

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 2 NOVEMBER 2010

Councillors Present: Brian Bedwell (Chairman), Irene Neill, David Rendel, Quentin Webb, Emma Webster, Keith Woodhams (In place of Jeff Brooks)

Also Present: Councillor Barbara Alexander (Portfolio Holder for Education), Councillor David Betts (Portfolio Holder for Highways), Councillor Anthony Stansfeld (Portfolio Holder for Emergency Planning), John Ashworth (Corporate Director - Environment), Caroline Corcoran (Education Service Manager), Mark Edwards (Head of Highways and Transport), Carolyn Richardson (Civil Contingencies Manager), Stephen Chard (Policy Officer), David Lowe (Scrutiny & Partnerships Manager)

Apologies for inability to attend the meeting: Councillor Jeff Brooks, Councillor Geoff Findlay, Nick Carter (Chief Executive)

PART I

77. Minutes

The Minutes of the meeting held on 14 September 2010 were approved as a true and correct record and signed by the Chairman.

78. Declarations of Interest

There were no declarations of interest received.

79. Actions from previous Minutes

The actions following the previous meeting were covered on the agenda.

80. Items Called-in following the Executive on 14 October 2010

No items were called-in following the last Executive meeting.

81. Councillor Call for Action

No new Councillor Call for Action (CCfA) items were raised for discussion.

82. Petitions

No petitions were brought to the Commission for consideration.

83. Severe Winter Weather

The Commission considered a report (Agenda Item 8) providing an update on the activity undertaken since the Commission's review and to examine the preparations in place for the coming winter.

Councillor Brian Bedwell opened the item by stating the importance of the scrutiny undertaken at the beginning of the year and in the valuable work that had followed in response to, and in addition to, the scrutiny work.

Mark Edwards was then asked to provide an update from the perspective of the Highways Service and the following points were made in relation to the six highways related recommendations formed by the Commission:

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- The Highway Winter Service Plan had undergone a detailed review during the previous six months. This encompassed the Commission's recommendations and some additional activity which had been identified from within the service. The full draft had been sent to all Members and parish/town councils for consultation and the latest version would be made available in the Members Boardroom. It was hoped that the plan would be approved as an Individual Decision on 11 November 2010.
- The comments received from parish and town councils in relation to gritting routes had been taken into account and approximately a dozen routes had been added. Many of these ensured that routes to, for example, schools and General Practitioner surgeries were included in the primary gritting route and treated wherever practicable.
- Amendments had been made to the Winter Policy to allow for earlier treatment of town centre footways and to provide greater clarity on this matter.
- The salt stock had been increased, as recommended, to 5,000 tonnes, this took into account the fact that around 4,000 tonnes were used last winter. This was purchased at an early stage which ensured that the salt had been delivered in time. This was not the case for all local authorities.
- All parish and town councils had been consulted on the draft Salt Bin Policy. This proposed that the existing West Berkshire Council (WBC) owned bins would remain on the network, but gave parish and town councils the opportunity to obtain new bins at their own cost with WBC paying for salt refills. This had been positively received by many and approximately 50 new bins had been requested. Discussions were also ongoing with parish and town councils with regard to them taking on the ownership of WBC bins at no further cost, as it would be ideal if they were under one ownership. Replacement of existing bins was expected to be infrequent, but it would be the responsibility of the owner to do so.
- To ensure adequate communications regarding the use of salt bins, an information notice would be put on them. Information on WBC's website was also being updated.
- The report produced following the Governments' Winter Resilience Review had been published and this included information and guidance on the issue of potential legal action arising from an individual clearing their own footpath etc. This stated that there was no law to prevent someone from doing so and it was very unlikely that they would be subject to legal action. This information would be made available on WBC's website and shared with Ward Members and parish/town councils. It had also been incorporated into the Winter Service Plan.
- Discussions had been held with the Thames and Kennet Machinery Ring (TKMR), which represented a number of local farmers, with a view to employing local farmers to make use of their vehicles in periods of severe winter weather. A response was awaited from TKMR. A contractual agreement with one organisation was a preferred approach, but there was the potential to consult with separate groups/individual farmers if TKMR did not want to participate.
- The arrangement whereby staff from Veolia and Waterers could be utilised to assist with snow clearing had been formalised and would be operational for this winter.

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- The appropriateness of treatment to roads, footpaths etc depended on a variety of factors, this included the level of snow forecast and the severity of the weather.

