

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 26 January 2023 at 10.00 am in the
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Rhodri Oliver (Chairman)	Cllr Paul Plummer
Cllr Roy Brame (Vice-Chairman)	Cllr Lynda Turner
Cllr Timothy Birt	Cllr David Wickerson
Cllr Fabian Eagle	Cllr Peter Wilkinson
Cllr Terry Jermy	Cllr Robert Hambidge (Substitute Member)
Cllr Mike Nairn	

Also Present

Cllr Stephen Askew	Cllr Keith Martin
Cllr Roger Atterwill	Cllr Nigel Wilkin
Cllr Harry Clarke	Cllr Gordon Bambridge
Cllr Philip Morton	Cllr Paul Claussen
Cllr Chris Harvey	Cllr Philip Cowen
Cllr Terry Land	Cllr Alison Webb

In Attendance

Claire Burton	- Organisational Development Performance Manager
Sarah Shipley	- Assistant Director Health & Housing
Alison Chubbock	- Section 151 Officer & Assistant Director Finance
Rob Walker	- Deputy Chief Executive & Monitoring Officer
Ryan Pack	- Innovation and Change Business Partner
Teresa Smith	- Democratic Services Team Leader
Finlay Williams	- Democratic Services Apprentice
Ruth Tudge	- Democratic Services Officer

1/23 Minutes

Subject to the following amendment, the minutes of the meeting held on 1 December 2022 were confirmed as a correct record and signed by the Chairman.

Amendment: Councillor Jane James was in attendance.

2/23 Apologies and Substitutes

Apologies were received from Councillor Robert Kybird, Councillor Robert Hambidge was in attendance as substitute.

3/23 Chairman's Announcements (if any)

None.

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4/23 Urgent Business

Norfolk County Council (NCC) had been invited to attend Overview & Scrutiny Commission to talk about decisions made and the way forward with Devolution within Norfolk and how it may affect services to residents across the county.

The Leader of NCC, Councillor Andrew Proctor made a short statement. The Government had set itself a mission that by 2030, every part of England that wanted a Devolution deal would have one with powers at or approaching the highest level of Devolution with a simplified long term funding settlement. The 2022 Levelling Up White Paper made clear the case for Devolution as the engine room for improved productivity and reduced regional disparities. He stated that Devolution would be critical to deliver the Governments twelve headline Levelling Up missions strengthening local leadership to act more flexibly and innovatively to respond to local need, whether on transport, skills, or regeneration.

In the White Paper, the Government published for the first time a devolution framework, which set out a clear menu of options for places in England that wished to unlock the benefits of devolution. This framework placed a strong emphasis on the importance of high profile, directly elected local leadership, strong local governance, and joint working across sensible and coherent economic geographies. The most comprehensive package was a Level 3 deal, for areas with a single institution over a sensible geography, with the strongest and most accountable leadership, such as a single county or unitary council with a directly elected leader, in this case this would be the leader of NCC. NCC wanted Devolution and it was excited for the future for residents.

The beginning of this transition started in Summer 2021 when NCC put in an expression of interest with central Government and had, over that time built up trust with ministers and officials with a clear desire of Government wanting to work with Norfolk and deliver Devolution. Norfolk remained one of nine Local Authorities progressing Devolution Deals. Through this deal there would be an opportunity to unlock significant long-term funding, gain greater freedom to decide how best to meet local needs and create new opportunities for the people who lived and worked in Norfolk. This would be a catalyst of change to build on strengths, address challenges, deliver infrastructure and grow the economy.

NCC would create a fully devolved funding programme covering all budgets for devolved functions ("Norfolk Investment Fund"), accountable to NCC. NCC would use the Norfolk Investment Fund to deliver a programme of transformational long-term investment. The Government had agreed to allocate £20 million per annum for 30 years. It would provide an opportunity to unlock housing and employment sites with an injection of £12.9 million capital funding. It would strengthen the local business voice to inform local decision making and strategic economic planning through the future integration of the new Anglia Enterprise Partnership. This would be a start for Norfolk to unlock future opportunities.

