

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 26 March 2009 at 2.15 pm in the
The Gallery Bar, Watton Sports Centre, Dereham Road, Watton**

PRESENT

Mr S.G. Bambridge	Mr A.P. Joel
Mr A.J. Byrne	Mr M.A. Kiddle-Morris
Mr J.P. Cowen (Chairman)	Mr R.G. Kybird
Mr K.S. Gilbert	Mr K. Martin
Mr R.F. Goreham (Vice-Chairman)	Mr J.D. Rogers
Mr J.R. Gretton	Mr B. Rose
Mrs D.K.R. Irving	Mr A.C. Stasiak

Also Present

Mr S. Askew	Lady Fisher
Councillor Claire Bowes	

In Attendance

Susan Allen	- Standards Officer
Mark Broughton	- Member Development and Scrutiny Officer
Mark Stokes	- Strategic Director (Services)
Elaine Wilkes	- Senior Member Services Officer

22/09 MINUTES

The minutes of the meeting held on 12 February 2009 were confirmed as a correct record.

23/09 APOLOGIES

Apologies for absence were received from Mrs. S.M. Matthews, Mrs. S. Miller and Mr. T. Leader.

24/09 URGENT BUSINESS

The Chairman advised that, at the request of a Member, he had agreed to take an additional issue under agenda item 11 (Establishment of Task and Finish Groups) (see minute 32/09 below).

25/09 DECLARATION OF INTEREST

No declarations were made.

26/09 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following Members were in attendance:

- Councillor C. Bowes
- Lady Fisher - Executive Member (Governance)
- Mr. S. Askew – Executive Member (Communities)

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Also present was:

- Mrs. J. Godfrey – Chairman of the Trustees, Wayland Partnership (for item 6)

27/09 PARTNERSHIP SCRUTINY - WAYLAND PARTNERSHIP (AGENDA ITEM 6)

The Chairman introduced Jan Godfrey, the Chairman of the Trustees of the Wayland Partnership, and stated that it was good for the Commission to begin to look at its partnerships, to enable Members to gain a fuller understanding of the broader focus of the Council's work outside and those with whom it worked or engaged with.

The Chairman went on to say that the review process was ultimately about learning. The Wayland Partnership had, at times, been controversial but was also extremely successful, both within Breckland and nationally. The Commission wanted to understand why that was, as it would enable Members to appreciate how and why things were done and what lessons could be learnt from those achievements.

Mrs. Godfrey was then invited to speak about her organisation and she began by outlining the background to the formation of the Partnership.

The Partnership was formed some nine years ago but predated the rural funding opportunities that became available out of the Government's Rural White Paper in 2000. A steering group was formed in 1997 in response to the European Objective 2 funding programme. The research undertaken as a consequence led to the idea to form a Partnership and, following a major consultation exercise initiated by the Town Council in 1998, the Partnership was formed. Although the opportunity for Objective 2 funding was ultimately missed, other European funding through the Market Towns Initiative was achieved and the Partnership became a charitable company. Lottery money was secured to fund a development officer post. Out of the Market Towns Initiative (which enabled the town enhancement project) and with £300,000 funding, the Partnership had been able to do a lot of schemes in the villages of the area, as well as participating in rural development funding schemes. Over the nine years', the Partnership had received funding of more than £9 million, a very significant sum for the size of the organisation and community served.

Although there was an element of luck involved, the Partnership's success was felt to be due to the passion and level of commitment given by all those involved in its work, and to the support given by the 80 or so partners and volunteers involved with the Partnership, either directly or indirectly. The people and their passion is what made the Partnership work.

Mrs. Godfrey concluded by saying that the Partnership tried hard not to duplicate anything that was done by other authorities or bodies and redirected people to those proper authorities. The Partnership worked with others in the provision of learning and training (for example, working with the migrant community and providing business support in partnership with the Chamber of Trade) and in supporting tourism (through leaflets, exhibitions, events, etc.).

