

## **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

### **MINUTES OF THE MEETING HELD ON TUESDAY, 21 MAY 2013**

**Councillors Present:** Jeff Beck, Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), George Chandler (Substitute) (In place of Laszlo Zverko), Sheila Ellison (In place of Dave Goff), Marcus Franks, David Holtby, Alan Macro, Gwen Mason, Tim Metcalfe, Garth Simpson (Substitute) (In place of Andrew Rowles), Virginia von Celsing, Quentin Webb, Emma Webster and Keith Woodhams (Substitute) (In place of Tony Vickers)

**Also Present:** Mel Brain (Service Manager - Housing Strategy and Operations), Nick Carter (Chief Executive), Caroline Corcoran (Education Service Manager), Ian Pearson (Deputy Corporate Director (Communities) & Head of Education Service), David Lowe (Scrutiny & Partnerships Manager), Councillor Irene Neill (Children and Young People, Youth Service, Education) and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Dave Goff, Councillor Mike Johnston, Councillor Andrew Rowles, Councillor Tony Vickers and Councillor Laszlo Zverko

#### **PART I**

##### **4. Minutes**

The Minutes of the meeting held on 16 April 2013 were approved as a true and correct record and signed by the Chairman.

##### **5. Declarations of Interest**

Councillor Webster declared an interest in Agenda Item 8, but reported that, as her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Franks declared an interest in Agenda Item 11, but reported that, as his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

##### **6. Actions from previous Minutes**

The Commission received an update on actions from the previous meeting and raised the following comments:

Paragraph 2.8: Councillor Jeff Beck requested further clarification regarding the number of reported personal budget users.

Paragraph 2.6 and Appendix A: Councillor Jeff Brooks questioned whether West Berkshire Council's broad alignment with other local authorities in the timing of the scrutiny of performance information was acceptable, or whether the Council should strive for improvement. David Lowe explained that this issue had been raised with Management Board and the Executive but it had not been considered necessary to alter the current timetable.

*[Note: 6:38pm Councillor George Chandler joined the meeting.]*

**Resolved that** the Head of Adult Social Care clarify the information provided in relation to the number of people who manage their own budgets.

## 7. **West Berkshire Forward Plan June 2013 to October 2013**

The Commission considered the West Berkshire Forward Plan for the period covering June to October.

The Chairman reminded the Commission that the purpose of reviewing the Forward Plan was to enable the Commission to consider whether scrutiny could provide meaningful challenge to a decision prior to it being considered by the Executive.

Councillor Alan Macro observed that a date was yet to be set for the publication of the accompanying report for a number of items listed in the Forward Plan, including some due for consideration in June 2013 and asked if this could be corrected.

Councillor Brooks suggested that the IT strategy would be appropriate for scrutiny. Following discussion, the Commission agreed that technology was relevant both within the Council and externally for residents, however the decision was due to be taken prior to the next meeting of the Commission.

**Resolved that** the Democratic Services Manager would clarify the date of publication of reports for items on the forward plan.

## 8. **Overview and Scrutiny Management Commission Work Programme**

The Commission considered its work programme for 2013/14.

Councillor Brooks asked for clarification as to how the outstanding items from the Resource Management Working Group and the Health Scrutiny Panel would be managed. The Commission reviewed each item and agreed the following:

### Health Scrutiny Panel

- Continuing Healthcare – This was due to conclude in September, and the Commission would receive the expected update at this time;
- PCT Quality Handover – This was due to conclude in September, and the Commission would receive the expected update at this time;
- Adult Social Care (ASC) Eligibility Criteria – This was being undertaken by a Task Group and was due to end later in 2013. The Task Group would conclude this item;
- Home Care – David Lowe suggested that a Task Group might be an appropriate route for consideration of this item. Councillor Quentin Webb requested that this Task Group follow the ASC Task Group in October.

### Resource Management Working Group (RMWG)

- Energy Saving – This was due to be reviewed in April 2014, and could be added to the Commission's work programme for this time;
- Procedures for Blue Badge Holders – This item was due to conclude in May 2013 and it was agreed that a Task Group be formed to finalise the scrutiny;
- Shaw House – This item was due to conclude in May 2013 and it was agreed that a Task Group be formed to finalise the scrutiny;
- Other items, which were received by the RMWG on a regular basis - it was suggested that these transfer to the Commission's work programme.

