

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**CORPORATE PERFORMANCE PANEL**

Minutes from the Meeting of the Corporate Performance Panel held on Wednesday, 13th April, 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, C Hudson, , J Kirk, C Manning, C Morley, S Nash, C Rose, Mrs V Spikings (substitute for Councillor S Patel) and D Tyler

Portfolio Holders:

Councillor R Blunt, Development
Councillor Mrs A Dickinson, Finance
Councillor G Middleton, Business, Culture and Heritage

Under Standing Order 34:

Councillor M De Whalley
Councillor C Joyce (Zoom)

Officers:

Stuart Ashworth, Assistant Director, Environment and Planning (Zoom)
Becky Box, Assistant Director, Central Services/Management Team Representative
Matt Clarey, Enforcement Team Leader (Zoom)
Lorraine Gore, Chief Executive
Jamie Hay, Senior Internal Auditor (Zoom)
Honor Howell, Assistant to the Chief Executive (Zoom)
Nathan Johnson, Public Open Spaces Manager (Zoom)
Wendy Vincent, Democratic Services Officer

CP112 APOLOGIES

Apologies for absence were received from Councillors J Collop and S Patel.

CP113 MINUTES

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The minutes of the Corporate Performance Panel held on 3 March 2022 were agreed as a correct record and signed by the Chair.

CP114 DECLARATIONS OF INTEREST

There were no declarations of interest.

CP115 **URGENT BUSINESS UNDER STANDING ORDER 7**

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Officer Delegated Decision – Council Tax Rebate Discretionary Scheme

The Chair explained that he had received a request from Councillor Joyce for the above item to be discussed under urgent business which he had not accepted. However, the Chair invited Councillor Joyce to address the Panel.

Councillor Joyce outlined his reasons why he thought the item should be considered under urgent business.

CP116 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor C Joyce (Zoom) and Councillor M de Whalley.

CP117 **CHAIR'S CORRESPONDENCE**

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The Chair circulated the following documents to the Panel.

Terms of Reference for the Guildhall and Creative Hub Task Group

The Chair explained that Group Leaders had been email invited nominations to be put forward for a politically balanced Task Group.

Article published in Lynn News by James Wild MP – Select Committees

The Chair informed the Panel the information had been circulated for information.

CP118 **CALL IN (IF ANY)**

There were no call-ins.

CP119 **HUNSTANTON TOURIST INFORMATION CENTRE - PERCEPTION FROM PORTFOLIO HOLDER FOLLOWING MEETING WITH BUSINESSES**

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The Portfolio, Business, Culture and Heritage provided background information on the position with regard to the provision of a Tourist Information Centre (TIC) both on a temporary and permanent basis.

As Portfolio Holder he had listened to both local residents and businesses regarding the location of the TIC to be closer to the town centre and explained that no issues had been raised with the previous Portfolio Holder.

The Panel was informed that the TIC would be based in the new library at the Bus and would therefore be closer to the town to provide a service to visitors.

The Chair thanked the Portfolio Holder for attending and addressing the Panel.

CP120 **RIPA/NON-RIPA POLICY**

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The Senior Internal Auditor presented the report and explained that the Council was governed by the Regulation of Investigatory Powers Act in respect of surveillance and other related activities.

Members were informed that the Council was inspected on these matters (usually every 3 years) and had been recently inspected on 17 December 2021 by IPCO (the Investigatory Powers Commissioner's Office).

The Senior Internal Auditor explained that even if the Council does not necessarily use the powers available, it must ensure that the Council's policies and procedures were fit for purpose and robust to assist in remaining compliant with the legislation and furthermore to enable the Council to demonstrate this to IPCO.

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

The Senior Internal Auditor explained that any incidents of non-compliance would need to be fed into the Annual Governance Survey and this in turn was reported to the Audit Committee.

The Panel was advised that the item was currently on the Cabinet Forward Decisions List for 21 June 2022.

Councillor Devereux commented that it was a new policy and asked if there were any additional resources requirements than previously. In response, the Senior Internal Auditor explained that some were some areas of the authority that may use the activities and that he suggested each individual service area would have to monitor the situation going forward to see if it did impact on resources.

In response to a question from the Chair on the requirement for a delegated decision, the Senior Internal Auditor explained that he would take advice on the best way to take this forward.

The Chair stated that if there were changes to the Appendix for the Panel to note, could they be forwarded to the next Corporate Performance Panel meeting prior to the Cabinet on 21 June 2022.

