

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 14 September 2017 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mr R.G. Kybird
Mr P. M. M. Dimoglou	Mr T. F. C. Monument
Mr R. F. W. Brame	Mr M. J. Nairn
Mr D. M. Crawford	Mr R. R. Richmond
Mr T. J. Jermy	Mr P. S. Wilkinson (Substitute Member)
Mr A.P. Joel	

Also Present

Mr J. Newton	Mr M. S. Robinson
Mr S. H. Chapman-Allen	Mrs A. M. Webb
Mr S.G. Bambridge	

In Attendance

Maxine O'Mahony	- Executive Director of Strategy & Governance
Phil Adams	- Executive Manager People & Public Protection
Victoria Lowry	- Interim HR Manager
Sarah Wolstenholme-Smy	- Legal Services Manager (Deputy Monitoring Officer BDC)
Julie Britton	- Democratic Services Officer

71/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 6 July 2017 were confirmed as a correct record and signed by the Chairman.

72/17 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 2)

Apologies for absence were received from the Vice-Chairman, Councillor Oliver and Councillor Matthews. Councillor Peter Wilkinson was present as substitute for Councillor Matthews.

73/17 URGENT BUSINESS (AGENDA ITEM 3)

None.

74/17 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

75/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillors Webb, Bambridge, S. Chapman-Allen and Robinson.

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**76/17 QUARTER 1 2017-18 PERFORMANCE OVERVIEW REPORT
(AGENDA ITEM 6)**

The Deputy Leader & Executive Member for Strategy, Governance & Transformation presented the report and provided Members with a detailed overview of the Council's performance for the period 1 April 2017 to 30 June 2017 – the first quarter of the year.

The areas of success, where performance was above target, as well as the areas of concern, where performance was below the anticipated outcomes, were highlighted. One area of concern mentioned was the drop in the performance in the Customer Contact team which was in relation to a number of resignations in the service as well as opportunities for staff to engage in secondments within the authority; forecast trends were improving.

Councillor Jermy asked if the word 'resignation' was the correct terminology to use and felt that 'contracts coming to an end' would be more appropriate. He also asked about the lack of data provided in relation to the abandoned calls which he had asked for previously on a number of occasions. Further to the above, he had also emailed the Corporate Improvement & Performance Manager about the commercial property occupancy rate asking him if this was a good return for the Council if the occupancy rate was at 100% but the financial amount received was 75%. In response to the first question, Members were informed that the point about resignations had been raised and had been acknowledged and would be broken down into different categories on the next performance report, and the call waiting times and abandoned calls data was being looked at by the Customer Contact Manager. As far as the commercial values were concerned, the 100% was an arbitrary figure and could be classed as unrealistic due to the fact that on occasion there were empty units - 98% occupancy rate was currently being met.

Councillor Joel mentioned the average waiting time for residents particularly when calls were put through to individual departments. The Deputy Leader & Executive Member for Strategy, Governance & Transformation assured Members that all the aforementioned points would be taken on board.

Councillor Brame asked why the status for all performance indicators started with 2015 and finished at 2018 and also asked why performance always seemed to decline in quarter 4. In response, the Chairman advised that this was the new way of reporting performance which O&SC Members had requested as it reflected previous years. The Deputy Leader & Executive Member for Strategy, Governance & Transformation said that he would speak to the Corporate Improvement & Performance (CIP) Team about trends and why it seemed to dwindle in the final quarter.

Councillor Wilkinson asked about the six resignations and the two and the two year secondment. Members were informed that the six resignations were temporary staff contracts that had come to an end and the secondment had allowed the staff member to develop which most employers encouraged in line with staff benefits.

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Councillor Kybird wanted to know if the commercial property occupancy rate included the Anchor site in Thetford. Members were informed that the occupancy rate reflected the whole of the Council's stock and the Commercial Property Team was trying their utmost to get those units let.

Councillor Dimoglou pointed out that some of the wording in the report was missing. He raised concerns about the Council's return on cash investment (treasury yield) on page 21 of the agenda pack in relation to the low interest rate earned as he had calculated that the Council was losing a great deal of money per year and felt that further information on this matter was required. Also, the 90% occupancy rate, in his opinion, was not good enough and felt that this was a lazy target and had not moved forward and again, felt that further information was required. The Deputy Leader & Executive Member for Strategy, Governance & Transformation explained the rationale behind the return on cash investments and about the Council's Policy having to be quite risk adverse. He reminded Members that Cabinet would take any recommendations on board from the Overview & Scrutiny Commission. As far as the 90% occupancy rate was concerned, it was explained that some of the Council's commercial units were large and if those were to be lost the value would drop to 82%; therefore, achieving 98% was fair but could be moved to a reduced occupancy rate in future.

