

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

RESOURCES AND PERFORMANCE PANEL

Minutes from the Meeting of the Resources and Performance Panel held on Tuesday, 22nd March, 2016 at 6.00 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn

PRESENT: H Humphrey (Chairman)
Councillors B Anota, Mrs C Bower, J Collop, P Colvin, I Devereux, G Hipperson,
P Hodson, M Chenery of Horsburgh, Mrs K Mellish, G Middleton, J Moriarty,
A Morrison and D Tyler

An apology for absence was received from Councillor I Gourlay

RP126 MINUTES

The Minutes of the Meeting of the Panel held on 23 February 2016 were agreed as a correct record and signed by the Chairman.

RP127 DECLARATIONS OF INTEREST

In relation to item 12, Councillor Collop declared that he occasionally worked with a Member of the Allowances Panel.

RP128 URGENT BUSINESS UNDER STANDING ORDER 7

There was none.

RP129 MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

- Councillor Mrs K Mellish for items RP136 and RP137.
- Councillor J Moriarty for items RP136 and RP137.
- Councillor M Chenery for items RP134 and RP137
- Councillor Mrs C Bower for item RP133.

RP130 CHAIRMAN'S CORRESPONDENCE (IF ANY)

There was none.

RP131 MATTERS REFERRED TO THE COMMITTEE FROM OTHER COUNCIL BODIES AND RESPONSES MADE TO PREVIOUS COMMITTEE RECOMMENDATIONS/REQUESTS

There was none.

RP132 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

RP133 **EXEMPT REPORT: HUNSTANTON SAILING CLUB - INTERIM REPORT**

The Panel received an interim report on Hunstanton Sailing Club from Councillor P Hodson.

In accordance with Standing Order 34, Councillor Mrs Bower stated that the club previously used to put on a youth week in the summer however that had not happened. In response, the Regeneration Project Officer explained that there were health and safety restrictions that the club needed to comply with and this was to be addressed later this year.

Councillor Beales, Portfolio Holder thanked the Committee for their input into the scheme and to Councillor Hodson for the presentation.

- RETURN TO OPEN SESSION -

RP134 **CABINET REPORT: CHILD PROTECTION POLICY UPDATE**

The Personnel Services Manager introduced a report which outlined changes to the corporate Child Protection Policy. The report explained that the policy had been in place since 2007 and had been revised to reflect current practice and developments which had evolved during the intervening period. The Policy was designed to ensure the Council met its responsibilities and safeguarded children and young people from potential harm and abuse, as well as protecting itself, its staff and elected members.

The Personnel Services Manager outlined the key changes within the revision as follows:

- Updates to reflect changes as a result of the new arrangements in leisure and arts;
- More prominent display of information relating to the Council's child protection co-ordinator, and deputy.
- A new section outlining the Council's corporate responsibilities (section 1.3 of the policy) and service specific responsibilities (section 1.4 of the policy).
- An updated diagram to summarise the basic response procedure if an employee or Elected Member needs to raise a concern (section 6.2 of the policy);

- General updating of the section relating to recruitment and retention of staff (section 8 of the policy) to reflect changes in practice and to reflect the requirements of the Disclosure and Barring Service (including updating appendices F and G).

It was reported that once adopted, the revised policy would be communicated to staff. An on-going programme of child protection training was already in place, and this would be revised to include refresher training on a three yearly basis, in accordance with recommended best practice. The refresher training would include a session specifically covering the Council's Child Protection Policy.

Councillor Devereux stated that it was a comprehensive policy and the failure to prevent abuse did put a big responsibility on elected members. He referred to Appendix G on page 42 of the agenda - Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information, and stated that there appeared to be a mismatch between the heading and content.

The Personnel Services Manager explained that it was a template provided by the Disclosure and Barring Service. The Chief Executive added that it could be supplemented with further clarification but could not be replaced.

