REPORT TO CABINET

Open		Would any decisions proposed :	
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide Need to be recommendations to Council Is it a Key Decision	YES NO NO
Lead Member: Cllr Stuart Dark (Leader) E-mail:		Other Cabinet Members consulted: Cllr Angie Dickinson, Cllr Richard Blunt Other Members consulted:	
Lead Officer: Matthew Henry (Assistant Director Property & Projects) E-mail: Direct Dial:		Other Officers consulted: Lorraine Gore (Chief Executive), Alexa Baker (Monitoring Officer)	

Financial Implications	Policy/ Personnel Implications	Statutory Implications	Equal Impact Assessment	Risk Management Implications	Environmental Considerations
NO	NO	NO	NO	YES	NO

If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)

Date of meeting: 16 November 2021

MEMBER MAJOR PROJECTS BOARD – REVIEW OF TERMS OF REFERENCE

Summary

The Council set up a Member Major Projects Board (MMPB) during 2019 to provide more formal over-sight and monitoring of the delivery of the Council's major projects and the programme of major projects.

The operation and effectiveness of this Board has been hampered particularly by the Covid-19 pandemic, with many projects being stalled or delayed and Board meetings being cancelled.

The Council's Cabinet recognises the important role projects have in helping to deliver its aims and objectives and wants to ensure that these projects are delivered successfully and in an appropriate way. Cabinet considers that a Project Board comprising a broad spectrum of Members/Councillors will help to provide greater over-sight and management of the Council's programme of major projects.

This report seeks to provide a greater degree of clarity in respect of the role of the MMPB and particularly its relationship with other existing Panels and Committees within the Council. To this end revised Terms of Reference for the Member Major Projects Board are set out within this report.

Recommendation

It is recommended that :

Cabinet note the content of this report and approve the revised Terms of Reference for the Member Major Projects Board.

Reason for Decision

The Terms of Reference for the Member Major Projects Board needed to be reviewed to provide greater clarity in respect of its purpose and function. It is important that the format and function of the Member Major Projects Board does not impinge, or impact upon the role of the existing Panels and Committees of the Council.

1.0 Background

1.1 The Council's Member Major Projects Board (MMPB) was set up by Cabinet at its meeting on 18th June 2019, following recommendations made by the Audit Team in its review of the council's handling of one particular project : the delivery of the King's Lynn Innovation Centre (KLIC).

1.2 The Cabinet Report also set out that an Officer Major Projects Board (OMPB) would be created that would allow Senior Management Team and relevant professional officers to review and monitor the council's major projects and the overall programme of projects.

1.3 The Terms of Reference for both the MMPB and the OMPB were set out within the Cabinet Report and it was proposed that the Officer Board would sit monthly and the Member Board would sit quarterly.

1.4 Unfortunately the MMPB has only been convened three times since it was formed : October 2019, July 2020 and July 2021. A number of meetings needed to be cancelled mainly relating to the Covid pandemic.

1.5 It is important to note that many projects being undertaken by the council were delayed, or postponed, owing to the impact of Covid, with council resources being diverted to deal with issues affecting borough residents.

1.6 When the MMPB was formed by Cabinet it was always intended to review the MMPB and its Terms of Reference, and this was placed on the Cabinet's Forward Decisions list.

1.7 This report sets out some of the options considered and makes recommendations to Cabinet for consideration.

2.0 Options Considered

2.1 There has been a suggestion that MMPB should be a free standing Overview and Scrutiny body, rather than being a sub-committee of Cabinet. This report therefore seeks to provide clarification around

how the MMPB fits within the overall governance arrangements in the council structure.

2.2 The review process has re-flagged the issue that the MMPB seems to overlap with the functions of other established Panels and Committees such as Regeneration & Development Panel, Corporate Performance Panel (both of which are Overview and Scrutiny bodies) and Audit Committee. Cabinet could therefore re-consider the appropriateness of the MMPB, and whether this Cabinet Sub-Committee should continue, if its functions can be fulfilled by other Council Bodies.

