

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Overview and Scrutiny Committee held at the
Council Offices, Gloucester Road, Tewkesbury on Tuesday, 12 October 2021
commencing at 4:30 pm**

Present:

Chair	Councillor J W Murphy
Vice Chair	Councillor K Berliner

and Councillors:

C L J Carter, P A Godwin, H C McLain, P D McLain, H S Munro, J K Smith, R J G Smith,
P D Surman, S Thomson, M J Williams and P N Workman

also present:

Councillors D W Gray and D J Harwood

OS.43 ELECTION OF CHAIR

43.1 It was proposed and seconded that Councillor J W Murphy be elected as Chair of the Overview and Scrutiny Committee for the remainder of the Municipal Year. Should that motion fall, it was proposed that Councillor P N Workman be elected as Chair of the Overview and Scrutiny Committee for the remainder of the Municipal Year. Upon being put to the vote, it was

RESOLVED That Councillor J W Murphy be elected as Chair of the Overview and Scrutiny Committee for the remainder of the Municipal Year.

43.2 It was subsequently proposed that Councillor K Berliner be appointed as Vice-Chair of the Overview and Scrutiny Committee for the remainder of the Municipal Year. Should that motion fall, it was proposed that Councillor P N Workman be elected as Vice-Chair of the Overview and Scrutiny Committee for the remainder of the Municipal Year. Upon being put to the vote, it was

RESOLVED That Councillor K Berliner be appointed as Vice-Chair of the Overview and Scrutiny Committee for the remainder of the Municipal Year.

OS.44 ANNOUNCEMENTS

44.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

OS.45 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

45.1 Apologies for absence were received from Councillor G J Bocking. There were no substitutions for the meeting.

OS.46 DECLARATIONS OF INTEREST

- 46.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 46.2 There were no declarations made on this occasion.

OS.47 MINUTES

- 47.1 The Minutes of the meeting held on 7 September 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

OS.48 EXECUTIVE COMMITTEE FORWARD PLAN

- 48.1 Attention was drawn to the Executive Committee Forward Plan, circulated at Pages No.18-24. Members were asked to determine whether there were any questions for the relevant Lead Members and what support the Overview and Scrutiny Committee could give to the work contained within the plan.
- 48.2 The Head of Corporate Services advised that he had reported to the Executive Committee that the Overview and Scrutiny Committee would be reviewing the Digital Strategy and the Social Media Policy and Guidelines prior to them being taken to Executive Committee for approval and that had been welcomed by the Committee. A Member drew attention to the Spring Gardens Regeneration Phase 1a Report which had been added to the pending items section of the Forward Plan in September 2019 and he asked when this was likely to come forward. In response, the Head of Finance and Asset Management advised that, at the last budget setting, the project had been put on hold for two years due to the costs involved in the next stage and, although discussions had taken place with MACE around how to take it forward, a timeline had not yet been established. Another Member noted that the Parking Strategy Review appeared twice in the pending items section but was also scheduled to be considered by the Executive Committee at its meeting in March 2022 and he asked for clarification thereon. The Head of Finance and Asset Management explained that the Parking Strategy Review Working Group had met for the first time this year on 29 September 2021. Now there was a clear way forward, he was in a position to establish a revised timetable which was likely to include the draft strategy being taken to the Overview and Scrutiny Committee in January 2022 and the Executive Committee in March 2022 for approval; once the timetable was confirmed, the Executive Committee Forward Plan and the Overview and Scrutiny Committee Work Programme would be updated accordingly.
- 48.3 It was
RESOLVED That the Executive Committee Forward Plan be **NOTED**.

