

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CORPORATE PERFORMANCE PANEL

Minutes from the Meeting of the Corporate Performance Panel held on Monday, 31st October, 2022 at 4.30 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor J Moriarty (Chair)
Councillors B Ayres, I Devereux, H Humphrey (Vice-Chair), C Joyce, J Lowe, C Manning, C Morley, S Nash, C Rose and D Tyler

Portfolio Holders

Councillor S Dark, Leader
Councillor Mrs A Dickinson, Finance
Councillor P Kunes, Environment
Councillor A Lawrence, Property (Zoom)
Councillor G Middleton, Business, Culture and Heritage
Councillor S Sandell, People and Communities

Under Standing Order 34:

Councillors R Blunt (Zoom), M de Whalley and C Joyce (Zoom)

Officers:

Alexa Baker, Monitoring Officer
Becky Box, Assistant Director, Central Services
Barry Brandford, Waste and Recycling Manager
Lorraine Gore, Chief Executive
Geoff Hall, Executive Director, Development and Environment
Jamie Hay, Senior Internal Auditor
Matthew Henry, Assistant Director Property and Projects
Honor Howell, Assistant to the Chief Executive
Jo Stanton, Revenues and Benefits Manager
Wendy Vincent, Democratic Services Officer

CP57 **APOLOGIES**

Apologies for absence were received from Councillors J Kirk, B Long and Martin Chisholm, Assistant Director.

CP58 **MINUTES**

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The minutes of the meeting held on 17 October 2022 were agreed as a correct record and signed by the Chair, subject to the following amendment, which was agreed by the Panel:

CP48: Formal Complaints against the Borough Council – 1 April 2021 to 31 March 2022 – RESOLVED 3) be amended to read: Freedom of Information requests published on the Council's website. Officers agreed to highlight the link to previous FOI requests.

CP59 **DECLARATIONS OF INTEREST**

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The Monitoring Officer advised Cabinet Members who were a company director to declare an interest.

Councillor G Middleton declared an interest as a Director of the Alive West Norfolk Board.

Councillors S Dark and J Moriarty declared an interest on as a Norfolk County Councillor on Call-in of Cabinet Members Delegated Decision - Council Tax Support scheme 2023/2024: Draft Scheme for Working Age Customers for Consultation.

CP60 **URGENT BUSINESS UNDER STANDING ORDER 7**

The Chair advised that there was an item of urgent business to discuss the Call-in of the Cabinet Members Delegated Decision - Council Tax Support scheme 2023/2024: Draft Scheme for Working Age Customers for Consultation which would be considered under CP63.

CP61 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillors R Blunt (Zoom), C Joyce (Zoom) and M de Whalley (in person) were present under Standing Order 34.

CP62 **CHAIR'S CORRESPONDENCE**

There was no Chair's correspondence.

CP63 **CALL-IN**

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Call-in of Cabinet Members Delegated Decision
Council Tax Support Scheme 2023/2024: Draft Scheme for Working Age Customers for Consultation

Councillor Morley presented the call in and outlined the reasons why he had called in the Cabinet Members Delegated Decision.

The Chair invited any of the supporters to address the Panel.

Councillor C Joyce, supporter of the call-in addressed the Panel and outlined his reasons for supporting the call-in by Councillor Morley.

At the invitation of the Chair, Councillor Sandell, Portfolio Holder for People and Communities addressed the Panel.

The Chair invited the Panel to debate the call-in.

The Panel debated the call-in.

The Revenues and Benefits Manager responded to questions in relation to:

- Responses received from Norfolk County Council and the Police.
- Draft scheme and consultation exercise undertaken for a 6 week period.

At the invitation of the Chair, the Leader, Councillor Dark addressed the Panel.

Councillor de Whalley addressed the Panel under Standing Order 34.

Councillor Morley summed up the reasons why he had called in the Members Delegated Decision.

The Panel voted on the call-in.

RESOLVED: The Panel did not uphold the call-in.

CP64

CORPORATE BUSINESS PLAN MONITORING REPORT 1 APRIL - 30 SEPTEMBER 2022

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The Assistant to the Chief Executive explained that the monitoring report had been developed to demonstrate progress against the Council's Corporate Business Plan and contained information on the progress made on the key actions up to the end of September 2022.

