

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 6 September 2012 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

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

Also Present

Mrs J A North	Mr David Jolley - Capita Symonds
Mr F.J. Sharpe	Mr Chris Skinner - NP Law
Mr I. Sherwood	

In Attendance

Mike Brennan	- Principal Planning Officer*
Dominic Chessum	- Joint Marketing & Communications Team Leader
Paul Jackson	- Planning Manager
Sharon Jones	- Head of Shared Service (ARP)
Helen McAleer	- Senior Committee Officer
Darryl Smith	- Principal Housing Officer (Strategy and Enabling)
Teresa Smith	- Committee Officer (Scrutiny & Projects)
David Spencer	- Joint Deputy Planning Manager
Vicky Thomson	- Assistant Director - Democratic Services
Jeff Upton	- Interim Planning & Building Control Manager*
Rod Urquhart	- Operations Manager (Support and Fraud)
Ben Wood	- Business Development Manager

** Capita Symonds for Breckland Council*

75/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 7 June 2012 were confirmed as a correct record and signed by the Chairman.

76/12 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from Mrs D Irving. Mr G Bambridge was present as her substitute.

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**77/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING
(AGENDA ITEM 5)**

Mrs North, Mr Sharpe and Mr Sherwood were in attendance.

**78/12 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM
6)**

Mr Sherwood, Executive Member for Performance and Business Development, thanked the Commission for the opportunity to present an update on his Portfolio which was responsible for Communications, Organisational Development and Performance.

The Communications Team aimed to protect and promote the reputation of the Council. Their key responsibility was to maintain good public and media relations and to ensure consistent and recognisable branding. Internal communications were also important.

Communications was a small team and their main day job involved dealing with press releases and enquiries. They were also progressing the following projects:

- Digital Strategy – working on developing a Corporate Communications Strategy, including guidance on social media use
- Voice Magazine – the final edition under the current contract had gone to press and quotes were being sought for 2013.
- Homecoming Parade – which would take place on 5 December 2012 and would take a significant amount of officer time in the coming months
- Consultations – two big consultations were in the pipeline, ‘Could We Should We?’ and the Benefits Consultation.

Mr Gilbert noted that as a postal worker he was aware that there were often large quantities of Voice magazine left after deliveries had taken place which seemed a waste of money. The Joint Marketing & Communications Team Leader said that he would look into that.

The Executive Member then clarified the Business Development part of his Portfolio. The name meant different things in the private and public sectors. The Business Development Team led the internal transformation and efficiency agenda looking for opportunities for income and different delivery models. With regard to efficiency, the aim was to reduce the budget by £1.1million in 2013.

The Team was an in-house resource which provided expertise to other departments, giving advice and assistance on Business re-

Dominic
Chessum

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engineering and project management. The team were currently working with all Members on Shaping Breckland. Future priorities would be in generating efficiencies. There would be a lot of work from the 'Could We Should We?' events and the review of all service areas. Business Development was itself a discretionary service and would also be reviewed.

The Team had done a lot of shared working with South Holland and there was a new proposal to make that a fairer share in future. As part of that change the Council was hosting a Management Graduate from the National Graduate Development Programme.

With regard to the efficiency priority the Chairman asked how income could be generated. The Business Development Manager acknowledging that income generation would be tricky and difficult to achieve. Each Service area was looking for value for money.

The Executive Member then moved on to update Members on the Performance Team and explained that they worked on a proportionate approach – rather than counting for counting's sake. Their key role was to support Members and Officers in managing performance across the Council and ensuring alignment with Council priorities. They had wide areas of responsibility including:

- Corporate and Business Planning – maintaining live plans which were regularly reviewed and updated
- Performance Management - incorporating all the information to build a picture of whether the council was performing on a day to day basis and meeting its strategic goals.
- Risk Management – a new policy had been approved recently to ensure a proportionate approach
- Policy and Audit tracking – working hard to ensure that audit recommendations were tracked and built into the performance management system and business plan
- Procurement and Contract Management – giving general advice on large scale procurement and maintaining a contract register
- Equality and Diversity – ensuring compliance with legislation and publishing equalities data
- Data Analysis and Consultation – accessing external sources of data to increase knowledge of customer requirements

Mr Bambridge noted that productivity did not figure in the work description and hoped that that would be taken into account.

