

## OVERVIEW & SCRUTINY COMMITTEE

Minutes of the meeting of the Overview & Scrutiny Committee held on Wednesday, 16 June 2021 in the Council Chamber - Council Offices at 9.30 am

<b>Committee Members Present:</b>	Mr N Dixon (Chairman)	Mr S Penfold (Vice-Chairman)
	Ms L Withington	Mr H Blathwayt
	Mr P Heinrich	Mr N Housden
	Mr A Varley	Mr C Cushing
	Mr A Brown	Mr P Fisher
<b>Other Members Present:</b>	Ms V Gay (Observer)	Mr N Lloyd (Observer)
	Mr J Rest (Observer)	Mr E Seward (Observer)
<b>Officers in Attendance:</b>	Democratic Services and Governance Officer - Scrutiny (DSGOS), Chief Executive (CE), Democratic Services Manager (DSM), Director for Communities (DFC) and Assistant Director for People Services (ADPS)	

### 18 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr E Spagnola and Cllr V Holliday.

### 19 SUBSTITUTES

None.

### 20 PUBLIC QUESTIONS & STATEMENTS

None received.

### 21 MINUTES

Minutes of the meeting held on 19<sup>th</sup> May 2021 were approved as a correct record and signed by the Chairman.

Cllr S Penfold asked whether the recommendation made to Cabinet regarding the resourcing of the Enforcement Board had been agreed. The DSGOS replied that he would determine the outcome and respond via email.

### 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 DSGOS informed Members that at the meeting held on 26<sup>th</sup> May 2021, Council had accepted the Committee's recommendation to reappoint Cllr E Spagnola as the Council's representative on the NCC NHOSC. He added that there had been a change in the recommended substitute, as Cllr W Fredericks had been appointed to Cabinet, and as a result Cllr A Varley was appointed substitute.

**27 MANAGING PERFORMANCE QUARTER 4 2020/2021**

The CE introduced the report and informed Members that it covered the period from January to March 2021, which had been an unprecedented period for the Council due to Covid-19. He added that up to 80% of staff had worked from home during the period covered by the report, and a considerable amount of resource had been diverted to the Covid-19 response, which had required reprioritisation of the Council's key objectives. It was noted that the reprioritisation had reduced the number of key objectives eighteen, in addition to maintaining core services. The CE stated that from summer 2020, the Planning Service had returned to its normal workload, with caveats on its face to face services. It was noted that the key achievements for the Council included working with partners to deliver 108 new affordable homes, with 43 new homes delivered by Flagship Group on a brownfield site, in addition to the commencement of the Meadow Walk extra care housing scheme. The CE stated that the Council continued to deliver on its climate, coast and environment objectives with the installation of EV charging points, 20k trees planted with plans for an additional 40k, and the successful hosting of Environment Forum events to consult on the newly agreed Environmental Charter. It was noted that the majority of focus on sustaining business growth focused on the payment of grants, to the sum of £120m with 30k more payments than a normal year. Other achievements included the appointment of consultants and the development of a cultural programme for the NW HAZ project, and the ongoing work on the new Sheringham Leisure Centre.

Questions and Discussion

- i. The Chairman read a statement on behalf of Cllr A Fitch-Tillett who was unable to attend due to social distancing limitations. It was noted that the Coastal Management achievements had been overlooked within the report, despite the coast being of significant importance to the Council. The performance of the area was described as good, with an operational report available for circulation amongst Members.
- ii. The CE noted that he had responded to Cllr A Fitch-Tillett and accepted the importance of the Coast to the Council, but stated that during the period covered by the report, there were no major actions on coastal adaption projects warranting inclusion. He added that the Team continued to work on projects such as the Mundesley and Cromer coastal protection schemes which had secured funding of £2.8m. It was noted that the Coastal Management Team had also prepared a briefing for local stakeholders in

Bacton and Walcott to respond to public interest around performance of the Sandscaping Scheme.

