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To The Chairman and Members of the Overview & Scrutiny Commission

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Date 10 December 2009

AGENDA SUPPLEMENT

Dear Sir/Madam,

OVERVIEW AND SCRUTINY COMMISSION - THURSDAY 17 DECEMBER 2009

I refer to the agenda for the above-mentioned meeting and enclose the following items which were marked "to follow":

Item No	Report Title	Page Nos
1.	<u>Minutes</u> To confirm the minutes of the meeting held on 26 November 2009.	29 - 36
7.	<u>Contract Monitoring - Planning & Building Control / Capita Symonds</u> Report of the Deputy Chief Executive.	37 - 44

Yours faithfully

Elaine Wilkes

Senior Committee Officer

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 26 November 2009 at 2.15 pm in the
Anglia Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr J.P. Cowen (Chairman)	Mr R.G. Kybird
Mr S.G. Bambridge	Mr K. Martin
Mr A.J. Byrne	Mrs S.M. Matthews
Mr S.H. Chapman-Allen	Mr D.S. Myers
Mr K.S. Gilbert	Mr J.D. Rogers
Mr R.F. Goreham (Vice-Chairman)	Mr B. Rose
Mrs D.K.R. Irving	Mr A.C. Stasiak
Mr A.P. Joel	

Also Present

Mr S. Askew	Mr M.A. Kiddle-Morris
Mr P.D. Claussen	Mrs L.S. Turner
Lady Fisher	

In Attendance

Mark Broughton	-	Scrutiny Officer
Michael Horn	-	Legal Services Manager
Catherine Lang	-	Community Development Officer
Stephen McGrath	-	Member Development Team Leader
Riana Rudland	-	PFI Leisure Monitoring Officer and Sports Development Officer
Mark Stanton	-	Economic Development Manager
Mark Stokes	-	Deputy Chief Executive
Robert Walker	-	Director of Community Services
Elaine Wilkes	-	Senior Committee Officer

Introductions

The Chairman thanked out-going Member, Mr. Mark Kiddle-Morris for his work on behalf of the Commission during his term of office on the committee and welcomed his replacement, Mr. David Myers.

109/09 MINUTES

The minutes of the meeting held on 15 October 2009 were confirmed as a correct record and signed by the Chairman.

110/09 APOLOGIES

An apology for absence was received from Mrs. M. O'Mahony, Director of Organisation Development.

Action By

Action By

111/09 URGENT BUSINESS (AGENDA ITEM 3)

The Chairman announced one item of urgent business as follows:

Appointment of Chairman for the Parking Task & Finish Group

Consequent upon the recent Executive Member changes, the office of Chairman of the Parking Task & Finish Group was vacant and a nomination was sought.

RESOLVED that Mrs. S.M. Matthews be appointed as Chairman of the Parking Task and Finish Group.

112/09 DECLARATION OF INTEREST (AGENDA ITEM 4)

The following declarations were made:

- Mr. P. Cowen – Personal interest as the Ward Member for Wayland Ward in relation to agenda item 8.
- Mr. R.F. Goreham – Personal interest as Dereham Town Councillor in relation to agenda item 6.
- Mr. S.G. Bambridge – Personal interest as Ward Member for Eynsford Ward (Bawdeswell Parish) in relation to agenda item 6.
- Mr. A.J. Byrne – Personal interest as a landowner in relation to agenda item 8.

113/09 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

The following members were in attendance:

- Mr. S. Askew, Executive Member for Organisation Development
- Mr. P.D. Claussen, Executive Member Housing, Health & Planning
- Lady Fisher, Executive Member for Environmental Well-Being and Customer Contact
- Mr. M. Kiddle-Morris, Executive Member for Economic & Commercial
- Mrs. L. Turner, Executive Support Member for Communities

Public speakers in attendance for agenda item 6 (Community Car Schemes) were:

- Mr. Antony Needham, Clerk to Dereham Town Council, and
- Mr. David Shannon, representing Bawdeswell Community Car Scheme

114/09 COMMUNITY CAR SCHEMES REVIEW (AGENDA ITEM 6)

Mr. Antony Needham, Clerk to Dereham Town Council, and Mr. David Shannon, Chairman of Bawdeswell Parish Council and representing Bawdeswell Community Car Scheme, were in attendance by invitation for this item.

The Director for Community Services presented the report, which advised Members on the operation of the Breckland Community Car Scheme and implementation of the new governance arrangements for

Action By

the scheme, which had been approved by the Council in September 2008.

Bawdeswell Parish Council had successfully introduced a scheme under the new governance arrangements.

