

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 20 MAY 2014

Councillors Present: Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Paul Bryant (Substitute) (In place of Dave Goff), Sheila Ellison, Mike Johnston, Gwen Mason (In place of Alan Macro), Garth Simpson, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Jo England (Client Financial Services Manager), June Graves (Head of Care Commissioning, Housing & Safeguarding) and Rachael Wardell (Corporate Director - Communities), Councillor Jeff Beck, David Lowe (Scrutiny & Partnerships Manager), Councillor Tony Vickers and Elaine Walker (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Dave Goff and Councillor Alan Macro

PART I

4. Minutes

The Minutes of the meeting held on 8 April 2014 were approved as a true and correct record and signed by the Chairman.

5. Declarations of Interest

Councillor Roger Hunneman declared an interest in Agenda Item 10, but reported that, as his interest was personal and not prejudicial or 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. Councillor Hunneman informed the Commission that quarterly reports relating to the Adult Social Care waiting list had not been received, but that these were now in place for future meetings.

7. West Berkshire Forward Plan 1 May 2014 to 31 August 2014

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering May 2014 to August 2014.

Councillor Emma Webster requested that the Commission's review of the severe weather during the winter of 2013/14 be cognisant of item EX2764 West Berkshire Local Flood Risk Management Strategy in order to present a consistent message.

Resolved that the Commission's review of the severe weather during the winter of 2013/14 be cognisant of item EX2764 West Berkshire Local Flood Risk Management Strategy.

8. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme for 2014/15.

The Chairman advised the Commission that a new Task Group could now be formed as the Shaw House review had concluded. It was suggested that item OSMC/14/151 –

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Children's Services governance arrangements should be considered. The Commission agreed.

Councillor Quentin Webb reported that the review into Homelessness amongst young families had met to discuss initial findings, and that a final report was expected to be submitted into the next but one executive cycle.

Delayed Transfers of Care

Councillor Hunneman requested that 'delayed transfers of care' (DTC) be added to the Commission's work programme. Councillor Hunneman expressed concern that DTC, often referred to as 'bed blocking' was caused by delays in arranging suitable post-hospital care, and that national statistics placed West Berkshire very low in comparison tables. Councillor Hunneman asserted that it was necessary to identify issues and correct them, as delays could have a negative impact on the patient. There had been a suggestion from Officers that the published figures were not accurate, and this could also be considered during a scrutiny review. Councillor Hunneman believed that this review would be complex and would require a Task Group to be established.

Rachael Wardell clarified that whilst the published figures were not entirely accurate, it was acknowledged that correcting this would not resolve the issue, and stressed that Officers would not claim this to be the case.

Councillor Webster reminded the Commission that the Healthier Select Committee had reviewed this issue in 2011, and suggested that the recommendations from the previous review be examined during scrutiny.

The Commission agreed to add this item to the work programme.

Affordable Housing Process

Councillor Tony Vickers requested that the process for obtaining and delivering affordable housing within new developments, using Parkway as a case study, be added to the Commission's work programme.

Following discussion at, and also after, the previous meeting of the Commission, Councillor Vickers had reviewed the scope of his suggestion and amended it to request consideration of the process by which affordable housing is agreed and delivered, rather than scrutiny of planning policy. Councillor Vickers wished the Parkway development to be used as an example as the money invested by the Council in the development had shown no return benefit to the local population. Councillor Vickers added that it would be necessary to review how CIL (Community Infrastructure Levy) related to this process.

Councillor Webster agreed that the process for delivering affordable housing would be a suitable topic for scrutiny, but did not wish it to include a review of how the Parkway development was handled. Councillor Webster believed that the review should focus on improvement for the future rather than unpicking past actions.

The Chairman clarified that it was not intended that the Parkway development would be discussed, and that the focus would be on the system and how it was operating to the benefit of West Berkshire residents.

Councillor Jeff Brooks explained that by reviewing some details of the Parkway development lessons could be learnt for the future.

Councillor Hunneman told the Commission that there were one or two sizeable developments expected in his ward, and it would therefore be beneficial if this scrutiny could be undertaken soon.

