

**BROMSGROVE DISTRICT COUNCIL**  
**MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**MONDAY, 18TH JUNE 2012 AT 6.00 P.M.**

PRESENT: Councillors S. R. Colella (Chairman), P. Lammas (Vice-Chairman), J. S. Brogan, Dr. B. T. Cooper, Mrs. R. L. Dent, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, Mrs. H. J. Jones (Substitute for R. J. Laight, present from Minute No. 1/12 to 14/12)), P. M. McDonald, L. C. R. Mallett (Substitute for C. J. Bloore, present from Minute No. 1/12 to 14/12), S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

Observers: Councillor Dr. D. W. P. Booth JP, Councillor R. Hollingworth and Councillor C. B. Taylor

Officers: Ms. J. Pickering, Mrs. A. Heighway, Ms. S. Horrobin, Mr. C. Santoriello-Smith, Ms. J. Bayley and Ms. A. Scarce

1/12 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor S. R. Colella was elected as Chairman for the ensuing municipal year.

(Councillor P. M. McDonald asked that it be noted that he felt that it was not appropriate for the Chief Whip to be Chairman of the Overview and Scrutiny Board.)

2/12 **ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Councillor P. Lammas was elected as Vice Chairman for the ensuing municipal year.

3/12 **APOLOGIES**

Apologies for absence were received from Councillors C. J. Bloore and R. J. Laight.

4/12 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillor J. S. Brogan declared a personal interest in respect of Minute No. 14/12 WCC Health Overview and Scrutiny Committee.

5/12 **MINUTES**

The minutes of the Overview and Scrutiny Board meeting held on 23rd April 2012 were submitted.

A Member requested that at Minute No. 116/11 (second set of bullet points, bullet point 3) the actual estimated figures should be included – therefore should the Council not take any action to address the forthcoming changes, the estimated cost of bed and breakfast accommodation would be £519,000 for the first year and £781,000 for the second.

**RESOLVED** that subject to the above the minutes be approved as a correct record.

The Board was provided with updates in respect of the following:

Minute No. 116/11 bullet point 9 – the establishment of a credit union in the area.

Minute No. 117/11 Resolved item (b) would be treated as a separate item and the Board would receive a full report on the disposal of stock and any claw back clause at a future meeting.

Minute No. 118/11 - The information requested by a Member in respect of the Environmental Protection Act 1990 legislation had been provided.

Minute No. 119/11 - A response from the Senior Community Safety Officer had been circulated to Members.

6/12 **NEW FLY POSTING POLICY AND PROCEDURES**

The Board received a presentation on the Draft Fly Posting Policy from the Senior Community Safety Project Officer and the Environmental Services Manager. The aim of the presentation was to give the Board an insight into some of the content of the new fly posting policy and to allow the Board's comments to be fed into the report which would be presented to Cabinet in September 2012.

The Senior Community Safety Project Officer explained that the new policy would clarify the Council's approach in tackling fly-posting through its cleansing and enforcement activities and how the Council worked with its partners and other agencies to tackle illegal advertisements and to promote advertising within the parameters of the law. The new policy would provide the Community Safety Team with additional tools, through the Joint Environmental Enforcement Strategy, in particular the use of the fixed penalty notice scheme. Members were informed that, this year the Team had already investigated over 60 separate incidents of fly posting.

Members were provided with a definition of fly posting and its associated problems. Fly posting was an illegal activity which could give the impression of neglect, could attract litter, graffiti and criminal damage to an area, and could potentially obscure important traffic signs and create obstruction and cause injury if dislodged or not fixed appropriately. The Board was also provided with information on how advertisements were controlled; the Local Planning Authority was responsible for the day to day operation of the

advertisement control system and making the decision as to whether a particular advertisement received consent.

The Senior Community Safety Project Officer provided the Board with information on relevant legislation and the Council's powers to take action against those responsible for fly posting. It was highlighted to Members that the Council would always take positive action in line with legislation and its own policies to tackle fly posting where it had a detrimental impact on communities and the environment.

