

MINUTES OF MEETING OF WHITTLE OVERVIEW AND SCRUTINY COMMITTEE

16 JULY 2018

PRESENT:

Members of the Committee:

Councillors Sandison (Chair), Brader, Douglas, Gillias, Mrs O'Rourke and Ms Watson-Merret

In attendance:

David Lawrence, Local Democracy Reporting Scheme
Ella Chetcuti, Rugby High School

Officers:

Dan Green (Head of Environment and Public Realm), Michelle Dickson (Communities and Projects Manager), Henry Biddington (Principal Environmental Health Officer), Verna Zinclair (Principal Environmental Health Officer), Claire Baldwin (Environmental Enforcement Warden) and Linn Ashmore (Democratic Services Officer)

4. MINUTES

The minutes of the meetings held on 12 March and 17 May 2018 were approved and signed by the Chair.

5. APOLOGIES

Apologies for absence from the meeting were received from Councillor Douglas.

6. AIR QUALITY MONITORING AND MANAGEMENT – ANNUAL UPDATE

The committee received a report (Part 1 – agenda item 4) concerning an update on air quality monitoring.

The Principal Environmental Health Officer reported that the Annual Status Report was still in progress. There had been a delay in the background checks and calculations carried by Defra and the report from AECOM (an external air quality consultancy) had only just been received.

Some initial findings included:

- Improvements had been seen in the results from the monitoring tubes.
- There were still some exceedance in relation to the objectives in Dunchurch.
- Some of the lowest levels since 2014 were recorded showing there has been a marked improvement.

- The levels on the gyratory had also shown improvement. This was likely to be due to the works carried out in 2015.

Some reasons for the improvements could be due to the fact that air quality has moved up the agenda and there was greater public awareness. There had also been improvements to vehicle technology which would have greater effects as people replaced their vehicles.

Air quality assessments would play a part in new policies as one of the instruments for dealing with planning matters. Guidance will be produced to describe how air quality would be considered when determining planning applications.

The high level of development had a knock-on effect on air quality and a balance was needed with mitigation being put in place at the early stage of the planning/development process. This would form part of the Air Quality Strategy.

Work was yet to commence by Warwickshire County Council on its commitment to a Local Transport Plan (LTP). The production of a LTP would support future action planning in relation to air quality.

Work would continue on the promotion of schemes to support sustainable transport options. This included a Sustainable Transport Plan to encourage residents. An example was the Coventry and Warwickshire Car Share Scheme was very successful with 6,000 registered users.

An item to consider the final Annual Status Report and consultation responses will be included in the work programme for the next meeting of the committee.

During discussion the following points were made:

The Local Transport Plan and the Local Plan should intertwine.

At its meeting in March the committee was informed by representatives from WCC that a LTP, similar to the one produced for Warwick, would be repeated for Rugby.

Members were concerned at the lack of progress or timescale on the LTP and agreed that action was necessary. Contact should be made with WCC to seek an update on progress.

RESOLVED THAT – The Head of Environment and Public Realm be requested to write to the WCC Head of Transport and Economy with copies sent to the relevant portfolio holders for RBC and WCC.

7. REVIEW OF PUBLIC SPACES PROTECTION ORDERS – DRAFT REVIEW REPORT

The committee received a report (Part 1 – agenda item 5) concerning a review on the theme of Dog Control Orders and Public Spaces Protection Orders.

The Chair of the scrutiny group, Councillor Neil Sandison, thanked officers and external partners, particularly the Police, for their hard work and contribution to the review.

It was key that any Orders created must be compliant with legislation and also defensible in court.

During discussion of the draft review report the following points were made:

Members agreed the report was very good but felt that it could go further. Some of the points made by members were:

- Dogs should not be permitted on playing fields.
- Dogs should be kept on leads, unless in dedicated dogs off lead areas.
- There should be a requirement that dog owners show intent and have the means to clear up after their dog with them at all times.
- On the spot fines should be issued.
- Extendable leads were an issue.
- Dogs fouling on sports pitches was an issue.

