

# Overview & Scrutiny Committee

## Review of Cabinet Agenda

### Agenda

#### Date

Tuesday 18 August 2020

#### Members of the Overview & Scrutiny Committee

Cllr S Riley (Chairman)      Cllr A D Adams (Vice Chairman)

Cllr S C Beadle      Cllr D King  
Cllr N J Brennan      Cllr M L Murrell  
Cllr P E Bulman      Cllr G K Nurden  
Cllr S J Catchpole      Cllr S M Prutton  
Cllr N J Harpley      Cllr C E Ryman-Tubb  
Cllr S I Holland      Cllr N C Shaw  
Cllr K S Kelly

#### Time

10.00 am

#### Place

Virtual Meeting

#### Substitutes Conservative

Cllr A D Crotch  
Cllr J F Fisher  
Cllr R R Foulger  
Cllr R M Grattan  
Cllr K G Leggett  
Cllr I J Mackie  
Cllr G F Peck  
Cllr J L Thomas  
Cllr K A Vincent  
Cllr J M Ward

#### Substitutes Liberal Democrat

Cllr D G Harrison  
Cllr C Karimi-Ghovanlou  
Cllr K E Lawrence  
Cllr D Roper

#### Substitute Labour

Cllr B Cook

#### Contact

James Overy tel (01603) 430540

Broadland District Council  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich NR7 0DU

E-mail: [james.overy@broadland.gov.uk](mailto:james.overy@broadland.gov.uk)



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**If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Director / Assistant Director**

#### Public Attendance

This meeting will be live streamed for public viewing via the following link:  
<https://www.youtube.com/channel/UCZciRgwo84-iPyRlmsTCIng>.

If a member of the public would like to attend to ask a question, or make a statement on an agenda item, please email your request to [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk) no later than 5.00pm on 14 August 2020.

# A G E N D A

Page No

- 1 **To receive declarations of interest under Procedural Rule no 8**
- 2 **Apologies for absence**
- 3 **Minutes of meeting held on 14 July 2020** **5**
- 4 **Matters arising therefrom (if any)**
- 5 **Chairman's Announcements**
- 6 **Public Speaking**

To consider representation from the members of the public who have expressed the wish to convey their views on items on this agenda.

In accordance with the Constitution a period of 3 minutes is allowed per member of the public.
- 7 **Cabinet Reports** **To follow**

To consider the Cabinet reports in respect of the 25 August 2020 meeting.

**N.B. the Cabinet Agenda will be published on the Council's website on 13 August 2020**
- 8 **Exclusion of Press and Public**

The Chairman will move 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.
- 9 **Exempt Minutes of the meeting held on 14 July 2020** **14**

