

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 7 June 2012 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

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

Also Present

| | |
|---------------------|----------------------|
| Mr S.G. Bambridge | Mr W. R. J. Richmond |
| Councillor E. Gould | Mr F.J. Sharpe |

In Attendance

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| Phil Adams | - Environmental Health Manager |
| Sarah Bruton | - Environmental Services Manager |
| Paul Jackson | - Planning Manager |
| Helen McAleer | - Senior Committee Officer |
| Darryl Smith | - Principal Housing Officer (Strategy and Enabling) |
| Vicky Thomson | - Assistant Director - Democratic Services |
| Zandra Waterford | - Scientific Officer |

59/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 26 April 2012 were confirmed as a correct record and signed by the Chairman.

60/12 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Mr C Carter.

61/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

62/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

Mr Kybird declared a personal interest in Agenda Item 8 as a potential developer.

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**63/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING
(AGENDA ITEM 5)**

Councillor Gould, Mr W Richmond and Mr F Sharpe were in attendance. Mr Bambridge joined the meeting during Agenda Item 6.

**64/12 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM
6)**

Councillor Elizabeth Gould was in attendance to update the Commission on the Planning and Environmental Services Portfolio.

The Portfolio covered the four main areas of Planning, Building Control, Environmental Health and Housing. She gave a brief outline of the current priorities and key developments within each area.

Planning

Jeff Upton had been appointed as Interim Planning & Building Control Manager and was the lead officer locally for Capita Symonds. Difficulties in contacting Capita Symonds staff had been addressed. Answer phones were no longer used with the exception of the Enforcement team which only had 1.6 members of staff. The out-of-office e-mails had also been improved.

It had become clear that a number of the current performance targets, which had been set at the start of the contract, were no longer relevant. They were being reviewed in partnership with Capita Symonds. Measures were being developed to streamline the processing of straightforward planning applications. There was also a drive to improve the enforcement service. A new protocol had been drafted, which would support the quick resolution of cases by determining at an early stage which were expedient to pursue and which were not.

Building Control

Work had started on a major IT upgrade for Planning and Building Control. Investment was being made by both the Council and Capita Symonds. The IT improvements would help to make the website more customer-friendly and would display information in an easily accessible manner. It would also facilitate improved working practices.

Environmental Health & Licensing

These areas were currently under review across both Breckland and South Holland. The HR process had been completed and the following officers had been appointed to key roles working across both authorities:

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- Richard Boole Environmental Protection Manager
- Craig Fowler Health & Safety Manager
- Fiona Inston Licensing Manager

Andrew Grimley and Sarah Shipley had been appointed as Breckland Team Leaders.

The review was on track to make projected savings and efficiencies. A procurement process was underway to provide ICT to support the teams.

The Food Health and Safety team were currently working on raising standards in food premises. The National Food rating scheme was in use with a top score of five and a minimum score of zero. It was important to raise public awareness and encourage people to look for premises with the top score. The team were also working closely with a number of businesses in the district as part of the FSA Primary Authority scheme, as well as working on a number of legal cases where businesses had breached Health & Safety legislation.

Within the Environmental Protection team the dog warden service continued to demonstrate benefits and to show efficiency savings.

The Licensing Team were working to understand the implications of the new Police Reform and Social Responsibility Act.

Housing

The Housing Service was going through a period of significant change. Each element of the service was being reviewed and a number of key policies were being reshaped to make the service more flexible and to allow greater local determination, enabled by the Localism Act. With a new Portfolio Holder in place and with a long-standing manager having recently moved on it was a good opportunity to cast a fresh eye over the housing service ensuring that attention and resources were fully focussed on the key priorities of the Council as a whole, whilst still meeting the aspirations and the needs of residents.

The Strategy and Enabling team were primarily responsible for determining housing need in the district. Particular emphasis would be placed on the provision of affordable homes as analysis had shown that there was a substantial gap between demand and provision within Breckland. The target was to enable at least 300 new affordable homes between 2012 and 2014. Despite the extremely challenging environment there were up to 620 affordable homes in the pipeline over the next three years, with planning permission but no precise start date for building.

Following their review a streamlining of staff resources had taken place in the team which had made a significant contribution to the

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Council's financial efficiency target. The team was also carrying out some work for South Holland District Council on a chargeable basis as well as being actively engaged in identifying and enabling the development of sites for Gypsies and Travellers where appropriate.

