

# Notice of Meeting

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## **Overview and Scrutiny Management Commission**

**Tuesday, 11 December, 2012 at 6.30pm**  
in Council Chamber Council Offices  
Market Street Newbury

Date of despatch of Agenda: Friday, 30 November 2012

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Elaine Walker on (01635) 519441  
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**Agenda - Overview and Scrutiny Management Commission to be held on Tuesday, 11  
December 2012 (continued)**

**To:** Councillors Brian Bedwell (Chairman), Dominic Boeck, Jeff Brooks (Vice-Chairman), Keith Chopping, Marcus Franks, Dave Goff, David Holtby, Mike Johnston, David Rendel, Tony Vickers, Virginia von Celsing, Quentin Webb and Emma Webster

**Substitutes:** Councillors Peter Argyle, Jeff Beck, Alan Macro, Gwen Mason, Graham Pask, Andrew Rowles, Julian Swift-Hook and Keith Woodhams

**Other Officers &  
Members invited:**

## Agenda

<b>Part I</b>	<b>Page No.</b>
1. <b>Apologies for Absence</b> To receive apologies for inability to attend the meeting (if any),	
2. <b>Minutes</b> To approve as a correct record the Minutes of the meeting of the Commission held on 30 October 2012.	1 - 10
3. <b>Declarations of Interest</b> To receive any Declarations of Interest from Members.	
4. <b>Actions from previous Minutes</b> To receive an update on actions following the previous Commission meeting.	11 - 16
5. <b>West Berkshire Forward Plan December 2012 to March 2013</b> <i>Purpose: To advise the Commission of items to be considered by West Berkshire Council from December 2012 to March 2013 and decide whether to review any of the proposed items prior to the meeting indicated in the Plan.</i>	17 - 26
6. <b>Overview and Scrutiny Management Commission Work Programme</b> <i>Purpose: To receive, agree and prioritise the work programme of the Commission, the Health Scrutiny Panel and the Resource Management Working Group for the remainder of 2011/12.</i>	27 - 30
7. <b>Items Called-in following the Executive on 29 November 2012</b> To consider any items called-in by the requisite number of Members following the previous Executive meeting.	



**Agenda - Overview and Scrutiny Management Commission to be held on Tuesday, 11 December 2012 (continued)**

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|-----|---|-----------|
| 8.  | <b>Item Called In following an Individual Decision: Proposed parking charges at Burdwood Centre car park, Thatcham</b><br><i>Purpose: To review the Individual Decision relating to the proposed implementation of revised parking charges at Burdwood Centre car park, Thatcham.</i> | 31 - 62   |
| 9.  | <b>Councillor Call for Action</b><br><i>Purpose: To consider any items proposed for a Councillor Call for Action.</i>   |           |
| 10. | <b>Petitions</b><br><i>Purpose: To consider any petitions requiring an Officer response.</i>  |           |
| 11. | <b>Homelessness Scrutiny Review</b><br><i>Purpose: To consider and agree draft recommendations arising from the scrutiny review into homelessness in West Berkshire.</i>  | To Follow |
| 12. | <b>Review into Adult Social Care Eligibility Criteria - Proposed Terms of Reference</b><br><i>Purpose: To consider and agree the proposed terms of reference for reviewing the Council's Fair Access to Social Care eligibility criteria.</i>   | 63 - 70   |
| 13. | <b>Health Scrutiny Panel</b><br><i>Purpose: To provide an update on the work of the Health Scrutiny Panel</i>   | 71 - 72   |
| 14. | <b>Resource Management Working Group</b><br><i>Purpose: To provide an update on the work of the Resource Management Working Group.</i>  | 73 - 74   |
| 15. | <b>Scrutiny Recommendations Update</b><br><i>Purpose: To provide the Commission with an update on the progress of recommendations resulting from scrutiny reviews.</i>  | 75 - 78   |

Andy Day  
Head of Strategic Support

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

## **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

### **MINUTES OF THE MEETING HELD ON TUESDAY, 30 OCTOBER 2012**

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

**Also Present:** Andy Day (Head of Strategic Support), Ian Pearson (Deputy Corporate Director (Communities) & Head of Education Service), Jason Teal (Performance, Research & Consultation Manager), Councillor Gwen Mason and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Nick Carter, Councillor David Holtby and David Lowe

#### **PART I**

##### **55. Minutes**

The Minutes of the meeting held on 18 September 2012 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- Item 52, first line: 'Agenda Item 13' be changed to 'Agenda Item 12'.

##### **56. Declarations of Interest**

Councillors Emma Webster, Dave Goff and Marcus Franks declared an interest in Agenda Item 10, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers 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.

Councillor David Rendel declared an interest in Agenda Items 12 and 14, 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.

##### **57. Actions from previous Minutes**

The Commission received an update on actions from the previous meeting and made the following comments:

- Paragraph 2.4: Councillor Vickers advised the Commission that the Newbury Town Centre Task Group had not met as expected, so the Parkway Development would be discussed at the next Resource Management Working Group.
- Paragraph 2.12: Councillor Rendel suggested that the response only applied to experienced project managers and asked what guidance was provided for those less experienced in managing projects. Councillor Rendel requested that the guidance be updated to highlight more robust measures be taken when considering the risk of projects being delayed or failing.

## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 30 OCTOBER 2012 - MINUTES

The Commission reviewed the proposed Scrutiny Topic Acceptance Criteria and made the following comments:

- Councillor Rendel requested that auditor recommendations should be a criterion for the acceptance of a scrutiny topic. The Commission agreed that criterion two be amended to read 'There is evidence of poor performance within this Service Area, or weakness in the Council's performance or practices (i.e. through performance indicator data, experience of Members, internal or external auditor findings, etc)'
- Councillor David Rendel expressed concern that the third potential criterion for rejecting topics was too broad and could be used to reject topics subjectively. Councillor Jeff Brooks suggested it be amended to 'Where the Chairman and Vice Chairman agree that there is restricted scope to influence or change the current practices (e.g. budgetary constraints, control over external agencies, etc)'

### **Resolved that:**

- Project Management guidance be amended to highlight more robust measures be taken when considering the risk of projects being delayed or failing.
- The criteria for scrutiny acceptance, Criterion two, be amended to read 'There is evidence of poor performance within this Service Area, or weakness in the Council's performance or practices (i.e. through performance indicator data, experience of Members, internal or external auditor findings, etc)'
- The potential criterion for rejecting scrutiny topics, criteria three, be amended to read 'Where the Chairman and Vice Chairman agree that there is restricted scope to influence or change the current practices (e.g. budgetary constraints, control over external agencies, etc)'

### **58. West Berkshire Forward Plan October 2012 to January 2013.**

The Commission considered the West Berkshire Forward Plan from October to January 2012.

Councillor Brooks noted that an Individual Decision that was to be considered in November was not shown on the plan and questioned whether the plan was up to date and accurate.

**Resolved that** the Forward Plan be noted.

### **59. 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 Chairman requested that the work plan be updated to reflect the completion of the scrutiny review into Domestic Abuse.