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Devolution was not about taking power away from districts, it would be an opportunity for all to work together for the better of the whole County. All would benefit from joint working and it would break down barriers ensuring that there would be genuine partnership working, nationally and locally. This would be an opportunity for all stakeholders and partners to shape the priorities of planning, implementation and ultimately delivery.

Councillor Brame said that the deal stated that the Sovereignty of Parish, Borough and Districts would be upheld, no loss of statutory powers would be experienced, and that NCC would work in partnership to ensure that this would be the case.

Councillor Brame also stated that as far as he knew, NCC had agreed in principle the next step, the public consultation.. He wanted to know who would be producing the consultation document and who had input, and if the outcome of the consultation was no to this deal, what would be the next step.

Tom McCabe, the Head of Paid Service and Executive Director of Community & Environmental Services (NCC) advised that NCC would arrange the consultation with colleagues from National Government, it was not a referendum, but a consultation and the results would be available for all to see, a decision would not be made by NCC, but by Central Government as how to proceed.

Councillor Proctor confirmed that there would be no loss of local power and that NCC would work in partnership with Parishes, Boroughs and Districts to ensure that this did not happen.

With regard to the response of the consultation and the findings, Mr McCabe stated that Norfolk needed to be ambitious with change and analyse what views and points had been raised from the consultation to ascertain if this could change and shape the deal going forward.

Councillor Jermy asked why it was felt that having a directly elected leader would be of benefit in this scenario. He also asked how NCC would encourage the public to be involved in the consultation to make their voice heard. Mr McCabe felt that devolution would be a way of pushing power to local areas and felt that this would engage local residents to have much more of a say and provide local influence and decide locally what was important in Norfolk. Councillor Proctor said that having a directly elected leader with a link to Central Government would be a way forward, it had to be assessed as to whether the change would be worth it, but having the direct link was a positive way ahead for future negotiation.

Councillor Birt had noticed that the presentation stated that Norfolk wanted devolution and asked how NCC was aware of this without the evidence to prove it. He also asked how it could be demonstrated that devolution would be of benefit for all in Norfolk, and how much it would cost to take on the extra responsibilities that this required. From the presentation and responses thus far, it was understood that the public, through the consultation, were not able to reject the deal and if this was the case, he wanted to know if this was a diktat from those that had already decided what would happen.

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Councillor Proctor advised that views had been gained from people involved in the consultation so far, including Leaders from various Councils which, he assumed, represented the views of various Councils - that Devolution was the way forward but it was something that would be tested through the consultation. He felt that the benefits would accrue over time, but no-one could say at this point what those benefits would be, however it enabled more local input on what was needed to be done across the county and gave Norfolk the power of prioritising those needs across the whole of Norfolk.

Councillor Proctor said he felt it was far from a diktat, the consultation would be asking the public for their opinions on what was important for residents, which would shape the future for Norfolk.

The Chairman asked how many people had been involved in the discussions over the last 18 months and if NCC felt that this represented the views across Norfolk. In response, Councillor Proctor stated that from the discussions that had been had with various Leaders of Districts, Boroughs, and City Councillors no-one had said that they disagreed with Devolution and when the proposals had been taken to the existing Norfolk Public Sector Leaders Board no-one had said that this was not wanted, so the evidence had been clear.

Councillor Atterwill asked about the strength of the governance arrangement and how it would provide stable governance for the people of Norfolk. He had noticed that the presentation said that the directly elected leader would be a stronger voice for Norfolk and asked why NCC felt that this was so. Councillor Proctor explained that whoever got elected for this role had to be the right person, it would be a huge responsibility to take this forward and not for the faint hearted. The directly elected leader would need to choose the cabinet carefully and had the opportunity and power to do so. There was a huge amount of work still to be done to get this right for the future.

Councillor Turner asked if devolution would make the addressing of social care and the care of the elderly any better and suggested questions like this should form part of the consultation. The Executive Director of Strategy and Transformation, Paul Cracknell explained that NCC would continue to be responsible for social care across Norfolk. This topic did not appear in the consultation but that the directly elected leader and formed cabinet would decide on the topics important to Norfolk and the priority and investment required to achieve the best it possibly could for Norfolk residents and its priorities.

