Scrutiny Committee

Members of the Scrutiny Committee:

Mrs M Dewsbury (Chairman)
Mr T Lewis (Vice Chairman)
Mrs V Bell
Mr J Herbert
Mr A Pond
Mrs S Thomson
Mr N Ward
Mr G Watt
Mr K Weeks
Mrs J Wilby
Mr M Windridge

Group Meetings

Conservatives:
Blomefield Room 9.00 am

Liberal Democrats:
Kett Room 9.00 am

If any member of the public wishes to speak on a non-confidential item, they may do so at the discretion of the Chairman

Agenda

Date
Wednesday 12 December 2012

Time
9.30 am

Place
Colman & Cavell Rooms

South Norfolk House
Long Stratton
Norwich
Norfolk
NR15 2XE

Contact
Caroline Heasley tel (01508) 533685
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk

If you have any special requirements in order to attend this meeting, please let us know in advance
Large print version can be made available

10/12/2012
A G E N D A

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately two hours.

1. To report apologies for absence and to identify substitute members;

2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;

3. To Receive Declarations of Interest from Members;
   (Please see guidance form and flow chart attached – page 6)

4. To confirm the minutes of the Scrutiny Committee meeting held on 2 October 2012;
   (attached – page 8)

   (9.35 am) (Cabinet Agenda – additional report)

PLEASE NOTE: THIS ITEM HAS BEEN WITHDRAWN

MEMBERS ARE REQUESTED TO BRING THEIR COPIES OF THE RELEVANT 26 NOV 2012 CABINET PAPERS

Decision of the Cabinet meeting held on 26 November 2012

RESOLVED:
(1) To agree the proposed South Norfolk Development Management Policies, as the basis for a Regulation 18 “preferred option” public consultation;
(2) To delegate authority to the Chief Executive, in consultation with the Leader of the Council, to agree editorial and other necessary minor amendments to the policies, and to approve the Sustainability Appraisal and key public consultation material.

Suspensive Call-In of Site and Location Aspects of Policies 4.6(a), Protection and Enhancement of Landscape Character and 4.6(b), Landscape Setting of Norwich by: Cllrs Gray, Allen, East and Lewis

Background:
Earlier this year, South Norfolk Council proposed that two sites in Trowse (1173 and 151) were suitable for development for up to 250 houses. Trowse parish currently has fewer than 400 homes, of which 50+ lie outside the main village at Whitlingham Hall. The May Gurney site is already zoned for housing, with a current application for 100 houses, and the adjoining Deal Ground, mainly in the City of Norwich but to be accessed from Trowse, is the
subject of an application to build 600 houses. Thus, if all schemes came to fruition, the number of houses in Trowse and adjoining land would more than treble.

The Council has received many objections to the development of sites 1173 and 151, with many of those objections making reference to their incompatibility with current policies ENV 3 and ENV 6. Those were expected to be issues for the Examination in Public. However, there have been two recent new events. Firstly, the (separate) developers for sites 1173 and 151 have each, since the Cabinet meeting, publicly announced and given details of planning applications to be lodged shortly for those sites. These applications are likely to have to be determined before the Examination in Public and while there is still not a five-year land supply. Secondly, the recent Cabinet meeting (agenda item 7) endorsed draft policies to replace current policies, ENV 3 and 6 included. These are also for consultation and Examination in Public. Policy protection under one policy (and possibly two policies) is removed from the sites referred to above.

Therefore, given also the 5-year land supply issue, it is assumed that the Council would not wish to oppose planning applications on sites 1173 and 151 - even if neither the site allocations nor the protection policy changes have been tested in public. Specifically, site 4.6(b), Landscape Setting of Norwich, removes sites 1173 and 151 from the Norwich Southern Bypass Landscape Protection Zone (NSBLPZ). The only reason given is that those sites have been identified as a strategic allocation. The callers-in argue that this is putting the cart before the horse. 1173 and 151 fall within the NSBLPZ. That policy does not necessarily prevent development. It would be more appropriate to retain the NSBLPZ designation and test the applications against that policy. It is quite improper to avoid difficulties by the simple convenience and expedient of moving the NSBLPZ boundaries.

The map (DM 4.6b) showing NSBLPZ in the Cabinet papers and on the website were inadequate. Even more inadequate is map DM 4.6(a) related to landscape character in general and river valleys in particular. If in fact policy 4.6(a) is to apply to sites 1173 and 151, this element of the call-in is withdrawn, noting that if River Valley designation is still to apply to the sites, then there is no reason to remove the NSBLPZ. On the other hand, if the River Valley designation is to be removed, then the same arguments apply as for policy DM 4.6(b), namely that removal of protection is premature.

