

Minutes of a Meeting of the Scrutiny Committee - Communities held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Wednesday, 22 January 2025 at 10.00 am

Present:

Cllr Gwil Wren (Chair)
Cllr Dawn Johnson (Vice-Chair)

Cllr Suria Aujla	Cllr Simon Coles
Cllr Susannah Hart	Cllr Andy Kendall
Cllr Marcus Kravis	Cllr Kathy Pearce
Cllr Hazel Prior-Sankey	Cllr Wes Read
Cllr Henry Hobhouse	

In attendance:

Cllr Sarah Wakefield

Other Members present remotely:

Cllr Andy Dingwall	Cllr Christine Lawrence
Cllr Heather Shearer	Cllr Federica Smith-Roberts

83 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Pauline Ham, Councillor Tom Power and Councillor Lance Duddridge

84 Minutes from the Previous Meeting - 11 December 2024 - Agenda Item 2

Resolved that the minutes of the Scrutiny Committee – Communities held on 11 December 2024 be confirmed as a correct record.

85 Declarations of Interest - Agenda Item 3

No additional interest, new or updated declarations of interest were made at the meeting.

86 Work Programme - Agenda Item 5

The Chair reported a few of the committee had a successful visit to the Bridgwater CCTV office recently, this was very useful and the members were impressed. Jennie Murphy can be contacted to arrange for other members to visit if they wish.

Members had nothing to add to the work programme but if further requests please contact The Chair or Jennie Murphy.

87 Public Question Time - Agenda Item 4

Mr and Mrs Orr both attended and asked their questions ahead of Agenda Item 8 :

Mr Orr described his frustration with the council's handling of planning and complaint processes. He highlighted a controversial planning decision in Taunton South that allowed 315 houses to be built within the Vivary Green Wedge, degrading this green space. Promises of a new primary school helped secure approval, but later, the land was repurposed for a care home without proper consultation or planning for the displaced schoolchildren. Mr Orr had escalated his concerns through various channels but received inadequate responses, leading to a prolonged unresolved complaint. Mr Orr questioned the effectiveness of the council's complaint system and accountability, expressing concern that the public may become disillusioned and stop raising complaints.

Cllr Frederica Smith-Roberts, Lead Member of Communities, Housing Revenue Account, Culture and Equalities and Diversity responded. She is not in a position to comment on the subject of the complaint which will be dealt with outside of the meeting. She apologised for the time taken to respond to the stage 1 answer and understood this would now be escalated to stage 2. She will be raising the issue with the relevant lead member but is aware of the workloads issues in that department.

Cllr Wren and Cllr Coles declared that they had sat on the Taunton Deane planning committee where the decision regarding building the houses was made.

Mrs Orr, a retired secondary teacher, requested a governance review to address deficiencies in the "Unreasonable Customer" policy. She felt that the policy is applied by officers without democratic oversight, which can lead to abuses of power. She suggests that Executive Councillors should approve any unreasonable customer designations before they are applied. She also believes that citizens accused of misconduct should have the same right of appeal as employees. Mrs Orr raises concerns about the potential misuse of the policy to deter engaged citizens and calls for individuals to have the right to see evidence against them and what has been written about their alleged behaviours. She requested assurances that the democratic and natural justice deficiencies in the current "Unreasonable Customer" policy will be fully addressed without further delay.

Cllr Frederica Smith-Roberts responded:

For clarity – the unreasonable customer referred to in the question is defined in our policies as unreasonable customers behaviour. Customers are not defined as unreasonable or vexatious, it is the behaviour that is being referenced within that policy and that policy will be brought back for review later this year for this committee to consider. If a customer's behaviour is said to be unreasonable then they are not stopped with interacting with the council, simply given clearly defined routes as to how they interact.

Rebecca Martin - Strategic Manager – Customer Insight, Experience & Standards responded to the question –

The "Unreasonable Customer Behaviour Policy" is not decided by a single officer but involves a multi-step process:

1. A manager from the affected service requests the policy's use, providing details about the behaviour, impacts, and any actions taken.
2. The Customer Experience Manager reviews the request, discusses it with the requesting manager, and agrees on next steps.
3. Decisions are made by two managers, and customers have the right to appeal to a third, more senior officer.

