

OVERVIEW & SCRUTINY COMMITTEE

Minutes of the meeting of the Overview & Scrutiny Committee held on Wednesday, 8 December 2021 in the Council Chamber - Council Offices at 9.30 am

Committee Mr N Dixon (Chairman) Mr S Penfold (Vice-Chairman)
Members Present:

Ms L Withington	Mr H Blathwayt
Mr P Heinrich	Dr V Holliday
Mr N Housden	Mrs E Spagnola
Mr A Varley	Mr C Cushing
Mr A Brown	Mr P Fisher

Other Members Present: Mr N Lloyd (Observer) Mr J Rest (Observer)
Mr E Seward (Observer) Mr J Toye (Observer)

Officers in Attendance: Democratic Services and Governance Officer - Scrutiny (DSGOS), Chief Executive (CE), Director for Resources/Section 151 Officer (DFR), Director for Place & Climate Change (DFPCC), Director for Communities (DFC), Chief Technical Accountant (CTA), Revenues Manager (RM), Environmental Services Manager (ESM), Corporate Business Manager (CBM), Assistant Director for Planning (ADP), Policy and Performance Management Officer (PPMO) and Data Analyst (DA)

Also in attendance: Serco Regional Director (SRD)
Serco Contracts Manager (SCM)

103 TO RECEIVE APOLOGIES FOR ABSENCE

None received.

104 SUBSTITUTES

None.

105 PUBLIC QUESTIONS & STATEMENTS

None received.

106 MINUTES

Minutes of the meeting held on 10th November 2021 were approved as a correct record and signed by the Chairman.

107 ITEMS OF URGENT BUSINESS

None received.

108 DECLARATIONS OF INTEREST

Cllr A Brown declared a pecuniary interest for item 15 of the agenda and stated that he would excuse himself from the meeting for that item.

109 PETITIONS FROM MEMBERS OF THE PUBLIC

None received.

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

None received.

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

The DSGOS informed Members that at the Cabinet meeting on 29th November 2021, recommendations on the Tree Planting Strategy were accepted with some caveats. He added that whilst Cabinet agreed that hedgerows were an important element of the Strategy, they would not be included in the title. It was reported that further information on tree maintenance would be included in the Strategy, and consideration would also be given to developing a separate Biodiversity Strategy.

112 WASTE CONTRACT: SERCO BRIEFING

The DFC introduced the item and informed Members that potential changes were being considered to delivery of the waste contract by Serco. The SRD reported that Serco had been delivering the waste contract for approximately eighteen months, and it was fair to say that not all promises had been delivered, with Covid-19 and Brexit provided as contributing factors. It was noted that Covid infections had resulted in many staff having to self-isolate, whilst Brexit had caused vehicle delays and more recently driver shortages, further exacerbated by difficulties training new staff throughout Covid. The SRD informed Members that initial consultation had included a proposal to move to a fifty-hour four-day week, and whilst initially supported, staff had not supported this in practice, which had impacted delivery of the target operating model (TOM). He added that further factors impacting contract delivery included a significant increase in tonnage of refuse collected, and a fall in commercial waste which further increased municipal waste. It was noted that garden waste collections and the tonnage collected had also risen significantly during the Pandemic, which had led Serco to re-evaluate its TOM. The SRD reported that Serco were in the final stages of consultation on a new TOM, that was expected to complete in late January. He then referred to the Council's gap analysis, and suggested that time was needed to consider what aspects Serco could deliver moving forward.

Questions and Discussion

- i. The Chairman stated that the gap analysis was helpful, but also a cause for concern with so many method statements unfulfilled as the contract approached its second anniversary.
- ii. Cllr S Penfold referred to the staff consultations held to inform the redesign of the TOM, and asked who had been consulted. The SRD replied that consultees included the three Councils party to the contract, and the three Serco Teams for each District. He added that a central team developed the initial plans, which would then be shared for comment with local teams and subject to their approval, with each local authority. It was noted that members of the public were not consulted on the proposals.