**Resolved that** the work programme be updated to reflect the completion of the scrutiny review into Domestic Abuse.

### **60. Items Called-in following the Executive on 18 October 2012**

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

### **61. Councillor Call for Action**

There were no Councillor Call for Action.

**62. Petitions**

There were no petitions to be received at the meeting.

**63. GCSE Results**

*(Councillor Emma Webster declared a personal interest in Agenda item 10 by virtue of the fact that her cousin was a teacher in West Berkshire. As her interest was personal and not prejudicial she determined to take part in the debate and vote on the matter).*

*(Councillors Dave Goff and Marcus Franks declared a personal interest in Agenda item 10 by virtue of the fact that they were school governors in West Berkshire. As their interest was personal and not prejudicial they determined to take part in the debate and vote on the matter).*

The Commission considered a report (Agenda Item 10) concerning the current attainment levels in GCSE English and Mathematics in West Berkshire.

Ian Pearson presented a summary of the report, advising the Commission that the results presented here were not yet validated, and that this would take place in the coming months. Ian Pearson commented that:

- There were five maintained secondary schools and five academies in West Berkshire;
- The reported results were lower than those expected, and predicted, for secondary schools in 2012;
- The issues reported nationally regarding the English GCSE grade boundaries had impacted on results;
- Three of the ten schools had improved their Mathematics achievement by more than 10%;
- Responsibility for improving grades in autonomous schools (academies) now fell to teachers, Headteachers and governing bodies.

The Commission expressed their disappointment that West Berkshire schools did not appear to be capitalising on the advantages of the relative affluence of the area, and commented that indications were that West Berkshire's students would be expected to perform consistently better than the national average. Councillor Rendel was concerned that the performance of schools in the district had been trending downwards over the last three years despite presenting better figures than the national average for two of those years. Councillor Rendel asserted that a better measure of performance was the change over time as this would have revealed the downward trend.

Following an in depth discussion and questioning by the Commission, Ian Pearson was able to provide the following responses:

- The five academies within West Berkshire were defined in legislation as independent. The Council provided some services to the schools, but had no direct responsibility for their performance. Headteachers were responsible for the general management of the school and for the recruitment of good teachers. Academies' performance was ultimately overseen by Ofsted and the Secretary of State;
- The role of the governing body was to review the performance of the school. This required a clear explanation of performance figures to be presented to governors, and for governors to have the skills to set appropriate targets, scrutinise and challenge the school and the Headteacher to ensure the best teaching was being provided to children at all levels of ability. In the case of poor performance, Ofsted would make the final judgement after considering the standards of teaching, leadership and governance;

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- The level of support that the Council was able to provide to schools was dependent on the level of core service provided to them, and the services bought back by the school. Influence was very limited where services were not bought back;
- Approximately 40 pupils had not achieved 5 A\*-C grades, who would have had there not been an issue with the grading of GCSE English papers;
- Schools had been concerned by two issues this year; the changes to the grading, and the introduction of a new syllabus for which schools did not feel they had been fully briefed;
- In considering what action to take in relation to the grading of GCSE English papers, and in discussion with the Portfolio Holder and Headteachers, Officers had decided to write to Ofsted, Ofqual and the Secretary of State. This communication had taken place prior to the court case aimed at overturning the decision of the exam board to move the grade boundaries by 10%, which was led by professional associations, independent schools, academy chain sponsors and approximately 6 Local Authorities. West Berkshire had not been involved in the court case;
- The realignment of grade boundaries would have affected all grades. English GCSE attainment would now be considered when entering certain Universities;
- Ofqual had not ordered GCSE English papers to be regraded, but had ordered that free resits be offered to all those affected. It was recognised that for pupils leaving education, they would be unlikely to take advantage of the resits, unless they later sought advice from Advizer (previously Connexions) and were recommended to take this route;
- A subject leader network was in place in order to generate improvement in English outcomes. This could involve sharing knowledge or consultant advisors if required. An update on the work of this network would be requested by the end of the year;
- Once the results were validated, benchmarking would be undertaken with national figures, those for the South East, and those of statistical neighbours. This was undertaken annually;
- The Government had announced plans to amend the way in which GCSEs would be carried out from 2014 onwards. This would not affect those taking their exams in 2013;
- The use of the Pupil Premium was investigated in a national report produced by Ofsted and published in September 2012. It was concluded that in some cases the funding was not being used wisely. The Pupil Premium was intended to be used to provide support to identified students (for example to fund tutoring, teaching aids, etc) to improve their performance. The Pupil Premium was seen as a long term investment for each pupil in receipt of it. Schools should be clear which pupils on their role were entitled to the funding. Ofsted had provided in their report some suggestions as to how the information could be provided to governors in order that they were able to properly hold the school to account;
- Closing the gap in achievement between SEN and non SEN pupils was looked at in detail by the Education Service;
- Whilst the analysis indicated a difference in performance between schools in the East and West of the district, there was no identified geographical reason for this;
- West Berkshire should be aiming to achieve performance in the top quartile of the country. Individual schools should be aiming to improve to the next quartile, and ultimately the top quartile.



Councillor Mike Johnston commented that the performance of academies should be compared alongside maintained secondary schools as attainment at GCSE was the result of several years of teaching, and could not be attributed to a single year as an academy.

Councillor Jeff Brooks acknowledged the improvement in Mathematics performance over the previous year, but agreed that influence over the performance of schools was limited and suggested that to overcome this more Members should become school governors; and the Council's key accountable measures should include measures to enable the Council to monitor more closely the performance of schools.

Councillor Jeff Brooks requested that the Portfolio Holder for Education be invited to a future meeting to comment on school performance. The Chairman agreed that this item might be requested to return to the Commission in early 2013. Ian Pearson suggested that in addition one or two Headteachers be invited to attend.

**Resolved that:** Ian Pearson be invited to a future meeting in early 2013 to discuss progress in school performance. In addition the Portfolio Holder and one or two Headteachers be invited to take part in the discussion.

#### **64. Key Accountable Measures and Activities 2012/13: Quarter One Results.**

Jason Teal introduced a report considering the quarter one key accountable measures and activities for 2012/13. Jason Teal informed the Commission that further contextual information had been included for the 2012/13 reports in order to provide further background and narrative to the Council's performance figures. The additional information included contextual data for West Berkshire provided by other agencies (such as unemployment levels and crime data), and information relating to the volume of work being undertaken by the Council.

There were 49 measures in total compared to 39 in 2011/12. 11 measures were reported on an annual basis as they were only available at a single point in the year. Of the remaining 38, 28 were reported as green (on track to be achieved by the end of the year); 7 measures were being reported as amber (behind schedule, but still expected to be achieved by the end of the year). None were reported red. Data was unavailable for 3 measures at the time of print. Supporting commentary had been provided for the amber measures in the main report.

Jason Teal confirmed that the targets related to the annual or year end figure and that an amber outturn indicated that the activity was behind schedule but was still anticipated to be completed by the year end.

Jason Teal advised the Commission that the figure presented for the rate of change for the repeat instances of domestic abuse had been reported incorrectly and should read - 1.1% against a Thames Valley Police Force average of +1.1%. This measure should therefore be green.