- iii. The DSGOS read a question on behalf of Cllr V Holliday who was unable to attend the meeting, and had asked whether the Council had access to a performance benchmarking service. The CE replied that the Council used LG Inform for benchmarking purposes, and any specific concerns could be raised for review. It was noted that the Council used to belong to a group of similar authorities for comparative purposes, though the validity of these groups had now diminished.
- iv. Cllr C Cushing raised concerns that the financial sustainability strategy was not included within the Council's priorities, given the future deficits forecasted. He added that the status of some priorities also appeared unduly generous, with little reason given for their status, whilst objectives appeared unclear. Action 6.3.3 on taking a strategic approach to commercial development opportunities was given as an example, for which no supporting information on methodology or updates had been provided. The CE replied that that a more strategic approach for the acquisition of properties was being developed, and if necessary officers could provide further details. He added that the Council was in the process of developing proposals for the former public toilets at Melbourne Slope, as well as advertising the vacant site at North Lodge Park. It was suggested that the use of car parks and public conveniences could be reviewed in the future, though it was deemed inappropriate during the Pandemic.
- v. Cllr E Seward stated that the Council had to start early on developing the 2022-23 budget, and whilst not complacent, it was often the case that forecasted deficits decreased. With regards to developing a financial sustainability strategy, he stated that commercial development opportunities had been impacted by changes to legislation limiting commercial investment.
- vi. The CTA referred to issues raised regarding limitations on commercialisation projects, and stated that CIPFA would be backing this position which made it difficult for authorities to comply with the prudential code, making commercial projects unviable for local authorities. She added that there was still no confirmation of the fair funding review or whether the business rates retention scheme would be effective from April 22, which would have a significant impact on the Council's ability to balance the budget. It was noted that the forecasted deficit was based on prudent assumptions, and it remained unclear at this stage how it would develop. The CTA stated that commercial markets had also been impacted by Covid-19, which meant that previous proposals may also no longer be viable. On the zero based budgeting exercise, Members were informed that this would begin with service planning, followed by the budget setting process. It was suggested that an update on other cost-saving proposals could be expected in September.
- vii. The Chairman suggested that given the limited understanding of zero based budgeting, it would be helpful to arrange a training session. The CTA confirmed that she could arrange training once the work programme for the project had been established.
- viii. Cllr L Withington referred to the Meadow Walk scheme, and suggested that it was a good example of what the Council could achieve. She added that it should be used as a positive example for other projects.

- ix. The Chairman stated that whilst the highlights of the report had been covered, concerns remained that other actions taking place were not being monitored, as they fell outside of the performance monitoring framework.
- x. Cllr N Housden referred to a priority on page 33 to 'investigate ways to support and assist affordable housing providers', and suggested that whilst marked as complete, the comments were too simplistic to understand what had been achieved. He added that positive results should be brought forward for further discussion. The Chairman suggested that this example showed that the performance framework didn't necessarily provide the required information, which needed to be addressed. The CE replied that whilst the information could be improved, the report aimed to provide performance information on highlight areas to help the Committee identify where performance had not been satisfactory. He added that for a small authority, the Council continued to provide a high number of core and discretionary services to residents and visitors, and the Council had to remain focused on its key priorities to make the most of the limited resources available. The Chairman accepted the comments but suggested that there were points where reporting could be improved.
- xi. Cllr P Heinrich stated that training on zero based budgeting in relation to local authorities could be helpful, and raised concerns that he could not see a success criteria against which progress was being evaluated. He referred to a priorities on developing support for start-up business and the Youth Council, as suggested that they should be prioritised. Cllr E Seward confirmed that these were important issues that would be progressed as soon as possible.
- xii. Cllr H Blathwayt stated that the report provided a good overview for identifying areas for scrutiny, and asked whether it was a new report format. The CE confirmed that the report was a new and evolving format, developed to cover the administration's priorities via the InPhase system. The DSGOS noted that frustrations remained around access to InPhase, and that discussions continued to take place on the purchase of licenses for all Members to provide full access. Cllr N Lloyd stated that InPhase was a significant improvement, and Members had to appreciate that it was a high level report that provided a starting point for discussion.
- xiii. Cllr A Brown stated that a clear omission from the report was the progress made on the implementation of the Uniform planning system. He added that whilst he was aware of initial teething problems, it would be helpful to monitor implementation under the Customer Focus or Planning priorities.
- xiv. Cllr S Penfold referred to the 20k trees planted and asked whether this was the total since May 2019, or the number planted during the reporting period. Cllr N Lloyd confirmed that it was the total number planted since May 2019, and in response to a further question, stated that he was nervous about reaching the planting target of the administration. He added that the Council had worked with organisations such as the Woodland Trust and Holkham Hall on projects that had the potential to exceed the target, but it remained a significant task for a small organisation. It was noted that whilst small planting events had continued, social distancing had limited the ability to host large planting events. Cllr S Penfold referred to a North Norfolk biodiversity audit, and suggested that the Council should consider involvement.

