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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 28 JULY 2020

Councillors Present: Jeff Brooks, James Cole, Lee Dillon (Vice-Chairman), Lynne Doherty, Gareth Hurley, Owen Jeffery, Alan Law (Chairman), Thomas Marino, Ross Mackinnon, Steve Masters, Garth Simpson, Joanne Stewart and Tony Vickers

Also Present: Catalin Bogos (Performance, Research and Consultation Manager), Sarah Clarke (Service Director Strategy & Governance), Julie Gillhespey (Audit Manager), Joseph Holmes (Executive Director (Resources)), Bryan Lyttle (Planning Policy Manager), Gordon Oliver (Corporate Policy Support) and James Townsend (Policy Officer- Executive Support)

PART I

6. Minutes

The Minutes of the meetings held on 14 January 2020, 14 May 2020 and 25 June 2020 were approved as a true and correct record and signed by the Chairman.

7. Declarations of Interest

Councillor Alan Law declared a personal and prejudicial interest in Agenda item 6 by virtue of the fact that he was a Member of the Executive at the time decisions were made. As his interest was personal and prejudicial he undertook to leave the meeting for this item and not to take part in the debate or voting on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 6 by virtue of the fact that he had worked with Duncan Crook on previous planning applications and through the local Liberal Democrats, but reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tom Marino declared an interest in Agenda Item 10 by virtue of the fact that he was on Tilehurst Parish Council, but reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

8. Petitions

There were no petitions to note.

9. Actions from previous Minutes

There were 5 actions followed up from previous Commission meetings:

(16) Completed

(17) Completed

(18) Gordon Oliver stated that a schedule of reports was being finalised and service review items will be included on the forward plan.

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(19) Councillor Law stated the item should be taken off the list as it was in hand.

(20) Gordon Oliver stated that the group convened in June 2020 and is scheduled to report to OSMC in October 2020

10. London Road Industrial Estate Task and Finish Group Report

Councillor Alan Law declared a personal and prejudicial interest in Agenda item 6 by virtue of the fact that he was a Member of the Executive at the time decisions were made. As his interest was personal and prejudicial he left the meeting and took no part in the debate or voting on the matter. Councillor Lee Dillon (Vice-Chairman) took over as Chairman for this item.

Councillor Tony Vickers declared a personal interest in Agenda item 6 by virtue of the fact that he had worked on planning applications with a member of the public with an interest in item 6. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter.

The Commission considered a report (Agenda Item 6) concerning the London Road Industrial Estate Task Group.

Councillor James Cole introduced the report that sought to outline to OSMC the work undertaken by the task group created to better understand the advice and guidance received in relation to the Council's decision when procuring a preferred partner for the London Road Industrial Estate (LRIE) development. He stated that the full list of recommendations by the Task Group were set out in Paragraph 5.42 and Appendix H, and it was recommended that these be adopted by OSMC as recommendations to the Executive.

Councillor Vickers stated that 'east of the A339' was not part of the Newbury Vision area. He also noted in the Newbury Town Centre Plan 2005, one option for the town centre boundary included LRIE. He further noted that one of the problems the Council has had was that there has not been a planning led master plan for the area. While he commended the report, he thought the terms of reference were too tight and that scrutiny should be led by the opposition.

Councillor Jeff Brooks stated that he was looking for assurances that things had changed and processes had been updated. He stated he wanted to see evidence of this.

Councillor Garth Simpson stated that the report showed the lack of project management that was involved in LRIE. He asked if the Commission were now satisfied that the Council had invested sufficient resources to resolve the issues that arose out of LRIE.

Councillor Steve Masters commended the work completed, but expressed concern about the narrowness of the terms of reference. He also stated that the Commission needed assurances that processes had changed and the same mistakes will not be repeated. He asked what measures had been taken to fix the issues of LRIE.

Councillor Lynne Doherty noted that the terms of reference had been agreed at a public meeting.

Councillor Cole stated that the project management comments in the report demonstrated that the Council had developed since the LRIE started. He stated that the Council now used the Prince2 methodology and that it had programme officers for big projects. He also noted that the Council was now putting staff through project management training. He stated that this was evidence that things had changed.

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Councillor Marino asked for clarification on VEAT notice.

Councillor Cole stated that it meant Voluntary Ex Anti-Transparency notice.

Sarah Clarke clarified that it related to procurement legislation and advertised the intention to enter into a contract, inviting third party objections.

Councillor Brooks stated that the Council should be at the forefront of adopting new project management methodologies and not lagging behind.

