

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 22ND APRIL 2013 AT 6.00 P.M.

PRESENT: Councillors P. Lammas (Chairman), J. S. Brogan, S. P. Shannon,
Mrs. C. J. Spencer and L. J. Turner

Observers: Councillor C. B. Taylor

Officers: Ms. J. Pickering, Mr. S. Jordan, Mr. M. Kay, Mr. S. Wilkes,
Ms. D. Poole, Mrs. H. Mole, Mr. C. Santoriello-Smith, Ms. J. Bayley and
Ms. A. Scarce

115/12 **APOLOGIES**

Apologies for absence were received from Councillors C. J. Bloore, R. A. Clarke, Dr. B. T. Cooper, Mrs R. L. Dent, K. A. Grant-Pearce, Mrs J. M. L. A. Griffiths, R. J. Laight and P. M. McDonald.

116/12 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillors J. S. Brogan and Mrs C. J. Spencer declared disclosable pecuniary interests, as members of the Artrix Board of Trustees, in respect of item 8 on the agenda; the proposal to review outreach provision at the Artrix Centre. Councillor P. Lammas also declared a disclosable pecuniary interest in this item in his capacity as a member of the Arts Development Holding Trust for the Artrix Centre.

The Board noted that as a result of these interests only 2 Members would be present during consideration of this item, which would have made the meeting inquorate. Consequently, Members agreed that the topic proposal concerning outreach provision at the Artrix Centre should be considered at the following meeting of the Board.

117/12 **MINUTES**

The minutes of the Overview and Scrutiny Board meeting held on 26th March 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

118/12 **THE WORK OF WORCESTERSHIRE REGULATORY SERVICES**

The Board received a presentation from the Head of Regulatory Services on the subject of Worcestershire Regulatory Services (Appendix A). The

Chairman explained that the presentation had been requested in order to provide Members with background information about the shared service in advance of the launch of a joint scrutiny review of this subject.

The following points were highlighted by Officers for Members' consideration:

- A shared Regulatory Service had been one of eleven options originally considered under the Worcestershire Enhanced Two Tier Programme (WETT). This shared service had been progressed because it had been considered viable and capable of achieving efficiency savings.
- Worcestershire Regulatory Services was the only regulatory service shared between different local authorities in the county. There was the potential that further Councils could be incorporated into the shared service in the long-term.
- Worcestershire Regulatory Services was responsible for managing a number of functions including food safety. In recent months service representatives had investigated the implications of the horse meat scandal for food provided to schools in Worcestershire, though only a single area of concern had been identified in the north of the county.
- When the shared service had first been launched joint working had been challenging because officers were familiar with different organisational cultures and operating methods. By using a central base in Worcester staff had been able to develop a single culture.
- Elected Members' engagement with the Worcestershire Regulatory Services team varied across the county, though senior Officers regularly briefed the Leader and Chief Executive of each local authority.
- Worcestershire Regulatory Services was based in Wyatt House in Worcester. However, surgeries were provided in each of the districts and could be accessed by customers where required.
- Bromsgrove District Council was the host authority for Worcestershire Regulatory Service. The Council received a fee from other local authorities in the partnership for hosting the service.

During the meeting Members also discussed the following points in detail:

- Members commented on the high frequency of nuisance complaints that had been received from the Aston Fields area of the district. A number of reasons were discussed as the potential causes for these complaints, including the location of industrial estates within the area, though Members were advised that complaints could be influenced by a variety of factors.
- A significant proportion of complaints about nuisance related to reports of noise. 80% of complaints about noise concerned domestic circumstances.
- Dog Wardens employed by the service worked throughout the county. The Dog Wardens were primarily employed to respond to complaints about barking dogs, though staff could provide advice about appropriate sources of support available to manage the behaviour of dogs.

- Stray dogs located by the Dog Wardens were often placed temporarily in local kennels until either the owner could be located or a new home could be found for the animal.
- Members commented that licensing arrangements at each local authority appeared to vary significantly. This was largely due to the fact that each local authority retained local decision making powers in relation to licensing matters and could determine the level of fees and charges for various licenses.
- Internet crimes, involving malpractice with regard to trading standards, increasingly featured in the work of the service. Officers utilised covert techniques to monitor the work of criminals and could take action to prosecute offenders.

