

**BRECKLAND COUNCIL**

**At a Meeting of the**

**OVERVIEW AND SCRUTINY COMMISSION**

**Held on Thursday, 6 January 2011 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 A.J. Byrne	Mr K. Martin
Mr K.S. Gilbert	Mrs S.M. Matthews
Mr R.F. Goreham (Vice-Chairman)	Mr J.D. Rogers
Mrs D.K.R. Irving	Mr B. Rose
Mr A.P. Joel	

**Also Present**

Mr S.G. Bambridge	Mrs K. Millbank
Mr M.A. Kiddle-Morris	Mr J.W. Nunn

**In Attendance**

Anita Brennan	- Assistant Director - Environmental Health & Housing
Zoe Footer	- Land Management Officer
Helen McAleer	- Senior Committee Officer
Jane Osborne	- Committee Officer
Rory Ringer	- Elections and Scrutiny Manager
Teresa Smith	- Committee Officer
Mark Stokes	- Deputy Chief Executive
Roger Wilkin	- Shared Services Project Manager

**Also in Attendance**

Roger Atterwill	Chairman, Swanton Morley Parish Council
George Northall	Swanton Morley Parish Councillor

**1/11 MINUTES (AGENDA ITEM 1)**

- (a) To confirm the minutes of the meeting held on 18 November 2010 (Agenda Item 1a)

The Minutes of the meeting held on 18 November 2010 were confirmed as a correct record and signed by the Chairman.

- (b) To confirm the minutes of the Special meeting held on 6 December 2010 (Agenda Item 1b)

The Minutes of the meeting held on 6 December 2010 were confirmed as a correct record and signed by the Chairman.

**2/11 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)**

None.

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**3/11 URGENT BUSINESS (AGENDA ITEM 3)**

There was none.

**4/11 DECLARATION OF INTEREST (AGENDA ITEM 4)**

No declarations were made.

**5/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Mr G Bambridge, Mr M Kiddle-Morris, Mrs K Millbank and Mr W Nunn were in attendance.

**6/11 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 6)**

Mr M Kiddle-Morris, Executive Member for Economic and Commercial, updated Members on his Portfolio.

The Strategic priorities included identifying and maximising income and trading and promoting development and implementing initiatives to assist growth and improve skills.

There was a long list of on-going projects and details of a few of these were provided:

RevActive

This project had been the subject of a lot of scrutiny. Approximately 200 companies had signed up to the network and the scheme had exceeded expectations since its launch. It had been a finalist in the Regional Creating Futures Awards and was recognised nationally.

Moving Thetford Forward

This provided the vision for the regeneration of Thetford including the provision of economic growth and housing. Key projects under the scheme were the Bus Interchange and the Thetford Academy, although it was likely that the latter would not go ahead due to its single-site aspirations. The final draft of the Thetford Sustainable Urban Extension and had been circulated. Town Centre enhancements were planned.

Snetterton Utilities

Efforts were still being made to get the necessary infrastructure, which was likely to cost in the region of £6.8million, for this key employment area. A bid had been put in for regeneration growth funding. An Olympic village site visit had been arranged as they were experiencing the same problems and might provide solutions.

Commercial Property

Units were 96% let at the current date which was a very good record. Some of the larger properties had been sold and it was hoped to acquire more units with the revenue.

The Vice-Chairman said this was a key portfolio and that commercial property was always a winner for the Council. 96% occupancy was excellent and he congratulated the commercial property team. He did not want to see the success bled dry by the lack of funding in other areas as there was a need to re-invest. He hoped the Executive

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Member agreed.

He asked if many small and medium-sized businesses were coming through as the Government was relying on the private sector to compensate for the loss of jobs in the public sector.

Mr Kiddle-Morris confirmed that the Council's small business units rarely stayed empty for long which was a sign that small and medium sized businesses were about. He also commented that small businesses provided jobs in rural communities and this was something that he wished to support. He wanted to see some employment opportunities on the outskirts of villages to sustain residential development.

He shared the Vice-Chairman's views on re-investment and would try to get all capital receipts invested in more commercial property.