The Chair referred to the letter from the Investigatory Powers Commissioner's Officer (IPCO) dated 20 December 2021 and asked if permission was required to make the contents public. The Senior Internal Auditor explained that this was a highly complex area for which a consultant was used to develop the policy and advised that he would review the letter and respond direct to the Panel.

Councillor Joyce addressed the Panel under Standing Order 34 and highlighted the importance the Borough Council being a public authority and the erection of signs advising that CCTV was in operation. Councillor Joyce emphasised that it should not be used for private purposes.

The Chair thanked the Senior Internal Auditor for the thorough report.

RECOMMENDATION: 1) The Panel are invited to comment on the proposed RIPA Policy to be put forward for formal adoption via the Corporate Performance Panel, Cabinet and Council as per the time frame stated above. Minor changes to these policies, thereafter, can be Member Delegated Decision in discussion with legal or others. Appendix A (which is still to be produced) (to be noted at the next Corporate Performance Panel) will be a list of named officers, job titles and their role under RIPA which can be easily amended as required outside of formal approval processes relating to policy.

2) As per section 5.2 of the policy the Council will report its use, or non-use of these powers to the Corporate Performance Panel in line with the guidance provided by the IPCO to enable Members to determine the effectiveness of the RIPA policy each year.

3) The Policy be brought back to the Panel on an annual basis.

CP121 **PLANNING ENFORCEMENT UPDATE**

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The Assistant Director, Environment and Planning and the Enforcement Team Leader presented the report which gave background to the planning enforcement function and set out the current status and the past four years performance.

Councillor de Whalley referred to a number of retrospective applications, some of which had gone to appeal, taken over a year for enforcement action to be taken and asked how the Council could ensure residents were not at dis-amenity for a considerable amount of time. In response the Enforcement Team Leader provided an overview of the process involved could take a considerable length of time for enforcement action, where appropriate, to be taken.

Councillor Morley was interest how long longest case has lasted and asked if it was possible to present the figures on how many cases had been open and closed on a time and number basis. In response, the Enforcement Team Leader explained that colleagues could work to provide that information and undertook to forward the information to the Panel.

Councillor Mrs Spikings added that she was aware of question asked by Councillor Morley and explained that prior to Covid, the Planning Committee received a quarterly enforcement report, following Covid the Planning Committee would be presented with a report on a six monthly basis and that the information contained in the report was open to the public. The Planning Enforcement Team Leader explained that report contained information on a case by case basis and a breakdown of types of cases closed in that period.

In response to question from Councillor Devereux about process and how many enforcement actions arose from work of the team, how many raised by ward councillors or public, the Enforcement Team Leader explained that the majority were raised by members of the public.

The Portfolio Holder for Development commented that this was a tricky one because of resources in the various departments, the monitoring of conditions in some way were left to parishes and to the public so the council do tend to respond in that way. The Portfolio Holder added that the Borough Council served a greater number of enforcement notices than any other local authority in Norfolk and that the Council was effective in undertaking its enforcement duties with the resource available.

The Chair referred to a planning application in general which had been granted permission and then conditions breached and highlighted the importance of being morally bound to co-operate with those who reported breaches of conditions.

Councillor Morley commented that the Borough Council issued more enforcement notices than other local council and asked if any analysis had been undertaken to determine if there was a generic cause.

Councillor Spikings commented that she had known the enforcement team for a considerable time and was aware of the myriad of complaints and issues staff had to deal with and how difficult it was to

resolve in a timely fashion and congratulated the team on the effective and efficient way they undertook the enforcement work.

The Portfolio Holder for Development also congratulated the enforcement team on the excellent work they undertook and with regard to retrospective applications he would like the opportunity to look at the administration processes with the Assistant Director and Enforcement Team Leader.

The Assistant Director, Environment and Planning explained that each case was different and that enforcement issues were complex and informed the Panel that there were currently two or three cases which were taking a huge amount of time, including the preparation of an Injunction to go to court or an Appeal.

The Chair suggested an amendment to the recommendation - to note the report and requested that the Cabinet Member examined how the planning department could improve compliance with the NPPF to maintain confidence in the planning system with greater engagement with complainants, which was agreed by the Panel.

RESOLVED: The Panel note the report and requested that the Cabinet Member examined how the planning department could improve compliance with the NPPF to maintain confidence in the planning system with greater engagement with complainants.

CP122 **COUNCIL MEETING ARRANGEMENTS - INFORMAL WORKING GROUP**

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The Chief Executive presented the report and responded to questions and comments, a summary of which is set out below.

