

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 22 MARCH 2022

Councillors Present: Alan Law (Chairman), James Cole, Thomas Marino, Steve Masters, Claire Rowles, Tony Vickers, and Adrian Abbs (Substitute) (In place of Jeff Brooks)

Councillors Attending Remotely: Councillor Lee Dillon

Also Present: Councillor Tony Linden, Councillor Howard Woollaston (Portfolio Holder for Internal Governance, Leisure and Culture), Nigel Lynn (Chief Executive), Jon Winstanley (Service Director (Environment)) and Paul Hendry (Countryside Manager), Rob Coles (Canal & River Trust), Mark Evans (Canal & River Trust), Luke Dawson (Sustrans), Claire Poulton (Sustrans), Paul Martindill, Vicky Phoenix (Principal Policy Officer - Scrutiny) and Gordon Oliver (Democratic Services)

Apologies for inability to attend the meeting: Councillor Jeff Brooks, Councillor Lynne Doherty, Susan Halliwell, Andy Sharp and Sarah Clarke

Councillor(s) Absent: Councillor Gareth Hurley

PART I

44. Minutes

The Minutes of the meeting held on 25 January 2022 were approved as a true and correct record and signed by the Chairman.

45. Actions from previous Minutes

The following comments were made:

- Action 50 – Since there was no further update from Councillor Lee Dillon, it was agreed this action should be removed from the list.
- Action 54 – It was agreed that this action should be retained pending consultation with Councillors Alan Law and Tony Vickers.
- Action 55 – It was noted that there had been a recent change in legislation that may be relevant to British Sign Language and the action should be retained pending further investigation.
- Action 56 – It was agreed this action should be retained pending confirmation of alternative means of access for Members to the Council's intranet.

46. Declarations of Interest

Councillor Steve Masters declared an interest in Agenda Item 6, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would remain to take part in the debate, but would not vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Items 6 and 7, 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 and vote on the matters.

47. Petitions

There were no petitions to be received at the meeting.

48. Securing Effective Management of the Kennet and Avon Canal

(Councillor Steve Masters declared a personal and prejudicial interest in Agenda item 6 by virtue of the fact that he lived on the canal and paid a licence to the Canal and River Trust. As his interest was personal and prejudicial he elected to take part in the debate, but to not to vote on the matter).

(Councillor Tony Vickers declared a personal interest in Agenda item 6 by virtue of the fact that he was a Member of Newbury Town Council which was engaged in activities around the canal, and he was also a Member of the Local Access Forum, which considered use of the public rights of way network. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

Paul Hendry presented a report (Agenda Item 6) on Securing Effective Management of the Kennet and Avon Canal. The report covered: the history of the canal; issues affecting use and management of the canal and its towpath; and the key stakeholders involved. It was noted that the Kennet and Avon Canal Partnership was due to come to an end in March 2023, when West Berkshire Council's funding contribution of £25,000 per annum would also end. Discussions were needed regarding the future management of the canal and particularly its towpath. In terms of funding, Section 106 funds had been secured improvements in Newbury, but there was a risk that opportunities may be missed to secure funds from other sources. Also, concerns were expressed about local authorities acting in isolation.

Councillor Tony Vickers noted that the canal was a potential source of flooding, particularly in Central Newbury, and there was a lack of clarity as to who was responsible for elements of the canal. This aspect had not been addressed in the report, but it was of interest to West Berkshire Council as the local Flood Authority. Councillor Vickers recognised the value of the towpath for walkers and cyclists, and also the conflicts that could occur. He agreed that the Kennet and Avon Canal Partnership should be resurrected. It had been established to oversee expenditure of a substantial external grant. He expressed concern about potential loss of funding from 2023 onwards and agreed that stakeholders should work in partnership to secure funding for essential maintenance.

Jon Winstanley stated that the Environment Agency was the flood authority for the Kennet & Avon Canal and River Kennet. He also noted that a significant amount had been spent on flood defences in Newbury, and the Environment Agency and riparian owners had a responsibility to maintain these.

Councillor James Cole highlighted issues with: cyclists travelling too fast / too close to walkers; walkers with dogs not on leads; walkers with headphones who were oblivious to approaching cyclists; and lock breakages. He also noted that some people lived on the canal and it was important to represent their needs.

Councillor Claire Rowles asked how the canal supported sustainable transport and net zero carbon targets. She also stressed the importance of mental health and wellbeing benefits of accessing the canal.

Councillor Adrian Abbs had used the towpath for 20 years, but had never seen any active management / enforcement.