The Chairman said that it was public knowledge that a pre-action protocol letter had been sent by this and three other Councils to challenge the devolution process. He raised concerns about how it was that the relationship between district and county had deteriorated so much that legal letters were being sent, about the process that NCC had followed thus far and also asked how many Members of Parliament were currently speaking in support of the deal as it stood.

The Chairman also asked for confirmation on how much the directly elected leader would be paid. Would the Leader be allowed to appoint a deputy or any support staff and would there be a separate budget to

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support that office or would it be included within NCC's current budget and if so, what the current cost estimates were around that.

The Chairman was aware that there had been long and in-depth negotiations in the run up to ratifying the deal but it had been a small, select few that had been involved in the negotiations and the text of the deal was not made public until the day it was signed. He asked if NCC could share what they felt the top three wins were for Norfolk and how NCC felt that this deal, at this point excelled against others around the Country.

Councillor Proctor advised that he had received a letter of confirmation signed by eight out of nine Conservative MPs in support of going for the highest level of Devolution with ambition. Not one MP had said not to proceed. The pre-action protocol letter was still going through legal proceedings, and he was not obliged at this stage to comment. With regard to the costs involved, the salary would be decided by an independent remuneration panel, the cost of the team supporting this would be picked up by the NCC budget and in addition, as part of the deal there would be capacity funding to support this.

Mr Cracknell referred to the question in respect of the three wins. He explained that discussions had been held around the constraints of the White Paper on what was important to Norfolk. The main benefits was new money, flexibility over the money that was currently available and the ability to connect functions that were historically designed and commissioned nationally, and to be able to have power of that locally to decide what would be best for Norfolk.

Councillor Hewett asked if this was a deal in principle or a done deal and what message NCC would provide for the residents of Norfolk about what they could do to stop this. Mr Cracknell said NCC would be breaking down the deal into different components and asking residents what they thought them. Also, it would be looking to different forums and partners for their comments and all would be considered. He explained that the reason it was a deal in principle was that firstly Government would need to pass legislation, it would then be NCC Full Council to consider and agree that on the basis of what had been heard, its Governance model would have to be changed and if that did not happen the deal would not go ahead.

Councillor Hambidge asked what benefits smaller villages and communities would see from Devolution. Mr McCabe explained that if Norfolk were able to draw on this additional funding through Devolution, it would give further opportunities to draw in more funding and gain its fair share of Government money.

Mr Cracknell explained that without the deal, and if NCC had stopped the process, Norfolk would be no further ahead and the implications would be that other counties would be able to go forward with the benefits and Norfolk would be left behind.

Councillor Jermy suggested that under the Rules and Regulations of the Overview & Scrutiny Commission, item 10 gave powers to make reports or recommendations to Full Council or Cabinet on matters which affected the authority's area or the inhabitants of the area and felt that

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this was the time to do so. With this in mind, Councillor Jermy suggested that after the presentation, , the following recommendation be made to Cabinet:

The Commission believed that the benefits of Devolution for Breckland residents were unclear and there were concerns about the proposal, the Overview and Scrutiny Commission request that Cabinet undertake a review of the benefits and attempt to make clear to Full Council what those benefits are after the consultation period. Furthermore, OSC requests that Cabinet commits to Full Council being permitted a vote as to whether there would be support for the proposals.

Councillor Birt seconded the above proposal.

The Deputy Chief Executive and Monitoring officer, Rob Walker explained that it had always been the intention to bring forward a draft response, for consideration by Members, on how Breckland Council would respond as an authority to the consultation period that had been described.

A vote was then taken which was not carried – 3 votes in favour, 4 votes against +3 abstentions.

5/23 Declaration of Interests

None.

6/23 Non-Members wishing to address the Meeting

None.

7/23 Q3 performance report

Councillor Jane James, the Executive Member for Customer and Corporate Services, introduced the Performance Overview Report for Quarter 3. Overall, there had been areas of positive performance during quarter 3 most notably with regard to customer contact calls. In comparison to last year's figures, the team had successfully managed to reduce the number of days where it had been unable to meet 90% of the calls by 29 days.

