

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



Corporate Performance Panel

Agenda

Monday, 18th July, 2022
at 4.30 pm

in the

**Council Chamber
Town Hall
Saturday Market Place
King's Lynn**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
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8 July 2022

Dear Member

Corporate Performance Panel

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Monday, 18th July, 2022 at 4.30 pm** in the **Council Chamber, 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 6 - 18)

To approve the minutes from the Corporate Performance Panel held on 16 June 2022.

3. Matters Arising

The Panel are asked to notify Democratic Services of any matters to be raised from the Minutes of the previous meeting.

4. 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.

5. 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.

6. 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 is taken on that item.

7. Chairman's Correspondence (if any)

8. Call-In

9. Report of the Informal Working Group - Council Meeting Arrangements - to follow

10. Report of the Informal Working Group - Review of the Corporate Complaints Policy (Pages 19 - 30)

11. Corn Exchange Cinema Post Project Evaluation (Pages 31 - 40)

12. Panel Work Programme and Forward Decisions List (Pages 41 - 56)

To note the Panels Work Programme and Forward Decisions List.

13. Date of Next Meeting

To note that the date of the next meeting of the Corporate Performance Panel will take place on 12 September 2022.

14. 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 and 4 of Part 1 of Schedule 12A to the Act”.

15. Exempt: Appendix to the Corn Exchange Cinema Post Project Evaluation (Pages 57 - 61)

16. Exempt Cabinet Report: Pay Award (Pages 62 - 81)

To:

Corporate Performance Panel: B Ayres, J Collop, C Hudson, H Humphrey, J Kirk, C Manning, J Moriarty (Chair), C Morley, S Nash, C Rose, Mrs V Spikings and D Tyler

Management Team Representatives:

Alexa Baker, Monitoring Officer
Becky Box, Assistant Director, Central Services
Lorraine Gore, Chief Executive

Appropriate Officers:

Honor Howell, Assistant to the Chief Executive

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CORPORATE PERFORMANCE PANEL

Minutes from the Meeting of the Corporate Performance Panel held on Thursday, 16th June, 2022 at 4.30 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: J Moriarty (Chair)
Councillors C Bower, M de Whalley, I Devereux, C Hudson, H Humphrey,
C Joyce, C Morley, S Nash, C Rose, V Spikings and D Tyler

Portfolio Holders

Councillor P Kunes, Spellowfields Ward

Officers:

Alexa Baker, Monitoring Officer
Becky Box, Assistant Director, Central Services
Lorraine Gore, Chief Executive

CP1 **APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2022 TO 2023**

RESOLVED: That Councillor H Humphrey be appointed Vice-Chair for the Municipal Year 2022/2023.

CP2 **APOLOGIES**

Apologies for absence were received from Councillors J Collop, C Manning, J Kirk and Portfolio Holder for Property Councillor A Lawrence, Portfolio Holder for Finance Councillor Mrs A Dickinson.

CP3 **MINUTES**

The minutes of the Corporate Performance Panel meeting held on 13 April 2022 were agreed as a correct record and signed by the Chair.

CP4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CP5 **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

CP6 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor M de Whalley was present under Standing Order 34.

CP7 **CHAIR'S CORRESPONDENCE**

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The Chair informed the Panel that he has received a letter from Stoke Ferry Parish Council and summarised the contents.

The Chair also advised that he had received an email from the Chief Executive regarding an exemption notice for the Levelling Up Fund which would be considered at a special Cabinet meeting on 24 June 2022.

CP8 **CALL-IN (IF ANY)**

There were no call-ins.

CP9 **TOURISM - HARMFUL OR HELPFUL: A REVIEW OF THE KEY QUALITATIVE AND QUANTITATIVE FACTORS INFLUENCING THE FUTURE GROWTH OF TOURISM RESOURCING, ETC**

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The Assistant Director, Regeneration, Housing and Place explained that the purpose of the report was to seek views of panel members and aid a discussion which could lead subsequently to policy or strategy development.

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

Councillor de Whalley addressed the Panel under Standing Order 34.

The Panel discussed the report and a summary of the key issues/concerns are set out below:

- Adverse house prices – mitigate by providing opportunities for local people to buy local property. Councillor Morley stated that this should be considered as a separate item by the Panel.
- Tourism provided income to the Borough and supported businesses.

- Habitat Regulation Levy used to mitigate the increase in tourism and enable both visitors and residents to visit green spaces, etc.
- What could the Borough Council do to help local residents to alleviate the pressures identified within the whole Borough – rural, coastal and west of borough
- Lack of infrastructure.
- Standard of holiday accommodation.
- Role of Norfolk Coastal Partnership.
- Role of Wash and Marine Partnership.
- Increasing pressures in rural areas.
- Conservation Areas had not been reviewed, extra pressures on that part of the community.
- Fishing and Bird watching tourist attractions within the Borough, for example, Welney and associated pressures on the roads, etc.
- Encourage businesses to West Norfolk
- Car parking difficulties in all areas of the Borough.

The Chair drew the Panel's attention to Section 2 of the report and asked for clarification on the table of figures and information within that paragraph. The Assistant Director, Regeneration, House and Place undertook to respond direct to the Chair.

Following questions from the Chair, the Assistant Director, Regeneration, Housing and Places explained that there was a proposal to establish a countywide tourist/countryside pressures group to bring together stakeholders and employ an officer in order that there was somewhere for Parish Councils who had concerns regarding tourism pressures to express their concerns and be supported towards routes to resolve the problem.

The Portfolio Holder for Business, Culture and Heritage explained that conservation areas were not within his remit. The Portfolio Holder commented it was important to recognise that there were pressures in areas of the county with growing tourist destinations and that more could be done by the council or wider county council in order to assist with infrastructure changes recognised by the Coastal Pressures Group and those same pressures are now being faced in land. The Portfolio Holder commented that the key word in the report was potential mitigation which represented an appetite with Norfolk Council and its partners to set up a pressure group.

In conclusion, the Portfolio Holder for Business, Culture and Heritage explained that the previous Coastal Pressures Group had identified the pressures faced by residents and stated that the next step as Cabinet Member was for himself to have discussions with Norfolk County Council and ask that the group be set up and that the Borough Council would play an active role.

The Panel adjourned for a comfort break at 6.13 pm and reconvened at 6.18 pm.

CP10 **REVIEW OF NEW WASTE COLLECTION CONTRACT PERFORMANCE - STAGE 2**

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The Panel received a presentation from the Waste and Recycling Manager, a copy of which was circulated with the Agenda.

The Assistant Director, Operations and Commercial and the Waste and Recycling Manager responded to questions/comments in relation to:

- Refuse and Recycling Contract – service exemplary.
- Disruption experienced on the A10 when collecting refuse/recycling in West Winch.
- Failure to report – recordable accidents.
- Whether deduction payments for poor performance had been incurred by the Council.
- Series of waste collection related services e.g. reuse of furniture, bulky collection, outstanding small electrical items/batteries
- Community grants – to collect smaller items, e.g. batteries, bulky waste, etc. **The Assistant Director advised that this was the subject of ongoing discussions to identify a commencement date.**
- Levels of significant contamination – aspect of education to encourage residents to place correct items in relevant bins.
- Complaints received by residents to Ward Councillor(s).
- Outstanding issues, USP's rolled out elsewhere, why not here.
- Collection dates/reporting weekends/bank holidays.
- Changing rounds without consulting offices and Councillors.

