

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CORPORATE PERFORMANCE PANEL

Minutes from the Meeting of the Corporate Performance Panel held on Thursday, 3rd March, 2022 at 4.30 pm in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

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

Portfolio Holders:

Mrs A Dickinson, Finance

Officers:

Alexa Baker, Monitoring Officer (via Zoom)
Becky Box, Assistant Director, Central Services/Management Team Representative
Lorraine Gore, Chief Executive (via Zoom)
Honor Howell, Assistant to the Chief Executive (via Zoom)

CP98 **APOLOGIES**

Apologies for absence were received from Councillors J Collop, S Dark and G Middleton.

From Councillors J Rust and A Tyler for CP104 – Call in, Members Allowances Scheme.

CP99 **MINUTES**

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The minutes of the Corporate Performance Panel held on 1 February 2022 were agreed as a correct record and signed by the Chair, subject to the following amendment from Councillor Morley:

CP90 penultimate paragraph, third line, the word “West” be inserted before Norfolk.

The Chair explained that as there was no item for matters arising, he highlighted the importance of items raised at the last meeting being carried forward. An update was therefore given on the following items:

Summary of 2020/2021 Outturn Position of all Council Owned Companies

- Logic tree being available which explained that roles and benefits of the two companies. The Assistant Director, Central Services explained the request had been fed back to the relevant officer who would include the information requested within the report to be presented to the Panel.
- Question asked if the Borough Council was subject to tax if it owned houses. The Assistant Director, Resources undertook to provide a respond direct to the Councillor. Officers to check if the response had been sent.

Report of the Informal Working Group – Review of the Unreasonable Complainants Policy

A report to be presented to Cabinet on 15 March 2022.

Improvement in Attainment in West Norfolk – Position Statement

Improvement in Attainment – The Assistant Director, Central Services explained the request was being pursued to ascertain what information could be presented to the Panel.

Town Deal Board

An all Councillor Briefing session on governance had taken place. There were a number of questions which were not addressed. The Chair advised that he will raise this in a meeting with the Chief Executive week commencing 7 March 2022.

Exempt Report

The Public Open Space Manager would attend the next meeting to conclude the report.

CP100 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CP101 **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

CP102 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillors R Blunt, A Bullen, B Jones, T Parish and S Squire were present for CP104 – Call in of the Cabinet Report, Members Allowances Scheme.

CP103 **CHAIR'S CORRESPONDENCE**

The Chair informed the Panel that he would hold the correspondence in relation to Planning until the item was considered at a future meeting.

CP104 **CALL IN - MEMBERS ALLOWANCES SCHEME**

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Prior to inviting the Monitoring Officer to address the Panel, the Chair drew the Panel's attention to page 23 section 5.2 of the report and advised of the following amendment:

"If the Panel holds three courses of action² – delete (a) and (b) below as well as two lines below commencing If the Panel upholds the call in, etc.

The Monitoring Officer provided an update on the legal advice which would be given to the Corporate Panel and Cabinet with regard to the Members Allowances Scheme report. It was highlighted that it was a requirement that the Members Allowances Scheme was in place at 1 April 2022. It was noted therefore that it would be necessary to schedule an additional Council meeting before the 31 March 2022 as Council approval was required to implement the Members Allowance Scheme from 1 April 2022 and provided an overview of the information which would be included in the Cabinet Report to be presented on 15 March 2022.

The Chair reminded Members that at the end of the debate, there were three options available if the Panel determined to uphold the call-in as set out in section 5.2 of the report.

At the invitation of the Chair, Councillor T Parish, Proposer of the call-in addressed the Panel and explained why he had called in the Cabinet decision and outlined a suggestion that could be considered.

Councillor Squire concurred with the comments made by Councillor Parish and added that there was little point in undertaking an Independent Remuneration Panel exercise if the recommendations were ignored. Councillor Squire stated that the role of Opposition Leaders had changed significantly since the last Election and should be reflected given the huge amount of work involved in the role.

