

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

15TH JANUARY 2018, AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), C. Allen-Jones, S. R. Colella, M. Glass, C.A. Hotham, R. J. Laight, C. J. Spencer, P.L. Thomas and M. Thompson

Observers: Councillor C. B. Taylor, Mr. N. Hudson (WCC), Ms. K. Hanchett (WCC), Mr. S. Hawley (WCC) and Mr. M. Rowe (WCC).

Officers: Ms. J. Pickering, Mrs. R. Bamford, Mr. M. Dunphy, Mr M. Cox, Mr. S. Williams and Ms. A. Scarce

75/17 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

There were no apologies for absence.

76/17 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest nor any whipping arrangements.

77/17 **MINUTES**

The minutes of the meeting of the overview and Scrutiny Board held on 27th November 2017 were submitted.

RESOLVED that the minutes of the meeting of the Overview and Scrutiny Board held on 27th November 2017 be approved as a correct record.

78/17 **WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE**

The Chairman advised that as Councillor Hotham, the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC), needed to leave early for another meeting, he had agreed to bring this item forward in order for Councillor Hotham to provide his update.

Councillor Hotham confirmed that at the most recent meeting of HOSC further information had been provided in respect of the budget for Adult Social Care, which continued to be of concern, although it was acknowledged that the increase in Council Tax would be ring fenced to

give an additional £7.2m, funding. The major concern was several car homes had closed as a result of staff shortages across Worcestershire and there were currently over 300 vacancies for health care assistants. However the following year this the additional funds being raised through Council Tax reduced to 1% which would result in some tough decisions being made. The situation would be monitored closely to ensure that the situation did not reach an unacceptable level.

Following Councillor Hotham's update Members raised a number of areas which were discussed in more detail, this included:

- The increase was less than inflation so would become an issue even with the proposals in future years.
- The recruitment situation and whether funding would make a difference to the vacancies – it was suggested that the ability to pay a more reasonable wages would encourage more people to take up the posts and improve the terms and conditions for these roles.

79/17

TRANSPORT PLANNING REPORT - VERBAL UPDATE

The Chairman welcomed the visitors to the meeting and explained that the item would be broken down into two areas, Highways and Air Quality; although it was acknowledged that there may be some overlaps in places between the two. Members were reminded that we were looking at the strategic overview and that it was important to avoid discussing specific planning applications, as these were a separate process and not areas which were within the Board's remit.

The Worcestershire County Council (WCC) Officers (Mr. Nigel Hudson, Ms. Karen Hanchett, Mr. Steve Hawley and Mr. Martin Rowe) introduced themselves and provided background as to their individual roles. Mr. Hudson thanked Members for the opportunity to attend the meeting and said his team had been provided with the minutes of the previous meeting so they were now here to listen to what Members had to say in order to feed into the report that would be prepared by the Strategic Planning and Conservation Manager. Information had already been provided and dependent on what came out of this meeting, further information and discussions would be taking place to assist with that final report.

Following discussion it was agreed that in order to give the WCC Officers an opportunity to respond to points raised, was for the bullet points within the minutes to be discussed.

- *Full data sets being requested from WCC under a Freedom of Information application and this being refused – it would be helpful to understand why this was the case and whether they were now willing to release that information.*

WCC responded that there were still a number of applications in progress and therefore they had not, on legal advice, been able to release that data. However, following further discussions they had been informed that this was now possible and were happy to share it outside of the meeting. It was currently being used for the modelling work on the A38 and would form part of a business case for that work. Analysis of that data was at the early stages and would continue.

Members asked whether if it was being used for the A38 business case, it was originally classed as commercially sensitive, but appeared now not to be and had been released to other parties. The Strategic Planning and Conservation Manager confirmed that he had received the traffic count data and Mr. Hudson confirmed that there had been one piece outstanding, which had been provided today. It was understood that there had been a variety of data requested, some of which had been provided, including full counts and historic data.