The review findings were based on a consultation exercise that included a questionnaire and feedback from members of the public. Some of the points raised by members had not been highlighted during the consultation and had therefore not been addressed by the review. However, there would still be a formal consultation period before any proposed PSPOs could be put into place and there was an opportunity to make additions.

The Borough has a number of different play areas, some being open and some enclosed. During the review process officers had carried out work on listing and defining all council owned play areas. Work had also taken place in parks by the Open Spaces Team looking at the redesign of play areas.

The wording of any PSPOs would need to be carefully considered.

Home Office guidance encourages councils to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions.

Some form of communication plan was needed. It was not clear how members of the public would know where the designated dog/dog free zones were. There would need to be fencing or a way of demarking the zones to make these clear.

The Order in relation to dog control could be difficult to enforce.

It was important not to criminalise responsible dog owners.

The PSPOs attached to the draft review report were draft copies and there were a number of ways of controlling dogs.

Members asked about rights of way and were informed that this applied to areas where the public had rights of access.

A question was raised in relation to paragraph 3a on page 16 of the draft review report and what constituted a reasonable excuse for failing to clean up after a dog. Members were informed that there were legal exemptions that needed to be included in the Order.

There was general support for the report. The Environment and Public Realm Portfolio Holder acknowledged the amount of work that had been carried out commenting that there was a genuine opportunity to make a difference but raised concerns that other local authorities that had seized the new powers since the legislation changed in 2014 were now in a position where they were needing to make revisions to their Orders.

There was a need to balance resources and the Community Warden service needed to be sustainable.

This was an opportunity to consult the public and introduce PSPOs that would be effective. With the right PSPOs in place the Community Wardens would have the powers they needed.

The current review report recommendations should be less prescriptive.

Officers should explore the actions taken by other local authorities and identify the successful approaches.

It was suggested that a consultation should be carried on the potential changes to the Dog Control Orders and the wording of the report be amended accordingly.

Issuing Fixed Penalty Notices (FPN) would bring in revenue and would result in people taking notice and changing their behaviour.

There was a lack of evidence to show how many FPNs had been issued. A suggestion was made that comparisons should be made with Daventry District Council and how many FPNs they issued and whether they were generating an income stream. Members were informed that Daventry District Council had not issued any FPNs but this could be explored in greater depth and comparisons with the Order wordings and type of enforcement action taken could be made.

There were more important factors than income generation. Dog faeces in any park or area was unpleasant. The Council's priority was to provide pleasant open spaces where people want to come and play areas should be clean and safe.

It was proposed that the report be amended as follows:

- include a consultation on PSPOs to take place this autumn;
- liaise with other local authorities, including Daventry District Council, and revise the proposed orders; and
- explore ways of consulting to include draft potential PSPO's for public comment.

The committee were supportive of the draft review report but agreed that some further work should be carried out prior to its submission to Cabinet in September.

There was a typographical error at paragraph 1d to the report and the word 'Country' should be replaced with 'County'.

RESOLVED THAT – prior to its submission to Cabinet, the following work be carried out, in consultation with the scrutiny sub-group members, and the draft review report and proposed PSPOs be amended accordingly:

- (1) discussions be held with neighbouring authorities;
- (2) revise the wording in relation to dogs on leads;
- (3) create a consultation plan; and
- (4) include realistic enforcement actions.

8. RUGBY BOROUGH COUNCIL LED LOTTERY

The committee received a report (Part 1 – agenda item 6) concerning the outline case for the implementation of a local led lottery scheme and a summary of a consultation with the voluntary and community sector.

The Communities and Project Manager attended the meeting to present the report and answer questions. During discussion the following points were made:

It would be useful to have more evidence of successful council led lottery schemes and how much money had been raised.

