

# **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

## **MINUTES OF THE MEETING HELD ON TUESDAY, 9 OCTOBER 2018**

**Councillors Present:** Jason Collis, Lee Dillon, Tim Metcalfe, Richard Somner (Vice-Chairman), Emma Webster (Chairman) and Laszlo Zverko

**Also Present:** Catalin Bogos (Performance Research Consultation Manager), Mark Browne (School Improvement Post 16 Adviser), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Sally Kelsall (Housing Strategy and Operations Manager), Gary Lugg (Head of Development & Planning), Andy Walker (Head of Finance and Property), Jessica Bailiss (Policy Officer (Executive Support)), Councillor Dominic Boeck (Executive Portfolio: Corporate Services), Stephen Chard (Principal Policy Officer), Councillor Hilary Cole (Executive Portfolio: Deputy Leader, Planning, Housing and Waste), Councillor Alan Law (Council Member) and Gabrielle Mancini (Economic Development Officer)

**Apologies for inability to attend the meeting:** Councillor Marigold Jaques, Councillor Mike Johnston, Councillor Gordon Lundie and Councillor Ian Morrin

### **PART I**

#### **17. Minutes**

The Minutes of the meeting held on 10 July 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Item 12, Revenue Financial Performance 2017/18 – Provisional Outturn, third paragraph:** Councillor Laszlo Zverko highlighted that the 's' was missing from his name.

#### **18. Declarations of Interest**

Councillor Lee Dillon declared an interest in Agenda Item 8, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

Councillor Emma Webster declared an interest in Agenda Item 9, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate.

#### **19. Petitions**

There were no petitions to be received at the meeting.

#### **20. Actions from previous Minutes**

The Commission received an update report regarding actions recorded during the previous meeting. Actions 1 to 8 had either been completed or were in hand and could therefore be removed from the list of actions arising from the previous Commission meeting.

Stephen Chard highlighted that written responses had been provided for actions 4 (from the Minerals and Waste Team) and 6 (from Education) and could be viewed under sections five and six to the report.

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Regarding actions 7 and 8 which related to the Revenue Financial Performance for 2017/18 Provisional Outturn, Stephen Chard reported that the Budget Scrutiny Task Group has met for the first time in July to set the Terms of Reference for the group. The second scheduled meeting had needed to be cancelled however, there was an item on the Budget at that evening's Commission meeting.

Councillor Emma Webster referred to the response from Education concerning action 6, regarding achievement at GCSE. Councillor Webster thanked Mark Browne for the detail that had been provided and stressed that work needed to continue with Further Education (FE) Colleges and employers. Mark Browne added that work was taking place to link Economic Development Plans together. The Local Enterprise Partnership (LEP) was key in influencing this area of work. It was also possible that there would be some European Union funding available going forward.

**RESOLVED that** the Commission noted the report on actions from the previous meeting.

### 21. **West Berkshire Council Forward Plan 9 October 2018 to 31 January 2019**

The Commission considered the West Berkshire Forward Plan (Agenda Item 6) for the period covering 9 October 2018 to 31 January 2018.

Councillor Lee Dillon stated that he agreed with Proposed Property Investment being a standing item.

Councillor Dillon noted that Devolution was also on the Forward Plan as a standing item and this could be removed as it was not required.

**RESOLVED that** the Forward Plan and the recommended change was noted

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

The Commission considered its work programme.

**Resolved that**

- 1) The Council Strategy Workshops could be removed from the Task Group section as these had taken place.
- 2) The Commission noted the work programme.

### 23. **Prevalence of Homelessness in West Berkshire**

*(Councillor Lee Dillon declared a personal interest in Agenda item 8 by virtue of the fact that he worked for Sovereign Housing Association. As his interest was personal and not prejudicial he was permitted to take part in the debate).*

The Commission considered a report (Agenda Item 8), which provided an update of the position with homelessness following the implementation of the Homelessness Reduction Act 2018. Councillor Hilary Cole (Executive Portfolio Holder for Housing) introduced the item and reported that Sally Kelsall and her team had put a great deal of effort into providing an extremely comprehensive report for the Commission.

