

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 18TH NOVEMBER 2013 AT 6.00 P.M.

PRESENT: Councillors P. Lammas (Chairman), R. J. Laight (Vice-Chairman), C. J. Bloore, B. T. Cooper, R. L. Dent, J. M. L. A. Griffiths, H. J. Jones, L. C. R. Mallett, S. P. Shannon, C. J. Spencer, C. J. Tidmarsh and L. J. Turner

Invitees: Councillor C. B. Taylor

Officers: Ms. J. Pickering, Ms. A. Scarce, Mrs. R. Bamford, Ms. B. Houghton and Mr. C. Santoriello-Smith, Ms J. Bayley and Ms A. Scarce.

45/13 **APOLOGIES**

An apology for absence was received on behalf of Councillor Grant-Pearce.

46/13 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillor S. P. Shannon declared a Disclosable Pecuniary Interest as a member of the Board of the Bromsgrove Housing Initiative (BHI) in respect of Item 8. As such, Councillor Shannon withdrew from the meeting and took no part in its consideration and voting thereon.

Councillors J. M. L. A. Griffiths and C. J. Spencer both declared Disclosable Pecuniary Interests as members of the Bromsgrove Arts Centre Trust in respect of Item No. 12. As such Councillors Griffiths and Spencer withdrew from the meeting whilst an update was provided on progress with the Artrix Outreach Provision Task Group and were not present and took no part in its consideration and voting thereon.

47/13 **MINUTES**

The Minutes of the Overview and Scrutiny Board meeting held on 14th October 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

48/13 **UPDATE ON NORTH WORCESTERSHIRE COMMUNITY SAFETY PARTNERSHIP**

The Community Safety Manager presented a briefing note on the subject of the North Worcestershire Community Safety Partnership, the terms of

reference and operating principles for the partnership and the partnership's plan for 2013-16. During consideration of this item the Chairman advised Members that, in line with legislative requirements, the Board's role was to scrutinise the work of the partnership as a whole, rather than the work of any specific partner organisations.

The White Ribbon Campaign, designed to tackle domestic violence against women and girls, was discussed during consideration of this item. The white ribbons would be distributed around Council buildings and made available for interested parties to obtain. In order to promote the campaign Members agreed that information about the campaign, together with some white ribbons, should be made available following the next meeting of Council.

Car crime had not been identified as a particular problem in Bromsgrove district. Car theft tended to occur more during particular seasons; in particular during winter months when drivers were attempting to defrost their cars. Crime levels in Bromsgrove were lower than the levels in Wyre Forest district and Redditch Borough respectively. For this reason the Safer Bromsgrove Group received a lower funding settlement than the safer groups for the other two districts.

Funding for the partnership in 2013/14 was discussed by the Board in detail. This funding had already been committed to specific projects. In particular, the funding allocated to the Safer Bromsgrove Group would be allocated to match funding a Project Officer who would work on delivery of community safety projects, particularly home security assessments, in Bromsgrove district. Some of the funding would also be spent on communications to help reassure residents and address fears about crime and anti-social behaviour.

Members noted that HMP Hewell was a member of the partnership. Following the publication of recent reports by HM Inspectorate of Prisons and the Howard League, which had been critical of the prison, Members questioned whether HM Hewell should remain a member of the partnership. Officers explained that the prison was not a statutory partner and therefore not obliged to be a member of the partnership, however, Officers were not in a position to comment on the advisability of the prison remaining a member of the partnership.

Some concerns were expressed that residents appeared to have become more anxious about anti-social behaviour when compared to previous years. It was suggested that this appeared to be reflected in comments submitted by residents who attended PACT meetings in the district.

Attendance by representatives of the Community Safety Partnership, particularly police representatives, at Parish Council, local school and PACT meetings was briefly debated. Officers advised that representatives of the partnership regularly attended schools. As each organisation was in the process of reducing resources attendance at meetings may need to be considered on a priority basis in future.

Forthcoming reductions to Worcestershire County Council's budget and the impact on community safety projects were also debated. These budgetary cuts would have particular implications for action that the partnership was taking to tackle domestic violence. Community Safety Officers would be responding to the current consultation process concerning proposed reductions to supported people funding.

RESOLVED that the response from the North Worcestershire Community Safety Partnership to Worcestershire County Council's consultation regarding the proposed reductions to supported people funding be considered by the Board a future meeting.

