

**BRECKLAND COUNCIL**

**At a Meeting of the**

**OVERVIEW AND SCRUTINY COMMISSION**

**Held on Thursday, 13 December 2007 at 2.15 pm in the  
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

**PRESENT**

Mr S.G. Bambridge	Mrs D.K.R. Irving
Mr J.P. Cowen (Chairman)	Mr A.P. Joel
Mr K.S. Gilbert	Mr C.R. Jordan
Mr J.R. Gretton	Mr K. Martin
Mrs T. Hewett	Mr J.D. Rogers
Mrs S.R. Howard-Alpe	Mr B. Rose

**Also Present**

Lady Fisher

**In Attendance**

Mark Broughton	- Scrutiny Officer
Herbie Burwood	- Interim ICT Manager
Melanie Buttery	- Accountancy Officer Technical
Phil Daines	- Development Services Manager
Mark Finch	- Chief Accountant
Michael Horn	- Head of Legal Services
Ray Johnson	- Acting Operations Manager (Commercial Services)
Tim Leader	- Deputy Chief Executive
Steve O'Brien	- Dog Warden
Ian Vargeson	- Democratic Services Manager
Mike Wheatley	- Environmental Health Manager
Elaine Wilkes	- Senior Committee Officer

**118/07 MINUTES**

The minutes of the meeting held on 1<sup>st</sup> November 2007 were confirmed as a correct record and signed by the Chairman.

**119/07 APOLOGIES**

Apologies for absence were received from Mr. A. Byrne, Mr. R.F. Goreham, Mr. R.G. Kybird and Mrs. S.M. Matthews.

**120/07 DECLARATION OF INTEREST**

The following declarations of personal and/or prejudicial interest were made:

Mr. S.G. Bambridge – By virtue of his work interests in regard to LDF matters (agenda item 10(a) and (b)).

Mr. J.D. Rogers – In relation to LDF matters as recorded in the minutes for Panel 1 under agenda item 10(a) and (b).

Mr. A.P. Joel – In relation to agenda item 12 as an employee of a

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company that has business dealings with Serco.

Mr. P. Cowen – In relation to LDF matters as an Architect in practice (agenda item 10(a) and (b)).

Mr. J.R. Gretton – In relation to agenda item 7 as a member of Norfolk County Council, and in relation to agenda item 10(c) as a County Council Member for culture.

**121/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING**

Lady Fisher, Executive Member for Environment, was in attendance for agenda item 8.

**122/07 RISK MANAGEMENT (AGENDA ITEM 6)**

The Chief Accountant introduced Mel Buttery as the officer responsible for administering the Risk Management Strategy.

The Chief Accountant presented the report and outlined the progress to date, which included the appointment of a Risk Board with responsibility for raising the profile of risk management throughout the Council's services and ensuring priority was given to it across the organisation.

Details of the training which had been provided for members and officers were given, together with the process for regular monitoring through the TEN performance management system.

While the new Audit Committee would take up responsibility for monitoring risk management from the Overview and Scrutiny Commission in future, the Commission would nevertheless still be involved as a consultee through the normal decision making process and the scrutiny call-in procedures relating to executive decisions.

From the answers given to various questions, it was noted that:

- The risk register identified the officer or officers responsible for delivery of the objectives, with ultimate responsibility resting with the Strategic Directors.
- Investment risks were managed through specialist advice and closely monitored and regularly reviewed. In the case of Northern Rock, in the light of advice from the Council's specialist adviser (Butlers) and following the Treasury's commitment to the Bank, the Council's existing investment would continue to be held until maturity but no new investment would be made.

The Commission thanked the Chief Accountant for his report and

**RESOLVED** that the report be noted.

**123/07 EXTERNAL LEGAL SERVICES CONTRACT AND VIREMENT OF FUNDS (AGENDA ITEM 7)**

The Head of Legal Services presented the report, which set out the Council's options in respect of the part provision of legal services to the Council. The report asked the Commission to consider the principles of

the part externalisation of the service and recommending to Cabinet to give authority to enter a five year contract (subject to an appropriate break clause) for the part external provision of legal services to the Council, plus authority to vire funds within the Legal Services budget to finance the contract.

Members supported the principle of the part externalisation of the service and considered that the Council had benefited from the process to date. However, members were concerned that the Council should not be tied in to fixed contract expenditure and that there should be the flexibility of a break clause so that the Council could respond to any change of circumstances that might arise from the unitary authority debate.

