

OVERVIEW & SCRUTINY COMMITTEE

Minutes of the meeting of the Overview & Scrutiny Committee held on Wednesday, 13 November 2019 in the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 9.30 am

Committee	Mr N Dixon (Chairman)	Mr T Adams (Vice-Chairman)
Members Present:	Mr H Blathwayt Mr P Heinrich Mr G Mancini-Boyle Mr J Toye	Mrs W Fredericks Mr N Housden Miss L Shires Mr A Varley
Members also attending:	Cllr N Lloyd, Cllr P Gove-Jones, Cllr J Rest, Cllr A Fitch-Tillett, Cllr E Seward, Cllr V Gay	
Officers in Attendance:	Democratic Services and Governance Officer (Scrutiny) (DS&GOS), Head of Legal & Monitoring Officer (HOL), Head of Environmental Health (HEH), Democratic Services Manager (DSM) and Head of Finance and Asset Management/Section 151 Officer (HF&AM)	
Also in attendance:	The Police & Crime Commissioner (PCC), District Superintendent and the PCC's Communications Officer	

18 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr E Spagnola and Cllr N Pearce.

19 SUBSTITUTES

None.

20 PUBLIC QUESTIONS & STATEMENTS

Public questions were received for the Crime and Disorder Briefing, and were taken as part of the item.

21 MINUTES

Minutes of the meeting held on 16th October were approved as a correct record and signed by the Chairman.

22 ITEMS OF URGENT BUSINESS

None received.

23 DECLARATIONS OF INTEREST

None declared.

24 PETITIONS FROM MEMBERS OF THE PUBLIC

None received.

25 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE BY A MEMBER

None received.

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

The DS&GOS informed Members that at its meeting on 4th November, Cabinet considered the Committee's recommendations on the draft framework of the Corporate Plan. It was reported that recommendation one had been partially accepted and the residents' survey used to inform the Corporate Plan had been shared with Members, though the return metrics had not. Recommendations two to six had been accepted and implemented. The DS&GOS informed Members that recommendation seven had not been accepted as Cabinet felt that a better name for the Customer Focus theme had not been forthcoming. Recommendations eight to ten were accepted and had either been implemented, or would be at the appropriate time.

27 CRIME & DISORDER BRIEFING - RURAL POLICING

The Chairman introduced the Police and Crime Commissioner (PCC) – Lorne Green, District Superintendent – Mike Britton, and the PCC's Communications Officer – Dominic Chessum.

The PCC thanked the Committee for the invitation to speak and stated that he had recently held similar briefings across the county. He congratulated the district on the success of its good neighbour schemes, with ten in place and two more in the pipeline, and suggested that these were a great help to vulnerable people suffering from issues of rural isolation.

Domestic abuse was discussed, and the PCC stated that he was putting considerable effort and funding into tackling the issue, that resulted in up to sixty calls per day in Norfolk. He added that he had recently attended the launch event for a Leeway campaign to raise awareness amongst men and boys of their responsibility to understand the malign nature of domestic abuse and promote gender equality.

The PCC congratulated Members on living within what was statistically, the safest district in the Norfolk. He added that the district's police force had also recently received national recognition for being rated within the top three police forces in the country for efficiency. The county itself was also reported to be within the top ten safest in the country. Despite the positive statistics, the PCC did accept that there were still problems in the district, such as the previously mentioned cases of domestic abuse, which were exacerbated by the isolation and distance of the district. As a result, the PCC stated that all Norfolk residents deserved the same police service whether they lived in a city, town, village or hamlet. Therefore, the PCC stated that tough decisions had to be made to make the best use of the limited resources available, and this meant that public safety was often given priority over non-violent crimes.

The Superintendent informed Members that he had been appointed as District Commander for North Norfolk and Gt. Yarmouth on the 9th of September, and that this was his first public meeting since taking the position. Whilst he accepted that the

change in structure had meant the loss of a dedicated Superintendent and Chief Inspector, he assured Members that no front-line police officers had been lost. It was reported that there had been a slight increase in the ranks of inspectors as a result of the change, and that this had allowed more community policing to take place. Visibility of police officers remained a key challenge for the force, as it now covered a much larger area, though at three months in, the Superintendent stated that he had met with many of the local authorities in the area.