49/13 **QUARTERS 1 AND 2 SUMMARY OF ENVIRONMENTAL ENFORCEMENT ACTION REPORT**

The Board considered the summary of enforcement action report for the period 1st April to 30th September 2013.

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

- Each environmental enforcement case was investigated by a single Officer. Three Officers investigated environmental enforcement cases including two Officers in the Community Safety team.
- There had been one successful court proceeding during the period, for a duty of care case, though this had not been recorded in the report as the outcome related to a case reported to the Council more than six months previously.
- The reduction in fly tipping during the period was mainly due to improvements being made in the way that the Council responded to reports. Officers previously had attempted to respond to all reports regardless of whether it would have been possible to resolve the issue. Now Officers were focusing on cases where evidence was available to help identify perpetrators or secure a positive outcome.
- When responding to waste carrier offences Officers would check vehicle licenses. As Council staff did not have the authority to stop cars some of this work had been conducted in partnership with the Police which had helped Officers to gain access to vehicles.
- The enforcement Officers had authority to deal with abandoned vehicles. This power did not extend to handling cases where vehicles had been parked in an inconsiderate manner.
- Improvements needed to be made to the way that the Council responded to dog fouling. Residents were being encouraged to report locations and times when dog fouling was likely to occur so that inconsiderate dog owners could be identified and their behaviour could be tackled.
- An Officer, who had been involved in managing the Mucky Pup campaign for the Council, was working with the enforcement Officers to help address problems with dog fouling.

A number of additional issues arising from the report were discussed following the presentation:

- The decision to focus on prioritising particular fly tipping cases for action had been taken in order to ensure that best use was made of available resources. Officers offered to make available further information about the impacts that this approach was having in the community.
- The most common type of fly tipping cases in the district involved grass cuttings and building materials.
- Enforcement Officers could choose how to respond in cases where the owner of the dog had been identified. In some cases it would be appropriate to issue a fine. In other cases, particularly when dealing with first time offenders or children, it might be more appropriate to speak with the offender or their parents.
- Members were advised that the best way to report an instance of dog fouling, or a location where fouling repeatedly occurred at particular times, was through the contact centre.
- Following the introduction of civil parking enforcement in the district there had been some confusion locally about the different roles of the Enforcement Officers and Civil Parking Officers in relation to abandoned vehicles.
- Some abandoned vehicles needed to be referred on to another agency, such as the police, for further action. However, it was not always clear what action was required until an initial inspection of the vehicle had been undertaken.
- When dealing with an abandoned vehicle Officers would place a notice on the vehicle advising observers that the vehicle had been found and was thought to have been abandoned. If the vehicle was not then removed within a specified period by the owner it would be towed away.
- The Department for Environment, Food and Rural Affairs (Defra) provided guidelines that the Council followed when determining whether a vehicle should be considered to have been abandoned.

Members noted that whilst information was provided about the number of cases that were investigated it would be useful to also provide further information in respect of the number of cases that were reported to the Council in within future reports. This could be incorporated into the item in future as part of work which was being undertaken to update the report format.

RESOLVED that the report be noted.

50/13 **PLANNING POLICY TASK GROUP 12 MONTH REVIEW OF RECOMMENDATIONS**

The Board received an update on the action that had been taken to implement the recommendations that were made by the Planning Policy Task Group in July 2012. As recommended by the Task Group an update was also provided in respect of actions taken to implement recommendations made in the internal audit report ad hoc Investigation: Marlbrook Tip.

Officers explained that, in relation to planning enforcement, two types of enquiries tended to be received by the Council. Firstly, there were enquiries relating to developments that had been granted planning permission but where problems had been identified in relation to compliance with some of the

planning conditions. The most appropriate Officer to undertake investigations in response to these enquiries was the Officer who had handled the original planning application and work was being undertaken to encourage Planning (application) Officers to work more closely with the enforcement Officers for that reason. The second type of enquiry tended to occur when development was taking place in locations where there had previously been no properties.

In relation to recommendation 1a, the Portfolio Holder for Planning, Core Strategy, Regulatory and Strategic Housing, was asked to report on the outcomes of his discussions with Officers about the financial implications of implementing the recommendation. He explained that in all cases the implications would be determined by the nature of the conditions set by the Planning Committee when approving an application and therefore each application needed to be considered carefully. Members were informed that the local planning authority had a duty to perform certain tasks and financial constraints was not a reason for refusing planning permission or imposing conditions on a particular application.

