

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 22 July 2021 at 10.00 am in the
Breckland Conference Centre, The Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Rhodri Oliver (Chairman)	Cllr Terry Jermy
Cllr Lynda Turner (Vice-Chairman)	Cllr Mark Kiddle-Morris
Cllr Timothy Birt	Cllr Mike Nairn
Cllr Hilary Bushell	Cllr David Wickerson
Cllr Fabian Eagle	Cllr Peter Wilkinson (Substitute Member)

Also Present

Cllr Philip Morton	Cllr Paul Hewett
Cllr Gordon Bambridge	Cllr Mark Robinson

In Attendance

Ralph Burton	- Assistant Director Property and Projects
Jason Cole	- Assistant Director Customer and Performance
Zoe Footer	- Strategic Property Projects Manager
Brett Girling	- Commercial Property Manager
James Harding	- Enforcement Officer
Andrew Holdsworth	- Assistant Director Economy and Growth
Rob Walker	- Executive Director Place & Delivery and Monitoring Officer
Teresa Smith	- Democratic Services Team Leader
Ruth Tudge	- Democratic Services Officer

50/21 MINUTES

The minutes of the meeting held on 3 June 2021 were confirmed as a correct record.

51/21 APOLOGIES AND SUBSTITUTES

Apologies had been received from Councillors Dale, Kybird and Martin. Councillor Wilkinson was in attendance as a substitute for Councillor Martin.

52/21 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)

None.

53/21 URGENT BUSINESS

Action By

None.

54/21 DECLARATION OF INTERESTS

None.

55/21 NON-MEMBERS WISHING TO ADDRESS THE MEETING

None.

56/21 COMMERCIAL PORTFOLIO UPDATE

Councillor Hewett introduced the report stating that the management of the Commercial Property portfolio remained an essential part of the activities as a Council which enabled businesses and residents to thrive. Over the last five years assets had generated around £3,000,000 in return per year which had enabled investment in other projects and avoided a higher increase in council tax for Breckland residents. He continued to say the Council had adopted a proactive approach to managing the £45,000,000 property portfolio. He explained that the last year had been tough both on the portfolio and results, and especially so for tenants in the retail and hospitality and leisure service sectors.

Councillor Eagle thanked the team for an excellent and comprehensive report and asked if the Council were looking at expanding into small office space, particularly in the market towns which, he felt, would increase footfall and attract people to live and work in Norfolk.

The Assistant Director for Property and Projects, Ralph Burton, confirmed it would be part of Breckland Council's investment strategy and were always looking at the performance of the portfolio and any disposals or acquisitions and seek opportunities to expand businesses in Breckland.

Councillor Jermy asked about the occupancy level of the Business Centre in Thetford which remained consistent with a letting potential of 84% and asked if the remaining 16% was within the same area or would it be considered an unlettable area and therefore should not be included in the target.

The Assistant Director for Property and Projects explained the 16% was not one consistent space, and that it varied with the units around the building that were not let at different times. He stated that the team were constantly looking at whether the layout of the space was configured in the right way with the right layout and that there was the flexibility to change the layout provided the capital investment created a positive return.

Councillor Wickerson noted that in terms of the vacant properties,

Action By

Action By

2% were currently vacant and asked if this was a particular type of property that was causing an issue. The Assistant Director for Property and Projects explained this was mainly the office market, which, due to the last year with Covid19 had proved difficult to let and that they had needed to look at different ways to create incentives to get the units let within the office market, which was currently the biggest challenge.

Councillor Kiddle-Morris was pleased to note the increase in lets in the Business Centres both in Dereham and Thetford and was pleased to note the increase in the letting figures, particularly in Dereham and asked why Thetford was less occupied yet rendered more rent. The Assistant Director for Property and Projects explained that it came down to the valuation parameters of the geographical locations at the time of the lettings.

Councillor Eagle asked if Breckland Council were flexible with any restrictive covenants on lettable units. The Assistant Director for Property and Projects explained that if units were next to other units within a courtyard, for example, they had a duty to consider the impact of use with other occupants within that area. However generally, particularly within the industrial sector, Breckland would not place restrictions, but the client would have to have the relevant permission for any statutory change of use in terms of planning and provided they had the planning consent from Breckland Council they would work together with the tenants and would be flexible to achieve this.

