

## OVERVIEW & SCRUTINY COMMITTEE

Minutes of the meeting of the Overview & Scrutiny Committee held on Wednesday, 15 June 2022 in the Council Chamber - Council Offices at 9.30 am

<b>Committee</b>	Mr N Dixon (Chairman)	Mr S Penfold (Vice-Chairman)
<b>Members Present:</b>	Ms L Withington Dr V Holliday Mrs E Spagnola Mr C Cushing Mr P Fisher	Mr H Blathwayt Mr N Housden Mr A Varley Mr A Brown
<b>Members also attending:</b>	Mr J Toye (Observer) Mr J Rest (Observer) Mrs W Fredericks (Observer)	Mr E Seward (Observer) Mr T Adams (Observer)
<b>Officers in Attendance:</b>	Democratic Services and Governance Officer - Scrutiny (DSGOS), Chief Executive (CE), Democratic Services Manager (DSM), Director for Communities (DFC), Assistant Director for Planning (ADP) and Policy and Performance Management Officer (PPMO)	

### 1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr P Heinrich.

### 2 SUBSTITUTES

None.

### 3 PUBLIC QUESTIONS & STATEMENTS

None received.

### 4 MINUTES

Minutes from the meeting held on 11<sup>th</sup> May 2022 were approved as a correct record and signed by the Chairman.

### 5 ITEMS OF URGENT BUSINESS

None received.

### 6 DECLARATIONS OF INTEREST

Cllr A Brown declared a pecuniary interest for agenda item 12 and stated that he would abstain from voting and excuse himself from the meeting if any matters relating to the specific property concerned were discussed.

### 7 PETITIONS FROM MEMBERS OF THE PUBLIC

None received.

**8 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE BY A MEMBER**

None received.

**9 RESPONSES OF THE COUNCIL OR THE CABINET TO THE COMMITTEE'S REPORTS OR RECOMMENDATIONS**

The DSM noted that Cabinet had accepted the recommendations from the Overview & Scrutiny Committee's May meeting.

**10 MANAGING PERFORMANCE QUARTER 4 AND CUMULATIVELY FOR 2021/2022**

Cllr T Adams – Council Leader introduced the report and informed Members and began by stating that the 163 homes delivered was a good achievement against a target of 100, though he accepted that more were needed to address the numbers still on the housing waiting list. He added that continuing to meet targets would be challenging, given the circumstances presented by issues such as nutrient neutrality. Cllr T Adams reported that an Energy Officer had now been appointed, which was timely given the recent increase in energy costs. On building business growth and sustainability, Cllr T Adams stated that positive investment was being seen in areas such as North Walsham and in hospitality venues across the District. He added that additional investment was being targeted to encourage investment in the west of the District, whilst the NWHAZ project continued in the east. On customer focus priorities, Cllr T Adams stated that the Planning complaints process had been improved to accelerate outcomes, whilst significant progress had also been made on the climate coast and environment priorities, with a substantial number of trees planted toward the Council's target. He added that on quality of life, the Reef was continuing to exceed expectations, whilst good progress had been made on delivering changing places facilities in North Walsham, Sheringham, Stalham and Holt. It was noted that the Council had also recently hosted the Mammoth Marathon and maintained its blue flag beaches. Finally on financial sustainability, Cllr T Adams stated that 90% of energy rebate payments had now been made, with remaining residents being contacted to register for payments.

Questions and Discussion

- i. The CE noted that the report focused on performance against corporate priorities, whilst the Benchmarking report would consider national measures against similar and neighbouring authorities.
- ii. Cllr V Holliday noted that cross-referencing of the Performance and Benchmarking reports appeared to show interesting differences in performance. She added that affordable housing targets appeared to have been reduced from 183 to 100, and asked whether housing with care dwellings had been counted as part of overall affordable housing numbers. The CE replied that the housing waiting list could be discussed further under item 11, and noted that the Strategic Housing Team would need to provide information on the types of affordable housing delivered. He added that completion of care scheme projects such as Meadow Court in Fakenham would have been captured in performance reports, and that he would seek to determine whether these were included in affordable housing delivery data. Cllr W Fredericks stated that she would seek to provide a breakdown of the type of

dwellings included in the affording housing delivery data at the next meeting. Cllr A Brown suggested that there were 63 units at the Fakenham site counted as affordable homes, which may have been removed from the target figure. The CE stated that the reduction from 183 to 165 affordable homes may be a result of a delay in delivery of the exceptions scheme in Southrepps, caused by material supply issues.

