

Overview and Scrutiny Committee

Wed 9 Jul
2008
7.00 pm

Committee Room Two
Town Hall
Redditch



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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
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- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
Jess Bayley and Helen Saunders
Overview and Scrutiny Support Officers**

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آپ انگریزی میں مدد چاہتے ہیں۔ نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں ٹیلیفون: 01905 25121

ইংরেজি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন,
টেলিফোন: 01905 25121

‘Potrzebujesz pomocy z Angielskim – skontaktuj się z Ethnic Access Tel: 01905 25121’

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
 - The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)
- and**
- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 9th July, 2008

7.00 pm

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs: P Mould (Chair) W Hartnett
D Smith (Vice-Chair) W Norton
K Banks D Taylor
M Chalk D Thomas

1. Apologies and named substitutes	To receive apologies for absence and details of any Councillor (or co-optee substitute) nominated to attend this meeting in place of a member of this Committee. (No Specific Ward Relevance)
2. Declarations of interest and of Party Whip	To invite Councillors to declare any interest they may have in items on the Agenda and any Party Whip. (No Specific Ward Relevance)
3. Minutes	To confirm the minutes of the most recent meeting of the Overview and Scrutiny Committee as a correct record. (Minutes attached) (No Specific Ward Relevance)
4. Actions List (Pages 1 - 6)	To note the contents of the Overview and Scrutiny Actions List. (Report attached) (No Specific Ward Relevance)
5. Call-in and Pre-Scrutiny	To consider whether any Key Decisions of the Executive Committee's most recent meeting(s) should be subject to call-in and also to consider whether any items on the Forward Plan would be suitable for pre-scrutiny. (No separate report). (No Specific Ward Relevance)

OVERVIEW AND SCRUTINY

Committee

Wednesday, 9th July, 2008

<p>6. Task & Finish Reviews - Draft Scoping Documents (Pages 7 - 8)</p>	<p>To consider any scoping documents provided for possible Overview and Scrutiny review:</p> <ul style="list-style-type: none">• Role of the Mayor. <p>(No reports attached)</p> <p>(No Specific Ward Relevance)</p>
<p>7. Task & Finish Group - Progress Report</p>	<p>To consider progress to date on the current review against the terms set by the Overview & Scrutiny Committee:</p> <p>The current review in progress is:</p> <ol style="list-style-type: none">1. Third Sector Funding Task and Finish Group Chair – Councillor D Thomas <p>(No Specific Ward Relevance)</p>
<p>8. Joint Scrutiny Exercise on Flooding</p>	<p>To consider further developments in the joint scrutiny exercise on flooding.</p> <p>(Report to follow)</p> <p>(No Specific Ward Relevance)</p>
<p>9. Joint Policy on Unauthorised Gypsy and Traveller Encampments - Member Discussion (Pages 9 - 16)</p>	<p>To receive an update on the position of the Worcestershire Joint Policy on Unauthorised Gypsy and Traveller Encampments and to consider whether any further action is required to address this item.</p> <p>(Reports attached)</p> <p>(No Specific Ward Relevance)</p>
<p>10. Relations between the Overview and Scrutiny and Executive Committees (Pages 17 - 18)</p>	<p>To note arrangements proposed, during the Overview and Scrutiny Work Programme Planning Afternoon on Friday the 20th June 2008, regarding relations between the Overview and Scrutiny and Executive Committees.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>

OVERVIEW AND SCRUTINY

Committee

Wednesday, 9th July, 2008

<p>11. Suggested items for Scrutiny (Pages 19 - 24)</p>	<p>To consider the list of topics for scrutiny suggested during the Overview and Scrutiny Work Programme Planning Afternoon on Friday the 20th June 2008 and to prioritise items for further consideration by the Committee.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>
<p>12. Referrals</p>	<p>To consider any referrals to the Overview & Scrutiny Committee direct, or arising from:</p> <ul style="list-style-type: none">• The Executive Committee or full Council• Other sources. <p>(No separate report).</p> <p>(No Specific Ward Relevance)</p>
<p>13. Work Programme (Pages 25 - 28)</p>	<p>To consider the Committee's current Work Programme, and potential items for addition to the list arising from:</p> <ul style="list-style-type: none">• The Forward Plan / Committee agendas• External publications• Other sources. <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>
<p>14. Exclusion of the Press and Public</p>	<p>Should it be necessary, in the opinion of the Borough Director, during the course of the meeting to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged, it may be necessary to move the following resolution:</p> <p>"That, under S.100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act".</p>

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OVERVIEW AND SCRUTINY

Committee

18th June 2008

MINUTES

Present:

Councillor Phil Mould (Chair), Councillor David Smith (Vice-Chair) and Councillors K Banks, M Chalk, D Taylor and D Thomas

Officers:

S Hanley and A Heighway

Committee Officer:

J Bayley and H Saunders

13. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Hartnett and Norton.

14. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest or of any party whip.

15. MINUTES

RESOLVED that

Subject to the addition to the record of Councillor Banks' apologies, the minutes for the meeting of the Overview and Scrutiny Committee held on Wednesday the 28th May be confirmed as a correct record and signed by the Chair.

16. ACTIONS LIST

Officers provided an update on the latest edition of the Committee's Action List.

