

Borough Council of
**King's Lynn &
West Norfolk**



Cabinet

Agenda

Tuesday, 7th March, 2023
at 3.30 pm

in the

**Assembly Room, Town Hall, Saturday Market
Place, King's Lynn and available to view on
[WestNorfolkBC on You Tube](#)**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200

CABINET AGENDA

DATE: CABINET - TUESDAY, 7TH MARCH, 2023

**VENUE: ASSEMBLY ROOM, TOWN HALL, SATURDAY
MARKET PLACE, KING'S LYNN**

TIME: 3.30 pm

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - No items will be considered in private.

1. MINUTES

To approve the Minutes of the Meeting held on 7 and 8 February 2023 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

4. DECLARATIONS OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. **CHAIR'S CORRESPONDENCE**

To receive any Chair's correspondence.

6. **MEMBERS PRESENT UNDER STANDING ORDER 34**

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

7. **CALLED IN MATTERS**

To report on any Cabinet Decisions called in.

8. **FORWARD DECISIONS** (Pages 6 - 9)

A copy of the Forward Decisions List is attached

9. **MATTERS REFERRED TO CABINET FROM OTHER BODIES** (Pages 10 - 17)

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

Standards Committee – 3 February 23 – Model Code of Conduct
Corporate Performance Panel comments on Unreasonable Complaints Policy – 4 January 2023
KLACC – Provision of accessible play equipment – 30 January 2023– **request to cabinet to support scheme if funding comes available**

10. **LOCAL PLAN - INSPECTORS LETTER - RECOMMENDED WAY FORWARD** (Pages 18 - 41)

11. **REVIEW OF UNREASONABLE COMPLAINTS POLICY** (Pages 42 - 56)

12. **LGA MODEL CODE OF CONDUCT** (Pages 57 - 75)

13. **MEMBERS ALLOWANCES SCHEME 2021-2025** (Pages 76 - 89)

14. **NOTICE OF MOTION 16/22 - PEER REVIEW** (Pages 90 - 100)

15. **FREEDOM OF THE BOROUGH UPDATE** (Pages 101 - 111)

16. **GOVERNANCE REVIEW TASK GROUP** (Pages 112 - 117)

To: Members of the Cabinet

Councillors R Blunt, S Dark (Chair), A Dickinson, H Humphrey, P Kunes,
A Lawrence, G Middleton (Vice-Chair) and S Sandell

For Further information, please contact:

Sam Winter, Democratic Services Manager 01553 616327
Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street
King's Lynn PE30 1EX

FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
7 March 2023						
	Review of Unreasonable complaints Policy	Non	Council	Leader Monitoring Officer		Public
	LGA Model Code of Conduct	Non	Council	Leader Asst Dir – A Baker		Public
	Notice of Motion 16/22 – Peer Review	Non	Cabinet	Leader Chief Executive		Public
	Governance Review Task Group	Non	Cabinet	Leader Chief Executive		Public
	Members Allowances Scheme 2021-25	Non	Council	Finance Chief Executive		Public
0	Freedom of the Borough - amendments	Non	Council	Leader Chief Executive		Public
	Local Plan	Non	Council	Regeneration and Development Asst Dir S Ashworth		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
18 April 2023	West Winch Collaboration Agreement	Non	Cabinet	Development and Regeneration Exec Dir – G Hall		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Asset Management – Land and Property	Key	Cabinet	Property Asst Dir Property and Projects		Private - Contains exempt information under para 3 –

						information relating to the business affairs of any person (including the authority)
	Southend Road Hunstanton	Key	Cabinet	Development and Regeneration Asst Dir – D Ousby		Public
	Southgates Regeneration Area Development Brief and Next Steps	Key	Council	Development and Regeneration Asst Dir – D Hall		Public
	Towns Fund Local Assurance Framework	Non	Cabinet	Business Culture & Heritage Asst Director – D Hall		Public
	Alive West Norfolk Fees and Charges	Non	Cabinet	People and Communities Alive West Norfolk		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
20 June 2023						
	Assets of Community Value	Non	Council	Leader? Monitoring Officer		Public
	5 Year Mart Agreement	Non	Cabinet	Business Culture & Heritage Exec Dir – G Hall		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
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1 August 2023						
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
26 September 2023						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
31 October 2023						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 December 2023						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
15 January 2024						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
6 February 2024						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting

5 March 2024						
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
23 April 2024						

Items to be scheduled

	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public
6	Procurement Strategy	Non	Cabinet	Finance Asst Dir – D Ousby		Public
	Review of Planning Scheme of Delegation (summer 23)	Non	Council	Development and Regeneration Asst Dir – S Ashworth		Public
	Lynnsport One (summer 23)	Key	Council	Regeneration & Development Asst Dir Companies & Housing Delivery – D Ousby		Public
	Redundancy Policy	Non	Council	Leader Exec Dir – D Gates		Public

STANDARDS COMMITTEE – 3 FEBRUARY 2023

Updated Code of Conduct and Guidance on Complaint Handling

[Click here to view a copy of this recording on You Tube](#)

The Monitoring Officer took the Committee through the amendments to the Code of Conduct, as requested at the previous meeting, highlighted by track changes to the document, namely:

- 2.3 Bullying, harassment and discrimination
- 9.2 Interests
- Appendix B Registering Interests – paragraphs 11 and 12

In response to the item regarding Members conduct at meetings, the Monitoring Officer suggested the following form of words to be included after the first paragraph:

If you are to act in this manner in a public meeting of this Council, the Chair of that meeting will have due regard to Standing Order 15 regarding disorderly conduct of members.

The Monitoring Officer then invited the Committee to approve the Updated Code of Conduct subject to the addition of the wording above (in italics) which was agreed.

RECOMMENDED:

- (1) That full Council approves the updated Members Code of Conduct with the track changes accepted, and the addition of the wording in italics.
- (2) That the Guidance on Complaint Handling be adopted.

RECOMMENDATIONS TO CABINET 7 MARCH 2023 FROM THE CORPORATE PERFORMANCE PANEL 4 JANUARY 2023

CP85 **COUNCIL TAX SUPPORT - FINAL SCHEME FOR 2023/2024**

[Click here to view a recording of this item on You Tube](#)

In presenting the report, the Revenues and Benefits Manager explained that the Council must implement a Council Tax Support (CTS) scheme for its working age residents for each financial year. The Panel was advised that the Council must first decide on a draft CTS scheme which was open for public consultation, and then must agree a final CTS scheme, considering the consultation responses.

The Revenues and Benefits Manager highlighted that the final CTS scheme for 2023/2024 was a continuation of the 2022/2023 CTS scheme, with two minor amendments to reflect welfare reform changes during 2022/2023.

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

Under Standing Order 34, Councillor Jones addressed the Panel and made the following statement:

“To me it appears strange that a delegated decision to consult on the Council Tax Support Scheme was taken in early Autumn, but a Motion to Council should be put on a long back burner.

This Motion to Council was referred to Cabinet on 1 September last year. What and why has it taken so long to come before this Panel. Would it be too cynical to suggest a delaying tactic has been deployed with an obvious intent.

It still has to go to Cabinet where the defence to reject it will likely be “other bodies will have set their budgets for the coming financial year”.

Taxpayers in West Norfolk pay more to the county council and police than any other district. It is most welcome that a new leader and portfolio holder for finance raised the level of Council Tax Support last year to 84% from its previous minimum allowed under the law. Yet In Norwich the City Council have a 100% Council Tax Support Scheme.

Is there any councillor representing anywhere in West Norfolk who believes Norwich does not receive the lion's share of resources from the county council and police? There is a widespread opinion that West Norfolk always seems to be left out when it comes to county council and police services. Yet local West Norfolk taxpayers contribute the most.

The report for some reason separates families from lone parents. This seems in today's modern age an antiquated view. But what the report does show is that around 45% of non-protected lone parents in receipt of Council Tax Support are employed. Still they are expected to pay. Most lone parents are women. Is this why they must pay?

Everyone is struggling this year with the cost of living spiralling out of control. Only this month energy bills have been increased even though the price of natural gas has fallen below the pre Russian invasion of Ukraine level. Oil prices have also fallen substantially, but only moderately has petrol and diesel fallen at the pumps. Increases in food prices are both eye watering and frightening as many people miss meals.

Everyone can be assured that a Labour council would have a 100% Council Tax Support Scheme. But this is not about Labour versus Conservative. The cost of living crisis is a common foe. We should all stand together united. Because this is about doing right by the people we all claim to represent.

We should not be looking to add to problems local taxpayers face. The projected cost to this Council is £17,000. A not insignificant sum, but one I am confident can be found. This Council should be encouraged by this Panel voting to help local people by having a 100% Council Tax Support Scheme.”

The Chair invited the Revenues and Benefits Manager to answer the questions raised by Councillor Jones in relation to families and lone parents.

The Revenues and Benefits Manager explained that there was no intention to separate the categories of families and lone parents and added that she was happy to merge the two categories into one. The Panel was informed that both families and lone parents with a child under 5 were within the protected group and could receive up to 100% support.

Councillor Morley outlined the problems with the current process and commented that it would be beneficial to consult with the preceptors first before going out to consultation.

The Leader responded to the key points raised by Councillor Jones and reminded the Panel that in the previous year the Administration had raised the level of Council tax relief which was not because of a notice of motion. The Leader outlined the reasons why 100% council tax support had been applied.

The Chair commented the increase in the response rate to the consultation was 250%.

Under Standing Order 34, Councillor Joyce addressed the Panel and commented that the Labour Administration would apply 100% relief and referred to the comments made by Councillor Jones. Councillor Joyce stated that the cost to the council of 100% relief would be £17,000 which was a small amount of its budget.

In response to comments made by Councillor Nockolds on potential difficulties in understanding the scheme in order to respond to the consultation exercise, the Revenues and Benefits Manager agreed that this was a fair point and undertook to review the consultation questions for 2024.

Councillor Morley made the following comment – a protocol be included within the process to consult within the Borough before going out to preceptors. Councillor Morley wished it to be recorded that he did not support the recommendation set out below.

RESOLVED: The Panel noted the consultation responses as detailed in Appendix C and agreed the draft CTS scheme for 2023/2024 which went to public consultation was recommended to Cabinet and Council as the final CTS scheme for 2023/2024.

CP88 **REPORT OF THE INFORMAL WORKING GROUP - COUNCIL MEETING ARRANGEMENTS**

[Click here to view a recording of this item on You Tube](#)

The Chief Executive presented the report which invited the Panel to consider the findings of the Council Meeting Arrangements – Informal Working Group.

The Panel's attention was drawn to the key issues set out in the report and Section 2 on page 81.

Councillor Mrs Spikings explained that she was not present at the second meeting of the Informal Working Group (IWG) but reiterated that 6 pm was considered too late to hold a Full Council meeting at 6 pm as it was too late to attend a 3 hour meeting plus travelling home.

The Chair and Councillor Morley drew the Panel's attention to page 89 5) That Full Council be held at 6 pm.

Councillor Spikings commented those present had agreed 6 pm and that she was not involved in the last discussion and added if she had been able to attend would have objected to a 6 pm start and explained that Councillors and workers had caring responsibilities for elderly relatives as well as children.

Councillor Hudson concurred with the comments made by Councillor Spikings and explained that the whole Labour group confirmed they

wished to remain with a 4.30 pm start time. Councillor Hudson added that employers were obliged to grant time off to attend Council meetings and that a meeting finishing at 10 pm was not acceptable and some Councillors had to travel a long distance home.

The Chair added that he did not agree with the comments made by Councillor Hudson and drew the Panel's attention to page 81, 2.5 – The IWG considered the start time for full Council meetings. There was no agreement by the IWG on a recommended start time.

Councillor Mrs Spikings asked for clarification on the recommendation from the IWG on the proposed start time for Full Council meetings.

The Chief Executive provided clarification and outlined the discussions held at the two meetings of the IWG and advised that there was no agreement reached for either a 4.30 pm or 6 pm start time. In conclusion, the Chief Executive drew Members' attention to page 81, section 2 Findings of the IWG and invited the Panel to put forward a recommendation that could be include in the report to Cabinet.

The Chair proposed that the Panel recommend page 81 as outlined by the Chief Executive.

Councillor Mrs Spikings sought clarification and added she did not support the recommendation.

The Chief Executive explained that 6 pm was referred to in the minutes of the second meeting of the IWG when some members of the IWG were not present, page 81 of the report stated that the question to the Panel was there any recommendation they wished to put forward to Cabinet as the IWG minutes did not agree a start time for Panel or Full Council meetings.

Councillor Mrs Spikings and asked if she could propose 4.30 pm start time for Full Council. The Chair asked Councillor Mrs Spikings if she wished to press ahead with her amendment. Councillor Mrs Spikings confirmed that she did. The proposal was seconded by Councillor Mrs Nockolds.

The Monitoring Officer confirmed that the Panel could determine to override the findings of the IWG.

Councillor Nash commented that the general public could not always attend a meeting before 6 pm and added that he supported a 6 pm start time and would vote against the amendment.

Councillor Mrs Nockolds stated that the statement made by Councillor Nash regarding attendance by members of the public was not substantiated and explained that other Councils held meetings at 10 am and members of the public attended.

Councillor Nash commented that the above point was taken.

Under Standing Order 34, Councillor de Whalley commented that his perception of public participation fell away as a consequence of the Pandemic and social changes as the population moved out of the Pandemic will see more in the way of public attendance at Council meetings and added that he had encountered difficulties with employers as they had not understood other government related activities. In conclusion, Councillor de Whalley stated that it was not just for this Administration but in May 2023 following the Elections there might be a different set out Councillors in post and it would therefore be wrong for the current Councillors to make it more difficult for candidates to stand as Councillors.

Councillor Hudson explained that if a member of the public was not able to attend a meeting in person then they could watch on You Tube at their own convenience and therefore did not require time off work to attend a meeting. Councillor Hudson added that any potential candidate standing for Election should take into account the roles and responsibilities as would be expected if applying for any job. Councillor Hudson stated that 4.30 pm had been an acceptable time for Panels to meet, if a Panel did not want to meet at 4.30 pm they could determine their own start time and the only meeting which had to be set in perpetuity was Full Council.

The Leader addressed the Panel and explained that Councillors over the period of 4 years had been faced with the Pandemic and could not hold face to face meetings but met via Zoom/Teams commencing at different times. The Leader advised that there were not many meetings left until the May 2023 election and that any recommendations put forward setting times would put a requirement on the class of 2023 when a number of Councillors were voluntarily retiring, not elected or in difference places and commented that if the Panel could not agree the recommendations from the IWG which seemed to be the case, should the Council continue operating under the current arrangements if there was no recommendation from the Panel the item possibly placed on the Cabinet Forward Decisions List/Panel Work Programme following the May 2023 Election.

The Chair referred to 2.5 – The IWG considered the start time for Full Council meetings. There was no agreement by the IWG on a recommended start time and asked the Panel if it wished to insert an additional sentence along the lines of CPP would however like to recommend to Cabinet that Full Council meetings start at 4.30 pm.

The Panel voted on the amendment set out above proposed by Councillor Mrs Spikings, seconded by Councillor Mrs Nockolds. The vote was carried (7 votes for, 3 against).

RESOLVED: The Panel recommended to Cabinet that Full Council meetings commence at 4.30 pm.

CP90 **REVIEW OF THE UNREASONABLE COMPLAINANTS POLICY**

[Click here to view a recording of this item on You Tube](#)

The Monitoring Officer explained that the purpose of the report was to report back on the work of the Informal Working Group (IWG) established to consider the Unreasonably Complainants Policy (UPC) so that the Panel may consider whether to recommend some or all of the proposed changes to Cabinet.

The Panel was advised that the majority of the proposed changes were agreed in meetings held by the IWG in 2021 and approved by CPP on 1 February 2022. Following the Cabinet meeting of 15 March 2022 at which the proposed changes to the UPC were considered, the matter was returned to the CPP/IWG to consider comments by the Local Government and Social Care Ombudsman.

The Monitoring Officer advised that the sections of the tracked changes UPC was attached at Appendix 1 (shown in yellow highlighting) had been added to reflect the IWG's consideration of the Ombudsman's comments.

The Panel's attention was drawn to the key issues set out in the report.

RESOLVED: The Panel considered the changes set out at Appendices 1 and 3 and resolved to recommend all of the proposed changes onwards to Cabinet.

King's Lynn Area Advisory Committee – 30 January 2023

[Click here to view a recording of this item on You Tube](#)

Provision of accessible play equipment

The Committee received a presentation from Lexy, Tion, Kathryn and Daisy (Youth Commissioners) from the West Norfolk Youth Advisory Board on the provision of accessible play equipment.

