

## 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 14 December 2021 at 10.00 am when there were present:

**Committee Members Present:** Councillor: S Riley (Chairman), M L Murrell, (Vice-Chairman), N J Brennan, S J Catchpole, J Davis, S I Holland, C Karimi-Ghovanlou, K G Leggett, G K Nurden, S M Prutton.

**Cabinet Member in Attendance:** Councillor: F Whymark.

**Officers in Attendance:** The Director of Place, Chief of Staff (Monitoring Officer), Assistant, Director of Individuals and Families, Assistant Director Finance, Assistant Director Community Services, Assistant Director Regulatory, Business Improvement Team Manager, Strategic Growth Project Manager, Community Assets Manager, Housing and Wellbeing Manager and Democratic Services Officers (LA, JO)

### 80 DECLARATIONS OF INTEREST

Cllr Nurden declared a non-pecuniary interest. He was employed by a company that was interested in relocating to the Broadland Food Innovation Centre (Minute no: 95 - Broadland Food Innovation Centre - Dynamic Purchasing System).

### 81 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Bulman, Cllr Harpley, Cllr Kelly and Cllr King.

### 82 MINUTES

The minutes of the meeting held on 30 November 2021 were agreed as a correct record.

### 83 MATTERS ARISING

*Minute No: 75 - Staff Turnover at Broadland*

The Chairman advised members that the Time and Task Panel should be meeting in the latter half of January 2022 to consider why 83 percent of leavers did not give exit interviews.

He also confirmed that the letter that would be sent out to these staff should be agreed by the end of this week.

### 84 INTRODUCTION OF DISTRICT WIDE KERB SIDE FOOD WASTE COLLECTIONS SERVICE

The Assistant Director Community Services introduced the report, which set out the option for introducing a forward funded expansion of the existing food waste collection service to the whole of the District in advance of an anticipated national roll out.

Expanding the collection of food waste would increase the Council's recycling rate and therefore contribute significantly to the priority of increasing the recycling rate to 60 percent.

The expansion would initially come at a cost to the base budget, but there was an expectation that beyond the initial phase the costs would be at least part funded by the Government through New Burdens funding. However there was no timeline for the rollout and therefore a risk that if the Council decided to expand the service in advance of the Government making the collection of food waste a mandatory requirement it might not be able to retrospectively recover the additional costs.

There is also a significant risk around the extended lead in time for the procurement of new vehicles, which could be as long as 15 months. Options to lease or utilise existing vehicles when they were replaced was being explored.

In response to the ongoing delays in the Government finalising and introducing the new policy the Leader of the Council had written to the Secretary of State for Environment and Rural Affairs proposing that the Council act as a pilot for the expansion of food waste collections ahead of its formal implementation. No response to the letter had been received so far.

Members' attention was drawn to recommendation three, which explained that a request had been made to DEFRA to forward fund the extension of the scheme and that the expansion was undertaken on the basis that beyond this initial phase the costs would be met by New Burdens funding.

It was further explained that the funding for the additional costs of rolling out a District-wide scheme would need to come from the Refuse Vehicle Replacement / Waste Reserve and that this funding source was not sustainable, and the Council would be reliant on being able to reclaim the capital costs via the New Burdens funding.

The Chairman noted that without this funding the cost of maintaining the District-wide service would fall on the Council Tax payer.

In answer to a query it was confirmed that the planned rollout to a further 6,500 households on the urban fringe of the District in October 2022, had already been agreed and would take place. This would cover infill areas close to existing rounds in the urban fringe where capacity for collection existed. New developments in more rural areas might not currently meet this criteria.

The Committee was advised that it was not the intention to encourage food waste, but instead to prevent it entering the residual waste stream by recycling it and that the Council was currently running a campaign to advise on how to reduce food waste .

The Chairman noted that the Committee were supportive of the District-wide rollout of the Food Waste Collection Service and following a show of hands it was unanimously:

### **RECOMMENDED TO CABINET**

That Cabinet

1. Delegate the authority to the Assistant Director Community Services in consultation with the Portfolio Holder for Environmental Excellence and the Portfolio Holder for Finance to agree a contract variation to the Strategic Environmental Services contract to roll out a forward funded food waste collection service to the whole district funded from the Refuse Vehicle Replacement / Waste Reserve, in advance of any confirmation of the Government's future strategy and potential new burdens funding.
2. Delegate the authority to the Assistant Director Finance and the Assistant Director Community Services in consultation with the Portfolio Holder for Environmental Excellence and Portfolio Holder for Finance to agree to forward fund the capital costs of the food waste expansion scheme from the Refuse Vehicle Replacement / Waste

Reserve, in advance of any confirmation of the Government's future strategy and potential new burdens funding.