Councillor Bullen stated that he supported the call-in and had nothing further to add.

Councillor Jones commented that he supported the call-in and the comments made by Councillor Parish. Councillor Jones added that at this moment it was necessary to look at the cost to the Council in its current state and stated that the cost of living going up and that Members allowances should not be increased.

The Chair invited the Panel to ask questions of the Portfolio Holder for Finance.

At the invitation of the Chair, the Portfolio Holder for Finance, Councillor Mrs A Dickinson addressed the Panel and outlined the reasons for the Cabinet decision and explained that the 2.5% increase proposed had already been allocated in the budget as previously planned.

Councillor Joyce referred to page 33 - private vehicles (b) in relation to business use and commented that there was a high court ruling with a tribunal looming.

Councillor Joyce referred to page 27 (2) Cabinet Members were unanimous in their view that the existing allowances should be increased in line with the inflationary increase of the officers' pay award effective from 1 April 2021 and asked when did the Cabinet become unanimous and was there anyone else present.

In response, the Portfolio Holder, Finance commented that she didn't know, but that it was fair to say that Cabinet Members did have discussions with one another and that everyone in this meeting room would expect that to happen

The Portfolio Holder, Finance responded to questions from Councillor Joyce as to why it was considered now was not the right time to increase Members' allowances significantly and when would be the right time to undertake a review.

Councillor Rose commented that there was no mention of Task Groups or Outside Bodies Chairs. In response, the Portfolio Holder for Finance explained that those bodies were not permitted to receive special responsibility allowances.

The Chair informed Members that he took full responsibility for the item not being identified to be considered by the Panel on a previous occasion and outlined the reasons why.

The Portfolio Holder, Finance responded to questions from Councillor Joyce as to why there had been a delay.

Councillor Parish asked if Cabinet had considered consulting with a wider range of Councillors and taking those views into account before a decision was made. The Chair advised that he had receive an apology from the Leader and invited the Portfolio Holder, Finance if she wished to comment in the Leader's absence. In response, the Portfolio Holder for Finance explained that her understanding was that the Leader had consulted with the Opposition Party Leaders and if this had not been the case suggested it might have been a good idea to do.

Councillor Parish confirmed that the Leader did not consult with Opposition Party Leaders.

The Portfolio Holder, Finance responded to questions from Councillor Hudson on the proposed increase in Members allowances and the recommendation relating to the ICT allowance.

The Portfolio Holder, Finance responded to questions from Councillor Morley on the pre-emption/perception from the public on the proposal to significantly increase Members allowances, fair remuneration principles, evidence that the perception of people would be adverse and how Cabinet defined equitability. In conclusion, Councillor Dickinson comment that a further in depth review was required than had been undertaken.

The Portfolio Holder, Finance responded to questions from Councillor Joyce on section 4.1.10 to identify an hourly rate for the Leader/Councillors and 4.1.11 calculating the basic allowance.

Councillor Squire asked the Portfolio Holder, Finance why it was thought that Members required an IT allowance. Councillor Squire stated that the Council provided each Councillor with an Ipad and a sim card was provided by the Council for those Members who did not have access to good broadband and added that with the amount of IT equipment provided by council, Members should no longer require an IT allowance. In response, the Portfolio Holder, Finance commented that it she felt it was an individual opinion.

The Monitoring Officer advised she had nothing further to add.

Councillor Blunt referred to the Cabinet Minutes of 9 February 2022 when Members Allowances was discussed and quoted that the following Councillors had been present under Standing Order 34 – Morley, Ryves, Joyce, Parish and Moriarty. Councillor Parish did speak at that meeting and put forward his comments and Cabinet took notice of those comments. Councillor Blunt advised that Cabinet took into account comments made by any Member at all Cabinet meetings attending under Standing Order 34. Councillor Blunt explained that Cabinet had considered hourly rates carefully.

Councillor Parish referred to the Cabinet recommendation and explained that Cabinet should have undertaken wider consultation prior to making a decision which was not done.

