

CORPORATE PERFORMANCE PANEL HELD ON 26 FEBRUARY 2024 RECOMMENDATIONS TO CABINET 5 MARCH 2024

CP129 CABINET REPORT: ANTI-MONEY LAUNDERING POLICY REVIEW

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The Senior Internal Auditor presented the report and explained that as a Local Authority the Council was not legally obliged to apply the provisions of the Money Laundering Regulations 2007. However, it was explained that as a responsible public body, the Borough Council who do not undertake any such regulated activities should employ policy policies and procedures which reflect the essence of the UK's anti-terrorist financing and anti-money laundering regimes.

The Panel was informed of the key changes set out in the supplement published on Mod Gov.

Members' attention was drawn to the key issues set out in the report and advised that this was a policy review to replace the current Anti-Money Laundering Policy which was formally approved on 21 April 2020.

The Chair thanked the Senior Internal Auditor for the report and invited those Members attending under Standing Order 34 to address the Panel.

Under Standing Order 34, Councillor Kemp asked which Directorates received training and how often it was updated. In response, the Senior Internal Auditor explained that the next step would be to carry out an assessment to help inform and understand the areas of the organisation and which officers would require training.

The Chair invited the Panel to ask questions/make comments, a summary of which is set out below.

Councillor Long welcomed the revision of the policy and the opportunity to scrutinise the proposed changes.

In response to comments made by Councillor Nash on Councillor involvement to enable an oversight of the policy, the Senior Internal Auditor advised that he was not aware of any Councillor involvement.

Councillor Nash asked if it was possible to amend the policy to include Councillor involvement. In response, the Monitoring Officer outlined the legal process and undertook to review the request with the Senior Internal Auditor the following day.

The Chair, Councillor Dark commented that there was reliance on staff to report anything unusual and asked if officers were confident that this

message was conveyed to staff that the matter could be pushed further up the chain if on any occasion they felt uncomfortable and that the proper level of training would be given. In response, the Senior Internal Auditor explained that there were plans in place to ensure the required arrangements were put in place. It was the Council's intention to liaise with the Norfolk Fraud Hub and for the Borough Council to lead for Norfolk.

Following further questions from the Chair, the Senior Internal Auditor explained that the Council was liaising with another local authority in the UK who already had the training arrangements, etc in place.

Councillor Nash further commented on how staff could raise an issue and asked how Councillors could be assured that the policy was safe without any Member involvement. In response, the Senior Internal Auditor drew attention to the flow chart in the report which set out the criteria and the steps staff could take.

In response to further comments from Councillor Nash regarding any financial risk to the council, for example fly tipping, the Monitoring Officer explained that this was a separate issue.

Councillor Nash proposed an amendment to the Policy to include Member involvement which was seconded by Councillor Devulapalli.

Councillor Long commented that he could see the point Councillor Nash was making but did not want the Council to build this element into a policy which could jeopardise a case.

Councillor Nash concurred with the comments made by Councillor Long and stated did not wish to prejudice any case but reiterated the importance of Councillor involvement.

The Chair, Councillor Dark stated that he understood the concern raised by Councillor Nash but added that often officers who had been professionally trained to deal with such matters often had to act quickly and did not wish to slow the process down if there was Councillor involvement.

The Chair invited the Portfolio Holder for Finance to address the Panel.

The Portfolio Holder for Finance explained that the anti-fraud process dovetailed with this policy and highlighted the importance of the Council complying with legislation.

Councillor Nash stated that he was not satisfied with the response given and made reference to the Council's Whistleblowing policy.

The Chair referred the Panel to the proposal by Councillor Nash to amend the policy to include Councillor involvement, which had been seconded by Councillor Devulapalli.

The Panel voted on the above amendment which was lost (4 For, 7 Against, no abstentions).

RESOLVED: The Panel supported the recommendation to Cabinet as set out below:

- a) Approval for this Policy to be put forward to Cabinet and Full Council for formal adoption.