The Board was also provided with details of how the policy would enable preventative action to be taken to deter fly posting. The preventative action encompassed five stages of enforcement, including fixed penalty notices and these were outlined in the Council's Joint Environmental Enforcement Strategy. Members were informed that the policy supported good communications between relevant departments within the Council and partnership working with external agencies in order to ensure the policy was implemented effectively; this included the sharing of intelligence with other districts within the County. The Senior Community Safety Project Officers provided Members with information on how the Council would deal with non-commercial and charitable advertising.

The Board was provided with information on the new procedure for enforcement officers which guided officers through the complexity of fly posting legislation and advertising guidelines. Members were also provided with timescales for implementation of the policy and procedures and it was confirmed that it would be received at the Cabinet meeting scheduled for 5th September 2012.

Following the presentation the Senior Community Safety Project Officer and the Environmental Services Manager responded to questions from Members. Members discussed the following areas in more detail:

- Clarifications in respect of fly posting for such events as church fetes - it was confirmed that there would be a period of time when advice on how to obtain consent would be provided to those that advertised in this way.
- Developers for new housing estates – it was confirmed that these were one of the classes which had deemed consent (each class of deemed consent had its own conditions within that consent).
- The cost to the Council and whether any fines that were levied covered this.
- "A" Boards that were used in the town centre and advertising used by market stall holders. It was confirmed that businesses using this type of advertising came within the Fly Posting Policy and that it would be expected that such businesses ensured that the Boards were placed on land that they had permission for that they owned. Market stall holders would need to apply for permission for any advertising that was required.

- Whether there was a “revocation” clause within the contracts for businesses which hired the Council’s facilities and did not have the appropriate permissions to advertise those events.
- The inclusion within the policy of the stages prior to a fixed penalty being given - it was confirmed that any level of enforcement could be taken for any offence dependent upon its severity and circumstances.
- Clarification in respect of charitable organisations and how such organisations were dealt with within the policy, in particular those larger charities which were run more commercially.

At this stage of the meeting Councillor L. Mallett declared a personal interest as an employee of a charitable organisation and left the meeting for the remainder of the agenda item.

- Confirmation that signage for example for lost pets would be classed as non commercial advertising.
- Advice and written warnings would be provided where necessary.

**RECOMMENDED** that the policy be amended to ensure the inclusion of a “revocation” clause within the hire contracts for businesses which have hired the Council’s facilities and advertised such events without the appropriate permissions.

**RESOLVED** that a copy of the Draft Fly Posting Policy be provided to Members when available.

7/12

**LONGBRIDGE STATEMENT OF PRINCIPLES AFFORDABLE HOUSING PROVISION - PRESENTATION**

The Board received a presentation from the Head of Community Services in respect of the Statement of Principles provision of affordable housing at Longbridge. The Board was provided with background information as to the reasons behind the Statement of Principles and it was stressed that this would not apply to any other development within the district. The presentation covered the following points in detail:

- Where possible the Longbridge site would be treated as a whole, this was in order for the residents of Bromsgrove district to benefit as much as possible from the site.
- The Statement of Principles had been drawn up in order to provide both Planning and Strategic Housing Officers with a set of agreed guidelines to assist them in negotiating affordable housing provision at Longbridge.
- Members were provided with full details of what was included within the guidelines.
- The proportion of new residential development to be affordable housing, the preferred type, size and tenure of affordable housing to be sought together with the targeted standard of construction and the distribution within the development, all of which would be subject to negotiation.

- How nomination rights should be allocated between the authorities – which would allow the flexibility to be able to access the broad range of affordable housing delivered.
- It was stressed that the percentage of affordable housing would vary from site to site and would be dictated through planning applications not through the Statement of Principles.

The Portfolio Holder for Strategic Housing, Business Transformation, Town Centre Regeneration and Special Projects reiterated that the key issue was the 50% nomination rights and the Statement of Principles was a high level agreement to enable the Council to work with Birmingham City Council.

