

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 5 April 2007 at 2.15 pm in the
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr R.F. Goreham (Chairman)
Mr A.J. Byrne
Mr J.F. Carrick
Mr J.P. Cowen
Mr P.J. Duigan
Mr J.R. Gretton
Mrs S.R. Howard-Alpe

Mr A.P. Joel
Mr R.G. Kybird
Mr K. Martin
Mrs S.M. Matthews
Mr J.E. Ramm
Mr B. Rose

In Attendance

Mark Broughton - Scrutiny Officer
Mark Finch - Chief Accountant (for items 6 & 7)
Colin Fleet - Organisational Development Manager (for item 7)
Iain Hook - Interim Operations Manager (People First & Cabinet)
(for item 7)
Mitch Kerry - Senior Policy Officer (for item 11)
Sandra C. King - Audit Manager (for item 6)
Stephen McGrath - Principal Committee Officer
Mary Palmer - Marketing & Communications Manager (for item 10)
Zandra Waterford - Unison Representative (for item 7)
Elaine Wilkes - Senior Committee Services Officer
John Williams - HR Service Manager (Interim) (for item 7)

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40/07 INTRODUCTION

As this was the last meeting of the Commission before the local elections on 3rd May, the Chairman wished to record his thanks to all members of the Commission for their support and hard work over the years in helping to create a very harmonious and constructive group with whom he had enjoyed working. He paid tribute to Mr Cowen for his support as Vice-Chairman of the Commission and special thanks were given to Mr Carrick and the Earl Cathcart who would not be standing for re-election.

The Chairman also recorded his thanks to all the officers for the support given to the work of the Commission; particular thanks were extended to Mark Broughton, Scrutiny Officer, Stephen McGrath, Principal Committee Officer and Elaine Wilkes, Senior Committee Officer.

41/07 MINUTES

The minutes of the meeting held on 15th March 2007 were confirmed as a correct record and signed by the Chairman.

42/07 APOLOGIES

Apologies for absence were received from Messrs S.G. Bambridge, C. Holland and the Earl Cathcart.

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43/07 URGENT BUSINESS

There were no items of urgent business.

44/07 DECLARATION OF INTEREST

The following personal interests were declared:

- Mr P.J. Cowen – Items 8a) & b): in relation to planning matters as Architect in practice
- Mr R.G. Kybird – Items 8a) & b): in relation to planning matters as Builder
- Mr A.P. Joel – Minute 38/07 and any matters dealing with the environmental services contract as a business trader with Serco
- Mr J.R. Gretton – Item 12, as Chairman of Norfolk Joint Museums Committee
- Mr M. Broughton – Item 7, as Unison Representative

45/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

None present.

46/07 INTERNAL AUDIT TERMS OF REFERENCE, CODE OF ETHICS, AUDIT STRATEGY, STRATEGIC AND ANNUAL AUDIT PLANS (AGENDA ITEM 6)

The report was presented by the Audit Manager, who explained that the purpose of the report was to demonstrate the steps taken to achieve full compliance with the relevant Accounts and Audit Regulations and CIPFA Code of Practice, as well as the clear linkage between the Terms of Reference and Internal Audit Strategy and the Strategic and Annual Audit Plans.

The Terms of Reference for Internal Audit had been substantially enhanced but recognised there was more work to be done.

The Code of Ethics was a new element of the Internal Audit and essentially, it established the minimum standards of performance and conduct of the service.

The Internal Audit Strategy explained the method and stages involved in the audit planning process, the information from which was used in the formation of the five-year Strategic Audit Plan and the Annual Audit Plan.

The existing audit contract was due to end in September 2007 and the work from the existing audit plan required to be completed by then had been identified. The annual audit plan contained in Appendix 6 of the report would form the work plan for the first six months' of the new contract from September 2007.

The following replies to members' questions were noted:

- An audit of Planning and Development Control Section 106 Payments would be carried out as a discrete piece of work at the request of the Section 151 Officers and was included in the Strategic Audit Plan.

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- In relation to the Annual Audit Plan, the Strategic Plan determined risk areas and was kept under ongoing review. It did not diminish over time as there was a duty to look at a specific number of areas each year.
- The Annual Audit Plan for 2007-08 was larger than normal due to the number of items of Strategic Alliance work coming on stream and requested for audit by the Section 151 Officer.
- The Chief Accountant saw no need for additional gateway review work. Adjustments to the Strategic and Annual Plans could be made as necessary to take account of any service changes requiring work to be brought forward or put back according to levels of identified risk.

