

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 30 April 2009 at 2.15 pm in the
Level 8, Breckland House, St Nicholas Street, Thetford IP24 1BT**

PRESENT

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

Also Present

Mr P.D. Claussen

In Attendance

Mark Broughton	- Member Development and Scrutiny Officer
Steve Knights	- Strategic Manager
Alistair Rusholme	- Environmental Services Contracts Manager
Elaine Wilkes	- Senior Member Services Officer

35/09 MINUTES

The minutes of the meeting held on 26 March 2009 were confirmed as a correct record and signed by the Chairman.

36/09 APOLOGIES

Apologies for absence were received from Mrs. S. Matthews and Messrs. J. Gretton, M. Kiddle-Morris, J. Rogers and W.H.C. Smith.

37/09 URGENT BUSINESS (AGENDA ITEM 3)

The Chairman announced one item of urgent business, as follows, in order to meet the required deadline for a response to be made:

- (a) Consultation Response to "The End of an EERA: What Future for Regional Local Government Arrangements in the East of England?"

The report of the Task and Finish Group (copy as appended) was tabled at the meeting and presented by Mr. S.G. Bambridge. (Previous minute 32/09 refers.)

The Group had met on 23 April 2009 to consider the consultation paper from the East of England Regional Assembly's Sub-National Review Members Task Group. The deadline for the submission of responses was 8 May 2009.

Mr. Bambridge explained that the Task and Finish Group had some concerns about the proposals and had answered the questions as best it could, albeit reluctantly in some cases recognising that they might not be the answer to the whole problem.

Action By

Action By

In particular, Mr. Bambridge felt that, in regard to Question 9, the elected Members of the Board should have their own advisory structure, drawn either from the existing staff provision or an independent body, so that Members should not be dependent on EERA.

Members were also concerned about District Council representation on the Board of EERA, bearing in mind that there were 52 separate Councils in the Eastern Region with only 12 Members on the Board (Question 3). It was felt District Councils should be more fully represented and the Group's response to this supported the model proposed by King's Lynn & West Norfolk District Council that the Leaders Board should be elected from the ranks of the t2 local authorities represented. It was also felt that ex officio Leaders on the Board should not have voting rights.

Members of the Commission supported the need to ensure a fair representation of the Councils in the region to avoid any bias towards one area over another. It was felt that up to now there had been a bias towards the south-eastern area of the region to the detriment of others.

The Commission equally supported the need for a separate advisory structure for Member Councils.

RESOLVED that the Task & Finish Group's draft response be agreed for submission, subject to incorporating the Commission's views as follows:

- (1) that the new governance body should ensure equitable distribution across the region, i.e. to reflect the different natures of the rural and urban parts of the region, and to avoid any bias towards one area over another; and
- (2) that the elected Board should have a separate advisory structure available to them, either through the staff side or through an external provider.

Mark
Broughton

38/09 DECLARATION OF INTEREST

The following declarations were made:

- Mr. S.G. Bambridge – Personal interest in regard to any LDF matters by virtue of his profession.
- Mr. P.D. Claussen – Personal interest as a member of the ARP.
- Mr. P. Cowen – Personal interest in matters in relation to the LDF as an Architect in practice.

39/09 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following were in attendance for item 7:

- Mr. P.D. Claussen, Executive Member for Economic & Housing.

- Mr. S.K. Knights, ARP Strategic Manager

Action By

40/09 EXECUTIVE MEMBER PORTFOLIO UPDATE (AGENDA ITEM 6)

The Chairman announced that this item was deferred as Mr. W.H.C. Smith had been required to deputise for the Leader at another event at short notice on behalf of the Council.

This item would, therefore, be re-submitted to the next meeting on 18 June 2009.

41/09 PARTNERSHIP SCRUTINY - ANGLIA REVENUES PARTNERSHIP (AGENDA ITEM 7)

The Chairman introduced this item, explaining that the Commission had highlighted two issues at its last meeting relating to complaints, particularly in regard to bailiff actions, and to a report in the press which appeared to indicate a drop-off in ARP performance. In highlighting these issues, members had had regard to the impact from the current recession on the District and on businesses in the area, and in relation to Council Tax collection and benefits payments.

The ARP Strategic Manager explained that so far as the issue of complaints was concerned, there were a number of factors involved. However, to put the issue in context, of 55,000 bills issued, with as many again issued during the year as people moved or circumstances changed, there were only 21 complaints made.