Mrs Irving asked if the 4% of un-let units were all in one area and was advised that they were spread across the district.

Mr Rogers noted that on a light industrial site near Watton the developers were refusing to allow sites smaller than one acre to be sold. The Deputy Chief Executive agreed to look into this and provide Mr Rogers with a written response.

Mr Joel asked if the dualling of the A11 was bringing interest to the area and Mr Kiddle-Morris said that it could be almost guaranteed that people were looking at Thetford as it had cheaper housing and with improved transport links it would be a prime area of Breckland.

The Chairman noted the number of Companies expressing interest in Rev Active and asked if there were any plans to roll this out to other areas to provide income.

Mr Kiddle-Morris said that they were looking into it and other Councils were expressing interest as they could see that keeping businesses going helped to support communities. A lot of expertise had been built up and there were many ways to help businesses save money.

Mr Rogers pointed out that there was a policy of not supporting development in villages because of the lack of employment. However, to develop the infrastructure needed for places like Snetterton Heath would cost millions and that infrastructure (electricity, drainage, etc) was already available in the villages and therefore development should be allowed.

Mr Kiddle-Morris explained that one of the key limitations on businesses in the district was the poor Broadband speeds available. Although there was already a good quality Broadband network supplying the schools, provided by Norfolk County Council, which might be tapped into, this could not be done when the schools were using it, so it was not suitable for businesses.

The Chairman thanked Mr Kiddle-Morris for his update.

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Mark  
Stokes

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**7/11 SCRUTINY CALL-INS (AGENDA ITEM 7)**

(a) Active Land Management - Tranche 2 - Land at Swanton Morley (Agenda Item 7a)

At the Cabinet meeting on 30 November 2010, approval was given to offer land at Middleton Avenue, Swanton Morley, for sale for affordable housing.

The decision was called-in within the 5-day scrutiny period by Mrs K Millbank, the Ward Representative for Swanton Morley, on the grounds that "one of the key points utilised to allow Cabinet to come to this decision is the erroneous belief that there is a housing shortage in Swanton Morley".

The Scrutiny Manager advised Members of the format for this item. The Land Management Officer would outline the report made to Cabinet. The Ward Representative would explain why she had called in the decision. Mr Atterwill (Chairman) and Mr George Northall (Parish Councillor) both of Swanton Morley Parish Council would then have the opportunity to speak.

The Land Management Officer explained that the Council had adopted an Active Land Management Programme, looking at all Council owned land. Tranche one had been approved earlier last year and Tranche two had been presented to Cabinet on 30 November 2010. At that meeting the alternative and future uses of the nine sites under consideration had been discussed. One of those sites, Middleton Avenue in Swanton Morley, was outside the existing Settlement Boundary and could therefore only be considered as an 'exception' site for affordable housing. Under current policy the site was designated as Open Space, therefore, if it was to be developed, other land would have to be made available for Open Space (or as a play area) or a contribution towards such a facility would be required from the developer. Two other issues; the existence of an Anglian Water sewer crossing the site and the fact that the Parish Council wanted the site, had also been highlighted at the Cabinet meeting.

It had also been noted that an application to purchase the site for development had been submitted by Broadland Housing Association. During informal discussion of that proposal a public consultation event had been held. There had been a lot of local opposition and the Housing Association had subsequently withdrawn their interest.

All this information had been relayed to Cabinet on 30 November and after consideration they had made the decision to offer the land for sale for affordable housing.

Mrs Millbank said that she did not think that the full details had been considered. A statement from Mr Atterwill had been circulated to all Commission Members and this set out those details.

Mrs Millbank had been impressed by the work of the Parish Council in Swanton Morley. They had provided a play area, arranged village hall events and won the Norfolk Village of the Year in 2009. The Parish Council wanted to keep the land for local residents. Swanton Morley was a long village and they proposed to build another play area on

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that land, for children at that end of the village. Alternatively, the land could be used as an extension to the cemetery.