The Chairman invited Councillor R. Hollingworth to add any further comments and the Board was provided with further background information in respect of the working group which had originally been set up and had agreed to the inclusion of the Statement of Principles.

Officers responded to questions from the Board and discussed the following in more details:

- How the nomination rights would be monitored in order to ensure that Bromsgrove district received the agreed 50% - Officers would track every property that became available in order to ensure that this happened.
- As part of the principles of the Area Action Plan (AAP) there was a reduction in affordable housing to 35%, this has not been maintained in respect of the “East Works” area of the Longbridge site. Members were informed that the 35% referred to was across the entire site.
- An independent assessor had provided information on the viability of the site. Reference to this and possible adjustment to the percentage was made within the Statement of Principles.

**RESOLVED** that the presentation be noted.

8/12

#### **QUARTER 4 CUSTOMER SERVICE UPDATES REPORT**

The Board considered the Making Experiences Count – Quarterly Complaints report which was brought before Members following a recommendation from the Planning Policy Task Group final report. The Executive Director, Finance and Corporate Resources informed Members that as this was the first such report received by the Board it gave them an opportunity to feedback on the level of information within the report and whether further information would be helpful.

It was highlighted to Members that the Council was receiving more complaints and compliments; this was due to officers and members of the public appreciating particular issues as being compliments and complaints. There had also been training for officers in respect of identifying the differences between complaints and services issues. Members were informed that the Council was moving away from the use of targets as these tended to drive particular types of behaviour for example by not logging a particular complaint

in order to maintain a target. The decrease in the number of complaints from 2010/11 was due to particular issues in that year which related to garden waste.

From the information available the Council had learnt that the main issue was not keeping the customer informed and not responding in an appropriate manner; the information sent out did not always explain the position and was not written in plain English. An average of 76% of complaints received responses within the target time. Whilst this was a slight increase on the previous year, it was considered unacceptable and Members requested further details on any remedial actions taken to improve this figure.

The Board discussed the following areas in more detail:

- Members queried whether spot checks were undertaken – it was confirmed that “mystery shopper” exercises had taken place over various departments (including members of the public) and the results of these would be provided in the next quarterly report.
- Concerns were raised in respect of the 15 working days response to a customer complaint. It was clarified that an acknowledgement of a complaint would normally be made within 2-3 days. If a complaint required a more detailed complex response, for example in respect of housing benefits, then the response time could be significantly longer.
- The current customer skills training which was being rolled out to employees – both face to face and telephone.
- Concerns were raised in respect of agency waste crews being used without the appropriate training. Members understood that there had been funding allocated for crews to receive specific NVQ training.
- Officers to clarify the point raised by Members in respect of the weight of bins.
- Members noted that a complaint had been received in respect of confidential details being sent in error to the wrong person and suggested that this could be a matter for further investigation by the Audit Board.

Members discussed the overall training needs, which were highlighted within this report.

**RESOLVED:**

- (a) that the next quarterly report includes information on actions taken to improve the percentage of cases responded to within the target time and where necessary any training needs identified to assist with this improvement;
- (b) that the next quarterly report includes information on the number of complaints responded to quickly and the number which take more time and therefore have a detrimental effect on the average response percentage; and
- (c) that a presentation be included in respect of the training received by staff when the next quarterly report is received by the Board.

9/12 **PLANNING POLICY TASK GROUP - RESPONSE TO CABINET INTERIM REPORT**

The Chairman reminded Members that the revision of recommendations 1, 3 and 6 of the Planning Policy Task Group had been as a result of the Cabinet Interim Response. After a short discussion it was

**RESOLVED:**

- (a) that the revised recommendations be approved; and
- (b) the revised recommendations be submitted to Cabinet for approval.

10/12 **FORWARD PLAN OF KEY DECISIONS**

The Forward Plan of Key Decisions was considered by the Board.