2.3 The Panels and Committees mentioned in 2.2 above currently deal with policy development and scrutiny and these issues sit within their existing Terms of Reference. For example :

2.3.1 Regeneration and Development Panel (R&D), Environment and Community Panel (E&C), and Corporate Performance Panel's (CPP) Terms of Reference also state :

"*(c) post implementation reviews of major projects and significant policy changes and the introduction of new policies.*", and

"*(f) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects;*"

2.3.2 Audit Committee's Terms of Reference (under its "Core Functions") state :

"*b. Monitor action taken on risk-related issues identified by management, auditors and inspectors (notably through monitoring progress identified on risks included in the corporate risk register).* "

2.4 Noting the above, Cabinet has potentially two main options :

2.4.1 Disband the Member Major Projects Board and for CPP, E&C, R&D and Audit Committee to undertake their functions under their existing Terms of Reference; or

2.4.2 Continue with the MMPB, but with greater clarity in terms of its role and the boundaries within which it operates.

2.5 Noting the volume of projects currently underway, and those in early concept development, together with the new Central Government

funding streams such as Town Deal and potentially Levelling Up Fund, the Council will be dealing with multiple, complex projects and programmes of projects. Noting this, it is considered appropriate to recommend to Cabinet that the Member Major Project Board is not disbanded and continues to contribute to the governance and improvements to the delivery of the council's major projects, and the programme of projects.

3.0 Clarification on the role of the MMPB

3.1 During the MMPB on 29th July 2021 the Board Members debated the function of the MMPB, and it was apparent that there was a lack of clarity about the Board's role and how it sat in relation to other Panels and Committees, particularly Corporate Performance Panel (CPP), Regeneration and Development Panel (R&D) and Audit.

3.2 The above issues have been reviewed and discussed between Cabinet Members, the council's Section 151 Officer, Monitoring Officer, Democratic Services Manager and members of Senior Management Team.

3.3 For clarity the Member Major Projects Board (MMPB) :

3.3.1 is a Board set up as part of the Cabinet function i.e. it is a "sub-committee" of Cabinet;

3.3.2 can invite non-administration councillors to join the Board;

3.3.3 can only make recommendations to Cabinet.

3.4 The role of the MMPB does not relate to :

3.4.1 Decision-making in respect of which projects are delivered – this is a Cabinet function.

3.4.2 Does not deal with policy development – this is a Panel function.

3.4.3 Does not have a scrutiny function – this too is a Panel function.

3.5 One of the important issues to arise from reviewing the Terms of Reference for the MMPB is the role of the Panels, particularly their scrutiny functions. The current Terms of Reference for the MMPB includes that the Chair of R&D and the Chair of Audit Committee form part of the Board membership. Concern has been expressed about the conflict this may create in the Panels' scrutiny function, as such it is proposed that the Chairs of Audit and R&D will no longer be invited to join the MMPB.

3.6 To replace the Chairs of Audit and R&D it is proposed that relevant

Cabinet Portfolio Holders are invited to form part of the MMPB. This ensures that the Chairs of Audit and R&D remain unfettered in their scrutiny and monitoring of Major Projects on their own respective Committees.

3.7 In terms of a project's "life-cycle", below sets out in broad terms how the Panels, Cabinet and the MMPB relate :

Project Stage		**Governance**
Project Conception	Initial proposals and ideas	Portfolio Holders and Officers.
Project Definition & Planning	Development and shaping of a potential project. Development of the Outline Business Case for the project Project Brief	Portfolio Holders and Officers. Relevant Panel i.e. CPP or R&D
Business Case	Setting out the: Viability Budget estimates Risk issues Timelines Milestones Outputs Project Initiation Document (subject to decision being made)	Portfolio Holders and Officers. Relevant Panel i.e. CPP or R & D
Project Launch	Decision made (on the basis of the Business Case) to proceed with the project. Decision made on whether the project is considered to be a "Major Project".	Cabinet [Potentially Full Council too depending upon relevant factors] [Note: CPP, R&D, and Audit retain their over-view and scrutiny functions as set out within their own Terms of Reference]
Project Performance & Over-sight	Status Tracking Key Performance Indicators eg cost and time Variations and impacts	Officer Major Projects Board **Member Major Projects Board**

	to Business Case Recommendations to Cabinet	[Note: CPP, R&D, and Audit retain their over-view and scrutiny functions as set out within their own Terms of Reference] [Note: CPP and R&D, retain their right to exercise their over-view and scrutiny functions on the operations and activities of the MMPB]
Project Close	Review outcome and outputs from completed project. Identify "lessons learned"	**Member Major Projects Board** Corporate Performance Panel, Regeneration & Development Panel and/or Audit Committee

3.8 For the avoidance of doubt, the MMPB is a sub-committee of Cabinet. It is for Cabinet to decide if a project should be considered to be a "Major Project". For example, a project may be of relatively low value i.e. below the value set out within the current definition of a "major project", however there may be specific risks, or significant impacts identified, therefore, Cabinet may consider it appropriate for the MMPB to monitor this project as part of their work programme.

