interventions on this type of contract is very limited. If this were undertaken the unit cost would be higher for any activity and this would be recharged to Serco. The step in rights require one of a number of requirements to be met but the two most immediately available is the breach of statutory duty or failure to rectify any failure for 20 working days. This is a high threshold. Power to step in is not a measure lightly taken.

The cost of the services is fully contained within the service budgets and the approach which officers will recommend is that where contract deductions are made that these are used to support and improve services within Waste Management as part of the Public Open Space service area.

Serco as previously stated have used the legacy rounds from Kier whilst they create and refine their proposals. Serco propose to make round changes in May 2022. Communication of changes and the deliverability of proposed rounds and resources are a key risk. Serco have committed to provide

additional resources to prevent disruption which shall be important due to the Jubilee Bank Holidays during the period of change.

The provision of robust business continuity measures would provide a degree of confidence in the ability of Serco to implement changes in May 2022. The council has concerns over the strength of measures which will be implemented to protect services in west Norfolk. The council has asked for the plans which Serco have in place.

The council had to significantly support Serco during issues of fuel supply in September 2021, beyond that which we would have expected to have to undertake.

The council have asked for specific measures to be provided by Serco to provide reassurance these include:

- Flu Pandemic
- Weather disruption (Snow, Ice and Flood)
- Fuel supply disruption

These the business continuity events can be anticipated to impact during the time of this contract and the ability of a major contractor to have resilience measures is a contract requirement.

### Key Performance Indicators

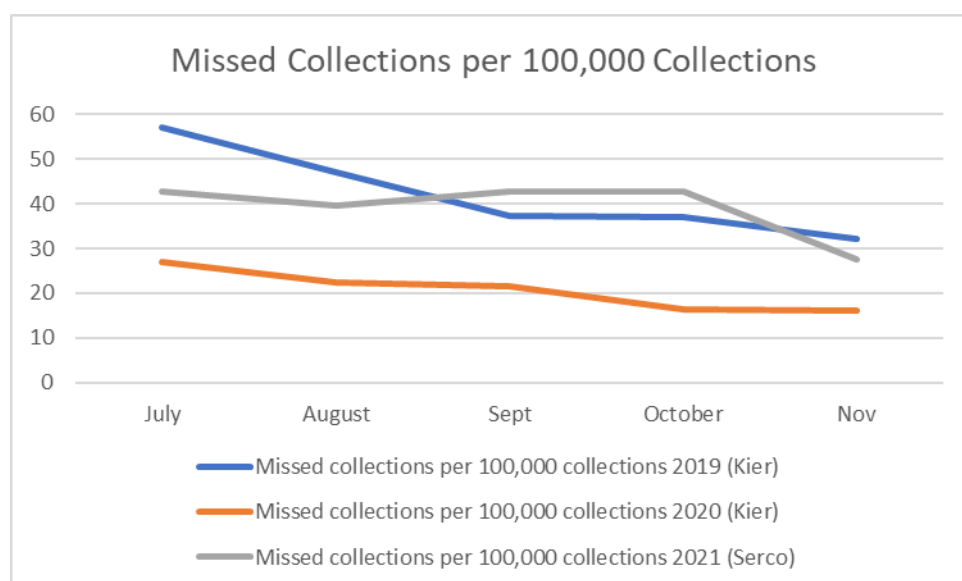
The performance of Kier and Serco have been assessed for the period of July to November 2019 & 2020 against the same months in 2021. Food waste collections are excluded and additional garden waste bins added to provide a very close comparison.

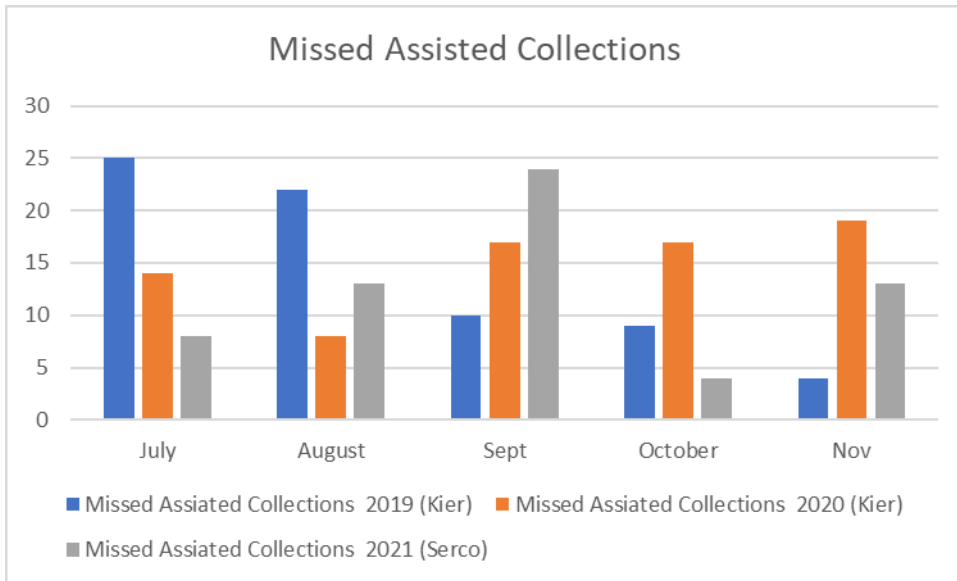
Performance measure for missed bins per 100,000 collections were set in the Kier Contract

Original	15 per 100,000
Revised	25 per 100,000

Targets is that there are 0 (Nil) missed Assisted Collections

Trade Waste missed collections less than 2 per week





#### 4. Performance of waste contracts during the Covid 19 pandemic

The contracts covered by this section of the report include the following

- Waste Collection and Related Services 2011-2021 (Kier)
- Waste Collection and Related Services 2020-2029 (Serco)
- Comingled Dry Recyclable Waste 2013-2024 (NEWS)
- Tip & Haul Residual Waste SLA (NEWS)

It should be fully recognised that each of these agreements have their own construction of contract clauses and although they may have common naming structures (Force Majeure) the effect of the wording creates very different levels of obligation on the parties to the contract.

Pandemic has three levels of control

- Public Health and Health and Safety
- Business Continuity
- Contract Provisions

The council and its contractors are provided with a range of advice sources throughout the period of the pandemic from national sources and were subject to national restrictions which impacted services and formed a framework for service delivery. National guidance was published for local authority procurement and contract management practices. This guidance additionally clearly articulated the expectations that would apply to those who supply goods and services to the public sector during the period of the pandemic.

Sources of information, external to the council, which were considered during the pandemic included:

- Public Health England
- DEFRA
- DHCLG
- Department for Transport
- Health and Safety Executive
- Cabinet Office
- Environment Agency
- Waste Industry Safety & Health Advisory Group

Initial preparations for Covid 19 pandemic were commenced in February 2020. During March 2020 evidence of the impacts of Covid 19 became apparent with staff absences and service difficulties. This led to the disruption of services including:

- Garden Waste Collections
- Bulky Waste Collections
- Bin deliveries

The council received from Kier a claim for Force Majeure during March and conducted negotiations during this time. The council additionally arranged for Kier to employ up to 10 additional drivers for RCV's at the council's expense to ensure continuity of service. The number actually employed maximised at 5 due to the availability of qualified drivers.

Safe operating arrangements required that the number of operatives in a vehicle were minimised and formed a fixed team. This meant that food waste collections would only be possible in very limited areas. The ability to deliver a consistent and readily communicable service to the public was not possible. Therefore as of the 6<sup>th</sup> of April 2020 food waste collections were withdrawn.

The council had examined a number of alternative scenarios for food waste collection but these were not viable in terms of service cost or capability of consistent delivery.

The 6<sup>th</sup> April 2020 was the date when garden waste collections and bulky waste collections resumed and food waste collections ceased. The council also took on the delivery of garden waste bins and the clearance of excess waste from Bring Sites as Norfolk County Council had closed HRWC's and bring site operators had ceased emptying sites temporarily as they were concerned over key worker status.

Kier as a company and especially its workforce locally worked extremely hard for the benefit of the council and residents of west Norfolk. The council supported Kier with additional drivers until the close of August 2020. However, the ability to deliver food waste collections was still imposed. The negotiations with Kier also provided in the direct removal of costs from the council for the services which Kier were unable to deliver.