With regard to recommendation 2 from the Task Group, concerns were expressed that delays to implementation had occurred as a result of service transformation. Service transformation had extended beyond the original timeframes envisaged for the planning department at the start of the process. This had coincided with managing a backlog of applications and the departure of some experienced members of staff. Training for Officers therefore remained to be completed. However, Officers explained that Members would be receiving additional training in November 2013 which would provide an opportunity to learn more about appropriate conditions for applications.

The process followed by the Council when launching enforcement action was discussed by the Board. Members were advised that Officers followed legal guidance in these processes. The Council's decision about whether it would be expedient to take enforcement action, what enforcement action to take and what requirements to impose, had to be taken outside the public arena. It was considered unfair to the recipient of the enforcement notice if the Council informed and consulted with the public about the proposed enforcement notice prior to consultation with the recipient. The Council needed to make decisions about enforcement in accordance with planning principles and in the interests of the general public and had to balance the interests and rights of the of the public with the rights of the landowner. Once an enforcement notice was issued, the public could be informed and the contents of the notice could be made available.

The implications of this process for the implementation of actions proposed in recommendation 6 were briefly debated. Members noted that provision of information about enforcement cases on the Council's intranet could compromise the security of data in cases where Officers had only recently started to negotiate enforcement action with a developer. However, Officers explained that there was some information which could be shared on the intranet as well as a secure system available to the Planning Department which could be used to store confidential information.

RESOLVED:

- (a) that the outstanding recommendations be included within the Quarterly Recommendation Tracker; and
- (b) that the report be noted.

51/13 **CABINET RESPONSE TO THE AIR QUALITY TASK GROUP REPORT**

The Board considered the response that had been received from Cabinet in relation to the recommendations that had been made by the Air Quality Task Group.

During consideration of this item the following points were raised by Members:

- Disappointment was expressed by the Chairman of the Task Group, Councillor S. P. Shannon, that a number of the Group's recommendations had not been approved by the Cabinet.
- In some cases the Cabinet had been reluctant to approve recommendations as there had been concerns about the cost implications for the Council.
- Due to the health implications of particulate matter Members commented that it would be particularly important to identify ways to fund regular monitoring of air pollution, as proposed in recommendation 9 of the group's report.
- The Board noted that there was the potential for some of the costs involved in delivering a number of the actions proposed by the group to be covered by funding from the Defra Air Quality Grant Programme. Bromsgrove District Council was eligible to apply for up to £1 million from this programme, though specific funds would need to be applied for in order to cover the costs of particular projects.
- Unfortunately Worcestershire Regulatory Services (WRS) had not applied for funding from this grant in 2013. However, Officers were now aware of this grant programme and it was anticipated that applications would be submitted for funding if the programme continued to be in place in future years.

Due to the significance of air quality to public health Members concurred that the feedback received from Cabinet should be considered in further detail and a response submitted for the Cabinet's consideration. Members recognised that the members of the Task Group had the expertise required to assess the subject matter. For this reason the Board agreed that the group should be reconvened to discuss the matter further.

RESOLVED that the Air Quality Task Group be reconvened for one meeting to discuss a suitable response to the Cabinet Response.

52/13 **SCRUTINY TOPIC PROPOSAL - GROUND MAINTENANCE WORK CARRIED OUT FOR BDHT**

Councillor H. J. Jones presented a topic proposal form focusing on the potential for Overview and Scrutiny Members to review ground maintenance

work carried out by the Council on behalf of Bromsgrove District Housing Trust (BDHT). She explained that the Council had provided the trust with some assistance in her ward with maintenance works, particularly through the provision of sandbags, following a recent problem with flooding. As a result of this experience the level of support provided by the Council to the trust in general and the financial costs involved were issues that she felt needed to be clarified.

Provision of sandbags within the district was briefly debated. Members noted that sandbags tended to be provided to residents and agencies when there was a need. The extent to which the Council charged external bodies for the provision of sandbags could not be confirmed during the meeting, though Members concurred that any charges would need to be levied consistently.

The Board noted that there was some uncertainty in respect of the level of services provided to BDHT in general, as well as the extent to which the Council charged for these services. Members commented that it was likely that the Environmental Services Department provided landscaping and cleansing services, though it would be useful to clarify the range of services that were delivered and the financial costs involved.