Councillor Vickers asked Councillor Cole what else he would have included in the terms of reference that were not included. He also asked why the 'Executive-led master plan' initiative was not paused whilst the report was being written. Furthermore, he asked why Mr Gaulton and Mr Crook were not interviewed. He stated that the Strutt and Parker feasibility study took too long to go to Executive. He further noted that the LRIE provides a substantial income to the Council and asked if the site should be utilised in a way other than rental income. Lastly, he stated that the football ground at LRIE is an asset of community value, he asked if the next project will incorporate this.

Councillor Cole stated that he would not have expanded the terms of reference.

Councillor Lynne Doherty, in response to Councillor Vickers, stated that the project was not delayed because the provision was that West Berkshire was always open for business to attract new investment.

Councillor Cole stated that the task group had a submission from Mr Crook but a lot of it was outside of the terms of reference.

Sarah Clarke stated that the task group was unable to locate Mr Gaulton. She also stated that she was not sure why there was a delay of the Strutt and Parker feasibility study.

Councillor Vickers stated that he was on the Newbury Town Centre Task Group and he felt that the council did not have the resources to deal with the project management.

Bryan Lyttle stated that, on planning policy, the core strategy for West Berkshire was submitted in 2010, and the associated employment land availability assessment indicated that the Council had sufficient land, but not sufficient quality. . He explained that a 'quarters' concept was included, but the inspector took this out. He also stated that LRIE is an area of protected employment and is susceptible to flooding.

Councillor Doherty stated that this report would be reviewed at Executive and she would report back. She also noted that the figures for the income of LRIE would be disclosed at a later date.

Resolved that: the recommendations were approved and the report would be taken to Executive for consideration.

Councillor Alan Law returned to the meeting and resumed as Chairman.

11. Local Government Association (LGA) Corporate Peer Challenge

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The Commission considered a report (Agenda Item 7) concerning the Local Government Association Corporate Peer Challenge.

Joseph Holmes introduced a report that sought to outline the results of the LGA Corporate Peer Challenge for West Berkshire Council and an action plan to address the recommendations within it. He noted that there were a number of positives in the report, but it did highlight the need for the Council to continue to improve its communications and engagement.

Councillor Doherty stated that the key points to address in the report were being addressed, such as the communications and engagement strategy.

Councillor Cole stated that the change to communications over the last year had improved dramatically.

Councillor Vickers stated that he would like to see more scrutiny and resources for internal scrutiny.

Councillor Law agreed that he would like more officer support for scrutiny, but suggested that the work done with the available resources could not be better.

Councillor Doherty stated that the Council was part of the LGA and they reviewed the Council's services on a regular basis. She also noted that there was scrutiny through a number of streams, such as the Health and Wellbeing Board and Corporate Parenting Panel. She noted that the Peer Review had not highlighted any problems with scrutiny.

Councillor Brooks stated that officers were stretched and there was always more that could be done in terms of resources.

Councillor Law praised the Council's communications since the start of the Covid outbreak, but stated that the Council's telephone system and switchboard needed improving.

Resolved that: the report and recommendations were noted.

12. 2019/20 Performance Report Quarter Four

The Commission considered a report (Agenda Item 8) concerning the 2019/20 Performance Report Quarter Four. Catalin Bogos stated that the report sought to provide assurance that the core business and Council priorities for improvement (Council Strategy 2019-2023) were being managed effectively. He also highlighted successes and where performance had fallen below the expected level with associated remedial measures. He highlighted strong overall performance with only two areas where targets had not been achieved. He noted that benchmarking activities also showed strong performance. He asked the Commission to note the report, including the recommendations approved by the Executive.

Councillor Dillon stated that the report needed to be clearer when it referred to Covid-19 impacts. He also wanted to thank the work that had been done on housing payments free-school meals and asked if there should be more regular reporting.

Councillor Cole asked if the statistic on page 163 was the average number of sick days per member of staff and stated that he did not understand the graph on page 162.

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Catalin Bogos stated that the chart showed how many performance measures were on target and that 'baseline' referred to new activity. The chart on page 156 provided details on the acronyms used. He undertook to ensure these were repeated under each graph.

Councillor Jo Stewart stated that she would re-think the presentation of the graph with Catalin Bogos. In reference to Councillor Dillon's point on Covid-19 impacts, she stated that further clarification would be given on this in the report. She also noted that further investigations into comparison of sick levels would be undertaken.

Councillor Vickers in relation to page 188 'Produce the infrastructure delivery plan', he believed that PAG had a figure for housing numbers.

Bryan Lyttle stated this was still in the report because it was still in a range and not a definitive figure. He confirmed that the Council had an eight year housing land supply which was in excess of the five year requirement.

Councillor Law stated that the report focused solely on the Council's core business and stated that one of the recommendations was to establish a new strategic goals category.

Catalin Bogos stated that some of the KPIs were incorporated from the OSMC recommendations and stated that others were being worked on.

