

OVERVIEW AND SCRUTINY COMMITTEE

Minutes of a meeting of the Overview and Scrutiny Committee of Broadland District Council, held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on Tuesday 24 August 2021 at 10.00 am when there were present:

Committee Members Present: Councillor: S Riley (Chairman), M L Murrell (Vice-Chairman), N J Brennan, P E Bulman, S J Catchpole, S I Holland, C Karimi-Ghovanlou, K S Kelly, D King, G K Nurden, S M Prutton and N C Shaw.

Other Members in Attendance: Councillors: T Adams, S Clancy and J Leggett.

Officers in Attendance: The Director of People and Communities, Assistant Director Community Services, Assistant Director Planning, Assistant Director Finance, Chief of Staff, Business Improvement Team Manager, Senior Governance Officer (SW) and Democratic Services Officers (JH, JO)

Also in attendance Mrs B Lashley and Mr Guy Ranaweera

31 APOLOGY FOR ABSENCE

An apology for absence was received from Cllr Harpley.

32 MINUTES

The minutes of the meeting held on 29 June 2021 were agreed as a correct record.

33 PARISH COUNCIL INVOLVEMENT WITH DEVELOPERS AND THE PLANNING AUTHORITY REGARDING THE ALLOCATION OF PUBLIC OPEN SPACE

The report had been drafted in response to a request from Sprowston Town Council to consider the production of a guidance document on the process for when town and parish councils should get involved with developers and the planning authority to ensure they had an opportunity to participate in discussions about the allocation of public open space.

The Business Improvement Team Manager advised the meeting of the key stages in the planning process and how parish and town councils could participate in them.

Broadland's Statement of Community Involvement (SCI) set out who and when the Council would consult with during the preparation of the Local Plan and in the determination of planning applications.

The SCI also detailed how developers with significant development proposals were required to engage with communities prior to an application being made.

Town and parish councils were involved during the evidence gathering consultation and pre-submission publication stages of Local Plan preparation and were asked to comment on the location and form of development and the associated infrastructure needs.

All town and parish councils were also encouraged to prepare their own Neighbourhood Plans, which allowed them to develop a shared vision for their neighbourhood and shape the development and growth of their local area. An adopted Neighbourhood Plan also allowed the town or parish council to receive a greater proportion of the Community Infrastructure Levy, (up from 15 to 25 percent) resulting from development in their area.

The Council had an adopted Supplementary Planning Document called, 'Recreational Provision in Residential Development', for developments of five or more dwellings. This set out the amount of open space required for play, formal pitches, allotments and informal open space. It also set out in relation to the scale of development, when this could be provided off site and when it needed to be provided on site.

Developers could receive pre-planning application advice from the Council to establish the planning policy considerations and requirements and officers encouraged developers to engage with community groups, including town and parish councils to enable them to comment on the proposals and to help identify any infrastructure needs.

Town and parish councils could discuss open space proposals at this stage with the developer and help to identify where these could be provided and whether the town and parish council would wish to take on responsibility for these at a later date.

Town and parish councils were a statutory consultee for planning applications and frequently submitted comments on proposals, which would be considered as part of the determination of the application. If the town or parish council had specific comments relating to proposals for the provision of open space in the application, then these could be raised at this stage and would be taken into account.

Section 106 Legal Agreements were required to secure the provision, implementation and future maintenance of the open space requirements on

larger developments and the Council worked with town and parish councils to secure their delivery.

It was recognised that Broadland could do more to engage with town and parish councils during the stages outlined above and to do this the Council had recently increased the hours of the previous S106 monitoring post to enable that officer to engage more proactively with town and parish councils and to help identify priorities for the area.

It was also recognised that in some locations where off-site contributions had been accepted, there were limited opportunities to expand / enhance existing facilities and there were difficulties in securing land to provide new facilities. In order to ensure that town and parish councils were aware of the opportunities through the planning process for them to contribute to decisions relating to the provision of open space, it was proposed that a training session be offered to town and parish councils and that this would then be followed up with a guidance note which included a summary of the key areas set out above.

Mrs Barbara Lashley, member for Sprowston Town Council, addressed the Committee. She advised the meeting that planning authorities should make use of parish and town councils local knowledge to ensure that planning decisions were sustainable and enhanced communities.

Members' attention was drawn to the recently published Local Government Association paper on planning, which encouraged better engagement with town and parish councils. She acknowledged the documents set out in the report, which set out processes and procedures and thanked officers for putting a very good report together, but questioned if there was any evidence that these procedures were actually being carried out.

Cllr Lashley suggested that instead of being offered training a procedural document be drafted for local authorities and developers that could act as a checklist, for the benefit of all.