WCC reiterated that that this data was now available and they were happy to provide it. Mr. Hudson clarified that there were a number of different groups of data, the surveys from May and subsequent work based on the counts used for planning applications, which had been withheld, but this was now being made available.

As there appeared to be confusion as to the circumstances of the data being released a written response to this was requested from WCC.

- *The data that had been gathered over the previous months' counts and the option for data in the wider spectrum rather than as a snapshot.*

Members were concerned around the traffic count data, which was different to that expected, in fact some had been expected to show a reduction and had in fact shown an increase. With this much variance and in the sets of data how would this impact on what might be seen by 2030 as it was important for them to be able to understand the whole picture and ensure that any revised assumptions fed into the planning process appropriately.

Mr. Rowe confirmed that data collection was a standard process and was a snapshot and not used to forecast future needs. There was national data and recognised modelling which was used in respect of traffic growth and used to inform growth. There was a significant amount of detailed analysis which was carried out throughout the process. There was a high cost to the modelling and currently there were a limited number of areas which were undergoing such work, with only three live models ongoing at the moment, one of which was in Bromsgrove. It took approximately 12 months to cleanse the data and build it into a format that produced an accurate reflection, which could be used for a number of purposes.

The data to which Members had referred to for May had been provided purely to support two particular planning applications that from June had been collected to support the modelling for the business case. The Strategic Planning and Conservation Manager explained that the written report that Members were alluding to would include the traffic counts, from May, June and October, other elements would be picked up and included from the minutes of the previous meeting and these were the fundamental issues which Members had raised on numerous occasions.

As there appeared to still be some confusion amongst Members around the collection and production of data concerns were raised as to what confidence could be given to data which had been previously provided for a number of developments, specific reference was made to Hagley and the belief that the modelling/data was both incomplete and flawed and was not a true representation of the problems in that area.

Mr. Hudson explained the modelling data sets which were used to forecast growth and the highly skilled technical process behind this. He explained that developer would come up with a scheme devised to mitigate any problems which came from that modelling. The counts produced in May and June were used to give a view at that time. In respect of the national data set used, a new version was expected shortly and these were used to assess the level of growth.

The Chairman highlighted that the discussions so far had covered a number of the areas raised in the bullet points but questioned the 2 sets of models which had not been effective or given a true reflection of the position, highlighting that in one area the modelling, compared to the actual data was out by as much as 8% and the concern was the impact that this would have on future modelling going forward, as it could potentially by 2030 be completely out of line with actual figures. A request was also made for a breakdown of the total cost of the work done by Barham.

Ms. Hanchett responded that WCC were aware of the lack of confidence from the Bromsgrove Members and she hoped that this could be addressed through these meetings, but reiterated that some of the data sets were those used nationally and had to be used in any calculations that they carried out. The errors in those had been highlighted and it was hoped that with the introduction of a revised set this would be addressed. These took into account the greater level of growth and were accurate as they could be and were being used by all the other authorities in the county.

It was reiterated that the modelling was just one of the tools to forecast for the future, which was very difficult and whilst not giving a complete answer was one of the measures used. The Barham model had been built for one particular case, but had begun to be used for areas outside of its original purpose and was withdrawn and the consultants who had built it have accepted that the cost to WCC was zero.

Mr. Hudson explained that as a result of this WCC officers had met with the Head of Planning and Regeneration in order to plan how best to move forward. This plan included:

- Assisting her and the Strategic Planning and Conservation Manager in bringing forward a number of large development schemes.
- Support in getting a common set of data everyone could use.
- Build a case for A38 model to underpin the bid – some funding had already been secured.
- What was the model needed going forward to support the Council's next plan (it was important that this gave consideration to plans coming forward from both Wyre Forest and the West Midlands).

Specific reference was made to issues which had arisen in Hagley following recent developments and it was questioned whether the data had been accurate and the impact on the local area and whether the appropriate infrastructure had been put in place to mitigate growth. It appeared that funds had been spent elsewhere within the County but that Bromsgrove had not benefited from these. It was reiterated that the issues should have been identified earlier and due to inaccurate data being provided, there was the potential that the wrong solution to problems had been put in place. It was questioned whether due to particular problems at the west side of the town, whether the impending A38 business case would identify the issues and address the problems and that in fact this was an ideal opportunity to look at a western distributor road and it would be useful to have this included within the report.