- iii. Cllr C Cushing noted that there were 66 units at Meadow Court in Fakenham, thirty of which were shared ownership. He referred to efforts to make the planning process easier for affordable housing providers, which had a deadline of 31<sup>st</sup> March, and asked whether it had been achieved. Cllr W Fredericks stated that the ongoing impact of nutrient neutrality had detracted from officers being able to complete the task, though efforts continued to make the delivery of affordable homes easier for developers. She added that stakeholders were being encouraged to bring forward exception sites, alongside other efforts to support delivery. The CE suggested that it would help to have a standard approach to delivery, but this required further work to establish. Cllr C Cushing asked when a report on this could be expected, to which Cllr W Fredericks replied that she would provide further information at the next meeting. Cllr A Brown noted that most affordable housing schemes would take two to three years to deliver. Cllr J Toye stated that affordable housing scheme delivery was a complex issue with residents often opposed to allocated sites, whilst nutrient neutrality had caused further issues. He added that work continued to simplify the process, but it was difficult to provide a timescale at this time.
- iv. The ADP stated that the Council had previously won an award for innovation in partnership working with registered social developers and landlords to deliver housing across three different sites in an innovative and more affordable way, and these processes would continue to be utilised going forward.
- v. The Chairman noted that the report covered an extensive range of issues with various comments often made on the reporting format, and asked whether it would be possible to condense it, potentially with exceptions reporting. Cllr C Cushing stated that he was supportive of condensing the report to focus on outcomes, which he suggested would make it more accessible for scrutiny.
- vi. Cllr V Holliday stated that it would be unfortunate to lose a level of detail, but accepted that outcome focused reports would help to overcome process reporting that was not particularly useful. The DSM stated that it was considered good practice to use exceptions reporting, and the PPMO added that there were plans to overhaul the reporting framework for the next quarter, with focus placed on key outcomes and issues. It was suggested that this approach would reduce the report to approximately ten to twenty pages. Cllr N Housden suggested that a report summary formed of exceptions would be useful, with more detailed information to follow. The PPMO stated that she would raise the proposals for consideration.
- vii. Cllr W Fredericks suggested that it was helpful for Members to see what had been delivered, and there was a balance to be struck in future reports. Cllr S Penfold agreed that it was important to know where good progress had been made, but accepted the need to condense the report.

- viii. It was suggested that a review of new reporting formats could be considered at the September meeting. Cllr V Holliday stated that it would be helpful to see new formats prior to September, to avoid impacting scrutiny of performance at the meeting. Cllr N Housden agreed and stated that whilst there was not a desire to erode the positive work that had been done, the Committee needed to focus on areas of concern.
- ix. Cllr E Seward noted that the performance reports had previously been checked by the Audit Commission, and whilst this was no longer the case, additional information provided context to performance.
- x. It was noted that existing workload on officers and the absence of a meeting in August meant that September was a realistic timeframe for consideration of new reporting formats.
- xi. It was confirmed following a question from Cllr L Withington that a range of options would be presented to allow the Committee to choose its reporting format going forward. The CE added that whilst the InPhase contract was due to end in November 2022, he had requested that the service be extended until at least the 2023 elections, to maintain consistency in the reporting process.
- xii. The recommendation was proposed by Cllr N Housden and seconded by Cllr C Cushing, alongside actions on revised report format options at the September meeting.

## **RESOLVED**

- 1. To note this report and endorse the actions being taken by Corporate Leadership Team detailed in Appendix A – Managing Performance.**

## **ACTIONS**

- 1. To revise and present new performance management framework data focusing on outcomes/issues and/or exceptions reporting and present at the September O&S meeting.**
- 2. To review the new performance management framework and agree on key outcomes/issues or exceptions reporting at September O&S meeting.**

## **11 NNDC PERFORMANCE BENCHMARKING**

Cllr T Adams – Council Leader introduced the report and informed Members that it provided data on a range of measures with performance shown alongside other Councils. He added that Council Tax collection rates were a positive example, whilst more challenging measures included the number of residents on the housing waiting list. It was noted that measures such as this should be understood in the right context, with North Norfolk being a very desirable place to live with higher numbers of second homes and inward migration, which significantly increased housing demand.