Councillor de Whalley addressed the Panel under Standing Order 34.

In response to questions raised by Councillor de Whalley relating to the use of online forms to report missed bin collections, the Refuse and Recycling Manager explained that the council would like to go through the processes and have a reporting tool available for a whole range of services provided by the Council to enable residents to do the very best form of self-service/certification. Work was currently in progress to develop a report tool which would automatically load information into the Serco management system.

Councillor Long, Portfolio Holder Corporate Services addressed the Panel and commented that this was a good set of figures and results.

Councillor Kunes, Portfolio Holder Environment addressed the Panel and gave an example of a complaint he had received within his Ward.

The Chair thanked Assistant Director, Operations and Commercial and the Waste and Recycling Manager for the presentation.

RESOLVED: The Panel received a further report addressing the outstanding issues as set out below (prior to Christmas 2022):

- Collection dates/reporting weekends/bank holidays
- USP's – rolled out elsewhere – why not rolled out here/
- Changing rounds without consulting officers and Councillors.

CP11 **CORPORATE PERFORMANCE MONITORING UPDATE FULL YEAR 2021/22**

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In presenting the report, the Corporate Performance Management explained that the Council's performance management framework had historically included performance monitoring and reporting of performance.

The Panel was reminded that a Covid-Recovery Strategy was agreed by Council on 8 October 2020. The report provided the final overview on the corporate recovery performance indicators for the Recovery Strategy for the 2021/22 year.

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

The Panel's attention was drawn to the sections of the report 2.2 and 2.3.

In response to a question from the Chair in relation to indicator 1.8 %of Business Rates collected against target (cumulative), the Corporate Performance Manager explained that this target had been based on historical trends over many years and 98% was a realistic target. The Chief Executive provided clarification on the point raised by the Chair.

Councillor Humphrey reference to indicator 4.1 no of days to process new benefit claims – why had the number of days peaked in February. The Corporate Performance Manager to investigate and report back to the Panel. *Following the meeting it had been confirmed that the processing times peak in February because the systems were taken down for a couple of days for annual billing and the Council was unable to process any work during this time. At the same time the Council were clearing the welfare benefit increases which were notified to the authority in bulk during January.*

Councillor Morley commented that he wished to place on record his appreciation of the Corporate Performance Manager in looking at KPI's with him in detail and reshaping them for the future year.

The Portfolio Holder, Environment responded to questions from Councillors Morley and Nash on fly-tipping within the Borough and the additional pressures on the County Council to dispose of waste and charges incurred at waste recycling centres for DIY materials/waste, etc. The Portfolio Holder, Corporate Services added that the County Council collected the waste from district councils and the data collected did not account for the individual number of fly tipping incidents.

The Chair referred to 2.4 % of rent arrears on retail units and what arrangement the Council had in place to collect payment. In response, the Assistant Director Property and Projects explained that when Covid hit Central Government put in place protections for commercial tenants so commercial landlords could not take their usual rent arrear action. The Assistant Director provided an overview of the 2020 and 2022 Acts and action available to commercial landlords. The legislation set out the covid rates and this enabled commercial landlords to set out what was a Covid and non-Covid debt, the Council therefore working through the legislation and would then work out a place to deal with the rent arrears. It was noted that the Council's approach would be discussed with the relevant Portfolio Holder.

RESOLVED: The Panel reviewed and noted the Council's performance indicators for 2021/22. Performance against the recovery indicators would be replaced with a new suite of performance indicators for 2022/23.

CP12 **HUNSTANTON PROMENADE WASTE WATER - UPDATE**

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The Assistant Director, Property and Projects provided a verbal update and advised that kiosk tenants had been contacted and asked how they disposed of their waste items including water. There were still a number of responses outstanding which were being followed up by the Property Services Team. It was highlighted that this was difficult to police.

The Chair advised that Council Beal had tendered his apologies but had sent in a photograph which was passed to the Assistant Director, Property and Projects who advised that a member of the Property Services Team would investigate.

Hunstanton Ward Councillor Bower commented that Councillor Beal had been pursuing the issue over a long period of time and it was thought related to one particular kiosk which he had taken a photo of.

Councillor Nash commented that the tenants would have duty of care for waste disposal and asked whether it was possible for the Borough Council to provide a waste disposal facility for an additional charge.

RESOLVED: A further update be provided to the next meeting of the Panel on 18 July 2022.

CP13 **NOMINATION TO OUTSIDE BODIES AND PARTNERSHIPS - HUNSTANTON SAILING CLUB**

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RESOLVED: 1) Councillor C Rose be nominated to the observer role only to the Hunstanton Sailing Club.

2) That the report arrangements be noted, as shown in the report.

3) That Council be requested to approve the nomination made by the Panel.

CP14 **CABINET REPORT: RESOURCING - DEVELOPMENT MANAGEMENT TEAM (PLANNING)**

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The Executive Director presented the report and explained that to increase capacity within the Development Management team to reflect increased workloads and the need to provide an acceptable level of service to those engaged in the planning process. The structure will also respond to the changes put forward in the Levelling up and Regeneration Bill in respect of planning and in particular the need to improve speed and quality of decision making.

In response to questions from Councillor Joyce on the current structure of the Development Management team, the Assistant Director, Central Services advised that the information requested was set out in the structure chart at page 67 of the Agenda.

Councillor Devereux commented that he was pleased to see the report with the proposed additional resource, particularly an Ecologist post and Arboricultural Assistant/Officer.

In response to comments made by Councillor Nash on the level of service expected by residents when submitting an application, the Executive Director explained that each planning application was determined on a case by case basis. If a resident was unhappy with the service received then a corporate complaint form could be completed and submitted to the council.

Following a question from the Chair in relation to 2.5, the Assistant Director Environment and Planning explained that there was the option to agree an extension of time with planning applications but if the application determination date exceeded 6 months and if an extension

of time had not been agreed past the 6 months, then the planning fee would need to be repaid. He stated that at present there was too much reliance on extensions of time.

In response to questions from Councillor Morley with regard to recruitment of the proposed additional officers, the Executive Director explained that it would be a challenging process and there were currently a number of vacant posts.

The Chair referred to 4.1 and the income from pre-application, street naming and numbering advice. The Executive Director explained that any charges for those services would be paid by the developer.

Following comments from Councillor Nash, the Assistant Director, Environment and Planning added that a charge was made for pre-application advice but this was a voluntary service and applicants could not be forced to use the pre-application service. The Assistant Director agreed to clarify situations where the pre-application service was not appropriate or utilised, following concerns raised by Councillor Nash about the pre-application service.

Following questions from the Chair on 4.3, the Executive Director explained that the 20% ring fenced funds for planning was included in the overall budget.

The Portfolio for Development, Councillor Blunt provided an overview of the work that

Had been undertaken and highlight the major changes including the move from two area teams (north and south) to three area teams (north, central and south). It was noted that this change was intended to provide greater management support within the department and would enable planning officers to cover a smaller geographical area.

