

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the Britten room, Endeavour House, 8 Russell Road, Ipswich on Monday, 18 December 2017

PRESENT:

Councillor: Barry Gasper – Chair

Councillors:	Clive Arthey	Melanie Barrett
	Rachel Eburne	Lavinia Hadingham
	Brun Hurren	Lesley Mayes
	Alastair McCraw	Fenella Swan
	Kevin Welsby	

In attendance: Councillor Derek Davis
Strategic Director (KN)
Assistant Director – Corporate Resources (KS)
Assistant Director – Customer Services (SW)
Assistant Director - Law and Governance (EY)
Assistant Director – Planning for Growth (TB)
Corporate Manager – Law and Governance (JR)
Corporate Manager – Strategic Asset Management (JP)
Service Manager – Shared Legal Service (TH)
The Corporate Business Improvement Manager (KC)
Professional Lead – Key Sites and Infrastructure (CT)
Infrastructure Officer (NP)
Governance Support Officer (HH)

1 **APOLOGIES FOR ABSENCE/SUBSTITUTES**

An apology of absence was received from Councillors James Caston, Peter Burgoyne and Derek Osborne.

2 **DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTERESTS BY MEMBERS**

There were no declarations of interests.

3 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

4 **JOS/17/1 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1 The Professional Lead – Key Sites and Infrastructure and the Infrastructure Officer, referred Members to Paper JOS/17/1 and reminded Members of the

briefing sessions 31 January at 5.30 pm and 14 March at 5.30pm.

- 4.2 Members asked how parishes applied for and received CIL funding and if any parishes had received any funding yet.
- 4.3 The officer responded that CIL funding was paid to the parishes every six months and that the CIL income from developers was paid to the Council in instalments. A summary of the payments made to parishes could be located on the website. Parishes could spend CIL money on a variety of projects and community groups. At this early stage there had not yet been any reports back from parishes on how they had spent the money. But Members were informed that for statutory payments parishes were required to account for how they spent the money, and this information was required to be published on the parishes' websites.
- 4.4 The route map provided on page 3 of report JOS/17/1 outlined the intended engagement with parishes on how the Councils and parishes jointly could spend CIL money. This would be supported by the launch of Parish Investment Infrastructure Document (PIIP).
- 4.5 Members asked if there were any arrangements made for spending the previous two years' CIL money and how the Council was going to discuss infrastructure arrangements with other organisations and wider service providers in Suffolk.
- 4.6 Joint infrastructure provider arrangements had been established to work alongside other organisations and service providers in Suffolk.
- 4.7 The Officer clarified that the 10 May 2018 was to be the launch of the spending arrangements. Spending arrangements had not been put in place before as it was not anticipated that much funding would be collected during the first couple of years. The team had been looking at how other councils had managed their CIL funding, but it appeared that each council took a different approach for these arrangements.
- 4.8 Members then asked if parishes could be involved in the planning of the infrastructure in the district wide spending of CIL funding. The response was that it was important to safeguard the sustainability of development projects in parishes and that especially the Planning Department could provide further information to Members in relation to the infrastructure required to support the approved development.
- 4.9 The discussion developed further, and clarification was given on the differences between Section 106 and CIL Funding, and how each form of funding related to planning applications.
- 4.10 It was established that CIL funding was not going to be enough to fund all infrastructure developments and there was concern that parishes were competing against each other to get the funding. It was agreed that the bidding process did not resolve this issue.

