

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



# **Corporate Performance Panel**

## **Agenda**

**Monday, 17th October, 2022  
at 4.30 pm**

in the

**Council Chamber, Town Hall, Saturday  
Market Place, King's Lynn and available  
for the public to view on You Tube.**





King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
Fax: 01553 691663

Friday 7<sup>th</sup> October 2022

Dear Member

**Corporate Performance Panel**

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Monday, 17th October, 2022 at 4.30 pm** in the **Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

**1. Apologies**

**2. Minutes**

To approve the minutes from the previous meeting held on 3<sup>rd</sup> October (to follow).

**3. 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 any item or simply observing the meeting from the public seating area.

**4. Urgent Business Under Standing Order 7**

To consider any business which, by reason of special circumstances, the

Chairman proposed to accept as urgent under Section 100(b)(4)(b) of the Local Government Act 1972.

**5. Members Present Pursuant to Standing Order 34**

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

**6. Chair's Correspondence (if any)**

**7. Call-in (if any)**

**8. Report from the Informal Working Group - Review of the Corporate Complaints Policy (Pages 6 - 21)**

**9. Formal Complaints against the Borough Council 1 April 2021 - 31 March 2022 (Pages 22 - 27)**

Please note that the number of compliments received will also be included in the report.

**10. Corn Exchange Cinema Post Project Evaluation (Pages 28 - 37)**

**11. Cabinet Report - Microsoft Enterprise Agreement (Pages 38 - 43)**

To consider the report and make any appropriate recommendations to Cabinet.

**12. Portfolio Question and Answer Session**

Questions should be submitted in advance of the meeting.

**13. Panel Work Programme (Pages 44 - 54)**

To note the Panel's work programme.

**14. Cabinet Forward Decisions List (Pages 55 - 59)**

**15. Date of Next Meeting**

To note that the date of the next meeting of the Corporate Performance Panel will take place on 31 October 2022 at 4.30 pm in the Council Chamber, Town Hall, King's Lynn.

**16. Exclusion of Press and Public**

To consider passing the following resolution:

"That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as

defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.

**17. EXEMPT: Appendix to the Corn Exchange Cinema Post Project Evaluation (Pages 60 - 64)**

To:

**Corporate Performance Panel:** B Ayres, C Hudson, H Humphrey, J Kirk, J Lowe, C Manning, J Moriarty (Chair), C Morley, S Nash, C Rose, V Spikings and D Tyler.

**Portfolio Holders:**

Councillor S Dark – Leader of the Council

Councillor B Long – Portfolio Holder for Corporate Services

**Officers:**

Alexa Baker, Monitoring Officer

Becky Box, Assistant Director, Central Services

Honor Howell, Assistant to the Chief Executive

Richard Godfrey, ICT Manager

Lorraine Gore, Chief Executive

**POLICY REVIEW AND DEVELOPMENT PANEL REPORT**

REPORT TO:	Corporate Performance Panel		
DATE:	18 July 2022		
TITLE:	Corporate Complaints Policy		
TYPE OF REPORT:	Policy Review		
PORTFOLIO(S):	Corporate Services		
REPORT AUTHOR:	Honor Howell, Assistant to the Chief Executive		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

**REPORT SUMMARY/COVER PAGE**

<b>PURPOSE OF REPORT/SUMMARY:</b>
To report back on the work of the Information Working Group (“IWG”) established to consider the Corporate Complaints Policy so that the Panel may consider whether to recommend some or all of the proposed changes to Cabinet.
<b>KEY ISSUES:</b>
The IWG agreed proposed changes to the Corporate Complaints Policy (as set out in the minutes of the IWG meeting). These have been incorporated into the Corporate Complaints Policy. The Panel is requested to consider the revisions, which are considered minor and do not constitute a change to the process and decide whether they wish to recommend for all the proposed changes to Cabinet.
<b>OPTIONS CONSIDERED:</b>
CPP may resolve that the amendments are satisfactory and recommend them to Cabinet or wish to make further amendments.
<b>RECOMMENDATIONS:</b>
To consider the proposed changes as set out in the report and minutes and resolve whether to recommend the proposed changes to Cabinet.
<b>REASONS FOR RECOMMENDATIONS:</b>
The IWG was constituted by the Panel to review the Corporate Complaints Policy and the Panel should consider the work carried out by the IWG as set out in the minutes of the meeting and whether it wishes to make the recommendations to Cabinet for changes to one of the council’s policies.

**1. Introduction**

The Corporate Performance Panel resolved as follows with regards to the review of the Corporate Complaints Policy:

*Resolved: The Informal Working Group undertake a review of the current Corporate Complaints Policy in one meeting via Zoom and present any proposed changes to a future meeting of the Panel.*

## **2. Proposal**

During the meeting, the IWG came to an agreement on proposed changes that it wished to recommend to CPP for consideration which are set out in the attached minutes.

## **3. Issues for the Panel to Consider**

The Panel is recommended to review the changes to the Corporate Complaints Policy and consider whether some or all of those changes should be recommended to Cabinet.

## **4. Corporate Priorities**

The purpose behind adopting the Corporate Complaints Policy is to support members of the public wishing to make a complaint regarding a service or decision provided by the council.

## **5. Financial Implications**

None

## **6. Any other Implications/Risks**

Having a policy in place which is applied to complaints received by members of the public provides a mechanism for a complaint to be thoroughly investigated by at least two senior officers, one of which has not been connected to the complaint. The responses provided to the member of the public will form part of any relevant responses to the Local Government and Social Care Ombudsman, where complaints are progressed to them.

## **7. Equal Opportunity Considerations**

Complaints made which incorporate an element covered by Equalities legislation are recorded and consultation with the Assistant Director, Central Services should take place during any investigation.

## **8. Consultation**

None as reporting back on the work of a duly constituted informal working group.

## **9. Conclusion**

The Panel review the proposed changes to the Corporate Complaints Policy attached and consider whether to recommend these changes to Cabinet.

## **10. Background Papers**

Guidance on effective complaint handling by the Local Government and Social Care Ombudsman. <https://www.lgo.org.uk/assets/attach/5908/Good-complaint-handling-spaced-out-short-page-F-13.5.22.pdf>

# **Corporate Complaints Policy**

***The Borough Council of King's Lynn and West Norfolk is committed to resolving complaints fairly, quickly and where possible, informally. We will do this by listening to you and explaining our decisions***



# Our Policy

## Introduction

The Borough Council of King's Lynn and West Norfolk (hereafter call the council), aims to provide excellent services to customers and deliver those services right first time. Occasionally things do go wrong so we welcome and recognise the importance of customer feedback. The council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with you to resolve issues. This is an integral part of the service we provide.

The council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements.

For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or service user.

### 1. What is a complaint?

A complaint can be formal or an informal approach regarding resolving a problem or dispute.

The council has a two stage complaints procedure. Stage 1, which will be investigated by the appropriate department and Stage 2, Appeal to the Chief Executive or their representative.

The council has adopted the following definition from the Local Government and Social Care Ombudsman.

*"A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the council (whether that is provided directly by the council or by a contractor or partner) either verbal or in writing, and whether justified or not, which requires a response".*

Complaints about council services are processed in accordance with the requirements of the General Data Protection Regulations, the Data Protection Act and associated council policies.

A complaint could for example, be in respect of:

- A delay in taking action without good reason
- A failure to provide a service
- Mistakes in the way a decision has been taken
- Not following the law of the Council's own policies
- Giving incorrect or misleading information
- Bias or unfair discrimination (Equalities Act 2010)
- Rude, unhelpful, or inappropriate behaviour by staff
- Poor communication
- The conduct of staff when delivering the service

Some issues cannot be covered by this complaint policy. For more information on these exceptions, please go to section seven of this policy.

## **2. Initial Stage**

The council takes complaints seriously and places a strong emphasis on contacting the customer at the early stage of receiving a complaint. At this stage, whenever possible, we will contact you by telephone and talk to you about the issue causing you concern. We will look to resolve the matter for you quickly and without the need for escalation to the formal complaints process.

Matters reported to the council to take action, for example, reporting fly tipping or dog- fouling etc., are classed as a service request and will not be considered as a complaint unless these issues have been reported previously with no resolution. The council will aim to deal with such issues informally and within five working days.

When a matter remains unresolved or is complex and needs further investigation, we will register the matter as a formal corporate complaint. Your complaint will be passed to the relevant department to consider and a formal response will be sent.

## **3. How the council will deal with your complaint – Formal Stage**

The Corporate Complaints process consists of two stages:

### **Stage One**

At Stage One, the investigation involves the complaint being considered by an experienced officer from the department the complaint is regarding. In cases where the complaint concerns more than one council service, the council will ensure that the response is coordinated and a collective response will be given to all issues raised.

The council will acknowledge receipt of a complaint within 2 working days. The acknowledgement will provide the timeframe for a response.

We will respond to a Stage One complaint within **15 working days**. We aim to resolve most complaints during this stage.

### **Stage Two**

If the complainant is dissatisfied with the outcome of the Stage one response, they can request to escalate their complaint to Stage two, Appeal to the Chief Executive or their representative, which is the final stage of the council's internal complaints process. The complainant must specify the reasons for wanting to proceed to Stage two. Simply stating that they are unhappy with the response received or just exercising the right to escalate to the next stage are not justified reasons to initiate a Stage Two investigation.

A Stage Two request must be made within 1 calendar month of the date of the Stage One response. The complainant is required to explain why they remain dissatisfied and, where appropriate, provide clear reasons for escalation. The appointed officer will then determine whether the Stage 1 reply has provided a full and comprehensive response or if there are elements the response has not considered. If the officer investigating at Stage 2 believes there are other elements which require a response, then the complaint should be considered at Stage Two. The decision to accept a Stage Two complaint will be made promptly and should take no more than 2 working days. If we cannot accept your complaint, we will write to you and tell you why.