The Chair stated that Cabinet met prior to the formal meeting and decisions were made before the Cabinet meeting. He then opened the meeting up for debate.

Councillor Tyler provide an overview as to why he could not support the recommendations of the Independent Remuneration Panel or support the call-in.

Councillor Joyce stated the reasons why he supported the call-in and why the Members Allowances Scheme – Special Responsibilities Allowances should be further reviewed and commented should a Task Group look at this to see if the public were receiving value for money. Councillor Joyce also commented on whether Councillors should receive an IT allowance.

The Chair agreed with Councillor Joyce as he had been the Leader of two Opposition Groups and commented there was an enormous amount of work involved and an important role.

Councillor Devereux explained why the Panel should note the call-in and to accept the Cabinet recommendations as declared, subject to the consideration of further legal advice provided by the Monitoring Officer earlier in the meeting.

The Proposer, Councillor Parish exercised his right of reply and outlined the reasons why he could not agree with the recommendations of the Independent Remuneration Panel or Cabinet.

The Chair invited the Panel to consider whether the call-in should be upheld and on being put to the vote, 6 Councillors voted for and 6 Councillors voted against, with the Chair's casting vote the call-in was upheld.

Councillor Devereux raised a point of order and asked the Monitoring Officer, is it not usual to stay with status quo rather than vote for this unusual arrangement. The Monitoring Officer confirmed that it was not prescribed in Standing Orders and was at the Chair's discretion.

The Chair outlined options (available to the Panel). It was noted the item was on the Cabinet Forward Decisions List for 15 March 2022.

Councillor Hudson proposed that the 2.5% increase on basic Members Allowances should be approved but considering the state of the nation there should be no increase on special responsibility allowances at this particular moment in time. There was no seconder for the proposal.

Councillor Joyce proposed that Cabinet be requested to ask the Independent Remuneration Panel to undertake a review of the special responsibility allowances and clear understanding and value as had been done with the Basic Members Allowance as a matter of urgency.

The Chair proposed that Cabinet be asked to take into account the comments from the Panel at this meeting and to ask the Independent Remuneration Panel to undertake a review of the special responsibility allowances and clear understanding and value as had been done with the Basic Members Allowance as a matter of urgency.

Councillor Morley put forward the following amendment to Councillor Joyce's proposal to add the word equitable which was accepted.

Councillor Nash seconded the proposal.

The Chair also added to ask Cabinet to take into account the debate and discussion at the Corporate Performance Panel before coming to a decision to go forward to Full Council.

The above proposal and on being put to the vote, 6 Councillors voted for and 6 Councillors voted against therefore with the Chair's casting vote the recommendation was agreed to go forward to Cabinet.

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

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

CP105 **Q3 CORPORATE PERFORMANCE MONITORING REPORT**

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In presenting the report, the Assistant to the Chief Executive explained that the Council's performance management framework had historically included performance monitoring and reporting of performance. Performance monitoring reports had been presented to the Corporate Performance Panel.

The Assistant to the Chief Executive reminded the Panel that a Covid-19 Recovery Strategy was agreed by Council on 8 October 2020. The report therefore provided an update on the corporate performance monitoring 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 following sections of the report:

- Rent arrears on industrial units was up 31% for the same quarter last year but it was noted that covid moratorium on possession proceedings would be lifted at the end of March 2022 and Property Services would be monitoring this carefully and take further action on those in arrears.
- Processing of changes of circumstances – Universal Credit varied according to earnings and the Council was receiving around 2,800 council tax changes per month and would need to

be worked on to ensure that the benefit paid was correct. It was noted that resources had been moved to test and trace but this would end soon and a new procedure was being rolled out to improve performance in this area.

- Housing – changes in domestic abuse legislation had led to an increase in the number of presentations and these had to be treated as priority need.

The Assistant Director, Central Services responded to questions from Councillor Morley regarding 1.4 % of short term absence – excluding Covid-19 related absence/working from home and explained that no specific analysis had been undertaken on the breakdown but could look to see what information was available.