Last quarter, Breckland Council had struggled to meet the complaints and Freedom of Information Request targets and changes had been put in place with processes in order to improve the response times. Whilst Freedom of Information Requests had stabilised it had been a challenging quarter in relation to complaints responded to in time.

Ryan Pack, the Performance and Risk Lead Officer, pointed out that on page 19 the RAG rating had been listed incorrect and that it should read 3 red and 6 green.

Councillor Birt asked why 'generally satisfactory' could be an acceptable KPI as an ok target. He also asked if all 5 ratings figures could be included and not just 5,4 and 3 as it was important to look at the establishments that achieved bad ratings as well as good. It was agreed that the 1 and 2 ratings would be included in future reports.

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Councillor Birt then asked for further clarity on what was being measured in the 'number of enforcement actions taken' on page 24 as he felt that the figures did not add up. It was explained that the number 7 had been included within the general activity.

Referring to page 24, the gas usage had increased by 50% on the year-on-year figure with no explanation as to why and any proposed plan to reduce this. Members were informed that it had been difficult to measure this as some of the buildings were tenanted buildings, however, this would be looked at again and reported back to Members.

As Freedom of Information was a statutory obligation, Councillor Birt wanted to know why Breckland Council was not able to comply with this obligation and achieve the results required. He also asked if Environmental Information Regulation Requests were included in this figure. Members were informed that this figure would be checked to establish if it had been included in the total.

Attention was drawn to the 'further issues' mentioned on page 28 under the number of Complaint Requests. Councillor Birt felt it was not clear what the issues were and felt that further explanation was needed in order to scrutinise the position correctly. The text also mentioned 'above the normal number of complaints' with no explanation as to why this had increased. Councillor James explained that as the Portfolio Holder she had already the team to look at trends and greater analysis to be able to investigate and find a solution. Councillor Birt asked for an update when this had been realised.

Members of the Commission noted the report.

8/23 Draft Budget, Medium Term Plan and Capital Strategy 2023-24

Councillor Cowen, the Executive Member for Finance, Revenues & Benefits introduced the report on the draft budget, medium term financial plan and capital strategy. He explained that budgeting within a local authority could be extremely challenging with many variables. A very difficult process involving choices that sometimes had to be made, the complexity of the income streams and the statutory or core service that still had to be provided.

Many authorities around the country had found themselves in untenable positions with finances stretched and sometimes compromised. However, due to the detailed work undertaken by Team Breckland this Council could propose a balanced budget. It had been a positive budget statement and placed Breckland Council in an enviable position and was testament to the prudent fiscal policies that Breckland Council had been following.

Alison Chubbock, the Assistant Director Finance, explained that there had been a late change within business rates that had affected the figures with additional funding, which would be subject to final checks. If the information was correct, Breckland Council would be receiving additional income for Business Rates of around half a million next year and a further one million next year, this is for a fixed term and not long term. A risk assessment needed to be carried out around the likelihood

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of appeals over the coming year as they were all increases to rateable values. Due to the lateness of the information and the need for debate, it had been suggested that the two amounts be contributed into reserve so that there would be time to decide how this could be used to best support the residents of Breckland.

Councillor Cowen agreed to the aforementioned suggestion.

Councillor Birt queried the bar chart on page 38 comparing different Councils but excluding the parish precepts and asked if this was a fair comparison between Breckland and Great Yarmouth in that Great Yarmouth did not have a Parish precept. Councillor Cowen explained that it was a fair comparison and analysis to make.

Councillor Birt also noted that on page 44 with the cost of living increase it had been raised to just 3% for years 2023-2024 and asked why the Council was budgeting for such a low figure when the Bank of England figures were so much higher. The Assistant Director Finance explained that the cost-of-living increase was an estimate put in each year, it was only part of the salary increase and what was not shown was that staff received an increment each year which brought the actual cost of living up to about 7% to 9% depending on where they were in the grading band along with other benefits that formed part of the negotiation.

Councillor Clarke asked if there were assumptions made on capital expenditure or income in respect of fees for car parking charges within the Breckland area for next year. Councillor Cowen confirmed that this was not included or taken into account.

