

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 14TH JULY 2014 AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), H. J. Jones (Vice-Chairman),
C. J. Bloore, J. S. Brogan, R. A. Clarke, S. R. Colella, R. J. Laight,
P. Lammas, R. J. Shannon, C. J. Spencer and C. J. Tidmarsh

Officers: Mr. K. Dicks, Ms. J. Bayley and Ms. A. Scarce

17/14 **APOLOGIES**

Apologies for absence were received on behalf of Councillors B. T. Cooper and S. P. Shannon.

18/14 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillors J. S. Brogan and C. J. Spencer declared other disclosable interests in respect of Item No. 5 as members of the Artrix Operating Trust.

Councillors R. A. Clarke, R. J. Laight and P. Lammas declared other disclosable interests in respect of Item No. 5 as members of the Artrix Holding Trust.

Councillor R. J. Shannon declared an other disclosable interest in Item No. 5 due to a close personal relationship with an employee of the Artrix.

Members agreed that a general declaration of an other disclosable interest in respect of Item No. 9 should be made for every member of the Board as it was acknowledged that all Members (or their families) would use the leisure facilities provided by the Council at some point.

19/14 **MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on 16th June 2014 were submitted.

Members commented that there had been a single spelling mistake on page 7 of the minutes where "n" had been recorded rather than "on".

The Chairman advised Members that the Cabinet had considered the Board's two recommendations on the subject of the staff survey. In relation to the first recommendation, on the subject of a statement in favour of a zero tolerance approach to bullying and harassment of staff being added to the top ten recommendations arising from the survey, the Cabinet had fully endorsed the Board's proposals. However, the Cabinet had debated for some time the

Board's second proposal, in respect of providing elected Members with access to the staff finder system on the Council's intranet. This proposal had subsequently been referred on to the Chief Executive for further consideration.

The four recommendations proposed on behalf of the Leisure Provision Task Group had also been debated. In respect of the first of these recommendations Cabinet had concluded that it was not necessary for the Audit Board to consider the financial implications of the proposed new leisure centre. Members expressed some concerns about this response and suggested that due to the significant amount of funding involved and the proposed borrowing levels there was a need for the Audit Board to investigate this matter further. Members also noted that they had the power to refer the recommendation to the Audit Board directly.

In respect of the group's second proposal the Cabinet had suggested that it would not be appropriate for them to make a decision about the work of a Task Group as this needed to be determined by the Overview and Scrutiny Board. However, they had no objections to this proposal. The Cabinet had noted the third and fourth recommendations proposed by the Board but had made it clear that they did not agree with the Board's conclusions in relation to their fourth recommendation.

RECOMMENDED to the Audit Board that financial concerns around the increased membership that will be needed to ensure good annual revenue should be addressed through an Audit Board investigation of the figures; and

RESOLVED that, subject to the amendment to the minutes detailed in the preamble above, the minutes be approved.

20/14

WRS JOINT SCRUTINY TASK GROUP - FINAL REPORT

Councillor R. J. Laight, the Council's representative on the Joint Worcestershire Regulatory Services (WRS) Scrutiny Task Group and Chairman of the review, presented the Task Group's recommendations.

During the delivery of this presentation the following issues were highlighted for Members' consideration.

- Meetings of the group had been co-ordinated by the Council's Democratic Services team because Bromsgrove District Council was the host authority for WRS.
- The subject had been reviewed as a joint scrutiny exercise partly because all of the 7 Councils in Worcestershire were members of the shared service. Members were also advised that it had been a requirement of the original partnership agreement that WRS would not be subject to scrutiny by the Overview and Scrutiny Boards at each partner authority.
- The review had been detailed and lengthy, holding a total of 15 meetings.
- There had been cross party consensus within the group on its final recommendations.