Councillor Rendel requested that the performance information be updated in time for each meeting of the Commission. Jason Teal responded that the purpose of the report was to provide a snapshot of activity for quarter one, and that it was outside the parameters of the report to provide real time updates. The Chairman reminded the Commission that the purpose of bringing the performance report to the Commission was to provide an indication of the level of performance in order that the Commission could judge whether further investigation would be needed in any particular area.

Councillor Goff acknowledged the increase in the number of adult learners, but questioned why the use of libraries had reduced over the last year. Jason Teal advised

## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 30 OCTOBER 2012 - MINUTES

that the rise in adult learners had come about due to the introduction of a particular programme. The Chairman advised the Commission of national reports that library use had reduced and that this had been partially attributed to the ease of access to information from the internet.

Councillor Franks requested that the information relating to planning appeals be broken down into those being decided by Committee and those not.

Councillor Rendel commented that not all of the amber indicators included a commentary of what action was being taken to address the issue. Jason Teal responded that this information was requested as part of a template in the preparation of the report, but was not always forthcoming. The information presented was that provided by service areas at the time of going to print. Jason Teal further advised that this point had been raised by Councillor Rendel at a recent Executive meeting and that he was preparing a written response. The Chairman requested that the response be circulated to all members of the Commission.

Councillor Rendel requested clarification of the supporting commentary for the activity 'To reduce the proportion of children becoming the subject of a child protection plan for a second or subsequent time', and in particular the phrase '..when it is clearly in their best interests.'

Councillor Rendel was concerned that the Performance Monitoring Task Group had not met following its initial meeting, and had not had sight of the proposed target for the 2012/13 reporting. Councillor Rendel queried why this task group had not been reconvened.

Councillor Franks asked how many owners of empty homes had been identified.

Councillor Franks further asked how many planning applications were rejected as invalid within a short time of the decision date.

Councillor Johnston asked whether the National Planning Performance Framework (NPPF) could be used in appeal retrospectively and requested that the appeal figures be broken down to illustrate this.

### **Resolved that:**

- The Head of Planning and Countryside to provide a break down of the number of upheld planning appeals decided by a Planning Committee and those not;
- Jason Teal to circulate the written response to an Executive question posed by Councillor Rendel regarding the activity being undertaken to address amber indicators, to all members of the Commission;
- Clarification to be provided of the supporting commentary for the activity 'To reduce the proportion of children becoming the subject of a child protection plan for a second or subsequent time', and in particular the phrase '..when it is clearly in their best interests.';
- Jason Teal to clarify why the Performance Monitoring Task Group had not been reconvened following its initial meeting;
- The Head of Planning and Countryside to inform the Commission of the number of empty home owners that had been identified;
- The Head of Planning and Countryside to inform the Commission of how many planning applications were rejected as invalid within a short time of the decision date;
- The Head of Planning and Countryside to inform the Commission of whether the NPPF could be used in appeal retrospectively and to provide a breakdown of appeal figures to illustrate this.

**65. Domestic Abuse**

*(Councillor David Rendel declared a personal interest in Agenda item 12 by virtue of the fact that his wife was a GP in West Berkshire. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

*(Councillor Tony Vickers declared a personal interest in Agenda item 12 by virtue of the fact that his wife sometimes worked with victims of domestic abuse. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

Councillor Quentin Webb introduced the final report of the Domestic Abuse Task Group. Councillor Webb thanked all of those who had taken part in and supported the review.

Councillor Webb advised that 16 witnesses had provided evidence and had shown that overall the different agencies were working well together but the task group had concerns over resilience. The recommendations put forward were intended to improve effectiveness and to address the issues that had been identified.

Councillor Brooks acknowledged the volume of work undertaken during the review and that it had been thorough and useful. Councillor Brooks made the following points:

- Councillor Brooks was not confident in the costs to West Berkshire of domestic abuse as he did not believe it was possible to be so precise given the subjectivity of the costs involved;
- Councillor Brooks questioned the broad statement regarding the lack of engagement from the health service. Councillor Webb responded that the PCT (Primary Care Trust) had been involved in the review and had provided information to support the view. Councillor Gwen Mason added that the engagement of GPs had been a recommendation from the Pemberton Domestic Homicide Review which had not proven to have been sufficiently implemented;
- In paragraph 49 Councillor Brooks would have preferred to have seen evidence to support the statements made. Councillor Webster confirmed that these figures were available and could be inserted;
- Councillor Brooks was concerned that the presence of recommendation 5 provided a let out clause to any incoming Police and Crime Commissioner (PCC) and suggested it be amended. The Commission agreed to amend the wording to 'In the event that the desired outcome at recommendation (4) cannot be achieved, the Council would need to review the implications of this decision.'
- Councillor Brooks requested that recommendation 24 be amended to remove the requirement for training for all staff, but instead to require awareness raising for all staff, with training for those in identified posts.

Councillor Vickers requested that the minutes from the task group meetings be circulated to members of the Commission for information. The Chairman requested that these be treated as confidential. Andy Day advised the Commission that the full set of papers referred to in the final report were available to view in the Strategic Support Unit.

Andy Day suggested that the final report be amended to include a list of witnesses, and a list of the background papers referred to.

Councillor Vickers asked whether there were plans to reconvene the task group in order to address issues where full information had not been available. Councillor Webb responded that the task group would not be reconvened, however the recommendations requested the provision of improved information.

Councillor Webster commented that this had been one of the most challenging and valuable pieces of work she had been involved in with the Council, and stated that although the recommendations had implications for budgets and resources, the task group had felt it would not be appropriate to remove a recommendation for fear of it being rejected, but instead to lay out all recommendations as were appropriate for the review and make it clear how challenging this area was.

Andy Day advised the Commission of a number of typographical errors that had been identified, and assured the Commission that these would be corrected, along with the agreed amendments, prior to submission to the Executive.

**Resolved that:**

- The final report from the Domestic Abuse Task Group be approved for submission to the Executive subject to the following amendments:
  - Paragraph 49: Provision of data to support the statements made;
  - Recommendation 5 to read 'In the event that the desired outcome at recommendation (4) cannot be achieved, the Council would need to review the implications of this decision.';
  - Recommendation 24 to remove the requirement for training for all staff, but instead to require awareness raising for all staff, with training for those in identified posts;
  - The inclusion of the list of witnesses, and a list of the background papers referred to;
- Elaine Walker to circulate the minutes from the task group meetings to members of the Commission;
- Elaine Walker to correct typographical errors identified in the final report.

**66. Homelessness Scrutiny Review Scoping**

The Commission considered the proposed scoping document for a review into homelessness in the district.

Councillor Franks suggested that the South East Region of the National Housing Federation be approached to contribute to the review as they would be able to provide information regarding trends in homelessness and information as to how their members were supporting Councils. Councillor Franks suggested there would then be no need to invite individual Housing Associations.

Andy Day advised the Commission that he had been asked by the Chief Executive to commission a mystery shopper exercise for the Housing Service. This had been undertaken by Shelter through email and face to face meetings. A report of findings had been produced and was currently with the Service Area for consideration. Andy Day had confirmed that the report would form part of the review process, and would be available prior to the review meeting in November.