The Chair commented that at the previous Corporate Performance Panel meeting, the Portfolio Holder for Development gave an undertaking that enforcement would improve and there would be a better customer interface. The Chair referred the Panel to 3.2 where it was proposing that the Enforcement Team would also be strengthened through the creation of a new enforcement post and the creation of a new support officer who would focus on providing a better customer interface with the public in terms of updating on the progress of cases. The Chair thanked the Portfolio Holder for Development.

The Chair thanked the Executive Director for presenting the report.

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

1. Cabinet is recommended to approve the recruitment of the following new posts:

- 1 x Principal Planner
 - 6 x Planning Officers
 - 1 x System and Performance officer
 - 1 x Ecologist
 - 1 x Cil Officer
 - 1 x Technical Support Team Leader
 - 1 x Technical Support Officer
 - 1 x Arboricultural assistant/officer
 - 1 x Enforcement Officer
 - 1 x Enforcement Support Officer
2. That the planning fee income in the budget be increased from £1.1 million to £2 million to more accurately reflect the income received over the past 3 years and the increase in planning fees set out in the Levelling up and Regeneration Bill.

CP15 **CABINET REPORT: PLANNING SCHEME OF DELEGATION/SIFTING PANEL**

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The Assistant Director, Environment and Planning presented the report and highlighted the key proposed changes and drew the Panel's attention to 2.8 which set out other changes to the Scheme of Delegation.

Councillor Joyce referred to the letter read out at the beginning of the meeting by the Chair from Stoke Ferry Parish Council. Councillor Joyce outlined the reasons why the Borough Councillor should determine in his/her own mind whether they wished to call-in a planning application. In response, the Chair explained that the letter from Stoke Ferry Parish Council was in relation to an inadvertent omission to call-in a planning application and to ask if there was an alternative way for a Parish Council to call-in an application if there was a breakdown in relationships/communication. The Chair commented, could the Parish Council contact the Chair of the Planning Committee as an option to call-in an application.

Councillor Mrs Spikings commented that this would be a disadvantage for King's Lynn as there was no Parish Council and there needed to be a fair approach for all. Councillor Mrs Spikings added that the current system worked well with the correct checks and balances in place.

The Assistant Director, Environment and Planning explained that a Councillor could only call in a planning application within their own ward unless there were exceptional circumstances. Councillor Spikings advised that Councillors currently had 28 days to call in an application and that the Parish Council could send a reminder to the relevant Borough Councillor to call in an application. The Chair added

that at the next training session for Parish Councils it be suggested that the Parish Council email the Borough Councillor to call in an application and copy in the Planning Department. The Executive Director, Environment and Planning confirmed training would be scheduled for Parish Councils at the end of the summer.

In response to questions from Councillor Joyce on Councillors, Officers or former Councillors acting at Planning Agents and the LGA guidance, the Monitoring Officer referred to an email from a Councillor regarding planning issues relating to former officers and councillors and any such planning applications should be determined by the Planning Committee and explained that the LGA and Planning Advisory Service offered guidance which was not statutory. The Monitoring Officer provided a summary of the guidance and the Borough Council's current position.

The Chair referred to 2.8 on tree works applications that could not be called in by Councillors and asked if Councillors received prior notification of any such works. In response, the Assistant Director Environment and Planning undertook to check whether or not they were on the weekly list, and respond direct to the Chair.

The Chair referred to the agenda for the Planning Sifting Panel not containing details of the applications to be sifted. The Portfolio Holder for Development explained that often the details of the applications were not known until 24 hours prior to the Sifting Panel but that the decisions of the Planning Sifting Panel were published on the Borough Council's website. Councillor Spikings explained that the Sifting Panel did not debate any application, but that the planning officer presented the application, Councillors on the sifting panel would determine if the application went to the Planning Committee or could go under delegated authority for a decision.

Councillor Nash commented that there should be a mechanism for the correspondence for the sifting panel to be available when the Agenda was published. In response the Assistant Director explained that the Planning Officer presented the report and advised of representations received from Parish Councils and the Councillors made the decision whether the application be determined by the Planning Committee or Scheme

The Portfolio Holder for Development added that if there was any doubt then the application would be determined by the Planning Committee.

The Chair drew the Panel's attention to the recommendations set out on page 68 of the Agenda.

Councillor Joyce commented that he was quite happy with recommendation 1 but not recommendation 2 and that the Borough Council should adopt the Local Government Association Guidance to include applications submitted from both present and former

Councillors, officers and Planning Agents who had a pecuniary interest to be determined by the Planning Committee.

The Monitoring Officer advised that what Councillor Joyce proposed would affect recommendation 1.

The Chair therefore drew the Panel's attention to Recommendation 1: That the scheme of delegation be amended as set out in the report, and as attached to this report.

The Chair asked if there were any amendments.

Councillor Joyce proposed an amendment to recommendation 1 that the addition of planning applications from former councillors and officers should be determined by the Planning Committee.

The Monitoring Officer clarified the amendment from Councillor Joyce and that addition planning applications submitted by former councillors and acting as planning agents be determined by the Planning Committee.

Councillor Joyce confirmed the amendment as set out by the Monitoring Officer and that the Borough Council adopt the Local Government Association Guidance.

Councillor Spikings expressed concern that there was no timescale identified. Councillor Spikings stated that this was not necessary if a Councillor left the authority but recognised that the Borough Council wished to be transparent and that placed a former Councillor at a disadvantage.

Councillor Nash seconded the proposal made by Councillor Joyce.

On being put to the vote was lost.

The Chair drew the Panel's attention to Recommendation 1 as set out in the report and on being put to the vote was carried. There were two abstentions – Councillors Moriarty and Morley.

The Chair thanked the Assistant Director, Environment and Planning for presenting the report and responding to questions and comments from the Panel.

RECOMMENDATION: The Panel support the recommendations to Cabinet as set out below in the report.

- 1) That the scheme of delegation be amended as set out in the report, and as attached to the report.
- 2) That the operation of the scheme be reviewed in summer 2023, to assess the impact of the changes.

CP16 **PORTFOLIO AND ANSWER SESSION**

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The Chair encouraged the Panel to submit any questions in advance of each meeting to enable the Portfolio Holder to undertake any appropriate research in order to provide a response.

The Chair advised that the question to the Leader for an update on devolution/ mayoralty would be deferred until the next meeting.

CP17 **CABINET FORWARD DECISIONS LIST**

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The Chair invited the Panel to forward any items for consideration to be included on the work programme.

CP18 **WORK PROGRAMME 2022/2023**

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The Chair invited the Panel to forward any items for consideration at the next sifting meeting.

CP19 **DATE OF NEXT MEETING**

The next meeting of the Corporate Performance Panel would be held on 18 July 2022 in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn.

CP20 **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 from the meeting for the following items 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.

CP21 **EXEMPT REPORT - KLIC REPAYMENT PLAN**

The Assistant Director, Property and Projects provided a verbal update and responded to questions and comments from the Panel.

