
Overview and Scrutiny Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Overview and Scrutiny Committee** held on **Wednesday 9 January 2019** at **4.00 pm** at the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chairman Diane Hind
Vice Chairman Mike Chester

Simon Brown
Andrew Speed
Clive Springett
Sarah Stamp

Frank Warby
John Burns
Paul Hopfensperger

By Invitation:

Robert Everitt

Susan Glossop
Joanna Rayner

Cabinet Member for Families and Communities
Cabinet Member for Planning and Growth
Cabinet Member for Leisure and Culture

273. Substitutes

No substitutions were declared.

274. Apologies for Absence

Apologies for absence were received from Councillors Patrick Chung, Paula Fox, Margaret Marks and Richard Rout.

Councillor Robin Pilley was also unable to attend the meeting.

275. Minutes

(a) Minutes: 31 October 2018

Following confirmation from the Chairman that she would follow up on the written response which had been agreed to be provided by Suffolk County Council's Portfolio Holder for Highways, Transport and Rural Affairs regarding insurance claims paid out for car and pedestrian injuries, the minutes of the meeting held on 31 October 2018 were confirmed as a correct record and signed by the Chairman.

(b) Minutes: 7 November 2018

A detailed discussion was held on the minutes of the meeting held on 7 November 2018 with particular reference given to Minute 268. 'Review of Bury St Edmunds Christmas Fayre – Final Report'.

Firstly, a typographical error was highlighted where the word 'year' was missing from the following sentence, and therefore it should read:

*"In response to a question raised on when work would start on the 2019 Fayre, members were informed that work would be starting now, for next **year.**"*

Councillor Paul Hopfensperger expressed concern regarding the accuracy of the minutes. It was his understanding that the Action Plan referred to in Appendix F attached to Report No: OAS/SE/18/032, had been agreed (as amended to include the additions as minuted) for one year only and not three years as minuted. In addition, he felt it had been agreed that as well as the Destination Management Organisation and the Business Improvement District (BID) ('Our Bury St Edmunds'), Bury St Edmunds Town Council would also be involved with the discussions on the willingness; desire of businesses to have/provide additional Christmas stalls throughout the town, over a longer period to create 'Christmas in Bury', as minuted in the third recommendation to the Shadow Executive (Cabinet). Councillor Hopfensperger sought to propose amendments to the minutes accordingly, however did not receive the support of a seconder.

In response, the Chairman, who was also the Chairman of the Christmas Fayre Joint Task and Finish Group that had undertaken the Review, stated that it had been agreed that the Action Plan (as amended) would be functional for three years to provide some certainty and forward planning for those involved (including potential stall holders) with the operation of the Christmas Fayre; however, the situation would be kept under review on an annual basis which would allow scope for reflection / improvement / amendment. This had been minuted in the body of the minute accordingly and stated in the third recommendation to the Shadow Executive (Cabinet).

The majority of Members agreed that this was the understanding, to which Councillor Hopfensperger stated he would not have agreed to second the motion if this was the case, and therefore wished that fact to be recorded in the minutes of this meeting. He also wished it to be recorded that the press reports that had been produced following the meeting reflected his understanding that the Action Plan would be applicable for one year only and subsequently handed copies of the said press reports to the Democratic Services Officer.

Subject to the inclusion of the following amendments, the minutes of the meeting held on 7 November 2018 were confirmed as a correct record and signed by the Chairman:

That in respect of Minute 268. 'Review of Bury St Edmunds Christmas Fayre – Final Report':

- (1) the word 'year' be added to the following sentence so that it read:

*"In response to a question raised on when work would start on the 2019 Fayre, members were informed that work would be starting now, for next **year**."*

- (2) 'Bury St Edmunds Town Council' be added to the third recommendation to the Shadow Executive (Cabinet) so that it read:

*"(3) That the Shadow Executive (Cabinet) be recommended to accept the above recommendations (1 and 2 above), subject to an Annual Report on the Christmas Fayre being presented to the Overview and Scrutiny Committee, and specifically in 2019, to report back on discussions with the Destination Management Organisation, **Bury St Edmunds Town Council** and the BID (Our Bury St Edmunds) on willingness; desire of businesses to have/provide additional Christmas stalls throughout the town, over a longer period to create "Christmas in Bury".*

As the original recommendation detailed above had already been approved by the Shadow Executive (Cabinet) at its meeting on 27 November 2018, this minor amendment would subsequently be agreed with the Shadow Executive (Cabinet) Members with the responsibility for the Christmas Fayre, prior to it being reported to the Shadow Executive (Cabinet) on 5 February 2019 for noting.

