

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Tuesday, 3 October 2017 at 10.30 am in the
Norfolk and Dereham Rooms, The Conference Suite, Elizabeth House, Walpole Loke,
Dereham**

PRESENT

Councillor E. Gould (Chairman)	Mr M. J. Nairn
Mr P. M. M. Dimoglou	Mr R. R. Richmond
Mr R. F. W. Brame	Mr H. E. J. Clarke (Substitute Member)
Mr T. J. Jermy	Mr J. Newton (Substitute Member)
Mr R.G. Kybird	Mr P. S. Wilkinson (Substitute Member)
Mrs S.M. Matthews	

Also Present

Mr S. H. Chapman-Allen	Mr P.J. Duigan
Mr P.D. Claussen	Mr F.J. Sharpe
Mr J.P. Cowen	

In Attendance

Anna Graves	- Chief Executive
Rob Walker	- Executive Director Place
Alex Chrusciak	- Director of Planning and Building Control
Stephen Ottewell	- Director Capita Planning & Building Control
Julie Britton	- Democratic Services Officer
Leanne Neave	- Democratic Services Officer

86/17 APOLOGIES AND SUBSTITUTES (AGENDA ITEM 1)

Apologies were received from Cllrs Oliver, Crawford, Joel and T Monument.

Cllrs Clarke, Wilkinson and Newton were in attendance as substitute Members.

87/17 URGENT BUSINESS (AGENDA ITEM 2)

None.

88/17 DECLARATION OF INTERESTS (AGENDA ITEM 3)

The Chairman advised that declarations of interest would be taken at the time of the item being discussed.

89/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 4)

The Chairman welcomed all non-Members to the meeting and confirmed that comments from the public would be heard at the appropriate time and they would each have 3 minutes to speak.

Non-Members in attendance were Councillors Sam Chapman-Allen,

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Claussen Cowen and Duigan.

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**90/17 CAPITA BRECKLAND PARTNERSHIP - CONTRACT REVIEW
(AGENDA ITEM 5)**

The Capita Officers in attendance introduced themselves - Johnathan Prew (JP) - Head of Local Government, Health and Education, Mark Dally (MD) – Regional Director, Steve Ottewell (SO) – National Director Planning and Building Control and Alex Chrusciak (AC) - Director of Planning and Building Control.

JP introduced the report.

The 15 year initial term commenced in June 2009 and during the last 8 years additional income had been generated for Breckland Council. The initial service charge had made the Council a saving and going forward would bring in further income.

There was a perceived need to ensure all parties were integrated ie. Capita, Capita Breckland, Breckland and residents. There was also a perceived lack of visible leadership which had led to the recruitment of Alex Chrusciak.

SO explained the Terms of Reference and the Service Improvement Plan (SIP) of the newly created Strategic Board.

The key areas for further development had been identified as:

- Responsiveness to Members
- Engagement with applicants
- Engagement with key stakeholders – public, parish council
- Working relationship between Officers.

He confirmed that each area would be reviewed on a regular basis.

SO continued to outline the activities and actions taken in relation to each issue.

- Responsiveness to Members – Mike Brennan had been brought back in to the structure to ensure the right people were in the right roles.
- Applicants – One of the key areas was communication, ensuring information was given to applicants in a timely manner, and parts of the application process were now electronic.
- Agents – A Forum now met on a regular basis but there was a need for a sub group to meet and deal with issues more frequently.
- General Public and Parish Councils - A Client Satisfaction survey had been issued but the response had been low. A Duty Planning Service had been introduced with an Officer who was available to the public on Monday and Wednesday afternoons, this had been successful with a good level of take-up.
- Partnership working – Concerns had been raised regarding the use of “extension of time” (EOT) and the monitoring of it. A new protocol for capturing EOT’s had been introduced.

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Cllr Jermy felt that this section of the presentation had been delivered far too quickly and requested that Members should get a copy of the slides and presentation notes following the meeting.

