

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 8 November 2018 at 2.00 pm in the
Anglia Room, The Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

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| Councillor E. Gould (Chairman) | Mr R.G. Kybird |
| Mr D. R. R. Oliver (Vice-Chairman) | Mrs S.M. Matthews |
| Mr P. M. M. Dimoglou | Mr R. R. Richmond |
| Mr D. M. Crawford | Mr H. E. J. Clarke (Substitute Member) |
| Mr A.P. Joel | Mr P. S. Wilkinson (Substitute Member) |

Also Present

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| Mr J. Newton | Mr J.P. Cowen |
| Mr S.G. Bambridge | Mr M. S. Robinson |
| Mr M. P. Brindle | Mr F.J. Sharpe |
| Mr S. H. Chapman-Allen | Mr A.C. Stasiak |
| Mr P.D. Claussen | Mrs A. M. Webb |

In Attendance

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|------------------------|--|
| Ross Bangs | - Corporate Improvement & Performance Manager (shared) |
| Ralph Burton | - Strategic Property Manager (BDC) |
| Donna Hall | - Licensing & Business Support Manager |
| Matthew Hogan | - Executive Manager Growth & Regeneration |
| Stephen James | - Communities & Environmental Services Manager |
| Richard Hodgson | - Executive Manager Property & Development |
| Christine Marshall | - Executive Director Commercialisation (S151 Officer) |
| Susie Richardson | - HR Manager |
| Teresa Smith | - Democratic Services Team Leader |
| Mark Stinson | - Executive Manager Governance (Deputy Monitoring Officer) |
| Sarah Wolstenholme-Smy | - Legal Services Manager (Deputy Monitoring Officer BDC) |

117/18 MINUTES

The minutes of the meeting held on 27 September 2018 were confirmed as a correct record and signed by the Chairman.

118/18 APOLOGIES AND SUBSTITUTES

Apologies were received from Councillors Brame, Jermy and Nairn. Councillor Wilkinson was present as substitute for Councillor Brame, and Councillor Clarke was substitute for Councillor Jermy.

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119/18 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)

None.

120/18 URGENT BUSINESS

None.

121/18 DECLARATION OF INTERESTS

No declarations were made.

122/18 NON-MEMBERS WISHING TO ADDRESS THE MEETING

Councillors Bambridge, Brindle, S Chapman-Allen, Claussen, Cowen, Newton, Robinson, Sharpe, Stasiak and Webb were in attendance.

123/18 SAFEGUARDING POLICY

The Legal Services Manager presented the report to Members explaining that District Councils had a range of statutory duties to safeguard and promote the wellbeing of individuals and communities which complement, but do not duplicate those of our partners. Safeguarding encompassed legal duties and responsibilities to protect people's health, wellbeing and human rights, supporting them to prevent problems from escalating and enabling them to live free from harm, abuse and neglect. The policy and the related procedures would be for staff, councillors, volunteers, and contractors or consultants working on behalf of and/or representing the Council.

Councillor Kybird suggested the following amendments to Page 20 of the Policy and Procedures document:

- Training should be provided for Members every 4-years.
- Compliance with completing training will be audited by the Safeguarding Officer from time to time to monitor compliance – should read 'ensure' compliance.

Councillor Dimoglou said that on-line training would be very useful for Members to undertake. He also asked Officers to check if 'honour-based violence' was the correct terminology to use. The Legal Services Manager would amend the policy document accordingly.

RESOLVED that subject to the above amendments, the policy be recommended to Cabinet for approval.

124/18 AMENDMENTS TO THE BRECKLAND HOUSING ALLOCATIONS POLICY

The Executive Member for Growth introduced the report and invited the Executive Manager for Growth to present the report in greater depth to Members.

Members were informed that the current housing allocations policy was structured in a way that affordable housing within Breckland was ring-fenced for households with a local connection to the District and priority for housing was awarded to local households in the highest housing

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need. The only exception to that was where homes were built on 'exception sites', which were typically prioritised for households with a connection to the parish where the homes had been built.