Councillor Cole reported that the Homelessness Reduction Act had come into force in April 2018. Implementation of the Act had created an increase in workload for the Housing Team and as a result the Team had been increased to accommodate the extra work. There were two strands to the Act, comprising of homelessness prevention and provision for rough sleepers. It was important that the two strands were considered as separate entities as they were very different.

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Sally Kelsall reported that the Housing Strategy Group brought all partner organisations together and had led on the work. Excellent partnership working had taken place.

Sally Kelsall stated that there was an amendment to the report since it had been written. The 'over flow facility' had been suggested due to the high number of rough sleepers, as Two Saints could only accommodate 20. However, due to the late notice, logistics and costs of setting up such a facility, West Berkshire Homeless Charity were unable to progress with the suggestion, so Two Saints were investigating alternatives and the Council was working on reducing the number before the winter cover starts.

Councillor Lee Dillon referred to the extra winter provision that would be provided by Two Saints and asked what would happen to some clients who were reluctant to use Two Saints. There were a lot of reasons for why people became homeless and these were not always attributable to alcohol and drugs. Councillor Cole noted the point raised by Councillor Dillon however, stated that there was a high level of supervision provided by Two Saints and that the perception was not a reality. Work was still ongoing to find alternative provision however, in the meantime Two Saints would be best placed to provide the service. Councillor Cole highlighted that the Local Authority had a Service Level Agreement (SLA) in place with Two Saints.

Councillor Dillon was aware that the Salvation Army had offered provision the previous year and noted that this was no longer available and queried the reason for this. Gary Lugg explained that the West Berkshire Homelessness Charity had provided services the previous year. The Charity had worked with the Housing Team and the Strategy Group and were happy to carry on providing services coordinated by Two Saints going forward. This would avoid the duplication of provision.

Councillor Cole stated that the Homelessness Strategy Group had successfully brought voluntary organisations together that had previously been working in isolation. Councillor Cole added that there was still work to do however, positively all organisations involved were now working to a common end. Sally Kelsall added that all voluntary organisations had agreed to work extra hours at Two Saints.

Councillor Dillon asked, with additional beds, what the total provision would be and Sally Kelsall confirmed the total provision was 20 however, it was hoped that more could be provided. Homelessness numbers had decreased from 30 to 26.

Councillor Dillon referred to the move on function and queried if this would include registering people on the social housing list and if they would be prioritised. Sally Kelsall confirmed that those who were homeless would be able to apply for housing. Councillor Dillon was concerned about the time this could take for people who were homeless over the winter months. Sally Kelsall explained that additional resource was being focused on tackling waiting times.

Gary Lugg stated that other funding alternatives would be explored prior to the winter period such as the 'Housing First' initiative, which could accommodate up to three people who might be the most difficult to accommodate elsewhere.

Councillor Laszlo Zverko was aware that the Council was able to provide bed and breakfast type provision and Gary Lugg clarified that this provision was for homeless families.

Councillor Emma Webster noted in paragraph 2.12 that an Officer from the Housing Advisory Support Team (HAST) from the Ministry of Housing, Communities and Local Government (MHCLG) had visited the Council earlier in the year with a view to the Council submitting a bid for a Government grant to address rough sleeping. Councillor Webster noted the increase from 15 to 20 rough sleepers over the period of a year and asked Officers if they were happy that the figure was correct. Sally Kelsall stated that the

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figures were an estimate based on one night of the year in November and therefore could vary. It was hoped that the number of rough sleepers could be reduced through projects being undertaken as part of the Rough Sleeper Initiative, which included an additional Outreach Worker.