.....
Chair

OVERVIEW AND SCRUTINY

Committee

18th June 2008

Officers explained that Action 6 on the Actions List related to a scoping document for a proposed scrutiny exercise to investigate the Council's presentation of information relating to the Council's corporate priorities, which had been submitted to the Overview and Scrutiny Committee in the previous year. Members agreed that this item should be removed from the Committee's Work Programme and Actions List. Instead, Members agreed to reconsider whether there was a need for such a review following consideration of the quarterly performance and budgetary reports by the Committee.

Members were informed that, as requested at the previous meeting, the possibility of visiting Westminster to observe proceedings during a Select Committee meeting had been investigated. The Chair advised Members that, owing to limited Councillor availability and the summer recess of Parliament, this visit was to be postponed until the autumn.

RESOLVED that

the Actions List be noted.

17. CALL-IN AND PRE-SCRUTINY

This standard item on the Committee's agenda had been expanded to ensure that Members had an appropriate opportunity to consider options for pre-scrutiny of Executive committee items.

Officers informed Members that the performance update on the business centres, discussed at the previous meeting of the Overview and Scrutiny Committee, was due to be reported to the Executive Committee on Wednesday the 29th October 2008. Therefore, the Overview and Scrutiny Committee would be considering the potential need for scrutiny of the business centres in November 2008.

There were no call-ins and no proposed items for pre-scrutiny.

18. TASK & FINISH REVIEWS – THIRD SECTOR DRAFT SCOPING DOCUMENT

Officers explained that, as agreed at the previous meeting of the Committee, a meeting had taken place with Councillor Thomas to consider the scoping document for the exercise. During this meeting Councillor Thomas had requested that the review's terms of reference be simplified. This work had subsequently been undertaken by Officers.

OVERVIEW AND SCRUTINY

Committee

18th June 2008

Councillor Thomas informed Members that the Third Sector review would focus on strategic funding relations between the Council and third sector organisations. The focus of the review would be distinct from the work of the Council's Grants Panel, which considered, approved and monitored bespoke funding arrangements for individual third sector organisations on a case-by-case basis. Councillor Thomas explained that the Third Sector review would focus specifically on the Council's overarching arrangements for awarding grants and donations to third sector organisations.

The membership for the Third Sector Task and Finish Group was discussed. Members agreed that the Chair and Vice-Chair of the Committee would appoint Members to the Group, and to all subsequent scrutiny groups launched during the year. Councillor Thomas was appointed to Chair the exercise and Councillor Pearce was approved as a member. Members agreed that three further Members would be appointed to the Group.

Officers explained that Members would need to remain mindful of the potential for conflicts of interest when undertaking this exercise. Members were informed that this would not apply if the review retained an overarching scope but that conflicts of interest could arise for certain Members if the review focused on any particular third sector organisations, or on factors which affected their own more or less than other organisations.

RESOLVED that

- 1) **a further objective, "to investigate the sustainability of Council funding for third sector organisations in the future" be added to the terms of reference for the exercise;**
- 2) **the Third Sector Task and Finish review have a deadline of December 2008; and**
- 3) **the terms of reference for the Third Sector Task and Finish review be approved, as now amended.**

19. OVERVIEW AND SCRUTINY MEMBER TRAINING

Officers explained that this item had been included on the agenda to provide Members with an opportunity to reflect on the outcomes of the "Introduction to Scrutiny" training provided on Thursday the 5th June 2008. Members were informed that in particular the potential for external scrutiny work had been identified during the training as an area that could be further developed at the Council.

OVERVIEW AND SCRUTINY

Committee

18th June 2008

Members discussed the recent suspension of the 57/58 First Bus route in the town and the impact on people visiting the Alexandra Hospital. Members noted that this might be a suitable subject for external scrutiny and that it might be useful to invite representatives of First Bus to attend a meeting of the Committee to explain their actions further. Members agreed to discuss the suitability of this subject for scrutiny during the Overview and Scrutiny Work Programme Planning Afternoon on Friday the 20th June.

Members questioned why it was not possible for people to apply for a bus pass using the Council's website. Officers undertook to provide further information about this subject for Members' consideration.

20. REFERRALS

There were no referrals.

21. WORK PROGRAMME

Officers explained that the Council was no longer obliged to publish the Council's Corporate Performance Plan. The Service Plans, which formed part of the planning stages for the Corporate Performance Plan, would therefore not need to be prepared for Member consideration during the year. Consequently, Members were informed that the Service Plans, scheduled to be considered by the Committee on Wednesday the 10th October 2008, were unlikely to be made available.

RESOLVED that

Subject to this report the Work Programme be noted.

The Meeting commenced at 7.00 pm
and closed at 7.45 pm

Actions requested by the Overview and Scrutiny Committee

Date Action Requested	Action to be Taken	Response
19/12/07 1	Members discussed the proposed new format for presenting performance information to the Overview and Scrutiny Committee. Officers were asked to provide an explanation of the traffic light system. Members did not specify a date by which this information should be made available.	The Overview and Scrutiny Support Officers have informed the relevant Officers of this request. (TO BE DONE). Lead Officer, Head of Strategy and Partnerships (HSP), Estimated introduction date, August 2008.
27/02/08 2	Officers were asked to present community safety performance data to Members using both of the templates that had been provided for the consideration of Members at that meeting. Officers were asked to present this information to the Overview and Scrutiny Committee alongside the quarterly performance reports.	The Overview and Scrutiny Support Officers have informed the relevant lead Officer of this request. (TO BE DONE). Lead Officer, HSP, estimated introduction date, August 2008.
27/02/08 3	The Overview and Scrutiny Committee to discuss ways to develop relations between the Committee and the Executive Committee.	Members considered this issue during the Overview and Scrutiny Work Programme Planning Afternoon. (DONE).
27/03/08 4	Members agreed that a series of actions should be undertaken as preparatory work for carrying out scrutiny of economic development role at the Council. Members requested several actions as detailed below:	Members are due to make a decision about when to schedule further scrutiny work for this item at the meeting of the Committee on the 9th July. The actions listed below should then be completed in accordance with the date specified by Members (TO BE DONE).