### Questions and Discussion

- i. The PPMO reminded Members that a benchmarking briefing session had taken place, with a range of measures agreed for consideration. She added

that focus should be placed on areas where improvement was required, so that suggestions and recommendations could be made to address these areas.

- ii. Cllr V Holliday noted that the Council appeared to be fourth worst on the household waiting list, second worst on time taken to process housing benefit claims, third worst on household waste recycling and almost at the bottom for new enterprises created. She added that she did not see any decisions relating to actions, and felt that further benchmarking should be considered for matters relating to expenditure on central services, environmental and regulatory services, and public health. It was noted that actions taken in response to benchmarking data would be determined by Cabinet, though the Committee were free to make recommendations. Cllr V Holliday suggested that the Committee should make recommendations where benchmarked performance was poor, and add further measures as suggested. The CE stated that any recommendations would need to be carefully considered to account for the level of resource available, and noted for context that the high number on the housing waiting list was an issue shared with other regions with a high number of second homes. He added that this suggested that the policy tools may not be available to fully address the contributing factors. On recycling rates, it was noted that rural authorities often struggled to achieve rates comparable to urban areas, as a result of not collecting food waste. The CE stated that his concerns related to benefits performance, though an improvement plan was being developed to address the issue.
- iii. The Chairman noted that all benchmarking indicators required contextual background, and the aim of the report should be to identify areas where the Council was not performing as well as expected, why this was the case, and what could be done to address the issues.
- iv. Cllr W Fredericks stated that the speed of new housing benefits claims had been affected by legacy benefits that were changing to Universal Credit, which had caused complexities in working with the DWP, that had subsequently slowed down the process, though software was being considered to mitigate this.
- v. Cllr L Withington asked whether it would be appropriate to ask Cabinet where they could provide further contextual information to explain performance, taking into account that several issues were already being addressed as part of the Planning performance review and CCfA process. The Chairman replied that it was important to ensure that the Committee remained independent, and therefore must make its own decisions on what to consider when reviewing performance.
- vi. Cllr J Toye stated that it could be useful for the Committee to request reports on matters of concern, rather than seeking excessive data for consideration. The CE added that this had been the case for Planning performance which had been raised in the previous year, with clear progress made.
- vii. Cllr H Blathwayt noted that South Lakelands District appeared frequently in the benchmarking data, however this authority was now Westmorland and Furness unitary authority.
- viii. Cllr T Adams stated that he supported the Committee considering issues of concern, but felt that it would be helpful to provide further context of the issues that effected performance.

- ix. The recommendations were proposed by Cllr A Brown and seconded by Cllr H Blathwayt.

## **RESOLVED**

**To Receive benchmarking information as follows;**

- 1. Use the CIPFA nearest neighbours comparator group.**
- 2. Report on a quarterly basis at the same time as the performance reporting.**
- 3. Seven key benchmarking areas to be included in the initial report as laid out in appendix 1.**
- 4. Performance areas are reviewed on a six-monthly basis.**

## **12 ENFORCEMENT UPDATE - JUNE 2022**

Cllr J Toye – Planning and Enforcement Portfolio Holder introduced the report and informed Members that the enforcement matrix had been removed as it was available elsewhere and updated on a regular basis, whilst the report had been condensed to focus on exceptions.

### Questions and Discussion

- i. The Chairman noted that on several occasions reference had been made to a 'number' of actions, and suggested it would be more helpful if the specific metrics could be identified. He added that this could have been addressed at pre-agenda stage, but suggested that these figures could likely be clarified after the meeting. Cllr J Toye accepted the comments and suggested that he would seek to provide the information in the coming weeks.
- ii. The ADP informed Members that the DFPC was now the senior reporting officer for matters of enforcement, though he was unable to attend the meeting on this occasion. He added that in terms of progress, the closure of a nine year case at Little Harbord House in Cromer, had resulted in a successful outcome of granting planning permission that would regularise issues on the site and deliver housing. It was noted that other cases were moving forward, with prosecutions being pursued where necessary.
- iii. The ADP noted that the overall figure for long-term empty homes remained at no more than 1% of the District, and was expected to soon fall below 400. He added that joint working with the Housing Strategy Team was being pursued to deliver a long-term empty homes Policy, with an expectation to complete in autumn 2022, which would enable enforcement action to be pursued on longstanding empty properties. It was noted that the combined enforcement caseload remained high, with 245 cases down from 305 in the previous reporting period, 144 of which were new cases, meaning that 164 cases had been closed.
- iv. The ADP reported that a revised webpage for combined enforcement had gone live in December 2021, with an interactive e-complaint form that provided officers with greater clarity. He added that this was supported with an expediency matrix, alongside a revised enforcement plan that provided