- 4.11 Members were informed that CIL funding for parishes was paid to parishes at 15% and this was capped at £100 per council tax dwelling. However, if there was a neighbourhood plan in place the CIL funding for parishes would raise to an uncapped 25%. The Regulation 123 element of the CIL was available for the whole district. Options were under consideration for a framework to providing further funding for parishes from the district wide funding.
- 4.12 CIL liable development applications varied on a case by case basis and circumstances could change whilst the application was being considered and after permission was granted, which impacted on the amount of CIL which could be received.
- 4.13 Members were encouraged to get involved and work with the infrastructure officers and were reminded of the briefings taking place in January and March.
- 4.14 Some Members wanted to know if it was possible to prevent some of the debt incurred by non-payment of CIL from building contractors and if validation of planning applications could prevent this. Officers responded that 8 to 10 debt recovery cases were on-going at any one time, but usually recovery of payments were received before the cases were presented to the Law Courts.
- 4.15 Members requested that the guide for CIL funding on the Website be produced in a brief guide for Members and that the link to the guide on the Website were forwarded to Members.
- 4.16 Members agreed that the CIL Spending scheme report was to be pre-scrutinised before going to Cabinet in March, however it was confirmed that the report would be presented to Cabinet at a later date, which was to be confirmed.

It was RESOLVED: -

That the CIL Spending Scheme report be pre-scrutinised before being presented to Cabinet

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JOS/17/2 REVIEW OF THE SHARED LEGAL SERVICES

- 5.1 The Assistant Director of Law and Governance began by introducing Theresa Halliday, Service Manager for the Shared Legal Service. She explained the staff structure for the service and the financial breakdown and the cost implications for Babergh and Mid Suffolk District Councils for the year 2016/17.
- 5.2 Members' attention was drawn to the underspend of £41,899.88.
- 5.3 In terms of caseloads and open cases, there had been no comparable data available before the Shared Legal Service was established. Currently there were 477 open cases, and of these 116 were in the process of being dealt with.

A large number of existing open cases from Babergh and Mid Suffolk Councils had been taken into the Shared Legal Service when it was established.

- 5.4 The Service Manager then outlined how the lack of a hand-over had hindered the initial setting-up of the Shared Legal Service. She also said that training of new legal and administrative staff had taken time and impacted on the service.
- 5.5 Councillor Derek Davis, who had been invited by the Committee to present evidence as a witness, recounted his experience as a Councillor dealing with the Shared Legal Service including:
 - In one instance the Shared Legal Service has acted promptly;
 - That in the case of the unlawful use of a caravan site, the Shared Legal Service's advice had been conflicting, and the service had taken too long to catch up with the legal implications of the case and it was felt this could damage the reputation of the Council;
 - Generally, the Councillor felt that the Service was providing an inconsistent service and that advice was at times confusing.
- 5.6 Some Members reported that it had been difficult to get hold of the correct contact person within the Shared Legal Service and that staff were busy and at times unable to provide detailed legal advice. It was also reported that there was an impression that Members were not able to contact the service directly.
- 5.7 Officers responded that the first point of call was the Client Officer, but this did not prevent Members from contacting the Shared Legal Service directly. However, the Shared Legal Service was not insured to give legal advice on parish matters and could only provide advice on Babergh and Mid Suffolk Council matters.
- 5.8 Members felt that a review of the communication process would be beneficial.
- 5.9 The Corporate Manager for Strategic Asset Management explained the relationship between her team and Shared Legal Service. She said that at first the working relationship had been difficult until good procedures and processes had been established. For her, as a client of the Shared Legal Services, the current process was working effectively and satisfactorily.
- 5.10 The Service Manager informed Members that a new Case Management System was currently being launched, which would enable staff to direct calls to the legal person responsible and that, if the lead officer wasn't available, any staff member would be able to provide up to date information to clients. The system also had a client portal, which allowed clients to follow the progress of the individual cases.
- 5.11 Members requested that a list be made available of officers who could instruct Shared Legal Service in each client department in the Councils.
- 5.12 Some Members felt that in the case of the Shared Legal Service, and some of the Councils' other partnership working arrangements, a detailed and sound

business case was lacking. Members strongly recommended that in the future proper business cases should be undertaken before any change was made to the Councils' services to ensure that the impact and success of that change could be monitored effectively.

- 5.13 The Committee was concerned that there did not exist enough information from the former legal department to compare the service level with Shared Legal Service.