<p style="text-align: center;">4</p>	<ul style="list-style-type: none"> • the Jobs, Employment and Economy scrutiny report be circulated amongst all Overview and Scrutiny Committee Members; • the Economic Development Manger job specification be reviewed in line with the three key themes contained in the Regional Economic Strategy: business; place; and people; • relevant Officers from Worcestershire County Council be invited to the Committee to discuss their roles and responsibilities for economic development in Redditch; • further information be provided on roles and responsibilities for other bodies / agencies contributing to economic development in Redditch; • the latest secondary school attainment figures be obtained and distributed to Committee Members; and • representatives of Education Services from Worcestershire County Council be invited to a future meeting to educational attainment levels in Redditch schools. 	<ul style="list-style-type: none"> • The OSSOs to circulate copies of this report amongst Members of the Overview and Scrutiny Committee. TO BE DONE. • The Head of Planning and Building Control (HPBC) to undertake this work. TO BE DONE. • The OSSOs to dispatch these invitations, at a date to be specified by Members. TO BE DONE. • The HPBC to provide this information on a date to be specified by the Overview and Scrutiny Committee. TO BE DONE. • The OSSOs to obtain and circulate these figures amongst Members of the Committee on a date to be specified by the Committee. TO BE DONE. • The OSSOs to dispatch these invitations when Members have specified a date for consideration of this item by the Committee. TO BE DONE.
<p>28/05/08</p> <p style="text-align: center;">5</p>	<p>Members discussed the Gypsies and Travellers item recorded on the Actions List. Members agreed the following:</p> <ul style="list-style-type: none"> • Officers were asked to organise for the issue to be discussed at a meeting of the Committee on the 9th July; 	<ul style="list-style-type: none"> • (WILL BE DONE AT THIS MEETING) – 9th July.

<p style="text-align: center;">5</p>	<ul style="list-style-type: none"> • Officers were asked to invite former Councillor Pattie Hill to attend that meeting on the 9th July to act as an expert witness; • Officers were asked to attach a copy of the Joint Policy on Unauthorised Gypsy and Traveller Encampments to the agenda for the meeting of the Committee on the 9th July. 	<ul style="list-style-type: none"> • Former Councillor Pattie Hill confirmed that she could attend the meeting on Monday the 23rd June 2008. (DONE). • Officers will ensure that the appropriate paperwork is available on the 9th July. (WILL BE DONE AT THIS MEETING). <p>Lead Officers, OSSOs.</p>
<p>28/05/08</p> <p style="text-align: center;">6</p>	<p>Members agreed to organise for members of the Committee to attend a select committee meeting in Westminster to observe national best practice in scrutiny. No date was specified.</p>	<p>Officers discussed arrangements for this visit with the Chair. It was noted that there few opportunities to undertake this trip before the summer recess in Parliament and therefore the trip to Westminster would take place in Autumn 2008. (TO BE DONE). Lead Officers OSSOs, estimated completion date Autumn 2008.</p> <p>- (at the following meeting of the Committee, on Wednesday the 18th June, Members asked for these arrangements to be recorded accordingly in the Committee's Work Programme. (DONE).</p>
<p>28/05/08</p> <p style="text-align: center;">7</p>	<p>Members discussed arrangements for the Work Programme Planning Afternoon (WPPA) and agreed the following:</p> <ul style="list-style-type: none"> • that the WPPA would take place on the 20th June; 	<ul style="list-style-type: none"> • the OSSOs booked the Council Chamber and Committee Room Three for this event (DONE).

	<ul style="list-style-type: none"> that the working relations between the Executive Committee and the Overview and Scrutiny Committee would be addressed at the WPPA; and that attendees would be provided with lunch at the beginning of the event and that lunch would include a number of sandwiches without mayonnaise. 	<ul style="list-style-type: none"> the Programme for the event was produced accordingly by the OSSOs (DONE). Lunch was booked accordingly and none of the sandwiches was filled with mayonnaise (DONE). <p>Lead Officers – OSSOs.</p>
18/06/08 8	Members approved the Third Sector Task and Finish Group. A number of amendments to the scoping document were requested.	The amendments to the scoping document, as requested by Members during the Committee meeting, were made on Thursday the 19th June 2008. (DONE)
18/06/08 9	Members agreed to consider a proposed review of public (bus) transport further during the WPPA.	This proposal was considered further during the WPPA. (DONE).
18/06/08 10	Members questioned why the Council did not have a facility available that would enable members of the public to apply for a bus pass using the internet.	Officers are hoping to introduce online bus pass applications. (Lead Officers, Policy and Data Protection Officer and the HSP, estimated completion date - 04/07/08).
18/06/08 11	Officers reported that it was unlikely the Service Plans would be reported for Member consideration because the Council was no longer obliged to publish its Corporate Performance Plan.	Members to consider whether to remove all reference to the Service Plans from the Committee's Work Programme.

