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: Councillor J Moriarty (Chair)
Councillors C Bower (substitute for Councillor C Manning), I Devereux (substitute for Councillor J Kirk), C Hudson, H Humphrey, C Joyce (substitute for Councillor J Collop), C Morley, S Nash, C Rose, Mrs V Spikings and D Tyler

Portfolio Holders:
Councillor R Blunt, Development
Councillor P Kunes, Environment
Councillor B Long, Corporate Services
Councillor G Middleton, Business, Culture and Heritage

Under Standing Order 34:
Councillor M de Whalley

Officers:
Stuart Ashworth, Assistant Director Environment and Planning
Alexa Baker, Monitoring Officer
Becky Box, Assistant Director, Central Services/Management Team Representative
Barry Brandford, Waste and Recycling Manager
Martin Chisholm, Assistant Director Operational and Commercial Services
Lorraine Gore, Chief Executive
Ged Greaves, Corporate Performance Manager (Zoom)
Duncan Hall, Assistant Director, Regeneration Housing and Place (Zoom)
Wendy Vincent, Democratic Services Officer

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

Dear Cllr. Moriarty,

I would like you to consider this at your next CPP meeting.

Does King's Lynn & West Norfolk Borough Council's planning system work?

For the most part, yes. But…when it goes wrong there is no provision to make any amendments which is why I'm challenging the process.

Here is how it recently went wrong at Stoke Ferry.

A planning application was made for a building within the village's development boundary and inside the Conservation area. The NCC's Highways Department correctly objected to the application on the grounds that the access road to the development had poor visibility. The application was then re-submitted with the entrance changed to another very narrow road which also has poor visibility. In the re-submitted application, construction traffic was to access the site through the original entrance. The Highways Department did see this as an issue even though there are three businesses directly opposite the entrance road with traffic and parking already an issue. The Council's Conservation Officer originally had an issue with the vista but at a subsequent review found no reason to object.

All of this is part of the planning process, whereby all consultees make their comments to give the planning officers a full picture in order to allow them to make an informed decision. As a consultee, Stoke Ferry Parish Council reviewed the application at a meeting on August 11th which was attended by residents and our Borough Councillor. After a substantial debate, the Parish Council rejected the application citing material planning considerations and asked for its Borough Councillor to "call in" the application, which he confirmed he would do.

And it is at this point where flaws in the planning process became apparent. The Borough Councillor did not "call in" the application. Further, at the sifting panel it was decided the application would be determined by the delegated officers i.e., it would not go before the full Planning Committee. This is in direct contradiction to the Borough Council's Portfolio holder for Development (Cllr Richard Blunt) who claims, "the sifting panel members are careful to consider the views of Parish Councils and if they have a material planning consideration, supporting or objecting, that is contrary to the views of the officers they will immediately recommend that application go to full planning committee, I'll guarantee that." This was stated at a Corporate Performance Panel Meeting on 22nd July 2020 and available on YouTube.

I understand not all Parish Councils deal with planning applications as fully as they should. There are some who reject every application, others give reasons for opposing applications which are not material planning considerations, and there are some who want all applications "called in," while, I believe, there are some Borough Councillors who don't "call in" any applications.

My point is that when a Parish Council follow the correct process and its Borough Councillor does not “call-in” the application as requested, and the sifting panel also ignores Parish Council material objections and does not send the application to full planning committee, then there must be a way to correct this. I don’t expect the application to be automatically rejected, but if a Parish Council were given the opportunity to speak at the full Planning Committee meeting it can put forward its material considerations along with local knowledge that would ensure the application is given the fullest deliberation.

The crucial role of a Borough Councillor of “calling in” an application exists as a layer of security to ensure applications are fully considered. A Borough Councillor chooses whether to “call in” an application and can even “call in” for the developer even if the elected Parish Council opposes the development.

In the example outlined above, the delegated officers approved the planning application. As a consequence, Stoke Ferry Parish Council is looking to make a formal complaint but, once again, the process works against a Parish Council body. Any investigation process involves the complaint being considered by an experienced officer from the very Department that is being complained about. That means the planning officers will be sitting in judgement on conduct or a decision they themselves have ratified.

So, what should Stoke Ferry Parish Council do next? Well, we will be asking for two things:

1. That the Corporate Performance Panel looks at a way to improve the planning process. They need to find a way to ensure if a Parish Council has material planning considerations at odds with the Planning Officers’ view then the application is automatically “called in” to be reviewed by the full Planning Committee.
2. That the complaint procedure needs to be dealt with by officials outside of the Department being complained against, or, at the very least, in conjunction with an independent person.

I hope you will spend some time to review this, and I look forward to hearing from you in due course.

Kind regards

Sue Lintern

Chair of Stoke Ferry Parish Council