RESOLVED that further information be requested from a relevant source for the consideration of the Board before deciding whether or not further investigation is required.

53/13 **JOINT WRS SCRUTINY TASK GROUP**

The Board was advised that meetings of the Task Group had taken place on 22nd October and 12th November 2013. During the meeting of the group in October Members had interviewed the Head of Regulatory Services. This interview had been very informative and the group had invited the Officer to attend further meetings to discuss particular issues in more detail. The meeting of the group on 12th November had provided Members with an opportunity to reflect on the information that had been gathered to date and to propose questions for the consideration of expert witnesses.

Councillor R. J. Laight, as Chairman of the Task Group, explained to the Board that the group was still consulting with elected Members from each local authority about their experiences working with Worcestershire Regulatory Services (WRS). There had been very few responses received from Bromsgrove elected Members. Councillor Laight was keen to ensure that the views and needs of Bromsgrove Councillors and residents were taken into account as part of the review. He therefore urged Members to respond to the group's request for information as soon as possible.

54/13 **WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE (HOSC)**

The Chairman invited Councillor B. T. Cooper, as the Council's representative on the HOSC, to provide an update on its most recent meeting.

Members were advised that there had been one main agenda item at the meeting held on 6th November; a presentation on the subject of Well Connected – Worcestershire Health and Care NHS Trust. The presentation had focused on the patient flow, from admission to hospital to returning home. Members' discussions had concentrated mainly upon the planning stages rather than on outcomes.

The final report produced by the Air Quality Task Group was briefly discussed. As the group's proposal, that the health implications of air pollution be the focus of a detailed review by the HOSC, had been approved by Cabinet Members agreed that this recommendation needed to be referred to the Chairman of the Committee for further consideration.

RESOLVED:

- (a) that Officers write to the Chairman of the HOSC inviting him to consider the findings of the Air Quality Task Group and the implications of air pollution for people's health; and
- (b) the report be noted.

55/13 **ACTION LIST**

The Board was advised that a number of actions remained outstanding, though it was anticipated that many of these actions would be implemented shortly.

Members were informed that the additional information that had been requested for inclusion in the Sickness Absence Performance and Health Report would be incorporated into the following version of the report, which was due to be considered by the Board on 16th December.

It was anticipated that the revised Code of Practice for the CCTV system, requested by the Board earlier in the year, would be presented for Members' consideration in February 2014.

56/13 **CABINET WORK PROGRAMME**

The Board considered the Cabinet Work Programme for the period 1st December 2013 – 31st March 2014.

Members noted that the Car Parking Review was scheduled to be considered by the Cabinet on 4th December. The review was also scheduled to be considered by the Overview and Scrutiny Board in December. The content of the report could not be confirmed during the meeting, though Members commented that it would be important to ensure that this report was constructive in order to address the concerns of the Bromsgrove Older People's Forum which had previously suggested that this subject needed to be investigated in further detail.

57/13 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

The Board considered the Overview and Scrutiny Work Programme and discussed a number of items that were scheduled to be considered at an informal briefing on 2nd December. Alongside a presentation on the subject of the Council's budget for 2014/15 would be a presentation focusing on the Hardship Fund and the Universal Credit Scheme.

Members commented that they had received a letter from local community groups who regularly hired the Spadesbourne Suite at Bromsgrove Council House raising concerns over the facilities which would be available at the new civic suite at Parkside. Members therefore requested that an update on this subject be provided for the Board's consideration on 2nd December. Officers explained that, in accordance with budget scrutiny arrangements in previous years, all Councillors would be invited to attend this briefing meeting (which would not be open to the public) and would commence at 5.30pm.

The recent staff survey was also briefly discussed. Analysis of the feedback that had been provided by staff in the completed surveys remained to be completed. However, Members agreed that the information provided in the staff surveys should be considered once this analysis had been finalised and it was noted that this had been included within the work programme for February 2014..

An update was provided under this item with regard to the progress of the Artrix Outreach Provision Task Group. The Chairman of the review, Councillor S. P. Shannon, explained that the group had held a single meeting to date during which expert witnesses had been identified and suitable dates for future meetings had been agreed.

The meeting closed at 8.05 p.m.

Chairman

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