

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 24 FEBRUARY 2015

Councillors Present: Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Sheila Ellison, Dave Goff, Roger Hunneman, Mike Johnston, Alan Macro, Quentin Webb, Emma Webster and Laszlo Zverko

Also Present: Councillor Gordon Lundie (Leader of Council & Conservative Group Leader), Rachael Wardell (Corporate Director – Communities), David Holling (Head of Legal Services), June Graves (Head of Care Commissioning, Housing & Safeguarding), David Lowe (Scrutiny & Partnerships Manager), Councillor Gordon Lundie (Leader of Council & Conservative Group Leader), Charlene Myers (Democratic Services Officer) and Councillor Garth Simpson and Charlene Myers (Democratic Services Officer).

PART I

74. Minutes

The Minutes of the meeting held on 27 January 2015 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

- **Item 1:** The minutes from the meeting held 2 December **2014** were approved as a true and correct record and signed by the Chairman.

Councillor Roger Hunneman expressed his disappointment that a decision had been made to defer the work of the Delayed Transfer of Care Task Group. He highlighted the resolution recorded in item 13 of the previous minutes and stated that the topic had been added to the Work Programme in April 2014.

Councillor Brian Bedwell advised that the decision had been made in light of the limited availability of Members. The task group could not form without sufficient membership so it had been agreed that the review would commence after the May 2015 elections.

Councillor Hunneman emphasised that he was disappointed with the decision.

75. Declarations of Interest

There were no declarations of interest received.

76. Actions from previous Minutes

The Commission considered the report (Agenda Item 3):

Resolved that the report be noted.

77. West Berkshire Forward Plan 18 March to 30 June 2015

The Commission considered the West Berkshire Forward Plan (Agenda Item 4) for the period covering 18 March to 30 June 2015.

Councillor Alan Macro asked for clarification regarding the scope of item ID2951 - Public Rights of Way Case Programme. Members requested an update at the next meeting.

Councillor Bedwell encouraged Members to fully consider the items on the Forward Plan and emphasised the opportunities which were available to review items and effectively conduct scrutiny within the Council.

Resolved that:

- Officers' would provide further information regarding ID 2951 (Public Rights of Way Case Programme) to members at the next meeting.
- The Forward Plan was noted.

78. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme for 2014/2015.

Councillor Garth Simpson stated that the scope of item OSMC/12/149 was broad and required clarification in order to be taken forward. He suggested that the item would look at residential parking in Newbury but felt that the item did not explicitly rule out consideration of all parking in Newbury.

David Lowe stated that the item had been proposed by Councillor Tony Vickers and his submission form would be circulated to Members to clarify the scope. He reminded Members that the information had been circulated to the Highways and Transport service.

Councillor Roger Hunneman stated that he would like to see the consideration of north and south Newbury parking included within the scope of the review.

Councillor Jeff Brooks agreed that a review into the availability of parking in Newbury was necessary.

It was noted that the involvement of Councillor Simpson at the meeting was no longer appropriate (in light of his recent appointment as Interim Executive Member). Advice was obtained from the Monitoring Officer, David Holling, and it was concluded that Councillor Simpson should stand down as Commission Member for the time being.

Councillor Garth Simpson exited the meeting (18:50).

Resolved that

- The scrutiny request form for Item OSMC/12/149 (Newbury Parking) would be circulated to the Commission.
- The work programme was noted.

79. Items Called-in following the Executive on 12 February 2015.

No items were called-in following the last Executive meeting.

80. Councillor Call for Action

Councillor Emma Webster informed the Commission that Hildens Drive, Tilehurst, was an area of significant concern. She explained that substantial resources had been used to try and address historic and ongoing anti-social behaviour and fly tipping without success.

Councillor Webster suggested that, through the Councillor Call for Action, Members could support a review into the options available to prevent ongoing nuisances in the area.

The Commission supported the submission of a formal request for review from Councillor Webster before the item could be considered in more detail.

Resolved that

- Councillor Emma Webster would submit a formal request.

81. **Petitions**

There were no petitions received at the meeting.

82. **Affordable Housing**

The Commission considered a report (Agenda Item 10) on the provision of affordable housing units at Parkway.