officers guidance in their decision making. It was reported that recruitment would soon begin for a Conditions Monitoring Officer and an Enforcement Apprentice, which would provide significant additional resource to the Team.

- v. The Chairman referred comments on the Waterfront Rooms in Hoveton, and suggested 'closure expected on receipt of application' appeared an ambitious statement, given the years that had passed waiting for an application, which would then require approval and implementation. The ADP stated that the Council was engaged with the Waterfront Rooms as a potential compulsory purchase option, however if a planning application was received it would still be seen as significant progress for the site. He added that if the application was refused or undelivered, then the site could return to the enforcement process for further action. The Chairman replied that public perception had to be considered to manage expectations, as closure from the public's point of view would only be realised when the site was cleared and redeveloped.
- vi. The Chairman referred to Arcady and asked whether this should feature within the report. The ADP replied that the matter related to the demolition of an unauthorised dwelling at Cley next the Sea, and stated that whilst it remained on the enforcement matrix, officers were awaiting the outcome of a planning appeal that would determine the way forward. He added that unlike the Hoveton issue where the Broads Authority were responsible for planning applications, Cley was within the remit of NNDC, and further action could be expected once the appeal outcome was known.
- vii. Cllr N Housden referred to Tattersett Business Park and asked whether the outstanding business rates had been collected. The ADP replied that the collection of business rates was moving forward through the legal process, and was subject to reclaim as a result of legal action. Cllr N Housden stated that minutes from September suggested that little progress had been made and more information was therefore required. The ADP replied that the Enforcement Board took the matter very seriously and were awaiting action from Eastlaw to pursue the matter through the legal process. Cllr N Housden stated that the Environment Agency had also been involved in recent meetings, and it would be useful to understand their contribution, as it was his understanding that there was still no licence in place for waste tyres on the site. The ADP replied that he would report directly to the local Member on matters relating to the Environment Agency, and stated that prosecution was expected to begin in Autumn 2022.
- viii. The Chairman referred to comments that Members were kept informed of enforcement action in their wards, which he suggested was not always adhered to, even though Member support was crucial to pursuing action, as had been the case in Hoveton. Cllr N Housden stated that he was aware of other meetings that he had been precluded from and suggested that this was not in-line with efforts to keep local Members informed. The ADP replied that if a recommendation was formed to place greater emphasis on notifying Members of enforcement action, he would be happy to pursue this with the Portfolio Holder. He added that Members were also welcome to approach officers for information, as the high number of active cases made it difficult for officers to determine where information was required. The DSM stated that notifying local Members was an issue that had been raised previously by the Licensing Committee, who had recommended strengthening guidance within the Member-Officer Protocol.

- ix. Cllr V Holliday asked whether there were any performance measures for enforcement, such as case closures or time taken to close. The ADP replied that there were no national performance measures, though this could be actioned through the Portfolio Holder, using existing information on the number of cases closed and outstanding cases. Cllr J Toye stated that beyond providing information in enforcement reports, there had to be an element of self-help, as the InPhase system was available for all Members. The Chairman suggested that it would be helpful to be kept up to date on progress with significant cases, as well as keeping Parish and Town Councils up to date. It was suggested that Members had a duty to take an interest in enforcement action taken in their wards, and if not contacted automatically, they should approach officers for further information. Cllr A Brown noted that unlike the regular Planning system, it was not possible to track enforcement cases or register electronically for updates, though he had found that expressing an interest with officers had prompted regular updates. Cllr J Toye noted that enforcement cases could be tracked using the Planning system, albeit with less detail.
- x. Cllr L Withington suggested that a briefing could be useful to explain the compulsory purchase process. The ADP replied that the CPO process was led by the Legal Team, but he would be happy to support a briefing if required. He added that CPO of the Shannoeks site in Sheringham continued, with efforts being made to start development in Autumn 2022, with completion expected by Autumn 2023. The Chairman noted that CPOs were complex but also very rare, and he did not feel that a general briefing would provide the level of detail required to understand the process.
- xi. Cllr N Housden stated that on matters of serious concern, such as the situation at Tattersett, it would be useful to have an Eastlaw representative in attendance to provide details of any legal proceedings in private session.
- xii. The Chairman summarised comments and noted the additional proposal to recommend that Members are notified of all major enforcement action or significant progress made in their wards. The recommendations were proposed by Cllr N Housden and seconded by Cllr P Fisher.
- xiii. Cllr A Brown abstained from voting.