The Broadland Housing Association proposal had been overwhelmed by local opposition. The Parish Council believed that the land would be given to them and had not realised that it would be offered for affordable housing. They had been pro-active in the LDF process and had agreed to an additional 50 houses. Other development had been approved in the village and there was also the potential for MoD properties to become available. Mrs Millbank said that she did not believe there was a shortage of housing in the village. She understood the Council's need to raise funds, but not in the face of the level of opposition in this case.

The level of affordable housing need in Swanton Morley was requested. The Assistant Director - Environmental Health & Housing (who was in attendance for another item) did not have this information to hand. She advised that the Broadland Housing Association's decision not to proceed was not in itself an indication of a lack of need for affordable housing in the village, more often than not such decisions arose from the organisation's consideration of its business plan.

Mr Atterwill, Chairman of Swanton Morley Parish Council, advised that the housing need arising from their Parish Council and Norfolk Rural Council survey carried out in 2006 was seven. He suggested that those seven would be more than adequately provided for by the additional 50 houses approved under the LDF, the 20 homes from the windfall site at Greengate and the potential release of MoD properties.

The Parish Council had been very unhappy to learn of the Cabinet decision from the press, it would have been more appropriate for them to have been notified in writing.

He referred to the statement that had been circulated in which he explained that the financial aspect was not the only criteria. If Breckland Council submitted an application to build affordable housing on the site much good-will would be lost. There was no evidence of a shortage of housing and four more houses would only represent 5.7% of the total number of houses already proposed therefore housing shortage was not a tenable argument.

The Deputy Chief Executive commented on the press release. As the Cabinet meeting was open to the public and the press had been present, the matter had been reported in the newspaper the next day, before the Council had had the opportunity to write to the Parish Council.

Mr Kiddle-Morris advised that the housing needs register for Swanton Morley had 330 applicants. Eight lived in the parish and it was difficult to determine where the rest were from and why they wished to live in Swanton Morley, but that was their stated preference.

Of the 70 houses allocated in Swanton Morley only 30 to 40 would be affordable. In the current climate it was uncertain when they would be developed. This had been one of the Cabinet considerations. He also mentioned that if no offers were received for the land the decision

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could be reconsidered.

The Chairman asked the Assistant Director - Environmental Health & Housing how the Register was considered. She explained that when people applied for housing they marked their preference for an area. Those with a local connection (living, working or having relatives needing care) to an area, would gain additional preference points to reflect that connection. As the site in question was an 'exception' site, under the Council's current policies, only people with a local connection would be eligible for affordable housing there.

With reference to the housing needs number quoted by Mr Atterwill, she pointed out that if a further survey of all households in the parish was carried out, it would be likely to show a higher level of need than the 2006 survey. The Housing Register being only an indicator of those requesting housing at that specific time.

Mr Nunn was invited to comment and he explained that one of the Council's priorities was to make best use of its assets. The Council was proud of its low Council Tax and high service levels and was looking at every potential asset in order to sustain these.

The Cabinet process put forward best value proposals. Development Control would look at the planning issues – that was the next stage, before that the land was for sale. There might be no Housing Associations interested; if that was the case another decision might have to be made.

The Council had a duty to try to get the best value for its assets for the benefit of the whole district.

Mr Atterwill raised concern about the potential for the developer contribution to be spent on other parishes – if the land was sold. Swanton Morley was the only area in its group of parishes that was getting additional development, yet they were not guaranteed to receive any benefit from the sale of land. He asked the Council to look at the bigger picture. There would be a loss of goodwill if the sale was 'bulldozed through' against the wishes of the parishioners.

A Member understood the need for best value, but said that did not always mean the most money. He supported the parish and did not see the need for the additional four houses. He asked when the existing cemetery would be full and Mr Atterwill advised that there was capacity for another 40 to 50 years.

The Vice-Chairman said it was a difficult decision. He supported the Leader in looking at the Breckland-wide issue. At a previous meeting they had heard about the number of people on the Housing Register and they had a duty to look Breckland-wide, not village by village. He also agreed with the need to maximise resources, but furthermore agreed with the previous Member and said that did not always mean maximising the financial benefit.

