

## MINUTES OF A MEETING OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE HELD ON 15 NOVEMBER 2023 FROM 7.00 PM TO 10.35 PM

### **Committee Members Present**

Councillors: Alistair Neal (Chair), Andrew Mickleburgh (Vice-Chair), Andy Croy, Norman Jorgensen, Pauline Jorgensen, Adrian Mather, Stuart Munro, Alison Swaddle, Chris Johnson, Catherine Glover and Caroline Smith

### **Other Councillors Present**

Councillors: Sarah Kerr and Ian Shenton

### **Officers Present**

Rebecca Bird, Senior Specialist, Communications, Engagement and Marketing  
Richard Bisset, Lead Specialist, Place Clienting  
Lewis Borges, Head of Customer Experience & Change  
Steve Brown, Assistant Director, Environment & Safety  
Neil Carr, Democratic and Electoral Services Specialist  
Giorgio Framalico, Director, Place & Growth  
Jackie Whitney, Assistant Director, Customer & Change

### **45. APOLOGIES**

There were no apologies for absence.

### **46. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 4 October 2023 were confirmed as a correct record and signed by the Chair.

### **47. DECLARATION OF INTEREST**

There were no declarations of interest.

### **48. PUBLIC QUESTION TIME**

There were no public questions.

### **49. MEMBER QUESTION TIME**

In accordance with the agreed procedure the Chair invited Members to submit questions to the appropriate Members.

#### **49.1 Councillor Gary Cowan asked the Chair the following question. In Councillor Cowan's absence, a written reply was provided, as set out below:**

Agenda Item 51 – Unreasonably Persistent Complainants Policy

This policy suggests that the approach will only to be used in extreme circumstances but that was not the case of a resident who recently complained about allotment allocations where he was considered an Unreasonable Persistent Complaint and severe action was taken against him.

The report states that an unreasonable or an unreasonably persistent complainant can be:

- a complainant who has been responded to in full but still wishes to pursue the same complaint.

This assumes that, in all cases, the Council Officers' response is correct and the Complainant is wrong. That implies that the complaint in such a case is guilty without any right of appeal and action against them will be taken in accordance with policy.

My question: is it correct that if the Council Officers' reply is not correct can the policy be used to make the resident an Unreasonable Persistent Complainant and formal severe action be taken against them without the residents having a right to a formal appeal?

### **Answer**

If a complainant is unhappy with the Council's response to their complaint, they can contact the Local Government and Social Care Ombudsman (LGSCO). This service can be accessed at any stage of the complaints process, although the LGSCO may decide not to investigate until the Council's own complaints process has been exhausted.

It is a free service and the LGSCO undertakes an independent investigation into whether the Council has made the right decision in the right way. The Council proactively provides signposting to the LGSCO following the end of its complaints process. Therefore, if a complainant is still unhappy with the way the Council has dealt with a complaint they have a route to escalate, which the Council would actively encourage.

The LGSCO has their own guidance that we have used to update the Council policy:

[Guidance on managing unreasonable complainant behaviour - Local Government and Social Care Ombudsman](#)

In terms of an appeal process for the policy, this is useful feedback and we will ensure that this is considered with other feedback from the Overview and Scrutiny Committee.

### **50. PROGRESS OF THE WASTE COLLECTION CHANGES PROJECT**

The Committee considered a report and presentation, set out at Agenda pages 11 to 44, relating to progress on the Waste Collection Changes Project.

Ian Shenton, Executive Member for Environment, Sport and Leisure, attended the meeting to present the report supported by officers from the Place & Growth department and the Communication, Engagement and Marketing team. It was noted that a detailed briefing had also been provided for each political group on the Council.

The report stated that the Council was currently implementing the Waste Collection Changes project which was approaching its operational/delivery phase. From the summer of 2024, most households would be putting waste out in 180 litre black wheeled bins which would be emptied every fortnight. It was noted that around 700 properties with limited access would continue with the existing waste collection arrangements, i.e. blue bags.

Online communications had been provided for residents from October 2023 as the first part of a staged campaign. Detailed project briefings had also been provided for Members. Successful implementation of the project would reduce waste and deliver savings against the difficult financial challenges facing the Council. The waste collection changes were expected to boost the Borough's recycling rates from 54% to 64%. This would move the Council towards the top ten performers in the country.

The supporting presentation provided details on issues such as the aims of the waste collection service, types of container, presentation of waste containers, garden waste,

bulky waste collections, clinical waste, missed collections and assisted collections. It also gave details of the project governance arrangements including the monthly Member Engagement Programme Board.