The meeting closed at 7.25 pm

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	18 July 2022		
TITLE:	Corporate Complaints Policy		
TYPE OF REPORT:	Policy Review		
PORTFOLIO(S):	Corporate Services		
REPORT AUTHOR:	Honor Howell, Assistant to the Chief Executive		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

REPORT SUMMARY/COVER PAGE

PURPOSE OF REPORT/SUMMARY:
To report back on the work of the Information Working Group (“IWG”) established to consider the Corporate Complaints Policy so that the Panel may consider whether to recommend some or all of the proposed changes to Cabinet.
KEY ISSUES:
The IWG agreed proposed changes to the Corporate Complaints Policy (as set out in the minutes of the IWG meeting). These have been incorporated into the Corporate Complaints Policy. The Panel is requested to consider the revisions, which are considered minor and do not constitute a change to the process and decide whether they wish to recommend for all the proposed changes to Cabinet.
OPTIONS CONSIDERED:
CPP may resolve that the amendments are satisfactory and recommend them to Cabinet or wish to make further amendments.
RECOMMENDATIONS:
To consider the proposed changes as set out in the report and minutes and resolve whether to recommend the proposed changes to Cabinet.
REASONS FOR RECOMMENDATIONS:
The IWG was constituted by the Panel to review the Corporate Complaints Policy and the Panel should consider the work carried out by the IWG as set out in the minutes of the meeting and whether it wishes to make the recommendations to Cabinet for changes to one of the council’s policies.

1. Introduction

The Corporate Performance Panel resolved as follows with regards to the review of the Corporate Complaints Policy:

Resolved: The Informal Working Group undertake a review of the current Corporate Complaints Policy in one meeting via Zoom and present any proposed changes to a future meeting of the Panel.

2. Proposal

During the meeting, the IWG came to an agreement on proposed changes that it wished to recommend to CPP for consideration which are set out in the attached minutes.

3. Issues for the Panel to Consider

The Panel is recommended to review the changes to the Corporate Complaints Policy and consider whether some or all of those changes should be recommended to Cabinet.

4. Corporate Priorities

The purpose behind adopting the Corporate Complaints Policy is to support members of the public wishing to make a complaint regarding a service or decision provided by the council.

5. Financial Implications

None

6. Any other Implications/Risks

Having a policy in place which is applied to complaints received by members of the public provides a mechanism for a complaint to be thoroughly investigated by at least two senior officers, one of which has not been connected to the complaint. The responses provided to the member of the public 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

Complaints made which incorporate an element covered by Equalities legislation are recorded and consultation with the Assistant Director, Central Services should take place during any investigation.

8. Consultation

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

9. Conclusion

The Panel review the proposed changes to the Corporate Complaints Policy attached and consider whether to recommend these changes to Cabinet.

10. Background Papers

Guidance on effective complaint handling by the Local Government and Social Care Ombudsman. <https://www.lgo.org.uk/assets/attach/5908/Good-complaint-handling-spaced-out-short-page-F-13.5.22.pdf>

Corporate Complaints 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?

A complaint can be formal or an informal approach regarding resolving a problem or dispute.

The council has a two stage complaints procedure. Stage 1, which will be investigated by the appropriate department and Stage 2, Appeal to the Chief Executive or their representative.

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 (Equalities Act 2010)
- 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 is complex and needs further investigation, we will register the matter as a formal corporate 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, Appeal to the Chief Executive or their representative, 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 appointed officer will then determine whether the Stage 1 reply has provided a full and comprehensive response or if there are elements the response has not considered. If the officer investigating at Stage 2 believes there are other elements which require a response, then the complaint should 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, the Chief Executive will delegate the investigation to a Senior Officer 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 Chief Executive.

The Chief Executive will be given full details of the complaint and the response will be discussed and agreed prior to it being sent.

The timeframe to respond to a Stage two complaint is **20 working days** from the date of receipt. If the investigation will take longer than this, then the customer will be informed and given a timescale in which to expect a response.

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 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

- 5.1 Alternatively, a customer can make contact with the Local Councillor who can then raise the matter on their behalf. You can find out who your borough and county councillor is [here](#).

4. 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.

5. 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 such as a missed bin collection or reporting fly-tipping); 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
- A Code of Conduct complaint about a Councillor. These should be made to the council's Monitoring Officer via this [form](#) who will determine if there is a case to answer
- 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
- Insurance claims

Examples of issues not 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.

6. 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** which will be logged individually and recorded separately. 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.

7. Timescales for making a complaint

Complaints should be made no later than twelve months after the date on which the matter occurred. However, this is flexible, and an officer can still consider a complaint at their discretion after that timeframe if there are genuine reasons for the delay and the officer believes the complainant has a strong case for making a complaint. The officer may also consider there are actions for the council to take following the complaint (or lessons learnt for the council), therefore a complaint will not be disregarded just because it has been made late.

8. 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"

The Ombudsman's guidance is to ensure that following the complaint being found justified, that the complainant has not been subject to detriment or financial loss as a result of the issue they have complained about.

9. 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 council's Stage two complaint response.

The Ombudsman's service is the final stage for complaints about the council and their investigations are independent of 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.

10. 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](#).

11. 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](#).

12. Social Media Complaints

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. This is to ensure that Data Protection is considered, and personal information is not published in a public domain. The customer will be requested to complete a complaint form to enable the council to consider the complaint according to the full process.

13. Performance, monitoring and transparency

The council will capture the following information and 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.

14. 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. 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.

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 Friday, 11th March, 2022
at 9.30 am in the Remote Meeting Room - Microsoft Teams**

PRESENT:

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

Officers: H Howell, W Vincent

		<u>ACTION</u>
1	<p><u>APOLOGIES</u></p> <p>There were no apologies for absence.</p>	
2	<p><u>TO REVIEW THE COUNCIL'S CORPORATE COMPLAINTS POLICY</u></p> <p>The Chair invited the informal working group to review the current policy on a page by page basis.</p> <p>The following suggestions were made:</p> <ul style="list-style-type: none">• Section 1 – What is a complaint – add wording setting out the two stages when making a complaint.• Section 3 – How the Council will deal with your complaint – Formal Stage – Stage Two: paragraph 2– add by whom the complaint will be dealt with; paragraph 6 – add If the complaint takes longer than 20 working days, the customer be advised that there will be a delay in responding to their complaint.• Section 4 – Who can make a complaint? In response to questions raise regarding Councillors make a complaint as an individual or on a Constituent's behalf, H Howell undertook to obtain advice from the Ombudsman and report back to the Informal Working Group.• Section 7 – Complaints that cannot be considered under this policy – bullet point 1 – H Howell to amend with appropriate wording. Bullet point 5 – remove words in brackets which would be. Bullet point 6 – A complaint about a Councillor – H Howell to add link to Council's website which sets out the procedure on how to complain about a Councillor. Bullet point 8 – delete words e.g. Planning. Bullet Point 10 – delete as	HH