AC continued with the presentation.

Capita's goal was for Members to have all the information they needed in one email. They had rolled out new reports, created a localised weekly list specific to a Members Ward and had a Committee prelist so that Members were aware of forward planning.

He explained that the next stage was to produce a report that highlighted all outstanding items in Members' Wards and at what stage each application was currently at.

A significant challenge for Capita continued to be the retention of staff, with a number of Senior Officers leaving during the past few months; however, these posts had subsequently been filled.

In relation to Partnership Working, Members were informed that an Agents Forum Sub-Group meeting had been scheduled for October with the aim of engaging with local agents to establish if any assistance could be offered at an earlier stage.

Building Control Market Share – Capita had achieved an 82% market share for Breckland Council and Capita continued to promote and sell the Building Control Service of which the revenue was transferred to the Council.

Following the presentation, the Chairman reminded Members that this was not an opportunity to discuss individual sites, the purpose of the meeting was to scrutinise the contract.

Cllr Brame, as a Planning Committee Member, pointed out that he did receive notice of applications in advance of the Planning Committee and suggested that it would be useful to know who the Case Officer was for each application. He also suggested Members being advised of the Officers recommendation prior to the meeting and a link so that all Members could go directly to the relevant application.

The Chairman pointed out that she had not seen sight of the aforementioned prelist. AC advised that the Committee prelist should contain hyperlinks - this would be clarified and he confirmed that he would look to add the Case Officer's name. With regard to advising on Officer's recommendations he explained that this was often an issue in relation to the consultations, some were not received until later on in the process and therefore the timeframe was quite tight.

Cllr Brame felt that an email to advise who was being consulted would assist with residents' queries.

The Chairman wanted to know why there were still so many concerns raised at Parish Council meetings and in the local communities about Capita not responding to queries, and she questioned how Capita were keeping agents and applicants up to date. AC agreed that there was some concern but a lot of services Capita offered residents were happy

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with. Staffing issues had also created problems and there had been some applications headed by three different Case Officers. Capita was putting a great deal of effort into recruitment and retention and the Company was more resilient than some councils as it was able to utilise Officers from elsewhere in the country.

The Chairman remarked that even though Capita Breckland had the greater Capita to fall back on, Breckland had still experienced many issues in recent months with staff shortages and this had caused a great deal of concern even with the wider Capita resource residents had suffered. AC was pleased to announce that a new member of staff had recently started and further Officers could be drafted or recruited from elsewhere but would need time to familiarise themselves with applications.

SO explained that Capita had introduced longer notice periods for senior staff so the transition was easier and their goal was to have more than the allocated resource required; this would in turn provide more resilience. It was noted that a single salary framework had been created to encourage the retention of staff.

Cllr Cowen said he was very encouraged with what he had heard. The plans for the future seemed very positive; however, he was concerned that the website was not always up to date with details of the relevant Case Officer. He highlighted a further issue relating to contacting Officers by phone and the difficulty with this as a result of the calls being directed through and dealt with by the Contact Centre. He appreciated the fact that anyone could contact the Planning Officers by email but on many occasions a response was never received which could be due to the actual Case Officer no longer working at Breckland.

AC confirmed that calls were vetted by the Contact Centre and subsequently returned to the Contact Centre if there was no response.

Cllr Cowen advised that when the contract was originally set up there were a number of key drivers which had not been included in the presentation. This included Capita growing locally as a business and the introduction of a hub in Breckland which would generate income and investment growth for both Capita and Breckland Council.

MD advised that at the beginning of the contract there had been no emotional commitment to Breckland but he wished to address that and look at the ambition again. He explained that green KPI's were measured but reputation with Members and residents would allow growth and agreed that up until now it had not been as good as it should have been.

