

# DRAFT

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## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

### MINUTES OF THE MEETING HELD ON TUESDAY, 15 JANUARY 2019

**Councillors Present:** James Cole (Vice-Chairman), Lee Dillon, Marigold Jaques, Mike Johnston, Alan Law (Chairman), Gordon Lundie, Ian Morrin, James Podger and Laszlo Zverko

**Also Present:** Catalin Bogos (Performance Research Consultation Manager), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Gary Lugg (Head of Development & Planning) and Ian Pearson (Head of Education Service), Jessica Bailiss (Policy Officer (Executive Support)), Stephen Chard (Principal Policy Officer), David Lowe (Scrutiny & Partnerships Manager), Jude Thomas (Principal Policy Officer (Corp Prgm)) and Councillor Quentin Webb (Council Member)

**Apologies for inability to attend the meeting:** Councillor Tim Metcalfe

**Absent:** Councillor Steve Ardagh-Walter and Councillor Jason Collis

#### PART I

#### 29. Minutes

The Minutes of the meetings held on 9 October 2018 and 6 December 2018 were approved as true and correct records and signed by the Chairman, subject to the following amendments:

- **Minutes of the meeting held on Thursday 6<sup>th</sup> December 2018, page 15, Appointment of the Vice-Chairman:** Councillor James Cole

#### 30. Declarations of Interest

There were no declarations of interest received.

#### 31. Petitions

There were no petitions to be received at the meeting.

#### 32. Actions from previous Minutes

The Commission received an update report regarding actions recorded during the previous meeting. Actions 1 to 7 had either been completed or were in hand and could therefore be removed from the list of actions arising from the previous Commission meeting.

Councillor Alan Law referred to section eight on page 18 of the report, which included a response from Paul James. At the last meeting of OSMC it had been requested that the Shaw House Team be challenged on why the income target was not being met and what plans were in place to turn the situation around. Councillor Law had read the response and noted that there had been an estimated shortfall at the start of the financial year of £30k in the Shaw House budget. He was concerned that this was only going to rise

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further as the year progressed. Councillor Gordon Lundie suggested that the shortfall might have been carried over from the previous year.

Councillor Law moved on to explain that a pre-meet for OSMC had been held on 8<sup>th</sup> January 2019 at his request. The meeting had proved useful in setting the priorities for the Commission going forward. Pre-meetings would take place before each OSMC going forward.

Councillor Law referred to the agenda for the meeting and suggested that item six (West Berkshire Council Forward Plan) be considered at the same time as item 11 (OSMC Work Programme).

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

### 33. **West Berkshire Council Forward Plan**

The Commission agreed to consider the West Berkshire Council Forward Plan (Agenda Item 6) at the same time as the Forward Plan for OSMC (Agenda Item 10).

### 34. **Corporate Programme and Development & Planning New Ways of Working**

The Commission considered a report (Agenda Item 7) concerning the Corporate Programme and the Development and Planning New Ways of Working (NWOW) Review. The purpose of the report was to advise the Commission of the Council's Corporate Programme and its current areas of activity in order that it might identify projects requiring OSMC involvement. The report also aimed to set out the findings of the NWOW review for the Development and Planning Service.

David Lowe drew attention to page 37 of the NWOW final report for Development Planning where the methodology was set out. Each service would be reviewed over a three year period to ensure all services were performing effectively and efficiently and that money was being invested in the right places. David Lowe stated that the initial methodology had been enhanced as the process progressed.

Review teams consisted of a number of Officers from different areas such as Performance, Human Resources and Digital Services. Each Officer would look at a service with regards to their particular discipline and provide a report. Each report would then be compiled in to a single pack for consideration by senior Officers and Executive Members, who would scrutinise and form recommendations for improvement, before the information was submitted to the Corporate Programme Board.

Councillor Ian Morrin asked how the Officers involved in the reviews were chosen. David Lowe stated that Officers from outside of the organisation would have been chosen if cost had not been an issue. Officers that had an understanding of the Service being reviewed were chosen. Approval had been obtained for an analyst to be appointed.