OS.49 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2021/22

- 49.1 Attention was drawn to the Overview and Scrutiny Committee Work Programme 2021/22, circulated at Pages No. 25-32, which Members were asked to consider.
- 49.2 The Head of Corporate Services indicated that, following the request at the last meeting, the Social Media Policy and Guidelines had been added to the Overview and Scrutiny Committee Work Programme for the meeting on 23 November 2021. In response to a Member comment regarding the Agenda for the meeting on 11 January 2022, the Head of Corporate Services advised that, whilst there were only three items due to come forward, this included the Council Plan Performance

Tracker and COVID-19 Recovery Tracker which tended to generate a lot of questions so he felt there would be enough for Members to discuss. Another Member questioned when the Overview and Scrutiny Committee would see the proposals for the budget and the Head of Finance and Asset Management explained that the budget proposals originated at Transform Working Group and were then taken to Executive Committee and Council for approval. Should Members of the Overview and Scrutiny Committee wish to input into the budget setting process, their opportunity would be through Council, or any seminars prior to that. A Member queried when the Update on Local Policing Arrangements, which was currently included in the pending items section of the Work Programme, was likely to come forward and the Head of Corporate Services undertook to check this following the meeting.

49.3 It was

RESOLVED That the Overview and Scrutiny Committee Work Programme 2021/22 be **NOTED**.

OS.50 GLOUCESTERSHIRE POLICE AND CRIME PANEL UPDATE

50.1 Attention was drawn to the report from the Council's representative on the Gloucestershire Police and Crime Panel, circulated separately, which gave an update on matters discussed at the last meeting of the Panel held on 28 September 2021.

50.2 The Council's representative on the Gloucestershire Police and Crime Panel advised that this was the first substantive meeting since the election of the new Police and Crime Commissioner and he reminded Members that the role of the Police and Crime Panel was to scrutinise the actions and decisions of the Police and Crime Commissioner; part of the role of the Police and Crime Commissioner was to hold the Chief Constable to account for the exercise of his functions. Accordingly, the Council's representative clarified that he was able to take back questions from the Committee to the Panel around how the Police and Crime Commissioner was doing his job. At the meeting on 28 September, the Police and Crime Commissioner had given a commentary on his activities since taking up his role and the areas he would like to focus upon. Whilst it was early days, the Council's representative felt there was a greater desire to engage with the Police and Crime Panel and the public and he indicated that a number of public meetings had already been held within Gloucestershire. The Police and Crime Commissioner's new manifesto included recruiting an additional 300 Police Officers across the force which would be achieved by reallocating some of the existing budget. He also intended to focus on the failure of the interface with the public, for instance, the wait time on 101 calls was unacceptable and a detriment to the public's perception of the Police.

50.3 There had been a lively debate about E-Scooters and Members were informed that a trial was currently being run in Cheltenham and Gloucester with Zwings; as part of that, the E-Scooters could only be used on the road and were speed restricted. The E-Scooters involved in the trials contained chips which enabled them to be closely monitored. The Panel had recognised that E-Scooters were probably here to stay but concerns were raised about riding on pavements or in a dangerous manner and multiple people riding on the same scooters etc. The feedback from the Police and Crime Commissioner had been that there was no abdication of responsibility on the part of the Police and, if there were misdemeanours, they would be pursued. The Council's representative indicated that he was aware of E-Scooters from his role as a County Councillor and the popularity of the scheme had resulted in it being extended. The main issue was capacity as the E-Scooters had to be left in certain designated locations where they could be recharged and serviced. Another item that had been discussed was the future of the mounted

Police and the Police and Crime Commissioner had advised that he had not reached any firm conclusions as yet. In the Police and Crime Commissioner's view, the previous Police and Crime Commissioner had spent a lot of money on buildings and not enough on people - that had included stables for the four horses working across the county which were used at public events for crowd control. It was noted that the horses were also leant to other areas and would shortly be travelling to Glasgow for the UN Climate Change Conference (COP26). Although the horses were quite an expense, they were emblematic and it was difficult to capture their value but it was necessary to weigh up if they were a sound use of money. The Council's representative went on to advise that the Panel had expressed its discontent with the budget setting process for the Police which was essentially presented to the Panel as a 'fait accompli' when it was too late to make any comments or have an input. As such, the Panel had requested a greater lead time going forward and that was being considered.