Swanton Morley Parish Council should be congratulated for coming to the meeting and voicing their concerns. There was clear local opposition to this proposal. There were many other parcels of land, so why choose one with such a history of opposition? In light of the

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debate today he proposed that the matter should be referred back to Cabinet for further consideration.

Mr Kiddle-Morris emphasised the importance of going through the Active Land Management procedure. Previously this had been done piecemeal. There were over 70 pieces of land and they were being looked at ten at a time. The Council had needed an independent view of the value of its land. That advice had been given and now there was the need to see if the land could realise its value. To provide best value there had to be an audit trail. Under the current scheme that trail was clear: the land was assessed, valued, its potential uses were considered and a decision made. That decision had to start with the highest value.

Mrs Millbank said that Broadland Housing Association had already tried to develop the land but had withdrawn, due to local opposition.

The Chairman pointed out that the reason for their withdrawal was not known.

Mrs Irving spoke as Executive Support Member for Housing and said that the Council had to look after all its residents. There was a lot of homeless need in the District and there were other Registered Social Landlords who might be willing to develop the land.

The Vice-Chairman reiterated that everyone was doing everything they could to reduce the numbers on the Housing Register. He also agreed with the principle of Active Land Management. However, in this specific case he felt the argument by Swanton Morley Parish Council had been presented well and the decision should be referred back to Cabinet. His proposal was seconded but was not supported by Members.

The Member Services Manager advised Members that under the Constitution there were three options available:

1. To confirm the original decision;
2. To refer the matter back to Cabinet for reconsideration; or
3. To refer the matter to Council for debate.

The Chairman sought confirmation that the current decision was to determine the value of the land not to actually sell it. This was confirmed by the Deputy Chief Executive.

**RESOLVED**

- (1) to confirm the Cabinet's decision to offer the land for sale for affordable housing; and
- (2) bearing in mind the strength of local opposition to the proposal, the Commission requested that once the value of the land had been determined, a final decision on its sale should be discussed formally at Cabinet. The Commission further encouraged the Ward Representative and Parish Council representatives to attend that meeting.

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**8/11 POST DECISION IMPLEMENTATION (AGENDA ITEM 8)**

This item was deferred until the next meeting.

**9/11 CHOICE BASED LETTINGS (AGENDA ITEM 9)**

The Assistant Director - Environmental Health & Housing presented the report which had been issued as a supplement to the agenda. Further papers were tabled at the meeting.

She gave some contextual detail to the report, explaining that the Council had been the first Local Authority to outsource the allocations function. Previously this had been administered, free of charge, by Peddars Way Housing Association (PWHHA) following the stock transfer. The allocations system was currently points based and it was recognised that it was not transparent and led to numerous enquiries from applicants as to their position on the register. No clear allocations policy was in existence at Breckland and therefore the Council could be seen to have had very limited influence over the allocation of housing in the district.

PWHHA had served notice on the Council and the allocation function had been taken back in-house. An EU Tender process had been carried out to find a suitable partner to administer the service and ARP(T) had been successful. Delivery had commenced in July 2007. The contract was in two distinct parts: administration of the housing register and development and introduction of a choice based lettings system (CBL). (This moved allocations from a points based to a more transparent banding system). The contract included stringent performance indicators – to drive significantly improvements in performance.

It was recognised that in places performance had been inconsistent, but customers and partners had been complimentary about the service they had received. Delays remain however, in introducing the CBL system and ARP(T) had been given until 20 January 2011 to go live.

At this point the Chairman explained that this item had been on the agenda for some time and had been deferred on more than one occasion. The system should have gone live months ago. The contract had been won through the due tender process and the company contracted to provide a service. They had chosen to introduce a partner to assist, but the Council's contract was with ARP(T). Cabinet had taken the decision to introduce a timeframe and it was important that the Commission had the opportunity to scrutinise the contract before the deadline.

It was apparent that despite some performance problems, the administration of the Housing Register had been dealt with well. However, the question was, why had the former Chief Executive kept faith with ARP(T) despite the problems with the CBL system.