The Commission agreed to add this item to the work plan.

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Acknowledging the limited resources available to support scrutiny work, the Commission discussed the order of business for this item and Children's Services governance arrangements. Rachael Wardell commented that the review of Children's Services would provide evidence for the next Ofsted inspection. This was timetabled for two weeks time, and although the review would not be completed before this, it would be helpful for it to conclude as soon as possible. Rachael Wardell believed that the review would lend itself to a Task Group as it would require information to be gathered from a number of partner organisations.

The Commission agreed that the review of Children's Services would be undertaken by a Task Group, and the review of affordable housing processes would take place at the next full meeting.

Resolved that:

- A Task Group be established to review Children's Services governance arrangements;
- Delayed Transfers of Care be added to the Commission's work programme;
- Affordable Housing process be added to the Commission's work programme for consideration at the next full meeting.

9. Items Called-in following the Executive on 8th May 2014

The Chairman advised the Commission that a Call-In of an Executive Decision had been received the previous week. It had been decided that there had been insufficient notice to consider the Call-In at the current meeting but it would be considered next time to allow witnesses to be invited.

10. Councillor Call for Action

There were no Councillor Calls for Action.

11. Petitions

There were no petitions to be received at the meeting.

12. Fairer Contributions Policy

(Councillor Hunneman declared a personal interest in Agenda item 10 by virtue of the fact that his mother was in receipt of a care package. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to take part in the debate and vote on the matter).

Councillor Gwen Mason introduced the item commenting that it was important to ensure that the Fairer Contributions Policy was right as it affected many people. However, Councillor Mason requested that the Disability External Scrutiny (DES) Board be invited to explain the issues that they had raised, believing that a clearer understanding would be gained by the Commission from their first hand accounts. Councillor Mason told the Commission that the DES Board considered the policy too long and complicated.

Jo England informed the Commission that the original policy had been introduced in 2003 and followed closely the guidelines set out by the Department of Health. The policy had represented a shift from an old Berkshire policy and as a result some discretionary items were introduced. In 2011 the policy was reviewed again and the Service consulted widely with a number of disability groups. The discretionary items were removed which led to some increase in charges, and due to the scale of the policy change, every individual affected received a letter outlining their recalculated charges.

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Councillor Webb asked for clarification about the issues being debated as it was not clear whether the policy was considered to be unclear, or unfit for purpose.

Jo England explained that the element that the DES board had discussed and raised concerns over, had been Disability Related Expenditure, which formed a part of the overall Fairer Contributions Policy. Jo England stressed that whilst some individuals had been unhappy with the policy, there were approximately 3,000 assessments carried out each year and very few appeals were made against the decisions. The Service believed they were operating fully within the guidelines.

Councillor Hunneman suggested that if the issue was specifically about Disability Related Expenditure, the DES board might be able to explain further.

Councillor Webster agreed, commenting that this was an important issue and the Portfolio Holder and members of the DES board should be allowed to speak directly to the Commission in order to consider the issues with a full set of information.

Acknowledging that some members of the DES board were restricted in the hours that they could attend a meeting, Councillor Webb suggested that this item be discussed at the next meeting and that it begin at the earlier time of 5pm. Councillor Mason agreed that this would be a suitable solution.

Jo England requested clarity as to whether the issue for discussion would be the full Fairer Contributions Policy or the Disability Related Expenditure element. The Chairman said that this would be clarified when all interested parties were present.

Councillor Laszlo Zverko requested clarification as to the number of people who had been consulted and the responses received. Jo England explained that the first consultation to 2,500 service users was part of the generic, corporate consultation. The second consultation to 1,200 service users went to a proportion of the original set who received a chargeable service. The 26 responses were received from the second consultation exercise. June Graves informed the Commission that the responses were contained within the Equality Impact Assessment as themes and any adjustments made as a result of the comments were also reflected there. It was also noted that some of the responses received were favourable.

June Graves further commented that the amended policy brought West Berkshire Council in line with other authorities who had been operating a similar policy for some time.