CP130 **CABINET REPORT: KLACC - AREA COMMITTEE STATUS**

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The Monitoring Officer presented the report which proposed that terms of reference be adopted to create a new decision making body to replace the King's Lynn Area Consultative Committee, due to be considered by Cabinet on 5 March 2024.

The Monitoring Officer advised that the decision of KLAC would be executive decisions subject to call-in under the Council's constitution.

The Panel was informed that KLACC had been consulted at two public meetings on the proposals and a draft Terms of Reference for an Area Committee was attached at Appendix 1.

The Chair thanked the Monitoring Officer for the report and invited Councillors attending under Standing Order 34 to address the Panel.

Under Standing Order 34, Councillor Kemp addressed the Panel and commented that it was a step in the right direction and added that the allocated budget from reserves/ community centres was not ideal but was just a start. Councillor Kemp added that she was disappointed that Cabinet had not allocated a proper budget.

The Chair invited the Panel to ask questions/make comments, a summary of which is set out below.

Councillor Long referred to the reserves pot which was to be used within KLACC wards and added what would happen when there was no reserve left and asked if there would be an ongoing budget to support the work of the proposed KLAC. In response, the Monitoring Officer explained that the terms of reference 4.1 – to determine the spend of any budget allocated to KLAC.

Following a question from Councillor Blunt, the Monitoring Officer confirmed that KLAC would have the authority to submit a CIL application as part of the normal process.

Councillor Ryves commented that the £35,000 budget was linked to community centres and not be given to KLACC.

The Chair, Councillor Dark commented that there had been two plans:

- 1) To look at the potential to create a Town Council.
- 2) To look at the creation of a King's Lynn Area Committee

and added that Councillor Jones had been instrumental in proposing an alternative to a Town Council. The Chair referred to the comments made by Councillor Ryves above and expressed concern on the £35,000 funding for community centres and the potential impact. In conclusion, the Chair asked if officers of the Portfolio Holder for Finance could answer the question regarding budget in the financial plan for this year and going forward.

The Chair invited the Leader to address the Panel.

The Leader explained that money had been allocated to KLACC and going forward would seek to source additional funding from a variety of methods and added that in his view it would give KLAC more powers in the decision making process.

The Portfolio Holder for Finance referred to the reserve for community centres during the current financial year and explained that there may be more funding opportunities for KLAC and gave an example of the Shared Prosperity Fund.

The Chair invited Councillor Rust, Chair of KLACC to address the Panel.

The Chair of KLACC, Councillor Rust addressed the Panel and highlighted the importance of KLAC being able to make decisions which was a power KLACC did not currently have. Councillor Rust added that Councillors were mindful of the cost of creating a Town Council and did not wish to pass further expense onto residents. KLACC was aware that there was no budget allocation and that the community fund was available and two bids had been submitted to the Shared Prosperity Fund. In conclusion, Councillor Rust commented that this was a brilliant start.

The Panel supported the recommendations to Cabinet as set out below.

Councillor Long abstained against the following recommendations.

RESOLVED: The Panel supported the recommendation as set out below:

Cabinet resolves:

1. That a new executive Area Committee constituted pursuant to section 9E of the Local Government Act 2000 be established, to be known as the King's Lynn Area Committee ("KLAC").
2. The terms of reference at Appendix 1 be adopted for KLAC.

CP131 **CABINET REPORT: INDEMNITY FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES**

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The Monitoring Officer presented the report which proposed the granting of indemnities to Members and officers to cover any loss, damages, costs or legal expenses which they may be ordered to pay or may reasonably incur arising from their action or failure to act during the course of their appointment to an outside body, including the Council's wholly owned companies.

The Chair, Councillor Dark thanked the Monitoring Officer for the report and invited Councillors attending under Standing Order 34 to address the Panel.

There were no questions or comments from Councillors attending under Standing Order 34.

The Chair invited the Panel to ask questions/make comments, a summary of which is set out below.

Councillor Long commented that he was supportive of the way forward as outlined by the Monitoring Officer.

The Monitoring Officer responded to questions from Councillor Ryves on the insurance arrangements for the Council's wholly owned companies.