Councillor Webster asked for assurance that lessons learned from operating the Severe Weather Emergency Provision (SWEP) had been taken on board. Gary Lugg stated that during the period of cold weather in winter 2017/18 the SWEP had been launched. As a result Two Saints had remained open all day and night throughout the period of cold weather. This would now be a standard provision as part of a SWEP. During the hot weather of summer 2018, the SWEP had been put into operation again and drinking water, meals and access to facilities had been provided. The plan was to put standard provisions in place for summer and winter.

Councillor Webster queried how the message regarding provisions had been effectively communicated to those at risk when the extreme heat had persisted. Councillor Cole stated that the MEAM (Making Every Adult Matter) Coordinator and Outreach Worker had been key to ensuring the message was communicated and in ensuring the offer of provision was taken up. Councillor Cole added that the West Berkshire SWEP was one of the best of all the Berkshire Authorities and as a result rough sleepers gravitated to the area. This was a point to be aware of but Councillor Cole stated that she would rather see the services provided than withheld for this reason.

Councillor Dillon asked if when taking in rough sleepers overnight if they were encouraged to return to their home authority area and if travel costs were covered. Sally Kelsall stated that this was something that was offered.

Councillor Richard Somner commented on the geographical location of West Berkshire and how the issue of the district's expansive border could be dealt with. Gary Lugg stated the Outreach worker worked closely with those accessing provision to find out where they were from. If a vulnerable person was from Reading then help and support would be provided to help return them to their local area. If a person was West Berkshire based and were happy to accept support then they would be offered support through Newbury based services.

Councillor Somner commented that Reading should aim to mirror the service offered in West Berkshire and Sally Kelsall confirmed that she was regularly in contact with Reading and Slough Local Authorities, this also helped to avoid double counting when a count of the number of rough sleepers was required. Councillor Cole stated that it was important to note that not everyone was happy to accept support and this choice must be respected.

Councillor Jason Collis commended the partnership working which was taking place however was concerned that it was reliant on specific grants that would come to an end. Councillor Cole stated that the aim was to eradicate rough sleeping by 2026/27 and she felt that positive steps were being taken in West Berkshire to achieve this. Councillor Cole was sceptical that rough sleeping could be eradicated completely, but with the right support in place it was hoped that good results would be achieved and the numbers of rough sleepers would be reduced as much as possible.

Councillor Cole referred to paragraph 2.23 regarding MEAM and stated that this included a small group of people facing multiple issues. Improvement was beginning to be seen in this area and work was being led on by a steering group chaired by Chief Inspector Lyndsey Finch from Thames Valley Police. MEAM involved a multiagency approach and there was some excellent work taking place. West Berkshire Council was one of the first local authorities to be taken onto the group.

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Councillor Webster referred back to the survey carried out on the number of rough sleepers and queried when this would be conducted. Sally Kelsall stated that a date later in November would be chosen.

Councillor Webster thanked officers for the comprehensive report and requested that Members be kept informed on the monthly report to the MHCLG and that any information be circulated.

**RESOLVED** that Members of the Commission noted the report.

### 24. **West Berkshire Vision 2036**

*(Councillor Emma Webster declared a personal interest in Agenda Item 9 by virtue of the fact that she was the West Berkshire Council representative for both the Thames Valley Police and Crime Panel and the Royal Berkshire Fire Authority. As her interest was personal and not prejudicial she was permitted to take part in the debate).*

The Commission considered a report (Agenda Item 9) concerning the Vision 2036. The aim was to present the 2036 Vision document and to ask the Commission to note that it was currently out for public consultation.

Gabrielle Mancini introduced herself as the new Economic Development Officer at West Berkshire Council. The West Berkshire Vision document provided a broad statement of intent that would be monitored by the Health and Wellbeing Board (HWBB), providing a partnership approach to its delivery. The document looked at what was possible in West Berkshire and asked partners to sign up to aspirations for the district. The document had been out for consultation for three weeks and this would continue until the end of October 2018. So far there had been a good level of comment received. Gabrielle Mancini encouraged Members to disseminate the document to their parishes. The plan was to submit the final draft of the document to the HWBB in January 2019 and Full Council in March 2019 for sign off.

