

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 31 JULY 2012

These Minutes have been amended. Please see Minutes of 18 September 2012 for amendments.

Councillors Present: Brian Bedwell (Chairman), Dominic Boeck, Jeff Brooks (Vice-Chairman), Marcus Franks, Dave Goff, David Holtby, Mike Johnston, David Rendel, Tony Vickers, Quentin Webb and Emma Webster

Also Present: Mel Brain (Housing Strategy Manager), Nick Carter (Chief Executive), June Graves (Head of Care Commissioning, Housing & Safeguarding) and Maureen Phillips (Youth Service Operations Manager), Councillor Roger Croft (Strategy, Council Plan, Housing), Margaret Goldie (WBC Corporate Director), Jim Holah (Sovereign Housing Association), David Lowe (Scrutiny and Partnerships Manager), Sue Mackie (Citizens Advice Bureau), Kelly McArthur (Sovereign Housing Association), Councillor Irene Neill (Children and Young People, Youth Service, Education), Jan Rothwell (West Berkshire Citizens Advice Bureau), Elaine Walker (Principal Policy Officer) and Councillor Keith Woodhams

Apologies for inability to attend the meeting: Angela Gibson and Councillor Virginia von Celsing

Councillor(s) Absent:

PART I

27. Minutes

The Minutes of the meeting held on 26 June 2012 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- Councillors Absent: Councillor David Holtby explained that he had given his apologies for the meeting but that these had not been passed on for recording in the minutes.

28. Declarations of Interest

Councillor Marcus Franks declared an interest in Agenda Item 10, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillor Franks declared an interest in Agenda Item 11, and reported that, as his interest was personal and prejudicial, he determined to remain to take part in the debate but would not vote on the matter.

Councillors Tony Vickers, Jeff Brooks, David Rendel, David Holtby, Mike Johnston and Dave Goff declared an interest in Agenda Item 11, and reported that, as their interests were personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillor Rendel declared an interest in Agenda Item 13, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

29. Actions from previous Minutes

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The Commission received an update on actions from the previous meeting. Comments were received regarding item 2.3.

Councillor Rendel asked if the updated report regarding the speed limit change on the A4 at Padworth had been circulated to the Commission. He understood that reports that related to Individual Decisions would be circulated to all Members. This was confirmed.

30. Items Called-in following the Executive on 19 July 2012

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

31. Councillor Call for Action

There were no Councillor Call for Action.

32. Petitions

There were no petitions to be received at the meeting.

33. Key Accountable Measures and Activities 2011/12: Year End Results.

The Commission considered a report that set out the year end outturn against the key accountable measures and activities for the year 2011/12.

The Chairman highlighted to the Commission three areas where the Council had achieved notable success within Adult Social Care, Children in Care and Customer Focus.

Councillor Rendel commented that the report presented to the Commission contained the same mistakes that had been noted when it had been seen by the Executive and asked that in future mistakes were corrected.

Councillor Brooks believed that the current system for monitoring performance did not enable issues to be highlighted at an early stage, and that this resulted in the Commission not being able to recommend corrective action in a timely way. An example of this was that resource issues within the Planning department were not flagged to the Commission early. The Chairman informed the Commission of information that he had been shown illustrating the improvement in performance that had been achieved in Planning due to recent recruitment. Nick Carter explained that the quarterly indicators did provide an early warning that the year end target might not be achieved. Councillor Emma Webster raised the point that whilst the quarterly indicators could be useful, the Commission were unable to act on them until two quarters later when it would be too late to put remedial action in place.

Councillor Brooks was concerned that performance against the target to achieve 50% of service users and carers in receipt of Self Directed Support (including personal budgets) was far below the expected level. Margaret Goldie responded with the following points:

- The service had reported from quarter two that they would not reach the year end target providing sufficient time for scrutiny and remedial recommendations to be made;
- The target had been set according to the previous government's priorities, but that there was less pressure to meet this target under the current government;
- The priority over the year had been to reduce the Service's overspend. As a result, limited resources were being used to assess and place clients, and personal budgets were not being promoted. This was taking place at a time when day services were being closed resulting in a greater number of assessments being required;

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- Approximately 1500 clients were older people who were more resistant to adopting personal budgets. Of the remaining client base, approximately 75% had personal budgets, representing good performance;
- In order to achieve the target of 50% for all clients, the Council would need to set a default position that placed everyone on personal budgets unless they expressly opted out and this would not be sensible;
- The overall number of clients had reduced over the year as a result of efforts to reduce the overspend.