Councillor Vickers suggested that people who had experienced homelessness and had been through the process, either with the Council, or other agencies, should be invited in order to provide a personal viewpoint.

Councillor Webster asked what contingency had been put in place to account for the possibility that a witness might not be able to attend on the day, and suggested that those invited be asked to provide a summary of how they saw their role.

The Chairman requested that members of the Commission register whether they would be attending the review meeting.

**Resolved that:**

- South East Region of the National Housing Federation be invited to contribute to the review;
- Elaine Walker to circulate the mystery shopper report prior to the review;
- Invitation be extended to people who had experienced homelessness and had been through the process, either with the Council, or other agencies;
- Those invited be asked to provide a summary of how they saw their role.

**67. Health Scrutiny Panel**

*(Councillor David Rendel declared an interest in Agenda Item 14, by virtue of the fact that his wife was a GP in West Berkshire. As his interest was personal and not prejudicial, he determined to take part in the debate and vote on the matter.)*

The Commission considered a report (Agenda Item 14) on the work of the Health Scrutiny Panel (HSP).

Councillor Webb advised the Commission that the work programme had been updated and listed those items being brought to the December meeting.

**Resolved that** the report be noted.

**68. Resource Management Working Group**

The Commission considered a report (Agenda Item 15) on the work of the Resource Management Working Group (RMWG).

Councillor Vickers advised the Commission that the Council Tax benefit changes had also been discussed at the previous meeting and that this was still an area of uncertainty with no clear direction from central Government.

Councillor Vickers also advised that discussion was taking place regarding the reporting of rental income as this was currently combined in a total figure rather than being reported separately.

**Resolved that** the report be noted.

**69. Scrutiny Recommendations Update**

The Commission considered a report updating the progress of scrutiny recommendations.

**Resolved that** the report be noted.

*(The meeting commenced at 6.30 pm and closed at 9.15 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.

<b>Title of Report:</b>	<b>Actions from previous meetings</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	11 December 2012

**Purpose of Report:** To advise the Commission of the actions arising from previous meetings

**Recommended Action:** To note the report

Overview and Scrutiny Management Commission Chairman	
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# Executive Report

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## 1. Introduction

- 1.1 This report provides the Overview and Scrutiny Management Commission with an update on the actions arising from its previous meeting.

## 2. Resolutions

- 2.1 **Resolution:** Project Management guidance be amended to highlight more robust measures be taken when considering the risk of projects being delayed or failing.

**Action / response:** Kevin Griffin will amend the guidance at its next revision.

- 2.2 **Resolution:** The criteria for scrutiny acceptance, Criterion two, be amended to read 'There is evidence of poor performance within this Service Area, or weakness in the Council's performance or practices (i.e. through performance indicator data, experience of Members, internal or external auditor findings, etc)'.  
**Action / response:** This action is complete.

**Action / response:** This action is complete.

- 2.3 **Resolution:** The potential criterion for rejecting scrutiny topics, criteria three, be amended to read 'Where the Chairman and Vice Chairman agree that there is restricted scope to influence or change the current practices (e.g. budgetary constraints, control over external agencies, etc)'.  
**Action / response:** This action is complete.

**Action / response:** This action is complete.

- 2.4 **Resolution:** The work programme be updated to reflect the completion of the scrutiny review into Domestic Abuse.  
**Action / response:** This action is complete.

**Action / response:** This action is complete.

- 2.5 **Resolution:** Ian Pearson be invited to a future meeting in early 2013 to discuss progress in school performance. In addition the Portfolio Holder and one or two Headteachers be invited to take part in the discussion.  
**Action / response:** This item has been added to the work programme and a date is to be agreed for early 2013.

**Action / response:** This item has been added to the work programme and a date is to be agreed for early 2013.

- 2.6 **Resolution:** The Head of Planning and Countryside to provide a break down of the number of upheld planning appeals decided by a Planning Committee and those not;

**Action / response:** Between 1 April 2012 and 30 September 2012 (Q1 + Q2):

- Applications determined = 1,317
- Delegated to Officers = 1,274 (96.7%)
- Determined at Committee = 43
- Number of Appeals = 37 (equivalent to 2.8% of applications determined)



- Number of appeals allowed = 13.5 (36%). The 0.5 refers to a split decision.
- Appeals against delegated officer decision = 33 of which 10.5 (32%) were allowed.
- Appeals against Committee decision = 4 of which 3 (75%) were allowed. The 3 allowed had office recommendation for approval.

The above is considered by Officers to be consistent with the normal operating workload and performance and raises no cause for concern.

- 2.7 **Resolution:** Jason Teal to circulate the written response to an Executive question posed by Councillor Rendel regarding the activity being undertaken to address amber indicators, to all members of the Commission;

**Action / response:** This action is complete. The response was circulated by email on 9 November 2012.

- 2.8 **Resolution:** Clarification to be provided of the supporting commentary for the activity 'To reduce the proportion of children becoming the subject of a child protection plan for a second or subsequent time', and in particular the phrase '..when it is clearly in their best interests.';

**Action / response:** Mark Evans has advised:

This is a complex performance indicator designed to identify cases where poor quality assessments lead to children being made subject to multiple child protection plans.

Typically a child protection plan is kept in place for 6-12 months and ends when parents have either made the changes required to address the professional concerns or other action is taken to protect the child/ren (e.g legal intervention). If a plan ends and it becomes necessary to implement a subsequent plan within 12-24 months it strongly suggests the decision to end the previous plan was premature and the assessment flawed.

However there are some circumstances where it is entirely appropriate to make a child subject more to than one CP plan. The performance indicator has no time limitation, so a child who was made subject to a plan as an unborn baby or young infant could entirely appropriately become subject to a 2nd plan much later in their childhood for an entirely new and unforeseeable reasons. For this reason 'good performance in relation to this indicator does not represent 0%, this is recognition that for some children it is appropriate to be subject to more than one CP plan.

- 2.9 **Resolution:** Jason Teal to clarify why the Performance Monitoring Task Group had not been reconvened following its initial meeting;

**Action / response:** A response to this question was included in the response to the Executive question circulated to the Commission on 9 November 2012.

- 2.10 **Resolution:** The Head of Planning and Countryside to inform the Commission of the number of empty home owners that had been identified;

**Action / response:** From the Council Tax records, the number of empty dwellings at 1st April 2012 classed as long term empties (i.e. empty for six months or more) was 371. This figure differs on a daily basis due to changes in occupation of properties.

- 2.11 **Resolution:** The Head of Planning and Countryside to inform the Commission of how many planning applications were rejected as invalid within a short time of the decision date;

**Action / response:** Between 1 April 2012 and 30 September 2012 (Q1 + Q2):

- Applications received = 1,481
- Applications initially accepted as valid and then found to be invalid within 7 days of the target determination date (8 weeks for Minors, Others and 13 weeks for Majors) = 9 (0.61%)

All the applications found to be invalid close to the target determination date were submitted by applicants or their agents and contained either inaccurate or incorrect data relating to land ownership. The applicant's errors were identified following consultation or as part of the preparation of legal agreements which are prepared at the end of the process.

