

**BRECKLAND COUNCIL**

**At a Meeting of the**

**OVERVIEW AND SCRUTINY COMMISSION**

**Held on Thursday, 14 January 2021 at 10.00 am**

THIS MEETING IS IN LINE WITH THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020

**PRESENT**

Mr D. R. R. Oliver (Chairman)	Mr T. J. Jermy
Mrs L.S. Turner (Vice-Chairman)	Mr M. Kiddle-Morris
Mr T. Birt	Mr R.G. Kybird
Miss H. Bushell	Mr I. Martin
Mrs V. Dale	Mr M. J. Nairn
Mr F. Eagle	Mr D. Wickerson

**Also Present**

Mr R. Atterwill	Mr P.J. Duigan
Mr S.G. Bambridge	Mr K.S. Gilbert
Councillor M. Chapman-Allen	Mr P.J. Hewett
Mr S. H. Chapman-Allen	Mr P. Morton
Mr H. E. J. Clarke	Mrs S. E. Suggitt
Mr P.D. Claussen	Mrs A. M. Webb
Mr J.P. Cowen	Mr P. S. Wilkinson
Mrs H Crane	

**In Attendance**

Matthew Barnard	- Communications Manager
Ralph Burton	- Strategic Property Manager (BDC)
Alison Chubbock	- Chief Accountant (Deputy Section 151 Officer) (BDC)
Gill Duffy	- Housing Manager
Michael Horn	- Solicitor to the Council
Stephen James	- Communities & Environmental Services Manager
Maxine O'Mahony	- Executive Director of Strategy & Governance (Monitoring Officer)
Mark Stinson	- Executive Manager Governance (Deputy Monitoring Officer)
Rob Walker	- Executive Director Place
Teresa Smith	- Democratic Services Team Leader
Ruth Tudge	- Democratic Services Officer

**1/21 MINUTES**

The minutes of the meeting held on 3 December 2020 were confirmed as a correct record.

**Action By**

	<u>Action By</u>
<b>2/21 <u>APOLOGIES AND SUBSTITUTES</u></b>  None.	
<b>3/21 <u>CHAIRMAN'S ANNOUNCEMENTS (IF ANY)</u></b>  None.	
<b>4/21 <u>URGENT BUSINESS</u></b>  None.	
<b>5/21 <u>DECLARATION OF INTERESTS</u></b>  None.	
<b>6/21 <u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u></b>  None.	
<b>7/21 <u>EXCLUSION OF PRESS AND PUBLIC</u></b>  <p>Councillor Birt queried the reasoning behind the decision of the Commission to exclude the press and public for the next two items on the agenda. He accepted that there were elements of Agenda item 8a which, for legitimate reasons, should be excluded, however he felt that it was in the public interest for the items to be largely discussed in an open forum and felt it unnecessary for Agenda item 9.</p> <p>Mark Stinson, the Executive Manager for Governance, advised Members that the Call-in notice received had met the Constitutional requirements. He then explained to Members why he felt that it best served the public interest by excluding the Press and Public from these items on the agenda.</p> <p>In respect of Barnham Broom, the Council and its Tenant were legally bound by commercial confidentiality and failure to observe that obligation could potentially result in legal proceedings. The Executive Manager for Governance felt that the information contained commercially sensitive business and financial information which related to both the Council and the Tenant. He also felt that discussion in an open forum could impact on the Council's ability to have a suitable dialogue with the Tenant.</p> <p>With reference to the Housing Service Review, Members were informed that individuals could be identified and therefore it would not be suitable to be discussed in open session at this stage.</p> <p>Members voted separately on both agenda items, and agreed, by majority, to exclude the press and the public from the meeting.</p>	

**Action By**

**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 items of business on the grounds that they involve the disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A to the Act.

**8/21 SCRUTINY CALL-INS (STANDING ITEM)**

(a) Barnham Broom Golf & Country Club Investment Asset

Members discussed the report that considered the future long-term interest of the Barnham Broom Golf & Country Club.

Councillors Birt, Jermy and Atterwill made their case to the Commission as to why they felt that the decision should be referred back to the Cabinet for further consideration.

