

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 30 January 2014 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr J.P. Cowen (Chairman)	Mr R.G. Kybird
Mr T. J. Jermy (Vice-Chairman)	Mrs S.M. Matthews
Mr A.J. Byrne	Mr R. R. Richmond
Mr K.S. Gilbert	Mr J.D. Rogers
Mrs D.K.R. Irving	Mr B. Rose
Mr A.P. Joel	

Also Present

Councillor C Bowes	Mrs E. M. Jolly
Mr S.G. Bambridge	Mrs L.S. Turner

In Attendance

Rory Ringer	- Democratic Services Team Leader
Teresa Smith	- Committee Officer (Scrutiny & Projects)
Vicky Thomson	- Assistant Director - Democratic Services
Kim Parks	- Senior Performance Analyst
Julie Britton	- Senior Committee Officer
Alison Chubbock	- Accountancy Manager

1/14 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 21 November 2013 were confirmed as a correct record and signed by the Chairman.

2/14 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

An apology for absence was received from Councillor Carter. Councillors Bambridge and Bowes were present as substitutes. Councillor Bowes was in attendance as a member of the Constitution Working Group.

3/14 DECLARATION OF INTERESTS (AGENDA ITEM 4)

For transparency, Councillor Irving declared that she was employed by Brandon Lewis MP in a constituency capacity.

4/14 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillors Jolly and Turner were in attendance. The Chairman welcomed Mr Roger Atterwill, the Chairman of Swanton Morley Parish Council to the meeting who was in attendance to ask a number of questions in relation to agenda item 6, as follows:

1. The Local Government Finance Act 1992, s41(4) allows Parish & Town Councils up until 1 March each year to submit its

Action By

Action By

precept calculation for the forthcoming year. If they exercise this right what would be the likely effect on Breckland Council's budget setting process going forward?

2. Could the relevant Officers confirm the total value of the Local Council Tax Support grant provided by HM Government to Breckland Council for the forthcoming year 2014/15 and could it also be confirmed that this authority has received a letter dated 6 January 2014 from the Local Government Minister, Brandon Lewis MP stipulating that a proportion of this money is to be passed on to Parish and Town Councils?
3. In August 2012, it had been reported to the local press that Government figures showed that in the financial year 2011/12, Breckland Council failed to collect £947,000 in unpaid council tax. Could it be confirmed how much of this has since been recovered?

The responses to the above questions were deferred until after Councillor Jolly's presentation.

5/14 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 6)

Councillor Jolly only became a Portfolio Holder responsible for Member Services and Finance in September 2013; for this reason, the Officers in attendance would hopefully be able to respond to the questions that she could not answer herself.

Democratic Services

Democratic Services included electoral and member services and was a small team of officers whose responsibilities included a number of statutory functions with no room for error and no flexibility on timings. Election deadlines and government consultation response deadlines were absolute. Rory Ringer was the Democratic Services Team Leader and his Team provided a range of services for Elected Members, public and officers to promote local democracy; including:

- committee administration
- effective overview and scrutiny
- standards
- member support
- electoral registration
- election services

The key areas of responsibilities were:

- Committee Administration
- Standards
- Freedom of Information
- Scrutiny
- Democratic Engagement
- Electoral Registration
- Election Management
- Community Governance Reviews & Boundary Arrangements

Action By

Democratic Services was governed by a wide range of legislation to ensure that the Council was responding to democracy in a timely and lawful way. Work within Democratic Services included:

- Committee Administration
- Standards
- Electoral Services -
 - Parish elections
 - District elections
 - County elections
 - Parliamentary & European Parliamentary elections
 - Referendums & Parish Polls
 - Maintenance of the Register of Electors
 - Boundary Reviews
 - Electoral advice to Town & Parish Councils
- Freedom of Information
- Scrutiny
- Democratic Engagement

Vicky Thomson was the Assistant Director of Democratic Services; she was also the Monitoring Officer and under the new Standards regime Vicky worked with an Independent person appointed by the Council to investigate complaints.

Electoral Services was responsible for all Elections - a huge task with no control over the flow of work.

All Freedom of Information requests received had to be logged by a dedicated Standards Officer.

Administration support to the Overview & Scrutiny Commission was provided by a dedicated Scrutiny Officer.

Electoral Services was currently preparing for the European Parliamentary Elections on 22 May 2014. Breckland formed part of the Eastern Region and 7 MEP's would be elected under a proportional representation system.