	<p>covered in Section 9.</p> <ul style="list-style-type: none"> • Section 8 – Complaints and Enquiries from an MP or Councillor – highlight the words MP enquiry and add - logged individually and separate from corporate complaints. • Section 9 – Timescales for making a complaint – paragraph 1 wording to be revised to include – judge each individual case on their merit. • Section 10 – Outcome of Complaint – Explanation be added on the Ombudsman guidance printed in italics. • Section 11 – Local Government and Social Care Ombudsman and the Housing Ombudsman Service – paragraph 2, line two – omit the word to and replace with of. • Section 13 Social Media Complaints – paragraph1, line 4 communicate with the customer via email – H Howell to clarify. • Section 14 Performance, monitoring and transparency – paragraph 2 – remove comma and add the word and. <p>The Informal Working Group commented that consideration should be given to encourage residents to contact their local Councillor if they wished to make a complaint. H Howell undertook to add a sentence to the policy and also on the Borough Council’s website.</p> <p>Members commented that it would be useful for the following information to be included in the Annual Complaints and Compliments report presented to the Corporate Performance Panel:</p> <ul style="list-style-type: none"> • Number of Freedom of Information Requests received. • Number of Data Protection breaches and number upheld by the ICO. • Number of Informal complaints received. <p>AGREED: 1) H Howell to incorporate the suggested amendments above and circulate a revised document for agreement by the Informal Working Group.</p> <p>2) A report from the Informal Working Group be presented to the Corporate Performance Panel on 15 June 2022.</p>	<p>HH</p> <p>HH/ Chair</p>
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The meeting closed at 10.49 am

Corn Exchange Cinema

Post Project Evaluation Report – Corn Exchange Cinema Construction

PROJECT NAME: Corn Exchange Cinema Construction

PROJECT MANAGER: Executive Director (Commercial Services) until March 2020 (no formal Project Manager thereafter)

PROJECT SPONSOR: Management Team

Version Control

Version	Date	Description of Change	Author
0.1	14 Jun 2022	Initial Draft	Honor Howell
0.2	28 Jun 2022	Management Team Feedback	Honor Howell

Contribution/Reviewers

Name	Role	Date
Matthew Head	Internal Auditor	18 Jun 2022
Tony Hague	Procurement Officer	17 Jun 2022
Management Team	Corporate Management	28 Jun 2022
Assistant Directors	Directorate Management	28 Jun 2022

Authorisation/Approval

Date	Version	Approved by	Role/Organisation

Distribution

Role	Name	Organisation/Department
Scrutiny	Corporate Performance Panel	

1. Purpose

- 1.1 The purpose of this report is to review the construction phase of the Corn Exchange Cinema project. The overview of the project will give Senior Management and Members the opportunity to review the initial business case, along with governance, budget estimates, project plans and outcomes and to capture any lessons learned and best practices which can be applied to future projects.

2. Background

- 2.1 In 2011, the council considered to creating a small theatre space in the underutilised upper bar area at the Corn Exchange. This was not pursued due to the capital cost and limited impact on revenue budgets. However, work carried out at that time illustrated that the space could be utilised for a one or two screen cinema.
- 2.2 The council, over the years has received approaches from national cinema chains to build an out-of-town cinema multi-plex offer in King's Lynn. The council has resisted these approaches due to the importance of the Majestic Cinema, based in the centre of King's Lynn (an independent cinema) and its contribution to the night-time economy of King's Lynn.
- 2.3 Since 1984 up to 2019, cinema audiences continued to increase year on year. The introduction of streaming services such as Netflix did not impact this trend and in 2018, when the cinema project was initially conceived, cinema attendances were at an all-time high of 177 million box office receipts ([source UK Cinema Association](#)).
- 2.4 In June 2018, following a review of the space in the Corn Exchange, Cinema Next Consulting (CNC) were appointed by the council to review the cinema market and the possible demand for a commercial cinema in the Corn Exchange. Their report was to include an estimate of likely admissions, anticipated revenue, and operating costs.
- 2.5 In August 2018, CNC reported the outcome of their research and concluded that a two-screen cinema would provide West Norfolk with:
 - 2.5.1 **Regeneration:** an improved retail and leisure offer in King's Lynn which would help invigorate the town, particularly in the early evening and during August, a traditionally quiet time for theatre but peak cinema season. This would, in turn, stimulate greater economic activity.
 - 2.5.2 **Sustainability:** A quality cinema experience would provide improved trading opportunities and other local traders including restaurants and bars would benefit from increased footfall in the town centre.
 - 2.5.3 **Employment:** A town centre multi-arts venue would generate direct and indirect employment opportunities and create a more diverse range of employment opportunities.
 - 2.5.4 **Community Development:** A digital cinema as part of a multi-arts venue in King's Lynn would be able to host a range of content from blockbuster films to documentaries and educational screenings, live relays of theatre, popular and classical music, comedy, opera, ballet as well as a regular cinema programme. This diversity would cater for all members of the community.

- 2.5.5 **Tourism and Heritage:** a multi-arts venue would provide an all-weather, all year-round visitor attraction for the local community, the coastal and rural communities around King's Lynn as well as tourists.
- 2.6 The report concluded that King's Lynn was under-provided for in terms of cinema and a further cinema in the town centre would minimise the potential of an out-of-town cinema. There was therefore a positive opportunity to develop new cinema audiences and create a sustainable cinema offer at the Corn Exchange.
- 2.7 The management of the Majestic Cinema were included in the feasibility study and welcomed the project as a positive step to retain cinema audiences in King's Lynn Town Centre.

3. Scope and Summary of Approach

The scope of this report is focused on the initial feasibility study to completion of the construction and initial operation and revenue of the two-screen cinema in the Corn Exchange, to include:

- Initial feasibility
- Project approval process
- Project Plan
- Appointment of Contractors
- Budget Control
- Risk Management
- Project Management
- Expected outcomes

4. Methodology

- 4.1 To conduct the review, all the available project documents from project start up to conclusion have been examined and evaluated. This included:
- The Project Brief
 - Cabinet Reports/Scrutiny Reports
 - Feasibility Study
 - The Project Plan
 - Project meeting notes
 - Contract meeting notes
 - Risk matrix
 - Budget reports

5. Project Rationale

- 5.1 The rationale for the project was:
- To maximise the use of space within the Corn Exchange
 - Generate revenue and increased use from the existing council asset to make the Corn Exchange more sustainable financially

- Create additional attendances to the Corn Exchange to maximise revenue
- Contribution to vitality of King's Lynn Town Centre and the local economy
- Increase car parking revenue

6. Project Timeline

- 6.1 A detailed timeline of key activities within the project is attached at **Appendix 1**. The construction of the cinema was heavily impacted by on Covid-19 pandemic and the cinema opened in September 2020, 4 months later than the original opening date.

7. Project Management

- 7.1 The Corn Exchange Cinema Project was a council project managed by the Executive Director Commercial Services until his retirement in April 2020. Following his departure, the project management was distributed across several members of staff. No formal Project Manager was appointed. There is no reference to a Project Sponsor in any of the project documents viewed to date.

8. Project Objectives

- 8.1 The project objective outlined in the project brief was 'to create additional attendances at the King's Lynn Corn Exchange to deliver circa £200,000 per annum revenue contribution to site. Capital cost estimated at £1,000,000. Construction period January-March 2020'.