The Committee congratulated all the Youth Commissioners on a very detailed and excellent presentation which was supported by the Committee.

Members of the Committee urged the Youth Commissioners to take the presentation / petition to Parliament to get the law changed and to get in touch with the local MP and local Borough Councillor.

Nathan Johnson-Hales explained to the Committee that the Walks was owned by the Borough Council and was Grade II listed. The current play equipment was ROSPA inspected annually. He advised that accessible equipment had been installed at a new scheme in Downham Market. He suggested that Planning Guidance could be looked at and Borough Council developments could be made to include accessible equipment. He did point out that the equipment was very expensive. He advised that himself and his team were available to offer advice.

The Assistant Director added that there might be funding opportunities available in relation to the benefit of physical exercise through the Health and Wellbeing Partnership Board and suggested that having a 'shovel-ready' scheme would be advantageous.

It was suggested that this should be considered by Cabinet and that a recommendation be made from the Committee to Cabinet.

The Chair thanked Lexy, Tion, Kathryn and Daisy (Youth Commissioners) and Eloise and Noel from the Youth Advisory Board for attending the meeting and bringing the issue to the attention of the Committee.

RECOMMENDED:

- (1) Cabinet be invited to support a shovel ready scheme for the provision of accessible play equipment in the Walks should an opportunity for funding become available.

RESOLVED

- (2) That the KLAAC Play Areas Informal Working Group, in partnership with the Youth Advisory Board, help to prepare a 'shovel ready' scheme that could be submitted for funding when the opportunity arises.

NOTICE OF AN URGENT NON-KEY DECISION

Under Standing Order 12.15 of the Council's Constitution, a non-key decision can be taken as an Urgent decision, and therefore not subject to the call-in procedures under the Constitution, provided reasons are provided by the Chair or decision maker.

The purpose of this notice is to provide advance notice of the Urgent non-key decision to be taken under Standing Order 12.15 and provide the reasons for the urgency. This Notice will be provided to the Chair of the Corporate Performance Panel and published with the report relating to the decision to be taken.

The following notice is hereby provided:

Matter about which the decision is to be made

Cabinet is being asked to make the following decision at its meeting on 7 March 2023:

Recommendations

That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by full council be amended as follows:

- 1) That reference to the term 'A10/Main Rail Line Strategic Growth Corridor' is deleted from the plan.
- 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies 'SADAMP'), subject to a check that it still remains up to date.
- 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.
- 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

Reason for Decision

To address concerns raised by the Local Plan Inspectors at examination in order that they may report the Plan is 'sound' and enable the Council to proceed to adoption at the earliest opportunity.

Reasons for urgency

The draft Local Plan has been submitted for examination by the Planning Inspectorate. At examination, the Inspector has raised questions on specific parts of the draft Plan and highlighted areas where a further evidence base is required. The Inspector has provided a date of 28 April 2023 to provide responses and further evidence.

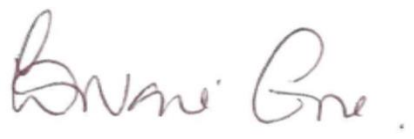
To address the concerns raised, there are some notable changes to the draft Local Plan in relation to which Full Council's ratification is sought. There is not another Full Council meeting after the scheduled meeting on 30 March 2023 until July 2023, in view of elections on 4 May 2023. Accordingly, it is urgent that Full Council consider this decision on 30 March 2023, which means Cabinet must consider the decision at its meeting on 7 March 2023. There would not be time between the expiry of a call-in period and the date the Full Council agenda would need to be published on 22 March 2023 to call a special CPP meeting to consider a valid call-in and then potentially a special Cabinet to consider CPP's recommendations.

This renders this executive decision urgent and therefore not subject to call-in. As a non-key decision, this notice and reasons must be given to justify the urgency.

This notice will be published with the agenda papers 5 clear days before the identified non-key decision may be taken by Cabinet on 7 March 2023.

Name Lorraine Gore, Chief Executive

Date: 24 February 2023



Lorraine Gore.

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		NO	
	Discretionary /	Need to be recommendations to Council		YES	
West Winch	Operational	Is it a Key Decision		NO	
Lead Member: Cllr Richard Blunt E-mail: cllr.Richard.Blunt@West-Norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted: Local Plan Task Group		
Lead Officer: Claire May E-mail: Claire.may@west-norfolk.gov.uk Direct Dial:			Other Officers consulted: Stuart Ashworth Michael Burton		
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES at pre- screening	Risk Management Implications Yes	Environmental Considerations 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: **7 MARCH 2023**

LOCAL PLAN EXAMINATION – INSPECTORS’ LETTER – RECOMMENDED WAY FORWARD

Summary

Full Council approved the draft Local Plan submitted for examination in March 2022. The Local Plan Inspectors adjourned the examination hearings to allow the Council to provide further evidence and justification, to ensure the submitted Plan is sound. This report sets out the options to address the Inspectors’ concerns. In relation to the Spatial Strategy and Settlement Hierarchy in particular, those more substantive changes to the Plan are considered to require the approval of Full Council.

Recommendations:

That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by Full Council be amended as follows:
 - 1) That reference to the term ‘A10/Main Rail Line Strategic Growth Corridor’ is deleted from the Plan.
 - 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies Document), subject to a check that it still remains up to date.
 - 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.

- 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

Reason for Decision

To address concerns raised by the Local Plan Inspectors at examination in order that they may report the Plan is 'sound' and enable the Council to proceed to adoption at the earliest opportunity.

1. Background

- 1.1 The Local Plan was submitted to the Secretary of State on 29 March 2022 for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Planning Inspectors Karen Baker DipTP MA DipMP MRTPI and Mike Hayden BSc DipTP MRTPI were appointed by the Secretary of State, to carry out the examination. The Inspectors' task is to consider whether the Council has complied with the legal requirements in preparing the Local Plan Review and whether the submitted Plan is sound, based on the following criteria set out in paragraph 35 of the [National Planning Policy Framework 2021](#) (*the Framework*):
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 1.3 Under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Inspectors will recommend modifications to the Plan submitted to make it 'sound'.
- 1.4 The examination hearings commenced in December 2022 with hearings taking place on 6, 7 and 8 December 2022 and 10 January 2023. Further hearing sessions were scheduled for January 2023.

1.5 On 11 January 2023 the Inspectors adjourned the hearing sessions to allow the Council the opportunity to undertake further work to justify the spatial strategy and distribution of housing in the Local Plan.

1.6 The Inspectors wrote to the Council on 30 January 2023 setting out, in detail the further work required and the way forward for the examination including a timescale for the delivery of this work and resumption of the hearing sessions. The letter and accompanying note are annexed as Appendix 1 and Appendix 2 to this report.

2.0 Inspectors Correspondence

2.1 The Inspectors’ letter and note is intended to help the Council address matters that they have identified in the first part of the examination which would otherwise affect its soundness. The matters identified relate to the:

- Spatial Strategy
- West Winch Growth Area
- Transport Evidence
- Settlement Hierarchy
- Housing Land Supply

2.2 Details of the work they advise ought to be undertaken is identified in the Inspectors’ Note on Further Evidence. Officers are preparing to commission this work with a view to meeting the Inspectors’ deadline of 28 April 2023. This request has been made with a view to helping the Council ensure it is able to justify the Plan’s policies and proposals so that the Inspectors may find it sound. This kind of advice is conventionally provided part way through a local plan examination as part of the Secretary of State’s commitment to a positive and constructive plan making process that delivers new plans as quickly as possible.

2.3 This report sets out the options to address the Inspectors’ comments in relation to the Spatial Strategy and Settlement Hierarchy which require changes to the Plan and require Member approval. The other work required by the Inspectors is already underway.

2.4 In summary, the Inspectors’ main queries about the proposed spatial strategy and the distribution of housing development relate to:

- Strategic Growth Corridor (A10/Main Rail Line)
- Settlement Hierarchy
- Housing requirements for designated neighbourhood areas

2.5 Strategic Growth Corridor

Inspectors’ Letter (Appendix 1)	Inspectors’ Note (Appendix 2)
‘A key component of the spatial strategy in Policy LP01 is to direct	‘Explain the purpose of the Strategic Growth Corridor and the justification for the

development and investment to the most sustainable places in the A10/Main Rail Line Strategic Growth Corridor. However, the proposed allocations in the Plan would direct around 40% of housing growth to the West Winch Growth Area'.....'with comparatively limited housing development at Downham Market and Watlington'	proposed distribution of housing growth within it, including the scale of housing growth at the WWGA, Downham Market and Watlington relative to the role of these settlements/locations within the hierarchy....'
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2.6 The Inspectors are concerned that the notion of a strategic growth corridor is not justified by the evidence. That concern stems from the fact that very little new growth is proposed in the Growth Corridor except at King's Lynn/West Winch. Whilst they have therefore invited the Council to consider whether the growth corridor should be retained and to prepare a topic paper if it believes the designation should stand. This option is most unlikely to be found sound unless further significant allocations are made in Watlington and Downham Market or policy is loosened to admit further development in these locations. However, the Council does not need to allocate further land in either of these locations to meet the need for housing. Therefore, the deletion of the Growth Corridor 'designation' would not change the substance of the Plan's Spatial Strategy. That being so, Officers recommend Policy LP01 is simply amended to delete the Growth Corridor notation.

2.7 Legal advice that has been received by the Council is that the proposed change is one of form rather than substance, so in that respect it ought not be regarded as significant in the sense of going to the heart of the Plan's sustainable development strategy.

2.8 Settlement Hierarchy

Inspectors' Letter (Appendix 1)	Inspectors' Note (Appendix 2)
'The spatial strategy for rural settlements in the Plan is also ambiguous'	'As part of the Action List [G12], we also requested that the Council update the supporting study D21 on Further Consideration of the Settlement Hierarchy, with evidence explaining the decisions on proposed changes to the status of certain settlements within the settlement hierarchy in Policy LP02. The update note provided by the Council [F38] does not provide the evidence requested...'

2.9 The Inspectors have raised a number of questions about the Settlement Hierarchy and distribution of development within it, but in essence their concern is that the hierarchy is not justified by objective, systematic evidence. In particular, the Inspectors are concerned that any settlement which is judged sufficiently sustainable to be identified as part of the hierarchy ought to make some (albeit a proportionate) allowance for development. Therefore, going forward the Council's option is essentially to:

- 1) Revert to the Settlement Hierarchy in the Core Strategy (as amended by the Site Allocations and Development Management Policies Plan) which results in:
 - i. the deletion of Growth Key Rural Service Centre tier with Marham and Watlington being reclassified as Key Rural Service Centres. (Note: if Members are minded to remove the Strategic Growth Corridor from the Spatial Strategy, this tier would no longer be relevant), and
 - ii. a Settlement Hierarchy that is capable of being justified as it has already been through an examination process: **and**
- 2) Include a criterion-based policy for each rural settlement that allows the consideration of development proposals.

2.10 There is no need to allocate further sites to meet the Borough’s need for housing. Instead, the Plan will be positively prepared and justified if a criterion based policy is developed that allows development to take place at each level of the settlement hierarchy in defined circumstances. Officers therefore recommend this approach to Members.

2.11 Housing requirements for designated neighbourhood areas

Inspectors’ Letter (Appendix 1)	Inspectors’ Note (Appendix 2)
‘Paragraph 2.0.19 of the Plan says that Neighbourhood Plans (NPs) must support the overall scale and nature of growth indicated in the Plan, and that the Plan will specify the minimum scale of growth appropriate for each settlement. However, paragraph 4.1.23 goes on to say that the allocations for areas preparing NPs will not be made in the Plan. Policies LP01 and LP02 do not set out housing requirements for each settlement or neighbourhood area...	‘Review whether the Plan should set out housing requirements for each settlement or designated neighbourhood area in the Borough, taking account of national policy in this regard, the strategy for the pattern and scale of development in the Borough, and any relevant allocations, and if not, provide a justification for not doing so and departing from national policy on this matter.’

2.12 The Inspectors require the Council to identify the housing requirement for designated neighbourhood areas. This is usually accomplished having regard to the: -

- Spatial strategy;
- Evidence such as the housing and economic land availability assessment (HELAA); and/ or
- Characteristics of neighbourhood area (e.g., constraints or functional role).

2.13 Officers have now devised a methodology for setting housing requirements for designated neighbourhood areas. This is attached as Appendix 3.

2.14 Officers recommend that the housing requirement for designated neighbourhood areas is incorporated into Policy LP01, or a separate “housing requirements” policy. It is to be observed that whether or not LP01 is amended, or a separate policy formulated, a designated neighbourhood area is able to require the Council to supply a housing requirement when it prepares a neighbourhood plan. Thus, once again this is a matter of form rather than substance and does not result in a substantial change to the Plan.

3. Recommendations

3.1 That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by Full Council be amended as follows:
 - 1) That reference to the term ‘A10/Main Rail Line Strategic Growth Corridor’ is deleted from the Plan.
 - 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies Document), subject to a check that it still remains up to date.
 - 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.
 - 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

4. Next Steps

4.1 In their letter (Appendix 1, p5), the Inspectors have requested that, once the additional tasks set out in the letter have been completed to their satisfaction, we will need to undertake a 6-week public consultation on the further evidence and provide them with a summary of representations received. It is for the Inspectors to consider the representations received as part of the examination process.

4.2 The Inspectors state that it is likely that additional hearing sessions are likely to be necessary to discuss the findings and its implications for the spatial strategy and distribution of development in the Plan and that these hearings could take place in the early autumn

3.2 Further consultation, on all the detailed changes to the Local Plan made through the examination process will be undertaken following the end of the hearing sessions. This consultation is referred to as a Main Modification Consultation which will likely take place in early 2024.

5 Policy Implications

5.1 None

6 Financial Implications

6.1 The cost of preparing the additional evidence will be done within the existing Planning Policy budget for the preparation of the Local Plan.

7. Personnel Implications

7.1 None

8 Environmental Considerations

8.1 There are no environmental implications stemming from this report.

9 Statutory Considerations

9.1 It is a statutory requirement for the Council to have a Local Plan in place. The statutory provisions under which a Local Plan is made are within the Planning and Compulsory Purchase Act 2004 (As amended) and regulations made under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Environment and Assessment of Plans and Programme Regulations 2004.

9.2 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) contains guidance that must be met to enable a Council to adopt a Local Plan, including the 'tests of soundness' that Local Plans are assessed against. A local Plan must be justified, effective, positively prepared and consistent with national policy.

10 Equality Impact Assessment (EIA)

10.1 Pre-screening EIA is attached.

11 Risk Management Implications

11.1 The principal risk is that should progress not be made to respond to the Inspectors' request for additional information, the Inspectors will find the Council's Plan unsound. That there will not be an up to date Local Plan and that the presumption in favour of sustainable development will apply.

12 Declarations of Interest / Dispensations Granted

None

13 Background Papers

[National Planning Policy Framework](#)

Planning Practice Guidance

Town and Country Planning (Local Planning) (England) Regulations 2012.

Planning and Compulsory Purchase Act 2004

APPENDICES

APPENDIX 1: Inspectors' Post Hearing Letter January 2023

APPENDIX 2: Inspectors' Note on Further Evidence January 2023



APPENDIX 3: Methodology for calculating housing requirements for designated neighbourhood areas

Name of policy/service/function	Local Plan				
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 is rigidly constrained by statutory obligations	This report sets out the options to address the Inspectors' comments in relation to the Spatial Strategy and Settlement Hierarchy which require changes to the Local Plan in response to questions raised at the examination hearings. Preparation of Local Plans is governed by legislation and guidance and national policy				
Question	Answer				
<p>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?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
Other (eg low income)			x		

King's Lynn & West Norfolk Local Plan Review Examination

Inspectors: Karen L Baker DipTP MA DipMP MRTPI

Mike Hayden BSc DipTP MRTPI

Programme Officer: Annette Feeney

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30 January 2023

Stuart Ashworth
Assistant Director
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk PE30 1EX

By email via the Programme Officer

Dear Mr Ashworth,

**Examination of King's Lynn & West Norfolk Local Plan
Review: Hearing Adjournment and Further Evidence**

Following our adjournment of the Examination Hearing on 11 January 2023, we are writing to set out in more detail the reasons for the adjournment and the further evidence we require from the Council to enable the Examination of the King's Lynn & West Norfolk Local Plan Review (the Plan) to continue.