David Lowe reported that the role of the review team was to collate the data and then questions needed to be asked regarding what could be gained from this information. Data was presented to Nick Carter and other Senior Officers. Although using internal resources did pose challenges, those who formed the review teams were not working directly for the services being reviewed and therefore could be objective. Nick Carter concurred that there was understandably a challenge if Officers were not experts of the area being reviewed. However, the aim of the work was to improve from the current position. Nick Carter acknowledged that views might differ from someone outside of the Local Authority however, this option was too costly. Councillor Morrin stated that it was possible that things could be missed that would be picked up by an external resource.

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David Lowe explained that the Development and Planning Service was the first to be reviewed and the objectives could be seen set out under section 2.2 of the report. The review process included the development of a SMART (Specific, Measurable, Achievable, Relevant and Timebound) action plan for each service. David Lowe commented that the only element of SMART that was not yet available was a timeline.

Councillor Alan Law referred to the Corporate Programme and noted that he could not see Development and Planning detailed. David Lowe confirmed that this was because the review of Development and Planning had been completed. The Education Service was the next to be reviewed followed by Public Protection and then Adult Social Care. Councillor Lee Dillon commented that it would be helpful to include commentary on projects rated at red on the Corporate Programme.

Councillor Law asked if there was any reasoning behind the order in which services were reviewed. David Lowe explained that Development and Planning had been reviewed first due to the issues it was facing in meeting certain targets. It was noted that Planning Services and Development Control had been assessed together. The aim was to have completed a review for each service by October 2020.

Councillor Law queried how the process differed to TEB. Gary Lugg explained that TEB had a narrower focus on monetary issues whereas NWOW was much broader.

Councillor Law asked what had been learned from the process so far. David Lowe stated that the process was continually improving. Initially distance had been kept between the review team and the service being reviewed however, it had been acknowledged that there was merit in a closer involvement, particularly when conducting the review of the Education Service. David Lowe felt that so far the process had uncovered some benefits that would improve service delivery.

Nick Carter reported that Wokingham Borough Council had carried out a review that was a radical new model and had involved spending a large amount of money of resources including a system analyst. In West Berkshire the decision had been taken not to go into the same level of detail as there was not the resources available to do so. There was however, desire to carry out some cost and service analysis work.

Councillor Gordon Lundie noted the 25 recommendations from page 74 of the report. It was felt that these were high level and Members needed to know what the next steps would be. Councillor Lundie stated that it needed to be demonstrated how the 25 recommendations would lead into an improvement plan and future savings.

David Lowe reported that some of the recommendations had no cost attached, for example DP03, which required a response to be provided to staff on their suggestions put forward at the SWOT workshops. Other recommendations however, required further resource including feasibility studies, business cases and other steps required for approval to be sought.

Councillor Lundie asked how the benefits would be assessed and David Lowe explained that the NWOW was about service improvement and not finance and there was currently a separate Financial Challenge being undertaken for this purpose.

Councillor Lundie asked when the process for the review of Development and Planning would close and David Lowe reported that the recommendations had been considered and signed off by the Corporate Programme Board however, it was not yet known when all the actions would be completed. This would be monitored continuously.

Councillor Laszlo Zverko asked about service delivery and if phone calls and other communications from the general public were being included. David Lowe confirmed that

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a three tier model had been used and customers who would normally use a telephone were encouraged to use digital systems.

Councillor Zverko asked what mechanisms were in place to record the comments from the general public. David Lowe reported that for the Housing Service, people who were on the Housing Register had been approached and there had been a strong consensus that improvements could be made to customer services. These comments had been incorporated.

Councillor Lee Dillon referred to the order in which services were picked and asked how it was ensured that the allocation of resources was fair. Nick Carter stated that this was a risk because there were particular digitalisation projects that would require a high level of resource. Front line services had been prioritised and therefore the order was logical. Nick Carter was aware that resources were likely to be an issue later in the process.