- The report had already been considered by Redditch Borough Council and Wychavon District Council's Overview and Scrutiny Committees which had both endorsed all of the group's recommendations.
- Wyre Forest District Council had also considered the report, but had deferred making a decision.
- The report would be presented for the consideration of the Worcestershire Shared Services Joint Committee on 2nd October 2014. The findings of the Joint Committee would subsequently be reported back to the Cabinets at each partner authority for further consideration.
- Members were informed that meetings of the Joint Committee were open to the public. It was suggested that Members might be interested in attending the meeting of the Committee in October to observe the decision making process in action.
- Any feedback from the Board on this report would be detailed in the minutes of the meeting and attached as an addendum to the report when presented to the Joint Committee.
- Members of the group had been concerned that further reductions in partners' financial contributions could have a detrimental impact on public safety, due to the nature of the services provided by WRS.
- The Task Group had been particularly concerned about the approach that had been adopted by some partners to funding the shared service. Members were suggesting that in some cases partners had prioritised their interests, particularly during discussions about finances, which was not necessarily conducive to effective partnership working.
- The Task Group had also been concerned about the governance arrangements for WRS and were proposing significant changes designed to enhance the shared service.
- Members had received evidence from a number of expert witnesses during the review. Councillor Laight was particularly keen to thank the Head of Regulatory Services for his constructive contributions to the review.

Following delivery of the presentation a number of points were raised during discussion of the group's recommendations:

- The Head of Regulatory Services had advised the group that any further reductions beyond the current budget level would have an impact on service provision as there would be fewer Officers than was needed to deliver services at their current levels.
- Budget reductions would potentially lead to further job losses and could result in a reduction in Officer capacity to react to major crises (such as outbreaks of foot and mouth disease).
- A reduction in the budget available to the shared service could also impact on the potential for Officers to undertake preventative work. In this context there was a risk that WRS would become a purely reactive service.
- Concerns were raised about accountability for WRS and the difficulties that had been encountered in the first 4 years of operation. It was confirmed that the Joint Committee was accountable for the shared service as the elected Members appointed to it made decisions in respect of the partnership and monitored the performance of services.

- The partnership had been established in 2010. At that time the significant changes to local government that would subsequently occur, particularly those resulting from financial austerity, had not been anticipated and it had not been possible to predict that challenges would arise in the way that they had.
- Communication problems involving the Worcestershire Hub Service were highlighted within the review. It was anticipated that the new in house communications service would address these problems and improve the service to the customer. The designated Member Liaison Officer, if introduced, would also help to resolve this problem.
- Attempts had been made to consult with Worcestershire County Council regarding their proposed budget cuts. However, a letter sent to the Leader of the Council and relevant Officers had not been taken into account as part of the budget setting process and a response had only been received following further enquiries.
- The Board noted that the County Council and the district Councils had different statutory responsibilities in relation to regulatory services.
- Some Members suggested that if the budget reductions proposed by Worcestershire County Council were critical consideration might need to be given in future to the district Councils working together alone in order to make sure that the partnership remained sustainable. However, the Board acknowledged that this idea would need to be subject to further investigation.
- The review had not necessarily been undertaken at the most appropriate time as it coincided with significant changes for the partnership, including initial discussions about the potential for WRS to enter into a strategic partnership with an external partner.
- Some concerns were expressed that due to the criticisms contained within the report some organisations might be deterred from entering into a strategic partnership with WRS and this could therefore weaken any final partnership arrangements. However, Officers confirmed that four organisations had already expressed an interest in the potential to enter into a strategic partnership with WRS, though no detail could be provided on the progress that had been made with this matter at the time of the meeting.
- Officers confirmed that any decision to enter into a strategic partnership with an external partner would need to be made by the Cabinets at each local authority.
- Members expressed an interest in learning more about the proposed strategic partnership and the implications for the future of WRS. As Officers had already delivered briefings on this subject to other partners, it was agreed that a similar briefing should be requested for Bromsgrove.
- The Council's two elected representatives on the Joint Committee had both been consulted as part of the review. However, whilst they had been advised of the outcomes of the review it had not been felt that it would be appropriate to invite them to speak to the Board on this matter because they had been expert witnesses.
- Amanda Scarce and Jess Bayley, the Democratic Services Officers who had supported the review, were thanked for their help with the exercise. There was a suggestion that further joint scrutiny exercises would be

useful in the future. However, for those to be effective, participating Councils would need to provide more constructive support to the host authority.