The callers in there propose that policy 4.6(b), Landscape Settings of Norwich is referred back to Cabinet to reconsider the removal of its application to sites 1173 and 151. The same is to apply to policy 4.6(a), Protection and Enhancement of Landscape Character if it is not to apply to those sites. It should be emphasised that the policies themselves are not contested - only the locations where they are (or are not) to apply.

At the same time, clarification by means of suspensive call-in is requested of the proposed NSBLPZ situation in Costessey. The map DM 4.6b(2) referred to in the draft policy was not included in the Cabinet report. The report states that Long Lane is to be the NSBLPZ's north-west boundary. Map DM 4.6(b) does not appear to show this west of the A47. This call-in, while being made by Liberal Democrat councillors, is not intended to be a party-political matter, and is being shared with all members in case any other councillors have related issues in their wards that they would like to see reviewed at the same time and in more detail before it is too late - whether by separate call-in or by addition to the current call-in, in either case before tomorrow Tuesday morning.
6. **Provision of Legal Services – Review of nplaw**  
   (10.00 am)  
   (report attached – page 13)

7. **Civil Parking Enforcement – one year on**  
   (10.30 am)  
   (report attached – page 29)

8. **Scrutiny Work Programme and Cabinet Core Agenda**  
   (10.45 am)  
   (attached – page 34)
**Working Style of the Scrutiny Committee**

**Independence**
Members of the Scrutiny Committee and Overview Sub-Committees will not be subject to whipping arrangements by party groups.

**Member leadership**
Members of the Committees will take the lead in selecting topics for and in questioning witnesses. The Committees will expect members of Cabinet, rather than officers, to take the main responsibility for answering the Committee’s questions about topics, which relate mainly to the Council’s activities.

**A constructive atmosphere**
Meetings of the Committees will be constructive, and not judgmental, accepting that effective overview and scrutiny is best achieved through challenging and constructive enquiry. People giving evidence at the Committees should not feel under attack.

**Respect and trust**
Meetings will be conducted in a spirit of mutual respect and trust.

**Openness and transparency**
The Committees’ business will be open and transparent, except where there are sound reasons for protecting confidentiality. In particular, the minutes of the Committee’s meetings will explain the discussion and debate, so that it could be understood by those who were not present.

**Consensus**
Members of the Committees will work together and, while recognising political allegiances, will attempt to achieve consensus and agreed recommendations.

**Impartial and independent officer advice**
Officers who advise and support the Committees will give impartial and independent advice, recognising the importance of the Scrutiny Committee and the Overview Sub-Committees in the Council’s arrangements for governance, as set out in the Constitution.

**Regular review**
There will be regular reviews of how the overview and scrutiny process is working, and a willingness to change if it is not working well.

**Programming and planning**
The Scrutiny Committee will have a programme of work, in conjunction with the Overview Sub-Committees. The Committee will agree the topics to be included in the work programme, the extent of the investigation to be undertaken in relation to resources, and the witnesses to be invited to give evidence.

**Managing time**
The Committees will attempt to conclude the business of each meeting in reasonable time. The order of business will be arranged as far as possible to minimise the demands on the time of witnesses.
Provision of Legal Services - Review of nplaw

Compliance and Risk Manager

On 22 February 2012, Council resolved to transfer the Council’s legal service to nplaw. At the time, it was determined that a review should be undertaken by the Scrutiny Committee approximately 6 months after the transfer to assess how the service was operating.

This report serves this purpose, through assessing the transfer of the service, providing feedback from customer surveys, the outcomes of a recent internal audit, and analysing the financial implications of the new service provision.

Cabinet member(s): Garry Wheatley
Ward(s) affected: All

Contact Officer, telephone number, and e-mail: Leah Mickleborough 01508 533954 lmickleborough@s-norfolk.gov.uk

1. Purpose of Scrutiny

1.1. On 22 February 2012, Council resolved to join nplaw. This followed consideration of a comprehensive business case, which had been approved by Cabinet and subject to joint examination by the Scrutiny and Accounts, Audit and Governance Committees.

1.2. The business case outlined the rationale for reviewing the legal service provision. The Council is, on an ongoing basis, reviewing the efficiency and effectiveness of its services, and seeking to ensure that there is sufficient resilience and capacity in order to discharge services in the long term. The business case focused on comparison between nplaw and the in-house service and identified that nplaw would deliver benefits such as:

1.2.1. A larger organisation would be able to absorb variations in service workload more effectively, and a greater range of specialist officers

1.2.2. Delivery of savings from reduced costs and combining purchasing power in procuring goods and services
1.2.3. Reduction in reliance and use of external solicitors and barristers, generating savings;

1.2.4. Potential ability to earn additional income

1.2.5. Greater access for existing staff to career development opportunities

1.3. At the time of the resolution, it was agreed that the Scrutiny Committee would review the new arrangements 6 months after the transfer, although further discussion with the Chairman of the Committee indicated that this may be most effectively served in December 2012, to allow time for the new arrangements to embed.

