

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

22ND NOVEMBER 2021, AT 6.00 P.M.

PRESENT: Councillors C.A. Hotham (Chairman), J. Till, S. J. Baxter,
A. J. B. Beaumont, S. R. Colella, R. J. Deeming, R. J. Hunter,
A. D. Kriss, P. M. McDonald and C. J. Spencer

Observers: Councillor G. Denaro – Portfolio Holder for Finance
and Enabling

Councillor M. Sherrey – Portfolio Holder for Environmental
Services

Councillor P. Thomas – Portfolio Holder for Leisure Cultural
Services and community Safety.

Officers: Mr. J. Howse, Mrs C. Felton, Mr. G. Revans, Mr M.
Austin and Mrs J. Gresham

39/21

APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

Apologies for absence were received from Councillor H. Jones with no
named substitute.

40/21

DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

There were no Declarations of Interest nor of any Party Whip.

41/21

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING
OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 18TH
OCTOBER 2021**

The minutes of the Overview and Scrutiny Board meeting held on 18th
October 2021 were submitted for Members' consideration.

Councillor P. Thomas confirmed that he was at the meeting held on 18th
October 2021. The Democratic Services Officer present undertook to
note his attendance at that meeting.

RESOLVED that the minutes of the Overview and Scrutiny Board
meeting held on 18th October 2021 be approved.

CCTV UPDATE - ENVIRONMENTAL SERVICES

The Head of Environmental Services and the Environmental Services Manager presented the CCTV Update – Environmental Services. It was explained to the Board that in addition to the briefing that had been provided as part of the agenda Members would receive a presentation in order to highlight the work currently being undertaken by officers.

As part of the presentation the following was highlighted for Members' attention:

- Bromsgrove District Council was the Litter Authority and as result they looked after the collection of the litter. However, Worcestershire County Council were responsible for the disposal of the litter. With the exception of hazardous litter, such as asbestos, which was removed by specialist contractors, litter was removed by the Environmental Services team at the Council.
- There had been an increase of incidents of fly-tipping in recent years. During this time there had been an increase in advertising on social media and by word of mouth of 'man with a van' services. These services often resulted in the irresponsible disposal of items collected from the customer by the 'man with the van' who sometimes did not hold the correct licenses to dispose of waste.
- There were key areas within the District where fly-tipping occurred regularly. It was explained that the geography of Bromsgrove inevitably played a part in the instances of fly-tipping. Close links to the M5 and A38 meant that there was good access from areas outside of the District, including Birmingham. This had seemingly been exacerbated by the change in rules for the disposal of waste by Birmingham City Council.
- Clear signage had been placed various sites within the District as a deterrent to those who fly-tipped. In addition to this, mobile surveillance cameras, both real and dummy, were placed in areas where fly-tipping regularly occurred. Although this had proved to be a useful tool in deterring fly-tippers, due to the number of sites that regularly experienced fly-tipping the cameras could inevitably not always be in the right place at the right time. It was explained to Members that there was legislation in place Regulatory Investigation Powers Act (RIPA) that covered the use of surveillance cameras. Although the use of surveillance cameras was useful it was important to note that there were strict rules around the enforcement of fly-tipping. It was not enough to just see a van looking like it was going to fly-tip. The tipping

needed to be caught on the camera, unless the load of the fly-tipping vehicle was so unusual officers were able to ascertain that the load had been fly-tipped by that specific van.

- There was a backlog of enforcement cases that were still to be heard by the courts. Members were informed that the fixed penalty notice was usually between £300-£400 however there was a review of fly-tipping penalty charges underway.

Councillor M. Sherrey, who was in attendance in her role as Portfolio Holder for Environmental Services was welcomed to the meeting and commented that there had been issues with staffing due to the large number of fly-tipping incidents. However, she clarified that the number of fly-tips were significantly down compared with the previous years.

Members were positive about the report and the information included contained in it however they had some questions in respect of the presentation. These were as follows:

- Were the fixed penalty charges comparable to others in District and wider area? – Officers explained that currently the fixed penalty charges were in the middle of the charges. Some councils within the County had chosen to price at the top of the scale and that this could be something that Bromsgrove District Council could look to make amendments next year.
- How successful were the Council in recovering the fixed penalty charges? – It was confirmed that there had been successes in this area and that the risk of being taken to court had encouraged payments in good time from those who had received fixed penalty charges.
- Were the successes in the deterrent of fly-tipping promoted to the District through communications – Members were informed that this was the case and it was hoped that this would highlight the increase in enforcement around fly-tipping in the District.