Cllr Wilkinson commented on communication issues with Parish Councils. He explained that when an application was given approval, Parish Councils had recognised that many conditions were not followed up or checked and were ultimately not adhered to and raised concerns about sites that were near completion before S106 monies were paid. He pointed out that Mike Brennan was an excellent Officer and AC was always available to speak to, but communication needed to improve with the Parish Councils.

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AC advised there were two aspects to consider when an application was approved. Planning Enforcement was reactive; therefore, Capita did not proactively monitor sites unless it was a listed building or in relation to a Tree Preservation Order (TPO). It was not a criminal act to develop without Planning Permission but it could lead to possible future enforcement. He confirmed that he would prefer to see more Enforcement reports at Planning Committee to allow Members a better understanding.

In terms of S106 monies AC advised that this area was very proactive. The S106 Officer was employed by Capita and more robust systems were being put in place. Developers did not always notify that the build had commenced; however, invoices were issued at the earliest opportunity once informed. Members were informed that if a Parish Council required information on such matters, the S106 Officer was the best point of contact.

Cllr Wilkinson suggested that if Parish Councils were informed that an invoice had been issued they would have a clearer picture of what had been happening. He asked if Parish Councils could be copied in when an invoice was sent and be given a time limit to follow ups.

Cllr Claussen echoed Cllr Cowen's point that Breckland Council expected income from the contract as well as growth. He recalled that Salford Council had a dedicated officer who dealt with all the initial queries and had heard that the service was excellent and felt that something similar should be available at Breckland Council. He also felt that there was not enough information in Capita's Business Plan in relation to growth and what could be provided.

JP advised that growth was difficult and pointed out that Capita's priority was about getting the contract right. The vision was to grow but they needed Breckland to be a great reference site for Capita and then growth would be achieved from that reputation. He stated that Capita needed to earn the right to grow the business and that was done by achieving high levels of customer satisfaction.

The Chairman had noted the aforementioned points but reminded Capita that the contract had been in existence for eight years and yet there was continued dissatisfaction with the service and customers were still facing the same problems.

Cllr Jermy had little dealings with Planning/Capita as it was not a pressing matter from residents in his Ward; however, he recognised that "brand Capita" was not great in Breckland and pointed out that he read in the press that the local MP had deep concerns over Capita's handling of a planning application. He mentioned staff retention and asked why there was no KPI to reflect these issues; additionally, there was no data in relation to response rates etc. The presentation highlighted communication with Members but nothing in terms of communication with residents and felt that if he was a resident he would question whether he would choose Capita to process his application.

JP advised that the current contract was not dissimilar to other contracts. Officers from both sides look at the KPIs and he would be happy to discuss these issues with the Council.

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Cllr Jermy felt that if KPIs were flexible then they should be managed and amended to reflect what was currently needed.

AC admitted that the presentation focused more on the applicants and agents rather than the public but he was mindful that when people came into contact with the Planning system it was only once or twice in their life; however, he pointed out that when Capita talked about a Stakeholder Engagement Plan this would involve the general public.

Questions had been sent in by Swanton Morley Parish Council prior to the meeting (see below) (these questions were read aloud by Roger Atterwill, the Chairman of the Parish Council):

- 1) *In the Report of the Deputy Chief Executive presented to Cabinet on 12th May 2009, efficiency gains of £2,213,659 were predicted under the Capita Contract. Breckland District Council has advised, under Freedom of Information, that they have no data on this. How can Breckland District Council reassure the public that these efficiency gains have been achieved through the Capita Contract?*
- 2) *In the Report of the Deputy Chief Executive presented to Cabinet on 12th May 2009, £1.5M was supposed to be generated for Breckland District Council by Capita sharing 1.25% of all income generated by new business. Breckland District Council has advised, under Freedom of Information, that as of 31st March 2017, they have received nothing from this element of the contract. Can Breckland District Council explain whether Breckland District Council 'over-promised' in the Cabinet meeting, thus misleading councillors. Or has Capita not held up their side of the contract?*
- 3) *In the Report of the Deputy Chief Executive presented to Cabinet on 12th May 2009, payment of £50,000 was supposed to be generated for Breckland District Council by Capita for each new contract won by Capita. Breckland District Council has advised, under Freedom of Information, that as of 31st March 2017, they have received nothing from this element of the contract. Can Breckland District Council explain whether Breckland District Council 'over-promised' in the Cabinet meeting, thus misleading councillors. Or has Capita not held up their side of the contract?*
- 4) *To provide reassurance for our community, can Breckland Council confirm how developments are monitored between commencement on site and completion of works to ensure compliance with planning conditions and s.106 legal requirements?*
- 5) *Over the last two years we have noticed an alarming high turnover of staff within the Capita led planning department which has had a detrimental effect on the continuity of the planning service. Why is this the case and what specific measures are being put in place to rectify this problem?*

