

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE SCRUTINY BOARD

TUESDAY, 27TH OCTOBER 2009, AT 6.00 P.M.

PRESENT: Councillors D. L. Pardoe (Chairman), C. B. Taylor (Vice-Chairman), A. N. Blagg, R. J. Deeming, S. R. Peters, C. R. Scurrall and C. J. Tidmarsh

Officers: Mr. P. Street, Mr. M. Dunphy, Mrs. S. Sellers, Mr. M. Carr, Mr. A. Harvey and Mrs. A. Scarce

30/09 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

31/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

32/09 **MINUTES**

The minutes of the meeting of the Scrutiny Board on 29th September 2009 were submitted.

RESOLVED that, subject to the inclusion of Councillor J. Tidmarsh's apologies, the minutes be approved as a correct record.

33/09 **HOT FOOD TAKEAWAYS**

The Board considered a report which summarised the information Members had considered to date on the issue of hot food takeaways, including the fact finding visit to Waltham Forest. The report also set out matters for Members to consider in order to bring their enquiries to a close and the possible outcomes.

Members were reminded that at the previous meeting on 29th September 2009 the Board had requested that a member of the Planning Department be invited to attend the next meeting to discuss planning issues relating to hot food takeaways. Mr. M. Dunphy, Strategic Planning Manager and Mr. A. Harvey, Trainee Planning Officer had been briefed on the matter and were in attendance to respond to questions from Members.

Mr. Dunphy advised that the process of preparing Supplementary Planning Documents (SPDs) was not strictly set out, although the Council must ensure that certain things, such as adequate consultation and a sustainability

appraisal have been undertaken to ensure the soundness of the policy. Mr Dunphy advised that the Strategic Planning Team had already been in contact with the Government Office for the West Midlands regarding the possibility of an SPD on hot food takeaways, as a matter of courtesy. Mr. Dunphy indicated that it was unlikely that there would be any objections from government office to this.

Mr. Dunphy advised that it was difficult to give a set timescale for implementation of an SPD. The Council's Statement of Community Involvement (SCI) set out the minimum the Council needed to do to progress such a policy, which would include at least 2 stages of consultations, probably one targeted and then a more general one. In terms of timescale to introduce an SPD this could vary depending on the strength of existing data and the need to collect any additional evidence and the response from the consultation. The minimum time taken would be 3 to 4 months; the maximum 6 months.

Mr. Dunphy advised Members that it may be possible to fund the SPD from the existing budget. However, if existing data did not provide strong enough evidence, then the Council would have to commission primary data collection. Costs would then escalate and become an issue. Mr. Dunphy advised Members that the knock-on effect of preparing an SPD on the work of the Department would be that other work on the Core Strategy and the Council's key priorities would be deferred for the time being as resources were limited.

Mr. Dunphy also asked Members to note that there were few similarities between Waltham Forest and Bromsgrove District Council and it would not be possible to simply copy their SPD as its wording would not be compatible for the planning issues in the District. Consideration would need to be given to the greater detail of what Members wanted to achieve from the SPD. A good example of this was the distance from schools, as some of the schools in Bromsgrove were so near the town centre that the 400 metre limit on hot food outlets close to schools in the Waltham Forest SPD would not be workable. Mr. Dunphy also advised that if an SPD was put in place, then he would expect to review the effectiveness of this after 12 months to ensure it was successful.

Members expressed their disappointment in what Mr. Dunphy had said and advised that they wished to progress this matter as quickly as possible as the number of hot food takeaways appeared to be ever increasing. Members asked if they had sufficient evidence to enable an SPD to be introduced. Mr. Dunphy advised that from the information he had seen it was a good starting point. He indicated that the majority of evidence would be collected at the consultation stage and that different areas had different issues. The sustainability report would cover health, economy, crime and safety, cultural heritage and the cumulative effective of the SPD.

Members enquired whether it was possible to apply the SPD retrospectively. Mr. Dunphy confirmed that this was not possible and advised Members that they should also be aware that some current premises did not necessarily need planning permission.

Mr. Dunphy confirmed that if Members chose to progress along the SPD route then he would look at implementing this on a district wide basis. There were some parts of the District where hot food outlets were not an issue but the SPD could be drafted to cover those that Members were most concerned about, for example Bromsgrove town centre and Rubery High Street.

Mr. P. Street, Executive Director (Partnerships and Projects) reiterated that it was not possible to simply copy the SPD from Waltham Forest, but reminded Members that at the meeting of the Scrutiny Board on 29th September they had received some very powerful evidence from PC Stan Baker, Crime Risk Manager, West Mercia Constabulary and Ms Liz Altay, Consultant, PCT on the effect of hot food takeaways.

Members were advised that the final report and recommendations must be substantial and cover all the areas of concern and set out good arguments for the introduction of an SPD and what was expected from it.

Members also enquired as to the position in respect of mobile hot food takeaways, which were often found in car parks and lay-bys. They were advised that in some areas such as Stratford, these mobile outlets had to be licensed in order to trade, but currently this was not the case within the Bromsgrove District. However, this matter was under review by the Licensing Department.

RESOLVED:

- (a) that the Chairman of the Scrutiny Board and the Chairman of the Overview Board prepare a draft report and recommendations for consideration by the Cabinet on 6th January 2010;
- (b) that the draft report be included in the Work Programme of the Scrutiny Board for consideration on 24th November 2009;
- (c) that the Licensing Department be requested to prepare a report on mobile hot food takeaways.