Individual Electoral Registration (IER) was key project that the Team was working on. Under the current system of electoral registration an annual household canvass form was sent to each address, which was completed by one individual on behalf of everyone living at the property. In the coming months, this system of registration would be replaced and every individual living at the same address would have to complete an Individual Electoral Registration form. Additional resources would be required as this would be an enormous job for such a small Team to take on. Knowing that extra resources would be required Breckland Council had been awarded £49k from the Government for this transition. A National Awareness campaign would be implemented by the Government in June; Breckland Council would also be running a local campaign to coincide with this.

Another key project that was currently on-going was the Electoral Boundary Review. The Electoral Commission had proposed 49 councillors for Breckland. A public consultation on the draft recommendations for new electoral arrangements was open to all until

Action By

14 April 2014. Breckland Council's own proposal would be presented to the next Full Council meeting in February. 29 July 2014 would be the publication of the final recommendations by the Commission and subject to parliamentary approval; these new arrangements would be implemented in May 2015 for the District and Parish Elections.

Mod.Gov was the system used by Member Services and it was hoped that in the not too distant future the electronic submission of reports and the tracking of decisions would be implemented.

Legal Services

In relation to Legal Services, Breckland Council now had an in-house team of two fulltime posts – the Solicitor for the Council and a Legal Services Coordinator. The latter post was shared with South Holland District Council. Legal Services provided advice across the Council through a mix of internal and external provision; their work included:

- Drafting contracts and agreements
- Defending legal challenges on decisions
- Providing legal advice on policy decisions
- External specialist advice

Finance Service

Referring to Finance, the Portfolio Holder advised that there had been major changes in Government policy and guidelines. The work of the Finance Team was to interpret these guidelines at an early stage – usually starting when the Government was still consulting on changes. The Team had to interpret the changes and the effects on the Council and other related parties, often constrained by a lack of detailed information in the early stages and before the outcomes were clear. As an Elected Council these changes must be considered and balanced decisions must be made based on all issues, constraints and opportunities. Where the impact could be significant or cause changes to current processes the Council informs other parties involved of the potential changes either by writing directly or by consultation through Town and Parish Forums.

As more information became known or released, the Council aimed to keep parties up to date with changes. However, in recent years there had been major changes in Government legislation and policy and often these were not finalised until the 11th hour, with little time for consultation and implementation.

The Finance Service was responsible for providing financial, accounting and insurance advice to the Council, its Members and its officers. It was responsible for budget preparation and control, income and expenditure, capital accounting, treasury management and banking, VAT and Government stats, maintaining systems of internal control, preparation of the Council's budget book and formal setting of Council Tax. It additionally published an annual statement of accounts for the Council.

The Portfolio Holder hoped that she had been able to adequately cover all the details and would be happy to answer any questions. Alison

Action By

Chubbock, the Council's Accountancy Manager was in attendance and she was asked to respond to the questions asked by Mr Atterwill at the beginning of the meeting.

In relation to question 1 – *“The Local Government Finance Act 1992, S41(4) allows Parish & Town Councils up until 1 March each year to submit its precept calculation for the forthcoming year. If they exercise this right what would be the likely effect on Breckland Council's budget setting process going forward”*. Members were informed that a date was set each year for the Council's Council tax setting which for this year was 27 February 2014; part of which included setting the Parish Council's precept. Breckland Council always aimed for the latest date in February to set its Council Tax, and Full Council meetings, the statutory body that approves the Council Tax setting for the forthcoming year, were scheduled accordingly. If the Full Council meeting was delayed for a further week, this could affect direct debits and there would be less time to print and issue the Council Tax bills; however, the Accountancy Manager would look into the legalisation. Members were also reminded about the time constraints in setting the Council Tax in relation to having to wait for Norfolk County Council and the Norfolk Police Authority Council Tax figures.

In relation to question 2 - *Could the relevant Officers confirm the total value of the Local Council Tax Support grant provided by HM Government to Breckland Council for the forthcoming year 2014/15 and could it also be confirmed that this authority has received a letter dated 6 January 2014 from the Local Government Minister, Brandon Lewis MP stipulating that a proportion of this money is to be passed on to Parish and Town Councils?* There had been no mention of monies being passed to Parish & Town Councils in the legislation and as far as the letter from Brandon Lewis MP was concerned, this she had not seen but she would look into it and report back.