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The Executive Director of Place responded to questions 1 to 3 and explained that usually when going through a Transformation project savings are projected over a period of time. In context, in relation to the savings on the contract, savings had been generated and were guaranteed and the Council's budget had been adapted accordingly but unfortunately separate data was not held.

In relation to question 5, Members were informed that there was a huge demand nationally for planning staff not just in Breckland; therefore, the turnover was no different from other authorities. The Royal Town & Planning Institute (RTPI) had given Capita advantageous recruitment rates but to add to the staffing issues, other local authorities had attempted to poach Capita and staff salaries had been increased to prevent this and working conditions had been harmonised in line with Breckland Council. Further to the above, the notice period had been increased and home-working was being encouraged. All costs had been funded by Capita and not by the Council's savings profile.

SO addressed questions 2 and 3 in relation to income and growth.

AC referred to question 4 and highlighted what Capita was considering moving forward which included a plan of action for enforcement issues. Members were informed that the decisions of when enforcement action was being taken or not would be taken forward and discussed in a committee forum. Further to this, the Enforcement Manager, Chris Curtis, would be very happy to visit Town and Parish Councils to discuss their concerns.

Mr Atterwill felt that question 4 was one of the most important as there needed to be a mechanism of monitoring development from day one – from when the developer turns up on site to completion. He was well aware of the planning conditions that had to be discharged and S106 Agreement trigger points and in Swanton Morley this was not happening and parishioners felt abandoned as developments were not being monitored. He felt that Capita had a 'light touch' to enforcement issues and was not any help in managing that process.

The Chairman referred to question 2 in relation to income share as she felt that Capita had not provided a reason as to why the said figure had not been achieved. Members were informed that under the current mechanism, technical expertise had been provided to other authorities but the threshold had not been reached; the challenge being market conditions. Capita had always been open and honest but the opportunities nationally had not been available and the market had changed substantially; however, Capita had not invested as much time to the income share as it should have.

The Chairman felt that this was not a satisfactory response – there was a problem with the Planning Service and the contract was supposed to be about creating growth within Breckland and providing profit to the communities; these opportunities had never been driven forward.

Councillor Claussen stated that this was sadly just a repeat of what had been said in the past – the baton had not been passed on.

Ian Martin, the Vice-Chairman of NP4Yaxham Working Group felt that

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nothing had happened in 9 years since the contract came into being. On planning recommendations, some reports were of an incredibly high standard others were not and the different stages in dealing with the Local Plan had been inconsistent. Keeping the parish councillors informed on where things were at with planning applications and it would be to Capita's advantage as most parishes would be willing to assist and work with them. He found it difficult to understand why the KPIs for planning applications were at 100% when there were many planning conditions still outstanding. This was not all Capita, Breckland Council should take more of an interest when planning permission was given and Officers should work together.