The Committee was informed that there were seven Safer Neighbourhood Teams in North Norfolk, each with their own dedicated beat manager, that were embedded in local communities. In addition, Members were reminded that the district also had an Operational Partnership Team, led by a dedicated inspector based in Cromer, that focused on early help via a partnership approach. On the Broads, specialist Broads Beat officers policed the water ways, and a dedicated Engagement Officer had been employed for North Norfolk to manage community surgeries and maintain the force's online presence. It was reported that a number of officers were also specially trained to deal with wildlife issues, and two officers had been trained in advanced drone piloting to tackle marine and agricultural crime in remote areas. On volunteer policing, the Superintendent stated that there were currently ten community speed watch groups active in North Norfolk, with two further groups in the pipeline, whilst special constables were reported to have contributed over thirty hours in October. He added that the force aimed to cover as many community and agricultural events as possible, as well as hosting its own rural crime engagement events in Hickling and Holkham.

The Superintendent raised performance monitoring, and stated that his statistics covered up to the end of August 2019. It was reported that all crime had increased, and though this was a national trend, the majority of the increase was for violent crimes including domestic abuse. It was suggested that this could in-part be due to an increase in reporting of domestic abuse, with seventy-six recorded violent crimes in the past four weeks, of which a third were domestic abuse. Burglary statistics were had remained relatively static, at around twenty per month for businesses and residential properties. Theft figures were considered fairly high, but with no visible trends there was no particular cause for concern. Vehicle theft was reported to have remained relatively static, though high value thefts had become a national issue. On more recent events, Halloween and Bonfire Night were discussed as triggers for anti-social behaviour, though it was reported that both had gone smoothly.

On rural crime, the Superintendent informed Members that the Operation Randall task force had been set-up to tackle the issue, which was run centrally by the Citizen and Community Policing Teams. The service was linked to a fast SMS group with over sixty Members to enable the rapid exchange of information. Members were informed that a rural crime newsletter was circulated, and that the police also organised rural-crime action weeks. In addition to these efforts, operations such as Optroverse and Opspondent had been established to ensure fishing laws were being enforced and outboard motor theft was kept to a minimum. Work was also ongoing with churches and the Young Farmers Association to raise awareness of crime affecting these organisations in rural areas.

The Superintendent stated that overall the district was in a good position, and that he had not seen any significant changes since taking over in September. The PCC added that it was important to remember that the district could not enforce its way out of all problems, and that there must be a joint up approach to address wider issues in a more holistic way. He suggested for instance that there was little to be gained from criminalising young people for non-serious crimes, and that in some

cases engagement and rehabilitation was a far better option.

Questions and Discussion

A number of questions were submitted in advance of the meeting for review by the PCC and accompanying officers. The questions are included below for reference, followed by the responses:

“The public often complain that they rarely see their local community police officer and have no knowledge how he carries out his/her duties. Would you be open to allowing a reporter from the local press to shadow a community police officer for the day and to report his findings in the press, subject to appropriate confidentiality and editorial safeguards? If agreeable could it be done on two separate days in 2 different locations, say Hoveton and Cromer?” – The PCC replied that he welcomed the proposal and would also like to accompany the officers where appropriate. He added that community or parish noticeboards should identify the local beat officer and provide their contact details for local residents. The Superintendent added that open days were held at local police stations to improve community engagement, and that details of these could be found on the Norfolk Constabulary’s website and social media accounts. It was agreed that details of these events would be shared with Members.