Mr. Hudson explained that a report had been done some 18 months ago, but confirmed that this point would be addressed again. It was important that everyone looked very hard at future growth and forthcoming big issues around existing growth to ensure that the right plans were put in place to address and ensure that the Council could get as much as possible from the highways and other infrastructure strategy.

Members asked for clarification around the budget that WCC held and the practicalities around the distribution of this. It was assumed that there was a set budget together with central funds which could be bid for. It was questioned as to how the existing budget was allocated across the County, as it appeared that Worcester City received a disproportionate amount. Mr. Hudson clarified that there were a number of major projects which were part of the economic plan and had been agreed across the county as a whole. It was anticipated that funding would be available for new technology and lights at a particular junction in Bromsgrove and every effort was being made to address the problems. In respect of the wider infrastructure a number of areas of investment would be discussed with the Strategic Planning and Conservation Manager. In respect of work being undertaken on the M5, it was explained to Members that this was carried out through Highways

England funding, direct from Central Government and separate to the areas being discussed at this meeting.

Members discussed the number of people who, whilst living in Bromsgrove, did not work here and that any further developments needed to include some sort of alternative route to take people outside of the town centre. It was important that within any further consultations that local experience was listened to and involved. Again, reference was made to the option of a Western Distributor Road and the likelihood of major infrastructure investment being needed and included in any future plan.

Whilst all the issues raised by Members were noted it was questioned whether Members energies could be better spent looking forward and ensuring that the evidence and assumptions made were accurate in the new plan moving forward. Modes of transport were also considered and how improvements could be made to encourage the use of public transport and cycling. Mr. Hudson explained that this was something which was being considered within the Transport Plan, which included a number of ideas including the licensing of car use in town centres, which had been brought forward by other local authorities.

Members discussed a number of other areas, which included:

- How in France for example the roads and infrastructure were put in place prior to any development being carried out.
- The impact of developments in our district, for example Wyre Forest, on this Council.
- Being tougher on developers and whether the work that they carried out in respect of infrastructure was monitored to establish whether it had been successful.
- Larger amount of Section 106 monies being requested to mitigate work that was needed.

Whilst Mr. Hudson understood the frustrations of Members he highlighted that in a number of the scenarios suggested it would not be practicable for these to be carried out, although as he had previously stated they were looking at new and innovative ways of addressing the problems faced and significant Section 106 monies had been sought on a number of occasions.

Following discussions the Head of Planning and Regeneration made a number of comments in respect of the following:

- Neither she nor the Strategic Planning and Conservation Manager were qualified highways Engineers and were grateful for confirmation that the Barham model was not fit for purpose.
- Moving forward the use of Mott MacDonald's data for a number of planning applications had been of comfort, in that appropriate data had been collected and was able to be fed into the appropriate plans.

- She was happy with the current situation and the work that had been done in collecting data.
- The lack of confidence in County Highways – the importance of the developers being aware of the new dimension to working together to ensure this is repaired.
- The need for WCC to work collaboratively with the Council to ensure that transport issues were identified and considered fully so that appropriate sites were identified.
- Going forward the Local Development Scheme had been considered at Cabinet the previous week.
- The importance in a two tier authority of the Planning functions working closely together and the need to review the Local Plan going forward.
- The need for Member involvement in the process to ensure that all their concerns were addressed.

Members made it clear that clear answers needed to be provided moving forward as they were constantly faced with having to respond to residents' complaints about the traffic not just within the town centre but across Bromsgrove. It was important that clear answers and information was communicated to those residents to reassure them that every action possible was being taken to address the problems faced every day.

The Head of Planning and Regeneration assured Members that lots of work had been carried out in order for the data needed to process planning applications was available and that moving forward the review of the Local Plan, although complex would go towards understanding the impact of future developments and provide general background, but again it was reiterated that within a two tier authority it was the responsibility of all involved to ensure that problems were addressed.