In response to a question from Councillor Blunt, the Monitoring Officer explained that the proposal would include Councillors who had been appointed as Trustees to a board.

Councillor Ryves asked if the indemnity could extend to parish councils. The Monitoring Officer advised that this could not be extended to parish councils but undertook to discuss the matter with Councillor Ryves outside the meeting.

The Panel supported the recommendation to Cabinet as set out below.

RESOLVED: The Panel supported the recommendations to Cabinet as set out below:

- 1) An indemnity is granted to Members and officers, both current and former, who are or have been appointed by the Council to an outside body, including the Council's wholly owned companies, in the form set out in Appendix 1.
- 2) The Section 151 officer in consultation with the Portfolio Holder for Finance is authorised to make changes from time to time provided, they are non-material, with reference to the content of this report.
- 3) The Chief Executive, or in the event of their absence or a conflict arising, the Monitoring Officer, in consultation with the Leader, or in the event of their absence or a conflict arising, the Deputy Leader, is authorised to determine on a case-by-case basis whether an exclusion under the indemnity applies.

CP132 **CABINET REPORT: LGA CORPORATE PEER CHALLENGE ACTION PLAN**

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The Chief Executive introduced the report and thanked the Corporate Governance Manager and Performance Officer for the work they had undertaken. The Panel was informed that engagement sessions had been held with staff, the detail had been picked up in the Action Plan and would form part of the terms of reference for each working group and the outcome of those groups would form part of the overall Transformation Programme. It was highlighted that this was not a one-off piece of work and the process would continue. The Corporate Performance Panel would receive updates on a regular basis.

The Corporate Governance Manager drew the Panel's attention to the key issues and options considered as set out in the report. Members were advised that staff from all areas of the Council had provided significant input, many of whom had expressed an interest to be part of the work groups. It was noted that the transformation progresses would be developed from the Action Plan and be called the Transformation Plan and Strategy.

The Chair thanked officers for the report and invited questions and comments from Councillors attending under Standing Order 34.

Under Standing Order 34, Councillor Kemp addressed the Panel and commented that it was a good action plan and asked what extent the Council would look at the health in communities and gave an example of South Lynn and what residents wanted such as Hardings Way being traffic free. Councillor Kemp refereed to recommendation 7 and asked how the Council proposed to underpin better data and consultation to address any outcome from residents.

The Chair invited the Panel to ask questions/make comments, a summary of which is set out below.

The Chair, Councillor Dark referred to page 183, the timetable and highlighted the importance of the Council leading the budget process to make it better for the residents of West Norfolk. The Chair expressed concern that the draft report had appeared in the local press before being circulated to all Councillors.

The Chair further added that it appeared that the process had been rushed and gave an example of the joint panel meeting in January 2024 and there not being sufficient time to consult in relation to the action plan.

The Chief Executive responded to the comments made by the Chair and explained that the points raised would be picked up during community engagement and sessions with staff.

Following a question from Councillor Blunt, the Chief Executive explained that it was proposed to bring regular updates to the Corporate Performance Panel either on a quarterly or 6 month basis. Councillor Blunt added that there was no frequency of report in the timescale. The Chief Executive advised that the Panel could amend the recommendation.

The Chair proposed that a recommendation to include the frequency of reporting on a regular basis be added. The proposal was second by Councillor Blunt.

The Leader explained that that Cabinet would receive regular updates and would then appear on the Cabinet Forward Decisions List, Members would then have the opportunity to identify the item be added to the Panel work programme.

The Panel voted on the proposal to receive updates on a regular basis and on being put to the vote was carried (7 for, 1 against, 1 abstention).

RESOLVED: The Panel supported the recommendation to Cabinet as set out below with the additional recommendation that the Corporate Performance Panel receive updates on a regular basis. :

Cabinet notes the final report of the LGA Peer Challenge Team and to endorse the Action Plan drawn up by Management Team and the Senior Leadership Team (SLT) in consultation with council staff to respond to the report's conclusions.

