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Our Ref: KB

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Date: 13th March 2024

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Dear Sir/Madam,

Finance and Public Services OSP – Thursday 14th March 2024

I refer to agenda item no 3 – Minutes and attach the minutes from the Finance and Public Services OSP meeting held on 25th January 2024.

Yours faithfully,

Brent Davis

Chief Executive

To: All Members of the Finance and
Public Service Overview and Scrutiny
Panel

Councillors D. Brown (Chair), C. Watkins (Vice-Chair),
R. Baxter-Payne, L. Downs, B. Hammersley, S.
Harbison, J. Kennaugh, K. Kondakor, M. Tromans and
Mrs D. Ross.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

**FINANCE AND PUBLIC SERVICES OVERVIEW
AND SCRUTINY PANEL**

25th January 2024

A meeting of the Finance and Public Service Overview and Scrutiny Panel was held on Thursday, 25th January 2024 in the Council Chamber, Town Hall Nuneaton. The meeting was recorded for publication on the Council's website.

Present

Councillors D. Brown (Chair)
Councillors C. Watkins (Vice - Chair)

Councillors: R. Baxter-Payne, B. Hammersley, S. Harbison, K. Kondakor, M. Tromans, and Mrs D. Ross.

Apologies: J. Kennaugh and L. Downs

PART I – PUBLIC BUSINESS

FPS23 Minutes

The minutes of the meeting of the Finance and Public Service Overview and Scrutiny Panel held on 16th November 2023 were submitted for approval.

RESOLVED that the minutes of the meeting held on 16th November 2023 be confirmed and signed by the Chair.

FPS24 Declarations of Interest

RESOLVED that the declarations of interest are as set out in the Schedule attached to these minutes.

FPS25 Questions to Cabinet

Councillor S. Markham (Portfolio Holder for Public Services) was in attendance to answer questions from members of the Panel. Councillor S. Croft (Portfolio Holder for Finance and Corporate) submitted his apologies for the meeting.

Councillor K. Kondakor asked the Portfolio Holder for Finance and Corporate a question:

The 2022/23 accounts aren't open for inspection because the 2021/22 accounts haven't been signed off by the auditors. Can I ask Councillor Croft what the issues are with the 2021/22 accounts which is why the auditors aren't currently signing him off and how long he expects that problem to remain.

The question be forwarded to Cllr Croft for response.

Councillor Kondakor asked a question for the Portfolio Holder for Public Services:

Now about ten days ago DEFRA put out a press release listing lots of things about fly tipping and it mentioned that NBBC Council was the fifth best in the country for issuing fixed penalty notices for fly tipping. This clearly caused some interest in the press and was clearly actually wrong. We do, actually, do very well, it's not like we don't issue lots of tickets but we're nowhere near fifth best in the country or best in the region. The officers sent me the data. The year before we issued 52 fixed penalty notices for fly tipping. This year DEFRA said we issued 1,713 an astronomical unbelievable rise and there was only 1,870 fly tipping reported so our FPN rate was a ridiculous 91% which I did not believe.

On Investigation only 299 fly tips were actually investigated so if this DEFRA press release was correct we issued five and a half fixed penalty notices every time they investigated one fly tip, you don't issue five tickets for every investigation because some investigations don't find anything. The council put a press release out, the council appeared on the (I think Councillor Markham appeared) radio and it's clear that the mistake has been made by the council or their contractors.

It turned out their contractors provided the data for litter FPN's which is 1610 and filed them as fly tipping, when they got put into the DEFRA system this made us accidentally one of the best in the country and it's clearly a total mistake.

I accept mistakes have happened but the council's refusing to withdraw its press release and refusing to tell DEFRA it provided them with bogus information on fly tipping FPN's. I understand all the issues and I don't want to put people off reporting fly tipping but will Councillor Markham ask for this press release to be withdrawn and modified to one that is actually more accurate to what's happened.

