

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

TUESDAY, 27TH SEPTEMBER 2011 AT 4.00 P.M.

PRESENT: Councillors P. J. Whittaker (Chairman), P. Lammas (Vice-Chairman), C. J. Bloore, J. S. Brogan, Dr. B. T. Cooper, Mrs. R. L. Dent, Mrs. J. M. L. A. Griffiths, P. M. McDonald, S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

Officers: Ms. J. Pickering, Ms. R. Bamford, Mrs. C. Felton and Ms. A. Scarce

32/11 **APOLOGIES**

Apologies for absence were received from Councillors K. A. Grant-Pearce and R. J. Laight.

33/11 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

34/11 **MINUTES - 11TH JULY 2011**

The Minutes of the Overview and Scrutiny Board meeting held on 11th July 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

35/11 **REPORT ON THE POSSIBLE INTRODUCTION OF AN ETHICAL POLICY FOR THE COUNCIL**

The Executive Director, Finance and Resources gave background information on the policies in place and operational processes that were followed, which ensured that when the Council undertook activities either directly or indirectly through contractors, these were carried out in an appropriate manner and the Council acted responsibly when providing services to the community. The Equality and Diversity Officer ensured that robust policies and procedures were in place to support the equality duty of the Council.

The report submitted to the Board demonstrated that there were sufficient operational procedures and processes in place to ensure that the work of the Council was done within an ethical framework.

The Board discussed the following areas in more detail:

- The procurement questionnaire

- The bank facilities used by the Council and their compliance with the updated procurement questionnaire (officers to seek clarification to ensure this was the case and report back to the Board).
- How staff and contractors would be made aware of the procedures in place to ensure they are adopted – Officers provided details of how this would be carried out.

RESOLVED:

- (a) that the Board is satisfied that the current organisational requirements are being met and there is no need for a specific ethical policy to be developed; and
- (b) that Officers seek clarification to ensure the use of the procurement questionnaire for the sponsorship of roundabouts.

RECOMMENDED that Cabinet ensure that all staff and suppliers are aware of the current procedures in place to ensure that services are provided within a positive framework of addressing ethical issues.

36/11 **QUARTER 1 FINANCE AND PERFORMANCE MONITORING REPORT**

The Board considered the Finance and Performance Monitoring Report for the first quarter of 2011/12. The Executive Director, Finance and Resources explained the new format of the report. The Board questioned and discussed the following areas in greater detail:

- The variance for Corporate Services – and the detail provided in the Financial Commentary.
- Vacancy Management, employment rights for temporary staff, consultancy fees and fees for expert advice.
- Termination costs following Shared Services in relation to Redditch Borough Council and the Worcestershire Enhance 2 Tier arrangements.
- The audit process and role of the Audit Board.
- The format of the Statement of Accounts.
- Clarification on the Capital Budget Summary for Regulatory Services.
- The shortfall in revenue for Car Parks/Civil Enforcement Parking and the work being undertaken to address this. The Executive Director, Finance and Resources agreed to provide further detail within the July – September 2011 monitoring report to the Board.

Members understood that it was difficult to change the format of the report, and asked that in future more detailed explanations be provided in the Financial Commentary section.

RESOLVED that the current financial position for Revenue and Capital as detailed in the report be noted.

RECOMMENDED that the costs of consultancy fees are detailed separately for future financial monitoring reports.

37/11 **MINUTES - 25TH AUGUST 2011**

The Minutes of the Overview and Scrutiny board meeting held on 25th August 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

38/11 **LOCAL DEVELOPMENT FRAMEWORK/CONSULTATION EXERCISE - VERBAL UPDATE**

The Head of Planning and Regeneration gave the Board an update on the preparation for the Core Strategy, including the 12 week consultation period which had ended in May 2011. In excess of 3,500 representations had been received and the Head of Planning and Regeneration explained to Members how these had been dealt with by Officers. This included a detailed table being created which would be available to the public, on the Council's website from November 2011. However, Members were able to have sight of this immediately by contacting the Strategic Planning Manager. Members commented that the format of the table was cumbersome and those that had already received an electronic version had difficulty in viewing all the information. The Head of Planning and Regeneration agreed to take this up with officers and have the format modified if necessary.

The information in the table would be fed through the Local Development Framework Working Party (LDF), which had a set membership. However, for the purpose of the Core Strategy, which had district wide implications, there was an "open door" policy to the LDF and the programme of dates for specific areas to be discussed had been published in advance to enable all Members to attend these informal meetings. It was expected that following these meetings and the collation of further information received from these meetings, the document would be formally presented to Cabinet in November 2011 and a further report prepared for Cabinet in January 2012 to discuss the next stages of consultation.

The Board discussed the following issues in more detail:

- Staffing capacity and funding available, to deal with the extra work involved in preparing the document.
- The number and type of responses received.
- The contrast in the number of responses dependant upon the area of the district.

The Head of Planning and Regeneration informed Members that, if required, she or a member of her team would be willing to join Ward Members in the community to give presentations if appropriate. The Head of Planning and Regeneration provided examples of where this had happened and how useful this could be for those concerned.

39/11 **PLANNING SITE VISITS - OVERVIEW AND SCRUTINY TOPIC PROPOSAL REPORT**

The Chairman invited Councillor P. M. McDonald to introduce this item as he had put forward the Topic Proposal form. Councillor McDonald explained to Members why he had put forward this topic and suggested that a report outlining the process would be sufficient and used as a reminder to Members of the Planning Committee of the importance of their role.