The monthly contract saving was £25,500 per month for costs not incurred by Kier due to the decisions which had to be made under the contract and following the guidance issued by the Cabinet Office. The Council additionally lost income from Recycling Credits paid by Norfolk County Council of £16,000 per month.

The council created plans for the reintroduction of food waste collections after the government provided details of activities within the 'Road Map'. The initial plan was for late June 2021 but this was delayed until 19 July 2021.

Serco have delivered the reintroduction of food waste collections. Part of the impact of the legacy of withdrawing food waste collections has been two fold. Firstly, the ability to recruit a workforce to deliver the collections where they are only engaged for two or three days each week, in an environment where furlough was still applied hindered recruitment. Collection teams were working short handed at times and Covid 19 related absence was still a factor in service delivery.

Residents have become less accustomed to using food waste collection service and considerable efforts have been made to communicate and supply caddies to residents. The results of resumed collections are set out below compared to the same months in 2019 the amount collected is in Tonnes.

#### Comparative Food Waste Collection Tonnages

<b>Year</b>	<b>2019</b>	<b>2021</b>
July	250	12
August	257	72
September	219	145
October	258	144
November	232	156

Payment reductions to Serco for not providing the food waste service remain unresolved and form part of the wider contract mobilisation, although a formal offer has been received but not yet evaluated.

The council did see some benefits from Covid19 pandemic which included greater levels of recycling and sales of garden waste bins. An additional 2,000 brown bins subscriptions were received in the period of the pandemic. The tonnage of recycled in green bins increased by nearly 600 tonnes as people stayed at home.

The impacts on processing of collected material due to Covid19 has included outbreaks at processing sites for collected material. A substantial loss of capacity in the first quarter of 2021 was narrowly

avoided. The council has accepted under that contract the need to make payments to reflect the additional cost of keeping facilities safe and available for waste processing during the last year.

Haulage of waste from King's Lynn to Wisbech for disposal has not been affected although the amount of waste has increased. This is partially due to food waste being in the black bin and more waste being produced as people stayed at home more.

## **5. Consultation**

Serco have been consulted on the presentation of performance figures and representatives from Serco will be in attendance to answer questions which may arise from this report.

**REPORT TO CORPORATE PERFORMANCE PANEL**

<b>Open/Exempt</b>		Would any decisions proposed :			
<b>Any especially affected Wards</b> All	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary/	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Dickinson, Finance Portfolio Holder E-mail: <a href="mailto:cldr.angie.dickinson@west-norfolk.gov.uk">cldr.angie.dickinson@west-norfolk.gov.uk</a>		Other Cabinet Members consulted:			
Lead Officer: Michelle Drewery E-mail: <a href="mailto:michelle.drewery@west-norfolk.gov.uk">michelle.drewery@west-norfolk.gov.uk</a> Direct Dial: 01553 616432		Other Officers consulted:			
Financial Implications YES	Policy/ Personnel Implications NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO

Date of meeting: 1 February 2022

**COUNCIL WHOLLY OWNED COMPANIES ACCOUNTS 2020/2021**

<p><b>Summary</b> The report sets out in summary the outturn for 2020/2021 for West Norfolk Housing Company, West Norfolk Property Company and the interim update for Alive West Norfolk.</p> <p>West Norfolk Housing Company Ltd Accounts have been audited and published to Companies House. The Company achieved a surplus after taxation of £211,594 for the year ended 31 March 2021.</p> <p>West Norfolk Property Company Ltd draft accounts are with the Accountants for preparation. The Company had only been actively trading for four months of the year and provisionally reports a surplus after tax of £8,014.</p> <p>Alive West Norfolk draft accounts are with the Accountants for audit which is expected to be completed in January 2022.</p> <p><b>Recommendation</b> <b>The Corporate Performance Panel are invited to note the outturn for West Norfolk Housing Company, the provisional outturn for West Norfolk Property Company and the interim update for Alive West Norfolk.</b></p> <p><b>Reason for Decision</b> The information is provided to inform the Corporate Performance Panel of the status of the Accounts for the Council's Companies for the period ended 31 March 2021.</p>
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## 1 Background

### 1.1. West Norfolk Housing Company Ltd

West Norfolk Housing Company Ltd was set up by the Council and incorporated on 12th September 2016. As a registered provider of social housing, the principal activity of the company is the provision of social housing in the borough of King's Lynn and West Norfolk. The Company's accounting period for 2020/2021 is from 1 April 2020 to 31 March 2021. The accounts of the company for the period ended 31 March 2021 have been audited by Ensors Accountants LLP. Final accounts have been submitted to Companies House and The Regulator of Social Housing.

### 1.2. Table 1 - Statement of Comprehensive Income – Extract from Financial Statements

		2020/2021	2019/2020
	Note	£	As restated £
Turnover	1	<b>666,367</b>	176,001
Operating costs	2	<b>(559,760)</b>	(148,942)
Other income	3	<b>32,422</b>	29,476
<b>Operating surplus</b>		<b>139,029</b>	56,535
Interest and financing costs	4	<b>(107,965)</b>	(41,432)
Other gains and losses	5	<b>238,081</b>	
<b>Surplus before tax</b>		<b>269,145</b>	15,103
Taxation	6	<b>(57,551)</b>	(5,913)
<b>Surplus for the year and total comprehensive income</b>		<b>211,594</b>	9,190

#### Notes to Table 1.

1. Turnover has increased in the year by £490k. £302k of this increase is attributable to the housing benefit generated from the lease of the Homeless Pods and Travelodge during the 'Everyone In' initiative. A corresponding lease payment of £302k is shown under operating costs.
2. Costs have increased in line with turnover, with costs of £441k attributable to affordable rent scheme homes. These costs include voids, bad debts, and services charges. £119k is attributable to the cost of sale for the first tranche of the shared ownership properties.
3. Other income comprises grant income released in the year to match costs incurred with the acquisition and management of properties within the portfolio.
4. Interest and financing costs includes £84k of interest owed to the Council on loans drawn to acquire properties and £24k on the lease liability attributable to the Broad Street flats leased from the Council.
5. Other gains and losses solely include the fair value gain on the properties. This has been arrived at on the basis of an external valuation carried out.
6. Tax includes both the corporation tax charge for the year, along with the movement in deferred tax which has risen from the fair value gain.



**1.3 Table 2 - Statement of Financial Position – Extract from Financial Statements**

		<b>2020/ 2021</b>	<b>2019/ 2020</b>
	<b>Note</b>	<b>£</b>	<b>As restated £</b>
<b>Fixed assets</b>			
Investment properties	7	<b>2,866,692</b>	1,852,703
Right of Use Assets	8	<b>102,381</b>	107,638
		<b>2,969,073</b>	1,960,341
<b>Current assets</b>			
Properties held for sale		-	34,635
Trade and other debtors	9	<b>134,943</b>	141,834
Cash and cash equivalents		<b>73,919</b>	353,863
		<b>208,862</b>	530,332
<b>Creditors: Amounts falling due within one year</b>	10	<b>(643,882)</b>	(583,168)
<b>Net current assets/(liabilities)</b>		<b>(435,020)</b>	(52,836)
<b>Total assets less current liabilities</b>		<b>2,534,053</b>	1,907,505
<b>Creditors: Amounts falling due after more than one year</b>	11	<b>(2,267,934)</b>	(1,898,215)
<b>Provisions for liabilities</b>		45,235	-
Deferred tax liabilities			
<b>Total net assets</b>		<b>220,884</b>	9,290
<b>Reserves</b>			
Income and expenditure reserve		<b>220,784</b>	9,190
Share capital		<b>100</b>	100
<b>Total reserves</b>		<b>220,884</b>	9,290

Notes to table 2.

7. Investment properties comprise the 24 affordable rent homes, as well the value of the remaining % of the 5 shared ownership properties. The increase is expected with the new properties acquired in the year.
8. Right of use assets represents the 7 flats leased from the Council. IFRS 16 requires companies to recognise leases on the balance sheet, as a corresponding asset and lease liability. The lease liabilities are included within current and non-current creditors below.

9. Trade and other debtors are comprised accrued income from Broadland, along with a small number of prepayments with the council.
10. Creditors due within one year is mainly comprised of deferred grant income of £450k, and accruals of £156k. Accruals largely consist of recharges due with the council, and Broadstreet costs.
11. Non-current creditors include the loans from the council of £2.16m, in addition to the long-term lease liability of £112k.