- xv. Cllr L Withington referred to comments made on housing priorities, and suggested that there were positive achievements to be proud of, but suggested that amber and red performance objectives should be given greater attention.
- xvi. The CE summarised the comments made by the Committee which included sharing a progress note on the Work of Coastal Partnership East and improving reporting on coastal management. He added that the Committee had requested that details of the LG Inform service be shared with Members, and that a request for a briefing on zero based budgeting had been made. It was noted that a request was also made to improve the supporting information provided for amber and red performance indicators, with the required steps for improvement identified, as well as improving the supporting information provided for housing priorities. Finally, it was noted that the Committee had requested that a performance indicator be provided for the implementation of the Uniform planning system under the Customer Focus or Planning Priorities. The comments were proposed as formal recommendations by Cllr H Blathwayt and seconded by Cllr P Fisher.

## **RESOLVED**

- 1. To note this report and endorse the actions being taken by Corporate Leadership Team detailed in Appendix A – Managing Performance.**
- 2. To request that a note on the progress of Coastal Partnership East be shared, and recommend that consideration be given to improving the visibility of performance reporting on coastal management.**
- 3. To request that details of the LG Inform benchmarking tool be shared with Members for comparative performance analysis.**
- 4. To request that a briefing be provided to inform Members of the process and timeline of the Council’s Zero-based budgeting exercise.**
- 5. To recommend that consideration be given to improve the supporting information on amber and red performance indicators, with clear reasons given for designation and the steps required for improvement.**
- 6. To recommend that consideration be given to improve the supporting information on affordable housing objectives.**
- 7. To recommend that a performance indicator be provided on the implementation of the Uniform Planning System within the Customer Focus or Planning priority.**

## **28 NORTH NORFOLK DISTRICT COUNCIL EQUALITY, DIVERSITY AND INCLUSION POLICY 2021**

The DFC introduced the report and outlined the corporate use of policies, strategies, plans, procedures and charters, and noted that when a previous draft of the Policy had been presented, there was confusion over whether it was policy or strategy. He added that a framework of definitions was being developed, with a policy identified as a principle of action proposed by an organisation, whereas a strategy was a broad and evolving plan designed to achieve a long-term aim. It was noted that a

plan explained how the strategy would be implemented, and the procedure was a statement of specific actions listed to deliver the plan. The DFC stated that a review of the Council's existing corporate documents was underway to ensure that they aligned with this framework, in addition to developing the role of charters as a means for outlining the aims and values of the organisation.

### Questions and Discussion

- i. The Chairman explained that the Policy had come to the Committee for pre-scrutiny previously, and the Committee were now asked to review an amended version, which had been subject to the Committee's recommendations. It was confirmed that pages 5-7 of the Policy were footnotes, definitions and explanatory notes referred to within the Policy. The DFC stated that these had been separated in order to make the Policy as clear and easy to understand as possible. The Chairman suggested that it be made clear that the latter pages of the document were a separate footnote.
- ii. The Chairman sought clarification that once agreed, further work would take place to develop a strategy, action plan and procedures to ensure that the Policy was implemented. The DFC replied that once the Policy and equality objectives were accepted, then a strategy would be developed to support the document, with regular reviews planned. In response to a further question from the Chairman, it was suggested that a strategy and action plan would be developed via the project planning process of the CDU, once the Policy was agreed.
- iii. Cllr V Gay stated that the issue regarding pages 5-7 of the document had been raised at Cabinet, where it had also been suggested that they should be marked as such. She added that the definitions provided were good examples that would be beneficial to adhere to.
- iv. Cllr E Seward stated that when considered by Cabinet there had been a request for an annual review that would be reported to relevant Committees. He added that there was also a request that the Policy be read in conjunction with other plans, which had been addressed.
- v. Cllr S Penfold referred to the first line of the Policy, and asked whether the wording should be amended to cover non-residents. The DFC replied that whilst he understood the concern, he expected issues relating to interviews would be covered in the relevant employment and interview policies, as the Council could not implement a Policy beyond its sphere of influence. He added that he would confirm with HR whether an amendment was necessary.
- vi. In response to a question from Cllr L Withington, it was confirmed that the Policy would be amended as requested by Cabinet, with the inclusion of a requirement for an annual review, prior to seeking Council approval.
- vii. It was proposed by Cllr A Varley and seconded by Cllr H Blathwayt that the Policy be recommended to Full Council for approval, subject to the discussed amendments.