With regard to question 3 - *In August 2012, it had been reported to the local press that Government figures showed that in the financial year 2011/12, Breckland Council failed to collect £947,000 in unpaid council tax. Could it be confirmed how much of this has since been recovered?* The value of unpaid Council Tax was unknown but the information would be found and reported accordingly.

The Accountancy Manager said that she would contact Mr Atterwill on the questions that she could not answer. The responses would also be emailed to Members.

Councillor Kybird asked about the Community Governance Review procedures and the route it would have to take for initiation. The Democratic Services Team Leader explained that Community Governance reviews provided the opportunity for local Councils to review and make changes within their areas in circumstances such as where there had been changes in population. Community Governance reviews could also be triggered by local people presenting public petitions to the Council and it would be the General Purposes Committee that would decide whether or not a review should be conducted. One such review currently being undertaken was for the parishes of Weasenham All Saints and Weasenham St Peter who wanted to become a shared Parish Council in 2015. There was a great

**A
Chubbock**

deal of guidance available which he would be happy to send out to Members for information.

The Vice-Chairman mentioned the Council Tax and the budget and pointed out that in previous years Council Tax had been capped at 2% or increased by a maximum of £5 and he asked whether this would be available again for this financial year. The Portfolio Holder said that no clear guidelines had been received as yet. The Accountancy Manager advised that the legislation should be available by 10 February 2014 but this date had not been confirmed. The Portfolio Holder said that this was another example of the decisions that the Council had to make which was extremely difficult trying to prepare a well considered budget then at the eleventh hour the figures could change. The Vice-Chairman appreciated the difficulty that Officers had to face in setting the budget. He asked another question in relation to the Localised Council Tax Support grant and what had been circulated since the last Overview and Scrutiny Commission meeting. He knew that there had been a Ministerial Statement issued on 6 December 2013 and he referred to the Leader's comments in the previous O&SC Minutes. The Vice-Chairman had been made aware that other Council's had passed this grant money on to Towns and Parishes. The Portfolio Holder advised that Breckland Council was continuing to support the Council Tax Support scheme by current council tax benefit arrangements paying no more than 8½% instead of 25% of their next Council Tax liability which in turn would have had an adverse affect on Town and Parish Councils. The Accountancy Manager then answered a number of questions in relation to the settlement figure for 2014/15 of which there had been no mention of the Council Tax Support grant, the only element mentioned had been in relation to a Council Tax freeze.

The Executive Member for Community and Environmental Services reiterated what the Portfolio Holder and the Accountancy Manager had said – there had been no mention of the support grant in the settlement figure.

Councillor Rogers mentioned the amount of investment in property and employment areas in the last year except for in the Watton area which had received less investment compared to the other towns. He asked if there was going to be any investment in the town for this year. The Portfolio Holder said that she would find out and report back.

Councillor Bambridge asked a question in relation to the date of the Local Government Boundary Commission Review, the Democratic Services Team Leader advised that confirmed date was 29 July 2014 for the final recommendations.

Councillor Joel mentioned the change to the number of Wards and Members in the Review and asked how many Wards would be affected. Members were informed that there would be a reduction of 9 Wards in total. The Chairman stated that the Boundary Commission had proposed 14 two Member Wards. In response to a question about timescales, the Democratic Services Manager explained that Members had the opportunity to respond by 7 February 2014, a meeting of the Boundary Commission Working Group had been arranged for 10 February 2014 in time for a report to Full Council on 27 February 2014 if required. Emails had been sent to all Members and comments

Action By
R Ringer

Cllr E Jolly

Action By

received would be considered at the meeting on 10 February. The Portfolio Holder urged Members to be aware of the very tight timelines as there was not a Full Council meeting where the recommendations could be reported to in March. She reminded Members that anyone could respond to the Boundary Commission

The Chairman asked the Democratic Services Manager to explain Individual Electoral Registration (IER) for those present who were not familiar with the new scheme. Members were informed that currently electoral registration had been based on property; however, from 10 June 2014 this current method would be replaced by IER. From this date all electors must register individually and have their application verified before being added to the register. People must provide name, address, National Insurance Number and date of birth; these would be cross checked with Department of Working Pensions (DWP) before names could be added to the register under the new system. Those not matched, which could be in the region of 8 to 10,000 people (classed as the 'red' ones), would be invited, reminded in 2014 and 2015 and have until December 2015 to register under the new system. A number of additional forms had been added into the equation one of which was a Household Enquiry Form (HEF) so instead of having one form there would be more of an onus, plus a legal duty to chase up. The big plus would be the ability to register on-line and a publicity campaign would be launched in July 2014.

