

Pre-Scrutiny questions and answers on reports being considered on the Overview & Scrutiny Agenda 7 March 2023

7. Waste Enforcement Update

(Report author(s): Zoe Court – Contract Services Manager)

Question(s) from Councillor Milton:

Would you be able to outline for the committee what the main learning are from the data and how these are directing future strategy?

Would you also be able to clarify for members what our legal responsibilities are as a council when it comes to waste enforcement?

Response:

The data is showing that there is an increase in reports of household waste being dumped on the highway, this is mainly happening in Leamington town centre, which is diligently being reported by residents living in these areas. The priorities of the new post will be work with residents in Leamington town centre to address the current waste related issues (bins stored on the highway, waste presented on the wrong day etc) with the Area Contract Officer.

My team and I are about to start work on drafting a Waste Education Strategy, this will guide the work of the team, and will include raising awareness to all residents of their responsibilities in relation to their waste. It will include the relevant enforcement action we will take if engagement/education fails – this will include issuing fixed penalty notices – we will be following the Councils Enforcement Policy, which is already in place. Once drafted I will share with Cllrs.

Councils have legal duty to collect waste, ensure public land is clean and litter free.

8. Development Management and Enforcement Performance Update

(Report author(s): Gary Fisher – Development Manager)

Question(s) from Councillor R Dickson:

Thanks for this report. Residents will be pleased to note the huge improvement in processing applications and reducing the enforcement backlog and the team is to be congratulated on actions taken to reduce the risk of being put in Special Measures.

Staffing continues clearly to be a challenge (paragraph 1.22) and it's known that in the past month one of the team's planning officers has left. If the challenge is met as planned, and in the absence of central government allowing for fee increases, to what extent will the £300k pa deficit (paragraph 4.2) increase further? Are other Councils in the sub-region suffering from similar deficits and how are they responding? If the scope for use of delegated powers is increased, to what extent would this help?

Response:

We have got training booked in for all Councillors on EDI this side of the election on which feedback will be requested to help enhance the same session for the new Council. The date of the new Council has not been set yet for reasons that you will see in the papers to A&S Cttee in February.

I will check as I believe there have been a number of EDI courses for Councillors in the last four years as well as other opportunities to explore equalities matters.

Yes, the improved performance is certainly very good news indeed.

In terms of the deficit, it's difficult to be prescriptive about what might happen in the future, however if the planned fee increase happens (which the general consensus seems to be that it will), that could have a very significant impact on the deficit potentially removing it.

I would imagine that other Councils are in a similar position, however that's not something that I'd be able to verify.

As you suggest recruitment and retention remains a very significant issue for us which is in no uncertain terms linked to the shortage of experienced planners in the market but also linked to the remuneration that we're able to offer.

As you might be aware, all staff will be receiving an additional 2 increments over the next 2 years which will certainly help in that regard.

Finally, on the issue of delegated decisions, the vast majority of applications are already determined under delegated powers and so I don't think that revisions in that regard would have a significant effect.

Question(s) from Councillor Syson:

Question 1.

I see in 1.24 (ii) that you have " A recruitment and retention strategy including the increased use of market supplements where appropriate."

Please could you just elaborate on "the increased use of market supplements where appropriate" eg are these simply an increase in the salary one would otherwise offer, roughly how much more, and given the recruitment situation are they now always deemed appropriate?

Question 2. Please would you remind me on the cost of enforcement action - do we ever manage to recover some of the costs?

Response:

Yes, a market supplement is effectively an increase in salary, usually for an initial period of 2 years. In the circumstances where the market is such that recruiting to specific roles (or indeed retaining staff within specific roles) has become more challenging, for example due to the higher salaries offered by competitors, the application of a market supplement seeks to move towards redressing that balance.

We have recently applied a market supplement to the Principal Planning Officer role for the above reasons which amounted to an uplift of approximately £2,000 relative to the starting position. Market Forces Supplements are not always deemed appropriate, however we are also keeping under review the need to apply such a market supplement to other roles within the team.

Market Supplements that are in place are reviewed every 2 years or so, to consider whether the market has changed in a way that might require us to reconsider the supplement.