50.4 A Member indicated that she had written to the Police and Crime Commissioner over three weeks ago on behalf of Minsterworth Parish which was experiencing an above average amount of anti-social behaviour but she had not received a response or even an acknowledgement. The Council's representative asked the Member to forward the email to him and he would chase this up. The Member explained she had completed an online form rather than sending an email but she would see what information she could find. Another Member asked how much the mounted Police horses cost each year and was advised that it was in the region of £200,000 including the Officers. The Member indicated that he wondered how many more Police Officers could be employed for the cost of the horses and the Council's representative advised that he believed that one horse cost the equivalent of 1.5 Police Officers. In response to a query regarding the transporting of horses to places like Glasgow, Members were advised that the Police did have its own transport for them which was an additional cost. Confirmation was also provided that there was space for four horses at the stables. The Council's representative asked whether Members had a particular view on the horses which he could feedback to the Panel and a Member felt it was important to look at all possibilities, for instance, using the horses for exhibitions etc. could generate an income stream to help offset their cost. Another Member recognised that the horses had a visual impact but, in his opinion, with only four horses covering the whole of the county, they were seen very infrequently in areas of the borough which did not seem to reflect their cost; however, another Member indicated that the horses were often seen within her Ward so this did seem to vary across the borough.

50.5 A Member noted that the Police and Crime Commissioner intended to spend less money on buildings and he questioned whether that meant less Police Stations. The Council's representative advised that no specifics had been mentioned but a lot of money had been invested in the training centre at Bamfurlong which the Police and Crime Commissioner had indicated he would have considered excessive had he been in charge. With regard to the 101 wait times, a Member queried whether the Police and Crime Commissioner had any targets he was working to and the Council's representative advised that he did not know the detail but the wait time was currently several minutes when the nature of the calls meant that even one minute was too long. In response to a question about the roll-out of electric vehicles, the Council's representative advised that this had not been discussed specifically but the Police already had a number of electric vehicles and, given the need for engagement around climate change, he doubted that any commitments would be retracted in that regard. A Member asked the Council's representative to find out what was being done to restore confidence of women in the Police; she noted that the Police and Crime Commissioner was looking to

recruit an additional 300 Officers and many other forces had been looking at their vetting procedures. The Council's representative undertook to find out and report back to the Committee.

- 50.6 The Chair thanked the Council's representative for his update and it was subsequently

RESOLVED That the Gloucestershire Police and Crime Panel update be **NOTED**.

OS.51 GLOUCESTERSHIRE ECONOMIC GROWTH SCRUTINY COMMITTEE UPDATE

- 51.1 Attention was drawn to the report from the Council's representative on the Gloucestershire Economic Growth Scrutiny Committee, circulated at Pages No. 33-34, which gave an update on matters discussed at the last meeting held on 15 September 2021.

- 51.2 The Council's representative on the Gloucestershire Economic Growth Scrutiny Committee advised that the main focus of the meeting had been on the future of the High Street with presentations being delivered by the Chair of the Local Enterprise Partnership (LEP) Retail and High Street Sector Group and Chief Commercial Officer for Maybe* (a platform intended to help companies and bodies increase their digital influence) and Tewkesbury Borough Council's Community and Economic Development Manager giving two different perspectives. Other items had included an overview of the Local Growth Fund Programme and the project review of the Gloucester Transport Hub for GFirst LEP; Gloucestershire COVID-19 economic recovery planning; an update from the Gloucestershire Economic Growth Joint Committee; and the Executive Director's report on countywide issues.

- 51.3 A Member questioned what was being done to tap into the levelling up funds which were available; money was available for areas of significant deprivation and he would not like to see Gloucestershire miss out. Another Member noted that the future of the High Street item had focused very much on the market towns and he asked whether it was possible for the Gloucestershire Economic Growth Scrutiny Committee to look at the smaller High Streets in villages which would also benefit from regeneration. The Council's representative undertook to raise both of these issues with the Committee and it was

RESOLVED That the Gloucestershire Economic Growth Scrutiny Committee update be **NOTED**.

OS.52 SUMMARY OF FORMAL COMPLAINTS 2020/21

- 52.1 The report of the Head of Corporate Services, circulated at Pages No. 35-52, provided a summary of complaints received during 2020/21. Members were asked to consider the annual summary to gain assurance that complaints were effectively managed.