276. **Public Participation**

The following members of the public spoke under this item:

1. **Celia Lawrence, of Bury St Edmunds**, on behalf of the Nelson Road Residents' Association, asked whether the proposed additional condition for the Public Space Protection Order (PSPO) could be extended to cover 24 hours and not be applicable between the hours of 6pm and 4am as proposed; and who would be responsible for undertaking enforcement action against those that contravened the PSPO.

In response, Mrs Lawrence was informed that the item would be considered in more detail during Agenda Item 10 where her concerns would be addressed.

No supplementary question was asked.

2. **Andrew Hinchley, of Bury St Edmunds**, on behalf of the Churchgate Area Association, made a statement expressing his support for promoting the anti-idling of vehicles. He had particular concerns regarding those that parked with engines running around schools and the effect this had on residents' health in the locality.

This item would be considered in more detail during Agenda Item 6.

277. Announcements from the Chairman regarding responses from the Joint Executive (Cabinet) Committee to reports of the Overview and Scrutiny Committee

The Chairman advised that she had attended the Shadow Executive (Cabinet) meeting held on 27 November 2018 where the recommendations of the Forest Heath and St Edmundsbury Overview and Scrutiny Committees which had emanated from the reviews of the Garden Waste Collection Service and the Bury St Edmunds Christmas Fayre had been approved. The Chairman also stated that she had attended the Joint Executive (Cabinet) Committee meeting held on 11 December 2018 where the recommendations of both Committees on the West Suffolk Housing Strategy and the West Suffolk Tenancy Strategy had been approved. The Housing Strategy was however, subject to Council approval.

At both meetings, the Shadow Executive / Cabinets were supportive of the work undertaken by both Committees on the items outlined above and approved the recommendations without amendment.

The Chairman added that during the discussion on the West Suffolk Statement of Community Involvement at Council on 18 December 2018 (Report No: COU/SE/18/025 refers), in response to her question which had emanated following the discussion on the previous item (Local Development Scheme), the Portfolio Holder for Planning and Growth was pleased to add 'social media', to the list of proposed engagement platforms contained in Table 1 of Working Paper 1 to Report No: CAB/JT/18/055.

278. Local Air Quality Management - Vehicle Anti-Idling (Report No: OAS/SE/19/001)

The Committee considered the above report which had been deferred from its previous meeting on 7 November 2018.

Officers had previously been requested to provide a report to assess the challenges of vehicle idling in St Edmundsbury. This had led to an options appraisal being undertaken to address potential issues for the Committee to consider.

Technical information on vehicle idling was attached as Appendix 1, which included providing details of the impact of vehicle idling (i.e. leaving a vehicle engine running when parked) on air quality and the implications of poor air quality on human health; the role of local authorities in tackling air pollution; understanding how long a vehicle needs to be stationary and idling before the benefits of turning off the engine outweigh the potential negative impacts from restating the vehicle; and a synopsis of enforcement powers available should local authorities decide to use this route as a method of tackling this issue.

The Committee considered the Options Appraisal at Appendix 2, which had been summarised in the covering report. Three specific options were considered for addressing this issue, as follows:

Option A: Undertake a campaign, initially targeted at schools and expanding as necessary;

Option B: Adopt delegated powers to use Fixed Penalty Notices under the traffic regulations 2002; or

Option C: Introduce road signs.

The Committee discussed the options in detail and asked questions of the officers, particularly regarding implications of exercising enforcement powers, to which comprehensive responses were provided. These included drawing attention to the Council's overarching Enforcement Policy, which had recently been harmonised with Forest Heath's existing policy in preparation for the creation of West Suffolk Council on 1 April 2019, and how this covered the overall approach to enforcement across Council services that exercised enforcement duties and powers. That policy did not address specific enforcement functions of the Council such as the potential imposition of Fixed Penalty Notices (FPNs) relating to this issue. Such specific enforcement functions needed to be addressed in the context of resources available to undertake potential enforcement action to ensure any action taken resulted in widespread effectiveness in deterring further offences; abiding by legislation such as the Regulation of Investigatory Powers Act (RIPA) 2000; and assessing the reasonableness and proportionality of potential fines imposed.

The Officers' recommendations provided in the report were supported; however, it was requested that the matter should be reassessed by the Committee within 12 months having considered the success of the proposed public campaign set out in Option A based on anecdotal evidence gathered.