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A member asked how the Partnership maintained its good relations with the villages and how the villages gained real value from it.

Mrs. Godfrey said much depended on the villages themselves and how actively they engaged with the Partnership. Some were very active, others not so until or unless they needed the Partnership's help. So to some extent, the Partnership was responsive to the requests it received. But regular newsletters were produced and distributed and the Partnership maintained a large database to keep people informed. Officers would attend Town or Parish Council meetings if requested, or a request to attend a meeting would be made by an officer if there was a need to give information on a particular project or other issue. The Partnership also relied on its partners and members to relay information back to their organisations.

So far as funding was concerned, it was noted that there was no contribution from Breckland in 2008. Mrs. Godfrey explained that the Partnership had not sought funding from Breckland last year. She also pointed out an omission from the information given in the partnership questionnaire and explained that funding support received by the Partnership was in the form of rate relief and the concessionary rates levied for the farmers' market stalls. This was acknowledged as a significant element of support, without which the farmers' market could not survive.

A Member highlighted the important role that the Partnership had played in supporting the revival of the villages. From its origins as a town-based idea, the Partnership had evolved to include the rural villages and had become a national pilot scheme, of which it should be very proud.

Mrs. Godfrey added that there had been an advantage in that the Partnership had developed prior to the Market Towns Initiative. As part of the Market Towns Initiative, the Partnership had been able to create a 'Community Chest', which had made a big difference to the funding of schemes for the villages.

Another Member was disappointed to note that donations from the villages in supporting the work of the Partnership appeared low. Mrs. Godfrey explained that some villages were very generous, others less so or did not have the means but this was not a problem for the Partnership.

A Member asked about the Partnership's Objective of supporting and enabling town centre enhancement, which appeared to be more a role for the Town Council. Mrs. Godfrey explained that the town enhancement was a key initiative at a time when the Town Council was not able to access the available funding but the Partnership could, and was the reason why the Partnership was established in the first place. Therefore, this was very much something on which the two bodies worked closely together.

In answer to another question, Mrs. Godfrey explained that the purchase of Wayland House had been a significant step for the Partnership towards the future development of the organisation and its commitment to the area in the long term. Part of the agreement for the

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purchase of the property included the retention of the Police office presence on the site. In the event of the retirement or resignation of any of the Partnership Trustees, successors would be recruited. The Partnership was, therefore, fully committed to working to ensure its continued viability as a charitable company.

The Chairman referred to funding as being a key factor in the success of the Partnership, which was something that others seemed to struggle to achieve, and he asked about the Partnership's future aims and what assistance it would need to achieve those aims.

Mrs. Godfrey replied that its key area of work in the future was the whole area of community development support, for which a Development Manager post was required. The Partnership would, therefore, be looking for core funding for that post.

There was an existing Centre Manager who managed the building and having the building allowed the Partnership to have a base for staff and support other areas, such as tourism and to run events.

The provision of the core post of Development Manager would enable the Partnership to further develop its work. A funding bid was presently being written and it could well be that a match funding bid would be made to Breckland.

Importantly, however, the Partnership's continuance was also reliant on its Partners.

The Chairman asked whether the Partnership was able to offer support or advice from its experience to others looking to develop opportunities.

Mrs. Godfrey stated that one of the pleasures in her role as Chairman of Trustees was the opportunity she had had to visit many in Norfolk and across the country to share with others her knowledge and experience in the establishment and development of the Partnership. The invites she received came from a variety of sources, by word of mouth, some self-promotion and also via the website for market towns.

The Chairman concluded the item by thanking Mrs. Godfrey for her attendance and expressing Members' appreciation for all the work the Partnership did. On behalf of the Commission, the Chairman congratulated Mrs. Godfrey on winning the Pride in Breckland Award for Top Achiever.

28/09 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 7)

(a) Governance Portfolio

Lady Fisher said she was pleased to be invited to talk about the work of her Portfolio.

Lady Fisher outlined the service areas contained within the Governance Portfolio, which included Member Services, Legal Services, Standards and Finance.

