

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

3RD SEPTEMBER 2018, AT 6.00 P.M.

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

Observers: Councillor B. T. Cooper and Councillor P. J. Whittaker

Officers: Ms. B. Houghton, Ms F. Mughal, Ms. J. Pickering, Mr D Riley, Ms. A. Scarce and Ms J. Willis

27/18 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received on behalf of Councillors C. J. Bloore and R. J. Deeming.

28/18 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillor L. C. R. Mallett (Chairman) declared an other disclosable interest in respect of Minute no. 32/18 Hospital Car Parking Charges, as he was involved in charity work with the hospitals. During the item being considered he took no part in the discussions or voting thereon.

Councillor C. A. Hotham declared an other disclosable interest in respect of Minute no. 32/18 Hospital Car Parking Charges, as his wife worked at the hospital. During the item being considered he took no part in the discussions or voting thereon.

29/18 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 18TH JUNE 2018**

RESOLVED that the minutes of the Overview and Scrutiny Board meeting held on the 18th June, 2018 be approved as an accurate record.

30/18 **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (IMPLEMENTATION OF PROVISIONS)**

The Community Safety Manager presented a report in relation to the Anti-Social Behaviour, Crime and Policing Act 2014, which outlined the

implementation of provisions. The report also proposed a series of amendments to the Council's Scheme of Delegations to enable the Council to best utilise and implement the ASB tools and powers under the Act.

It was reported that the Anti-Social Behaviour, Crime and Policing Act 2014 provided the tools and powers, outlined in the report, which were relevant to the Council and supported the Strategic Purpose 'Keep My Place Safe and Looking Good'.

It was noted that the Public Space Protection Order (PSPO) (Section 59 – 75 of the Act) was used to stop individuals or groups from committing anti-social behaviour in a public space and which had or was likely to have a detrimental effect on the lives of those in the area. This tool replaced the Designated Public Place Orders, Gating Orders, and Dog Control Orders and could be either enforced by Police Officers, Police Community Support Officers or authorised Council Officers.

It was reported that the Council was responsible for making a PSPO, however, Police Officers and Police Community Support Officers could also play a role in enforcing the orders. Orders were issued after consultation with the Police, PCC and other relevant bodies.

Arising from Members' questions, the following responses were made:

- Currently there was one community trigger in Bromsgrove and that no other order was in progress. Members would be updated in relation to any community trigger raised. The Community Safety Manager stated that she would circulate more information relating to this to Members.
- it was a statutory requirement that District Councils were in consultation with Police, PCC and other relevant bodies to ensure that all relevant information was compiled in order for the appropriate process to be followed and be transparent.
- The restrictions and requirements of an order could be related to any anti-social behaviour, such as loud music. The order could be applied to both commercial and residents provision.
- Worcestershire Regulatory Services had a specific section in the guidance to tackle any ASB issues when raised.
- It was not clear which powers had the overriding guidance.
- Concerns relating to nuisance noise would be dealt by Environmental Health Services. Members were informed that the Council was taking legal advice in respect of the statutory guidance regarding nuisance noise.

Members noted the proposed amendments to the Council's Scheme of Delegations. In order to enable all relevant Council officers to utilise the powers under the Act, the following amendments to the Council's current Scheme of Delegation were recommended:

- a) That the Head of Community Services, in consultation with the Principal Solicitor be given delegated authority to seek a Civil Injunction in accordance with Sec. 1 – 21 of the Anti-Social Behaviour, Crime and Policing Act 2014.

- b) That the Head of Community Services, the Head of Environmental Services, the Head of Worcestershire Regulatory Services and the Head of Planning and Regeneration Services be given delegated authority to serve Community Protection Notices, (and Fixed Penalty Notices in the event of a breach) in accordance with Sec. 43 – 58 of the Anti-Social Behaviour, Crime and Policing Act 2014.

- c) That the Head of Community Services, Head of Environmental Services and Head of Leisure and Cultural Services be given delegated authority to initiate and implement the consultation process required to make a Public Space Protection Order in accordance with Sec. 59 – 75 of the Anti-Social Behaviour, Crime and Policing Act 2014.

