



Overview and Scrutiny Committee

Thursday, 2nd February, 2023

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Joanna Kane (Vice-Chair) and Councillors Imran Altaf, Tom Baker-Price, Michael Chalk, Brandon Clayton, Sid Khan and Timothy Pearman

Officers:

Sue Hanley, Guy Revans, Matthew Austin, Peter Carpenter (on Microsoft Teams) and Claire Felton (on Microsoft Teams)

Democratic Services Officers:

Mat Sliwinski

86. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received from Councillor Akbar.

Apologies were also received on behalf of Portfolio Holder for Environmental Services, Councillor Fleming, who was due to attend as an observer.

87. DECLARATIONS OF INTEREST AND OF PARTY WHIP

Councillor Bill Hartnett declared an Other Disclosable Interest in Minute Item No. 98 – Rubicon Leisure – Finance Overview (Exempt Report) –in his capacity as a Member of the Shareholders Committee.

Councillor Hartnett was advised that as the Shareholders Committee performed an oversight function for Rubicon Leisure, and the item concerned was before the Committee for information and discussion only, Councillor Hartnett would be able to remain in the room during consideration of this item. Councillor Hartnett subsequently stayed in the room during consideration of the Rubicon Leisure – Finance Overview (Exempt Report).

The Deputy Chief Executive Officer and the Head of Environmental and Housing Property Services declared conflicts of interest in relation to Minute Item No. 98 – Rubicon Leisure – Finance

Chair

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Overview (Exempt Report) – in their capacity as Active on the Board of Directors of Rubicon Leisure Limited. They left the room during the consideration of this item and took no part in the deliberations.

88. MINUTES

The minutes from the Overview and Scrutiny Committee meeting held on Thursday 8th December 2022 were submitted for Members' consideration.

RESOLVED that

the minutes of the Overview and Scrutiny Meeting held on Thursday 8th December 2022 be approved as a true and correct record and signed by the Chair.

89. PUBLIC SPEAKING

There were no public speakers who registered to speak on this occasion.

90. BULKY WASTE AND FLY TIPPING TASK GROUP - BRIEFING AND PRESENTATION

The Chair welcomed the Head of Environmental and Housing Property Services and the Environmental Services Manager who provided a detailed presentation on bulky waste collections and fly tipping in Redditch. During the presentation Members' attention was drawn to the following:

- The Council had a legal duty to manage fly-tipping under Section 33 of the Environmental Protection Act 1990 and there was also a duty on the Council to provide a Bulky Waste collection service under Section 45 of the Environmental Protection Act.
- The Controlled Waste Regulations 1992 gave the Council the ability to charge for the bulky waste collection service, but charges must be 'reasonable'.
- Both Local Authorities and the Environment Agency (EA) had powers to tackle fly tipping. However, the Environment Agency (EA) would only become involved with large-scale, hazardous cases of fly tipping.
- On private land the responsibility for clearance of fly-tipped waste rested with the landowner.
- Over the three-year period of 2020-2022 there were almost twice as many bulky collections as fly-tips in the Borough.