During a detailed discussion Members stated that they were encouraged by the speed in which reported fly-tips had been cleared over the past year but were keen to better understand why there had been a significant increase. Officers concluded that due to the Covid-19 many residents had undertaken DIY projects at home however when faced with the disposal of the rubbish had increasingly sought to use a 'man with a van'.

It was discussed whether work was carried out with Parish Councils as often the locations where regular fly-tips took place were in Parishes. It

was confirmed that work was already carried out however, officers undertook to continue this practice for the future.

Some Members were keen to share the effectiveness of technology that existed in this the clearing of fly-tipping and Members were made aware of nationwide app technology that was already available and was effective in the reporting of fly-tips across the country. Officers confirmed that Environmental Services were looking into launching an app where residents could report fly-tipping, garden waste and street cleansing queries.

Finally, it was queried as to how the surveillance tools could be used and keep within the RIPA legislation, as it had been reported to the Audit, Standards and Governance Committee in July 2021 that there had been no powers used under this legislation. The Environmental Services Manager confirmed that as there was clear signage used in fly-tipping hot spots this meant that although covert surveillance was used fly-tippers had been informed that this was the case and therefore it was compliant under RIPA.

RESOLVED that the CCTV Update - Environmental Services be noted.

43/21

FINANCE AND BUDGET WORKING GROUP - UPDATE

The Chairman provided an update in respect of the Finance and Budget working Group meeting which had taken place on 17th November 2021.

He informed the Board that this had been a long meeting which had involved an in-depth discussion regarding the Blue Badge Motion which had been submitted by Councillor S. Robinson at the Full Council meeting held on 3rd November 2021. During consideration of the Motion, it was explained that the Head of Environmental Services and the Environmental Services Manager attended the meeting in order to explain that should this initiative be moved forward it would potentially impact the Council's finances, potentially to as much as £30-£50k. It was explained that it would be considered further as part of the discussions and subject to finance and cost.

Members were informed that in considering the Financial Outturn report the Council seemed to be in a better position than had been anticipated and that the Covid-19 grants that had been received had seemed to help balance the outturn final position 2020/2021. It was reported that there had inevitably been a deficit in the Leisure Services area, and it was explained that this had been experienced at a national level not just within the District.

In addition to the above, the impact of failure to increase Council Tax on a Council's finances was also briefly discussed.

RESOLVED that the Finance and Budget Working Group Update be noted.

44/21

CORPORATE PERFORMANCE WORKING GROUP - UPDATE

In considering the Corporate Performance Working Group Update, Members were reminded that at a Board meeting held in September 2021, the Terms of Reference of the Corporate Performance Working Group had been amended, so that substitute Members of the Board were able to sit on the Working Group. Members were also reminded that Councillor. J. Till had been appointed as Chairman of the Working Group at the following meeting held on 18th October 2021. At that meeting the Democratic Services Officer had undertaken to all contact Members who were eligible to sit on the group to see if they would volunteer to become a member of the working Group. It was reported that unfortunately there had been no further volunteers and therefore the membership was currently only 2 members.

The Chairman asked the Board, given the lack of membership of the group, what was the most appropriate way forward when scrutinising the Performance of the Council. Members understood the importance of scrutiny in this area and although they acknowledged that there had not been meetings for some time it was good practice for it to be considered for the future. The Chairman proposed that scrutiny of the Council's performance be considered at main Board meetings every 6 months. Members were in agreement with this and on being put to the vote it was agreed.

The Head of Legal, Democratic and Property Services informed Members that currently there was a update to the Performance dashboard underway and this potentially could be the first item the Board scrutinises. It was agreed that this would be added to the Board's Work Programme for consideration in 2022.

RESOLVED that the scrutiny of the Council's performance would be considered at main Board meetings every six months and that the Board's Work Programme would be updated accordingly.