9. Project Outputs

- 9.1 The project outputs were defined as:
- Creation of a 2 x 60-seat cinema screen on the first-floor upper bar area within the Corn Exchange
 - New cinema tickets and concessions kiosk
 - Installation of a new stairway and lift to the first-floor level
 - Structural works to first floor and replace roof glazing
 - Reconfiguration of the ground floor and first floor toilets to increase capacity

10. Project Outcomes

- 10.1 The outcomes identified by the construction of the Corn Exchange Cinema were:
- Reduced revenue cost of the Corn Exchange
 - Additional 50,000 visits to the site per annum
 - Contribution to vitality of King's Lynn Town Centre/increase in car park revenue

11. Capital Works

- 11.1 The estimated capital cost of the construction of the Corn Exchange Cinema as outlined in the Cabinet Report of 13 Nov 2018 was **£1,078,210**. This sum was increased at the Cabinet Report of 11 June 2019 to **£1,649,500**. The final cost of the project to construction the cinema was **£1,894,500**. A full breakdown of the council's capital spend in relation to the construction of the Corn Exchange Cinema is set out below:

Corn Exchange Cinema				
Reference Number - Cabinet Report 18/06/2019 - 2.4.5	Description	Original(£)	Revised (£)	Variance (£)
2.4.4	General Construction	£504,545	£618,000	£113,455
2.4.2	Mechanical	£67,000	£160,000	£93,000
2.4.3	Electrical	£56,500	£100,000	£43,500
	Projection/Sound	£161,990	£180,000	£18,010
	Seating	£28,200	£36,000	£7,800
	Signage	£5,000	£5,000	£0
	fees	£123,750	£177,500	£53,750
2.4.1	Roof	£45,000	£145,000	£100,000
	Preliminaries	£0	£128,000	£128,000
	Contingency	£82,500	£100,000	£17,500
	Inflation Allowance	£48,725	£0	-£48,725
2.5	Toilet Additional Cost - Separately costed item within the Cinema Tender	£10,000	£205,000	£195,000
2.6	Foyer, Life and Façade - As per toilets, separately costed item within the Cinema Tender	£9,700	£40,000	£30,300
Final Cost of Cinema		£1,142,910	£1,894,500	£751,590
	Known cost changes	£575,255	76.5%	
	Unknown cost changes	£176,335	23.5%	
		£751,590	100%	

12. Admissions Forecast

- 12.1.1 Cinema Next Consulting (CNC) reported that throughout the UK, there were an average cinema admissions level of 2.6 admissions per capita. CNC highlighted that there were 62,513 people living within a 20-minute unrestricted drive to King's Lynn and 172,268 within a 40-minute restricted drivetime of the Corn Exchange.
- 11.2 The Majestic Cinema was generating approximately 240,000 ticket sales per annum which resulted in a per capita rate of 1.4 within a forty-minute drivetime.
- 11.3 CNC advised that by adding on two screens at the Corn Exchange, with an assumption based on 28.5% occupancy levels, a further 50,752 admissions per annum could be generated in King's Lynn.

11.4 The table below provides the forecasted admissions to the cinema over the initial 5-year period of opening

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Admissions	38,064	45,677	50,752	50,752	50,752
Ticket Sales (£)	£237,063.00	£290,165.00	£328,853.00	£335,430.00	£342,139.00
Refreshments + sundries	£166,286.00	£204,114.00	£231,992.00	£237,315.00	£242,765.00
Total	£403,349.00	£494,279.00	£560,845.00	£572,745.00	£584,904.00
Less operating costs	(£256,210.00)	(£291,637.00)	(£320,389.00)	(£327,277.00)	(£250,582.00)
Net Profit	£147,139.00	£202,642.00	£240,456.00	£245,468.00	£250,582.00

Based on the initial estimate construction cost of £1.1m, the cinema was estimated to provide a Return on Investment of **19%**.

12. Risk

12.1 All projects require there to be a risk register maintained, with clearly identified risk mitigation measures both throughout the initial build, the opening, and the day-to-day operation of the facility. The following risks were defined in relation to the Corn Exchange Cinema project:

- Cinema revenues – the financial position is largely dependent on the continued popularity and overall quality and quantity of the films it shows
- Cinema revenues fluctuate and are dependent on the timing of release of films
- Extreme weather conditions (abnormal, severe, or unseasonal) will affect attendances
- Ability to licence films
- Revenues from retail sales is an important part of gross profit
- Screen advertising – income will be affected by small audiences with advertisers not choosing to advertise to a small market
- Reputation and quality of environment
- Increased competition and pricing pressures
- Alternative media

The Cabinet report highlighted that the ‘cinema proposal represented a high-risk investment compared to much of the council’s investment but would deliver a much higher rate of return’.

The Cabinet report also stated ‘the number of tickets sold is key to achieving revenue forecasts. A marketing plan will be developed for the new offer including using the existing database of Corn Exchange customer’s’.

13. Outputs Achieved

13.1 The outputs detailed in Section 9.1 were fully achieved. The cinema was built to specification, a new stairway and lift to the first-floor level were completed, improvements to the façade

were made along with a full reconfiguration of the ground and first-floor toilets to increase capacity in line with the anticipated increase in patrons to the venue.

14. Outcomes Achieved

- 14.1 The desired outcomes from the Corn Exchange Cinema Projects were:
- Reduced revenue cost of the Corn Exchange
 - Additional 50,000 visits per annum
 - Contribution to vitality of King's Lynn Town Centre/increase in car park revenue
- 14.2 The work to construct the cinema commenced in January 2020 and was estimated to take approximately 3 months. The Corn Exchange closed following the end of the pantomime run in December 2019 for the work to commence. In March 2020, the covid-19 pandemic began to have an impact on the hospitality and leisure industry and Alive West Norfolk closed all facilities on 17 March 2020. The government then 'locked down' the country on 23 March 2020 and many construction sites closed at this time.
- 14.3 Although work on the cinema continued throughout the lockdown, the timeline for completion was impacted by the requirement for covid-safe working practices, social distancing, and the building materials supply chain.
- 14.4 When the cinema opened to the public on 18th September 2020, there were strict guidelines in place regarding social distancing and the capacity at which the cinema was able to operate (50% of total seats could be sold per screen). The second lockdown came into force on 5 November 2020, giving the cinema just 6 weeks opening before it was required to close again. The cinema did not re-open to the public until May 2021.
- 14.5 The impact of the pandemic on both the construction schedule and it's first year of operation has been profound. Audiences are returning to cinema, but the continued (and rising) presence of Covid-19 has deterred many people from returning to events and hospitality venues.
- 14.6 Due to the effects of the pandemic and subsequent changes to the film industry, how films are distributed and streamed, revised estimates for 2022/2023, 2023/2024 and 2024/2025 are being prepared for the Alive West Norfolk Board of Directors to review and approve.

15. Key Findings

- 15.1 The actual cost of the cinema construction was initially estimated to be £1.1m. The revised cost, presented to Cabinet in June 2019 was £1,649,500. The final cost was circa £1.9m.
- 15.2 The financial summary in Appendix 2 outlines the areas of overspend. Some elements such as the cinema seating, licences and upgrades to the Corn Exchange ticket booking system and the changes to the website to incorporate the cinema ticket sales were not included in the Cabinet report.
- 15.3 The building contractor, Phelan Construction, advised they were entering a Company Voluntary Agreement in the final stages of contract negotiations. The mitigating action

initiated by the Chief Executive and the Procurement Team to manage this situation was appropriate and proportionate. Initial due diligence checks had not highlighted any concerns with the position of the company, but further due diligence led to a request for updated accounts which did highlight a reduced net profit and turnover in the preceding 12 months. Action taken by the council protected the company and the council from a situation whereby they would not be able to deliver the project.