#### 1.4 West Norfolk Property Company Ltd

West Norfolk Property Ltd was set up by the Council and incorporated on 12th April 2018. The Borough Council of Kings Lynn & West Norfolk holds 100% of the allotted ordinary shares in West Norfolk Property Ltd. The draft accounts of the company for the period ended 31 March 2021 are currently with the accountants for preparation. Board made the decision to not undertake an audit of the financial statements due to the company being below audit thresholds and only actively trading for 4 months of the year.

#### 1.5 Table 3 - Statement of Comprehensive Income – draft

	<b>Period end 31/03/21</b>
Turnover	65,414
Operating costs	(55,520)
Operating surplus	9,894
Interest and financing costs	-
Other gains and losses	-
Surplus before tax	9,894
Taxation	(1,880)
Surplus for the year and total comprehensive income	<b>8,014</b>

- 1.6 Turnover in the period has been generated from the rental of 20 properties. These properties are leased from the council to the company.
- 1.7 Operating costs include initial estate agent letting fees, insurance costs and the above-mentioned lease payment to the council.

**1.8 Table 4 - Statement of Financial Position – draft**

<b>Current assets</b>	
Amounts owed from Parent	52,207
Trade and other debtors	13,173
Share capital unpaid	100
Creditors: Amounts falling due within one year	(55,487)
<b>Net current assets/(liabilities)</b>	<b>9,993</b>
Provisions for liabilities	(1,879)
<b>Total net assets</b>	<b>8,114</b>
<b>Reserves</b>	
Income and expenditure reserve	8,014
Share capital	100
<b>Total reserves</b>	<b>8,114</b>

**1.9** Amounts owed from parent relate to the council bank account which the company used in the interim period until the company account was set up.

**1.10** Trade and other debtors include prepayments of £12,480 – this relates to Estate agent management fees for 3 years paid in advance

**1.11** Creditors relate to the lease payment to the council – this was accrued for at the year end.

**1.12 Alive West Norfolk**

The company was incorporated on 1 February 2019, its principal activity is to provide the operational day to day services for four sports facilities and a theatre including all the catering functions at the facilities. The Company's accounting period for 2020/2021 is from 1 April 2020 to 31 March 2021. The draft accounts of the company for the period ended 31 March 2021 are audited by Ensors Accountants LLP. This audit is expected to be completed in January 2022.

**2 Options Considered**

Not Applicable.

**3 Policy Implications**

Not Applicable.

**4 Financial Implications**

**4.1** All the companies are subject to Corporation Tax on taxable profits that are generated. Corporation Tax is currently at 19%. There is consideration to obtain external tax advice in order to minimise the risk and impact of Thin Capitalisation, as this can increase the Corporation tax charge payable. A company that has a very low equity capital as compared to the amount of

debt that it owes is described as thinly capitalised. Thin Capitalisation currently affects West Norfolk Housing Company and could affect West Norfolk Property in the future.

- 4.2** West Norfolk Housing Company and Alive West Norfolk are set up as not for profit. This means that any residual profits after Corporation Tax are to be re-invested into the company and dividends are not payable to shareholders. The investment of surplus funds ensures that company objectives are being met.

**5 Personnel Implications**

Not Applicable.

**6 Environmental Considerations**

Not Applicable.

**7 Statutory Considerations**

Not Applicable.

**8 Equality Impact Assessment (EIA)**

Not Applicable.

**9 Risk Management Implications**

- 9.1** The council seeks independent external advice to ensure the Companies are operating in accordance with relevant regulations. A governance review is currently underway of the Companies. This will set out recommendations to ensure company structures are operating efficiently to deliver the councils objectives. The review will also consider if sufficient levels of independence and expertise are represented on the board of directors for each company.

**10 Declarations of Interest / Dispensations Granted**

Not Applicable.

**11 Background Papers**

West Norfolk Housing Company Statement of Accounts for year ended 31 March 2021.

**POLICY REVIEW AND DEVELOPMENT PANEL REPORT**

REPORT TO:	Corporate Performance Panel		
DATE:	20 December 2021		
TITLE:	Review of the Unreasonable Complainants Policy		
TYPE OF REPORT:	Policy development		
PORTFOLIO(S):	Leader of the Council		
REPORT AUTHOR:	Alexa Baker, Monitoring Officer		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

**REPORT SUMMARY**

<b>PURPOSE OF REPORT/SUMMARY:</b>
To report back on the work of the Informal Working Group (“IWG”) established to consider the Unreasonable Complainants Policy so that the Panel may consider whether to recommend some or all of the proposed changes to Cabinet
<b>KEY ISSUES:</b>
The IWG agreed proposed changes to the current Unreasonable Complainants Policy which are set out as tracked changes at Appendix 1. Proposed connected changes to the Constitution are also set out at Appendix 4.  The Panel is requested to consider Appendices 1 and 4 in particular, with a view to considering whether they wish to recommend some or all of the proposed changes onwards to Cabinet.
<b>OPTIONS CONSIDERED:</b>
The Panel may resolve that all, some or none of the proposed changes proposed by the IWG are recommended to Cabinet for consideration.
<b>RECOMMENDATIONS:</b>
To consider the proposed changes set out at Appendices 1 and 4 and resolve whether to recommend all, some or none of the proposed changes onwards to Cabinet.
<b>REASONS FOR RECOMMENDATIONS:</b>
The IWG was constituted by the Panel to review of the Unreasonable Complainants Policy and the Panel should consider the work carried out by the IWG as set out in this report and whether it wishes to make any recommendations to Cabinet for changes to one of the Council’s policies.

## **REPORT DETAIL**

### **1. Introduction**

On 8 November 2021 the Corporate Performance Panel resolved as follows with regards to the review of the Unreasonable Complainants Policy:

*RESOLVED: An informal working group be set up to consider the proposals put forward by Councillor Nash and to report back the findings at a future meeting of the Corporate Performance Panel.*

The purpose of this report is to set out the work of the duly constituted Informal Working Group (“IWG”) consisting of Cllr Ayres, Cllr Manning, Cllr Moriarty and Cllr Nash who met as a group on 24 November 2021 and 1 December 2021.

### **2. Proposal**

During the two meetings held, the IWG came to an agreement on proposed changes that it wished to recommend to CPP for consideration which are set out as tracked changes to the current Unreasonable Complainants Policy. This tracked changed document is attached as Appendix 1.

The minutes for the IWG are set out as Appendices 2 and 3 respectively.

### **3. Issues for the Panel to Consider**

The Panel is recommended to review the content of the draft changes to the Unreasonable Complainants Policy attached at Appendix 1 and consider whether some or all of those changes should be recommended onwards to Cabinet.

If the Panel are minded to recommend changes to the terms of reference of the Standards Committee, this would ultimately require a change to the Constitution. In anticipation of this, proposed changes are set out at Appendix 4 and it is suggested that any recommendation to Cabinet to amend the Unreasonable Complainants Policy also contain a recommendation that the Constitution be duly amended in accordance with the proposed changes at Appendix 4.

### **4. Corporate Priorities**

The purpose behind adopting an Unreasonable and Persistent Complainers Policy is to support good governance and fair treatment towards complainants that fall within the definition of the policy.

### **5. Financial Implications**

None

### **6. Any other Implications/Risks**

Having a policy in place which is applied to complainants falling under the definition of the policy will form part of any relevant responses to the Local Government and Social Care Ombudsman, where complaints are progressed to them.

### **7. Equal Opportunity Considerations**

The Council's Equality Policy would apply to the consideration of any complainant under the Unreasonable and Persistent Complainers Policy.

#### **8. Environmental Considerations**

None

#### **9. Consultation**

None as reporting back on the work of a duly constituted informal working group.

#### **10. Conclusion**

The Panel review the proposed changes to the Unreasonable Complainants Policy attached at Appendix 1 and proposed changes to the Constitution at Appendix 4 and consider whether to recommend some or all of these changes to Cabinet.

#### **11. Background Papers**

Guidance on managing unreasonable complainant behaviour from the Local Government & Social Care Ombudsman at <https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>



## **BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

### **POLICY ON MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR**

#### **UNREASONABLE COMPLAINANTS POLICY**

This policy sets out our approach to the exceptional circumstances when complainants pursue a particular complaint in a way that is unreasonable. We aim to deal fairly, honestly, consistently and appropriately with all complaints, but we retain the right to restrict or change access to our services where we consider a complainant's actions to be unreasonable. Our aim in doing this is to ensure that other complainants and our staff do not suffer any disadvantage from complainants who act in an unreasonable manner.