“The main perceived difference between traditional beat policing and community policing is that prosecution is seen as a later option for dealing with offenders than the traditional methodology. The main problem that the public find is that prosecution policy with the community police in Norfolk means that it is rarely used even in the most extreme cases. Have things gone too far the other way?” – The Superintendent replied that community officers have the same powers to prosecute, but often looked for alternate methods to rehabilitate rather than criminalise individuals. He added that the police did not necessarily decide which cases made it to Court for prosecution, as this was determined by the Crown Prosecution Service via a threshold test. It was also suggested that prosecution could be victim led, in which case sometimes a simple apology was enough.

“In future can we please record all crimes each month? These data should include e.g. ‘white-collar’ crimes, assaults, violent crimes and any others which, with these, are currently excluded” – The Superintendent replied that crime figures were reported in a standard format against Home Office statistics, therefore issues like white collar crime would not be recorded as such, but could be covered by fraud, for example.

“In future can we please recognise that all crimes are not equal? Thus in our evaluation of data differing weightings should be given to the differing categories of crime.” – The PCC replied that new legislation had recently been passed to increase sentences for assaults on emergency workers, and a similar proposal was planned for animal cruelty. The Superintendent added that weighting for different crimes was set by legislation, although investigations could be tailored to the victim within the context of the crime.

“The changing crime and community safety threat environment, as well as pressure on resources, dictate evolution of Policing models; how do you see Norfolk Policing model changing and, in particular, how the public and partner agencies (like NNDC) need to relate and interact to add value and ensure best outcomes for the County?” – The PCC replied that policing had changed, and that the whilst loss of PCSOs was unfortunate, the Constabulary had adapted to changes in the types of crime being

committed. For example, cases of fraud continue to grow, which meant that more officers were needed behind computer screens, and not necessarily on the street as traditional beat officers. In addition, officers were now equipped with body cams for safety, used tablets for note-taking, and a roll-out of Tasers was underway for officer protection. Despite these changes, it was stated that victims still had to ensure that they reported crimes, and that everyone had a responsibility to police public decency.

The Chairman gave permission for a member of the public that had submitted questions to ask a supplementary question. The Member of the public clarified that by white collar crimes he had meant scams, that he suggested the police ought to be collecting data on. The Superintendent replied that in these cases, data was collected by Action Fraud, and as such, was not included in local crime statistics. The member of the public stated that the statistics also treated all crimes equally, and suggested that violent crimes such as domestic abuse should be given greater weighting in comparison to theft, for example. He added that he believed that crimes could be weighted successfully for better understanding at SNAP meetings. The Superintendent replied that the Safer Neighbourhood Action Plan meetings allowed communities to express their priorities and concerns to the Constabulary, and therefore if a community had any particular concerns, it should raise these prior to the meeting.

Cllr N Housden stated that he was pleased to hear that Norfolk was statistically a safe county, but raised concerns that stalking and harassment had risen 37% since 2008. He then asked if this data could be raised at SNAP meetings. The Chairman suggested that this data could help improve the perception that that prosecutions are not pursued. The PCC replied that 50% of domestic abuse victims didn't press charges, and that many reports were historical, therefore it was difficult to find the strong evidence base required for prosecution, hence the rates remained relatively low.

Cllr T Adams stated that he was encouraged to hear of investment in drone technology, and asked whether funding had been obtained for thermal imaging cameras, whether mobile phone connectivity was an issue for the Constabulary, and what could be done to improve the prosecution rates for domestic abuse. The PCC replied that between £150k-£200k had been spent on drones, which included thermal imaging cameras, and a larger drone that could withstand severe weather conditions. On domestic abuse prosecutions, the PCC suggested that this was a complex issue, but noted that figures in Norfolk were good compared to the rest of the country. The Superintendent replied to the mobile connectivity question, and stated that whilst connectivity was always an issue in rural areas, officers did have the power to connect to local networks. Furthermore, any notes or work that was completed offline, was automatically uploaded once a connection was restored. On prosecutions, he added that the Constabulary could pursue victimless prosecutions if necessary, though these were reliant on discretion.

In summary, the PCC stated that the local media would be invited to attend a beat, and that the times and dates of this would be communicated once known. He added that there was an open invitation for Members to see how the Constabulary worked on a day to day basis.