Mr Guy Ranaweera added that whilst Broadland provided a very good service during the planning stage, there was scope for greater engagement with town and parish councils at the pre-planning stage. For example, to allow local knowledge on land availability to inform green infrastructure planning requirements.

A member suggested that a procedural document would be more useful than training, which would be very difficult to roll out to all parish and town councillors in the District. He added that one of the biggest problems for town and parish councils was the lack of communication from developers.

In response, the Assistant Director for Planning advised the meeting that the SCI already clearly set out what the Council and developers were expected to do in terms of community engagement and officers could assist parishes that

were having difficulties communicating with developers. Members were asked to note that officers ensured that developments and planning obligations accorded with the Council's planning policy. It was also confirmed that where there were a number of smaller planning applications in an area they should be accounted for collectively when setting aside open space.

A member also suggested that it would be more productive to have in person meetings, rather than via Zoom. He also asked that a clear formula between the number of houses on a development and the amount of open space that would be required on the site be set out to remove any ambiguity.

The Assistant Director for Planning confirmed that officers could draft a guidance note for parish and town councils that set out the key points of engagement within the SCI. She also advised members that the Council met with all parish and town councils for major developments and assistance could be provided in interpreting existing S106 agreements, if required.

A member noted that not all developments caused problems for local councils and he commended the relationship that had been established in Taverham between the developer of a major site of 1,400 homes and the parish council. He suggested that planning training was a good idea for parish councillors.

The Business Improvement Team Manager confirmed that Zoom training sessions could be a very effective means of reaching a wide audience and that recent training on Development Management and Planning Enforcement had each attracted audiences of approximately 300 people.

Members concurred with the suggestion from the Assistant Director for Planning that a letter be drafted and sent to developers reminding them of their obligation to engage with parish and town councils under the SCI.

It was further agreed that an informal working group be established to agree the summarised version of the SCI, prior to its distribution to all District members and town and parish councils.

AGREED

1. To note the report; and
2. To support the plans for officers to offer a training session for town and parish councils within six months of this report, and
3. To establish a Working Group, consisting of Cllr Holland, Cllr Karim-Ghovanlou, Cllr King, Cllr Prutton and Cllr Riley to agree the contents of planning guidance note for town and parish councils; and

4. That a letter be drafted and sent to developers in the District to remind them of their obligation to engage meaningfully with parish and town councils under the Statement of Community Involvement.

The Committee adjourned at 11.40am and reconvened at 11.50am, when all the Committee members listed above were present.

34 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

The Senior Governance Officer updated the Committee on its Work Programme. Guidance for Town and Parish Councils in Respect of Public Open Space had been considered earlier in today's meeting.

The Leisure Principles item, which had been due to be considered at today's meeting had been withdrawn at the request of the Assistant Director for Individuals and Families, as this would now be looked at as part of a broader report that would be taken to Cabinet in October and would therefore be subject to pre-scrutiny by the Committee.

Engagement in Public Consultations had been moved to the 2 November 2021 meeting. The newly appointed Customer Experience and Insight Lead would be able to advise the Committee on the work being undertaken to increase participation in consultations.

The 2 November 2021 meeting would also include a review of the Housing Allocations Policy following its implementation in April 2021. A review of the Member Grants Scheme, as well as the Environmental Strategy would also be held at that meeting.

No items had been identified for consideration at the 18 January 2022 meeting, at present.

The 29 March 2022 meeting would consider the Overview and Scrutiny Committee Annual Report. The June 2022 meeting would undertake a review of the Empty Homes Policy.

The Staff Turnover Time and Task Panel would be meeting in September 2021.

The Chairman had sent a letter to the Secretary of State in light of the detrimental effect of the Apprenticeships Levy on 16-19 year-olds.

Once agreed, an article on the good work being undertaken by the Committee would be placed in *Broadland News*.

Members were advised that the current Programme Director for Better Broadband for Norfolk was retiring; once the new post holder was in place arrangements would be made for a meeting with the Committee.

There were no updates from Cllr Copplestone on water supply and management, although a member who was on the Norfolk Rivers and Broad Internal Drainage Boards advised the meeting that more reservoirs would be needed to avoid the great amount of water that was predicted to be lost over the next ten years in Norfolk.

The Council partnerships Register Review was still on hold due to the pandemic.

The Committee's scrutiny of the budget workshop had been arranged for 26 October 2021

A member noted the gap between today's meeting and the next one on 2 November 2021 and that the Agenda for this meeting had a lot of items on it and suggested having an additional meeting in September or October. It was noted that the Work Programme had been agreed by Council and the Chairman suggested that the Committee could ask for a more flexible approach when agreeing the next Work Programme at Council.

A member suggested adding a review of the Council's performance since collaboration to the Work Programme. It was confirmed that the Senior Governance Officer would scope out this suggestion with the member concerned following the meeting.