Following the acceptance of a Stage two complaint, the Chief Executive will delegate the investigation to a Senior Officer to conduct the investigation. The officer will not have had any previous involvement with the case.

The investigating officer will review the entire case, such as the original complaint, any background information relating to the complaint matter, the response provided at Stage One and any other information, which has relevance to the complaint.

The investigation will be conducted on behalf of the Chief Executive.

The Chief Executive will be given full details of the complaint and the response will be discussed and agreed prior to it being sent.

The timeframe to respond to a Stage two complaint is **20 working days** from the date of receipt. If the investigation will take longer than this, then the customer will be informed and given a timescale in which to expect a response.

#### **4. Who can make a complaint?**

A complaint may be made by:

- A person who is affected by our services
- An individual or organisation acting on behalf of someone (written consent is required)
- A councillor or a Member of Parliament (MP) on behalf of their constituent
- An organisation that has been impacted by our services

#### **5. How to make a complaint**

If you wish to talk about an issue you are experiencing, please firstly speak to an officer in the department concerned. We will try to resolve matters promptly and prevent them from escalating. You can do this by contacting the [Council Information Centre](#).

If you wish to make a complaint, the quickest and easiest way to do this is by completing the [online complaint form](#). You can also email [complaints@west-norfolk.gov.uk](mailto:complaints@west-norfolk.gov.uk) or send a letter to:

Democratic Services  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

- 5.1 Alternatively, a customer can make contact with the Local Councillor who can then raise the matter on their behalf. You can find out who your borough and county councillor is [here](#).

#### **4. Accessibility**

In the event you wish to make a complaint, it is useful to put the details of your complaint in writing. If you do not feel comfortable doing this or experience difficulty, you can:

- Appoint an advocate to act on your behalf
- Ask your local Councillor to act on your behalf
- Ask a friend, carer or family member to help you
- Ask an organisation such as the Citizens Advice Bureau or Age Concern to assist

The council does not require consent of an individual to disclose their personal information to a Councillor. It is considered that the individual has provided implied consent to the processing of their personal data that is reasonably necessary to pursue the complaint. We will require written consent from any other third party to act on behalf of an individual.

## 5. Complaints that cannot be considered under this policy

There are certain types of issues and complaints that fall outside this policy. This list is a general guide but not exhaustive and includes matters such as:

- A request for a service (e.g., a report of a single service failure such as a missed bin collection or reporting fly-tipping); or issues that can be resolved informally
- Objections about a provision for which there is an alternative process, e.g. appeals, reviews or tribunal processes
- A complaint where the complainant has started legal proceedings in respect of the matter being complained about
- A complaint that is already subject to a court or tribunal ruling
- Allegations of internal or external fraud or corruption
- A Code of Conduct complaint about a Councillor. These should be made to the council's Monitoring Officer via this [form](#) who will determine if there is a case to answer
- A complaint by a member of staff about a personnel matter, including appointments, terms, and conditions of employment (or disciplinary issues).
- A complaint about a council policy e.g. the council's implementation of a Government policy as these are often open to interpretation
- Insurance claims

Examples of issues not covered by the Corporate Complaints Policy:

- A claimant complaining about their benefit award. This should be classed as a benefit appeal
- Appealing a car parking fine. There is a defined process for this.
- Outcome of a planning application. This would be a planning appeal.
- Complaint about the council tax banding. This should be directed to the Valuation Office Agency.

When the council cannot consider a complaint under this policy, you will be advised and provided with any alternative options that may be available.

## 6. Complaints and Enquiries from an MP or Councillor

The complaints policy is intended for individual citizens to seek resolution to an issue. A Member of Parliament (MP) or Councillor can make a formal complaint or enquiry on behalf of a constituent. However, when a constituent has requested an MP take up a matter on their behalf, these will not be registered as a corporate complaint, but as an **MP enquiry** which will be logged individually and recorded separately. A response will be sent to the MP directly within **20 working days**. Confirmation of the customer's permission to disclose information to the MP will be required.

## **7. Timescales for making a complaint**

Complaints should be made no later than twelve months after the date on which the matter occurred. However, this is flexible, and an officer can still consider a complaint at their discretion after that timeframe if there are genuine reasons for the delay and the officer believes the complainant has a strong case for making a complaint. The officer may also consider there are actions for the council to take following the complaint (or lessons learnt for the council), therefore a complaint will not be disregarded just because it has been made late.

## **8. Outcome of Complaint**

A complaint may be upheld, partially upheld or not upheld. This means that the complaint may be completely justified, partially justified or not justified at all. Any response to a complaint will determine and outline whether a complaint was justified or not, with clear reasons why.

Where complaints are upheld or partially upheld, the remedy needs to be appropriate to the complaint, taking into account the customer's desired outcome. The Local Government and Social Care Ombudsman offers this general principle for guidance:

*"Where we find that an injustice has been caused by maladministration, we seek a remedy that would, so far as possible, put the complainant back into the position he or she would have been in but for the fault"*

The Ombudsman's guidance is to ensure that following the complaint being found justified, that the complainant has not been subject to detriment or financial loss as a result of the issue they have complained about.

## **9. Local Government and Social Care Ombudsman and the Housing Ombudsman Service**

If the complainant remains dissatisfied with the response following the Stage two response, they can escalate their complaint to the Local Government and Social Care Ombudsman Service or the Housing Ombudsman Service. These services are external to the council. Contact details for the appropriate body will be provided in the council's Stage two complaint response.

The Ombudsman's service is the final stage for complaints about the council and their investigations are independent of the council. The Ombudsman service will assess the complaint and advise the council if they decide to initiate an investigation.

The Ombudsman will normally only consider complaints once complainants have exhausted the council's complaints process.

If the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman Service (HOS) become involved, all contact is made directly to them. The council must submit a response to the LGSCO or HOS within **20 working days** of receipt.

## **10. Complaints about the conduct of Councillors**

The council's Standards Committee is responsible for considering complaints where a Member may have breached the Councillors Code of Conduct. If you think a Councillor has broken their Code of Conduct, you can report them to us using this [form](#).

#### **11. Complaints by persistent or vexatious customers**

The council has a separate policy and procedure as to how it manages customers who may be either unreasonably persistent or vexatious. The link to this policy can be found [here](#).

#### **12. Social Media Complaints**

Some customers may raise issues/complaints via the council's social media outlets such as Facebook or twitter. These are usually service requests, which are straightforward to resolve. However, if it is clear, it is a complaint, wherever possible, the council will attempt to take the complaint offline and communicate with the customer via email. This is to ensure that Data Protection is considered, and personal information is not published in a public domain. The customer will be requested to complete a complaint form to enable the council to consider the complaint according to the full process.

#### **13. Performance, monitoring and transparency**

The council will capture the following information and where possible, on our complaint management system:

- Date of receipt
- Name, address and contact details of the customer
- A copy of the acknowledgement and all other documents as they are sent
- Notes of contact with the customer
- Details of the resolution
- Closing date

This data will be used to produce management information to monitor service performance, highlight areas of service failure and inform service improvement.

**13.1** An annual report of complaints highlighting any trends, or areas of concern will be produced annually for the Corporate Performance Panel.

#### **14. Relevant Legislation**

There are key areas of legislation that the council must follow in the course of handling customer complaints.

##### **14.1 General Data Protection Regulations**

The General Data Protection Regulations provides protection for personal information and customer's ability to access the information held about them. The general principles are:

- That information held will be processed fairly, lawfully and in a transparent manner

- That information is collected for specific, explicit and legitimate purposes
- That information is adequate, relevant and limited to what is necessary
- That information held is accurate and where necessary, kept up to date
- That information is retained for only as long as necessary
- That information is processed securely, protected against unlawful or unauthorised process and again accident, loss, destruction or damage

## **15. Freedom of Information**

The Freedom of Information Act 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**CORPORATE PERFORMANCE PANEL - INFORMAL WORKING GROUP -  
REVIEW OF THE PERSISTENT COMPLAINTS POLICY**

**Minutes of the Meeting of the above held on Friday, 11th March, 2022  
at 9.30 am in the Remote Meeting Room - Microsoft Teams**

