

BRECKLAND COUNCIL

At a Meeting of the

OVERVIEW AND SCRUTINY COMMISSION

**Held on Thursday, 20 October 2022 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 Mike Nairn
Cllr Roy Brame (Vice-Chairman)	Cllr Paul Plummer
Cllr Timothy Birt	Cllr Lynda Turner
Cllr Terry Jermy	Cllr David Wickerson
Cllr Robert Kybird	Cllr Peter Wilkinson

Also Present

Cllr Roger Atterwill	Cllr Harry Clarke
----------------------	-------------------

In Attendance

Michael Horn	- Solicitor to the Council
Ryan Pack	- Innovation and Change Business Partner
Riana Rudland	- Assistant Director Contracts & Operations
Sarah Simpson	- Environmental Services Manager
Teresa Smith	- Democratic Services Team Leader

72/22 MINUTES

The minutes of the meeting held on 8 September were confirmed as a correct record and signed by the Chairman.

73/22 APOLOGIES AND SUBSTITUTES

Apologies were received from Councillors Dale and Eagle.

74/22 CHAIRMAN'S ANNOUNCEMENTS (IF ANY)

None.

75/22 URGENT BUSINESS

None.

76/22 DECLARATION OF INTERESTS

None.

77/22 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The Chairman welcomed non-members present to the meeting.

Action By

Action By

78/22 Q2 PERFORMANCE REPORT

The Innovation and Change Business Partner, Ryan Pack, presented the report that provided members with an overview of the Council's performance for the period 1 July to 30 September 2022.

Councillor Birt queried the leisure participation and how this was measured, and why the customer satisfaction had not been monitored; he understood why it had not been monitored during lockdown, but felt it was a key measurement that should be looked at. He went on to ask what the non-functional issues were with the Tascomi system.

Members heard that there would be a user and non-user customer satisfaction survey that would be collected after the winter season. However, there had been intelligence gathered in other ways such as complaints and compliments.

Councillor Birt asked if there had been information gathered, and if there was could it be shared with members. The Assistant Director for Contracts and Operations said a request for a summary would be provided.

Councillor Jermy referred to the Disabled Facility Grants (DFG's) and whilst it was important to monitor the number of applications completed, he would also be interested to see how many completions there had been. He was also aware that residents were being informed that the budget had already been allocated for this financial year and was concerned for the length of time some people would need to wait, which would also create a backlog.

Councillor Jermy also said that he was pleased to see that complaints were being responded to but asked what numbers were being received.

The Executive Member for Health and Communities, Councillor Alison Webb said that the issue regarding funding was across the County and was not just a Breckland district issue. Members also heard that during the Covid period there had been no visits made by Occupational Health Therapists to assess the homes. Since the impact of Covid had reduced, the Occupational Health Therapists were now catching up with those visits causing more homes requiring adaptations. Whilst there was an issue with funding, the Housing Team were looking for funding to seek someone who could undertake simple adaptations to push ahead.

Councillor Jermy said that his concern was that there had been many examples where the lack of adaptations had prevented people from leaving hospital and at times had been a deal-breaker in some going into care.

Councillor Turner also added that she had been aware of a resident who had been provided with a bungalow but had not been able to move into it due to the adaptations not being done and asked that this became a priority issue for the Commission to investigate.

It was requested that a thorough update on the situation with Disabled Facility Grants be provided to the Commission at a future meeting.

Action By

Councillor Webb added that the Cabinet were looking at ways to resolve these issues and believed that the budget would be increased next year to deal with the demand. However, those specific details were not yet known.

Councillor Atterwill asked if he would be able to find out if there were specific cases within his village, which had an active Parish Council, who may be able to support some individuals within his community. Whilst he was aware of data protection regulations, he suggested that Parish Councils could possibly be able to help if they had access to the information.

The Chairman asked if his Parish Council would financially contribute to some of the adaptations. Councillor Atterwill said that for smaller adaptations it could be possible.

Councillor Birt said that whilst the report shared the electrical usage, he felt it would be useful that the information was broken down into a similar way that the water usage had been displayed to show areas of electricity used and areas of savings made. He also felt that a detailed breakdown would provide clarity on the number of actual formal enforcement actions taken, as the term "enforcement" could include all steps from issuing warning letters to actual formal action.

The Chairman agreed that a breakdown on electricity usage would be useful, but also for a year-on-year measurement too.

The Innovation and Change Business Partner added that warning letters did form part of the statutory term "enforcement action" and therefore was included in the figures.

Members noted the content of the report.