Mrs Matthews asked how the public meetings would be run and was advised that the Leader would set the scene regarding finances and future Government spending and then questions

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would be taken. Everyone present would be asked to complete a questionnaire and there would be separate questions on the issues of car parking and Council Tax. The meetings would concentrate on non-statutory services but all departments would be challenged to ensure efficiency. It was hoped that the meetings would be very open. All Cabinet Members were being encouraged to attend to answer questions.

Mrs Matthews was concerned that the questionnaire could take some time to fill in. She asked if it could be taken away and returned later. The Executive Member said that would be possible but people would be encouraged to complete them at the meetings, whilst the topics were fresh in their minds. The questionnaire would also be available for completion on-line.

The Chairman was keen to understand what level of response was anticipated, and the Executive Member advised that the meetings had been planned for some time. There had been an article in Voice magazine and the local press had covered the subject on more than one occasion. He hoped the public would see the meetings as an opportunity to air their views.

Pam Sayle

Mr Joel asked if notices could be posted on Parish notice boards and the Executive Member said that an e-mail would be sent to all District Councillors with the poster attached for them to publicise the events.

Mr Jermy thanked the Executive Member for an information presentation. Regarding car parking charges he asked if consideration had been given to what other savings could be made.

The Executive Member said it was not all about income. The challenge was to engage with the public and find out what their priorities were. Free car parking was not really free, all rate payers paid for it and the question was, was that what people wanted? There were limited resources and the Council needed to know what the public wanted to keep.

The Business Development Manager explained that there were difficult policy decisions to be taken by Members as it was not possible to balance the books just by tightening belts. The Council would continue to deliver efficiencies but there were tough choices to make. The review of all support services would be followed by a review of back office services which would take 12-18 months.

Mr Bambridge liked that answer and was pleased that the 'Could We Should We?' meetings would include questions on car parks as he did not think that opposition to charging was universal.

The Executive Member said that he did not personally wish to

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charge for parking or to reduce any services, but budgets had to be balanced. Council Tax had been kept at a reasonable level. All options had to be looked at and would be included on the questionnaire.

Mr Jermy supported the way that the Council was engaging with the public.

The Chairman thanked the Executive Member and his officers for their update.

79/12 LOCAL COUNCIL TAX SUPPORT SCHEME (AGENDA ITEM 7)

The Head of Shared Services (ARP) and the Operations Manager (ARP) were in attendance and gave a presentation to Members outlining the main changes brought about by the replacement of the Council Tax benefit system with the Local Council Tax Support Scheme.

The changes would take place in April 2013 and were to meet the Government's localisation agenda and welfare reform and to help reduce the deficit.

There would be a 10% reduction in funding nationally. Details were still awaited but it was assumed that that would equate to a 10% reduction in funding to Breckland. The new payments would be a discount rather than a benefit and it was envisaged that that could lead to an increase in claimants.

Pensioners were protected and would continue to receive the same amount. Councils would have a duty to care for vulnerable people although no definition of 'vulnerable' had been provided.

Mr Bambridge asked when the Officers would be able to tell Members exactly how it would affect Breckland and was advised that more details were expected in November, but that things were changing on a weekly basis. The Officers had modelling tools which they were using and they could make predictions down to Parish level.

Consultation was being carried out with the major precept authorities (County Council and Police) as 80% of Council Tax went to them. Consultation had also commenced with major stakeholders. A draft document had been prepared and it was hoped that consultation letters would be sent out to the public by the end of September.

When the results of the Government's consultation were known and the decision on funding levels had been made, Officers would meet with the Parishes to explain the changes. Currently it seemed that it would mean no change to Parish precept levels, but there was a risk that that might change.

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The scheme would only change for those of working age and would be 'cost neutral'. Considerations within the consultation would include

- Increased allowances within the calculation for disabled
- Increased allowances within the calculation for those with children
- Disregards from earnings to encourage work
- Reduction in the amount of council tax liability used in the calculations
- Reduced amount of claimants capital allowed
- Removing second adult rebate

The Council could review the amount of council tax exemptions given in the following circumstances

- Empty properties
- Second homes

Although separate from the Local Council Tax Support scheme those options would be consulted on to ensure openness and transparency.