Councillor Clarke suggested it would be useful to have KPIs on discretionary areas so that good work could be recognised, and funds could be invested into areas and services shown to be in demand and priorities driven residents' needs.

Councillor Webb explained that the needs of the community changed constantly, and that Breckland Council would adapt to the requirements of the community and what the residents needed moving forward. She suggested that it might be useful for the Communities Team to attend a future OSC meeting with a presentation to explain the work that had been done, work currently being undertaken and work planned for future and what the legacy of Inspiring Communities meant..

Councillor Jermy noted that the budget for capital receipts and expenditure and disabled facilities grants was the same for the next ten years and said that if this was the case it would mean far fewer adaptations over the next ten years due to inflation and that would be a concern. Councillor Cowen explained that there were some constraints around governance and procedures and agreed it would be better for all if there was more funding passed to Breckland Council to support this, and it could be possible that in the future this funding may come from elsewhere or be increased.

Councillor Bambridge said that he had spoken to NCC to see if there could be additional grants but had been informed that this funding would need to come from central government. Councillor Jermy said that the Breckland Bridge small sites capital was a small amount of money with

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a lot of green site development for very little return and wondered if this represented best value for residents. He felt that Breckland Council had a responsibility as custodians of the land to keep it available for the good of the public. Councillor Cowen explained that the local plan consultation document was asking the right questions to establish residents' needs. Councillor Hewett advised that the small sites disposal programme was not a money-making scheme but a scheme for the benefit of the community. Breckland Council had a responsibility as a district to ensure that all of the assets within its area were for the benefit of everyone. Councillor Wilkinson reassured both Members and the public that all requests for changes to small sites would need to go through rigorous planning applications.

Councillor Jermy was pleased to see the hardship fund was still being utilised to help residents with Council Tax payments but had concerns about the way it was being administered and applied and felt it should be done by Breckland Council, possibly with the Communities Team who had the knowledge and expertise to help residents within this area. Councillor Cowen explained that the hardship fund was administered by Anglia Revenues Partnership (ARP) who were in a good position, and had the experience of working with many councils on administering this fund which was very much data driven. However, there could be better ways to manage the fund within the Breckland area and he would be happy to have that conversation with ARP.

Councillor Atterwill said that the report showed projected income on the sale of assets and understood that some of the money was going to be put back into revenue and asked if this had happened. The Assistant Director Finance explained that this was shown in Appendix E, Organisational Development Reserve, with a comment in appendix A – Medium Term Financial Plan.

Councillor Land had concerns about further development of green small sites around Thetford and felt it was a real worry for residents within his constituency and asked for some reassurance on this matter.

Councillor Hewett explained that Breckland Council had to balance the rights and rewards for everyone across the area and stated that this would be done in the best way possible to suit all.

Councillor Birt asked if the Evolve Programme was achieving the goals set as it showed a potential future gap deficit in years 2025 through to 2027. He also asked about the red on the risk register for the garden waste income collection and what the impact might be in the future and, if Breckland Council was funding its statutory services efficiently.

Councillor Cowen stated that Breckland Council was funding its statutory obligations in the right manner as was shown by the budget. He said that risk was always a factor and that any risk would be managed accordingly. He explained that the Evolve programme was driven by the change in services provided both statutory and discretionary in a cost-effective manner.

Members of the Commission noted the report.

9/23 Outside Body Feedback (Standing Item)

Councillor Wilkinson thanked officers for releasing funds from S106 monies for outside space, to enable the fruition of the skate park in Watton which the Youth Advisory Board had been working hard to achieve over the last 5 to 6 years.

10/23 Scrutiny Call-ins (Standing Item)

None.

11/23 Councillor Call for Action (Standing Item)

None.

12/23 Work Programme

The Chairman asked if Members were happy to add the item on Inspiring Communities to the work programme with a date tbc, this was agreed.

Councillor Eagle felt it would be interesting to have an appraisal of the Levelling Up bid to see why Breckland failed where others succeeded.

13/23 Next Meeting

It was agreed that the arrangements for the next meeting would be re-arranged to take place at 10am on Wednesday, 22 March 2023 in the Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham, NR19 1EE.

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The meeting closed at 12.20 pm

CHAIRMAN