



Cabinet
Tuesday, 15th November, 2022 at 3.30 pm
in the Council Chamber, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **MATTERS REFERRED TO CABINET FROM OTHER BODIES** (Pages 2 - 5)

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda.

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**RECOMMENDATIONS FROM THE CORPORATE PERFORMANCE
PANEL HELD ON 31 OCTOBER 2022 TO CABINET 15 NOVEMBER
2022**

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.