- iii. Cllr V Holliday asked whether it was possible to quantify the level of underperformance attributable to Covid, in comparison to what had been overpromised in the original TOM. The RSD replied that whilst this would be useful, it was not possible at this time.
- iv. Cllr N Housden referred to the annual service delivery plan, which included reference to risk analysis and contingency plans that had not been delivered, and stated that this was unacceptable for a contract of such complexity. The RSD replied that whilst he had not had time to work through the gap analysis in detail, he accepted that there would be several points considered to be unacceptable failures of the TOM.
- v. Cllr A Brown referred to the contract bidding process and asked whether Serco had consulted with staff on the four-day week proposals. He then asked whether it would be possible to concentrate collections in confined areas. The RSD replied that consultation had taken place with Breckland staff who were supportive of the four-day week at the time of consultation. The SCM added that staff had approached management to suggest a shorter working week, however the reality of Covid and reduced opportunities for overtime had caused staff not to support the model. On concentrated collections, it was reported that the contract's carbon footprint remained a key concern, and vehicle routes would be planned according to the closest tip locations to reduce vehicle mileage as much as possible.
- vi. Cllr H Blathwayt noted the mitigating circumstances that had impacted delivery of the contract, and asked whether vaccine uptake amongst staff had been monitored to mitigate the impact of Covid. He then referred to recent fuel supply issues and noted the contractual obligation for a fuel depot, and asked whether an update on implementation was available. The SCM replied that vaccine uptake amongst staff was monitored, with 96% of staff double-vaccinated. She added that Serco had also provided an advisory service and time-off to facilitate vaccine uptake, with many staff now receiving a third dose. On the fuel depot, it was reported that the bunkered fuel tank had been purchased, though installation had been delayed as a result of a previous fuel spillage requiring additional planning permission. The SCM stated that the fuel tanks were expected to be operational from January 2022.
- vii. Cllr P Heinrich raised concerns over the number of services undelivered, and asked what the priorities of Serco would be, how they would resolve the issues, and in what timescale. The SRD replied that the only timescale available at this stage would be for Serco to submit a proposal to the Council in mid-January that outlined a proposal for how the issues would be resolved.
- viii. The DFC stated that whilst some priority issues had been addressed, focus remained on the delivery of core services throughout the Pandemic. He added that whilst waste collections had been paused elsewhere throughout Covid, this had not been the case in North Norfolk. It was noted that discussions were scheduled to take place in January to agree how outstanding elements of the contract would be delivered, and in what timescale. Cllr P Heinrich suggested that regular updates should be provided on the implementation of these outstanding elements.
- ix. Cllr S Penfold referred to electric dustcart vehicles and asked whether there

were any plans to transition to these in the future. The SCM replied that these vehicles were available and were in use on some contracts, however the technology was in its infancy for this size of vehicle. It was suggested that it may be possible to convert the Council's existing vehicles to electric, in addition to the smaller electric vehicles already used. The DFC noted that electric dustcarts were being used in urban areas only due to their limited range, though the Council's vehicles did have electric bin lifts to avoid increased diesel usage. He added that HVO vehicles would also be considered alongside other technologies in the future.

- x. Cllr N Lloyd stated that added value items remained very important to the Council and was comforted to hear that Serco would work to implement as many as possible. He added that the contract transition had been seamless, and it was laudable that core services had continued throughout the Pandemic. It was suggested that Serco should provide annual data on the contract's carbon emissions, so that improvements could be monitored. The SCM replied that a study had been commissioned to determine the contract's carbon baseline, with ongoing monitoring in place to ensure improvements were made.
- xi. Cllr L Withington sought clarification that the issues raised within the gap analysis were consistent across all three authorities. The DFC confirmed that the issues were broadly consistent across each authority, though some differences were evident as a result of existing services from previous contracts.
- xii. Cllr N Housden asked whether electronic advertising would still be used on waste collection vehicles. The SRD replied that a decision was yet to be made on the LED panels, but would be confirmed in January. The DFC clarified that LED panels were only planned for two trade waste vehicles, with static panels used on other vehicles.
- xiii. Cllr C Cushing referred to the gap analysis, and asked whether the Council had defined its priorities. The DFC replied that there were internal priorities, though there had to be some level of compromise between the three authorities that were party to the contract.
- xiv. The Chairman suggested that it was important to maintain a constructive relationship for delivery of the contract, though it was clear that the Council was paying for significantly more than was being delivered. He added that confirmation of Serco's willingness to resolve the issues with a specified timescale would be helpful. The SRD replied that following negotiation on the outstanding elements of the contract, he would return to update the Committee on delivery. It was agreed that it would be appropriate for Serco officers to return in April to provide an update on the second anniversary of contract.
- xv. The Chairman proposed that in addition to a formal update in April, it would be helpful to receive verbal updates on progress from the DFC at the February and March meetings. Cllr P Heinrich seconded the proposals.