Councillor Law asked if the Executive was involved in the prioritisation of services. Nick Carter confirmed that there was a desire to get certain services involved in the review early on such as Education and Planning and therefore conversations around the order had taken place.

Councillor Dillon referred to one of the Key Performance Indicators under agenda item 9 regarding benefit claims. This related to Landlords of whom the Housing Service would have contact with on a regular basis. Councillor Dillon asked how it was being ensured that joint working was taking place to progress certain issues. Nick Carter reported that any opportunities for linkages between services would need to be picked up as the process progressed. Nick Carter referred back to the review that had taken place in Wokingham. There had been huge exit costs involved and service delivery issues. A difference approach was being taken in West Berkshire.

Councillor Morrin was aware that much of the work required would fall within the remit of digitalisation and ICT and he asked what thought had been given to this. Nick Carter confirmed that the Corporate Project Board had carried out work on demand and supply. Regarding funding, he was aware that this would probably become an issue later on and would need to return to the Executive for consideration.

Councillor Morrin asked why conversations regarding funding were not taking place at that time with the Executive. Nick Carter stated that the work needed firming up before going to the Executive to improve its chances of being accepted. It was likely that cases for the different service areas would need to be taken to the Executive as and when they were ready. Currently the Corporate Project Board was not clear what would be required in terms of ICT however, if it was beyond the available budget then the Executive would need to be lobbied. Councillor Morrin was still of the view that discussions with the Executive were required early on.

Councillor Mike Johnston referred to the review undertaken by Wokingham with regards to support services and asked if there were any ICT areas that could be lifted from the lessons that had been learned. Nick Carter stated that Wokingham had taken a very radical approach and it was too early for the benefits to be apparent. If this was to be considered the support services would have to be considered as its own entity.

Councillor Marigold Jaques noted that 60% of planning applications were being rejected because the application process had not been correctly followed. Gary Lugg stated that this was a national issue and South Oxfordshire were seeing 55% of planning applications rejected for the same reasons. Simple errors were causing the problems and it was possible that there might be ICT solutions to the issues. This would improve West Berkshire Council's efficiency however, investment in digital support would be required.

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David Lowe felt that this figure needed to be reduced down to as close to zero as possible as any reduction would provide an improved service.

Councillor Jaques asked if Officers had any idea of who was failing to fill in the necessary details correctly. Gary Lugg stated that those failing to submit planning applications correctly included large planning applications from agents to individuals. Oxford had a system in place whereby £20 could be paid to have forms checked however, the uptake was very low. Councillor James Cole was of the view that attention in this area might improve if the retention of planning fees was reviewed. Gary Lugg stated that people were offered three chances to complete their forms correctly and were offered support if required.

Councillor Law referred to 2016 when Development Control had been visited by an external consultant and asked how the NWOW differed to this process. Gary Lugg stated that the consultant had come with the view of implementing software across public services. The consultant had concluded that given the constraints being faced no improvements could be suggested. Gary Lugg reported that this information had been captured by David Lowe's team when the NWOW review had been undertaken. There was an element of process mapping that needed to be undertaken.

Councillor Law noted that good feedback was provided regarding Development Control on page 71 under section 6.3.4, where it stated 'the team appears to be ahead of many of its contemporaries elsewhere in local government'. Councillor Law asked if this was the case why the benchmarking figures were so negative. Gary Lugg confirmed that benchmarking suggested that in West Berkshire there was a case of up on price but down on income.

Councillor Law referred to page 52 where West Berkshire was compared to other local authorities and again did not appear to be performing positively in terms of benchmarking. Gary Lugg explained that this was because income was down but expenditure was average in the area.

Councillor Dillon referred to the action plans that would be formed and asked what the role of OSMC would be in the process. Councillor Law asked what the measure of success would be. Nick Carter suggested that Officers return to OSMC after the fourth review to make an assessment and confirm if the process was adding value. Nick Carter stated that the NWOW was not just about driving savings and was focused on service improvement. Councillor Dillon therefore asked if the first reviews were pilots and David Lowe confirmed that only the first two were considered to be pilots.