Cllr Bulman left the meeting at 11.45am.

CABINET REPORTS

35 INSURANCE CONTRACT – DECISION ON AWARD

The Assistant Direct for Finance introduced the report, which sought approval to award a new insurance contract to commence on 1 October 2021.

The Council's approach was to cover all insurable risks and to not self-insure. Broadland had a low claims history and had gone out to tender jointly with South Norfolk Council, with support from A J Gallagher Brokers.

The tender was broken down into 11 lots and six bids were received. The award criteria was weighted 50 percent price and 50 percent quality of cover.

It was confirmed that the insurance cover in the report was specifically for Broadland.

In response to a query, it was confirmed that the employer's liability also covered volunteers working for the Council.

RECOMMENDED TO CABINET

(Option 1)

That Cabinet agrees to award the following contracts for each insurance lot for a period up to 5 years and delegates to the Assistant Director of Finance to appoint a Broker to support the insurance provision over that period:

Policy Type	Bidder
Lot 14 – Material Damage	A
Lot 15 – Mortgaged Properties Inadvertently Uninsured	A
Lot 16 - Works in progress	A
Lot 17 – Terrorism	B
Lot 18 – Combined Liability	C
Lot 19 – Fidelity Guarantee	D
Lot 20 – Personal Accident	E
Lot 21 – Computer	A
Lot 22 – Engineering Inspection	D
Lot 23 – Engineering Insurance	D
Lot 24 – Motor Fleet	D

36 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

The Committee adjourned at 12.15pm and reconvened at 12.25pm, when all the Committee members listed above except for Cllr Bulman were present.

37 STRATEGIC ENVIRONMENTAL SERVICES CONTRACT

The exempt report recommended the award of a ten-year contract to the preferred bidder for the provision of the Council's Strategic Environmental Services contract. The contract included the provision of all waste collection services including residual, recycling, food waste and street cleansing, with the contract commencing on 1 April 2022. The contract also included the option of an extension for up to a further ten years.

The report set out two options for expanding the food waste scheme. Option A was for urban infill, which would lead to collections for an additional 6,124 households across the parishes already covered by the food waste scheme,

providing full coverage to these parishes. Option B was for a food waste collection service across the whole District.

The Portfolio Holder for Environmental Excellence advised the meeting that the procurement had followed a very stringent OJEU exercise and consultants and legal advice had been used throughout the process. The contract had been based on a 60/40 quality/price criteria. The procurement had been carried out in the light of forthcoming changes to the Government waste policies, as well as developments in carbon reduction technology. She thanked officers for all their hard work during the procurement process.

The Chairman noted that the Portfolio Holders for Finance and Environmental Excellence had been consulted throughout the procurement process.

The Portfolio Holder for Environmental Excellence suggested that the report recommendation be amended to Option B, instead of Option A. She emphasised that this was a service that residents wanted and that Council Tax payers deserved to be treated equitably and receive the same level of service across the District.

Three bidders had submitted tenders for the contract with bidder C being identified as providing the most economically advantageous tender solution to the Council.

For the procurement the contract specification was changed from being input based to being an output based, which was now the industry standard. In an output specification the details for how to deliver a specific standard were not set out in a prescribed manner, it was up to the contractor to devise how they would deliver the performance specification. For example, rather than being required to sweep a road a specific number of times in a year, in the new specification the contractor was required to ensure the cleanness of the road was maintained to a specific standard and they would allocate sufficient resources to maintain that standard. If this standard was not maintained there were default deductions that could be imposed. Members were asked to note that the performance indicators for the new contract were identical to those in the current contract.

The Assistant Director for Community Services advised the meeting that in making their decision Members needed to be aware of the recent Government consultation on the proposal to introduce a universal weekly food waste collection service from 2024/25 across the whole of the country and from 2023/24 for those areas who currently provided a partial food waste service. The proposal if approved would come with New Burdens funding to meet the additional costs, but it was unclear if this funding would also be provided to those authorities who already had such a service in place. It was, therefore, recommended that members defer any decision to roll out a universal weekly food waste collection until the Government's position was clear.

The Chairman of the Environmental Excellence Policy Development Panel informed the Committee that the Panel had considered the report at its

meeting yesterday and had unanimously recommended awarding the contract to bidder C on the basis of Option B.

In response to a final question from the Chairman, the Assistant Director for Community Services confirmed that the procurement process had been fully compliant with all relevant regulations and legislation.

Members generally agreed with the proposal to amend the recommendation to Option B and following a vote it was unanimously:

RECOMMENDED TO CABINET

(Option 1, as amended)

To award a contract to **Bidder C** on the basis of Option B for a period of ten years, with the option for a further extension of up to ten years, for the provision of the Council's Strategic Environmental Waste services.

(The meeting concluded at 12.59pm)

Chairman