Dereham Town Council had been approached to introduce a scheme under the new governance arrangements as it had one of the largest and most popular schemes existing in the District. However, the Town Council had expressed concern that the new agreement represented a significant change in the relationship between Breckland and scheme co-ordinators.

Mr. Shannon spoke on the experience of the operation of the new Bawdeswell scheme. The assistance given by Breckland and the Ward Member, Mr. Bambridge, in helping the parish to set up the scheme had been invaluable. While the scheme contract was between Breckland and Bawdeswell Parish Council, its use was offered to the neighbouring parishes of Bylaugh and Foxley on a cost-sharing basis. It was felt this had the added benefit of fostering community relations. Figures on use of the scheme were given and operational running costs of the scheme were put at £110, giving an approximate annual cost to Breckland of £250. The experience at Bawdeswell highlighted the need to allow time for new schemes to bed-in before seeking to assess their value for money. In the case of Bawdeswell, the scheme was felt to offer good value and savings to local, vulnerable residents.

Mr. Needham explained the Dereham Town Council's views in the matter. The Dereham scheme was an excellent one and one of the best and biggest in the country. The Town Council also had no concerns with the introduction of the various checks, which were acknowledged to be necessary for good governance.

The main issue of concern for the Town Council was that of the liability attaching to the scheme for town and parish councils; whilst this was reasonable for larger scheme operators such as Dereham, it was felt it could place a somewhat onerous burden on smaller parishes.

In response, the Head of Legal Services explained that the new contract clearly set out the various obligations on the parties, as was proper in any contract or agreement. The decision by Breckland Council to continue the scheme with the new governance arrangements was clearly made on the basis that in funding the scheme, the Council would not be liable for statutory and other liabilities under the scheme agreements.

The importance and value of the community car schemes were endorsed by members. Their preservation and enhancement was felt to be essential and the success of the Bawdeswell scheme should be an encouragement to other parishes to establish their own schemes. It was also felt important that the schemes adhere to the condition that they be used for medical related journeys only. Breckland would be a poorer district without such schemes.

In answer to a question, it was noted that the Bawdeswell scheme was the first to be established under the new arrangements but presentations to other parishes were planned.

Action By

The Director of Community Services explained that the level of support offered to Bawdeswell was consistent with that offered to others and in the first stage of transition to the new arrangement, there would be an officer resource to support its implementation.

A member questioned the style of wording used in the form of agreement as being somewhat off-putting but it was explained that this was the nature of legal agreements, which needed to be clear and specific.

The Chairman made the point that the Council decision in September 2008 had been unanimous and the decision had been taken in full knowledge of the risk of potential rejection of the individual scheme operators in taking on the responsibilities under the new governance arrangements, which could potentially lead to the closure of some of the car schemes.

In conclusion, the Commission confirmed its continued support for the community car scheme and the officer resource required to assist scheme operators through the transition period to the new arrangements.

115/09 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 7)

Mr. Askew, Executive Member for Organisation Development, presented an update to the Commission on the areas of responsibility under his Portfolio and on current objectives.

The Portfolio covered the functions of Human Resources, Marketing and Communications, Member Services and Emergency Planning.

Key areas of work in progress included the following:

Member Services:

- Preparations for the General Election anticipated in May 2010
- Preparations to commence at the end of next year for the 2011 Census

Marketing & Communications:

- Arrangements for the Light Dragoons Welcome Home parade on 4 December 2009
- Re-styling of the Breckland Voice magazine and trialling new distribution method using Royal Mail (*see note below)
- Website development

Emergency Planning

- Preparations for business continuity planning exercise to take place on 8 January 2010
- Introduction of revised business continuity strategy

Human Resources

- Ongoing process working towards Investors in People accreditation in March 2010
- Commencement of Leadership Development Programme
- Preparations for staff recognition scheme to take place at the end of May 2010 (as part of the Pride in our People campaign).

In response to questions about current proposals for shared services, the Deputy Chief Executive explained that the two management teams

were meeting to outline the key principles and projected programme of activity involved, with a view to bringing a report to Members in the New Year. The Executive Member for Planning, Housing & Health added that an information item was being circulated to all members and staff to update them on the latest position.

The Chairman confirmed there would be a clear need for some individual and joint scrutiny of the process.

Referring to the new distribution arrangements for Breckland Voice, a member asked for a breakdown of the costs of postage compared to delivery by Serco. The details were not to hand but could be provided after the meeting.

Another member added that the cellophane wrapping of the magazine should be stopped and it was noted that this would be one of the benefits of using Royal Mail.