The Chairman asked if Breckland Council had considered investing in areas outside of the district or considered borrowing to invest in commercial property either within or outside of the district. The Assistant Director for Property and Projects explained this was challenging, and as yet had not considered borrowing to invest and was not permitted against the PWLB rules but as the portfolio progressed Breckland Council would look wider than just commercial property and look at yields and opportunities available to increase returns to provide more opportunities for Breckland Council.

Councillor Birt said Breckland Council needed to look carefully at the balance of investing outside of the Breckland area and within it. If Breckland Council were investing in businesses within the area it would bring returns for business rates and possible employment within the area.

Councillor Eagle asked if the purchase of agricultural land had been considered with small pockets of land which could have massive benefits for Breckland Council on its environmental objectives.

Councillor Hewett said there were always investment opportunities and as a Council had not only commercial

Action By

considerations but also social and community obligations and would always look at the best yield on the current market. The Assistant Director Property and Projects said the goal was to make the best returns possible and always look at optimum returns, the team was currently focused on Commercial Property as they created higher yields than other property sectors and that was where the core skills of the team lay but that no investment was ruled out and opportunities would be considered.

Councillor Birt asked how the 6% yield target was decided and why. The Assistant Director Property and Projects explained that each year the yield analysis and the portfolio would be looked at to see how it performed against the market and adjusted the target according to the benchmark across the Country which was currently at an average of 5%. The yield would be measured after expenditure, overhead and costs and ensure the team were stretching themselves and getting the best from the portfolio.

Councillor Jermy asked about Energy Performance Certificates (EPC) and environmental sustainability, and if Breckland Council were actively encouraging tenants to be more sustainable. The Assistant Director Property and Projects explained that approximately 18 months ago the Government had introduced minimum energy performance standards to ensure that no property could be let or sold without an EPC that had reached that minimum standard. The Government were looking to increase that standard and Breckland Council were currently reviewing all of the properties to ensure they were as energy efficient as possible and up to the standard to achieve the EPC.

Councillor Morton noted that within the main portfolio the occupancy rate was up on the previous year, yet the outturn of income was 15% lower and asked if this was due to Covid19 and if it was likely that it would achieve an increase next year. The Assistant Director Property and Projects confirmed they had tried to stabilise the portfolio as much as possible throughout Covid19 to sustain businesses and take a long term approach and look at different arrangements and deferment schemes, most of the tenants had now come out of that and were starting to pay back but he suspected that the commercial market still had a long way to go until the market recovered and that Breckland Council needed to be agile enough to respond to the market and sustain current income and work to improve the rental income KPI.

Members of the Commission noted the report.

57/21 VEXATIOUS COMPLAINTS 20/21

The Executive Member for Customer, Digital and Performance, Councillor Robinson, explained that the Vexatious Behaviour Policy governed how Breckland Council dealt with, and responded to, customer behaviour which was deemed

Action By

unacceptable. The Council must report the number of customers dealt with under the Council's Vexatious Policy annually to the Overview and Scrutiny Commission. He confirmed that in 2020/2021 no customers had been dealt with under this policy.

Councillor Turner said that Town and Parish Councils would each have their own Vexatious Policy in place and asked if they deemed a person vexatious should they inform Breckland Council in case that person then brought a complaint further forward and if so, would those numbers show within the Breckland Council figures.

Councillor Robinson said that this was not policy but suggested it would be good practice that Breckland Council were informed.

The Executive Director Place and Delivery explained that each individual organisation would have their own policy to adhere to, but they had obligations that if the complainant became threatening in any way, there was a duty under certain circumstances to make other agencies aware, so that it did not put others unduly at risk. In terms of the Vexatious Policy, he felt that there was not a duty to share but he would check the policy and make Members aware.

Councillor Jermy asked what training and guidance was given to staff to help them determine what behaviour would be classed as vexatious.

The Executive Director Place and Delivery confirmed officers were aware that any incidents should be reported to senior management who would determine whether it was in line with the Vexatious Policy. He stated Breckland Council had a statutory obligation to continue to provide a service to that person, therefore, arrangements would be put in place about how they could contact Breckland Council and suitably access service requirements.

