

Notice of Meeting

Special Governance and Ethics Committee

**Monday, 24th April, 2017 at the rising of the Ordinary Governance and Ethics Committee in the Council Chamber
Council Offices Market Street Newbury**

Date of despatch of Agenda: Tuesday, 18 April 2017

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Andy Day/Moira Fraser/Stephen Chard on (01635) 519459/519045/519462

e-mail: andy.day@westberks.gov.uk / moira.fraser@westberks.gov.uk / stephen.chard@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Governance and Ethics Committee to be held on Monday, 24 April 2017
(continued)

To: Councillors Steve Ardagh-Walter, Jeff Beck (Vice-Chairman), Chris Bridges, Graham Bridgman, Keith Chopping (Chairman), James Cole, Barry Dickens, Lee Dillon, Anthony Pick and Quentin Webb

Substitutes: Councillors Billy Drummond, Sheila Ellison and Tim Metcalfe

Agenda

Part I

Page No.

- 1 **Apologies**
To receive apologies for inability to attend the meeting (if any).
- 2 **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

Governance Matters

- 3 **Proposed New Model for Scrutiny (C3311)** 1 - 12
Purpose: To outline proposed changes to the way that scrutiny operates within the Council.

Andy Day
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



West Berkshire
C O U N C I L

Proposed New Model for Scrutiny

| | |
|---|---|
| Committee considering report: | Special Governance and Ethics Committee on 24 April 2017 Council on 9 May 2017 |
| Portfolio Member: | Councillor Graham Jones |
| Date Portfolio Member agreed report: | 10 April 2017 |
| Report Author: | Andy Day |
| Forward Plan Ref: | C3311 |

1. Purpose of the Report

- 1.1 To outline proposed changes to the way that scrutiny operates within the Council.

2. Recommendations

That Council approve the proposed new model for scrutiny as outlined in sections 6 and 7 of the report and that this be implemented with immediate effect.

3. Implications

- 3.1 **Financial:** There are no new financial implications associated with the proposal for a new model of scrutiny.
- 3.2 **Policy:** N/A
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** The proposed new model for scrutiny accords with the Local Government Act 2000.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

Executive Summary

4. Introduction / Background

- 4.1 As part of the feedback on the Council's LGA Peer Review undertaken over the period 1 to 4 July 2014 scrutiny was identified as in need of improvement. At its meeting on 19 May 2016 the Council agreed to introduce three new Select Committees to support the Overview and Scrutiny Management Commission (OSMC). The Three new Select Committees were:
- (i) Resources Select Committee
 - (ii) Environment Select Committee
 - (iii) Communities Select Committee
- 4.2 In introducing the three new Select Committees it was acknowledged that there were no additional officer resources available to support these and, as such, each Select Committee would only meet twice a year. The total number of available meeting dates would equate to the same number of meetings previously allocated to the OSMC, namely, 9 meetings a year. It was agreed that a review of the new structures would be undertaken within 12 months.
- 4.3 The Local Government Act 2000 places a duty on the Council to establish a model of scrutiny which both has the ability for Members to challenge decisions of the Executive (Call-in) whilst undertaking policy development activities too.
- 4.4 Whilst there are call-in provisions as part of the Council's Constitution it is acknowledged that holding the Executive to account is difficult to achieve given the current proportionality of the Council.

5. Progress

- 5.1 In carrying out a review of the new model it is clear that this has had limited success. The lack of available officer resource and other governance arrangements which the Council operates are the main reasons for this. That is not to say that the work undertaken to date has not been productive.
- 5.2 Concerns have also been expressed by the Scrutiny Chairmen that it has been difficult to formulate a work programme of activity and to get this supported.

6. Proposal

- 6.1 Given the above it is now proposed that the Council integrates its policy development activities associated with scrutiny into its work which is already ongoing.
- 6.2 It is proposed that the Council appoints a group of "scrutineers" who would, inter alia, be incorporated into the individual project groups associated with the Corporate Programme.
- 6.6 This new model would also recognise other current policy development activities ongoing such as the work associated with the Planning Policy Task Groups etc. This new model would retain an Overview and Scrutiny Management Commission

which would meet quarterly to review performance reports etc whilst also being responsible for call-ins.