The Chairman thanked the PCC and officers for their attendance.

Cllr V Gay - Portfolio Holder for Culture and Welling introduced the update and informed Committee Members that the financial figures remained the same, the Sport England grant was on track to be delivered in late November, and whilst there had been some issues with construction, no additional cost to the Council was expected.

Questions and Discussion

Members were reminded that the Internal Audit Team had been asked to undertake a review of the project, which was expected to be reported to the Governance Risk & Audit Committee in December, and could also be seen by O&S Members.

The Chairman referred to the concrete slab issue, and asked whether the knock-on costs of this would be covered by the existing contingency sum, or whether the surveyors would absorb the costs. He also asked to what extent the contingency had been eroded. Cllr V Gay replied that it was her understanding that it would not affect the contingency, though she would seek to provide a written response for further clarification.

Cllr N Housden asked for clarification on the contingency, and whether the aforementioned issues would have an impact on the project's time schedule. Cllr V Gay stated that the delay would be known by the 21st November, and this would be communicated to Members once known. The S151 Officer later confirmed that the project contingency comprised of a £200k construction contingency and a £75k client contingency. It was confirmed that £53k of the contingency had been spent.

The Chairman suggested that these questions be answered both in writing to Committee Members and to all Members during the Portfolio Holder updates at Full Council.

RESOLVED

To note the Update.

29 BUDGET MONITORING REPORT 2019/20 - PERIOD 6

Cllr E Seward – Portfolio Holder for Finance introduced the report, and sought to clarify that South Norfolk District Council (SNDC) remained, at the time of the meeting, a member of the Norfolk Business Rates Pool (BRP).

Questions and Discussion

Members were informed that SNDC's inclusion in the BRP had been brought into doubt after the NHS had publically challenged their obligation to pay business rates, with a decision on the outcome expected in February 2020. Whilst it was expected that both sides would appeal the decision if ruled out of favour, the Council's position was that it would remain in the BRP until further notice, and accept its share of the liability if the case against the NHS was lost. It was confirmed that the Council did have a business rates reserve of £2.3m, to cover the compensation of £0.5m for smaller hospitals in the district and approximately £1m for the Norfolk and Norwich University Hospital, should the case be lost. Members were reminded that this was a national issue, and that all Council's had to hold these reserves until the case was decided.

Cllr E Seward informed Members that a request for match-funding required for the

North Walsham Heritage Action Zone Project would go to the next meeting of Council.

On the financial provision for the purchase of waste contract vehicles outlined in the report, Cllr E Seward stated that it was cheaper for the Council to buy the vehicles itself, and doing so would also provide additional security to the continuation of the service if the contractor were to go into administration.

Cllr G Mancini-Boyle asked if there were any other known business rates appeals underway, and whether they would be backdated. The HF&AM replied that there was an appeal underway for ATMs, but noted that there was a delay in the check challenge appeal process. He added that the Council would appeal the decision if the outcome was particularly unfavourable.

Cllr T Adams asked if an estimate was available for the financial impact of the December General Election. The HF&AM replied that the election would be funded by Central Government, though the Council would have to cover the costs in the short-term.

RESOLVED

To commend the Report to Council.

30 THE CABINET WORK PROGRAMME

The DS&GOS informed Members that the Cabinet Work Programme was up to date, and stated that Members could expect to see the Medium Term Financial Strategy at the December meeting.

RESOLVED

To note the Cabinet Work Programme.

31 OVERVIEW & SCRUTINY WORK PROGRAMME AND UPDATE

The DS&GOS informed Members that O&S Work Programme was up to date, and that the Treasury Management and Financial Strategy reports were expected to be on the agenda for the December meeting. It was suggested that the Beach Huts monitoring would be a small item to ensure that the Committee's recommendations had made a positive impact to the service. The DS&GOS stated that the rural transport briefing may take time to arrange, as it was not a direct responsibility of the Council, and would therefore require input from an external organisation.

Members were informed that all actions from the last meeting had either been completed, or would be at the next Council meeting.