As recommended in the amended statutory guidance, the decision to make a Public Space Protection Order would be put to Cabinet/Council. Members requested that Ward Members be included to the decision matrix. The Community Safety Manager advised that she would need to seek legal advice to ensure that such information could be shared with Members as it may impede on data protection requirements.

The Community Safety Manager stated that, in terms of consultation with the Police, any enforcement order put in place must have the Police's commitment to ensure the enforcement was carried through and to ensure that public safety was the prime concern.

It was reported that the Alcohol Free Zone Legislation was being replaced with the Public Space Protection Order and would be reviewed in three years.

Any financial implications would be considered during the consultation.

RESOLVED that the powers available to the Council under the Anti Social Behaviour, Crime and Policing Act 2014, as amended in December, 2017 be noted.

RECOMMENDED that the Council's Scheme of Delegations be amended, as detailed within the report subject to the inclusion of "in consultation with the Ward Councillor", where appropriate.

PRE-SCRUTINY - COUNCIL TAX SUPPORT SCHEME REVIEW

The Board received a report in relation to the Local Council Tax Support Scheme (CTSS) for 2019/20. The Revenue Services Manager was present at the meeting and provided information on the work undertaken by the Customer Access and Financial Support Service to date in respect of the redesign of the CTSS for implementation by 1st April, 2019 and set out the proposals for public consultation.

The report recommended that approval be sought for the Cabinet to agree that the Council undertook a formal consultation with the major preceptors and the public on the proposed design of a revised scheme, which would take place for eight weeks from 1st October, 2018. The results of the consultation would be presented to the Overview and Scrutiny Board and Cabinet in January 2019, with any recommendations going forward to full Council in February, 2019.

The following key issues were highlighted:

- Care leavers would be provided with 100% Council Tax support up to the age of 21.
- Frequent changes to Universal Credit cases were received from the Department for Work and Pensions (DWP) requiring a change to CTS entitlement. On average 40% of Universal Credit claimants had between eight and twelve changes in entitlement per annum.
- The income changes for claimants migrating to Universal Credit were unknown and therefore the profiling that had been carried out was based on existing legacy benefits across the current caseload. The predicted expenditure was therefore subject to change when claimants migrate from legacy benefits to Universal Credit.

It was proposed that the current means tested scheme was replaced by a simple income band model. The indicative example of potential Grid Model Approach was provided in the report. Members were informed that the full impact model exercise would be completed by the end of the week and an update would be provided to Members.

The Chairman raised concerns that he could not make a decision at this stage as the full information was not available and that the actual model needed to be considered rather than the indicative model. The Revenue Services Manager informed Members that the modelling may require amendment after the consultation in terms of banding. He further stated that the modelling exercise was necessary as this would determine who would and would not benefit from the proposed scheme.

Councillor B. Cooper, the Portfolio Holder for Finance and Enabling informed Members that the recommendation was to ask Cabinet to approve the consultation and was not the approval of the final document. He further clarified that the final document would be considered at the

Overview and Scrutiny Board prior to approval at Council in February, 2019.

In response to Members' question, the Revenue Service Manager stated that other authorities were also proposing to move to a banding discount scheme and that Redditch Borough Council was also proposing a similar scheme.

Clarity was sought that the proposed schemes were being modelled with a capital limit for working age claimants would be set at £6,000 and £16,000 limit for pensioners.

As the formal consultation was proposed to take place from the 1st October, 2018, it was requested that Members to be minded to approve the recommendation of the consultation in order to prevent any delays. The Chairman stressed that the final consultation document was required before any decision was endorsed.

The Chairman proposed that, as the report was not clear who would or would not benefit from the scheme, that consideration of the Local Council Tax Support Scheme be deferred pending all information being provided. It was further requested that the formal consultation commence in mid-October, 2018.

Whilst Members were conscious of the timescale, it was proposed that consideration of the Local Council Tax Support Scheme for 2019/20 be deferred to the next meeting of the Overview and Scrutiny Board on 1st October, 2018, pending all information being provided and that the Cabinet consider the report on 3rd October, 2018

RECOMMENDED that consideration of the proposed Local Council Tax Support Scheme for 2019/20 be deferred, pending further information.