The Private Sector Housing team was currently under review. They were responsible for enabling and enforcing the standard of housing provision within the district. Enforcement mainly dealt with tenants who did not feel that their landlords were fairly maintaining their homes to a decent standard. Enabling was mainly concerned with the assessment and provision of grant funding to improve or adapt homes. Particular emphasis was placed on enabling vulnerable people to live independently in their own homes. A large part of the team's resource had been devoted to the administration of Disabled Facilities Grants (DFG) which had been a cumbersome process. That process had been improved and simplified which had cut the average enquiry to approval time from 139 days to just 37 days.

The 'Restore' grant scheme had been introduced to bring empty dwellings back into use and since its introduction in February there had been three approvals with other applications pending. The team had also made a successful bid for funding from the Gas Safe Register and RoSPA for a carbon monoxide awareness campaign. They had received 200 CO₂ monitors which would be provided to vulnerable households.

The Housing Advice and Homelessness team was also under review. It formed the Council's front line in terms of dealing with enquiries from customers in housing need. They had recently incorporated the Housing Register team. Successes for the team in the past year were related to reducing homelessness and providing temporary accommodation where homelessness could not be prevented. The homelessness application processing time had been reduced by 29% in comparison to the 2010/11 times and there had been particular success in preventing homelessness which had reduced the bed and breakfast spend by 19%.

The Interim Housing Manager who was in charge of leading the reviews had been tasked with implementing changes which would improve service outcomes for customers whilst delivering real efficiency savings.

In conclusion the Executive Member advised that priorities going forward would include:

- Continuing to increase the supply of affordable housing;
- Tackling empty properties;
- Implementing the newly development Homelessness

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Business Plan with the emphasis on prevention of homelessness;

- Reducing the housing register numbers with the adoption and implementation of a new allocations policy; and
- Ensuring that the most vulnerable people within the community could continue to live independently.

The Chairman thanked the Executive Member for a great introduction to her new Portfolio. He then invited questions.

Mr Kybird asked what changes had been made by the Planning department to meet public needs.

The Executive Member advised that the former targets set for determining planning applications had been relaxed, so that if a decision could be taken in a shorter time it would be. On the other hand, applications which had previously been refused to meet the eight week deadline could now be extended to allow time for more information to be provided, improving customer service.

Mr Gilbert raised the following questions:

1. As Capita Symonds was a profit making organisation did they ever ask for fees for applications that did not require planning permission?
2. With regard to enforcement, matters took too long to be dealt with and in some cases, no action was taken. He gave an example of a shop which had changed use without planning permission.
3. What was the time scale for Land Charges searches?
4. When the planning service was outsourced there was meant to be immediate investment in IT upgrading – was that only happening now?

The following answers were given:

1. The Planning Manager clarified that fees were set nationally and that new buildings required a fee, even if they were exact replacements. Details on the website gave guidance on fee exemptions.
2. The Planning Manager did not know the details of that particular case but enforcement guidance encouraged negotiation of an amicable solution, where possible, and to deal leniently with matters that would have been approved if planning permission had been sought. The Council wanted to facilitate vibrant town centres.
3. There was a three day turn-around. Mr Gilbert was asked to supply details of exceptions which would be investigated.
4. The initial benefits from out-sourcing had been the scanning of documents to the website. The new

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investment would allow multiple documents to be scanned at once and introduce other improvements.

Mrs Irving asked the following questions:

1. Would the recently departed Principal Officer – Housing Options be replaced?
 2. How many properties were available on the Breckland Key Select system for the four and a half thousand people on the housing register to bid on?
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1. The Executive Member advised that there would be no-one appointed whilst the service was being reviewed. However, Matthew Hogan from South Holland was providing two days per week support in the meantime.
 2. The Principal Housing Officer (Strategy and Enabling) advised that there had been 450 properties advertised on the Key Select system. Once changes to the allocations policy had been agreed (which were likely to reduce the number of people on the waiting list) the team would start to contact people that were not bidding to find out why.

The Vice-Chairman had received complaints from people with housing concerns that their telephone messages had not been answered. As they were people seeking help from the Council they were unlikely to complain to the Council, so was there a system to review that service?

The Executive Member said that a priority of the review had been to address that issue. There would be a dedicated telephone number for people to ring which would be manned by a member of the Housing team – rather than calls going through the Contact Centre.

Mr Joel was pleased about plans to stop sending paper copies of planning applications to Parish Clerks. He thought that an on-line service was a good way forward.

The Executive Member clarified that there was a trial being carried out with a number of Parish Councils which would lead to a more streamlined approach, but it was acknowledged that there would always be some Parish Councils unable to participate due to the lack of Broadband in certain area.