- 2.12 **Resolution:** The Head of Planning and Countryside to inform the Commission of whether the NPPF could be used in appeal retrospectively and to provide a breakdown of appeal figures to illustrate this.

**Action / response:** The answer is yes. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. Since then the NPPF has been a material consideration and every appeal determined has had to have regard to its provisions and requirements.

- 2.13 **Resolution:** The final report from the Domestic Abuse Task Group be approved for submission to the Executive subject to the following amendments:

- (1) Paragraph 49: Provision of data to support the statements made;
- (2) Recommendation 5 to read 'In the event that the desired outcome at recommendation (4) cannot be achieved, the Council would need to review the implications of this decision.';
- (3) Recommendation 24 to remove the requirement for training for all staff, but instead to require awareness raising for all staff, with training for those in identified posts;
- (4) The inclusion of the list of witnesses, and a list of the background papers referred to;

**Action / response:** This action is complete

- 2.14 **Resolution:** Elaine Walker to circulate the minutes from the task group meetings to members of the Commission;

**Action / response:** This action is complete.

2.15 **Resolution:** Elaine Walker to correct typographical errors identified in the final report.

**Action / response:** This action is complete

2.16 **Resolution:** South East Region of the National Housing Federation be invited to contribute to the review;

**Action / response:** This action is complete.

2.17 **Resolution:** Elaine Walker to circulate the mystery shopper report prior to the review into homelessness;

**Action / response:** This action was not completed as the review report was still being considered by officers.

2.18 **Resolution:** Invitation to the review into homelessness be extended to people who had experienced homelessness and had been through the process, either with the Council, or other agencies;

**Action / response:** This action is complete. Three service users were invited to take part in the review.

2.19 **Resolution:** Those invited to the review into homelessness be asked to provide a summary of how they saw their role.

**Action / response:** This action is complete.

## Appendices

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There are no appendices to this report.

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# West Berkshire Council Forward Plan – December 2012 to March 2013

## Agenda Item 5.

Reference	Decision and Purpose	Decision Body	Decision Path	Directorate	Contact	Lead Member (Portfolio Holder for . . .)	Part II	Date Report Published	Consultee(s)	Notes	Decision Month
<b>DECEMBER 2012</b>											
ID2435	<b>Adoption of Parish Plans</b> <i>To adopt Parish Plans.</i>	ID	01/12/12	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities		TBC	Local Members and Stakeholders		December 2012
ID2447	<b>Approval of Village Design Statements</b> <i>To approve Village Design Statements.</i>	ID	01/12/12	Environment	Paula Amorelli	Planning, Transport, Property, Highways		TBC	Local Members and Stakeholders		December 2012
ID2557	<b>Zebra Crossing on Bridge Street, Hungerford - Petition</b> <i>To respond to a petition that has been submitted to the Council</i>	ID	01/12/12	Environment	Andrew Garratt	Planning, Transport, Property, Highways		TBC	Ward Members		December 2012
ID2423	<b>West Berkshire Forward Plan - January 2013 to April 2013</b> <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	13/12/12	Resources	Maira Fraser	Leader of Council		06/12/12	All Members, published on website for local residents	Not subject to call in.	December 2012
C2567	<b>Leisure Centres' Fees and Charges 2013</b> <i>To implement the contractual requirement for an annual price review for 2013 for Parkwood Community Leisure to come into effect from 1st January 2013.</i>	C	13/12/12 C	Environment	Chris Jones	Countryside, Environmental Protection, 'Cleaner and Greener', Culture, Customer Services		06/12/12	For Leisure Fees and Charges: members of the Joint Advisory Committees - i.e. Governing Bodies of Schools (for joint use sites), Town and Parish Councils plus leisure centre stakeholders.		December 2012

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# West Berkshire Council Forward Plan – December 2012 to March 2013

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C2551	<p><b>Amendments to the Constitution - Part 4 (Executive Rules of Procedure), Part 5 (Council Rules of Procedure), Part 11 (Contract Rules of Procedure) and Part 13 Appendix A (Code of Conduct for Planning)</b></p> <p><i>To consider changes to the Executive and Contract Rules of Procedure in light of legislative changes, to propose an amendment to the Council's Rules of Procedure (Paragraph 4.13.7) and to propose an amendment to Part 13 Appendix A (Code of Conduct for Planning) to align the training requirements with those of the Licensing Committee.</i></p>	C	13/12/12 C 26/11/12 GA	Resources	Moira Fraser	Leader of Council		06/12/12	Relevant Officers		December 2012
C2561	<p><b>Council Tax Support Scheme</b></p> <p><i>To provide a scheme of Council Tax Support</i></p>	C	13/12/12 C	Resources	Sean Anderson	Finance, Economic Development, Health & Safety, Pensions		06/12/12	Stakeholders		December 2012
C2562	<p><b>Technical Reforms to Council Tax</b></p> <p><i>To inform Council of the Government reforms to Council Tax which are included in the Local Government Finance Bill and to decide on a policy for affected Council Tax reductions.</i></p>	C	13/12/12 C	Resources	Sean Anderson	Finance, Economic Development, Health & Safety, Pensions		06/12/12	Stakeholders		December 2012
C2507	<p><b>2013/14 West Berkshire Council Timetable of Public Meetings</b></p> <p><i>To agree the timetable of public meetings for the Municipal Year 2013/14.</i></p>	C	13/12/12 C	Resources	Moira Fraser	Leader of Council		06/12/12	Officers		December 2012

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# West Berkshire Council Forward Plan – December 2012 to March 2013

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C2553	<b>Gambling Policy</b> <i>To consider the Council's review of its Gambling Policy Statement.</i>	C	13/12/12 C	Environment	Brian Leahy	Countryside, Environmental Protection, 'Cleaner and Greener', Culture, Customer Services		06/12/12	Stakeholders		December 2012
	<b>Junior Citizen 2012</b> <i>To announce the winners of the Junior Citizen of the Year 2012.</i>	C	13/12/12 C	Resources	Jude Thomas	Chairman of the Council		Verbal Item	Schools, Organisations for Young People		December 2012
C2574	<b>Approval of Councillor Absence</b> <i>To delegate to the Monitoring Officer the ability to approve absences from attendance at meetings in certain circumstances of Members of the Council by amending the Scheme of Delegation.</i>	C	13/12/12 C 08/11/12 GA	Resources	David Holling	Chairman of Governance and Audit Committee		01/11/12	Group Leaders		December 2012
PC2576	<b>Application for Premature Retirement - Approval for Funding of a Potential Decision by the Personnel Committee</b> (Paragraph 1 – information identifying an individual) <i>To seek approval from the Executive for the expenditure that would be incurred by the Council if a decision is made by Personnel Committee to agree to a request for premature retirement.</i>	EX PC	20/12/12 EX 20/12/12 PC	Resources	Jane Millone	Leader of the Council	Yes	13/12/12			December 2012