The Executive Member for Contracts and Assets, Councillor Hewett, explained the rationale for the decision taken by the Cabinet and explained why potential alternative action was unsuitable in the circumstances.

**RESOLVED** that the decision taken by cabinet should stand which was:

that Option 3 of the report be approved subject to the satisfactory completion of the necessary due diligence which shall be delegated to the Executive Director of Place in consultation with the Executive Member for Contracts & Assets. However, if there is no material progress to the completion of Option 3 within an appropriate timescale, authority is delegated to the Executive Director of Place in consultation with the Executive Member for Contracts & Assets to undertake Option 2.

**9/21 HOUSING SERVICE REVIEW**

Members of the Commission noted the report.

**10/21 COUNCILLOR CALL FOR ACTION (STANDING ITEM)**

(a) Flagship - Cyber Attack

The Chief Financial officer of the Flagship Group, David Armstrong, clarified that there had not been a data leak and explained that Flagship had been the subject of a professional organised crime ransomware attack but there had been no evidence that personal data had been lost. On 1<sup>st</sup> November 2020, a gang of professional cyber criminals illegally gained access to the Flagship systems. Some ransomware software had been released which had been designed to encrypt the live and backup systems to effectively disable the Flagship operations, with the intention of forcing them to pay a ransom to regain access. It had been a highly sophisticated attack by a professional organisation.

**Action By**

Flagship had a monitoring alert system which alerted the attack, and the IT Team had forced a rapid shutdown of all networks and systems to protect the back-up data and eject the criminals before the criminal activity had been completed.

Unfortunately, the shutdown had left the IT service unavailable for a short period of time to enable a check and review of each system to be carried out and restored in line with their disaster recovery plan. The customer frontline service had been the first to be restored gradually followed by the back-office systems.

Flagship had employed a number of cyber specialist teams, who performed forensic checks.

There had already been a number of systems in place to protect the information and as part of the restoration all systems were now 'Cloud' based.

Flagship had kept customers up to date as much as possible on the website and social media, and although there was no evidence that any data had been stolen, it was understandable that customers would have concerns and therefore all customers had been offered a 12-month subscription to Experion to assist with the monitoring of any unusual activity.

The investigation was still ongoing.

Councillor Birt felt that Flagship had acted quickly during this uncertain time and asked that once the investigation had been completed if any findings could be shared with Breckland Council.

Councillor Wickerson appreciated the steps taken by Flagship, everyone needed to be more vigilant as IT progressed so quickly, and it was important to look ahead to protect the data of residents.

Councillor Martin thanked Flagship for helping residents in respect of this matter and with the flooding issues.

The Chairman declared this Call for Action was now closed. He thanked Flagship for attending the meeting and if any evidence was found, he would be grateful if they could be shared with Members.

**11/21 DRAFT BUDGET, MEDIUM TERM PLAN AND CAPITAL STRATEGY 2021-22**

The Executive Member for Finance and Growth, Councillor Cowen introduced the proposals for the draft budget in preparation for the budget setting for 2021.

Councillor Birt felt that there was not enough information on the carbon audit in respect of capital investment to meet the climate emergency obligations and had concerns that it would be underfunded. However, he had been pleased to see that services were being maintained during these uncertain times.

**Action By**

In response, Councillor Cowen stated that the Council was committed to a programme for climate emergency. As far as being underfunded was concerned, a balanced budget was being delivered in unprecedented times and the Council was managing in a way, that not only maintained core services, but enhanced them; in addition to providing extra services for residents and businesses within Breckland.

The Chief Accountant added that when the outcome of the carbon audit and the programme of works became available, the request for funding would come forward along with the budget requirements to be approved as a whole.

Councillor Jermy was disappointed with the removal of the extra Council Tax support scheme that had helped residents in need who could not afford to meet the full annual amount. Over the past year, those eligible had been provided with 100% support but now it was being removed, the support level would return to 9.1.5%. He felt that with the money provided from Government, specifically for those unable to meet council tax payments, there may be an option for the Commission to recommend a hardship fund for those who were having difficulty paying their Council Tax and asked for this option to be explored.