RESOLVED that the following documents be approved:

- Internal Audit Terms of Reference,
- Internal Audit Code of Ethics
- Internal Audit Strategy 2007-08
- Strategic Audit Plan 2007/08 – 2011/12
- Annual Audit Plan 2007-08.

Audit
Manager/
Chief
Accountant

- VICE-CHAIRMAN IN THE CHAIR -

**47/07 NEW BRECKLAND PAY SCHEME AND CAR LEASE SCHEME -
CALL-IN OF CABINET DECISIONS (AGENDA ITEM 7)**

The Vice-Chairman, Mr Cowen, took the Chair for this item to enable Mr Goreham to speak on it as a signatory to the call-in.

Mr Goreham explained that the call-in had been requested because of concerns over the fact that the items had been submitted as urgent business at the Cabinet meeting on 13th March, prior to being considered by General Purposes Committee on 28th March. The matter was then considered at full Council the following day in the light of a verbal reference from the previous day's General Purposes Committee. The Commission was asked to consider the issue that where there was any policy decision which fundamentally impacted on the workforce, it should not be dealt with under urgent business procedures but rather should be on the basis of written reports to ensure members' had time to give the matter due consideration and to ask questions. He felt undue haste had been employed in the matter.

A member made the point that the matter had not been dealt with as urgent business at the General Purposes Committee but had been fully reported to that meeting and he felt that it was central to the Commission's discussions to have a copy of that report circulated to members. (The following copy documents were accordingly provided for members' information – Updated pay scheme report to the General Purposes Committee held on 28 March 2007 and original exempt report on the new pay scheme as submitted to General Purposes Committee on 18 October 2006 with associated minute.)

The Organisational Development Manager was asked to remind members of the background to the proposals for the introduction of the

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new Breckland Reward and Remuneration Scheme. The two drivers in the matter were: a) the Government's 2005 Local Government Pay and Workforce Strategy whereby all local authorities were required to look at the strategic priorities covering organisational development, leadership, skills, recruitment and retention and pay and rewards; and b) this Council's Strategic Alliance work and the need for a sustainable and motivational scheme to take account of existing and potential future partnership working. The foundation of the scheme was not restricted to rewards only but was as much concerned with skills and competencies.

Development towards a new scheme had taken place over the last two years, involving a number of meetings and several versions of the scheme had evolved. The latest proposal was version 3. All versions, however, remained in line with the Government's principles outlined above. A Pay and Workforce Strategy had been incorporated into the Council's own Organisational Strategy in early 2006.

Research into the pay scheme had been carried out by an independent consultant.

Cabinet had agreed to consult on the scheme at the end of October 2006.

The HR Service Manager then explained that following this, an interim transitional consultation period had begun. He had commenced work with the Council in February 2007 by which time there was a need to move into a more formal negotiating stage. There was a Facilities Agreement with Unison under which the union had bargaining rights on this issue and could negotiate for all staff on specific proposals. That negotiating stage had now been reached.

Mr Goreham made reference to his interpretation of 'consultation' as a meaningful two-way dialogue. He acknowledged the fact that the Leader had used his powers to authorise urgent action to implement the new car scheme and was happy that the Leader had agreed that the new pay scheme would be subject to full and formal consultation and that that process had now commenced.

He stated the Council had a duty of care to its staff and that there was a need to be seen to be fair and reiterated his question as to whether the matter had been dealt with in undue haste.

A member felt it should be clarified that the role of Cabinet in the matter was specific to the budget aspect and that the decision on the matter as a whole rested with the General Purposes Committee.

Zandra Waterford (Unison Representative) was then invited to explain the position from the Union's standpoint. Mrs Waterford explained that the original scheme had been presented to staff on which feedback was invited. It was understood at that point that formal consultations would commence in December 2006 and that the scheme as presented would form the basis of the negotiations. The matter had then gone into abeyance until the HR Service Manager took over the matter and further meetings were scheduled to consider both the pay scheme and the new car scheme.

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The pay scheme subsequently presented to staff at Thetford was a considerably altered proposal, the details of which had not been known to staff at Dereham. Unison's aim had been to be able to take a firm proposal to its members but this had been difficult in the face of frequent changes to the scheme.