**RESOLVED** that this Commission endorses the recommendation to Cabinet that:

- (1) authority be granted to enter into contract for a period of up to five years (subject to an appropriate break clause) for the part external provision of legal services to the Council;
- (2) authority be granted to vire funds within the Legal Services budget to finance such a contract; and
- (3) pursuant to the exception contained in paragraph 1(b) and Clause 20 of Contract Standing Orders, Cabinet should direct that the engagement of either the firm of Solicitors concerned, or of Norfolk County Council, should not be in accordance with Contract Standing Orders.

**124/07 THE PROVISION OF THE DOG CONTROL SERVICE (AGENDA ITEM 8)**

The Executive Member for Environment introduced this item and explained that the Council needed to respond to the new initiative from central Government and the changes due to come into effect in April 2008, when police responsibility for accepting stray dogs at police stations would cease.

The Environmental Health Manager presented the report, which outlined the provisions of the existing Dog Warden Service and explained the implications of the new statutory requirements for future provision of dog control services.

The Environmental Planning Manager introduced Steve O'Brien, the Dog Warden and members were informed that Mr. O'Brien's commitment to his role had been vital to the delivery of the service.

The Dog Warden gave a presentation to the Commission outlining the functions and duties of the Dog Warden service, which covered the areas of control of stray dogs and dangerous dogs, dog fouling, dog noise complaints, education and training, and lost dogs.

Since the report had been drafted, it was noted that discussions were now taking place with other local authorities to look at the options for partnership or shared working, which was considered to be the most practical solution to the future of the service across the county. Options

**Action By**

Michael  
Horn

for cross-boundary working were also being considered.

The Commission did clearly support the Dog Service and the continued discretionary elements dealing with dangerous dogs, preventive education etc.

**RESOLVED** that further consideration of this matter be deferred pending the outcome of current discussions.

**Action By**

Mike  
Wheatley

#### **125/07 SURFACE WATER DRAINAGE / FLOODING (AGENDA ITEM 9)**

The Development Services Manager presented the report, which, in response to a request from members, outlined the role of the Council's service delivery teams in relation to surface water drainage and flooding.

Some key Issues highlighted during discussion were:

- The nature of the district varied from clay in the north to sandy in the south and, therefore, different drainage solutions would apply.
- Long-term maintenance solutions were becoming more difficult. Agencies were reluctant to adopt new schemes and developers were being looked-to to establish management arrangements for long-term maintenance.
- More and more development proposals required on-site solutions and to ensure surface water run-off from sites were not greater than existing.
- The need to give more weight and attention to local knowledge in the development process.
- The need for attenuation in drainage ditches to prevent problems.
- Enforcement of riparian owners to maintain drainage ditches
- The need for policies to take account of the green agenda, climate change and sustainability issues – e.g. methods of construction for external areas, not allowing grassed areas to be paved over, retention of flood meadows, use of porous construction for roads and car parks
- The need for definitive maps.

The report was noted.

#### **126/07 POLICY DEVELOPMENT AND REVIEW PANELS (AGENDA ITEM 10)**

The Panel 1 minutes were taken as read as they had already been considered at the special meeting of the Cabinet on 3<sup>rd</sup> December 2007.

Due to time constraints and the absence of Panel Chairmen, it was agreed to take the recommendations from Panels 2 and 3 only, with consideration of the minutes of those meetings otherwise standing deferred to the next meeting.

	<b><u>Action By</u></b>
<p>(a) <u>Panel 1 - Confirmed minutes of the meeting held on 8 November 2007</u></p> <p><b><u>RESOLVED</u></b> that the minutes of the meeting of Policy Development and Review Panel 1 held on 8 November 2007 be adopted.</p>	
<p>(b) <u>Panel 1 - Unconfirmed minutes of the meeting held on 27 November 2007</u></p> <p><b><u>RESOLVED</u></b> that the minutes of the meeting of Policy Development and Review Panel 1 held on 27 November 2007 be adopted.</p>	
<p>(c) <u>Panel 2 - Confirmed minutes of the meeting held on 17 October 2007</u></p> <p>Due to time constraints, this item was deferred to the next meeting.</p>	
<p>(d) <u>Panel 2 - Unconfirmed minutes of the meeting held on 28 November 2007</u></p> <p><u>The Built Environment - Protection and Listing (Minute 56/07)</u></p> <p>Members concurred with the concerns of the Panel regarding the situation affecting Shadwell Park and felt that the matter should be the subject of a formal debate by the Commission in the light of a full report from the officers. The Commission accordingly</p> <p><b><u>RECOMMEND</u></b> to Cabinet that the matter be formally considered in full by the Overview and Scrutiny Commission.</p>	Mark Broughton, Andrew Gayton
<p>(e) <u>Panel 3 - Unconfirmed minutes of the meeting held on 27 November 2007</u></p> <p>(1) <u>Drug and Alcohol Action Team (Minute 53/07)</u></p> <p>The Commission noted the report of the Panel on this matter and agreed that a survey to seek to assess the level of alcohol related anti-social behavioural problems in Breckland would be worthwhile and would enable a map of alcohol related anti-social behaviour 'hot spots' within the district to be compiled. The Commission supported the recommendation of the Panel in the matter and accordingly</p> <p><b><u>RECOMMEND</u></b> to the Cabinet that agreement be given to the production of a form for issue through "Voice" to all Breckland residents to complete requesting them to give their location and whether they suffered from alcohol related anti-social behaviour and include the type of anti-social behaviour which was occurring.</p> <p>(2) <u>Research Findings and Development of a Black and Minority Ethnic Strategy for Housing (Minute 55/07)</u></p> <p>The Commission noted the report of the Panel in this matter and supported the recommendation. Accordingly, the Commission</p>	Martin Seymour