Councillor Law stated that he had a good knowledge of planning and therefore there was nothing in the report that surprised him. He felt benefits were about getting the information into the public domain.

Gary Lugg explained that each service was in a difficult place. Issues being faced included service management and capacity.

Councillor Dillon asked if Gary Lugg felt that the review had put his service in a better position to fight for resources. Gary Lugg reported that it had created more opportunity to bid for corporate support.

Councillor Law summarised that there seemed to be overlap between the NWOW and the financial review taking place. It seemed like a zero based budget review was being avoided. It was important that all areas were pulled together and a holistic approach taken to ensure benefits reached full potential. Finally there was additional investment required for ICT.

**RESOLVED that:**

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- The NWOW should return to the Commission after the fourth service had been reviewed.
- The Commission noted the report.

### 35. **The Draft Council Strategy 2019-2023**

Councillor Alan Law introduced the report (Agenda Item 8), which presented the priorities for improvement and the commitments that were planned for inclusion in the draft new Council Strategy 2019-2023 for public consultation.

It had been agreed at the pre-meeting for OSMC that the item would not be discussed in depth as the Strategy was about to be released for public consultation (from January until February 2019).

Councillor James Cole was concerned that housing was not featured within the Strategy as a priority. Catalin Bogos explained that the document was a working draft and would soon go out to public consultation. Councillor Law concurred with Councillor Cole and felt that reference to the key points of the Housing Strategy was required within the Council Strategy. Catalin Bogos highlighted the priority on page 91 of the report which contained the commitment to 'Develop an Integrated Infrastructure Plan to deliver regeneration, housing, flood prevention and alleviation and travel and transport infrastructure'. Members and Officers decided that, for the new strategy, instead of focusing on individual domains of infrastructure improvement, the approach should be to ensure that planned improvement was focusing on all elements being integrated into a joined up approach. Evidence and detail behind each of the priorities would be included when the document went out for public consultation. Catalin Bogos also pointed out that 'Planning and Housing' was listed as Core Business in the Council Strategy framework diagram.

Councillor Cole commented that there was a great difference between urban and rural areas in the district with regards to housing. Families living in the countryside were being split up because their grown up children could not afford to live there independently and Councillor Cole felt that this issue required focus.

Councillor Law felt it was important that the detail that sat behind the Council Strategy was not lost. In his view, some of the priorities in the Housing Strategy should be included in the Council Strategy.

Andy Day explained that the issue was that the Council Strategy was about priorities for improvement. It was not possible for the document to cover all elements as it was essentially a high level document that needed to be drafted ready for public consultation in January 2019.

Councillor Dillon supported the joined approach that would be taken by Council Services in delivering the priorities within the Council Strategy.

Catalin Bogos stated that it was important with West Berkshire being a largely rural district, that a balance was sought between technology and protecting the environment.

Councillor Marigold Jaques suggested that the Commission be given the opportunity to view the feedback from the public consultation.

Councillor Law commended the joined up approach being undertaken to deliver the Strategy however, stressed the importance of retaining detail.

#### **RESOLVED that**

- An opportunity for the Commission to explore the feedback from the public consultation on the Council Strategy 2019-23 and to have an overview of the measure used to monitor commitments.

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- The reference to addressing housing need was better reflected in the draft text for public consultation.
- The Commission noted the report.

### 36. **Key Accountable Performance 2018/19: Q2**

The Commission considered a report (Agenda Item 9) concerning quarter two, key accountable performance for 2018/19.

Catalin Bogos reported that the report gave detail on performance against the Council Strategy. It was important to note that demand was rising within certain services including Adult Social Care and Children and Family Services. Achievements for these services were listed within the report.

At the end of September 2018, four measures were rated as amber and four were rated as red. Regarding the red targets, it was unlikely that these would be achieved by the end of the year. Exception reports had been provided for each area rated as red or amber.