Councillor Mason stated that the policy was next due for updating in 2016 which would be a long wait for users. Councillor Webb advised that the policy was reviewed on an annual basis.

The Commission agreed to discuss this item at the next meeting with members of the DES board invited.

Resolved that:

- The meeting of 1 July 2014 would start at 5pm;
- Members of the DES board and the Portfolio Holder would be invited to attend;
- Councillor Mason should clarify with the DES Board whether it was scrutiny of the overall Policy or Disability Related Expenditure that was required.

[19:20 - The Chairman adjourned the meeting for a 10 minute break.]

13. Shaw House

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Councillor Jeff Beck presented the final report and recommendations arising from a scrutiny review into Shaw House. Councillor Beck thanked everyone who took part in the review and drew the Commission's attention to the following points from the report:

- The Council's use of the building had left many rooms underused, and the budget contributions did not reflect the true worth of the space used;
- There was considerable scope for development of the house, maintaining it for the future whilst also bringing in revenue;
- Although some clearing and tidying had been undertaken, a more complete restoration of the gardens would be required;
- The car parking arrangements would need to be addressed, and to improve the appearance of the house, it had been recommended that the front car park be returned to a grassed garden;
- The Council's registration service was based within Shaw House, and this meant that whilst wedding ceremonies could take place, the house was not permitted to hold wedding receptions. It was therefore recommended that the administration of registrations be moved;
- There were insufficient catering facilities on site to allow the preparation and service of full meals which meant that the house was not desirable as a conference venue and would not meet the needs of those holding a wedding reception. It was also difficult for outside caterers to operate in the house as there were no reheating facilities;
- The location of the toilets in the basement was not appropriate for all events;
- The Task Group were in accord with the findings of the Cultural Asset Working Group;
- The house was Grade 1 listed and conditions therefore limited alterations to the house;
- The Task Group was of the view that the house was an important attraction for West Berkshire, but it required greater self funding. There was a need for greater expertise with regard to marketing and the Task Group recommended that the Council engage with an external consultancy to obtain the required expertise.

Councillor Jeff Brooks, as Vice Chairman of the Task Group, added the following points:

- The Task Group had run after the Cultural Asset Working Group, and whilst in broad agreement with the findings set out in the subsequently developed business plan, the Task Group felt there was a lack of ambition for the potential of the building;
- It was considered that assistance would be required to help market the building and to hold successful events. Examples of where this was needed were the lack of signage to inform the public that the house was open to them, the insufficiency of information on the internet; and that schools were not encouraged to visit;
- The Task Group were disappointed that the operating subsidy of £150,000 continued to be required and that it would be a number of years before this would reduce significantly due to a slow increase in income;
- Further investigation would be required to establish the allowable level of income under the Heritage Lottery Fund rules;
- Whilst financial stability was important, it was equally important that the house be maintained for the benefit of West Berkshire.

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The Chairman referred to the recommendation to return the front car park to grassed gardens, commenting that this might be to the detriment of wedding parties who would likely wish to drive up to the entrance of the house.

Councillor Garth Simpson agreed that there appeared to be a lack of ambition for the house and commented that the current décor and look of the house limited the price that companies and individuals would be willing to pay to hire rooms. The gardens must be improved in order to leverage maximum income. Councillor Simpson suggested that the coach house could be converted into a permanent high class restaurant which could also cater for functions. Councillor Simpson asked if the terms of the funding could be examined to understand the level of flexibility in investments aimed at making improvements to the house.

Councillor Brooks agreed that the level of flexibility could be examined further, and commented that the cottage at the back of the site would lend itself to becoming a catering facility. By introducing some capital investment to convert the building and upgrade other areas, a greater level of income generation would be enabled. It should be the intention of the Task Group to transform Shaw House into a 'go to' destination.

Councillor Virginia von Celsing told the Commission that the Heritage Lottery Fund considered Shaw House to be only partially complete. Councillor von Celsing believed that whilst improved marketing would be helpful, it was the garden and car parking that needed to be addressed first. Whilst the building did not provide an attractive setting, people would not be interested in visiting. Councillor von Celsing informed the Commission that Officer time was insufficient to manage both the museum and Shaw House, and currently Shaw House was not being prioritised. Councillor von Celsing had been informed that film and television interest would be limited due to the noise from the A34.

