



Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ

Scrutiny Committee

Members:

Councillor Stuart Bird (Chairman)
Councillor Mike Deacon (Vice-Chairman)
Councillor Edward Back
Councillor David Beavan
Councillor Judy Cloke
Councillor Linda Coulam
Councillor Andree Gee
Councillor Louise Gooch
Councillor Tracey Green
Councillor Geoff Lynch
Councillor Mark Newton
Councillor Keith Robinson
Councillor Caroline Topping

Members are invited to a **Meeting of the Scrutiny Committee**
to be held in the Conference Room, Riverside, Lowestoft
on **Thursday 26 September 2019 at 6:30pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
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2 **Declarations of Interest**

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3 **Minutes**

To confirm as a correct record the Minutes of the Meeting held on 25 July 2019.

Minutes of meeting held on 25 July 2019

1 - 7

4 **Community Energy Saving Programme 2011 ES/0132**

8 - 11

Report of the Cabinet Members with responsibility for Housing and Planning & Coastal Management, respectively

5 **Scrutiny Committee's Forward Work Programme**

To consider the Committee's Forward Work Programme

6 **Exempt/Confidential Items**

It is recommended that under Section 100(a)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

Part Two – Exempt/Confidential

Pages

7 **Council Housing Development in Southwold**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Close



Stephen Baker, Chief Executive

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Unconfirmed



Minutes of a Meeting of the **Scrutiny Committee** held in the Deben Conference Room, East Suffolk House, on **Thursday 25 July 2019 at 6:30pm**

Members of the Committee present:

Councillor David Beavan, Councillor Stuart Bird, Councillor Linda Coulam, Councillor Mike Deacon, Councillor Andree Gee, Councillor Louise Gooch, Councillor Tracey Green, Councillor Geoff Lynch, Councillor Mark Newton, Councillor Keith Robinson, Councillor Caroline Topping

Other Members present:

Councillor Mary Rudd

Officers present:

Katherine Abbott (Democratic Services Manager), Stephen Baker (Chief Executive), Phil Gore (Head Of Environmental Services & Port Health), Mark Sims (Food & Safety Manager)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Judy Cloke and Councillor Ed Back.

Before turning to the remainder of the agenda, the Chairman welcomed all present to the first meeting of East Suffolk Council's Scrutiny Committee and added that it was an honour and a privilege to have been elected as its Chairman. The Chairman said he had been involved in scrutiny since 2011 and very much valued its important role. He added that he was very much looking forward to the new committee producing positive results for the benefit of the Council and residents and, as Chairman, would be scrutiny's champion and, as such, would support it in its common goal to add value as an independently-minded "constructive friend".

2 Declarations of Interest

There were no Declarations of Interest.

3a Unconfirmed Minutes of the Meeting of the Shadow Scrutiny Committee held on 4 February 2019

RESOLVED

That the Minutes of the Meeting held on 4 February 2019 be confirmed as a correct record.

3b Unconfirmed Minutes of the Suffolk Coastal District Council Scrutiny Committee held on 14 March 2019

RESOLVED

That the Minutes of the Meeting held on 14 March 2019 be confirmed as a correct record.

3c Unconfirmed Minutes of the Meeting of the Waveney District Council Overview and Scrutiny Committee held on 14 March 2019

RESOLVED

That the Minutes of the Meeting held on 14 March 2019 be confirmed as a correct record.

4 Scrutiny Committee's Terms of Reference and Procedure Rules

The Chairman of the Scrutiny Committee presented report **ES/0041** which sought the Committee's formal adoption of its Terms of Reference and Procedure Rules. In so doing, the Chairman emphasised the Committee's responsibility to discharge the functions conferred on the Council by Section 21 of the Local Government Act 2000 and other relevant regulations; these functions included being the Council's designated Crime and Disorder Committee for the purposes of the Police and Justice Act 2006. The Committee was reminded that, the East Suffolk Shadow Authority, at its meeting on 17 January 2019, had adopted the East Suffolk Constitution; Part 2, section C of that Constitution set out the Scrutiny Committee's Terms of Reference and Part 3 of the Constitution set out its Procedure Rules.

The Chairman invited questions.