RESOLVED

1. To note the briefing

ACTIONS

- 1. To receive monthly verbal updates from the DFC on Serco's progress implementing the waste contract target operating model.**
- 2. To add a Serco Briefing to the Work Programme in April 2022 for a full update on the implementation of the waste contract target operating model.**

113 TREASURY MANAGEMENT HALF YEARLY REPORT 2021/22

Cllr E Seward introduced the report, noted that it had been approved by Cabinet in November and welcomed questions.

Questions and Discussion

- i. Cllr L Withington referred to recent changes in the CIPFA Code that placed restrictions on borrowing for commercial investments, and asked whether any further consultation was expected and how the Council would respond. The CTA replied that CIPFA had consulted on Treasury Management Code and Prudential Code of Capital Finance in February, following proposed radical changes that would effectively outlaw commercial investments. She added that the initial consultation response had highlighted substantial concerns throughout the sector, and as a result CIPFA had committed to a second round of consultation. It was reported that officers were not hopeful of wholesale changes post consultation, given that a draft Code had already been published, though it was hoped that wording may be amended to soften the regulations. The CTA noted that a consultation was also expected on minimum revenue provision amongst other guidance from DLUHC, with changes expected that had the potential to disturb some of the Council's activities. She added that officers would response to the consultation, and more detail could be provided if necessary.
- ii. The recommendation was proposed by Cllr E Spagnola and seconded by Cllr L Withington.

RESOLVED

- 1. To recommend that Council be asked to RESOLVE that The Treasury Management Half Yearly Report 2021/22 is approved.**

114 MANAGING PERFORMANCE QUARTER 2 2021/2022

Cllr E Seward introduced the report and informed Members it covered performance for the period July – September 2021.

A presentation was provided on the LG Inform benchmarking tool by the PPMO and CDA.

Questions and Discussion

- i. The Chairman suggested that a full workshop session would aid Members' understanding of the LG Inform software.

- ii. Cllr A Brown referred to empty homes data and asked whether the information was accurate, as it appeared to show an incorrect direction of travel. The PPMO replied that whilst there had been a significant improvement year on year, the period covered by the report showed a slight decline in performance.
- iii. Cllr C Cushing referred to positive reporting on the Customer Focus priorities, and noted that corresponding information within the Operational Risk Register appeared to be contradictory, then asked which was accurate. The CE confirmed that a written response would be provided.
- iv. Cllr S Penfold referred to point 4.5.4 on tree planting implementation marked as complete, and asked whether this referred to the implementation of the Strategy, or the physical planting of trees. Cllr N Lloyd confirmed it was the implementation of the Strategy, and the Chairman suggested that the wording be amended to better reflect this.
- v. Cllr V Holliday referred to Customer Focus performance, and noted that individual KPIs appeared to show worse performance than the report summary. She added that KPIs had also been graded without targets, unless benchmarking information was being used. The CE replied that comparisons could not be made like for like, as the report was based on targets set within the Corporate Plan, whilst benchmarking data used national targets. He added that comments on corporate capacity within the Risk Register were fair, given the impact of Covid on the Council's resources, and suggested that corresponding information within the Performance Report showed improvement as a result of renewed organisational capacity. The CE referred to point 3.3 on changes made to the report in response to previous requests for improvement made by the Committee.
- vi. Cllr C Cushing noted that whilst the Performance Report was historic, the Risk Register should be forward facing, and he therefore expected them to be in sync with regard to improved performance and reduced risk. The CE replied that at the time the Risk Register was produced, Covid cases were rising and inherent risks were unlikely to reduce.