It was a similar situation regarding bailiff actions. Out of 1806 bailiff actions in the last year, there were only five complaints made and, of those complaints, the majority of them were based on the fact that the people did not want to pay.

However, it was stressed that each complaint was investigated individually and the processes were looked at to make sure matters had been handled correctly and to consider where any improvements might be needed.

Of the five complaints relating to bailiff actions, only one related to the process and new procedures had been drawn up to cover the issue raised. There had been no further complaints regarding bailiff actions in recent weeks.

The Strategic Manager went on to outline the processes involved in the billing and bailiff functions and it was noted that there would be six contacts between the ARP and the customer from the time bills were first issued and before any bailiff action for non-payment was commenced.

It also had to be remembered that an important part of the function of Council Tax was to maintain collection.

There was a very comprehensive code of practice which aimed to ensure every person was treated fairly and equitably and with respect and this was strongly emphasised to the bailiffs employed by the service.

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The Strategic Manager answered a number of questions ranging from how genuine cases of inability to pay were dealt with to how performance issues were managed and targets improved.

So far as the process for recording complaints was concerned, it was confirmed that all complaints relating to the ARP were received through the Contact Centre as first point of contact.

In answer to a question, it was explained that the form of the Council Tax bill was a prescribed document and it was not possible to include additional information on the form to give people the point of contact for making a complaint. The Strategic Manager felt that the possibility of providing this information in separate literature at billing time could be looked at. Complaints forms were available for people to use, however, and the Strategic Manager was not aware of any people not going through that process.

Details of the bailiffs used were given, together with details of the management arrangements and complaints handling.

In reply to another question, it was explained that the facility for bills to be paid through Post Offices still existed through the use of the bar code system. While the campaign to promote the direct debit payments system had successfully increased this use to 70%, people with existing bar code arrangements could still use them. If they had been mislaid, new ones could be issued on request.

On a positive note, a member highlighted that the constituents in his Ward had been very complimentary of the way ARP staff handled cases of bereavement.

The Executive Member felt it important to note that the Joint Committee of the ARP formed a consensus of opinion across the three partner authorities. The Joint Committee had taken some encouragement about collection rates following the Christmas/New Year dip and the fall in the economy. The Joint Committee had supported the tougher policy on non-payments and the use of bailiffs.

In relation to the issue of performance as raised through the recent press article, the article related to the high performance of South Norfolk District Council and not directly to any fall in performance of ARP. The Strategic Manager explained that ARP still provided the highest level of performance for the three authorities and it was pleasing to see that other Norfolk authorities were also performing to the same high level.

To illustrate the matter, charts showing performance figures covering the years 2001-02 (the year before the partnership was formed), 2005-06 (the year Beacon status was obtained) and the last year 2008-09 were circulated. The charts showed performance figures remained in top quartile. Comparative information on Council Tax collection performance for 2008-09 covering local authorities in Norfolk, Suffolk, Cambridgeshire and Hertfordshire was also circulated.

The Strategic Manager highlighted the significant budget savings being achieved by the partnership that offered not only performance but also value for money.

Action By

A member drew attention to problems he had experienced in making contact with the ARP through the telephone number given on the Council Tax bill and it was explained that all calls to the service were routed through the Contact Centre and any queries relating to that should be directed to the Head of Customer Services. However, the situation was improving and a major project was being commenced to move ARP contacts to the front for handling in the Contact Centre which it was felt should address this issue.

In the light of this information, it was suggested the Commission might have a report on the future proposals for improving the system.

Looking at trends in the current economic climate, the rise in unemployment and businesses failing appeared to have peaked for the moment. However, the increase in unemployment had a significant impact on the benefits service. This had been recognised by the Government, which had provided additional financial support to authorities to help them deal with the situation and to increase resources.

So far as NDR performance was concerned, the impact was the greater where a company stopped paying NDR but continued trading. Also of note was the issue of NDR transitional relief changes where the impact would be felt most next year.

The Chairman thanked Mr. Claussen and Mr. Knights for their report, which he felt had been very useful. It was suggested it would be helpful to have a further update on economic trends and their impact both on the service and generally at the next meeting as part of the overall Executive Member update.

RESOLVED that

- (1) an item be included in the Commission's future work programme to receive a report on the future proposals for the Contact Centre; and
- (2) a further update on economic trends affecting the service be given as part of the Executive Member update scheduled for the Commission's next meeting.