It will be clear from our Matters Issues and Questions (MIQs) and from the discussions held at the Examination Hearing sessions to date, that we have questions about the soundness of the Plan, in respect of key elements of the proposed spatial strategy and distribution of housing development. In summary, our concerns are:

1. Strategic Growth Corridor

A key component of the spatial strategy in Policy LP01 is to direct development and investment to the most sustainable places in the A10/Main Rail Line Strategic Growth Corridor. However, the proposed allocations in the Plan would direct around 40% of housing growth to the West Winch Growth Area (WWGA), which is likely to rely on car and road-based transport, with comparatively limited housing development at Downham Market and Watlington, which, with railway stations, appear to be more sustainable locations in transport terms. Our questions have sought to understand the evidence to support this distribution of development within the corridor, but to date the Council has been unable to provide a clear explanation. We question, therefore, whether this component of the spatial strategy is justified as appropriate, based on the evidence, and consistent with national policy in enabling the delivery of sustainable development.

2. West Winch Growth Area

The evidence to support the increased growth proposed at the WWGA is inadequate. Whilst the WWGA has been established as an appropriate location for strategic growth through the adopted Core Strategy and allocated for at least 1,600 dwellings up to 2026 in Policy E2.1 of the Site Allocations and Development Management Policies Plan (the SADMP), it is clear in the SADMP that the potential for further development beyond that at WWGA is subject to future development plans.

The submitted Plan is now seeking to establish the extent of further growth at the WWGA. Policy E2.1 as submitted allocates the site for at least 2,500 dwellings in the period to 2036 and up to 4,000 dwellings in the fullness of time. However, the evidence to justify the additional growth of 2,400 dwellings and to demonstrate that its impacts on matters such as the operation and safety of the transport network, and on air quality, heritage and ecological assets, landscape character and local amenity, are capable of being mitigated, was not submitted with the Plan. Although the effects of the proposed allocation were assessed through the Sustainability Appraisal (SA), it is unclear what evidence was used to derive the appraisal scores for heritage, highways and transport, landscape and amenity, natural environment and pollution.

A Heritage Impact Assessment (HIA) for the WWGA has now been undertaken and we understand further transport modelling work is available. But, based on the Council's responses to our MIQs and oral questions at the Hearing, we are concerned that the necessary technical work has not been undertaken to determine the development capacity of the site in environmental and infrastructure terms. As yet, therefore, we are unable to conclude that the proposed allocation for up to 4,000 dwellings at the WWGA, in Policy E2.1, is justified as appropriate based on the evidence, nor that it would deliver sustainable development in accordance with national policy.

3. Downham Market

The role of Downham Market within the Plan's spatial strategy is ambiguous. Paragraph 3.1.2 of the submitted Plan, introducing the Vision for the Borough, signals '*a shift towards encouraging development towards Downham Market based on the sustainable nature of the settlement and the key role the town plays within the borough, as opposed to the previous approach which sought to allow for a slower pace of growth*'. This implies an increased rate of growth at Downham Market in the submitted Plan to 2036, compared to the current adopted Plan. However, whereas the Core Strategy makes provision for at least 2,710 dwellings at Downham Market in the period to 2026 (Policy CS04), the proposed Plan only provides for at least 390 dwellings up to 2036, on two sites (Policies F1.3 and F1.4) which were allocated in the SADMP; there are no new allocations at Downham Market in the proposed Plan.

Further, although Downham Market is the second largest town in the Borough, with a station on the main railway line and within the Strategic

Growth Corridor, it attracts a very limited proportion of the housing growth proposed within the Plan, compared to King's Lynn and West Winch. The table at the end of Policy LP01 shows that 6% of the homes are allocated at Downham Market, compared to 62% at King's Lynn and the surrounding area. As such, the level of housing growth allocated to Downham Market does not appear to be consistent with the role and vision for the settlement in the submitted Plan.

In discussions at the Hearing, the Council was unable to explain the justification for this apparent inconsistency. We are concerned, therefore, as to whether this element of the Plan's growth and spatial strategy is justified as appropriate, based on the evidence, and whether it is consistent with national policy in focusing significant development in a location which is sustainable in transport terms.

4. Watlington

Watlington is identified in the submitted Plan as a Growth Key Rural Service Centre (KRSC), because it lies on the main line railway between King's Lynn, Cambridge and London within the Strategic Growth Corridor, and is a sustainable settlement with a wide range of facilities. However, the submitted Plan allocates just one site (G112.1) at Watlington for 32 dwellings, which is a carried forward allocation from the SADMP, intended to meet needs in the existing adopted Plan period to 2026. No further housing growth is proposed at Watlington for the submitted Plan period to 2036. Whilst the supporting text of the Plan (at paragraph 11.2.7) indicates that it would be appropriate to consider further allocations through the emerging Watlington Neighbourhood Plan (NP), there is no requirement for the NP to do so, in the form of a housing requirement for Watlington to support its status as a Growth KRSC.

At the draft Plan consultation stage in March/April 2019, an additional site was allocated at Watlington for 90 dwellings (Policy WAT1), to support its role as a Growth KRSC. In answer to oral questions at the Hearing, the Council confirmed that this site was removed on the basis that it was no longer required to meet the Borough's overall housing requirement, regardless of the proposed growth status of Watlington. As such, in the absence of any further housing allocations or a housing requirement to be met through allocations in the NP, we question whether the status of Watlington as a Growth KRSC is justified as appropriate, and whether this element of the Plan is consistent with national policy in respect of its emphasis on focusing development in sustainable locations.

5. Rural Settlements

The spatial strategy for rural settlements in the Plan is also ambiguous for the following reasons:

- Criterion 8(a)(iii) of Policy LP01 and criterion 3 of Policy LP41 identify the KRSCs as a focus for most new development within the rural

areas of the Borough. However, the Plan does not propose housing allocations at all of the KRSCs, with no provision made at Burnham Market, Middleton and West Walton. Where sites are proposed, many were allocated in the SADMP and have either been completed or are nearing completion. Based on the latest housing delivery monitoring data in document F34, around 50% of the proposed supply at the KRSCs will have been built by the end of 2026/27. For the remainder of the Plan period to 2036 (or 2039 under the proposed change to the Plan period), only 9 of the 23 KRSCs will have any allocations remaining to meet housing needs that come forward after 2026/27.

- Whilst Rural Villages (RVs) are expected to accommodate more modest levels of development, only 16 out of 30 RVs have housing allocations in the submitted Plan. Most of the sites were allocations in the SADMP and are either completed or under construction, with very few dwellings projected to come forward in the RVs from 2027/28 to the end of the Plan period.
- Paragraph 2.0.19 of the Plan says that Neighbourhood Plans (NPs) must support the overall scale and nature of growth indicated in the Plan, and that the Plan will specify the minimum scale of growth appropriate for each settlement. However, paragraph 4.1.23 goes on to say that the allocations for areas preparing NPs will not be made in the Plan. Policies LP01 and LP02 do not set out housing requirements for each settlement or neighbourhood area.
- In its suggested Main Modifications (MMs) [F37], the Council proposes to delete from the Plan any KRSC or RV which no longer has a housing allocation to be delivered. This reinforces the impression that the Plan does not seek to provide for the needs of these settlements going forward.
- The Plan also proposes to change the status of a number of rural settlements in the Settlement Hierarchy in Policy LP02, but the evidence to justify a number of these decisions is not clear in the supporting study on Further Consideration of the Settlement Hierarchy [document D21]. Whilst the Council has sought to update this evidence in Examination Document F38, in many cases the commentary about the decisions to change or not to change the tier of different rural settlements in the hierarchy, does not provide the reasoning for those decisions.

Overall, the spatial strategy and housing provision for rural settlements appears to be based largely on carrying forward existing allocations from the SADMP and windfall provision under Policy LP31, rather than evidence of the needs of settlements over the Plan period. This does not present as a positively prepared strategy to meet the needs of rural communities. National planning policy expects planning policies to be responsive to local circumstances and support housing developments that reflect local needs in rural areas. Paragraph 66 of the NPPF also expects strategic policies to set out a housing requirement for

designated neighbourhood areas, which reflects the strategy for the pattern and scale of development and any relevant allocations. The Plan does not do this. For these reasons we question whether the spatial strategy for rural settlements is justified as appropriate, based on the evidence, and consistent with national policy.

Without further evidence to support these elements of the Plan, we are unlikely to be able to conclude that the spatial strategy and distribution of housing growth are justified as appropriate, based on the evidence submitted; deliverable over the Plan period and therefore effective; or consistent with national policy in enabling the delivery of sustainable development.

During the first week of the Hearing, we requested a number of pieces of evidence to deal with questions on these matters that the Council was unable to answer. These were set out in the Action List issued after the first week [G12]. We had hoped these would address our concerns and enable the discussion of development proposals for the main towns and rural settlements, but the documents submitted by the Council [F34, F36, F38 and F39] do not provide the necessary evidence, for the reasons we explained at the opening of Day 4 of the Hearing.

It is for these reasons that we have taken the decision to adjourn the Hearing and give the Council the opportunity to carry out the work necessary to address the above questions. The note attached to this letter sets out the further evidence we require the Council to undertake at this stage. For the avoidance of doubt, this incorporates actions 12, 13, 18, 19, 21 and 52 in the Action List and the topic paper on the WWGA.

We would encourage the Council to progress the remaining actions in that list alongside preparing this further evidence, most of which involve preparing MMs to policies and site allocations that were discussed during the Hearing sessions to date. The evidence on housing land supply and the deliverability and developability of housing allocations will also need to be updated, based on discussions at the Hearing so far and any further development progress on sites during the Hearing adjournment. We have set this out in the attached note as well.

We propose a deadline of 28 April 2023, allowing the Council a full three months to complete this work, but would be grateful for your confirmation that this can be met. During this period we also ask that the Council provides monthly updates, which should be posted on the Examination website, to ensure all parties are kept informed of progress.

Once this work is completed to our satisfaction, we will ask the Council to undertake public consultation on the further evidence and provide us with a summary of any representations. Further Hearing sessions are likely to be necessary to discuss the findings of this work and its implications for the spatial strategy and distribution of development in the Plan. At this stage, we estimate these could take place in the early autumn, assuming a 6-week period for consultation on the further evidence and 6-weeks' notice of the resumption of the Hearing.

We expect that the cancelled Hearing sessions on Matters 6-9 of the MIQs from January would be scheduled to take place at the same time, along with any Hearing session necessary to consider the findings of the Gypsy and Traveller work currently being undertaken by the Council.

On receipt of this letter, please would the Council upload a copy to the Examination website.

We need to make clear that we are not inviting or proposing to accept comments on this letter or the attached note from any Examination participants. The consultation and future Hearing sessions referred to above will provide the opportunity for any further representations on the issues raised in this letter and the further evidence to be submitted.

Yours sincerely,

Karen L Baker

INSPECTOR

Mike Hayden

INSPECTOR

Attachment:

Inspectors' Note on Further Evidence required from the Council – Jan 2023

Examination of the King's Lynn & West Norfolk Local Plan Review
Note on Further Evidence required from the Council to accompany
letter from the Inspectors - January 2023

1. Spatial Strategy

The Council should prepare a topic paper to explain and justify the proposed spatial strategy in the submitted Plan, in particular to cover the following matters:

- Explain the purpose of the Strategic Growth Corridor and the justification for the proposed distribution of housing growth within it, including the scale of housing growth at the WWGA, Downham Market and Watlington relative to the role of these settlements/locations within the hierarchy, their sustainability in terms of transport, facilities and infrastructure, and their population size and settlement needs.
- Explain the spatial strategy for rural settlements and communities, including the role and function of Growth KRSCs, KRSCs, RVs, and SVAHs in accommodating future rural development needs, and the justification for the level of housing growth allocated to each rural settlement, having regard to their role in the settlement hierarchy, their facilities, transport accessibility, population size and settlement needs.
- Review whether the Plan should set out housing requirements for each settlement or designated neighbourhood area in the Borough, taking account of national policy in this regard, the strategy for the pattern and scale of development in the Borough, and any relevant allocations, and if not, provide a justification for not doing so and departing from national policy on this matter.
- Review the various definitions for the 'appropriate' scale of development in the different tiers of rural settlements within the hierarchy and the spatial strategy in Policies LP01 and LP02, and consider amendments to the Plan to make this clear and unambiguous.
- Detail any suggested Main Modifications (MMs), in particular to Policies LP01, LP02, LP04, LP31, LP39, LP40 and LP41 and their supporting text, in the light of the analysis provided above.

2. West Winch Growth Area (WWGA)

The Council should prepare a topic paper to bring together the evidence supporting the proposed allocation for up to 4,000 dwellings at the WWGA in the submitted Plan. In particular, this should cover:

- The history of the evolution of the proposal for growth south east of King’s Lynn and at West Winch, with reference to evidence provided for the Examination in the current adopted development plan.
- The current planning status of the site in terms of progress on the masterplan for the WWGA and on planning applications for the respective phases of the adopted allocation for 1,600 dwellings.
- Justification for the additional growth (of 2,400 dwellings) proposed in the submitted Plan, over and above the 1,600 dwellings for which the site is allocated in the SADMP, particularly in light of the size of the overall surplus of housing land up to the end of the Plan period and beyond.
- An explanation of the results of any modelling of traffic and transport impacts arising from the growth of up to 4,000 dwellings at the WWGA, on the operation and safety of the transport network to accommodate this growth, and of the effects of transport interventions proposed to mitigate those impacts.
- Details for the proposed West Winch Housing Access Road (WWHAR), including the timetable, key dates and milestones in the Business Case process to secure DfT funding, how its delivery would be phased, and the trigger points in the housebuilding programme at which each phase and the full route would be required;
- A summary of evidence assessing the cumulative impacts of the proposed additional growth on landscape character, heritage assets, biodiversity and ecology, flood risk (including surface water drainage), air quality, community infrastructure and amenity (i.e. residential living conditions), and any recommended mitigations. Where this evidence is not yet available, the necessary assessments should be commissioned and the results summarised in the topic paper.
- Detail any suggested MMs to the submitted Plan arising from the above analysis, in particular to Policy E2.1 and its supporting text, and consequential changes to the Housing Trajectory [F22].

3. Transport Evidence

As part of the Action List [G12] published following the first week of the Hearing, we requested that a technical note be prepared to pull together the full suite of transport studies and strategies, which have been prepared to date by the Borough Council as LPA and/or Norfolk County Council as the Highway Authority (HA) to inform and/or support the spatial strategy and development proposals in the Plan.

The note provided [Examination document F39] does not adequately address the work required, as it does little more than provide links to

the various studies and strategies. It does not explain the evidence, the results of the modelling, with and without transport interventions, and the implications of the growth proposed in the Plan for the transport system.

In the specification for the technical note [G14], we asked that it should do the following:

- Summarise the results and findings of traffic and transport modelling undertaken to assess the impacts of the development proposed in the Plan and at the WWGA over the Plan period and beyond on the strategic and local transport network in the Borough.
- Explain: the recommended transport infrastructure schemes and other interventions proposed to address the impacts of planned development; the effects of those interventions in mitigating any unacceptable impacts of the proposed growth on highway safety and the operation of the road network; and the technical feasibility, financial viability and funding mechanisms of those schemes and interventions.
- Draw together and summarise the transport strategies, programmes and measures relevant to the Plan and the WWGA, and how they would help to make the proposed locations for development in the Plan more sustainable, offer a genuine choice of travel modes and support modal shift away from dependence on the car.
- Outline any other transport evidence which the LPA and HA consider to be relevant to justifying the sustainability and deliverability of the Plan's spatial and development strategy.

As part of the further work at this stage of the Examination, we require the Council and the HA to review and update document F39 to ensure it provides a full and proper analysis of the above points.

4. Settlement Hierarchy

As part of the Action List [G12], we also requested that the Council update the supporting study D21 on Further Consideration of the Settlement Hierarchy, with evidence explaining the decisions on proposed changes to the status of certain settlements within the settlement hierarchy in Policy LP02.

The update note provided by the Council [F38] does not provide the evidence requested, for the following reasons:

- The commentary explaining the decisions to change or not to change the tier of different settlements in the hierarchy, in most cases does not provide the reasoning for those decisions. Minutes of

the meetings at which the decisions were made are provided, but these mostly record the decision rather than the reasoning. As such, the status of a number of the settlements does not appear to be justified by the evidence.

- The paper does not explain how the survey responses from Parish Councils informed the decisions about the status of settlements in the hierarchy.

Therefore, as part of the further work at this stage of the Examination, we need the Council to review and update document F38 to clearly explain, along with supporting evidence, the justification and reasoning for the decisions made on the status of the following settlements in the hierarchy:

- Castle Acre
- Marshland St. James/St. John's Fen End with Tilney Fen End
- Walpole St. Peter/Walpole St. Andrew/Walpole Marsh
- Middleton
- Southery
- Denver
- Wiggshall St. Germans
- Walpole Highway
- Hilgay
- Walton Highway and West Walton
- Ashwicken
- Bircham Newton, Choseley, Fring, Fordham, Setchey, Shernbourne, Stow Bardolph and Wolferton.