- 52.2 The Corporate Services Manager advised that the report outlined the formal complaints received between March 2020 and April 2021 and was based on the complaints framework which was introduced in 2016. The framework had been reviewed in early 2021 and a new, improved framework incorporating comments and compliments was introduced in May 2021 and would be used for the 2021/22 report. Members were informed that 183 complaints had been received during the period, 144 of which had been handled under the formal complaints procedure with the remaining 39 deemed to be service-level complaints handled through a separate process, e.g. noise complaints, missed bin collections, anti-social behaviour reports. Of the 144 formal complaints, despite the difficult circumstances which Officers were working in due to the pandemic, 84% had been answered in time with 41% found to be justified and 43% partially justified. In line

with the Local Government and Social Care Ombudsman guidance, Appendix 1 to the report provided a breakdown of the complaints as outlined at Page No. 37, Paragraph 2.2 of the report. Around half of the complaints related to waste and recycling; however, this was a very high profile service with around four million collections per year so the number of complaints was actually quite low in that context. The bulk of the other complaints related to other high profile, customer-facing services such as revenues and benefits, planning and grounds maintenance. When the complainant was unhappy with the original response, the second stage was to refer the complaint to an independent Head of Service for investigation. The stage two complaints process had been temporarily suspended at the beginning of the financial year to enable Heads of Services to be redeployed on COVID-19 response activities; despite this, during 2020/21, a total of 12 stage two complaints were received and the outcomes were set out at Page No. 38, Paragraph 2.4 of the report.

- 52.3 Members were advised that the outturn figures were input through LG Inform, the Local Government Association (LGA) database which included a benchmarking tool, on a quarterly basis. In March 2020, the LGA had deferred its benchmarking exercise so outturn figures were not available for comparison against other local authorities during 2020/21. The Corporate Services Manager advised that, in previous years, the Council's outturn figure had always been very low compared with others. During 2020/21, the Local Government and Social Care Ombudsman had determined nine complaints relating to Tewkesbury Borough Council, the details of which were set out at Page No. 39, Paragraph 5.2 of the report and in the letter attached at Appendix 2 to the report. In terms of lessons learnt, the Corporate Services Manager went on to explain that the majority of complaints were around customer care and a perceived lack of customer focus. In response to that, mandatory customer services training had recently been held for all customer-facing roles. Furthermore, improved customer focus would be at the heart of forthcoming reviews including planning and licensing. Once the Council's Internal Audit team was back up and running following redeployment to the COVID-19 response, days would be allocated in the Audit Plan to check a sample of the lessons learnt. Finally, it was noted that 48 compliments had been received during 2020/21 and a summary was included at Page No. 41, Paragraph 7.3 of the report. Looking ahead, monitoring of complaints would move forward with the new complaints framework which would include a whole raft of information including compliments, comments, concerns and complaints.
- 52.4 A Member was pleased to see the number of complaints had reduced and she asked if there were any specific reasons for this. In response, the Corporate Services Manager indicated that it could be related to the pandemic as a message had been included on the Council's website to indicate that teams were being redeployed, therefore it may take longer for Officers to get back to them, so it was possible that members of the public may have been more understanding given the circumstances. In terms of the new complaints framework and system, a Member drew attention to Page No. 42, Paragraph 8.2 of the report, and noted that the second bullet point stated that customers could choose which service area their complaint was sent to from a detailed drop-down list and that complaints were currently still triaged by Customer Services but that would be reviewed. She queried whether the Customer Services staff would still receive training on that basis and the Corporate Services Manager confirmed that would absolutely be the case. With regard to the breakdown by service, set out at Page No. 44 of the report, a Member noted that half of the planning complaints were determined outside of the target timeframe for a response and he asked how this would be improved. The Corporate Services Manager provided assurance that this would be a real focus within the wider Planning Service review. Another Member asked whether the complaints received in relation to planning were from individuals or from developers and agents and was informed that the vast majority were from