David Lowe advised the Commission that there was sufficient staff resource for two Task Groups to run concurrently. The Commission agreed that a Task Group be established to conclude the work on Shaw House, to run alongside the current ASC Task Group. It was agreed that the following Councillors would form the Task Group: Councillors David Holtby, Marcus Franks, Jeff Brooks and Jeff Beck. Following the conclusion of this work,

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a subsequent Task Group would be established to consider Procedures for Blue Badge Holders.

Councillor Holtby related that the Portfolio Holder for Culture was taking a holistic review at the use of Shaw House and asked whether this work would be completed prior to the Task Group being set up. The Chairman advised that the Task Group should consider evidence from the Portfolio Holder during its discussions. Councillor Brooks questioned the Council's policy making process, requesting clarity around the appropriateness of the Portfolio Holder undertaking discussions with Officers and others that might impact on future decisions without the involvement of the Opposition. Nick Carter explained that Portfolio Holders held regular conversations with Officers to understand current and arising issues. These were held informally within the organisation and provided clarity on areas of policy. Where there was an indication of a requirement for a new, or change to existing, policy, this would proceed through formal routes. Councillor Webster suggested that the Task Group invite the Shadow Portfolio Holder to give evidence.

Councillor Webster requested that discussion of the two suggested items for scrutiny (Newbury Parking and the Community Right to Bid) be postponed until Councillor Tony Vickers was present to provide further information on them.

Councillor Beck recounted a discussion at a recent Business Improvement District (BID) meeting where it was agreed that a review of car parking in Newbury would be undertaken, and that Council Officers would contribute to this. Councillor Beck was concerned that the Commission should not convene a Task Group on the same matter whilst this work was ongoing.

Councillor Webb asked when the Fire Service item would be brought to the Commission. David Lowe explained that invitations would be sent following the appointment of a new Chief Fire Officer. Councillor Brooks requested that the item be brought to the next meeting, indicating that the presence of a new Fire Chief should not impact on the information available.

### **Resolved that:**

- 'Continuing Healthcare' be brought to the Commission in September;
- 'PCT Quality Handover' be brought to the Commission in September;
- A Task Group be established in late 2013 to consider 'Home Care';
- 'Energy Saving' be brought to the Commission in April 2014;
- A Task Group be established in Autumn 2013 to conclude 'Procedures for Blue Badge Holders';
- A Task Group be established to conclude 'Shaw House';
- The items formerly received regularly by the Resource Management Working Group be transferred to the Commission's work programme;
- The Commission would postpone consideration of two suggested items for scrutiny until the following meeting;
- David Lowe to clarify the detail of the proposed scrutiny of Newbury car parking raised at a recent BID meeting;
- 'Fire Service' would be brought to the next meeting of the Commission.

## **9. Items Called-in following the Executive on 9 May 2013**

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The Chairman advised the Commission that one item had been called in following the last Executive meeting, and that this would be heard at the next meeting of the Commission.

### 10. Councillor Call for Action

*(Councillor Webster declared an interest in Agenda Item 8 due to the fact that the company she was employed with had worked for the developer involved in the Councillor Call for Action discussed during the meeting, but reported that, as her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter).*

There were no Councillor Calls for Action.

Councillor Tim Metcalfe asked for clarification as to what a Councillor Call for Action was. The Chairman explained that a Councillor Call for Action could be brought by a Councillor where a significant issue in the community was not being addressed. Issues would be submitted to Council for consideration and passed to an appropriate body for action.

The Chairman provided an example where a development in his ward which had not been maintained for many years, was mostly empty and was attracting vandalism. By bringing a Call for Action, the development had been successfully reinvigorated.

### 11. Petitions

There were no petitions to be received at the meeting.

### 12. Schools and Early Years Placement Strategy

The Commission received a report containing the Schools Place Strategy which was approved for consultation by the Executive on 9 May 2013.

Ian Pearson explained that the report set out how the Council planned for sufficient school places and identified where extra places might be required.

Caroline Corcoran explained that the strategy for forecasting school places was underpinned by an analytic model and overlaid with local intelligence to produce a five year forecast of required school places across the district. The model was updated three times each year and a strategic school place planning group assisted in identifying issues, challenges, and potential solutions.