So far as the new car scheme was concerned, Unison was concerned at this change to existing terms and conditions of service and the fact that the negotiations had not been completed before the scheme was approved and staff did not know the full details of the scheme. Mrs Waterford felt there should have been more time to present the detailed scheme to staff.

Unison was also concerned that the appraisal element of the new pay scheme was being brought into effect before all related aspects had been defined and that, as a result, the implementation of the performance/rewards element would take effect as from 1st April 2007 rather than 1st April 2009, as it had originally been understood was proposed. In the light of this, it was now understood that no incremental payments would be awarded in 2007 and Unison was being asked to agree an 18 month pay deal.

The HR Service Manager outlined the background to the new car scheme. Two factors in the need for urgency in the matter were the move to Inland Revenue Approved Rates (ILAR) and the fact that when considering the matter at the end of last year, while the Council had not at that point agreed a specific proposal for the new scheme, it had suspended the former scheme. As a consequence a number of existing staff car leases were expiring and being extended on a monthly basis, which was not cost effective or beneficial to staff.

So far as the new pay scheme was concerned, the HR Service Manager explained that as a principle and in fairness to all, during the consultation phase, a number of proposals had been put forward but generally working to the same framework of affordability and differentials.

The move to formal consultation/negotiation comes at the point where management has listened to all the various points put forward in the consultation phase and is ready to embark on the formal process of negotiation with specific proposals on the table.

The Organisational Development Manager clarified that it was the original intent that the appraisal scheme would be subject to a trial run. It was a fundamental principle of the scheme that the workforce had to know the targets they would be working to in the appraisal scheme and he assumed that was the case in the latest version of the proposals.

The HR Service Manager stated that the broad principles had been fairly widely disseminated and training and communication was scheduled to start in this quarter. It was a large induction programme to be carried out in two phases.

While Mrs Waterford agreed with the view put by the Vice-Chairman that the consultation process was a dialogue which stops at a given

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point and a formal proposal is then put to the workforce and negotiation commences, she felt that staff had not had adequate opportunity to input their views, particularly regarding the car scheme.

Mrs Waterford agreed that the negotiating point had now been reached on the new pay scheme but she stated that the car scheme issue had cost the Council a lot of trust and goodwill of staff, who were concerned that the same could happen again with the pay scheme.

Unison argued that the existing scheme of performance related pay, if managed properly, could be made fit for purpose and would have avoided all the time and effort spent on the present proposals.

The Organisational Development Manager disagreed that the existing pay scheme was fit for purpose, in that it provided no differentials and no motivation for the workforce as required under the Government's Pay and Workforce Strategy.

A member drew attention to the number of committees that had looked at the proposals, all of which had recommended that there should be consultation and negotiation with the employees, and the Commission therefore needed to ascertain if the consultation process was long enough and fit for purpose. Another member added that the aim of the previous week's General Purposes Committee was to put more detail on the table for the purposes of negotiation.

The Vice-Chairman agreed that it was important to have firm proposals on the table to enable the negotiation process and to recognise that these may, of course, change during the process. He felt that the Council had gone through a lengthy process looking at the options and these were now on the table for detailed scrutiny by staff. He asked whether Unison agreed the view that the point of negotiation had now been reached.

Mrs Waterford agreed the point but contended there was much more to be considered in how the system was implemented; the appraisal system was one part of the pay scheme and had been implemented. Unison had not been consulted on the detail of the appraisal system. By way of example, she explained that some possible appraisal criteria had been looked at, from which Unison had highlighted problems with equality issues.

The HR Service Manager confirmed there was a pilot appraisal and he had given a commitment to provide Unison with details of the results of the pilot. However, he did not agree that the appraisal scheme had been implemented; rather it had been approved but had not yet been rolled out. There was training to be done and part of the process would involve consultation and enabling people to get involved in the process.

In answer to a question, he confirmed that targets under the appraisal system would be based on those as expressed in the Annual Delivery Plans etc.

Following further questioning, the HR Service Manager clarified that the appraisal scheme would not come into force at the start of the year as it was still required to implement staff training. The first full round of

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appraisals should happen in September and all staff should be familiar with it by the end of December 2007. The base information from the three months from that point on could be used to inform the negotiations on the 2008 pay award.

In concluding the review of the matter, members accepted that the process had now reached the point of formal negotiation and that there was no question that the Council had to change to a pay and reward scheme structure in line with the Government's directive.

However, the process was an ongoing one and should come back to the Commission to keep under review.