2. Scope of Scrutiny

2.1. The Scrutiny Committee has agreed, through its work programme, that the review should cover the following areas:
- The satisfaction with the nplaw service;
- Savings achieved from the transfer to nplaw;
- Impact on resilience of the legal service
- The Council’s reliance on legal advice from solicitors

2.2. In addition, the views of members of Scrutiny were sought in October 2012. Members indicated that they would appreciate feedback from officers who transferred to nplaw, and views of the users of the new service.

2.3. The findings below outline the work that has been undertaken in order to prepare this report.

3. Findings

The Council’s former legal service

3.1. The decision to transfer the legal service to nplaw was a challenging one for the Council to make. The legal officers were readily available for advice, and had many years service and expertise in the workings of South Norfolk Council and the matters it considered on a daily basis. There were concerns that this expertise may be lost and instead replaced with officers who had little knowledge of South Norfolk Council.

3.2. Historically, customer satisfaction with the Council’s legal service was very high. Officers and members valued the ready access, specialism in areas such as planning and s.106 agreements, and the welcoming service provided. The Council had a very strong track record in avoiding litigation, and successfully defending litigation cases in the rare cases where they arose, which meant that officers held great confidence in the advice provided.
3.3. However, there were concerns regarding the internal arrangements. Alternative service provision could afford the opportunity to access services that were not currently available in house, and provide financial savings to the Council. A range of options were considered within the business case (for example procurement of legal services under a framework contract), but the most economically advantageous position for the Council was to join nplaw.

Transfer of the Service

3.4. In order to assess the new service fully, it is important to understand the measures that were put in place to ensure a smooth transition and minimise disruption, both to nplaw and to service users:

3.4.1. Sessions were held in conjunction with nplaw to help service users understand the implications of the new service and issues that may arise;

3.4.2. Drop in sessions were held to give officers opportunity to discuss how they work with the legal team, and any challenges raised were referred to nplaw. Regular updates were provided to officers via elink and CMT cascades.

3.4.3. Although the TUPE transfer occurred on 31 March 2012, the former legal officers stayed in South Norfolk House until the end of April to ease transition. The officers who transferred to nplaw continued to work on all “live” cases.

3.4.4. Letters were written to parish councils to inform them of the change; nplaw also approached Saffron regarding transfer of their work, which the Council had previously undertaken.

3.5. One key piece of work within the project plan was to obtain independent legal advice on the risks within the partnership agreements. Local Government legal specialists Bevan Brittan were commissioned to review the stakeholder agreement, service level agreement and new participant agreement highlight any issues to South Norfolk Council of joining the new partnership. All points identified have been subsequently resolved by nplaw.

The nplaw service

3.6. The service provided is outlined in a service level agreement and new participant agreement, with a fixed annual fee paid to nplaw. South Norfolk Council has a 7.56% stake in nplaw, and holds a place on the Board that drives the strategic direction of nplaw, including the forward business plans; Councillor Garry Wheatley, as portfolio holder, is the Council’s representative on the Board.

3.7. Officers request work from nplaw using instruction forms that are available on elink. The work is then allocated within nplaw to a relevant solicitor, who confirms receipt, records the case on the Visualfiles case management system and then progresses the work in consultation with the South Norfolk officer.
3.8. It has not proved necessary to have a more regular nplaw presence at South Norfolk House. It was agreed to retain all of the Council’s deeds, contracts and agreements, and the signing and sealing of these documents, in the strong room at South Norfolk Council to maintain oversight of commitments we are entering into.

3.9. The arrangements with nplaw are monitored by the Compliance and Risk Manager, who is informed of any service issues which are then referred to relevant staff at nplaw. Periodic progress meetings are held with the nplaw lead client officer, to discuss more general issues with the service, with staff feedback sought ahead of these meetings.

3.10. Under the new arrangements, nplaw are able to provide regular reports of all cases held within the case management system, and the progress achieved on each case.