Councillor Lee Dillon felt that Catalin Bogos was the messenger and felt that the Leader or Deputy Leader should be present as well as Portfolio Holders to answer questions in detail. Councillor Dillon noted that the target regarding London Road Industrial Estate would have turned red since the quarter two information was released. Catalin Bogos commented that the report reflected the status of milestones and the narrative explained the position. Actions were in place to address any outstanding areas. Due to the timing of when information was available, work sometimes had to take place retrospectively.

Catalin Bogos commented that although he was the messenger for performance he was present to listen to views and obtain further information if required by Members.

Councillor Mike Johnston commented that there was less than three months to go until the end of the financial year and asked if there was a possibility that any of the red or amber targets would change to green by year end. Nick Carter stated that targets rated red would not be recovered however, those that were rated amber should be.

Councillor Gordon Lundie stated that if Portfolio Holders were invited to Commission meetings there would be a danger of recreating the Executive, where they were already held accountable for performance. Councillor Dillon stated that he did not mind where the questions were being asked as long they were being raised.

Councillor Ian Morrin stated his frustration with the system as targets rated red seemed to be staying red for a long time, particularly some Education targets around closing the gap.

Councillor Law asked if performance indicators were up to date and valid and that this was potentially an area OSMC could focus on. Nick Carter confirmed that OSMC had focused on this in the past through a task group. There was a lot of work taking place to resolve areas rated as red and Heads of Service were well informed on the issues. Red targets could be achieved in time however, it could not be confirmed when. Nick Carter reassured the Commission that red targets were not dismissed. The Head of Education was well aware of the red targets within his area around attainment and the reasons for the position however, they were particularly challenging. Nick Carter highlighted that they were long term strategic targets.

Councillor Morrin reiterated his concern about the length of time targets were staying red. Nick Carter explained that some of the Council Strategy targets were politically driven and when set initially it had been recognised that they would be challenging however, it was important to have high aspirations. If a target was not being achieved it would

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receive a lot of attention and focus at Corporate Board. There was a sense across the Local Authority that red targets would be subject to scrutiny.

Councillor Dillon referred to the summary sheet on page 97 of the report pack which highlighted RAG ratings for core business and priorities for improvement. 'Communities Help Themselves' was a priority achieving particularly well however, in Councillor Dillon's view this was one of the weakest priorities in terms of structure. Councillor Dillon stated that the Council Strategy had priorities for improvement however some were not improving at the rate expected and he asked for Nick Carter's view on this. Nick Carter agreed that 'Communities Help Themselves' was difficult to measure. There had been lengthy debates regarding whether the expectations should be that all targets should be green however, a ratio of 80% green to 20% red was seen as more realistic and if challenging targets were being set there would be an element of red ratings.

Nick Carter added that there had been discussions on whether targets around attainment had been set too high and a debate was required regarding why these targets were not being achieved.

Councillor Dillon asked what decisions were being made around priorities for improvement. Catalin Bogos commented that it was evident from the report that improvements were being made. The issue was that education targets had been set that required the Local Authority to fall within the top 10% of the highest achieving authorities. While improvements were being made, this was also the case in other local authorities and it was therefore difficult to break into the top 10%. There was also a challenging target for affordable housing in that the Council Strategy priority was to facilitate the completion of 1000 units by 2020. Although this target was rated red, a 30% improvement had been achieved.

Ian Pearson explained that there were two targets rated as red for the Education service and as explained these required the Local Authority to be in the top 10% nationally in all indicators. No other local authority was achieving this. Regarding targets that used the wording 'Closing the Gap' the Department for Education used 'Diminishing the difference'. It had been estimated that to close the gap nationally would take 125 years. Although it was important to be ambitious it was also important to be realistic on what could be achieved. Ian Pearson stated that statistics showed that West Berkshire was performing well compared to other local authorities and was in the top quartile in many indicators. It was confirmed that the previous Corporate Director for Communities had been keen on targets worded 'Closing the Gap'.