**PRESENT:**

Councillors B Ayres (Chair), C Manning, J Moriarty (Vice-Chair) and S Nash

Officers: H Howell, W Vincent

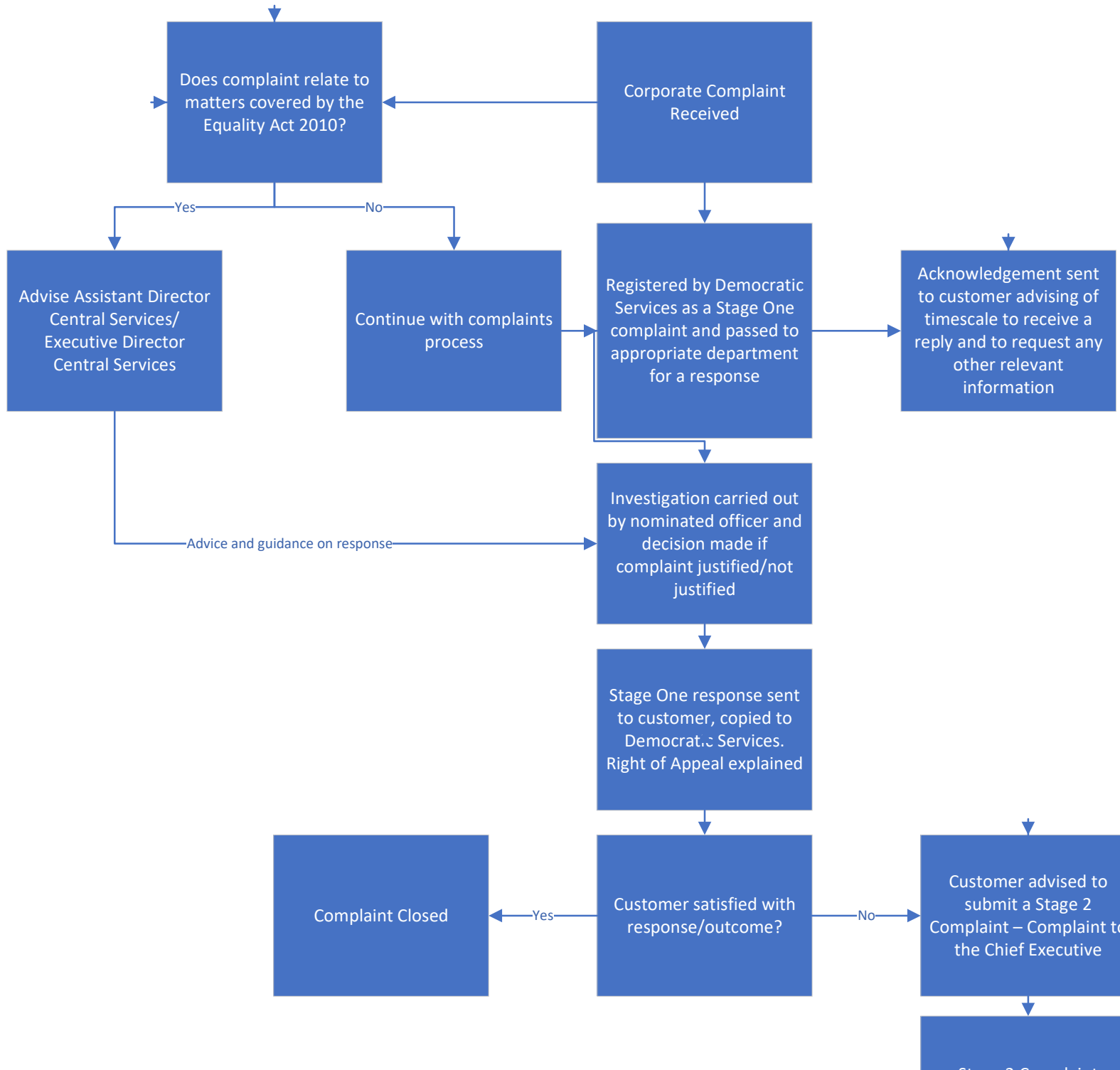
		<b><u>ACTION</u></b>
<b>1</b>	<p><b><u>APOLOGIES</u></b></p> <p>There were no apologies for absence.</p>	
<b>2</b>	<p><b><u>TO REVIEW THE COUNCIL'S CORPORATE COMPLAINTS POLICY</u></b></p> <p>The Chair invited the informal working group to review the current policy on a page by page basis.</p> <p>The following suggestions were made:</p> <ul style="list-style-type: none"> <li>• Section 1 – What is a complaint – add wording setting out the two stages when making a complaint.</li> <li>• Section 3 – How the Council will deal with your complaint – Formal Stage – Stage Two: paragraph 2– add by whom the complaint will be dealt with; paragraph 6 – add If the complaint takes longer than 20 working days, the customer be advised that there will be a delay in responding to their complaint.</li> <li>• Section 4 – Who can make a complaint? In response to questions raise regarding Councillors make a complaint as an individual or on a Constituent's behalf, H Howell undertook to obtain advice from the Ombudsman and report back to the Informal Working Group.</li> <li>• Section 7 – Complaints that cannot be considered under this policy – bullet point 1 – H Howell to amend with appropriate wording. Bullet point 5 – remove words in brackets which would be. Bullet point 6 – A complaint about a Councillor – H Howell to add link to Council's website which sets out the procedure on how to complain about a Councillor. Bullet point 8 – delete words e.g. Planning. Bullet Point 10 – delete as</li> </ul>	HH