The Chairman asked if the £48k grant would cover the administration costs for this new scheme. Members were informed that it would, the main cost being postage. The Democratic Services Team Leader said that due to the volume of work, the monies would also be used to recruit a temporary post to deal with IER only.

In response to a question relating to IER, it was explained that one of the main reasons behind the introduction of IER was to reduce electoral fraud. Members were informed that the Electoral Registration Officer had a duty to ensure that everyone was registered.

In relation to Standards, Councillor Matthews asked if the Council received many complaints. The Assistant Director of Democratic Services advised that the number of complaints had dropped slightly and there had not been cause to bring anything forward to Audit.

Councillor Matthews mentioned the day of the Parish Forum and was upset that she could not attend again. She suggested sending Members a few dates to choose from in future. The Portfolio Holder understood the Members frustration when dates happened to clash with other arrangements but to be able to please everyone would be an impossible task.

The Portfolio Holder was thanked for her presentation.

6/14 QUARTER 2 AND QUARTER 3 PERFORMANCE REPORTS
(AGENDA ITEM 7)

In the absence of the Joint Performance Team Leader, the Assistant Director of Finance and Democratic Services and the Senior

Performance Analyst were in attendance for this item.

The Performance Team had brought forward a report that pulled together all performance of the Council whilst trying to make the performance processes slicker, more meaningful and gathering information that could be used by Members. There had been significant changes in the process and this was still on-going. Training had been carried out for Officers that were responsible for the input of data and the quality of information was being increased to ensure that the right things were being measured.

The frequency of reporting projects and performance indicators (PIs) to Committee was an issue as on some occasions the information gathered was slightly out of date by the time it was presented to the meeting.

Councillor Gilbert said that he had read all of the report in particular the document that had since been replaced on which he had prepared questions. He had concerns about the replacement document as it did not contain as much information and he felt from a scrutiny point of view there would be opportunities missed. The Assistant Director of Finance and Democratic Services reminded the Committee of the plea from Members –not to give them too much information; it was the Portfolio Holders that required more detail which in turn could be disseminated to Members if they so wished. Councillor Gilbert was not happy with the response and asked if he could forward his questions relating to the original document. It was agreed that any questions would be forwarded by email to the Assistant Director for a response.

As one of the Portfolio Holders, Lynda Turner, the Executive Member for Community and Environmental Services pointed out that this was an evolving document and they, as Executive Members, would be challenging this all the way through until it ended up as a document that was fit for purpose.

The Vice-Chairman concurred with the views of Councillor Gilbert and asked a question in relation to staff sickness which he had raised before as a concern but had never received an adequate response. He assumed the figure quoted in the report was for the whole Council, if this was the case, he would prefer to see the sickness absence data for each service area. Members were informed that the sickness reporting was at a higher level; however, this could be seasonal and it would be better to wait until a year's worth of data had been gathered. The Chairman referred to the wording used in the comments, stress, anxiety and depression, and felt that this was indicating a trend and echoed the Member's concerns on this matter. He felt that any issues that the Council was not managing to control should be brought forward as a scrutiny matter for support.

Councillor Kybird referred to Moving Thetford Forward project contained in the report and raised concerns in relation to the commentary as he thought that the Planning Inspector had already reported on the bus station issue. The Chairman raised concern about this particular matter having two quarters as 'amber' that signified, in his opinion, that there was a problem. Councillor Kybird reported some breaking news on the bus station stating that there would be a fast track completion by

Action By

**V
Thomson**

**R Hassall/
K Parks**

Action By

January 2015. The Assistant Director of Finance and Democratic Services said that there would always be an inbuilt time lag by 10th of each month.

The report was otherwise noted.

7/14 CONSTITUTION REVIEW (AGENDA ITEM 8)

The Executive Member for Finance and Democratic Services presented the report.

