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To The Members of the Council

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Date 10 July 2018

## AGENDA SUPPLEMENT

Dear Sir/Madam

### COUNCIL - THURSDAY 12 JULY 2018

I refer to the agenda for the above-mentioned meeting and enclose the following items:

Item No	Report Title	Page Nos
9.	<b><u>Overview and Scrutiny Commission</u></b>  Unconfirmed Minutes of the Overview and Scrutiny Commission meeting held on 31 May 2018.	76 - 85
15.	<b><u>Exclusion of Press and Public</u></b>  To consider passing the following resolution:  "That under Section 100(A)(4) of the Local Government Act 1972, the press and the 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 Schedule 12A to the Act".  <b><u>PART B – ITEM FROM WHICH THE PRESS AND THE PUBLIC ARE EXCLUDED</u></b>	
16.	<b><u>Overview &amp; Scrutiny Commission (Private &amp; Confidential Minutes)</u></b>  Unconfirmed Private & Confidential Minutes of the Overview and Scrutiny Commission meeting held on 31 May 2018.	86 - 92

Yours faithfully  
*Julie Britton*  
Democratic Services Officer



**BRECKLAND COUNCIL**

**At a Meeting of the**

**OVERVIEW AND SCRUTINY COMMISSION**

**Held on Thursday, 31 May 2018 at 2.00 pm in the  
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

**PRESENT**

Councillor E. Gould (Chairman)	Mrs S.M. Matthews
Mr D. R. R. Oliver (Vice-Chairman)	Mr M. J. Nairn
Mr D. M. Crawford	Mr R. R. Richmond
Mr T. J. Jermy	Mrs L.S. Turner
Mr A.P. Joel	Councillor C. Bowes (Substitute Member)
Mr R.G. Kybird	Mr P. S. Wilkinson (Substitute Member)

**Also Present**

Mr H. E. J. Clarke	Councillor M. Chapman-Allen
Mr J. Newton	Mr S.G. Bambridge
Mr S. H. Chapman-Allen	Mr A.C. Stasiak

**In Attendance**

Sarah Wolstenholme-Smy	- Legal Services Manager (Deputy Monitoring Officer BDC)
Phil Adams	- Executive Manager People & Public Protection
Ralph Burton	- Strategic Property Manager (BDC)
Robert Campbell	- Inward Investment Manager
Kirsty Mallett	- Land Management Officer
Leanne Neave	- Democratic Services Officer
Charlotte Paine	- Business Intelligence Officer
Rob Walker	- Executive Director Place

**49/18 MINUTES**

Councillor S Chapman-Allen had been omitted from being in attendance.

**Minute ref: 39/18 – Breckland Bridge Business Plan Update**

The minutes had not been recorded accurately, and agreed by Members to amend the wording of the proposal as follows:

“The Commission noted the report and unanimously made a recommendation to Cabinet for a more commercial business plan with future projects and potential returns to be presented”

**Minute ref: 43/18 – Air Quality Action Plan**

Councillor Kybird asked for the second paragraph to read “The National detailed plan for tackling emissions” and not gas.

Subject to the amendments above the minutes of the meeting held on 19 April 2018 were agreed and signed by the Chairman.

**50/18 APOLOGIES AND SUBSTITUTES**

Apologies had been received from Councillors Dimoglou and Brame. Councillors Bowes and Wilkinson were in attendance as substitutes.

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**51/18 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)**

None.

**52/18 URGENT BUSINESS**

The Chairman expressed her disappointment with a lack of response from Flagship who had not seemed to work within the timescales that had been offered.

Leanne Neave

Councillor Turner also expressed her disappointment at the lack of co-operation but was pleased to report that a visit had been arranged for the Task and Finish Group members to visit Right First Time (RFT) and the next meeting of the Task and Finish Group had been arranged for 21 June. In the meantime, Flagship were working on a document that would provide Members with a detailed breakdown of each property within their ward. The information would be shared with Members as soon as it was complete.

The Chairman raised concern about the sharing of data and wanted assurance that the information could be shared in light of General Data Protection Regulations.

Councillor Turner added that she had requested a fact sheet from Flagship that would provide useful information to Members, as well as a direct telephone number for the District Councillors to use.

Councillor Jermy agreed that a direct telephone number for District Councillors would be very useful given the level of dealings District Councillors had with Flagship and considered it to be a quick win.

The Chairman suggested a letter should be sent to Flagship expressing the Commissions disappointment with the lack of response and the timeframes not being adhered to.

Councillor Turner agreed with the approach and said from the first meeting the Task and Finish group had been inspired by the senior managers of Flagship as they appeared to be enthusiastic and engaged with the aims of the group.

It was agreed a letter should be sent on behalf of the Commission to express concerns.