RESOLVED:

That

- (1) the technical information on vehicle idling set out in Appendix 1 to Report No: OAS/SE/19/001, be noted: and
- (2) the relevant Portfolio Holders be requested to progress the proposals to undertake a public campaign in conjunction with other Suffolk Local Authorities where this can be undertaken in appropriate timescales, as set out in Option A of Report No: OAS/SE/19/001, subject to the matter being reassessed by the Committee within 12 months having considered the success of the campaign based on anecdotal evidence gathered.

279. **Annual Report by the Cabinet Member for Leisure and Culture (Report No: OAS/SE/19/002)**

(Councillor John Burns declared a local non-pecuniary interest as a business partner of Real Bodies Health and Fitness Ltd, Haverhill. He remained in the meeting for the consideration of this item.)

The Committee received and noted the Annual Report of the Cabinet Member for Leisure and Culture, Councillor Joanna Rayner, who was pleased to be invited by the Committee to this meeting to present her report.

Report No: OAS/SE/9/002 set out the focus for the annual update. Prior to the meeting taking place, the Cabinet Member was provided with some key questions from Scrutiny Members on what they would like included in the update, and responses were set out the report.

The Committee asked a number of follow-up questions relating to the responses provided on The Apex; how the Destination Management Organisation (DMO) was engaging with tourism businesses in the rural areas; and the role of and methods by which 'What's On West Suffolk' promoted West Suffolk as a tourism destination, to which comprehensive responses were provided. These included:

- (a) that the Council's subsidy to The Apex had reduced significantly since it opened almost ten years ago, however there were no current plans for this subsidy to be reduced to zero. Suggestions for increasing income were given by the Committee, including exploring additional seating capacity and making more of the first floor galleried area; the sale of retail merchandise; and offering reduced ticket prices or incentives to local residents. To this latter point, Members were reminded that a membership scheme was already in place which offered benefits.
- (b) That a list of organisations that were located in rural areas where the DMO had successfully engaged would be provided in the form of a written response. This would include examples; the split between those organisations supported by the DMO in Bury St Edmunds, Haverhill and the rural areas and how many were paying to be listed. Emphasis was placed on the fact that the relatively new DMO was still evolving and was focussing on trying to establish a firm platform to make it more sustainable. The above points would be fed back to the DMO with suggestions made to engage further with organisations outside of Bury St Edmunds. Members also felt the work of the DMO should be promoted by working collaboratively with What's on West Suffolk (WoWS). It was noted however, that the WoWS brochure /website created by the Council to help drive the promotion of events in the publicly funded venues including The Apex, local museums, parks and more recently, the Haverhill Arts Centre. Members felt that the WoWS remained quite Bury-centric and therefore the issue of working more collaboratively should be raised with the DMO.
- (c) That in connection with section 3.7 of the report, Abbeycroft Leisure was the recognised preferred partner of the Council for providing leisure services in the Borough and West Suffolk with a partnership agreement in place. Members noted that the 'soft' launch of the Parkour facility at Haverhill Leisure Centre was 19 January 2019.

There being no decision required, the Committee **NOTED** the annual update.

280. **Customer Access Strategy 2019-2022 (Report No: OAS/SE/19/003)**

The Committee considered the above report, which contained the revised Customer Access Strategy covering the period 2019-2022. Subject to approval, the Strategy would come into effect from 1 April 2019 following the creation of West Suffolk Council.

The West Suffolk Councils adopted the Target Operating Model (TOM) (as provided in paragraph 1.2 of the report) for Customer Services in 2014, marking a fundamental change to the delivery of the Customer Services function across both Forest Heath District and St Edmundsbury Borough Councils. The motivation at the time of the implementation was to reflect the ambition to move to a single council in structure terms and to acknowledge the requirements associated with the public sector digital transformation agenda.

The general focus at the time of the implementation was to understand which of the Councils' services could be drawn into the TOM and how best to deliver those against the backdrop of efficiency improvements aimed at releasing financial savings associated with the changes (£125,579 per annum). These financial savings were achieved.

In April 2018, a review of the initial strategy objectives was conducted. The Committee noted the headline issues emanating from the post-implementation review, together with the outcome of the review of the achievement of the project objectives, as detailed in Sections 2 and 3 of the report.

Councillor Robert Everitt, Portfolio Holder for Families and Communities, was in attendance and drew relevant issues to the attention of the Committee, including that the review had identified that generally speaking, face-to-face contact had diminished considerably over the recorded period, with a general decline in the number of calls being made to the Customer Services team. Website use, having initially increased in the period between March 2016 - July 2017, was now settling into a more consistent level of attracting between 30,000-40,000 web users per month (having peaked at almost 50,000 in March 2017).