The Head of Planning and Regeneration confirmed that the purpose of site visits was clearly detailed in the Council's Constitution. There was concern that Members were discussing unnecessary detail at the site visits, which was inappropriate and contrary to what was clearly set out in the Constitution. After further discussion it was

RESOLVED that the Head of Planning and Regeneration, Officers and Solicitor speak to the Members of the Planning Committee to emphasise the importance of their role and remind them of the Code of Practice for Planning Services as set out in the Council's Constitution.

40/11 **CABINET RESPONSE TO THE RECREATION ROAD SOUTH CAR PARK TASK GROUP REPORT**

In the absence of the Portfolio Holder for Leisure, Cultural Services and Environmental Services, the Chairman invited Councillor S. P. Shannon, as the Task Group Chairman, to comment on the Cabinet Response to the Recreation Road South Car Park Task Group Report.

The Board was informed that the Cabinet had responded positively to both the recommendations put forward and the content of the report. The operation of the car parking service would be reviewed as part of the Shared Services and Transformation programme and this would include all aspects of the operation. The Board acknowledged that recommendations 4 and 5 had significant financial implications and that recommendation 3 would be a consideration moving forward with the Town Centre regeneration project.

41/11 **SCRUTINY OF ALL BROMSGROVE CAR PARKS (REDUCTION IN THE NUMBER OF TICKETS SOLD) - OVERVIEW AND SCRUTINY TOPIC PROPOSAL REPORT**

The Board considered the Overview and Scrutiny Topic Proposal put forward by a resident, Mr Charles Bateman. As the Board had recently completed a Task Group in respect of the Recreation Road South Car Park and in light of the findings of that report and the imminent review of the car parking operation, it was

RESOLVED that no further action be taken.

42/11 **REDUCTION IN BUS SERVICES TASK GROUP REPORT (REVISED)**

The Chairman invited Councillor C. J. Bloore, as Chairman of the Task Group, to introduce this item.

The Chairman of the Task Group gave a brief outline to the background of the Task Group and the witnesses that had attended. The Board discussed recommendation 1 in detail and was provided with further information and the circumstances which had led to recommendation 2. It was confirmed that all the bus operators had been invited to attend a task group meeting, but those operators linked to the services mentioned in recommendation 2 had not done so, and that there continued to be uncertainty surrounding these services. After further discussion it was

RESOLVED:

- (a) that the report and recommendations attached at Appendix 1 be approved; and
- (b) that the report and recommendations be submitted to Cabinet for approval.

43/11 **WORCESTERSHIRE JOINT OVERVIEW AND SCRUTINY PROTOCOL**

Officers provided the Board with background information on the Worcestershire Joint Overview and Scrutiny Protocol and the need for such a protocol. Following a general discussion on the merits of joint scrutiny, the Protocol was noted for information by the Board.

44/11 **FORWARD PLAN OF KEY DECISIONS 1ST OCTOBER 2011 TO 31ST JANUARY 2012**

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

45/11 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

The Board considered the Work Programme for 2011-12. Officers advised Members that, as requested at the Board meeting held on 11th July 2011, the Police Inspector had been invited to attend a Board meeting. As he was unavailable for the meeting to be held on 24th October 2011 he had offered to provide a written report if the Board provided a brief outline of the information it required. The Board was reminded that it was not able to scrutinise the work of individual partners from the Community Safety Partnership, however, it was acceptable to ask the Police for a breakdown of domestic burglaries and car crime throughout the district and the detection of these and for details of how the Police were tackling these issues with the support of the Community Safety Partnership.

The Chairman confirmed that he had been contacted by Councillor S. P. Shannon in respect of fly posting. A task group had investigated this issue in 2005 which had highlighted the policy and procedure the Council had in place. Councillor Shannon said there had been several recent incidents of fly posting

which he brought to the attention of the Senior Community Safety Project Officer. After further discussion it was

RESOLVED:

- (a) that the Senior Community Safety Project Officer be formally asked to address the issue of fly posting in the district in line with the Council's policy and procedure; and
- (b) that the item be placed on the Overview and Scrutiny Board's recommendation tracker for monitoring purposes.

46/11 **MARLBROOK TIP**

The Chairman agreed that this matter be raised as an urgent item at the meeting as a decision on this matter could not wait until the next meeting of the Board.

The Head of Legal, Equalities and Democratic Services informed the Board that, following a debate at the full Council meeting held on 14th September 2011, it had been agreed that although an Internal investigation exercise would be carried out, the Overview and Scrutiny Board would be asked to set up a Task Group to investigate the areas covered in the Topic Proposal form put forward. This would mean that a special meeting of the Board would need to be set up to scope those members who wished to be included in the Task Group as currently the Task Group procedure guidelines set task group membership at between 4 and 7 Members and it was expected that there would be significant interest in the issues covered by this particular Task Group. A Chairman would also be appointed at that special meeting.

Members were concerned that this would preclude investigation of certain aspects of the Marlbrook Tip issues. Officers informed Members that at each stage of the task group it would be discussed as to what was the most appropriate way to deal with different issues and, if the task group felt it appropriate in particular circumstances, it could delegate particular areas of the investigation to a more suitable body to investigate.

The Board was of the view that an internal investigation (carried out by the Internal Audit team) should be carried out forthwith and alongside that investigation a Task Group would also look at the areas covered in the Topic Proposal form.

RESOLVED:

- (a) that, in accordance with the wishes of full Council, an Internal Audit investigation be undertaken into the Marlbrook Tip;
- (b) that a Task Group be set up with immediate effect to investigate the planning policy matters detailed within the proposal form; and
- (c) that a special meeting of the Overview and Scrutiny Board be arranged for 12th October 2011 at 5.00 p.m. in order to appoint a Chairman of the Task Group and agree the Membership of the Task Group.

The meeting closed at 5.42 p.m.

Chairman

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