

Overview and Scrutiny Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Overview and Scrutiny Committee** held on **Wednesday 11 January 2017** at **4.00 pm** at the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chairman Diane Hind

Simon Brown
Tony Brown
John Burns
Paula Fox
Susan Glossop
Paul Hopfensperger
Richard Rout

Angela Rushen
Andrew Speed
Clive Springett
Sarah Stamp
Jim Thorndyke
Frank Warby

Substitutes attending:

Margaret Marks

By Invitation:

Robert Everitt, Cabinet Member for Families and Communities
David Nettleton
Joanna Rayner, Cabinet Member for Leisure and Culture
Peter Stevens, Cabinet Member for Operations

Observing:

Carol Bull
Ian Houlder, Cabinet Member for Resources and Performance
Andrew Smith

125. **Substitutes**

The following substitution was declared:

Councillor Margaret Marks for Councillor Jeremy Farthing.

126. **Apologies for Absence**

Apologies for absence were received from Councillors Patrick Chung and Jeremy Farthing.

127. Minutes

The minutes of the meeting held on 9 November 2016, were confirmed as an accurate record and signed by the Chairman.

128. Public Participation

There were no questions/statements from members of the public.

129. St Andrews Car Park

[Councillor Andrew Speed arrived at 4.05pm during the consideration of this item]

Councillor David Nettleton, had been invited to the meeting to present to the Committee his motion, which was submitted to Council on 20 December 2016, and had subsequently been referred to the Overview and Scrutiny Committee for consideration. The motion stated:

The St Andrews short-stay car park is half-empty Monday to Friday, whereas the long-stay section is often close to capacity. The reason is that the current pricing policy encourages shoppers to occupy spaces in the long-stay section intended for town centre workers. By making minor adjustments to the tariffs in both sections of this car park, a more even spread of parking can be achieved for the benefit of our customers and without compromising income streams designed to meet revenue budget targets previously agreed by the Council. The anticipated date of implementation is Monday 3 April 2017.

I therefore propose that the tariffs are revised to the following: (changes highlighted in bold):-

*Short-stay section: 30 minutes 60p: 1 hour £1.10 (no change to either): **3 hours £2**. At present, there is a 2 hour option at £2 and a 3 hour option at £2.70. Our customers clearly don't like paying more than £2 for a short-stay of up to 3 hours in this car park, as the number of events per tariff band indicates.*

*Long-stay section: **Daily £4** (up from £3). The current difference between 3 hours in the short-stay section and the daily tariff is 30p. The proposed difference would be £2. A few shoppers will pay but the majority will migrate to the short-stay section. **Weekly Tickets £10** (down from £11.50) **Low Emissions £8** (down from £10). Many shop and office workers are not highly paid but they are key to the continued success of the town centre economy. Weekly tickets are 24/7. There are no changes planned for tariffs in either section at weekends.*

In addition, I propose restoring the pedestrian path between the residential streets of Bishops Road/Blomfield Street and the Springfield/Tayfen area beyond, which was arbitrarily truncated last summer without consultation with either local ward members or the community which it served as a link to Wilko and the arc shopping centre. Most importantly, open discussions with West Suffolk College and Suffolk County Council to accommodate students

Monday to Friday during term time in the long-stay section. Here also, the implementation date would be Monday 3 April 2017.

Councillor Nettleton provided the Committee with additional supporting evidence regarding car parking statistics and the reasoning for the motion.

The Committee received Report No: OAS/SE17/001, which responded to various parts of the motion for consideration by members.

Councillor Peter Stevens, Portfolio Holder for Operations briefly set the scene regarding car parking and the work carried out by the Car Park Task and Finish Group in 2016, and their findings/recommendations which had been considered by the Overview and Scrutiny Committee. In response to the motion, he explained that the Council would need to look at the whole of the parking in the Borough, and not one car park in isolation. An add hoc review on one particular car park would not be healthy. The issue of college students parking on the roads was a matter for Suffolk County Council (SCC). He also acknowledged the current work taking place on the Bury Masterplan, which would be identifying future car parking needs.

The Car Parks Manager responded to the various issues raised in the motion. He briefly set out the car parking profile for the St Andrews car park and explained that there was no difference in parking profile when compared with other car parks in the Bury town centre. He provided information on the mid-week profile for parking numbers, and explained that tariffs often had little bearing on people using the car park. He explained that it was not about the cost of parking but about the most convenient place to park. The proposed increase in the long stay tariff at St Andrews car park was likely to further encourage long stay displacement to Ram Meadow and might encourage more users to purchase a 3 hour maximum stay ticket in the short stay section. Furthermore, a significant increase in tariff would adversely impact on part-time workers for whom a weekly ticket was not a viable option. A decrease in either tariff for weekly or the low emission weekly tickets would also encourage displacement from Ram Meadow car park, which deviated from the recent Car Parking Review recommendations supported by the Overview and Scrutiny Committee. Discussions were taking place between all parties involved regarding the issue of student parking.