This policy will not affect anyone's rights under the Data Protection Act [1998-2018](#), [Human Rights Act 1998](#) or the Freedom of Information Act 2000 or their rights in respect of other complaints they wish to make.

#### **DEFINITION OF UNREASONABLE BEHAVIOUR**

People may act out of character when under stress and we do not view behaviour as unreasonable because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on workloads and unacceptable behaviour towards staff. Such actions have been grouped under three headings:

##### **1. Unreasonable Persistence**

Examples include:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of the complaints procedure despite having been provided with information about the

November 2019



procedure's scope. Insisting on the complaint being dealt with in a way, which is incompatible with the adopted complaints procedure or with good practice.

- Making what appears to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced. Changing the basis of the complaint as the investigation proceeds and/or denying statements, he or she made at an earlier stage.
- Introducing trivial or irrelevant new information, which the complainant expects to be taken into account, and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

~~• Adopting a 'scattergun' approach: pursuing parallel complaints on the same issue with various organisations after the complaint has been dealt with, the council consider the matter closed and an alternative route for the complaint has been made available to the customer i.e. Local Government and Social Care Ombudsman, Appeals Tribunal etc.~~

- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is investigated or has been completed. For example, excessive telephoning or sending emails to council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaints process has been completed, essentially about the same issue, with additions/variations, which the complainant insists make these 'new' complaints, which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision. Continually contacting members and officers of the council following a decision. The council will consider any **new** evidence presented in respect of the complaint up to two years following the resolution of the complaint. This is in line with the council's retention strategy for corporate complaints, taking account our responsibilities under the General Data Protection Regulations (GDPR).
- Combinations of some or all of these.

~~• The council will consider new evidence if presented within 2 years of the original complaint.~~

November 2019

- This policy does not preclude complainants submitting complaints on matters unrelated to the complaint which has resulted in them being placed on the unreasonable complainants register. Any further complaints will be dealt with on their merits.

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When we find a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour. If the behaviour continues, we will take action to restrict the complainant's contact with the Council. Any such restrictions will be proportionate after consideration by the appropriate Assistant Director, in consultation with ~~the an~~ Executive Director ~~and the Chair or Vice Chair of the Standards Committee~~. The most likely outcome would be:-

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- a) requesting contact in a particular form (e.g. by letter only)
- b) requiring contact to take place with a named member of staff and by prior appointment only
- c) restricting telephone calls to specific days and times; and /or
- d) Requesting the complainant enter into an agreement about their contact.
- e) where a) to d) fail to stem unreasonable behaviour, to advise the complainant that all further correspondence and complaints on or closely related to the same subject will be read and filed without acknowledgement and no further response will be sent by officers of the Council, unless the complaint contained new evidence/information.

The reason for the restriction will be recorded and the Assistant Director, in consultation with the Executive Director ~~and the Chair or Vice Chair of the Standards Committee~~ will state how long any restriction will apply for before it is reconsidered.

Restrictions on contact will be automatically reviewed every six months, to determine whether the restrictions imposed are still necessary and should remain, as it specifically relates to the original complaint. This review will be carried out by an Assistant Director and an Executive Director.

The complainant will be notified of the decision to place them on the register by letter. They will also be notified of the result of the 6-monthly review, unless there are good reasons not to do so.

## 2. Aggressive or Abusive Behaviour

The Council recognises that customers who feel dissatisfied with the service they have received may feel angry about their treatment. However, the Council has a duty of care towards the safety and welfare of its staff.

Examples of unreasonable behaviour include any action or series of actions, which are perceived by the staff member to be abusive ~~or~~, threatening ~~or offensive~~ whether

November 2019

they are delivered verbally, in writing or via social media in the form of Cyber Abuse, if the council is made aware of it. This includes not only behaviour directed at them, but also their families or associates. If a staff member feels threatened by a complainant, they should report their fears and the reason for them, to their line manager. The line manager will record the details and as part of the action arising from his/her, investigation will consider-

- Writing to the perpetrator requiring no repetition of the behaviour and, if necessary, setting conditions and restrictions for further contact with staff.
- Whether to report the matter to the Police or take other legal action-

If dealing with such behaviour in a telephone conversation, the staff member should tell the complainant that they would terminate the call if the behaviour continues. If, despite this warning the behaviour continues, the contact should be terminated and a note placed on the case file recording the circumstances of the termination. Staff will respond to repeated calls in the same way.

Repeated calls may be deemed harassment, which, after consultation with the Executive Director, may be reported to the Police.

## **2.1 Cyber Abuse**

~~The council or sCouncillors and staff~~ (individual or groups) may become targets of cyber abuse, which may include threats both direct and indirect, harassment, ~~embarrassment~~, defamation, impersonation, insults or prejudice based abuse e.g. homophobic, sexist, racist or other forms of discrimination. Channels include email, mobile phones, website, chatrooms and social networking sites such as Facebook and Twitter. These actions can intrude into a victim's private life.

Any such incident will be investigated and appropriate action taken from writing to the perpetrator requesting they cease and delete all offending material to reporting the matter to the Police.

## **3. Unreasonable Demands**

Complainants may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples might include demanding responses within an unreasonable timescale, insisting on speaking to or seeing a particular member of staff, continual phone calls or letters.

November 2019

We consider these demands to be unreasonable if they start to disproportionately impact substantially on the work of staff, such as taking up an excessive amount of staff time to the disadvantage of other customers or services. Actions falling within this category will be dealt with as set out in “Unreasonable Persistence” above.

#### 4. Implementation of the Policy

In cases where this becomes necessary, we will write to the complainant saying why we believe their behaviour is unreasonable, what action we are taking and the duration thereof.

We will also tell them how to challenge the decision if they disagree with it, ~~and to~~ whom such an appeal should be addressed and the time frame for submission of this request.

~~Where a complainant continues to behave in an unacceptable fashion, the Assistant Director in consultation with the Executive Director and Chair or Vice Chair of the Standards Committee may authorise staff to terminate contact with the complainant on the subject of the complaint(s) and discontinue any further investigation. Any further contacts regarding the complaint in writing will be read and placed on file without acknowledgement. Telephone calls will be terminated and logged.~~

~~In taking the action described above, it is emphasised that this This policy will only be used as a last resort and after all other reasonable measures have been taken to resolve complaints following the appropriate procedure. Judgement and discretion will be applied to ensure that contacts from the complainant about matters other than the complaint are not ignored and that as a result there is a failure to respond to a request for service or other information.~~

New complaints from customers who have been regarded as unreasonably persistent complainants will be treated on their merits.

Withdrawal of any action taken under this policy must be undertaken in following consultation ~~with the~~between an Assistant Director and ~~the~~an Executive Director ~~who authorised it in consultation with the Chair or Vice Chair of the Standards Committee.~~

November 2019

## 5. Appeals Procedure

~~A complainant can appeal a decision to classify them an unreasonably persistent complainant invoke this policy against them by submitting their request in writing to the Chief Executive within 28 days of the “Decision”.~~

~~The “Decision” for the purposes of this section includes:~~

- ~~a) A decision to impose restrictions under this policy~~
- ~~b) The decision on any review of the imposition of restrictions under this policy~~

~~There shall be only one opportunity to appeal each separate Decision.~~

~~Additionally, an appeal may also be requested under this section where relevant new evidence is submitted by the complainant which specifically relates to the original complaint.~~

~~The appeal shall be determined by the Council's Standards Committee, which will include an Independent Person appointed by the Council. The complainant will have the right to attend and bring a representative if they choose.~~

~~Upon an appeal request being accepted, the complainant will be sent a copy of the appeal hearing procedure which will set out the date by which their representations must be submitted and the date of the hearing.~~

~~The decision of the Standards Committee will be final, however the complainant will still have the right the right to complain to the Local Government and Social Care Ombudsman about the way their appeal was handled and/or to seek a judicial review of the final decision.~~

~~A senior member of staff who was not involved in the original decision will consider the appeal, together with the Chief Executive Officer, a member of the Standards Committee, not involved in the original decision and the council's Independent Person. They will then advise the complainant in writing either that the original decision has been upheld or if a different course of action has been agreed.~~

## 6. Unreasonably Persistent Complainants and links to other policies

The council's policy on Unreasonably Persistent Complainants aligns with other council policies, which include but is not limited to, Equality Policy, Health, Safety and General Welfare, Harassment Policy, Codes of Conduct for staff and Councillors and Freedom of Information and General Data Protection Requirements.