Councillor Vickers expressed concern that the Commission had not been involved in the target setting process as had been agreed the previous year. Councillor Webster advised the Commission that a Task Group had been established and at its first meeting had reviewed both local and national targets. Nick Carter advised that a second meeting was to be convened once the year end outturn figures were available.

The Chairman suggested that the Task Group consider the issues that had been raised around timing of reports and target setting, and report to the Commission with suggested solutions.

Councillor Webster asked what had been implemented to recruit more Mathematics teachers. Councillor Webster voiced a particular concern as young people who did not achieve a Mathematics grade C or higher were often ruled out of employment opportunities automatically, and requested an update on the position after the term started in September. Margaret Goldie responded that whilst schools undertook their own recruitment, the Council had put in place a number of activities including supporting local leadership, coaching and mentoring activities between primary and secondary schools and developing a clear career structure. These were set out in the exception report within the overall year end report. Margaret Goldie advised the Commission that the national plans to ensure all young people remained in education, or employment with training, until the age of 18, would have the effect of ensuring that students not achieving grade C or higher in both Mathematics and English by the age of 16 would be required to continue to study these subjects until they were 18.

Councillor Rendel expressed disappointment that the number of children who received free school meals who achieved 5 A*-C grades at GCSE had not been maintained at the previous years level of almost 29%.

The Chairman suggested that the Head of Education be invited to the next meeting of the Commission to discuss these issues.

The Chairman highlighted the improvement in the number of primary schools below the national floor standards. Councillor Brooks asked what intervention possibilities were available to the Council. Margaret Goldie informed the Commission that, although reduced in size, there remained a School Improvement Advisory Service targeting advice to schools most in need. Once the moderated results were available they were expected to show that most of the six remaining schools would be above the floor target. Councillor Franks asked whether the School Improvement Advisory Service was chargeable to schools, to which Margaret Goldie confirmed it was and that many schools and Academies bought this service from the Council.

Councillor Franks requested clarification regarding the removal of the target for young people not in education, employment or training (NEETS). Margaret Goldie advised that once the participation age reached 18 there would no longer be a measure for NEET young people aged 17 and 18. She also advised that young people with disabilities generally remained in education until the age of 19 and subsequently in further education until the age of 21 or 22.

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The Chairman noted that the core strategy had now been to full Council and had been published.

In relation to Customer Service call handling Councillor Brooks believed that the quality of the response received was of equal or greater importance than receiving a quick response. The Commission agreed and were pleased that quality was a priority for the Service.

RESOLVED that:

- The Performance Task Group report to the Commission suggested solutions to address the timing of target setting and receipt of performance reports;
- The Head of Education be invited to the next meeting of the Commission to discuss performance results relating to education.

34. Repair of Pot Holes

Councillor Brooks expressed a desire to consider this item with relevant Officers present, and proposed that as none were at the meeting, the item be deferred until the next meeting. Councillor Holtby seconded the proposal.

The Chairman reminded the Commission that the Task Group had conducted the scrutiny review which had included questioning of Officers. However the Commission agreed to defer the item until the next meeting.

Councillor Webster suggested that the Portfolio Holder also be invited.

RESOLVED that:

- The report from the Repair of Pot Holes Task Group be deferred until the next meeting;
- The Portfolio Holder and Highways Officers be invited to attend the next meeting to assist the discussion.

35. Youth Clubs

(Councillor Franks declared a personal interest in Agenda item 10 by virtue of the fact that he was the project coordinator for the Greater Greenham Project. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

The Commission considered a report advising the Commission of the process undertaken to manage the transfer of youth clubs from local authority control.

David Lowe explained that the item had been deferred from the meeting of 26 June 2012.