The Chairman asked for the definition of a Second Home and was advised that it was up to an individual to inform the Council which was their second home and that the Council could charge between 50-90% Council Tax on those. It was clarified that military personnel who lived in MOD accommodation and owned their own home were not exempt.

The Chairman thanked the Officers for their presentation.

80/12 TASK AND FINISH GROUPS (AGENDA ITEM 8)

(a) Housing Task & Finish Group

Mrs Matthews, Chairman of the Task & Finish Group said that their work had concluded. The meetings had been well attended by Members and she thanked the Commission for setting up the Group as it had been very worthwhile. The Housing Associations had participated in the meetings and been grateful for the opportunity to get involved.

81/12 HOUSING ALLOCATIONS POLICY (AGENDA ITEM 9)

The Principal Housing Officer (Strategy and Enabling) presented the report which outlined the changes to the Allocations Policy enabled by the Localism Act which allowed local considerations to be taken into account.

She explained that there were currently 5331 people on the waiting list and that over the last twelve months only 557

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households had been re-housed. That highlighted the big mismatch between the number of people on the list and the accommodation available.

It was impossible to meet the aspirations of everyone on the list. The aim was to make the list more manageable and to concentrate on helping those in dire need.

She highlighted the main changes to the Policy.

Choice Based Lettings provided a platform for electronic application and bidding on properties. All applicants would be interviewed and advised on their eligibility and the most appropriate options available to them.

Certain categories of people would not be eligible to register and they included those with a history of bad behaviour, those with rent arrears and those already housed.

It was proposed to change the banding categories by removing the Bronze band, which currently comprised more than 2,000 people in very low need of housing. There would also be improvements to the remaining bands which were:

- Emergency – for those with urgent priority – which would only be awarded for six weeks
- Gold – for those with high priority
- Silver – for those with medium priority.

Mr Bambridge asked if people with medium need for employment would include police officers and nurses moving into the District and was advised that it was unlikely that police officers would need social housing in Breckland.

Another change to the Policy was the requirement to have a local connection to be eligible to be on the waiting list. An exception to that would be ex-forces personnel as new regulations from the Government meant that they could not be excluded.

Mr Gilbert asked if that would stop other authorities from purchasing properties in the district and housing people from their waiting lists in them.

It was pointed out that the Council could not control the purchase of market housing. It was up to each Housing Association which properties it bought. However, the Council did have nomination rights on new planning permissions.

Certain categories of applicant had been added to those eligible and they included people with shared custody of children and people accepted as foster carers.

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Another proposed change was to reduce the priority and potentially exclude people that refused three properties. That decision would be subject to review and officers would be provided with procedural guidance.

Mr Kybird congratulated the Task & Finish Group and the Officers for a very fair and workable policy.

Mr Jermy agreed and said that it did reflect a broad consensus of views. He asked whether there was benchmarking between Councils regarding the definitions of 'need'.

The Principal Housing Officer (Strategy and Enabling) advised that there were regular meetings of the Norfolk Local Authorities which tracked trends and options. The Policy would also be reviewed regularly.

The Chairman asked for an update on how the Policy was working in six months time and for that update to include the Housing Associations' comments.

It was **RESOLVED** to **RECOMMEND TO CABINET** that the Policy be adopted.

Darryl
Smith

82/12 CAPITA SYMONDS - ENFORCEMENT ISSUES (AGENDA ITEM 10)

The Chairman had requested an update as he was aware of a number of enforcement issues. He had spoken to Jonathan Ellis, Operations Director of Capita Symonds about his concerns. Mr Ellis was unable to attend the meeting, but David Jolley from Capita Symonds and Chris Skinner from NP Law were in attendance. NP Law provided the legal input for the Council on enforcement issues.

David Jolley thanked the Commission for the opportunity to present to them. Enforcement was a very important matter and related to planning permissions and non-compliance. Where there was deemed to be no breach, no further action was taken. Where there had been a breach the decision had to be made on whether to take action or not. It was not always expedient, or in the public interest, to take action.

The Interim Planning & Building Control Manager advised that there had been an increase in enforcement workload over the last twelve months with 331 complaints compared to 207 in the same period the previous year. Complaints were prioritised according to whether they affected heritage assets, were locally contentious or high profile.