RESOLVED

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

ACTIONS

1. **To arrange a Member Workshop on the use of the LG Inform benchmarking software.**
2. **CE to arrange written response on corresponding information between Performance Report and Corporate Risk Register.**

115 PUBLIC CONVENIENCE INVESTMENT PROGRAMME

Cllr E Seward introduced the report and informed Members of an amendment to the third recommendation to reflect that Cabinet requested Overview & Scrutiny's involvement in the development of the Strategy. He added that suggestions had been made that the Environment and Quality of Life Scrutiny Panel would be well

placed to undertake the work. It was reported that overall investment in the Council's public conveniences would amount to £1.2m, with £30k made available to undertake any investigatory work required to develop the Strategy. Cllr E Seward stated that Cabinet would seek to ensure that a comprehensive public convenience provision be maintained.

Questions and Discussion

- i. Cllr H Blathwayt stated that as Chairman of the relevant Scrutiny Panel, he was supportive of helping to develop the Strategy as the first item of business.
- ii. The recommendations as amended to reflect Cabinet's request of Overview Scrutiny involvement were proposed by Cllr E Spagnola and seconded by Cllr P Fisher.

RESOLVED

- 1. To support Cabinet's decision to adopt the principles contained within the draft Strategy document contained within Appendix A;**
- 2. To support Cabinet's decision to Approve a provisional budget of £30k to support with the evidence gathering recommended within the Strategy, to be funded from the Invest to Save reserve;**
- 3. To accept Cabinet's request for the Overview & Scrutiny committee to further develop and embed the draft strategy and consider further work in relation to evidence collection via a Scrutiny Panel.**
- 4. To recommend to Full Council that further capital provision of £500,000 is allocated from capital receipts (to include any potential grant funding) to undertake improvements to facilities in Sheringham and North Walsham, to include provision of Changing Places facilities.**

116 COUNCILLOR CALL FOR ACTION

The Chairman introduced the item and read out the CCfA as written by Cllr L Withington. He added that the constitution outlined six options, and suggested that the most appropriate option would likely be to request officers to prepare a report.

Questions and Discussion

- i. Cllr L Withington suggested that an open working document could be used to facilitate input from various sources over a number of months, in order to limit the impact on resources.
- ii. Cllr J Toye suggested that applying greater focus to the issue would allow the Council to consider whether it was doing enough to mitigate any negative impacts, whilst also considering what more could be done, both internally and externally.
- iii. Cllr C Cushing stated that it would be helpful to gather metrics and data on the impact of second and holiday homes, as it was likely the impact would vary between parishes. He added that it would also be helpful to consider

what other Councils were doing to respond to the issue, as well as considering all legislative options available.

- iv. The DSGOS stated that it would be necessary to consider the scope of any review, and suggested that a scoping report could be prepared for consideration in advance of undertaking a review.
- v. Cllr P Fisher suggested that it would be helpful to include Town and Parish Councils in the investigation, as they were often at the forefront of the issues. Cllr L Withington suggested that the Town and Parish Council Forum could be involved in the process. Cllr J Toye added that it would also be helpful to seek advice from external experts, to consider mitigation measures that might otherwise be overlooked.
- vi. Cllr N Housden asked whether it would be possible to include religious institutions, as it was evident that some had been significantly affected by changes to local communities.
- vii. Cllr S Penfold suggested that it may be more appropriate for a scoping report to come to the February meeting, given the existing items on the Work Programme. The CE stated that he was supportive of a scoping report coming to the February meeting, to avoid any resourcing issues during the Local Plan consultation. He added that reviewing the issue in full within a single day would be ambitious, and it would be helpful to take time to review any available data.
- viii. The Chairman proposed that a scoping report be prepared to for the earliest possible meeting, to consider the Committee's options to review the impact of second homes and holiday lets on the District. Cllr L Withington seconded the proposal.