The Assistant Director Customer and Performance stated that the policy was on the website and that he would send the link to Members.

Councillor Bambridge asked if there was such a policy in place for Councillors. The Executive Director Place and Delivery stated there was a Members Code of Conduct which Councillors should adhere to.

Members of the Commission noted the report.

58/21 Q1 21/22 PERFORMANCE REPORT

The Executive Member for Customer, Digital and Performance, Councillor Robinson introduced the Quarter One Performance

Action By

Report which he stated had highlighted improvements in some areas along with areas that continued to be challenging. In order for the report to be available to the Scrutiny Commission today, so soon after the quarter, some areas had been included as provisional which were marked as red in the report.

Councillor Birt asked about Freedom of Information and the colours used, and was concerned there was a green box indicating this was all good, yet Breckland Council had not met the statutory requirement within the timescale and therefore felt this was incorrect.

The Assistant Director Customer and Performance agreed this was a valid point and he would review the criteria set for Freedom of Information Requests and ensure it was suitably reflected.

Councillor Wickerson said the take up on the garden waste service showed a small drop in numbers and felt that this would show a further drop in the next quarter as there was currently a shortage of brown bins despite a resident having received an automatic response to say that they would receive the bin within 10 working days. Subsequent enquiries received a further response to say it could be 8 to 12 weeks before brown bins would be available again.

Councillor Jermy was concerned that if you were a current subscriber to the service and your garden waste bin was damaged, with such a long wait without collection, presumably there would be a cost to the Council for non-delivery of service.

The Executive Director Place and Delivery confirmed that if a Breckland resident could not access the service, through no fault of their own, then Breckland Council would look to reimburse the resident for the missed service and that there would be a financial impact to the Council.

Members of the Commission noted the report.

59/21 KEY PERFORMANCE INDICATOR REVIEW

The Executive Member for Customer, Digital and Performance explained that Members of the Commission had previously requested that they be given the opportunity to review Breckland Council's current suite of Key Performance Indicators (KPIs), therefore this item had been brought forward as part of the Council's ongoing activity around reviewing performance in light of the newly agreed Corporate Plan.

Councillor Birt asked how Breckland Council were measuring if the Council were providing what residents needed. The Assistant Director Customer and Performance said officers were currently discussing how to measure customer satisfaction and that it

Action By

would form part of the review.

Councillor Birt felt frustrated that there were other subjects, such as Freedom of Information targets and prompt action that had not been met, Job Density and creating work within the district, the Five-Year Land Supply, and climate issues like carbon reduction targets that had previously been discussed as areas to be measured but had not yet been mentioned. Councillor Kiddle-Morris felt that the Five-Year Land Supply would not warrant a KPI due to the fact that this would not necessarily change over the period of a year.

Councillor Jermy agreed that as Breckland Council had adopted a Sustainability Strategy that the carbon reduction target should be monitored. He also raised concern over housing and the length of time it took to process an application and felt that there should be an agreed accepted standard.

The Chairman suggested that the Commission come up with a list of items that they felt should be looked at to be included in the KPI review and asked Members for their input. It was agreed that CO2 Emissions against the 2035 target, information around the Freedom of Information Requests and measuring prompt responses and looking at the statutory requirement for ensuring Housing Applications were dealt with within the agreed timescale should be included in the KPIs measured.

The Chairman felt it important to include timeframes, particularly around Freedom of Information Requests, Complaints and Subject Access Requests. He also felt that information should be provided on any reported data breaches or near misses at Breckland Council under the GDPR regulations. The Chairman asked if the Assistant Director Customer and Performance could look into the feasibility of including the above requests within the KPI review.

The Executive Director Place and Delivery suggested it would be difficult to measure job density as Breckland Council may have a direct influence on some areas but on others may or may not be a contributing factor. As a possible solution he proposed that Breckland Council could have a performance matrix with the KPIs for direct action that the Council was taking, and in addition to that, on a regular basis bring a 'State of the District' report which looked at the social and economic measures that demonstrated the vibrancy and challenges that were faced as a district.

Members agreed that this would be useful on a six-monthly basis.

Members of the Commission noted the report.