A member of the Committee, with reference to item 5.1 of the Scrutiny Procedure Rules (Appendix B to the report) which stated that the Chairman and Vice-Chairman of the Scrutiny Committee would be elected at its first meeting after Annual Council; the member said that these elections had been held at Annual Council and queried why this was. The Democratic Services Officer replied that the Monitoring Officer was reviewing the Constitution in this regard.

There being no further questions or matters raised for debate, the Chairman moved to the recommendation which was proposed, seconded and, by unanimous vote it was

RESOLVED

That the Scrutiny Committee's Terms of Reference and Procedure Rules, having been received, were noted and adopted.

5 East Suffolk Food and Health and Safety Service Plan 2019/20

The Cabinet Member with responsibility for Community Health introduced report **ES/0078**. The report was presented by the Head of Environmental Services and Port Health and it referred to the requirement for the Council to produce a Food and Health and Safety Service Plan in the format prescribed by the Food Standards Agency (FSA) in

its Framework Agreement on Local Authority Law Enforcement and as required by the Health and Safety Executive (HSE), as set out in the National Local Authority Enforcement Code – Health & Safety at Work England, Scotland and Wales. It was further required that the Service Plan be submitted for member approval and that it be reviewed to identify the Council's performance against the Service Plan, any variance from the Plan and any areas for improvement in the service.

The Head of Environmental Services and Port Health advised that this year's Service Plan included information on the Council's performance in meeting targets, as set out in the Service Plan for 2018/19, any variance in performance and recommended to Full Council that the Food and Health and Safety Service Plan for 2019/20 be approved. The Head of Environmental Services and Port Health, in summarising performance against key targets, advised the Committee of a small reduction in the percentage of food businesses which were broadly compliant with food safety requirements but, overall, the figure remained high, at 90%, and above the national average. He further stated that the number of food businesses with a rating of 0 or 1 under the Food Hygiene Rating Scheme (requiring urgent or major improvement) had decreased and there had also been a small decrease in the number of premises rated 5 (very good). The Committee was advised that, given the overall high levels of compliance, the achievement of further and sustained improvement would be challenging and some fluctuations in performance were to be expected. The Committee noted the strong performance in Food Hygiene Interventions at 97%, compared to the national average of 87%. The increase in complaints about hygiene was also referenced and it was suggested that this was, possibly, because customers were more inclined to report rather than the standards of hygiene generally being poor. The Committee was referred to the reduced number of food samplings which had resulted primarily from staff issues; the Head of Environmental Services and Port Health said that, despite this, the delivery of continued good performance was a credit to his team.

With regard to the future, the Head of Environmental Services and Port Health advised that a trial of mobile devices by his staff would shortly commence; this would save Officer time and further aid efficiency of processes, for example, the generation of reports while on site inspections with immediate email to the proprietor. The Committee was informed that the Food Safety Agency's *Register a Food Business* digital service had been launched in September 2018. This captured registration data from food business operators and provided guidance to support such establishments to understand their responsibilities for safely produced, and correctly described, food.

With regard to Port Health Services, the Committee was informed that the Council's Port Health Team continued to liaise with central Government departments, the Food Safety Agency, DEFRA, the Port of Felixstowe, ferry operators and importers to plan for the consequences of a potential no-deal exit from the EU. Also, the Port Health Authority had worked with various Brexit-related steering groups and had sat on the project delivery group for the development of a new UK import/export declaration system. The Committee noted that it was anticipated that food consignments from the EU would continue to remain unchecked after Brexit but there would need to be checks of organic certification for food and fish catches. Lastly, the Committee was informed that the use of the Council's PHILLIS software had been further expanded with its use at Dover now underway.

The Chairman invited questions.

A member of the Committee asked if the Council was involved in checks on controls for food deliveries made by bicycle or taxis. The Head of Environmental Services and Port Health said it would be necessary to implement checks to ensure food was maintained at correct temperatures, risks of contamination were avoided and there was compliance with food hygiene requirements.

Another member of the Committee questioned if membership of the Safety Advisory Group (SAG) was compulsory and why there were differing approaches to the review of event applications to ensure public safety (as detailed in section 13 of the Service Plan). The Head of Environmental Services and Port Health replied that the SAG was a multi-agency advisory forum and attendance by event organisers could not be mandated. He added that it fell to individual agencies to take whatever action was considered necessary for a proposed event under their appropriate legislative powers; if the SAG had a concern it could invite event organisers to attend and provide them with specific advice. The member asked if an invited event organiser failed to attend whether the proposed event would then be stopped. The Head of Environmental Services and Port Health said this might occur if there was a public safety issue which one of the agencies felt was sufficiently serious to preclude the event continuing.