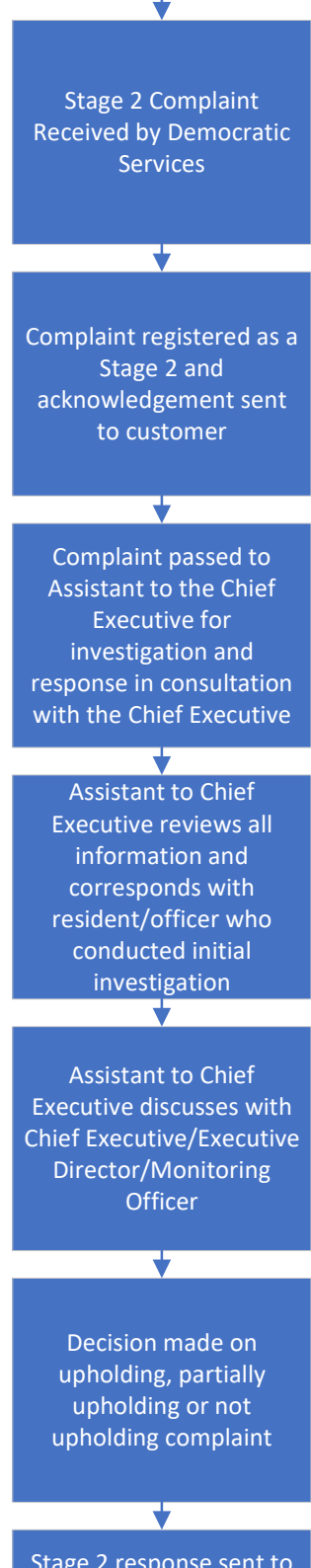


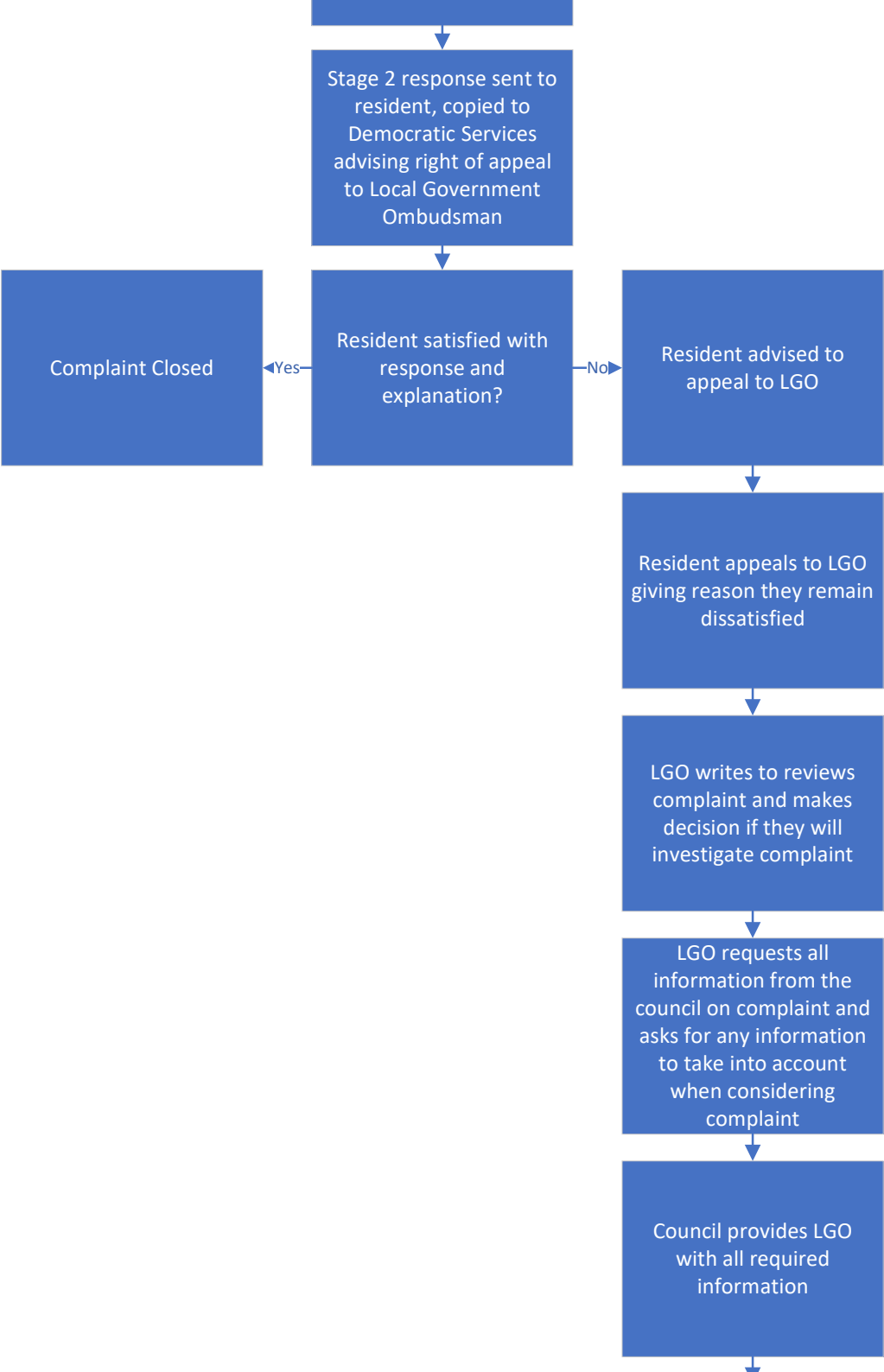
	<p>covered in Section 9.</p> <ul style="list-style-type: none"> <li>• Section 8 – Complaints and Enquiries from an MP or Councillor – highlight the words MP enquiry and add - logged individually and separate from corporate complaints.</li> <li>• Section 9 – Timescales for making a complaint – paragraph 1 wording to be revised to include – judge each individual case on their merit.</li> <li>• Section 10 – Outcome of Complaint – Explanation be added on the Ombudsman guidance printed in italics.</li> <li>• Section 11 – Local Government and Social Care Ombudsman and the Housing Ombudsman Service – paragraph 2, line two – omit the word to and replace with of.</li> <li>• Section 13 Social Media Complaints – paragraph1, line 4 communicate with the customer via email – H Howell to clarify.</li> <li>• Section 14 Performance, monitoring and transparency – paragraph 2 – remove comma and add the word and.</li> </ul> <p>The Informal Working Group commented that consideration should be given to encourage residents to contact their local Councillor if they wished to make a complaint. H Howell undertook to add a sentence to the policy and also on the Borough Council’s website.</p> <p>Members commented that it would be useful for the following information to be included in the Annual Complaints and Compliments report presented to the Corporate Performance Panel:</p> <ul style="list-style-type: none"> <li>• Number of Freedom of Information Requests received.</li> <li>• Number of Data Protection breaches and number upheld by the ICO.</li> <li>• Number of Informal complaints received.</li> </ul> <p><b>AGREED:</b> 1) H Howell to incorporate the suggested amendments above and circulate a revised document for agreement by the Informal Working Group.</p> <p>2) A report from the Informal Working Group be presented to the Corporate Performance Panel on 15 June 2022.</p>	<p>HH</p> <p>HH/ Chair</p>
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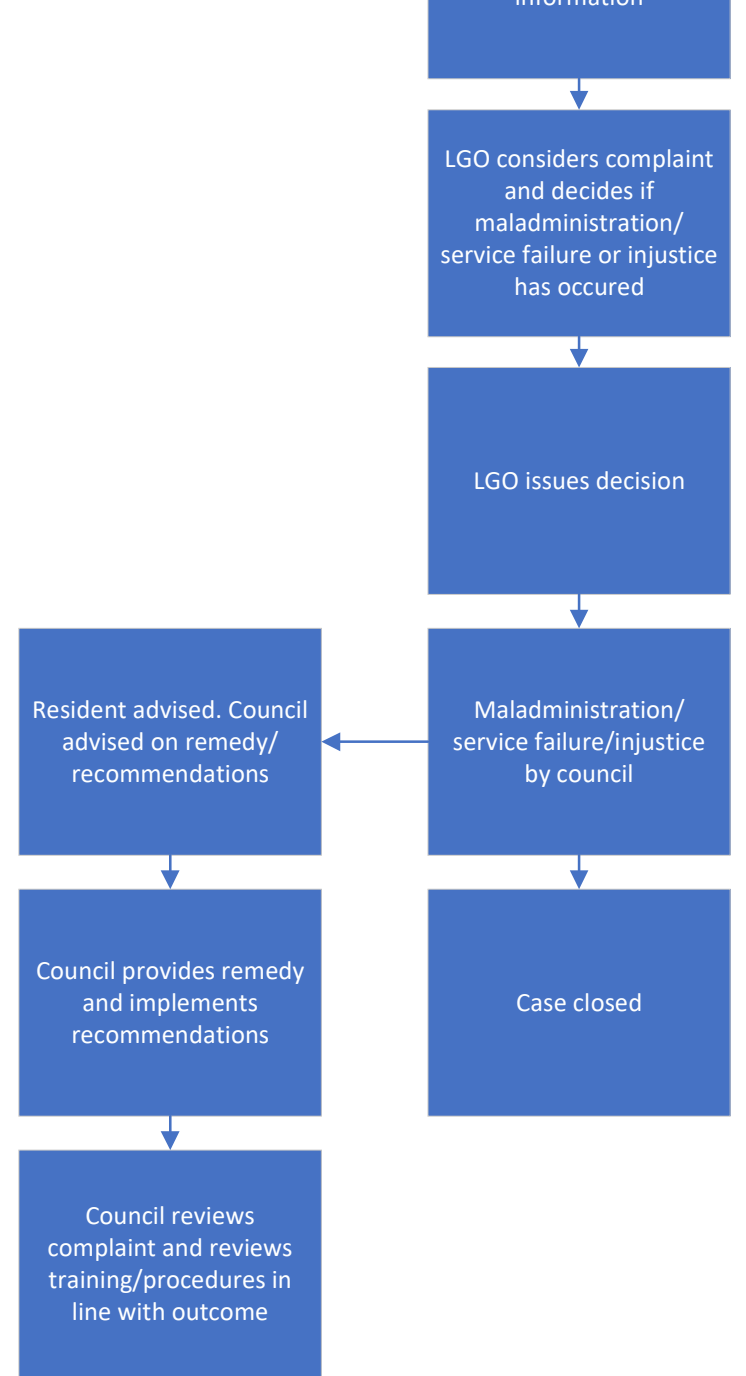
**The meeting closed at 10.49 am**

# Corporate Complaints Flowchart









**POLICY REVIEW AND DEVELOPMENT PANEL REPORT**

REPORT TO:	<i>Corporate Performance Panel</i>		
DATE:	17 October 2022		
TITLE:	Complaints against the Borough Council of King's Lynn and West Norfolk 1 April 2021 – 31 March 2022		
TYPE OF REPORT:	<i>For information only</i>		
PORTFOLIO(S):	Cllr Brian Long		
REPORT AUTHOR:	Honor Howell – Assistant to the Chief Executive		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

<b>SUMMARY:</b>
<p>This report is produced on an annual basis for the period 1 April 2021 to 31 March 2022 and sets out the breakdown of MP Enquiries, Corporate Complaints, complaints made to the Ombudsman and details on compliments received from members of the public. For the first time, it also includes the number of Freedom of Information requests made in the same period as well as Data Protection Breaches, together with any reported to the Information Commissioners office. The report is presented to Corporate Performance Panel members for information only.</p>
<b>ANALYSIS:</b>
<p><u>MP Enquiries</u></p> <p>In total, 81 MP Enquiries were dealt with during 2021/22, compared with 107 during the previous year. The breakdown between MP's are as follows:</p> <ul style="list-style-type: none"> <li>• Liz Truss MP (22)</li> <li>• James Wild MP (57)</li> <li>• Jerome Mayhew MP (1)</li> <li>• Kate Green MP (1)</li> </ul> <p>The enquiries are broken down by service area with Leisure (9), Planning (19), Central Services (5) and Chief Executive (48). MPs are often contacted by their constituents for help and advice on a range of local issues or individual problems with a service delivered by the council. These are then passed to the relevant Assistant Director or Service Head for a response.</p> <p><u>Corporate Complaints</u></p> <p>54 Corporate Complaints were received during 2021/22, compared with 22 during the previous year. Of these complaints during 2021/22, 5 were considered to be justified and 7 were partly justified at stage 1 of the complaints process.</p> <p>Of the 54 Corporate Complaints which were received, 15 went to an Appeal to the Chief Executive or their representative (Stage 2). These complaints are investigated by the Assistant to the Chief Executive under the delegated authority of the Chief Executive. Out of the 15 complaints, 0 were considered to be justified and 2 were partly justified.</p> <p>A breakdown of the complaints received and the service area they relate to is</p>

attached at **Appendix A**.

The complaints relating to Finance include those made in respect of Revenues and Benefits. Some areas already have well established statutory processes for appeals on decisions e.g. Planning and Housing Benefits and these are not classed as corporate complaints unless the complaint is in respect of something the council or a member of staff has done. Complaints about decisions are directed via the usual appeals process.

#### Ombudsman Complaints

In total, 4 complaints relating to complaints against the Borough Council of King's Lynn and West Norfolk were received by the Local Government and Social Care Ombudsman, and out of these, none of the complaints that were investigated were upheld.

Attached at **Appendix B** is the brief Ombudsman Annual Report 2021/22 for information. Of these 4 complaints, 0 were upheld. Again, the Ombudsman will usually only investigate certain complaints in respect of **process**. For example, a complaint about a planning decision will only be investigated if a process has not been correctly followed, not about the decision made as planning is so subjective.

#### Compliments

Whilst we receive complaints about a range of issues, we also receive compliments from customers, visitors and businesses expressing their gratitude and thanks for the service they received. This information is captured and published in the staff monthly magazine 'Internal Affairs' to share good feedback with colleagues and to acknowledge the service provided by that individual/team.

For the year 2021/2022, we received 57 compliments from our customers. This is slightly down from the 65 received in 2020/2021.

#### Freedom of Information

For the period April 21 and March 22, a total of 590 Freedom of Information requests were made via the council's legal provider, Eastlaw.

#### Data Protection

Reports of a breach of data protection are recorded by the council. Each breach is then assessed by the councils Data Protection Officer to establish if the breach is reportable to the Information Commissioners Officer (ICO). In 21/22, the number of breaches recorded was 22, none of which were reportable to the ICO.

OPTIONS CONSIDERED:

N/A

RECOMMENDATIONS:

There are no recommendations; it is an annual report for Members to note.