Paul Hendry acknowledged the focus of the report had been on the towpath and the cessation of funding, but recognised that there were wider implications. In terms of

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sustainable transport, the towpath offered an easy-to-use, traffic-free route walking and cycling route into the main towns of Newbury and Thatcham. Some people used the path for longer commuting trips by bike. Further work was needed to establish how many people used the towpath who would otherwise drive. In terms of managing conflict, a code of conduct had been drafted with the emphasis on encouraging considerate behaviour.

Councillor Cole had heard that vegetation had been cut back at inappropriate times. He noted that the Council had reduced the amount it cut back vegetation on highway verges and asked if there was scope to do the same on the towpath to promote wildlife habitats.

Councillor Rowles asked who the Council's representative was on the Kennet and Avon Partnership. It was confirmed that West Berkshire Council was not currently represented, but there was not a requirement to send someone.

The Chairman praised the report in terms of setting out the background and issues, but noted that there were few solutions proposed.

Mark Evans sought to address points raised by Members as follows:

- The Canal and River Trust (CRT) undertook a lot of water control activity and information could be made available as required.
- Campaigns were regularly run to address the issue of speeding cyclists, with slogans such as 'share the space – drop the pace'.
- Many owners lived on their boats – some moved along the canal network, but some remained in West Berkshire.
- Lock gates had a life expectancy of 20 years and were maintained at considerable cost.
- The Kennet and Avon Canal Partnership was set up in response to the Heritage Lottery grant - local contributions were match-funding for that grant. The Partnership, which ceased to meet during the pandemic, had been a good mechanism for discussing issues and funding. A report was produced annually which outlined the CRT's work.
- Health and wellbeing was key to the CRT and there had been a significant increase in towpath users during Covid.
- Byelaws were in force on the canal and towpath, but most enforcement activity was in relation to boats, since it was difficult to police the towpath.
- The CRT had an Environment Team that strictly controlled where and when vegetation was cut back.

The Chairman noted that the match funding would cease in 2023 and asked where funding would come from in future. He also asked who would take the lead on putting together the new partnership.

Mark Evans indicated that CRT would be happy to lead on the partnership - strengthening this was crucial. He confirmed that £2 million was spent on the canal in West Berkshire each year, so £25,000 was a small proportion. Other sources of funding were available, including S106 funding. The Water Safety Partnership was cited as a good example of joint working, and had resulted in additional safety cabinets being installed. Having a link into the local authority was important to help identify appropriate officers in other departments.

Councillor Abbs indicated that meetings should resume and if additional funding would be required then this should be identified as soon as possible to aid budget planning. He

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recognised that it was difficult to police the towpath, but suggested that conflicts may only be at certain times. He suggested that monitoring should be carried out to better understand the extent of the problem.

Councillor Vickers declared an interest in that he was a Member of the Canal and River Trust. He felt that the CRT was key to levering in additional funding. He highlighted that the canal was worth up to £30 million to the District in tourism. Newbury Town Council saw the canal as a unique selling point and he suggested that the Business Improvement District should be represented on the Partnership. He suggested that the Partnership should be reconvened and review its terms of reference, with additional partners invited to participate. It was noted that anglers were often responsible for clearing vegetation on the banks, which led to erosion problems - information was sought as to how much angling contributed in terms of revenue.

Councillor Rowles noted that appointments to outside bodies would be agreed at the Annual General Meeting in May.

Paul Hendry noted that the Kennet and Avon Canal Trust was not represented at the meeting – they had been the catalyst for bringing the local authorities together and should be involved in future arrangements.

Claire Poulton noted that Sustrans were doing a number of projects along the Kennet and Avon canal and they were keen to work in partnership with the Council as well as the CRT. Councillor Richard Somner had been contacted as portfolio holder for Transport, Planning and Countryside and invited to a meeting on site so he was clear about their aspirations. The [Paths for Everyone Strategy](#) set out the vision for the National Cycle Network (NCN) and how Sustrans would work with its partners to run the NCN. There was a 20 year plan to fix and grow the NCN. A series of 15 recommendations were included in the Strategy, which would help to make the path accessible for all. The aim was to make the path 3m wide and to have a hard surface where possible, and to remove barriers along the route. Local communities would be invited to help design, develop and maintain the network. The aspiration was to have 67% of the NCN traffic-free with the remainder as quiet ways by 2040. This would increase usage amongst cyclists, walkers and wheelchair / pushchair users. A Three-Year Review Report had been produced in 2021, which showed how the network had been improved. Plans for improvements to a 10km section of NCN4 between Aldermaston Wharf and Calcot were shown.

Action: Gordon Oliver to circulate the Sustrans presentation.