The Chairman of the Committee opened the questioning by stating that she was appreciative of the work carried out by the Task and Finish Group. Some members who had sat on the Task and Finish Group then questioned why Cllr Nettleton was now bringing forward proposed tariff rises and not as part of the Task and Finish Group work carried out last year; and felt that further changes should not be made to car parking until the Bury St Edmunds Town Centre Master plan consultation was completed.

The Committee then considered the evidence provided by Councillor David Nettleton along with the report. In particular the Committee considered in detail the existing tariff structure, specifically the all-day tariff for long stay parking, and whether the previous alignment of the footpath in the car park should be reinstated (with a requisite loss of car parking spaces).

Some members were broadly supportive of the motion and keeping the "status quo". However, it felt that the Council should not be afraid of tariffs being raised to solve solutions.

With regards to the footpath, the Committee was concerned that people might get hit in the St Andrews Car Park and suggested that the original footpath should be reinstated. However, some members felt that there was no need to reinstate the original alignment of the foot path. Other members were also concerned that no consultation had been carried out with the ward member(s) and sought reassurance that in the future ward member(s) would be consulted before changes were made in their ward.

The Chairman of the Committee informed members that the footpath did meet the required health and safety requirements, as set out in the report. The Portfolio Holder advised that his was the only car park in Bury St Edmunds which had a footpath. However, it was not a designated right of way and both drivers and people using the car park had a duty of care.

With regards to student parking, the Committee had some sympathy with college students, and was pleased that parties were coming together regarding student parking.

Summing up the Portfolio Holder acknowledged the need for further car park capacity to be reviewed and informed the Committee that he had been reassured through the master plan process that capacity could be delivered by 2020. He was also aware of members concerns and the Council was working hard to deliver solutions.

The Committee noted the motion and the contents of the report.

It was proposed by Councillor Andrew Speed and seconded by Angela Rushen, and with the vote being 14 for, 1 against, it was:

RECOMMENDED

That the all-day tariff for long stay parking in St Andrews Car Park, should not be changed, and that the Annual Update Report on Car Parking, usually presented to the Committee in November be moved to January 2018, following the completion of the Bury St Edmunds Town Centre Master Plan.

It was proposed by Councillor Jim Thorndyke and seconded by Simon Brown, and with the vote being 7 for, 3 against and 5 abstentions, it was:

RECOMMENDED

That the previous alignment of the footpath in the St Andrews Car Park, should be reinstated, with the requisite loss of car parking spaces.

130. **Designated Public Place Orders in Bury St Edmunds and Haverhill and Change to Public Space Protection Orders**

[Councillor Clive Springett left at 5.30pm during the consideration and before voting to place on this item]

Councillor Robert Everitt, Cabinet Member for Families and Communities and Councillor Joanna Rayner, Cabinet Member for Leisure and Culture presented Report No: OAS/SE/17/002, which updated Councillors on legislation relating to Public Space Protection Orders (PSPOs) and proposed changes prior to public consultation. The report set out the transition arrangements from Designated Public Place Orders (DPPOs) to PSPOs; existing DPPO for Haverhill which had been in place since 2008; existing DPPO for Bury St Edmunds which had been in place since 2006; transition from Dogs Fouling of Land Act 1996 to PSPO Dog Control Orders; consultation requirements; publication of signage; enforcement; and reviews of PSPOs.

The Committee considered the report in detail and asked a number of questions of the Portfolio Holders and officers, to which comprehensive responses were provided.

In particular discussions were held on the inclusion of "street begging" within the Order as some members had concerns about distinguishing between "passive begging" and "aggressive begging". It was felt that people who were on the streets needed help with signposting and not being moved on; it would stop acts of charity; it would be giving out the right message; and felt it should not just include Bury St Edmunds as the issues might simply be moved elsewhere.

Councillor Robert Everitt informed the Committee that the request had come from the Police and businesses in Bury St Edmunds with regards to curbing begging. The Council was trying to be considerate towards those be found themselves begging for whatever reason and explained that there were places in Bury St Edmunds for people to go for help; shelter and food and that signposting was in place. Street Link had a free phone number to help rough sleepers and also a web site with information (tel: 0300 500 0914, www.streetlink.org.uk). No requests had been received from the Police in Haverhill to include begging in the PSPO covering the town. However, there would be opportunities in the future to include Haverhill should this be felt necessary. Officers also agreed to look at the wording around "passive" and "aggressive" begging.

