

## Executive Committee – 7<sup>th</sup> October 2024 – Public Questions

Annexe A – Public Questions	
Name of person submitting	Question
Daniel Mumby	<p>Following reports on ITV News regarding the future of the Willow Man sculpture near Junction 23 of the M5, can the executive please provide clarity on the following points:</p> <ol style="list-style-type: none"> <li>1. How was the £1m figure for its repair or replacement derived?</li> <li>2. Is the council exploring whether S106 or CIL can be used from either the Gravity site or other developments in the wider Bridgwater area?</li> <li>3. If the impending Dunball roundabout is completed under budget, is there any scope for siphoning that remaining funding off to go towards regenerating the Willow Man?</li> <li>4. Has the £35,000 provided by National Highways to explore the sculpture's future been entirely spent, and if so what was it spent on?</li> </ol> <p>Here's the ITV news link for reference: <a href="https://www.itv.com/news/westcountry/2024-09-26/future-of-m5s-willow-man-in-doubt-as-re-build-cost-could-hit-1m">https://www.itv.com/news/westcountry/2024-09-26/future-of-m5s-willow-man-in-doubt-as-re-build-cost-could-hit-1m</a></p> <p><b>Response from Lead Member for Communities, Housing Revenue Account, Culture and Equalities and Diversity, Councillor Federica Smith-Roberts</b></p>
Full written response	<ol style="list-style-type: none"> <li>1. This is an indicative outline costing provided by the Artist and Fabricator for construction of a new 15m sculpture. It does not include wider costs which may be necessary such as land acquisition, planning and procurement costs etc which might need to be incurred depending on who were to take forward the delivery of a new sculpture.</li> <li>2. We have explored funding options. S106 and CIL funding are generally for infrastructure that is necessary to enable new development to take place and to manage the impacts of new development. The council does not hold any s106 or CIL funding that can be used for this project.</li> <li>3. Any underspend in the Dunball project would be used by the Council to deliver its current capital programme priorities.</li> <li>4. Yes £10k was provided to the Artist and Fabricator for their work on re-imagining the sculpture in more resilient materials. £25k was spent on commissioning the Council's professional services consultant WSP to assess site options and undertake initial stakeholder engagement.</li> </ol>

## Executive Committee – 7<sup>th</sup> October 2024 – Public Questions

<b>Brenda Orr</b>	<p>My name is Brenda Orr. I am a retired secondary teacher with 40 years of experience. I bring my values and educational ethos as a teacher here today.</p> <p>I am asking for a Governance review in your forward plan to address deficiencies in the “Unreasonable Customer” policy: a review of when and how “vexatious” allegations can be made; a review of when and how individual service users can be named across the organisation.</p> <p>You are the elected members. You are in charge of policies, values and behaviours in this new council. I do not believe in a “commissioning council” with key services being outsourced or privatised. I voted for a change to the old policies and values of the former County Council. I am disappointed that we aren’t seeing much change to date in this new council. Is this due to inheriting from the County Council an Officer Corps that is inculcated in the “commissioning council” culture?</p> <p>The “Unreasonable Customer” policy is applied by officers, without any of you approving it or exercising proper oversight. That cannot be good governance and wouldn’t happen in any school in which I worked. Should the Executive Councillor(s) for the related portfolios approve any unreasonable customer designations, before they are applied?</p> <p>To protect a Council policy position, is it acceptable for officers to have the power to potentially silence citizens with genuine concerns, through the possible misapplication of the “Unreasonable Customer” policy, without your elected oversight?</p> <p>Does the Unreasonable Customer policy require an Executive Councillor’s approval, before the individual is named and identified to All Councillors and/or to staff via Managers briefing them? Does the individual alleged to be an unreasonable customer, have the right to see what has been written about them to All Councillors and/or managers and their staff, or is it acceptable for that to be hidden from them?</p> <p>There is no vexatious policy in this council. Why not? When vexatious allegations are made, but kept hidden from the alleged unreasonable customer, what redress do they have by policy, to restore their good name and character? If the claims of “vexatious behaviours” were erroneously made, would the redress correction go to everyone previously informed?</p> <p>The Local Government Ombudsman describes the huge imbalance of power when a large council alleges “vexatious behaviours” against a single individual. As a teacher, I would caution this Council to be very careful about the application of “vexatious behaviours”, as it could be seen as bullying and intimidation, especially when controversial public policies are involved.</p>
-------------------	--

## Executive Committee – 7<sup>th</sup> October 2024 – Public Questions

	<p>I ask for your assurances today that the issues I have raised will be fully addressed.</p> <p><b>Response from the Leader of Council, Councillor Bill Revans</b></p>
<b>Full Written Response</b>	<p>Thank you for your statement. This Council, its administration and officers are committed to transparency and openness. The policy is not used to make a judgment about the character of our customers – it is used to assess the impacts of customer behaviour on staff and their ability to deliver services.</p> <p>We always welcome feedback on all aspects of what we do as a Council. I can confirm that the Managing Unreasonable Customer Behaviour Policy is currently under review and that it is anticipated to come before Executive for approval in the early part of next year. I will ensure that your view and feedback are taken account of in this review. It is the role of members to agree the policy and it is then for officers to ensure that it is applied on a day-to-day basis.</p> <p>When measures are put in place, it does not follow that the Council views the individual concerned as unreasonable or vexatious, rather just that the behaviour being displayed at that time is unreasonable and/or unmanageable. On occasions this might be in the form of abusive, offensive and/or threatening behaviour but the policy also covers behaviour such as unreasonable persistence and/or demands.</p> <p>You question the governance around the 'Unreasonable Customer' policy and whether officers should be making decisions. For clarity, the policy refers to 'Managing Unreasonable Customer Behaviour' policy. Officers aren't labelling customers as unreasonable; they're deciding how to handle customer behaviour that affects staff or their ability to do their jobs.</p> <p>The policy doesn't silence citizens but manages certain behaviours. Measures depend on the behaviour, but communication routes remain open for all customers. The council may stop responding to issues once a stalemate is reached or if nothing more can be added. Customers can take concerns to the Local Government and Social Care Ombudsman, who assesses matters impartially, and the council cooperates fully with any inquiries.</p> <p>It should also be noted that any measures put in place do not affect the customer's democratic or legal rights. Decisions made under the Managing Unreasonable Customer Behaviour Policy are taken by a senior officer (Head of Service for example) and there is a right of appeal which is considered at Director level.</p>

## Executive Committee – 7<sup>th</sup> October 2024 – Public Questions

As you correctly state, there is no ‘vexatious’ policy in the council. This is because, as stated above, we are not concerned with making judgement on the character of individuals but simply with managing behaviour which is presenting a challenge for staff and/or members. You ask what redress customers have in terms of restoring their good name and character. As stated previously, implementation of measures under this policy is not in any way intended to sully an individual’s name or reputation. No judgement is made on an individual, only on the behaviour displayed and how we can best manage that with the resources we have.

Customers have the right to see information held about them under the provisions of Article 15 of the UK GDPR. Internal communications regarding any arrangements made under the policy are not routinely shared with the customer (as the customer is informed separately of any decisions made) but they are not hidden either (given the subject access rights of the GDPR). Decisions made under the policy are shared only with those directly affected or likely to be affected, this will include officers and elected members as appropriate to ensure the Council is applying any measures in a proper and consistent manner.

We note your comments regarding the Ombudsman’s caution around ‘vexatious behaviours’. Measures are often put in place simply to help the Council manage the volume of correspondence and ensure it is routed through the right staff, members and processes. In these circumstances the Council would not prevent communication with the Council but ask that it be directed through a specific inbox.