Councillor Brooks expressed his disappointment that the report did not provide the level of detail he had expected, in particular the medium and long term financial viability of the seven remaining youth clubs. Councillor Brooks believed that unless the youth clubs mentioned in the report had a level of ongoing funding, or an employed person to run them, he expected their future to be uncertain. Margaret Goldie explained that the purpose of the report had been to provide details of the seven youth clubs that remained following budget cuts, but that the Council had disinvested from universal youth services, and would no longer have an ongoing role in respect of these seven facilities. The Council did not fund or run these seven clubs, and it no longer had the resources within the Youth Service in order to do so.

Councillor Brooks asked whether young people had access to the music room at the Moorside Centre, and whether volunteers were being sought to allow the 'Blue Bus' to visit Mortimer, Purley, Beenham, Bradfield and Burghfield. Maureen Phillips responded

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that the recording studio was available to young people if they were able to source a professional to accompany them as had always been the case. She continued that the resources no longer existed to support the 'Blue Bus'.

Councillor Rendel questioned how the report showed a comparison between the previous situation and the current one. Margaret Goldie explained that the tables showed the previous situation, and the bullet points following each table explained the current situation. In future, there would be limited oversight by the Council of these facilities, as they were now run by local communities and not by the Council's Youth Service.

Councillor Franks commented that a service level agreement had been established with the Berkshire Association of Clubs for Young People (BACYP) regarding the 'Rural Navigator' mobile provision, and asked if similar service level agreements had been set up for other services. Maureen Phillips confirmed that they had been.

The Chairman commented that whilst surveys had indicated that facilities for young people were the top priority amongst residents when they had been surveyed on the matter, the attendance figures shown in the report did not support this. Councillor Irene Neill stated that parents showed a desire to have more facilities for young people, but that young people did not want to be organised formally and would prefer more casual arrangements. Margaret Goldie expressed the view that if parents placed importance on the provision of facilities for young people, it could be expected that they would support local initiatives to retain youth clubs on a voluntary basis.

Councillor Webster asked whether information was available to show whether youth clubs had closed due to a lack of attendance, a lack of volunteers or a lack of funding. Margaret Goldie responded that in making funding decisions, these considerations had been taken into account. Alongside this, the Directorate had had to prioritise funding for its different activities – for instance, comparing the priority given to youth work with that given to social work. In a situation where resources were much reduced, statutory work had to take precedence. The remaining youth clubs would therefore have to rely on local community effort to survive.

Councillor Brooks was concerned that if there was a need for youth facilities, then the youth clubs should not have been closed. Councillor Vickers expressed the view that the Council should be aware of what facilities were available across the district. Margaret Goldie repeated that the Council had disinvested from this area of work as a consequence of reductions in Government funding; and the Council no longer had the resources to either run similar levels of youth provision as in the past, or keep an overview of what facilities were available now. The Commission discussed how the Council could discover what facilities were in place across West Berkshire for young people. Margaret Goldie explained that there was such a breadth and variety of activities available that it would not be possible to provide an exhaustive list, nor were there any resources still available to undertake such an activity. The Chairman suggested requesting the information from Parishes. Councillor Holtby did not agree as he felt this would raise an expectation that we could support Parishes in providing facilities.

Councillor Neill advised that a booklet had been produced in 2011 listing activities in the area and suggested it be circulated to members of the Commission.

Councillor Brooks suggested that the Council website be offered for the promotion of local activities along with an updated and re-released booklet. Margaret Goldie responded that the use of the web-site could certainly be promoted, but there were no longer resources available to update and release printed information. Councillor Brooks also expressed concern about the risk that clubs could be formed by anyone, including those with ill-intentions. Margaret Goldie responded that this would be the case whether the Council funded youth clubs or not. Uniformed organisations and other clubs affiliated

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to national or regional bodies required their staff to be CRB checked, but anyone was able to open a club without conforming to these requirements if they chose to do so.

The Chairman recognised that no recommendations would be forthcoming at this meeting and suggested that Members consider the issues and return to the next meeting with their suggested recommendations.

RESOLVED that:

- The booklet 'Youth Activities in West Berkshire' be circulated to members of the Commission alongside information about the six facilities which had been closed;
- Members of the Commission to consider the issues raised and suggest recommendations at the next meeting.

36. Housing and Homelessness

(Councillor Franks declared a personal and prejudicial interest in Agenda item 11 by virtue of the fact that he was employed by Sovereign Housing Association. As his interest was personal and prejudicial he determined to take part in the debate but would not vote on the matter).