The topic had been discussed at the meeting held 21 October 2014 during which it was agreed that the circumstances surrounding the non-release of the affordable housing units at the Parkway development would be examined. The report detailed the process to date, the present situation, the process moving forward and the lessons that have been learnt for future developments.

David Holling stated that issues surrounding the development had been longstanding and in some cases had been aired by the press. However, the development had overcome the challenges associated with the recession and had come to fruition despite those obstacles.

David Holling emphasised that the issues associated with the delivery of affordable housing units were not the fault of the Council. Difficulties had been caused by Standard Life's (SL) delayed appointment of a Registered Social Landlord (RSL). At this stage Officers' were considering the best course of action to bring about a resolution.

Councillor Quentin Webb highlighted comments within the report which suggested that development standards did not meet building assessment regulations for social housing. June Graves advised that there were ongoing discussions between SL and the RSL as part of the contract negotiations.

Councillor Webb acknowledged that 107 units had been completed to date. He asked Officers whether the legal contract included the powers to prevent SL selling more private units until the affordable housing issues had been resolved. David Holling advised that, in accordance with the Council's Housing Strategy, if the properties met the set requirements, stated within clause 23, then providers could release them.

Councillor Jeff Brooks asked whether SL had been invited to the meeting. David Lowe advised that they had, but they declined the offer. Councillor Brooks then asked whether the Council had received income from the Parkway Car Park since its completion: David Holling advised that the topic could not be discussed in Part I of the meeting

Councillor Alan Macro stated that, in hind sight, it was clear to see that the Council had made payment to the provider too early. He asked whether advice had been sought from other local authorities regarding such processes prior to signing the contract. David Holling advised that the Council did not seek advice and was contractually obliged to make payment upon commencement of the building works due to the agreements reached in 2008. Councillor Roger Hunneman was concerned that conditions had not been included to protect Council money. David Holling advised that a variation of the condition had been considered at the Executive meeting one month prior to making the £900,000 payment to SL.

Councillor Brooks stated that more evidence was required to show appropriate levels of rigour in contract agreements. He recommended that Members experience and knowledge should be utilised during contract negotiations and that Members' engagement was increased. This was seconded by Councillor Alan Macro.

Councillor Gordon Lundie challenged the suggestion that Members had not been involved during the contract negotiations with SL. He disputed whether there was a gap

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 24 FEBRUARY 2015 - MINUTES

within the process which could be addressed by increasing Members' participation. Councillor Brooks confirmed that he was keen to see more Member involvement during larger contracts negotiations, such as those with SL

Councillor Mike Johnston suggested that the level of delegated duty to Officers for assurance and approval processes was reviewed in order to incorporate any lessons identified through the Parkway contract negotiations.

Councillor Lundie acknowledged that opportunities to protect Council money had been missed due to the lack of clear payment triggers. He stated that emphasis had been placed on securing the provision of affordable housing rather than the delivery of units. In hind sight the negotiations should have considered both elements.

Councillor Brooks reiterated his view that Members engagement should increase during larger contract negotiations. He suggested that a review into Members' participation was added to the Work Programme. Councillor Emma Webster seconded the proposal.

Councillor Webb advised that Members' participation had been available through the Western Area Planning Meeting and Executive – although discussions regarding the £900,000 payment would have taken place under Part II.

Resolved that:

- The work programme would include an assessment of the delegation levels for procurement and the thresholds for Member involvement in contract development to consider whether they are set at appropriate levels.

83. Financial Performance Report - Quarter 3

Melanie Ellis introduced the Quarter 3 Financial Performance Report to the Commission. She advised that the forecast revenue position for Quarter 3 was an overspend of £346k which had decreased from the £418k stated in Month 8. Section 6.1 of the report provided status updates in respect of each Directorate.

Gabrielle Esplin explained that the forecast capital spend in the year was currently £33.8 million, against a revised budget of £37.7 million with a further £3.4 million now expected to be re-profiled into 2015/16 (in additional to £2.4 million already re-profiled at the end of Quarter One). Councillor Brian Bedwell asked for an explanation of why projects had required re-profiling into 2015/16. Gabrielle Esplin advised that the projects had been agreed as part of the 2014/15 capital spend but in some instances the scheme of works would continue into 2015/16 and therefore some funds would be re-profiled.