Separately to the processes relating to housing allocations, a number of Parishes across the District were developing Neighbourhood Plans. As a result local communities were asking for a proportion of affordable housing delivered on sites allocated through the local plan process to be prioritised for households with a local connection to that specific settlement. However, there were a number of legal impediments that made it difficult for the District Council to support this approach, mainly a legal requirement to allocate affordable housing to those in highest need.

The Chairman asked if applications were received on a local need first could the second let be to anyone across the District. It was confirmed that this was how the Policy would be applied if agreed, but there would be scope to extend this beyond first let if members were minded to support that approach.

The Executive Member for Growth suggested that the proposed policy would satisfy a current need, however it was recognised that the Council would need to consult on any policy changes ahead of implementing any changes.

Councillor Oliver queried ring-fenced for the first let, but not for the second, and questioned if this was a legal requirement. The Executive Manager for Growth set out that the proposal for the ring-fence to apply only on first let was a proposed approach, but a policy choice open to the Council. Councillor Oliver enquired as to why the policy could not apply in areas where neighbourhood plans were not being developed. The Executive Manager for Growth set out that the legal advice received by the authority was clear that applying local ring-fences on sites allocated to meet district-wide need carried with it a high risk of successful legal challenge from households who would be disadvantaged through such a policy, including those to whom the Authority had a statutory duty to award higher priority, such as households that were owed a duty under homelessness legislation. The Executive Manager for Growth set out that the approach proposed within the paper carried with it a substantially lower risk of successful challenge.

The Executive Manager added that the issue had been explored in external legal advice. Under the current Housing legislation, the Council has a statutory duty to provide a reasonable preference to households.

Councillor Dimoglou felt that we should encourage people to buy through shared ownership.

Councillor Wilkinson said he had experience of housing local people under the criteria set within Section 106 agreement, but also was not able to fill them on the first let.

The Chairman asked the Executive Manager to review the Policy as Members were not in agreement for Parishes to have first let only.

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RESOLVED that the Executive Manager for Growth gives consideration to Members' comments prior to recommending the report to Cabinet.

125/18 Q2 2018-19 PERFORMANCE OVERVIEW REPORT

The Executive Member for People and Information explained that the Performance Report covered the period from 1 July to 31 September 2018. The key areas of success were highlighted as:

- FOI response rate had improved dramatically within the Council;
- Breckland Lottery scheme had shown further success as £14,799 had been generated for community good causes since the lottery had been launched in March 2019;
- The housing benefit error rate was at its lowest since the figure had been reported.

An area of concern was the staff turnover rate which continued to be monitored by HR. The report suggested that the maximum threshold for the staff turnover be amended from 10% to 17.5% for 2018/2019 to bring it in line with modern turnover rates for local authorities.

Members were informed that two additional performance measures would be added to the quarterly report to measure the number of RIPA (Regulatory Investigatory Powers Act) applications made by the council each quarter; and, the number of customers who had been made vexatious as set out by the Council's vexatious policy.

A Member queried that the target for responding to the FOI requests should be at a target of 100% and not 85%. The Corporate Improvement Manager said that since he had taken on his new role, a greater emphasis of engagement with the service areas had been undertaken to understand why there had been delays and sought a resolution to this. The Member was reassured by the response but asked that the target was set at 100% as a mandatory requirement.

Councillor Oliver queried why the vexatious and RIPA targets had been added. He was informed it had been agreed at a previous Cabinet meeting that a yearly report would be provided. Providing quarterly data meant that both the Commission and Cabinet would see the measures in real-time and could then act on them if they so wished.

Councillor Kybird asked if there had been further information with regard to the staff turnover figures. The HR Manager said she had no concerns on why Officers were leaving. She went onto explain that the current performance measure had not been benchmarked for a number of years, and the national turnover attrition rate was between 15 – 20%. Therefore setting the target to 17.5% was seen as moderate measure.