Following the presentation, Members raised the following points and questions.

In identifying the properties continuing with blue bags due to limited access, how were these properties identified? It was confirmed that a Borough-wide property survey had been carried out in addition to conversations with refuse crews and elected Members.

Would service KPIs be amended to reflect the aims of the project and the new service? It was confirmed that KPIs were being reviewed in light of the project goals which were set out in the presentation – reduction in landfill tonnages; Carbon saving of 2,400t CO<sub>2</sub>; increased recycling rate from 54% to 64%; circa £1m revenue savings per annum. Future reports could include KPIs and an update on project outcomes. It was noted that the Council's Climate Emergency Action Plan included a recycling target of 70%. This was seen as a "stretching" target.

Sainsbury's had removed its glass recycling bins. Would other facilities across the Borough be removed as well? It was confirmed that the Government had recently released a Simpler Recycling policy which required all councils to collect glass, metal, plastic, paper and card, food waste and garden waste by March 2026. The implications of this Government directive were being worked through with key partners including Veolia, re3 and the relevant professional bodies. It was noted that the current waste contract also ended in 2026.

In relation to the early stages of communication with residents about the changes, what feedback had been received to date? It was confirmed that some feedback had been received via social media and the Member workshops. Any feedback would be used to inform the project as it moved towards the operational stage, for example through the addition of new points on the Q&A pages. Any additional feedback from Members was welcomed. In relation to properties not moving to wheeled bins, each household would receive a letter explaining the situation.

In relation to fly tipping and example was given of people using litter bins to dispose of excess waste. It was important to tackle the causes of fly tipping as well as enforcement. It was confirmed that officers would look at this issue. It was also noted that a Scrutiny Task & Finish Group was being established to look at the provision and operation of litter bins across the Borough.

Would the service changes include consideration of a move to electric vehicles? It was confirmed that there was no Government directive to move to electric waste vehicles. This would be a cost-benefit consideration as part of the new contract procurement process.

In relation to the projected Revenue saving of £1m, what factors contributed to this saving? It was confirmed that the saving estimate had been the subject of external validation. The saving would be generated through a reduction in crews, vehicles, fuel and reduced levels of landfill. Work was ongoing with Veolia and re3 on the delivery of savings through the new arrangements.

In relation to lost, damaged or stolen bins, who was responsible for paying for any replacement bins? It was confirmed that the home owner was responsible for payment for

a replacement bin. In relation to residents moving into a property, the bin should have been left behind by the previous occupants. If not, the new occupants were responsible for the purchase of a new bin. The cost of a replacement bin would be £40 with delivery within 15 working days.

There was concern about the closing off of comments on the Council's Facebook page. It was confirmed that staff resource was an issue, e.g. one post could generate hundreds of comments. In the meantime, the Waste and Recycling Newsletter, containing the latest updates, was published every two weeks.

Was there potential for a "super recycler" scheme for residents who did not require a wheeled bin? It was confirmed that the plan was for a bin to be delivered to every property with the exception of limited access properties. However, officers would look at the potential for recognising super recyclers. If residents wished to share a bin with neighbours, officers would look at the collection of redundant bins.

Were residents required to put plastic bags inside the wheeled bin to hold the waste? It was confirmed that the use of plastic bags was not compulsory. Residents had the discretion to purchase their own plastic bags.

In relation to the "No Thank You" items on page 19 of the Agenda, what was the arrangement for used batteries? It was becoming more difficult to recycle batteries in local shops. It was confirmed that batteries could be recycled at the Shute End offices and other locations indicated on the Council website. Increased use of libraries for recycling of batteries would also be considered. It was also intended to carry out a trial for the recycling of soft plastics during 2024.

**RESOLVED** That:

- 1) Ian Shenton and the supporting officers be thanked for attending the meeting to brief the Committee and answer Member questions;
- 2) the presentation and update on progress relating to the Waste Collection Changes project be noted;
- 3) Member comments and questions on the project be fed back to the relevant project groups for further consideration;
- 4) the Executive Member and Director review the service KPI's to reflect the project goals and outcomes, with a report back to the Committee in due course;
- 5) the Committee receive a further update report in early summer 2024, prior to the implementation of the proposed service changes;
- 6) Member briefing sessions on the service changes be arranged following the May 2024 elections.