Satisfaction with the nplaw service

Feedback from Councillors

3.11. As part of developing the business case, the views of members on the options available for the legal service were sought. During this exercise, members raised the following concerns:

3.11.1. The access to legal services; members often require quick responses, and the in-house legal team is better placed to provide this;

3.11.2. The in-house team is very knowledgeable about South Norfolk; nplaw would want South Norfolk staff as better qualified than their own;

3.11.3. Members prefer to access legal services face-to-face than via e-mail / telephone

3.11.4. Applications may have to be deferred if there is not a solicitor present at the planning committee to provide legal advice (this has not occurred)

3.12. In October 2012, the Compliance and Risk Manager contacted all members to seek their views on the nplaw service since the transfer. 6 members responded, and all who responded identified that they had not personally used the legal services post transfer and therefore several of the concerns above had not arisen.

3.13. One initial concern highlighted above was that our internal staff were “better qualified” than nplaw staff. Nplaw have Lexcel accreditation, which requires a range of quality control processes to be in place. The benefits of ready access to a greater range of specialist advice are further discussed below.

3.14. During examination of the business case, members also identified concerns regarding potential conflicts of interest nplaw may have when, for example,
different partner organisations held different views on matters. This situation has arisen in respect of CNC, whereby Broadland DC commission legal services from nplaw. In the past, a key officer has engaged with Broadland DC in respect of CNC, and therefore an alternative solicitor has been provided to act and provide advice to South Norfolk during the change in structure.

3.15. Specific points raised in recent feedback from members is as follows:

- A member indicated that solicitors have not always been present at Development Management committee, which demonstrates that a legal presence is not required for every agenda item.

- Two councillors requested the views of those officers who transferred to nplaw. The officers were contacted, with 4 providing feedback. All were very positive about the welcome they had been given by nplaw on joining, although experiences of leaving South Norfolk were mixed; inevitably, those staff who had been present at South Norfolk for a long time, and had caring and personal responsibilities found leaving the Council a challenging experience. Nplaw have attempted to facilitate individual staff needs with support given to home-working arrangements.

**Feedback from Officers**

3.16. In October 2012, a survey was made available to all managers in the Council requesting feedback on the service provided by nplaw. In total, 13 officers completed the survey, the outcomes of which are attached at Appendix 1. The survey was deliberately anonymous to allow officers to have a “free say” on the new arrangements. Key features arising from the survey are as follows:

3.16.1. A key concern prior to entering nplaw was the timeliness of response. A quarter of respondents indicated that responses from nplaw were slower than before, but pleasingly a quarter also indicated responses were actually quicker than before.

3.16.2. Pre transfer, some officers had raised concerns that nplaw staff would not have the same expertise and experience as existing officers, however 50% of staff rated nplaw officers as satisfactory, whilst 50% of staff considered them to be “more than satisfactory”

3.16.3. Only 3 respondents had experienced issues with nplaw. Staff who experienced issues were encouraged to identify whether they had been resolved, and the officers who responded identified that these issues had been resolved.

3.16.4. Although one officer identified nplaw as less effective than the previous service, 50% identified it was the same and remaining respondents indicated it was more effective.

3.16.5. Officers were requested to rate their overall satisfaction with the service. Again, one officer indicated they were less than satisfied,
but 6 identified they were satisfied and a further 6 were more than satisfied.

**Savings achieved from the transfer to nplaw**

3.17. At the time of the service transfer, it was agreed that South Norfolk Council would pay a fixed fee of £279,160. If the Council’s actual use of nplaw is 10% less than the fixed fee, then the Council would be reimbursed 1% of the fee for each 1% less than 90% of usage incurred. Similarly, if the Council’s use of nplaw is 10% more than the fixed fee, the Council is required to pay 1% additional fee for each 1% more than 110% of the fee. As an nplaw stakeholder, we would benefit from any overall surplus generated by the organisation.

3.18. The fixed fee was calculated by taking the costs of the service in the financial year before transfer, and then deducting the 10% saving that was agreed at the time of transfer. The Council is required to pay “supplemental” costs as highlighted within the stakeholder agreement, in particular costs of commissioning counsel services, usually incurred when defending court cases, and search fees when buying property.

3.19. Previously, the Council both incurred cost, and received income, for undertaking legal services for Saffron Housing Trust. This work is now delivered by nplaw to Saffron Housing Trust directly. The Council will also receive additional income for the costs of drawing up some legal agreements, such as s.106 agreements and decent home loans. Such income will vary by year.

3.20. As a result, direct comparison of costs is challenging, however Appendix 2 provides a breakdown and comparison from 2010-11 to the present date.

3.21. The majority of savings in 2011/12 were made in reducing the law library investment. It was generally recognised that such savings could only act as a short term measure, as in the long term the legal team may be required to rely on information obtained from out-of-date sources.