32/18

HOSPITAL CAR PARKING CHARGES - BOARD INVESTIGATION FINAL REPORT

Members considered the report in relation to Hospital Car Parking Charges which outlined the findings and recommendations from the Overview and Scrutiny Board's investigation.

It was noted that at the Council meeting on 19th July, 2017, Councillor P. McDonald proposed the following motion which was seconded by Councillor M. Thompson. *"This Council calls upon all local hospitals to stop charging for parking, that in reality was financially punching people for receiving treatment or visiting loved ones"*.

Council had felt it would be appropriate to consider the matter further at the Overview and Scrutiny Board as it was an issue which had an impact on local residents.

Councillor S. R. Colella informed Members that the Board Investigation had held three meetings to consider the matter further. A representative from Worcestershire Acute Hospital Trust was invited to one of the meetings in order to clarify a number of points raised by Members.

The summary of the findings during the investigations were outlined as follows:

- Concerns were raised that a private company that maintained the parking charging system on behalf of the Worcestershire Acute Hospital Trust may be generating a profit from charging patients and their families. Clarity was sought that this was not the case as no external company received a slice of the income from car parking charges other than the money paid towards the Private Finance Initiative (PFI) costs at the Worcestershire Royal Hospital.
- The Trust operated all three car parks and other than the money paid towards the PFI costs at the Worcestershire Royal Hospital, any profit generated from parking charges goes towards the operation of the Trust.
- Concerns were raised regarding concessions and how they were advertised. Reassurance was provided that information about concessions was provided on a ward by ward basis and was linked to a patient's treatment pathway.
- It was noted that hospital car parking charges had been abolished elsewhere in the United Kingdom and that there was a Private Members Bill going through Parliament requesting the abolishment of hospital car parking charges which was sponsored by Labour and Conservative MPs.
- Members' had discussed the evidence presented and possible ways to change the system so that car parking charges did not disproportionately affect the disadvantaged. It was suggested for example that potentially those that could prove they were receiving Universal Credit could access free parking, however the possible high costs of administering such a system was referred to. It was also commented that people who found employment stopped receiving Universal Credit and therefore could have no income for a period of time and become for example reliant on pay day loans. Other people lived on low weekly incomes and did not have the budget to pay for parking. It was recognised that these people would be hit disproportionately by hospital car parking charges.

- Although it was acknowledged that abolishing charges would have a financial impact on NHS Trusts and the government would therefore need to contribute to subsidise NHS Trusts, the principle of abolishing hospital car parking charges was felt to be correct.

The Overview and Scrutiny Board therefore proposed that Full Council write to the Secretary of State to suggest that NHS Trust owned hospital car parks should be made free of charge.

The Chairman concluded by thanking everyone involved in the investigation.

RESOLVED that the report and the recommendation included within the report be approved.

RECOMMENDED that Full Council write to the Secretary of State to suggest that NHS Trust owned hospital car parks should be made free of charge.

(During consideration of this item Councillors C. R. Mallett and C. A. Hotham declared an other disclosable interest. As such during consideration of this item they took no part in the debate or voting thereon).

33/18

CORPORATE PERFORMANCE WORKING GROUP - UPDATE

Councillor S. A. Webb advised Members that a meeting was scheduled to take place on 4th September, 2018 in respect of the Corporate Performance Working Group. She further stated it was prudent for the Group to concentrate on the performance of the Council's services moving forward.

Councillor Webb asked if any Members of the Overview and Scrutiny Board would like to be appointed to the Working Group.

It was recognised that a lot of work was required in respect of the Dashboard in order for Members to monitoring and evaluating the effectiveness of it.

The Senior Democratic Services Officer informed Members that a performance report for each of the strategic purposes was presented at Cabinet on a quarterly basis.

Members raised concerns around the attendances and sickness record of staff. Members were informed that a report highlighting the sickness issues was being considered at the Corporate Performance Working Group tomorrow and the Portfolio Holder for Finance and Enabling was invited to the meeting to discuss this further.