Discussion then followed on the level of salt stock. It was recalled that the use of salt was restricted by the Government a year ago and it was queried how much salt would have been used if a restriction had not been imposed. Mark Edwards estimated that an additional 25% could have been used in this eventuality. The Resilience Review recommended there was sufficient stock for 48 gritting runs over a 12 day period (approximately 2,000 tonnes) and this was comfortably the case in West Berkshire.

Councillor David Betts added that an equally severe winter could again lead to rationing directives, as well as a potential need to share resources.

An audit of the number of salt bins was undertaken by WBC during 2009 and as a result some were removed. The severe weather experienced had led to these being returned/replaced by WBC.

The siting of the salt bins was unchanged since the review undertaken in 2008/09 and it was felt that the number of bins (around 200 including those replaced above) and their location was correct from WBC's perspective. Alternative locations for new and/or existing bins was a decision for local communities to take, as long as they were seen to be appropriate and safe.

Carolyn Richardson then described the activity she had undertaken/co-ordinated, as follows:

- An internal debrief of activity was undertaken around the same time as the Commission's review. These pieces of work led to the production of two documents, the debrief action plan and the Commission's response document.
- Contact was ongoing with parish and town councils, and as part of that a severe weather emergency plan template had been provided that could be adopted to include more localised risks. A number of neighbouring parishes were looking to work together.
- A national flooding exercise was being planned for March 2011 and a Thames Valley wide community day was being arranged as part of this.
- The Adverse Weather Plan was out for consultation and this covered all actions in the two documents referred to. This included the Commission's recommendations in relation to the use of 4x4 vehicles and sharing of resources with other organisations. There was also a section to help identify the level of response required, which could be a trigger to open the Emergency Operations Centre (EOC) or involve outside agencies. The roles and responsibilities of those involved in emergency situations was clarified.
- There were five appendices to the plan which covered heat waves, drought, flooding, storms (not snow) and extreme cold/snow (this included the Highway Winter Service Plan).
- The Adverse Weather Plan was still in draft to allow for appropriate consultation to take place and for extensive work to be undertaken to avoid duplication with other plans. However, other than the drought aspect of the plan, it was the intention for it to be published by the end of November 2010. In addition, a frequently asked questions document would be put on the website.
- The opportunities for Members and for parish/town councils to be involved in the event of severe weather was covered in the plan. An example of Member

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involvement from last winter was the assistance provided with measuring snow depths.

Caroline Corcoran then described the activity undertaken in the Education Service:

- Guidance had been provided to West Berkshire's schools, including Governors.
- The guidance incorporated the aspects covered in the Commission's review, where appropriate, and was a way of helping to ensure that schools were well prepared in the event of severe weather.
- It was the responsibility of schools to have their own plans in place to ensure that they could be opened safely wherever possible. I.e. pathways within a school site adequately cleared and gritted.

Members felt it was the responsibility of the Education Service to ensure plans were in place and it was suggested that schools should be required to confirm this was the case. Caroline Corcoran agreed to take this point back to ensure that adequate plans were in place. These would be shared with the Commission.

One of the Commission's recommendations was a suggestion that a mutual aid scheme could be adopted to allow staff unable to reach their usual place of work to report to their nearest school in the event of severe weather. Caroline Corcoran advised that due to issues regarding safeguarding and child protection this was not possible.

It was understood that there was the potential for staff, who lived some distance from their place of work, to be accommodated locally with fellow members of staff during severe weather. It was suggested that the possibility of extending this to governors, and perhaps parents, should be explored. Caroline Corcoran agreed to take this point back for exploration.

Finally, with regard to schools, Caroline Corcoran advised that based on her experience of another local authority during last winter, schools made every effort to remain open.

Carolyn Richardson advised that two vulnerable people plans had been produced since last winter. The first was specific to Community Care and this contained activity to be undertaken if a full service could not be provided. This covered the location of staff and their ability to offer assistance to those known to be in need.

The corporate vulnerable people plan sought to identify those who were vulnerable in the community for a number of reasons, but not known to Community Care, and looked at ways in which data could be shared confidentially with other agencies/organisations.

Councillor Bedwell thanked all involved for their hard work in ensuring that the District would be further well prepared in the event of a similar occurrence.

RESOLVED that:

- (1) The update would be noted.
- (2) Caroline Corcoran would ensure that schools provided the Education Service with copies of their severe weather plans and that these would be shared with the Commission.
- (3) Caroline Corcoran would investigate the potential for school staff, who lived some distance from their place of work, to be accommodated locally in the event of severe weather.

