

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 22 NOVEMBER 2011

Councillors Present: Jeff Beck (Substitute) (In place of Dave Goff), Brian Bedwell (Chairman), Dominic Boeck, Jeff Brooks (Vice-Chairman), Virginia von Celsing, Marcus Franks, David Holtby, Carol Jackson-Doerge (In place of Emma Webster), Andrew Rowles (Substitute) (In place of Mike Johnston), Tony Vickers, Quentin Webb and Keith Woodhams (Substitute) (In place of David Rendel)

Also Present: David Appleton (Head of Cultural Services), John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Mark Lewis (Education Assets Manager), Gary Lugg (Head of Planning and Countryside) and David Lowe (Partnerships and Scrutiny Manager).

Apologies for inability to attend the meeting: Councillor Dave Goff, Councillor Mike Johnston, Councillor David Rendel and Councillor Emma Webster

Councillor(s) Absent: None.

PART I

57. Minutes

The Minutes of the meeting held on the 20th September 2011 were approved as a true and correct record and signed by the Chairman.

Councillor Tony Vickers asked whether the meeting to discuss the matters arising from the debate on the Council's performance reporting arrangements had taken place, as resolved under minute 51. Councillor Brian Bedwell advised that as Councillor Jeff Brooks' other, external, commitments had understandably taken precedence, the meeting had not yet been held. It was hoped that Councillor Brooks' diary would soon be sufficiently clear to allow the meeting to go ahead.

58. Declarations of Interest

There were no declarations of interest received.

59. Actions from previous Minutes

There were two actions followed up from previous Commission meetings:

1. School Severe Weather Plans: Verbal report was discussed under agenda Item 8;
2. Planning Performance Data Q1 2011/12: Verbal report was discussed under agenda Item 11.

60. Items Called-in following the Executive on 20th October 2011

There were no items were called-in following the last Executive meeting held on 20th October 2011.

61. Councillor Call for Action

There were no Councillor Calls for Action.

62. Petitions

There were no petitions to be received at the meeting.

(Note: 6.35pm: Councillor David Holtby joined the meeting).

63. School Severe Weather Plans update report

In introducing Item 8 Councillor Brian Bedwell reminded the Members of the Commission that in previous years, schools in the District had closed due to episodes of severe winter weather. These closures had had a consequent effect on parents, who had to make alternative arrangements for the care and supervision of their children. Although lessons had been learnt from past experiences, the Commission had not to date been satisfied that these had been sufficiently well communicated to or acted upon by schools in advance of any severe weather that might reasonably be expected in the coming winter.

The Children and Young People Assets Manager, Mark Lewis, advised that although in January 2010 there were a number of school closures, last year only 1 school had actually had to close (for a heating failure).

Since he had last updated the Commission in August of 2011, the Local Education Authority (LEA) had completed its review of the severe weather plans received from schools (circa 30 plans from the 80 schools in the District). The review had highlighted examples of good practice that the LEA had collated and then shared with all maintained schools, along with a revision to the Severe Winter Weather Guidance for Schools, which was formatted in the form of a template that could be used for those schools that did not already have a plan in place. The template was based on the Council's Severe Weather Plan and was structured under logical headings.

(Note: 6.40pm: Councillor Jeff Brooks joined the meeting).

Although progress had been made in highlighting to schools the benefit of having a plan in place, due to limited resources and conflicting priorities, it was not as much as might have been hoped. Mr Lewis was however able to report that he had noticed a definite shift in the approach that schools were taking to avoiding severe weather closures and there was considerable engagement with the LEA on the matter. Mr Lewis expected that even if the coming winter was as severe as the previous two, fewer schools would be forced to close. This was welcomed by the Commission.

It was recognised by Members that, as responsibility for doing so rested with Head Teachers, the LEA could not compel schools to have a plan in place. The Commission was however collectively of the view that robust encouragement should be given, including through governors. It was consequently considered desirable that the LEA should be able to know how many schools had plans in place so that effort could be targeted appropriately. Support might also be offered to those schools, especially those with small numbers of staff and therefore limited capacity for the development of plans that might not otherwise be able to do the work on their own.

As separate entities, the LEA had no responsibility to provide advice and guidance to the new school academies, although Councillor Tony Vickers wondered whether the Council had a wider responsibility to the parents of children at the schools to ensure that they were not disproportionately affected. Other Members also queried whether there could be commercial opportunities to provide expertise to academies.

The Chairman thanked Mark Lewis for his update and for the work that he and his team were doing.

RESOLVED that:

Mark Lewis should:

1. Continue to identify which schools had severe weather plans in place and which did not;
2. Give schools robust encouragement to adopt plans;
3. Circulate to all Elected Members the plan template in order that they promote with their local school governors its adoption, regardless of whether the Member was a governor;
4. Examine the commercial opportunities available to the LEA to provide advice, guidance and expertise to school academies.