34/09

JOINT COUNTYWIDE FLOODING VERBAL UPDATE FROM COUNCILLOR PARDOE

Members were advised that there was no feedback as yet from the Joint Countywide Flooding Group. The Chairman advised that he, together with Councillor Mrs. D. Campbell JP had recently attended his first meeting of the Watercourses and Flood Group. The Group was officer lead and included Mr. Street, the Head and Deputy Head of Street Scene, the Parks and Open Spaces Manager, the Land Drainage Engineer and a county land drainage engineer.

The terms of reference of the group were to guide practice and procedure on matters associated with watercourses and land drainage; co-ordinate actions to address flooding and areas of potential flooding and to develop a strategic approach to watercourse and flood management. Mr. Street advised that he was leading on emergency planning for the Group and that they would be

meeting shortly with Wyre Forest and hoped to develop a working relationship with them. A budget pressure had been put in for strategic flooding planning.

Members asked if the Council was obliged to provide sandbags in cases of emergency and Mr. Street confirmed that the Council did not have a duty to do so, but that it did keep a supply of flood blockers, which did a similar job more efficiently and were more easily disposed of. A leaflet was also produced together with a list of houses that were most vulnerable to flooding.

Members said they had understood that, following the flooding two years ago, each Ward Member would be consulted about concerns in their area and be the first point of contact in any future emergencies. Members said that this had not happened.

RESOLVED that Mr. Street seek further information and report back to the next meeting on 24th November 2009.

35/09 **SCRUTINY RECOMMENDATION TRACKER**

Members were reminded that the purpose of the Tracker Report was to ensure that any recommendations made to and approved by Cabinet were progressing in a satisfactory manner and that if this was not the case, then they could ask for further explanation or a written report from the relevant team. Recommendations which were the result of a task group remained on the tracker until the first review of that task group had taken place.

Members shared their concerns over the explanation given in respect of the taxi drivers leaving their engines running and referred to several issues including how this could be enforced and the CO2 emissions.

Several Members were disappointed that the NVQ training programme for all refuse and recycling staff had, after nearly 2 years, still not commenced. They were also concerned that the recent letter sent to residents in respect of the new recycling programme was not reaching certain areas. Although the information was also provided within Together Bromsgrove, some Members advised that this was not distributed in certain areas. Members understood that in Wythall up to 80% of residents were not aware of this next stage of the scheme.

RESOLVED:

- (a) that officers make further enquiries and report back to the Board as to the enforcement of (a)(i) and (iv) taxi drivers and operators leaving their engines running when stationary and any enforcement action that can be taken;
- (b) that a full report be requested from the Head of Street Scene and Community on Recommendations from Refuse and Recycling VFM Scrutiny Investigation (7th January 2009) item 3 and Recommendations from the first Refuse and Recycling Scrutiny Investigation (2nd April 2008) items 1 and 3.

36/09 **REPORT FROM THE QUARTERLY MEETING BETWEEN THE LEADER AND CHAIRMAN OF SCRUTINY BOARD (VERBAL)**

The Chairman advised that he had met with the Leader on 21st October 2009. He had been supportive of the work the Scrutiny Board was doing and was keen for the Hot Food Takeaway investigation to progress further.

Members were also informed that the Leader had made some constructive and interesting proposals for the future development of the relationship between Overview and Scrutiny and the executive, particularly regarding the relationship with the Local Strategic Partnership (LSP). As Chairman of the LSP he felt that Overview and Scrutiny could enhance its role by developing the scrutiny of the LSP and help the LSP to achieve its objectives. This would require co-operation and support from the LSP in addition to changes in the way in which Overview and Scrutiny operated.

It was also advised that the role of Overview and Scrutiny in the scrutiny of crime and disorder had been strengthened by recent legislation which required the establishment of a process for the scrutiny of the Crime and Disorder Reduction Partnership.

37/09 **WORK PROGRAMME REPORT**

Members considered the new Scrutiny Board Work Programme which had been drawn up taking into account the feedback from the Overview and Scrutiny Work Planning Workshop held on 6th October 2009. Members expressed their agreement with the proposal that Improving Residents' Satisfaction represented a suitable topic for a task group. There was a general discussion about some of the items on the draft work programme and order of priority. It was proposed that:

- (i) the following topics be slotted into the work programme as a report/presentation from the relevant officer, possibly with the inclusion of the relevant officer from County in some cases, and would be timetabled in by the Scrutiny Officer:
 - Corporate Safeguarding Policy (Children and Vulnerable Adults)
 - The Choice based Lettings Scheme
 - The Arts and Events Strategy 2010/11;

- (ii) the following items be looked into in more depth, after an initial report/presentation:
 - Economic Regeneration Policy
 - Engaging with Young People
 - Meeting the Challenges of Climate Change;

- (iii) the Anti-Social Drinking and Alcohol Admissions to Hospitals could be looked at as one item;

- (iv) based on Members comments, officers would timetable the work programme with dates for specific items and the completed work programme be included on the agenda for the next meeting;
- (v) Members would provide officers with more information on the specific evidence they wished to hear on individual items on the work programme in advance of their schedule dates.

RESOLVED:

- (a) that the Overview and Scrutiny Work planning process for 2009-10 be noted;
- (b) that the Scrutiny Board Work Programme for 2009-2010 as set out in Appendix 3 to the report be agreed subject to points (i) to (v) as set out in the preamble above;
- (d) that the proposal for a Task Group on Residents' Satisfaction be approved;
- (e) that Councillor S. Colella be elected as Chairman of the above mentioned Task Group;
- (f) that the Chairman of the Scrutiny Board write and invite all non-executive Members of the Council to apply to join the Task Group and write to the group leaders to notify them of the establishment of the Task Group.

The meeting closed at 7.25 p.m.

Chairman