6.7 The Select Committees would be disbanded as part of this proposal.

7. Conclusion

7.1 It is proposed that the Council moves to a new model of scrutiny which is based on work which is already ongoing. Scrutiny would therefore become more policy development orientated and look to add value to the Council's Corporate Programme of work.

8. Appendices

8.1 Appendix A – Supporting Information

8.2 Appendix B – Equalities Impact Assessment

8.3 Appendix C – Corporate Programme April 2017 – October 2017

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Proposed New Model for Scrutiny – Supporting Information

1. Introduction/Background

- 1.1 As part of the feedback on the Council's LGA Peer Review undertaken over the period 1 to 4 July 2014 scrutiny was identified as in need of improvement. At its meeting on 19 May 2016 the Council agreed to introduce three new Select Committees to support the Overview and Scrutiny Management Commission (OSMC). The Three new Select Committees were:
- (i) Resources Select Committee
 - (ii) Environment Select Committee
 - (iii) Communities Select Committee
- 1.2 In introducing the three new Select Committees it was acknowledged that there were no additional officer resources available to support these and, as such, each Select Committee would only meet twice a year. The total number of available meeting dates would equate to the same number of meetings previously allocated to the OSMC, namely, 9 meetings a year. It was agreed that a review of the new structures would be undertaken within 12 months.
- 1.3 This new model has performed indifferently across the three Select Committees primarily because of a lack of resources but also because of existing governance arrangements which are in place. The Scrutiny Chairmen have also expressed concerns with the difficulty in formulating a work programme of activity and getting this supported.

2. Supporting Information

- 2.1 The Local Government Act 2000 places a duty on the Council to establish a model of scrutiny which both holds the Executive (Call-in) to account but also which provides opportunities for backbenchers to involve themselves in policy development activities too.
- 2.2 Whilst there are call-in provisions as part of the Council's Constitution it is acknowledged that holding the Executive to account is difficult to achieve at the current time given the current proportionality of the Council.
- 2.3 The Council has a current governance framework which supports a number of policy development activities. These are not looked upon as scrutiny activities and, as such, scrutiny has, on occasions, has looked for other work to engage backbenchers.
- 2.4 Given that the Council's resources are being significantly reduced it is now proposed that the Council looks to adopt a "smarter" model of scrutiny which is based on policy development work which is already ongoing within the Council.

The Council already operates many Task Groups such as the Planning Advisory Group and Strategy Board both of which have a role in developing policy.

- 2.5 The Council has also established a corporate programme of projects most of which will see decisions being made by the Executive once they have been appropriately developed. There are a number of themes associated with this programme.
- 2.6 It is acknowledged that all of the existing programme groups currently meet during the day and that if a new model of scrutiny is to be adopted some of these will need to meet in the evenings to enable those Members who work to play an active part in some of the key projects. However, the programme would also enable those Members who don't work or are retired to involve themselves in the work of Project Boards which they have an interest in and which meet during the day. This would provide a balance to the programme and offer something for all "scrutineers".
- 2.7 It is proposed that the Overview and Scrutiny Management Commission be retained and be responsible for managing any call-in requests. It is proposed that the Commission meets quarterly and as such review issues such as the performance reports.
- 2.8 The Select Committees would be disbanded as part of this proposal.
- 2.8 In suggesting this new model of scrutiny the "Proportionality Rules" would need to apply.

3. Proposals

- 3.1 It is therefore proposed that Council adopt a model of scrutiny which has a focus on policy development activities linked to the Corporate Programme. It should also be recognised that other Task Groups that have a policy development role should also be considered to be scrutiny orientated.
- 3.2 This proposal recognises the Council's reducing resources but also the positive role that backbench Members can play in the development of Corporate Projects and programmes.
- 3.3 It is proposed that Council appoints a pool of 12 "scrutineers" and 4 substitutes which will both sit on the Overview and Scrutiny Management Commission (OSMC) but also play a positive role in relation to the development of corporate projects. The OSMC would be able to set up Task and Finish Groups notwithstanding the limited resources to support these.

4. Conclusion

- 4.1 The proposal to introduce a new model of scrutiny is based on the need to engage backbench Members more in order to harness the wealth of experience which is available to the Council.

5. Consultation and Engagement

- 5.1 The three Select Committee Chairs have been consulted about this proposal.