64. Olympic events in 2012

The Head of Cultural Services, David Appleton, introduced Item 9 by stating that the West Berkshire Partnership was co-ordinating the delivery of a programme of local activities designed to allow the residents of West Berkshire to meet the potential of the opportunities offered by the 2012 Olympic and Paralympic games. He then showed the Commission a short film that showed in general terms the route of the Olympic Torch from its arrival in Britain.

(Note: 7.17pm: Councillor Andrew Rowles joined the meeting).

After the film Mr Appleton informed the Commission that there were three strands to the programme, with the passage through West Berkshire of the Torch Relay providing one of the links between each strand. The strands were:

- Education, Sport and Community;
Delivered by schools themselves with Park House and Theale Green taking a lead role as the employers of the "School games organisers";
- Local Economy;
Suppliers to London 2012;
Visitor Economy;
- Community Celebration;
Mainly led by town and parish councils or voluntary and community groups supported by WBC arts and leisure staff.

In amplifying the Education, Sport and Community strand, Mr Appleton was able to advise that school games were being organised and that Park House and Theale Green schools had funding for two years to employ School Games Organisers. The games would be structured into 4 levels:

- Level 1 - Competitions organised within the school;
- Level 2 - Ongoing and regular inter school competition;
- Level 3 - County of Berkshire School Games;
 - Primary Festivals 19/20 April (Berkshire) and 26th June 2012 (West Berkshire);
 - Secondary Festival 27/28 June 2012 (Berkshire);
- Level 4 - National Event. Participation by invitation only.

There would also be curriculum activity, led by Park House School which had been grant aided to support other schools in the area. The aim was to create a 'cross curricular Olympic and Paralympic Values resource' available for all West Berkshire Schools.

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Independent schools would need to buy into the Schools Sports Partnership to be included.

Finally there was a link with an International Learning Programme. This formed part of the British Council Connecting Classrooms Partnership. Other schools involved were St. Nicholas (Woolhampton), The Castle (Theale Green), Falkland Primary and The Willows.

The Local Economy stand was broken down into two elements, 'Compete For...' and The Visitor Economy.

'Compete For...' encouraged local businesses to bid for some of the many contracts arising directly from the games. Although awareness had previously been raised, through the Chamber of Commerce, and some local companies had been successful (IFP Forest and Paper Products (Newbury), Berkshire Consultancy (Beech Hill) and Tony Ridley Hyperbaric Associates Ltd (Westridge Green by Basildon) were cited as examples) many local companies had not registered and had no intention of doing so.

The main impact on the Visitor Economy was likely to be on the retail footfall figures resulting from event's programmes across the district. Some work was still needed to bring together the performance outcomes of the event's organisers with benefits of increased footfall. There had been no visible effect on accommodation enquiries at this stage. There was however likely to be a late surge when visitors to the rowing and flat water canoeing events at Eaton Dorney found that Windsor and the surrounding area did not have sufficient capacity.

The final strand, Community Celebration, was focussed on local groups deciding how they wanted to celebrate and being supported by the information and know-how of the Council. Support would be face to face and on-line through the 'Enjoy!' website. Mr Appleton advised that many communities were linking Jubilee celebrations with London 2012. There were likely to be a limited number of major events, mainly led by others, but where the Council was expected to be a key stakeholder and facilitator, for example the Newbury Outdoor Events programme. The Torch Relay was scheduled for Wednesday 11th July, 2012. The general approach taken to Community Celebration was that the Council would 'build the stage, local Communities put on the show' through Local Community Task Groups. There was extensive co-ordination needed between Council Services and external groups such as Thames Valley Police, schools, town and parish councils and the business community. It was expected that there would be local torch bearers.

The Council had a number of contractual obligations with the London Organising Committee of the Olympic and Paralympic Games (LOCOG). These were to:

- Provide a named individual for liaison with LOCOG;
- Establish Community Task Force(s);
 - Local Community;
 - District Wide;
- Issue permits, licences, consents, road closures, Traffic Orders etc. (6 months in advance);
- Conduct risk assessments;
- Organise stewarding;
- Be responsible for street cleansing and waste management;
- Ensuring that site dressing met with the Games' official look and feel; and
- Marketing and Communication.

In support of the meeting these obligations the Thames Valley Police 2012 Forum had been established to focus on highways matters and had met for the first time on 17th November 2011. Overall responsibility for the Torch Relay security rested with the

Metropolitan Police. A first briefing for West Berkshire Council Officers had also taken place on 17th November 2011.