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- The top fifteen areas with highest incidence of fly tipping in the Borough were outlined and it was noted that Church Hill South had by far the highest incidence at 627 fly tips – for the period January 2020 to December 2022.
- Officers commented that the design of the neighbourhoods played a role in the incidence of fly tipping, with more fly tips recorded in neighbourhoods with central waste collection points rather than kerbside collection (such as in apartment buildings).
- The Council held data indicated that the rates of bulky waste collections were consistent across different areas of Redditch Town, but incidence of fly tipping tended to be higher outside high-density residential areas and in areas with large number of short-term tenancies and relatively low numbers of owner-occupiers.
- Majority of fly tips were linked to individual residents disposing of waste incorrectly rather than ‘man with van’ fly tippers.
- The costs of removal of fly tips incurred by the Council were around £122k in 2020/21 and around £100k for the first three quarters of 2021/22. This was based on the full cost of clearance, collection and disposal which was then apportioned to the Council’s data according to the size, type and location of waste.
- Officers noted that enforcement action through the courts for fly tipping was difficult as it was reliant on either finding the evidence to definitively identify who the waste belonged to or a witness who was willing to become involved in the legal/court proceedings.
- It was noted that the Council did not carry out enough reactive and proactive enforcement.
- It was noted that income from bulky waste collections was currently insufficient to cover the total costs of the service.
- A basic charge for bulky collection at Redditch for 2022/23 was £9.50 per unit and for 2023/24 this would increase to £10.45 per unit. Charges depended on the type of item collected with larger items incurring greater cost. It was highlighted this approach provided residents with flexibility as the cost for disposal was assessed per item. Some authorities charged a flat fee instead, where there was a single fee for 1-3 units collected.
- Examples were provided of items that the Council’s Bulky Collection team would be unable to collect, such as those items that were not classes as domestic waste by the Worcestershire County Council (WCC). Bulky items not classed as domestic waste could be disposed of via a registered private business that provided a waste collection

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service - for example, a skip company or household clearance service.

- It was highlighted that the data held by the Council showed that the majority of fly tips were small, consisting of mainly domestic waste/materials/items. Also, the areas of the Borough where most fly-tips were concentrated did not generally change.
- Data analysis undertaken by the BBC in 2019, found no connection between the areas with the highest charges for waste collection and the highest rates of fly-tipping.
- The research also showed no clear link between the fee charged for bulky waste removal and the amount of waste that actually gets tipped.

Following the presentation, a detailed discussion took place and Members made a number of observations and asked questions to which the following responses were provided:

- Members queried why rubble and garden waste was not collected as part of bulky waste collection service and Officers explained that this was due to arrangements that existed with the County Council which determined that lower-tier authorities would be charged commercial rates if they collected such items as part of bulky collection service. It was highlighted also that collecting such items would require the Council to invest in upgrading the vehicles used for the service and that residents were able to dispose of large amount of garden waste/rubble either themselves or through a registered waste removal operator, at the Household Recycling Centre at Park Farm.
- In terms of street cleaning standards and the turnaround times in responding to fly tipping incidents, it was noted that the Council did not have a legal duty to clean roads and streets at a set frequency. Normally the worst affected areas would be prioritised for street cleaning by the Council. There was, however, a requirement for the Council to keep roads and open spaces under its control free of litter and refuse as far as practicable.
- Members asked if a leaflet was available for council tenants that outlined tenants' responsibilities for waste disposal and recycling. Officers undertook to investigate this matter and report back.
- It was explained that before the Council could deploy covert cameras for surveillance of fly tipping, an application had to be made under Regulation of Investigatory Powers Act 2000 (RIPA) providing evidence of the problem and justifying the need for covert measures. When cameras were deployed

with signage informing the public that the area was monitored the exact location of the camera could still be hidden.

- Officers explained that the challenge in monitoring fly tipping was the great number of locations where it occurred – deploying monitoring at such multitude of locations would be impossible from a practical as well as resources perspective.
- Officers explained that the statistics for incidence as well as type of fly-tipping in the Borough were taken from the Council's PDMS system for Environmental Services and that the main source for this data was reporting by residents and bin crew.
- Officers reported that the Environment Agency (EA) investigated major illegal fly-tipping incidents that occurred on public or private land. In the time period of January 2020 to December 2022 there were no fly-tipping incidents that were of scale to require EA investigation in Redditch and there was one investigation by EA in Bromsgrove.
- The full annual costs of clearance of fly-tips in the Borough were in the region of £100k for January – December 2021.
- It was suggested by some Members that the advantages and disadvantages of launching mobile household recycling centres in the Borough should be investigated by the Bulky Waste and Fly Tipping Task Group. It was noted that there were examples of other authorities, such as Birmingham City Council, operating this scheme.
- Officers commented that there were risks that needed to be considered with the mobile household recycling scheme such as the difficulty in monitoring for issues such as the possibility of businesses and traders trying to take advantage of this scheme to dispose of commercial waste. It was also highlighted that reports from similar schemes elsewhere highlighted that staff could be put in difficult and contentious situations when large numbers of people turned up and tried to dispose of waste.
- Some Members commented that problems highlighted by Officers could be overcome through appropriate messaging and pre-advertising of the mobile household recycling scheme stops, with the information clearly stating what people could and could not bring to the mobile recycling pop-up centres.
- Officers noted that most fly tips recorded in the Borough were small, a mainly due to minor breaches of waste bin rules. For example, where residents had put small items next to their grey bins which they thought the bin workers could take separately.