The Committee also discussed in detail the dog orders. Members were in support of the dog order, but felt that there needed to be more emphasis on enforcement; dog wardens; the provision of dog bags at strategic locations; and whether anyone had been prosecuted.

In response, Councillor Rayner informed the Committee the council had dog bags which could be extended across other areas; five fixed penalty notices had been issued in St Edmundsbury over the last year, which had all resulted from information being reported by the public; signage would be increased as it was a requirement of the new PSPO; and the Council was committed to carrying out pilots with parish councils in order to reduce dog instances of

inconsiderate dog owners who do not pick up. However, the council and the community needed to work together in partnership to reduce the emotive subject of dog fouling.

The Committee noted that the Haverhill alcohol-related PSPO remained in place, with no changes to the conditions or the area covered.

It was then proposed by Councillor Frank Warby and seconded by Richard Rout, and with the vote being 12 for and 2 against, it was:

RECOMMENDED:

The inclusion of street begging in the Bury St Edmunds alcohol-related Public Space Protection Orders, be approved, subject to public consultation.

It was then proposed by Councillor Richard Rout and seconded by Paul Hopfensperger, and with the vote being unanimous, it was:

RECOMMENDED:

The Public Space Protection Orders relating to dog control across St Edmundsbury, be approved, subject to public consultation.

131. Bury St Edmunds Bus Station Information Building - Background Information

The Cabinet Member for Families and Communities presented Report No: OAS/SE/17/003, which provided background to the capital investment to reconfigure the Bury St Edmunds bus station information building to achieve revenue savings and additional income.

The report included information on the project background; invest to save; café kiosk update; lettable space update and bus information (planning and publishing bus timetable information, which is the responsibility of Suffolk County Council). The Head of Families and Communities clarified that the Café kiosk closed in June 2016, and not July 2016 as set out in the report.

The Committee considered the report in detail and asked a number of questions of the Cabinet Member and officers, to which comprehensive responses were provided. In particular discussions were held on the lettable space currently available and the vending machines. The Cabinet Member informed members that enquiries were being made regarding the lettable space at the front of the building and hoped this would be occupied in early 2017. The vending machines now had stickers on them so any issues could be reported to the supplier.

There being no decision required, the Committee **noted** the contents of the report.

132. **Review of Abbeycroft Leisure Ltd Performance 2005-2016**

[Councillor John Burns declared a pecuniary interest as a 30% shareholder in a competing leisure business, and left the meeting prior to the consideration and voting on this item.

Councillor Richard Rout declared a pecuniary interest as a owner of a competing leisure business, and left the meeting prior to the consideration and voting on this item.

Councillors Angela Rushen and Frank Warby left the meeting at 5.50pm prior to the consideration of this item.

Councillor Jim Thorndyke left the meeting at 6.30pm prior to voting]

The Cabinet Member for Leisure and Culture presented Report No: OAS/SE/17/004, which requested that members review the performance of Abbeycroft Leisure in St Edmundsbury, which would then inform the development of a new Partnership Agreement.

The report included information on the establishment of Abbeycroft Leisure; trustees and governance (Appendix 1); core business for West Suffolk; attendance levels; continuous improvement and quality management; initiatives and projects; business development and diversification; financial performance; strategic leisure support and advice; approaches and cost of other local authorities; challenges and the future.

Warren Smyth, Chief Operating Officer for Abbeycroft Leisure gave a short PowerPoint Presentation which showcased the activities of Abbeycroft Leisure over the last 10 years.

The Committee considered the report in detail and asked a number of questions of the Cabinet Member, Warren Smyth and officers, to which comprehensive responses were provided.

Discussions were held on the investment fund created in December 2016; health programmes for the elderly; working with partners in rural areas; new funding opportunities for sports in rural areas; reducing the management fee; Abbeycroft Leisure broadening its remit in all areas of sport, including mainstream sports; and outcomes from the Stand Tall project.

In particular Members discussed:

- The optimum length in developing a partnership agreement, and sought clarification as why this was not a tender process.
- The size and adequacy of the Bury St Edmunds swimming pool; opportunities to open the pool area to the outside; and the opportunity for spectator seating at the athletics track.

The Chairman, on behalf of the Committee wished to thank Abbeycroft Leisure for the work they had done, and noted the development and improvement of facilities over the years.