Glossary

HPBC	-	Head of Planning and Building Control
HSP	-	Head of Strategy and Partnerships
OSSO	-	Overview and Scrutiny Support Officer
WPPA	-	Work Programme Planning Afternoon

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Overview & Scrutiny Committee

Scrutiny Scoping Check List

When scoping a review, the Committee will need to consider the following questions:

1. Is there a clear objective for scrutinising this topic?
2. Are you likely to achieve a desired outcome?
3. What resources are available and what timetable do you need to comply with?
4. What are the potential risks?
5. Is this issue strategic and significant?
6. Is the scrutiny activity timely?
7. To what extent is this matter important for local people? For stakeholders? For the Electorate?
8. Does this issue correspond with the council's corporate priorities?
9. How long is it since this issue was last the subject of a review?
10. Is there evidence of real, perceived or imminent failure to a service or policy in this area?
11. What are likely to be the benefits to the council and its customers of this review?
12. What do other members think about this issue?
13. Is there media interest in the issue?

Criteria to reject Items for Scrutiny

Items which have been suggested for review can be rejected if:

1. the issue was dealt with less than two years ago;
2. the issue is already being examined elsewhere in the council (e.g. by full council);
3. new legislation relevant to this issue is expected within the year;
4. there is no scope for scrutiny to add value, or to make any real difference to the service; or
5. policy that is being reviewed; and the objective(s) of the review are unlikely to be achieved in the specified timescale.

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JOINT POLICY TOWARDS UNAUTHORISED ENCAMPMENTS OF GYPSIES AND TRAVELLERS IN WORCESTERSHIRE

The purpose of this Policy, as agreed by all 7 Local Authorities within Worcestershire and the Police, is to ensure that the aforesaid partners act in a predetermined, co-ordinated and consistent way.

1. GENERAL STATEMENT

1.1 There is a need for a single agreed policy towards Gypsies and other Travellers in the County and there is a responsibility on all 7 Local Authorities and the Police to collaborate in devising one.

1.2 Integral parts of such a Policy are:

- a consistent, positive and informed approach to enforcement having due regard to the Human Rights Act 1998, the Race Relations (Amendment) Act 2000 and relevant regulations and guidance
- “regard to guidance contained in Circular 18/94 and any amending Circulars (including revision of advice on ‘toleration’ issued 26.7.00)”
- regard to guidance contained in Circular 18/94 and any amending Circulars
- regard to guidance contained in “Managing Unauthorised Camping – A Good Practice Guide”
- proper management of the Local Authorities’ Gypsy sites in a manner consistent with the overall Policy
- partnership support for improvements to the County Council’s Gypsy site provision programme where appropriate
- partnership support for new Government guidance on managing unauthorised encampments and site provision
- clarity of purpose and intent

1.3 Throughout this Policy document, the term “Gypsy” and “Traveller” means those Gypsies and Travellers who come within the definition of “Gypsy” in Section 24 of the Caravan Sites and Control of Development Act 1960 (as amended and as clarified by the Courts).

1.4 This policy document has been revised to ensure compliance with the provisions of the Human Rights Act 1998.

1.5 This policy document has been revised to ensure compliance with the provisions of the Race Relations (Amendment) Act 2000.

2. POLICIES TOWARDS GYPSIES AND TRAVELLERS WHO ARE ENCAMPED WITHOUT AUTHORISATION

2.1 General

2.1.1 Once it becomes known that a person has encamped, an officer or agent of the Local Authority responsible for taking action (as identified in paragraph 3.2 below) will normally visit the person within two working days and, once satisfied he/she is a Gypsy or Traveller, advise, if appropriate, on any transit site vacancies in the area. A Welfare Check will be carried out where possible, and if appropriate the Gypsies/Travellers will be offered contact details of other relevant agencies such as Education, Social Services or Housing. Where consultation between authorities is necessary, there shall be close co-operation in order to ensure that information is made available promptly so as not to unnecessarily delay a decision on enforcement action. The authorities mutually undertake to normally respond to such requests within 3 working days.

2.2 Toleration policy

2.2.1 It will serve no useful purpose to seek to evict Gypsies or Travellers immediately and there will be a period of toleration for up to 21 days unless, in the opinion of the responsible Authority, circumstances such as those listed below apply:-

- (1). A level of nuisance is occurring which cannot be effectively controlled including:
 - a. Unreasonable effect on neighbouring property or nuisance to the local community
 - b. Road safety hazards usually determined by the Highways Partnership Unit and the Police.
 - c. Statutory Nuisance or circumstances prejudicial to public health.
 - d. Obstruction of access to land either owned by the County or District Council or private individual or company.
- (2). Demonstrable requirement of land for operational uses.
- (3) Ecological or biodiversity issues

- 2.2.2 Where circumstances such as those listed above apply, or if a Gypsy or Traveller without good reason, taking into account guidance on toleration rejects an offer of accommodation, he/she will be informed that they must vacate the land within a short period.
- 2.2.3 If the land is not vacated within the specified period, the responsible Authority may then commence legal proceedings.
- 2.2.4 If none of the grounds as set out in paragraph 2.2.1 apply the unauthorised encampment will be tolerated for up to 21 days. If after the period of toleration the travellers/gypsies have still not vacated the site there will be a further review of the situation. Unless there has been an exceptional change of circumstances since the initial decision to tolerate was made the responsible authority may then commence legal proceedings.
- 2.2.5 In certain circumstances, responsibilities may arise under Paragraphs 10, 11, 12 and 13 of Circular 18/94 (involvement of other agencies such as Education or Social Services). A judgement will be made as to whether circumstances merit or may merit the involvement of any other agency. If intervention is required by those agencies, then the type of action and its timing will be taken in the light of those circumstances.