The Chairman referred to the summary on page 6, where reference had been made to the policy protecting the authority and elected members and suggested that this should also include volunteers and contractors. He also stated that the policy referred to how staff could report concerns but not elected members.

In response, the Personnel Services Manager explained that the procedure applied to staff, elected members and volunteers.

The Chairman made reference to two typographical errors within the report:

1.4 – page 16 should read 'where there are no specific processes in place ...'

1.2 – page 15 should read 'ensuring where appropriate, contractors and funded organisations have child protection policies and procedures in place.'

In accordance with Standing Order 34, Councillor Chenery referred to dietary needs and asked if this could also be taken into account.

In response, the Personnel Services Manager explained that dietary needs would come under the category of neglect and staff had been trained in dealing with this type of issue.

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

1. That Members approved the revised Child Protection Policy.
2. That Members delegate authority to the Executive Director, Central and Community Services, in consultation with the relevant Portfolio Holder, to agree amendments/updates to the Policy that may be required to ensure it remained compliant with legislation.
3. That Officers take steps to ensure that the Council's duty to safeguard and promote the welfare of children is appropriate reflected in contracts, leases and licences.

RP135 **CABINET REPORT: STAFF PAY AWARD**

The Personnel Services Manager introduced the report and explained that the Council's annual pay increase for all employees was locally determined, having regard to national pay and labour market information. The overall context for the 2016/17 Pay Award was a continuation of the Government's 1% target for public sector pay alongside a gradual increase in the overall level of pay settlements within the economy as a whole and the Government's target of increasing the Living Wage to 60% of median earnings by 2020. The report also detailed the pay increases over the past 5 years.

The report recommended the pay increase for 2016/17 and outlined the budget implications.

The Personnel Services Manager advised that the Joint Employee Committee was due to meet on 23 March 2016 where it was usual for the Trade Unions to submit their comments to the JEC Meeting and Cabinet.

Councillor Devereux asked whether the 1% pay award was an increase in the payroll bill or a 1% increase in rates of pay for staff.

The Leader and Portfolio Holder for Resources explained that it was a 1% increase in pay rates, and was the point of where the pay bill was settled within the Financial Plan.

Councillor Collop referred to the expected National Living Wage in 2020, and stated that no-one could predict what was going to happen in 2020 and considered that the 1% increase did not take the Authority too much further in what it was trying to achieve. He was also disappointed that the Trade Union comments were not available.

The Leader and Portfolio Holder for Resources explained that increase was linked to legislation which had to be complied with. He added that the informal comments from the Trade Union were encouraging. The proposal would be of assistance to lower graded employees and would

offer the opportunity within those grades for faster promotion. He considered that the proposal was something that the Authority should be proud of.

The Personnel Services Manager advised that the 1% was applied to all staff and in addition the Authority would continue to match the bottom point of PG13 to the lowest point on the National pay scales, which would start the process of moving towards the expected level of the Living Wage by 2020.

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

1. That an annual pay award of 1% be implemented with effect from 1st April 2016.
2. That the Authority continues its practice of matching the bottom point of PG13 to the lowest point on the National pay scales. This will start the process of moving towards the expected level of the Living Wage by 2020.
3. That discussions are held with recognised Trade Unions prior to the April 2017 pay award, to identify ways of fairly and affordably meeting the longer term Government target for the National Living Wage to equate to 60% of median earnings by 2020.

RP136 **CABINET REPORT: REVIEW OF MEMBERS ALLOWANCES**

The Chairman introduced Mr Mike Press, who had taken part in the Members Allowance Review to present the report on behalf of the Panel.

It was explained that all Local Authorities must have regard to the recommendations of their Independent Panel before making decisions on the Member's Allowances Scheme.

The Independent Panel for the current year was made up of the following members:

- Mark Palmer, South East Employers Organisation
- David Dixon, Media Representative
- Mike Press, Community Representative.

Mr Press drew attention to paragraph 5.4 of the report and the view of the Panel that being a Councillor was not a job.