Mark
Broughton,
Adam
Colby

42/09 CONTRACT MONITORING: ENVIRONMENTAL & SECURITY SERVICES CONTRACT (AGENDA ITEM 8)

The Environmental Services Contracts Manager presented the report which covered the three month period from October to December 2008.

The figures for residual household waste per household in Appendix A were corrected to read: Quarter 3 2008/09 – 127kg, and Target – 125.

The target figure for household waste recycled and composted was expected to be reached by year end (target 43%, current rate 40%).

In Appendix B, it was noted that the cost of waste collection was per household.

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In answer to a question, it was stated that the recycling figures included glass banks, although it was not sure at the meeting whether this included private facilities, for example at supermarkets. *Following the meeting, it has been clarified that the recycling figure includes the tonnages from all the recycling banks that are available for public use throughout the district, including those situated in supermarket car parks.*

A further question concerned whether the five Town Clerks were included in the customer satisfaction survey. It was explained that regular meetings were held with the Town Clerks on a monthly basis, which offered a very good point of contact and opportunity to obtain feedback and tailor the service to needs.

The problems experienced over the advertising of the Easter collection arrangements were noted. The Contracts Manager advised that a meeting was to be held the following week with Serco to look in detail at what had gone wrong or well and to learn from the situation.

The Chairman thanked the Contracts Manager for his report and it was

RESOLVED that the report be noted.

43/09 PARTNERSHIP SCRUTINY - CITIZENS' ADVICE BUREAU (AGENDA ITEM 9)

Cynthia Schears, Bureau Manager of the Diss, Thetford & District Citizens' Advice Bureau (CAB) was in attendance for this item and spoke to members about the work of the CAB, details of which were contained in the report and Partnership Questionnaire as circulated with the agenda.

After a difficult previous year, the recent relocation of the Bureau's offices from Earls Street to Breckland House was a very positive move for the Bureau and the new location provided additional interview rooms, enhancing their work.

Last year the Bureau experienced a funding shortfall with the loss of lottery funding of £60-£70,000 per annum and the loss of funding from Sure Start due to cutbacks, and the ending of a contract with Keystone Development Trust.

As a result, the Bureau had had to restructure with the consequence that some posts were made redundant.

Since then, the Bureau had secured some new funding through a new national scheme funded by the Government, which was enabling the Thetford office to open for an extra day a week from 3 days to 4 days.

In addition, Norfolk County Council had granted extra funding to meet increased client demand for some specialist advice work on half a day a week.

The economic downturn had increased the numbers of people using the CAB service and to cope with demand, the service was introducing a "gateway" assessment model where callers were given an initial diagnostic interview to identify needs and follow up interview by

Action By

appointment or other action as appropriate. Emergency cases could still be dealt with the same day.

The Bureau was extremely grateful for the financial support given by Breckland. While Breckland's financial contribution was lower than that of the other District Councils in the areas served, it was noted that mid-Suffolk's contribution had been reduced to £8,000 for 2009-10.

A member congratulated the Bureau for all its excellent work, particularly regarding debt and other money management advice and he felt it was sad that there was still no secure funding provision for the CAB. He considered that there should be more Government funding provided.

Mrs. Schears responded that the financial situation could change if national proposals to move to a commissioning-based structure went ahead in the future. Some Bureaux had tried to generate income and Mrs. Schears said she was keen to pursue this potential through a separate charity arm.

Asked whether she found there were any advantages or problems from working across county borders, Mrs. Schears replied that the two counties were very different and different services were offered but there were advantages.

A member asked whether there were any specific client issues that could be referred to their elected member. Mrs. Schears explained that the main issues being raised related to benefits, debts and unemployment. Other areas dealt with concerned education, financial products, health, housing and immigration. There had been an increase in the latter item in Thetford over the past year.

CAB Advisors were being encouraged to signpost clients to appropriate services and the CAB worked closely with the Council. The new gateway system was expected to speed up the process and through signposting, free up Advisors to work with those most in need. Since the loss of its specialist advice workers, closer working was being done with other agencies, such as Shelter, and arrangements were made for partners to attend at the CAB's offices for outreach services.

Translation services were quite a large expense for the organisation. It was hoped the introduction of the gateway system would help as clients could be asked to attend for another interview with a friend or other person who could act as interpreter for them. It might also be possible to attract more volunteers who could offer another language, e.g. Portuguese or Polish.

Discussion ended with the Chairman thanking Mrs. Schears for attending and for her very informative report.