November 2019

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## **7. Confidentiality**

All complainants have the right for their information to be kept confidential. The appropriate Executive Director and the Monitoring Officer only will retain records of complainants who are registered as unreasonably persistent. Information of who is on the register will be released to officers/members only if it is necessary for the reasons of health and safety or for them to perform their functions properly and to discharge their duty.

## **8. The Policy**

This policy will be reviewed annually [by the Corporate Performance Panel](#).

November 2019

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

**CORPORATE PERFORMANCE PANEL - INFORMAL WORKING GROUP -  
REVIEW OF THE PERSISTENT COMPLAINTS POLICY**

**Minutes of the Meeting of the above held on Wednesday, 24th November, 2021  
at 3.00 pm in Meeting Room 2-4 - Second Floor, King's Court, Chapel Street,  
King's Lynn**

**PRESENT:**

Councillors B Ayres, C Manning, J Moriarty and S Nash

**Officers:**

Alexa Baker, Monitoring Officer

Wendy Vincent, Democratic Services Officer

		<b><u>ACTION</u></b>
<b>1</b>	<b><u>APPOINTMENT OF CHAIR</u></b>  RESOLVED: Councillor B Ayres be appointed Chair.	
<b>2</b>	<b><u>APPOINTMENT OF VICE CHAIR</u></b>  RESOLVED: Councillor J Moriarty be appointed Vice-Chair.	
<b>3</b>	<b><u>REPORT TO CORPORATE PERFORMANCE PANEL 8 NOVEMBER 2021 PRESENTED BY COUNCILLOR NASH</u></b>  The informal working group received the report.	
<b>4</b>	<b><u>2013 UNREASONABLY COMPLAINANTS POLICY</u></b>  The informal working group received the 2013 policy.	
<b>5</b>	<b><u>CURRENT UNREASONABLE COMPLAINANTS POLICY</u></b>  The informal working group noted the current policy.	
<b>6</b>	<b><u>DOCUMENT COMPARING VERSION OF THE 2013 AND</u></b>	

## **CURRENT POLICY**

Reference was made to recommendation agreed by the Corporate Performance Panel in October 2019 but for some reason did not feed through to Cabinet.

Councillor Nash advised the informal working group of the recommended changes from the Corporate Performance Panel held in October 2019.

Councillor Moriarty commented that the informal working group would try to get as close as possible to the recommendations agreed by the Corporate Performance in 2019.

The Monitoring Officer provided an overview of the differences between the two policies which has been set out in the comparison document. The Monitoring Officer suggested therefore that the informal working group review the comparison document, she would then create a revised document with tracked changes to be reported back to the Corporate Performance Panel.

The informal working group worked through each page of the comparison document (pages 15 to 20 of the agenda pack) setting out the 2013 and current policy and made the following amendments which were noted by the Monitoring Officer.

MO

### **Page 15**

Paragraph 2: Data Protection Act to be amended to read 2018.

### **Page 16**

Bullet Point 5: Paragraph relating to the scattergun approach be deleted.

Bullet Point 6: Second Line: after the word investigated add – or has been completed.

Bullet Point 10: to be moved to Appeals Process section of the policy.

### **Page 17**

Bullet Point 1: Paragraph to be deleted.

Paragraph 2: 5<sup>th</sup> line – delete reference to the Chair and Vice Chair of the Standards Committee.

Paragraph 4 – to be split into two paragraphs. New paragraph 5 to being with word Restriction.



New paragraph 5 after word remain add – as it relates to the specific complaint. This review will be carried out by an Assistant Director and Executive Director who had not been previously involved.

Section 2 – Aggressive or Abusive Behaviour: Paragraph 2, 2nd line remove the words or offensive. 7<sup>th</sup> line after the word manager add , the police or take other legal action.

#### Page 18

2.1 Cyber Abuse – remove the words the Council and replace with Councillors. Second paragraph delete the word embarrassment.

3 Unreasonable Demands – 3<sup>rd</sup> paragraph delete the word substantially and replace with disproportionately.

#### Page 19

Paragraph 2 – delete.

Paragraph 3 – delete the words in the first sentence In taking the action described above, it is emphasised that.

Paragraph 5 – to be amended to read: Withdrawal of any action taken under this policy must be undertaken following consultation with an Assistant Director and an Executive Director.

5 – Appeals Procedure - To be amended to read: A complainant can appeal a decision to classify the an unreasonably persistent complainant. A senior member of staff who was not involved in the original decision will consider the appeal, together with the Chief Executive, a member of the Standards Committee. The complainant may be accompanied by a representative to attend a hearing of appeal. If the complainant wishes to appeal the decision, the request must be made in writing to the Chief Executive within 28 days of the decision being taken.

#### Page 20

The Policy - to be amended to read – This policy will be reviewed annually by the Corporate Performance Panel.

The Monitoring Officer advised that following the proposed amendments it would be necessary to review the Terms of Reference of the Standards Committee.

**RESOLVED:** The Monitoring Officer to incorporate the amendments set out above and prepare a revised document with track changes

MO

	and email to the informal working group for comment prior to the next meeting scheduled for 1 December 2021.	
7	<p><b><u>LOCAL GOVERNMENT GUIDANCE UNREASONABLE COMPLAINANTS BEHAVIOUR</u></b></p> <p>The informal working group noted the guidance.</p>	
8	<p><b><u>DATE OF NEXT MEETING</u></b></p> <p>1 December 2021, 9.30 am, in the Remote Meeting Room, Microsoft Teams.</p>	

**The meeting closed at 5.00 pm**

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

**CORPORATE PERFORMANCE PANEL - INFORMAL WORKING GROUP -  
REVIEW OF THE PERSISTENT COMPLAINTS POLICY**

**Minutes of the Meeting of the above held on Wednesday, 1st December, 2021  
at 9.30 am in the Remote Meeting Room - Microsoft Teams**

**PRESENT:**

Councillors B Ayres (Chair), C Manning, J Moriarty (Vice-Chair), S Nash

**Officers:**

Alexa Baker, Monitoring Officer

Wendy Vincent, Democratic Services Officer

		<b><u>ACTION</u></b>
<b>1</b>	<p><b><u>APOLOGIES</u></b></p> <p>There were no apologies for absence.</p>	
<b>2</b>	<p><b><u>MINUTES OF THE PREVIOUS MEETING</u></b></p> <p>The minutes of the meeting held on 24 November 2021 were agreed as a correct record.</p>	
<b>3</b>	<p><b><u>TO DISCUSS THE INFORMAL WORKING GROUP'S REPORT TO THE CORPORATE PERFORMANCE PANEL 6 JANUARY 2021</u></b></p> <p>The Monitoring outlined the changes agreed at the previous meeting.</p> <p>The informal work group proposed the following additional amendments as set out below:</p> <p><u>Page 1</u></p> <p>Paragraph 2: reference to the Human Rights Act 1998 be added.</p> <p><u>5 Appeals Procedure</u></p> <p>The informal working group agreed the proposed wording set out by the Monitoring Officer in the tracked changes document circulated with the Agenda.</p>	

	<p><u>Standards Committee – Proposed amendments to the Terms of Reference and the Council’s Constitution</u></p> <p>The Monitoring Officer advised that the following amendment would be required:</p> <p>E12 Determine appeals under Section 5 of the Council’s Policy on Managing Unreasonable Complainant Behaviour.</p> <p><b>AGREED:</b> The report of the informal working group would be presented to Corporate Performance Panel on 6 January 2022.</p>	<p>MO</p>
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**The meeting closed at 9.49 am**

## **E - Standards Committee**

### **Composition**

- E.1 The Standards Committee shall consist of seven members and up to three co-opted non-voting Town/Parish representatives and one Independent Person.
- E.2 For the making of general arrangements for its operation and for dealing with its functions which have a general application, the whole Committee shall be convened; but it may choose not to involve all of its members in conducting hearings affecting particular individuals.
- E.3 For the holding of any such hearings, the Committee shall be advised by the Monitoring Officer, or her nominee, and a Panel formed to conduct a hearing shall be authorised to perform all the functions of the Committee in relation to that hearing.
- E.4 In designating the members to form Panels, the Committee shall be advised by the Monitoring Officer, or their nominee, and shall have regard to political proportionality, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

### **Terms of Reference**

- E.5 Hearings will be conducted according to procedural rules adopted by the Council.
- E.6 Subject to complying with any relevant legal requirements, the Committee shall apply such codes, procedures and consultative processes as the Council shall determine.
- E.7 The Committee shall provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.
- E.8 The Committee shall have authorisation to grant dispensations.