3. Note that a request has been made to DEFRA for them to forward fund the extension of the scheme and that the expansion is undertaken on the basis that beyond this initial phase the costs will be met by new burdens funding.

### **85 ENVIRONMENTAL WASTE CONTRACT AND HYDROGENATED VEGETABLE OIL FUEL**

The Assistant Director Community Services introduced the report, which outlined the positive environmental impacts that using 100 percent Hydrogenated Vegetable Oil (HVO) in place of mineral diesel would have upon the delivery of the new Strategic Environmental Services contract from April 2022, in terms of both the service emissions and costs.

The Committee was informed that the Council had undertaken a trial with an electric waste vehicle, but that the battery technology was not yet at a stage where a full collection round could be completed, which made this option unviable. Electric vehicle options would be looked at in the future, as the technology improved.

When it became clear that it would not be possible to introduce electric vehicles from the commencement of the contract, the Council, looked at other ways of reducing the amount of CO<sub>2</sub> that would be produced. At the final tender stage of the contract, the Council introduced an annual match funding pot of up to £50,000 to encourage bidders to utilise 100 percent HVO fuel. This would result in a direct reduction of some 10,490 tonnes CO<sub>2</sub> over the ten years of the contract.

In the first year of the contract moving to 100 percent HVO fuel the cost to the Council would be an additional £11,700. These costs were likely to increase in future years, as the price of HVO increased and when the food waste collection service was rolled out across the whole of the District.

In response to a query, it was confirmed that the match funding would be provided over the financial year.

Members also noted that fuel prices had increased since the report was drafted. In response the Assistant Director Community Services confirmed that he would check and clarify this following the meeting but prices might not have risen as much as on the garage forecourt, as Veolia bought in bulk and their fuel tax was lower.

Members were advised that the match funding pot would be subject to annual negotiations with the contractor and could be increased if the price of HVO required it to be.

Following a show of hands it was unanimously:

### **RECOMMENDED TO CABINET**

That Cabinet note the positive environmental impacts that result from the Council providing match funding of up to £50,000 per annum to support the use of 100% Hydrogenated Vegetable Oil in the delivery of the Strategic Environmental Services Contract from April 2022.

## **86 HOUSING ALLOCATION POLICY REVIEW**

The Housing and Wellbeing Manager introduced the report, which presented a review of the Council's housing allocations policy and housing systems change and recommended updates reflecting learning since it was implemented in April 2021.

Members were informed that the Housing Team had been working with the new housing system and allocation policy since April 2021 with considerable success. This was despite it being implemented during a period of increasing demand as well as a shortage of properties both in the private and social sector.

However, it was felt that parts of the policy needed to be tightened up now that it had been exposed to real cases and to ensure understanding by residents and stakeholders and in the interests of fairness and transparency. Changes were, therefore, proposed in the following three specific categories:

- A small number of changes to the core policy, which were not working now that the policy had been put into practice.
- Updating and rewording to clarify the policy, as it has been found that residents were confused around what the policy means, or there was too much ambiguity in the policy, which affected interpretation.
- Splitting guidance from the core policy to enable a clearer understanding. The policy document previously amalgamated the guidance, procedural document, and policy. This had caused confusion as customers struggled to find the key information they needed.

An example of the changes was to tightening up on rules for non-qualification if the applicant had gifted, transferred, or spent assets and worsened their housing situation in order to access social housing. Checks were made on

bank accounts to assess if this type of activity had occurred, which was very rare in Broadland.

It was also proposed to change the Housing Priority Bands from 1, 2, 3 and 4 to Emergency Band, 1, 2 and 3. This would more accurately reflect that the Emergency band was for people with an urgent medical need, including hospital discharge.

Members were advised that banding was assessed by individual need and circumstances on a case by case basis. It was also confirmed that older people with no urgent medical needs would not be excluded for social care. The meeting was also informed that IN TRAN was available for non-English speakers and that the criteria for qualifying for Temporary Accommodation was set down in Government legislation and that over the last two years 100 people had been provided with this assistance.