A member felt the whole process would be assisted by a graphical 'road map' to clarify the definition of consultation, those involved in the process and the timetable.

Mr Goreham sought an assurance from the Cabinet that a full and final consultation process on the pay scheme would now run its course and come back to the Overview and Scrutiny Commission at appropriate points during the process.

So far as the new car scheme was concerned, officers were urged to ensure that full details of the scheme were given to staff as soon as possible.

-THE CHAIRMAN RESUMED THE CHAIR AT THIS POINT -

48/07 POLICY DEVELOPMENT AND REVIEW PANELS (AGENDA ITEM 8)

(a) Panels 1 & 3 Joint Meeting - 5 March 2007

The Chairman of Panel 1 presented the minutes of the joint meeting.

The discussions had highlighted shortages in the provision of two- and three-bedroom houses and had provided an insight into the issues of affordability and the difficulties for people trying to break into the shared equity housing market.

However, it was felt there would be a dilemma for the Council over the next few years to ensure a sufficient supply of houses to sustain the rural villages.

With regard to minute 21/07(d) – Affordable Housing Thresholds Site Viability Study – Mr Kybird made the point that the minute made no reference to a proposal that small brownfield sites in towns should be excluded from the proposed blanket threshold as it would give no incentive margin to developers and such sites would not be developed.

RESOLVED that the unconfirmed minutes of the joint meeting of Policy Development and Review Panels 1 and 3 held on 6 March 2007 be adopted, subject to the reference back of the point made above in relation to minute 21/07(d).

HR
Services
Manager

Committee
Officers

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(b) Panel 1 - 13 March 2007

(i) Local Development Framework – Health Infrastructure (Minute 26/07)

The Chairman of the Panel highlighted the need for PCT representation on the Moving Thetford Forward Group. It was suggested that the Health Improvement Officer might suitably act as liaison for the PCT.

The Chairman also highlighted an idea for 'roving GPs' to address the gap in distance having to be travelled to surgeries in the rural areas.

(ii) East of England Development Agency (EEDA) (Minute 27/07)

The Chairman of the Panel highlighted the following four areas that it was felt the Council should focus on:

- The Council should appoint a member as the Design Champion for the Breckland area.
- The Council should engage the services offered by Inspire East to assist with Moving Thetford Forward.
- The growth of employment alongside the A11, particularly as far as Snetterton was concerned, was very important for Breckland. Inspire East could provide necessary support in this.
- Agents working on individual projects should be informed of what Inspire East could offer.

(iii) Local Development Framework – Development Choices Consultation March 2007 (Minute 28/07)

The Chairman of the Panel urged everyone to respond to the consultation document.

He commented that he was concerned that there was neither specific reference in the document to the Thetford Growth Point Status, nor to the REV Project/Thetford Growth Point Status as a combined issue. He felt that policies were being driven by outside agencies rather than by Breckland's needs, which he considered was selling the district short.

Another member reported that similar concerns had been raised with him and that he felt the document was lightweight and with no parameters given to explain the background to the various issues.

The Chairman of the Panel concluded by saying that he felt the consultation document to be very poor. Good work was being done by the Panel but he felt this was not being reflected in the resulting documents being produced.

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<p>(iv) <u>Adoption</u></p> <p>RESOLVED that the unconfirmed minutes of the meeting of Policy Development and Review Panel 1 held on 13 March 2007 be adopted.</p>	
<p>(c) <u>Panel 2 - 19 March 2007</u></p>	
<p>(i) <u>Members' Job Descriptions (Minute 14/07)</u></p> <p>RECOMMEND to Cabinet to recommend to Full Council that the new job descriptions (<i>as previously published in the agenda of the Panel 2 meeting held on 19 March 2007</i>) be adopted, subject to the following amendments:</p> <ol style="list-style-type: none">(1) the various references within the document that Members should "promote the Council" be amended to "represent and acts as an ambassador for the Council and behave responsibly";(2) with regard to the use of IT, this be amended to "use best endeavours to communicate with officers and others through IT (where possible)";(3) in respect of Members' constituency roles, amend fifth bullet-point in paragraph 1 to read "be involved in representation of cross-boundary agencies, as appointed by the Council, and referring back relevant issues (e.g. via the information bulletin and/or the Executive Board)";(4) in Section C (As a Member of Full Council), amend paragraph 4 to read "take any decisions (if necessary) that represent a departure from the agreed policies and budget";(5) some typographical and grammatical corrections.	Cabinet 24/4/07
<p>(ii) <u>Adoption</u></p> <p>RESOLVED that the unconfirmed minutes of the meeting of Policy Development and Review Panel 2 held on 19 March 2007 be adopted.</p>	
<p>(d) <u>Panel 3 - 20 March 2007</u></p>	
<p>(i) <u>Housing Allocations Policy (Minute 21/07)</u></p> <p>RECOMMEND to Cabinet that the interim Breckland Housing Allocations Policy (<i>as previously published in the agenda for the Panel 3 meeting held on 20 March 2007</i>) be approved.</p>	Cabinet 24/4/07