RESOLVED

To note the Overview & Scrutiny Work Programme.

32 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and

public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A (as amended) to the Act.

33 WASTE & RELATED SERVICES CONTRACT PROCUREMENT

Cllr N Lloyd – Portfolio Holder for the Environment introduced the report, and informed Members that the joint procurement of the waste contract was a process that had begun in 2017. He stated that it had been a Cabinet decision to take this approach, and that Members had been given several opportunities to shape the contract requirements throughout the process. It was explained that the procurement was at an extremely sensitive stage in the process, and as such it was necessary for the discussion to be held in private, to avoid compromising the bidding process. Cllr N Lloyd thanked the HEH for his tireless efforts in facilitating the process.

Questions and Discussion

The HEH stated that the procurement process had been governed by an EU Directive ‘Public Contract Regulations 2017’, which allowed five different methods for contract procurement. There were two options available for complex procurement of the type required for the joint waste contract, one of which allowed for dialogue with bidders. It was suggested that the Council had a clear aim for the contract, but that there would be benefit in allowing bidders to come forward with ideas. As a result, the Competitive Procurement with Negotiation (CPN) method was chosen, which enabled negotiation without extension of the process.

The HEH stated that during the initial stages of the procurement process, several steps were taken to mitigate risks, such as ensuring that bidders could demonstrate their ability to meet contractual obligations. It was reported that only two bidders came forward at this stage, as several companies did not have the resources to bid for additional contracts at the time. It was noted however, that having only two bidders had significantly simplified the process. Members were informed that the process was now in the final tenders stage, and that the contract would be awarded at Cabinet on 6th December.

On vehicle pricing, Members were informed that due to uncertainties such as Brexit, prices could not be guaranteed for any longer than thirty days, hence a second evaluation stage was included that would transfer any risk of vehicle price increases onto the bidder.

The Chairman asked what would happen if there was a substantive and material challenge during the standstill period. The HEH replied that if this were to happen, the Council would take advice from the appointed external legal consultant. He added that three different consultants had been used for the project, and it was hoped that the risk of challenge had been reduced to a minimum.

Cllr G Mancini-Boyle asked whether the Council was protected from the market price fluctuation of recyclables. The HEH replied that the processing of recyclables was not a part of the contract, but was covered by Norfolk Environmental Waste Services, that NNDC was party to. He added that there was volatility in the market of recyclables, and that there was flexibility in the contract to protect the council from this. It was suggested that some recycling costs offset others, further reducing any financial burden on the Council.

It was confirmed, following a question from Cllr P Grove-Jones, that the Councils

included in the contract were NNDC, Breckland DC and Kings-Lynn & West Norfolk BC. It was reported that Broadland DC had withdrawn from the joint procurement process in order to align itself more closely with South Norfolk DC.

The HLS reminded Members that the Cabinet meeting due to be held on 2nd December had been moved to 6th December, to align with the BDC and KLWNBC. She added that Members would also be asked to approve funding for the waste vehicles at the next Council meeting. It was stated that if the waste contract bids were outside of the predicted budget envelope, then the Overview & Scrutiny Chairman would be consulted to allow Cabinet to make the urgent decision to provide additional funding.

Cllr P Grove-Jones asked where the vehicles purchased by the Council would be kept, who would pay for their maintenance, and who would be liable for collection delays. The HEH replied that the Council would only pay for the purchase of the vehicles, and that all other costs such as maintenance and repair would be covered by the contractor. He added that each Council would have a Supervising Officer, and it would be their duty to ensure that the contractor was maintaining the vehicles to the required standard. It was suggested that the purchase arrangement would also provide financial benefits for the Council, as it would not be paying higher interests rates and profit on top of the vehicle costs. Cllr P Grover-Jones then asked whether the vehicles would be the same in each district, and what the cost of each vehicle would be. The HEH replied that the vehicles may differ slightly for each district due to varying access and landscape requirements. On vehicle costs, it was stated that the average freighter would cost between £150k-£200k, and that it was expected that the contractor would require between 13-15 different size vehicles to satisfy its obligations. Of the total fleet, ten would be for standard waste collection, two for garden waste, and others residual vehicles. The anticipated total sum for the vehicles was £4.5m, which officers did not expect to exceed. The Chairman said that he assumed the vehicles would be left on the premises of the contractor, and asked if this would be an issue. It was confirmed that the vehicles would be kept on the contractor's premises, however if the contractor were to go into administration, then the Council would be able to prove ownership of the vehicles and have them released.