In answer to a query from the Chairman, it was confirmed that the website would contain separate policies for both Broadland and South Norfolk together with separate guidance for both authorities, although this would not differ significantly and might result in a single guidance note for both authorities.

The Chairman noted that including the policy and the guidance in the same document had led to confusion in the past and the Committee would look at this with interest to see if separating them had helped resolve this issue when the Housing Policy was next reviewed.

In answer to a question about the rewording of the qualification rules the meeting was advised that it was proposed that contracts of employment be changed from permanent to six months to reflect the gig economy and to help low paid care workers qualify for housing in the District.

It was emphasised that access to accommodation could be dependent on how flexible an applicant was about the location and that if they were too specific they would be dependent upon housing supply and might wait some time.

The Portfolio Holder for Housing and Wellbeing reminded the meeting that the Council also provided residents with assistance through a range of other schemes, such as the Independent Living Policy.

Following a show of hands it was unanimously:

### **RECOMMENDED TO CABINET**

To approve the proposed changes to the Housing Allocation Policy

*The Committee adjourned at 11.34am and reconvened at 11.48am, when all the Committee members listed above were present.*

### **87 REVIEW OF ENVIRONMENTAL ENFORCEMENT PENALTIES**

The Assistant Director Regulatory introduced the report, which requested that Cabinet determine the amounts of fixed penalty notice charges for specified environmental and anti-social behaviour offences (both full charge levels and early payment reduced charge levels).

Members were advised that the Council, as a regulatory authority, had arrangements in place for enforcement by way of serving fixed penalty notices (FPN) to deal with specific offences stipulated in current legislation.

The purpose of FPN enforcement was to secure efficient, timely and decriminalised ways of addressing and dealing with offenders, whilst avoiding court action, which was more resource-intensive and costly.

The Council as a regulatory authority had arrangements in place for enforcement by serving fixed penalties and ensuring the penalties were set at a correct level was a key factor in this. For example, setting them too high could result in the fines being challenged in court, and setting them too low would reduce their impact. During 2021 there had been ten FPNs across Broadland and South Norfolk, so far.

It was also emphasised that FPNs were seen as deterrents, not reparations for the costs of dealing with the incident, however in line with DEFRA guidance, it was proposed that the proceeds of paid FPN charges be reinvested in the respective service area's revenue expenditure budgets to support further service delivery.

Members were asked to note that more serious environmental offences were taken directly to a magistrate's court for prosecution. The Council had one such case of a repeat offender currently before the court, which had been adjourned to January 2022.

The Committee was informed that the Community Protection Team was only small, but had been very successful and that it had recently benefited from the additional assistance of two newly recruited Anti-Social Behaviour Officers.

It was confirmed that FPN enforcement actions were mapped and publicised, particularly in areas where the incidents had occurred. There was no particular trend identified of people fly-tipping, rather than paying charges at Recycling Centres.

If the new charges were agreed a publicity campaign would be held to raise awareness of FPN enforcement action in the District.

The Committee were asked to note that the Council had discretion to move to the default penalty for offences within the statutory range set by Government.

Following a show of hands it was unanimously:

### **RECOMMENDED TO CABINET**

1. Cabinet to agree the setting of fixed penalty notice charge levels for specified environmental and anti-social behaviour offences as proposed in Appendix 1.
2. Cabinet to agree that the proceeds of paid fixed penalty notice charges be reinvested in the respective service area's revenue expenditure budgets to support further service delivery.

## **88 REVIEW OF USABLE RESERVES**

The Assistant Director Finance introduced the report, which provided an update on the Council's Usable Reserves position.

The Committee was informed that the report was mainly for information and that the only actions proposed were to rename the 'Bridge Maintenance – Bure Valley Railway' reserve to 'Bure Valley Railway' reserve to reflect the Council's wider obligations and to delegate authority for additional environmental projects to be funded from the Environmental Projects Reserve.

The Assistant Director Finance suggested that, at this stage, it would be prudent to wait before making any other changes to the usable reserves.

In answer to a query it was confirmed that there was sufficient budget to cover more than just the bridge maintenance in the Bure Valley Railway reserve.