The policy needs to be reactive and quick to protect staff and manage challenging behaviour effectively. The policy focuses on customer behaviour, not character, and does not revoke legal or democratic rights. It ensures services are accessed without undue burden on the council and protects staff from extreme behaviour.

The policy is under review, with no current intention to change the decision-making process, but transparency and oversight will be improved by including anonymised summaries of decisions in annual reports.

Rebecca Martin confirmed that the Difficult Customers Policy will be reviewed and come before this committee for further discussion.

88 Budget Monitoring Report - Month 7 - Agenda Item 6

Christian Evans, Head of Finance Business Partnering gave a presentation on the Communities Revenue Budget It is an opportunity for Members to feed back to Executive and if there were any further actions Members would wish to be included. Christian reminded members that regarding the overall council budget some of the underspend is unused contingency and that in the last financial year reserves were used to balance the budget. The underspend will therefore just reduce the amount of reserves required to balance the budget.

Specifically relating to the community services budget - Housing, Customer Services and Cultural Services currently forecast to be on budget. Leisure contracts continue to be predicting an underspend.

During the discussion, the following points were raised and responded to: -

- Chris Hall explained that the duplicate entries are due to the merging of the five legacy district councils. Understanding all the budgets has taken time, and there is still work to be done. They aim to address these issues in the current budget process, and if not resolved this year, they will be considered in the 2025/26 budget process.
- Members appreciated the level of detail provided in the Appendix. It was highlighted that the pressures on temporary accommodation tables shows different date lines – one calendar year and one financial year finance team will look to correct this.
- Members requested some trend data as this would be useful as a comparison and the finance team will work with the service to see what can be produced.

- Clarification was provided regarding some of the risks showing as red – occasionally government grants has been provided for a specific area however this money is held in a separate earmarked reserve, a few other areas of overspending are being offset within the budget and some of these have proved difficult for Service Directors to control, for example it is not possible to control the number of autopsies undertaken by the Coroners Services.
- It was noted that overall, we are achieving an underspend against the budget which was allocated to the Communities Directorate.
- Members were reminded this MTFP saving relating to visitor centres came through quite late in the budget setting process and that the Leisure Services budget underspend was as a result of the budget for the contracts being too high.
- Explanation was provided regarding the Street cleaning underspend relating to additional works that were being asked of one of the previous district councils and the street cleaning contract, those additional works have now been cancelled.
- Some savings are starting to now show following devolution to Bridgwater Town Council, however it was always going to be difficult to estimate the true saving.
- Chris Hall agreed to have a conversation with Finance Colleague to see if the MTFP report could be made clearer.

89 Environmental Health - Agenda Item 7

Sarah Dowdon – Service Director Regulatory and Operations shared the presentation.

- Sarah highlighted the various responsibilities of the team including – food safety, public health funerals, private sector housing, dog control, Licensing. She highlighted several issues relating to –
 - the food hygiene inspections,
 - Renters Rights Bill and associated work but only small amount of funding available.
 - Increase in abandoned vehicles.
- Currently her team are working with information and policies and procedures from five legacy councils which needs combining to one system and one team approach.
- Higher demand in stray dog service and the public health funeral work
- There have been recruitment issues finding qualified officers.
- Given the transformation within the council, it is important there is the resource to undertake service transformation. The team are already looking at mobile solutions - moving processes online for customers and greater use of co-pilot.
- There are different workloads across the county regarding number of food inspections so this needs to be considered.
- Although not a big reduction in staff, the biggest pressure is at management level. So teams will change to having one overall manager for each of the teams with those managers will be supporting more staff with assistance of additional managers supporting at lower grades.