The scoring for each of these settlements, as listed in D21, should be explained and how this has been used to determine a settlement's status in the hierarchy, taking into account the survey responses from Parish Councils and the relative position of other settlements with the same/similar scores but at different levels of the hierarchy.

5. Housing Land Supply

Deliverability and Developability of Housing Allocations

In response to our request in the week 1 Action List [G12], the Council provided a note on the Deliverability and Developability of housing allocations in the Plan [F34], with evidence intended to demonstrate the delivery programme for each site.

However, as discussed at the outset of Day 4 of the Hearing, for a number of the housing allocations the evidence to demonstrate their deliverability or developability is lacking and for other sites their delivery timescale contradicts that shown in the Housing Trajectory [F22].

Therefore, as part of the further work at this stage of the Examination, we ask that the Council review and update the evidence as follows:

- Review each allocation in note F34 to ensure that sufficient evidence is provided in respect of lead in times, start dates, build out rates and completions to demonstrate its deliverability or developability according to the definitions in the NPPF;
- Update the record of completions for sites under construction for the period to 31 March 2023;
- Make corresponding changes to the Housing Trajectory to ensure it reflects the delivery timescale for each allocation in the updated note on Deliverability and Developability.

Housing Land Supply report

The Council submitted a report on Housing Land Supply [F43b] in support of its HPS on Matter 6. However, we would invite the Council to review and update it as follows:

- Paragraph 4 states that 'the Council would like to fix the five-year housing land supply through the examination process with a 10% buffer applied to the overall housing requirement'. However, as agreed at the Hearing session on 10 January, the Council cannot seek to 'fix' the five year supply at this stage of the Examination process and, as such, reference to this should be removed from the Housing Land Supply report;
- It may also be that the 5-year housing land supply calculation will need to be adjusted in the light of changes to the delivery status and trajectory of sites in document F34.

Karen Baker and Mike Hayden
Planning Inspectors
January 2023

APPENDIX 3

Methodology for setting housing requirements for designated neighbourhood areas

- a) Calculate residual (outstanding) housing requirement by deducting allocated development plan sites and major strategic commitments from Local Housing Need (10,278);
- b) Obtaining up-to-date household Nos for each neighbourhood area (i.e. designated parish/ parishes), using No of properties registered for Council Tax;
- c) Dividing No of properties by total (Borough-wide) No of properties registered for Council Tax, to get a % figure for each neighbourhood area;
- d) For each neighbourhood area in turn, multiply the % figure (stage (c)) by the residual housing requirement (stage (a));
- e) Review suitable HELAA sites within each neighbourhood area, to give maximum potential development capacity; and
- f) Utilize the lower of the figures at (c) or (d) above to set a housing requirement for each neighbourhood area.

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary /	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Harry Humphrey E-mail: cllr.harry.humphrey@west-norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted:		
Lead Officer: Alexa Baker, Monitoring Officer E-mail: alexa.baker@west-norfolk.gov.uk Direct Dial: 01263 616270			Other Officers consulted:		
Financial Implications YES/NO	Policy/ Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations 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: 7 March 2023

REVIEW OF THE UNREASONABLE COMPLAINANTS POLICY

Summary	<p>A review of the Unreasonable Complainants Policy (“the UC Policy”) has been undertaken by the Corporate Performance Panel (“CPP”) via an informal working group (“IWG”).</p> <p>Attached are proposed changes to the UC Policy and proposed changes to the terms of reference for Standards Committee approved by CPP.</p>
Recommendation	<p>To consider the proposed changes to the UC Policy and Constitution as recommended by CPP, and:</p> <ol style="list-style-type: none"> 1. Recommend the proposed changes to the UC Policy as set out at Appendix 1 to Full Council; and 2. Recommend the proposed changes to the Constitution as set out at Appendix 2 to Full Council.
Reason for Decision	<p>It is a function of CPP to assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King’s Lynn and West Norfolk. CPP have recommended changes to the UC Policy and the Constitution which Cabinet are asked to consider these for onward recommendations to Full Council.</p>

1 Background

- 1.1 On 8 November 2021 the Corporate Performance Panel resolved to set up an informal working group to the review of the Unreasonable Complainants Policy. The duly constituted informal working group (“IWG”) consisted of Cllr Ayres, Cllr Manning, Cllr Moriarty and Cllr Nash.
- 1.2 The IWG initially met as a group on 24 November 2021 and 1 December 2021. Proposed changes were taken to CPP following the work carried out by the IWG. This was considered by Cabinet on 15 March 2022. As a result of the Local Government and Social Care Ombudsman having provided comments on the proposed changes which needed to be considered in full, the matter was remitted back to CPP. The IWG met again on 19 October 2022 and recommended further additional changes to the UCPC which were approved by CPP on 4 January 2023.
- 1.3 The current UC Policy is attached at Appendix 1 with tracked changes approved by CPP. The additional changes following the comments of the Local Government and Social Care Ombudsman are shown highlighted in yellow.
- 1.4 The proposed use of the Standards Committee to determine appeals by complainants, at section 5 of Appendix 1, would require a change to the Council’s Constitution. These proposed changes were also considered by the IWG and are set out at Appendix 2.

2 Options Considered

- 2.1 Cabinet may consider the following:
 - 2.1.1 Agree the attached changes to the UC Policy and Constitution and recommend to Full Council that they be adopted.
 - 2.1.2 Agree alternative changes to the UC Policy and Constitution and recommend to Full Council that they be adopted.
 - 2.1.3 Do not agree the attached changes to the UC Policy and Constitution and recommend to Full Council that no changes be made to the current UC Policy.

3 Policy Implications

- 3.1 This report recommends changes to a Council Policy, and therefore Full Council will have to approve any recommended changes, along with changes to the Council’s Constitution. The Council’s Equality Policy will apply to the consideration of any complainant under the Unreasonable and Persistent Complainers Policy.

4 Financial Implications

- 4.1 The proposed changes will require an additional resource requirement in terms of use of a venue for Standards Committee hearing any appeals from complainants and also officer time supporting those appeals, including preparing the reports and associated papers for the appeals and attendance at the appeals. The Independent Person’s time will also be required during an appeal process, which at present comes at no additional cost however it is possible that in future this would come at a cost.
- 4.2 Given that the UC Policy is not regularly used and the overall programme of Council Body meetings, this resource should be relatively minimal.

5 Personnel Implications

- 5.1 To the extent set out at paragraph 4 above.

6 Environmental Considerations

6.1 None.

7 Statutory Considerations

7.1 It is not a statutory requirement to have a UC Policy. The discretion on the content of any such policy is therefore wide.

7.2 Section 54(3) of the Local Government Act 2000 states that the Council may arrange for their Standards Committee to exercise such other functions as considered appropriate. The determination of appeals under the UC Policy can be delegated to the Standards Committee.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

8.1 Pre screening report attached

9 Risk Management Implications

9.1 The application of the UC Policy will form part of any relevant responses to the Local Government and Social Care Ombudsman, where complaints are progressed to them.

10 Declarations of Interest / Dispensations Granted

10.1 None

11 Background Papers

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Unreasonable Complainants Policy				
Is this a new or existing policy/service/function?	New / Existing (delete as appropriate)				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>In a minority of cases, complainants may behave unacceptably, or be unreasonably persistent in the pursuance of their complaints or in the manner in which they engage with and towards the Council (officers and Members). This can impede investigation of their complaint (or complaints by others) and can have significant resource issues. The Unreasonable Complainants Policy is designed to be a proportionate approach when responding to unreasonable complainant behaviour and balancing resource needs in other areas of the Council.</p> <p>This policy is not rigidly constrained by statutory obligations</p>				
Question	Answer				
<p>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?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
Age				X	
Disability	X	X			
Gender				X	
Gender Re-assignment				X	
Marriage/civil partnership				X	
Pregnancy & maternity				X	
Race				X	
Religion or belief				X	
Sexual orientation				X	
Other (eg low income)				X	

Question	Answer	Comments
<p>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?</p>	<p>Yes/ No</p>	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	<p>Yes/ No</p>	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	<p>Yes/ No</p>	
<p>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</p>	<p>Yes /No</p>	<p>Actions:</p> <p>Actions: Negative: Complainants with disabilities (physical health and mental health) may face challenges attending Standards Committee appeals, however these ought to be captured and assessed under the Council's current Equality Policy. <u>No actions therefore necessary.</u></p> <p>Positive: In certain cases, a complainant's cognitive abilities can be a factor that explains behaviour which may be deemed to fall under this Policy. Implementing an appeals process in which a complainant may be represented, put their own case forward and the involvement of the Independent Person could be seen to increase fairness towards those whose behaviour is attributable to a disability.</p> <p><u>No actions necessary.</u></p> <hr/> <p>Actions agreed by EWG member:</p> <p>.....</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary</p> <p>Decision agreed by EWG member:</p>		
<p>Assessment completed by: Name</p>		
<p>Job title</p>		
<p>Date</p>	<p>47</p>	



BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

POLICY ON MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR

UNREASONABLE COMPLAINANTS POLICY

This policy sets out our approach to the exceptional circumstances when complainants pursue a particular complaint in a way that is unreasonable. We aim to deal fairly, honestly, consistently and appropriately with all complaints, but we retain the right to restrict or change access to our services where we consider a complainant's actions to be unreasonable. Our aim in doing this is to ensure that other complainants and our staff do not suffer any disadvantage from complainants who act in an unreasonable manner.

This policy will not affect anyone's rights under the Data Protection Act [1998-2018](#), [Human Rights Act 1998](#) or the Freedom of Information Act 2000 or their rights in respect of other complaints they wish to make.

DEFINITION OF UNREASONABLE BEHAVIOUR

People may act out of character when under stress and we do not view behaviour as unreasonable because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on workloads and unacceptable behaviour towards staff.

Such actions have been grouped under three headings:

1. Unreasonable Persistence

Examples include:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of the complaints procedure despite having been provided with information about the

November 2019

procedure's scope. Insisting on the complaint being dealt with in a way, which is incompatible with the adopted complaints procedure or with good practice. • Making what appears to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced. Changing the basis of the complaint as the investigation proceeds and/or denying statements, he or she made at an earlier stage.

- Introducing trivial or irrelevant new information, which the complainant expects to be taken into account, and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- ~~Adopting a 'scattergun' approach: pursuing parallel complaints on the same issue with various organisations after the complaint has been dealt with, the council consider the matter closed and an alternative route for the complaint has been made available to the customer i.e. Local Government and Social Care Ombudsman, Appeals Tribunal etc.~~
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is investigated or has been completed. For example, excessive telephoning or sending emails to council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaints process has been completed, essentially about the same issue, with additions/variations, which the complainant insists make these 'new' complaints, which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision. Continually contacting members and officers of the council following a decision. The council will consider any new evidence presented in respect of the complaint up to two years following the resolution of the complaint. This is in line with the council's retention strategy for corporate complaints, taking account our responsibilities under the General Data Protection Regulations (GDPR). • Combinations of some or all of these.
- ~~The council will consider new evidence if presented within 2 years of the original complaint.~~
- This policy does not preclude complainants submitting complaints on matters-Formatted: Normal, No bullets or numbering unrelated to the complaint which has resulted in them being placed on the unreasonable complainants register. Any further complaints will be dealt with on their merits.

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When we find a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour. If the behaviour continues, we will take action to restrict the complainant's contact with the Council. Any such restrictions will be proportionate after consideration by the appropriate Assistant Director, in consultation with ~~the an~~ Executive Director ~~and the Chair or Vice Chair of the Standards Committee~~. The most likely outcome would be:-

- a) requesting contact in a particular form (e.g. by letter only)
- b) requiring contact to take place with a named member of staff and by prior appointment only
- c) restricting telephone calls to specific days and times; and /or
- d) Requesting the complainant enter into an agreement about their contact.
- e) where a) to d) fail to stem unreasonable behaviour, to advise the complainant that all further correspondence and complaints on or closely related to the same subject will be read and filed without acknowledgement and no further response will be sent by officers of the Council, unless the complaint contained new evidence/information.

The reason for the restriction will be recorded and the Assistant Director, in consultation with the Executive Director ~~and the Chair or Vice Chair of the Standards Committee~~ will state how long any restriction will apply for before it is reconsidered.

Restrictions on contact will be automatically reviewed every six months, to determine whether the restrictions imposed are still necessary and should remain, as it specifically relates to the original complaint. This review will be carried out by an Assistant Director and an Executive Director.

The complainant will be notified of the decision to place them on the register by letter. They will also be notified of the result of the 6-monthly review, unless there are good reasons not to do so.

2. Aggressive or Abusive Behaviour

The Council recognises that customers who feel dissatisfied with the service they have received may feel angry about their treatment. However, the Council has a duty of care towards the safety and welfare of its staff.

Examples of unreasonable behaviour include any action or series of actions, which are perceived by the staff member to be abusive ~~or~~, threatening ~~or offensive~~ whether they are delivered verbally, in writing or via social media in the form of Cyber Abuse, if the council is made aware of it. This includes not only behaviour directed at them, but also their families or associates. If a staff member feels threatened by a complainant, they should report their fears and the reason for them, to their line manager. The line manager will record the details and as part of the action arising from his/her, investigation will consider-

- Writing to the perpetrator requiring no repetition of the behaviour and, if necessary, setting conditions and restrictions for further contact with staff.
- Whether to report the matter to the Police or take other legal action-

If dealing with such behaviour in a telephone conversation, the staff member should tell the complainant that they would terminate the call if the behaviour continues. If, despite this warning the behaviour continues, the contact should be terminated and a note placed on the case file recording the circumstances of the termination. Staff will respond to repeated calls in the same way.

Repeated calls may be deemed harassment, which, after consultation with the Executive Director, may be reported to the Police.

2.1 Cyber Abuse

~~The council or s~~Councillors and staff (individual or groups) may become targets of cyber abuse, which may include threats both direct and indirect, harassment, ~~embarrassment~~, defamation, impersonation, insults or prejudice based abuse e.g. homophobic, sexist, racist or other forms of discrimination. Channels include email, mobile phones, website, chatrooms and social networking sites such as Facebook and Twitter. These actions can intrude into a victim's private life.

Any such incident will be investigated and appropriate action taken from writing to the perpetrator requesting they cease and delete all offending material to reporting the matter to the Police.

3. Unreasonable Demands

Complainants may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples might include demanding responses within an unreasonable timescale, insisting on speaking to or seeing a particular member of staff, continual phone calls or letters.

We consider these demands to be unreasonable if they start to disproportionately impact substantially on the work of staff, such as taking up an excessive amount of staff time to the disadvantage of other customers or services. Actions falling within this category will be dealt with as set out in "Unreasonable Persistence" above.

4. Implementation of the Policy

In cases where this becomes necessary, we will write to the complainant saying why we believe their behaviour is unreasonable, what action we are taking and the duration thereof.

We will also tell them how to challenge the decision if they disagree with it, ~~and~~ to whom such an appeal should be addressed and the time frame for submission of this request.

~~Where a complainant continues to behave in an unacceptable fashion, the Assistant Director in consultation with the Executive Director and Chair or Vice Chair of the Standards Committee may authorise staff to terminate contact with the complainant on the subject of the complaint(s) and discontinue any further investigation. Any further contacts regarding the complaint in writing will be read and placed on file without acknowledgement. Telephone calls will be terminated and logged.~~

~~In taking the action described above, it is emphasised that this This policy will only be used as a last resort and after all other reasonable measures have been taken to resolve complaints following the appropriate procedure. Judgement and discretion will be applied to ensure that contacts from the complainant about matters other than the complaint are not ignored and that as a result there is a failure to respond to a request for service or other information.~~

New complaints from customers who have been regarded as unreasonably persistent complainants will be treated on their merits.

Withdrawal of any action taken under this policy must be undertaken ~~in following~~ consultation ~~with the~~between an Assistant Director and ~~the an~~ Executive Director ~~who authorised it in consultation with the Chair or Vice Chair of the Standards Committee.~~

5. Appeals Procedure

A complainant can appeal a decision to ~~classify them an unreasonably persistent complainant~~invoke this policy against them by submitting their request in writing to the Chief Executive within 12 months of the "Decision".

The "Decision" for the purposes of this section includes:

- a) A decision to impose restrictions under this policy
- b) The decision on any review of the imposition of restrictions under this policy

There shall be only one opportunity to appeal each separate Decision, unless a relevant reason is submitted by the complainant to justify another appeal. Relevance to be determined by the Chair, Vice-Chair and one other Member of the Standards Committee.

Additionally, an appeal may also be reasonably requested under this section where relevant-new evidence is submitted by the complainant. Relevance to be determined by the Chair, Vice-Chair and one other Member of the Standards Committee.