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EX2573	<b>Legal Services Restructure</b> (Paragraph 1 - information relating to an individual) <i>To outline current structure and resilience concerns within Legal Services and to propose a restructure to enhance resilience and ensure effective future operation of the service</i>	EX	20/12/12 EX	Resources	David Holling	Performance, Strategic Support, Emergency Planning, Community Safety	Yes	13/12/12	Staff		December 2012
EX2578	<b>Staffing Implications Associated with Savings put Forward to Deliver the 2013/14 Revenue and Budget and Home Care Reconfiguration</b> (Paragraph 2 - information identifying an individual) <i>To obtain approval for redundancies to be paid 31/03/13.</i>	EX	20/12/12 EX	Resources	Nick Carter/ Robert O'Reilly	Leader of the Council	Yes	13/12/12	Staff		December 2012
<b>JANUARY 2013</b>											
ID2436	<b>Adoption of Parish Plans</b> <i>To adopt Parish Plans.</i>	ID	01/01/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities		TBC	Local Members and Stakeholders		January 2013
ID2448	<b>Approval of Village Design Statements</b> <i>To approve Village Design Statements.</i>	ID	01/01/13	Environment	Paula Amorelli	Planning, Transport, Property, Highways		TBC	Local Members and Stakeholders		January 2013
ID2570	<b>Equality Annual Report</b> <i>To set out our progress towards our published equality objectives. An annual report is required by law to be published each January.</i>	ID	16/01/13	Resources	Elaine Walker	Partnerships, Equality, The Visions, Communities		09/01/13	Stakeholders		January 2013

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ID2424	<b>West Berkshire Forward Plan - February 2013 to May 2013</b> <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	17/01/13	Resources	Moira Fraser	Leader of Council		10/01/13	All Members, published on website for local residents	Not subject to call in.	January 2013
EX2577	<b>Learning from Complaints Annual Report on Complaints Activity Children &amp; Young People (Social Care) for period 1 April 2011 - 31 March 2012</b> <i>To inform senior managers and Elected Members of complaints activity and learning from complaints for the last financial year.</i>	EX	17/01/13 EX	Communities	Yvette Jones	Children and Young People, Youth Service, Education		10/01/13	Stakeholders		January 2013
EX2549	<b>Social Fund</b> <i>To provide information about the transfer of parts of the Social Fund to the Council from the Department for Works &amp; Pensions and how the Council will manage these funds.</i>	EX	17/01/13 EX	Communities	Jo England	Finance, Economic Development, Health & Safety, Pensions		10/01/13	Stakeholders		January 2013
EX2482	<b>Establishment Report Quarter 2 2012/13</b> <i>To note changes to the WBC Establishment.</i>	EX	17/01/13 EX	Resources	Robert O'Reilly	Performance, Strategic Support, Emergency Planning, Community Safety		10/01/13			January 2013
EX2536	<b>Key Accountable Measures and Activities 2012/13. Update on progress: Q2 outturns</b> <i>To report Quarter 2 Outturns against the Council's key accountable measures and to report by exception those measures and activities not achieved and cite any remedial action that has been taken.</i>	EX	17/01/13 EX	Resources	Jason Teal	Performance, Strategic Support, Emergency Planning, Community Safety		10/01/13	Relevant Officers		January 2013

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EX2491	<b>Schools and Early Years Settings - Place Strategy 2013-2018.</b> <i>To determine a strategy for managing school organisation and ensure that there are sufficient school places to meet overall demand; there are sufficient school places in the right locations to meet demand; the provision of school places are managed in a cost effective manner.</i>	EX	17/01/13 EX	Communities	Caroline Corcoran	Children & Young People, Youth Service, Education		10/01/13	Schools, relevant Council Officers		January 2013
EX2516	<b>Council Tax Base</b> <i>To set the Council Tax base for the year commencing 1 April 2013.</i>	EX	17/01/13 EX	Resources	Bill Blackett	Finance, Economic Development, Health and Safety, Pensions		10/01/13			January 2013
EX2560	<b>Business Rate Retention - MNDR (National Non-Domestic Rates) Pool Contribution Return</b> <i>To provide a scheme of Council Tax Support.</i>	EX	17/01/13 EX	Resources	Sean Anderson	Finance, Economic Development, Health & Safety, Pensions		10/01/13			January 2013
EX2572	<b>London Road Industrial Estate (LRIE) Developer 'Opportunity Document'</b> (Paragraph 3 - information relating to financial/business affairs of a particular person) <i>To present the LRIE Opportunity Document to the Executive on 17/01/13 and seek the Executive's approval to publish the Opportunity Document.</i>	EX	17/01/13 EX	Communities	Bill Bagnell	Partnerships, Equality, The Visions, Communities	Yes	10/01/13	Stakeholders		January 2013

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EX2575	<b>Response to the Scrutiny Review of Domestic Abuse</b> <i>For the Executive to consider the recommendations from the scrutiny review into domestic abuse and to resolve accordingly.</i>	EX	17/01/13 EX	Resources	David Lowe	Performance, Strategic Support, Emergency Planning, Community Safety		10/01/13			January 2013
<b>FEBRUARY 2013</b>											
ID2449	<b>Approval of Village Design Statements</b> <i>To approve Village Design Statements.</i>	ID	01/02/13	Environment	Paula Amorelli	Planning, Transport, Property, Highways		TBC	Local Members and Stakeholders		February 2013
ID2437	<b>Adoption of Parish Plans</b> <i>To adopt Parish Plans.</i>	ID	01/02/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities		TBC	Local Members and Stakeholders		February 2013
ID2425	<b>West Berkshire Forward Plan - March 2013 to June 2013</b> <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	14/02/13	Resources	Maira Fraser	Leader of Council		06/02/13	All Members, published on website for local residents	Not subject to call in.	February 2013
GA2552	<b>Internal Audit - Interim Report for 2012/13</b> <i>To report on the activity of the Internal Audit Service over the past six months.</i>	GA	11/02/13 GA	Resources	Ian Priestley	Performance, Strategic Support, Emergency Planning, Community Safety		01/02/13			February 2013
EX2531	<b>Financial Performance Report Q3</b> <i>To inform Members of the latest financial performance of the Council.</i>	EX	14/02/13 EX	Resources	Joseph Holmes	Finance, Economic Development, Health & Safety, Pensions		06/02/13	Budget Holders		February 2013

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Reference	Decision and Purpose	Decision Body	Decision Path	Directorate	Contact	Lead Member (Portfolio Holder for . . .)	Part II	Date Report Published	Consultee(s)	Notes	Decision Month
<b>MARCH 2013</b>											
ID2438	<b>Adoption of Parish Plans</b> <i>To adopt Parish Plans.</i>	ID	01/03/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities		TBC	Local Members and Stakeholders		March 2013
ID2450	<b>Approval of Village Design Statements</b> <i>To approve Village Design Statements.</i>	ID	01/03/13	Environment	Paula Amorelli	Planning, Transport, Property, Highways		TBC	Local Members and Stakeholders		March 2013
ID2426	<b>West Berkshire Forward Plan - April 2013 to July 2013</b> <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	14/03/13	Resources	Moir Fraser	Leader of Council		06/02/13	All Members, published on website for local residents	Not subject to call in.	March 2013
C2571	<b>Revenue Budget 2013-14</b> <i>To consider and recommend to Council the 2013-14 revenue budget.</i>	EX C	14/02/12 EX 05/03/13 C	Resources	Joseph Holmes	Finance, Economic Development, Health & Safety, Pensions		06/02/13			March 2013
C2503	<b>Capital Strategy and Programme 2013-2018</b> <i>To agree the Capital Strategy and Programme for the next five years.</i>	EX C	14/02/13 EX 05/03/13 C	Resources	Andy Walker	Finance, Economic Development, Health and Safety, Pensions		06/02/13			March 2013
C2504	<b>Medium Term Financial Strategy (MTFS) 2013-17</b> <i>To agree the Council's Strategy for the next four years.</i>	EX C	14/02/13 EX 05/03/13 C	Resources	Joseph Holmes	Finance, Economic Development, Health and Safety, Pensions		06/02/13			March 2013