The work carried out to review the 2015-2018 Customer Access Strategy had considered technology as a key element of the future provision of customer access for West Suffolk Council customers. In producing the 2019-2022 Strategy, which was attached as Appendix A to the report, a focus had been placed on ensuring that the approach was flexible enough to deliver against the ambition and any emerging priorities of the new Council.

Alongside the strategy document, staff had reviewed the existing Service Standards document and also updated the existing Complaints Policy which now also included a section on the management of vexatious and persistent complainants. An action plan also accompanied the Strategy, which set out the specific activities associated with the document.

The Committee scrutinised the report and asked a number of questions to which officers duly responded. In particular, discussions were held on the

excellent percentage rate of 98% of the 479 persons that had responded to a survey had been satisfied with the customer service they had received (as reported on a quarterly basis to the Performance and Audit Scrutiny Committees); the navigation of the website; the establishment of the new West Suffolk Council's Twitter Feed; and ensuring the Council continued to liaise with other public services to ensure that work to digitise services did not result in customers contacting other service providers about Council activities and services.

Whilst recognising and reinforcing that face-to-face contact must be maintained for those in need or who could not access digital services, the Committee considered the new Strategy satisfactorily addressed the issues of improving the customer experience and using new technology to make things easier and better for all. The Strategy demonstrated an understanding about demand and expectation as well as appreciating how technology could be used to integrate services within the Council and their partners.

RECOMMENDED TO THE SHADOW EXECUTIVE (CABINET):

That the Customer Access Strategy 2019-2022, as contained in Appendix A to Report No: OAS/SE/19/003, be approved.

281. **Car Parking Update January 2018 to November 2018 (Report No: OAS/SE/19/004)**

The Committee received and noted the above report, which presented an update on the car parking service between January 2018 and November 2018, identifying use by customers and projects undertaken across the year.

The report provided a detailed analysis of car park usage across the Borough (including the Country Parks and Leisure Centres); the number of fines issued during the period; details of where improvements were being made to the service; an update on the situation regarding the implementation of Civil Parking Enforcement (CPE) in the Borough and West Suffolk; a summary of planning for future car parking in Bury St Edmunds; and future work streams that were currently being explored.

Members noted the report with interest and asked questions of the officers, particularly in respect of:

- (a) whether the recent changes in highways infrastructure in Bury St Edmunds town centre had affected the reported downturn in car parking transactions and income;
- (b) the perceived need by some residents, retailers and shop owners that had held discussions with some Members of the Committee for a 'Pay on Exit' car park in Bury St Edmunds to encourage longer stays in the town. Councillor Speed reported that some users would apparently be satisfied with paying a higher tariff for 'Pay on Exit' if this was a consequence of being able to stay longer;
- (c) better promotion of season ticket availability;

- (d) whether the usage figures quoted in the report, particularly for the Ehringshausen Way car park in Haverhill, were accurate, and whether the actual income for each car park could also be provided in future updates in addition to the numbers of car parking events recorded;
- (e) signage issues, the responsibility of which was under Suffolk County Highways and officers liaise with them accordingly;
- (f) disappointment that a go-live date for CPE was not yet forthcoming; however, it was acknowledged that this was due to awaiting a commencement date from the Department for Transport; and
- (g) the perceived success of the 'Free from 3' and pre-Christmas free parking initiatives in Bury St Edmunds and Haverhill,

to which comprehensive responses were provided. Particular discussion was held on the issues of car park occupancy at peak times which as a consequence limited the ability to deliver a Pay on Exit payment facility. The Committee recalled that Cabinet agreed in 2015 that all car parks must operate below 95% occupancy at peak times before Pay on Exit could be implemented or risk significant town centre congestion. Current peak time usage meant this level had not been met. Nevertheless, the Council recognised the preference by some users to be able to pay at the end of their visit and to flexibly extend their stay if required. To this end, new technology was being explored with RingGo that would enable the user to pay at the end of their stay and officers were working on a proposal using mobile communications that was aimed to be trialled from the spring 2019. The Committee accepted the trialling of the new mobile telephone 'app' was a positive move forward and looked forward to perusing the outcome and findings of the trial, which would form part of the Car Parking Review due to be undertaken in summer 2019.

In respect of (c) above, officers would look into whether better localised signage could be displayed in car parks to better promote the sale of season tickets. In respect of (d) above, the figures were accurate and the actual income generated from the car parks would be provided in future reports. In respect of (g) above, there was no statistical data available as car park users were not required to obtain a ticket during the free periods. Feedback on whether the initiatives were successful or not in generating additional footfall would be obtained from a range of sources including users, Members, partners, business and retail shop owners and taken into account as part of the full Review.