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The appeal shall be determined by the Council's Standards Committee, which will include an Independent Person appointed by the Council. The complainant will have the right to attend and bring a representative if they choose.

Upon an appeal request being accepted, the complainant will be sent a copy of the appeal hearing procedure which will set out the date by which their representations must be submitted and the date of the hearing.

If not accepted, the complainant will be sent a copy of the reasoning with information on how to complain to the Local Government and Social Care Ombudsman.

The decision of the Standards Committee will be final, however the complainant will still have the right the right to complain to the Local Government and Social Care Ombudsman about the way their appeal was handled and/or to seek a judicial review of the final decision.

~~A senior member of staff who was not involved in the original decision will consider the appeal, together with the Chief Executive Officer, a member of the Standards Committee, not involved in the original decision and the council's Independent Person. They will then advise the complainant in writing either that the original decision has been upheld or if a different course of action has been agreed.~~

6. Unreasonably Persistent Complainants and links to other policies

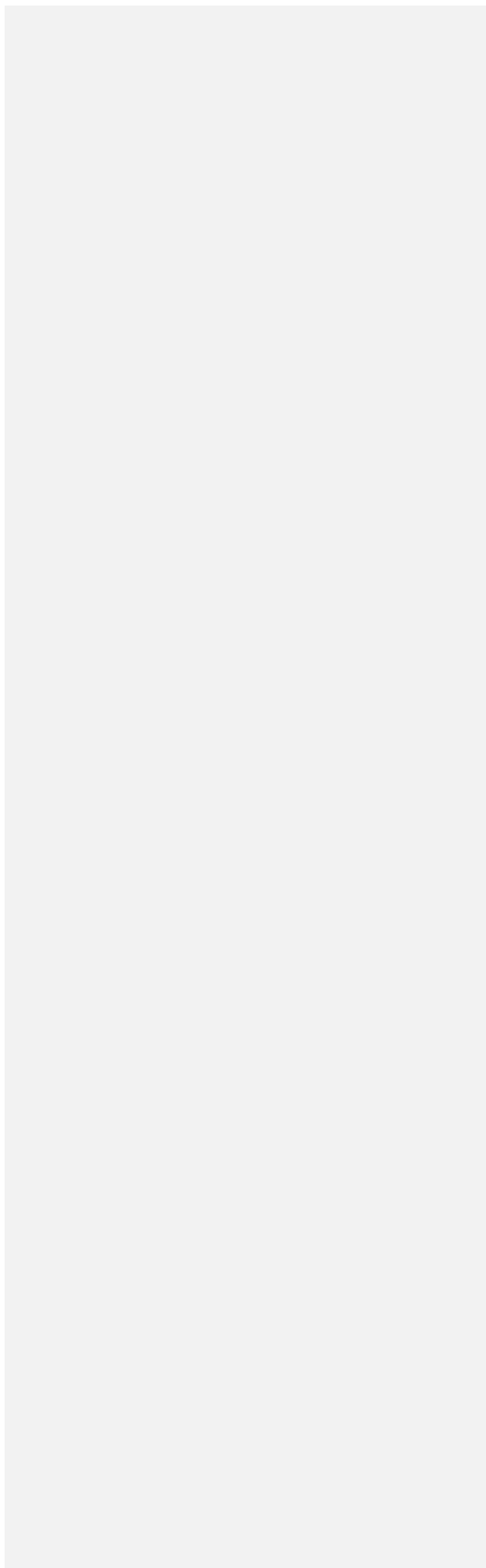
The council's policy on Unreasonably Persistent Complainants aligns with other council policies, which include but is not limited to, Equality Policy, Health, Safety and General Welfare, Harassment Policy, Codes of Conduct for staff and Councillors and Freedom of Information and General Data Protection Requirements.

7. Confidentiality

All complainants have the right for their information to be kept confidential. The appropriate Executive Director and the Monitoring Officer only will retain records of complainants who are registered as unreasonably persistent. Information of who is on the register will be released to officers/members only if it is necessary for the reasons of health and safety or for them to perform their functions properly and to discharge their duty.

8. The Policy

This policy will be reviewed annually by the Corporate Performance Panel.



E - Standards Committee

Composition

- E.1 The Standards Committee shall consist of seven members and up to three co-opted non-voting Town/Parish representatives and one Independent Person.
- E.2 For the making of general arrangements for its operation and for dealing with its functions which have a general application, the whole Committee shall be convened; but it may choose not to involve all of its members in conducting hearings affecting particular individuals.
- E.3 For the holding of any such hearings, the Committee shall be advised by the Monitoring Officer, or her nominee, and a Panel formed to conduct a hearing shall be authorised to perform all the functions of the Committee in relation to that hearing.
- E.4 In designating the members to form Panels, the Committee shall be advised by the Monitoring Officer, or their nominee, and shall have regard to political proportionality, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

- E.5 Hearings will be conducted according to procedural rules adopted by the Council.
- E.6 Subject to complying with any relevant legal requirements, the Committee shall apply such codes, procedures and consultative processes as the Council shall determine.
- E.7 The Committee shall provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.
- E.8 The Committee shall have authorisation to grant dispensations.

Functions Referred to the Committee

The Board shall have the following functions.

- E.9 The promotion and maintenance of high standards of conduct by Councillors and co-opted members.
- E.10 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.11 Determine breaches of codes of conduct which have been referred to it and to impose sanctions.

E12 Determine appeals under section 5 of the Council's Policy on Managing Unreasonable Complainant Behaviour

- E.123 Consider reports from the Monitoring Officer and.
- E.143 To determine applications for dispensations

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide		YES /NO	
		Need to be recommendations to Council		YES/ NO	
		Is it a Key Decision		YES /NO	
Lead Member: Cllr Stuart Dark E-mail: cldr.stuart.dark@west-norfolk.gov		Other Cabinet Members consulted: None			
		Other Members consulted: None			
Lead Officer: Monitoring Officer E-mail: alexa.baker@west-norfolk.gov.uk Direct Dial: 01263 616270		Other Officers consulted: None			
Financial Implications YES /NO	Policy/ Personnel Implications YES /NO	Statutory Implications YES /NO	Equal Impact Assessment YES /NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES /NO	Environmental Considerations YES /NO

Date of meeting: 7 March 2023

REVISION OF THE MEMBER CODE OF CONDUCT

Summary

A review of the Member Code of Conduct has been undertaken by the Standards Committee, based on the Model Code of Conduct and associated guidance issued by the Local Government Association ("LGA").

The Standards Committee resolved to approve a revised Member Code of Conduct which is largely based on the LGA Model Code, but tailored to this Council's specific circumstances.

Recommendation

1. Recommend the revised Member Code of Conduct set out at Appendix 1 to Full Council for adoption.

Reason for Decision

It is a statutory function of the Standards Committee to advise the Council on the adoption or revision of the Member Code of Conduct. The Standards Committee have recommended that a revised Code of Conduct be adopted, as attached at Appendix 1, which Cabinet is asked to consider for onward recommendations to Full Council.

1 Background

1.1 On 30 January 2019, the Committee on Standards in Public Life (CSPL) produced a report on Local Government Ethical Standards. The report found that there is considerable variation in the length, quality and clarity of local authority Codes of Conduct. CSPL made various formal and best practice recommendations intended to improve local government ethical standards and improve public confidence in local democracy.

- 1.2 The first recommendation was that the LGA should create a Model Code of Conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.3 The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a Code of Conduct for their Councillors. It is for individual Councils to set their own local code.
- 1.4 It is open for Parish and Town Councils to adopt the Code of the Principal Council, i.e. the Borough Council's Code.
- 1.5 The LGA has produced a Model Code of Conduct. Sitting behind the Model Code, the LGA has produced Guidance on the interpretation of the Code and on the handling of complaints. These have all been considered by the Standards Committee. The Committee was not minded to approve the LGA Model Code as drafted. Various areas were considered for improvement and additions. In particular, a flowchart on declaring interests and managing any conflicts has been created and is appended to the Code. The Standards Committee considered two drafts of a revised Code of Conduct for this Council before approving the Code attached as Appendix 1.
- 1.7 The Standards Committee has adopted revised Guidance on Complaint Handling, which is within its powers to adopt without referral to Full Council. The Member Code of Conduct is required to be adopted by Full Council, and the draft is therefore put before Cabinet for consideration and onward recommendations to Full Council.

2 Options Considered

- 2.1 Cabinet may consider the following:
 - 2.1.1 Agree the revised Member Code of Conduct at Appendix 1 and recommend to Full Council that it be adopted.
 - 2.1.2 Agree alternative changes to the revised Member Code of Conduct at Appendix 1 and recommend to Full Council that they be adopted.
 - 2.1.3 Do not agree the revised Member Code of Conduct at Appendix 1 and recommend to Full Council that no changes be made to the current Member Code of Conduct.

3 Policy Implications

The Council must have an adopted Member Code of Conduct. The requirements of the Member Code of Conduct sets out the minimum standard of behaviour expected from elected Members whenever they are acting in an official capacity, therefore permeates all functions of the Councillor role.

4 Financial Implications

There will be no additional financial implications with regards to adopting a revised Member Code of Conduct.

5 Personnel Implications

As above.

6 Environmental Considerations

None

7 Statutory Considerations

It is a statutory requirement for the Council to have an adopted Member Code of Conduct, it is a statutory function of the Standards Committee to advise the Council on the adoption or revision of the Member Code of Conduct and it is a statutory requirement for every Councillor to undertake or comply with the Member Code of Conduct.

The Localism Act 2011 requires that the Council must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area. In view of the Pre-election period, it is recommended that this publicity takes place after elections via social media.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

No direct impact.

9 Risk Management Implications

Reviewing and evolving the Member Code of Conduct supports accountability and transparency, which will be reflected within the Annual Governance Statement.

10 Declarations of Interest / Dispensations Granted

None

11 Background Papers

None



THE BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK'S COUNCILLOR CODE OF CONDUCT

Definitions

For the purposes of this Code of Conduct, a “*Councillor*” means a member or co-opted member of a local authority or a directly elected mayor. A “*co-opted member*” is defined in the Localism Act 2011 Section 27(4) as “*a person who is not a member of the authority but who*

- a) is a member of any committee or sub-committee of the authority, or;*
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;*

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “*local authority*” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Council Body means, as the context dictates: Full Council, Cabinet, all Panels/Committees/Boards contained in the Council’s Constitution including all sub-committees, task groups and informal working groups.

Council Company/Companies means any company registered with Companies House in which the Council is a shareholder (company limited by shares) or owner (company limited by guarantee)

Disclosable Pecuniary Interest means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

Partner means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Glossary

The following terms in this Code shall be interpreted as follows:

Must: Mandatory on all occasions

Require: Mandatory on all occasions

Should: Mandatory unless an objectively justified reason not to

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. As a Councillor, you are required to uphold and comply with the Nolan Principles, which are set out in full at Appendix A. Failure to do so may be treated as a breach of this Code of Conduct.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations which, in addition to compliance with the Nolan Principles, are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

The Local Government Association has published full guidance in relation to their Model Code of Conduct, which this Code closely reflects. It is recommended that you review and consider this guidance. This guidance will be used as an interpretation tool in the consideration of any complaint that the Code of Conduct has been breached.

The full guidance can be accessed at the following:

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. If you are to act in this manner in a public meeting of this Council, the Chair of that meeting will have due regard to Standing Order 15 regarding disorderly conduct of Members.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

This will be assessed on an objective basis, i.e. would a fair-minded and informed observer conclude that the conduct complained of was likely to amount to bullying, harassment, etc.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information given to me in confidence by anyone unless:

- a. I have received the consent of a person authorised to give it;**
- b. I am required by law to do so;**
- c. the disclosure is made to a third party for the purpose of obtaining**

professional legal advice provided that the third party agrees not to disclose the information to any other person; or

d. the disclosure is:

i. reasonable and in the public interest; and

ii. made in good faith and in compliance with the reasonable requirements of the local authority; and

iii. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute by behaviour which is considered dishonest, deceitful or physically harmful to another person.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a

register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

9.2 I will not act in my capacity as a Councillor when I have a conflict of interest or where a fair-minded and informed observer would conclude that I am biased towards an interest to such extent that it would impair my ability to make a decision in the public interest.

The legislation and this Code set out requirements on declaring interests in advance on your published Register of Interests, which are confined to financial interests. These advanced published declared interests are, however, not the only interests that may arise when acting as a Councillor and which you will need to be alive to and take appropriate mitigating action on when they arise. For example, your best friend may have a 'premises licence' application going before a Licensing Committee on which you have been asked to sit, you have a very strong personal grievance with an applicant on a Planning Committee agenda, or you may be appointed to the Board of an outside body by the Council and a situation arises where your interests as a Councillor and your interests as a Board Member are competing.

Not every interest automatically generates a conflict of interest. In determining whether there is a conflict of interest and what action should be taken, you should refer to the 'Interest Flowchart' at Appendix C.

Public interest in this context means that the decision is taken to serve the benefit of the general public as opposed to primarily serving any personal or private interest.

10. Gifts and hospitality

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. Other Expected Behaviours

- 11.1 Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.**
- 11.2 Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.**

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Extended Registerable Interests)**.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Extended Registerable Interests

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Extended Registerable Interests (as set out in Table 2), you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation by the Standards Committee. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Other Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Extended Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest and/or the Council's interest.

You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where a matter arises at a meeting of a Council Body which relates to a Council Company of which you are a director or relates to an outside body to which you are appointed by the Council, you must declare your interest. You must assess and make clear in the discussions which capacity you are speaking in at the meeting, either as a Councillor or director/member of outside body. You may take part in the discussions as a member of the relevant Council Body or under your Member rights to speak, unless there is a conflict between any competing interests of the Council and the Council Company/outside body, or a fair-minded and informed observer would conclude that there was, in which case you must not take part in any discussion in your capacity as a Councillor and the Chair of the Council Body can determine if they wish you to remain in the room. You must not vote even where you remain and take part in the discussions.
11. If any other interest arises which makes you feel conflicted to act, such that you do not consider you could approach your duties in a fair, , objective or open manner, then you have a conflict of interest and should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.
12. If any other interest that arises which you consider a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest then you should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.
13. Where you have an Extended Pecuniary Interest or an applicable Other Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the
	Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

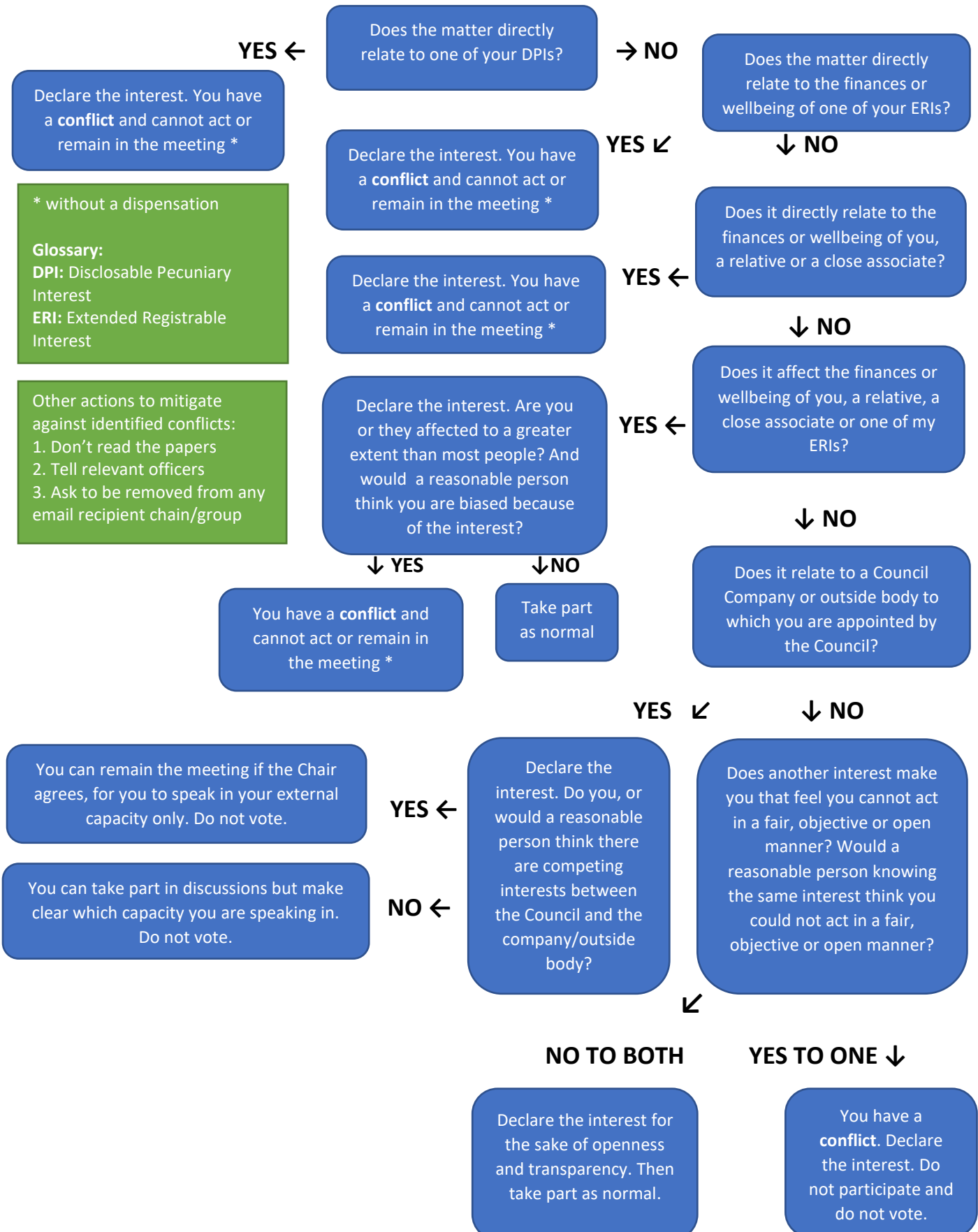
<p>You must register as an Extended Registrable Interest:</p> <ul style="list-style-type: none"> a) any unpaid directorships (excluding the Council's Companies) b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Appendix C – Interests Flowchart

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



Declare the interest. You have a **conflict** and cannot act or remain in the meeting *

* without a dispensation

Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

YES ←

Does the matter directly relate to one of your DPIs?