- 15.4 Following the retirement of the Executive Director, Commercial Services, the council did not formally appoint a Project Manager. Any project should have a Project Manager who is responsible and accountable for the delivery of the project as well as management of project staff. Lack of a Project Manager will result in a lack direction and responsibility within the project.
- 15.5 The project documents are not located in one place which has made the review challenging to complete. There are also key project documents missing, such as a risk register. The risks were including in the cabinet reports and Project Brief, but there is no risk log, risk-scoring or risk mitigation plan associated with this project.
- 15.5 The initial feasibility study demonstrated that King's Lynn was under-represented in terms of cinema screens and the cinema would attract more customers to the Corn Exchange and thus to the town centre. When the cinema was initially planned, attendances at cinema's were at a record high. The Covid-19 pandemic coincided with the construction of the cinema and its impact on both the construction timetable and the ongoing operation of the cinema cannot be underestimated and must be considered when reviewing the performance of the cinema in its first 15 months of opening.
- 15.6 Amendments to the original scope of the construction work, most notably with the zinc roof, which created the acoustic envelope for the cinema and the major refurbishment of the toilets. Repairs to the roof and improvements to the toilets were including in the council's Capital Programme but the revisions were due to the construction of the cinema. Cabinet agreed that these costs would be separated from the capital cost of construction, but they should be attributed to the overall capital spend on the cinema as they were directly related to the cinema construction.
- 15.7 A key driver for the project was to ensure that cinema audiences remained in King's Lynn town centre and the manager of the Majestic Cinema was supportive of the initiative. To ensure the Corn Exchange was not in direct competition with the Majestic, the Majestic would continue to screen new releases first. The Corn Exchange would not have enough capacity to accommodate a major film release. However, this will influence ticket sales if patrons choose to see a film when it is first released. 'Event' films such as James Bond or the Marvel films are the bedrock of commercial cinema. According to the [Independent Cinema Office](#), *'these are mass appeal films created at huge cost and supported by a massive marketing effort. They provide a disproportionately large amount of a cinema's annual income. 'Event' films are shown widely at multiplex cinemas but often perform poorly in local independent cinemas when shown a few weeks after the initial high-profile release'*.

16. Recommendations and Lessons Learnt

16.1 Project Management

- 16.1.1 A Project Manager should be formally appointed to each major project, and they should be responsible for directing the work of the project team and associated contractors (*Note – following the recommendations from the KLIC review, this is now in place and a formal process of reporting on major projects is now in place. All major projects are reported into the Officer Major Projects Board and the Member Major Projects Board*).
- 16.1.2 All project documents should be maintained in one location, accessible by the Project Team.
- 16.1.3 All project documents should be subject to full version control.
- 16.1.4 The Officer Major Projects Board should review the project to ensure all documents are available and maintained (project plan, risk register, budget etc).
- 16.1.5 All details of due diligence undertaken should be filed with the project documents, including any reports obtained via a credit reference agency.
- 16.1.6 All risks should be risk assessed, scored and a risk mitigation plan put into place.
- 16.1.7 A Change Control register should be put in place at the start of the project and any changes entered into the register and signed off by the Project Sponsor.

16.2 Budget Control

- 16.2.1 If the cost of a project increases, a revised Profit and Loss statement should also be produced to establish how the increase in cost will impact the expected benefits. It will inform Management Team and Members if the Return on Investment has altered and assist in the decision-making process. It will also provide information on the continued viability and cost/benefit analysis of the project.
- 16.2.2 The initial feasibility study included car parking income. However, customers visiting the Corn Exchange, or the Majestic would likely park in a council car park, therefore profit from car parking charges would likely be minimal.
- 16.2.3 The full likely cost of a project, including all sundries, furnishings as well as resources should be included in the Cabinet report.

17. Conclusion

- 17.1 The decision to build the Corn Exchange Cinema was based on an increasing number of attendances at cinemas nationally and a need to use the council's assets to their full capacity. The onset of the Covid-19 could not have been predicted and it's timing has had a major impact on the cinema. The repeated lockdowns resulted in the Corn Exchange not being able to fully launch the cinema and promote it as they would have done if the pandemic did not exist.
- 17.2 Although there are no longer any restrictions, audiences are still wary of attending public venues and this is more the case with the more mature audiences the Corn Exchange Cinema

is aiming at. Theatres and cinemas are beginning to see an increase on attendances, but recovery is slow.

- 17.3 The pandemic also changed the way films are released. Many new films are released to paid-for streaming services such as Amazon Prime, Netflix, Hulu, and Sky Box Office. Film studios have held back releases of 'blockbuster' films whilst the economy recovers. The success of the cinema in the future will largely depend on the quality of the offer, the environment, and the ability to show films as soon as they are released.
- 17.4 Feedback on the cinema has been excellent. It is a high quality; comfortable environment and many customers wait to see films there due to the excellent facilities and superior sound quality. The cinema is an asset to the town. The council and the Alive West Norfolk Board should now look to the future to plan how to capitalise on the facility to maximise revenue and build the cinema to be a natural choice for cinemagoers in the future.

CORPORATE PERFORMANCE PANEL WORK PROGRAMME 2022/2023

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
16 June 2022	Appointment of Vice-Chair			To appoint a Vice-Chair for the Municipal Year 2022/2023.
16 June 2022	Call-in (if any)			
16 June 2022	Nominations to Outside Bodies and Partnerships – Hunstanton Sailing Club	Appointment as an Observer to an Outside Body		To appoint a representative as an observer role only.
16 June 2022	Review of New Waste Collection Contract Performance – Stage 2 – Review of the legal and technical contract performance for year 1 of the contract.	Councillor Request	B Brandford/ M Chisholm	
16 June 2022	Tourism – Harmful or Helpful? A review of 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

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DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
16 June 2022	Full Review of Performance Indicators 2021/2022	Review	G Greaves	
16 June 2022	Scheme of Delegation/ Planning Sifting Panel	Cabinet	S Ashworth	
16 June 2022	Resourcing - Development Management Team (Planning)	Cabinet	G Hall	
16 June 2022	Hunstanton Promenade Waste Water – Update	Update	M Henry	
16 June 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
16 June 2022	Cabinet Forward Decisions List			
16 June 2022	Panel Work Programme			
16 June 2022	Exempt: KLIC Repayment Plan	Quarterly Update	M Henry	Quarterly Update
18 July 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
18 July 2022	Call-in (if any)			

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
18 July 2022	Report from the Informal Working Group – Review of the Corporate Complaints Policy		H Howell	
18 July 2022	Report of the Informal Working Group on Council Meeting Arrangements		L Gore	To receive the report of the Informal Working Group.
18 July 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
18 July 2022	Cabinet Forward Decisions List			
18 July 2022	Panel Work Programme			
18 July 2022	<u>Exempt Report:</u> Corn Exchange Cinema – Post Project Development Review	Review	H Howell	
18 July 2022	<u>Exempt report</u> Pay Award	Cabinet	D Gates	

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
12 September 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
12 September 2022	Call-in (if any)			
12 September 2022	Hunstanton Promenade Waste Water – Update	Update	M Henry	
12 September 2022	Call in of Delegated Decisions		A Baker	Request from the Chair
12 September 2022	Formal Complaints against the Borough Council 1 April 2021 - 31 March 2022 The number of compliments received also to be included in the report.	Annual	H Howell	For information only
12 September 2022	Town Deal Board (Governance)		J Hay	Details set out in email from Councillor Moriarty dated 17 March 2022
12 September 2022	Q1 2022/23 Corporate Performance Monitoring Report	Monitoring	G Greaves	
12 September 2022	Q1 2022/23 Corporate Business Plan Monitoring Report	Monitoring	G Greaves	
12 September 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.

