

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 18 SEPTEMBER 2012

Councillors Present: Jeff Beck (Substitute) (In place of Virginia von Celsing), Brian Bedwell (Chairman), Dominic Boeck, Marcus Franks, Dave Goff, David Holtby, Mike Johnston, David Rendel, Tony Vickers, Quentin Webb and Emma Webster

Also Present: Melvyn May (Highway Manager), Councillor Keith Chopping (Planning, Transport Policy, Property), Margaret Goldie (WBC Corporate Director), David Lowe (Scrutiny & Partnerships Manager), Councillor Gwen Mason, Councillor Irene Neill (Children and Young People, Youth Service, Education) and Elaine Walker (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Jeff Brooks, Nick Carter and Councillor Virginia von Celsing

PART I

42. Minutes

The Minutes of the meeting held on 31 July 2012 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- Page 7, paragraph 8: ‘..lobbying for a change in local housing allowance’ to read ‘...lobby for a more transparent way of explaining how local housing allowance was calculated.’

43. 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 David Rendel declared an interest in Agenda Item 12, 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.

44. Actions from previous Minutes

The Commission received an update on actions from the previous meeting. Confirmation was provided that the youth activities booklet mentioned in item 2.5 was circulated electronically.

45. West Berkshire Forward Plan September to December 2012

The Commission reviewed the West Berkshire Forward Plan from September to December 2012.

David Lowe suggested that the Commission might like to receive information regarding item EX2491 – Schools and Early Years Setting – Place Strategy 2013-2018. The Commission agreed to add this to their work programme.

Councillor Tony Vickers referred to item EX2528 on page 18 and requested confirmation of the processes in place for dealing with complaints in Adult Social Care compared to corporate complaints. Margaret Goldie advised that it was a statutory requirement to formally re-approve the complaints processes for Adult Social Care complaints and that a review of the process for Children’s Services complaints had recently been circulated.

David Lowe advised that corporate complaints were not subject to the same statutory review processes.

Resolved that Schools and Early Years Setting – Place Strategy 2013-2018 be added to the Commission’s work programme.

46. 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 David Rendel questioned when the issue of the Parkway development was expected to return to the Resource Management Working Group (RMWG). It was understood that this was due at the end of 2012. The Commission discussed whether the issue was to return to the RMWG or the Newbury Town Centre Task Group, and agreed to return to the issue once the original decision had been located.

Councillor Vickers proposed that the Commission review the Council’s car leasing and car fleet policies, in particular how the fleet was managed and resourced and whether vehicles could be used more efficiently. Councillor Emma Webster was concerned that a recent review of leased vehicles had been undertaken and would not support a further review, particularly one which could affect employee contracts. However Councillor Webster would support a review of fleet vehicles. Councillor Jeff Beck advised that the Council had recently undertaken a comprehensive review of the vehicles that it operated.

Councillor Vickers suggested that Members were not fully informed of the correct complaints procedures and suggested that it be the subject of a Member Development session, and subsequently the process be reviewed. David Lowe responded that a colleague would be briefing all Members on the complaints procedure shortly. The Chairman advised that a scrutiny review had been conducted in 2007; an ongoing complaints audit was taking place; and a complaints review group met every six months. David Lowe agreed to send a copy of the complaints procedure to all Members.

The Chairman asked about the process for proposing topics for scrutiny. David Lowe responded that there was a process, but that it needed updating. The Chairman and David Lowe agreed to update the process and circulate this to Members. With their agreement of the amendments, the new process would be used to propose items for discussion.

Resolved that:

- David Lowe to send all Members a copy of the complaints procedure;
- David Lowe to advise the outcome of the previous RMWG meeting discussing the Parkway Development;
- The Chairman and David Lowe to update the process for proposing new items for scrutiny.

47. Items Called-in following the Executive on 6 September 2012

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

48. Councillor Call for Action

There were no Councillor Call for Action items raised.

49. Petitions

There were no petitions received at the meeting.