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44/09 TASK AND FINISH GROUPS (AGENDA ITEM 10)

(a) LDF Task & Finish Group - 1 April 2009

(i) Terms of Reference (Minute 4/09)

RESOLVED that the Terms of Reference for the LDF Task and Finish Group be as follows:

“To critically examine all aspects of the Local Development Framework, including in-depth appraisal of specific policies within the Framework as required.”

(ii) Use of Submission Development Control Policies (Minute 5/09)

The need to ensure all members of the Council received guidance on this matter was highlighted. It was also suggested that information should be provided to others through the Agents' Forum and that there should be a special training day for Members.

One member voiced concern about the process, as he felt it was too selective but it was noted that the process was in line with Government guidance and that authorities were required to follow that guidance.

Another member felt that planning application forms needed to incorporate advice on this and a suggestion was made that the information pack issued to applicants should highlight what policies will affect them before they submitted their applications.

RECOMMEND to the Development Control Committee to note the report and to take account of the matters raised above and that a guidance note be issued to ensure all members, Parish Councils and other stakeholders are made aware of the weight that can be attributed to some of the submitted policies (as set out in the report) of the Core Strategy and Development Control Policies document in the determination of planning applications.

Elaine
Wilkes

(iii) LDF Work Programme (Minute 6/09)

RESOLVED that the report be noted.

(iv) Task & Finish Group Work Programme (Minute 7/09)

Members noted that the Task & Finish Group was unlikely to meet again before the end of August, to allow for the Public Examination process, unless the Inspector rejected a policy.

45/09 COUNCILLOR CALL FOR ACTION (AGENDA ITEM 11)

The Member Development and Scrutiny Officer presented the report and explained that the Councillor Call for Action was a new prescribed function and the suggested protocol, based on guidance, had been produced and had involved collaborative working through the Norfolk Scrutiny Network.

Action By

Consequent amendments would be necessary to the Constitution of the Council to take account of the new function and these were set out in paragraph 3.7 of the report.

The Chairman reported that the Executive Member for Governance had raised the following additional views on the matter:

- There may be a need for training for members
- There could be confusion in the two-tier system of local government as to the responsibilities of county councillors
- Members can and should filter out vexatious complaints and also continuing to ensure the needs and views of the most vulnerable or exploited sectors of the community are represented
- The need for awareness that some issues submitted to OSC may be at variance to the Council's manifesto
- Further legislation around the issue of the submission of petitions to public bodies was expected in September.
- Regulations regarding the issue of Councillor-owned budgets were expected but were not yet in force.

RECOMMEND TO COUNCIL that

- (1) the draft Protocol on Councillor Call for Action (CCfA) be adopted;
- (2) the Council's Constitution be amended as follows:

Part D1 – Delegations to Overview and Scrutiny Commission (including call-in procedures)

Add:

“6. To consider any matter referred under the Councillor Call for Action provisions of section 119 of the Local Government and Involvement in Public Health Act 2007, in accordance with the Protocol adopted by the Council.”

“7. To make recommendations to Cabinet and outside organisations, where appropriate, in accordance with the Protocol on Councillor Call for Action.”

Part C3 – Delegations to Cabinet

Add:

“20. To consider and respond to recommendations made by an Overview and Scrutiny Commission hearing on a Councillor Call for Action, in accordance with the protocol adopted by the Council.”

Part 5 – Codes and Protocols

Insert: *“E. Protocol on Councillor Call for Action”*

46/09 SCRUTINY CALL-INS (STANDING ITEM)

There were no items to report.

47/09 WORK PROGRAMME

The Chairman drew attention to work presently being done through the County Council's Joint LSP Scrutiny Board on the impact of the recession in Norfolk and what steps were being taken to help businesses and employees. The Chairman felt there was a similar piece of work needed by this Commission, having regard to the issues raised through the preceding Partnership review items on the ARP and CAB. He asked members to think about the issues which would be pertinent to the Executive Member's report at the next meeting.

The following amendments to the work programme were confirmed:

<u>Meeting Date</u>	<u>Topic</u>	<u>By</u>
18 June 2009	Capita	W.H.C. Smith – Executive Member Report
23 July 2009	Contact Centre – first contact proposals for ARP	Business Improvement Team - Adam Colby

48/09 NEXT MEETING

The arrangements for the next meeting on 18 June, to be held at Attleborough Town Hall, were noted.

Action By

Mark
Broughton

The meeting closed at 4.55 pm

CHAIRMAN