Another member of the Committee referred to those food premises which received a 0 or 1 rating (urgent or major improvement required) and asked if they were obliged to display this rating and if it was dated. The Head of Environmental Services and Port Health said food premises in England were not currently legally obliged to display their rating, however, the Food Safety Agency (FSA) intended to make this compulsory. He added that guidance was available on the Council's website which linked directly to the FSA's website; in brief, premises were required to remove an old sticker if its rating was altered and this was monitored by Trading Standards and acted upon if fraudulent activity meant the public were being misled. New premises were required to register 28 days before the commencement of trade and inspections were conducted in that period of time. In response to another question about whether customers could ask to see a premises rating if it was not displayed, the Head of Environment Services and Port Health said that the Council actively encouraged this and regularly reinforced this message around special dates, such as Christmas, Mother's Day, Valentine's Day etc.

A member of the Committee asked about the nature of written warnings which had been issued following food interventions. The Head of Environmental Services and Port Health said in 2018/19 a total of 543 such warnings had been issued and these related to issues, contraventions or recommendations with, for example, food management systems, cleaning etc. He added that serious concerns would be addressed via an Improvement Notice with a time period for improvements to be made clearly stated. In the event of the issue being very serious - for example food poisoning or rodent infestation etc. - a prohibition notice, ratified by a Court, would be issued to close the premises while the problems were resolved. The member asked if, for future Service Plan reports, a geographic breakdown of data might be possible. The Head of Environmental Services and Port Health said he would explore if this was possible and, if so, to what degree the data could be broken down.

The Head of Environmental Services and Port Health extended an invitation to the Scrutiny Committee's members to accompany his Officers on food premises inspections. The Cabinet Member with responsibility for Community Health thanked the Head of Environmental Services and Port Health and his teams for their exceptional work in ensuring the public's safety. On behalf of the Committee, the Chairman endorsed the Cabinet Member's comments.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations. These were proposed, seconded and, by unanimous vote, it was

RESOLVED

1. That Food Safety and Health and Safety performance against the Service Plan for 2018/19 be noted; and
2. That, having considered and commented upon the Service Plan for 2019/20, the Scrutiny Committee recommended it for approval by Full Council at its meeting on 25 September 2019.

6 Appointments to Outside Bodies for 2019/20 (Scrutiny Functions)

The Democratic Services Officer introduced the report **ES/0079** which sought consideration of appointments to Outside Bodies with a scrutiny function, specifically Suffolk County Council's Joint Flood Risk Management Scrutiny Panel and Suffolk County Council's Health Scrutiny Committee. The Committee was reminded that Full Council, at its meeting on 22 May 2019, had considered representation on Outside Bodies and decided that the Scrutiny Committee would collectively appoint to these two Outside Bodies.

It was noted that the appointment of Councillors to Outside Bodies provided support to the organisation concerned, enabled Councillors to fulfil their community leadership roles, and enabled appropriate monitoring of performance/budgets in line with best practice. As stated in the report, it was further noted that appointments to Outside Bodies should be sensitive to the need to represent, as far as possible, the diverse nature of the local community.

There being no questions or matters raised for debate, the Chairman sought nominations for the two scrutiny-related appointments.

It was proposed by Councillor Gooch, seconded by Councillor Deacon and, by unanimous vote, the appointment of Councillor Keith Patience to Suffolk County Council's Joint Flood Risk Management Scrutiny Panel was approved.

It was proposed by Councillor Bird, seconded by Councillor Lynch and, by unanimous vote, the appointment of Councillor Cloke to Suffolk County Council's Health Scrutiny Committee was approved.

The Committee requested that its representatives be asked, by Democratic Services, to provide a brief written report to Full Council in due course.