**RESOLVED** that the Forward Plan be noted.

11/12 **OVERVIEW AND SCRUTINY BOARD DRAFT ANNUAL REPORT 2011/12**

The Board was advised that the Annual Report for 2011/12 was for consideration and comment. This would be presented to full Council at the meeting to be held on 18th July 2012.

As this had been the first full year of the current Overview and Scrutiny Board, Members considered the Board's workload which had seen the amalgamation of the four previous Boards into one Work Programme and discussed whether there was a need to make any changes to the number of boards which covered the Scrutiny role. Members thanked Officers for producing such a well written, comprehensive and detailed summary of the work the Board had carried out in 2011/12. After further discussion it was

**RESOLVED** that the report be noted.

12/12 **QUARTERLY RECOMMENDATION TRACKER REPORT**

The Chairman informed Members that the format of the Quarterly Recommendation Tracker had been revised in order to provide Members with a more succinct report. It was noted that some items had been outstanding for a significant length of time. Members discussed the importance of the Tracker and of the need to monitor the progress of recommendations which had not yet been completed. After further discussion it was

**RESOLVED** that relevant Heads of Services provide a full update on any outstanding items and attend the next available meeting.

13/12 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

The Board noted that the Work Programme included a number of items carried over from the previous municipal year, together with regular standing items. The Chairman invited Members to consider bringing forward any topics

that would be suitable for the Board to investigate, for discussion at the Board meeting to be held on 16th July 2012.

Members discussed the potential future models of county hospital care, as part of the Joint Services Review, which had recently been announced and in particular the proposed closure of the Accident and Emergency department at the Alexandra Hospital in Redditch, which would have an impact on residents of the District. The Board's representative on the Worcestershire County Council Health Overview and Scrutiny Committee (HOSC), Councillor Dr. B. T. Cooper, provided full details at Minute No. 14/12. The Board considered whether this was an appropriate topic for external scrutiny and whether a presentation on the future model options and a progress report was required, together with an updated report when a decision has been made by the Worcestershire Acute Hospitals NHS Trust on which model it will implement.

**RESOLVED:**

- (a) that the Democratic Services Officer distribute a blank topic proposal form for completion by Members if required and for such forms to be considered at the Board meeting to be held on 16th July 2012;
- (b) that Officers invite a representative of the Worcestershire Acute Hospitals NHS Trust to attend the Board meeting to be held on 16th July 2012 to give a presentation on the future models of county hospital care; and
- (c) that a report on the disposal of stock and any claw back clause still in existence through BDHT be timetabled into the Board's Work Programme.

14/12 **WCC HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

Councillor Dr. B. T. Cooper, the Council's representative on the Worcestershire County Council Health Overview and Scrutiny Committee (HOSC) informed Members that he had attended its meeting on 22nd May 2012. The main items covered at that meeting had been an update on the Joint Services Review and Acute Stroke Services in Worcestershire. In respect of Acute Stroke Services it was proposed that these would be concentrated at the Worcestershire Royal Hospital and although concerns were raised in respect of travelling time, it had been agreed that this was appropriate for service.

In respect of the Joint Services Review the process for assessing the options had been presented by the Worcestershire Acute Health Trust. On 12th June 2012 a press release was issued on the six options which would be considered, which lead into the period of public engagement, this was a series of community events which had been arranged. The Bromsgrove event would take place on 27th June 2012 between 10.00 a.m. and 2.00 p.m. at the Churchfields Surgery and it was understood that attendees needed to reserve a place. Councillor Dr. Cooper agreed to provide Members with full details of the proposals and timetable via Officers.



The Board discussed the importance of being able to put forward its views as to which of the six options was most suited to the needs of the residents of Bromsgrove and how it could best feed back those views into the engagement exercise as soon as possible. It was understood that individual Councillors would be expected to put forward their preferred option; however the Board as a whole could feed any views through recommendations which would be considered by Cabinet.

The meeting closed at 8.05 p.m.

Chairman