Trevor Holden  
Managing Director

## **DECLARATIONS OF INTEREST AT MEETINGS**

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

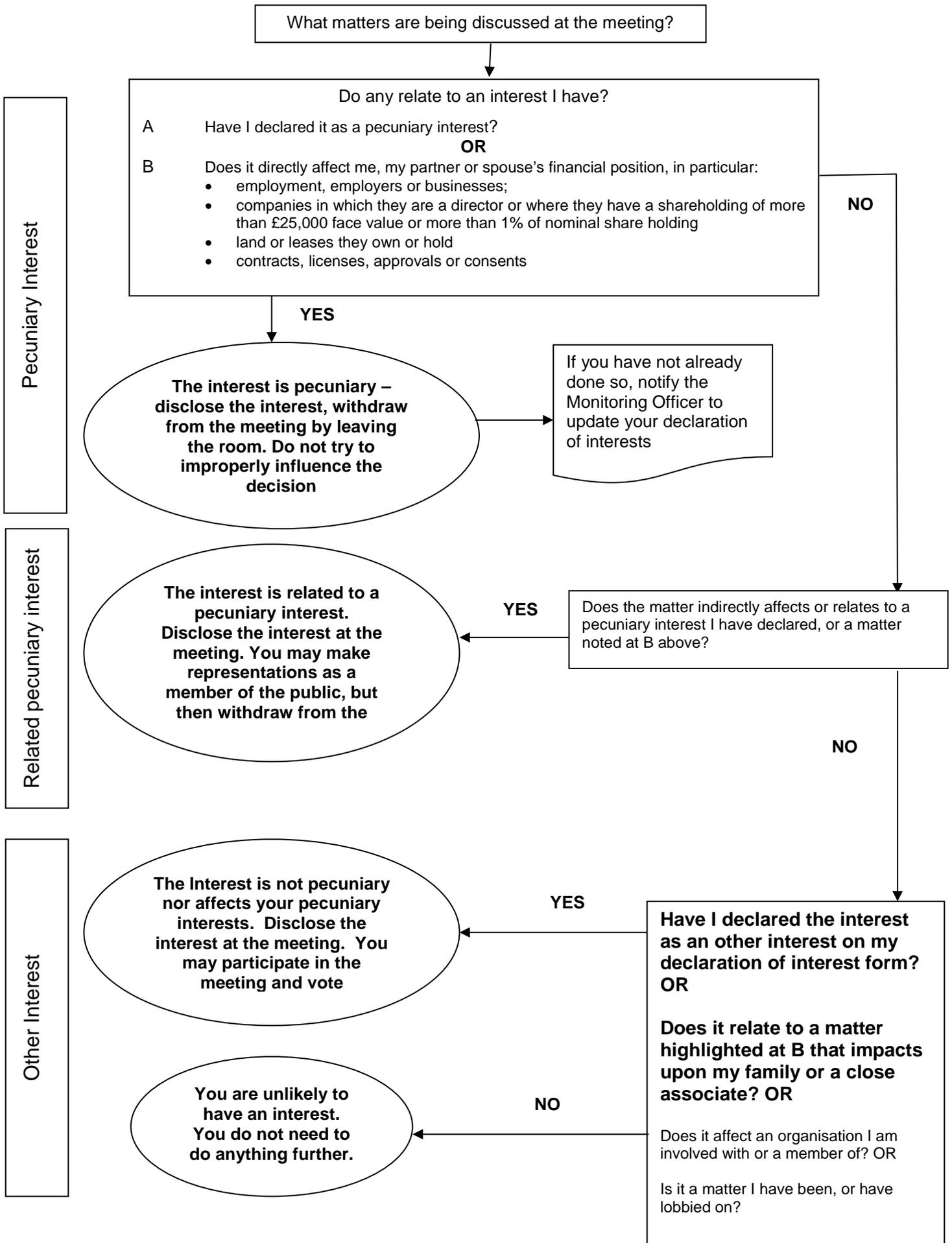
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF**

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER  
IN THE FIRST INSTANCE**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Overview & Scrutiny Committee – Review of Cabinet Agenda** held remotely on **Tuesday 14 July 2020** at **10.00 am** when there were present:

Cllr A D Adams	Cllr S Riley – Chairman	Cllr G K Nurden
Cllr S C Beadle	Cllr S J Catchpole	Cllr S M Prutton
Cllr N J Brennan	Cllr N J Harpley	Cllr N C Shaw
Cllr P E Bulman	Cllr S I Holland	
	Cllr K S Kelly	

Cll J Leggett also attended the meeting for its duration. Cllr T Mancini-Boyle and Cllr S Vincent were in attendance for part of the meeting

Also in attendance were the Director of Place, Director of Resources, Director of People and Communities, Assistant Director of Finance, Assistant Director of Governance & Business Support (Monitoring Officer), Strategy and Programme Manager, Innovation and Internal Consultancy Manager, Governance Manager, Senior Environmental Health Officer (Licensing), Environmental Management Officer, Transformation and Innovation Lead Officer, Senior Governance Officer, Democratic Services Officer (LA) and the Democratic Services Officer (JO).

### 142 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Cllr K Kelly	144 - Temporary Pavement Licensing	Non-Pecuniary Interest, Member of the Licensing Committee.
Cllr S Beadle	146 - Council Performance – Broadland Business Plan	Director of a company in receipt of Covid-19 Government grant.
Cllr K Kelly	147 - Environmental Strategy	Non-Pecuniary Interest, Vice-Chairman of the Environmental Excellence Panel.