3.22. At present, it is anticipated a 10.3% saving will be achieved on the legal service compared to 2011/12. This saving will be contingent on there being no demand for significant supplemental costs (e.g. a large planning appeal which requires counsel advice). As such, nplaw is delivering against the 10% saving target.

3.23. Members may identify that the 2013/14 Directorate plans show a higher figure for costs compared to the figures in Appendix 2. The Directorate plan reflects the contractual requirement to increase cost by the consumer price index rate each year (anticipated at 2.5%), and the small amount of time incurred by the Compliance and Risk Manager in monitoring the service arrangements. The fixed fee figure for 2013/14 will be agreed with nplaw later in the municipal year.

**Impact on resilience**

3.24. A key element of the business case was the potential increase in resilience as a result of transferring to a larger service. To counter this was a concern that there
may be a loss of internal expertise, particularly where the previous in-house officers depart rather than join nplaw.

3.25. There is a growing knowledge within nplaw of the expectations and operations within South Norfolk amongst a wide variety of staff, which has been assisted by the continuity of the staff who transferred.

3.26. This becomes critical as we review future direction of the Council as a whole. At present, the Council is intending to host CNC Building Control. Access to specialists in areas such as procurement and HR law is crucial to delivering these arrangements, and we are now able to obtain such services within our fixed fee. The Council’s property management service, which is seeking to deliver the asset management plan, was supported principally by one solicitor; nplaw has a section dedicated to property services.

Reliance on legal advice from Solicitors

3.27. Council officers should not be seeking to use legal services in an unnecessary or inappropriate manner; however, we need to ensure that Council Officers do take advantage of the range of skills and experience available within nplaw, and ensure that legal services are used in the right way to inform effective decision making.

3.28. It is too early to determine the regular pattern of usage of nplaw by South Norfolk Council. Unusual patterns of usage can be monitored monthly. However, it should be recognised that the total costs for the first few months within nplaw were lower than may be expected as “downtime” was incurred whilst staff who had transferred from South Norfolk Council were required to move office, receive training and acclimatise to the new arrangements. At present, usage costs continue to remain below the fixed-fee monthly budget.

Outcomes of Internal Audit review

3.29. In November 2012, an audit was undertaken of the Council’s arrangements with nplaw. This audit served both to provide assurance to members and management that the arrangements were operating effectively and also to support this present review by the Scrutiny Committee. The audit provided an “adequate” assurance level and raised four recommendations.

3.30. The key findings of the audit related to the management of the contract. The following items were raised:

3.30.1. nplaw should provide formal evidence to support all supplemental costs (medium priority recommendation)

3.30.2. Issues that are resolved should remain on the issues log, for contingency purposes, to highlight long-term / recurrent issues (low priority recommendation)

3.30.3. Improvements were suggested to the progress reports from visual files – these were work in progress at the time of audit (low priority recommendation)
3.30.4. Formal contract monitoring procedures are developed (low priority recommendation)

Future working with nplaw

3.31. It is recognised that there is still further work to be taken forward in order to fully embed the working arrangements within nplaw. Officers propose to undertake the following work in relation to nplaw over the forthcoming year:

3.31.1. Implement the recommendations highlighted by the Internal Audit review;

3.31.2. Monitor the payments to nplaw, to assess whether they remain in line with the monthly fixed fee projection or an adjustment will be required for the financial year end;

3.31.3. Continue to seek and record feedback from client officers, and, as identified in the initial directorate plans in 2013/14 (to be finalised) undertake a formal client survey in October 2013 in order to establish how the service has changed or improved;

3.31.4. Discuss with Heads of Service potential forthcoming legal needs arising from directorate plan proposals, and undertake pre-emptive work to highlight these requirements with nplaw and how they will be most effectively fulfilled

4. Relevant Corporate Priorities

4.1. Driving services through being businesslike, efficient and customer aware.

5. Implications and Risks

5.1. None

6. Conclusion

6.1. The decision to join nplaw has been very successful for the Council. A saving of 10.3% on the prior year budget is expected, with very positive feedback as to the level of service provided by nplaw. Internal Audit have provided adequate assurance on the new arrangements. The service has been able to build upon the strong level of quality that the former in-house service achieved, whilst offering resilience and specialist services in other aspects of the law.

6.2. The ongoing process to review the most effective means of service delivery, in alignment with the Council’s procurement strategy, means that having a legal service that is experienced in areas such as procurement and human resources is critical. With the Council’s ever growing asset portfolio, having access to a wider range of experienced legal officers ensures that the Council has a greater capacity and ability to deliver at often demanding timeframes.
7. **Action Required**

7.1. Scrutiny Committee are requested to review and scrutinise the Council’s arrangements with nplaw.

7.2. Scrutiny Committee is also requested to identify whether they are supportive of the proposed actions identified in 3.31 above, and whether further scrutiny of the arrangements with nplaw is desired.
nplaw user survey - outcomes

Q1. How frequently do you use nplaw?