Action By

The Executive Member for Waste and Environment, Councillor Bambridge said that he was pleased with the current progress that was being made by the Fly Tip Enforcement Officer and the difference he was making towards the reduction of fly tipping, and confirmed that Breckland Council were very invested in reducing the littering across the whole of the Breckland area and felt that the results validated the effort that had been made and that it was beginning to make a difference across the district.

The Fly Tip Enforcement Officer, James Harding, gave a detailed presentation and explained the background of the role at Breckland Council, what the role currently included such as investigations of fly tipping, abandoned vehicles, unlicensed waste carriers, interviews under caution and importantly, partnership work to aid prevention of fly-tipping and engagement with the public and re-education.

He explained the improvement in the statistics of the issuing of Fixed Penalty Notices across Breckland and the limitations on fly tip enforcement action during the pandemic. He described how important re-education was in particular engaging with the community through letters, door-to-door visits, social media posts and addressing non-English speaking residents including the translation of information and posters. He believed that social media played an important part and regularly shared information on case studies through the press and social media.

Although social media was important, the Fly Tip Enforcement Officer felt that it was also important to remember that there were still many residents who either did not have access to social media or chose not to use it, did not read the newspapers or were not English speaking and with this in mind, he stated he was in the process of identifying community sites where diverse groups met such as shops, bars, restaurants and to maximise communication he would work hard to engage with hard to reach groups.

The Enforcement Officer said there was much work still to be done within the Breckland area and hoped there could be an expansion of staff in the team to help tackle a subject that was important to residents across Breckland.

Councillor Wilkinson recognised the efforts of the Enforcement Officer and supported the ideas to take it forward and asked if it was appropriate to put posters in hot spot areas to say fly tippers were being watched. He further offered, as a Ward Member to take any posters and help with distribution around his area.

The Officer hoped to spend some of the accrued funds through fines and Fixed Penalty Notices to get better designed posters for distribution.

Action By

Councillor Jermy felt that it was encouraging to see the increase in Fixed Penalty Notices and said there was an awareness now, particularly within his Ward, that it was not acceptable to fly tip. He felt that better publicity on the number of prosecutions would help and better communication on legitimate means of disposal. He felt it should be clearer what items could be taken to the household recycle centres and clearer communication and promotion on what items could be disposed of such as the bulky collection system. Councillor Jermy also felt that the prompt removal of any fly tip was important and that it was unacceptable to see litter and fly tips around the district which encouraged others to add further rubbish to the area.

Councillor Jermy also sensed that press releases from a Cabinet Member had limited impact on residents, he believed it would achieve much greater impact if it came from the Chairman of the local Parish Council or Resident's Group or the farmer who had suffered the fly tip. Someone of local standing who stood up and said that this was not acceptable behaviour within their community.

Councillor Turner suggested it was not a simple change but a cultural change that could not be realised in a short period of time. She believed that information should be kept simple, easy to understand and that pictorial information could portray a thousand words. Councillor Turner also felt that better communication on methods of disposal would benefit the residents particularly with free sites and urged Members to promote this information.

Councillor Birt said that on the Breckland Council website mapping system, if you went to report a fly tip and dropped the pin on the area, it would let you know if it had already been reported. He felt it might be useful if you could also leave additional pins from each person that reported it so that they could be informed globally when it had been picked up and any successful prosecutions that had resulted from the reporting.

The Executive Director Place and Delivery said that it was something that could be investigated and asked that the Assistant Director Customer and Performance investigate the suggestion with the Digital Team.

The Executive Member for Waste and Environment said that he was pleased to note from the presentation that there were no repeat offenders for fly tipping which demonstrated that the system was working. He also urged Members to use the 'Report It' system on the Breckland Council website and encouraged residents to do the same, rather than contact the Fly Tip Enforcement Officer directly as this would save time as the information would go directly to Serco rather than through the Enforcement Officer.

Action By

The Chairman asked if there could be the possibility to increase capacity through extra staff to join the Enforcement Team in the near future. The Executive Director Place and Delivery confirmed that this was currently being investigated on how best to increase the capacity and what format it might take.

Councillor Nairn said it was pleasing to see the increase in litter picking volunteers during the pandemic.