### **RESOLVED**

**To recommend to Full Council the formal adoption of its Equality Objectives**

**and subject to amendment, the approval the Equality, Diversity and Inclusion Policy 2021.**

## **29 SHERINGHAM LEISURE CENTRE PROJECT UPDATE: JUNE 2021**

Cllr V Gay – Portfolio Holder for Leisure, Wellbeing and Culture introduced the report and informed Members that whilst the expected completion date had been August 16<sup>th</sup>, it was likely that this would slip to August 31<sup>st</sup>. She added that the reasons provided related to supply issues, as some materials had to be returned, but despite this the budget remained unchanged. Cllr V Gay stated that material had been accumulated for the time capsule, and it was likely that this would be buried around the opening date. She added that planning was underway for an opening day event, though a date was yet to be confirmed.

### Questions and Discussion

- i. The CE clarified that an official opening event would take place after a soft opening, to ensure that any initial issues were resolved.
- ii. Cllr H Blathwayt referred to difficulties recruiting staff within the leisure industry, and asked whether the recruitment process had begun. Cllr V Gay replied that whilst she was aware that the contractor had staff on furlough, who would return to work, recruitment remained the concern of the contractor, though she hadn't been alerted to any issues.
- iii. Cllr A Brown sought to clarify that a request had been made for updates to be moved earlier in the agenda. It was confirmed that whilst it had been overlooked on this occasion, it would be brought forward at future meetings, though the updates were not expected to continue much longer as the opening date approached.

### **RESOLVED**

**To receive and note the update**

### **ACTIONS**

**To place the update as the first substantive item on future agendas.**

## **30 OVERVIEW & SCRUTINY ANNUAL REPORT 2019/20 & 2020/21**

The DSGOS introduced the report and informed Members that the Committee was required to provide a summary of the work completed in the previous year, for review by Full Council. He added that due to the limitations placed on the Work Programme during the initial outbreak of the Pandemic, the report covered two years to account for the 19/20 report being missed. It was noted that the report provided a high level summary of the role of the Committee, highlights of the work undertaken, and a summary of any achievements or issues encountered. The DSGOS stated that a key issue caused by the Pandemic were apologies given at short notice, where substitutes were not available. He added that where possible, substitutes should be contacted as soon as possible to allow time to respond. It was stated that increased opportunities for pre-scrutiny and no occurrences of call-ins should be seen as positive outcome for the Committee.

## Questions and Discussion

- i. The Chairman noted that from his perspective the process of Overview and Scrutiny had evolved to deliver better scrutiny, which had a greater impact on the workings and functions of the Cabinet and Council. He added that there were three barriers that he wished to address which included late changes to the Work Programme, the timely submission of reports, and a limited number of substitutes. It was noted that the late submission of reports in particular, led to volatility in the Work Programme and hindered meaningful pre-agenda discussions. The Chairman suggested that addressing these issues would help the Committee function more smoothly and effectively, and should therefore be included as part of the recommendation within the report.
- ii. The recommendations were proposed by Cllr A Varley and seconded by Cllr C Cushing.

## **RESOLVED**

**To recommend subject to amendment, that Council notes the report, affirms the work of the Overview & Scrutiny Committee, and considers the three concerns raised relating to the late submission of reports, the subsequent impact on the Work Programme and appointment of additional substitutes.**

## **31 THE CABINET WORK PROGRAMME**

The DSGOS introduced the item and informed Members that there had been significant changes to the Cabinet Work Programme following publication of the agenda. He added that the three financial reports including Treasury Management, Debt Management and Outturn reports had all been delayed until September. It was noted that conversations were expected between the Finance Team and relevant Portfolio Holder, though it was not expected that this would change.

### Questions and Discussion

- i. Cllr E Seward stated that he was not comfortable with the delays to financial reports, but circumstances meant that ongoing delays were possible. He added that delays with External Audit continued to impact the accounts process, and whilst this was unfortunate, it was beyond the Council's control.
- ii. The Chairman asked whether there was any action the Committee could take to increase pressure on External Audit to address the ongoing delays. It was noted that the CE had contacted the External Auditor to express concerns regarding the delays. The CE stated that whilst the delays were a national issue, the Council had limited options for resolution, as exiting the contract would present significant reputational and corporate risk. He added that he had received an acknowledgement of the letter sent to the External Auditors, though it was still expected that the 19/20 accounts would not be audited until December, with the 20/21 accounts to follow soon after. The Chairman asked whether any ministerial response could be expected, and asked whether this could be raised by the CE. The CE replied that he would seek to determine whether a collective response to the issue had been discussed by the LGA, and noted that any ministerial response would likely come from MHCLG. The Chairman suggested that it was time that a collective response or statement was made regarding the dissatisfaction with external audit delays.