Members suggested a number of amendments to improve the report.

The Corporate Improvement and Performance Manager highlighted that the Empty Properties indicator was not accurate, and requested a report back to the Commission on how the Performance Measure could be presented to Members in a meaningful way. The Commission were in agreement with this.

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The report was noted.

126/18 MEMBER / OFFICER PROTOCOL

Members were advised that the Member/Officer protocol formed part of the Constitution (Part 5B) and was last subject to full review in 2006. The Protocol had been re-written and updated in less verbose and less legalistic language, but the key principles in the protocol remained.

Councillor Oliver welcomed the report, but asked for greater effort for Members to be fully informed about matters on which they were required to make decisions or which affected their electoral wards. This was not just about planning or committee references, but all issues.

Councillor Matthews echoed the comments and said she was aware of local groups that were meeting with Officers of the Council, but the ward representatives had not been made aware.

RESOLVED that subject to the above comments, the revised Member/Officer protocol be recommended to Full Council for adoption and for inclusion in the Constitution.

127/18 SHOP-APPY UPDATE

The Communities and Environmental Services Manager gave a verbal update to Members explaining the success of Shop-Appy since the launch in April 2018.

Members were reminded that after research had shown that 85% of people wanted to shop locally, what they really wanted was for the local shopping to be more convenient, and online. Working in partnership with Shop-Appy gave local people and visitors to the Towns an easy way to shop locally, and gave local shops a simple solution to having an online presence and growing their business through footfall and online orders.

The programme had been operational for six-months, and 85 businesses were signed up to the project with the majority being in Attleborough and Swaffham. Nearly 70 orders had been placed with the shops and 270 people from across the District had registered as a customer on Shop-Appy.

It had been a challenge to work with so many different retailers across the District all at the same time. The shops provided great products and unbeatable customer service that make the market towns great places to visit. To showcase the businesses further, 14 short advertising videos had been commissioned that involved 17 retailers from across the District that would be shared across social media.

This year Breckland had created 'The 12 Elves of Christmas' through which shoppers were incentivised to visit the high street to find the names of 11 elves hidden in shop windows on their local high street. The twelfth and final Elf would be hidden within the Shop-Appy website again to incentivise participants to explore all of the great products and services available. The winner would receive £250 of shop local

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vouchers with 10 runners up receiving £25.

Councillor Crawford asked for the difference in uptake between local and national shops, and also asked if there had been a wide variance of take up across the market towns. It was confirmed that this was a local project and therefore the national retailers were not involved. There had been a large uptake within Swaffham and Attleborough who were using the app.

Councillor Dimoglou felt it had been a great start with 85 businesses signed up. He asked for data to be available to show the amount that was being traded via the App versus what the Council had committed to the scheme.

Councillor Joel suggested the information be shared with the village magazines as communication should be wider than just social media. The Communities and Environmental Services Manager asked Members if there were particular forms of media to use to contact him.

The Chairman asked if a delivery service had been considered. Whilst the project was encouraged to create visibility and footfall into the Towns, it could be something to be considered at a later stage.

The Communities and Environmental Services Manager said the vision was that businesses would see the benefit to the point where the Council would no longer need to subsidise. As a result work was underway with a marketing company to promote Shop-Appy through a variety of channels and as soon as more details were known, would be shared with the Commission.

128/18 UNSIGHTLY SITES UPDATE

The Communities and Environmental Services Manager reminded Members that a programme of activity commenced during 2017 to address unsightly and derelict sites across the District.

Officers sought the local knowledge of Ward Members to identify sites that in their view, significantly and adversely impacted upon the character and appearance of their immediate and wider environment or the general well-being of the communities within which they were located. A total of 50 sites were nominated which were subsequently assessed and prioritised accordingly.