- Less than monthly
- Monthly
- Weekly
- Daily

Q2. Do you use nplaw more or less frequently since the transfer?

- Less frequently
- About the same
- More frequently
Q3. Has the speed of response from legal changed since the transfer to nplaw?

Written responses from officers:
“Delays to customers in getting back to them. Has improved over the last month”
“Many requests were minor therefore it was just a question of walking over to the legal team who often gave an immediate answer. With regard to more complex matters the response is the same if not quicker”
“Most work involves jointly agreeing the wording of s.106 agreements. The response speed of nplaw is generally very good, but is inevitably slower than the previous instant response possible by being able to walk 20 yards for face-to-face discussion”
Q4. Has there been any additional pressure / demands on your service as a result of the transfer?

Written responses from officers:
“Demands – looking up more legal information in the first instance – not a pressure as such, but making sure we are using nplaw effectively and not always double checking cases, taking more ownership and being more lean”
“Occasionally having to exchange e-mails causes pressure because it takes longer to resolve an issue that might be resolved instantly by looking together at a draft document”
Q5. Have you used staff at nplaw other than those transferred from South Norfolk Council

- Only used staff transferred from nplaw
- Yes - staff were more than satisfactory
- Yes - staff were satisfactory
- Yes - staff were less than satisfactory

Q6. Have you experienced any issues with nplaw?

- Not had any issues with nplaw
- Have had issues but not raised them
- Yes - raised with compliance and risk manager
- Yes - raised with nplaw directly
- Yes - other

Written response from officers:
“There have been delays, but identified with C&RM directly and chasing when we do not hear back quickly”
Q7. If you answered “yes” to question 3, have these been resolved satisfactorily?
Written responses from officers:
Both answers to this question responded to indicate the issues had been resolved.

Q8. What do you believe the Council has gained from nplaw?
Written responses from officers:
The big difference is that the GNDP authorities all use nplaw, which has given continuity in advice and service and a direct resource that allowed attendance at key officer meetings
Access to a broader range of skills – alongside being able to get key work done without fearing that our in-house team are overloaded
Resilience and experience in other areas
Clarity of briefing from our end and well informed but more detached legal input
More housing knowledge / experience
A speedier response with same quality of advice and expertise
A wider knowledge base – e.g. more than one person with expertise in the area – existing knowledge as a result of similar enquiries from other customers already having been progressed
Greater breadth of expertise
I have not noticed any benefits with regards my job
Main experience has been greater access to expertise in local government legislation, as nplaw has a specialist in this area responses tend to be a bit quicker. We’ve also been able to use nplaw to undertake standards investigations which we used to have to procure out-of-house

Q9. Compared to the in-house service, nplaw is:
Q10. Overall, how do you rate the nplaw service

Less than satisfactory
Satisfactory
More than satisfactory

Other Comments from officers:

I’m happy that the service standards have been retained, with the added benefits of resilience and broader skill sets (and the reduce costs) it all makes sense to me.

I think we could improve our current knowledge of the workings of nplaw – maybe a quarterly report to CMT.

The team in South Norfolk were helpful and approachable but always very busy, however the Principal Solicitor was always good at making herself available when needed. Possibly there is increased capacity within nplaw but the few times I have needed advice I have had a very quick response.

My comments start from the exemplary in-house service we had previously.
## Costs of South Norfolk Council Legal Service Provision

### Appendix 2

<table>
<thead>
<tr>
<th>Year</th>
<th>Direct cost of legal service</th>
<th>Costs of legal services charged to other services</th>
<th>Income obtained</th>
<th>Total</th>
<th>Actual Difference</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11</td>
<td>£351,970</td>
<td>£32,881</td>
<td>-£17,248</td>
<td>£367,603</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2011-12</td>
<td>£312,345</td>
<td>£29,808</td>
<td>-£20,705</td>
<td>£321,448</td>
<td>£46,155.00</td>
<td>12.56%</td>
</tr>
<tr>
<td>2012-13</td>
<td>£279,160</td>
<td>£21,239</td>
<td>-£11,740</td>
<td>£288,659</td>
<td>£32,789.00</td>
<td>10.20%</td>
</tr>
</tbody>
</table>

### Notes:

Direct cost of legal service - for 2010/11 and 2011/12 this balance is the expenditure costs charged to the legal service team. In 2012-13, this is the fixed fee for nplaw costs.