The Assistant Director - Environmental Health & Housing explained that the main delay had arisen due to a hardware failure. The product had been in development for a significant time, owing to the fact that the system purchased by ARP(T) was not an 'off the shelf product'. In places, Breckland Key Select was almost bespoke to Breckland's needs and was therefore a very positive product. The system is highly

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interactive and is considered to be one of the best on the market. Breckland Key Select gives unique levels of access to information for residents and landlords. The system had now been built and was ready to test. ARP(T) had requested some changes to the contract terms prior to the system going live, but the Council was unwilling to negotiate before the system was delivered.

Mrs Irving said that she had taken the lead on this project as Executive Support Member, as the Portfolio holder (Mr Claussen) had an interest in ARP(T). She endorsed everything that had been said. It was a superior product and there might be an opportunity to offer it to other Councils. She had spoken with the Government Minister, Grant Shapps and he had confirmed that CBL was to continue.

Breckland had an excellent relationship with RSLs and they really liked the system. If it could be made to work it would be very worthwhile. Some details were still commercially sensitive.

The Chairman asked Members to consider the performance. Although there was no recommendation to be made the Commission's comments would be noted by ARP(T) and Cabinet colleagues.

The Vice-Chairman was confused and sought clarity. Were the issues about ARP(T) or about the hardware?

The Assistant Director - Environmental Health & Housing advised that although there were a number of commercially sensitive issues around the contract, the main message from the report was that the Housing Register performance had improved but the introduction of CBL was late, fundamentally because of IT issues.

A Member noted that some residents had complained about the time taken to process their applications and the Assistant Director - Environmental Health & Housing advised that this had been caused by staffing issue, but that the Council was satisfied that this was now being addressed and the situation was improving. The Council had been applying the financial penalty clauses within the contract to ARP(T) when it had failed to meet its targets. When CBL was live all application information could be input by the user and therefore processing times would not be an issue. She pointed out that although the performance figures did not look good against the contract requirements, they were in fact excellent when compared to other Local Authority figures.

The Chairman put the matter in context saying that the taxpayers were not receiving the service for which they had been paying. The Company was performing but the problem was that the CBL system was not being delivered. The terms were set out in the Tender and when the ARP(T) accepted the contract they undertook to deliver the service and they were failing. On behalf of residents they should be encouraged to improve their efforts.

A Member asked what the delay meant in terms of disadvantage to applicants and the Assistant Director - Environmental Health & Housing explained that it was about a transition to fairness and openness. There had been no actual disadvantage in access to housing, but residents had been denied greater freedom and ease of access to information.

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**RESOLVED** to endorse and support the Officer's report and encourage colleagues to ensure that the contract was delivered under the current contract conditions.

**10/11 TASK AND FINISH GROUPS (AGENDA ITEM 10)**

(a) Parking - Swaffham Review (Agenda Item 10a)

The Chairman of the Task & Finish Group informed Members that the Group had met in early December and would meet again later in January. There had been excellent press coverage but not a lot of public response. However, she was not surprised by this as she did not think that there were any particular problems in Swaffham.

(b) Joint Audit and Scrutiny Panel - ICT Review (Agenda Item 10b)

The Chairman informed Members that at the latest Panel meeting they had looked at various methods to improve digital use by Members. He had been disappointed to hear that they could not improve Broadband access by tapping into the schools' system as that was one item that had been discussed. A number of options had been looked at and the Panel had reached the decision to trial iPads across the Council. It was felt important to include Members with large and diverse workloads in the trial. A Member of Development Control and a 'twin-hatter' should be included. It had been suggested that four iPads should be acquired and disseminated. This had subsequently been changed to two.

The Elections and Scrutiny Manager then read out an e-mail he had received from the Head of ICT in which he advised that the Business Improvement Team had been requested to gather information for the Business Case and other councils also considering ipads (such as Leicester) would be consulted as part of that business case.

With regard to the provision of trial devices, the new Ipad 2 was due for release in February 2011. It would be unwise to invest in outdated technology now, therefore to minimise the risk of hardware redundancy they were seeking a short term lease/rental agreement for ipad devices. They were working with a company to determine the viability of ipad devices in a Local Government environment as regards ability to connect and download documentation, and the ability to annotate, comment, review and bookmark large documents for ease of use. The Panel would be informed as and when information became available on rental or lease agreement options.