LOCOG had provided a time line for major announcements and Mr Appleton was able to advise the Commission that the names of the Torch Bearers would be announced in February. The Council was working on the publication of a West Berkshire 2012 Events Calendar and communications strategy to support it. Mr Appleton drew Members' attention to the LOCOG webpages for 'local leaders', which outlined what communities might do to celebrate the games, and the Council's West Berkshire Enjoy! pages, which gave information on local activities. These could be seen at the links below:

<http://www.london2012.com/get-involved/local-leaders/>

<http://www.westberksenjoy.org.uk/>

In response to questions from Members of the Commission Mr Appleton was able to clarify that:

- The Council was in communication with some communities and was trying to determine the numbers of people likely to turn out and watch the Torch Relay. The actual route of the Relay was not known in detail and had yet to be determined by LOCOG.
- Responsibility for organising and funding events rested with communities, although the Council would carry out some co-ordination of activities, through its West Berkshire Enjoy! website, and by facilitating economies of scale for purchasing where appropriate.
- Decisions on the deployment of pedestrian barriers would be based on local risk assessments, yet to be completed. Again, communities would be liable for any costs incurred.

The Commission supported the proposal by Councillor David Holtby that the Council could organise a 'welcome back' for West Berkshire athletes returning from the games.

The Chairman thanked David Appleton for a useful, interesting and informative briefing. Members of the Commission agreed that as the games grew closer it would be useful for them to receive further updates.

RESOLVED that:

1. David Appleton should investigate the viability of organising a recognition event for West Berkshire athletes returning from the Olympic and Paralympic Games.
2. David Appleton would be invited to update the Commission on the preparations for the Olympic and Paralympic Games in February and May 2012.

65. Methodology of repairing potholes

Councillor Brian Bedwell introduced the proposal to review the methodology in place for the repairing of pot holes which had arisen from a Motion to Council made by Councillor Keith Woodhams. Councillor Bedwell advised that he thought that this would be a worthwhile piece of scrutiny as it was a topic that had the potential to affect many people in the District.

Councillor Woodhams informed the Commission that in researching the topic prior to the Motion to Council he had had discussions with staff in the Highways Department of Hampshire Council in order to understand their operational processes. He had also had an e-mail dialogue with a company that manufactured a road surfacing material. The research findings had been compiled into a dossier for dissemination to Members who would be involved in the scrutiny. He added that he would be happy to join the proposed Task Group that would carry out the review.

Councillor Jeff Beck stated that the presentation recently given by officers from Highways and Transport would also provide useful background information and should form part of the briefing dossier.

RESOLVED that:

1. The subject, proposed Terms of Reference and methodology be approved for incorporation into the Overview and Scrutiny Commission's work programme.
2. Councillor Woodhams would be the Liberal Democrat Member of the Task Group.
3. The Highways and Transport briefing presentation forming part of the Member Development session should be incorporated into the Task Group

66. Planning performance data for Q1 2011/12

Councillor Brian Bedwell introduced Item 11 by reminding Members that the Commission had previously expressed concern about the Planning Service's performance as reported at Quarter 1. Gary Lugg, the Head of Planning and Countryside, had been invited to comment on the Commission's view that his service could do better.

Gary Lugg thanked the Chairman for the opportunity to explain the full picture behind the statistics reported through the corporate performance monitoring system. He advised that the Executive Member for Planning, Councillor Alan Law, would otherwise have also been in attendance for the Item but he had a long standing prior commitment.

Mr Lugg outlined that although Quarter 1 performance had highlighted poor performance, its causes were understood and measures had been taken to address them. The service was now in fact well on course to return to the standard that Members of the Council and service customers had come to expect. He was able to advise that as at the end of the second quarter of 2011:

- The determination of major applications within 8 weeks was above the target set for this point in the reporting cycle;
- The percentage of minor applications determined within 8 weeks had risen from 33% to 50%;
- 83% of all other applications had been determined within 8 weeks.

The service was on course to meet its end of year targets.

Members of the Commission appreciated the clarification on the service's performance and a number of views were expressed on the manner in which the reporting regime was operating during this Municipal Year. Mr Lugg explained that whilst the new presentation of statistics had led to some confusion in the first quarter, he expected that future reports on planning performance would be more straightforward.

Mr Lugg then went on to explain the reasons behind the previous drop in performance. It was caused, said Mr Lugg, by:

- A 16% drop in the number of applications received, attributable to the recession, with a corresponding drop in revenues received. In response to the drop in demand the service reduced the numbers of staff required to deal with it through a freeze on recruitment;
- Central government cuts to Councils' Revenue Support Grant which affected all services across the authority and prioritisation decisions taken by West Berkshire Council resultantly, including a freeze on recruitment;
- Cuts to the Planning Delivery Grant (PDG) received from the government;

When the number of planning applications subsequently rose, the Council's freeze on recruitment created a mis-match between demand and the Council's ability to meet it.