3. RESPONSIBILITY FOR TAKING ACTION

3.1 Role of the Police

3.1.1 Other than in the case of highway land, the local police commander (normally the Duty Inspector) may be approached at an early stage where legislation permits action to be taken to ascertain whether he/she would be prepared to exercise powers under Section 61 of the Criminal Justice and Public Order Act 1994.

3.1.2 The local police commander will assess the situation and give an initial decision within two days.

3.1.3 If the commander confirms that he/she will take action, the responsible local authority will hold back from any action for a short period in order to avoid possible confusion regarding deadlines etc.

3.1.4 Even if his/her decision is not to take action under Section 61, the local police commander may wish to reconsider if circumstances change. In this eventuality, he/she will immediately

inform a nominated officer from the local authority by telephone or fax.

3.1.5 In cases where the police are not themselves taking enforcement action, they will provide support at a mutually agreed level to the local authorities, their contractors and other agents with a view to preventing a breach of the peace if circumstances dictate.

3.2 Division of Responsibility between County Council and District Councils

3.2.1 On County Council land; including land forming part of the highway for which the County Council are the Highway Authority, the County Council will be the responsible authority.

3.2.2 On District Council land or private land (following the request of the landowner) the District Council will be the responsible authority. With respect to private land, it is expected that the landowner will take the necessary civil action to obtain possession of the land and take all reasonable measures to minimise nuisance and disturbance. The foregoing provisions relating to enforcement action being taken under the Criminal Justice and Public Order Act 1994 will therefore only be taken by the responsible authority if it chooses to do so in the public interest.

3.2.3 On Government-owned land the District Council will be the responsible authority except in the case of highways for which the Highways Agency acting for The Department of Communities and Local Government.

3.2.4 If it is decided that an encampment is not to be tolerated, it will be a matter for the officer of the authority responsible for the land to determine by what means action will be taken. Once it has been decided that action is necessary, this should be implemented without undue delay.

3.2.5 In all cases, there will be close co-operation between the County Council, District Councils and the Police. The County Council will inform the relevant District Council when it is taking formal action against Gypsies within their area or when exercising toleration and vice-versa. Similarly, both the Police and the County and District Councils will inform one another of such matters.

4. DISPUTES MECHANISM

4.1 In the event of a dispute between two or more Councils arising as to whether it is appropriate to tolerate a particular encampment or if a particular course of action is warranted, the following steps will be taken:

(a) a nominated officer representative from each authority involved, supported by appropriate advisers and, if appropriate, a

Police representative, will together discuss the position in an attempt to reach an agreed solution

(b) ultimately, in the case of a failure to agree, each authority reserves the right to act as it sees fit. Each authority will first inform the other authority (or authorities) of its proposed action.

5. PRESERVATION OF OTHER POWERS

5.1 For the avoidance of doubt, none of the provisions of this Policy shall be construed as restricting in any way an individual authority's ability to exercise any legal powers that may be available to it and in the case of land other than highway the responsibility of the local authority or West Mercia Police Authority, the provisions of the Policy will only apply when the authority as landowner has decided it wishes to remove Gypsies or Travellers from it's land.

6. DURATION

6.1 Once a year, or more frequently where circumstances demand, officers of the County Council, District Councils and Police will meet to assess action taken under this Policy and to review the Policy as necessary.

Dated:.....

Signed:.....

Document adopted March 1995
Amended 2000
Amended 2006

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Overview & Scrutiny

Committee

27th March 2008

155. GYPSIES AND TRAVELLERS – JOINT POLICY ON UNAUTHORISED ENCAMPMENTS

Officers explained that a discussion of the Worcestershire Joint Policy on unauthorised Gypsy and Traveller encampments had been proposed at a previous meeting to provide Members of the Committee with an opportunity to discuss the subject of a proposed scrutiny exercise.

Officers explained that the joint policy had been adopted by the Worcestershire District Councils, the County Council and West Mercia Police in 1995. Members were informed that the policy document had subsequently been amended in 2000 and 2006 and that any of the partners could propose further changes to the policy.

Officers explained that the Policy outlined the roles of the Council, the County Council, West Mercia Police and other partner organisations in response to unauthorised encampments. Members noted that Redditch Borough Council was responsible for the use of Council owned land and property. Officers reported that the Borough Council was not responsible for unauthorised sites on private land, though the Council would approach private landlords to ensure that they were aware of their responsibilities, particularly when there were Environmental Health concerns. Officers explained that Worcestershire County Council was responsible for the provision of authorised traveller sites and for monitoring the movements of gypsies and travellers in the County.

Members were informed that the Council was required to abide by the policy, which incorporated the principles set out by the Human Rights Act and Race Relations (Amendment) Act, when investigating unauthorised encampments. Government-issued guidance "Managing Unauthorised Camping – A Good Practice Guide" and subsequent circulars encouraged Councils to be tolerant of gypsies and travellers, and required that they must ascertain whether there were any welfare concerns that justified the encampment. Officers explained that if there was no discernable reason to justify an unauthorised encampment the Council could take legal proceedings to enforce their removal. Officers reported that in the past there had been a large number of incursions every year within Redditch but that this had reduced to two or three unauthorised encampments every year. Redditch was therefore regarded at County level as an active authority at responding to the issue.