**51. UNREASONABLY PERSISTENT COMPLAINANTS POLICY**

The Committee considered a report, set out at Agenda pages 45 to 56, which gave details of an updated Unreasonably Persistent Complainants Policy.

Sarah Kerr, Executive Member for Climate Emergency and Resident Services, supported by officers, attended the meeting to present the report and answer Member questions.

The report stated that the Unreasonably Persistent Complainants Policy (UPCP) had been updated to reflect the Council's approach to people who complain in an unreasonable or persistent manner about a particular topic. The policy should be considered in conjunction with the Council's Corporate Complaints Policy which set out the process for making a complaint. Use of the UPCP was very rare and, currently, there were no residents falling within its remit.

The report stated that the updated UPCP set out a clear and transparent process for officers to follow and the circumstances when the policy should be applied. The aim was not to deter complainants. It was to arrive at a satisfactory resolution and to provide clear guidance on what complainants could expect and the decision making process. The policy was consistent with best practice advice from the Local Government and Social Care Ombudsman.

In the ensuing discussion, Members raised the following points and questions.

It was noted that the updated policy complied with the principles of plain English. It would have been useful for track changes to have been used so that Members could see the updates to the previous policy.

The earlier Member question from Councillor Gary Cowan suggested that a formal right of appeal should be available to residents who came under the UPCP. Could this suggestion be considered? It was confirmed that officers would review the potential for an appeals process as suggested by Councillor Cowan.

If a complainant was moving towards "persistent" status, what checks and balances were in place to ensure that officers were acting in line with the policy? It was confirmed that corporate complaints officers were embedded within service areas with the aim of sharing best practice. Any move to the UPCP would be referred to the relevant head of service for consideration. If Members had been involved in the complaint, they would be made aware of the steps being taken. It was not felt appropriate for Members to be involved in the decision making on the application of the UPCP.

**RESOLVED** That:

- 1) Sarah Kerr and the supporting officers be thanked for attending the meeting to present the report and answer Member questions;
- 2) Member comments and questions be fed into the development of the Unreasonably Persistent Complainants Policy;
- 3) the Committee receive feedback on any further changes to the policy prior to its submission to the Executive.

**52. COUNCIL MOTIONS**

The Committee considered a report, set out at Agenda pages 57 to 76, which gave details of progress against Council Motions agreed over the past three years.

The report included a list of Motions approved by Council (Annex A), the full wording of each Motion (Annex B) and a summary of actions taken to implement the Motions. The Committee had requested an annual update on progress against Motions as, previously, there had been no feedback loop to inform Members about the actions taken.

In the ensuing discussion, Members raised the following points and questions.

Once fully updated, the schedule setting out progress against each Motion should be circulated to all Members.

The annual update report should set out which Motions had been fully implemented and, as a result, been removed from the schedule.

Motion 500 – progress against requests for pedestrian crossings and traffic calming, etc. made through petitions was not yet included in the published schedule. This should be addressed in order to comply with the Motion.

Motion 502 – Borough of Sanctuary – clarify the wording in relation to refugees versus migrants and update progress on achieving Borough of Sanctuary status.

Clarify the process to be followed if the sponsoring Member is not happy with progress, or lack of progress, relating to the Motion.

Officers be requested to review the process for searching the Council website for items relating to the decision making process.

**RESOLVED** That:

- 1) the annual update on progress against Council Motions be noted;
- 2) the schedule setting out progress against Motions be updated to reflect Member comments and questions raised at the meeting;
- 3) once updated, the relevant schedule be circulated to all Members;
- 4) officers consider the process for sponsoring Members to be updated on progress against the relevant Motion.

### **53. EXECUTIVE AND IEMD FORWARD PROGRAMMES**

The Committee considered a copy of the Executive and IEMD Forward Programmes, as set out on Agenda pages 77 to 86.

**RESOLVED:** That the Executive and IEMD Forward Programmes be noted.

### **54. O&S COMMITTEE WORK PROGRAMMES**

The Committee considered its forward work programme and that of the Overview and Scrutiny Committees as set out on Agenda pages 87 to 102.

New Council Constitution – it was suggested that the relevant Overview and Scrutiny section of the new Council Constitution be considered by the Committee in 2024.

**RESOLVED:** That the Overview and Scrutiny Committee work programmes be noted.

**55. ACTION TRACKER**

The Committee considered the regular Action Tracker report, set out at Agenda pages 103 to 106.

**RESOLVED:** That the Action Tracker report be noted.

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