That Cabinet note that implementation of the actions stated will require resource and capacity. It is envisaged that a final allocation will be required in the future.

CP133 **CABINET REPORT: CORPORATE STRATEGY - ANNUAL PLAN 2024/25**

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The Corporate Governance Manager presented the report which proposed the adoption of the Annual Plan for 2024-2025. The Panel's attention was drawn to the key issues and options considered as set out in the report.

It was explained that the Annual Plan 2024/2025 had been developed to reflect the services and projects which would commence, be in progress or will be delivered during the year.

The Chair thanked the Corporate Governance Manager for the report and invited Councillors attending under Standing Order 34 to address the Panel.

Under Standing Order 34, Councillor Kemp addressed the Panel and referred one of the key corporate priorities – protect our environment and commented that consideration should be given as to how active travel could fit with the King's Lynn Area Transport Plan (KLATS) and gave examples of the King's Lynn Ferry being more accessible and the footpaths in West Lynn to reduce the traffic. Councillor Kemp also referred to the Town Deal Plan for West Norfolk and the opportunity for a new railway station.

The Chair invited the Panel to ask questions/make comments, a summary of which is set out below.

Councillor Mrs Spikings highlighted the fact that residents living in rural areas relied on a car and there was no suitable transport to travel into the town centre.

In response to questions from Councillor Sayers on encouraging private sector house and what measurable impact could be expected, the Corporate Governance Manager undertook to liaise with the relevant Executive Director and provide a response to the Panel.

Following comments from the Chair on the presentation of the Corporate Plan, the Corporate Governance Manager explained that the 2023/2024 plan had been published and the Corporate Strategy 2023-2027 was adopted by Council in November 2023. To underpin the four-year Corporate Strategy, Cabinet resolved to produce an Annual Plan each year to highlight the key priorities for the year ahead which reflected the current economic climate, financial position and the needs of residents, visitors and business. It was the first time that the Annual Plan had been presented by the current Administration.

Councillor Long commented that it was now being presented in a new format which looked at priorities which were similar in all councils in the UK for a vibrant borough and added that it was importance that the priorities identified were delivered.

The Chair, Councillor Dark drew attention to page 211 – protect our environment and the Council will implement the Hunstanton Coastal Management Plan and carry out a geotechnical investigation of Hunstanton sea defences. The Chair expressed concern regarding the role of the Environment Agency and the article in the Eastern Daily Press on 26 February 2024 that there was an issue with the Environment Agency maintaining sea defences and cost implications and asked if this section could be “beefed up.”

The Chair drew the Panel’s attention to page 212 – efficient and effective delivery of our services – consider appropriate resources to investigate a town council for the unparished area of King’s Lynn and the adoption of West Norfolk as the name of the borough and asked why it was included if the proposal was now off the table for a couple of years. In response, the Chief Executive explained that priorities set out in the Corporate Strategy were for the whole period 2023 to 2027. The Chief Executive reassured the Chair that the investigation into a town council would not progress in 2024.

The Chair referred to page 211 as above and commented that the word be amended to read: Implement the Hunstanton Coastal Management Plan led by the Environment Agency, etc...

Councillor Long concurred with the concerns expressed by the Chair in relation to the Hunstanton Coastal Management Plan and added that in the past the Shoreline Management Plan had been driven by partners and outlined the Environment Agency model to protect the single ridge. Councillor Long stated that he could not endorse the Annual Plan 2024-2025.

The Chair invited the Leader to address the Panel.

The Leader addressed the Panel and explained that the Council would produce a Annual Plan and referred to the article which had been published in the Eastern Daily Press and commented that he hoped the Panel would support the Annual Plan.

The Chair proposed the following amendment:

We will influence the Coastal Management Plan to best protect the businesses and residents of West Norfolk and carry out a geotechnical investigation of Hunstanton sea defences.

Councillor Long seconded the proposal but on being put to the vote was lost (4 for, 5 against).

RESOLVED: The Panel supported the recommendation to Cabinet as set out below:

That Cabinet resolve to endorse and adopt the Annual Plan for 2024/2025.