In response to the Deputy Leader, Councillor Dimoglou queried the 'risk adverse' point and felt that the risk was about not investing and losing a great deal of money a year. The Executive Director of Strategy & Governance drew attention to the Work Programme and assured Members that the item, Investment & Commercialisation, would definitely be included on the agenda at the next meeting. She pointed out that Officers were already having those conversations about where these stats should be pitched.

Councillor Jermy agreed with Councillor Dimoglou's comments and felt that the Commission should recommend that the targets be increased.

It was proposed and seconded that the targets should be made more challenging.

RECOMMEND to Cabinet that the targets within the Performance report be reviewed as mentioned above.

77/17 OFFICER CODE OF CONDUCT (AGENDA ITEM 7)

The Deputy Leader and Executive Member for Strategy, Governance & Transformation presented the report which concerned an update to the Officer Code of Conduct.

The changes at paragraph 2 of the report were highlighted. Members were informed that the Council refreshed its policies annually and all would be presented to the Overview & Scrutiny Commission for consideration when due for review.

As a Councillor, Councillor Jermy was very keen to know if staff had been supportive of these changes. He drew attention to paragraph 10.1 of the report and asked if Unison had been in support. The HR

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Manager advised that Unison had been consulted but no comments had been received. The Chairman asked if she could be copied into any emails from Officers and Unison in future. The Executive Director for Strategy & Governance assured Members that the outcome from Unison would be included in future reports.

RECOMMEND to Full Council that the Code of Conduct be approved and be implemented in line with the changes highlighted in paragraph 2 of the report.

78/17 CORPORATE HEALTH AND SAFETY POLICY 2017 (AGENDA ITEM 8)

The Executive Member for People & Information presented the report which concerned a revised Health & Safety Policy for Breckland Council. It was noted that this revised Policy had been amended to take account of the changes in the Corporate Structure.

Councillor Kybird mentioned the new Construction (Design & Management) Regulations 2015 in relation to the Council's commercial property and land as it was unclear in the document whose responsibility this was and felt that it should have been included. The Executive Manager for People & Public Protection agreed to look into this. The Chairman felt that it was difficult for the Commission to check whether legislation was being adhered to if the regulations were not listed. It was noted that additional guidance would be available at Members' request.

Councillor Dimoglou had been surprised about the lack of information in the document in relation to fire regulations. Other companies that he knew of had regular fire drills and training for Fire Marshalls. The Chairman pointed out that the Council had a fire drill every Wednesday morning. Councillor Dimoglou knew that staff became accustomed to it and felt that random fire evacuation practices should take place.

The Executive Manager for People & Public Protection explained that the Health & Safety Policy was the overarching document and there were a large number of procedures that came under it. The Council had a pool of Fire Marshalls who were all suitably trained and a number of tests/evacuations were carried out regularly throughout the year. He pointed out that Breckland Council took its fire safety very seriously and its procedures were very robust.

RECOMMEND to Cabinet that the revised Health & Safety Policy as attached at Appendix A of the report be adopted.

79/17 UNREASONABLY PERSISTENT COMPLAINTS AND CUSTOMER BEHAVIOUR AND VEXATIOUS REQUESTS (AGENDA ITEM 9)

The Executive Member for Governance presented the report which asked Members to consider the draft Policy for dealing with unreasonably persistent complaints and customer behaviour and vexatious requests.

This was a new Policy for the Council.

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The Legal Services Manager explained that the Policy applied to both Elected Members and staff. A flow chart would be prepared to support the Policy if approved.

Councillor Jermy was pleased with the report and asked if the flow chart had been prepared. The Legal Services Manager handed out a draft flow chart for Members to look at. He drew Members' attention to section 4(e) of the Policy (appeals against decisions) and queried the job titles listed. Members were informed that the job titles would be amended accordingly.

In response to a suggestion by Councillor Jermy, it was proposed and seconded that such issues be reported to the Commission on an annual basis.

Councillor Brame congratulated the Officer concerned on how the Policy had been written and would be taking it to his Parish Council as all had to deal with similar problems.

The Chairman agreed and asked for the Policy to be emailed to all Parish Councils.

Councillor Nairn felt that 'trolls' on social media should be addressed. Members were informed that the wording could be amended to include reference to social media.