During the discussion, the following points were raised and responded to: -

- 250% increase in complaints regarding abandoned vehicle complaints – it was acknowledged that this was a particular issue in Glastonbury and not always clear who has responsibility. Issue with cars parked and left near train stations and airports which must be dealt with through the usual complaint routes. Team is still learning where the hotspots are. Cllr Wakefield confirmed that there was a difference between abandoned vehicles and those people who were having to live in vans who do not have other accommodation, the team is particularly aware of the issue in the Glastonbury area. It was not felt possible to delegate the responsibility to town/parish councils.
- It is not possible yet to share the details of team members and their responsibilities. More clarification available after 4 February regarding the roles just no details yet of who is filling each position.
- Further to a question regarding the definition of a stray dog – this is one which roams the streets and is collected by a member of the public or the police we have duty to hold it for a period to see if the owner comes forward. It was confirmed dangerous dog issues would be a matter for the police although there can be an overlap with our services. Chris Hall provided some further information regarding Stray Dog regulations: [The Environmental Protection \(Stray Dogs\) Regulations 1992](#)
- Abandoned vehicles on private land:
 - its within the Council's power to remove them rather than our duty
 - vehicles are either crossed or sold depending on the price of scrap metal or the market for second hand vehicles at the time.
 - Abandoned caravans are a separate issue relating to specific areas which will be addressed separately outside of this meeting between the Chair and officers.

Chris Hall provided some further information for members regarding responsibilities: Abandoned vehicles (no one is claiming ownership) - Council [Abandoned vehicles: local authority responsibilities - GOV.UK](#)

Uninsured / untaxed vehicle and in use – Police [Report an untaxed vehicle - GOV.UK](#)

Vehicle with an owner but untaxed on the highway – this would be responsibility of the DVLA

- Concern from members regarding loss of knowledge from staff leaving the team and will there be sufficient resource in the future. Glastonbury was highlighted as an example of where we have had a few years to prepare for that event and same rules apply which helps. It was highlighted that the managers now managing bigger teams will need extra support.
- Regarding the food hygiene certificates confirmation that the 28 days starts from the date of registration and unfortunately some businesses are still not ready to open within that timescale.

90 Complaints policy and Annual Customer Feedback reports - Agenda Item 8

Rebecca Martin - Strategic Manager – Customer Insight, Experience & Standards

explained the report looks at the implications around the first year of unitary operation and overview of the changes made to the policy. She highlighted the following:

- The majority of complaints are rejected or withdrawn due to the misunderstanding of what the council considers to be a complaint, e.g. complaining about a pothole is a request for service rather than a complaint.
- The team has refined the self-service online system to reduce the number of rejected/withdrawn complaints.
- Difficult to compare data between old district council and the council as complaints were logged in different ways however there is an estimated 30% increase in complaints. Her Team are looking to work with services to improve.
- There can be a delay when cases are referred to Ombudsman as they can take a while to resolve cases.
- The high number of SEND complaints reflects the national picture but work is being done on this with the Children's team and also working with the Ombudsman.

During the discussion, the following points were raised and responded to: -

- Concerns raised about the delay in responding to Mr Orr and behaviour of some officers regarding Mr Orr's complaint.
- The Committee Chair felt it was important Members focus on the overall complaints policy rather than on an individual's complaint.
- Concern from members regarding the number of SEND complaints and the service being overwhelmed and concern for the families. Reassurance provided that the service are not aware of the unreasonable customer behaviour policy being used in the SEND cases.
- The report author, Amelia Walker will be contacted and asked to share the improvement plan for SEND.
- Confirmation was provided that each complaint will be considered on an individual basis.
- Members noted that the majority of SEND complaints are upheld and wanting reassurance the children's scrutiny were aware of the issue
- Cllr Heather Shearer, Lead Member for Children, Families and Education spoke to confirm the Children's team are aware of the complaints record but they are working with the government and the ombudsman and aiming to pick up complaints early. The Department are trying to improve what they are doing for the children with SEND and their families and she will check that an update will be going to a Scrutiny Children & Families meeting
- Committee Chair will email chair of Children & Families to ensure this issue is discussed at Children & Families Scrutiny Committee.
- Recent improvements in the Local Government Ombudsman's response times were noted. The high number of upheld cases is attributed to the previous policy of not offering financial remedies unless mandated by the ombudsman, to deter a compensation culture. However, given the changing nature of complaints, particularly regarding SEND complaints, it may be wise to reconsider this approach.
- Chris Hall felt there was not a culture of not responding to the customers however there is a resourcing pressure preventing quick responses while dealing with multiple sets of data which affects response times and then the number of complaints which are escalated.