Members were informed that the Police had powers to evict gypsies and travellers in cases where five or more caravans had been parked; when a landlord requested that the travellers be removed; and in cases where it could be proved that they had committed a criminal offence. Officers explained that the Police had two additional policies which affected their responses to unauthorised encampments. Officers further reported that there was some concern that the Police were not fulfilling their role as set out in the joint policy.

Members agreed that their main concern was to ensure that all partners consistently complied with the terms of the joint policy when responding to unauthorised gypsy and traveller encampments. Members further agreed that a Task and Finish review might not be the most appropriate measure to address this issue. Instead, Members approved three courses of action which, in descending order, could be undertaken to address the issue:

- a) The Chair would address a letter to the Gypsy and Traveller Liaison Officer at Worcestershire County Council, on behalf of the Committee, requesting that a meeting of the partners take place to discuss the joint policy: whether the terms of the policy remained appropriate; and the roles and responsibilities of each partner organisation. Members agreed that this letter would request that an elected Member from the Borough Council should be invited to attend the meeting.
- b) Members agreed that, if no action was taken in response to this letter, the Overview and Scrutiny Committee would invite representatives of the partner organisations to attend a meeting of the Committee to discuss the joint policy and the roles of each partner organisation.
- c) Finally, Members agreed that, if neither of these courses of action resolved the issue to Members' satisfaction, the Overview and Scrutiny Committee would invite the relevant Police representative and the County Council Gypsy Liaison Officer to attend a meeting of the Redditch Forum to answer questions about the policy.

RESOLVED that

the Committee note the reports and agree the action, as detailed, and in the order proposed, in items a) to c) above.

**Overview and Scrutiny Work Programme Planning Afternoon:
Suggestions for developing relations between the Overview and
Scrutiny and Executive Committees**

During the course of the Overview and Scrutiny Work Programme Planning Afternoon Members considered relations between Overview and Scrutiny and the Executive. In groups, the Councillors discussed current circumstances and proposed arrangements which could be introduced to develop relations further. The Councillors framed their discussion around two questions. The questions and answers are set out in the report below followed by some general points that were raised by all Councillors during the afternoon.

1) What does Overview and Scrutiny want from the Executive?

- respect and a fair hearing from the Executive;
- for the Executive to undertake a thorough consideration of scrutiny recommendations;
- specific meetings of the Executive Committee to be organised for the consideration of scrutiny recommendations;
- full and considered responses from the Executive, preferably in writing, to any scrutiny recommendations;
- Overview and Scrutiny Members would like to be considered as equal partners of the Executive Members, both by Councillors and Officers;
- adequate advance notice of forthcoming decisions that may be taken by the Executive which would be appropriate for pre-scrutiny (this would involve appropriate notice being given by both Councillors and Officers);
- adequate resources to enable Overview and Scrutiny Members to undertake effective scrutiny; and
- for the Executive Committee (Officers, and other stakeholders) to recognise that the Overview and Scrutiny Committee can refuse to accept work which has been referred for consideration.

2) What does the Executive want from Overview and Scrutiny?

- timely reporting of Overview and Scrutiny recommendations;
- more pre-scrutiny work;
- better time management of Task and Finish reviews (a number of Councillors suggested that improved time management for scrutiny reviews might obviate the need for Executive Advisory Panels in future);
- a limit to the number of recommendations produced during any one review;
- to provide funding solutions and reasonable plans that would demonstrate how the Council could implement any recommended action;
- but at the same time not to let financial considerations constrain ambitious recommendations;

- creativity, both in review work and with final recommendations;
- to initiate a dialogue with Executive Members before launching a scrutiny exercise to determine the feasibility of pursuing costly recommendations;
- tough recommendations;
- to not be afraid of referring both majority and minority reports to the Executive Committee for consideration;
- clear recommendations;
- scrutiny exercises based on adequate research;
- relevant reviews;
- reviews that will make a difference;
- when undertaking scrutiny work, to check whether any other local authorities have undertaken similar reviews;
- reviews that will be of interest to the public;
- engagement with the public during review work; and
- an understanding of the Council's priorities.

General Points:

- Members noted that effective scrutiny work requires good chairing skills;
- Members also noted that effective scrutiny requires good organisation skills;
- Members requested electronic diaries for all Councillors;
- Members noted that it would be useful for Members to bring their diaries to the first meeting of every Task and Finish review to enable groups to plan in advance how they can complete reviews according to deadline; and
- Members requested more shared visioning and briefing events and scrutiny seminars for short sharp reviews of general interest which would be open to all Councillors to attend.

Suggested Items for Scrutiny: Ideas Proposed During the Overview and Scrutiny Work Programme Planning Afternoon, Friday the 20th June 2008

The following items were proposed during the recent Overview and Scrutiny Work Programme Planning Afternoon. The title of the review, the name of the Councillor proposing the item and some initial draft objectives for the exercise have been incorporated into this report.

All Members were also keen to ensure that Overview and Scrutiny skills, for both Councillors and Officers, continue to be developed.

**1. Title: Adult Participation in Sport
Councillor Proposing the Topic: Councillor P Mould**

Objectives of the Exercise:

- to identify ways to tackle decreasing adult participation in sporting activities;
- to identify ways to tackle obesity in the adult population by encouraging adults to participate more regularly in sporting activities;
- to identify barriers preventing adults from participating more regularly in sporting activities;
- to identify how to make sporting activities and services more accessible; and
- to identify the different needs in relation to sporting activities of the various social groups living within the Borough.