REASONS FOR RECOMMENDATIONS

N/A

**Appendix A**

**Corporate Complaints 2021/2022**

Month	Total Received 2020-2021	Total Received 2021-2022	Leisure	Parking	Property	Planning	Licensing	Central Services	Housing	Finance	Cumulative Total
Apr	0	6				1	1	1	2	1	6
May	0	1				1					7
Jun	0	5	2			1		1		1	12
July	2	8	1	2		2		1	1	1	20
Aug	4	5	1			2		1		1	25
Sept	1	8		1		5				2	33
Oct	4	7	2			2			1	2	40
Nov	2	4	1					1	1	1	44
Dec	1	0									44
Jan	2	2				1			1		46
Feb	1	2				2					48
Mar	5	6	2			2				2	54
<b>Total</b>	<b>22</b>	<b>54</b>	<b>9</b>	<b>3</b>	<b>0</b>	<b>19</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>11</b>	<b>54</b>



20 July 2022

*By email*

Ms Gore  
Chief Executive  
King's Lynn & West Norfolk Council

Dear Ms Gore

### **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

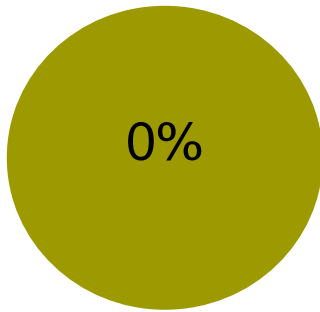
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



**0%** of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

**0**  
upheld decisions

Statistics are based on a total of **4** investigations for the period between 1 April 2021 to 31 March 2022

### Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

### Satisfactory remedy provided by the organisation

The Ombudsman did not uphold any detailed investigations during this period

## Agenda Item 10

### Corn Exchange Cinema

#### Post Project Evaluation Report – Corn Exchange Cinema Construction

**PROJECT NAME:** Corn Exchange Cinema Construction

**PROJECT MANAGER:** Executive Director (Commercial Services) until March 2020 (no formal Project Manager thereafter)

**PROJECT SPONSOR:** Management Team

#### Version Control

Version	Date	Description of Change	Author
0.1	14 Jun 2022	Initial Draft	Honor Howell
0.2	28 Jun 2022	Management Team Feedback	Honor Howell

#### Contribution/Reviewers

Name	Role	Date
Matthew Head	Internal Auditor	18 Jun 2022
Tony Hague	Procurement Officer	17 Jun 2022
Management Team	Corporate Management	28 Jun 2022
Assistant Directors	Directorate Management	28 Jun 2022

#### Authorisation/Approval

Date	Version	Approved by	Role/Organisation

#### Distribution

Role	Name	Organisation/Department
Scrutiny	Corporate Performance Panel	

## 1. Purpose

- 1.1 The purpose of this report is to review the construction phase of the Corn Exchange Cinema project. The overview of the project will give Senior Management and Members the opportunity to review the initial business case, along with governance, budget estimates, project plans and outcomes and to capture any lessons learned and best practices which can be applied to future projects.

## 2. Background

- 2.1 In 2011, the council considered to creating a small theatre space in the underutilised upper bar area at the Corn Exchange. This was not pursued due to the capital cost and limited impact on revenue budgets. However, work carried out at that time illustrated that the space could be utilised for a one or two screen cinema.
- 2.2 The council, over the years has received approaches from national cinema chains to build an out-of-town cinema multi-plex offer in King's Lynn. The council has resisted these approaches due to the importance of the Majestic Cinema, based in the centre of King's Lynn (an independent cinema) and its contribution to the night-time economy of King's Lynn.
- 2.3 Since 1984 up to 2019, cinema audiences continued to increase year on year. The introduction of streaming services such as Netflix did not impact this trend and in 2018, when the cinema project was initially conceived, cinema attendances were at an all-time high of 177 million box office receipts ([source UK Cinema Association](#)).
- 2.4 In June 2018, following a review of the space in the Corn Exchange, Cinema Next Consulting (CNC) were appointed by the council to review the cinema market and the possible demand for a commercial cinema in the Corn Exchange. Their report was to include an estimate of likely admissions, anticipated revenue, and operating costs.
- 2.5 In August 2018, CNC reported the outcome of their research and concluded that a two-screen cinema would provide West Norfolk with:
  - 2.5.1 **Regeneration:** an improved retail and leisure offer in King's Lynn which would help invigorate the town, particularly in the early evening and during August, a traditionally quiet time for theatre but peak cinema season. This would, in turn, stimulate greater economic activity.
  - 2.5.2 **Sustainability:** A quality cinema experience would provide improved trading opportunities and other local traders including restaurants and bars would benefit from increased footfall in the town centre.
  - 2.5.3 **Employment:** A town centre multi-arts venue would generate direct and indirect employment opportunities and create a more diverse range of employment opportunities.
  - 2.5.4 **Community Development:** A digital cinema as part of a multi-arts venue in King's Lynn would be able to host a range of content from blockbuster films to documentaries and educational screenings, live relays of theatre, popular and classical music, comedy, opera, ballet as well as a regular cinema programme. This diversity would cater for all members of the community.

- 2.5.5 **Tourism and Heritage:** a multi-arts venue would provide an all-weather, all year-round visitor attraction for the local community, the coastal and rural communities around King's Lynn as well as tourists.
- 2.6 The report concluded that King's Lynn was under-provided for in terms of cinema and a further cinema in the town centre would minimise the potential of an out-of-town cinema. There was therefore a positive opportunity to develop new cinema audiences and create a sustainable cinema offer at the Corn Exchange.
- 2.7 The management of the Majestic Cinema were included in the feasibility study and welcomed the project as a positive step to retain cinema audiences in King's Lynn Town Centre.

### 3. Scope and Summary of Approach

The scope of this report is focused on the initial feasibility study to completion of the construction and initial operation and revenue of the two-screen cinema in the Corn Exchange, to include:

- Initial feasibility
- Project approval process
- Project Plan
- Appointment of Contractors
- Budget Control
- Risk Management
- Project Management
- Expected outcomes

### 4. Methodology

- 4.1 To conduct the review, all the available project documents from project start up to conclusion have been examined and evaluated. This included:
- The Project Brief
  - Cabinet Reports/Scrutiny Reports
  - Feasibility Study
  - The Project Plan
  - Project meeting notes
  - Contract meeting notes
  - Risk matrix
  - Budget reports

### 5. Project Rationale

- 5.1 The rationale for the project was:
- To maximise the use of space within the Corn Exchange
  - Generate revenue and increased use from the existing council asset to make the Corn Exchange more sustainable financially

- Create additional attendances to the Corn Exchange to maximise revenue
- Contribution to vitality of King's Lynn Town Centre and the local economy
- Increase car parking revenue

## 6. Project Timeline

- 6.1 A detailed timeline of key activities within the project is attached at **Appendix 1**. The construction of the cinema was heavily impacted by on Covid-19 pandemic and the cinema opened in September 2020, 4 months later than the original opening date.

## 7. Project Management

- 7.1 The Corn Exchange Cinema Project was a council project managed by the Executive Director Commercial Services until his retirement in April 2020. Following his departure, the project management was distributed across several members of staff. No formal Project Manager was appointed. There is no reference to a Project Sponsor in any of the project documents viewed to date.

## 8. Project Objectives

- 8.1 The project objective outlined in the project brief was 'to create additional attendances at the King's Lynn Corn Exchange to deliver circa £200,000 per annum revenue contribution to site. Capital cost estimated at £1,000,000. Construction period January-March 2020'.

## 9. Project Outputs

- 9.1 The project outputs were defined as:
- Creation of a 2 x 60-seat cinema screen on the first-floor upper bar area within the Corn Exchange
  - New cinema tickets and concessions kiosk
  - Installation of a new stairway and lift to the first-floor level
  - Structural works to first floor and replace roof glazing
  - Reconfiguration of the ground floor and first floor toilets to increase capacity

## 10. Project Outcomes

- 10.1 The outcomes identified by the construction of the Corn Exchange Cinema were:
- Reduced revenue cost of the Corn Exchange
  - Additional 50,000 visits to the site per annum
  - Contribution to vitality of King's Lynn Town Centre/increase in car park revenue

## 11. Capital Works

- 11.1 The estimated capital cost of the construction of the Corn Exchange Cinema as outlined in the Cabinet Report of 13 Nov 2018 was **£1,078,210**. This sum was increased at the Cabinet Report of 11 June 2019 to **£1,649,500**. The final cost of the project to construction the cinema was **£1,894,500**. A full breakdown of the council's capital spend in relation to the construction of the Corn Exchange Cinema is set out below:

<b>Corn Exchange Cinema</b>				
<b>Reference Number - Cabinet Report 18/06/2019 - 2.4.5</b>	<b>Description</b>	<b>Original(£)</b>	<b>Revised (£)</b>	<b>Variance (£)</b>
2.4.4	General Construction	£504,545	£618,000	£113,455
2.4.2	Mechanical	£67,000	£160,000	£93,000
2.4.3	Electrical	£56,500	£100,000	£43,500
	Projection/Sound	£161,990	£180,000	£18,010
	Seating	£28,200	£36,000	£7,800
	Signage	£5,000	£5,000	£0
	fees	£123,750	£177,500	£53,750
2.4.1	Roof	£45,000	£145,000	£100,000
	Preliminaries	£0	£128,000	£128,000
	Contingency	£82,500	£100,000	£17,500
	Inflation Allowance	£48,725	£0	-£48,725
2.5	Toilet Additional Cost - Separately costed item within the Cinema Tender	£10,000	£205,000	£195,000
2.6	Foyer, Life and Façade - As per toilets, separately costed item within the Cinema Tender	£9,700	£40,000	£30,300
<b>Final Cost of Cinema</b>		<b>£1,142,910</b>	<b>£1,894,500</b>	<b>£751,590</b>
	Known cost changes	£575,255	76.5%	
	Unknown cost changes	£176,335	23.5%	
		<b>£751,590</b>	<b>100%</b>	

## 12. Admissions Forecast

- 12.1.1 Cinema Next Consulting (CNC) reported that throughout the UK, there were an average cinema admissions level of 2.6 admissions per capita. CNC highlighted that there were 62,513 people living within a 20-minute unrestricted drive to King's Lynn and 172,268 within a 40-minute restricted drivetime of the Corn Exchange.
- 11.2 The Majestic Cinema was generating approximately 240,000 ticket sales per annum which resulted in a per capita rate of 1.4 within a forty-minute drivetime.
- 11.3 CNC advised that by adding on two screens at the Corn Exchange, with an assumption based on 28.5% occupancy levels, a further 50,752 admissions per annum could be generated in King's Lynn.