## **RESOLVED**

- 1. To note the continued progress of the Enforcement Board and the Combined Enforcement Team**
- 2. To request that Members are notified of all major enforcement action taken, or any significant progress made on cases within their wards, as outlined in the Member-Officer Protocol.**

## **13 OVERVIEW & SCRUTINY ANNUAL REPORT 2021-22**

The DSM introduced the report and informed Members it provided a summary of the work undertaken by the Committee in the 2021-22 municipal year. She added that it was a statutory requirement for the Committee to report its annual work to Full Council, and that it followed a regular format that would have been seen in previous years. It was noted that the Committee were using a range of tools to make effective recommendations such as pre-scrutiny, CCfAs, and sub-Committees in the form of



the Scrutiny Panel. The DSM stated that the Executive-Scrutiny Protocol was working well, with regular meetings now taking place and increased engagement with Cabinet Members regularly attending meetings. She added that if approved the report would go to Council for consideration in June.

#### Questions and Discussion

- i. The Chairman noted that there had been no Call-ins during the 2021-22 year, which should be taken as a positive indicator that matters could be resolved without the need for escalation. He added that the recommendations highlighted concerns that issues remained from previous years such as ongoing issues with substitutes, or the addition of late reports which limited the Committee's efficacy.
- ii. Cllr S Penfold thanked the Scrutiny Officer for his support of the Committee and in his role as Vice Chair and the Chairman seconded the comments.
- iii. The recommendations were proposed by Cllr S Penfold and seconded by Cllr H Blathwayt.

#### **RESOLVED**

**1. To recommend that Council notes the report, affirms the work of the Overview & Scrutiny Committee, and considers the following concerns raised within the report:**

- **Additional Committee substitutes required to adequately address the number of apologies given.**
- **Late submission of reports continues to cause volatility in the Work Programme.**
- **Too many 'last minute' requests to include items under Urgent Business which degrades both the quality of scrutiny and the opportunity to add maximum value to the process.**

#### **14 THE CABINET WORK PROGRAMME**

The DSM noted that whilst several financial reports were expected in July, these were more likely to be considered in September, due to ongoing resourcing issues in the Finance Team. She added that the Engagement Strategy was similarly expected in July, with a workshop planned to discuss the Strategy on 24<sup>th</sup> June.

#### **RESOLVED**

**To note the Cabinet Work Programme.**

#### **15 OVERVIEW & SCRUTINY WORK PROGRAMME AND UPDATE**

- i. The DSM noted that financial reports could be expected in September, whilst the Reef project had also been delayed as a result of officers awaiting closedown of the contractor's accounts. She added that representatives from EEAST and the CCG had confirmed their attendance for the July meeting to discuss ambulance response times, with remote attendance expected. It was noted that the Second Homes and Holiday data report and the Public Convenience Recommendations were also expected in July.

- ii. The Chairman noted that he had agreed to delays in the Reef Project report, though he was concerned of delays with the financial reports and hoped that the Outturn report would be prioritised.
- iii. Cllr W Fredericks referred to comments on the number housing units delivered during discussion of the Performance report and noted that the number delivered included 64 affordable, 96 shared ownership, and 66 housing extra care flats in Fakenham which were included in the total. Of these 66, 30 were affordable rent and 36 shared ownership. It was noted that officers had also offered to provide a briefing on the impact of nutrient neutrality on housing deliveries in September.

**RESOLVED**

**To note the Committee Work Programme.**

**16 EXCLUSION OF THE PRESS AND PUBLIC**

The meeting ended at 11.24 am.

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Chairman