Key issues for the Portfolio in the coming year included:

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- The change to the year-end accounting process, which would have the effect of bringing the PFI contract back into the books as a debt.
- Ensuring capital and revenue funding for projects.
- Recouping the monies from the Icelandic Banks investments.

Three panels were being established – one to monitor external contracts, one to manage Gershon savings and one to manage capital spending.

In answer to a question, Lady Fisher explained that investments were made in accordance with policies approved by the Council and based on expert advice given by companies such as Butlers. The issue with the Icelandic Bank investments was that these were long-term investments which had been placed a long time before the current situation arose. A meeting of the Local Government Association that week had confirmed joint action being taken to pursue the Icelandic Government, so that there was a more positive feeling that the Council would recoup its investment monies, but without the interest. A further question was asked about whether there were other investment advisers the Council could use. It was confirmed there were but that they were all very similar.

A Member referred to the dog warden service, which had recently been awarded to an outside contractor, and the fact that the contractor was awaiting legal advice from the Council on new legislation granting extra powers to issue warnings to people about dog fouling. He asked if the advice from Legal Services could be expedited to the contractor. Another Member asked if Legal Services would have sufficient resource to deal with prosecutions in this field.

Lady Fisher explained that this matter fell within the remit of Environmental Services and confirmed that resources were adequate so far as the legal process was concerned but she was not sure about the position regarding resources for monitoring.

The Strategic Director (Services) advised that officers were looking at new policies for the dog warden service and also regarding the delegation of powers.

The Chairman noted there were two over spends shown in the cumulative budget in the Business Plan (page 19 of the agenda) and asked if these were of particular concern. Lady Fisher answered no. The over spend against the Transformation Portfolio related to the strategic alliance project and the over spend against the Services Portfolio was thought to relate to commercial portfolio repair costs.

In answer to another question, Lady Fisher confirmed that the under spend on the external interest receivable was the necessary adjustment made to reflect the Iceland Bank situation.

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Lady Fisher's view was sought on the new requirement for members to produce proof of driving documentation, as some members were concerned about the need for these documents to be copied and held on file. Lady Fisher explained that this was a new legal requirement which the Audit Commission said the Council needed to do. Her personal view was that it did seem to be an infringement of civil liberty and use of personal information.

It was noted that similar rules applied to people employed in private business and that, as Members were in receipt of paid allowances, which were taxable income, they were technically employed by the Council. Notwithstanding this, several Members remained concerned about this new requirement and felt a legal opinion should be obtained. Lady Fisher was asked if she would follow the matter up and seek advice from the Head of Legal Services.

The Chairman thanked Lady Fisher for her report and answering questions.

(b) Communities Portfolio

Mr. S. Askew thanked the Commission for inviting him to talk about the work of his Portfolio, which covered the Environmental and Community Services areas.

Performance in both service areas had been very good during the year. Projects included:

- CCTV review, an exciting project which would cover urban and rural areas
- The new focus on Youth – the Breckland Youth Council had now been elected and had held its first meeting the previous week.
- Community activities – including Breckfest, Pride Awards.
- The award of Big Lottery funding for six projects (five of which had been completed)
- Appointment of new Arts Officer, with consequent increased participation in events.

So far as the Pride in Breckland Awards was concerned, Mr. Askew had found the process to be both inspiring and humbling to see just how much selfless work was being done by so many people in the District that was often unrecognised. It was something for people to be very proud of.

In answer to a question from the Chairman, Mr. Askew was not aware of any emerging or challenging issues of particular concern that Members needed to focus on. The roll out of the CCTV review was the biggest project for the Portfolio in the coming year but Mr. Askew had no concerns for this.

In connection with the CCTV project, a member asked whether the Council would consider allowing private use of filmed damage to cars in the Council's car parks. It was noted that such use would not be recommended but Mr. Askew indicated he would raise the question. A member put the view that the pursuit of criminal

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activity was more properly a matter for the Police to pursue, which should be reported by individuals to the Police. Another view was that the public would not support private access to filmed data.