### **Functions Referred to the Committee**

The Board shall have the following functions.

- E.9 The promotion and maintenance of high standards of conduct by Councillors and co-opted members.
- E.10 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.11 Determine breaches of codes of conduct which have been referred to it and to impose sanctions.

### E12 Determine appeals under section 5 of the Council's Policy on Managing Unreasonable Complainant Behaviour

- E.123 Consider reports from the Monitoring Officer and.
- E.143 To determine applications for dispensations

## **Corporate Complaint Policy**

***The Borough Council of King's Lynn and West Norfolk is committed to resolving complaints fairly, quickly and where possible, informally. We will do this by listening to you and explaining our decisions***

# Our Policy

## Introduction

The Borough Council of King's Lynn and West Norfolk (hereafter call the council), aims to provide excellent services to customers and deliver those services right first time. Occasionally things do go wrong so we welcome and recognise the importance of customer feedback. The council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with you to resolve issues. This is an integral part of the service we provide.

The council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements.

For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or service user.

### 1. What is a complaint?

The council has adopted the following definition from the Local Government and Social Care Ombudsman.

*"A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the council (whether that is provided directly by the council or by a contractor or partner) either verbal or in writing, and whether justified or not, which requires a response".*

Complaints about council services are processed in accordance with the requirements of the General Data Protection Regulations, the Data Protection Act and associated council policies.

A complaint could for example, be in respect of:

- A delay in taking action without good reason
- A failure to provide a service
- Mistakes in the way a decision has been taken
- Not following the law of the Council's own policies
- Giving incorrect or misleading information
- Bias or unfair discrimination
- Rude, unhelpful or inappropriate behaviour by staff
- Poor communication
- The conduct of staff when delivering the service

Some issues cannot be covered by this complaint policy. For more information on these exceptions, please go to section seven of this policy.

### 2. Initial Stage

The council takes complaints seriously and places a strong emphasis on contacting the customer at the early stage of receiving a complaint. At this stage, whenever possible, we will contact you by telephone and talk to you about the issue causing you concern. We will look to resolve the matter for you quickly and without the need for escalation to the formal complaints process.

Matters reported to the council to take action, for example, reporting fly tipping or dog- fouling etc., are classed as a service request and will not be considered as a complaint unless these issues have been reported previously with no resolution. The council will aim to deal with such issues informally and within five working days.

When a matter remains unresolved or complex and needs further investigation, we will register the matter as a formal complaint. Your complaint will be passed to the relevant department to consider and a formal response will be sent.

### **3. How the council will deal with your complaint – Formal Stage**

The Corporate Complaints process consists of two stages:

#### **Stage One**

At Stage One, the investigation involves the complaint being considered by an experienced officer from the department the complaint is regarding. In cases where the complaint concerns more than one council service, the council will ensure that the response is coordinated and a collective response will be given to all issues raised.

The council will acknowledge receipt of a complaint within 2 working days. The acknowledgement will provide the timeframe for a response.

We will respond to a Stage One complaint within **15 working days**. We aim to resolve most complaints during this stage.

#### **Stage Two**

If the complainant is dissatisfied with the outcome of the Stage one response, they can request to escalate their complaint to Stage two, which is the final stage of the council's internal complaints process. The complainant must specify the reasons for wanting to proceed to Stage two. Simply stating that they are unhappy with the response received or just exercising the right to escalate to the next stage are not justified reasons to initiate a Stage Two investigation.

A Stage Two request must be made within 1 calendar month of the date of the Stage One response. The complainant is required to explain why they remain dissatisfied and, where appropriate, provide clear reasons for escalation. The council will then determine whether the complaint can be considered at Stage Two. The decision to accept a Stage Two complaint will be made promptly and should take no more than 2 working days. If we cannot accept your complaint, we will write to you and tell you why.

Following the acceptance of a Stage two complaint, a Senior Officer will be appointed to conduct the investigation. The officer will not have had any previous involvement with the case.

The investigating officer will review the entire case, such as the original complaint, any background information relating to the complaint matter, the response provided at Stage One and any other information, which has relevance to the complaint.

The investigation will be conducted on behalf of the relevant Executive Director of the service.

The timeframe to respond to a Stage two complaint is **20 working days** from the date of receipt.



#### **4. Who can make a complaint?**

A complaint may be made by:

- A person who is affected by our services
- An individual or organisation acting on behalf of someone (written consent is required)
- A councillor or a Member of Parliament (MP) on behalf of their constituent
- An organisation that has been impacted by our services

#### **5. How to make a complaint**

If you wish to talk about an issue you are experiencing, please firstly speak to an officer in the department concerned. We will try to resolve matters promptly and prevent them from escalating. You can do this by contacting the [Council Information Centre](#).

If you wish to make a complaint, the quickest and easiest way to do this is by completing the [online complaint form](#). You can also email [complaints@west-norfolk.gov.uk](mailto:complaints@west-norfolk.gov.uk) or send a letter to:

Democratic Services  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

#### **6. Accessibility**

In the event you wish to make a complaint, it is useful to put the details of your complaint in writing. If you do not feel comfortable doing this or experience difficulty, you can:

- Appoint an advocate to act on your behalf
- Ask your local Councillor to act on your behalf
- Ask a friend, carer or family member to help you
- Ask an organisation such as the Citizens Advice Bureau or Age Concern to assist

The council does not require consent of an individual to disclose their personal information to a Councillor. It is considered that the individual has provided implied consent to the processing of their personal data that is reasonably necessary to pursue the complaint. We will require written consent from any other third party to act on behalf of an individual.

#### **7. Complaints that cannot be considered under this policy**

There are certain types of issues and complaints that fall outside this policy. This list is a general guide but not exhaustive and includes matters such as:

- A request for a service (e.g. a report of a single service failure); or issues that can be resolved informally
- Objections about a provision for which there is an alternative process, e.g. appeals, reviews or tribunal processes
- A complaint where the complainant has started legal proceedings in respect of the matter being complained about

- A complaint that is already subject to a court or tribunal ruling
- Allegations of internal or external fraud or corruption (which would be more appropriate to be dealt with by the councils Whistle Blowing procedure)
- A complaint about a Councillor. These should be made to the council's Monitoring Officer who will consider the complaint
- A complaint by a member of staff about a personnel matter, including appointments, terms and conditions of employment (or disciplinary issues).
- A complaint about a council policy e.g. the council's implementation of a Government policy as these are often open to interpretation e.g. Planning
- Insurance claims
- A complaint which the complainant has known about for more than twelve months before registering it
- A complaint that has been previously investigated, responded to and concluded

Examples of issues not be covered by the Corporate Complaints Policy:

- A claimant complaining about their benefit award. This should be classed as a benefit appeal
- Appealing a car parking fine. There is a defined process for this.
- Outcome of a planning application. This would be a planning appeal.
- Complaint about the council tax banding. This should be directed to the Valuation Office Agency.

When the council cannot consider a complaint under this policy, you will be advised and provided with any alternative options that may be available.

## **8. Complaints and Enquiries from an MP or Councillor**

The complaints policy is intended for individual citizens to seek resolution to an issue. A Member of Parliament (MP) or Councillor can make a formal complaint or enquiry on behalf of a constituent. However, when a constituent has requested an MP take up a matter on their behalf, these will not be registered as a corporate complaint, but as an MP enquiry. A response will be sent to the MP directly within **20 working days**. Confirmation of the customer's permission to disclose information to the MP will be required.

## **9. Timescales for making a complaint**

Complaints must be made no later than twelve months after the date on which the matter occurred.

If there are good reasons for not having made the complaint within the above time frame and, if it is still possible for the council to investigate the complaint effectively and fairly, we may decide to still consider the complaint.

## **10. Outcome of Complaint**

A complaint may be upheld, partially upheld or not upheld. This means that the complaint may be completely justified, partially justified or not justified at all. Any response to a complaint will determine and outline whether a complaint was justified or not, with clear reasons why.