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C2506	<b>Borrowing Limits and Annual Investment Strategy 2013/14</b> <i>In compliance with The Local Government Act 2003, this report summarises the Council's borrowing limits as set out by CIPFA's Prudential Code, and recommends the Annual Investment Strategy for the coming year.</i>	EX C	14/02/13 EX 05/03/13 C	Resources	Andy Walker	Finance, Economic Development, Health and Safety, Pensions		06/02/13			March 2013
C2544	<b>Council Strategy Refresh 2013/14</b> <i>To update the Council Strategy 2013-2017.</i>	EX C	14/02/13 EX 05/03/13 C	Resources	Jason Teal	Strategy, Council Plan, Housing, ICT & Corporate Services		06/02/13			March 2013
EX2537	<b>Key Accountable Measures and Activities 2012/13. Update on progress: Q3 outturns</b> <i>To report Quarter 3 Outturns against the Council's key accountable measures and to report by exception those measures and activities not achieved and cite any remedial action that has been taken.</i>	EX	21/03/13 EX	Resources	Jason Teal	Performance, Strategic Support, Emergency Planning, Community Safety		14/03/12			March 2013

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# OVERVIEW & SCRUTINY MANAGEMENT COMMISSION WORK PROGRAMME 2012/13

## Agenda Item 6.

Reference	Subject/purpose	Methodology	Expected outcome	Review Body	Dates	Lead Officer(s)/ Service Area	Portfolio Holder(s)	Status:	Comments
								In Progress	
								Completed	
OSMC/1/1/105	<b>Dignity and Nutrition – CQC Standards</b> To review the standards of dignity and nutrition in local hospitals - survey evidence to be provided by West Berkshire LINK (HealthWatch).	To survey and hold focus groups detailing information		HSP	Start: July 2011 End: March 2013	LINK, Age UK	Cllr Graham Jones	In Progress	Additional survey of the Royal Berkshire Hospital outpatients being undertaken in October 2012. Update from LINKS required at March 2013 meeting.
OSMC/1/1/107	<b>Update on the Health Service in West Berkshire</b>	To update members on the changes to Health Service in West Berkshire	Monitoring item	HSP	Ongoing	Julie Curtis - Interim Director Joint Commissioning	Cllr Graham Jones	In Progress	Julie Curtis to be contacted about attendance at the next meeting.
OSMC/1/1/119	<b>Continuing Healthcare (CHC)</b> To examine the operation of the NHS CHC scheme in the NHS Berkshire West area	In meeting review		HSP	Start: Jan 2012 End: Dec 2012	Jan Evans – 2736 Adult Social Care	Cllr Graham Jones	In Progress	The findings of the Independent Review of CHC to be received at the December meeting.
OSMC/12/1/22	<b>Home Care</b> To understand and critically appraise the processes in place for the provision of Home Care.	TBD		HSP	Start: TBD End: TBD	Jan Evans–2736 Adult Social Care	Councillor Joe Mooney	To be scheduled	The remit of review work to be explored with June Graves/Jan Evans in October 2012.
OSMC/12/1/33	<b>PCT Quality Handover</b> To examine the PCT's arrangements for the handover of its quality responsibilities to Clinical Commissioning Groups	In meeting review	Members satisfied with arrangements	HSP	Start: March 2013 End: March 2013	Sam Oloropec, PCT	Cllr Graham Jones		Presentation to be made at March 2013 meeting.
OSMC/09/02	<b>Performance Report for Level One Indicators</b> To monitor quarterly the performance levels across the Council and to consider, where appropriate, any remedial action.	In meeting review with information supplied by, and questioning of, lead officers.	Monitoring item	OSMC	Start: each Q End:	Jason Teal – 2102 Policy & Communication	Councillor Anthony Stansfeld	In Progress	Quarterly item. Q2 2012/13 to January meeting
OSMC/1/1/129	<b>Housing Allocations policy</b> To contribute to the development of a new policy	In meeting policy development supported by task group and individual Member activity.		OSMC	Finish Feb 2013	Mel Brain - 2403 Social Care Commissioning and Housing	Councillor Roger Croft	In Progress	- Added to work programme at the 10 January 2012 meeting, following a suggestion by Corporate Board - Following consultation exercise by Housing Service, expected to return to OSMC in early 2013
OSMC/12/1/28	<b>Youth Justice</b> To review the outcomes being achieved following the changes made to police interventions with young people and the resultant drop in people entering the youth justice system.	In meeting review with information supplied by, and questioning of, lead officers.		OSMC	Start: TBD End: TBD	Susan Powell, Robin Rickard	Councillor Anthony Stansfeld	To be scheduled	- Item raised in response to performance reported at Q2 2011/12. See agenda and minutes of 21/02/12.