The Constitution Working Group (CWG) was established in April 2013 with the membership including herself, Councillors Bowes and Jermy working with a CWG at South Holland to consider the review of both Constitutions. This had been set against a background of change. In 2008/09 there were approx 350 employees at Breckland, now the number was nearer 250. Breckland also now had a shared Senior Management Team with South Holland and the recent Boundary Commission recommendations indicated that Breckland's Elected Members would decrease from 54 to 49.

With this in mind the CWG had reviewed the Committee Structure. In order for changes to be made to the Committee Structure it would be necessary to align the delegations section of the Constitution as well. However, at this stage the CWG presented this outline for the consideration of Overview and Scrutiny Commission.

Councillor Bambridge mentioned the new Licensing arrangements and felt that the skills that had already been embedded in Members needed to remain; he highlighted an appeal that had been upheld by a decision made by the Licensing Sub-Committee. The Democratic Services Team Leader advised that there was a statutory requirement to keep matters relating to the Licensing Act 2003 and the Gambling Act 2005 separate from the remainder of the Licensing functions. However, the idea was to have the same membership on both committees and as was the case in a large number of authorities there was nothing to preclude the Regulatory and Licensing Committees meeting on the same day running sequentially. The set up of what would sit underneath Licensing such as the Appeals Panel, currently the Appeals Committee, was explained. Councillor Bambridge said that he would like to have further discussions with the Democratic Services Team Leader on this matter.

R Ringer

Councillor Gilbert drew the Committee's attention to page 61 of the agenda that mentioned the Member Development Panel under section 1.20 of the report. He was very pleased that it had been given more prominence and he felt that the Membership as a Panel was very strong and it encouraged more Members to take up training. The Executive Member for Community and Environmental Services concurred with the aforementioned comments and reminded the Committee that the Member Development Panel had been recognised as a committee as part of Charter Plus; and, she highlighted the fact that there were few councils in Norfolk who had this accolade.

The Vice-Chairman said that the amount of work involved in this review should not be underestimated and he had been pleased that so many

Action By

people had been keen to be involved in the discussions. However, he would much rather have fewer meetings with more healthy democratic involvement rather than the current level of meetings where business was just churned through and not really needed.

Councillor Bambridge supported the comments made by Councillor Gilbert and the Executive Member for Community and Environmental Services. He said that he had served on the EELGA for many years and the reputation that Breckland had for Member training went beyond this District. He was really pleased that the Member Development Panel was going to be retained and felt that it should, in fact, be strengthened. He did believe, however, that the Member Trainer should be a member of the Democratic Services Team and not from Personnel.

8/14 HEALTH SCRUTINY (STANDING ITEM) (AGENDA ITEM 9)

Members were provided with the proposed Forward Work Programme of the Norfolk Health Overview and Scrutiny Committee which included:

27 February 2014

- Changes to Mental Health Services in West Norfolk
- Norfolk Health and Wellbeing Strategy 2014-17

17 April 2014

- Use of the Liverpool Care Pathway in Norfolk's hospitals
- Delayed discharge from hospitals in Norfolk
- Ambulance turnaround times at the Norfolk and Norwich hospital

29 May 2014

- Wheelchair provision by the NHS

10 July 2014

- Stroke services in Norfolk

Councillor Richmond thanked Councillor Kybird for the above information and said that he would pass this information onto the Basic Participation Group.

9/14 SCRUTINY CALL-INS (STANDING ITEM) (AGENDA ITEM 10)

None.

10/14 COUNCILLOR CALL FOR ACTION (STANDING ITEM) (AGENDA ITEM 11)

None.

11/14 WORK PROGRAMME (AGENDA ITEM 12)

The Chairman felt that as the next meeting contained quite a few agenda items it would be useful for Members questions to be tabled in advance of the meeting particularly in relation to planning.

T Smith

	<u>Action By</u>
<p>Looking at the Work Programme, the Executive Member for Community and Environmental Services asked for the Safer Neighbourhood Teams to be labelled Operational Partnership Team.</p> <p>The Vice-Chairman mentioned two recommendations from the Peer Review and the evaluation of Charter Plus status in relation to timings of meetings and he asked if this matter could be scrutinised as better meeting times could attract younger Members and members of the public.</p> <p>The Chairman noted the suggestion.</p>	T Smith
<p>12/14 <u>NEXT MEETING (AGENDA ITEM 13)</u></p> <p>The arrangements for the next meeting on 20 March 2014 were noted.</p>	All to Note
<p>The meeting closed at 3.30 pm</p>	

CHAIRMAN