The Chairman moved to the recommendations. These were proposed, seconded and, by unanimous vote, it was

RESOLVED

1. That Councillor Patience and Councillor Cloke be appointed to those Outside Bodies outlined in Appendix A of ES/0079 for the 2019/20 Municipal Year.
2. That, unless otherwise stated, the Leader of the Council be authorised to fill any outstanding vacancies left unfilled by the Scrutiny Committee or that arose throughout the 2019/20 Municipal Year.

7 Review of the Scrutiny Committee's forms and guides

The Chairman of the Scrutiny Committee presented the report, **ES/0040**, which sought the review of the various practical guides on the work of the Scrutiny Committee and also of the forms which supported the governance to enable decisions of the Executive, portfolio holders or authorised Officers to be called-in, if and as appropriate, as good practice and to help ensure such documents remained up-to-date and relevant.

There being no questions or matters raised for debate, the Chairman moved to the recommendation. The recommendation was proposed, seconded and, by unanimous vote, it was

RESOLVED

That, having reviewed the refreshed documentation attached as appendices A – E to the report ES/0040, these be approved and adopted by the Scrutiny Committee.

8 Scrutiny Committee's Forward Work Programme

The Scrutiny Committee received and reviewed its current forward work programme in addition to a suggested scoping form submitted by a member of the Committee.

The Scrutiny Committee identified several items for its future review, including the subject suggested within the scoping form and, it was agreed, this would be received at the September meeting.

9 Exempt/Confidential Items

RESOLVED

That, under Section 100(a)(4) of the Local Government Act 1972 (as amended), the public be excluded from the Meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

10 Unconfirmed Exempt Minutes of the Suffolk Coastal District Council Scrutiny Committee held on 14 March 2019

RESOLVED

That the Exempt Minutes of the Meeting held on 14 March 2019 be confirmed as a correct record.

The meeting concluded at 9pm.

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Chairman



SCRUTINY COMMITTEE

Thursday 26 September 2019

COMMUNITY ENERGY SAVING PROGRAMME 2011

EXECUTIVE SUMMARY

1. This report provides the Scrutiny Committee with information about the Community Energy Saving Programme (CESP), the impact on local residents and the role of Waveney District Council in this project.
2. CESP was a new initiative at the time, which targeted certain areas of the country with high levels of social deprivation. Harbour Ward in Lowestoft was one of the eligible areas. The Councils in Suffolk work together on energy efficiency programmes under the auspices of the Suffolk Climate Change Partnership but the limited geography of this project took it outside of that arrangement.
3. The report explains how subsequent projects have been delivered through the Suffolk Climate Change Partnership. The report outlines how this arrangement operates, how the programmes are externally funded through bids to deliver energy efficiency and fuel poverty programmes and how control over contractors and quality of works is achieved.

Is the report Open or Exempt?	Open
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Wards Affected:	Harbour and Normanstone
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Cabinet Members:	Councillor Richard Kerry, Cabinet Member with responsibility for Housing and Councillor David Ritchie, Cabinet Member with responsibility for Planning & Coastal Management
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Supporting Officers:	<p>Cairistine Foster-Cannan Head of Housing Services</p> <p>Teresa Howarth Principal Environmental Health Officer (Housing)</p> <p>Mark Harvey Building Control Manager</p>

1 INTRODUCTION

- 1.1 At the Full Council Meeting of Waveney District Council in January 2019 it was resolved that the Scrutiny Committee of the new East Suffolk Council would be asked to consider the involvement of the Council in the Community Energy Saving Programme 2011 (CESP), with a particular focus upon the Council's processes and procedures for endorsing external companies, who may use sub-contractors, and the processes for monitoring the standards of work.