The Chairman asked who Sustrans contacted if they needed to arrange for repairs on the towpath. Luke Dawson confirmed that most of the contact was with the CRT, but Clive Tombs was the main contact at West Berkshire Council.

Paul Hendry suggested that all interested parties needed to be involved in initial discussions.

Action: Paul Hendry to initiate discussions regarding resurrecting the Kennet & Avon Partnership

The Chairman suggested that the Leader of the Council be asked to appoint an elected Member as a representative on the Kennet and Avon Canal Partnership and that the Newbury Business Improvement District also be invited to take part.

Action: Councillor Alan Law to recommend to the Leader of the Council on behalf of OSMC that an elected Member be appointed as a representative on the Kennet and Avon Canal Partnership.

Action: Paul Hendry to invite the Newbury Business Improvement District to be part of the Kennet and Avon Canal Partnership.

49. Scrutiny Review of the Draft West Berkshire Leisure Strategy

Councillor Tony Linden presented the Scrutiny Review of the Draft Leisure Strategy (Agenda Item 7). Thanks were given to Members and Officers for their contributions. The Task Group had made a number of recommendations, which were listed on pages 86-87 of the agenda papers. While there were no major shortcomings in the Strategy or supporting public engagement exercises, a number of areas were identified where improvements could be made. The Newbury Lido was considered to be an excellent project that would attract people from a wide area including those living outside the District and, with a longer operating window, there was a strong likelihood of turning a profit. The project would also address issues relating to the water table. The Executive Portfolio Holder, Councillor Howard Woollaston, had significant property experience which he could bring to bear with the project.

The Chairman expressed his thanks to Councillor Tony Linden for taking over as Chairman of the Task Group.

Councillor Woollaston congratulated Paul Martindill and his team for producing a very good Leisure Strategy, which was tied in with the Playing Pitch Strategy that would be renewed every three years. He felt the Lido scheme would be a fantastic solution. However, he agreed that there was need to look at leisure facilities in the east of the district in the medium to long-term.

Councillor Adrian Abbs noted that there was widespread support for an improved lido. However, he expressed concern that the public consultation response for the Leisure Strategy was still very low, and there was no detail about the number of people who had attended the workshops. This meant that decisions could be taken without sufficient data.

Councillor Tony Vickers felt that the new Strategy was a significant improvement, and acknowledged that there had been challenges as a result of Covid. He indicated that there was no reason for the Executive to not adopt the Strategy, but there were still some unanswered questions. He expressed surprise that access to transport was not raised as an issue in the consultation. Also, with many leisure centres based in schools, this restricted opening times, which may deter elderly residents who would not want to go out in the evenings. In addition, he noted that there was no data for privately run leisure facilities.

Councillor James Cole queried whether the Strategy was looking widely enough, since the strategy was focused on organised sports, and did not consider activities such as walking. Also, he questioned whether culture and heritage activities should be considered in the Leisure Strategy or kept separate.

Councillor Tom Marino agreed on the need for additional leisure facilities in the east of the District. He questioned why it had taken so long to appoint a new Chairman of the Task Group.

Councillor Steve Masters noted that the Task Group had expressed concerns about access from rural areas and sustainable transport issues, but there had not been time to go into these in depth. He confirmed that he had raised concerns about the lack of leisure facilities in the east of the District. He commended Councillor Linden for his chairmanship.

Councillor Claire Rowles was pleased to see that individual charities working with disabled people had been engaged, but suggested that the Learning Disabilities Partnership Board could have been used to further widen engagement.

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The Chairman noted the proposals in the report. These picked up on Members' concerns regarding the quality and quantity of data on which the Strategy was based. He suggested that rural communities would like to have leisure activities in village halls rather than travelling to leisure centres and agreed with the recommendation to reinstate the outreach programme. He agreed that the Strategy was focused on organised sports, but many people engaged in other leisure activities (e.g. visiting stately homes, gardens, etc).

Councillor Linden agreed about widening the scope of the Strategy and suggested that this and the other recommendations could be picked up in the Delivery Plan.

Paul Martindill agreed that the detailed responses could be captured in the Delivery Plan. While he recognised the value of cultural leisure activities, the scope of the Strategy had been on leisure activities with health benefits (i.e. physical activities). He confirmed that future research would capture the postcodes of respondents. Also, he confirmed that the new leisure contract would include provision for outreach services, with a focus on the most inactive and deprived wards.