Councillor James Cole felt that the graphics used within the report did not show the improvement being achieved. Councillor Law asked what value could be added by OSMC. Councillor Lundie felt that a discussion was required between Executive Members and OSMC to ensure ambitions for the District were realistic when targets were set. Councillor Law queried if OSMC should be scrutinising the Council Strategy and associated targets each time it was refreshed and felt that if performance was improving then this needed to be shown. Councillor Morrin suggested that arrows be added to graphics to show if improvement was being achieved. Nick Carter confirmed that a system was being explored that used dials to indicate the direction of travel and this would hopefully resolve the Commission's concerns.

Councillor Marigold Jaques felt that the Commission should be scrutinising particularly areas which were underperforming. Andy Day confirmed that this had been practiced in the past when members of the Education team had been asked to attend OSMC.

Councillor Dillon referred to page 136 which detailed the Adult Social Care performance indicator: '% of clients with Long Term Service receiving a review in the past 12 months'.

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Councillor Dillon noted that the target had been red in the past but had since been turned around through increased staffing. The target was failing again on staffing issues, which in Councillor Dillon's view was within the Local Authority's control. Catalin Bogos confirmed that the plan had been to deploy staff from other teams however, this had been hindered by annual leave and staff sickness. He agreed that it was a resourcing issue.

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

### 37. Financial Performance Report: Month Seven

Councillor Alan Law stated that a special OSMC meeting would take place at the end of February regarding Adult Social Care and the budget.

**RESOLVED** that:

- Financial performance would be discussed at the special meeting of OSMC in February 2019.
- The Commission noted the Financial Performance Report for month seven.

### 38. Overview and Scrutiny Management Commission Work Programme

Councillor Alan Law drew attention to the Council's Forward Plan on page 23 of the agenda pack and the OSMC work programme on page 167 and asked Members of the Commission for suggestions of important areas for review.

Councillor Law explained that the work of the Commission would fall in to three themed areas going forward: corporate effectiveness, policy effectiveness and partnership effectiveness. It was hoped that each of the areas would have an assigned task group but this was dependent on officer resource. The Commission had agreed that in order to improve the effectiveness of OSMC that greater and more in depth focus should be given to less areas.

Councillor Lee Dillon stated that a review would be required on the London Road Industrial Estate. Focus was required on the procurement process and the advice given to Members that informed the decisions that were made. Councillor Law concurred that this was an area that required a review and suggested that himself and Andy Day provide a scoping report for Members to consider. This review had also been requested by the Portfolio Holder. Councillor Dillon felt that the review needed to commence prior to May 2019, to ensure Members involved in the original case were still in Office to ensure evidence could be collated. Councillor Law was of the view that the in depth review should take place after the election that considered lessons learned from the process.

Councillor Mike Johnston suggested that a review take place on the effectiveness on the New Ways of Working programme in six months' time. Councillor Ian Morrin felt that the transformation to digitalisation should be a key focus of this. It was proposed that Councillor James Cole and Councillor Morrin draft the scope for the review.

Councillor Morrin suggested that a review take place for the GDPR. Councillor Law stated that he had been advised that this should be reviewed by the Governance and Ethics Committee. Councillor Morrin asked that confirmation be provided at the next meeting of the Commission regarding when the review process would take place.

Councillor Law stated that the Adult Social Care Budget needed to be added to the work programme and would be considered at the special meeting in February 2019.

**RESOLVED** that:

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- The London Road Industrial Estate be added to the Work Programme for OSMC and a scoping report be provided by Councillor Law and Andy Day.
- A review of the NWOW be added to the Work Programme for OSMC and a scoping report be provided by Councillor Cole and Councillor Morrin.
- Confirmation be provided on when a review of the GDPR by the Governance and Ethics Committee would take place.
- The ASC Budget be added to the Work Programme for February 2019.

*(The meeting commenced at 6.30 pm and closed at 8.10 pm)*

**CHAIRMAN** .....

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