In response to questions from Councillor Morley on the list of the bullet points set out in the recommendations, the Chief Executive explained that the bullet points were not in any particular order and equal weight would be given as there were a number of issues to take into account to carry out an effective democratic process. The Chief Executive highlighted that any resource implications would need to be taken into account during the deliberations of the Informal Working Group.

Under Standing Order 34, Councillor Joyce stated that he had listened to the comments made by Councillor Morley but added that it was not within the Council's power to improve gender, race or ethnicity of representatives, this was down to either the political parties or individuals themselves.

The Chair commented that Councillors could inform the public what the Council was doing and he in fact did himself at a recent Parish Council

meeting. The response received was that the timing of meetings ruled out working parents and that he would feedback the information from residents to the Informal Working Group to taken into consideration.

Councillor Mrs Spikings added that those people with elderly parents with caring responsibilities should also be treated with equal rights.

The Chair explained that the Informal Working Group did not need to be politically proportionate and invited the Panel to forward nominations to himself.

The Chief Executive advised that the Informal Working Group should comprise Members of the Corporate Performance Panel and once membership had been determined the first meeting could be scheduled. The Chief Executive added that the process could be commenced and progress reported to the June meeting of the Panel then to Cabinet and Council.

RESOLVED: 1) That the informal working group terms of reference to be evidence gathering and provide preliminary analysis of:

- The issues identified in the Notice of Motion.
- The views of various council panels and committees.
- The staffing resource implications.
- Continuation of the arrangements for live streaming.
- Continuation of the arrangements for hybrid meeting arrangements.
- Capturing the environmental benefits of hybrid meetings.
- Continuation of the interim Member enquiries email arrangements.

2) The Informal Working Group to comprise of five Members (nominations to be forwarded the Chair of the Corporate Performance Panel) and be supported by the Chief Executive.

3) The Informal Working Group to hold their first meeting as soon as possible, elect a Chair and Vice-Chair, agree the required actions to fulfil the group's Terms of Reference and decide on the ongoing regularity of future meetings of the group.

4) Once the Terms of Reference are complete, decide on final conclusions and findings to be included within the report back to the Corporate Performance Panel, Cabinet and Council meetings.

CP123

HOW THE PORTFOLIO OBJECTIVES MEET THE CORPORATE BUSINESS PLAN/REVIEW OF THE COUNCIL'S WORKING STRUCTURE TO SUPPORT TO CORPORATE BUSINESS PLAN

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The Assistant Director, Central Services/Assistant to the Chief Executive gave a presentation in response to a request from Councillor Morley.

Councillor Morley outlined the rationale as to why he had requested the item be brought to the Panel.

Following comments made by the Panel regarding Councillors being able to access InSite on their iPads, the Chief Executive undertook to raise the issue with IT.

RESOLVED: 1) The Panel noted the content of the presentation.

2) The information presented be included within the Member Induction Programme following the Election 2023 to provide an overview of how the Council operated.

3) The presentations be uploaded on the Mod Gov Library for information.

CP124 **PORTFOLIO HOLDER QUESTION AND ANSWER SESSION**

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The Chair advised that he would invite the Leader to the next meeting of the Panel to provide an update on the devolution/mayorality issue.

CP125 **CABINET FORWARD DECISIONS LIST**

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In response to a question from Councillor Morley relating to the definition of a key and non-key decision, the Chair advised that he suspected this was set out in the Council's Constitution.

The Chair invited Members to email any items for consideration by the Panel.

The Panel noted the Cabinet Forward Decisions List.

CP126 **PANEL WORK PROGRAMME 2022/2023**

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In response to a question from Councillor Spikings on the impact of empty boarded up houses and blight of Freebridge Community Housing. The Chief Executive undertook to discuss the issue with the Chief Executive of Freebridge Housing and respond to the Panel.

The Panel noted the work programme.

CP127 **DATE OF NEXT MEETING**

20 June 2022 in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn, time to be confirmed.

CP128 **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".

CP129 **EXEMPT REPORT: BOROUGH COUNCIL VEHICLES - TYPES, AGE ASSET, ETC**

The Panel received a presentation from the Public Open Spaces Manager.

The Public Open Spaces Manager responded to questions and comments from the Panel.

CP130 **EXEMPT CABINET REPORT: RESOURCING - FORWARD PLAN**

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

RESOLVED: The Panel supported the recommendations to Council as set out in the report.

The meeting closed at 6.21 pm