45/21

TASK GROUP UPDATES

Councillor S. Colella, in his role as Chairman of the Impact of Library Service Review Task Group informed Members that there had been a meeting of the Task Group on 4th November 2021 and that another meeting was due to take place on 29th November 2021.

RESOLVED that the Task Group Update be noted.

46/21

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE

Councillor S. Baxter, in her role as representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC), briefly updated the Board on the last meeting of HOSC. In doing so she highlighted that at the last meeting Members were presented with the Winter Plan and that there were issues with ambulance response and waiting times. It was reported that there the potential of a Task Group being established to investigate this further.

RESOLVED that the Worcestershire Health Overview and Scrutiny Committee Update be noted.

47/21

CABINET WORK PROGRAMME

During consideration of this item, Members requested the following items form the Cabinet Work Programme be included on the Board's Work Programme for future consideration:

- Levelling Up Funding – Projects and Timeframes
- Housing Enforcement Powers and how they are used
- Flooding Strategy - Cabinet report.

In respect of the above items, Members explained that they felt that it was important that all Members were aware of the projects that were being planned as a result of the Levelling Up Funding that had recently been received. It was explained by the Executive Director of Resources that a report to Cabinet was being planned and therefore could be pre-scrutinised prior to its consideration by Cabinet. The Board were keen for all Members to be invited to the Overview and Scrutiny Board meeting where this item was to be considered.

The Head of Legal, Democratic and Property Services undertook to follow-up with officers regarding when the Flooding report was likely to be considered by Cabinet and provide an update to the Board.

RESOLVED that the Cabinet Work Programme be noted.

48/21

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Overview and Scrutiny Board Work Programme was considered as part of the previous item.

RESOLVED that the Overview and Scrutiny Board Work Programme be noted.

49/21

PRE-SCRUTINY - FINANCIAL UPDATE REGARDING LEISURE SERVICES

The Chairman invited Councillor P. Thomas to present the Financial Update Regarding Leisure Services in his role as Portfolio Holder for Leisure and Community Services.

Members were informed that the purpose of the report was the following:

- To update Members on the impact of Covid-19 on the Council's contracted Leisure service and the steps taken to mitigate the financial risks presented by Covid in 2020/21 and 2021/22
- To update Members on the financial context and the financial impact
- To update Members on the legal and commercial position
- To advise Members on the options available to the Council moving forward
- To seek Cabinet support for the next steps and mitigating actions.

In addition, the following was highlighted by Councillor Thomas for Members' attention:

- Leisure Services nationally had been dramatically affected by the Covid-19 pandemic and associated lockdowns. This report presented Cabinet with all possible scenarios in the hope of mitigating the risks involved going forward. However, it was noted that there was no certainty in this space.

The Executive Director for Resources expressed that this process needed to be managed very carefully in the coming weeks and although there needed to be transparency when considering the report, it was also important that due to any negotiations that were still to take place it was important at this stage that any discussions would not prejudice these negotiations.

Some Members queried the bullet points included in paragraph 2.9 of the public report. These points were concerned with the indicative costs that would be relevant in different scenarios. It was questioned whether officers were able to provide clarification on how much the costs would be in these instances. The Head of Legal, Democratic and Property Services indicated that these areas were taken from the Local Government Association guidance and at this point it was difficult to ascertain how much the indicative costs would be but that it was almost inevitable that a certain amount of indicative costs would have to be paid back in each of these areas.

The Chairman thanked the officers and the Portfolio Holder for their attendance at the meeting and for providing a clear update for the Board.

RESOLVED that the Financial Update Regarding Leisure Services report be noted.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial or business affairs of any particular person (including the authority holding that information).

50/21

TO CONSIDER, AND IF CONSIDERED APPROPRIATE, TO PASS THE FOLLOWING RESOLUTION TO EXCLUDE THE PUBLIC FROM THE MEETING DURING THE CONSIDERATION OF ITEM(S) OF BUSINESS CONTAINING EXEMPT INFORMATION:-

RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

Minute Item No.	Paragraph(s)
51/21	3

51/21

PRE-SCRUTINY - FINANCIAL UPDATE REGARDING LEISURE SERVICES (EXEMPT APPENDICES)

The meeting closed at 7.55 p.m.

Overview and Scrutiny Board
22nd November 2021

Chairman