Moving forward, hardware and software improvements would

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enable mobile working for the enforcement team (which consisted of 1.6 people only). In future it would be possible to record complaints on-line. Having on-site access to back-office systems would assist in dealing with each case and in reaching a conclusion on future action. It should improve the case resolution rate.

The priorities for initial investigation were being refined and assessment would include consideration of:

- imminent danger to life,
- damage to protected buildings or trees
- effect on neighbours

Initial visits to high priority cases would take place within two to five days and for lower priority cases within 20 days.

The enforcement process was complex. Once a case had been assessed and it had been determined that it was expedient to take action the offending persons had the right to appeal. Whilst the appeal was in progress no further enforcement action could be taken.

The Council did have other provisions, such as Stop Notices, however they had cost implications and could only be used in extreme cases.

Mr Skinner from NP Law explained that shared legal services were hosted by Norfolk County Council. They undertook work for Breckland Council under contract. He acknowledged that enforcement could be a slow process. Following initial assessment if action was to be taken a Planning Contravention Notice would be served. In many cases more information was needed before that could be done and then a reasonable compliance period was required and the offender had the right of appeal.

He had met with Officers to discuss ways of improving the process. They had decided that there had been too much e-mail correspondence and not enough face-to-face contact. In future they would hold fortnightly meetings to improve interactions.

Mr Jolley noted that at the initial assessment stage it was sometimes finely balanced whether or not to take action and the Planning Manager made that decision.

The Chairman thought that one of the problems with the process was that Members were not informed of that decision. The first they were aware was when residents complained. Better engagement with Ward Representatives was required. Another area of concern was that there was a fundamental mismatch

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between public perception and legal requirements. The public thought that the Council had greater powers than it did, but in fact there was no statutory duty to take enforcement action.

Mr Gilbert was amazed that the Council was not required to take legal action. Mr Skinner clarified that there was no legal duty but that the Council had discretionary power. It was up to each authority to apply the test as to whether it was expedient to pursue a case or not.

Mr Bambridge, Mr Richmond and Mr Rose all spoke of issues in their Wards with enforcement matters and their embarrassment at not being kept informed.

The Interim Planning & Building Control Manager agreed that it was important to keep people informed and he hoped that the changes proposed would provide information on-line. Timescales would also be built into the new process to provide updates.

The Chairman reiterated that communication was the key. Members needed a weekly update. Mr Gilbert agreed and said that it would be interesting to see a list of outstanding issues with information about how long they had been outstanding.

David Jolley concurred that it was essential that Members knew what was going on in their own Ward. He would look at providing a monthly tally to Members of what was going on in their Ward.

The Planning Manager was invited to comment and he said that he had firm views on enforcement and believed in setting an example. He wanted to have a discussion with Members to explain the process. The people to blame were those that carried out works without consent, not the Council nor Members nor Officers. He supported the idea of regular meetings between the Planning Service and NP Law.

The Chairman thanked everyone for attending and looked forward to improvements to communication in future.

**83/12 THETFORD AND ATTLEBOROUGH AREA ACTION PLANS
(AGENDA ITEM 11)**

The Joint Deputy Planning Manager presented the report and advised Members that they would be re-engaging in the Local Plan process in the not too distant future. Due to changes driven by the National Planning Policy Framework (NPPF) they would be able to revisit some of the Core Strategy Policies.

It was important to see how that process would affect the Thetford and Attleborough Area Action Plans.

The Thetford Area Action Plan (TAAP) had been found sound at

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the Examination in Public. The Council had been required to publish a notice to that effect, giving the public six weeks to raise a legal challenge to that soundness. That six week period had expired on 15 August and on that date a claim had been lodged by Shadwell Estates. The claim had three grounds which challenged the soundness of the Plan:

1. that the sustainability document was flawed in law
2. that the Government Inspector had erred on similar grounds; and
3. that the Council had breached Habitats Regulations with its buffer zone for Stone Curlews.

They were seeking to have the whole document quashed and the grounds were being rebutted by the Council. The case would be heard in the High Court at Birmingham although the timetable for that was not clear. A similar challenge to another authority had taken twelve months to be settled.

Legal advice was that the TAAP could still be used in determining planning applications. The Council was putting Policies from the document into place. The Thetford Town Centre Masterplan was progressing and consultations and engagement with the public and stakeholders would take place.