(Councillors Vickers, Brooks, Rendel, Holtby, Johnston and Goff declared an interest in Agenda item 11 by virtue of the fact that they were landlords. As their interest was personal and not prejudicial they were permitted to take part in the debate and vote on the matter).

David Lowe introduced the item explaining that the issue of homelessness had been raised at the Commission's meeting of 17 April 2012, and subsequent meetings had resulted in a request to invite the Portfolio Holder for Housing, Officers from the Housing Service and representatives of Sovereign Housing Association and the Citizens Advice Bureau to this meeting in order to discuss the issues that were leading to homelessness and consider possible solutions.

Councillor Vickers informed the Commission that the question had initially been raised due to a concern regarding the accuracy and clarity of the numbers of people presenting as homeless and those being assessed to be homeless. The figures indicated a four fold increase in those to which the Council owed a duty of care which was at odds with the 11% being reported. It was confirmed that the 11% referred to an increase in homeless preventions and not homelessness approaches.

Councillor Roger Croft informed the Commission that for the year 2010/11, 14 people or households were assessed as being homeless compared to 53 the following year. This represented an increase of 29 people or households.

The Chairman asked what was being done to halt the increase.

Councillor Webster commented that whilst it was interesting to be informed of the number of people to whom the Council had a duty to assist; her concern was for those who presented themselves as homeless, but who did not meet our criteria to be classed as homeless.

Mel Brain responded that the Council would owe a duty to assist approximately one third of those presenting as homeless. However the Council worked with many more households who required housing options and advice, not just those who were homeless. In 2011/12, approximately 2900 households had approached the housing service for advice and assistance. For those who were homeless or threatened with homelessness, the primary focus was prevention, for example through negotiations with landlords, mortgage rescue, or help in paying rent arrears. If homelessness could not be prevented and was likely within 28 days, a homelessness application could be taken. Mel Brain

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commented that the proportion of people being assessed as homeless was small in comparison to the number being helped by the service. June Graves informed the Commission that the assistance given to people requesting advice was proactive and recorded.

Jan Rothwell (Citizens Advice Bureau) presented information indicating an increase in the number of people threatened with homelessness, those actually homeless, and those requesting access to accommodation. The Citizens Advice Bureau had found that in many cases, the trigger for homelessness was the breakup of a relationship (including between parents and children) or loss of employment. The key barrier to preventing homelessness was a lack of affordable housing in the area. Jan Rothwell reported that in the first quarter of 2012/13 there had been 21 homeless people seeking advice and 69 people who were staying with friends or family. This trend appeared to be continuing with five homeless people seeking advice in July.

Jan Rothwell informed the Commission that the role of the Citizens Advice Bureau was to advise clients of their options and which organisations could help them. In certain circumstances small amounts of money could be made available.

Jim Holah (Sovereign Housing Association) reported to the Commission that his organisation was involved at both ends of the homeless cycle. As landlords, they could be the cause of homelessness if people were defaulting on rent payments despite assistance offered by Sovereign to enable people to maintain their tenancy. Also, Sovereign were a supplier of housing to those assessed by the Council as being homeless.

Councillor Webster asked what assistance was given to tenants who were in danger of defaulting on their rent. Jim Holah responded that when tenants notified them of a potential issue early on, Sovereign would provide advice and support around Housing Benefit or debt advice as appropriate. It was recognised that rent arrears mounted quickly and those most at risk of being evicted were people who did not request assistance early.

Councillor Webster asked whether Jim Holah had a view as to the future situation regarding homelessness related to redundancy in particular. Councillor Webster hoped to use the expectations of Sovereign to provide a proxy for private landlords and thereby form a greater understanding of the total level of homelessness in the area in the future. Jim Holah replied that whilst eviction figures for the previous year had reduced, Sovereign had identified the Welfare Benefit Reform programme as presenting a significant risk in the future, and in addition to further redundancies it was expected that there would be more homelessness.

June Graves agreed that the Welfare Reform Bill was likely to have a significant impact on homelessness, and suggested that people would be most affected on the anniversary of their assessment. June Graves indicated a further risk that had been identified, that of slow growth in home ownership meaning that people were staying in private rented property for longer, reducing the available properties which kept prices high. A further issue was the need for smaller, more affordable houses in the future.