→ NO

Does the matter directly relate to the finances or wellbeing of one of your ERIs?

↓ NO

Declare the interest. You have a **conflict** and cannot act or remain in the meeting *

YES ↙

Does it directly relate to the finances or wellbeing of you, a relative or a close associate?

↓ NO

Declare the interest. You have a **conflict** and cannot act or remain in the meeting *

YES ←

Does it affect the finances or wellbeing of you, a relative, a close associate or one of my ERIs?

↓ NO

Declare the interest. Are you or they affected to a greater extent than most people? And would a reasonable person think you are biased because of the interest?

YES ←

↓ YES

↓ NO

You have a **conflict** and cannot act or remain in the meeting *

Take part as normal

Does it relate to a Council Company or outside body to which you are appointed by the Council?

YES ↙

↓ NO

You can remain the meeting if the Chair agrees, for you to speak in your external capacity only. Do not vote.

YES ←

Declare the interest. Do you, or would a reasonable person think there are competing interests between the Council and the company/outside body?

Does another interest make you that feel you cannot act in a fair, objective or open manner? Would a reasonable person knowing the same interest think you could not act in a fair, objective or open manner?

You can take part in discussions but make clear which capacity you are speaking in. Do not vote.

NO ←

↙

NO TO BOTH

YES TO ONE ↓

Declare the interest for the sake of openness and transparency. Then take part as normal.

You have a **conflict**. Declare the interest. Do not participate and do not vote.

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Mandatory	(a) Be entirely within Cabinet’s powers to decide NO			
		(b) Need to be recommendations to Council YES			
		(c) Is it a Key Decision NO			
Lead Member: Cllr A Dickinson E-mail: cllr.Angie.dickinson@west-norfolk.gov.uk		Other Cabinet Members consulted: The Leader			
Lead Officers: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Members consulted:			
		Other Officers consulted: A Baker, M Drewery, L Gore, B Box			
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES	Equality Impact Assessment required NO	Risk Management Implications NO	Environmental Implications NO

Date of meeting: 7 March 2023

MEMBERS ALLOWANCES SCHEME FOR 2021/25

Summary

The report invites Council to approve the Scheme of Allowances for 2021/25, the wording in the scheme has not been amended from that agreed for 2021/22.

RECOMMENDATION

That the Cabinet recommend to Council the Scheme of Allowances to cover the years 2021/25.

Reason for Decision

To comply with the requirements of The Local Authorities (Member's Allowances) (England) Regulations 2003 to continue with the Scheme of Allowances for the coming year.

1 MEMBERS ALLOWANCES SCHEME

The Council operates a Members Allowances Scheme which was updated on 23 March 2022.

Council agreed the following: “An IRP may be called at any time should the need arise or be otherwise appropriate but in any case will be called no later than autumn 2024 to conduct a further review and to

report its findings in sufficient time to allow a revised scheme to be approved by Council, in accordance with the regulations, to come into effect on 1 April 2025.”

Council is invited to approve the existing scheme for the 2021/25 financial years to ensure a Scheme is in place during that period of time. This does not preclude a review being carried out during that time with further recommendations coming forward for consideration.

2 INDEPENDENT REMUNERATION PANEL

At the request of Cabinet, following the elections in May 2023 an Appointments Panel will meet to review the Independent Remuneration Panel membership and its appointments.

3 FINANCIAL IMPLICATIONS

At the meeting of 23 March 2022, Council approved that allowances should continue to be indexed in line with the officers’ pay award. There are no changes to financial implications arising from this report.

4 STATUTORY CONSIDERATIONS

It is a statutory requirement for the Council to adopt a Scheme.

5 BACKGROUND PAPERS

Previous Cabinet reports.

APPENDIX A

Borough Council of
**King's Lynn &
West Norfolk**



Borough Council of King's Lynn & West Norfolk

Members' Allowances Scheme 2021/25

MEMBERS' ALLOWANCES SCHEME

The Borough Council of King's Lynn and West Norfolk, in exercise of the powers conferred by the Local Authorities (Members' Allowances (England)) Regulations 2003, makes the following scheme:

1. The Scheme

This Scheme, which is called the Borough Council of King's Lynn and West Norfolk Members' Allowances Scheme, was originally adopted commencing on 23 October 2003 and was approved for subsequent years.

2. In this Scheme

"Councillor" means an elected member of the Borough Council of King's Lynn and West Norfolk.

3. Basic Allowance

Subject to paragraph 9, which deals with part year entitlements, a Basic Allowance will be paid in instalments to each Councillor each year. The current rate is shown in Appendix A.

If a member is suspended or partially suspended from responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000, or regulations made under that Part, the part of basic allowance payable in respect of the period for which the member is suspended or partially suspended will be withheld.

4. ICT Allowance

An ICT Allowance (current rate shown at Appendix A) is paid, in the same way and as a supplement to Basic Allowance, as a contribution towards costs Councillors may incur for the provision of home office facilities. Items covered might be broadband, mobile data, a printer plus ink and paper, etc. Each Councillor has the option to decide how best to spend this allowance

5. Special Responsibility Allowances

Each year a Special Responsibility Allowance will be paid to those Councillors who hold the special responsibilities that are specified in Appendix A.

Subject to paragraph 9, the amount of each allowance will be the amount specified in Appendix A.

A Councillor is only eligible to receive one Special Responsibility Allowance.

If a member is suspended or partially suspended from responsibilities or duties as a Member of the Council in accordance with Part III of the Local Government Act 2002, or regulations made under that Part, the Part of special responsibility allowance payable in respect of the responsibilities or duties from which the Member is suspended or partially suspended will be withheld.

6. Carers Allowance

A carers allowance will be paid towards the cost of care of dependent relatives (be they children, elderly people or people with disabilities). The amounts that can be claimed must reflect the sum incurred in employing a carer to enable a Councillor to carry out their Council work. The maximum claim levels are shown in Appendix B. All claims must be accompanied by evidence that the amount claimed has been incurred in employing a carer. A carer will be any responsible adult. Medical evidence must be provided for the need to pay the higher rate of allowance.

7. Co-Opted Members

Co-opted members are entitled to claim travelling, subsistence and carers allowances at the rates set out within this Scheme. A Co-optees Allowance is payable as determined by the Council. Any such allowances are shown in Appendix A.

8. Renunciation

A Councillor may elect to forego any part or all of their entitlement to an allowance under this Scheme by notifying the Democratic Services Manager in writing.

9. Part-year entitlements

If, during the course of a year:

- this Scheme is amended;
- or the amount payable is changed;
- or a Councillor becomes, or ceases to be, a Councillor;
- or a Councillor accepts or relinquishes a special responsibility for which a Special Responsibility Allowance is payable

entitlement to allowances will be calculated pro-rata **in accordance with the Regulations**, i.e. by reference to the number of days in the year in question. A year, for the purposes of this scheme, commences on 1 April.

10. Travel Allowance

This allowance is intended to reimburse expenditure necessarily incurred on all journeys undertaken on approved duties as set out in Appendix B. Mileage allowances will be those recommended by the Inland Revenue.

A journey for these purposes will start and end at a Councillor's permanent place of residence, usually the one that was used to demonstrate that the Councillor qualified to stand as a candidate. This may be amended if a Councillor makes a permanent move within the Borough. Should the Councillor make a permanent move to a place outside the Borough he/she may only claim from the nearest Borough boundary to the location of the approved duty unless it results in a shorter journey, for example where the approved duty is located outside the Borough boundary. A Councillor may not claim from a location other than their home address unless it results in a shorter journey.

Private Vehicles

Where travel is by car, motorcycle or bicycle an allowance is payable and the conditions applying are as follows:

- (a) a passenger supplement for official passengers is paid per passenger per mile, up to a maximum of 4 passengers;
- (b) Councillors will be responsible for ensuring that they have adequate insurance cover for business use and otherwise ensure that they have an appropriate licence to drive, that their vehicle has a current MOT and that vehicle tax has been paid at the time any journey is undertaken;
- (c) the rates payable are shown in Appendix B.

Hired Motor Vehicles (Taxi Cab)

The actual fee and any reasonable gratuity, will be paid in cases of urgency or where no convenient public service is available. Otherwise an allowance not exceeding the amount of the fare for travel by appropriate public service transport will be paid.

Hired Motor Vehicle (other than a Taxi Cab)

The actual cost of hiring for the period of Council duty will be paid.

Motorcycle

Travel by motorcycle will be reimbursed at the rate set out in Appendix B.

Bicycle

Travel by bicycle will be reimbursed at the rate set out in Appendix B.

Public Service Transport

By Bus

Actual fares paid will be reimbursed.

By Rail

Councillors should take advantage of low fares where possible but in any case standard class fare or actual fare paid (if less) will be reimbursed. Reimbursement of first class fare will be paid only where it is clearly in the Council's interest for a Councillor to travel first class and approval has been given in advance by the Chief Executive. Councillors may choose to travel first class travel at their own expense.

Councillors who are eligible to hold a Senior Citizens Rail Card and **regularly** travel by rail on formal Council business can purchase them specifically by prior agreement with the Democratic Services Manager and be reimbursed by the Council through the expenses claim mechanism.

Appropriate supplementary expenditure will be reimbursed such as seat reservation or a day ticket for travel on TfL London Underground

Air Travel

Subject to the prior agreement of the Chief Executive that the saving in time justifies payment of the fare for travel by air, there may be paid an amount not exceeding:-

the ordinary fare or any available cheap fare for travel by regular air service, or

in case of urgency, the fare actually paid by the Councillor.

If a member is suspended or partially suspended from responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000, any travelling and subsistence allowance payable in respect of the responsibilities or duties from which the member is suspended or partially suspended will be withheld.

11. Subsistence Allowance

Subsistence allowances will be payable in connection with the carrying out of approved duties as set out in Appendix B and will be the same as, and linked to, the rates for officers. Allowances are only payable if expenditure has been incurred and any claim for subsistence must be supported by a receipt wherever possible. The circumstances in which this allowance is payable are as follows :

Meal Allowances

Breakfast Allowance - absence over 4 hours before 11.00am

Lunch Allowance - absence over 4 hours including lunch period between 12 noon and 2.00pm

Tea Allowance - absence over 4 hours including period 3.00pm to 6.00pm

Evening Meal Allowance - absence over 4 hours ending after 7.00pm.

Meals on Trains

When there is normal entitlement, as above, for day subsistence, the cost of main meals (i.e. breakfast, lunch, tea, dinner) taken on trains will be reimbursed. In such circumstances this reimbursement will replace the maximum entitlement to the day subsistence allowance for the appropriate meal provided receipts are submitted.

General

The time elapsed should be calculated on a "door to door" basis, but time spent on non-council business must be deducted.

Where a Councillor is provided with a meal the appropriate meal allowances cannot be claimed.

12. Duties performed for more than one body

A Councillor who is both a Borough Councillor and a Member of another local authority or public body may claim allowances from both authorities should he or she undertake two separate duties, one for each authority, on the same day. A member of the Borough Council who is also a member of another authority may not however claim from both authorities for undertaking the same duty. Councillors must take particular care to avoid duplication or overlap of claims for travelling and subsistence. Claims for duties undertaken for other Councils or public bodies should be sent to the Authority concerned and not included in claims on the Borough Council.

13. Official and Courtesy Visits

Provided they have been approved by the appropriate Council Body, official and courtesy visits by Councillors are eligible for travelling and subsistence claims at the rates set out in Appendix B if the journey is within the United Kingdom. If outside the United Kingdom, the travelling and subsistence expenses are limited to those which are reasonable in each circumstance.

14. Prior Approval

The appointment of a Councillor to a Panel, Committee, Sub-Committee or Working Group, etc, or as a representative of the Council on other bodies is deemed to satisfy the need for prior approval before a claim can be submitted.

15. Claims and Payments

A claim for travel, subsistence and carers allowances under this Scheme should be made each month, but in any event not less than quarterly. Councillors will be advised of the deadline for each month's payment and **Claims must be received by 12 noon on the day of the month so indicated** in order to be paid in that month .

Councillors who fail to submit a claim within 3 months of carrying out the duty or incurring the expense, and who have mitigating circumstances for not doing so, must submit their reason to the Chief Executive, who will consider whether the claim will be paid.

The basic and special responsibility allowances will be paid monthly in instalments of one-twelfth or the amount specified in this Scheme. Part year calculations, for example resulting from a change in office holder, will be adjusted for in the earliest payment(s) following the change. Allowances will not be withheld for any reason, for example if a change takes place too late to be adjusted for in that month's payment it will be adjusted for in the following month or months, depending on the amount of the adjustment.

Where a Councillor ceases to hold office any overpayment of allowances will be sought by alternative methods **except in the case of death in office**, in which case no claim for overpayment of allowances will be made on the deceased's estate.

If claims are made erroneously they will be amended by the Democratic Services Manager, and the Councillor concerned will be informed.

If a Councillor has been inadvertently overpaid under the terms of this Scheme, that Councillor will be advised of the situation and arrangements will be made for the recovery of the overpayment.

Claims for reimbursement of expenses incurred, including mileage, must be accompanied by a VAT receipt.

Councillors are reminded that responsibility for the accuracy and propriety of claims rests with the individual Councillor making the claim. The Council's Section 151 Officer reserves the right to audit Councillors' claims.

16. Records

A record will be kept of the payments made by the Council in accordance with this Scheme. The record will specify the name of the recipient and the amount and nature of each payment. This record will be available at all reasonable times for inspection (free of charge) by any local government elector for the Borough. The Scheme, together with current rates for each allowance, and amounts paid to each Councillor under the Scheme will be published on the Council's website. All such payments will be published annually and in the case of Travel, Subsistence and Carers' Allowances will be published monthly. The record will be supplied in to any person who requests such a copy and who pays such reasonable fees as the Council may determine.

17. Income Tax and Social Security Provisions

All fixed allowances, i.e. those that do not rely on expenditure being incurred, are classed as a taxable emolument for PAYE purposes and income tax and National Insurance contributions will be deducted as appropriate. Other allowances such as mileage are set within sums advised by HMRC as not liable to tax. In the case of Subsistence and Carers' Allowances, these are paid as reimbursement of sums incurred whilst wholly, necessarily and exclusively engaged on Council business.