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

Officer details:

Name: Andy Day
Job Title: Head of Strategic Support
Tel No: (01635) 519459
E-mail Address: Andy.Day@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

| | |
|---|---|
| What is the proposed decision that you are asking Council to make: | To approve a proposed new model for scrutiny. |
| Summary of relevant legislation: | Local Government Act 2000 |
| Does the proposed decision conflict with any of the Council’s key strategy priorities? | No |
| Name of assessor: | Andy Day |
| Date of assessment: | 11 April 2017 |

| Is this a: | | Is this: | |
|------------|-----|--------------------------------------|-----|
| Policy | No | New or proposed | Yes |
| Strategy | No | Already exists and is being reviewed | Yes |
| Function | Yes | Is changing | Yes |
| Service | No | | |

| 1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it? | |
|--|---|
| Aims: | To move to a new model of scrutiny which is based on work which is already ongoing. |
| Objectives: | To add value to the Council’s Corporate Programme of work. |
| Outcomes: | To enhance the role Members can play in the development of Corporate Projects and programmes. |
| Benefits: | As above. |

| 2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.) | | |
|--|---------------------------|-----------------------------|
| Group Affected | What might be the effect? | Information to support this |
| Age | | |
| Disability | | |
| Gender | | |

| | | |
|---|--|--|
| Reassignment | | |
| Marriage and Civil Partnership | | |
| Pregnancy and Maternity | | |
| Race | | |
| Religion or Belief | | |
| Sex | | |
| Sexual Orientation | | |
| Further Comments relating to the item: | | |
| | | |

| | |
|--|-----------|
| 3. Result | |
| Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality? | No |
| Please provide an explanation for your answer: | |
| Will the proposed decision have an adverse impact upon the lives of people, including employees and service users? | No |
| Please provide an explanation for your answer: | |

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

| | |
|---|----|
| 4. Identify next steps as appropriate: | |
| Stage Two required | No |
| Owner of Stage Two assessment: | |
| Timescale for Stage Two assessment: | |

