

Cheltenham Borough Council Overview & Scrutiny Committee Minutes

Meeting date: 9 September 2024

Meeting time: 6.00 pm - 8.00 pm

In attendance:

Councillors:

Tabi Joy (Chair), Jackie Chelin (Vice-Chair), Stan Smith, Chris Day, Richard Pineger, Juan Carlos Garcia Clamp, Sandra Holliday, Frank Allen and Julian Tooke

Also in attendance:

Councillors Bamford, Collins, Davies, Hay, Tailford and Willingham

Tracey Birkinshaw (Director of Community & Economic Development), Chris Gomm (Head of Development Management, Enforcement and Compliance), Karen Watson (Environmental Partnerships Manager) and Claire Hughes (Director of Governance and Customer Services and Monitoring Officer)

1 Apologies

Apologies were received from Councillors Chandler, Barrell and Beale. Councillor Tooke acted as a substitute for Councillor Barrell.

The following Members of Audit, Compliance and Governance committee were in attendance for the purposes of agenda item 8 – Local Enforcement Plan :
Councillors Bamford, Davies and Willingham.

2 Declarations of interest

There were none.

3 Minutes of the last meeting

The minutes of the March meeting held on 25 March were approved and signed as a correct record.

4 Public and Member questions, calls for actions and petitions

There were none.

5 Cabinet Briefing

The Leader addressed the committee with her update and confirmed that the transition of CBH back in-house had gone smoothly. She thanked the Committee for supporting the process through the Scrutiny Task Group. She highlighted that the Municipal Offices would soon be listed on the open market and that press interest had been increasing around the future/condition of the High Street. Councillor Hay explained that due to the fact that the Council is taking action and are in litigation no further comments are being made to the press.

6 Matters referred to committee

There were none.

7 UBICO Annual Performance Report

The Head of Operations for UBICO introduced the report as published. He highlighted a number of initiatives successfully introduced during the year that have decreased accidents, improved reporting using in-cab evidence gathering, helped to reduce the carbon footprint and improved efficiency. He noted that the year had seen slight reductions in general waste and increased garden waste volumes..

The questions that were submitted in advance of the meeting and the answers to those questions have been published previously please see [Member Questions and Answers](#).

The response to additional Members' questions were as follows:

- The issue identified with the double counting of food caddies has led to no overcharging to the Council.
- There has been a large increase in sickness absence across both UBICO and the industry as a whole, possibly due to the increased ease in securing sick notes. A Head of People has been employed and is working closely with HR to help those who are on long-term sick leave return to work or identify those whose positions will need to be filled.

- The Cabinet Member for Waste, Recycling and Public Realm and Environmental Partnerships Manager will be working with the Enforcement Team to understand the data behind the significant increase in fly tipping requests. They will consider whether there has been any impact due to the reduced hours of the Swindon Road Recycling Centre but noted that the increase is also likely to reflect that people have been encouraged to report fly tipping issues and a duplication of reporting on individual cases.
- The underspend in the report represents the 2023-2024 budget not the current year. Conversations are still ongoing on the budget for the next financial year and will consider what can be allocated to UBICO through their contract to allow backfilling of absences through agency staff to allow them to meet their service responsibilities whilst also reflecting the £500k savings target identified.
- The existing diesel fleet have had their engines updated to run on hydrogen treated vegetable oil, these vehicles will be replaced in line with the 7 year lifespan of fleet vehicles. The fleet currently also includes 3 electric vehicles. Industry statistics suggest that the use of electric vehicles should lead to lower running, repair and maintenance costs but as early adopters CBC currently do not have the figures to confirm this information.
- Issues have been identified with colleague retention with an average staff turnover of 6 years across UBICO. This is sometimes exacerbated by training requirements, for example HGV drivers need to renew their training every 5 years and those approaching retirement are choosing not to leading to a shortage in drivers. Difficulties in recruiting have been identified particularly for workshop technicians and mechanics, and for grounds maintenance. UBICO have been successfully offering apprenticeships for the technician and mechanic roles with 5 currently running but have had low interest in grounds maintenance apprenticeships. They are discussing a potential partnership approach to this issue with Hartpury College and the Royal Agricultural University in Cirencester. They are continuing to develop a response to the challenges with the Head of People and will consider the potential to use competency matrixes to allow progression outside of the traditional management structure.