2 BACKGROUND

- 2.1 CESP was created as part of central Government's response to concerns about the costs of home energy consumption. It was funded by the Energy Supply Companies from surcharges payable by all customers. Certain areas of the Country were identified as eligible for the funding which was to be delivered on a street by street basis. Harbour ward in Lowestoft was one of those areas.
- 2.2 In Harbour ward, the funding was provided by Npower; Climate Energy Ltd were the main contractor with Mitie as a sub-contractor; Bright Green provided the community support and the Yard Project delivered loft and cavity wall insulation.
- 2.3 Waveney District Council and Suffolk County Council supported the initiative, under the mantle of energy efficiency and climate change concerns.
- 2.4 The scheme was launched in 2011 with households being offered a whole house assessment by Bright Green to identify what works they could apply for under CESP. WDC allowed Bright Green to use their logo to support the project. A range of works were offered including loft and cavity wall insulation, heating and external wall insulation (EWI). Installations were carried out until 2012.
- 2.5 The installation of EWI is controlled works for Building Regulations. Installers of the EWI system are certified competent installers and are legally responsible to notify Building Control of the commencement and completion of each installation. For this project, to reduce costs to the scheme, applications were tailored to support the mass installations of EWI and submitted prior to works commencing.
- 2.6 In a number of cases EWI installations, sub-contracted to Mitie, were not carried out correctly, leading to issues with the standard of works. Building Control were contacted by a number of residents raising concerns about defective properties and many properties without certification. Building Control actively approached Climate Energy and

Mitie with little success. No resolution of the defective workmanship notified to Climate Energy was made and, in Autumn 2015, Climate Energy went into receivership.

3 SUPPORT FOR RESIDENTS

- 3.1 Officers from the Council have met with residents on numerous occasions and have liaised with the MP Peter Aldous who has used his influence to communicate with Mitie and Npower at the highest level. During this process it has become clear that the role of the Council in this project was not properly communicated to residents by the parties involved. Residents had unrealistic expectations about the Council's responsibility to resolve their issues.
- 3.2 Building Control (Mark Harvey, East Suffolk and Ipswich BC Partnership Manager) have supported the affected residents and liaised with Peter Aldous MP for much of the past year. This has led to residents having a far greater understanding of the Building Control role, the nature of the CESP project and the contractual obligations between themselves and Climate Energy/ Mitie but has not yet delivered a resolution of the building defects.
- 3.3 There has been a clear expectation set that Mitie will, following them taking legal advice, survey and address all the defective properties. This has, however, not yet commenced. The Council has no legal or contractual responsibility to be able to pursue this on behalf of the residents but Building Control will look to continue to support Peter Aldous MP in raising the clear deficiencies of Mitie and CESP at the highest possible level.

4 LESSONS LEARNT

- 4.1 The Council's role in this project was to endorse the benefits of home energy efficiency improvements. The Council did not procure the contractors or have any direct involvement with the funders and therefore is not able to formally intervene.

The CESP was a different energy efficiency programme to those usually promoted by Suffolk Councils in that it was only rolled out in one ward in the Waveney DC area. All subsequent energy efficiency programmes have been across Suffolk and have been based on a different model under the control of the Suffolk Climate Change Partnership/ Suffolk Energy Action Link. This partnership has been able to bid directly for funding, manage and control delivery via procured contracts. This has brought the quality of work, appointment of suitable contractors and overall financial responsibility within the Councils' control. Schemes to deliver first time central heating to households struggling to pay their energy bills, external wall insulation programmes, and loft and cavity wall programmes have all delivered benefits to East Suffolk residents in terms of health and financial benefits and have contributed to a reduction in carbon emissions.

5 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 5.1 Supporting programmes that deliver energy efficient, carbon reduction and fuel poverty improvements is consistent with the Council's Business plan in particular sustainably improving the quality of life for those living in east Suffolk; enabling communities and

delivering against the critical success factors relating to housing and health; and delivering against the Housing and Health Charter.

6 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 6.1 Successful bids to fund projects such as those detailed in this report are subject to individual contracts between the funder and the receiving authority. These detail the project specific financial and governance arrangements and are subject to scrutiny by the financial and legal teams of the receiving authority.
- 6.2 The Councils in Suffolk are all signatories of a consortium agreement which enables them to deliver energy efficiency projects collectively, through a lead authority. This delivers efficiency savings and helps ensure a consistent offer to all Suffolk residents. To date the lead authority role has been taken by Suffolk Coastal District Council/ East Suffolk Council and Suffolk County Council, according to the size of the fund.
- 6.3 The Suffolk Climate Change Partnership receives quarterly reports on progress of project delivery.

7 CONSULTATION

- 7.1 No external parties were consulted in the preparation of this report

8 REASON FOR RECOMMENDATION

- 8.1 The report provides clarity over processes currently in place in relation to externally funded projects which deliver energy efficient improvements to residents' homes.

RECOMMENDATION

That the Scrutiny Committee receives, considers and comments upon the contents of this report