A lottery scheme should not be a way of providing top-up funds and it was important that the monies were used to add value in specific ways that went beyond recipients normal running costs.

A great deal of work had already place by officers to address initial concerns. However, further diligence was required to ensure there was a fair process in place for distributing the funds.

The committee were in support of 60% of ticket sales being distributed to good causes.

A suggestion was made that the fund should be administered by the Grants Working Party based on a set criteria. This would ensure funds went to appropriate causes and would protect beneficiaries and also the Council's reputation. The grants application process for organisations involves a series of checks including insurance and safeguarding practises.

The Council had a well organised grants system and SLA structure that shouldn't be overshadowed or affected by a lottery scheme.

Decision making in a cross-party approach through the Grants Working Party would be helpful in administrating the lottery funds.

It was not possible to predict the future or how successful a lottery scheme would be.

The scheme could be a useful revenue stream and would benefit the Borough.

Social interest would be the main driver to people taking part. There was no instant gratification such as for scratch cards that can cause problem gambling.

The responses to the consultation with the community and voluntary sector showed that the level of annual income for groups varied greatly. There could be a variety of reasons for this including population number differences, or because charities' own incomes had been included.

Giving the public the choice of which organisations, charities or subject areas to support could be a good way of engaging with the community. There could also be opportunities for crowd funding.

The communications team should be consulted on the best approach to engaging with the public.

Members asked if other local authorities had used similar schemes to supplement grant work, how they administered the scheme, and what different approaches were taken.

It was asked if other local authorities had reduced their grant budgets as a consequence of income derived from a lottery. Members were advised that this fell outside the scope of the research conducted as what other Councils had done would not be something that would influence local budget making decisions in Rugby.

With the exception of one other that only runs only one council lottery, and has no established track record in doing so, Gatherwell is the only operator in the specialist area of providing External Lottery Manager services for local authority led lotteries.

The committee agreed that that further research should take place on the following:

- Explore working with private operators of lottery schemes to learn from their experiences; and
- Obtain further evidence from a local authority with lottery scheme experience and also Gatherwell.

The Communities and Projects Manager did advise that the former may be difficult as local authority led lotteries are a specialist market and therefore comparisons with private operators may prove difficult. There may also be practical issues of gauging success of other schemes as this data may be viewed as commercially sensitive.

It was agreed that Members should submit questions to be put to Gatherwell and other local authorities and the outcomes should be reported to the next meeting of the committee in October.

The aim was to launch the Council led lottery scheme in line with the promotion of the next round of grant applications.

RESOLVED THAT –

- (1) Members be asked to submit questions to be put to Gatherwell and other local authorities to Democratic Services by close of business on 3 August 2018; and
- (2) An item be placed on the agenda for the next meeting of the committee to consider the outcomes and next steps.

9. OVERVIEW AND SCRUTINY WORK PROGRAMME 2018/19

The committee received a report (Part 1 – agenda item 7) concerning the progress of scrutiny reviews and the overview and scrutiny forward work programme for 2018/19.

Future Work Programme

The committee were informed that the subject of access for disabled people came out as the top topic for review at the annual workshop. The outline for the review included access to Council owned parks and open spaces and changing rooms to provide dignity for disabled people.

Members commented that there should be a programme of investment in places for people with disabilities and there was legislation in place relating to the accessibility of buildings.

The committee would consider the draft one-page strategy at its next meeting. This would identify the key objectives and rationale for the review.

The committee reviewed and agreed the revised one-page strategy for the Informing and Engaging Our Communities review and noted progress in the task group reviews.

The following topics were added to the committee work programme for its meeting in October:

- Air Quality Monitoring – final Annual Status Report and consultation responses
- Council led Lottery – update on the business case

RESOLVED THAT –

- (1) the revised one-page strategy for the Informing and Engaging Our Communities review be approved;
- (2) progress in the task group reviews be noted; and
- (3) the future work programme for the committee be agreed.

CHAIR