In response to questions from Councillor Morley relating to 2.2 – Number in employment claim Universal Credit because of Covid, etc the Assistant Chief Executive undertook to look further into the points raised and suggested looking at the dates a lot of it was related to Covid and universal credit was based on people's earnings.

Following further questions from Councillor Morley on 2.7 – Total value of payments paid to local suppliers, the Assistant to the Chief Executive explained that it was not believed that Covid had impacted upon the Council paying invoices when received. It was noted the indicator was down 24% and the Assistant to the Chief Executive undertook to find out more information and email a response to the Panel.

In response to questions from the Chair on 3.2 – Total tonnage of waste recycled and composted and separating those two figures and different financials being attached to them in due course, the Assistant to the Chief Executive explained that she would ask the question and would report back when the next full year report was presented to the Panel.

Following questions from Councillor Morley on 5.8 – Number of unique visitors to Visit West Norfolk Website and driving up the number of visitors to the website, the Assistant to the Chief Executive advised that September data was missing as there were technical issues and highlighted that the date was not a true reflection of what it was. It was explained that on a monthly basis there was around 64,000 visitors to the website at the start of Covid 2021 and undertook to find out additional information as requested.

Councillor Morley commented that the Panel should note that the Corporate Business Plan had changed and that key performance indicators were evolving for the new Corporate Business Plan and that the Panel should recognise this.

The Chair thanked the officers for the work being undertaken.

RESOLVED: The Panel reviewed and noted the council's performance indicators for Q3 2021/22. Performance against these indicators will continue to be reported to the Corporate Performance Panel via periodic updates.

CP106 **HUNSTANTON TOURIST INFORMATION CENTRE - PERCEPTION FROM PORTFOLIO HOLDER FOLLOWING MEETING WITH BUSINESSES**

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The Chair explained that he had received an email from the Portfolio Holder informing him that he was unable to attend the meeting and therefore the item would be deferred to the next meeting.

CP107 **PANEL WORK PROGRAMME**

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The Chair explained why the following items had been deferred to later meetings:

- How the new Portfolio objectives meet the Corporate Business Plan objectives via Director/Service Plans/Key Performance Indicators/timescales.
- Review of the Council's working structure to support the Corporate Business Plan.
- Hunstanton Tourist Information Centre.
- Cabinet Report: Review of Governance of Council owned companies.
- Cabinet Report: Planning Scheme of Delegation/Sifting Panel.

The following items were identified by the Panel:

- A full review of the Investigation and Disciplinary Committee, to include the appointment of IDC members, the standing orders related to the investigation and discipline of statutory officers and the terms of reference for the committee.

The Chair advised that he had requested all item listed as forthcoming items be scheduled to a specific date during 2022/2023.

The Chair reminded the Panel that they could contact himself or the Vice-Chair between meetings with items for consideration.

CP108 **CABINET FORWARD DECISIONS LIST**

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The Panel noted the Cabinet Forward Decisions List.

Guildhall and Creative Hub Options including Governance – the Chair advised that a joint panel meeting of Regeneration and Development and Corporate Performance Panels had been scheduled for 30 March 2022.

Review of Governance of Council Companies – to be added to the Corporate Performance Panel work programme prior to the Cabinet meeting.

CP109 **DATE OF NEXT MEETING**

The next meeting of the Corporate Performance Panel will take place on 13 April 2022 time to be advised.

CP110 **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 involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CP111 **EXEMPT CABINET REPORT: REVIEW OF LEGAL SERVICES**

The Assistant to the Chief Executive presented the report and responded to questions and comments from the Panel.

RESOLVED: The Corporate Performance Panel supported the recommendations to Cabinet and Council as set out in the report subject to the amendment to bullet 2 to add that the newly appointment Monitoring Officer take part in the consultation and recruitment programme to establish an in-house legal team.

The meeting closed at 6.50 pm