11.4 The table below provides the forecasted admissions to the cinema over the initial 5-year period of opening

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Admissions	38,064	45,677	50,752	50,752	50,752
Ticket Sales (£)	£237,063.00	£290,165.00	£328,853.00	£335,430.00	£342,139.00
Refreshments + sundries	£166,286.00	£204,114.00	£231,992.00	£237,315.00	£242,765.00
<b>Total</b>	<b>£403,349.00</b>	<b>£494,279.00</b>	<b>£560,845.00</b>	<b>£572,745.00</b>	<b>£584,904.00</b>
Less operating costs	(£256,210.00)	(£291,637.00)	(£320,389.00)	(£327,277.00)	(£250,582.00)
<b>Net Profit</b>	<b>£147,139.00</b>	<b>£202,642.00</b>	<b>£240,456.00</b>	<b>£245,468.00</b>	<b>£250,582.00</b>

Based on the initial estimate construction cost of £1.1m, the cinema was estimated to provide a Return on Investment of **19%**.

## 12. Risk

12.1 All projects require there to be a risk register maintained, with clearly identified risk mitigation measures both throughout the initial build, the opening, and the day-to-day operation of the facility. The following risks were defined in relation to the Corn Exchange Cinema project:

- Cinema revenues – the financial position is largely dependent on the continued popularity and overall quality and quantity of the films it shows
- Cinema revenues fluctuate and are dependent on the timing of release of films
- Extreme weather conditions (abnormal, severe, or unseasonal) will affect attendances
- Ability to licence films
- Revenues from retail sales is an important part of gross profit
- Screen advertising – income will be affected by small audiences with advertisers not choosing to advertise to a small market
- Reputation and quality of environment
- Increased competition and pricing pressures
- Alternative media

The Cabinet report highlighted that the ‘cinema proposal represented a high-risk investment compared to much of the council’s investment but would deliver a much higher rate of return’.

The Cabinet report also stated ‘the number of tickets sold is key to achieving revenue forecasts. A marketing plan will be developed for the new offer including using the existing database of Corn Exchange customer’s’.

## 13. Outputs Achieved

13.1 The outputs detailed in Section 9.1 were fully achieved. The cinema was built to specification, a new stairway and lift to the first-floor level were completed, improvements to the façade

were made along with a full reconfiguration of the ground and first-floor toilets to increase capacity in line with the anticipated increase in patrons to the venue.

## 14. Outcomes Achieved

- 14.1 The desired outcomes from the Corn Exchange Cinema Projects were:
- Reduced revenue cost of the Corn Exchange
  - Additional 50,000 visits per annum
  - Contribution to vitality of King's Lynn Town Centre/increase in car park revenue
- 14.2 The work to construct the cinema commenced in January 2020 and was estimated to take approximately 3 months. The Corn Exchange closed following the end of the pantomime run in December 2019 for the work to commence. In March 2020, the covid-19 pandemic began to have an impact on the hospitality and leisure industry and Alive West Norfolk closed all facilities on 17 March 2020. The government then 'locked down' the country on 23 March 2020 and many construction sites closed at this time.
- 14.3 Although work on the cinema continued throughout the lockdown, the timeline for completion was impacted by the requirement for covid-safe working practices, social distancing, and the building materials supply chain.
- 14.4 When the cinema opened to the public on 18<sup>th</sup> September 2020, there were strict guidelines in place regarding social distancing and the capacity at which the cinema was able to operate (50% of total seats could be sold per screen). The second lockdown came into force on 5 November 2020, giving the cinema just 6 weeks opening before it was required to close again. The cinema did not re-open to the public until May 2021.
- 14.5 The impact of the pandemic on both the construction schedule and it's first year of operation has been profound. Audiences are returning to cinema, but the continued (and rising) presence of Covid-19 has deterred many people from returning to events and hospitality venues.
- 14.6 Due to the effects of the pandemic and subsequent changes to the film industry, how films are distributed and streamed, revised estimates for 2022/2023, 2023/2024 and 2024/2025 are being prepared for the Alive West Norfolk Board of Directors to review and approve.

## 15. Key Findings

- 15.1 The actual cost of the cinema construction was initially estimated to be £1.1m. The revised cost, presented to Cabinet in June 2019 was £1,649,500. The final cost was circa £1.9m.
- 15.2 The financial summary in Appendix 2 outlines the areas of overspend. Some elements such as the cinema seating, licences and upgrades to the Corn Exchange ticket booking system and the changes to the website to incorporate the cinema ticket sales were not included in the Cabinet report.
- 15.3 The building contractor, Phelan Construction, advised they were entering a Company Voluntary Agreement in the final stages of contract negotiations. The mitigating action

initiated by the Chief Executive and the Procurement Team to manage this situation was appropriate and proportionate. Initial due diligence checks had not highlighted any concerns with the position of the company, but further due diligence led to a request for updated accounts which did highlight a reduced net profit and turnover in the preceding 12 months. Action taken by the council protected the company and the council from a situation whereby they would not be able to deliver the project.

- 15.4 Following the retirement of the Executive Director, Commercial Services, the council did not formally appoint a Project Manager. Any project should have a Project Manager who is responsible and accountable for the delivery of the project as well as management of project staff. Lack of a Project Manager will result in a lack direction and responsibility within the project.
- 15.5 The project documents are not located in one place which has made the review challenging to complete. There are also key project documents missing, such as a risk register. The risks were including in the cabinet reports and Project Brief, but there is no risk log, risk-scoring or risk mitigation plan associated with this project.
- 15.5 The initial feasibility study demonstrated that King's Lynn was under-represented in terms of cinema screens and the cinema would attract more customers to the Corn Exchange and thus to the town centre. When the cinema was initially planned, attendances at cinema's were at a record high. The Covid-19 pandemic coincided with the construction of the cinema and its impact on both the construction timetable and the ongoing operation of the cinema cannot be underestimated and must be considered when reviewing the performance of the cinema in its first 15 months of opening.
- 15.6 Amendments to the original scope of the construction work, most notably with the zinc roof, which created the acoustic envelope for the cinema and the major refurbishment of the toilets. Repairs to the roof and improvements to the toilets were including in the council's Capital Programme but the revisions were due to the construction of the cinema. Cabinet agreed that these costs would be separated from the capital cost of construction, but they should be attributed to the overall capital spend on the cinema as they were directly related to the cinema construction.
- 15.7 A key driver for the project was to ensure that cinema audiences remained in King's Lynn town centre and the manager of the Majestic Cinema was supportive of the initiative. To ensure the Corn Exchange was not in direct competition with the Majestic, the Majestic would continue to screen new releases first. The Corn Exchange would not have enough capacity to accommodate a major film release. However, this will influence ticket sales if patrons choose to see a film when it is first released. 'Event' films such as James Bond or the Marvel films are the bedrock of commercial cinema. According to the [Independent Cinema Office](#), *'these are mass appeal films created at huge cost and supported by a massive marketing effort. They provide a disproportionately large amount of a cinema's annual income. 'Event' films are shown widely at multiplex cinemas but often perform poorly in local independent cinemas when shown a few weeks after the initial high-profile release'*.

## 16. Recommendations and Lessons Learnt

### 16.1 Project Management

- 16.1.1 A Project Manager should be formally appointed to each major project, and they should be responsible for directing the work of the project team and associated contractors (*Note – following the recommendations from the KLIC review, this is now in place and a formal process of reporting on major projects is now in place. All major projects are reported into the Officer Major Projects Board and the Member Major Projects Board*).
- 16.1.2 All project documents should be maintained in one location, accessible by the Project Team.
- 16.1.3 All project documents should be subject to full version control.
- 16.1.4 The Officer Major Projects Board should review the project to ensure all documents are available and maintained (project plan, risk register, budget etc).
- 16.1.5 All details of due diligence undertaken should be filed with the project documents, including any reports obtained via a credit reference agency.
- 16.1.6 All risks should be risk assessed, scored and a risk mitigation plan put into place.
- 16.1.7 A Change Control register should be put in place at the start of the project and any changes entered into the register and signed off by the Project Sponsor.

### 16.2 Budget Control

- 16.2.1 If the cost of a project increases, a revised Profit and Loss statement should also be produced to establish how the increase in cost will impact the expected benefits. It will inform Management Team and Members if the Return on Investment has altered and assist in the decision-making process. It will also provide information on the continued viability and cost/benefit analysis of the project.
- 16.2.2 The initial feasibility study included car parking income. However, customers visiting the Corn Exchange, or the Majestic would likely park in a council car park, therefore profit from car parking charges would likely be minimal.
- 16.2.3 The full likely cost of a project, including all sundries, furnishings as well as resources should be included in the Cabinet report.

## 17. Conclusion

- 17.1 The decision to build the Corn Exchange Cinema was based on an increasing number of attendances at cinemas nationally and a need to use the council's assets to their full capacity. The onset of the Covid-19 could not have been predicted and it's timing has had a major impact on the cinema. The repeated lockdowns resulted in the Corn Exchange not being able to fully launch the cinema and promote it as they would have done if the pandemic did not exist.
- 17.2 Although there are no longer any restrictions, audiences are still wary of attending public venues and this is more the case with the more mature audiences the Corn Exchange Cinema

is aiming at. Theatres and cinemas are beginning to see an increase on attendances, but recovery is slow.