**53/18 DECLARATION OF INTERESTS**

None.

**54/18 NON-MEMBERS WISHING TO ADDRESS THE MEETING**

Councillors Clarke, Newton, Bambridge, S Chapman-Allen, M Chapman-Allen, and Stasiak.

**55/18 EXCLUSION OF PRESS AND PUBLIC (ADDITIONAL ITEM)**

Members felt that due to the sensitive information of the presentation

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the Exclusion of the Press and Public be agreed.

**Resolved** that under Section 100(A) 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 may involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

**56/18 EXECUTIVE MEMBER PORTFOLIO UPDATE**

A presentation was given by Councillor Stasiak, Executive Member for Growth and Commercialisation on current projects and successes of his Portfolio. He was supported by Ralph Burton, Strategic Property Manager and Robert Campbell, Inward Investment Manager.

Growth & Commercialisation encompassed Inward Investment (Economic Development funding and grants, Local Enterprise and Growth) and Strategic Asset Management (management of Council assets).

The meeting returned to open session.

**57/18 BROADBAND IN BRECKLAND**

The Chairman asked if the report would resolve previous questions put forward by Councillor Newton. The Inward Investment Manager had not been made aware of those questions in advance of the report.

Councillor Newton clarified that his questions related to using an alternative technology which was using an aerial system picking up the 4G and 5G.

The Inward Investment Manager presented the report by bringing Members up to date with the Better Broadband for Norfolk (BBfN) project.

The aim of the project was to provide a download speed across Norfolk of greater than 24mega-bits per second (mbps) which was accepted as the lowest level of superfast broadband

The UK average coverage of superfast broadband was at 95.2% but was dominated by the larger urban and city areas and therefore provided a challenge to Norfolk; hence the introduction of BBfN scheme at the end of 2012. It formed part of a number of projects supported by the Government across the UK of which over £70m had been invested to date with partnerships across Norfolk County Council, BT, the Local Enterprise Partnership and District Councils across Norfolk and Suffolk.

£950,000 had been allocated by Breckland as part of the BBfN with the aim of achieving 94% coverage across Breckland by 2020. The project had currently delivered 88% coverage which was considered to be a huge success compared to only 30% coverage before the project had started.

The Inward Investment Manager provided an overview of future coverage options that were available. Norfolk County Council were

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considering future investment of £11m by claiming receipts from BT from the existing programme which would allow further investment across Norfolk. The intention would be to provide funding for Phase 3 programme for BBfN to further improve superfast broadband across Norfolk.

The Government were considering the introduction of a universal service so every household would be eligible to receive 10mbps however this required new legislation, so was not likely to come forward until 2020-21.

Another option for consideration could take the form of additional direct investment in alternative technologies. He explained that South Norfolk had taken the decision to invest in the alternative solution which was wireless-based.

Additional alternative technologies could involve taking fibre to the property but a community would need to fund that option. The use of 4G could also be considered but again that depended on the coverage available.

The Chairman queried the postcode checker as it was not always accurate. She was aware that whilst she had fibre to copper and could get 56mbps, others along the same street received less coverage, if at all. She was concerned about the use of wireless activity as it could become unstable when a lot of people used different networks, and lost connection easily.

She went onto question if the additional money to fund the Phase 3 programme would come from the original £950,000 that had been authorised. The Inward Investment Manager confirmed that Norfolk County Council were planning to borrow against a reward payment from the take up of those requesting super-fast broadband, it was his understanding that this was new money that would allow the Phase 3 programme to be undertaken.

Councillor Bambridge gave an example of a village that shared the village schools high speed fibre for the benefit of the community.

Councillor Kybird felt that the options in the report were not clear and would find it difficult to advise on the options given that Members did not have the technical expertise.

The Inward Investment Officer detailed the following two options:

1. The Council could take the view that whilst technology would continue to improve and the normal market would improve there could be a signal issue in rural communities with regard to broadband. As a rural district the Council must be best placed to intervene. More work was needed on the 6% of locations not covered by the existing programme; there was the need to understand where the 6% were located, what the challenges were to bring an acceptable broadband scheme, and what the Council could do to support it.
2. To get sufficient reassurance that the market be able to supply sufficient download speeds in the future. It may reach a point

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that everyone can download what they want and the public sector investment would not be required.

Councillor Turner asked for clarification if further investment was required in addition to the £950,000 already committed. The Inward Investment Officer advised the figures had climbed from 30% to 88% super-fast coverage today, to a projected 94% in 2020. This was a massive achievement and could not have been done without public sector investment. The remaining 6% would be costly to rectify with current technology so it was suggested the first step would be to understand the problem before considering if extra funding was required.