Councillor Lee Dillon referred to details of the HWBB on the website and had noted that the membership of the Board was listed however it neglected to detail the name of each member represented. Therefore it might not be apparent to members of the public that the HWBB was the best body to monitor the document. Gabrielle Mancini stated that she would feed Councillor Dillon's comments back, as this could be easily rectified.

Gabrielle Mancini added that the document was the first of its kind to be overseen by the HWBB, as in the past similar documents had been ratified by Council without input from partners. Councillor Dillon also did not feel from reading the document that it was clear why the HWBB was overseeing it. Gabrielle Mancini stated that once the Board had signed up to the document, detail could be provided on who each of the partners were. The HWBB was a group consisting of a wide variety of stakeholders that went beyond health.

Nick Carter added that the HWBB had become the primary strategic partnership for West Berkshire and was similar in nature to the former Local Strategic Partnership (LSP). Nick Carter suggested that a paragraph be added to the inside cover of the document to explain the role of the HWBB.

Councillor Dillon noted that there were some typographical errors to correct within the draft. He also referred to the 'Where we are now' page regarding the 10,000 homes built between 2000 and 2018 and noted that this did not follow the same pattern in relation to the time period it covered.

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Councillor Dillon felt that no-one could really disagree with the objectives and aspirations of the report however, he felt that the document was aspiring to be where the district had been three years ago before the vast amount of cuts had been implemented.

Councillor Emma Webster referred to page six where it quoted West Berkshire had the 'Best residential care in England' and queried what evidence underpinned this quote. Councillor Webster felt that this was a bold statement considering the issues there had been with Birchwood Care Home. Gabrielle Mancini stated that this was based on research that had been undertaken by the BBC, which had identified that 97% of the care provided was either good or outstanding in the district. Councillor Webster felt that the source should be added to the quote.

Councillor Webster queried the quote on page six that West Berkshire was 'one of the best places to be a woman'. Gabrielle Mancini stated that this had been taken from a statistical study carried out by the Guardian. Councillor Webster felt that this needed to be more specific.

Councillor Webster commented that some of the photos used throughout the document were not a true representation of the district. Gabrielle Mancini stated that the intention would be to go on a tour of West Berkshire and take some new photos. This would be done once there had been sign up to the document.

It was noted that the Portfolio Holder, Councillor Rick Jones had sent his apologies for the meeting and Councillor Webster stated what she would be happy to forward any comments from Members onto him for consideration.

Councillor Laszlo Zverko referred to there being no financial implications highlighted and hoped that this would prove to be the case.

### **RESOLVED that:**

- Organisation details be added to the HWBB membership page on the website and a description of the role of the HWBB be added to the inside cover of the Vision 2036 document.
- The Commission noted the Vision 2036 document that was out for consultation until the end of October 2018.

## **25. Key Accountable Performance 2018/19: Quarter One**

The Commission considered a report (Agenda Item 10) concerning quarter one, key accountable performance for 2018/19.

Catalin Bogos drew the Commission's attention to the scorecard on page 81 and confirmed that most areas were on target. There had been some delays on key projects. Although red on some areas Safeguarding Children and Adults were achieving some very good results.

The measure of the six Adult Social Care (ASC) provider services inspections' outcomes, showed that one nursing home (Birchwood) recently transferred to the Council's responsibility and had been rated by the Care Quality Commission (CQC) as 'inadequate'. Catalin Bogos added that the CQC had since re-inspected the Care Home and rated it as 'requires improvement' but were not able to raise the rating beyond this due to the previous rating of 'inadequate'. The care home was a priority for improvement and an action plan was in place.

Good performance had continued in quarter one relating to children's social care core business. Exception reports had been provided for areas where performance was below that expected.