RESOLVED:

- (a) that a copy of the presentation be circulated for the consideration of every member of the Board; and
- (b) that the report be noted.

119/12 **PRESENTATION ON THE TRANSFORMATION PROCESS**

The Board received a presentation from the Head of Business Transformation and the Transformation Manager on the subject of Systems Thinking (Appendix B).

During consideration of this item the following issues were discussed in detail:

- Service transformation was not a traditional top-down approach to changing services. Instead, the process focused on meeting the needs of the customer.
- Specialist support could be provided by the Business Transformation team to enable service transformation to proceed effectively.
- Service transformation also made use of the expertise of officers involved in delivering services. Staff were involved in capturing demand and trialling proposed changes to services.
- Recent examples of service transformation included changes to bulky waste collection that had been trialled in the district. As part of this trial rather than undertaking separate journeys collections were made by teams operating within the vicinity and customers were being provided with choice over the timing of appointments, which had already had a positive impact on customer satisfaction feedback.
- There had been instances where staff had held differing opinions about the benefits of proposed changes. The primary method for addressing these disagreements was to trial proposed changes, which enabled Officers to learn whether a different process would work effectively.

RESOLVED:

- (a) that regular updates and seminars, focusing on the transformation of particular services, be provided to Members; and
- (b) that the report be noted.

120/12 **QUARTERLY SUMMARY OF ENVIRONMENTAL ENFORCEMENT ACTION
TAKEN (1ST JANUARY TO 31ST MARCH 2013)**

The Board considered the Quarterly Summary of Environmental Enforcement Action Taken for the period 1st January 2013 – 31st March 2013.

During consideration of this item the following issues were discussed in detail:

- Fly tipping continued to be the most time consuming crime type investigated by the Council. However, the Council's approach to investigating fly tipping represented best practice and had received praise from the Hereford and Worcester Environment Group.
- There had been one successful prosecution for fly tipping in the period and six other cases were in the process of being prepared for court.
- There continued to be a steady stream of work tackling fly posting in the district. Frequently fly posting occurred because companies were not aware of the rules on the matter. In this context the role of the Council was to educate companies about acceptable practices.
- Dog fouling was a persistent problem. In particular, there continued to be problems with dog fouling in popular locations such as parks as well as in particular residential areas.
- Targeted patrols were taking place in the district to discourage dog fouling. Fixed penalty notices could rarely be issued for dog fouling as dog owners were more likely to comply when they observed enforcement officers in the area.
- Dog walkers had been handed bags that could be used to dispose of dog faeces. Unfortunately, sometimes these bags were not then placed in bins but rather were left on pathways or hanging from trees which created a litter problem as well as having health and safety implications.
- Increasingly littering offences involved individuals dropping items out of their cars, particularly at traffic islands in Bromsgrove.
- Residents were entitled to report littering offences. However, in the event that offenders did not pay fines these residents needed to be prepared to attend court to testify and unfortunately frequently residents were not prepared to do so.
- There had been no cases involving the transport of waste during the period. However, spot checks were due to take place which could lead to an increase in reports on the subject.
- There had been three fixed penalty notices issued during the quarter. One of these penalty notices had not been paid and would be the subject of future court action.
- The Council did not have an enforcement policy for responding to offences committed by juveniles, though a fixed penalty notice could be issued to anybody aged 12 or more.

Members were advised that this would be the final time that the Board would receive a quarterly environmental enforcement report in this format. The report was due to be amended in order to focus on outcomes. There would be more information about the enforcement and investigation stages and a

breakdown of information by crime type and broken down into Ward areas within the district.

RESOLVED that the report on the Quarterly Summary of Environmental Enforcement Action Taken for the period 1st January 2013 – 31st March 2013 be noted.

121/12 **REPORT ON THE LIVING WAGE IN RELATION TO PROCUREMENT**

The Executive Director of Finance and Corporate Resources presented a report on the subject of payment of the living wage to staff employed by Council contractors.