**2. Title: Carbon Footprint
Councillor Proposing the Topic: Councillor J Pearce**

Objectives of the Exercise:

- to investigate the work already undertaken to address the subject by the Council's Environment Advisory Panel;
- to review any work already undertaken by the Council's IT Steering Group to address this issue; and
- to review the work undertaken by other local authorities to address this issue and the implications of their conclusions for Redditch.

**3. Title: Communication
Councillor Proposing the Topic: Councillor M Chalk**

Objectives of the Exercise:

- to review communication arrangements between the Council and the Council's partner organisations and other outside bodies; and
- to determine whether any improvements could be made to these arrangements.

**4. Title: Economic Development
Councillor Proposing the Topic: Councillor J Field**

Objectives of the Exercise:

- to review the implications of the A38 Technology Corridor for economic development in Redditch;
- to review the conclusions contained within the Jobs, Employment and the Economy report, published by the Council's Leisure, Tourism and Economy Overview and Scrutiny Committee in 2006 and 2007; and
- to scrutinise the issues raised in relation to economic development at a meeting of the Committee on the 27th March 2008 (this topic has already been recorded on the Overview and Scrutiny Committee's Work Programme, though the date for consideration of this item remains to be determined by the Overview and Scrutiny Committee).

**5. Title: Fishing Tackle Heritage
Councillor Proposing the topic: Councillor D Hunt**

Objectives of the Exercise:

- to review ways to promote the Borough's fishing tackle heritage;
- to determine whether Forge Mill Needle Museum currently promotes the town's fishing tackle heritage to a level deemed satisfactory by Members;
- to determine whether there should be a Fishing Tackle Museum in Redditch;
- to determine how much it would cost to establish a Fishing Tackle Museum in the Borough; and
- to identify financial sources that could be used to establish a Fishing Tackle Museum.

6. Title: Fuel Poverty
Councillor Proposing the Topic: Councillor D Taylor

Objectives of the Exercise:

- to identify what the Council currently does to address the impact of fuel bills on people living within the Borough;
- to identify what the Council's partner organisations are currently doing to address the impact of fuel bills on people living within the Borough;
- to investigate ways in which the Council can help local people to reduce their domestic (fuel) bills (in addition to any work already being undertaken);
- to investigate ways in which the Council's partner organisations can help local people to reduce their domestic (fuel) bills (in addition to any work already being undertaken);
- to identify whether any other local authorities have addressed this issue and to review the implications of their conclusions for Redditch;
- to review the particular energy requirements for of older properties within the Borough, particularly in relation to energy efficiency ratings and domestic fuel bills;
- to identify the impact of fuel bills on vulnerable groups living within the Borough; and
- to determine the particular actions that need to be taken by the Council and its partner organisations to address the needs of the most vulnerable groups living within the Borough.

7. Title: Housing Mutual Exchange
Councillor Proposing the topic: Councillor D Smith

Objectives of the Exercise:

- to scrutinise the Council's present policy on Housing Mutual Exchange;
- to compare the Council's policy to the policies of other local authorities; and
- to identify if and how the Council's policy on Housing Mutual Exchange could be improved.

**8. Title: Illegal Drugs and Alcohol
Councillor Proposing the Topic: Councillor M Chalk**

Objectives of the Exercise:

- to establish the current scope of drug and alcohol abuse within the Borough;
- to engage relevant partner organisations, such as the Crime and Disorder Reduction Partnership (CDRP), in the provision of accurate and appropriate information for the consideration of Members;
- to engage relevant Officers from the Council to ensure that accurate and appropriate information is provided for the consideration of Members;
- to determine the role and responsibilities of Redditch Borough Council in relation to tackling illegal drug and alcohol use; and
- Members suggested that this topic might be suitable for a Short Sharp review, to be held during a couple of focused, Overview and Scrutiny Seminars, which all Members could attend.

**9. Title: Improving Access to public Transport for People Without Cars
Councillor Proposing the Topic: Councillor D Taylor**

Objectives of the Exercise:

- to identify whether any other local authorities have attempted to address the public transport needs of people who do not have access to cars and to review the implications of their conclusions for Redditch;
- to identify public transport options that have not been fully developed in Redditch and to determine the feasibility of introducing those public transport options in the Borough;
- to discuss the public transport needs for people without access to cars with relevant partner organisations; and
- to identify where there are currently gaps in the provision of public transport services and how to fill those gaps.

(Please note that Members may want to consider combining this proposal with the other proposal relating to public transport below).

**10. Title: Improving the Health of People in Redditch
Councillor Proposing the Topic: Councillor K Banks**

Objectives of the Exercise:

- to determine how frequently people access their GPs in Redditch; and
- to identify ways to encourage particular groups who have traditionally tended to avoid visiting their GPs (such as men) to make greater use of those services.

(Please note: Members may wish to consider whether to refer this proposal to the Worcestershire Health Overview and Scrutiny Committee).