The Deputy Leader said that South Norfolk had invested a lesser amount to the BBfN Project, so therefore had additional capital to use for alternative solutions. The percentage of Broadband coverage was now higher across Breckland District as the programme of delivery had been calculated on the proportion of investment given at the time. He added new technologies were available but Breckland would need to provide further investment. If the Government were minded to provide a subsidy then it would be prudent for Breckland to wait before making any decision.

The Chairman informed Members that a recommendation had been put forward to the Commission but requested that the word 'properties' be changed to 'postcode'. Members agreed to the change.

Members **AGREED** to **RECOMMEND** to **COUNCIL** that the Council undertakes work to establish the broadband speeds of Breckland properties not covered by the current BBfN programme and consider what further options may need to be investigated.

**58/18 DATA PROTECTION POLICY**

The Legal Services Manager Sarah Wolstenholme-Smy presented the report on behalf of the Executive Manager for Governance.

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Wolstenho  
lme-Smy

General Data Protection Regulations (GDPR) enhanced the rights of individuals, giving more control over their data. It also placed enhanced obligations on organisations who control and/or process data.

Members were asked to note that the recommendations in the report should include Delegation to the Executive Manager for Governance and Data Protection Officer be given "in consultation with the Portfolio Holder".

Members were updated with the work that had currently been undertaken by Officers to ensure Breckland was compliant with GDPR. Kirsty Mallet had been appointed as the Information Governance Officer and the Information Asset register was near completion. Many privacy notices had been drafted on the website and shorter privacy statements would follow. The version for Members would be shared shortly, together with a frequently asked questions sheet.

Councillor Bowes asked if the privacy notice would automatically be embedded onto the footer of Members Emails. It was confirmed that as

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soon as the privacy notice had been agreed it would be added.

Councillor Marion Chapman-Allen said that historically Members home addresses were available on the website. She was aware that it had been changed but information could still be found on the Declaration of Interest (DPI) forms. Members were informed that whilst their addresses had been removed from the public facing website, it was still a requirement to be on the DPI form.

Councillor Turner had attended training on GDPR and would recommend that anyone who had not attended training should do so, especially as all Members were Data Controllers as they all held data.

The Chairman asked if it was a requirement for Members to complete training. Whilst it was stated in the constitution that the only mandatory training Members should complete was licensing; the Deputy Leader questioned if there should be a change to the constitution. It was asked for further clarification on whether Members were required to carry out training, and report back to a future meeting of the Commission.

Councillor Oliver was concerned that the policy did not clearly differentiate between employees and Members. He felt that Members should not be data controllers as constitutionally the Council consisted of the 49 elected members. He stated that when Members acted in capacity as a ward representative, they were the intermediary between the resident and the Council and therefore struggled to see the difference between an employee and a Member. In addition once he had forwarded on information to the Council on behalf of the resident, the Council would then be responsible for that information. Therefore if there should be a breach, he would be held responsible as the data controller. He asked to seek clarification of this point.

Councillor Bambridge agreed that individuals should have control over their data, but was concerned at the number of loopholes organisations had found in the Act. He had also heard that small parish councils were exempt from the Act.

Councillor Wilkinson clarified that no organisation was exempt from the regulations, but small parish councils did not need to employ a specific Data Protection Officer.

The Deputy Leader added that the reason the regulation was in place was due to serious breaches of trust from the Members of Public, and as a public body we were accountable. Whilst there were numerous loopholes he was confident that Breckland was compliant following best practice and advice received to date.

Members discussed if further information requested should be reported back to the Commission before making recommendations to Cabinet. However Member's decided to agree to the recommendations and receive additional information from the Legal team as soon as possible.

It was **AGREED to RECOMMEND to CABINET** that:

1. The new draft Data Protection Policy, Data Security Breach Procedure and Response Procedures for Data Subject Requests be recommended to Cabinet for approval and



adoption.

2. The Shared Executive Manager and Data Protection Officer in consultation with the Portfolio Holder be authorised to make amendments to the Policy and Procedures so far as is necessary to reflect legislative changes, emerging guidance and to incorporate links to other relevant documents.

#### **59/18 Q4 2017-18 PERFORMANCE OVERVIEW REPORT**

The Deputy Leader and Executive Member for Strategy, Governance and Transformation Councillor Sam Chapman-Allen explained the report in detail.

The Key Performance Indicators would be re-set for the Quarter 1 performance reporting period which would be reported to the Commission in September. However, the Chairman asked for insight into what the new indicators would look like at the meeting in July. It was agreed a draft proposal that articulated targets be reported to the Commission in July to allow assurance that the indicators would be fit for purpose.

Councillor Kybird clarified that he would like to see which performance indicators had been removed and why, together with a list showing which ones remained the same, and the new Indicators.