Councillor Bambridge said that Breckland Council had litter picking equipment that they regularly lend out to residents and that Breckland Council would arrange to pick up the bags of litter once the litter pick was finished.

Members of the Commission noted the report.

61/21 FUTURE SERVICE PRIORITIES – ECONOMY & GROWTH

The Assistant Director Economy and Growth, Andrew Holdsworth, gave a presentation on future service priorities. He said that the intention of the presentation was to explain to the Scrutiny Commission some of the thoughts about how Breckland Council felt priorities should be shaped, and to promote discussion and ideas on what Members considered where the priorities to shape the future. He explained the presentation in detail and felt this was very much an ongoing conversation to be developed to reach a process to form the priorities together. The Assistant Director Economy and Growth asked Members what they thought the priorities should be.

The Scrutiny Commission felt that it would be more beneficial if the presentation could be circulated to Members along with any background or supporting information to give them time to process the information and develop ideas and opinions and feedback their theories to the Assistant Director Economy and Growth.

62/21 OUTSIDE BODY FEEDBACK (STANDING ITEM)

Councillor Wilkinson brought to the attention of the Commission that The Queen Elizabeth Hospital in King's Lynn had issued their Annual General Report and highlighted that in the Quality section, the hospital had been rated as 'Good' for caring in the Medicine, Surgery, Urgent and Emergency Care, Maternity, Diagnostic Imaging and End of Life Care and that strong progress had been made in improving the Trust's digital maternity.

He explained that the Hospital had adapted to a different way of working during Covid19 and that one of the things that had come out of that was a Patients Engagement Committee, of which Councillor Wilkinson was a member. They had had one

Action By

successful meeting and one face to face meeting and now would be taking it out to the Communities to further engage with members of the public, who would be made aware that the meetings would be happening and be invited to attend.

63/21 SCRUTINY CALL-INS (STANDING ITEM)

None.

64/21 COUNCILLOR CALL FOR ACTION (STANDING ITEM)

None.

65/21 WORK PROGRAMME

After the Economy and Growth presentation Members felt that there was insufficient information at this point to make any decisions and give feedback and had requested more information to be able to do this. It was agreed that the Assistant Director Economy and Growth would circulate to Members a copy of the presentation with some further, more in-depth detail. Members would then send feedback remotely to the Assistant Director Economy and Growth to collate for a possible further discussion at the September Scrutiny meeting, however, if it was felt that it was not sufficiently developed at this point it could move to the October meeting for a further presentation from the Assistant Director Economy and Growth.

Councillor Wickerson noted that the Serco Contract was up for discussion at the September meeting and asked what format this might take as it was important that sufficient information be provided to enable Members to ask the relevant questions and make comment.

The Executive Director Place and Delivery suggested that they repeat what they had done previously which had worked well, which was to arrange a meeting directly prior to the Scrutiny meeting in September where representatives from Serco, along with the relevant officers would be available to explain the Serco Contract in more detail and answer any questions. Members felt this would be beneficial to enable a constructive discussion in the Scrutiny meeting. Democratic Services would make the arrangements to ensure that this was set up and invites sent to Members.

Councillor Turner noted the October schedule for the Work Programme and asked if the Inspiring Communities item would include the effect of the pandemic on the communities and demonstrate how priorities had changed. The Executive Director Place and Delivery said that the main themes would remain the same, but the method of approach had been tailored as a response to learning during the pandemic.

Action By

66/21 NEXT MEETING

The arrangements for the next meeting scheduled for Thursday 9 September at 10.00am were noted.

67/21 EXCLUSION OF PRESS & PUBLIC

Councillor Birt stated that in the restricted appendix the names of the businesses had already been redacted and felt that if Breckland Council did not provide sufficient information for the public to see, how could residents make representation to their representatives as to the business of the Council and suggest that this item should not go below the line.

The Chairman stated that it was a matter of judgement to weigh up the two competing arguments and it was his opinion that in this matter the public interest did not outweigh the detriment to the individual persons and proposed to discuss the matter in private session. It was

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 Schedule 12A to the Act.

68/21 APPENDIX 1 - COMMERCIAL PROPERTY UPDATE

Members heard further detail from the Assistant Director Projects and Property.

The contents of the report were noted.

The meeting closed at 1.00 pm

CHAIRMAN