**11. Title: Improving Public Transport
Councillors Proposing the Topic: Councillors D Taylor and D Thomas**

Objectives of the Exercise:

- to determine whether this exercise would be suitable for joint scrutiny work with Worcestershire County Council and / or other local authorities;
- to scrutinise the accountability of local bus companies;
- to investigate current arrangements for the provision of taxi-bus services and to determine whether any improvements in provision could be made;
- to scrutinise provision of public transport services within the Borough during the evening and to determine what improvements in provision could be made;
- to scrutinise provision of public transport services that enable people to access leisure activities and to determine what improvements in provision could be made; and
- to scrutinise provision of public transport services that enable people to access the Alexandra Hospital and to determine what improvements in provision could be made.

(Please note that Members may want to consider combining this proposal with the other proposal relating to public transport above).

12. Title: Pavements
Councillor Proposing the Topic: Councillor A Clayton

Objectives of the Exercise:

- to investigate whether this would be a suitable subject for joint scrutiny work with Worcestershire County Council and / or other local authorities;
- to identify ways to improve the condition of the pavements in Redditch; and
- to consider the contents of a report on a related subject recently produced by Worcestershire County Council and the implications for the condition of pavements in Redditch.

13. Title: State of Council Flat Properties
Councillor Proposing the Item: Councillor D Taylor

Objectives of the exercise:

- to identify ways to improve the general condition of the communal areas within the vicinity of Council flat properties;
- to scrutinise the cleaning arrangements for the communal areas and to identify any improvements that could be made to those cleaning arrangements;
- to identify whether and how Resident Groups / Neighbourhood Watch Groups / the Borough Tenants' Panel could be involved in developing improvements to the general appearance of the communal areas;
- to scrutinise security arrangements in the communal areas and to identify whether any improvements could be made to these arrangements; and
- to identify ways to encourage residents to ensure that their communal areas remain in a good condition.



Overview & Scrutiny Committee

No Direct Ward Relevance

9th July 2008

13. WORK PROGRAMME

(Report of the Borough Director)

Date of Meeting	Subject Matter	Officer(s) Responsible for report
ALL MEETINGS	REGULAR ITEMS	(LEAD DIRECTOR - CHRIS SMITH)
	Minutes of previous meeting Consideration of the Forward Plan Consideration of Executive Committee key decisions Call-ins (if any) Pre-scrutiny (if any) Consideration of Overview and Scrutiny Actions List Referrals from Council or Executive Committee, etc. (if any) Task & Finish Groups - feedback Committee Work Programme	Borough Director Borough Director Borough Director Borough Director Borough Director Borough Director Relevant Lead Director Borough Director Borough Director
	REGULAR ITEMS Quarterly Performance Report Quarterly Budget Monitoring Report Review of Service Plans 2008 / 11	Borough Director Borough Director Relevant Lead Director

Overview & Scrutiny

Committee

9th July 2008

	<p>REGULAR ITEMS</p> <p>Oral updates on the progress of:</p> <ol style="list-style-type: none"> 1. the Third Sector Task and Finish Group; and 2. the Joint Scrutiny Exercise into Flooding. 	Relevant Lead Directors
30th July 2008	<p>REGULAR ITEMS</p> <p>Performance Outturn Report</p>	Relevant Lead Directors
20th August 2008	<p>REGULAR ITEMS</p> <p>Quarterly Performance Report</p>	Relevant Lead Directors
20th August 2008	<p>REGULAR ITEMS</p> <p>Quarterly Budget Report</p>	Relevant Lead Directors
26th November 2008	<p>REGULAR ITEMS</p> <p>Quarterly Performance Report</p>	Relevant Lead Directors
26th November 2008	<p>REGULAR ITEMS</p> <p>Quarterly Budget Report</p>	Relevant Lead Directors
25th February 2008	<p>REGULAR ITEMS</p> <p>Quarterly Performance Report</p>	Relevant Lead Directors

Overview & Scrutiny

Committee

9th July 2008

25th February 2008	REGULAR ITEMS Quarterly Budget Report	Relevant Lead Directors
29th April 2009	REGULAR ITEMS Annual Overview and Scrutiny Report 2008/09	Borough Director
OTHER ITEMS - DATE FIXED		
9th July 2008	Discussion of the Joint Policy on Unauthorised Encampments for Gypsies and Travellers	Relevant Lead Directors
9th July 2008	Consideration of the scoping document for the proposed Role of the Mayor Task and Finish Group	Relevant Lead Directors
9th July 2008	Relations between the Overview and Scrutiny and Executive Committees – discussion	Relevant Lead Directors
9th July 2008	Suggested topics for scrutiny - discussion	Relevant Lead Directors
30th July 2008	Housing and Homelessness Appeals – Update Report on Responses to Recommendations.	Relevant Lead Directors
20th August 2008	Civil Parking Enforcement – Update Report on Responses to Recommendations	Relevant Lead Directors

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Overview & Scrutiny

Committee

9th July 2008

5th November 2008	Proposed Business Centres Scrutiny Exercise – Member Discussion	Relevant Lead Director
5th November 2008	Fees and Charges Task and Finish Group – Update Report on Responses to Recommendations	Relevant Lead Directors
14th January 2009	District Centres Task and Finish Group – Update Report on Response to Recommendations	Relevant Lead Directors
8th April 2009	Communications Task and Finish Group – Update report on response to recommendations	Relevant Lead Directors
OTHER ITEMS – DATE NOT FIXED		
	Select Committee – Overview and Scrutiny visit	Relevant Lead Directors
	Community Calls for Action – Discussion	Relevant Lead Director
	Economic Development – Discussion	Relevant Lead Director
	Education attainment levels - Discussion	Relevant Lead Director
	Review of ditches –discussion	Relevant Lead Director