The level of funding reductions that had been proposed by Worcestershire County Council for the following three year period were discussed in particular detail. Members were disappointed to learn that this could lead to a significant reduction in the number of Trading Standards Officers employed by WRS and that this could have a detrimental impact on the quality of the trading standards service in the county. Members also noted that in order to manage any future crises involving trading standards WRS might need to hire staff on a temporary basis from other regulatory services which could potentially lead to an increase in financial costs for the partnership. Alongside these considerations Members expressed concerns that the proposed contribution from Worcestershire County Council would not cover the overheads and other costs of the partnership.

Members also noted that a number of district Councils had also requested that specific savings be achieved, particularly Worcester City Council and Wyre Forest District Council. Officers advised that any reductions in financial contribution would be accompanied by a corresponding reduction in service levels within those Councils' boarders. However, Members were concerned that the cumulative impact of all these reductions would be detrimental for the partnership as a whole and, in particular, would undermine the sustainability of the shared service in the long-term.

Whilst Members concurred that the Group's proposals should be endorsed the Board agreed that the concerns they had raised during their debate should also be highlighted for the consideration of the Joint Committee. The Board therefore

RECOMMENDED to the Worcestershire Shared Services Joint Committee that

1. the 12 recommendations of the Joint WRS Scrutiny Task Group be endorsed; and
2. the Board's concerns, that further reductions in the financial contributions from partners could risk the future of the partnership and the safety of residents, be noted;

RESOLVED that

1. the Head of Regulatory Services be invited to a future meeting of the Overview and Scrutiny Board, together with the Council's Member representatives on the Worcestershire Shared Services Joint Committee, to deliver a briefing on the subject of the strategic partnership plans for WRS; and
2. the report be noted.

The Board considered the Cabinet's response to the Artrix Outreach Provision Task Group's report. Officers confirmed that the Cabinet had endorsed the recommendations subject to minor amendments. These recommendations would be added to the Board's Recommendation Tracker and updates would be requested from relevant Officers and partners.

The Chairman commented that he had discussed the Cabinet's response with Councillor S. P. Shannon, who had chaired the Task Group exercise. Councillor Shannon had welcomed the Cabinet's response to the Group's proposals and had asked the Board to note his thanks to all the other members of the group for their hard work. The Board also thanked Councillor Shannon for his work in chairing the review.

22/14

TO REVIEW THE TASK GROUP GUIDELINES & SCOPING DOCUMENTS

The Board considered the Inquiry/Task Group Procedure Guidelines. During consideration of these guidelines the following points were discussed:

- The guidelines were followed by the Board when considering any requests to launch Task Groups. However, they were not included in the constitution and there was the potential to formalise the requirements.
- Short, Sharp Reviews could be undertaken to explore subjects relatively quickly and these exercises could help Members to determine whether a more detailed Task Group review of the subject would be appropriate.
- The Board had launched only one Short, Sharp Review to date; the MUGA (Multi Use Games Area) in Alvechurch in 2010.
- There was the potential to combine the topic proposal form and the scoping checklist. This would ensure that the Board could consider more detail when deciding whether a subject was suitable for further scrutiny and help to reduce the timescales involved in launching a review.
- Interest had recently increased amongst Members in participating in Task Group exercises resulting in competition for places on groups.
- There was the potential to review the minimum and maximum number of Councillors. The Board could also consider the option of reintroducing a form that would need to be completed by Councillors explaining what they could contribute to a review.
- Nominations to Task Groups could also be reviewed. Officers explained that at some other local authorities group leaders nominated Members to groups.
- The timeframes for Task Group exercises could be assessed. Whilst Task Groups were required to complete reviews within 2 – 5 months at present the Board could consider providing greater flexibility over timescales if considered appropriate for the subject.
- Task Group Chairmen already provided verbal updates to the Board on the progress of a review. Interim reports could also be introduced as a requirement to enable the Board to identify any problems with a review as and when they occurred as well as to determine whether it was worth continuing with an exercise.