Caroline Corcoran continued by stating that projected pupil numbers underpinned the model, but that these were based on national data sources which were often out of date and inaccurate. The system had been in development since October 2012 and had undergone strenuous testing using four years' worth of past data, including the weighting of some factors. This year the accuracy of the model had proved to be within 0.6% of actual figures which provided confidence that the system was robust.

The system included a data dashboard which allowed the information to be manipulated, for example the inclusion or exclusion of planned housing developments. The overlay allowed local knowledge to be mapped to provide a more comprehensive projection which might highlight areas of concern.

The strategy had been developed alongside talks with schools, and was now due for consultation with stakeholders and the public. An updated version would be available in September 2013.

Following questioning, Caroline Corcoran and Ian Pearson were able to provide the following information:

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- In 2012, 95% of primary places offered matched parental preference, despite there being insufficient places when requests were made. In 2013 this rose to 98.6% for primary schools, and 99.2% for secondary schools;
- A consultation plan had been developed which included the use of school newsletters to alert parents, and using Children's Centre mailing lists to contact parents whose children were due to enter primary education;
- The number of children attending private schools was reducing, resulting in a greater need for places in West Berkshire schools, however the number was not significant or of concern;
- There was some fluctuation in the number of places required in different areas as parents changed their preference during the year, however the extensive testing and regular update of information had provided confidence in the new system;
- Schools were recognised to have a great depth of knowledge about their local area and were able to provide a range of ideas which could be incorporated into the intelligence layer of the model;
- The assumptions about the number of children who would be living in new developments had significantly increased over time and this had to be recognised within the model;
- Secondary schools places were not a current priority as there was capacity at present, however the expected increase in the requirement for places would need to be addressed and the five year plan would assist this;
- The most accurate data for modelling would be GP data, however this was not currently available within West Berkshire, and therefore child benefit data had been modelled which provided a very close match. Caroline Corcoran reported that the availability of GP data had been an ongoing concern, particularly as it had been available in East Berkshire until recently when Bracknell Forest Council had been prevented from receiving it. Nick Carter advised the Commission that the Strategic Director for Public Health (Lisa Llewellyn) was working to correct the issue, and as the data was now held within local authorities following the transition of Public Health to local authorities, it was expected to be rectified very soon;
- Information specifying the number of children at Foundation Stage in January 2013 had not been prepared for the meeting but would be circulated;
- A review of primary school catchment areas was in the early stages and consultation on this was expected to commence after the May half term. Any recommended changes resulting from this work would require further consultation, but could be in place for September 2014;
- There had been an increasing requirement to provide early years places for 2, 3 and 4 year olds. The required provision was not consistent across the age groups. Provision could be made through nurseries, childminders, play groups etc and West Berkshire Council was encouraging an increase in providers to meet demand;
- The Government had recognised the need for a greater number of school places nationally and had made available a pot of money that could be obtained through a bidding process for schools graded as 'good' or better. The improvement of schools was being addressed through the School Improvement Strategy and not the School Place Strategy;
- There was a significant financial pressure on capital budgets associated with ensuring sufficient school places were available which might result in a decreased ability for the authority to make improvements in other schools. In addition, whilst the Government

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provided funding for school capital projects, the calculation for the cost per metre squared used did not reflect the actual cost, resulting in a shortfall.

### Cross Border Movement

The Commission expressed particular concern about the number of children crossing local authority borders to attend school and raised the following points:

- More children were entering West Berkshire from across the border, than were leaving to attend schools outside the area, in particular over 700 pupils were arriving from Reading. This was recognised as a significant risk to projections as the numbers were unknown. However conversations had been held with neighbouring authorities to improve the sharing of information;
- Revenue funding was received in relation to the number of pupils in West Berkshire schools regardless of where they lived. Capital funding was not received for pupils coming in to West Berkshire however it was not anticipated that new schools would be required to accommodate children from elsewhere;
- Reading Borough Council had been approached to address whether it should have a role in financially supporting the education of Reading children but so far this had not borne fruit;
- Although S106 contributions from developers were shared across the border, they were allegedly not requested by Reading Borough Council for education and so could not be shared with West Berkshire. Councillor Webster suggested that it might be appropriate to raise with Reading that West Berkshire be consulted in relation to the amount of contribution for education that should be asked of developers;
- There was no mention of children crossing the Wiltshire border for education.

Councillor Irene Neill requested that congratulations be given to Caroline Corcoran and Jason Teal who had given significant time to developing the model.