Name: Andy Day

Date: 11 April 2017

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

agreed at Corporate Programme Board on 30th March 2017

| PRIORITY AREAS | | | | | | | | | | | | | | |
|---------------------------------------|----|---|---|-----------------------------|-----------------------------------|------------------------------|------------------------------------|--|---|------------------|---|---|---|--------------------------------|
| THEME | No | Project Title | Links to which Strategies | Lead Officer | Collaborative Architects involved | Sponsor | Individual Projects underway | Governance Arrangements in Place | Member involvement (other than normal PH briefings) | Objectives Clear | Timeframe Clear | Risk Management Arrangements | Potential for delivery of savings? | Assessment of Current Position |
| SERVICE TRANSFORMATION | | | | | | | | | | | | | | |
| TRANSFORMING SERVICES | 1 | Business/Service Transformation Reviews Tranche 1 (Planning & Development and Education) | Core Strategy Development Plan and Local Plan | David Lowe | Not at present | | to be agreed | Corporate Programme Board | Yes | Not yet | Apr - Oct 2017 | to be determined | to be determined | |
| TRANSFORMING SERVICES | 2 | Business/Service Transformation Reviews Tranche 2 (Public Protection & Culture & Children & Family Services) | | David Lowe | to be agreed | | to be agreed | Corporate Programme Board | Yes | Not yet | Oct 2017 - April 2018 | to be determined | to be determined | |
| TRANSFORMING SERVICES | 3 | Business/Service Transformation Reviews Tranche 3 (Adult Social Care/Transport and Highways) | | David Lowe | Not at present | | to be agreed | Corporate Programme Board | Yes | Not yet | Apr 2018 - Oct 2018 | to be determined | to be determined | |
| TRANSFORMING SERVICES | 4 | Business/Service Transformation Reviews Tranche 4 (Public Health & Wellbeing and Safeguarding & Protection) | | David Lowe | to be agreed | | to be agreed | Corporate Programme Board | Yes | Not yet | Oct 2018 - Apr 2019 | to be determined | to be determined | |
| TRANSFORMING SERVICES | 5 | Business/Service Transformation Reviews Tranche 5 (Finance & Property, ICT & Customer Services and Strategic Support) | | David Lowe | to be agreed | | to be agreed | Corporate Programme Board | Yes | Not yet | Apr - 2019 - Oct 2019 | to be determined | to be determined | |
| TRANSFORMING SERVICES | 6 | Business/Service Transformation Reviews Tranche 6 (Human Resources/Legal Services/Commissioning) | | David Lowe | to be agreed | | to be agreed | Corporate Programme Board | Yes | Not yet | Apr - 2019 - Oct 2019 | to be determined | to be determined | |
| TRANSFORMING SERVICES | 7 | Financial Challenge Reviews | Medium Term Financial Strategy | Andy Walker/David Lowe | | | n/a - established process in place | Normal council decision making process | Yes | Yes | Yes | not applicable | n/a | Green |
| TRANSFORMING SERVICES | 8 | Corporate Digitisation Enablers | Council Plan | Phil Rumens | No | | No | Customer First Programme Board. | | Yes | Yes | Risk Registers will be in place for all projects that goes past the discovery phase | Yes | Amber |
| TRANSFORMING SERVICES | 9 | WasteSavings Project | | Melanie Best/Jackie Ward | to be agreed | Cllr Boeck/John Ashworth | Yes | Waste Steering Group/Corporate Programme Board | Yes (Cllr Boeck) | Not yet | March - Dec 2019 | Yes | | Amber |
| TRANSFORMING SERVICES | 10 | Shared Services (Legal) | TBC | Sarah Clarke/Bracknell | | | Yes | Corporate Board/Council | Yes | Yes | Business case in early July (implementation from September) | Yes | Yes | Amber |
| TRANSFORMING SERVICES | 11 | Shared Services (Emergency Planning) | TBC | | | | | Corporate Board/Council | Yes | | | | | |
| TRANSFORMING SERVICES | 12 | Shared Services (Public Protection) | TBC | Sean Murphy | | | TBC | | | | | | | |
| PROPERTY INVESTMENT | | | | | | | | | | | | | | |
| NEW INVESTMENT & INCOME OPPORTUNITIES | 13 | Asset Management inc property investment, asset disposal strategy and new 'transformation' opportunities. | Asset Management Strategy | John Ashworth / Andy Walker | No | Cllr Boeck/John Ashworth | Yes | Asset Management Group | Yes | Yes | Completion June 2017 | to be determined | Income Generation | Amber |
| NEW INVESTMENT & INCOME OPPORTUNITIES | 14 | Joint Venture with Greenham Common Trust for property investment. | Asset Management Strategy | John Ashworth / Andy Walker | No | Cllr Boeck/John Ashworth | Yes | Asset Management Group | Yes | Yes | Not yet | to be determined | Income Generation | Amber |
| NEW INVESTMENT & INCOME OPPORTUNITIES | 15 | Residential Property (Affordable Housing) | Housing Strategy and Homelessness Strategy | Mel Brain | Yes | TBA | Yes | Cross Service working group established to take ownership of this item | No | Yes | Yes | to be determined | No | Amber |
| NEW INVESTMENT & INCOME OPPORTUNITIES | 16 | Trading with schools and academies | TBC | June Graves | to be agreed | TBA | Yes | Corporate Programme Board | Not yet | Not yet | Not yet | not applicable at this stage | Potential for delivery of savings and generating new income streams | Amber |
| WORKFORCE PROJECTS | | | | | | | | | | | | | | |
| WORKFORCE PROJECTS | 17 | Car Allowances/Leasing | Savings | Nick Carter/Melanie Best | to be agreed | Cllr Fredrickson/Nick Carter | Yes | Corporate Programme Board | Yes | Yes | Yes staggered implementation April onwards 2017 | Yes | | Green |
| WORKFORCE PROJECTS | 18 | Apprenticeship Levy | Savings | Rob O'Reilly/Mel James | | TBA | Yes | Corporate Programme Board | TBA | Yes | April 2017-2019 (review in April 2018) | To be determined | | Amber |