- 17.3 The pandemic also changed the way films are released. Many new films are released to paid-for streaming services such as Amazon Prime, Netflix, Hulu, and Sky Box Office. Film studios have held back releases of 'blockbuster' films whilst the economy recovers. The success of the cinema in the future will largely depend on the quality of the offer, the environment, and the ability to show films as soon as they are released.
- 17.4 Feedback on the cinema has been excellent. It is a high quality; comfortable environment and many customers wait to see films there due to the excellent facilities and superior sound quality. The cinema is an asset to the town. The council and the Alive West Norfolk Board should now look to the future to plan how to capitalise on the facility to maximise revenue and build the cinema to be a natural choice for cinemagoers in the future.

**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed:			
<b>Any especially affected Wards</b>	Operational	Be entirely within Cabinet's powers to decide		YES	
		Need to be recommendations to Council		NO	
		Is it a Key Decision		YES	
Lead Member: Brian Long E-mail: brian.long@west-norfolk.gov.uk			Other Cabinet Members consulted: Cllr Angie Dickinson		
Lead Officer: Richard Godfrey E-mail Richard.godfrey@west-norfolk.gov.uk			Other Officers consulted: Michelle Drewery E-mail: Michelle.Drewery@west-norfolk.gov.uk		
Financial Implications YES	Policy/ Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES/NO If YES: Pre- screening/ Full Assessment	Risk Management Implications YES	Environmental Considerations NO

Date of Cabinet meeting – 19<sup>th</sup> October 2022

**MICROSOFT ENTERPRISE AGREEMENT 2022-2025**

<p><b>Summary</b> The three-year Enterprise Agreement covering all Microsoft licencing for the authority is due for renewal by 1<sup>st</sup> November 2022</p> <p><b>Recommendation</b> Approve the renewal with Bytes Software Services</p> <p><b>Reason for Decision</b> To maintain service provision.</p>
--

**1 Background**

1. Microsoft products provide the backbone for the ICT infrastructure at the Borough Council, providing a suite of services including:

- Audio and video conferencing (e.g., Teams)
- Office software (e.g., PowerPoint, Word, Excel, Outlook.)
- Intranet and file sharing
- Cloud services and storage (OneDrive)
- Email cloud services
- Windows Enterprise server and client operating systems
- User accounts and access
- Database servers for our business applications
- Operating system deployment/PC imaging
- Remote access services
- Multi-factor authentication for externally hosted applications

- Disk encryption
- Mobile device management

- II. A Microsoft Enterprise Agreement is a volume licensing agreement, designed to offer best value to organisations with over 500 users or devices. As well as licensing the products and services already in use, the Enterprise Agreement gives immediate access to the latest technology releases and software updates. Microsoft offer additional discounts to local authorities through the Enterprise Agreement, as well as allowing us to lock in prices, shielding us from price increases and allowing us to spread the cost over the three-year term of the agreement.
- III. When our previous Enterprise Agreement came to an end in October 2019, most of our licences were for on premise accounts. Microsoft had, by this time, withdrawn the discount arrangement for on premise licenses. This meant that had we remained predominantly on premise with software hosted in our data centre, the cost of licences would have been in excess of £230,000 per year.
- IV. Instead, we opted for full Office 365 licencing, which bought with it several benefits (including the mobility, security and communication options that have enabled joined up homeworking during the COVID19 pandemic and beyond) at a cost of approximately £161,000 per year.
- V. In June, we were made aware of an aggregated procurement of Microsoft licenses organised by Crown Commercial Services. We submitted a list of requirements, based on our licencing numbers at the time, which was issued to the supplier base on the 14<sup>th</sup> of July.
- VI. In parallel with the aggregation, we have also been looking to rationalize our licence numbers and types. For some of our workforce who do minimal admin work on a PC, it has been possible to move them to a cheaper licence costing about a quarter of the subscription price. We have also had to account for an increasing number of new starters and new positions being created across the authority as well as ensuring we have the appropriate server licences to allow remote access to our systems for people working from home.
- VII. Pricing from the winning supplier of the CCS aggregation was released on 17<sup>th</sup> August. Due to Microsoft price increases that were introduced in March 2022, the contract exceeded £500,000 over the three years. This is the first time that our Microsoft licencing has risen above the £500,000 threshold for cabinet review. Because it was anticipated that this would be an officer decision, as it has always been previously, it was not included in the forward decision list. This, along with the due diligence described to ensure that we are not under licenced, paying for more expensive licences than necessary and ensuring that we present accurate figures to cabinet have all contributed to the submission of this report.

- VIII. Once we had completed the license audit and identified as many reductions as possible, we submitted final licence numbers to both the winner of the aggregated tender, Boxxe, and to our incumbent supplier, Bytes Software Services. Bytes returned the lowest cost via the KCS Software Framework – Y20011. We have a good working relationship with Bytes and have benefitted from the value-added services they provide, such as access to their in-house technical team and licensing specialists.
- IX. Since our current agreement expires on 1<sup>st</sup> November 2022, we need a new agreement in place to avoid running software which is out of compliance and unlicensed as well as ensuring that there is no disruption to the Borough Council's ICT services. For this reason, we are looking to sign contracts with Microsoft and raise a purchase order by 28<sup>th</sup> October.

## 2 Options Considered

**Do nothing:** Cease operation of our ICT systems or run unlicensed software, with no further security updates, leaving our network vulnerable and eventually leading to loss of important data held in Microsoft's cloud.

**Renew our Enterprise Agreement (preferred option):** Enter into another three-year agreement to continue our Microsoft services, achieving the best possible value and protecting us from further price increases.

## 3 Policy Implications

N/A

## 4 Financial Implications

Total cost of the recommended Microsoft Enterprise Agreement for the full three-year term is £541,267.26. This quote is fixed cost UK pricing; however, we would wish to avoid having to requote in which case exchange rate fluctuations may be taken into account.

Year 1	£175,955.34
Year 2	£182,655.96
Year 3	£182,655.96

The additional funds for the 3-year term can be met from an IT reserve. However, it should be noted that this reserve will then be fully depleted. There are no annual contributions in the budget to top up the reserve. This will need to be considered as part of the budget setting process to ensure that funds are available for the next tender process in 3 years' time. There is a risk that the next tender price will be subject to further additional costs.



**5 Personnel Implications**

N/A

**6 Environmental Considerations**

N/A

**7 Statutory Considerations**

N/A

**8 Equality Impact Assessment (EIA)**

(Pre screening report template attached)

**9 Risk Management Implications**

If we do not continue with the agreement, Microsoft products such as Teams, Email and Servers will no longer be licenced and may not continue to function as designed, this will affect the Council's ability to do business.

**10 Declarations of Interest / Dispensations Granted**

N/A

**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	Microsoft Enterprise Agreement				
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>	Microsoft licensing required to continue the Borough Council's ICT services.				
<b>Question</b>	<b>Answer</b>				
<p><b>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?</b></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)			✓	



**CORPORATE PERFORMANCE PANEL WORK PROGRAMME 2022/2023**

<b>DATE OF MEETING</b>	<b>TITLE</b>	<b>TYPE OF REPORT</b>	<b>LEAD OFFICER</b>	<b>OBJECTIVES AND DESIRED OUTCOMES</b>
16 June 2022	Appointment of Vice-Chair			To appoint a Vice-Chair for the Municipal Year 2022/2023.
16 June 2022	Call-in (if any)			
16 June 2022	Nominations to Outside Bodies and Partnerships – Hunstanton Sailing Club	Appointment as an Observer to an Outside Body		To appoint a representative as an observer role only.
16 June 2022	Review of New Waste Collection Contract Performance – Stage 2 – Review of the legal and technical contract performance for year 1 of the contract.	Councillor Request	B Brandford/ M Chisholm	
16 June 2022	Tourism – Harmful or Helpful? A review of key qualitative and quantitative factors influencing the future growth of Tourism resourcing, processes and benefits – do our residents benefit from our approach to promoting tourism in West Norfolk	Review	D Hall	Item put forward by Councillors Moriarty and Devereux

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Agenda Item 13

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
16 June 2022	Full Review of Performance Indicators 2021/2022	Review	G Greaves	
16 June 2022	Scheme of Delegation/ Planning Sifting Panel	Cabinet	S Ashworth	
16 June 2022	Resourcing - Development Management Team (Planning)	Cabinet	G Hall	
16 June 2022	Hunstanton Promenade Waste Water – Update	Update	M Henry	
16 June 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
16 June 2022	Cabinet Forward Decisions List			
16 June 2022	Panel Work Programme			
16 June 2022	<b>Exempt:</b> KLIC Repayment Plan	Quarterly Update	M Henry	Quarterly Update
18 July 2022 – <b>MEETING CANCELLED</b>				
12 September 2022 – <b>MEETING CANCELLED</b>				

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
3 October 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
3 October 2022	Call-in (if any)			
3 October 2022	Call in of Officer Delegated Decisions		A Baker	Request from the Chair
3 October 2022	Town Deal Board (Governance)		J Hay	Details set out in email from Councillor Moriarty dated 17 March 2022
3 October 2022	Q1 2022/23 Corporate Performance Monitoring Report	Monitoring	G Greaves	
3 October 2022	Notice of Motion from Council 14 July 2022: Menopause Workplace Pledge	Notice of Motion from Council referred to CPP		A discussion to be held on the views of the Panel.
3 October 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
3 October 2022	Cabinet Forward Decisions List			
3 October 2022	Panel Work Programme			
3 October 2022	<b>Exempt:</b> KLIC Repayment Plan	Quarterly Update	M Henry	Quarterly Update
3 October 2022	<b>Exempt:</b> Update on Crofters	Councillor	M Henry	(Chair of CPP)