- The arrangements for presenting task group final reports to both the Board and Cabinet could also be assessed. Members were advised that at some other Councils the Chairman of a task group would deliver a short presentation to the Board and then Cabinet, supported at the table by the lead Democratic Services Officer for the task group.

The Chairman explained that he would discuss all of these suggestions in further detail with Officers. He suggested that Members consider any additional changes that could be made to the scrutiny process and report back to him prior to the following meeting of the Board. Members agreed that this subject should also be considered in further detail at that meeting, subject to the Board's work programme.

RESOLVED that the subject be considered in detail at a future meeting of the Board.

23/14

QUARTERLY RECOMMENDATION TRACKER

The Board considered the Recommendation Tracker Report and noted that there were a number of recommendations where action remained outstanding.

The Chairman suggested that the outstanding recommendations in respect of the Planning Policy Task Group could be discussed with the Head of Planning and Regeneration at the next meeting of the Board.

A number of the recommendations that had been proposed by the Air Quality Task Group in 2013 were in the process of being implemented. In particular, Officers reported that the Worcestershire Health and Wellbeing Board was due to consider relevant recommendations at its meeting on 22nd July.

Members expressed concerns about the lack of information that had been received in respect of the recommendations made by the Youth Provision Task Group. Members agreed that as the 12 month review of the Task Group Report was due in September a more detailed response should be brought back to the Board at that time..

The Chairman also suggested that it was not appropriate for Democratic Services Officers to have to spend time chasing other Officers for updates on progress that had been made in implementing recommendations. The Board was therefore advised that he would undertake to chase relevant Officer for an update on progress with this matter.

RESOLVED that the report be noted.

24/14

JOINT INTEGRATED WASTE SERVICES SCRUTINY TASK GROUP

Following the previous meeting of the Board Officers had contacted Worcestershire County Council (WCC) to discuss the terms of reference for the review. The lead support Officer from WCC had confirmed that as a district Council remained a member of this Task Group (Worcester City

Council) this exercise would continue to be classified as a Joint Task Group review. There were no plans to alter the terms of reference.

The reasons why other district Councils had decided not to participate in this exercise were briefly debated. In particular, it was noted that Redditch Borough Council's Overview and Scrutiny Committee had decided not to participate as there had been cross party consensus that a shared waste collection and disposal service was not suitable for the Borough.

The suitability of the Council remaining involved in this Task Group exercise was debated in some detail. Some Members suggested that it was important to provide the Council with an opportunity to influence the work of this group. Members noted that as this review was being undertaken as a scrutiny exercise participation in the review would not commit the Council to entering into a shared waste collection and disposal service as Task Groups did not have any decision making powers. There was also no guarantee that the Task Group would recommend the introduction of a countywide shared service. However, concerns were expressed by other Members about the time that would be required and the potential for constructive outcomes to be achieved when only a limited number of district Councils would be participating in the exercise.

Officers advised that the scrutiny team at WCC had requested further information from the Head of Environmental Services about the Council's waste collection service. A number of Members expressed concerns about providing this information, particularly if it would require Officers to spend a significant amount of time responding. However, Members also noted that out of courtesy it would be appropriate to respond to this request for information. It was noted that this response could be highlighted as good practice if and when the Council co-ordinated any future joint scrutiny exercises.

Members noted that the group's final report would need to be referred back to the Council if proposals were brought forward to introduce an integrated waste service in Worcestershire. The Board would have the option to scrutinise the report at this stage.

RESOLVED that

1. Officers should respond to the Joint Integrated Waste Services Scrutiny Task Group's request for information about the Council's waste collection service as and when appropriate and should use their discretion when determining the level of information that could reasonably be provided; and
2. Bromsgrove District Council's Overview and Scrutiny Board withdraw from the Joint Integrated Waste Services Scrutiny Task Group.