Members went on to further discuss a number of areas including:

- The need to communicate with residents, particularly in respect of “every day” traffic measures such as parking around schools and temporary traffic works.
- The relationship between WCC and the Council and how they are now working together and meeting on a regular basis to address many of the concerns.
- The retention of Mott McDonald for highways issues and the cost of this to date.
- Confirmation that the Council had requested reimbursement of the Mott McDonald costs from WCC and whether this had been agreed.
- To date £80k of the £150k set aside for these costs had been spent and it was confirmed that those costs had not been recovered to date.
- Clarity in respect of the Barham model was requested for the next meeting of the Board.

Air Quality

Mark Cox, Technical Services Manager and Stephen Williams, Technical Officer from Worcestershire Regulatory Services (WRS) introduced themselves and gave background information as to their role and how this fitted in to the planning process. Details of the monitoring of pollutants was also provided, including a number of Air Quality Management Areas (AQMA) in Bromsgrove which need to be monitored and a countywide action plan for Worcestershire was produced covering all AQMA within the County and formally adopted in the autumn of 2013. This identified many potential air quality solutions for each AQMA that were split between generic actions applicable to all areas and specific actions for each AQMA. With this in mind WRS conducted a “priority actions” process in 2014 for each AQMA.

Particular reference was made to the AQMA on the Kidderminster Road, Hagley and it was explained that a report would be considered by Cabinet and Council at Bromsgrove in respect of a recommendation to revoke this, as the recommended level of pollutants had not been exceeded for 3 years. It was explained that in the past WRS had attempted to set up a steering group to take forward the action plan, but had found this difficult to progress. Talks had been held with WCC in respect of the A38 and relevant AQMA.

Following this introduction Members discussed a number of areas in more detail, this included:

- How the unacceptable levels of pollutants could be addressed and the impact on the health of residents.
- Concerns around the revocation of the AQMA in Hagley and whether the monitoring which was undertaken was in the right places. A number of areas were highlighted where there were concerns that the levels were high and not being monitored.
- What actions had been taken following changes to a junction in Hagley where a new development had been built and the impact of that on the traffic.
- It was acknowledged that the junction changes had been put in place following the development but concerns were raised that the knock on effect of such changes were not being monitored.
- Concerns that once the AQMA was revoked it was not possible to reinstate it if the levels increased.
- The Council's legal duty to reduce the emissions.
- Whether a planning application could be refused on grounds of its impact of air quality.
- The inability for monitoring to take into account “peaks and troughs” in a particular area.

Mr. Cox explained that the levels were set nationally and referred to the long term health implications. The levels monitored in Hagley had not been above that national level for over 3 years. Action Plans were in place for each AQMA and these were updated regularly. These were

accessible through the website and WRS were willing to explore suggestions with anyone who had ideas of how to address the problems or concerns. Whilst it was understood that there were a number of concerns, WRS were only required to produce the Action Plan and encourage support of it. It would not be appropriate or cost effective to continue with an AQMA where the levels were below those required nationally. Mr. Cox provided Members with the 5 key areas for consideration within the Hagley AQMA:

- Review of signalised junction at foot of Hagley Hill of A456 and A491
- Alteration of phasing of traffic light systems
- Introduction of traffic signals at Hagley Island roundabout
- Variable Messaging Systems
- Freight Quality Partnership

Full details of these would be included within the report which was to be considered by Cabinet and Council. It was confirmed that there had been a downward trend for all of the AQMAs in recent years. Members questioned whether these levels impacted on planning decisions or the prospective design of homes for developments. Mr. Cox explained that consideration would be given to any impact on current AQMAs and suggestions such as setting houses further back, access points or moving school playgrounds to the rear and if significant impacts were identified that they would suggest amending the proposal.

Mr. Cox explained that in respect of the reference to “peaks and troughs” and the use of an annual or monthly average, the weather was a prime factor in the monitoring and this was why the recommendation to revoke was not made until three consecutive years’ results below the national level had been observed.