The Panel was informed that there were currently 48 agreed actions in place to progress the Council's Corporate Business Plan. The monitoring report indicated that 29 of the actions were on track, 12 actions were slightly behind, 1 action was significantly behind, 1 action was on hold and 5 actions had been completed.

Members were advised that additional performance information was available in the Q1 2022/2023 corporate monitoring report, reviewed at the Corporate Performance Panel on 3 October 2022. The report comprised of a revised suite of indicators agreed by portfolio holders

and management team as the key performance measures to monitor key council services and impacts on borough wide issues, all indicators were linked to the Corporate Business Plan priorities.

In response to questions from Councillor Humphrey on recruitment issues within the Council, the Assistant Director, Central Services explained that recruitment was a challenge for a range of services and the Council was using a range of methods to recruit to vacancies and advised that nationally there was a skills shortage in some professional area. The Panel was advised that the council was also looking at a new style of advertisement, promoting the benefits of living and working in West Norfolk, where advertisements were placed and the recruitment process.

Following further questions from Councillor Humphrey on apprenticeships, the Assistant Director, Central Services explained that the national criteria for apprenticeships was matched to relevant roles within the Council. It was noted that the council worked with the College of West Anglia and other organisations on the apprenticeships schemes available with the authority.

In response to questions from Councillor Morley on 2.1 – Develop out town centres, etc and the RAG ratings, the Chief Executive explained why the RAG ratings were amber/green at the present time and that it was hoped that the ratings would be green in the next report.

In response to questions from the Chair, Councillor Moriarty on the delay with the financial statements for 2020/2021, the Assistant Director, Resources explained that the 2019/2020 Statement of Accounts were behind schedule and were expected to be signed off in February 2023, the earliest date available identified by the external auditors when they would have the available resource. The Committee was advised that this was having a knock-on impact/delay in commencing the audit of the financial statements for both 2020/2021 and 2021/2022 which in turn, will affect other work priorities and deadlines in the coming months/year. It was highlighted that the timetable for the audit of the financial statements was set by the external auditors.

The Portfolio Holder for Finance commented that the delay by external auditors was a national problem and the public sector auditors were also facing difficult challenges in recruitment and that it was having the same knock-on affect in other local authorities.

Councillor Devereux added that as Chair of the Audit Committee he explained that M Hodgson of Ernst Young had attended the last meeting and answered questions from Members.

In response to questions from the Chair, Councillor Moriarty on the RAG rating - improving the digital offer for residents and service users and considering ways of addressing digital exclusion, the Assistant to the Chief Executive explained that during the Pandemic there were

more on-line services but advised that the Council was aware of gaps of digital exclusion and that a strategy had been worked on but had been postponed during Covid. The Web Team was also exploring ways to improve access to ensure there was no digital exclusion. It was noted that web chat was responded to by CIC advisers.

Under Standing Order 34, Councillor de Whalley addressed the Committee on the following points:

- Accessing digital services and providing required support.
- Increase in the number of trees in the district – amber RAG rating.
- Increase walking, cycling and sustainable transport – amber RAG rating.

In response to the questions raised by Councillor de Whalley, the Portfolio Holder undertook to respond to Councillor de Whalley direct.

The Chair thanked the Assistant to the Chief Executive for the informative report.

RESOLVED: The Panel recommended that Cabinet considered and commented on progress against the Corporate Business Plan.

CP65

REVIEW OF GOVERNANCE OF COUNCIL COMPANIES

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The Monitoring Officer explained that the purpose of the report was to place before Members the report to Cabinet in relation to the governance review of the Council's companies, due to be considered by Cabinet on 15 November 2022.

The Panel's attention was drawn to the following sections of the report:

- Appendix 2 – Governance Review Action Plan.
- Recommendation 1 – Cabinet hereby establishes a sub-committee to be known as 'the Shareholder Committee' and sets the terms of reference as shown in Appendix 1 to the report as the terms of reference for the Shareholder Committee. Cabinet delegates full authority to the Shareholder Committee to carry out its terms of reference.
- Terms of Reference – paragraph 3.1 – the following change would be made prior to Cabinet on 15 November: The Shareholder Committee shall comprise of 3 Cabinet Members to be selected by the Leader on an annual basis to allow flexibility.