ALLOWANCES FOR THE YEAR COMMENCING 1 APRIL 2021

ALLOWANCE	AMOUNT P.A.
ALLOWANCES PAID TO ALL COUNCILLORS	
Basic Allowance	£6,162
ICT Allowance	£168
SPECIAL RESPONSIBILITY ALLOWANCES	
<u>Leader of Council and Chairman of Cabinet</u>	£16,939
Deputy Leader	£9,316
Cabinet Members	£7,621
<u>3 Policy and Review Panels & Audit Committee</u>	
Chair	£2,370
Vice Chair	£950
<u>Planning Committee</u>	
Chair	£6,175
Vice Chair	£2,697
<u>Licensing and Appeals Board and Licensing Committee</u>	
Chair	£2,787
Vice Chair	£1,215
<u>Standards Committee</u>	
Chair	£847
Vice Chair	£339
Co-Optee	£220
Mayor	£6,404
Deputy Mayor	£2,241
Larger Opposition Group Leader	£847
Larger Opposition Group Deputy Leader	£375
Other Opposition Group Leader(s)	£507
Other Opposition Group Deputy Leader(s)	£233
Chairman of King's Lynn Area Consultative Committee	£309

APPROVED DUTIES FOR THE PURPOSE OF TRAVEL, SUBSISTENCE AND CARERS' ALLOWANCES

Allowances are only paid in respect of approved duties. Certain approved duties are set out in the statutes, and others specified by the Council. The relevant allowance for travelling, subsistence and carers allowance are payable for the following duties:

- (i) meetings of the Council
- (ii) meetings of the Cabinet of the Council
- (iii) meetings of any Scrutiny Groups and other formally constituted Bodies of the Council
- (iv) any other meeting the holding of which is authorised by the Council or the Cabinet or other formally constituted Body of the Council, provided that one or more minority party Members have been invited
- (v) meetings of bodies of which the Council is a member, a funder or a subscriber, and on which the Member is the nominated representative of the Council
- (vi) conferences, seminars or meetings approved by the appropriate Council Body or Board and open to all Members, the prime purpose of which is either to discuss matters relating to the interests and functions of the Council or inhabitants of the Borough, or to assist Members to understand and carry out their duties more effectively
- (vii) organised official visits within or outside the Borough, as approved in advance by the relevant Council Body, including deputations to government departments and meetings with MPs on Council business
- (viii) sifting meetings and site visits by Chairs and Vice Chairs in connection with agenda business and tender opening
- (ix) meetings of senior officers to which a Member is invited to deal with Council business

Travel (as per HMRC figures to be found on gov.uk)

Private Vehicles	45p per mile (0 - 10,000 miles, 25p thereafter)
Plus for every passenger (max 4) for whom a travel allowance would be payable	5p per mile
Public Transport	Actual cost not exceeding first class fare
Motor Bike	24p per mile
Bicycle	20p per mile

Maximum Subsistence Allowance for absence exceeding 4 hours from normal place of residence

Breakfast ending before 11.00am	£6.72
Lunch, including Noon - 2.00pm	£9.28
Tea, including 3.00pm - 6.00pm	£3.67
Dinner ending after 7.00pm	£11.49

Dependant Carers' Allowance – Reimbursement of actual cost to a maximum of the living wage hourly rate per hour for childcare, £8.91 rising to £9.50 from 1 Apr 2022. Up to £30.00 per hour for qualified Agency Care.

MEMBERS' ALLOWANCES – Income Tax and National Insurance Aspects

The amount of personal allowance and the bands that determine which rate is payable for tax purposes, and the rates of National Insurance contributions payable, varies in each tax year and Councillors are recommended to use gov.uk for this data, not least because there are too many variables to cover in this document. The rules for income tax are applied to the year that income was earned, not when it was paid, whereas National Insurance is due at whatever rate prevails at the time of payment.

Income Tax

Basic, Special Responsibility, Carers and ICT Allowances are classified as taxable emoluments under PAYE arrangements. Tax relief can be obtained for expenses incurred in the performance of the duties of a Borough Councillor to the extent that they are not specifically reimbursed. Councillors must liaise direct with HMRC in this regard.

Generally, expenditure incurred by Councillors in the course of their duties must have been wholly, necessarily and exclusively incurred and be supported by receipts however HMRC may consider partial tax relief for such things as household expenses because a Councillor's home is also his/her place of work.

It is up to each Councillor to negotiate any tax relief with HMRC as circumstances will vary person to person.

Income Tax will be deducted from Basic, Special Responsibility and Carers' Allowances at the rate as instructed by HMRC by way of issuing a tax code.

Councillors should bear in mind that there is no hard and fast rule for how much tax is payable as the amount due is determined by personal circumstances. HMRC will aggregate all taxable earnings and usually apply a personal allowance of tax free earnings to the main source. For example, a Councillor in other full time employment will be entitled to an annual tax free sum (personal allowance) which will be applied to those earnings. Councillor allowances will then be taxed in full at the standard or higher rate of tax, as appropriate.

Any enquiries relating to tax relief or any other tax query should be addressed to :

Pay As You Earn
HM Revenue & Customs
BX9 1AS
United Kingdom
Telephone number: 0300 2003300

This is a national call centre. Councillors in receipt of other taxable income such as a salary from their main place of work, a private pension or income from other sources are advised to have to hand their various HMRC reference or include them with any correspondence. The Council's reference is 531/W789

National Insurance

Basic, Special Responsibility and Carers Allowances also come within the definition of remuneration for National Insurance purposes. There are several defined limits relating to National Insurance below or above which no contributions are due. Payment of National

Insurance during a qualifying period also determines whether a Councillor qualifies for a variety of Statutory allowances such as Sick Pay and Maternity Pay. Where a Councillor does not qualify for such allowances there may still be other benefits that can be claimed.

Councillors in receipt of the state pension are not liable to pay National Insurance contributions. An exemption certificate or proof of age may be required to ensure such exemption is effected.

National Insurance contributions are due on each qualifying employment. Where payment in one or more employments is greater than the Upper Earnings Limit, i.e the maximum amount on which National Insurance contributions is payable, a dispensation may be applied for by contacting HMRC so that the total amount of National Insurance contributions does not exceed the maximum that would have been payable if there was just one employment.

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Discretionary	(a) Be entirely within Cabinet's powers to decide YES			
		(b) Need to be recommendations to Council NO			
		(c) Is it a Key Decision NO			
Lead Member: Cllr S Dark E-mail: cllr.Stuart.Dark@west-norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted:		
Lead Officers: Lorraine Gore E-mail: Lorraine.Gore@west-norfolk.gov.uk			Other Officers consulted:		
Financial Implications	Policy/ Personnel Implications	Statutory Implications	Equality Impact Assessment required	Risk Management Implications	Environmental Implications
NO	NO	NO	NO	NO	NO

Date of meeting: 7 March 2023

LOCAL GOVERNMENT ASSOCIATION (LGA) - CORPORATE PEER CHALLENGE

Summary

To consider Notice of Motion (16/22) presented to Council on 1 December 2022. It was resolved that the Motion be referred to Cabinet for consideration and decision.

RECOMMENDATION

That Cabinet:

- 1) approve that a Corporate Peer Challenge be undertaken as set out in the report and the LGA scoping document
- 2) delegate to the Chief Executive in consultation with the Leader to agree the final details with the LGA to facilitate the delivery of the Corporate Peer Challenge

Reason for Decision

To respond to the Motion to Council on 1 December 2022.

1 INTRODUCTION

1.1 Notice of Motion (16/22) was presented to Council on 1 December 2022:

“This Council will, without any delay, arrange with the LGA to organise an immediate Peer Review of its Scrutiny and Transparency practices.”

1.2 Council resolved that the Motion be referred to Cabinet for consideration and decision

2. ARRANGEMENTS FOR A CORPORATE PEER CHALLENGE

2.1 The Notice of Motion focused on a Peer Review of the council’s Scrutiny and Transparency practices. In discussion with the LGA it is recommended that a Corporate Peer Challenge be undertaken with a focus on the following five high-level themes which have been adopted for all LGA Corporate Peer Challenges:

1. **Local priorities and outcomes:** Are the council’s priorities clear and informed by the local context? Is the council delivering effectively on its priorities and achieving improved outcomes for all its communities?
2. **Organisational and place leadership:** Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture:** Are there clear and robust governance arrangements? Is there a culture of respect, challenge and scrutiny?
4. **Financial planning and management:** Does the council have a clear understanding of its current financial position? Does the council have a strategy and a clear plan to address its financial challenges?
5. **Capacity for improvement:** Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

2.2 A peer challenge usually takes around 6 months lead-in time, including to secure time in peers’ diaries. In discussion with the LGA and given the elections in May 2023 it is suggested that it is appropriate for arrangements to be made for the peer challenge to take place in September 2023. This will provide time for the council to settle post-election, prepare the position statement and timetable and avoid the summer holiday period.

2.3 The scoping document for the peer challenge is attached.

3. PERSONNEL IMPLICATIONS

3.1 The council will need to identify a peer challenge co-ordinator, this will be the Assistant to the Chief Executive, and will act as a day-to-day contact and oversee the practical arrangements, including:

- The council will be required to develop an information and data pack, including a Position Statement in advance of onsite activity
- The peer team will also undertake some pre-onsite conversations with key officers and members
- The council will need to prepare a timetable of meetings and focus groups for the team.

4. FINANCIAL IMPLICATIONS

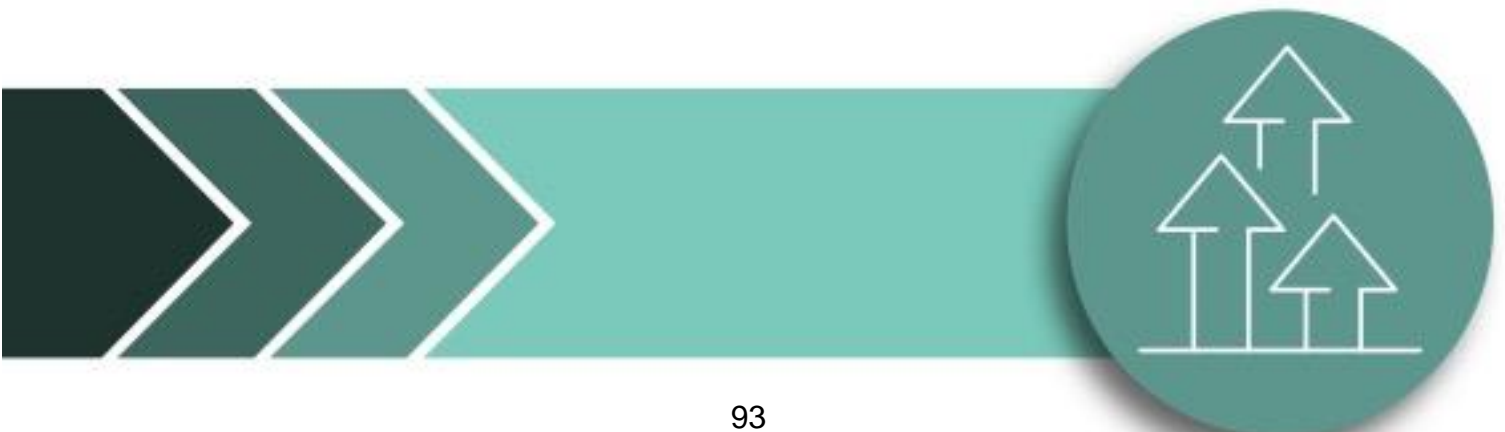
4.1 The Local Government Association offers all councils a Corporate Peer Challenge (CPC) at no cost every 5 years.

Corporate Peer Challenge

Borough Council of King's Lynn and
West Norfolk

13th December 2022

Agreement of scope of peer challenge



Introduction..... 3
Scope and focus..... 4
Timing and duration..... 5
Corporate Peer Challenge team 5
Process..... 6
Peer preparation and engagement 7
Six month check-In 7
Publication of corporate peer challenge report 7
Practical arrangements and next steps 8

Introduction

The Local Government Association offers all councils a Corporate Peer Challenge (CPC) at no cost every 5 years. CPC is a tried and trusted method of improvement; it provides councils with a robust and effective improvement tool which is owned and delivered by the sector, for the sector. Peers remain at the heart of the peer challenge process and provide a 'practitioner perspective' and 'critical friend' challenge. In a recent survey, 98% of councils receiving a Corporate Peer Challenge said that it had a positive impact on the delivery of the council's priorities.

The challenges faced by councils in the light of the Covid-19 pandemic are unprecedented. The CPC offer takes into account the challenging context in which councils are operating. The refreshed CPC process also provides a greater focus on key issues such as equality and diversity and community engagement.

Thank you for agreeing to be part of the Local Government Association's Corporate Peer Challenge programme. This note provides details of the approach, scope and focus at the Borough Council of Kings Lynn and West Norfolk (KLWN).

Scope and focus

It was good to speak with you Lorraine on 13th December 2022 to discuss the Corporate Peer Challenge for the Borough Council of Kings Lynn and West Norfolk. As we discussed, to get the most value out of your corporate peer challenge, the council needs to consider carefully the scope and focus.

The five high-level themes we have adopted for all LGA Corporate Peer Challenges provides the initial framework:

1. **Local priorities and outcomes:** Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities and achieving improved outcomes for all its communities?
2. **Organisational and place leadership:** Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture:** Are there clear and robust governance arrangements? Is there a culture of respect, challenge and scrutiny?
4. **Financial planning and management:** Does the council have a clear understanding of its current financial position? Does the council have a strategy and a clear plan to address its financial challenges?
5. **Capacity for improvement:** Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

We discussed the organisational changes that have taken place at KLWN and the implementation of a new management structure. It is important to allow time for the restructure to land and become more established. However, there is a need to review certain aspects of the council's corporate governance, transparency and scrutiny functions following a request from the Independent group.

The timing of the CPC will need to take account of all out elections in May 2023. Whilst not pre-judging the outcome, there is always the possibility of change, so it would be sensible to complete the CPC post-election to maximise the benefits. Allowing time for the inaugural council meeting and new member inductions would

ensure better understanding of the process, engagement and outcomes for all members, new and existing.

The report and recommendations will provide a baseline for the council, identifying what is good about KLWN and where there is best practice as well as delivering a helpful platform from which the administration can shape priorities, drive improvement and deliver better services to residents.

This is a live scoping document and it is intended to serve as a draft, to be shaped over the coming weeks with the input of members and officers to ensure it focusses on the most important issues for the council. The peer team will then be recruited based on their skills and experience in these areas.

Timing and duration

A peer challenge usually takes around 6 months lead-in time, including to secure time in peers' diaries.

Given the elections in May 2023 and the points raised above, we would suggest looking for a date in September 2023. This will provide time for the council to settle post-election, prepare the position statement and timetable and avoid the summer holiday period.

Once fully scoped we can agree on the number of days required and how best to deliver. At present we have a preference for onsite delivery but can pivot to hybrid or online if circumstances outside our control suggest this.

Corporate Peer Challenge team

The LGA will source and agree a team of officer and member peers informed by the skills and experience required. There is also the opportunity to include peers from outside of local government, such as team member(s) with a community sector, central government or private sector experience. The LGA is committed to diversity and inclusion and it is important that peer teams reflect the diversity of local councils and the communities they serve.

We would suggest a peer team of:

- A Leader peer, ideally a Leader from a council with a similar context to your Council (although not from the vicinity). In your case we could expect to source a District Council Leader. We will work with you and the LGA Political Group Offices to identify a potential councillor peer to match your administration.
- A Chief Executive Officer peer, from a district council ideally reflecting an area with a similar context, such as a large rural area with coastal/tourism.
- A senior officer peer, with experience of governance, transparency and scrutiny.
- A senior officer peer possibly with a strong track record of regeneration and partnership experience.
- LGA Peer Challenge Manager – Kirsty Human
- LGA Project Support Officer – TBC

The peer team's composition will be informed by the final agreed scope

Process

The peer team will meet with a range of officers and members over the course of the peer challenge, as well as a range of external stakeholders. There will be informal feedback to the Leader and CEO at the end of each day.

On the final day the peer team will deliver headline feedback and recommendations to a selected audience which should include as a minimum: the corporate leadership team, cabinet members and, as appropriate, opposition members. During this feedback there is opportunity for clarification and questions.

This will be followed by a report detailing the strengths of the council, the issues considered, areas for further improvement and key recommendations. The council will receive the draft report within 3 weeks of the CPC. We will then agree the final report with you for publication. The council should then develop a detailed action plan

that responds to the report's findings.

In addition, to get the most out of the onsite CPC activity some preparatory and post-CPC engagement will be beneficial.

Peer preparation and engagement

To help the peer team gain an in-depth understanding of the local issues before their onsite activity, we will work with KLWN to develop an Information & Data Pack. The most important aspect of the pack is the 'Position Statement' prepared by the council. This provides a clear brief and steer to the peer team on the local context and what the peer team should focus on. It is an opportunity to set out the key issues, challenges and current thinking in relation to the CPC.

The peer team will also undertake some pre-onsite conversations with key officers and members. We will confirm the dates and times for this earlier engagement, which will typically take place remotely.

Six-month progress review

Six months after the CPC, the LGA will organise a CPC progress review. This will be a short-facilitated session which creates space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

Following this, the LGA will produce a short note which reflects the council's progress and provides examples of any good or innovative practice.

Publication of corporate peer challenge report

To promote openness and transparency and share learning across the sector, the corporate peer challenge offer is made on the expectation that each council will publish both the CPC report and its subsequent action plan in response to the peer challenge's findings.