individuals. In response to a Member query regarding the column headed 'joint' within the tables at Appendix 1 to the report, the Corporate Services Manager explained that one complaint had related to a number of services which had all input into the response. A Member noted from Page No. 37, Paragraph 2.1 of the report, that one of the 144 complaints was still 'pending a response' and he asked whether that was still the case. The Corporate Services Manager confirmed it was still pending and explained it was a particularly contentious planning-related complaint. The customer was in liaison with the Development Manager and was aware of the delay so was comfortable with why it had not yet been answered. It was hoped that the new system would make it simpler for Officers to respond to complaints – before the new framework was introduced it had been easier for complaints to be submitted which were not actually formal complaints and this was an example of one which should probably have been dealt with by another process. The Member noted the suggestion set out at Page No. 40, Paragraph 6.2 of the report, that completion of the lessons learnt field in the new complaint system be made mandatory with a follow-up box for monitoring purposes and he felt this was a very good idea; he believed it should be done at the time the complaint was made as opposed to doing it later. A Member advised that two residents in his Ward were becoming frustrated with the lack of response in relation to their complaints and he queried if there was a time in which members of the public could expect a response from an Officer. The Corporate Services Manager indicated that this was set out within the Council's Customer Care Standards and she undertook to circulate a copy following the meeting. If Members were aware of residents who were having problems getting a response from Officers, the Head of Corporate Services asked them to make him or the Corporate Services Manager aware and they would try to assist.

52.5 It was

RESOLVED That the annual summary of formal complaints 2020/21 be **NOTED.**

OS.53 USE OF MOBILE SURVEILLANCE EQUIPMENT FOR FLY-TIPPING INVESTIGATIONS

53.1 Attention was drawn to the report of the Head of Community Services, circulated at Pages No. 53-58, which set out the options available to the Council in terms of the use of mobile surveillance equipment for fly-tipping investigations. Members were asked to consider the options and to note that option 2, as set out at Paragraph 3 of the report, would be trialled for a six month period with the results of the trial being reported back to the Overview and Scrutiny Committee to inform a final recommendation to the Executive Committee on the way forward.

53.2 By way of background, the Principal Environmental Health Officer explained that several communities within the borough had experienced unacceptable levels of fly-tipping over the last few years, despite an increased level of enforcement and prosecution of offenders. There seemed to be two main issues: the vast majority of fly-tips reported to the Council did not contain evidence indicating the provenance of the waste and fines in court tended to be very low and often less than would be incurred from a Fixed Penalty Notice. One option available to the Council was to use mobile surveillance equipment in order to obtain evidence and he advised that some Councils had achieved custodial sentences off the back of CCTV footage due to the brazen nature of the offences captured on camera. There were a number of different choices in terms of the type of surveillance the Council could undertake. The first option was to use completely covert cameras; these were trail cameras which would be totally hidden in bushes or trees at the site. The main disadvantage was that this was fully covert surveillance which was a highly specialised activity, so Officers would need a lot of training, and it required an application to court under the

Regulatory Investigatory Powers Act 2000 (RIPA). Members were advised that there was potential to capture footage of innocent third parties so there would be a significant reputational risk to the Council if covert surveillance was not undertaken properly and in accordance with the relevant legislation. The second option was to use covert cameras with their presence advertised by signage; this did not require a RIPA application and would still allow good evidence to be captured. The third option was to use overt cameras which were not concealed. This method had been used in hotspots across the borough and had been effective as the overt nature of the cameras did act as a deterrent; however, this reduced the ability of the Council to obtain sufficient evidence to achieve successful prosecutions. In addition, this was a more expensive option as the cameras needed to be installed by the supplier each time they were relocated. On balance, Officers considered that option 2 was the most appropriate in terms of the opportunity to obtain quality evidence without the risks associated with a fully covert scheme. It was therefore intended to undertake a trial for a six month period which would be funded from the reserves held by the Head of Community Services.