Following a show of hands it was:

### **RECOMMENDED TO CABINET**

To

1. Note the Usable Reserves Position.
2. Rename the 'Bridge Maintenance – Bure Valley Railway' reserve to 'Bure Valley Railway' reserve.



3. Agree that the Assistant Director Regulatory, in consultation with the Portfolio Holder for Environmental Excellence, has the authority to agree additional Environmental projects to be funded from the Environmental Projects Reserve (each project to be no more than £100,000 in value).

### **89 STREET NAMING AND NUMBERING POLICY AND INTRODUCTION OF CHARGES**

The Business Improvement Team Manager introduced the report, which proposed updating the policy for the street naming and numbering functions and introducing charges for the service.

It was confirmed that the following amendments were proposed to be made to Appendix 3 - Street Naming and Numbering Policy:

- Reference would be made to parish and town councils throughout the policy.
- An additional paragraph at 1.5 to say 'It is recommended that parish and town councils consider proposals for street names in advance of developments commencing, i.e. where local plan allocations, neighbourhood plan allocations or planning applications are approved and discuss these with developers'.
- The first bullet point at paragraph 6.1 to read 'Main roads should be numbered so that when travelling away from the centre of the settlement, odd numbers are on the left and even numbers are on the right'.

The Committee was informed that over the last 12 months, the Council had received 170 applications for the naming and numbering of properties and new roads. These requests ranged from single properties to large housing developments. If the charges proposed in the report were implemented they could generate approximately £34,000 towards the recovery of administrative costs. The report also contained comparison charges from neighbouring authorities.

Members were advised that, as part of the introduction of charges, it was also proposed to update and amend the existing Street Name and Numbering Policy.

A member suggested that there should be exemptions from the charge for changing the names of existing properties. He also noted that the charges were the same as those at South Norfolk, but as the costs/savings agreed in the Collaboration Feasibility Study, were split 45/55, Broadland's charges should be 10 percent lower.

There was considerable discussion on this matter and the Chief of Staff pointed out that the difference in the cost savings split was based on the additional services (Leisure Services, CNC, the Waste Depot and the Audit Consortium) operated by South Norfolk.

The Chairman advised the meeting that this issue continued to cause confusion amongst members and it was suggested that one authority might be subsidising the other.

In response the Chief of Staff confirmed that she would report back to the Committee with a form of words that clarified the position regarding the 45/55 cost/savings split.

It was noted that the Street Naming and Numbering Policy incorrectly made reference to South Norfolk Council and it was suggested that as the same policy was to be used for both authorities the policy could simply refer to 'the Council'.

The Chairman rejected this suggestion and emphasised that Broadland should be referenced, as the Councils had not merged into one authority.

A member proposed that recommendation 1 should be amended to include an exemption from the charge in the policy for existing homes, where the owner wished to change the name of their property.

This proposal was duly seconded and following a show of hands with five in favour, three against and one abstention it was:

### **RECOMMENDED TO CABINET**

1. That Cabinet **recommends to Council** the introduction of charges from 1 April 2022 as set out in Appendix 1, subject to an exemption from the charge in the policy for existing homes ,where the owner wished to change the name of their property; and
2. That Cabinet **recommends to Council** the adoption of the Street Naming and Numbering Policy as set out in Appendix 3 with effect from 1 April 2022.

## **90 S106 AGREEMENTS MONITORING FEES**

The Business Improvement Team Manager introduced the report which recommended the introduction of monitoring fees on developers to cover the Council's cost of overseeing compliance with legal obligations under section 106 agreements. This proposal reflected the changes enacted by the

Community Infrastructure Levy (Amendment) (England) (No2) Regulations 2019, which came into force on 1 September 2019.

The Committee was informed that currently Broadland was actively monitoring 43 S106 agreements on commenced development sites. These involved monitoring of 137 obligations with approximately 667 triggers. Fees were not currently charged to cover the costs of ensuring compliance with these developer obligations.

Members' attention was drawn to section four of the report, where the proposed charges were set out. Based on the agreements currently monitored (excluding sites over 400 dwellings and multi-phased agreements), a total sum of £41,200 could have been received for the monitoring of the 37 agreements.

A member, advised the meeting that the Place Shaping Panel, which had considered the report at its meeting on 15 November 2021, had voted against the recommendation in the report, but had made no formal alternative recommendation to Cabinet.