Councillor Hunneman asked whether the registration service could be moved elsewhere on the site to enable wedding receptions to take place. Councillor Brooks replied that the service would need to be relocated off site, but added that moving the service into the town centre would benefit residents who would find it easier to get to, and would enable the use of Shaw House for wedding receptions.

Councillor Mason asked whether the recruitment of volunteers would enable schools to access the building in a shorter timescale. Rachael Wardell advised the Commission that schools would not visit Shaw House unless it linked to their curriculum, and considered that Shaw House's offering would need to be broader to attract schools.

Having considered the report and the discussion, Councillor Webb made the following comments:

- The recommendations were welcomed and were considered to be an appropriate way forward;
- By opening the house to the public for 200 days a year, commercial opportunities might be lost;
- Catering facilities would be required;
- The management of the property should remain within the Council, however marketing expertise might be an area to consider outsourcing;
- Further conversations should take place with film and television companies. Councillor Webb believed that noise would not always be a factor as companies could make arrangements for this.

Councillor Webster raised the following points:

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- Assistance from another area of the Council could be provided to enable the application for the remainder of the Heritage Lottery funding to be made;
- Noting the number of full time equivalent employees, Councillor Webster asked that their roles be examined to ensure they remained appropriate and fit for purpose;
- Highclere Castle was offered as an example of how working with a television company could be successful, and why this should be pursued;
- Councillor Webster agreed that the house was underutilised and that improved marketing would assist this, but commented that consultancy fees would be expensive and it would be likely to be more cost effective to employ someone, perhaps on a temporary basis, with expertise in this area;
- It was important that progress be made to ensure the house was not in the same position in five years time.

Councillor Brooks advised the Commission that the Task Group had not found that noise was a reason for film and television companies refusal to use Shaw House. Instead the reasons given had been a lack of exclusivity in that they could not use the location if other activities were also taking place. The Task Group had recommended that this be reviewed further, suggesting that time could be set aside to allow exclusive access for filming.

Councillor Brooks expressed his hope that the English Civil War might be included within the educational curriculum, and this would raise interest in schools visiting the house.

Councillor Brooks reported that there were tensions between those wishing to maintain the historical integrity of the building and those wishing to improve its business opportunities. This conflict might prove daunting to a new employee brought in to market the house and should be considered alongside this decision.

The Chairman suggested that the recommendations within the final report be amended slightly to reflect the discussion, and that the report then be submitted to the Executive.

The Commission agreed.

RESOLVED that the recommendations within the final report be amended to reflect the Commission's debate, and then be submitted to the Executive.

14. **Benefits Reform**

David Lowe presented a report outlining recommendations arising from the Commission's review of Welfare Reform and its impact in West Berkshire. Following the February meeting, the Chairman and Councillor Vickers had met to develop a set of recommendations. The Commission were invited to comment on the proposals.

The Chairman stated that the discussion at the February meeting had been closely reviewed during the development of the recommendations.

Councillor Webster expressed her support of the recommendations and proposed they be accepted.

Councillor Hunneman requested the inclusion of a comment from Councillor Vickers that the Local Government Association be lobbied.

The Commission approved the recommendations.

Resolved that the recommendations from the review of Welfare Reform be submitted to the Executive cycle.

15. **Governance arrangements for Children's Services**

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David Lowe introduced the proposed terms of reference for the scrutiny review into Children's Services governance arrangements, and requested that the Commission consider the terms and amend them as necessary.

Rachael Wardell advised the Commission that the Children and Young People's Partnership had ceased to operate the previous week and requested that the Task Group review the effect of this.

The Commission approved the terms of reference.

Resolved that the effect of the Children and Young People's Partnership ceasing be examined as part of the review.

(The meeting commenced at 6.30 pm and closed at 8.20 pm)

CHAIRMAN

Date of Signature