Mr Press explained that the Panel was keen to see the Basic Allowance linked to a formula that was robust, fair and transparent, and he outlined the formula which had been agreed. The Panel recommended that from next year the Basic Allowance be increased in line with staff annual percentage salary increases.

In relation to section 6.6 of the report, Mr Press explained that it had been recommended to increase the allowance to the Chairman of the Planning Committee, due to the heavy workload of the Committee.

Reference was made to item 7 of the report in particular to the Carers Allowance which was recommended to be £35.00 per hour for qualified Agency Care. This should also be reflected in the summary on page 66 which referred to £30.00 per hour.

The Chairman then invited Councillor Mrs Mellish to address the Panel in accordance with Standing Order 34. Councillor Mrs Mellish stated that she was one of the people who had been interviewed and had completed a questionnaire, and whilst she was happy with most of the report, she was concerned about the increase in allowance for the Chairman of the Planning Committee and the decrease for the Licensing Committee Chairman.

She acknowledged that the Chairman of the Planning Committee did go out and visit the sites before the meeting, but considered that 40% of the Leaders Allowance was more than what the Mayor received who attended functions on a daily basis

She understood that the Planning Committee did have to sit for long hours and the agendas had to be read and understood, and asked why all Planning Committee members could not receive an attendance allowance for being part of the meeting.

The Chairman then invited Councillor Moriarty to address the Committee in accordance with Standing Order 34. Councillor Moriarty stated that the Panel had worked scientifically and thoroughly. He stated that there was a danger that the Council could be accused of increasing Council Tax and increase allowances. He stated that this report should be tied in with the next report on Scrutiny Structures and Policy Development. He queried the role of the Assistant to the Leader which was introduced when the Council was opposing the incinerator.

Under Standing Order 34, Councillor Mrs Mellish stated that the Chairman of the Planning Committee would be getting 5% less than a Cabinet Member, and could not understand why the allowance would be so close to a Cabinet Member allowance.

In response to the comment about paying all Planning Committee members an attendance allowance, the Leader and Portfolio Holder for Resources explained that it was illegal to do so.

Councillor Collop stated that he had not attended an interview with the Panel as he had worked with a member of the Panel. He referred to the deletion of the SRA for the deputy Leader of the Opposition Group with the reason given that the role was not significant enough to attract an amount. He explained that there were 9 members of the Labour

Group and 3 opposition members, and always since he had been on the Council the Deputy Leader of the Opposition received an allowance and wanted to know what the rationale was behind it.

Mr Press responded that the opposition members could ask for a review to be carried out. He understood that the rationale was that the public would not see how this could be justified.

Councillor Collop added that sometimes members of the opposition group had to work harder to try to make a good case.

Mr Press added that it was the opinion of the Allowances Panel that being a Councillor was not a job but a choice.

The Chairman referred to paragraph 6.7.2 of the report, and asked what evidence was there that the hearings of the Licensing Committee had reduced. In response, Mr Press explained that when the new regulations came into force there had been an increase in the number of hearings for new licences. However that workload had now reduced and the Panel had taken that into account.

The Chairman stated that Cabinet would consider the varying workloads of Cabinet Members, Committees and Panels as part of their recommendations.

Councillor Morrison informed the Panel that he had been a member of the Planning Committee for over 12 years and he had seen the way in which the Chairman had to work. He explained that there was an increasing responsibility for Chairman of the Committee in terms of keeping the Committee running smoothly as she did, she also read all of the agenda. He and others considered that the Chairman was the 'face' of the Council and kept the good name of the Council high. The Chairman was also aware and understood the latest developments in legislation. He did not feel that the role that the Chairman carried out could be compared with what the Mayor did.

Councillor Morrison stated that he was against the ideal of using a formula to calculate Members allowances. He added that his only concern was how to get young people involved with the democratic process and that was the only good reason to raise allowances. He was against putting up allowances to what the Panel had suggested.

Mr Press explained that the regulations were very clear that there would be an allowance for Councillors.