Where complaints are upheld or partially upheld, the remedy needs to be appropriate to the complaint, taking into account the customer's desired outcome. The Local Government and Social Care Ombudsman offers this general principle for guidance:

*"Where we find that an injustice has been caused by maladministration, we seek a remedy that would, so far as possible, put the complainant back into the position he or she would have been in but for the fault"*

## **11. Local Government and Social Care Ombudsman and the Housing Ombudsman Service**

If the complainant remains dissatisfied with the response following the Stage two response, they can escalate their complaint to the Local Government and Social Care Ombudsman Service or the Housing Ombudsman Service. These services are external to the council. Contact details for the appropriate body will be provided in the councils Stage two response.

The Ombudsman's service is the final stage for complaints about the council and their investigations are independent to the council. The Ombudsman service will assess the complaint and advise the council if they decide to initiate an investigation.

The Ombudsman will normally only consider complaints once complainants have exhausted the council's complaints process.

If the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman Service (HOS) become involved, all contact is made directly to them. The council must submit a response to the LGSCO or HOS within **20 working days** of receipt.

## **12. Links to other policies and procedures**

### **12.1 Complaints about the conduct of Councillors**

The council's Standards Committee is responsible for considering complaints where a Member may have breached the Councillors Code of Conduct. If you think a Councillor has broken their Code of Conduct, you can report them to us using this [form](#).

### **12.2 Complaints by persistent or vexatious customers**

The council has a separate policy and procedure as to how it manages customers who may be either unreasonably persistent or vexatious. The link to this policy can be found [here](#).

## **13. Social Media Complaints**

### **13.1**

Some customers may raise issues/complaints via the council's social media outlets such as Facebook or twitter. These are usually service requests, which are straightforward to resolve. However, if it is clear it is a complaint, wherever possible, the council will attempt to take the complaint offline and communicate with the customer via email. They will be requested to complete a complaint form to enable the council to consider the complaint according to the full process.

## **14. Performance, monitoring and transparency**

The council will capture the following information, where possible, on our complaint management system:

- Date of receipt
- Name, address and contact details of the customer
- A copy of the acknowledgement and all other documents as they are sent
- Notes of contact with the customer
- Details of the resolution
- Closing date

This data will be used to produce management information to monitor service performance, highlight areas of service failure and inform service improvement.

- 13.1** An annual report of complaints highlighting any trends, or areas of concern will be produced annually for the Corporate Performance Panel.

## **15. Relevant Legislation**

There are key areas of legislation that the council must follow in the course of handling customer complaints.

### **14.1 General Data Protection Regulations**

The General Data Protection Regulations provides protection for personal information and customer's ability to access the information held about them. The general principles are:

- That information held will be processed fairly, lawfully and in a transparent manner
- That information is collected for specific, explicit and legitimate purposes
- That information is adequate, relevant and limited to what is necessary
- That information held is accurate and where necessary, kept up to date
- That information is retained for only as long as necessary
- That information is processed securely, protected against unlawful or unauthorised process and again accident, loss, destruction or damage

### **15.2 Freedom of Information**

The Freedom of Information Act 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

**Position Statement for Corporate Performance Panel 1<sup>st</sup> February 2022**

**Improving Educational Attainment in West Norfolk – Annual Update 2022**

The Council's Improving Educational Attainment programme has an overarching aim of ensuring that all young people in West Norfolk receive a good quality education through excellent teaching and learning, and go on to achieve the best level of qualification they can.

The programme has provided support and funding to local schools for a range of interventions and projects to tackle specific issues/priorities, and in recent years has had a particular focus on:

- Actions to improve attainment in Maths and English
- Initiatives to support transition, particularly from Y6 to Y7
- Raising the aspirations of higher achieving students
- Support to help schools respond to mental health issues

Traditionally members of CPP have received an update on the above programme each February and this has been accompanied by a presentation from Norfolk County Council providing statistical data and insight into the performance of students and schools in west Norfolk.

Unfortunately, this area of work has been significantly impacted by the COVID19 pandemic. At the start of the pandemic schools were shut and since they have re-opened their priorities have understandably changed – needing to focus on delivering education safely and on interventions to enable students to catch up on missed learning and strive to meet expected standards. As a result, work on our attainment programme has largely ceased. In terms of data, the lack of GCSE examinations has removed the key data used to inform the development of our programme and provide an insight into the performance of our local students. For these reasons there is no information to present in an annual update to CPP this year.

Looking forward, one of our priorities for the 2021 year had been to review how the improving attainment programme could focus more closely on skills. As part of this we had already identified the need to work with partners to improve both educational attainment and the skills of local people, increasing our focus on skills and key transition periods, including from secondary school into work. Therefore the need to ensure our work compliments the priorities of the Youth and Retraining Pledge project, which was reported at the last meeting of CPP, has emerged and will form the basis of the development of workstreams for the improving attainment programme, hopefully from the start of the 22/23 academic year.

Becky Box  
Assistant Director Central Services

The challenge for the programme going forward is to make sure the interventions we support are linked to the national curriculum, support any changes in Ofsted's approach and clearly targeted to provide maximum impact/benefit to the students involved.

**FORWARD DECISIONS LIST**

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
9 February 2022						
	Budget	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Capital Programme	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Members Allowances Independent Review	Non	Council	Finance Chief Executive		Public
55	Treasury Management Strategy	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Capital Strategy	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Guildhall Future Governance Options	Non	Council	Business, Culture and Heritage – G Middleton Asst Director – D Hall		Public

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
15 March 2022						
	Review of Governance of Council Companies	Non	Cabinet	Leader Chief Executive		Public
	Hackney Carriage and Private Hire Licensing Procedures and Conditions Review	Non	Council	Environment Assistant Director – S Ashworth		Public

	Freedom of the Borough - amendments	Non	Council	Leader Chief Executive		Public
	Planning Scheme of Delegation/Sifting Panel	Non	Council	Development & Regeneration Asst Director S Ashworth		Public
	Housing Delivery Test Action Plan	Non	Cabinet	Development & Regeneration Asst Director S Ashworth		Public
	Five Year Housing Land Supply assessment	Non	Council	Development & Regeneration Asst Director S Ashworth		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Derelict Land & Building Group	Non	Council	Regeneration & Development Asst Director – Duncan Hall & S Ashworth		
56	Lynnsport One	Key	Council	Project Delivery Asst Dir Companies & Housing Delivery – D Ousby		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Review of Legal Services	Key	Council	Leader Chief Executive		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Balloon and Lantern Policy	Non	Cabinet	Corporate Services and Environment Asst Director – M Chisholm		Public

**Meetings in new year**



	Procurement Strategy	Non	Cabinet	Finance Asst Dir – D Ousby		Public
	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public

## CORPORATE PERFORMANCE PANEL WORK PROGRAMME 2021/2022

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
2 June 2021	Appointment of Vice-Chair			To appoint a Vice-Chair for the Municipal Year 2021/2022.
2 June 2021	Call-in (if any)			
2 June 2021	Nominations to Outside Bodies and Partnerships – Hunstanton Sailing Club	Appointment to Outside Body		To appoint a representative.
2 June 2021	Cabinet Forward Decisions List			
2 June 2021	Panel Work Programme			
2 June 2021	<b>Exempt:</b> KLIC Settlement Agreement and Repayment Plan	Quarterly Update	M Henry	Agreed on 2 September 2020 the Panel would receive quarterly updates.
2 June 2021	Corporate Performance Monitoring Update Full Year		H Howell	
21 July 2021	Call-in (if any)			
21 July 2021	Corporate Performance Monitoring Update – Interim Report		H Howell	
DATE OF	TITLE	TYPE OF	LEAD	OBJECTIVES AND DESIRED

58

Agenda Item 13

<b>MEETING</b>		<b>REPORT</b>	<b>OFFICER</b>	<b>OUTCOMES</b>
21 July 2021	Freedom of the Borough		S Winter	To consider the recommendations of the IWG following the Notice of Motion from Cllr Rust.
21 July 2021	Interim Meetings arrangements	Cabinet report	H Howell	
21 July 2021	Provision of Monitoring Officer	Cabinet report	H Howell	
21 July 2021	Allocations of Members budget	Cabinet report	L Gore	
21 July 2021	Members Enquiries Arrangements	Cabinet report	H Howell	
21 July 2021	Cabinet Forward Decisions List			
21 July 2021	Panel Work Programme			
1 September 2021	Call-in (if any)			
1 September 2021	Hunstanton Tourist Information Centre (Request from Councillor P Beal)	Councillor Referral	D Hall	To give consideration to the issue raised by Councillor Beal.
1 September 2021	Procurement Update	Update	D Ousby	
1 September 2021	Q1 2021-2022 Corporate Recovery Performance Indicator Monitoring Report	Update	G Greaves/ H Howell	
<b>DATE OF</b>	<b>TITLE</b>	<b>TYPE OF</b>	<b>LEAD</b>	<b>OBJECTIVES AND DESIRED</b>