Work had been undertaken in addressing the sites in an effort to deliver improved outcomes for the community. Some of the sites had seen improvement following active and positive coercive engagement with the individual owners, some had been subject to warning letters whilst others had proved more complex and slow to progress.

As a result 14 of the original 50 sites had seen improvement since the commencement of the programme. The first phase of the programme had provided a significant amount of learning for those involved. As a result, Officers had worked to create a Virtual Enforcement Hub that brought together Enforcement Officers from across the services to jointly consider the existing unsightly sites list.

The second phase of the programme had commenced with Officers

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focussing on specific cases in a multi-discipline approach to deliver a co-ordinated effort to effect change. It was envisaged the second phase would lead to more success in seeing improvements in these sites, and it was proposed that a detailed update would be provided to Members early in the New Year.

Councillor Clark expressed his frustration that there were still a number of sites that required an update within his ward. He suggested that information be made available on the website as to the progress of the unsightly sites.

129/18 TASK AND FINISH GROUPS

Councillor Clarke updated members on the progress of the Fly-Tipping Task and finish group in the absence of Councillor Jermy.

The Group had recently met and received geographical data on fly-tipping hotspots which had been welcomed by Members.

Countryside Land Alliance (CLA) were present at the meeting to inform Members about the impact of fly-tipping on private land, predominately farm land, and the frustrations that they had. As a result, the CLA had produced a 5-point plan on tackling fly-tipping which was being used to lobby government to make improvements.

Councillor Joel asked for the geographical data to show where the recycling areas were in relation to where the fly-tipping had occurred.

The Executive Member for Growth asked for the group to consider prosecution.

130/18 OUTSIDE BODY FEEDBACK (STANDING ITEM)

Councillor Kybird reported that the Norfolk Records Office were consulting on being open for reduced hours as part of budget cuts.

Councillor Wilkinson reported that Norfolk and Waveney Clinical Commissioning Groups had decided to move towards a single management team.

131/18 COUNCILLOR CALL FOR ACTION (STANDING ITEM)

Nothing to report.

132/18 WORK PROGRAMME

The Chairman requested the following items be added to the work programme:

- Update on the Members Induction programme for May 2019.
- Detailed report on unsightly sites to the January meeting.
- Report from the Fly-tipping Task and finish group to the January meeting.

Councillor Kybird asked that the Section 106 report covered an explanation of where Parish Councils had requested S106 monies but

had been ignored.

133/18 NEXT MEETING

The arrangements for the next meeting to be held on Thursday 13 December at 2.00pm in the Anglia Room, Elizabeth House, Dereham, were noted.

134/18 SCRUTINY CALL-INS (STANDING ITEM)

(a) Call-In of the Cabinet Decision on Barnham Broom Golf & Country Club Investment Asset

The Executive Manager of Governance advised Members that the Call-in notice received had met the constitutional requirements which had been set out within the report in response to a decision of the Cabinet on 16 October 2018.

He went onto explain to Members why he felt that the public interest was served by excluding the Press and Public from the following item. The Council and its' Tenant were legally bound by commercial confidentiality and failure to observe that obligation could potentially result in legal proceedings. The Cabinet took the report below the line, because the report contained commercially sensitive business and financial information which related to both the Council and the Tenant. Discussion of the report in an open forum would impact on the Council's ability to have a suitable dialogue with the tenant. It was often in the public interest to discuss commercially sensitive information in private in order to achieve the best outcome for the District. This was industry standard practice, which Officers considered to be the case with this item.

135/18 EXCLUSION FROM PRESS AND PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

136/18 BARNHAM BROOM GOLF & COUNTRY CLUB INVESTMENT ASSET

Members discussed the decision in detail. It was **RESOLVED** to take no further action, which resulted in the decision taken by Cabinet on 16 October 2018 to be effective immediately.

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The meeting closed at 5.10 pm

CHAIRMAN