79/22 TASK AND FINISH GROUPS

Councillor Lynda Turner, the Chairman of the Task & Finish Group reviewing the Serco contract presented the report to Members. Members were asked to consider the recommendations provided and note that the Task & finish Group felt that monitoring of the contract annually remained a priority.

Councillor Birt said he had specifically asked for information to be included within the report that stated that to scrutinise the Serco contract he had asked to see the full contract, but that he been denied that request.

The Chairman informed that having been declined his request to see a full copy of the contract, there had been two routes then open to the Councillor. He could have made a formal freedom of information request, or he could have applied for a judicial review of the Council's decision. He added that he had noted Councillor Birt's comments that he had not seen the contract in full. He went on to say that recommendations had been made by the Task & Finish Group which was under consideration.

Action By

The Solicitor to the Council added that it was felt by Officers that the Task & Finish Group had had access to sufficient information in order for them to review the contract. He noted that Councillor Birt was the only councillor on the Task & Finish Group who had felt that this was not the case.

Councillor Birt went on to say that information had come to light that had not been covered within the report and had spoken to workers on the ground some of whom were being paid under the minimum wage. Whilst this was being corrected, he had learnt that the agency workers had been paid more than those who had been employed. He had also noted that the contract had stated that the grounds maintenance staff were working towards an NVQ qualification.

Councillor Wickerson added that the Task & Finish Group had been a worthwhile exercise, but had been disappointed to learn that the Governance and Audit Commission had also commissioned an audit of the contract, information of which would have been useful to the Task & Finish Group.

Councillor Kybird, as Vice-Chairman of the Governance and Audit Committee felt that the Committee had not gone out of the way to commission the work as it would be completed on an annual basis.

The Assistant Director of Contracts and Operations said that she recalled informing the Task & Finish Group that the audit was taking place, but it also formed a joint audit with North Norfolk District Council. She went on to say that the Group had three specific terms of reference and it was important to remain focussed on those areas; of which terms and conditions was not part.

Councillor Wickerson said he had been disappointed that there had been a cross-over and it would have been useful to know the information shared.

Councillor Jermy said that Councillor Harvey had passed on his thanks to the Chairman of the Task & Finish Group, and to Officers and that he had been pleased with the outcome. He went on to say that the main issue had been with agency staff and significant concern between pay and productivity.

Councillor Jermy said that when he completes a 'report it' function he did not receive any correspondence and was pleased to see this as a recommendation. Whilst there had been an improvement with the grounds maintenance, there was still the issue of litter shredding with mowers. He felt that member involvement of the scrutiny of the contract had been weak, and that he not seen the contract either.

Members heard that any agency staff that had been employed by Serco could transfer to a permanent employee which had happened routinely. The fly-tipping 'report it' function was a piece of software which needed to be installed and was a priority of the Digital Team.

The Chairman said that whilst he was an advocate of Members seeing as much information as possible, he did not believe that viewing the full contract was something that could be shared as it contained highly

Action By

commercially sensitive information which, if it became public, would be a high risk. This did not preclude any Members from asking such questions of Officers for information, and he went on to say that at no point had he denied members from speaking on any item and felt that the Commission had been as open and transparent as possible.

The Solicitor to the Council added that a judgement always had to be made as to what was in the best public interest in either disclosing or not disclosing information. He assured Members that all decisions in this regard had been made very carefully and had always been made in good faith.

Councillor Jermy said that whilst respecting the decision made, he had disagreed with it and felt that the document could be redacted where confidential information was referred to.

Councillor Atterwill thanked the Assistant Director of Contracts and Operations and the Chairman of the Task & Finish Group and felt it had been the best piece of work he had been involved in. He did feel though that there should be a mechanism in place to pick up any cross-pollination of issues through the Chairman of Committees.

He pointed out that at Full Council when the contract had been agreed in December 2019, he had been appalled by the lack of information and as a newly elected councillor he had been loath to vote on the large contract before him. He agreed, that as a Councillor, he should have been able to view the contract but not in its entirety. He would have liked to have seen the technical specification, and what was expected of the contractor, but not the financial implications.

Members were informed that the Task & Finish Group had seen information relating to the contract in order to make informed insights into grass-cutting, fly-tipping and hedge-cutting as an example, and some members had asked for specific information which had always been provided.

The Chairman suggested that Members could view a redacted version of the technical specification of the contract; however, this would involve the Officers reviewing the contract (Schedule 2) and providing a redacted version to Members.

Councillor Birt said he had been offered this version but had not seen it.

Councillor Atterwill felt that if Members had access to the presentation that had been provided to the Task & Finish Group, that would be sufficient.