The position was noted and the Chairman thanked Mr. Askew for his report.

(*) Note: Mr. K.S. Gilbert declared a personal interest at this point as an employee of Royal Mail.

Action By

Councillor
Stephen
Askew

116/09 SCRUTINY CALL-INS (STANDING ITEM) (AGENDA ITEM 8)

(a) Contract for delivery of Snetterton Utilities Phase 4 - Limited Exception

It was agreed to take this item under agenda item 16 below, with press and public excluded (see minute 124/09).

117/09 CONTRACT MONITORING (AGENDA ITEM 9)

(a) Leisure PFI

The PFI Monitoring and Strategic Sport Development Officer presented the report, which updated Members on the operation of the PFI Leisure contract and on performance covering the period January to September 2009.

Some questions of detail from Members were answered and Members expressed their overall satisfaction with the report and current performance of the Contract.

Mr. A. Byrne as County Councillor undertook to take up the question raised by a Member of the delay in highways signage to the Leisure Centres with the relevant County Council department.

The report was noted.

(b) Environmental & Security Services

The Environmental Services Contract Manager presented the report, which updated Members on the operation of the Environmental Services contract and on performance, including customer satisfaction surveys, covering the period January to June 2009.

Councillor
Alec Byrne

Action By

It was noted that the tonnage of recycling waste was dropping. This was a county-wide drop in dry recyclables and the situation was being investigated. However, a significant reason was an across the board reduction in paper waste, thought to be as a result of the recession with people buying less newspapers.

Lady Fisher, Executive Member for Environmental Well-Being, advised that Serco provided one of the best value services in the country. Public satisfaction with the service was good and every opportunity was being taken to improve the service where possible. The Environmental Education Officer had recently won an award from CPRE for her environmental project work on raising awareness. Lady Fisher remained very pleased with current progress of the contract.

So far as the national indicators on performance were concerned, the dip in percentage rates on household waste recycled and composted (i.e. garden waste) was a seasonal one and collection rates were expected to be on target again in the next Quarter.

The targets on levels of litter and graffiti were expected to reach their targets by the end of the year.

In drawing the item to a close, the Chairman welcomed the fact that the economic downturn in relation to tonnage rates was being looked at and that there was likely to be a correlation between reductions in packaging and sales.

It was also recognised that there was now a conflict between the need to reduce waste and at the same time maintain tonnage targets, raising the question of how to balance the two.

The Chairman said he was also interested to see how major companies were being challenged to reduce their waste.

It was also noted that the County Council had yet to determine the preferred mechanism for waste disposal.

In response to the issue of minimisation, the Environmental Services Contract Manager confirmed that the national indicator (NI 191) (which had replaced the previous BVPI measure on amount of waste per household) related to the amount of waste going to landfill.

So far as the issue of business waste was concerned, the Council, with Serco, was looking at a number of options to improve collection and recycling.

In addition, officers were also looking at options and cost/benefits of rolling out a glass collection service across the district.

The report was noted.

**118/09 LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER
(AGENDA ITEM 10)**

The report was noted.

Action By

119/09 GREEN AGENDA DEVELOPMENT PANEL (AGENDA ITEM 11)

The minutes of the meeting of the Green Agenda Development Panel held on 29 September 2009 were received and noted.

120/09 IMPLICATIONS ON SCRUTINY OF CRIME & DISORDER REGULATIONS 2009 (AGENDA ITEM 12)

The Member Development and Scrutiny Officer presented the report, which explained the background to Sections 19-21 of the Police and Justice Act 2006 and the Crime & Disorder (Overview & Scrutiny) Regulations 2009 and their implications for the Council's Overview and Scrutiny function.

Under the legislation, all local authorities were required to have an Overview and Scrutiny Committee designated as a Crime and Disorder Committee, to meet as such at least once a year.

It was quite common in other local authorities operating with a single scrutiny committee and multiple task and finish groups to simply designate the main committee as the "Crime and Disorder Committee" and this was recommended in Breckland's case. This would have the minimum impact on the work of the Commission and its resource.

The Commission accepted the report and accordingly

RECOMMENDS TO COUNCIL that it designates the Overview and Scrutiny Commission as the statutory "Crime and Disorder Committee" under the Police and Justice Act 2006.

Subject to adoption of the above recommendation by the Council, it was further

RESOLVED that the Commission's work programme is amended to accommodate at least one "Crime and Disorder" meeting per annum or otherwise acts as the designated "Crime and Disorder" Committee to hear relevant Councillor Calls for Action as and when they arise.