The Chairman thanked Members for all the comments they had submitted. Accessibility had been the biggest problem. Recommendations had been made about agendas, particularly with regard to PDF images and the difficulty of re-orientating them through 90 degrees. They had also stressed the need for big screens.

The Council was moving towards a paperless office, it was therefore important to organise the trial in advance of new Members arriving in May. The iPads were light and portable and easy to use. Purdah would begin on 25 March and he felt it was leaving it too late to start the trial in February.

**Action By**

Another Member noted that the next meeting of the Panel was on 1 February 2011 when a report on iPads was expected. He said they needed to move the trial forward. It could not be put off until later.

**11/11 SHARED SERVICES (AGENDA ITEM 11)**

The Member Services Manager left the room whilst this item was discussed (as an Officer at risk under the new management structure).

The Shared Services Project Manager was in attendance to provide Members with a verbal update.

He explained the key milestones of the project which was currently ahead of its timetable with both the Shared Services Management Structure and the Final Memorandum of Agreement having already been approved by both Councils.

The project was well into its implementation stage and he was confident it would be completed by 31 March 2011.

He acknowledged that it was a difficult time for employees of both Councils. A number of senior managers had been issued with 'at risk' letters and it was a stressful situation.

The 18 new Shared Management posts had been through a job evaluation process which had been completely fair, objective and robust. All posts had been advertised from 4 January 2011. Some officers might opt for voluntary redundancy, those proceeding with the recruitment process needed to submit their applications by 18 January 2011. The two Director's posts would be interviewed on 28 January and the Assistant Director and Service Managers posts in February.

At the conclusion of the recruitment process those officers without posts would be redeployed if possible or made redundant. Everything was being done to support those at risk.

A Member asked if all Members would be notified of the outcome of the interviews at the same time and this was confirmed. There would be a broad announcement as soon as possible.

The Vice-Chairman was concerned that with the impending changes to senior managers it would be difficult to know who to contact on specific issues. The Shared Services Project Manager agreed that business needed to continue and in the interests of continuity he would provide Members with a list of key contacts, outside the 'at risk' group.

The Chairman thanked Mr Wilkin for his update.

**12/11 COUNCILLOR CALL FOR ACTION (AGENDA ITEM 12)**

Mr Joel advised that he had been going to raise the matter of recycling credits for village halls and schools, but he had received the information he required and so wished to withdraw his request.

**13/11 WORK PROGRAMME (AGENDA ITEM 13)**

The Elections and Scrutiny Manager advised that the Leader of the

Roger  
Wilkin

**Action By**

Council would be unable to attend the February meeting due to an appointment in London. It was therefore suggested that the Executive Member for Corporate Development should be invited to attend in February and the Leader and Chief Executive be re-scheduled for the March 24 meeting if they were available.

It was noted that the Budget papers which had been on the work programme had been omitted as the Audit Committee now took responsibility for their scrutiny.

The Vice-Chairman asked if there had been an undertaking from Anglian Water to send a representative to the review of utilities meeting. The Scrutiny Manager confirmed that there was and asked Members if they would agree a date for that special meeting. and a firm date would assist in those discussions.

It was agreed that the utilities review special meeting would be held on 10 March 2011, following full Council. Lunch for Commission members would be provided. Discussions were on-going with National Grid and the National Power Network to send representatives, Anglian Water had already agreed to attend.

The Chairman asked the Scrutiny Manager and/or Officer to attend a meeting of the Norfolk County Strategic Partnership Joint Overview & Scrutiny Panel on 12 January 2011 when Anglian Water would be giving a presentation, to gather background information.

A Member suggested that Maureen Orr (at Norfolk County Council) should be contacted to provide a briefing regarding Health scrutiny.

**14/11 NEXT MEETING**

It was confirmed that future meetings would commence at 2pm.

The arrangements for the next meeting on 10 February 2011 in Level 1 Meeting Room, Breckland House, St Nicholas Street, Thetford IP24 1BT.

The meeting closed at 4.20 pm

CHAIRMAN