Councillor Dimoglou declared an interest in this item as he had been a victim of a vexatious complaint and felt that the Policy was too complex and was weighted far too much against the vexatious complainant. He pointed out that the Council's current Policy required him to have contact with the person and he felt that this part should be removed. The Deputy Leader and Executive Member for Strategy, Governance & Transformation explained that the Council had to have a proper process in place to encompass all issues moving forward. The Chairman pointed out that this was an overarching Policy to protect the Council and the public.

The Executive Member for Growth suggested that this Policy be included on the agenda at the next Town & Parish Council Forum.

The Legal Services Manager responded to many questions in relation to freedom of information requests, legislation, civil matters and injunctions and it was noted that Freedom of Information had time constraints and if not responded to within the statutory time frame, the matter could be referred to the Information Commissioners Office (ICO).

Members discussed the draft flow chart and the Executive Member for People & Information felt that there should be another arrow pointing back from the appeal to the decision.

Councillor Jermy asked if Standards and this Policy were two different areas. Members were informed that there was a paragraph included within the Standards Policy in relation to vexatious complaints.

RECOMMEND to Cabinet that the proposed Policy at Appendix A of the

report be approved subject to the inclusion of the aforementioned amendments; and it was:

RESOLVED that:

- 1) such complaints, vexatious requests etc be reported to the Overview & Scrutiny Commission on an annual basis; and
- 2) the Policy, once amended, be included on the Agenda at the next Town & Parish Council Forum.

80/17 AMENDMENTS TO CONSTITUTION (AGENDA ITEM 10)

The Executive Member for Governance presented the report that asked Members to consider a number of amendments to the Constitution. The proposed amendments had been set out at section 2 of the report to add clarity to the Constitution.

The Chairman and a number of Members raised concerns about the proposed call-in procedure referred to in section (e) of the report. The Chairman had reservations about how it had been worded and Councillor Dimoglou felt that, if approved, the Cabinet/Executive could 'railroad' every decision made and recommended that for any urgent decision a Special Overview & Scrutiny Commission should be convened. Councillor Jermy agreed; the Council had to have checks and balances in place otherwise it could weaken the whole decision making process. The Deputy Leader and Executive Member for Strategy, Governance & Transformation provided Members with an example of an urgent decision that had been made by the Leader and assured Members that these decisions were very few and far between and would not exclude the Commission from the process.

The Chairman felt that the wording needed to be changed slightly to protect the remaining Council Members. Councillor Wilkinson pointed out that the Constitution was a 'living' document and therefore could be amended accordingly.

Members had a number of concerns with the report and felt that it should be returned to the report author for further clarity and then brought back to a future meeting. The Chairman also wanted the report to consider the role of the Overview & Scrutiny Commission and explore how to function as a Committee.

RESOLVED that the report be deferred until the next Overview & Scrutiny Commission meeting for further clarity as mentioned above.

81/17 OUTSIDE BODY FEEDBACK (STANDING ITEM) (AGENDA ITEM 11)

Councillor Wilkinson provided Members with an update in relation to the Doctors surgeries in Dereham and Benjamin Court in Cromer.

The Chairman advised that some matters discussed at these outside body organisations could be private & confidential and therefore could not be debated in open session. The Deputy Leader and Executive Member for Strategy, Governance & Transformation explained such

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matters could be discussed below the line but the Chairman would have to be informed prior to the meeting.

It was agreed that an email to explain the procedure would be sent out to all Members of the Commission.

The Executive Member for Growth reminded Members that a representative from the Norfolk Rivers Internal Drainage Board would be invited to the O&SC meeting on 14 December 2017.

82/17 SCRUTINY CALL-INS (STANDING ITEM) (AGENDA ITEM 12)

None.

83/17 COUNCILLOR CALL FOR ACTION (STANDING ITEM) (AGENDA ITEM 13)

None.

84/17 WORK PROGRAMME (AGENDA ITEM 14)

It was agreed that the Chairman would meet with the Executive Director for Strategy & Governance to discuss the Investment and Commercialisation and Car Park Enforcement reports that had not come forward on the agenda due to staff sickness.

85/17 NEXT MEETING (AGENDA ITEM 15)

Members were reminded of the Special Overview & Scrutiny Commission meeting arranged for Tuesday, 3 October at 10.30am in the Anglia Room.

The arrangements for the next ordinary meeting on Thursday, 2 November 2017 were noted.

The meeting closed at 4.10 pm

CHAIRMAN