Councillor Lazlo Zverko asked for clarification on item 6.2 within the report. Melanie Ellis explained that the information referred to the period between posts becoming vacant and the period between recruiting new staff.

Councillor Quentin Webb referred to page 12 of the supplementary paper which detailed the completion of the Newbury Museum Project. He asked whether the maintenance and refurbishment of other cultural buildings would be completed by year end. Melanie Ellis advised that the Cultural Service budget was on track for year end which suggested that the projects would be completed.

In response to questions asked on the reported overspend in Adult Services, Melanie Ellis advised that funds would be released from Contingency Funds to counterbalance the overspend. Councillor Jeff Brooks expressed his concern that the report forecasted a zero overspend in Adult Services, albeit in a service where pressures were expected. He

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 24 FEBRUARY 2015 - MINUTES

was concerned that there appeared to be minimal appetite from Officers to provide true forecasts. Melanie Ellis reassured the Commission that the forecasted overspend was calculated based on the local knowledge of managers within services..

Councillor Brooks suggested that despite the figures shown in the report, the Resources Directorate was likely to make a further £100k underspend by year end. He questioned whether appropriate levels for annual budgets were being set (the Resources position was contrasted with the forecast overspend in Communities) or that accurate forecasting was taking place

Rachael Wardell advised Members that as the forecast spend in Adult Social Care (ASC) reflected unpredictable expenditures and demands, the service utilised a risk fund to counterbalance any overspend. Councillor Brooks asked Officers to detail the proportion of risk funds spent to date.

Councillor Mike Johnston asked whether the ASC risk fund was released back into the Council budget at year end. Rachael Wardell advised that historically the fund had been carried forward which avoided the need to find additional savings within the service. However, it was not known at this stage whether the same would occur this year. To counterbalance overspend in Children's Services options would be fully considered to use available under spend.

Resolved that:

- Officers would provide the 2014/2015 Risk fund expenditure to date.
- Melanie Ellis would provide historic information regarding the Q3 to year end outturn for the Resources Directorate.

84. Maternity Cover for West Berkshire Residents

David Lowe introduced the report to the Commission and reminded Members that the recommendations it contained had been drafted following a task group meeting.

Councillor Alan Macro stated that he was surprised to learn that highly skilled midwives were being tasked with administrative actions. He wanted to emphasise the need for administrative support in the ward to alleviate the demand on midwives for the completion of non specialised tasks. Councillor Macro proposed that this was included within the recommendations: the proposal was seconded by Councillor Roger Hunneman.

Councillor Hunneman suggested that item 2.2 was amended to specify an earlier completion date of March 2016. The proposed alteration found full support from the Commission.

Resolved that

- Recommendation 2.2 would be amended. The revised completion date would be March 2016.
- The recommendations would include the need to utilise Midwives' skills appropriately through the use of support staff to complete non specialised tasks.

85. Self Insurance Fund

David Lowe introduced the report to the Commission. He reminded Members that the Portfolio Holder, Councillor Alan Law had requested the review into the level of Self Insurance Funds set within the Council. A small task group had therefore been convened

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 24 FEBRUARY 2015 - MINUTES

on 13 February 2015 and recommendations were presented to the Commission for their consideration.

Councillor Quentin Webb advised that he was a member of the task group and during the meeting they had considered a report detailing the level of premiums and the costs of claims relating to schools. Following a review of the information the task group concluded that the level of Self Insurance Fund should be flexible, within an upper and lower limit, allowing the consideration of risks to then set the reserve fund accordingly.

Councillor Jeff Brooks stated that he felt the review was a useful exercise and advised Members that the report had been issued to Councillor Law also.

In response to a question raised by Councillor Hunneman, David Lowe advised that schools had two excesses built into their insurance arrangements.

Resolved that

- The report be noted

86. Affordable Housing

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers](#).

(The meeting commenced at 6.30 pm and closed at 8.30 pm)

CHAIRMAN

Date of Signature