Following the discussions the Executive Director, Finance and Resources, provided a summary of the main areas covered and actions arising:

- Clarification as to why the Freedom of Information request to WCC was originally refused and why this was changed and he information was able to be released.
- The Council was seeking re-imbursement of the costs incurred in engaging Mott McDonald.
- Mott McDonald to review the work on a Western Distributor Road.
- The cost of the Barham work – this was noted to be zero, however it was argued that there would at least have been officer time and an initial cost.

Members discussed whether there were any recommendations from this meeting that they would wish to be considered by Cabinet. Particular reference was made to the Local Transport Plan 4 and its adoption. The Head of Planning and Regeneration advised Members that it was

important to ensure that the current review was carried out and that the two Councils worked together to ensure that all concerns were addressed.

It was commented that it would be useful to have someone from Highways attend the Strategic Planning Steering Group meetings, dependant on the topics to be discussed at the meeting. Members also discussed that although reference had been made to specific problems in Bromsgrove Town Centre and Hagley it should be remembered that future developments could also impact on other areas of the District, this included the potential for developments arising from the duty to co-operate with other local authorities.

Members discussed how best to take this matter forward and it was agreed that a draft report would be considered at its next meeting and should Members have any areas which they wished to be included within that report then to contact the Senior Democratic Services Officer.

The Chairman thanked the Officers and members of the public for attending the meeting.

80/17

FINANCE AND BUDGET WORKING GROUP

Councillor Mallett, Chairman of the Finance and Budget Working Group, introduced this report and explained that this was the first stage of the work it was carrying out following the request from full Council to look into breakdown of costs between the two Councils. Officers had carried out an historic review of time together with a short “time and motion” exercise going forward. It was clear in the recent figures that, following additional management support required in relation to housing at Redditch, that there was a disproportionate amount of time being spent on that work which was reflected in the figures. The Group had therefore put forward two recommendations.

Following presentation of the report Members discussed a number of areas in more detail, including:

- The legal implications and the need to consider any potential changes that may impact on these.
- The Executive Director, Finance and Resources explained that the original shared services legal agreement was for a 50/50 split. The historic figures had produced a relatively small difference, but as the Council’s Section 151 Officer she agreed that it was reasonable to seek reimbursement in respect of the element of work relating to the Housing Revenue Account Review, when this work was completed.
- The recommendations would be referred to Cabinet.
- The potential for a refund to be sought had been advised to the relevant Portfolio Holder at Redditch.
- The need to ensure the Council was receiving value for money from the shared service agreement.

- It was confirmed that the Working Group membership was cross party and its decision had been unanimous in respect of these recommendations.
- Membership of the Shared Services Board and how often it met.

RECOMMENDED that

- a) **Redditch Borough Council refund Bromsgrove District Council for the additional officer time spend due to the additional management time being spent on the housing service in Redditch; and**
- b) **A review of the Management Team re-charge between the two councils be carried out in light of the information received by the Finance and Budget Working Group.**

81/17

MEASURES DASHBOARD WORKING GROUP - UPDATE

Councillor Shirley Webb, Chairman of the Measures Dashboard Working Group provided an update on the Group's most recent work. She confirmed that it had completed its work in respect of looking at each of the Council's strategic purposes and had fed back to officers and arranging to meet with them to discuss their findings. It also planned to meet with Councillor S. Colella, the Chairman of the Joint Staff Survey Task Group in order to explore how best the Group could implement the Task Group's recommendation in respect of performance measures. It had also arranged to meet with the Chairman of the Redditch Performance Scrutiny Working Group with a view to progressing joint working with them. The Group had arranged meetings for the remainder of the municipal year.

82/17

TASK GROUP UPDATES

CCTV Short Sharp Review

Councillor S. Colella, Chairman of the CCTV Short Sharp Review confirmed that the Group had met before the Christmas break and had discussed with Officers the potential for a review of the needs of the CCTV Team and the District through the use of an external consultant. Funding had been made available for this through the Community Safety Partnership and the necessary arrangements put in place. The Group planned to meet with the consultant in early March to discuss his work and to feed in their own thoughts to this process. It was hoped the Review would be completed and a report provided to the April meeting of the Board.