The Solicitor to the Council added that the procurement process – particularly in respect of major contracts - was always very sensitive, and that whilst he certainly understood and had sympathy with Cllr Atterwill's concerns, any deviation from a tightly prescribed process could be extremely detrimental to the Council.

Councillor Brame said that having read the report, the Task & Finish Group had carried out an excellent piece of work and agreed with Councillor Atterwill that to view the presentation would be useful. He

Action By

felt that Members could contact Officers for detailed information and that redacting information was not best use of Officers time.

Councillor Wilkinson felt the Group had achieved what it had set out to do.

Councillor Jermy said that the most crucial stage with writing the specification and the expectations of the contractor should include Member involvement so that all were clear on what the expected levels and standards should be. He suggested that it would be useful for Members to receive training on the tendering and procurement procedures.

It was agreed that all Members would receive a copy of the slides presented to the Task & Finish Group.

Members voted on whether to be able to view a redacted version of Schedule 2 of the Serco Contract. Members voted 7:2 against this request. Councillors Jermy and Birt requested that their votes in favour of the request be recorded.

It was proposed, and seconded that Members receive an outline of the tendering process together with roles and responsibilities and that relevant training be provided in the near future.

It was **RESOLVED** that:

- 1) Members note the content of the report,
- 2) Members request the relevant officers raise members concerns relating to morale in frontline staff and seek assurance from SERCO that processes and procedures are in place to ensure staff morale remained a priority,
- 3) Officers investigated localised reported issues raised through the Task and Finish group and ensure Serco are held to account for rectifying these issues
- 4) That the monitoring of the contract remained a priority and the Portfolio Holder and officers reported to Overview and Scrutiny periodically on matters relating to performance and quality including any additional relevant KPI's
- 5) That the online fly-tipping report feedback function be prioritised.

80/22 OUTSIDE BODY FEEDBACK (STANDING ITEM)

Councillor Kybird informed Members that the Norfolk Health Overview and Scrutiny Commission had met in September to consider the Safeguarding review which had been a useful exercise. There had also been a joint meeting between Norfolk and Suffolk Health Scrutiny to look at the three key areas of inadequate performance although improvements were being made.

Councillor Wilkinson said that the Breckland Youth Advisory Board had recently met to outline their plans for 2022/2023 and further funding had been provided to fund the youth mental health programme. A decision

Action By

would be taken in due course by Breckland Council if they would continue with funding the Board.

Councillor Wilkinson also mentioned that an interim Chief Executive had been appointed at the Queen Elizabeth Hospital and was pleased to inform Members that the Communications Team had been awarded a national award for their part in delivering the communications in health and wellbeing.

81/22 SCRUTINY CALL-INS (STANDING ITEM)

None.

82/22 COUNCILLOR CALL FOR ACTION (STANDING ITEM)

There were currently two Councillor Call for Actions outstanding. The first request related to Councillor Mike Nairn regarding the grass cutting.

The second request was from Councillor Atterwill who suggested inviting Primary Care Providers to a meeting to understand the current provision of care issues (including dentistry). The Executive Director Steve James would report back on this at the next meeting.

The Assistant Director for Contracts and Operations informed Members that there had been a number of concerns raised earlier in the year with Norfolk County Council grass cutting, and the Environmental Services team had emailed all Councillors the land ownership and what had been removed or remained. Telephone calls had diminished over time and operationally they were not seeing any major issues. Whilst this was the case, Members felt it would be useful to understand the procedures and how to make a complaint if required.

It was requested that Officers from Norfolk County Council, together with Officers from Breckland attended a meeting early in 2023 to discuss the performance of the contract.

83/22 WORK PROGRAMME

The IT Infrastructure item would be presented at the next meeting of the Commission.

The Executive Member for Health and Communities was keen to ensure that information regarding the two motions presented at recent full council meetings on Fuel Poverty and Credit Unions would be considered at the next meeting of the Commission in December. Members were asked for further information to inform the discussion and any key issues that were to be raised.

Councillor Atterwill said that he would liaise with Steve James, Executive Director to ensure that the right organisations were invited to a future meeting.

Councillor Jermy said both Fuel Poverty and Credit Union items were critical and felt that waiting until December did not do the urgency justice. He would like to see a Fuel Action Plan created.

Members also requested that the Citizens Advice Bureau be invited to the next meeting so that Members could understand their role and input.

84/22 NEXT MEETING

The arrangements for the next meeting scheduled for 1 December 2022 at 10.00am in the Anglia Room, the Conference Centre, Elizabeth House, Walpole Loke, Dereham, NR19 1EE were noted.

Action By

The meeting closed at 11.50 am

CHAIRMAN