- Rebecca Martin proposed including in next year's report an overview of the usage of the policy on unreasonable behaviour. This policy is rarely used and only as a last resort, fewer than 10 times a year. This is only done to ensure communication comes through one route then appropriately passed onto correct officer for a response. Members agreed that this would be helpful information to include.
- Rebecca Martin confirmed that the data is produced from a self-service i casework system and most of the complaints arrive directly from customers, occasionally these need to be reallocated to correct teams and may not be logged until escalation, but training takes place to avoid this.
- Members raised concerns about not being informed when complaints are made against them. They requested training on handling such situations and expressed the need for council policies to protect them from complaints. It was confirmed that complaints go through the Standards Committee with the Monitoring Officer, and the unreasonable customer policy could be applied if councillors face public abuse.

Chris Hall shared this link for members information [General advice on handling abuse and intimidation | Local Government Association](#)

- The Committee Chair will consider if its necessary for a reply to come back to this Committee regarding the policy for Complaints about where Members are referred to by name in a complaint and how these complaints are dealt with. Rebecca Martin confirmed that stage 1 complaints are not seen by her team and these are dealt with within the services, however in the training her team provide to Services it would be recommended that Members are contacted if a complaint comes in in which they are named or if its an issue affecting their area.
- Regarding number of regular/serial complainants, if the customer service team notice the same complainant is contacting the same service on a regular basis then the team will raise this with the service however all valid complaints will be treated in the same way.
- Concerns expressed by members if the service was resourced adequately to cope with the number of enquiries.

The Committee discussed the report and resolved to recommend that there should be “Democratic oversight at Executive level at the point a complainant is likely to be restricted on their access to the Council under the ‘Managing Unreasonable Customer Behaviour Policy’.

Proposed by Cllr Hobhouse and Seconded by Cllr Kravis.

91 HRA Performance - Agenda Item 9

Simon Lewis - Head of Housing, Income and Tenancy Management and Ian Candlish - Head of Housing Property attended to present the report.

- They highlighted the recent change to two landlords – Somerset Council and Homes in Sedgemoor. This report shows the combined performance, and the report has been to Executive.
- The areas of concern related to Decent Homes Standard - Gas and Electrical safety certificates and Legionnaires risk assessments and Asbestos

management services The team want both these figures to be 100% so that every home is safe and resource from the team is focused on this.

- 78 % overall satisfaction from customers which is highest rate since this form of reporting started 3 years ago and this compares well with other housing providers.

During the discussion, the following points were raised and responded to: -

- Members queried the legal requirement for 100% Gas and Electrical safety certificates and the number of households without them. Chris Hall explained that regulations mandate electrical tests every 5 years. However, gaining access can be challenging if tenants refuse entry, requiring a legal injunction. Despite owning the properties, legal access is only enforceable through a court-issued injunction, leading to occasional non-compliance. Unfortunately a legal tenancy agreement document does not give legal access to a property.
- Chris Hall confirmed Private Landlords are governed by the same regulations however although a private landlord failing to meet its requirements can be reported to the Council who can attempt to enforce compliance, as a council for our own properties we would report ourselves to a Housing Regulator as appropriate where there are breaches.
- Members felt it was helpful for the report to come to this Scrutiny Committee as it relates to HRA, in addition the overall performance report considered at Corporate and Resources Committee. Members asked to continue to see this report before it being considered at Executive.
- Considering the current financial climate Members were encouraged with the low level of tenant arrears.
- Regarding damp and mold and a request from Members for this to be added as a KPI, Ian Canlish confirmed that six recommendations have been progressed including training of staff to spot damp and mold and knowing the process to follow it through.
- The team will also look at the data regarding complaints and see if the system can be changed to highlight this more easily.
- The issue regarding the quality of the data has been resolved.

(The meeting ended at 12.53 pm)

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CHAIR