50. Youth Clubs

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

Margaret Goldie introduced a report addressing particular concerns that had been raised at the previous meeting of the Commission. The report provided information regarding youth clubs that had been closed as a result of reductions in funding to this service. The report indicated that some clubs had been reopened by volunteers and alternative support where there was local interest.

Councillor Vickers suggested that there remained an important role for the Council to provide local people with information regarding youth provision in West Berkshire, even if this meant maintaining a database of clubs and societies available through the Council's website. Councillor Mike Johnston countered that any database managed by the Council would be out of date very quickly and that a more up to date source of information was a search on the internet. Councillor Johnston suggested that if resources were able to be found to maintain such a database within the Council, then arguably, those resources should be better used elsewhere. Councillor Irene Neill advised the Commission that Berkshire Youth produced a publication, and that this could be linked from the Council's website. This was agreed.

Councillor Webster proposed that the recommendations in the report be noted.

Councillor Neill advised the Commission of a recently received presentation on home to school transport. There was a particular issue in villages regarding transport and, following a review, the Transport Team had found minibuses in schools that were not being operated correctly. This prompted the introduction of a community scheme whereby buses were made available to schools for use in assisting with home to school transport, but which are also available for community use at other times. There were currently seven schemes with nine buses running. Further promotion work was required in order to make communities aware of their availability.

Councillor David Holtby commended the scheme as a departure from the current status of school facilities being out of use when schools were closed.

Councillor Beck highlighted the cross over between this scheme and the previous mention of a proposal to review the use of the Council's vehicle fleet.

Councillor Vickers requested that Members be made aware of the scheme. The Chairman requested that Councillor Neill provide information to all Members once the information was available for circulation.

Councillor Beck seconded acceptance of the Officer's recommendation to note the report.

Resolved that:

- A link to the Berkshire Youth publication listing youth activities in the area be added to the Council's website;
- Councillor Neill to circulate information regarding the new home to school transport scheme, and community bus use, to all Members.

51. Repair of Pot Holes

The Commission considered a report (Agenda Item 11) concerning the methodology in operation for the repair of potholes.

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 18 SEPTEMBER 2012 - MINUTES

The Chairman summarised the progress of the report to date, stating that the report contained a number of recommendations, and at the previous meeting of the Commission Members had expressed a wish to consider the report in the presence of Highways Officers.

Councillor Webster supported the recommendations arising from the review, and mentioned in particular the Member Development session that was felt to be useful in overcoming assumptions about the process for repairing pot holes. Melvyn May advised the Commission that a Member Development session had been held in November 2011.

Whilst in agreement with providing information to the public, Councillor Holtby believed that it was not a good idea to produce a leaflet in this instance, and suggested placing the information on the Council's website instead. Melvyn May confirmed that a leaflet had already been produced and would be available electronically through the website.

Councillor Franks asked whether the introduction of a 'spot the pot' hotline would confuse the public with a specialised telephone number for the sole purpose of reporting potholes. Councillor Dominic Boeck agreed, stating that the best use of resources would be to utilise existing resources.

The Chairman directed the Commission to a Department for Transport document entitled 'Prevention and a Better Cure – potholes report', the recommendations from which had been adopted as part of this review.

Councillor Webb asked whether other engagement methods had been used to understand the public's issues, for example District Parish Conferences. Melvyn May responded that public forums had been used in the past, but that feedback had been very subjective and it was not all reliable.

Councillor Johnston asked whether notices were served on Utility Companies in respect of their responsibilities for repairing the highway. Melvyn May replied that notices were served as appropriate within the 10% random sample required.

Councillor Boeck reported his disappointment that all but two of the recommendations from the review related to improving communication with the public. Councillor Boeck believed that the money required to increase communications would be better utilised repairing pot holes. David Lowe advised that the emphasis on communications had arisen from a need to address the public's perception that there was a problem with pot holes when in fact the review had found no significant problem.