12 September 2022	Companies Governance	Cabinet	G Greaves	
12 September 2022	<u>Exempt Report:</u> Post Evaluation Review of H & M	Post Evaluation Review	M Henry	To undertake a review of the project

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
12 September 2022	Cabinet Forward Decisions List			
12 September 2022	Panel Work Programme			
12 September 2022	Exempt: KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update
3 October 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
3 October 2022	Call-in (if any)			
3 October 2022	Feedback from Councillor Blunt on the enforcement issues discussed on 13 April 2022		Councillor R Blunt	
3 October 2022	Relationship with the Shakespeare Trust in relation to the Guildhall	Councillor Request		Request from Councillor Moriarty. To note this item may need to be rescheduled to an alternative date depending on the outcome of the HLF bid.
3 October 2022	Exempt Report: Hunstanton Sailing Club (Prior to receiving the update, the Panel to determine if the item should be discussed as an exempt report)	Annual Update	Borough Council's Appointed Representative	The Panel to receive an annual report from the Borough Council's representative.

3 October 2022	Cabinet Forward Decisions List			
3 October 2022	Work Programme			
31 October 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
31 October 2022	Call-in (if any)			
31 October 2022	Full Review of IDC to include the appointment of Members, standing orders relating to the investigation of discipline of statutory officers and terms of reference for that Committee.	Councillor Request		Request from Councillor Nash
31 October 2022	Corn Exchange – (Request from Councillor Morley) – comparing the actual with 2 budget authorities	Councillor Request	M Drewery	Request from Councillor Morley
31 October 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
31 October 2022	Panel Work Programme			
4 January 2023	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
4 January 2023	Call-in (if any)			

4 January 2023	Review of New Waste Collection Contract Performance – Stage 2 – Review of the legal and technical contract performance for year 1 of the contract.	Update	B Brandford/ M Chisholm	Further Update following 16.06.22 meeting
4 January 2023	Annual Communications Update	Annual Update	S Clifton/ J Hillard/ A Howell	
4 January 2023	Q2 2022/23 Corporate Performance Monitoring Report	Monitoring	G Greaves	
4 January 2023	Q2 2022/23 Corporate Business Plan Monitoring Report	Monitoring	G Greaves	
4 January 2023	Cabinet Forward Decisions List			
4 January 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
4 January 2023	Panel Work Programme			
4 January 2023	Exempt: KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update
27 February 2023	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.

27 February 2023	Call-in (if any)			
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DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
27 February 2023	Scrutiny – to look at the compulsory statutory guidance and practice elsewhere		Lead Officer to be identified	
27 February 2023	Q3 2022/23 Corporate Performance Report	Monitoring	G Greaves	
27 February 2023	Q3 2022/23 Corporate Business Plan Monitoring Report	Monitoring	G Greaves	
27 February 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting
27 February 2023	Cabinet Forward Decisions List			
27 February 2023	Panel Work Programme			
5 April 2023	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
5 April 2023	Call-in (if any)			
5 April 2023	Council Season Car Parking Badges - Rules, cost, numbers and use and abuse	Councillor Request		Request from Councillor Moriarty
5 April 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting

5 April 2023	Cabinet Forward Decisions List			
5 April 2023	Panel Work Programme			
5 April 2023	Exempt: KLIC Repayment Plan	Quarterly Update	M Henry	Quarterly Update

Forthcoming Items – Date to be advised

Guidance in respect of Council Tax Support Scheme ahead of when it is presented to Council for approval – M Drewery/J Stanton

Statement of Community Involvement (request from Councillor Moriarty) – S Ashworth

January 2022 to December 2022 Report on use, or non-use RIPA powers (Annual Report) – July 2023

July 2023 – Performance of the Corn Exchange Cinema – N Gromett

January 2021 to December 2021 Report on use, or non-use of RIPA Powers – J Hay to advise of date once gone through democratic process.

Councillor Requests

Councillors Morley and Ryves – Council Owned Companies.

Councillor de Whalley – Failure of West Norfolk Climate Change Partnership chaired by this Council to meet any of its terms of reference over the first 28 months of its existence.

FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
Sp meeting 21 July 2022						
	West Norfolk Investment Plan for Shared Prosperity Fund	Key	Cabinet	Business Culture & Heritage Asst Director – D Hall		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
2 August 2022						
	Revenue & Capital Outturn 2021/22	Key	Cabinet	Finance Asst Dir M Drewery		Public
25	MFR contract and associated Shareholder's Agreement	Key	Cabinet	Environment Asst Dir – M Chisholm		Private - Contains exempt Information under para 3 relating to the business affairs of any person (including the authority)
	CIL – amendments to Governance document	Non	Cabinet	Development & Regeneration Asst Dir S Ashworth		Public
	Contaminated Land Strategy	Key	Council	Environment		Public
	Risk Management Policy	Key	Council	Finance Chief Executive		Public
	Staff Pay Award	Key	Council	Leader Exec Dir – D Gates		Private - Contains exempt Information under para 4 –

						information relating to consultations and negotiations with employees
	West Winch Framework Masterplan for consultation	Key	Cabinet	Development and Regeneration		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
Sp meeting 1 September 2022						
	Multi User Hub Business Case	Non	Cabinet	Business Culture & Heritage Asst Director – D Hall		Public
	Active and Clean Connectivity Business Case	Non	Cabinet	Business Culture & Heritage Asst Director – D Hall		Public
	Meeting Arrangements	Non	Cabinet	Chief Executive – L Gore Leader		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
Sp meeting 15 September 2022						
	Riverfront Business Plan	Non	Cabinet	Business Culture & Heritage Asst Director – D Hall		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
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20 September 2022						
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Freedom of the Borough - amendments	Non	Council	Leader Chief Executive		Public
	Lynnsport One	Key	Council	Regeneration & Development 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)
54	Asset Management – Land and Property	Key	Cabinet	Property Asst Dir Property and Projects		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Review of Governance of Council Companies	Non	Cabinet	Leader Chief Executive		Public
	Balloon and Lantern report	Non	Cabinet	Corporate Services and Environment Asst Director – M Chisholm		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
15 November 2022						

	Levelling up Government response and actions	Key	Council	Business Culture & Heritage Asst Director – D Hall		Public
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
17 January 2023						
	West Winch Framework Masterplan	Key	Council	Development and Regeneration Asst Dir – S Ashworth		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
7 February 2023						
	Budget	Key	Council	Finance Asst Director – M Drewery		Public
	Capital Programme	Key	Council	Finance Asst Director – M Drewery		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
7 March 2023						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
18 April 2023						

Items to be scheduled

	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public
	Procurement Strategy	Non	Cabinet	Finance Asst Dir – D Ousby		Public
	Review of Planning Scheme of Delegation (summer 23)	Non	Council	Development and Regeneration Asst Dir – S Ashworth		Public

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