Costs of legal services charged to other services - for 2010/11 and 2011/12 this is the expenditure costs for legal services charged to services other than the legal team. For 2012-13, this is the budget for such costs, or, where the actuals are presently higher, the actual cost. This includes a £6,000 contingency budget for disbursements.

Income obtained - this reflects the legal service income received for all 3 years. In 2010/11 and 2011/12, this includes income received for services performed on behalf of Saffron Housing Trust.
Civil Parking Enforcement – one year on

The purpose of this report is to inform Members about how the Council has implemented Civil Parking Enforcement in South Norfolk in its first year of operation.

<table>
<thead>
<tr>
<th>Cabinet member(s):</th>
<th>Ward(s) affected:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keith Kiddie</td>
<td>All</td>
</tr>
</tbody>
</table>

Contact Officer, telephone number, and e-mail:
Tim Durell 01508 533711
tdurell@s-norfolk.gov.uk

1. Purpose of Scrutiny

1.1. This report provides information for Members to review and consider how the Council has implemented Civil Parking Enforcement (CPE) in South Norfolk.

2. Context

2.1. On 7 November 2011, the Council took on the CPE functions that had been previously delivered by traffic wardens employed by the Norfolk Constabulary. The reason for this happening was that in 2010, the Constabulary had given notice to the Highway Authority (Norfolk County Council) that for a range of operational and other priority reasons, it would be unable to continue to operate a Traffic Warden service beyond 2011. To have no on-street parking enforcement would not have been desirable because it could have lead to:

- A proliferation of illegal on-street parking because there is was no risk of a fine
- Increased congestion of streets, particularly in market towns because of the above
- Reduced safety to motorists and pedestrians because of the above
- A reduced income to the Council from our pay and display car parks, as it became apparent that on-street parking restrictions were not enforced.
2.2. In two tier authorities, it is usual where possible for the operational enforcement of CPE to be undertaken by district councils on behalf of the highways authority. Consequently, Norfolk County Council approached the Council to act on their behalf to enable the provision of a service that is efficient and in tune with local needs.

2.3. **Governance and Accountability** – this is a key function of the Norfolk Parking Partnership Joint Committee, which comprises one voting member from Norfolk County Council (highways authority), and one each from the Borough Councils of King’s Lynn & West Norfolk, Great Yarmouth Borough Council, and South Norfolk Council. The other district councils in Norfolk may attend the Joint Committee meetings but because they are not providing an on-street parking enforcement service, they are not entitled to vote.

2.4. **Enforcement and Policy** – working within government guidelines, the Joint Committee has agreed the policies and procedures which underpin Civil Parking Enforcement in Norfolk. These are set out in the Norfolk Parking Partnership Civil Enforcement Guidance Manual which can be viewed by the public on the Norfolk Parking Partnership web page hosted by the County Council.

2.5. **What we enforce** - in addition to enforcing parking restrictions in the Council’s pay and display car parks, we enforce;
   - parking and loading restrictions (signs and lines) on public roads
   - unauthorised parking in a specially reserved place e.g. a disabled bay
   - return to the same parking place within the prescribed time

2.6. **What we are not able to enforce** – we can only take enforcement action where there are parking restrictions in place. It is appreciated that the Town and Parish Councils receive complaints from residents about people parking in front of their homes or opposite their driveways, but unless there is a breach of a signed and lined restriction we cannot take action.

3. **Scope of Scrutiny**

3.1. The report reviews the Council’s operational involvement in the delivery of CPE to address the issues identified in paragraph 2.1, focussing on workload, staffing capacity, income, management and risk.

4. **Findings**

4.1. **Workload** – the service has been delivered by using our two existing Car Park Inspectors for both on and off-street parking enforcement. Before the Council took on CPE, it was a concern that our Car Park Inspectors who were working on a daily basis in the markets towns, had to ignore breaches of parking restrictions by motorists. It was agreed that under CPE we would provide an on-street parking presence of not less than 0.5 FTE. In practice we have been delivering an average of 0.86 FTE. This is because it is not just the main market towns that
have signs and lines that require enforcement, but also villages. By providing an effective service we have not experienced any of the issues referred to in paragraph 2.1.

4.2. **Staffing capacity** - we believed and have shown that we could provide a unified enforcement operation without the need to employ more officers. Our total Car Parking Service operation employs a part time Parking Services Manager (0.8FTE) and two full-time two front line CPE Officers. The back-office processing of Penalty Charge Notices issued by our CPE officers for both on and off-street parking infringements; is carried out by Gt. Yarmouth Borough Council.