- It was noted that many of the hotspot areas where there was a high occurrence of fly tipping were places with high number of houses in multiple occupation (HMOs).
- Officers suggested that the Task Group could be supplied with data to investigate hotspots at the street level and identify strategies as to how reach out with the message on correct waste disposal to residents in those hotspots.
- It was noted that interviews undertaken by enforcement officers with fly tipping offenders would not usually be recorded and the purpose was more to discuss the issue with those found offending following their first offence.
- It was noted that the statistical release on fly-tipping incidents recorded by Local Authorities in England from April 2021 to March 2022 had just been released and this served as a main benchmark in terms of identifying root causes and trends in fly-tipping.

RESOLVED that

- 1) the minutes recorded for this agenda item and the presentation on bulky waste and fly tipping provided by Officers at this meeting, be used as a starting documentation for the Bulky Waste and Fly Tipping Task Group.**
- 2) the following proposed areas of investigation be considered for inclusion in the Terms of Reference of the Bulky Waste and Fly Tipping Task Group:**
 - **Mobile household recycling centres – advantages and disadvantages**
 - **Consideration of introducing single-tier pricing for bulky waste collections**
 - **Consideration of how to identify fly tip hotspots and offer appropriate actions to target fly-tipping in these areas.**

91. UPDATE ON THE CRIME AND DISORDER SCRUTINY PANEL 2022-23 (VERBAL UPDATE)

Councillor Khan introduced the Crime and Disorder Scrutiny Panel update in his role as Chair of the Panel. Members were informed that at the Panel meeting that took place on 2nd November 2022, when the work of the North Worcestershire Community Safety Partnership (NWCSP) was scrutinised, and the Panel received a highly informative presentation by Bev Houghton, the Community Safety Partnership Manager, at that meeting.

The Chair of the Panel summarised the main points discussed at the 2nd November 2022 meeting, which were as follow:

- In September 2021 a new Fly Tipping Fund grant was released by the Police and Crime Commissioner (PCC) for the Community Safety Partnerships (CSPs) to work with local private landowners to address the problem of fly-tipping on private land. The NWCSP had been allocated £22k which was firmly aimed at NWCSP's work with private landowners only. Local authorities would not be able to access this funding.
- As part of the PCC's CCTV Capital Fund, over £48k of funding had been used for work on CCTV cameras in Redditch Borough, including 1 additional camera on Town Hall roof and upgrades to 24 cameras in the Borough. The upgrade included 3 moveable cameras, enhanced digital capability, improved image quality and a greater capacity to expand the scheme and/or link up to other digital systems across the region.
- In terms of powers used in respect of Anti-Social Behaviour (ASB), 9 Community Protection Warnings (CPWs) had been issued by the Police, Council services and Social Landlords in 2020-21 and none had been issued in 2021-22.
- 1 Community Trigger/ASB Case Review had been carried out in June 2021. It was explained that a Community Trigger/ASB Case Review was introduced as part of the ASB Crime and Policing Act 2014 and was a facility available to victims of ASB to request a review of their reported case, if they felt that no action had been taken.
- The NWCSP's Partnership Plan for 2021-24 had been informed by the following priorities which had been agreed by partners: Reducing Violence and Abuse, Reducing Theft and Acquisitive Crime, Reducing ASB, Damage and Nuisance, Protecting Vulnerable Communities, Reducing Offending and Reducing the Harm Caused by Drugs and Alcohol.
- The Safer Streets Project in Woodrow was highlighted, which aimed to improve the security and safety of all homes in Woodrow Centre, Ombersley Close and Rushock Close.
- Many other community safety projects and initiatives across the Borough that were concluded and/or started in 2021/22, including:
- Community Safety Enhanced Youth Support Workers – in 2021-22 a Public Health Grant of £83k per annum for three years had been received by Redditch Borough Council from the Contain Outbreak Management Fund. This allowed the