25/14

LEISURE PROVISION TASK GROUP

Councillor C. J. Spencer, Chairman of the Leisure Provision Task Group, explained that the next meeting of the group would take place on Thursday 17th July.

Councillor C. J. Bloore explained that following the previous meeting of the Board he had discussed leisure provision within the district with local sports clubs. Many of these clubs had reported that costs at the Ryland Centre for use of sports hall facilities had increased recently and they were therefore using facilities in Redditch. Members agreed that this issue and the implications for participation in leisure activities in the district should be considered further by the Task Group.

The Chairman thanked Councillor Spencer for producing a detailed written report for Members' consideration at the previous meeting of the Board and that this had helped to facilitate a constructive debate of the matter.

26/14

WCC HEALTH OVERVIEW AND SCRUTINY COMMITTEE

The Chairman read out a statement that had been provided by Councillor B. T. Cooper, the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC) in which Councillor Cooper had explained that the most recent meeting of the HOSC was devoted to a presentation by Worcestershire Health and Care Trust on 'Community Services development: the next phase of integration'.

In view of the concerns expressed by the Board, about possible charging for incontinence pads, Councillor Cooper had raised the issue at the HOSC. The Chairman of HOSC had reported that he was aware of the issue and would be discussing the matter further with the Chairman of Worcestershire County Council's Overview and Scrutiny Performance Board to ascertain whether HOSC could deal with the matter in the future. Councillor Cooper understood that this conversation had subsequently taken place and that the issue of charging for pads had been raised but no decision had been made.

At the request of Councillor Cooper copies of the draft minutes from the meeting of the HOSC held on 17th June were circulated for the consideration of the Board.

27/14

CABINET WORK PROGRAMME

Members considered the Cabinet Work Programme for the period 1st August to 30th November 2014.

The Chairman expressed disappointment that the layout of the Cabinet Work Programme had not changed as discussed at previous meetings of the Board. Members also suggested that it remained unclear whether some items listed on the Cabinet Work Programme were key decisions. In particular, Members requested further clarification as to whether the Council-owned land on Aintree Close, Catshill, was worth more than £50,000 and therefore likely to be the subject of a key decision.

The Town Centre Public Realm Phase 2 was also discussed and Members commented that they had received a presentation on the first phase of this

project the previous year. It was agreed that a further presentation to the Board on the second phase would therefore be useful.

The Chairman explained that due to the timing of the Board meetings, which took place a week after the Cabinet met, it was currently difficult for the Board to pre-scrutinise items listed on the Cabinet's Work Programme constructively. He informed Members that he would therefore approach the Leader to discuss the potential to alter the order of the meetings of the two Committees in future years to enable the Board to undertake pre-scrutiny more effectively.

RESOLVED that

1. a presentation be delivered at a future meeting of the Board on the subject of the Town Centre Public Realm Phase 2; and
2. the Cabinet Work Programme for the period 1st August to 30th November 2014 be noted.

28/14

ACTION LIST

Officers explained that information received regarding the parts for CCTV equipment had been circulated for Members consideration outside the meeting.

RESOLVED that the Action List be noted.

29/14

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Chairman commented that following the addition of a number of items to the Board's Work Programme during the meeting the agenda for the September meeting of the Board was relatively large. He suggested that consideration should therefore be given to holding an additional meeting. Members commented that any additional meeting should take place in September as it was likely that many Members and Officers would be on leave in August. Members agreed that a suitable date should therefore be identified in September and that Officers should work with the Chairman to identify any items that could be postponed for consideration at a later meeting in the municipal year.

RESOLVED that

1. Officers investigate the potential to hold an additional meeting of the Board in September in consultation with the Chairman;
2. Officers draft a series of questions for the consideration of the Head of Planning and Regeneration and the relevant Portfolio Holder and circulate for the consideration of Board Members; and
3. the Committee's Work Programme be noted.

The meeting closed at 8.10 p.m.

Chairman