Cllr N Housden asked if the Council could insure against the contractor going into administration, to which the HEH replied that the parent company of the contractor was required to either guarantee or bond the contract. This meant that if the contractor were to fail, then the parent company would need to either deliver the contract itself, or pay a sum to the Council to deliver the service, which would effectively lead to re-procurement.

It was confirmed following a question from Cllr W Fredericks that the contract would initially last nine years for NNDC, with the other Council's commencing from the start of the second year. Members were informed that the contract could be extended for a further eight years if required. In response to a follow-up question from Cllr W Fredericks, Members were informed that the vehicles were expected to last approximately nine years, and that after this point, the Council would have to procure replacements, hence the contract length was aligned to the vehicle lifespan. Members were informed that the current contract with Kier had been extended by one year for NNDC to align more closely with BDC and KLWNBC.

Cllr T Adams referred to the possibility of food waste collection, and asked whether this would have an impact on the climate as a result of an increased carbon footprint. He then asked if street cleansing and parks maintenance would be

included in the contract, as an expected service requirement. The HEH replied that in terms of food waste, there was a desire to collect in some authorities as a result of the tonnage that could be saved from landfill, which would result in the ability to reclaim recycling credits. It was noted that these collections were often made weekly in separate bins, and would likely result in an additional cost of approximately £67k per annum. With regards to the carbon footprint of these collections, it was reported that work had been completed by the Waste & Resources Action Programme, which suggested that the collections would result in a carbon benefit. It was suggested that the rurality of the district could have an impact on this, and that it would require a political decision on whether or not to support these collections. The HEH stated that food waste collection could be mandated by Central Government from 2023 onwards, which could allow for new burdens funding to be provided. It was stated that having the costed option in the contract meant that the Council would not need to re-tender in the future. With regards to cleansing, Members were informed that the requirements were based on three prioritisation zones of town centres, beaches and other, with zero litter requirements for the first two. It was stated that there were contracted deductions if the standards were not achieved.

Cllr P Grove-Jones referred to public waste bins in recreational areas, and asked whether bigger bins were available. The HEH replied that boat waste had been known to cause issues, and that he would be happy to discuss specific issues after the meeting. In response to a question from Cllr G Mancini-Boyle, it was confirmed that bins on Barton-Turf Staithe were commercial waste, and would not be funded by the Council.

Cllr W Fredericks asked if the provision for litter picking in the contract would cover coastal paths, to which the HEH replied that it would not for areas of private land. He added that community litter picks could be supported in these areas.

Recommendations were discussed and the Chairman asked when would be an appropriate time to commence performance monitoring of the new contractor. The HEH replied that June would allow for a full month of data to have been collected.

It was proposed by Cllr G Mancini-Boyle and seconded by Cllr A Varley that monthly performance updates be given on the performance of the waste contract, beginning in June for three months, then quarterly thereafter.

A Members' briefing was discussed and it was suggested that it would be helpful for the winning bidder to deliver a briefing session for Members during the mobilisation period. It was proposed by Cllr G Mancini-Boyle and seconded by Cllr L Shires that a contractor briefing be provided for Members during the mobilisation period, with the HEH to arrange the details.

RESOLVED

- 1. That monthly performance updates be given on the performance of the waste contract, commencing in June for three months, then quarterly thereafter.**
- 2. That a contractor briefing be provided for Members during the mobilisation period, with the HEH to arrange the details.**

The meeting ended at 12.26 pm.

Chairman