### 143 MINUTES

The Minutes of the meeting held on 30 June 2020 were confirmed and signed by the Chairman as a correct record, save for the following amendment:

*Minute No: 141 – Overview and Scrutiny Committee Work Programme*

It was clarified that the comment in the eighth paragraph on page 9 of the Agenda had been made by the Vice-Chairman.

In response to a query regarding the convening of a Joint Working Group to look at housing allocations and affordable housing provision at an informal meeting of the Wellbeing Panel on 20 February 2020, it was confirmed that Cllr Whymark had exercised his delegated authority as a Portfolio Holder to form the Working Group. The Committee was asked to note that the Joint Working Group would be used to develop policy, which would then be taken through the formal Committee process. It was emphasised that the Working Group had no decision making powers.

Some concerns were expressed that Members had not been informed of the Working Group and that the Labour Group had not been invited to sit on the Working Group. It was confirmed that information on the activity of the Working Group would be included in the next edition of the *Members' Bulletin* and that an update would look to be taken to the next formal meeting of the Panel.

### CABINET REPORTS

#### 144 TEMPORARY PAVEMENT LICENSING

The Senior Environmental Health Officer (Licensing) introduced his report, which proposed setting temporary licensing fees and conditions and the delegation of authority to officers to issue Temporary Pavement Licences to local business premises.

Temporary pavement licensing by district councils was being proposed nationally by the Government to help maximise businesses' customer capacity following the Covid-19 emergency restrictions. Although the final legislation was awaited, a decision was required now to enable the necessary licensing administration processes to be put in place so the licences could be issued as soon as possible

The licences would allow businesses; such as cafes, restaurants and licensed premises to place removable furniture on certain highways adjacent to their premises.

The proposed process would allow for a five working day consultation period with the Highways Authority and other agencies, followed by a determination period of a further five working days. If the Council had not determined the application by the expiration of the determination period, the application was deemed approved.

Officers have calculated that an application fee of £75 would provide cost recovery for the Council, which was in line with South Norfolk and Breckland District Council.

The Vice-Chairman expressed concern that there was no right of appeal for a business, if their application was turned down.

There was also concern expressed about ensuring food safety and it was requested that Members be informed of any applications made in their Wards.

In response it was confirmed that the legislation did not currently allow for the appeal of a decision, but it was still in draft so might be subject to change. It was also confirmed that the administration of the licensing would be carried out by the food safety team, which were in the process of recruiting two new posts, so there would be no compromise for public health. Members would also be informed of any licences issued in their Wards.

The Portfolio Holder for Environmental Excellence advised the meeting that she supported the proposals and noted the comments regarding food safety and other concerns and would ensure that they were followed up.

In response to a query about tables that were already outside businesses, the Committee was advised that businesses already had the right to put tables on their own land. However, it was acknowledged that where the curtilage of a business ended and the highway began could sometimes be a grey area.

In response to a suggestion that businesses should be allowed to put tables and seating outside their premises without a going through a licensing process, the Director of Place advised the meeting that the Council had a duty to administer Government legislation. Officers would, however, give every assistance to help businesses complete their applications.

The Chairman, noted that the proposed £75 fee was a lot of money for small businesses and it was proposed and agreed that this fee should be waived for a period of six months. This alternative recommendation was therefore put to Cabinet from the Overview and Scrutiny Committee.

### **RECOMMENDED TO CABINET**

Options (1, as amended, 2 and 3)

- (1) *Issue temporary pavement licenses free of charge for a period of six months.*
- (2) Delegate authority to the following officers for the purposes provided at sub-paragraphs (a) and (b) below:
  - Licensing & Enforcement Officers
  - Senior Environmental Health Officer (Licensing)
  - Food, Safety and Licensing Team Manager
  - Assistant Director Regulatory
  - Director for Place
- (a) To decide whether to approve, refuse, or revoke pavement licences, also to set their durations.