- 53.3 In response to a query regarding potential theft of the cameras, the Principal Environmental Health Officer advised that the cameras would be concealed so it was unlikely anyone would find them; however, he could not guarantee they would be theft-proof so there would be a reliance upon the advice of the specialist camera suppliers in terms of correct installation etc. A Member raised concern about vandalism and asked if the cameras were damage-proof. In response, the Principal Environmental Health Officer recognised this was a potential issue and pointed out that overt cameras had been vandalised in the past. Vandalism was always a risk as the cameras could attract anti-social behaviour but this was less of a risk with covert cameras. All of the cameras had secure enclosures so they were quite robust. A Member queried whether trackers would be used and the Principal Environmental Health Officer confirmed that it should not be too expensive to install trackers and the cameras would have wireless capacity so they should be able to be traced.
- 53.4 A Member questioned what the regulations were around the signage that would need to be displayed – he assumed it would be better if it was not erected in the precise location where fly-tipping was occurring. The Principal Environmental Health Officer confirmed there were no hard and fast rules about this in the regulations if the surveillance did not require a RIPA application. He advised that a lot of fly-tipping took place in a lay-by in Sandhurst so signage had previously been erected at the entrance to the village as opposed to in the lay-by itself. A Member raised concern that using cameras and signage may mean that the fly-tipping was displaced to another area which could potentially cause more problems. The Principal Environmental Health Officer acknowledged that was a risk but he explained that the perpetrators of fly-tipping in the borough were often so arrogant that they were unconcerned about signage so, whilst it may displace some new fly-tippers, it was hoped the repeat offenders could be caught using one of these techniques.
- 53.5 A Member noted that option 1 was more likely to achieve successful prosecutions and this was only £50 more expensive than option 2 so he queried whether that would be the better choice for the trial. The Principal Environmental Health Officer clarified there was greater risk of reputational damage with option 1 and it would require a dedicated Officer working full-time to review the footage that was captured to ensure the camera had not picked up any “collateral intrusion” - the risk of obtaining private information about persons who were not subjects of the surveillance activity. As such, there were more indirect costs associated with option 1. A Member indicated that, when cameras had been used by Brockworth Parish Council, residents had been informed that the footage would only be viewed when an incident had taken place and the Principal Environmental Health Officer confirmed that a similar approach would be taken. The cameras only recorded

when they detected movement and the wireless capacity would enable photographs to be sent to the relevant Officer when footage had been captured. A Member noted that all three options mentioned Officer training and specialist installation by camera suppliers and he questioned whether the training should be covering installation of equipment. Confirmation was provided that installation would be part of the training but Officers would still initially need support from the suppliers to install the cameras, for example, Officers did not currently have knowledge about where to install the cameras to get the best coverage etc.

53.6 A Member indicated that, in his experience, it was ineffective to put cameras in hotspot areas – in Sandhurst, fly-tippers expected there to be cameras so it would be better to install them in surrounding villages. He also pointed out that three Police cameras had been burnt with tyres and another one in the Gloucester City area which bordered Tewkesbury Borough had disappeared. The Principal Environmental Health Officer took the point that consideration could be given to other areas for the cameras to cover and he acknowledged that cameras were being stolen but reiterated that he hoped the specialist installation of the covert cameras would help to minimise that risk. The Member raised concern that the fines issued by the courts for fly-tipping were so minimal that it did not act as a deterrent but the government did nothing to address that. The Principal Environmental Health Officer advised that the maximum fine was £50,000 and a custodial sentence was also available but the biggest fine the Council had secured for fly-tipping was £1,500. He reiterated that some local authorities had achieved custodial sentences and some had used cameras successfully to obtain evidence required for larger fines. A Member questioned whether footage captured by CCTV cameras on people's houses could be used as evidence and the Principal Environmental Health Officer confirmed that, whilst the Environmental Health team would be happy to receive individuals' own footage if they had seen fly-tipping taking place and had captured that on camera, individuals were not able to monitor fly-tipping on behalf of the Council due to the RIPA implications around direct surveillance.

53.7 Having considered the information provided it was

RESOLVED

1. That the options available to the Council in terms of the use of mobile surveillance equipment for fly-tipping investigations be **NOTED**.
2. That the results of the six month trial of option 2, as set out at Paragraph 3 of the report, be reported back to the Overview and Scrutiny Committee to inform a final recommendation to the Executive Committee on the way forward.

The meeting closed at 5:37 pm