The Monitoring Officer responded to comments and questions in relation to:

- Quorum for Shareholder Committee and flexibility for substitutes.
- Section 4 - Options considered: Shareholder function, Shareholder Advisory Committee (pros and cons).
- Council's preferred option – Shareholder Committee.
- Role of Shareholder Advisory Committee.
- Scrutiny opportunities using the Council's scrutiny procedures /call-in of decisions.
- Terms of reference to be set by Cabinet not required to be included in Council's Constitution.
- Status of Alive Management Ltd.
- Meetings of the Shareholder Company – documents being available for Councillors to access on Mod Gov, meetings to be held in open session for transparency purposes unless reason identified as to why an item should be considered in exempt session.

The Portfolio Holder for Business, Culture and Heritage highlighted the importance of better governance for Council companies and that advice had been sought from the Monitoring Officer. The Portfolio Holder added that the majority of comments made by Councillor Morley would be taken on board to allow scrutiny to be undertaken. In conclusion, the Portfolio Holder advised that the report offered the best way forward for Council owned companies and highlighted the importance of getting this right. The Portfolio Holder advised that the comments made by the Panel would be taken into account before a decision was taken by Cabinet.

The Leader, Councillor Dark gave some context to the report and explained that Cabinet recognised that there was a need to look at the governance. Councillors were reminded that for a number of years the legal service was outsourced but was now being brought back in-house together with the Monitoring Officer. The Leader commented that the law and best practice was always evolving and that in reality the report looked across the country at different models in operation, but the option of the Stakeholder Committee had been identified as the preferred option for the Council.

Under Standing Order 34, Councillor Joyce addressed the Panel and outlined the pros and cons of the preferred option and added that there could be a change of Administration in May 2023.

Councillor Morley proposed the following amendment, which was seconded by Councillor Nash but on being put to the vote was lost:

Recommendation 1:

That the Borough Council shall look at the pros and cons of a form of shareholder involvement and decide whether there should be a Shareholder Committee and/or advisory body made up proportionally to provide advice to the Executive/Portfolio Holder(s) for action.

The Chair thanked the Monitoring Officer for the report.

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

- 1) Cabinet hereby establishes a sub-committee to be known as 'the Shareholder Committee' and sets the terms of reference as shown in Appendix 1 to the report as the terms of reference for the Shareholder Committee. Cabinet delegates full authority to the Shareholder Committee to carry out its terms of reference.
- 2) Authority is delegated to the Chief Executive in consultation with the Leader to enter Service Level Agreements between the Council and each of its wholly owned companies in respect of all support provided by the Council to that wholly owned company.
- 3) The Corporate Governance Action Plan attached at Appendix 2 is approved.

CP66 **TOWN DEAL BOARD GOVERNANCE**

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The Senior Internal Auditor explained that a request was received by Internal Audit to undertake a review of the Towns Fund management and governance arrangements, in particular the Towns Deal Board (TDB).

The Panel's attention was drawn to the following sections of the report:

- Appendix A – Findings, Risk and Recommendations (1 – 10).
- Appendix B – BCKLWN compliance with Towns Fund Guidance (June 2020) regarding the set-up of a Town Deal Board.
- Appendix C – Management Response to Appendix A.

The Senior Internal Auditor outlined other factors that must be considered alongside the report:

1. The only guidance available at the time the Towns Deal Board was created was via the Towns Fund Prospectus dated November 2019. (The TDB had to be set up by the end of January 2020 as per government funding requirements)
2. The Towns Fund Guidance was not published until June 2020
3. In terms of transparency requirements within the Prospectus there were no specific measurements for these in terms of time frames (these were introduced in the Towns Fund Guidance in June 2020) Such as page 63 of the June 2020 guidance which states "All Board papers to be published on the Lead Council's website in advance of the meeting (within 5 clear working days)"

4. As at the last check of the minutes of TDB meetings these were now all up to date and available on the Vision King's Lynn website
5. Towns Fund Guidance at 5.5 states - Take into account all the guidance in this document and the prospectus, including clean growth, community engagement, mitigating against Covid-19 related challenges, etc. You should set out how each aspect is relevant to your context rather than feel you have to take everything on board as a blueprint.

Members were advised that the Agendas and Minutes of the Town Deal Board could be viewed on Vision King's Lynn website.

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

The Senior Internal Auditor/Chief Executive responded to questions and comments in relation to:

- Why West Winch and North Runcton Parish Councils had not been included in the consultation exercise and potential links into future Town Deal projects.
- Identifying future funding opportunities that aligned with the vision and priorities set out in the Town Investment Plan.
- Frequency/Schedule of Town Deal Board meetings.
- Number of recommendations which had already been completed.