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Regarding Adult Social Care, the percentage of long term clients receiving an annual review was one percent below target, due to a number of vacancies within the team. Action was being taken on this and detail was included within the exception report.

Regarding Planning and Housing, Catalin Bogos reported that there was an exception report included regarding the timeliness of planning applications. Corporate Board had taken the decision to increase the targets for planning application determination, to reflect the national average for processing times. Otherwise Catalin Bogos confirmed that performance in this area for quarter one was relatively indifferent.

Councillor Laszlo Zverko noted that staff turnover was at a rate of 14% and queried how this compared to other areas. Catalin Bogos reported that LG Inform provided some information on national averages and gave a figure of 14%. Councillor Zverko asked how this compared to the past five years and Catalin Bogos confirmed that staff turnover had increased from about 11/12%. Private sector information suggested that staff turnover in the sector was at about 15%.

Councillor Lee Dillon noted within the planning applications exception report that the target had changed. He queried if the language had remained the same regarding the 13 week period and Catalin Bogos confirmed that it had. Councillor Dillon noted that there had been a 24% drop in planning applications however, the target was still not being met. Nick Carter commented that this was likely to be because there were a large number of vacancies within the service that were proving difficult to fill. Councillor Dillon asked if there was a strategy in place for filling the vacancies and requested that a written response be provided by Gary Lugg on the issue.

Councillor Webster referred to the submission of the new Local Plan and Minerals and Waste Local Plan page 112 and stated that when target dates were changed, it would be helpful if explanations were included in the 'comment' column. Catalin Bogos concurred and commented that this had not been included by omission.

### **RESOLVED that:**

- 1) A written response be provided by Gary Lugg regarding the strategy in place to fill vacancies within the planning service.
- 2) The Commission noted the Key Accountable Performance Report for Quarter One.

## **26. Financial Performance Report: Month Five**

The Commission considered a report (Agenda Item 11) concerning the 2018/19 Revenue Financial Performance for Month Five. Andy Walker introduced the report and explained that the aim of it was to inform Members of the latest revenue financial performance for 2018/19. It was clear from the report that the Council's position had worsened since the previous period. The Month five forecast was an overspend of £1.9m, which was 1.6% of the net budget. The forecast overspend had increased by £634k from Month Four. The main increases were £165k in Adult Social Care commissioning and £200k in Children and Family Services as a result of increased expenditure on childcare lawyers attributable to the increase in complex cases. Finally £118k was attributable to Transport and Countryside largely due to a range of pressures on the car parking budget.

Andy Walker explained that the Council's Executive were eager to mitigate the position. The £1.9m already took in to account cutting unnecessary spending. The senior management team and Members would be working to maximise mitigation action going forward.

Councillor Tim Metcalfe noted that the net revenue budget was detailed as £119.4m in the finance report however, had been noted as £125.4m on page 81 of the performance

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report (Agenda Item 10). Andy Walker stated that he would need to clarify the figure however, expected that the discrepancy between the figures was linked to the Better Care Fund. Andy Walker would report back on this at a later date once confirmation had been sought from Officers.

Councillor Dillon noted that there was no plan to deploy risk reserves in year and queried how much of the pressure was inflationary.

Councillor Dillon noted that the aim was to slow spending across the Council and queried what monitoring would take place on the reduction in spending to assess the impact of mitigating action on service provision.

Nick Carter explained that the aim was to pull services back in order to save £1.2m and the progress to date was very positive. Both vacancies and recruitment had been slowed down and conversations were taking place with each Head of Service to identify where spending could be reduced. Nick Carter stated that if there were to be impacts upon services then Portfolio Holders would be involved. Currently there were no plans to make any dramatic changes to services. It was possible that there might also be other opportunities on the horizon such as funding from Government for pressures being faced by ASC. Delayed Transfers of Care (DToC) were the cause of some of the overspend and although performance was good for DToC locally, this was not sustainable. It was anticipated that by month six, there would be a much clearer picture of the progress mitigating actions were having in helping to offset the deficit.