Mark
Broughton

121/09 WORK PROGRAMME (AGENDA ITEM 13)

The following scrutiny reviews were agreed for inclusion in the work programme:

- Shared Services
- School holidays activities programme

The Member Development and Scrutiny Officer advised that proposals for joint scrutiny arrangements for the ARP Partnership review would be reported to the Commission's next meeting on 17 December 2009.

122/09 NEXT MEETING

The details were noted.

Action By

123/09 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 disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

124/09 CONTRACT FOR DELIVERY OF SNETTERTON UTILITIES PHASE 4 - LIMITED EXCEPTION (AGENDA ITEMS 8 AND 16)

By delegated decision dated 27 October 2009, approval was given to make an exception under Section 2(a) of Contract Standing Orders to permit the appointment of Inventa Partners as a specialist consultant to assist in the delivery of Phase 4 of the Snetterton Utilities Project, to bring more energy suppliers to the table and enhance the Council's negotiating position.

The decision was called-in within the 5-day scrutiny period by Mr. R.G. Kybird and the Chairman of the Overview and Scrutiny Commission on the grounds of "insufficient financial data and concern that only one consultancy can provide the identified advice".

The Commission considered the relevant exempt report in the matter and received further background information on the various stages in the development of this project which is aimed at finding a solution to the critical energy supply requirements to support future development in the Snetterton area.

Members of the Commission were satisfied that the appointment of Inventa Partners followed a comprehensive selection process and that the company offered brokering expertise that the Council does not have. On that basis, the Commission confirmed its support for the decision.

During discussion of the matter, members of the Commission had regard to the considerable benefits that a solution to the energy supply issue in this area would bring to local landlords and were of the view that further endeavours should be made to secure additional contributions towards the project from local landowners.

RESOLVED to recommend to Cabinet that it notes that:

- (1) the Commission supports the delegated decision regarding the appointment of a specialist consultant to assist with the delivery of Phase 4 of the Snetterton Utilities Project; and
- (2) bearing in mind the benefit that a successful outcome of the project would bring to them, the Commission would encourage that further endeavours are made to secure additional contributions towards the project from local landowners.

The meeting closed at 4.45 pm

CHAIRMAN

BRECKLAND COUNCIL

Overview and Scrutiny Commission 17 December 2009
Report of the Deputy Chief Executive

Planning and Building Control/Capita Symonds Contract

1. Purpose of Report

- 1.1 To provide members with an update on the performance of the new Planning and Building Control partnership with Capita Symonds

2. Recommendation

- 2.1 Members note the report

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3.0 Introduction

- 3.1 The Contract with Capita Symonds to deliver Planning & Building Control Services commenced on 29th June, 2009.
- 3.1 Capita Symonds Management team have been working closely with the Council to ensure a smooth transition whilst maintaining high levels of performance.
- 3.2 The Contract is managed by a governance structure, the key objectives include:
- To ensure the contractor is complying with all targets as set out in the business plan
 - To monitor the costs of the contract to the Council
 - Business development opportunities
- 3.3 The Contract is monitored on a monthly basis, attended by the Executive Member for Planning, Deputy Chief Executive and senior representatives from Capita Symonds.

4. Issues/update

- 4.1 Included below are the key matters for information:
- 'Planning on line' has been implemented. The next steps will be to complete the computerisation of the Land Charges system.
 - Other Local Authorities and CLG have expressed an interest in understanding how the contract works and the potential for future partnering arrangements. Solihull Members and Senior Officers have visited the Council for presentations and briefings on our

partnership approach.

- Attached is the most recent monthly contract monitoring meeting report
- The Local Development Framework has been found sound.

4. Risk and Financial Implications

4.1 No Risks identified at this time

4.2 Financial

4.2.1 N/A

5. Legal Implications

5.1 None.

6. Other Implications

- a) Equalities: None
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights: None
- f) Other: None

7. Alignment to Council Priorities

7.1 To protect and improve the local environment through the delivery of our Planning and Building Control services.

8. Ward/Community Affected

8.1 All

Lead Contact Officer:

Mark Stokes – Deputy Chief Executive

Key Decision Status:

Non-key decision (not on Forward Plan)

Appendices attached to this report:

Appendix 1 – Contract Monitoring Report for October 2009



Capita Symonds Breckland

October Contract Monitoring Report

November 2009

1a) i - Critical Service Performance Indicators

Date:	November 1 st , 2009
Completed by:	Jon Durbin

Service	National / Statutory indicator	Performance Target	October Performance % (Volumes)	Year to date % - 29 June 2009 on (Volumes)	Comments
Development Control	% of minor planning apps decided within 8 wks (NI = 65%)	80%	94.87% (39)	93.33% (135)	
	% of other planning apps decided within 8 wks (NI = 80%)	87%	100% (56)	99.52% (207)	
	% of major planning apps decided within 13 wks (NI = 65%)	66%	0% (2)	57.14 (14)	All major applications submitted since the start of the contract (29/06) have been submitted to Development Control Committee in time to enable the LPA to determine the application within the 13 weeks. The two applications determined in October relate to proposals for a Business Park in Snetterton and a residential development in Kenninghall. Both applications were submitted in 2008 and have been the subject of extensive negotiations relating to Section 106 agreements.
Building Control	% of Building Regulations decided within 5 weeks unless extended to 2 months by agreement	100%	100% (44)	100% (168)	

Environmental Planning	Achievement of the Local Development Scheme	Adherence to an annual programme of work for the delivery of the Local Development Scheme	100%	100%	<ul style="list-style-type: none"> • Final Inspectors Report on Core Strategy received and available to view. Appropriate parties notified. • Contracts issued for Detailed A11 Energy Study and Detailed Habitats Regulation Assessment work. • Site Specific proposals for Swaffham, Narborough, Dereham, Swanton Morley and Shipdham reported to LDF Task and Finish Group • Annual Monitoring Report and amended Local Development Scheme prepared for Cabinet • Reports prepared for the Local Planning Authority on RSS Review 2031, Norfolk Minerals & Waste LDF and Adoption of the Core Strategy • Thetford Area Action Plan progressed and evidence base being developed on Transport, The Cycle Loops, Masterplans and infrastructure. • Detailed Strategic Flood Risk Assessment for Thetford Town Centre delivered
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1a) ii - Baseline Key Performance Indicators

Date:	November 1 st , 2009
Completed by:	Jon Durbin

Service	National / Statutory indicator	Performance Target	October Performance % (Volumes)	Year to date % - 29 June 2009 on (Volumes)	Comments
Building Control	Customer satisfaction (based on Questionnaire Responses)	89%	93% (15)	92.25% (62)	214 Questionnaires sent out YTD – 62 returned YTD
	Plans assessed within 10 working days	78%	100% (50)	100% (197)	
	Decisions in statutory period	100%	100% (44)	100% (168)	
	Same day inspections	97%	100% (434)	100% (1746)	
	Dangerous structures responses within 2 hours	91%	100% (1)	100% (6)	

Service	National / Statutory indicator	Performance Target	October Performance (Volumes)	Year to date 29 June 2009 on (Volumes)	Comments
Policy Planning	Adherence to the programme for LDF	Programme to be delivered on target	100%	100%	
Enforcement	The Enforcement Section of Development Control shall acknowledge any complaint made in writing within 5 working days from receipt	83%	100% (32)	100% (138)	Volumes are the actual number of enforcement complaints received. Please note this indicator is to be reviewed at Contract Monitoring Board: CSL propose following: % of Enforcement cases resolved within 12 months – target 90% (Resolved cases relate to those closed with 'no further action' or, 'no action required' or, 'matter resolved otherwise)
Land Charges	The Service shall endeavour to make any necessary changes to the Land Charges Register within 3 working days of receipt of the charge information.	98%	98% (259)	99% (1273)	Data for the 3 day registration target is currently collected manually. Once the land charges system is computerised within Ocella the information will be available electronically. Purchase order raised with Ocella by Breckland Council.
Historic Buildings	Responding to planning application consultations within 10 working days including considering and negotiating, where appropriate, improvements which add value to the outcome of planning, advertisement and associated applications.	99%	100% (33)	99.5% (134)	

Service	National / Statutory indicator	Performance Target	October Performance (Volumes)	Year to date 29 June 2009 on (Volumes)	Comments
Tree Services	Responding to planning application consultations within 10 working days	99%	92% (52)	97.25% (168)	This work relates to trees, ecology and green infrastructure. Work load in these areas has increased but overall this is not currently having an affect on the overall Development Control Performance.
	Enquiries from members of the public to be responded to within 10 working days	100%	100% (14)	98.25% (53)	
	Applications for work to trees that are received directly by the team are to be dealt with within 6 or 8 weeks depending on how the tree is protected, conservation area or Tree Preservation Order.	100%	100% (18)	100% (64)	
	The Hedgerow Regulations service to determine within 42 days if the hedgerow needs to be protected.	100%	100% (0)	100% (1)	
Street naming and numbering	Respond and resolve Change of House Name Applications within 10 working days of receipt	90%	100% (5)	100% (8)	