34/18

FINANCE AND BUDGET WORKING GROUP - UPDATE

The Chairman informed the Board that a meeting of the Finance and Budget Working Group was held on 15th August, 2018. He reported that the Fees and Charges format was discussed at the meeting and that Members had asked for a consistent approach.

Members were informed that a settlement technical consultation was being undertaken by Central Government. This was around the Tariff Adjustment (Negative Revenue Support Grant) and the New Homes Bonus. The potential impact of any changes following the consultation was highlighted and the information relating to this would be circulated to Members subsequently.

The Executive Director of Finance and Recourses stated that the Council was looking at potential risks and planning income levels in the current financial budget. It was also noted that it was reviewing the budget proposals for the current year.

Members recognised that there was an issue around the inter-relationship between the New Homes Bonus and the Budget, in particular, around building new houses and believed that this could be a challenge as the Council adopted Local Plan. Furthermore, Members felt that it was important that applications for new homes were for the benefit residential needs.

Members noted that the National Planning Policy Framework (NPPF) was being revised.

35/18

TASK GROUP UPDATES

The Senior Democratic Services Officer informed Members that in respect of the Road Safety around Schools Task and Finnish Group, the final report which outlined the findings and recommendations would be presented to the Board on 1st October, 2018 for consideration.

Councillor S. R. Colella informed Members that the final report in respect of the CCTV Short Sharp Review which outlined the findings and recommendations would be presented to the Board on 1st October, 2018 for consideration. Councillor S. Colella thanked all Members for their contribution to the review

36/18

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE

The Senior Democratic Services Officer informed Members that a report in relation to the Local Maternity System was considered at the Worcestershire Health Overview and Scrutiny Committee meeting held

on 20th July, 2018. The minutes for this meeting would be circulated to Members for information.

37/18

CABINET WORK PROGRAMME

Members were circulated the Cabinet Leader's Work Programme from 1st October, 2018 to 31st January, 2019 for consideration. The Senior Democratic Services Officer informed Members that the Corporate Peer Challenge Action Plan was to be considered at Cabinet on 31st October, 2018 and that the Board was requested to give consideration to this at its meeting on 29th October, 2018.

It was noted that the Bromsgrove Local Lottery and Transport Planning Review were included in the Work Programme for consideration at Cabinet on 3rd October, 2018. Councillor B. Cooper clarified that the Local Lottery was a scheme which local charities could apply for funding from and was an alternative way of raising funds. Members were keen to pre-scrutinise this item and asked for it to be included on their Work Programme. Members also requested the item in respect of Development of the Burcot Lane Site to be added to the Work Programme.

Members raised concerns in relation to the recent issues in respect of waste collection. It was requested that the Portfolio Holder for Health and Wellbeing and Environmental Services and the Head of Environment Services be invited to the next meeting of the Board to provide an update in relation to this and any lessons to be learnt.

RESOLVED:

- (a) that the Cabinet Leader's Work Programme from 1st October, 2018 to 31st January, 2019 be noted; and
- (b) that the Portfolio Holder for Health and Wellbeing and Environmental Services and Head of Environment Services be invited to the next meeting of the Board to provide an update in relation to the waste collection.

38/18

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Senior Democratic Services Officer presented the Overview and Scrutiny Board's Work Programme for 2018/19. It was noted that the topic proposals for future consideration were as follows:

- Paperless Bromsgrove – this would be linked into the Members IT Development Working Group.
- Review of the sports hall negotiation process.

Members were reminded that the market in Bromsgrove was now run by the Council. Members requested an update in relation to the progress of this and in particular, the future plans for market improvements. It was suggested that the Deputy Leader and Portfolio Holder for Economic Development, the Town Centre and Strategic Partnerships and the Head of Leisure and Cultural Services be invited to the next meeting of the Board to provide a verbal update.

RESOLVED:

- (a) that the Overview and Scrutiny Board's Work Programme for 2018/19 be noted; and
- (b) that the Deputy Leader and Portfolio Holder for Economic Development, the Town Centre and Strategic Partnerships and the Head of Leisure and Cultural Services be invited to the next meeting of the Board to provide a verbal update in relation to any future plans for market improvements in Bromsgrove .

The meeting closed at 7.29 p.m.

Chairman