OTHER PROGRAMME ACTIVITY

| THEME | No | Title | Links to which Strategies | Lead Officer | Collaborative Architects involved | Individual Projects underway | Governance Arrangements in Place | Member involvement (other than normal PH briefings) | Objectives Clear | Timeframe Clear | Risk Management Arrangements | Potential for delivery of savings? | Assessment of Current Position |
|-----------------------|----|---|--|-------------------------|-----------------------------------|------------------------------|---|---|------------------|----------------------|---|------------------------------------|-----------------------------------|
| SERVICE REVIEWS | 19 | Special Educational Needs and Disability (SEND) Pre-Inspection Review - added 2017 | | Sarah Salisbury | | to be agreed | Corporate Programme Board | | | | | | |
| TRANSFORMING SERVICES | 20 | Demand Management - ICT, Finance, HR | | Heads of Service | to be agreed | Yes | Resources SMT | No | Yes | Conclude August 2017 | not applicable at this stage | No | Amber |
| COUNCIL STRATEGY | 21 | Major Infrastructure Project - Sandleford | Core Strategy Development Plan and Local Plan | John Ashworth | No | Yes | Normal council decision making process | Yes | Yes | Not yet | to be determined | No | Amber |
| COUNCIL STRATEGY | 22 | Major Infrastructure Project - Grazeley | Core Strategy Development Plan and Local Plan | John Ashworth | No | Yes | Normal council decision making process | Yes | Yes | Not yet | to be determined | No | Amber |
| COUNCIL STRATEGY | 23 | Good at Safeguarding vulnerable adults | Berkshire Multi Agency Adult Safeguarding Policy | June Graves & Sue Brain | No | No | Not applicable, delivered as part of normal service and covered by service plan and performance indicators | No | Yes | Yes | Service Plan | No | Green |
| COUNCIL STRATEGY | 24 | Good at Safeguarding children | LSCB "Striving for Excellence" | Mac Heath & Andrea King | No | No | Delivered as part of normal service and covered by service plan and performance indicators. In addition the outcomes of the ongoing Children's Services Improvement Programme will contribute to safeguarding of children. That programme has full PMM in place and Member representation on its Programme Board. | Yes | Yes | Yes | Service Plan and Project & Programme Risk Registers | No | Green |
| COUNCIL STRATEGY | 25 | Improved Infrastructure - road condition | | Mark Edwards | Yes | Yes - standing programmes | Not applicable, delivered as part of normal service. Detailed planning and work programmes in place. Clearly the amount of work undertaken is constrained by the funding available and a target of being in top quartile carries a degree of risk as other LAs may spend a lot more in any given year. | No | Yes | Yes | Service Plan | No | Green although some inherent risk |
| COUNCIL STRATEGY | 26 | Improved Infrastructure - regeneration- Newbury Wharf | | Bill Bagnall | No | No | Progress appears dependent upon resolving the Waterside Centre issue. | | Yes | No | to be determined | No | Amber |
| COUNCIL STRATEGY | 27 | Improved Infrastructure - regeneration- Market Street | | Bill Bagnall | No | No | Monthly control/liason project steering group meetings. Newbury Town Centre task Group is kept updated on progress. | Yes | Yes | No | to be determined | No | Amber |
| COUNCIL STRATEGY | 28 | Improved Infrastructure - Berkshire Superfast Broadband | | Kevin Griffin | No | Yes | Pan-Berkshire Projects Board (chaired by West Berkshire Chief Executive). Monthly meetings take place between the project team and the key supplier | Yes | Yes | Yes | Project Risk Register | No | Green |
| Other | 29 | Boundary Commission Review | | Andy Day | | Not yet | Council | Yes | Not yet | Not yet | to be determined | No | Amber |
| Other | 30 | One Public Estate | | Richard Turner | No | Yes | Normal council decision making process | Yes | Yes | Not yet | to be determined | Yes | Amber |
| TRANSFORMATION | 31 | Work to explore the wholesale transfer of the majority of the Communities Directorate functions to other business entities (as outlined in the report to Operations Board on 10 th November 2016). | TBC | Rachael Wardell | | No | Corporate Programme Board | No | Not yet | Not yet | to be determined | to be determined | Amber |
| TRANSFORMATION | 32 | Health & Social Care Integration | Health & Wellbeing Strategy and Joint Strategic Needs Assessment | Tandra Forster | Yes | Yes | Health & Wellbeing Board & Berkshire West 10 Integration Board. | Yes - HWB | Yes | Yes | Programme Risk Register in place | No but may help manage demand | Green |

PENDING CORPORATE PROGRAMME GOVERNANCE PROCESS

Strategic review of the role of the voluntary sector