We expect the council to publish the CPC report within six weeks of its finalisation,



with the subsequent action plan published within eight weeks of the report's publication. We do ask that the council commit to this principle at the outset. The LGA will also publish the CPC report on its website.

Practical arrangements and next steps

The council will need to identify a peer challenge co-ordinator who will act as a day-to-day contact and oversee the practical arrangements.

The council will need to prepare a timetable of meetings and focus groups for the team. The attached Preparation Guidance Note provides further details on preparing for the process, including the timetable.

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Discretionary / Operational	Be entirely within Cabinet's powers to decide		NO	
		Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Cllr S Dark E-mail: <i>cllr.stuart.dark@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: S Winter E-mail: <i>sam.winter@west-norfolk.gov.uk</i>		Other Officers consulted: CEx, Monitoring Officer; James Arrandale			
Financial Implications NO	Policy/ Personnel Implications YES	Statutory Implications YES	Equality Impact Assessment: PRE-SCREEN	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 7 March 2023

FREEDOM OF THE BOROUGH AWARD - UPDATE

<p>Summary</p> <p>The original criteria for the award of the Freedom of Borough were approved by Full Council in September 2002. The list is attached as appendix 1.</p> <p>On 28 November 2019, notice of motion 8/19 was submitted to Full Council 2019 by Councillor Rust, (attached as appendix 2) and referred to the Corporate Performance Panel for consideration. An informal working group was set up to look at the motion and review the existing criteria. The informal working group reported to the Corporate Performance Panel in July 2021. (Due to the issues presenting themselves during the Pandemic this recommendation was not brought forward until now.)</p> <p>A new version of the criteria is attached as appendix 3. Proposed changes to the Constitution are attached as appendix 4.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1) To recommend the updated criteria proposed by the Corporate Performance Panel, subject to the additional changes shown in appendix 3, to Full Council for adoption. 2) To recommend to Full Council the changes to the Constitution shown in appendix 4. <p>Reason for Recommendation</p> <p>The award of Freedom of the Borough is a non-executive function of the Council (Functions Regulations 2000, Schedule 1 paragraph E3). Constitutional Changes are needed in order to effect the amendments to the criteria and process for the award/revocation.</p> <p>Full Council asked the CPP to review the award criteria; the Council's legal team have</p>

reviewed those criteria and provided comments and proposed constitutional changes.

Cabinet are invited to review the updated criteria and the constitutional changes and recommend to Full Council that they be approved.

1 Background

The Corporate Performance Panel had been tasked with looking at notice of motion 8/19 and the criteria for the bestowing of the Freedom of the Borough. It set up an informal working group to do so.

The Informal Working Group, in looking at the existing criteria for the award of Freedom of the Borough, agreed that the existing guidelines were generally sound with the exception of the criteria regarding ex-councillors not being able to be bestowed the award until 10 years post-service; this was considered unfair to retiring councillors who would be less able to be nominated than any other citizen of the Borough. It was therefore agreed that this element be deleted.

The Group also felt that some of the additional elements suggested in Councillor Rust's Notice of Motion be included.

The Panel considered the recommendations of the informal working group and acknowledged that the award of the Freedom of the Borough should be an exceptional event. It also drew attention to the number of different awards for service and work that were available across the organisation and or the Borough.

Although the Standards Board did not currently have consideration of nominations in its terms of reference, it was felt that this would be an appropriate proportional body to consider nomination in the first instance.

The Informal Working Group also suggested that the detail of the award should be included on the Council's website along with other awards which could be nominated to.

Accordingly, the Corporate Performance Panel at its meeting in July 2021 recommended that the following criteria should be used:

1. Bestowing the award of Freedom of the Borough should be an exceptional event.
2. Organisations as well as individuals should be eligible.
3. Recipients should be persons who, or organisations which, have given outstanding service to the Borough, they may include: artistic and cultural endeavours; business, growth and prosperity; charitable work; improvement to built and natural environment; religious and spiritual life; sports activities; civic service; community cohesion; racial diversity; or any other service considered to be an asset to the Borough.
4. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough.
5. Nominations received should be business 'exempt' from publicity and considered first by the Standards Committee. Comments from individual

Council members should be invited and reported to it and the Standards Committee would make recommendations to Cabinet and Council.

6. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on civic occasions; and
7. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.

A further comment which was made at the Panel meeting but not formally added to the final wording, was that once this honour had been given to someone, there should be a mechanism that the honour could be also removed, in the event of that person bringing the Council into disrepute or being found guilty of committing a public offence.

Officers consider that such a mechanism would be legitimate, notwithstanding that it is not specifically referenced in the enabling provision of the Local Government Act 1972.

Full Council will need to consider if it wishes to adopt the proposed criteria, including whether to include provision for the revocation of the award.

The draft criteria are attached as a standalone copy in **appendix 3**. The comments from legal are shown in track changes. The proposed constitutional updates are shown in track changes in **appendix 4**.

2 Options for consideration

Cabinet can:

- consider and recommend to Full Council the proposals as set out in appendix 3 (which will be put to Full Council in full, in light of its initial referral)
- propose separate amendments, or
- recommend that no changes to current practice be made.

3 Policy Implications

The recommendations update the existing policy.

4 Financial Implications

Individual/Group awards would incur costs in the ceremonial event scroll and badge.

5 Personnel Implications

None

6 Environmental Considerations

None

7 Statutory Considerations

Section 249(5) of the Local Government Act 1972 states that a council may admit "*persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the borough*" as Honorary Freeman.

The resolution must be passed by not less than two-thirds of the members at a meeting of the Full Council specially convened for the purpose with notice of the object.

8 Equality Impact Assessment (EqIA)

Pre-screening report attached. The equality of applications/awards would have to be considered each time.

9 Risk Management Implications

The power to revoke the award would mitigate reputational risk to the Council.

10 Declarations of Interest / Dispensations Granted

None

11 Background Papers

CPP and Informal Working Group minutes published

Appendix 1

Sept 2002 – Criteria

CAB110: HONORARY FREEDOM OF THE BOROUGH

The report invited Cabinet to consider the draft guidelines from the Standards Board in order to make recommendations to Council on suggested criteria for the award of Freedom of the Borough Status. In discussing the criteria, it was suggested that another should be added preventing any Councillor from being nominated with 10 years of ceasing being a councillor.

RECOMMENDED: That Council be recommended to agree to formalise the advice of the Standards Board, reached at its May and June meetings, in these terms.

1. The public announcement of reviving the tradition should be through a press conference;
2. Any award approved during this municipal year should be made formally at the Annual Meeting of Council on May 15th 2003 and arrangements on subsequent occasions thereafter judged on each occasion;
3. Making the award should be an exceptional event;
4. Organisations as well as individuals should be eligible;
5. Recipients should be persons who, or organisations which, have given outstanding service to the Borough
6. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough;
7. Nominations received should be business 'exempt' from publicity and considered first by the Standards Board and comments from individual Council members should be invited and reported to it;
8. If this process is agreed by Council, the functions remitted to that Board be updated accordingly at the next opportunity; *(NB The makeup of the Standards Committee was changed in June 2012, and now no longer has this element in its terms of reference so goes to Cabinet).*
9. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on civic occasions; and
10. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.
11. Any former council member will remain ineligible for nomination for 10 years after they cease to be a councillor."

Appendix 2 – Content of Notice of Motion

Notice of Motion (8/19)

Councillor J Rust proposed the Motion, seconded by Councillor Howman.

“Our council resurrected the Freedom of the Borough award in 2003 after a long period of absence. The criteria for the nomination of the award only state that the nominee must have given outstanding service to the borough. The leader of the council has previously stated that “they” have set the bar high. Based on those who have been awarded the freedom compared to those who have been nominated and not granted it, that bar could be deemed to have been set at a measure invisible to most and arbitrary at best. This motion sets to change that and instead, provide clearer guidelines on what could be considered to fulfil the criteria.

This council is asked to adopt the following criteria when awarding this honour.

The conferment of the Honorary Freedom of the Borough is a mark of distinction upon the person or persons whom the council wishes to honour. The freedom itself carries no privilege and is purely an honour, reflecting the eminence of the person on whom it is conferred or as recognition of significant and/or valuable services rendered to the borough by that person. It is normally an honour bestowed on those of note who have lived or worked in the borough and who are proud to be a part of the history of that borough through that freedom. It should not be awarded to serving councillors.

What criteria should be used to award this status?

The principle is that these awards should be made on merit, defined as:

- Achievement
- Exceptional Service

Awards should not be given merely for a job well done or because someone has reached a particular level. They should be awarded because an individual has gone over and above what is expected or what has previously been seen as the standard, being seen to have demonstrated “Service Above Self” and to stand above others in what has been achieved before.

To be considered for the award a nominee should meet at least two of the following criteria:

1. Delivered in a way that has brought distinction to borough life and enhanced the reputation of the borough in the area or activity concerned
2. Contributed in a way to improve the lives of those less able to help themselves
3. Demonstrated innovation and entrepreneurship which is delivering discernible benefits to the area or activity concerned.

For candidates to be considered they must be able to demonstrate a strong and continuing connection with, and commitment to, the borough or to have made a major contribution to national life and, in doing so, have enhanced the reputation of the borough.

People from all walks of life and all sections of society who have made a difference to the community and the borough are eligible to be nominated, provided that, at the time of nomination, they are living in the borough.

It could include the following:

- Artistic and cultural endeavours
- Business, economic growth and prosperity
- Charitable work
- Improvement to built and natural environment
- Religious and spiritual life
- Sports activities
- Civic service

Nominations for persons or organisations to be granted the Freedom of the Borough may be made by any resident of the borough who are on the electoral roll. Each nomination must be supported by at least 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough.

A form shall be drafted which enables the nominating person to set out clearly the necessary details for the award and should include the following

Nominee's details – information about the person being nominated. Surname, forename, nickname, Title Address, Telephone Number, Email address

The recommendation – the details of how the nominee has made a significant contribution in their area of activity – giving as much detail as possible

What role they have excelled in?

How have they demonstrated service worthy of recognition?

How has the nominee contribution impacted on their particular field, locality, group or the community at large?

Over what time period did the nominee make their contribution or major commitment?

What makes this person stand out from others doing similar work?

Background Info:

Full details of post(s) held by nominee, paid or voluntary, which support or are relevant to your nomination. Start and end dates, or if they're still involved.

Letters of support – one letter of support may be submitted. Confidentiality must be maintained and details of the nomination must not be discussed with any other persons or with the nominee.

Details of the person making the nomination:

Surname, Forename, Address, Telephone Number, Email address, Relationship to nominee, Signature, Date, Confidentiality statement"

Appendix 3 – Proposed Updated Criteria following Corporate Performance Panel Review

1. Bestowing the award of Freedom of the Borough should be an exceptional event.
2. Organisations as well as individuals should be eligible.
3. Recipients should be persons who, or organisations which, have given outstanding service to the Borough. Those services may relate to: artistic and cultural endeavours; business, growth and prosperity; charitable work; improvement to the built and natural environment; religious and spiritual life; sports activities; civic service; community cohesion; racial diversity; or any other service considered to be an asset to the Borough.
4. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees, two of whom at least should be currently resident citizens of the Borough, to testify to the nominee's worthiness.
5. Comments from individual Council members should be invited and reported to Standards Committee, and the Standards Committee would make recommendations to Cabinet and Full Council. Schedule 12A paragraph 1 of the Local Government Act 1972 will be relevant to any consideration of the nominations at Standards Committee.
6. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on civic occasions; and
7. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.
8. Full Council may, following a recommendation from Standards Committee, revoke the award of the Freedom of the Borough granted to any person or organisation at any time, if it considers that the recipient has brought the Council into disrepute.

Appendix 4 – Proposed amendment to Constitution Annex 3 (Responsibilities for Council Functions)

Standards Committee

Composition

- E.1 The Standards Committee shall consist of seven members and up to three co-opted non-voting Town/Parish representatives and one Independent Person.
- E.2 For the making of general arrangements for its operation and for dealing with its functions which have a general application, the whole Committee shall be convened; but it may choose not to involve all of its members in conducting hearings affecting particular individuals.
- E.3 For the holding of any such hearings, the Committee shall be advised by the Monitoring Officer, or her nominee, and a Panel formed to conduct a hearing shall be authorised to perform all the functions of the Committee in relation to that hearing.
- E.4 In designating the members to form Panels, the Committee shall be advised by the Monitoring Officer, or their nominee, and shall have regard to political proportionality, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

- E.5 Hearings will be conducted according to procedural rules adopted by the Council.
- E.6 Subject to complying with any relevant legal requirements, the Committee shall apply such codes, procedures and consultative processes as the Council shall determine.
- E.7 The Committee shall provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.
- E.8 The Committee shall have authorisation to grant dispensations.

Functions Referred to the Committee

The Committee shall have the following functions.

- E.9 The promotion and maintenance of high standards of conduct by Councillors and co-opted members.
- E.10 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.11 Determine breaches of codes of conduct which have been referred to it and to impose sanctions.
- E.12 Consider reports from the Monitoring Officer.
- E.13 Determine applications for dispensations.
- E.14 Consider nominations for the award of Freedom of the Borough, and make recommendations to Full Council for the award or refusal.
- E.15 Consider applications for the revocation of any award of Freedom of the Borough, and make recommendations to Full Council as regards such revocation.

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Award of Freedom of the Borough				
Is this a new or existing policy/service/function?	Existing				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Review of the awarding criteria</p> <p>Not rigidly constrained</p>				
Question	Answer				
<p>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?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (e.g. low income)			x	

Question	Answer	Comments
<p>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?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	<p>Actions:</p>
		<p>Actions agreed by EWG member:</p> <p>.....</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:</p>		
<p>Assessment completed by:</p> <p>Name</p>		
<p>Job title</p>		
<p>Date</p>		

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Discretionary /	Be entirely within Cabinet's powers to decide		NO	
	Operational	Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Cllr S Dark E-mail: cllr.stuart.dark@west-norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted:		
Lead Officer: S Winter E-mail: sam.winter:west-norfolk.gov.uk			Other Officers consulted: Chief Executive, Monitoring Officer		
Financial Implications YES	Policy/ Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications YES	Environmental Considerations NO

Date of meeting: 7 March 2023

GOVERNANCE TASK GROUP

<p>Summary</p> <p>The above proportional Task Group was set up in September 2019, to consider the councils governance delivery options and arrangements and make any recommendations to Cabinet and Council on any suggested changes.</p> <p>The Task Group had commenced its considerations but with the onset of the pandemic had suspended its work in line with all other non essential matters the Council was dealing with. This work has not re-commenced.</p> <p>Recommendation That the work of the Governance Task Group be paused until after the Borough Council elections.</p> <p>Reason for Decision To ensure that the new Council is able to take a view on its Governance structure going forward.</p>

1 Background

The Governance Review Task Group was set up by Council with the following terms of reference:

- Review & assess the Councils current governance model.
- Identify & consider the drivers for change
- Consider design principles for any revised model
- Identify & review options & alternative models of governance

- Relative costings of running the current or alternative governance models.
- Identify & agree upon a preferred model
- Publish a final report & recommendations for Cabinet & Council.

The Task Group had looked at the options available when the pandemic struck and the council took the decision to suspend work on all non essential matters. Since the re commencement of ordinary work post pandemic, elements which were suspended are now being reviewed.

In looking at the timeframes of Borough Council's forthcoming elections in May 2023 and the Peer Review which was agreed at the December 2022 Council meeting, it is suggested that it is not appropriate for the outgoing council to carry out the work and potentially commit a new Council to its decisions.

Therefore, it is suggested that following the elections and Peer Review consideration be taken on the governance review by the new Council. If it is agreed to resurrect the review to carry out the work pending the outcome of the Peer review, a report on which is also on the agenda.

2 Options Considered

- The work can re-commence post-election linking with the peer review
- The work on the review can commence prior to the election.
- Council could decide not to resurrect the task group.

3 Policy Implications

None at this stage.

4 Financial Implications

The costs of an EELGA advisor - figures to be confirmed.

5 Personnel Implications

As the previous work of the Task Group assistance would be required from the EELGA.

6 Environmental Considerations

None

7 Statutory Considerations

Not at this stage, but any change in the Council's overall governance model would require a referendum.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

9 Risk Management Implications

The risk of continuing the work pre election includes potentially carrying out abortive work, or tying the new Council to the views of the current council.

10 Declarations of Interest / Dispensations Granted

None

11 Background Papers

Governance Task Group mins

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function					
Is this a new or existing policy/service/function?	New / Existing (delete as appropriate)				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>					
Question	Answer				
<p>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?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		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)					