The Portfolio Holder for Public Services responded:

I'm not going to dispute the figures at this stage because we have spoken to DEFRA, we have spoken to the people that actually supplied our partners that actually supplied the information and the figures are currently being reviewed by both us and DEFRA to see if there is a problem and what the problem is. Unfortunately this is a manual task so I can't give you a timetable for me to be able to give you that the proper information so we're waiting for DEFRA to come back to us and like you say the information was actually supplied to DEFRA by our enforcement partners it wasn't actually us that supplied that information to them, that's how they've interpreted it and at the moment that's what it looks like. If that's how they've interpreted it, that's how they've interpreted it for everybody that's put their figures in. Whichever way you look at it we have actually issued like you say 1,712 fixed penalty notice over the last year in itself and that's a great achievement by our enforcement staff and huge congratulations should go out to them I mean we're doing what the residents want in trying to keep our borough clean, free of litter, it's a battle, but we're getting there.

If you look at figures that you've quoted different figures they're actually on the DEFRA site because I have them here and it actually says fixed penalty notice

is issued specifically for flytipping in Nuneaton and Bedworth this year is 38 not the amount you said but then it says littering fixed penalty notice issued in conjunction with fly tipping is 1620 and then there's a couple of others and it all adds up to 1712 so until we actually get the figures back and after they've done their investigations at DEFRA and us then we're not going to put anything out until we know that they're definitely wrong, if they're definitely not right then we will be putting something out, but at the moment DEFRA have not confirmed with us that they're the wrong figures.

Councillor K. Kondakor asked a supplementary question:

I would go through the all the littering ones but we know the figures submitted to DEFRA are impossible you cannot catch 1,620 people out of 299 investigations so we know the figures are wrong. What I've asked is not for you to totally remove all information but just take the press release down until you get the proper answer. The reply from officers was that, the new figures will be supplied by the time they had to submit next year's return. I don't want this problem to be not fixed for a year, so the figures are clearly wrong. I hope you accept the figures are wrong. I'm perfectly fine for you to take some time to get the right figures but please take down the misleading press release which is being used for political mischief. If the officers are refusing to correct the figures that's putting them in a difficult position if they're saying we're the best in the region and it's also upsetting the other councils in Coventry and Warwickshire and the wider West Midlands with Nuneaton and Bedworth Borough Council are claiming to be the best when in fact it's probably 60th in the country, it's top quarter, but it's nowhere near the best. So can we please remove stuff until we get it fixed thank you

Councillor S. Markham responded as follows

It's just 1712 issued fixed penalty notices is not incorrect that is a true figure it might not be for all for fly tipping but it is a true figure for the amount of fixed penalties that we've actually issued but as I say we are looking into it and as soon as we've got the result through we'll we will remove things and update as necessary.

Councillor C. Watkins asked the following question to the Portfolio Holder for Public Services

I was also contacted by the news about this press release and fortunately for you I was unavailable I was at work.

I think this also shows the importance of reporting fly tipping through the correct channels. Now if I've ever tried to report fly tipping through the members enquiry form they've always come back to me and tell me that I've got to report it through the members enquiry form but through the fly tipping, and then that way it gets registered with DEFRA so I think there's a lesson to be learned there. You're right that people in the Borough do want a cleaner Borough and they want us to report fly tipping but 1700 fly tipping is misleading.

I have to agree with Councillor Kondakor that we couldn't have done that, we couldn't have had 1,700 fixed penalty notices and also can you confirm, you don't have to confirm it now, but when they were talking to me from the reporter they said if we have reported things like cigarette butts/litter in town

things like as fixed penalty notice through DEFRA then that would be something that would need to be looked at legally so can you (you don't have to come back to me on that now) but would that be an offense if we had misled people illegal through the DEFRA site so if you could come back to me on them points please.

Councillor Kondakor asked a question for the Portfolio Holder for Public Services:

Yes on the press release it said councils must not put fixed penalty notices for littering only into the fly tipping system, it said that on the press release so that is not an item for dispute.

My other two questions on the Civic Hall I understand we still haven't signed the lease agreement with the CIC or whatever they're called today. I hope that's going to happen before we get to budget setting if Councillor Markham could give us an update on how that sort of getting all the dots crossed dots teed or whatever they're called because I am concerned it's dragged on.