It was then proposed by Councillor Paul Hopfensperger and seconded by Andrew Speed, and with the vote being unanimous, it was:

RECOMMENDED

That note be taken of the findings of the Overview and Scrutiny Committee in developing a new Partnership Agreement with Abbeycroft moving forward, in particular:

- 1) The need for full transparency in costs to the Council of providing leisure services.**
- 2) The need for the agreement to focus on the outcomes for the health and wellbeing of communities.**
- 3) The approach to developing a Partnership Agreement with Abbeycroft for at least 10 years and alignment of leases will deliver value for money service for the Council.**

133. Annual Presentation by the Cabinet Member for Leisure and Culture

[Councillors John Burns and Richard Rout returned to the meeting at 6.40pm]

As set out in the Council's Constitution, at every ordinary Overview and Scrutiny meeting at least one Cabinet Member would be invited to attend to give an account of his or her portfolio and answer questions from the Committee. Therefore, to carry out this constitutional requirement, members were asked to consider the responsibilities of the Cabinet Member for Operations, who had been invited to the meeting.

The Committee was reminded that on 13 January 2016, the Committee received a presentation from the Cabinet Member for Leisure and Culture, setting out responsibilities covered under the portfolio.

At this meeting, the Portfolio Holder for Leisure and Culture had been invited to the meeting to provide a follow-up presentation on her portfolio. Report No: OAS/SE/17/005 set out the focus of the follow-up presentation, which was to:

- Outline the main challenges faced during the first year;
- Outline some key successes and any failures during the first year and any lessons learned; and
- Set out the vision for the Portfolio through to 2019, and whether on target to meet that vision.

Councillor Joanna Rayner opened her verbal update by thanking the Committee for the invitation. The update included information on staff structure and the financial breakdown of the leisure and cultural budget for 2016-2017. A number of examples also were provided, outlining the achievements; aims for 2017 and service challenges, such as:

- Success in Anglia In Bloom (achievement)
- Play area refurbishments (achievement);
- Sports Award 2016 (achievement);
- The Apex – over 200 live shows (achievement)
- Increase visitor numbers at Moyse’s Hall and West Stow (aim);
- Help establish the Destination Management Organisation (aims)
- Maintaining standards whilst reducing costs (challenge);
- Green Space Management – increase in invasive pests and diseases (challenge)

Members discussed the update in detail and asked a number of questions of the Cabinet Member for Leisure and Culture and officers, to which comprehensive responses were provided. In particular discussions were held on cemeteries and their capacity in the short and long-term; refurbishment of play areas and the Sodexo contract.

In response to questions:

- i) The Cabinet Member agreed to look into the possibility of taking over the playing fields at Chalkstone Middle School in Haverhill, which was closed.
- ii) Officers agreed to send members the updated schedule on the maintenance of play areas and would consult with ward members when play areas were due for maintenance.

The Committee wished to thank all staff, particularly those involved in increasing the visitor numbers to West Stow over the last year.

The Chairman thanked the Cabinet Member for the follow-up update on her portfolio.

There being no decision required, the Committee **noted** the presentation.

134. **Review and Revision of the Constitution**

As set out in the Council’s Constitution, the Overview and Scrutiny Committee on a quarterly basis would receive a report from the Monitoring Officer setting out minor amendments made arising from changes to legislation; changes to staffing structures/job descriptions or changes in terminology.

Report No: OAS/SE/17/006 set out minor amendments which had been undertaken by the Monitoring Officer under delegated authority from October to December 2016.

The Committee was advised that all Members of the Council had also been informed of the minor amendments as part of the ongoing review and revision of the Constitution.

The Committee considered the report, and there being no decision required, the Committee **noted** the minor amendments undertaken by the Monitoring Officer under delegated authority.

135. **Directed Surveillance Authorised Applications (Quarter 3)**

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 required that Members should scrutinise the authority's use of its surveillance powers on a quarterly basis.

The Monitoring Officer had advised that in Quarter 3, no such surveillance had been authorised. Therefore, there being no decision required, the Committee **noted** the Regulation of Investigatory Powers Act, Quarter 3 update.

136. **Work Programme Update**

The Committee received Report No: OAS/SE/17/007, which updated Members on the current status of its rolling work programme of items for scrutiny during 2017 (Appendix 1).

The Committee considered its work programme, and requested the item on the "North West Relief Road and Haverhill Town Centre Master Plan" to be included on the agenda for March 2017. It was felt valuable lessons could be learnt for the Bury St Edmunds Town Centre Master Plan which was currently out to consultation; and the first planning application for phase 1 for the north-west Haverhill development was imminent and the delivery of the north west relief road was crucial for the sustainability of the proposed north-west and north-east developments. The Democratic Services Officer (Scrutiny) agreed to discuss with relevant officers.

There being no decision required, the Committee **noted** the contents of the report.

137. **Exempt Appendix 3 - Review of Abbeycroft Leisure Ltd Performance 2005 - 2016**

The Committee received and **noted** Exempt Appendix 3 to Report No: OAS/SE/17/004. However, as no reference was made to specific detail, this item was not discussed in private session.

The Meeting concluded at 7.15 pm

Signed by:

Chairman