The following key points were discussed during consideration of this item:

- Local authorities, like other organisations, had a statutory duty to pay at least the minimum wage to staff, though all staff employed by Bromsgrove District Council received at least the living wage as a minimum.
- There was no legal obligation for any organisation to pay the living wage to staff.
- The Council could request as part of the tendering process that companies pay staff the living wage for completing contracted work.
- There was also the potential for the Council to offer a dual tendering deal process, whereby one price could be quoted involving payment of the living wage and another price quoted where the living wage would not necessarily be paid.
- However, in both cases payments of the living wage would be difficult to monitor. Staff would need to give permission for their personal details to be shared with the Council; it was possible that not all staff would be willing to take this action.
- There was also a risk that a minority of companies would place pressure on staff to confirm that they were paid the living wage even if this was not the case.

The Board concurred that from a moral and ethical perspective it was supportive of paying of the living wage to staff employed by Council contractors and it suggested that this point should be formally endorsed by the whole Council. In respect of becoming accredited under the Living Wage Campaign, the Board was advised that the definition of contractors within *The Living Wage Guide for Employers* contained a number of subtle distinctions and nuances that could have further implications for the subject. Members therefore agreed that further information/clarification on this particular area should be obtained before the Board proposed any recommendations on the subject.

RESOLVED that the Board be provided with further information, including from a legal perspective, in respect of different contractual arrangements and the implications for payment of the living wage to contractors' staff.

122/12 **OVERVIEW & SCRUTINY TOPIC PROPOSAL - OUTREACH PROVISION AT THE ARTRIX CENTRE**

In accordance with the decision noted under minute 116/12 Members agreed that this item should be deferred for consideration at the following meeting of the Board to be held on 17th June 2013.

123/12 **ACTION LIST**

The Board was advised that it had not been possible to obtain any updates on actions requested at the previous meeting. Officers would be requesting further information over the following week and explained that all feedback would be circulated for the consideration of members of the Board.

124/12 **YOUTH PROVISION TASK GROUP**

Members were informed that there had been a single meeting of the Task Group since the previous meeting of the Board. This meeting had been attended by Jackie Hooper, Operations Manager at the Basement Project, and John Blackhall, Chairman of the Bromsgrove Rugby and Football Club.

A further meeting of the Task Group was due to take place on Thursday 25th April 2013 when Members would interview the Council's Head of Leisure and Cultural Services, together with Debbie Roberts from EPIC and Paul Finnemore the Commissioning Manager for young people from Worcestershire County Council's Children's Services Department. Members were also due to consider statistics provided by Worcestershire County Council in relation to young people who were not in education, employment or training (NEETs).

The Task Group remained on track to complete their review by the 15th July 2013.

125/12 **AIR QUALITY TASK GROUP**

The Chairman of the Task Group advised Members that there had been two meetings of the Task Group since the last meeting of the Board.

The first of these meetings had taken place on 4th April 2013 and had been attended by two Worcestershire County Council Officers: David Balme, Transport Planning Officer and Steve Harrison, Transport Strategy and Policy Team Leader. This had been an instructive meeting due to the Officers' expertise.

The second meeting of the Task Group had taken place on 18th April. During this meeting Members had interviewed the Council's Head of Planning and Regeneration and the Portfolio Holder for Planning, the Core Strategy, Regulatory and Strategic Housing Services, Councillor C. B. Taylor. The extent to which air quality issues were taken into account during consideration of planning applications had been discussed in some detail.

The Task Group was keen to consider further information about the health implications of air quality issues, though information requested from Worcestershire PCT prior to the previous meeting of the Board had still not been provided. Members were also interested in the Air Quality Action Plan consultation, which had been launched on 15th April 2013, and were aiming to discuss this matter further with representatives of Worcestershire Regulatory Services.

The Task Group had struggled to organise meetings during the busy election period and had also encountered some difficulties securing information from relevant expert witnesses. To provide the Task Group with the time needed to complete the review effectively the Board agreed that the deadline for the exercise should be extended.

RESOLVED that the deadline for presentation of the Air Quality Task Group's final report to the Overview and Scrutiny Board should be extended to 16th September 2013.

126/12 **CABINET WORK PROGRAMME 1ST MAY TO 31ST AUGUST 2013 (FOR INFORMATION)**

The Board considered the latest edition of the Cabinet Work Programme. Due to the fact that this would be the final meeting of the Board in the 2012/13 municipal year Members agreed that it would not be appropriate to identify additional items for the Board's Work Programme.

The meeting closed at 8.13 p.m.

Chairman