### **Resolved that:**

- Caroline Corcoran would confirm the number of children at Foundation Stage in January 2013;
- Caroline Corcoran would confirm the number of children crossing the Wiltshire border for education;
- The provision of GP data would be monitored by the Commission;
- Recommendations be made to the Executive Member for Education that:
  1. A mechanism be established for the reporting and monitoring of the accuracy of the forecasting data;
  2. The required data held by General Practitioners be obtained;
  3. Financial contributions from Reading Borough Council be secured.

## **13. Housing Allocations Policy**

*(Councillor Franks declared a personal interest in Agenda Item 11 due to the fact that he was employed by Sovereign Housing, but reported that, as his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter).*

The Commission received a report which provided an update on progress in the development of the Council's Housing Allocations Policy. Mel Brain introduced the report informing the Commission that the detailed policy was undergoing consultation until 21

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July 2013, and a final policy was expected by October 2013. All relevant stakeholders had been notified of the consultation and it was also open to anyone to provide feedback, through Consultation Finder and on the Council's website. Testing of the Housing Needs Assessment was being undertaken to ensure it would remain effective following the changes resulting from the policy. Mel Brain drew the Commission's attention to the Queen's Speech during which potential legislative changes were raised which might impact on Housing and stated that should these come about, the policy would require further amendments.

Councillor Macro asked whether there was any doubt that the policy would be effective. Mel Brain responded that there were no concerns at present, and advised that the testing being undertaken was specific to the Housing Needs Assessment.

Councillor Brooks expressed surprise that many of the changes listed had not been included in the original policy. Mel Brain replied that the draft policy intended to clarify what could be expected, making the information more explicit, and advised that some of the changes represented new information in the policy, some provided clarity on information already contained within the policy, and some placed information within the policy which had previously been set out elsewhere.

Following questioning by the Commission, Mel Brain provided the following responses:

- The policy's application for students returning to their family home in the holidays was dependent on whether the student had accommodation available to them during this time. Those in private rented accommodation would normally not be required to leave during the holidays and would therefore not be considered under the policy. However, individuals could request a review where they believed an extra bedroom to be necessary and the need would be assessed;
- Where the care of children was shared between parents, the Housing Needs Assessment would recognise the parent who was responsible for 50% or more of the care of the child. Only one principal home could be recognised for a child;
- In relation to multiple units of affordable housing being available on new developments, a single advert would be placed for these, and a shortlist would be developed from those who applied. The Housing Association would manage the shortlist and final tenants;
- This review was significant as the policy had not been reviewed for several years;
- Applications were assessed on personal circumstance and not, for example, the receipt of Housing Benefit;
- Points awarded for medical needs were based on legislation which stated that preference (not priority) should be given to those with medical needs. A social needs assessment would contribute to the overall assessment;
- Where a reasonable offer of accommodation was made, and this was refused, no further offer need be made. The rules in relation to refusing accommodation were explained fully to each applicant;
- Points were awarded to families with children aged under ten years where no garden space was available. The age had been set in relation to safeguarding, as over the age of ten, a child was considered to be more responsible and able to utilise other open areas close to home;
- Those facing removal from the housing waiting list (due to their inactivity) received a reminder as well as the initial notification before any action was taken;

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- Applicants with a criminal record could not be excluded from the Housing process because of their record. A local lettings plan was in place.

**Resolved that** the report be noted.

### 14. Scrutiny Annual Report

The Chairman introduced the Scrutiny Annual Report, advising that it contained a summary of the work undertaken by the Overview and Scrutiny Commission, the Health Scrutiny Panel and the Resource Management Group over the previous year. The Chairman asked whether the Commission would like to request any additions or amendments prior to its submission.

Councillor Brooks commented that it demonstrated that a significant amount of work had been undertaken involving both Member and Officer time. He requested clarification as to how the Leader of the Council viewed the work of the Commission. The Chairman responded that he believed the Leader of the Council wanted the Commission to provide robust scrutiny of the decisions made by the Executive. The Chairman commented that the upcoming scrutiny training session would be beneficial to all members of the Commission in being able to meet this expectation.

Councillor Franks requested that information be presented to show the number of recommendations that had been approved by the Executive.

**Resolved that** the number of recommendations approved by the Executive be added to the report.

*(The meeting commenced at 6.30 pm and closed at 8.40 pm)*

**CHAIRMAN** .....

**Date of Signature** .....