4.3. **Income that comes to South Norfolk Council** – we are a service provider under contact through the Norfolk Parking Partnership to deliver CPE in South Norfolk. Under this arrangement, we recover from Norfolk County Council all our operational costs for the delivery of on-street parking enforcement. Costs are recovered every three months for the relevant hours worked by the CPE Officers, the Parking Services Manager and vehicle mileage. To ensure that we fully recover our costs, the Officers complete daily record sheets for hours worked and miles driven. This information is used by the Parking Services Manager to calculate the charge and raise invoices. This also satisfies audit trial requirements.

4.4. **Income that does not go to South Norfolk Council** – All income from Penalty Charge Notices (PCNs) for on-street parking offences is paid to the Norfolk County Council to help defray the costs of CPE. A point to note is that our cost recovery is not dependent on the number of PCNs issued in South Norfolk.

4.5. **Hours worked and mileage for CPE**

<table>
<thead>
<tr>
<th>Time period</th>
<th>CPE Officer hours worked</th>
<th>Parking Manager hours worked</th>
<th>Vehicle mileage (note – this is only for additional mileage driven for CPE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 7 Nov. 2011 – 31 Mar. 2012</td>
<td>715.5</td>
<td>176</td>
<td>827</td>
</tr>
<tr>
<td>Apr.2012 - June 2012</td>
<td>535.5</td>
<td>107</td>
<td>796</td>
</tr>
<tr>
<td>July 2012 – Sept. 2012</td>
<td>452.0</td>
<td>98</td>
<td>875</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>1,703 hours</strong></td>
<td><strong>381 hours</strong></td>
<td><strong>2,498 miles</strong></td>
</tr>
</tbody>
</table>
4.6. Operational costs from 7 November 2011 to 30 September 2012

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Unit rate £ (this includes on-costs e.g. NI employer contribution)</th>
<th>Cost £</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPE officers hours</td>
<td>1,703</td>
<td>11.60</td>
<td>19,754.80</td>
</tr>
<tr>
<td>Parking Manager</td>
<td>381</td>
<td>15.51</td>
<td>5,909.31</td>
</tr>
<tr>
<td>hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mileage</td>
<td>2,498</td>
<td>0.45</td>
<td>1,124.10</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>£26,788.21</strong></td>
</tr>
</tbody>
</table>

4.7. Number of PCNs issued

<table>
<thead>
<tr>
<th>Time period</th>
<th>Number of PCNs</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 7 Nov. 2011 – 31 Mar. 2012</td>
<td>388</td>
</tr>
</tbody>
</table>

4.8. Management of the process – The day to day management of the service is the responsibility of the Parking Services Manager, who directs where the two CPE Officers work and administers our operation. Key benefits of the Council being responsible for the delivery of CPE in South Norfolk are;

- We prioritise and decide when and where the CPE Officers should work
- The service is managed locally and because of this, it can be more responsive to local needs than would be possible with a remote operation
- It delivers efficiencies by combining two enforcement functions into one service

5. Relevant Corporate Priorities

5.1. Enhancing our quality of life and the environment we live in - we are aware that illegal on-street parking has in the past caused access problems for the
emergency services, delays with business deliveries and damage to buildings where lorries have had problems manoeuvring

5.2. Promoting a thriving local economy – a grid locked market town caused by thoughtless and illegal parking does not encourage visitors or shoppers.

6. Implications and Risks

6.1. Financial – The district councils to whom the County Council has delegated functions (Borough of Kings Lynn and West Norfolk, Gt. Yarmouth Borough Council, South Norfolk Council) have accepted no financial liability arising out of, or in relation to the on-street enforcement service. The financial risk is carried by the County Council. However, as has already been stated in paragraph 1.1, we could expect a reduction in income from our pay and display car parks if there was no CPE in South Norfolk.

6.2. Legal – the delegated function for arrangements for CPE are subject to an understanding that ultimate responsibility for proper conduct and management lies with the County Council. This enshrined in Agreement made under section 19 of the local Government Act 2000 and section 101(5) of the local Government Act 1972. The Agreement was sealed on 9 January 2011.

6.3. Environmental - the risk of not having CPE is proven by the experience of some other towns, where well publicised problems occurred. e.g Aberystwyth

6.4. Crime Reduction – an additional uniformed presence on the streets can have a positive impact on crime reduction, particularly that related to vehicles.

7. Conclusion

7.1. We have successfully implemented CPE in South Norfolk and fully recover our operational costs for the delivery of the service.

7.2. To date there have been no complaints made about our approach to enforcing on-street parking restrictions. This achievement is in no small measure due to the work done by our Parking Services Manager Michele Earp and our front line CPE Officers David McCall and Colin Burrows.

8. Action Required

8.1. Members are asked to discuss this report.