Councillor Jermy asked for a new performance indicator be added to show the total income received from the letting of commercial property, rather than the total floor space that had been let. In addition he was keen to see a new performance indicator that considered the amount of time it took between an individual submitting an application to be added to the housing register, to the time it took to be approved. The Deputy Leader would ask the Corporate Improvement Team to consider this point, and report back to the Commission.

Members noted the content of the report.

#### **60/18 BRECKLAND LOTTERY**

The Communities and Environmental Services Manager updated Members on the Breckland Lottery.

In January the scheme was launched as a sign up event of which 50 to 60 good causes were in attendance. The Lottery Management Company explained how the lottery would work, and the benefits that would be received from it. He reminded Members tickets were £1 each of which 50p out of the £1 went to the chosen good cause and was paid to them monthly; 10p went to a central community fund held at Breckland; 20p went to the prize fund to fund prizes, and 20p was allocated for running costs. To date 53 good causes had signed up to the lottery, and if sales continued at the same rate it was predicted £30,000 could be raised for good causes in the first year.

Councillor Turner advised she had received feedback from residents who found it difficult to support the Lottery as tickets were only available online. Some were reluctant to sign up for six months as circumstances

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Stephen  
James

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changed and felt some of the smaller groups had not signed up because they thought they would not receive much support from ticket sales.

The Communities and Environmental Services Manager advised the Lottery was seen as a way to help the majority of good causes. The more the individual groups promoted themselves the more money could be generated for the good cause. There was not a requirement to sign up for six months. He suggested a question and answer sheet could be sent to members if they would find it useful when promoting the scheme to groups.

The Executive Director for Place provided an example of a small group who were on target to receive over £750 in the first year, and larger groups had predicted an income of over £1000, and added it was a great result for the first year.

The Communities and Environmental Services Manager advised there would be a re-launch of the lottery now the scheme had been in progress.

Councillor Jermy said he was amazed at the amount of groups that attended the launch. He agreed it was easier for larger groups to sell tickets than some smaller groups and suggested rather than a re-launch, stories of the groups could be used to celebrate the success of the money the group had raised from being part of the Lottery.

**61/18 FLYTIPPING**

The Communities and Environmental Services Manager, informed Members that a direct comparison of figures had been collated as follows:

	<b>2017</b>	<b>2018</b>
April	104	156
May	99	74

A better understanding of trends would be gained over the coming months.

A discussion was held regarding Enforcement and Prosecutions. Members were advised that to date there had been no prosecutions. With each reported incident Officers looked at enforcement action and prosecution where there had been sufficient evidence.

Councillor Jermy advised that a presentation would be given to Norfolk County Council in October as to what the first quarter figures would be. He also asked for information on what the tonnage weight of rubbish that had been fly-tipped as it was felt had increased also.

Councillor Clarke asked if the Council were able to recover any costs following the result of a conviction. In addition he thought a performance indicator should be added in how long it took to clear away the sight, and it was the perception that there was a lack of education as to what items were being charged for.

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The Communities and Environmental Services Manager confirmed that the Authority were able to recover costs. Serco aimed to clear fly-tips within 48 hours, and agreed that education and awareness could be improved.

Councillor Turner suggested that the Council encouraged the different forms of re-cycling available, such as the use of 'freegle'.

**62/18 OUTSIDE BODY FEEDBACK (STANDING ITEM)**

Councillor Wilkinson provided an update on the Outside Body meetings he had attended.

Norfolk Health and Overview & Scrutiny Commission

Councillor Wilkinson had previously circulated a report to Members. In particular, he highlighted the support of Local Dental England to protect out of hours slots for local dentists to accommodate urgent referrals from NHS 111 line.

There would be support to the reintroduction of registering patients with dental practices for people who believed they were registered on the waiting lists but were not.

In addition, Capita (who provided the primary care support services) were behind in supplying the NHS performer numbers which were required to allow newly qualified dentists to practise.

Councillor Wilkinson was hoping to work with the Deputy Leader to support RAF Marham for families who did not have dental care provided by the base.

Breckland Youth Advisory Board

The new commissioner's had been appointed and each market town had their own group of commissioners.

**63/18 SCRUTINY CALL-INS (STANDING ITEM)**

None.

**64/18 COUNCILLOR CALL FOR ACTION (STANDING ITEM)**

None.

**65/18 WORK PROGRAMME**

Members asked for the Member/Officer protocol update to be added to the Work Programme for the next meeting.

Members felt there had been little response from Highways following the visit to Overview and Scrutiny earlier in the year. It was asked that they be contacted for a response to the questions as soon as possible.

**66/18 NEXT MEETING**

The arrangements for the next meeting on Thursday 12 July at 2.00pm in the Anglia Room, Elizabeth House Dereham were noted.

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The meeting closed at 5.40 pm

CHAIRMAN

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