84. **Scrutiny review into the Council's Performance Management Framework**

The Commission considered a report (Agenda Item 9) outlining the results of the investigation into the Council's Performance Management Framework.

Councillor Irene Neill, Chairman of the Task Group, made the following points:

- The importance of the 'golden thread' principle was highlighted, whereby the Council's aims and objectives should be monitored and sought to be achieved throughout the Council Plan, Service Plans, team plans and in individual's appraisal documents.
- One of the main purposes for the formation of the task group related to the structure of the Executive Cycle and the time delay this caused before the Commission could see performance reports. It was not found to be possible to alter this so that a significant difference could be made. However, it was recommended that the Commission's activity should be altered to assess the impact of any measures taken to address indicators reported as red or amber to help to resolve difficulties.
- There was found to be a need for a greater correlation between the budget setting process and the Council Plan process.
- The Council's practice of publishing quarterly performance reports was not commonly found in other local authorities.

Further clarity was sought on the reasons why performance reports could not be released to the Commission at an earlier stage, so that advice and assistance could be offered as part of policy development. David Lowe advised that this was an issue of timeliness due to the time taken for reports to be seen by Corporate Board, Management Board and the Executive.

In response to the suggestion made that this was a political decision, Councillor Quentin Webb, another Member of the task group, accepted that this was partly the case as the process needed to be in the control of Corporate Board and Executive Members. It was felt right that they undertook the function of analysing the corrective action being taken to address poor performance.

David Lowe went on to advise that the function of analysing indicators reported as red or amber by the Commission would enable more current discussions to be held.

It was added that there were different methods that could be deployed in holding the Executive to account, which included questioning decisions that had been made.

Recommendation 1, which asked that the number and relevance of measures in place to evaluate progress against the aims of the Council Plan, was then discussed. There was a view that this recommendation should be more specific in requesting that consideration should be given to reducing the number of indicators as well as ensuring they were SMART (Specific, Measurable, Agreed, Realistic and Timebound).

The task group did discuss this aspect, but it was felt that this could not be included in the recommendation as the Council Plan had not yet been finalised. However, it was agreed that the recommendation would be amended in light of these comments.

Councillor Anthony Stansfeld, Portfolio Holder for Performance, was then asked to comment on the report and he made the following points:

- Indicators needed to be relevant to, and in the control of, the Council.

- Having a proportion of red indicators was to be expected as part of a robust target setting process and high standards should be set.

A view was then given that the Commission should continue to challenge those indicators reported as red.

RESOLVED that subject to an amendment to recommendation 1, the recommendations would be approved for the consideration of the Executive.

85. Scrutiny review into the use of local food

The Commission considered a report (Agenda Item 10) outlining the results of the investigation into promoting the use of local food.

Nine recommendations to encourage the use of local food were proposed in the report for the consideration of the Executive and the West Berkshire Partnership. Some activity had already been incorporated as a result.

Councillor Emma Webster informed Members that farm shops and local village markets were discussed at the meetings and this was recorded in the minutes. A mechanism for raising awareness of these and other initiatives were the booklets produced by the Local Food Group. This covered Berkshire, Buckinghamshire and Oxfordshire.

The work undertaken by parish and town councils in managing and increasing the number of allotments was another topic included in the review. The cost of developing land for allotment use could be a restricting factor and legislation needed to be explored to assess whether land could continue to be used for allotments in future generations. Allotment usage was a potential topic for a future District Parish Conference.

RESOLVED that the recommendations would be approved for the consideration of the Executive and the West Berkshire Partnership.

86. Scrutiny review into the installation of automatic fire suppression systems in Council buildings

The Commission considered a report (Agenda Item 11) outlining the results of the investigation into the need for a policy for the installation of automatic fire suppression systems in all new Council buildings and those undergoing major refurbishment.

The potential to lower insurance costs as a result of installing fire suppression systems was examined by the Safer Select Committee. This found that the Council already had a low premium which was offset by a high excess and therefore further savings were unlikely. However, recommendation (e) asked that further discussions be held with the Council's property insurers with the aim of achieving further savings.

RESOLVED that the recommendations would be approved for the Executive's consideration.

87. Scrutiny review into Supporting Small Schools

The Commission considered a report (Agenda Item 12) outlining the results of the investigation into the support that could be provided to small schools in West Berkshire.

Councillor Irene Neill opened the item by advising that the matter was investigated at the request of Management Board and it was agreed between Councillor Neill and Ian Pearson, Head of Education Services, that a single group would be formed to avoid duplication. A wide membership was formed which included Councillors Neill and Alan Macro as Chairman and Vice-Chairman of the Select Committee and Councillor Barbara Alexander, Portfolio Holder for Education.