The Chief Executive advised that there had been a great deal of work carried out on integration between Senior Officers at Breckland and Capita. AC was becoming more involved and now sat on Breckland's Delivery Unit with Christine Marshall, the Director of Commercialisation at a strategic growth level. In terms of the Local Plan, both Tim Mills, the Council's Executive Manager for Growth & Prosperity and Phil Mileham, the Council's Strategic Planning Manager, also Breckland had been heavily involved in the work. The Chief Executive explained that she herself sat on the Partnership Board and Rob Walker, the Executive Director for Place, sat on the Operational Group that managed the Capita contract on a day to day basis. She admitted that in the past few years collaborative working had not been as 'tight' as she would have liked.

AC pointed out that as far as enforcement was concerned, in future there would be a much better audit trail, the Enforcement Protocol would be reviewed and the information would be shared accordingly. Referring to the KPIs, the measures in place were in line with the National Planning Policy Framework guidance.

Mr Atterwill made, what he felt would be a positive suggestion, in so far as setting up an informal working group headed by AC and The Executive Director for Place when planning permission was first granted to enable collaborative working and something that would work for everyone involved. The Chairman felt that the Town & parish Council Forum could achieve this but this needed to be discussed outside of the meeting.

Councillor Clarke mentioned the five year land supply which, in his opinion, had been a moveable feast and felt that it would be helpful to know how far ahead or behind the Council was with that taken into account the permissions granted that had not been built out. He also mentioned the S106 contributions in relation to the NHS and asked if more detail could be provided for such contributions.

AC explained that a high level survey had just been undertaken to establish how close the Council was to its five year land supply; however, the outcome of this piece of work had not been reported as yet. One positive matter was the Appeals process, Breckland had won many Appeals and the Planning Inspectorate had been very supportive in relation to the lack of the five year land supply. On the subject of S106 Agreements, it would be good practice if the Heads of Terms were included in the Committee report and the monies provided had to be spent within the remit of what was agreed.

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Councillor Sharpe referred to the KPIs and asked who set the assessment target and when this was last set. He wanted to know, in the light of the 100% figures, if Capita found them challenging.

SO explained that KPIs had been set by the Business Plan; however, the Business Plan needed to be addressed again.

Since the arrival of SO and AC, Councillor Dimoglou felt that the service provided had been outstanding; he also had a great deal of confidence in the Business Plan. However, staff welfare was a priority and he had not seen any firm action to stem this loss. The working conditions and the recent time and motion studies that were still on-going could cause stress related illnesses and a balance was needed.

In terms of housing delivery, Councillor Kybird asked why there was no housing numbers in the KPI and felt that if this was recorded by the number of applications it was not, in his opinion, a very fruitful KPI. Also, he was concerned about the lack of information in terms of ecology and heritage. Members were informed that some KPIs were regulatory and were hard to capture but the Historic Buildings Officer would be happy to provide any guidance as necessary. Capita was very proud of the service it offered but many KPIs were difficult to measure.

Councillor Brame had concerns in relation to Building Control satisfaction levels and suggested using Ward Members as the representatives as they would all be willing to help in some shape or form.

Councillor Duigan felt that more encouragement should be given to developers to build out when permissions were granted to assist with the 5 year land supply issue. SO confirmed that the single most important matter at the moment was the Council's Local Plan which would identify the land supply and the trajectory for housing - Capita was now in a position to submit the Plan.

The Chairman pointed out that Planning Officers did work with developers but they could not be forced to start their build. AC advised that it was not just about getting the planning permission in place it was also about the affordable housing quota which had been reduced in the current Local Plan going forward – hence the delay in some build outs.

Following further debate and at the close of the meeting, the Chairman thanked everyone for their attendance; all actions would be passed onto the Leader of the Council. Members were assured that Capita would be reporting back to the Overview & Scrutiny Commission in January with an update.

91/17 NEXT MEETING (AGENDA ITEM 6)

The arrangements for the next meeting on Thursday, 2 November 2017 at 2pm in the Anglia Room were noted.

92/17 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 7)

Not required.

93/17 CAPITA BUSINESS PLAN (AGENDA ITEM 8)

See Minute No. 90/17 above.

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The meeting closed at 1300hrs

CHAIRMAN