There being no decision required, the Committee **NOTED** the car parking update.

282. Public Space Protection Order - Bury St Edmunds - Addition of Condition (Report No: OAS/SE/19/005)

The Committee considered the above report, which presented a proposal for an addition to the current conditions to the existing town centre Public Space Protection Order (PSPO) in relation to non-congregation of vehicles to reduce incidences of anti-social behaviour. Following a period of consultation, the

proposal would be presented to the Joint Executive (Cabinet) Committee for approval.

Background to the existing PSPO and the proposal was outlined in Report No: OAS/SE/19/005. The following Appendices were attached to the report:

Appendix A: evidence to support the addition of a new condition

Appendix B: the draft PSPO Order

Appendix C: a map showing the restricted area

The proposed additional condition, which was subject to public consultation, is as follows:

No persons shall, within the restricted area:

Gather in groups of two or more motor vehicles for purposes other than simply parking which will cause or is likely to cause harassment, alarm and distress to others between the hours of 6pm and 4am by performing any of the activities listed below:

- a) Using a motor vehicle to perform stunts.*
- b) Repeatedly sounding horns and/or revving engines (as to cause a public nuisance).*
- c) Playing music excessively loud (as to cause a public nuisance).*
- d) Using foul or abusive language.*
- e) Using threatening, intimidating behaviour towards another person.*
- f) Causing obstruction on a public highway, or a publicly accessible space, whether moving or stationary.*

Members considered the report in detail and made the following suggestions for further investigation and, as appropriate, for them to form part of the consultation:

- (i) the proposal was for the additional condition to be operational between the hours of 6.00pm and 4.00am, which was based upon hours recommended by the Police as it was between these times that incidences previously reported were most prevalent. However, it was requested whether the additional condition should be operational for 24 hours a day;
- (ii) in respect of part (a) of the proposed additional condition 'Using a motor vehicle to perform stunts', whether the word '*stunts*' included the racing or sprinting of vehicles within this term or whether '*racing and / or sprinting*' needed to be specifically included within this activity; and
- (iii) in respect of part (b) of the proposed additional condition 'Repeatedly sounding horns and /or revving engines (as to cause public nuisance)',

whether the words '*.../idling engines and associated equipment*' could be added to this activity, which was suggested following a discussion about apparently noisy refrigeration lorries idling in the early hours of the morning in the road in between the car parks at School Yard East and School Yard West.

In response, officers stated that they would seek further advice from the Police and the Council's legal team to ascertain the feasibility of and whether it was sufficiently proportionate to make the suggested changes detailed above.

Following the outcome and findings of the consultation, the finalised proposal would be presented as a recommendation from the Overview and Scrutiny Committee to the Joint Executive (Cabinet) Committee for consideration on 12 March 2019.

A discussion was also held on the injunction that was presently going through the legal process in respect of the anti-social driving currently being experienced at Moreton Hall, Bury St Edmunds.

RESOLVED:

That the additional condition to the current Public Space Protection Order in respect of "non-congregation of vehicles in Bury St Edmunds town centre", for the purposes of reducing anti-social behaviour, as set out in paragraph 3.4 of Report No: OAS/SE/19/005, be supported for going out to public consultation, subject to the suggested modifications set out in (i) to (iii) above, if following further discussions with the Police and the Council's legal team, where appropriate, they are considered to be feasible and sufficiently proportionate.

(Note: Subsequent to the meeting, following officers' discussions with the Police and the Council's legal team, the proposed 6pm to 4am timeframe of operation would be removed (so the condition could be effective anytime) and reference to 'racing' would be added to (a) above. The consultation survey would reflect these changes.

With reference to the request to include idling refrigerated lorries. Advice from the legal team was that this was not appropriate for addition to this PSPO. Any complaints regarding this matter should be directed to the Council's Public Health and Housing team and/or Planning Enforcement should planning conditions be breached.)

283. Work Programme Update (Report No: OAS/SE/19/006)

The Committee received and noted the above report, which updated Members on the current status of its rolling work programme of items for scrutiny during 2019 (Appendix 1).

The report also requested that Members identify questions they would like the Cabinet Member for Resources and Performance to cover on 13 March 2019. No questions had been identified at the present time, therefore the Chairman

asked that questions be submitted to the Democratic Services Officer (Scrutiny) by 31 January 2019.

There being no decision required, the Committee **NOTED** the work programme update.

The Meeting concluded at 6.30 pm

Signed by:

Chairman