- (b) To decide which licence conditions are attached to each licence (selecting from local standard conditions as established, and non-standard conditions as appropriate to individual circumstances).
- (3) Delegate authority to the following officers the power to enforce licence conditions and to vary or revoke individual licences:
  - Senior Environmental Health Officer (Licensing)
  - Food, Safety and Licensing Team Manager
  - Assistant Director Regulatory
  - Director for Place

### 145 BROADLAND AND SOUTH NORFOLK - OUR PLAN FOR RECOVERY FROM THE COVID-19 CRISIS

The Strategy and Programme Manager introduced her report, which recommended to Council the endorsement of the Recovery Plan from the Covid-19 pandemic and the subsequent review and update of the Delivery Plan for 2020/21 in the light of the Recovery Plan priorities.

The Recovery Plan was shaped around a six point plan based on the following three key themes: the Economy, Communities and Organisation and Governance. It was also recognised that the Plan would need to remain flexible, as the impacts of the pandemic became clearer over time. Therefore, the Recovery Plan would remain under review and adapted where needed. Organisational risks associated with the Recovery Plan and Delivery Plan would be monitored and reported, as part of the Quarterly Performance Reports.

A Member noted that there were a number of typographical errors in the report and also suggested that the report should have been taken to a joint Scrutiny Committee. However, the Chairman considered that this would involve unnecessary duplication.

A Member noted that the social distancing measures in Aylsham had made the experience of shopping unpleasant and had put people off visiting the town. It was confirmed that work was ongoing to improve the street scene in Aylsham.

In answer to a query about the delivery of IT, the Assistant Director of Governance and Business Support (Monitoring Officer) confirmed that the equipment and software provided to both staff and Members would be looked at as part of the infrastructure upgrade that had been approved, with the aim to ensure that both could perform their roles to the best of their ability. She added that the Service Improvement and Efficiency Committee would also be looking at IT delivery as part of their Work Programme.

It was requested that the identified typographical errors and amendments suggested be sent to the Strategy and Programme Manager following the meeting. It was also suggested that in order to make best use of the

Committee's time and ensure that their focus was on the content of the reports that comments regarding typographical and similar errors should be forwarded to report authors ahead of meetings in future.

The Committee endorsed the recommendations that were made to Cabinet

### **RECOMMENDED TO CABINET**

Options (1 and 2)

1. Cabinet to consider and recommend to Council, the endorsement of the initial Recovery Plan and priorities to support recovery from the Covid-19 crisis in Broadland.
2. Cabinet to recommend to Council the in-year review and update of the 2020/21 Delivery Plan, to be brought back to Cabinets in September 2020 and then onto Councils for agreement.

### **146 COUNCIL PERFORMANCE – BROADLAND BUSINESS PLAN**

The report provided details of the Council's performance against strategic measures as well as the risk and financial position for the fourth quarter of 2019/20.

The Assistant Director of Finance drew Members' attention to the financial position of the Council, which showed a provisional positive variance against the revenue budget at year end of £2.8m. This favourable position would allow an additional £1m to be added to reserves.

The main reasons for the variation were:

- An unbudgeted £1.3m due to the s.31 Grant received.
- Additional £0.4m from Investment Income.
- Resource underspend of £0.6m, including collaboration savings of £0.3m.
- Additional fee income of £0.1m within Place.
- Additional £0.4m within Housing Benefits Payments, driven by a £0.4m bad debt provision reduction.

Capital expenditure for the year was £4.4m compared to the budget of £5.7m. This was mainly due to slippages in areas such as the Warm Homes Fund and Disabled Facilities Grants. The Director of People and Communities advised the meeting that Covid-19 had effected delivery of Disabled Facilities Grants, whilst the Warm Homes Fund had been impacted by contractor delivery and less than anticipated take up by residents. Work was ongoing to encourage greater take up amongst vulnerable residents and to assist disabled people in the District generally.

*The Committee adjourned at 11.40am and reconvened at 11.48am when all of the Members listed above were present.*

The Transformation, Innovation and Internal Consultancy Manager took the Committee through the 17 Objectives appended to the report and the following comments were made:

**Objective 2 - To support our local communities by offering a range of opportunities, skills and employment prospects**

The Committee noted that since the Apprenticeship Levy and new Standards were introduced in 2017 there has been a steady decline in Intermediate Level Apprenticeship Starts.