Mr R Richmond asked if exception sites would solve the problem of the lack of small, affordable homes in the district.

The Principal Housing Officer (Strategy and Enabling) explained that the viability of sites was very important. There was a development programme going forward, but there were not many exception sites in the pipeline. However, the Council owned some pieces of land outside Settlement Boundaries which might

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become available.

The Planning Manager noted that in the National Planning Framework released in March there was a suggestion that some market housing should be allowed on exception sites which were difficult to develop. The guidance also promoted providing schemes to deliver serviced sites for self-build. It would be up to Members to determine how they wished to move that forward through the Local Development Framework and Strategies.

The Chairman thought that Members had been under the misapprehension that IT matters would improve rapidly when Planning had been outsourced. They had also been told that the contract would earn revenue for the Council and that had not happened. With regard to enforcement, he agreed with the Planning Manager, that in the current difficult times it might not be appropriate to take action, but there was a danger of sending the wrong message if no enforcement action was taken. The Council needed to be careful how it handled such matters and take breaches seriously.

He questioned the 620 affordable houses that should be delivered in the next three years. Only 53 had been built in the last year and he doubted if more would be built. It was a problem that was outside the Council's control. It was down to the major developers. The Housing Task & Finish Group was trying to find out how to deal with that issue.

Mr Sharpe was aware that developers were saying they could not sell social housing and were offering money instead.

The Principal Housing Officer (Strategy and Enabling) advised that a new Housing Association had entered into contracts on a number of the 620 sites. The target was looking more positive. There were opportunities to change the Section 106 clauses to commuted sums but that was a final choice because it led to the issue of where to spend the money.

The Building Control Manager agreed that improvements to the IT systems had been slow but following good negotiations they were now moving forward with a major scheme of hardware and software investment by both Capita Symonds and the Council. There would be substantial changes over the next 12 months.

The Planning Manager returned to the subject of enforcement and recalled an occasion when the Council had taken a case to the Magistrates Court. The outcome had been a fine, with the money going to the Court.

The Vice-Chairman asked if the £300,000 in the budget for the Right to Buy had been ring-fenced and was advised that it was not but that the Council did have a £250,000 budget per year for

affordable housing.

Mr R Richmond thought that the only way to get building underway was to provide affordable plots.

The Chairman thanked the Executive Member for her update.

**65/12 GOVERNANCE & PERFORMANCE MONITORING REPORT
(AGENDA ITEM 7)**

The Assistant Director for Democratic Services presented the report.

It was the first quarterly report generated by the new Performance Plus system and contained all the projects, performance indicators and risks that had been identified in Service Business Plans. It was a comprehensive report that showed Members what the new system could provide. Future reports would not contain as much information.

Members were asked to provide their views on the most appropriate format for future reporting. The following headings had been suggested:

- Projects not on track;
- Performance indicators that were consistently below target;
- High risks; and
- Audit recommendations that had not been actioned.

Good news outcomes would also be reported.

Mr Kybird asked that in addition to the four suggested headings, new risks and risks that had been dropped should also be reported.

The Chairman noted that the report was very complicated and the red triangles and question marks were worrying and needed more explanation. For future he asked that items that had exceeded expectations should also be looked at to find out why they were doing so well.

Mr Kybird thought it was a good idea to see the whole list once a year as it gave an indication of context. The Chairman agreed.

Mr Bambridge suggested that the whole list should be available for Members on the Intranet. He thought that more sophisticated data was required.

The Assistant Director explained that the Performance system was still being populated with data and more information would be available in the next couple of months. The new system had

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extensive capabilities and the facility to tailor reports for individual Executive Members.

The Chairman suggested that in future when an Executive Member updated the Commission on their Portfolio their tailored report should be provided.

The Assistant Director advised that in future any issues would be highlighted and reported to the Commission before being presented to Cabinet. Reports would also be available on the Intranet in a few months time.

The following suggestions for additions/improvements to the report were **RECOMMENDED TO CABINET**

- New risks and risks that had been removed should be noted in future reports.
- An explanatory note was required at the start of each section and should include information on why targets were not being met, or were being exceeded.
- Detailed explanations were needed to accompany the symbols
- Comments columns should not be left blank
- Not all items should be reported quarterly – attention should be focussed on areas of concern and where performance was exceeding expectations

Annually the report should be presented in full.

The Chairman thanked the Assistant Director and asked her to report to the Commission again in three months.

66/12 AIR QUALITY MONITORING (AGENDA ITEM 8)

The Scientific Officer Environmental Protection presented the report which had been requested by the Commission.