Councillor Woollaston felt that the consultation response was good and it was difficult to get residents to respond. Efforts had been made to engage with key stakeholders and maximise the response. He agreed that rural communities needed to have their own leisure activities, but larger facilities such as swimming pools required economies of scale and had to be located in major urban areas. He accepted there were challenges in basing leisure facilities in schools, but there were opportunities for access in the holidays and at weekends. He highlighted that section 5.4 of the draft Strategy referred to enhancing access to, and utilisation of greenspace and bluespace, through improving accessibility to open water, waterways, parks, commons and Public Rights of Way.

Councillor Vickers was pleased that there would be investment in the Lido and felt that the consultation had come up with the right options. He noted that this drew people from a wide area and while he acknowledged the lack of facilities in the east of the District, he noted that residents were able to use pools in neighbouring areas.

The Chairman noted that Members had been campaigning for a new pool in the east of the District for around 25 years and expressed the hope that this would be achieved in the near future.

50. Appointment of Task Groups

The Commission considered matters relating to the Appointment of Task Groups (Agenda Item 9).

The Commission considered the terms of reference for the Customer Journey Task and Finish Group. Councillor Tony Vickers supported the terms of reference as written.

Councillor Adrian Abbs indicated that he was a user experience expert and would be happy to be involved.

Councillor Claire Rowles asked that the needs of people with disabilities be explicitly referenced in the terms of reference.

The Chairman noted that the out of hours reviews had been incorporated into this review. He proposed that there be an interim report on the out of hours aspect. It was noted that the Terms of Reference had this aspect listed as Part 3, but this would be brought forward to be considered first.

The Terms of Reference were agreed by Members of the Commission subject to the above amendments.

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The Chairman proposed that Councillor James Cole be appointed as Chairman. This was agreed by Members of the Commission.

It was noted that Councillor Cole had previously been proposed as Chairman of the Fees and Charges Task and Finish Group. However, he did not have capacity to do both, so the Chairman proposed that Councillor Linden be appointed as Chairman of the Fees and Charges Task Group. This was agreed by Members of the Commission.

It was agreed that Councillor Carolyne Culver should represent the Green Party on the Customer Journey Task and Finish Group, with the Liberal Democrat representative to be confirmed following the meeting. Councillor Biyi Oloko was suggested as the second Conservative Member.

Action: Councillor James Cole to confirm the Liberal Democrat Member and the second Conservative Member.

51. Health Scrutiny Committee Update

Councillor Claire Rowles presented the update on the work of the Health Scrutiny Committee (Agenda Item 9). The next meeting was planned for 5 April, with a pre-meeting arranged for 30 March. Thanks were expressed to officer for work undertaken in preparation for the meeting. Agenda items would include:

- Continuing Health Care
- Basingstoke and North Hampshire Hospitals Maternity Service
- Children and Young People's Mental Health Services
- Updates from Berkshire West Clinical Commissioning Group and Healthwatch

It was noted that Councillor Alan Macro had submitted a motion to Council regarding the redevelopment of the Royal Berkshire Hospital. This would not be considered at the April meeting due to existing pressure on the agenda, but a special meeting may be called to consider the motion and the hospital redevelopment.

The Committee continued to use its scoring system to prioritise scrutiny topics and develop a work programme for the coming year.

The Chairman indicated that he had previously been on the Board of Governors for the Royal Berkshire Hospital NHS Foundation Trust, and was aware of the issues associated with the physical asset of the hospital estate. He indicated that he would like to address the Committee on this point.

Cllr Rowles noted that the Committee would make a recommendation back to Full Council on the motion.

52. West Berkshire Council Forward Plan 01 February to 31 May 2022

The Commission considered the West Berkshire Forward Plan (Agenda Item 10) for the period covering 1 February to 31 May 2022.

The new format was noted and was generally considered to be clearer.

Councillor Tony Vickers noted the item on the Three Year Highway Improvement Plan, and highlighted that that this was supposed to be consistent with the approved Highways Asset Management Plan, but this was now out of date.

53. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme (Agenda Item 11).

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In addition to the items shown, it was proposed that the Customer Journey Task Group would seek to bring an interim report on the Out of Hours Service to the 24 May meeting, and a final report to the September meeting.

Councillor Tony Vickers noted that the Local Flood Risk Strategy had only just been approved and suggested that it be slipped to a later meeting.

Councillor Claire Rowles asked if the Equalities and Diversity Strategy could be brought forward as it was such an important issue. It was noted that it had slipped due to staff resource issues.

Nigel Lynn explained that the Quality and Diversity Strategy was part of the Workforce Strategy. While it was recognised as important, the member of staff who would be progressing it had only just been appointed, and there was little scope to accelerate the process.

(The meeting commenced at 6.30 pm and closed at 8.05 pm)

CHAIRMAN

Date of Signature