Councillor Law stated that he would like to see some comments on the strategic goals at the next OSMC meeting.

Action: Gordon Oliver to send the Performance Report from OSMC in January 2020 to Councillor Stewart to review the recommendations made.

Resolved that: the report was noted.

13. 2019/20 Revenue Financial Performance: Provisional Outturn

The Commission considered a report (Agenda Item 9) concerning the 2019/20 Revenue Financial Performance: Provisional Outturn. Joseph Holmes outlined the report and sought to report on the financial performance of the Council's revenue budgets. He noted that the provisional revenue outturn position was an under spend of £1.46m (comprised of £1.3m in Adult Social Care (ASC), £435k in Children & Family Services (CFS) and £245k in Education), which was 1.2% of the Council's 2019/20 approved net revenue budget of £125m. He stated that the under spend would have a positive impact on the General Fund reserve.

Councillor Brooks stated that an under-spend was as dangerous as overspending, especially given a 1.5% increase in Council Tax.

Councillor Mackinnon stated that it was very difficult to forecast budgets exactly. He agreed that the goal was to come in as close as possible to budget, but the reasons for the variation were entirely justifiable.

Councillor Brooks stated that he believed Adult Social Care should now be more 'forecastable' after previous years also underspent.

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Councillor Cole stated that future budgeting would have to take account of the impact from Covid-19.

Joseph Holmes stated that this had been taken into consideration.

Councillor Law pointed to page 195 table 5.2 'net revenue forecast' and stated that quarter 4 highlighted a big under-spend. He stated that he was concerned that 4 months out and the Council still were not able to forecast it.

Joseph Holmes stated that the Council did model adult social care on range and there was room for caution in the forecast, having taken into consideration previous years' spending.

Councillor Dillon asked if there were any major bills that adult social care had to pay at the end of quarter four. He also stated that there should be more commentary on the forecasted adult social care spending.

Joseph Holmes stated that quarter four often saw additional costs, which did not happen this financial year and the fall in spend on Children's Services was contrary to previous years.

Resolved that: the report and recommendations were noted.

14. 2019/20 Capital Financial Performance Report - Outturn

Councillor Tom Marino declared an interest in Agenda Item 10 by virtue of the fact that he was on Tilehurst Parish Council, but reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

The Committee considered a report (Agenda Item 10) concerning the 2019/20 Capital Financial Performance Report - Outturn. Joseph Holmes introduced the report that sought to highlight the under or over spend against the Council's approved capital budget. He stated that the report presented the provisional capital outturn for the Council in respect of financial year 2019/20. He further noted that the figures were provisional and may change as a result of External Audit. The provisional outturn was a £52.4 million underspend against the 2019/20 revised capital budget of £91.9 million. £35 million of the under spend related to the Commercial Property budget which was not spent during 2019/20.

Councillor Law stated that the figures related to a 30% under spend and asked for clarification.

Joseph Holmes stated that there had been some re-profiling into different financial years that had caused a lot of the under spend. He indicated that the Local Enterprise Partnership (LEP) funding for Newbury Railway Station had been carried forward and he pointed to page 208 which set out some key areas in education services where some of the school works had been re-profiled.

Councillor Law asked if the re-profiling was higher than previous years.

Joseph Holmes stated that he would have to check this.

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Councillor Vickers pointed to page 208 4.2 (b) in relation to Sandleford Access and its timeline for 2020/21 and asked if this was too optimistic.

Bryan Lyttle stated that it was achievable.

RESOLVED that the recommendations in the report were agreed.

15. West Berkshire Council Forward Plan 7 July 2020 to 31 October 2020

The Commission considered the West Berkshire Forward Plan (Agenda Item 11) for the period covering 7 July 2020 to 31 October 2020.

Councillor Law stated that he had spoken with Councillor Doherty about the possibility of a 6 month forward plan.

Resolved that the Forward Plan be noted.

16. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme for the year 2020/21.

Councillor Dillon stated that he would like to see some scrutiny on how the assets were disposed of at the London Road site, what the Council's engagement methods were, the rationale or business case for closure was, what the Council's reading of the re-purposing policy was and whether the Council were opening up for challenge due to the site being vacant for two years.

Councillor Law stated that this was related to the London Road Industrial Estate report. He asked for Councillor Dillon to put this in writing and he would take this up with the Chief Executive and Leader of the Council to discuss timings and resources available.

Councillor Simpson stated he would like to see some work done on project management scrutiny.

Councillor Law asked Councillor Simpson to put this in an email and stated that he would take this up with the Chief Executive and Leader of the Council to discuss timings and resources available.

Resolved that the proposed changes to the work programme be noted.

(The meeting commenced at 18:30 and closed at 20:16)