Councillor Dave Goff asserted that the MORI survey was expensive and asked if there was another method to obtain similar information, suggesting that it might be possible to survey members of the public who had reported pot holes. Melvyn May responded that the results obtained from the MORI survey had provided useful information in understanding trends, however the detailed information had been misleading due to the similar nature of the authorities included. Melvyn May advised the Commission that the MORI survey cost approximately £10,000 each time, and he raised concerns about the reliability of the information that was forthcoming, stating that some respondents might have no experience of the state of the authority's roads but would still be required to provide their opinion.

Following a discussion by the Commission into increased funding for the repair of pot holes, Melvyn May explained that the Find and Fix team had been introduced following the severe winter in 2009/10 and advised that there would always be a need for temporary repairs in order to make the road surface safe for users. Melvyn May questioned the need for further investment when balanced against the risk and likelihood of an unrepaired surface.

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 18 SEPTEMBER 2012 - MINUTES

The Chairman reminded the Commission that no recommendations had yet been formally approved for introduction by the Council, and that the Commission's role was to recommend which should be put forward for consideration.

Councillor Rendel expressed the view that the public perceived West Berkshire's roads to be in a worse state of repair than surrounding authorities, and suggested that communication was therefore very important. Councillor Rendel suggested undertaking an annual survey to reflect the speed of change in the state of the roads. Councillor Vickers agreed, stating that government recommendation was to undertake annual surveys.

Councillor Vickers asked what consideration was given to cyclists who utilised a different part of the road surface, and added that a cyclist was likely to sustain a greater injury than a motorist by cycling into a pot hole, or swerving into the path of a vehicle to avoid a pot hole. Melvyn May responded that all users of the highways were considered on a risk basis, and stated linear defects such as those sometimes found at the edge of the road surface, had been added as a specific criteria. Melvyn May further advised the Commission that West Berkshire had been found to repudiate 98% of claims indicating the appropriateness of the highway repair programme.

The Chairman proposed that the Commission accept all of the recommendations except recommendation two as this did not appear to have the support of the Commission. At the vote this was carried, however Councillors Rendel and Vickers requested their objection to this deletion be noted.

Resolved that: the amended recommendations be submitted to the Executive for approval.

52. 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 (Agenda Item 12) on the work of the Health Scrutiny Panel (HSP).

Councillor Webb advised the Commission that the Health Scrutiny Panel had not met due to delays in receiving reports to two key items. The Panel would next meet in December

The Chairman requested an update to the work plan to indicate the likely completion date of works in progress.

Resolved that Councillor Webb provide an update to the work plan for the Health Scrutiny Panel to indicate the likely completion date of works in progress.

53. Resource Management Working Group

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

Councillor Vickers advised the Commission that at the next meeting of the RMWG a presentation would be received relating to the Medium Term Financial Strategy (MTFS).

The Chairman requested an update to the work plan to indicate the likely completion date of works in progress.

Resolved that Councillor Vickers provide an update to the work plan for the Resource Management Working Group to indicate the likely completion date of works in progress.

54. Scrutiny Recommendations Update

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 18 SEPTEMBER 2012 - MINUTES

Councillor Rendel asked whether the Constitution allowed for a proposal that had been previously called in and amended as a result to be called in again on the basis that it would form a different proposal. Councillor Johnston expressed the view that this would allow a decision to be delayed indefinitely. The Chairman believed the Constitution to be clear that a decision could not be called in twice. Councillor Webster reminded the Commission that the amended proposal would still be circulated to all Members requesting their comments, and that these would be taken into consideration by those making the final decision.

Councillor Vickers raised a concern that Ward Members were not allowed access to information on people listed on the Housing Register. David Lowe advised that a decision had been reached that Ward Members did not have a right to the information, but would be allowed the information if cost were not prohibitive.

Councillor Rendel requested an update on activity relating to the transfer of the Council's CCTV.

Councillor Johnston requested that a reason be provided where a recommendation was rejected.

Resolved that:

- An update be provided on activity relating to the transfer of the Council's CCTV;
- Reasons for rejecting a recommendation be provided in the summary report.

(The meeting commenced at 6.30 pm and closed at 8.10 pm)

CHAIRMAN

Date of Signature