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The 16 schools covered in the review had 100 pupils or less on their roll and a number of different aspects were covered. The findings from the review included:

- The importance of good leadership and quality teaching.
- The transition of pupils from a small primary school to a large secondary was not felt to be a concern.
- It was difficult to determine whether educational viability was compromised because of low numbers and it was hard to establish a minimum number of pupils.

The group's report was then presented to the Stronger Communities Select Committee and, subject to some minor amendments, it was approved without the need for any additional work.

The potential for schools to form partnerships and federations was encouraged in a number of the recommendations, this included access to sports provision, teaching for gifted and talented pupils, and to create opportunities for teachers to share knowledge and experience.

The financial viability of retaining small schools was a consideration and there were some additional costs to meet. However, funding protection was in place to help meet fixed costs that were incurred by all schools. The small schools group and the Select Committee felt there was a case to continue to support small schools, particularly due to the benefits to local communities.

It was noted, however, that a decision might need to be taken at a later date regarding a small school's future based on either its educational or financial viability.

Due to an insufficient amount of detail at the time of the review, consideration was not given to the potential changes to the provision of education, i.e. free schools.

RESOLVED that the recommendations would be approved for the consideration of the Executive.

88. Greener Select Committee

The Commission considered a report (Agenda Item 13) on the work of the Greener Select Committee.

The Select Committee considered evidence regarding assisted waste collection and fly tipping at its last meeting, and Commission Members raised a number of points in relation to this:

- It was queried whether recycle checks were undertaken prior to the black waste sacks being sent to landfill.
- It was felt by some Members that fly tipping appeared to be on the increase and it was suggested that this should be investigated in more depth. Councillor Emma Webster advised that the evidence presented suggested a downward trend across West Berkshire, however it was requested that this information be broken down by Ward and circulated to Members. This issue would also continue to be monitored at future meetings. Incidents of fly tipping were recorded by both the incident and by the number of items. Members were also eager to understand the level of prosecutions as a result of fly tipping.
- The inability for household waste recycling centres to receive paint tins was another issue raised by Members.

Councillor Webster agreed to take these points back to the Select Committee for further discussion/investigation.

The next review was into the Council's Rights of Way Improvement Plan.

RESOLVED that the update would be noted and the points raised in relation to waste collection and fly tipping would be discussed at the next meeting.

(Councillor Emma Webster left the meeting at 7.50pm).

89. Healthier Select Committee

The Commission considered a report (Agenda Item 14) on the work of the Healthier Select Committee.

RESOLVED that the report be noted.

90. Resource Management Select Committee

The Commission considered a report (Agenda Item 15) on the work of the Resource Management Select Committee.

RESOLVED that the report be noted.

91. Safer Select Committee

The Commission considered a report (Agenda Item 16) on the work of the Safer Select Committee.

Three new items were proposed for the work programme, as follows:

- To investigate the visibility and effectiveness of schemes aimed to empower communities that face perceived hostile situations.
- To examine how the integrated offender management scheme might be supported.
- To examine how crime might be designed out from new developments.

These arose from the item on crime statistics.

RESOLVED that the additions to the work programme would be approved.

92. Stronger Communities Select Committee

The Commission considered a report (Agenda Item 17) on the work of the Stronger Communities Select Committee.

Positive news was received that the playbuilder programme funding, which was at risk, had been received in full and projects could proceed as planned.

The first meeting of the Housing Register Task Group was held on 27 September 2010 where some concerns were raised regarding the level of communication undertaken with residents. It was suggested that Ward Members could assist with this process but there were felt to be data protection restrictions. This matter would be discussed in more detail at the next meeting scheduled for 5 November 2010.

A new item was proposed for the work programme to explore the Big Society initiative as it was felt to be opportune to look at enabling people and encouraging them to take responsibility for their own communities.

RESOLVED that the update would be noted and the addition to the work programme approved.

93. West Berkshire Forward Plan - November 2010 - February 2011

The Commission considered the West Berkshire Forward Plan (Agenda Item 18) for the period covering November 2010 to February 2011.

RESOLVED that the Forward Plan would be noted.

94. Overview and Scrutiny Management Commission and Select Committee Work Programme

The Commission considered the work programme of the Commission and Select Committees for the remainder of 2010/11 (Agenda Item 19).

RESOLVED that the work programme would be noted.

(The meeting commenced at 6.30pm and closed at 8.40pm)

CHAIRMAN

Date of Signature