The Chairman asked what would happen if the document was used to support planning applications and was then found to be unsound? Would that affect determined applications?

The Planning Manager said it was not an unusual circumstance. Planning applications were determined on the Policies that were in place at the time the decision was made. The TAAP had been declared sound by the Inspector and so it could be used.

Mr Jermy asked if the challenge had been anticipated and whether there was a budget for it. He was advised that the Council would take responsibility as it was the Planning Authority.

Mr Kybird asked about the challenge to the buffer zone and recalled that the data had been questioned during the Inspection as some did not fit the standard tests.

The Joint Deputy Planning Manager noted that the work had been consistently supported by Natural England as the most reliable evidence available. The consensus was that a 1500 metre buffer was best and had been similarly applied by the other three East Anglian authorities with Stone Curlews as part of their LDF documents. The Inspectors had identified that further work was needed and Breckland Council and Natural England were keen that such work should be carried out collectively with other authorities.

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Mr Bambridge questioned the three reasons for the challenge and asked if they were all to do with Stone Curlews as he had heard that there were other reasons for the challenge. It was confirmed that all three grounds concerned the environment but flowed into other questions about strategy as well and whether it was correct to allocate growth to Thetford.

Mr Kybird pointed out that the Inspector had said that further work was needed but had not specified what work or who should pay.

The Chairman noted that a zero growth option had not been considered and the Joint Deputy Planning Manager advised that one part of the claim suggested a further extension to the Stone Curlew buffer zone which would equate to zero growth.

With regard to the Attleborough and Snetterton Heath Area Action Plan (ASHAAP) the Joint Deputy Planning Manager said that there had been debate about the location and quantum of growth. The Action Plan was still being prepared and local forum meetings involving District and Town Councillors, the Attleborough Community Team and interested stakeholders were taking place, together with forums on transport, green infrastructure, etc which were well attended.

The Transport Strategy was a key issue to resolve. There were three studies on-going. The next version of the Plan would be ready in the New Year.

The Chairman asked about the timescale for reviewing and reworking the Core Strategy under the NPPF and was advised that the Council would have longer than twelve months to carry out that work given that a number of appeal decisions were confirming that the Council's LDF policies were NPPF compliant.

The Chairman asked when the work would commence and the Joint Deputy Planning Manager said that the programme would be part of a future report to the Commission.

Mr Sharpe was concerned that the Plan relied on the development of houses to pay for the infrastructure. If planning permission was granted for housing in other parts of Attleborough in the meantime, might that have an effect on the proposed development to the south?

The Joint Deputy Planning Manager confirmed that that could happen. The figure of 4,000 proposed houses needed to be looked at to determine whether it was robust enough. However, consultation in Attleborough had indicated that the housing number was both a 'floor' and 'ceiling' figure.

Mr Sharpe asked if there was a specific number which would affect the proposed development and was advised that detailed

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viability work was on-going. It was critical for the authority to get control of its five year land supply.

Mr Kybird asked if Outline planning permission affected the numbers and it was confirmed that it did as usually such permissions had a programmed rate of delivery.

The Chairman thanked the Joint Deputy Planning Manager for his report.

84/12 KEY DECISIONS PROCESS (AGENDA ITEM 12)

The Monitoring Officer had been requested to clarify the Key Decision definition for Members as there had been recent cases where it was not clear whether a decision had been a Key decision or not.

She advised that the briefing note on the agenda made the definition clear. New legislation which was about to come into effect did not change that definition, although the Forward Plan was changing under the new law.

85/12 HEALTH & SCRUTINY (STANDING ITEM)(AGENDA ITEM 13)

Mr Kybird updated Members on changes to the ambulance service in the Breckland district. Overall there appeared to be some slight reductions to the service,

86/12 SCRUTINY CALL-INS (STANDING ITEM)(AGENDA ITEM 14)

None.

87/12 COUNCILLOR CALL FOR ACTION (STANDING ITEM)(AGENDA ITEM 15)

None.

88/12 WORK PROGRAMME (AGENDA ITEM 16)

Members were encouraged to contact the Scrutiny Officer to put forward items for inclusion on the work programme.

89/12 NEXT MEETING (AGENDA ITEM 17)

The arrangements for the next meeting on 18 October 2012 were noted.

The meeting closed at 5.08 pm

CHAIRMAN