Andy Walker reported that risk reserves had not been deployed until the end of the last financial year. The report was very transparent regarding what the risks were however, at the moment the Executive had chosen not to deploy the risk reserve funding. Councillor Dillon queried the reason behind this decision. Nick Carter confirmed that the Executive wanted to focus on mitigating action in the first instance and then review the decision to deploy risk reserves later in the year.

Councillor Dillon queried why car parking income was not on target and Nick Carter stated that there were a variety of reasons. Firstly the number of people parking had decreased within the town. Nick Carter added that there were also enforcement issues and suggested that a written response be requested from the Highways Department on this. Andy Walker stated that the car parking issue was a yield issue.

Councillor Somner commented that in Reading, the Council had taken over all of the car parks and increased the cost for parking. Going forward this could cause more people to visit Newbury as an alternative to the increased charges.

Councillor Zverko asked for a response to be brought to the next meeting regarding the cost of grass verge cutting. Due to the extreme weather conditions of the past summer, less service had been required and therefore a windfall might be received in month nine or ten. Nick Carter stated that two rural cuts were undertaken per year and one was only just beginning. Nick Carter stated that Paul Hendry could provide further detail on this. Councillor Somner stated that he had spoken to Paul Hendry and been informed that cutting was not happening. The contractor was having to increase staffing levels to ensure they could meet the four week cycle.

Councillor Webster noted that a SWEP was planned for November and the cost of this would be higher than the grant received. Councillor Webster asked that Andy Walker provide some detail to help Members understand the cost of the SWEP.

Councillor Webster noted in paragraph 5.4 that the Development and Planning Service was forecasting an underspend of £142k due primarily to salary and associated savings in the service. Councillor Webster was aware of the vacancies in the department and asked for assurance that vacancies would not be held and used as a way to generate



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savings going forward as this would continue to mean that planning performance indicators were not met. Nick Carter felt that some savings could be achieved by the reduced volume of planning applications.

Councillor Webster referred to page 136 which detailed a decline in the Council's use of Shaw House. Councillor Webster asked if Officers were satisfied that all was being done to turn this situation around. Nick Carter stated that there was an ambitious business plan for Shaw House and there had been a struggle to meet the income target. Shaw House had experienced greater success from external clients however, Nick Carter stressed that it was having to deal with a difficult trading environment. The income target had not been met for three to four years and it was suggested that this could be challenged.

Councillor Dillon questioned if use of the other risk reserves was solely for decision by the Executive. Andy Walker confirmed that general funds were utilised by the Executive however, there were 'earmarked' reserves that could only be used for that defined purpose. The aim would be to use the 'earmarked' reserves to mitigate the position before accessing the general reserve.

Councillor Dillon noted that one of the reasons for the overspend was due to under-forecasting and he queried if lessons had been learned for the next financial year to avoid the same situation occurring. Councillor Dillon also asked if any benchmarking had taken place with other local authorities around ASC budgets and forecasts. Nick Carter commented that most councils were facing a significant overspend in Children's and ASC however, it was not certain if all causes were the same. Nick Carter felt assured that lessons learned would be used when setting the budget for the next financial year.

### **Resolved that:**

- 1) Andy Walker to provide a response on the discrepancy between the two new revenue budget figures.
- 2) A written response be requested from the Highways Department regarding why the car parking target had not been achieved.
- 3) A response regarding grass cutting be sought from Paul Hendry and the Countryside Team.
- 4) Andy Walker to provide costings for the SWEP in November.
- 5) The Shaw House team to be challenged on why the income target was not being met and what the plan was for turning the situation around.

Councillor Emma Webster closed the meeting by stating that, as of the December 2018 Council meeting, she would be stepping down as the OSMC Chairman. She thanked Members and Officers for their input into scrutiny meetings during her time in the Chair.

*(The meeting commenced at 6.30 pm and closed at 7.45 pm)*

**CHAIRMAN** .....

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