In answer to a question about the reference in the Government's *Planning Practice Guidance* to using the fees to monitor any type of planning obligation, it was confirmed that the proposal in the report was only for the monitoring of S106 agreements.

Following a show of hands, with seven in favour, two against and one abstention it was:

### **RECOMMENDED TO CABINET**

That Cabinet recommend to Council that the monitoring fees for section 106 agreements, as set out in Appendix 1, are adopted from 1 April 2022.

## **91 FORWARD PLAN**

The Committee noted the Forward Plan.

## **92 EXCLUSION OF 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.

### **93 FINANCE CASH RECEIPTING SYSTEM BUSINESS CASE**

The Assistant Director Finance introduced the exempt report, which set out a business case for a joint cash receipting system.

Currently two different systems were used across both Council's, which required two licences, two log-in procedures and separate upgrades. A single system would simplify these processes significantly and deliver a five year saving of £59,370 compared to current costs.

Members were advised that the costs set out in the business case were based on current prices and that these might increase after 1 April 2022. However officers were confident that the system could be delivered by this date, as they remained in close contact with the provider.

Following a show of hands it was unanimously:

### **RECOMMENDED TO CABINET**

To award a contract for a single Cash Receipting IT system for both Councils.

### **94 PLANNING, REGULATORY, HOUSING STANDARDS AND WASTE TEAM SERVICES IT MIGRATION**

The Assistant Director for Planning introduced the exempt report, which proposed aligning the IT systems used by the Planning, Land Management, Regulatory, Housing Standards and Waste Teams.

Members were advised that the existing IT contracts for the above systems were either due to expire in 2022 or were (or would become) unsupported. The business case put forward four options for aligning the IT systems. Option 2 was the most cost effective and was recommended for approval.

The Committee was informed that aligned IT systems would make significant non-cashable savings by reducing a substantial amount of manual entry of data. It was estimated that this would total 1,290 staff hours per year.

A member advised the meeting that the Service Improvement and Efficiency Committee, which had considered the report at its meeting on 7 December 2021, had voted for option 4, as they did not want the Council to be constrained by a single version of Land Charges, as set out in option 2, and wanted to retain the option to set a discount for searches.

Option three had also been considered by the Committee, but it was thought that the additional cost associated with the individual branding of web pages was too high.

Option 4 was proposed and duly seconded and following a show of hands it was:

### **RECOMMENDED TO CABINET**

1. To approve Option 4, as set out in the Appendix to the report; and
2. To award the contract, as set out in the Appendix to the report, for Option 4.

## **95 BROADLAND FOOD INNOVATION CENTRE- DYNAMIC PURCHASING SYSTEM**

The Strategic Growth Projects Manager introduced the exempt report, which sought approval for a contract award of a Dynamic Purchasing System (DPS) to serve the Broadland Food Innovation Centre project (BFIC).

A DPS was an electronic procurement tool that was used to purchase goods, works and services that are commonly used by organisations or bespoke services.

If awarded, this system would efficiently facilitate the provision of relevant support services and technical capability to eligible businesses participating in Broadland Food Innovation Centre project.

Following a show of hands it was:

### **RECOMMENDED TO CABINET**

1. Award the first set of suppliers (listed in Annex 2) which meet the specified procurement requirements a place on the BFIC DPS;
2. Agree the process of selecting additional suppliers and awarding subsequent contracts as set out in Annex 1;
3. Delegate authority to the Director of Place to make any required amendments to Annex 1 to ensure its continued appropriateness for the duration of the project;

4. Delegate authority to the Director of Place to award individual contracts in line with the process set out in Annex 1.

### **96 FUTURE MANAGEMENT OF STREETLIGHTS IN DRAYTON – DRAYTON PARISH COUNCIL**

The Community Assets Manager introduced the exempt report, which sought approval for the transfer of Drayton streetlights to Drayton Parish Council.

The Committee was informed that the proposal followed ongoing discussions with Drayton Parish Council, which wanted to take over responsibility for the streetlights.

Following a show of hands it was:

#### **RECOMMENDED TO CABINET**

1. Cabinet to agree to transfer Drayton Streetlights to Drayton Parish Council; and
2. Cabinet to agree to transfer the special expenses balance collected from households in Drayton to Drayton Parish Council for the purpose of improving and maintaining streetlights in Drayton.

(The meeting concluded at 2.00pm)

---

Chairman