8 Local Enforcement Plan

The Chair welcomed the opportunity to pre-scrutinise and contribute to the draft Local Enforcement Plan before it was considered by Cabinet, saying she hoped this proactive approach would be used more going forward. She was pleased that members of Audit, Compliance and Governance Committee were also present to share in the discussion.

The Head of Development Management, Enforcement and Compliance introduced the report and draft Local Enforcement Plan, which was designed to set out the

overall approach to planning enforcement for councillors, members of the public and developers. This is a completely new document rather than an updated version of the 2014 plan, and included what could or couldn't be investigated, priorities, target timescales, and the overall approach on how to resolve established breaches, as summarised in Paragraph 3.4 of the report.

The Director of Communities and Economic Development added that it should be noted that although enforcement is a discretionary service, it is taken very seriously by the council and clear messages need to be sent in appropriate ways, by updating and formalising its current position.

Members made the following comments:

- whilst respecting planning officers and committee members who do a difficult and often thankless task, the planning compliance function should be a potent deterrent and the threat of action significant enough to protect our beloved town. Unfortunately, the paper is ill-thought through and self-defeating, with the damage amplified by it being shared publicly;
- it doesn't cover the responsibility of owners of Cheltenham's 2,600 listed buildings to maintain their properties, or the council to monitor this and ensure that our cultural inheritance is passed to the next generation; lack of staff should not be the basis for setting strategy;
- the report talks about managing planning enforcement proactively but seems to depend on waiting for breaches to be reported; a proactive approach would be to actively look for infringements, perhaps through an annual tour of the town;
- it is surprising to learn that planning enforcement is discretionary;
- the decision as to whether or not it is expedient to act seems to rest entirely with officers – Members are not involved.

In response, officers confirmed that:

- a case could be made for planning enforcement officers to be more proactive in identifying breaches but the reality is that the overwhelming majority of reports of breaches are from third parties. When the team is fully-staffed, there will be an opportunity to be more proactive in monitoring conditional compliance and S106 compliance on key issues;
- patrolling the town looking for infringements would be very difficult and not really worthwhile with regard to the resources it would take and the fact that most identifiable breaches are reported by the public. This not something that other councils do;
- the decision whether or not to take action is delegated to officers, and is perhaps something Members might like to consider under the scheme of delegation;
- the neighbourhood team, housing officers, environmental health officers and others all act as the eyes and ears of the council on the street and help to identify infringements, and queries from neighbours, businesses and visitors all feed into the workflow;
- when planning committee members want to add conditions to a permission, these must be enforceable; officers and members work together on these to ensure that they are, and there has been extensive work reviewing planning conditions to ensure these are tightened;

- the recent Member engagement session on planning enforcement was positive, but the issues with resourcing is a national problem, not specific to Cheltenham. It is a hard specialism to recruit to.

A Member understood the logic of retrospective applications after negotiation, but suggested that this was cost intensive and perhaps the developer should bear that cost via a small fine or contractual agreement. The Head of Development Management, Enforcement and Compliance said that planning enforcement tends to be remedial rather than punitive, and retrospective planning applications are invited where the harm caused by the breach is not problematic, although some are refused. It is in the applicant's interest to apply for retrospective permission as unauthorised development often shows up during a property sale. In addition, the council has no authority to levy a fine on a developer of person who has carried out work without planning permission; only later in the process, following non-conformity with an enforcement notice, is there any option to prosecute.

A Member made the following observations:

- the wording of planning conditions needs to be very carefully considered to ensure that they are carried out to the full;
- there must be equity to ensure all neighbours receive fair consideration and treatment;
- conservation areas outside the town centre must be protected;
- S215 notices on derelict land must be followed up to ensure areas aren't left to fly-tippers, and it must be clear that the policy is set by Members and will be enforced by officers without fear or favour – everyone will be treated in the same way;
- there is also the matter of derelict properties as a result of anti-social behaviour or arson, and no mention of compulsory purchase as a final outcome.

The Director of Communities and Economic Development said that a lot of today's discussion comes into the public interest test and how that is applied. It might be useful to add a section to the policy about this, as cases will be tested within that context if they end up in court. She will discuss this with the Cabinet Member for Planning and Building Control and it can be added to the report for further clarity.

A Member echoed the concerns about empty properties which can deteriorate significantly and be subject to exploitation and criminal behaviour. She wondered if, in view of the under-resourced planning team, law enforcement or other agencies could be included as part of the strategy.