This was exacerbated by a high rate of staff turnover, for example in the Registration Team where there had been vacancies in 5 out of 7 posts. A number of planners had also left during the period and whilst they had almost all gone to higher posts, either internally or to other organisations, the effect was that there were insufficient staff to determine applications. Temporary or agency planners with the requisite experience were found to not be available on the open market.

Although some posts had been left vacant for 9 months, the service was now in fact over establishment, deliberately, to reduce the backlog that had arisen.

In response to a question from Councillor Tony Vickers, Mr Lugg agreed that the government's stated intent to replace the PDG with the power for Local Planning Authorities (LPAs) to set and retain their own fees and in effect make them self-funding should have the effect of reducing the risk of similar circumstances recurring. Mr Lugg added that the authority was prepared to begin the new operation, and was working on a start date of April, the government had however noticeably slowed its implementation timeline.

Mr Lugg advised Members that the service intended to re-introduce pre-application advice, although the current backlog dictated that it could not happen immediately. It was intended that the service would in future be self funding and discussions had been undertaken with developers to understand their expectations of cost, quality and speed. As the LPA, the Council did however have to strike an appropriate balance between the requirements of developers and the rights of objectors.

The Chairman thanked Mr Lugg for his attendance and members of the Commission agreed that the session had been sufficiently useful to warrant an update in 12 months.

RESOLVED that the Head of Planning and Countryside be invited to update the Commission on the performance of handling planning applications in Quarter 3 of 2012.

67. Health Scrutiny Panel

Councillor Quentin Webb introduced the report of the Panel's work at its most recent meeting of 4th October 2011 (agenda Item 12). Members of the Commission had no questions or other comments.

Councillor Webb then went on to request that the Commission consider giving approval to the Health Scrutiny Panel undertaking a review into NHS continuing healthcare.

In outlining the case for a review, Councillor Webb stated that many people required ongoing personal care and support due to accident, injury or illness and most received this care through their local authority or bought it themselves. They received it either in a care home or in their own home. Some people however had nursing or healthcare needs of such a level that they were entitled to NHS Continuing Healthcare (NHS CHS). This ongoing care was fully funded by the NHS.

In England, as at June 2011, Councillor Webb advised that 53,466 people received NHS CHC support, a figure that was a considerable when compared to the 31,000 in March 2007.

It was not lawful for local authorities to provide care that should be provided by the NHS.

Figures from the Department of Health showed that the eligibility framework was inconsistently applied across the country. Councillor Webb was able to cite that against an England average of 10.5 people in receipt of NHS CHC per 10,000, the Berkshire West PCT funded just 3.3. Berkshire East, Hampshire and Buckinghamshire PCTs funded 8.8, 7.1 and 10.4 people per 10,000 respectively but he cautioned that the figures should be used to form the basis of questions and not merely as a cause for complaint.

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Councillor Webb advised, and was supported by Nick Carter, that this apparent significant variation in the numbers of complex needs claimants was an issue of some importance to the local authority, as it might be unnecessarily having to fund care, and residents of West Berkshire, who might otherwise be in receipt of higher levels of care.

The request was supported by Members of the Commission.

RESOLVED that

1. The activity report be noted.
2. The review of NHS CHC be added to the work programme.

68. Resource Management Working Group

The Commission considered a report (Agenda Item 13) on the work of the Resource Management Working Group (RMWG).

Councillor Tony Vickers advised that at its meeting of 27 September 2011 the Group had considered Items on the Quarter 1 Establishment Report, the Legal and Electoral Service budget, the Month 4 Finance Report and the Strategic Risk Register.

Councillor Vickers then went on to outline that the RMWG's work programme included the following work items:

- Quarterly reports on revenue, capital and establishment;
- Highways Asset Management Plan;
- Energy Saving;
- Medium Term Financial Strategy;
- Timelord;
- Procedures for Blue Badge Holders;
- Managed vacancies;
- The financial arrangements for car parking and affordable housing under the Parkway development.

RESOLVED that the report would be noted.

69. West Berkshire Forward Plan November 2011 - February 2012

The Commission considered the West Berkshire Forward Plan (Agenda Item 14) for the period covering November 2011 to February 2012.

RESOLVED that the Forward Plan be noted.

70. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme and that of the Health Scrutiny Panel and Resource Management Working Group for 2011/12.

The change to the combined OSMC work programme resolved under Item 12 would be made.

RESOLVED that the change to the work programme would be recorded.

(The meeting commenced at 6.30 pm and closed at 8.20 pm)

CHAIRMAN

Date of Signature