Councillor Vickers expressed a desire to find more options to assist those finding themselves homeless and suggested lobbying for a change in local housing allowance.

Councillor Goff asked how many people would have nowhere to go that night. Mel Brain responded that previous rough sleeper counts had estimated there were likely to be around six people but that there was a direct access hostel and people could register for a room. In addition, an emergency plan was in place during extreme weather meaning that no-one needed to sleep rough when the weather fell below a certain temperature. Mel Brain went on to inform the Commission that those the Council had a duty to assist

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was set out in legislation. Factors that might prevent the Council from accepting a homelessness duty included their immigration status or being at fault for losing their accommodation.

Councillor Rendel raised a concern that whilst the Core Strategy required the inclusion of affordable housing in developments of several houses, it was possible for a developer to later apply for an exemption to this rule on the basis of the development not being viable. Councillor Rendel suggested that the high cost of land in West Berkshire contributed to this.

The Chairman asked Councillor Vickers for a proposed recommendation. Councillor Vickers commented that not all relevant organisations were present including Two Saints and Loose Ends. Councillor Vickers therefore proposed a further half day meeting to include other agencies, where possible solutions could be discussed. Councillor Croft advised the Commission that the proposed Homelessness Strategy was to be consulted on in the coming months and that this might form a foundation for discussion. The Commission supported this proposal and requested that all members of the Commission be involved.

Councillor Webster requested that the discussion include consideration of the Section 106 affordable housing programme finances. June Graves responded that this budget was currently over committed and further monies were awaited.

The Chairman suggested that Sovereign Housing Association and the Citizens Advice Bureau continued to be involved in discussions along with service users who could share their experiences. Jim Holah expressed his interest and requested to be involved in the structure of the day. He proposed discussions around the implications of the Welfare Reform Act, Universal Credit, Bedroom Tax and any other upcoming risks. Jan Rothwell also expressed a wish to be involved in the discussion.

Councillor Webster requested that the day be held soon in order to fit with the budget setting timetable.

RESOLVED that the Housing Service involve members of the Commission and external agencies in the consultation programme for the proposed Homelessness Strategy.

37. **Overview and Scrutiny Management Commission Annual Report**

The Commission considered the annual scrutiny report 2011/12.

The Chairman advised that the report provided a summary of the work undertaken by the Commission, the Health Scrutiny Panel and the Resource Management Working Group over the previous year, and that the information contained within the report had previously been available to Members and the public within the minutes of each meeting.

Resolved that the Commission receive the annual scrutiny report each year.

38. **Health Scrutiny Panel**

(Councillor David Rendel declared an interest in Agenda Item 13, by virtue of the fact that his wife was a GP in West Berkshire. As his interest was personal and not prejudicial, he was permitted to take part in the debate and vote on the matter.)

The Commission considered a report on the work of the Health Scrutiny Panel (HSP).

Councillor Webb confirmed that at the meeting of the Health Scrutiny Panel held on 19 June 2012 the following topics had been discussed:

- Dignity and Nutrition in Hospitals
- The Anti-Child Poverty Strategy

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- An update on the Health and Wellbeing Board

Councillor Webb reported that the next meeting of the Health Scrutiny Panel was 11 September 2012.

Resolved that the report be noted.

39. Resource Management Working Group

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

Councillor Vickers confirmed that the Resource Management Working Group had last met on 2 July 2012 and had discussed the following items:

- Asset Management
- Establishment Report 2011/12
- Provisional Financial Outturn Report 2011/12

Councillor Vickers confirmed the meeting scheduled for 7 August 2012 had been cancelled, and the next meeting would therefore be 25 September 2012.

Resolved that the report be noted.

40. West Berkshire Forward Plan August 2012 to November 2012

The Commission considered the West Berkshire Forward Plan for the period covering August 2012 to November 2012.

Resolved that the Forward Plan be noted.

41. 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.

Councillor Webb reported that the first meeting of the Domestic Abuse Task Group had been held on 20 July 2012, and four further meetings had been arranged in September and October.

Resolved that the work programme be noted.

(The meeting commenced at 6.30 pm and closed at 9.05 pm)

CHAIRMAN

Date of Signature