In reply to another question, Mr. Askew explained that the CCTV procurement process had included the use of focus groups, including representatives of Town Councils, the Police, etc. to ascertain feedback on the enhancement of the system but there had been no direct consultation with the public.

The question of automatic access to CCTV records by the Police was also raised and whether any financial contribution to the system was being made by the Police Authority. The Strategic Director confirmed that the new system did have a facility to allow automatic access to the Police. So far as the question of a financial contribution to the scheme was concerned, discussions between the two authorities were still taking place.

Finally, Mr. Askew undertook to obtain further information on the new scheme for free swimming for people over 60 years of age and on the issue of public transport to the leisure centres to ensure bus timetables fitted with opening times.

The Chairman thanked Mr. Askew for his report.

29/09 COMPLAINTS (AGENDA ITEM 8)

The Standards Officer presented the report and outlined how the process for the recording of and dealing with complaints was operated.

It was explained that the report dealt only with complaints formally logged through the complaints system which were sent either direct to the Standards Officer, via letter or email, or where the complainant had contacted the Council via the generic email address or by telephone. It did not include complaints made direct to service areas.

There was no comparative performance with other authorities on complaints, other than that for complaints to the Local Government Ombudsman.

In answer to a question, the Standards Officer advised that she was only aware of three complaints that had been escalated up to the top level 3 and referred to the Ombudsman.

Members noted that the fact that some complaints might not be captured and formally logged in the system because they were received and dealt with directly at the service area, meant that the picture could be distorted and the situation could be not as good as it appeared. So far as letters of complaint slipping through the post room check were concerned, the Standards Officer undertook to liaise with the service representatives to see if there was any way of picking these up when the post was delivered to departments. However, this would not address the issue of complaints sent by email direct to an officer.

While some matters might well be resolved to the customer's satisfaction over the telephone, if all complaints were not logged, the Council could be missing a pattern of incidents. The Standards Officer

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explained that the complaints policy provided that if the same complaint occurred twice, it had to be formally logged as such.

It was also recognised that everyone within the Council needed to adhere to the procedures for recording complaints.

The Strategic Director felt that while some comparison work with other Councils could be done, there was a danger that the comparison might not be like for like, since figures and measurements could vary from authority to authority. However, the Council did undertake public satisfaction surveys and the results from those did give an indication of performance levels.

It was also acknowledged that the Council did get positive feedback on the way it dealt with complaints and the Council also had a compliments page on the website and did receive a lot of compliments as well.

A member suggested that it should be incumbent on senior managers to use their discretion to decide what complaints should be logged and passed to the Standards Officer and that there should be a protocol to that effect, and to explain the mechanisms in place to escalate a complaint through the three levels. In this way, it was felt the Council would have a much more complete picture of the numbers and types of issues being raised by the public.

So far as the complaints relating to ARP were concerned, a member felt there were some issues regarding the use of bailiffs, particularly in the present 'credit crunch', that was of concern to people. The Chairman suggested this be taken under agenda item 12.

In conclusion, the Commission

RECOMMEND to the Cabinet to require that a clear protocol is put in place for the reference of complaints through senior managers to ensure all complaints are logged into the system as appropriate, as suggested above.

Susan
Allen

30/09 CONTRACT MONITORING - PFI LEISURE CONTRACT (AGENDA ITEM 9)

The Strategic Director (Services) presented the report on behalf of the PFI Monitoring and Strategic Sport Officer.

The report provided an update and overview of the PFI Leisure contract and the performance of the Dereham Leisure Centre and Breckland Leisure Centre and Waterworld at Thetford.

Overall, it had been a successful year, as evidenced by the information given in the report.

The contractor, Parkwood Leisure, had successfully achieved Quest accreditation on both sites. Additionally, the Dereham Leisure Centre had been awarded ISO14001 Environmental Management External Audit standard and the Thetford site was due to take part in the same audit in 2009.