By a unanimous vote

It was RESOLVED: -

- 1.1 That the Joint Overview and Scrutiny Committee concluded that further improvements in the performance of Shared Legal Service are required, specifically around communication and the understanding of which officer within the client department is able to give instructions.**
- 1.2 That the Shared Legal Service be reviewed by Overview and Scrutiny Committee again in six months' time and that this review include updates on case management and the information previously presented to the Committee.**
- 1.3 That the Joint Overview and Scrutiny Committee recommend to Cabinet that prior to any future shared services or partnership working arrangements that a full and proper business case is prepared and that the business case will be presented to the Overview and Scrutiny Committees for pre-scrutiny.**

6 JOS/17/3 INFORMATION BULLETIN

Information Bulletin 1

Recent Customer Access Activities – October 2017

- 6.1 The Assistant Director for Customer Services explained Information Bulletin 1 to Members and ensured them that the service was improving all the time.
- 6.2 Members agreed that the abandoned call rate of 10% was very high and the Officer explained that the way this figure was presented did not account for the callers who hung up and then called again and was responded to successfully.
- 6.3 Members also agreed that more detailed information would be useful and requested a further information Bulletin be presented to the Committee in due course.
- 6.4 The officer to forward information to members regarding number of calls to each Council and the number of visits to the Customer Access points for each Council.

It was RESOLVED: -

That Bulletin 1 be noted.

Information Bulletin 2

Off-payroll Costs

- 6.5 The Assistant Director – Corporate Services, outlined the four categories of staff currently employed by the Councils and that generally staff costs were paid by the General Fund Budget, except for specific projects which could be funded from the Transformation Fund.
- 6.6 Members discussed the tables and queried why staff costs had not been reduced since 2011 and the response was that several projects had required additional staff but that these projects were now completed, and this would be reflected in the staff cost in the next financial year.

It was RESOLVED: -

1.1 That the Off-payroll Costs be reviewed in May 2018.

1.2 That Information Bulletin 2 be noted.

Information Bulletin 3:

Defining the performance framework, and indicators for monitoring delivery of the Joint Strategic Plan.

- 6.1 The Corporate Business Improvement Manager presented the Information Bulletin to Mid Suffolk Members and informed Babergh Members that the full December performance report to Cabinet, and accompanying appendices were available on Connect for both Councils.
- 6.2 Various points were made including:
- Good progress had been made with Cabinet Members working with Assistant Directors to identify performance measures monitoring delivery of the Joint Strategic Plan;
 - Business Growth and Productivity, and Assets and Investments hadn't been included in the December report, but Officers and Members were working on these areas;
 - The final stage of a holistic review of the Performance Framework was being undertaken for both Councils, by Cabinet Members and the Assistant Directors in March;

Note: Councillor Lesley Mayes left the meeting at 12.25 pm.

It was RESOLVED: -

That Information Bulletin 3 be noted.

7 JOS/17/4 FORTHCOMING DECISIONS LIST

Councillor McCraw informed Members that the Public Realm Transformation Project Task and Finish Group met the previous week and that a report was being presented to Cabinet before going to back to the Overview and Scrutiny Committees.

It was RESOLVED: -

That the Forthcoming Decisions List be noted.

8 JOS/17/5 BABERGH OVERVIEW AND SCRUTINY FORWARD PLAN

It was RESOLVED: -

1.1 That the topic and purpose for Staff Welfare and Turnover for April 23, 2018 be redefined.

1.2 That the 5-Year Land Supply be moved to February 15 and to be conducted as a scoping exercise.

1.3 That the Babergh Overview and Scrutiny Forward Plan be noted.

9 JOS/17/6 MID SUFFOLK OVERVIEW AND SCRUTINY FORWARD PLAN

It was RESOLVED: -

That the Mid Suffolk Overview and Scrutiny Forward Plan be noted.

10 NOTE: THE DATES OF THE NEXT MEETINGS ARE:

The next Joint Overview and Scrutiny Committee meeting is scheduled for 15 February 2018 at 9.30 am.

The business of the meeting was concluded at 12.43 pm.

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Chair (& date)