Officers confirmed that the paper and plan were on a journey to Cabinet, and a summary of points raised today will be added, in particular wording about the public interest test touched on by Members in their various reflections.

The Cabinet Member for Planning and Building Control thanked officers for their report, welcomed the new plan, and said that points raised today would be incorporated.

9 Progress Report in Respect of the 2023 Planning Peer Review

The Head of Development Management introduced the report as published and explained that it set out progress against the 12 key recommendations made by the peer review and additional improvements identified since his appointment.

The questions that were submitted in advance of the meeting and the answers to those questions have been published previously please see Member Questions and Answers.

The response to additional Members' questions were as follows:

- The potential to extend planning liaison activities to neighbourhood forums and resident associations will be considered to reduce the stress on the council and further empower residents, including the potential for involvement when planning breaches occur. Neighbourhood plans for two areas are being developed which may offer a best practice approach with these forums which will be discussed with the Communities Team. The availability of the weekly planning list should also be advertised to forums; ward members play an important role in encouraging engagement.
- Support with local and public engagement is continuing to be provided by the Planning Advisory Service following the peer review. The Director of Communities and Economic Development recently served on a Local Government Association (LGA) peer review team at another council which has provided opportunities to learn alternative ways engagement can be developed.
- We are addressing the national challenge in recruiting planning officers in a number of ways to provide an enticing offer for potential employees. The team have been working closely with HR since they were brought back in-house and have been exploring opportunities outside traditional recruitment such as the professional press, which is seeing less engagement. Actions have included the use of direct recruiters, benchmarking salaries, ensuring recruitment is supported by strong, positive messaging about working in Cheltenham and the outcomes you can drive, flexibility in the recruitment approach, and sourcing consistent feedback from contractors to identify improvements. The teams are also continuing to develop Cheltenham's 'grow your own' offer through the use of apprenticeships, the development of new career graded role profiles targeted at graduates to provide clear opportunities for career development, and ongoing conversations around collaboration with further education establishments.

10 Feedback from other scrutiny meetings attended

The update from the Gloucestershire Health Overview & Scrutiny Committee had been published as a supplement to the agenda.

Cancer waiting times are impacting a significant number of people in Gloucester, reflecting the national picture and wider issues with the NHS meeting increasing medical demand due to resourcing and funding challenges. Increased awareness is needed of the issues impacting departments beyond A&E and pressure needs to be placed on the government to tackle the needs of the NHS. The Gloucestershire Health Overview & Scrutiny Committee will continue to look at local actions that can ensure a better service for the county.

Councillor Willingham provided the Committee with a verbal update on the Gloucestershire Police and Crime Panel. He explained that they had discussed the police response to the potential civil unrest, reviewed the medium-term finances including the increase in borrowing and the reduction in the reserves and the pausing of recruitment of police community support officers (PCSOs).

The response to additional Members' questions were as follows:

- The Police and Crime Commissioner is currently setting the budget and will be providing further detail to the Panel in relation to the borrowing and future financial plans in due course.
- Investigations are ongoing in relation to misinformation spread via social media about potential civil unrests.

11 Updates from scrutiny task groups

The Chair introduced the final report of the scrutiny task group overseeing the CBH transition and thanked members for the robust work carried out and the expertise and support provided to officers.

The Chair referenced feedback from a member of the scrutiny task group who felt the group's engagement was helpful, with many of its comments taken on board especially in relation to tenant engagement and going forward the need to retain staff. There were concerns about anti-social behaviour (ASB) as being one of the main sources of complaint and it was hoped this would be addressed in due course.

The Leader suggested that the Committee should carry out a follow-up review of the CBH transition in a year's time. She noted that the responsibility for ASB is shared with other local organisations and that CBC will continue to play its part in deterring and responding to ASB. The Chair highlighted the importance of having colleagues within communities who are well placed to notice patterns, work productively with communities and put early interventions in place.

12 Review of scrutiny workplan

There were no decisions to be made, however one Member asked for an update on the planned review of accessibility. It was confirmed that accessibility had been reviewed by the Committee as part of the Equality, Diversity and Inclusion Policy,

public engagement and feedback is currently being sought on the revised police and action which includes a specific piece of work around accessibility.

13 Any other item that the Chair determines to be urgent

There were none.

14 Date of next meeting

The next meeting will be on Monday October 21 at 6pm.