**RECOMMEND** to the Cabinet that regular monitoring of the BME populations be undertaken in order to ensure that communities were sufficiently resourced to deal with their population.

**Action By**

Darryl  
Smith

**127/07 REPORT INTO THE DISTRICT ELECTIONS 2007 (AGENDA ITEM 11)**

Members concurred with the Working Group's conclusions set out in their report and it was noted that the majority of the remedies were already in place.

**RECOMMEND** to the Cabinet that

Ian  
Vargeson

- (1) If only one count centre is to be used then more than one team of officials should be deployed to log in ballot boxes and consideration should be given to providing adequate shelter for persons queuing to deposit boxes.
- (2) A thorough review of polling staff should be undertaken before the next elections in order to ensure that only fully capable people are employed on election duties.
- (3) New and inexperienced presiding officers should not be employed at busy polling stations or stations where joint elections are being held.
- (4) Better lighting should be provided at the polling station in Attleborough Town Hall if this venue is to be used as a polling station in future.
- (5) The Council should not work with partners in elections in future unless with proven ability.
- (6) Tried and trusted printers be used to ensure that a good standard product is used which is fit for purpose.
- (7) Until such time as the technology is fully tried, tested and satisfactory, the Council should continue to operate manual counts at future elections unless the Council were directed to use e-counting by central government.
- (8) The "traditional" count centre layout be retained which will ensure transparency of procedures and allow agents and candidates to properly scrutinise the proceedings.
- (9) Officers be asked to try and improve the facilities (e.g. catering, chairs) for candidates at the count, as these were inadequate on 3 May.
- (10) Channels of communication between election officials and candidates/polling agents at the count need to be improved.

**128/07 ENVIRONMENT & SECURITY SERVICES CONTRACT  
PERFORMANCE UPDATE (AGENDA ITEM 12)**

The report was presented by the Street Scene Manager, the details of which were noted.

The Chairman highlighted in particular the exceptional improvement in the number of kilograms of household waste collected per head of population.

**RESOLVED** that the report be noted.

**129/07 WORK PROGRAMME (AGENDA ITEM 13)**

The Chairman invited members to bring items forward at the next meeting for consideration for inclusion in the future work programme of this, or one of the Panels, or alternatively as a specific area of work for a Task and Finish Group.

The following matters were put forward:

- Reviewing and understanding successful projects, e.g. Thetford Growth Point Funding
- Pathfinder items, such as the Green Agenda – looking at environmental issues in the round
- Project Match Funding Reserve – update
- Rural Post Offices – update

**130/07 NEXT MEETING**

Members noted the arrangements for the next meeting on 24 January 2008.

**131/07 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 likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

**132/07 THE ICT OUTSOURCING CONTRACT OPTIONS APPRAISAL  
(AGENDA ITEM 16)**

The ICT Manager presented the report, which outlined the findings of the options appraisal for the letting of the ICT Contract which was due to expire in 2008.

An extension of the contract with the present provider was proposed, which would give sufficient time to prepare for a full tendering process for a new contract.

While Members supported the recommended option for the reasons given, there were some reservations and the need to maintain close monitoring of the contract was stressed.

**Action By**

Mark  
Broughton

**RESOLVED** that

- (1) Option 1 be disregarded as it has no financial advantage and no service change;
- (2) the figures in Option 2 (three year extension) and Option 3 (service in-house) be noted and based on the information contained in the report, endorse the selection of Option 2 as offering the best value for money and least risk option for the Authority;
- (3) Members' reservations be noted, however, and close monitoring of the contract be maintained.

**Action By**

Herbie  
Burwood

The meeting closed at 5.10 pm

CHAIRMAN