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team to appoint two full time youth worker posts in partnership with Young Solutions Worcestershire.

- Volunteer it Yourself (VIY) and Launch of the W.I.S.E Youth Centre – The VIY initiative combined DIY and volunteering and as a result young people were able to learn DIY and trade sector skills whilst helping to repair and refurbish community facilities. There were 17 beneficiaries of this programme, including 12 Entry Level 3 City & Guilds Accreditations being awarded in carpentry, health and safety, and decorating. The VIY project concluded with the opening of a new youth centre.
- The Empowering Young People Programme - This was an 11-week programme of arts and crafts, issue-based activities addressing life skills, confidence building and self-esteem work. Some areas that had been covered over the previous year had been ASB, County Lines Drug Dealing and Hate Crime Awareness. It was reported that 8 programmes had been delivered in 2021-22.
- Youth Outreach –The Community Safety Team were working in conjunction with a local youth provider UP Foundation, to deliver outreach and detached youth work across the Borough. Through these outreach patrols, youth workers would engage with between 20 and 400 young people per month.
- The Virtual Decisions Knife Crime Project was a one of a kind, innovative project using virtual reality technology in order for young people to face real world scenarios and make choices when faced with multiple dilemmas, including the carrying of a knife and gang activities. It was considered a ground-breaking project with the Office of the PCC looking to potentially commission further delivery of the project across West Mercia.
- ASB Awareness Week - this event took place from 18th July to 24th July 2022 in Redditch Town Centre and Arrow Valley. A drop in session held on 21st July 2022 in the Town Centre had provided advice on measures to address ASB.
- Safe Places Scheme – designed to offer people with a disability, illness or learning difficulty, or anyone else who felt in danger a safe place. It was somewhere they could go to for help if they were being bullied or harassed while out and about. Places such as some coffee shops in the town centre had signed up for this in Redditch.
- White Ribbon Domestic Abuse Campaign –took place in late November-December 2022 and included community events and social media promotion as part of the campaign. The “Ask for Angela” campaign was also being promoted by the NWCSP team in licensed venues by supplying posters and

beer mats with helpline numbers. The Ask for Angela campaign enabled people who feel unsafe, to discreetly ask venue staff for help by asking for 'Angela'.

RESOLVED that

The Crime and Disorder Scrutiny Panel Update be noted.

92. DRAFT OVERVIEW AND SCRUTINY ANNUAL REPORT 2022-23

The Chair presented the draft Overview and Scrutiny Annual Report 2022-23 for consideration by Committee Members and took the opportunity to thank Members of the Committee for all of their hard work over the course of current municipal year. He particularly thanked all those Members who were part of scrutiny working groups and Councillor Michael Chalk who had been providing written reports in respect of the external scrutiny bodies.

RESOLVED that

Draft Overview and Scrutiny Annual Report 2022-23 be approved.

93. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME - SELECTING ITEMS FOR SCRUTINY

During consideration of the latest Executive Work Programme, Members requested that the following items be added to the Overview and Scrutiny Committee's Work Programme:

- Decarbonisation of the Council Fleet
- Environmental Act – Changes to Waste Services - Implications

Some Members queried why consideration of the decision on Environment Act – Changes to Waste Services – Implications had been delayed to June 2023 on the latest Executive Work Programme. It was explained that this report had to be postponed as Officers were awaiting the Government's green paper on environmental services before the report could be prepared and presented to the Executive Committee.