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(ii) Adoption

RESOLVED that the unconfirmed minutes of the meeting of Policy Development Panel 3 held on 20 March 2007 be adopted.

49/07 WORK PROGRAMME (AGENDA ITEM 9)

The Scrutiny Officer reported one adjustment to the work programme which was to put back the Dog Warden Service review to 24 May 2007.

A member suggested that, bearing in mind the volume and diversity of the issues that had been considered to date, it would be helpful for members to have a composite document of all the LDF items considered by Panel 1. The Scrutiny Officer undertook to look at this with the relevant Committee Officer.

Scrutiny
Officer /
Committee
Officers

50/07 BVPI GENERAL SURVEY REPORT 2006-7 (AGENDA ITEM 10)

The Marketing and Communications Manager presented the findings from the 2006-07 BVPI General Survey, which was a statutory requirement undertaken every three years.

Responses generally overall had improved on those from the last survey, although the Planning BVPI No. 111 showed a continuing downward trend. While this did not give too much cause for concern at present because the survey still indicated a high level of overall satisfaction with the service, it was something that needed to be monitored. A member suggested this might be an issue for one of the Panels to review with the planning officers to see where they thought the satisfaction levels had gone.

RESOLVED that the report be noted.

51/07 LOCAL GOVERNMENT WHITE PAPER FORWARD PLAN (AGENDA ITEM 11)

The Senior Policy Officer presented the report and it was noted that lead officers and projects would change over time.

Members commented on the need for more activity and interest at the parish council level. In this connection, there was concern at the numbers of uncontested seats noted for the forthcoming local elections. This was very relevant to the Government's aim to devolve power to the local level.

RECOMMEND to the Cabinet that the White Paper Forward Plan be approved.

Cabinet
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52/07 REVIEW OF COUNCIL APPOINTMENTS TO OUTSIDE BODIES (AGENDA ITEM 12)

The task and finish group's findings were presented by Mr Carrick.

The conclusions from the review were:

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- A recognition of the continuing valuable role of District Council representatives on outside bodies and general support for retaining representatives on all but one of the bodies which presently had District Council representation.
- The review had enabled a comprehensive data cleansing exercise to be undertaken and it was recognised that without regular review, the names, addresses and contact information pertaining to outside bodies was likely to deteriorate over time.
- There was very limited feedback via the established media of the *Members Information Bulletin* and it was considered that alternative approaches could be employed to improve feedback within the Council as a whole.

A member felt it would be helpful on the issue of feedback if the Council's website provided links to the minutes of the various joint committees of which Breckland was a member, e.g. the Area Museums Committee.

The Commission supported the findings of the task and finish group and accordingly

RECOMMEND to Cabinet to recommend to full Council

- (1) to retain District Council representation on all existing outside bodies, with the exception of the Swaffham & District St Raphael Club,
- (2) to proactively consider requesting representation on other bodies that the Council is presently not represented on but which would help broaden and cement community ties.
- (3) to ensure that when annual selection of representatives to serve on outside bodies is undertaken that due consideration is given to appointing suitably qualified, experienced and knowledgeable members;
- (4) to encourage outside body representatives to feed back information on their activities to the rest of the Council by the most appropriate method(s) possible, whether this be via the *Members Information Bulletin*, scrutiny panels or other appropriate routes;
- (5) notwithstanding (4) above, that all outside body representatives produce a brief account of their activities (unless they are not the Chairman or lead member on the outside body in question) in an annual report to the last Full Council meeting in the municipal year, commencing in 2007/08.

Cabinet
24/4/07

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53/07 NEXT MEETING (AGENDA ITEM 13)

The date of the next meeting was noted as 24th May 2007.

The meeting closed at 5.25 pm

CHAIRMAN