A Time and Task Panel to look into this issue had been convened, but had not yet met to draft its Terms of Reference, this could also include investigating if adult apprenticeships were having a detrimental effect on younger people.

**Objective 4 - To improve energy efficiency and increase the uptake of renewable energy throughout the local area**

The Committee noted that the new Green Homes Grant for home insulation would be available from September.

**Objective 12 - To effectively manage our finances**

It was noted that Council Tax and Business Rates Enforcement action would recommence from 24 August with Zoom visits for homes and businesses. The dates when Courts would resume sitting would be forwarded to Members when they were made available.

Members were advised that the Council took steps to enable recovery and encouraged residents to contact the Team should they have problems with payment. Enforcement action was taken at the appropriate time and the current situation had been taken into account. There was extensive information on the Council website for people experiencing difficulty in paying their Council Tax and bills set out the help that was available.

It was confirmed that the Council Tax collection rate was down 0.2% on last year and at the present time business rates collection was 2% down. Collection rates were monitored on a monthly basis as part of the performance measures.

**Objective 13 - To use system thinking principles to improve services, maximise new income streams and deliver savings and efficiencies.**

It was noted that the Joint Lead Members Group monitored the costs/savings tracker, but had no decision making powers. This information formed part of the regular reports on finance to Cabinet and was also integral to the Medium Term Financial Plan.

Following a query regarding when the single website for both Councils was agreed, it was confirmed that this had been part of the decision for a single domain name in 2019.

Following a query regarding phone calls to the Council, it was confirmed that softphone telephony was provided at the start of the pandemic for key frontline calls, this was now being rolled out to all staff with Broadland equipment. This would significantly improve contact with residents and Members in the current environment.

A governance decision making map was requested and it was agreed that this would be provided in due course.

A list of the key transformation projects and an update on progress following Covid-19 was requested and would be sent to the Committee following the meeting.

### **Objective 14 - To maximise staff engagement**

Annual staff turnover was 10.70 % of the workforce. The Chairman requested that historical data, going back to 2013 be collated for the Staff Turnover item that was being considered by the Committee in September.

It was confirmed that exit interviews were undertaken for leavers and that common themes were address, as were any specific issues raised

The Committee requested that a summary of the Staff Survey carried out in March 2020 be provided. It was agreed that this would be looked into.

The Committee endorsed the recommendations made to Cabinet.

### **RECOMMENDED TO CABINET**

Options (a and b)

- a) Note the 2019/20 performance for the quarter and the combined efforts across the Directorates to deliver the Broadland Business Plan (detail contained in Appendix 1).
- b) Note the capital and revenue position and the reason for the variances on the General Fund (detail contained in Appendix 2).

### 147 ENVIRONMENTAL STRATEGY

The report author presented the Environmental Strategy and Action Plan, which had been developed based on previously agreed themes. The Strategy had been developed jointly with South Norfolk, but contained independent documents to reflect the priorities of each District. It was also emphasised that the Strategy was a living document that would evolve to meet future challenges.

The Portfolio Holder for Environmental Excellence thanked officers for their hard work on the Strategy and pointed out some early initiatives that cut across many Council services, such as tree planting, recycling and litter picks.

The Committee endorsed the recommendations made to Cabinet.

#### **RECOMMENDED TO CABINET**

Option (1)

That Cabinet recommends to Council:

To approve the Environmental Strategy (subject to any amendments suggested by Cabinet).

### 148 EXCLUSION OF THE PRESS AND PUBLIC

#### **RESOLVED**

to exclude the press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I 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.

### 149 REVIEW OF LEGAL SERVICES PROVISION

The Committee considered the report from the Assistant Director of Governance and Business Support (Monitoring Officer), which put forward options for the future provision of legal services at the Council.

Following discussion and consideration of all four options in the report, as detailed in the exempt Minutes it was:

**RECOMMENDED TO CABINET**

Option 4, as set out in the report.

*The meeting closed at 13.28pm.*

DRAFT

**NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1  
PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED) BY  
THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER  
2006 (contains information relating to the financial or business affairs of any  
particular person (including the authority holding that information))**

Pages 14 to 15 are not available to the public because the information is confidential as it includes exempt information about the financial or business affairs of a person