RESOLVED that

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- 1) the contents of the Executive Committee minutes of the meetings held on 25th October, 6th December, and 13th December 2022, be noted.
- 2) the Executive Committee's Work Programme be noted.
- 3) items from the Executive Work Programme, as detailed in the pre-amble above, be added to the Overview and Scrutiny Committee's Work Programme.

94. OVERVIEW AND SCRUTINY WORK PROGRAMME

The Committee noted its Work Programme and requested that it be updated with items requested for pre-scrutiny from the Executive Committee Work Programme – as agreed under Minute Item No. 93. – Executive Committee Minutes and Scrutiny of the Executive Committee's Work Programme – Selecting Items for Scrutiny.

RESOLVED that

subject to the updates being made as per preamble above, the Overview and Scrutiny Committee's Work Programme be noted.

95. TASK GROUPS, SHORT SHARP REVIEWS AND WORKING GROUPS - UPDATE REPORTS

Councillor Kane reported that a Budget Scrutiny Working Group meetings took place on 3rd and 31st January 2023 respectively. Councillor Kane informed the Committee that she had prepared a report on the matters discussed at the 31st January meeting. This was read out to the Committee, with the main points noted as follows:

- At the 31st January meeting, the Budget Scrutiny Working Group discussed the Medium Term Financial Plan 2023/4 to 2025/6.
- The overall conclusion was that in order to continue to build reserves to fund transformational changes, the Council must continue to drive down its expenditure.
- The 2022/3 pay award delivered to staff in December and the impact was expected to be £928k, however, the actual impact on budgets was £200k less than expected. This was mainly due to staff vacancies.
- Reviewing all the capital programme schemes. The Working Group requested an updated list of schemes that would not be going ahead for 2023/24.

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- The Council was looking at cuts in services and jobs for 2024/25, otherwise the budget might not be sustainable. The council would have to change the way it works and a large part of this will be changes to the back office. A working group had been set up to implement this – the aim was by April 2024.
- The Council had set up an Earmarked Reserve for Utilities Pressures. This reserve might be drawn upon for additional costs for the new fuel to make council vehicles environmentally friendly – estimated at £130k. A total of £1.710m had been reallocated to a Utilities Reserve and £1.508m transferred to the General Fund. Most of this funding had come from the Covid-19 Reserve (£0.941m) and the Business Rates Retention Reserve (£1.500m).
- The extra 1% on Council Tax allowed in the Chancellor's Statement was worth £69k to the Council.

Councillor Kane then reported on significant risks to the medium-term budget that the Council needed to manage:

- The council had not yet closed its 2021/22 accounts. This was not expected to happen until the summer.
- The 2022/23 monitoring was showing an overspend position of £1.424m. This needed to be managed down because it would take out half the present General Fund balances.
- If the Towns Fund and UK Shared Prosperity Funds programmes were not completed by the timescales specified by the Government, the Council would have to pay for whatever work was needed to finish the projects.
- The Council needed to find a way to start to build back the General Fund Reserve to the best practice benchmark of 5% of gross spending (which would be £1.25m as net expenditure is around £25m). The intention was that the Council needs to do more than this and move to build back the reserve close to 9%. This was because 5% would not cover the level of overspend being reported for this financial year.
- An estimate on future Government settlements had been made for 2024/5 and 2025/6 based on historic data. The net Government funding of £468k was in line with previous years' equivalent grants but an assumption had been made that Grant levels would remain at the net level of £450k for the 2nd and 3rd years of the 3-year plan.
- The Council had a significant portion of its tax base in the bottom three Council Tax bands. This meant that council tax revenues were lower than the 'average' council but there was a higher requirement for council services in the Borough

due to a higher proportion of lower income households. This situation had become far more acute with the present cost of living crisis.