		Request		
<b>DATE OF MEETING</b>	<b>TITLE</b>	<b>TYPE OF REPORT</b>	<b>LEAD OFFICER</b>	<b>OBJECTIVES AND DESIRED OUTCOMES</b>
17 October 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
17 October 2022	Call-in (if any)			
17 October 2022	Formal Complaints against the Borough Council 1 April 2021 - 31 March 2022  The number of compliments received also to be included in the report.	Annual	H Howell	For information only
17 October 2022	Report from the Informal Working Group – Review of the Corporate Complaints Policy		H Howell	
17 October 2022	Corn Exchange Cinema – Report Open  (To include information requested by Councillor Morley)  Appendix Exempt	Review	H Howell	
17 October 2022	Portfolio Question and Answer Session			

17 October 2022	Cabinet Forward Decisions List			
17 October 2022	Work Programme			
17 October 2022	Cabinet Report – Microsoft Enterprise Agreement	Cabinet Report	R Godfrey	To consider the report and make any appropriate recommendations to Cabinet
31 October 2022	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
31 October 2022	Call-in (if any)			
31 October 2022	Council Tax Support – Final Scheme for 2023/2024		J Stanton	
31 October 2022	Corporate Business Plan Monitoring Report 1 April – 30 September 2022	Monitoring	H Howell	
31 October 2022	Review of Governance of Council Companies	Cabinet	G Greaves, A Baker, H Howell	
31 October 2022	Councillor J Moriarty – Hunstanton Advisory Group:	Councillor Request	A Baker	Request from Councillor Moriarty. Elected councillors have no idea what exactly this body is, how it is composed, where its minutes might be found, where it fits in the constitution, what powers it has, what money it has, what elections have been held, what remit it has - we know nothing about it. Yet it features in the local press as an important Consultee for major



				investments in the town.
31 October 2022	Hunstanton Promenade Waste Water – Update	Update	M Henry	
31 October 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
31 October 2022	Panel Work Programme			
31 October 2022	<b>Exempt Report:</b> Post Evaluation Review of H & M	Post Evaluation Review	M Henry	To undertake a review of the project
31 October 2022	<b>Exempt Report:</b> Hunstanton Sailing Club (Prior to receiving the update, the Panel to determine if the item should be discussed as an exempt report)	Annual Update	Borough Council's Appointed Representative	The Panel to receive an annual report from the Borough Council's representative.
31 October 2022	<b>Exempt Report:</b> Serco Contract	Councillor Request	B Brandford/ M Chisholm/ G Hall	
4 January 2023	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
4 January 2023	Call-in (if any)			
4 January 2023	Annual Update Communications	Annual Update	S Clifton/ J Hillard/ A Howell	

4 January 2023	Review of New Waste Collection Contract Performance – Stage 2 – Review of the legal and technical contract performance for year 1 of the contract.	Update	B Brandford/ M Chisholm	Further Update following 16.06.22 meeting
4 January 2023	Full Review of IDC to include the appointment of Members, standing orders relating to the investigation of discipline of statutory officers and terms of reference for that Committee.	Councillor Request	B Box	Request from Councillor Nash
4 January 2023	West Norfolk Climate Change Partnership chaired by the Borough Council to meet any of its terms of reference over the first 28 months of its existence	Councillor Request	L Gore	Request from Councillor de Whalley
4 January 2023	Cabinet Report: Update Safeguarding Policy	Cabinet	B Box	
4 January 2023	Cabinet Forward Decisions List			
4 January 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
4 January 2023	Panel Work Programme			
4 January 2023	<b>Exempt:</b> KLIC Repayment	Quarterly	M Henry	Quarterly Update

	<u>Plan</u>	Update		
4 January 2023	January 2021 to December 2021 Report on use, or non-use of RIPA Powers	Update	M Chisholm	
27 February 2023	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
27 February 2023	Call-in (if any)			
27 February 2023	Scrutiny – to look at the compulsory statutory guidance and practice elsewhere	Councillor Request	A Baker	Request from Councillor Moriarty
27 February 2023	Review 3 year operational and financial plans 21/22, 22/23 &24/25 for Alive West Norfolk.	Councillor Request	M Drewery	Request from Councillor Morley
27 February 2023	Q3 2022/23 Corporate Performance Monitoring Report	Monitoring	G Greaves	
27 February 2023	Q3 2022/23 Corporate Business Plan Monitoring Report	Monitoring	G Greaves	
27 February 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting
27 February 2023	Cabinet Forward Decisions List			

27 February 2023	Panel Work Programme			
5 April 2023	Matters Arising	Standing		The Panel are invited to submit any matters arising prior to the meeting.
5 April 2023	Call-in (if any)			
5 April 2023	Council Season Car Parking Badges - Rules, cost, numbers and use and abuse	Councillor Request	M Chisholm	Request from Councillor Moriarty
5 April 2023	Provide a summary of the issue the performance of the council owned businesses, West Norfolk property, West Norfolk housing and Alive Leisure, and any other 100% owned or partially owned business which operate independently of the Council	Councillor Request	M Drewery	Request from Councillor Morley
5 April 2023	Statement of Community Involvement	Councillor Request	S Ashworth	
5 April 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting
5 April 2023	Cabinet Forward Decisions List			
5 April 2023	Panel Work Programme			

5 April 2023	<b>Exempt:</b> KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update
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### **Forthcoming Items – Date to be advised**

Report of the Informal Working Group on Council Meeting Arrangements

Guidance in respect of Council Tax Support Scheme ahead of when it is presented to Council for approval – J Stanton (Chair confirmed requirement of report to include the financial calculation, the no of households that would receive this support and their house bandings, the Councils plans to manage the Collection Fund and the sums expected by its preceptors, the rationale for selecting this demographic as the only segment of householders that need hardship support)

January 2021 to December 2021 Report on use, or non-use of RIPA Powers – J Hay to advise of date once gone through democratic process.

Feedback from Councillor Blunt on the enforcement issues discussed on 13 April 2022 - Councillor R Blunt to advise of date.

Annual Employment Monitoring Report – B Box – Requirements of the Panel to be discussed at sifting meeting on 6 October 2022.

Report on Rent Arrears – as agreed at the meeting on 3<sup>rd</sup> October – Matthew Henry

Notice of Motion – Menopause Workplace Pledge – two separate reports to come back to Panel. One setting out services and initiatives for staff and one dealing with Legislation and Policies for Councillors.

### **Councillor Requests**

Councillors A Ryves – Council Owned Companies – Please provide a summary of the issue the performance of council owned businesses, West Norfolk property, West Norfolk Housing and Alive Leisure and any other 100% owned or partially owned business which operate independently. Email from Chief Executive (5 April 2022) stating Councillor Ryves in agreed that his item be deferred until the governance report has been considered – **Currently on Cabinet Forward Decision List for 15 November 2022.**

Councillor J Moriarty – Relationship with the Shakespeare Trust in relation to the Guildhall. (Item to be scheduled following outcome of the HLF bid.

Items Post May 2023

January 2022 to December 2022 Report on use, or non-use RIPA powers (Annual Report) – **July 2023**

Performance of the Corn Exchange Cinema – N Gromett - **July 2023**

**FORWARD DECISIONS LIST**

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
19 <sup>th</sup> October 2022 – Additional Meeting	Microsoft Enterprise Agreement – 2022-2023	Key	Cabinet	Corporate Services Assistant Director A Baker		Public

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
15 November 2022						
5	Levelling up Government response and actions	Key	Council	Business Culture & Heritage Asst 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)
	Review of Governance of Council Companies	Non	Cabinet	Leader Chief Executive		Public
	Freedom of the Borough - amendments	Non	Council	Leader Chief Executive		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Lynnsport One	Key	Council	Regeneration & Development Asst Dir Companies & Housing Delivery – D Ousby		Private - Contains exempt Information under para 3 –

						information relating to the business affairs of any person (including the authority)
	Staff Pay Award	Key	Council	Leader Exec Dir – D Gates		Private - Contains exempt Information under para 4 – information relating to consultations and negotiations with employees
	Balloon and Lantern report	Non	Cabinet	Corporate Services and Environment Asst Director – M Chisholm		Public
56	Southend Road Hunstanton	Key	Cabinet	Development and Regeneration Asst Dir – D Ousby		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	LUF – Oasis – Update and Site Approval	Non	Cabinet	Leader Asst Dir – D Ousby		Part Public and part Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Corporate Business Plan Monitoring	Non	Cabinet	Leader Asst to C Ex		Public



	Rural Prosperity Fund	Non	Cabinet	Business, Culture and Heritage Assistant Director D Hall		Public
	Shared Prosperity Fund Update	Non	Cabinet	Business, Culture and Heritage Assistant Director D hall		Public
	Meeting Arrangements	Non	Cabinet	Chief Executive – L Gore Leader		Public
	Contract for credit card transaction services	Key	Cabinet	Finance Asst Dir – Resources		Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
57	Options for Kaset Skate Park at Lynnsport	Non	Council	Community Asst to C Ex		Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	NEWS Partnership	Non	Cabinet	Environment and Climate Change Asst Director G Hall		Part Public & Part 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 Maker	Cabinet Member and Lead Officer	List of Background	Public or Private Meeting
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		<b>Decision</b>			<b>Papers</b>	
17 January 2023						
	West Winch Framework Masterplan	Key	Council	Development and Regeneration Asst Dir – S Ashworth		Public
	Council Tax Support Scheme 2023/24 (including NoM 11/22)	Key	Council	Finance Asst Dir – M Drewery		Public
	Southgates Regeneration Area Development Brief and Next Steps	Key	Council	Development and Regeneration Asst Dir – D Hall		Public

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
7 February 2023						
	Budget	Key	Council	Finance Asst Director – M Drewery		Public
58	Capital Programme	Key	Council	Finance Asst Director – M Drewery		Public

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
7 March 2023						

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
18 April 2023						

**Items to be scheduled**

	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public
	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

Document is Restricted