MEETING		REPORT	OFFICER	OUTCOMES
1 September 2021	Persistent Complainants Policy (referral from Cllr Nash)	Cllr Referral	H Howell	To review the policy.
1 September 2021	Cabinet Forward Decisions List			
1 September 2021	Panel Work Programme			
1 September 2021	<b>Exempt:</b> KLIC Repayment Plan	Quarterly Update	M Henry	Agreed on 2 September 2020 the Panel would receive quarterly updates.
1 September 2021	<b>Exempt Report:</b> Hunstanton Sailing Club (Prior to receiving the update, the Panel to determine if the item should be discussed as an exempt report)	Annual Update	Councillor C Rose	The Panel to receive a report from the Borough Council's Representative (Councillor C Rose).
8 November 2021	Call-in (if any)			
8 November 2021	Waste Issues Hunstanton Promenade (Request from Councillor P Beal)	Councillor Referral	B Brandford	To give consideration to the issue raised by Councillor Beal.
8 November 2021	Review of the Persistent Complainants Policy	Policy Review	Request from Councillor Nash	Further information and legal advice requested at the Panel meeting on 1 September 2021.

<b>DATE OF MEETING</b>	<b>TITLE</b>	<b>TYPE OF REPORT</b>	<b>LEAD OFFICER</b>	<b>OBJECTIVES AND DESIRED OUTCOMES</b>
8 November 2021	Formal Complaints against the Borough Council 1 April 2020 – 31 March 2021  The number of compliments received also to be reported.	Annual	D Ess	For information only.
8 November 2021	Cabinet Report: Review of the Corporate Business Plan (currently scheduled for 16 November 2021 Cabinet meeting)	Cabinet Report	G Greaves	
8 November 2021	Cabinet Report: Update to the Major Project Board Terms of Reference	Cabinet Report	M Henry	
8 November 2021	Cabinet Forward Decisions List			
8 November 2021	Panel Work Programme			
8 December 2021	Call-in (if any)			
8 December 2021	Town Deal: Youth and Skills Retaining Pledge		Tom Humphries, NCC	

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
8 December 2021	Annual Communications Update	Annual Update	T Baldwin, A Howell, J Hillard	
8 December 2021	Council Tax Support Scheme		J Stanton	
8 December 2021	Q2 Performance Monitoring Report	Monitoring	G Greaves	
8 December 2021	Employment Monitoring Figures – Annual Report	Annual	B Box	For information only
8 December 2021	<b>Exempt Report:</b> Cabinet Report: Council's Insurance Tender	Cabinet	M Drewery	
8 December 2021	Cabinet Forward Decisions List			
8 December 2021	Panel Work Programme			
6 January 2022	<b>MEETING CANCELLED</b>			

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
1 February 2022	Review of New Waste Collection Contract performance – Stage 1 – a) of the contract change transition from Kier to SERCO, and b) throughout the pandemic; with actions on the lesson to be learned.	Review	B Brandford	Stage 2 of the Review of the New Waste Collection Contraction – June 2022  Contractor to attend to answer any questions Members may wish to ask.
1 February 2022	Presentation on the Borough Council vehicles – Types, age, asset values, disposal strategy, market residual values, electric parking locations, process used mileage v consumption.	Monitoring	N Johnson	
1 February 2022	Summary of 2020/2021 outturn position of all council owned companies	Summary Position	M Drewery	
1 February 2022	Report from the Informal Working Group – Review of the Unreasonable Complainants Policy	Informal Working Group	A Baker	
1 February 2022	Corporate Complaints Policy			Chair requested that the Corporate Complaints Policy be included in the Agenda inviting the Panel to consider if the Informal Working Group should look at this policy and if required make a recommendation to Cabinet.

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
1 February 2022	Improving Attainment in West Norfolk	Annual Update	B Box	B Box to provide a current position statement.
1 February 2022	<b>Exempt:</b> Town Deal Board	Update	L Gore	Standing Item – verbal update from the Chief Executive.
1 February 2022	<b>Exempt:</b> KLIC Repayment Plan (verbal report)	Quarterly Update	M Henry	Agreed on 2 September 2020 the Panel would receive quarterly updates.
3 March 2022	Call-in (if any)			
3 March 2022	Q3 Corporate Performance Monitoring Report	Monitoring	H Howell	
3 March 2022	Review of the Council's working structure to support the Corporate Business Plan. (Organisational chart setting out FTE had been allocated to service areas to ensure delivery of the Corporate Business Plan).	Review	B Box	
3 March 2022	How the new Portfolio objectives meet the Corporate Business Plan objectives via Directorate/Service Plans/Key Performance Indicators/timescales		G Greaves	Suggested by Councillor Morley at Panel meeting on 21 July 2021





DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
3 March 2022	Hunstanton TIC – Perception from Portfolio Holder following meeting with businesses.	Report Back from Portfolio Holder - Business Culture and Heritage	Councillor G Middleton	From CPP 1 September 2021:  <b>RESOLVED:</b> 1) That the Portfolio Holder for Business, Culture and Heritage be requested to meet with the businesses in Hunstanton.  2) The Portfolio Holder for Business, Culture and Heritage be invited to attend the Panel in 6 months' time to present his perception of those views, and if appropriate set up an informal working group to explore the issues raised.
3 March 2022	Review of Governance of Council Companies	Cabinet	G Greaves	
3 March 2022	Scheme of Delegation/ Planning Sifting Panel	Cabinet	S Ashworth	
3 March 2022	<b>Exempt:</b> Review of Legal Services	Cabinet	H Howell	
3 March 2022	<b>Exempt:</b> Town Deal Board	Update	L Gore	Standing Item – verbal update from the Chief Executive.
3 March 2022	Cabinet Forward Decisions List			
3 March 2022	Panel Work Programme			



DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
13 April 2022	Call-in (if any)			
13 April 2022	Request from Councillor A Ryves - A summary of the issue the performance of the council owned businesses, West Norfolk property, West Norfolk housing and Alive West Norfolk, and any other 100% owned or partially owned business which operate independently of the Council	Update	L Gore	
13 April 2022	Planning Enforcement		S Ashworth	
13 April 2022	Tourism - harmful or helpful ? A review of the key qualitative and quantitative factors influencing the future growth of Tourism resourcing, processes and benefits - do our residents benefit from our approach to promoting tourism in West Norfolk ?	Review	D Hall	Item put forward by Councillors Moriarty and Devereux
13 April 2022	Post Evaluation Review of H & M	Post Evaluation Review	M Henry	To undertake a review of the project.
13 April 2022	<b>Exempt:</b> Town Deal Board	Update	L Gore	Standing Item – verbal update from the Chief Executive.
DATE OF	TITLE	TYPE OF	LEAD	OBJECTIVES AND DESIRED

MEETING		REPORT	OFFICER	OUTCOMES
13 April 2022	Cabinet Forward Decisions List			
13 April 2022	Panel Work Programme			

### **Forthcoming items to be programmed**

- Annual Sickness Monitoring Report
- Guidance in respect of Council Tax Support Scheme ahead of when it is presented to Council for approval – M Drewery
- Review of New Waste Collection Contract Performance (a two stage review) 1) Feedback on ‘Customer’ and Community experience a) of the contract change transition from Kier to SERCO, and b) throughout the pandemic; with actions on the lessons to be learned (Before end of 2021), 2) Review of the legal and technical contract performance for Year 1 of the Contract (end of Q1 2021/2022 – June 2022).
- Scrutiny – to look at the compulsory statutory guidance and practice elsewhere.
- Post Evaluation – Cinema, Corn Exchange (June 2022)
- Cabinet Report – Procurement Strategy
- KLIC Repayment Plan Update - M Henry – (To receive a quarterly update report May/August/November/February).

### **Standing Items**

**Exempt Item:** Town Deal Board – Chief Executive to attend and provide a verbal update at each meeting.

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