## **RESOLVED**



## To note the Cabinet Work Programme.

### 32 OVERVIEW & SCRUTINY WORK PROGRAMME AND UPDATE

The DSGOS introduced the item and informed Members that the delays to financial reports previously mentioned would have a significant impact on the Committee's Work Programme. As a result, the remaining items for July would consist of the Sheringham Leisure Centre Update, the Housing Strategy and potentially an update on the North Walsham Hight Streets and Heritage Action Zone (HAZ) Project. It was noted that Cllr V Holliday had also suggested that she could provide an update on ambulance response times, as Chair of a Parish Working Group monitoring the issue, which would address an additional outstanding Work Programme item. The CE stated that the Customer Services Strategy was also expected to come forward in July.

#### Questions and Discussion

- i. The Chairman noted that whilst NHOSC did monitor ambulance response times, it was done at a county-wide level, whereas as the Coastal Parish Working Group focused specifically on rural areas of the North Norfolk Coast. It was proposed by Cllr A Varley and seconded by Cllr N Housden that an update on ambulance response times be added the Work Programme for the July meeting.
- ii. Cllr S Penfold noted that there was a public consultation taking place in North Walsham regarding the HAZ project, and suggested that a July update would be timely.
- iii. The Chairman referred to limitations placed on remote attendance for Members, and suggested that it appeared to be a disenfranchisement, given that presenting officers were able to attend remotely. The DSGOS replied that the current position following a change in legislation on 7<sup>th</sup> May, meant that fully hybrid meetings were not yet permitted, and that the legal opinion provided on the current legislation stated that all actively participating Members must attend the meeting in person. It was noted that some flexibility had been granted to allow officers to attend remotely, in order to create more space for Members whilst adhering to social distancing requirements. It was noted that other Councils had interpreted the legislation differently, and if necessary the Committee could ask that the MO reconsider the current position. The CE stated that the current position was in line with the Lawyers in Local Government (LLG) position, and noted that the Council would be responding to the Government consultation on hybrid meetings. It was noted that the current meeting was at capacity adhering to social distancing requirements, and any increase in numbers would be a breach of current legislation. The CE stated that with the extension of social distancing requirements into July, officers were asked to continue working from home where possible.
- iv. Cllr V Gay stated that the current requirements for physical attendance placed unnecessary time constraints on Members that forced some Members to attend remote meetings from the office. The Chairman agreed and raised concerns about why officers could attend remotely, whilst Members were not permitted. The CE stated that if required, he could seek further advice from the MO on whether the legislation could allow further flexibility, but this had to take into account the requirement for legal decisions to be made in person by

Members at Committee meetings.

- v. The DSM stated that whilst the current situation was frustrating, the end of the remote meetings legislation had placed significant constraints on the Council's ability to hold remote Committee meetings. She accepted that in the short term, the legislation would have a negative impact on wider Member engagement. The DSM stated that she would consider the approaches taken by other Councils, but because Overview and Scrutiny was a statutory Committee, legislation required it must meet in person. It was suggested that where possible, running different meetings in varying hybrid formats should be avoided, in order to avoid confusion. The Chairman noted that he was satisfied that officers would seek further legal advice on remote attendance and respond when able.
- vi. Cllr L Withington referred to the current consultation on remote meetings and suggested that the concerns raised should be submitted as part of the Council's response to the consultation. The DSM replied that she would seek to ensure that the concerns were part of the consultation response, if possible.
- vii. Cllr N Housden referred to the beach huts monitoring and suggested that this should be delayed to allow full summer occupancy levels to be taken into account as part of the report. The DSGOS replied that subsequent to the management restructure, there had been a change in responsibility for the beach huts and chalets, which were now covered by the Estates and Assets Strategy Manager. He added that September had been given as a suggestion as the relevant officer was looking to make changes to the management of the beach huts. The CE noted that the change in management had been aimed to create a more commercial approach to the beach huts and chalets, which had historically been run by the Leisure Service. The DSGOS stated that he would speak to the relevant officer to check whether the report could be delayed, in order to ensure that full summer occupancy figures were included.
- viii. Cllr H Blathwayt noted that physical meetings at another authority had suffered due to social distancing requirements, and stated that strong representations should be made to Government to resolve issues with hybrid meeting limitations, as soon as possible.

## **RESOLVED**

- 1. To note the Work Programme**
- 2. To request that Cllr V Holliday provides an update on coastal ambulance response times monitoring at the July Committee meeting.**

## **ACTIONS**

- 1. Chief Executive and Democratic Services Manager to seek further legal advice on whether non-committee members may attend meetings remotely.**

The meeting ended at 11.59 am.

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Chairman