The Council had a statutory duty to ensure that air quality met National objectives. New development could have a significant impact on air quality. The Technical Guidance document attached to the report had been developed by the Norfolk Environmental Pollution Group and colleagues in Suffolk to assist planning colleagues and developers on pollution control measures.

It was hoped that the guidance would bring consistency to the requirements for new developments in respect of air quality. The Planning Officers at Breckland were very supportive of the guidance and it was recommended that the document should be adopted and issued to Planners, developers and their agents.

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Mr Kybird was aware that there was a problem with air quality in Swaffham where National limits had been exceeded. However local air quality was still very clean compared to other parts of the country.

Mr Sharpe, speaking as a Swaffham Councillor, was concerned that the additional 600 homes already granted planning permission, would increase traffic and cause more problems. There was nothing in those planning permissions to regulate air pollution.

The Chairman agreed. He was aware of two applications on the agenda for the next Planning Committee which could also cause significant air quality problems.

The Scientific Officer advised that Swaffham was the only area locally that had a problem and they were working to declare an Air Quality Management Area (AQMA) there. That would have a significant effect on the control of polluting effects. Consultants had been employed to work on the declaration, which had a cost to Breckland. However, if the Technical Guidance could be adopted it would encourage developers to consider traffic mitigation measures at an early stage of development which could prevent worsening air quality.

Mr Gilbert asked if a developer could say that they were reducing pollution if the previous use of a site had been industrial and the Scientific Officer advised that major industrial uses had to have permits which limited their emissions.

It was **RESOLVED** to **RECOMMEND TO CABINET** that that the Technical Guidance document be adopted and issued to Planners, Developers and Agents.

67/12 TASK AND FINISH GROUPS (AGENDA ITEM 9)

(a) **Bunker & Business Continuity T&FG**

Mr Kybird, Chairman of the T&FG advised that they had had one meeting but business had not been concluded. He advised Members of the works carried out at the Bunker which included the installation of a fire alarm and the disconnection of electrical appliances.

The remaining equipment in the bunker would be removed and then document storage would be transferred to the bunker to release other rentable units.

The issue of a generator for Elizabeth House was being looked at in conjunction with business continuity. The Deputy Chief Executive would be chairing a group of managers to redefine

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the priority services required. The T&FG could not make any recommendations until those had been identified.

68/12 HEALTH & SCRUTINY (STANDING ITEM)(AGENDA ITEM 10)

The report from Lady Fisher was noted.

69/12 SCRUTINY CALL-INS (STANDING ITEM)(AGENDA ITEM 11)

None.

70/12 COUNCILLOR CALL FOR ACTION (STANDING ITEM)(AGENDA ITEM 12)

None.

71/12 WORK PROGRAMME (AGENDA ITEM 13)

The Chairman noted that the Utilities meeting had still not been organised because of problems getting the different companies to attend, but he said that it still needed to be pursued.

With regard to the Forward Plan he noted that the Thetford Area Action Plan would be presented to Council on 5 July 2012. There was no time for the Commission to look at that before the Council meeting, but they could look at it afterwards.

Mr Kybird suggested that the cost of Parish Council elections should also be scrutinised. Mr Rogers noted that it was not worth Parishes calling elections because it was too expensive.

Members were reminded to put forward items for the work programme.

72/12 NEXT MEETING (AGENDA ITEM 14)

The arrangements for the meeting on 19 July 2012 were noted.

73/12 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 15)

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

74/12 SERCO CONTRACT (AGENDA ITEM 16)

The Environmental Services Manager presented the report which set out the options for the provision of the Environmental Services contract post 2015.

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The costs of the current service had been compared to the prices of 'nearest neighbour' authorities and were set out in the table at Appendix A to the report. It was clear that the contract was providing good value for money.

Customer satisfaction was measured regularly and performance was good.

Three options for the way forward were provided in the report.

Mr Gilbert agreed that the service provided good value for money. He asked if it would be possible for cut grass to be collected as it looked a mess when left. He also suggested that areas should be litter-picked before the grass was cut.

The Vice-Chairman asked what use was made of the information gathered by the Customer Service surveys as they cost a lot of money. The Environmental Services Manager accepted that there was the potential to make more use of that information.

The Chairman suggested that an additional column was needed on the table at Appendix A to clarify whether service was provided in-house or not.

It was **RESOLVED** to **RECOMMEND TO CABINET** that the Option at paragraph 4.1 of the report be supported.

The meeting closed at 4.10 pm

CHAIRMAN