The cost of enforcement action varies significantly depending on the nature and complexity of the case and so its difficult to generalise in that regard.

In general terms, it's not usually possible to recover that cost. However, in certain appeal situations, for example where there is an appeal against the service of an Enforcement Notice, if the Inspector considers that the appellant has behaved unreasonably in the conduct of the appeal, it would be open to the Council to seek to claim our costs back – the Inspector

then decides whether that is appropriate in the particular circumstances. I would assure you that in the small number of cases where it would be appropriate for us to do so, we would always make that claim – sometimes successfully, sometimes not.

There are also opportunities under the Proceeds of Crime Act for Local Planning Authorities to claim a proportion of the income generated through criminal activities where there is a successful prosecution under planning legislation relating to a breach of planning control. Such cases are relatively few and far between, however some Councils do successfully use this provision. One of the intentions of the 2 new posts that we're proposing to create is to provide the capacity to enable us to explore this further.

9. Annual Update of the Destination Management Organisation – Shakespeare's England

(Report author(s): Martin O'Neill – Business Manager Projects and Economic Development)

Question(s) from Councillor R Dickson:

Thanks for this detailed report. Welcoming visitors to our District is obviously vital to the local economy and we have many assets - and not just heritage ones - that should enable South Warwickshire to be a destination of choice. However, the sector is clearly in a state of flux as it seeks to recover from Covid.

What action across the District is WDC planning with SE to exploit the opportunity provided by the forthcoming English Tourism Week (18th - 27th March)?

Response from Helen Peters, Chief Executive, Shakespeare's England:

I hope you will excuse the collective response, but I have received separate emails from you asking about ETW so seemed sensible to send one response.

Yet again we have had a really positive response from our local MPs when we reached out to them to ask for their support resulting in the fact that we will be doing the following

Friday 17th March

Mark Pawsey MP at **Rugby School** to promote the Rugby bi-centenary, this will be a fun and interactive session with a competition element to it between the First Team Captains of both the Girls and Boys rugby Teams, Darren from SE and Mark Pawsey

Later that day we will be escorting Matt Western MP on a 'hard hat' tour of **Lord Leycester Hospital** to look at how the renovations are coming along, discussing their 're-opening' in September with the Dudley Trail and will also be referencing the Beer Festival taking place on the Lord Leycester site on 24/ 25 Feb

Friday 24th March

Jeremy Wright will be joining us. The intention is to engage with the **Kenilworth Trails** as this years theme is 'Value' so as a free to engage in activity open to local residents and visitors alike it seemed the perfect vehicle. This will also take in **North Mere Cottages and Grounds Farm** to highlight their sustainability credentials, what they have been doing to protect local wildlife habitats around the farm and general farm diversification. We are just awaiting final sign off of the itinerary from Mr Wright's office. We had hoped to incorporate the Abbey museum but received the following response so this is not possible

The Kenilworth Abbey Museum is run by members of the Kenilworth History & Archaeology Society and is only open from Easter Sunday until the end of September each year. Our public opening times are Sunday and Bank Holiday Monday afternoons and also the Saturdays of Heritage Open Days from 2.30 to 4.30 pm.

.....There is no heating and it is very very cold during the winter months. It is therefore necessary for us to remove some of our more vulnerable artefacts into special storage boxes, and some items are removed from the building altogether, during the closed period. Prior to opening at Easter the interior of the building will undergo a thorough clean At the moment it is intended that this work will be undertaken on the 27th and 28th March, however we are still waiting for some work to be done re the lighting system by Warwick District Council. We are dependent upon this work taking place before we can open.

All the above will include Press releases to accompany the event, a photo call and accompanying social media.

- Later this week we will be publishing an ETW page on the SE website to promote all activities our members are undertaking during the week and any offers available to locals.
- All SE Members have been sent the VisitEngland produced tool kit for use on their own websites and across SM channels
- SE will be doing posting about ETW during the build up and over the period 17-26 March

- In Stratford we will be highlighting the re-opening of New Place, and Anne Hathaway's Cottage and doing a Press visit around the 400th anniversary of Shakespeare's 1st Folio