The Chief Accountant stated that a Government grant of just under £137,000 had been received and some of that funding could be set aside for that purpose; however, further discussions would have to be had with the Anglia Revenues Partnership to set a workable policy.

Members supported this request.

Councillor Wickerson raised concerns about the climate change report as it was being presented to Council on 25<sup>h</sup> February 2021, the same date as the budget approval. and asked if the report could be available to Members beforehand.

Councillor Cowen stated that it remained a significant part of the Council's aspiration to drive the climate change agenda forward and they were fully committed to supporting it.

The report was otherwise noted and approved; subject to the Executive Member for Finance, in consultation with the Chief Accountant and the Anglia Revenues & Benefits Partnership, to establish a hardship fund using 50% of the available resources and the budget be amended accordingly.

**12/21 PLANNING ENFORCEMENT**

The Director of Planning and Building Control, Simon Wood provided Members with a presentation in support of the Planning Enforcement report. He explained that planning enforcement remained a legal process that had to pass evidential tests to proceed to a formal planning enforcement case.

The Chairman asked if there had been a planning breach, but the Council decided it would not be expedient to enforce, but interested stakeholders felt otherwise, what rights, if any did the stakeholder have.

**Action By**

The Director of Planning and Building Control stated that there was an internal process where any decision made, either not to take formal action or not had to be signed off by a Senior Manager. He was not aware of any process to challenge that decision with third party appeal.

Councillor Wickerson raised concerns about the amount of workload the Enforcement Officer had to deal with, even with no breach established there had to be investigation work carried out. He asked for the statistics, and the slides on this to be circulated to the Members. He also queried the Planning Enforcement Register available on the website and whether this had sufficient information contained within it.

Councillor Martin asked if the resources were sufficient to deliver the service and whether an appetite remained to enforce such breaches.

The Director of Planning and Building Control explained that the service was outsourced, and the contract dictated the resource. When fully staffed, the resource remained available for the current caseload. He said there should be a clear need to enforce when expedient to do so and where it could be supported with the technical aspects of the case. On occasion, the support of third parties such as Natural England, The Highway Authority, Historic England, was also required which was not always forthcoming.

Members were also informed that the Council had a legal obligation to maintain an enforcement register online which purely contained any enforcement notice served; however, he would check the information and report back to Councillor Wickerson.

Councillor Crane voiced the frustrations of residents as they felt that the obligation fell on them, the general public, to report any breach of planning conditions and that the conditions were not routinely checked by the Planning Officers.

The Director of Planning and Building Control confirmed that the Team did not have such an Officer in place to monitor the conditions and to ensure that they were being met. This would be an onerous task and the Planning department did not have the resources available; however, if Members felt that such an Officer was required further discussions would have to be had on how this post could be resourced.

Members were reassured that Planning Officers did react to complaints from residents when received.

The report was otherwise noted.

**13/21 OUTSIDE BODY FEEDBACK (STANDING ITEM)**

Councillor Wickerson stated that the Hammond Educational Charity had set aside grants that were available to support students with home learning across Breckland. He asked Members if they were aware of anyone who needed support to refer them to the Hammond Educational Charity website and complete the application form:

<http://www.hamoneducationalcharity.org.uk/>

**Action By**

**14/21 WORK PROGRAMME**

Councillor Martin referred to the recent flooding events and lack of power to properties in the district. He felt that there had been a poor service from major infrastructure providers both with their response and communications. He suggested that such providers should be invited to a future Scrutiny meeting to raise these concerns. Councillor Martin suggested that all should work together to improve the existing service and to look at what needed to be done to be more robust in the medium term. Additionally, if services were currently buckling under pressure with the existing number of residents and houses, these providers need to be asked what plans were in place to cope in the future under planned increases of new developments.

The Chairman felt that this would be a substantial piece of work and could benefit from a Task & Finish Group, Members agreed to look at establishing such a Group at the next meeting.

**15/21 NEXT MEETING**

The arrangements for the next meeting scheduled for Tuesday 9 February at 10.00am were noted.

The meeting closed at 1.40 pm

CHAIRMAN