The Chief Executive stated that he considered that the Members Allowance Panel had completed a thorough and professional piece of work and there was a firm basis for Cabinet to make a decision.

In response to a query from Councillor Morrison, the Leader and Portfolio Holder for Resources stated that he had listened to the debate at the meeting, and the minutes would also detail the debate.

The Chairman thanked Mr Press for attending the meeting and the other members of the Allowance Panel for their work.

RECOMMENDED: That the Panel supported the recommendations to Cabinet and Council as set out below:

1. That Cabinet is invited to comment on the recommendations of the Panel and make onward recommendations to Council in order to set the levels of remuneration for Councillors with effect from 21 May 2015.
2. That the Cabinet recommend to Council that the Scheme of Allowances be updated accordingly.
3. That for the next four years, any increases in allowances be linked to staff pay awards.
4. That the recommendation to delete the IT allowance is not agreed.

RP137 **CABINET REPORT: REVIEW OF SCRUTINY ARRANGEMENTS**

The Chief Executive presented the interim conclusions of the Scrutiny Structures and Policy Development Task Group in response to the Centre for Public Scrutiny (CfPS) report and the feedback from the Member workshop held on 8 October 2015.

The report made a number of recommendations to Cabinet and Council, which sought to implement the principle recommendation of the CfPS report with effect from the beginning of the municipal year 2016/17.

In accordance with Standing Order 34, Councillor Moriarty stated that he felt that training for members was very important prior to the new arrangements being implemented. He added that he had raised concern in the past about Cabinet Members being present at Panel meetings. He also raised concern that if the minutes were too succinct then you would not be able to get a flavour of the debate.

The Chairman then invited Councillor Mrs Mellish to address the Committee in accordance with Standing Order 34. Councillor Mrs Mellish stated that she was pleased with the report from the Task Group. She added that as a Chairman of a Panel, she did not consider that the Forward Decision List did hamper items being brought to the Panel. She referred to the fact that the Panels would act as a critical

friend to the Portfolio Holder, however she had concerns that this could hamper the Panel acting in a scrutiny capacity.

Councillor Middleton referred to recommendation 6, that the Panels elected their own Chairman and Vice-Chairman and explained to the Panel that he did not agree with this. He considered that it was important that the Leader still had the right to choose a competent Chairman who had knowledge in that role. He also referred to recommendation 12, and stated that he agreed that each member of the Panel should be allowed to place an item on the agenda but felt that they should speak to the Chairman first.

Councillor Mrs Mellish added that she always offered members of the R&D Panel the opportunity of having items placed on the agenda.

Councillor Collop stated that that he was a member of the Task Group. He expressed concern in relation to the opposition parties not being involved in the process. He referred to members being able to put an item on the agenda, but expressed concern that there was nothing to say that this would be taken forward for discussion. He considered that the opposition leader had been cut out of anything being taken forward. He added that if the position of Vice-Chairman of the Corporate Performance Panel was given to a member of the opposition groups this would give an opportunity for them to be involved when the agendas were set.

Councillor Collop concluded that if the recommendations went forward as proposed there would be no reason for himself or his party to attend meetings.

The Chairman explained that there had been an earlier item on the agenda, which had been requested by Councillor Collop. He added that if the whole Panel was involved in the sifting meeting it would negate the requirement for there to be a discussion and decision making in public.

Councillor Moriarty stated that he disagreed with the comments made by Councillor Collop, he added that he had never had an item refused to go on the work programme. He added that he was in favour of Panels being able to choose their own Chairman and Vice-Chairman.

Councillor Devereux stated that having been involved with the Task Group at the beginning of process he was pleased with the set of recommendations.

In accordance with Standing Order 34, Councillor Chenery stated that he would not like to see large items on the agendas and them being 'whistled through'.