- Loss of key Council employees, with the average age of staff being 49. The concern was that a large number of people could retire at the same time.
- Business Rate Income – especially with the 1st April 2023 revaluations, actual income received will vary depending on actual Business Rates growth, and levels of appeals. There was also an issue with collection this year being under target as a result of the cost of living crisis.
- The ongoing impact of inflation, especially around utilities. The Council’s “Corporate Buildings” including leisure buildings for the delivery of services directly to the public were highlighted as a particular risk.

Councillor Kane highlighted actions recorded from the Budget Scrutiny Working Group meeting which included providing Members with a clarification on Paragraph 3.38 of the report to the Executive Committee on the Medium Term Financial Plan 2023/4 to 2025/6, which included the sentence: *‘The HRA Rents were set at Executive on the 10th January where a 7% increase in rents will be made over the next two years.’* The Working Group asked for a clarification to be made to the Executive next Tuesday because the 7% increase had been made for one year, not two.

Following the verbal report on Budget Scrutiny Working Group, Councillor Kane provided an update with respect to the Performance Scrutiny Working Group which took place on the 11th January 2023. Councillor Kane read out her update report, the main points of which were as follow:

- Officers at the meeting provided an update with respect to Local Environment including landscaping and trees.
- All tree enquiries were assessed on their own merit and any health and safety issues were top priority; Officers aimed to deal with all enquiries as quickly as possible.
- The majority of the tree works were currently carried out by about 10-12 external providers via a framework contract.
- The Place Teams also carried out minor tree works and aimed to carry out proactive work in the winter with the intention of reducing the number of enquiries receive.
- All tree related insurance claims were dealt with as a priority and Tree Officers worked closely with Legal Services and the Council Insurance Officers. Claims of this type, which related

to properties, usually took long to resolve, and required detailed investigation before any claim could be challenged or settled. Such claims were small in the number; three to four claims a year was typical.

- The Council was the administrator of Tree Protection Orders and had a duty to protect trees under these orders.
- We also discussed plans for tree removal and planting over the next few years.
- At the meeting, Members raised questions over the length of time it took to process complaints or issues with trees – whether reported delays of up to 18 months were improving, and what communication there is with residents who have made enquiries or complaints. Officers were currently pulling together further information on this.
- Other questions included queries about the management of ash dieback, what happened to the wood (where possible the timber was sold to go into a funding pot to help manage woodlands), and potential funding for replacement woods.
- Members also discussed clearing wood after trees have been felled and the challenges this can present, for example if the land was too wet for heavy machinery to take the trees away immediately after completion of work.
- The agenda for the next meeting of the Performance Scrutiny Working Group, included discussion around Events and a review of the work of the Group during the municipal year.

RESOLVED that

the Task Groups, Short Sharp Reviews and Working Group Update Reports be noted.

96. EXTERNAL SCRUTINY BODIES - UPDATE REPORTS

Councillor Chalk reported that his written updates on the meetings of the Worcestershire Health and Overview Scrutiny Committee (HOSC), on 2nd November 2022 and 1st December 2022 respectively, were provided in the agenda pack.

It was noted that discussion at the meeting on 1st December 2022 was taken up by the visit to the new A&E department at the Worcestershire Royal Hospital.

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Councillor Chalk reported that the next meeting of HOSC was due to take place next week, on 10th February 2023, and a written report from this meeting would be provided to the next meeting of the Overview and Scrutiny Committee.

RESOLVED that

the External Scrutiny Bodies update be noted.

97. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that

Under S100 A (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matters on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 of the said act, as amended.

Minute Item No. 98 – Rubicon Leisure – Finance Overview (Exempt Report).

98. RUBICON LEISURE - FINANCE OVERVIEW (EXEMPT REPORT)

(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 which related to the financial and business affairs of any particular person (including the authority holding that information)).

The Meeting commenced at 6.30 pm
and closed at 8.32 pm