3.9 During this review of the Member Major Projects Board, the programme of Major Projects has also been reviewed. The project list attached to this report is the Major Projects Programme, as at the date of this report. As Cabinet makes decisions on new projects to deliver, and Cabinet considers these to be "major projects" they will be added to the programme.

4. Policy Implications

4.1 None

5. Financial Implications

5.1 None in relation to the way that Major Projects are managed and monitored. All financial implications for the projects themselves will follow the usual process.

6. Personnel Implications

6.1 None

7. Statutory Considerations

7.1 Statutory provisions are not altered

8. Equality Impact Assessment (EIA)

8.1 Pre-screening report attached. No requirement for a full equality impact assessment necessary.

9. Risk Management Implications

9.1 Risk management is built-in to each project, with Management Team, the Corporate Risk Register and the Audit Committee all featured within the process and the proposed Member Major Projects Board.

10. Declarations of Interest / Dispensations Granted

10.1 None

11. Background Papers

11.1 Cabinet Report (18th June 2019) : “Major Projects within the Borough Council”.

Pre-Screening Equality Impact Assessment

Borough Council of King's Lynn & West Norfolk

Name of policy/service/function	Process for dealing with Major Projects
Is this a new or existing policy/ service/function?	Existing
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Process for dealing with Major Projects, including set up of Major Projects Member Board

Question	**Answer**				
1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups **according to their different protected characteristic**, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service? Please tick the relevant box for each group. NB. Equality neutral means no negative impact on any group.		Positive	Negative	Neutral	Unsure
	Age			✓	
	Disability			✓	
	Gender			✓	
	Gender Re-assignment			✓	
	Marriage/civil partnership			✓	
	Pregnancy & maternity			✓	
	Race			✓	
	Religion or belief			✓	
	Sexual orientation			✓	
	Other (eg low income)			✓	

Question	**Answer**	**Comments**
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	**Actions:** **Actions agreed by EWG member:** ……
Assessment completed by: **Name Matthew Henry**		
Job Title : Assistant Director Property & Projects	**Date 27.10.21**	

Revised Terms of Reference for Member Major Projects Board

1. Composition

The Member Major Projects Board is a sub-committee of Cabinet shall consist of 7 elected members as shown below, subject to proportionality considerations.

Board members:	**Number**
• Leader of the Council	1
• Deputy Leader of the Council	1
• Portfolio Holder Development & Regeneration	1
• Portfolio Holder Finance	1
• Representative(s) from other political groups[1]	3
TOTAL	**7**

The Member Major Projects Member Board shall:

- Appoint its own Chair and Vice-Chair
- Meet quarterly
- Be supported by officers including Management Team representative, S151 Officer, Internal Audit, Legal and lead officers for specific projects

2. Aims and Terms of Reference

2.1 The objective of the Member Major Projects Board, subject to statutory provision, is to:

(a) monitor the delivery of the Council's Major Projects, once Cabinet has approved a project and once Cabinet has identified the project as a "major project";

(b) operate on behalf of the Cabinet, to provide assurance that the council's major projects programme is run in accordance with the Officer Major Projects Board[2] Terms of Reference

(c) form an integral part of the governance of the major projects programme.

[1] To achieve appropriate proportionality

[2] An officer Board, consisting of Executive Directors and representatives from Property Services, Legal, Planning and Finance

2.2 To achieve its aims, the Member Major Projects Board shall:

(a) consider the agenda items and minutes produced from the previous meetings[3] of the Officer Major Projects Board and decide whether appropriate recommendations have been made by the Board and subsequently agreed by Management Team on those specific items and report to Cabinet as appropriate;

(b) consider the exception reporting that the Officer Major Projects Board have received at its previous meetings and whether appropriate action has been identified and taken place;

(c) consider the forward programme for the Member Major Projects Board and review where/whether enhanced oversight and monitoring should be focused and vary the Board's forward programme accordingly;

(d) consider post project evaluations and lessons learned (note these findings may need to feed into the relevant Panel or Committee and/or reported through to Cabinet for further consideration);

(e) consider risk associated with delivery of the major projects programme.

(f) make reports and/or recommendations to Cabinet in connection with the discharge of any of their functions.

[3] This would usually be the three previous meetings; as this Member group is due to meet quarterly.