The Chairman stated that he supported the 6 weekly cycle of meetings, even though it could mean that there would be more items on the

agenda. He was also in favour of the Panels being involved with policy development in conjunction with the Portfolio Holder, however he did accept Councillor Mrs Mellish's point. He added that the Corporate Performance Panel would be able to call-in items and Cabinet would be expected to listen. He agreed that the Cabinet Scrutiny Committee did perform a function.

Councillor Beales, Portfolio Holder stated that he was a member of the Task Group and thanked Councillor Devereux for his work. He referred to recommendation 6 and thought this would be a good step forward. However this could be reviewed at a later stage.

Councillor Beales also referred to recommendation 12, and stated that he considered that the Cabinet Scrutiny Committee did perform a function whereby the opposition had control of the agenda and it would not be right if the opposition was not involved.

He considered that it was important that there was provision for the opposition to be able to influence agendas.

In relation to recommendation 12, the Chief Executive advised that the Legal Services Manager and Democratic Services Manager could make the constitution explicit that if an item was placed on the agenda then it must be discussed.

The Leader thanked the Task Group for the good piece of work carried out and stated that the arrangements could be reviewed in 12 months' time. He added that it was quite clear that scrutiny was not working but the Council was not alone in this and explained that he had recently carried out a Peer Review in another Council where scrutiny had been abandoned.

The Committee agreed that in relation to recommendation 12, the second part 'or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda', should be supported.

RECOMMENDED: That the Panel supported the recommendations to Cabinet and Council as set out below, and in particular recommendation 12, the second part 'or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda', should be supported.

Cabinet is invited to recommend to Council the following:

1. That the Cabinet Scrutiny Committee and the Scrutiny and Overview Liaison Committee are abolished.
2. That the Audit Committee be decoupled from the Resources & Performance Panel, and reduced in size to nine members with a meeting schedule linked to key audit events.

3. That the Resources & Performance Panel be renamed as the Corporate Performance Panel and its terms of reference be extended to provide for the Panel to consider the following:
 - Call-ins of Cabinet decisions;
 - Post implementation reviews of both major projects and significant policy changes/introduction of new policies;
 - Monitoring of the Medium Term Financial Plan.
4. That the Terms of Reference for all Panels be amended to explicitly place a greater emphasis on 'policy development' of proposed policy changes and new projects/initiatives, incorporating, where appropriate, clear recommendations for Cabinet and Council to consider.
5. That Council, Cabinet and the Panels move to a six-weekly cycle of meetings and that the programme of meetings attached at Appendix 1 be adopted for 2016/17.
6. That in future years Panels elect their own Chairman and Vice-Chairman.
7. That the recording of meetings be changed to provide for a more succinct summary of discussion, decisions taken/recommendations made and the principle rationale for the decisions taken.
8. That additional Member scrutiny and policy development training be arranged to coincide with the introduction of the above changes.
9. That the scheme of delegation be amended, delegating authority to Portfolio Holders to authorise the implementation of policy changes required as a consequence of the introduction of primary or secondary legislation by government. Noting that Portfolio Holder delegated decisions are open to scrutiny and the call-in process in the same way as Cabinet decisions are.
10. That the Democratic Services Manager and Legal Services Manager be instructed to draft the consequential changes to the Council's constitution to give effect to the proposals outlined above.
11. That the Task Group be invited to undertake a subsequent review of the Council's constitution and the effectiveness of the changes made, following the implementation of the changes.
12. That Cabinet and Council consider the minority proposal as to whether the position of Vice-Chairman of the Audit Committee and the Corporate Performance Panel be reserved to a member

of the opposition parties, or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda.

RP138 **MEMBERS TRAINING**

Councillor Moriarty had suggested earlier in the meeting that Members should receive scrutiny training.

RP139 **WORK PROGRAMME 2016/2017 AND FORWARD DECISIONS LIST**

The Panel noted the Work Programme for 2016/2017 and the Forward Decisions List.

RP140 **DATE OF NEXT MEETING**

The next meeting of the Committee would be held on Tuesday 19 April 2016.

The meeting closed at 8.05 pm