Joint Staff Survey Scrutiny Task Group

Councillor Colella, as the Chairman of this completed Task Group, provided an update on recent events. He confirmed that, as the Lead Scrutiny Member for Staff, he had attended a staff briefing at the Depot, which had covered a number of areas, including the most recent staff

survey. It was understood the results of the survey would be available shortly. Councillor Colella also advised that he had attended a presentation in respect of the survey which had been issued and whilst he had not been able to influence its content as the meeting was after it had been issued, he had raised a number of issues which had not been picked up despite discussions at meetings with officers.

Members discussed a number of areas around the staff survey including whether the response rate had been better this time; Cllr Colella responded that he understood that in some areas it was better and in others not so much. Currently the results were being analysed and it was hoped these would come before the Board in due course.

83/17

OVERVIEW AND SCRUTINY TOPIC PROPOSAL REPORT

The Chairman invited Councillor Cooper to present his topic proposal and in so doing Councillor Cooper highlighted that the proposal had come forward following discussions with officers. He provided an example of reports which were produced in a number of agendas and questioned the amount of paper that was used for agendas. Additional costs were also incurred from agendas being posed out or from Members travelling in to collect them. He envisaged that the investigation would include reviewing whether the current IT equipment used by Members was fit for purpose and it was agreed that the iPads were not suitable for carrying out a number of functions, for example accessing the Measures Dashboard. It was also suggested that it might well be an opportunity to resolve the ongoing issue faced by “dual hatters” and having access to both councils’ information on one device.

Members were in agreement that the iPads had limited use and agreed that it was an opportunity to look at the options available and what steps could be taken towards paperless. Printing of documents was also discussed, as concerns were raised that by being paperless it would encourage Members to print off agendas themselves, although it was noted that currently there was not the facility to do this.

It was questioned whether, currently officers had capacity to facilitate a Task Group and it was confirmed that a new Democratic Services Officer would join the team in early March 2018, with responsibility for the day to day work of the Overview and Scrutiny function, with the Senior Democratic Services Officers’ support and overarching responsibility. It was suggested that this topic would be a good piece of work for her to take responsibility for and work could therefore commence in mid-March.

Officers would seek interest from Members at a later date and the membership would come back to the Board to be signed off together with the appointment of a Chairman.

RESOLVED that the topic be included in the work programme and a Task Group established to undertake a more in-depth investigation, with

the appointment of a Chairman for the Task Group being set at a date to be determined.

84/17

CABINET WORK PROGRAMME

The Chairman invited Members to consider whether there were any items on the Cabinet Work Programme which it wished to pre-scrutinise. Officers highlighted that a number of these were already on the Board's Work Programme, this included the Industrial units Investment Outline Business Case, which had been further delayed, the Sports Hall Feasibility Options Appraisal, which the Executive Director, Finance and Resources would now be brought to the March Cabinet meeting.

Members requested an opportunity to consider the Hagley Air Quality Management Area, Kidderminster Road, Hagley – Potential Revocation and raised concerns around the potential impact of this. It was therefore agreed that this would be added to the Board's Work Programme.

The Executive Director, Finance and Resources advised that although the Finance and Budget Working Group would consider the Medium Term Financial Plan she would also bring a presentation on this to the Board's February meeting for completeness.

RESOLVED that the Cabinet Work Programme 1st February to 31st May 2018 be noted.

85/17

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Board considered its Work Programme and officers provided updates and reminders in respect of a number of items. It was confirmed that the Board's Work Programme would be update in respect of the items from the Cabinet Work Programme.

Members noted that the items for the February and March meeting were particularly heavy and agreed that no further items would be included within these agendas unless really necessary.

RESOLVED that the Overview and Scrutiny Board's Work Programme be noted.

The meeting closed at 8.54 p.m.

Chairman