In response to questions from the Chair, Councillor Moriarty on external funding set out at 3.28, page 14 of the Town Funds Guidance June 2020 and how the Town Deal Board was set up, the Senior Internal Auditor advised that there was work carried out by the Auditor who had written an exception report of the information looked at and included in the Agenda. The guidance referred to initial engagement with businesses and the private sector, the Senior Internal Audit drew attention to the report circulated with the agenda - 4.8 of Appendix B and explained that a consultant company had been appointed to assist with the setting up of the Town Deal Board and added that a list of established businesses had been invited to attend an inaugural meeting and attendees identified who were willing to assist in establishing a Town Deal Board.

Councillor Nash expressed concern and commented that as all areas of local government should be involved in order to get a range of ideas and to ensure transparency and a fully functioning exercise. In response, the Senior Internal Auditor advised that external consultants were commissioned to undertake that aspect of setting up the Town Investment Plan and that it would be a question now for the Town Deal Board's consideration.

In response to questions from the Chair, Councillor Moriarty to Portfolio Holders on the terms of reference which identified the Leader as the Borough Council's representative on the Town Deal Board, the Portfolio Holder for Business, Culture and Heritage explained that the original terms of reference specifically identified the Leader but when the portfolio responsibilities had been restructured as the bulk of the work fell within the Portfolio Holders for Business, Culture and Heritage and Regeneration the decision was taken to amend the terms of reference to include those two portfolios.

Following questions from Councillor de Whalley on the Town Funds Guidance and the consideration of changing the word 'should' to 'must' in the recommendations set out at Appendix A, the Monitoring Officer explained that there was less than adequate detail within the Government guidance and there were a number of inconsistencies in other areas of the guidance and the blueprint had indicated that each Town should work out what was the best fit for their own councils and feed back to local government. It was noted that the management response had set out the reasoning why parish councils were not included and King's Lynn was an unparished area and therefore a balance of both private and public sector were represented on the Town Deal Board.

Under Standing Order 34, Councillor Joyce address the Panel and referred to the points made by Councillor de Whalley and commented on redrawing boundaries to reflect the old Borough of King's Lynn and added that there was King's Lynn Consultative Committee which comprised Borough Councillors.

In conclusion, the Senior Auditor explained that an Internal Audit Report of the Towns Fund was scheduled for quarter 4 of the 2022/2023 Internal Audit Plan which would be fed through to the Audit Committee as part of the full year progress report for 2022/2023 towards the beginning of the next financial year.

The Chair thanked the Senior Internal Auditor for the report.

RESOLVED: The Panel considered the attached report. Should the Panel wish to pass comments, please refer these through to Internal Audit for consideration within the Internal Audit Report of the Towns Fund that is scheduled for quarter 4 of the 2022/23 Internal Audit Plan. This will be fed through to Audit Committee as part of the full year progress report for 2022/23 towards the beginning of the next financial year.

CP67

PORTFOLIO QUESTION AND ANSWERS

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Coastal Pressures Group

The Portfolio Holder Business, Culture and Heritage explained that discussions had been held but had not led to any solid commitment. The Portfolio Holder added that he would continue with discussions and keep the Panel updated on the outcome.

CP68 **CABINET FORWARD DECISIONS LIST**

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The Panel noted the Cabinet Forward Decisions List.

The Chair invited the Members to consider any items which they felt should be presented to the Corporate Performance Panel.

CP69 **PANEL WORK PROGRAMME**

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The Panel noted the work programme.

The Chair invited Members to submit any items for consideration to be discussed at sifting meetings.

The following item was identified for 5 April 2023:

- H & M Post Project Evaluation – Lessons Learnt

CP70 **DATE OF NEXT MEETING**

The next meeting of the Corporate Performance Panel will be held on 4 January 2023 at 4.30 pm in the Council Chamber, Town Hall, King's Lynn.

CP71 **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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CP72 **EXEMPT REPORT: SERCO CONTRACT**

The Waste and Recycling Manager presented the report and responded to questions and comments from the Panel.

CP73 **EXEMPT REPORT - H&M POST EVALUATION**

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

CP74 **EXEMPT REPORT: HUNSTANTON SAILING CLUB (ANNUAL UPDATE)**

Councillor Rose, the Borough Council's representative presented the annual update report and responded to questions and comments from the Panel.

The meeting closed at 7.25 pm