RESOLVED

- 1. To request that a scoping report be prepared for the earliest possible meeting to consider the Committee's options to review the impact of second homes and holiday lets on the District.**

117 EXCLUSION OF THE PRESS AND PUBLIC

It was proposed by Cllr E Spagnola and seconded by Cllr A Varley that the press and public be excluded from the meeting in order to discuss exempt information contained within the Enforcement Update.

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 paragraphs 1 and 2 of Part I of Schedule 12A (as amended) to the Act.

118 ENFORCEMENT UPDATE - DECEMBER 2021

The meeting adjourned for intermission at 11.30 and reconvened at 11.43

Cllr A Brown left the meeting as a result of a declared pecuniary interest

Cllr J Toye introduced the report and informed Members that the planning enforcement backlog had been reduced, with major cases moving forward. He added that the departing Team Leader had introduced a new enforcement landing page on the NNDC website, and long-term empty homes of six months or more had reduced from 496 to 472, whilst properties empty for two years or more were down from 158 to 138.

Questions and Discussion

- i. The Chairman suggested that metrics outlining the extent to which the enforcement backlog had been reduced, and how much faster responses had been made would be useful. He added that it would also be helpful to know how often the Enforcement Board met, and for more details to be provided on the timeline of significant cases. It was confirmed that long-term empty homes were divided into two categories of either six months or more and two years or more, as these coincided with escalations in Council Tax charges. The Chairman referred to paragraph 5.2 and asked whether Parish and Town Councils were being informed of progress on significant cases. Cllr J Toye stated that he would review existing procedures to ensure that adequate information was provided to local Members and Parish Councils.
- ii. Cllr N Housden referred to a specific case and raised a number of concerns in relation to progress. The RM confirmed that all outstanding debts for the case had been taken to court, and that progress had been made with some payments received. Cllr N Housden reiterated concerns that progress on the case was inadequate. The ADP replied that the case was complex and whilst enforcement action was being pursued, it would take time to resolve.
- iii. Cllr V Holliday referred to staffing issues and asked whether this had impacted progress in some cases. She added that during the last Enforcement Update that had been discussion of additional resource, and asked whether any update was available. The ADP replied that progress had been made, with three full-time officers soon to be in place, whilst an external contractor had been recruited to provide additional capacity on an interim basis. He added that as part of the ZBB exercise, a funding request had been made for an Assistant Enforcement Officer and a Conditions Monitoring Officer. It was noted that the Planning Processing Team were also inputting information into the enforcement system, which saved enforcement officers time, allowing for greater progress on casework. The ADP stated that mobile app working was also being considered to allow on-site updates, alongside e-form reporting that would facilitate the reporting of breaches.
- iv. In response to concerns, the ADP stated that cumulative steps had to be taken to ensure that individuals served an enforcement notice would respond accordingly, and it remained a complex and time consuming process. Cllr J Toye added that in order to remain effective, it was important the process was followed carefully to ensure mistakes were not made.
- v. Cllr L Withington referred to a complex enforcement case and noted that communication had been excellent, with the case being a positive example of the enforcement process.

RESOLVED

1. To note the continued progress of the Enforcement Board and the Combined Enforcement Team.

ACTIONS

1. ADP to include less historic information within EB matrix, with focus placed on explanatory metrics as progress descriptors and commentary on current status of complex cases within summary report.
2. Cllr J Toye to review provision of information to local Members and Parish/Town Councils.

119 THE CABINET WORK PROGRAMME

The meeting returned to open session

The DSGOS informed Members that the budget setting process would begin in January with reports going to Cabinet on the 31st, following pre-scrutiny on the 12th.

RESOLVED

To note the Cabinet Work Programme.

120 OVERVIEW & SCRUTINY WORK PROGRAMME AND UPDATE

The DSGOS informed Members that both the January and February meetings were expected to be busy, with several financial reports expected in addition to the budget report. He added that several other items were expected including the MTI Process Review, the Sheringham Leisure Centre Project Review and the Ambulance Response Times Monitoring Report.

RESOLVED

To note the Overview & Scrutiny Work Programme.

The meeting ended at 12.24 pm.

Chairman