The Portfolio Holder for Public Services responded as follows:

This isn't actually in my portfolio anymore, it's actually moved out of my portfolio, but they have got till the 29th I believe of this month to sign. You are right they have not signed as yet so they've still got time to do that. They were given a letter to say that they'd got it, they'd won the bid itself but we are waiting for them to sign the lease it's not us dragging our feet.

Councillor Kondakor asked a question for the Portfolio Holder for Public Services:

The Bedworth Physical Activity Hub, obviously it's going out to tendering and my understanding is that BAM are going to build it, but they need to tender all the supplies. Have we a Plan B ready if that comes out too expensive because we've had lots of inflation so where are we on finding the price out and finding out if we can afford it?

Councillor S. Markham responded as follows:

It doesn't go to planning until next week. I think it's next week, maybe the week after or early next month and after it's gone to planning it continues with RIBA stage four and that's when we'll be going to BAM so we haven't got that far yet.

Councillor Kondakor asked a supplementary question:

The price, when we actually go to budget meeting, is that we won't know when we try and set a budget for 2024/25 how much the physical activity centre will cost?

Councillor S. Markham responded as follows:

We are waiting for information to come back to us, they have been asked but that they haven't come back to us as yet but we should know before budget setting.

FPS26 Integrated Performance Report 2023/24 Q2

A report of the Risk Management and Performance Officer. The Panel were presented with a report which seeks to provide appropriate performance measures, budget information and risk data for service areas within the scope of the Panel.

The following points were raised:

- In respect of recycling the panel does not receive as much rich data that Warwickshire County Council provide to examine our progress comparatively to other councils.
- Staffing issues need to be raised up the profile of the risk register due to the turnover and loss of key staff.
- A break down of the member enquiry requests into different types would be useful to the panel.

RESOLVED that

a) the report be noted; and

b) a breakdown of the Member Enquiry requests into different types be detailed in future performance reports.

FPS27 Forward Plan

The Forward Plan showing the key decisions that will be made in the four months commencing 1st February 2024, was provided to the Panel for information.

RESOLVED that the Forward Plan be noted.

FPS28 Draft Work Programme 2023/24

The Draft Work Programme for the Finance and Public Service Overview and Scrutiny Panel was submitted for approval.

RESOLVED that the work programme be noted.

FPS29 Exclusion of Public and Press

RESOLVED that under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraphs 3 of Part I of Schedule 12A to the Act.

PART 2 – PRIVATE BUSINESS

FPS30 **Everyone Active Leisure Contract Report 2022 to 2023**

A presentation from a representative of Everyone Active was given to the panel to update on the year's challenges and progressions.

RESOLVED that contents of the presentation and the report be noted

Chair

Finance and Public Services Overview and Scrutiny Panel - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	R. Baxter-Payne	Employed by Vinci Construction Major Projects UK Ltd (VCMP UK Ltd); County Councillor - WCC	Spouse: Self-employed childminder Member of the following Outside Bodies: <ul style="list-style-type: none"> • West Midlands Combined Audit, Risk and Assurance Committee • Warwickshire Adult Social Care and Health Overview and Scrutiny Committee (substitute) 	
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Exhall Education Foundation (Council appointment). 	
	L. Downs	River Bars Limited; Coventry Plus Beyond the Plane Little Caesars Donuts Limited NBBC Council Contract for market pitch	Member on the following Outside Body: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	B. Hammersley	County Councillor – W.C.C.	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	S. Harbison	Self Employed	Member of Conservative and Unionist Party. Member on the following Outside Bodies: <ul style="list-style-type: none"> • Astley Charity 	
	J. Kennaugh	County Councillor W.C.C. Employed by FedEx Express UK Ltd	Member of the W.C.C. Regulatory Committee Member of the Conservative Party Member of UNITE the Union Member on the following Outside Bodies: <ul style="list-style-type: none"> • EQUIP 	
	K.A. Kondakor	Electronic and Embedded Software Design Engineer (self-employed)	Unpaid Director of 100% Renewables UK Ltd Green Party (E&W)	
	M. Tromans	Warwickshire County Councillor (Galley Common) Share in a rental property in Hydes Pastures, Nuneaton	Member of WI Member of the Conservative Party	
	C.M. Watkins	Employee of Nutri Pack	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) 	