Members were pleased to note the report.

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31/09 SCRUTINY CALL-INS (STANDING ITEM) (AGENDA ITEM 10)

There were no items to report.

32/09 ESTABLISHMENT OF TASK & FINISH GROUPS AND WORK PROGRAMMES (AGENDA ITEM 11)

While it was noted that Task and Finish Groups were not generally established as open meetings, the Chairman of the LDF Task & Finish Group had asked that, in view of the important nature of the Local Development Framework, meetings of this Group should be open to the public.

Although the agenda for the first meeting of the Group had been issued on a non-public basis, it was confirmed the documents could be republished on the internet website if so decided. It was noted that the items on the agenda were procedural items only at this stage.

The Chairman of the Task & Finish Group also explained that the membership of the Group aimed to ensure each of the five market towns was represented, together with members from the rural areas.

The Member Development and Scrutiny Officer explained that the report presented the results of the discussions by the Task and Finish Group Chairmen.

One of the first objectives was to carry out a rural issues survey to help inform the whole process of reviews.

It was suggested the first three identified Groups (LDF, Off Street Parking Provision and Affordable Housing) could commence in the near future, with the remaining three Groups (Sewage & Flooding, Health and Rural Issues Agenda) being subject to the results of the rural issues survey. A member recommended that the Water Association be called as a witness in due course for the review on sewage and flooding.

A late issue received by the Council was a consultation paper from the East of England Regional Assembly (EERA) on future arrangements for regional government in the East of England. It was proposed that a small Task and Finish Group, meeting once, could adequately look at this matter and formulate a response by the deadline of 8th May 2009.

Mr. Joel asked whether a single meeting could be arranged on the topic of consultation with Parish Councils in regard to Tree Preservation Orders, so that the process could be looked at in connection with a concern about the policy raised by New Buckenham Parish Council. The Scrutiny Officer undertook to liaise with the Development Services Manager with a view to arranging a meeting accordingly (suggested membership for the meeting was Mr. Joel, as Ward Member, two other non-Executive Members, the Chairman of the Parish Council and relevant Planning Officer).

Mark
Broughton

RESOLVED that agreement be given to:

- (1) the initially identified task and finish groups and their outline scoping as set out in Appendix 1 to the report;

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- (2) the open recruitment from the ranks of non-executive members to fill the places on the identified groups;
- (3) the winding up of the existing Payphones Task and Finish Group;
- (4) interim reports from Task & Finish Groups being provided to the Commission on any reviews extending past six months;
- (5) meetings of the LDF Task & Finish Group be classified as meetings open to the public and subject to the usual provisions for access to information.
- (6) the following members be appointed to consider and formulate a response to the EERA consultation on future regional government arrangements, to meet after the Council meeting on 23rd April 2009:

Mr. K.S. Gilbert
Mr. S.G. Bambridge
Mr. K. Martin

- (7) publicity in Breckland Voice and on the website be given to the rural issues survey and particularly in relation to the proposed reviews on the topics of sewage and flooding and the rural issues agenda, to ensure these and any associated research are fully informed.

**33/09 OVERVIEW & SCRUTINY COMMISSION WORK PROGRAMME
(AGENDA ITEM 12)**

It was agreed to bring forward the ARP Partnership Scrutiny Review from 23 July to 30 April 2009 and that information on the issues of the complaints reported under Minute 29/09 above be included in this review. A member also drew attention to a recent press article on latest performance ratings from the Audit Commission on benefits applications, which he felt would be relevant to the review. The Council's Members on the ARP Joint Committee were to be requested to attend for this item.

RESOLVED that, subject to the ARP Partnership Review being brought forward to the meeting on 30 April 2009, the Work Programme for the period March to October 2009 be agreed.

34/09 NEXT MEETING

The arrangements for the next meeting on 30 April 2009 to be held at Breckland House, Thetford were noted.

The meeting closed at 4.45 pm