# OVERVIEW & SCRUTINY MANAGEMENT COMMISSION WORK PROGRAMME 2012/13

Reference	Subject/purpose	Methodology	Expected outcome	Review Body	Dates	Lead Officer(s)/ Service Area	Portfolio Holder(s)	Status: In Progress Completed	Comments
OSMC/12/130	<b>Consultation</b> The effectiveness of consultation undertaken by the Council	Task group review with information supplied by, and questioning of, lead officers and external partners.		OSMC	Start: TBD End: TBD	Jason Teal – 2102 Strategic Support	Councillor Anthony Stansfeld	To be scheduled	Item incorporated at OSMC meeting of 2012-04-17
OSMC/12/134	<b>Housing and Homelessness</b> To consider the factors contributing to an increase in homelessness.	In meeting review with representatives from Sovereign Housing and CAB		OSMC	Start: 26/11/12 End: 26/11/12	June Graves	Councillor Roger Croft	In Progress	- Item incorporated at OSMC meeting of 26/06/12. - Brought to meeting on 31/07/12 - Housing Service to lead on consultation activity; further scrutiny to take place in late 2012 - One day special scrutiny review arranged for 26 November 2012
OSMC/12/135	<b>Annual target setting</b> To examine the annual targets being set for 2013/14.	Task group working directly with PM officers	Annually recurring	OSMC	Start: September End:	Jason Teal – 2102 Strategic Support	Councillor Anthony Stansfeld	In Progress	Independent work, unsupported by scrutiny officers. Output directly into the following year's Council Plan.
OSMC/12/139	<b>Schools and early years</b> To contribute to the development of the strategy for managing school organisation that ensures there are sufficient school places and in the right locations to meet demand	In meeting review		OSMC	Start: 11/12/12 End: 11/12/12	Ian Pearson - 2729 Head of Education	Councillor Irene Neill	In Progress	Agreed at the meeting of 18 September 2012 - To be included on December agenda
OSMC/12/140	<b>Schools Performance</b> To discuss progress in school performance, particularly in English and Mathematics.	in meeting review		OSMC	Start: TBD End: TBD	Ian Pearson - 2729 Head of Education	Councillor Irene Neill	To be scheduled	- Item incorporated at OSMC meeting of 30/10/12. - Schedule for early 2013.
OSMC/09/57	<b>Revenue and capital budget reports</b> To receive the latest period revenue and capital budget reports To consider any areas of concern.	Information supplied by, and questioning of, lead officer via in meeting review	Monitoring item	RMWG	Latest report to each meeting	Andy Walker – 2433 Finance	Councillor Alan Law	In Progress	May lead to areas for in depth review.
OSMC/09/63	<b>Establishment Reports</b> To receive the latest report on the changes to the Council's establishment.	Information supplied by, and questioning of, lead officer via in meeting review	Monitoring item	RMWG	Consider quarterly reports. Q1/3 summary rept. Full rept for Q2/4	Robert O'Reilly – 2358 Human Resources	Councillor Anthony Stansfeld	In Progress	May lead to areas for in depth review. Q1 - October. Q2 - Feb (following Exec in Jan)
OSMC/11/110	<b>Energy Saving</b> To review the Council's policies and procedures for Energy Saving.	In a meeting review the Council's procedures to Energy Saving		RMWG	Start: April 2014 End: April 2014	Adrian Slaughter	Councillor Hilary Cole	Complete	Completed in April 2012. Review to be undertaken in April 2014.



# OVERVIEW & SCRUTINY MANAGEMENT COMMISSION WORK PROGRAMME 2012/13

Reference	Subject/purpose	Methodology	Expected outcome	Review Body	Dates	Lead Officer(s)/ Service Area	Portfolio Holder(s)	Status: In Progress Completed	Comments
OSMC/11/111	<b>Risk Register</b> To scrutinise individual items on the Risk Register on an annual basis. Annual recurrence	In meeting review and scrutinise individual items on Risk Register.	Monitoring item	RMWG	Start: TBD End: TBD	Ian Priestley	Councillor Anthony Stanfeld	To be scheduled	Annual item for November
OSMC/11/112	<b>Medium Term Financial Strategy</b> To review the role and format of the MTFs Annual recurrence	In meeting review of the MTFs		RMWG	Start: Oct 2013 End: Oct 2013	Andy Walker	Councillor Alan Law		Annual item for October
OSMC/11/113	<b>Procedures for Blue Badge Holder</b> To review the operation of the new procedures, criteria and rules of use for Blue Badge holders following the introduction of them in January 2012	In meeting review.		RMWG	Start: 5 Feb 2013 End: 5 Feb 2013	Mark Edwards	Councillor Keith Chopping	In Progress	Requested by RMWG on 26 July 2011

**Key:**  
OSMC

Overview and Scrutiny Management  
Commission

RMWG  
HSP

Resource Management Working Group  
Health Scrutiny Panel

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# Agenda Item 8.

<b>Item Called-in following an Executive Decision</b>	
<b>Title of Report:</b>	<b>Petition for removal of proposed parking charges at Burdwood Centre car park, Thatcham</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	11 December 2012
<b>Forward Plan Ref:</b>	ID2518

**Purpose of Report:** To allow a review of the decision to implement revised parking charges at Burdwood Centre car park, Thatcham.

**Recommended Action:** That the Overview and Scrutiny Management Commission reviews the decision.

Overview and Scrutiny Management Commission Chairman	
<b>Name &amp; Telephone No.:</b>	Councillor Brian Bedwell – Tel (0118) 9420196
<b>E-mail Address:</b>	bbedwell@westberks.gov.uk

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Keith Chopping - Tel (0118) 983 2057
<b>E-mail Address:</b>	kchopping@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Elaine Walker
<b>Job Title:</b>	Principal Policy Officer
<b>Tel. No.:</b>	01635 519441
<b>E-mail Address:</b>	ewalker@westberks.gov.uk

## Supporting Information

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### 1. Individual Decision

- 1.1 The Petition for removal of proposed parking charges at Burdwood Centre car park, Thatcham was presented for consideration by Individual Decision on 8 November 2012. Officers recommended that the proposed parking charges be amended and the new charges implemented.

### 2. Call-In of the Decision

- 2.1 In accordance with the Council's Constitution, five Elected Members (Councillors Jeff Brooks, David Rendel, Keith Woodhams, Tony Vickers and Roger Hunneman called in the Individual Decision (ID2518) on the basis that:
- (1) The predicted income is negligible and is at risk in any event.
  - (2) The costs of purchasing and installing a ticketing machine, and collecting the money from the machine and servicing it are not mentioned in the report.
  - (3) This will cause a displacement of car parking to parking spaces that are provided free to support local retailers.
  - (4) There will be damage to the local retail trade.
  - (5) There is concern over the management of the two hour free period; some members of the public may not realise they have to obtain a ticket to park for free for the first two hours.

### 3. Role of the Overview and Scrutiny Management Commission

- 3.1 The role of the Overview and Scrutiny and Management Commission is to review the decision and determine whether it concurs with the decision (in which case it will take immediate effect) or refer it back to the Executive Member for Highways for further consideration.

### 4. Further Correspondence

- 4.1 On 15 November 2012, a request for information was received from Councillor Richard Crumly relating to the disclosure of economic information about the Burdwood car parks in Thatcham (Appendix F). The requested information was as follows:
- (1) A breakdown of the current cost of repair and maintenance of the Burdwood car parks;
  - (2) Clear identification of which are owned by the Council and which are not;
  - (3) The capital cost of setting up the project;
  - (4) A detailed breakdown of the likely income;

- (5) A breakdown of the latest thinking on exempt periods and exempt individuals, i.e. two hours and all surgery personnel;
  - (6) A detailed breakdown of the likely income to be generated, bearing in mind the free periods.
- 4.2 To aid the Commission's debate, the response to this request for information is provided at Appendix G, which also sets out officers' response to the reasons cited for the call-in.

## **5. Recommendation**

- 5.1 It is recommended that Members of the Overview and Scrutiny Management Commission consider the information provided in relation to Councillor Crumly's request, and review the decision to agree the implementation of amended parking charges at Burdwood Centre car park.

## **Appendices**

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Appendix A – Letter calling in ID2518

Appendix B – Individual Decision Report - Petition for removal of proposed parking charges at Burdwood Centre car park, Thatcham including equality impact assessment.

Appendix C – Letter from Burdwood Surgery

Appendix D – Letter from Thatcham Town Council

Appendix E – Plan of Burdwood Centre car park

Appendix F – Letter from Councillor Crumly

Appendix G – Officers Response to the Fol request

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12 November 2012

Mr Andy Day  
Head of Policy and Communication  
Market Street  
Newbury  
Berkshire  
RG14 5LD

**West Berkshire Council Liberal  
Democrat Group**  
Market Street  
Newbury  
Berkshire RG14 5LD  
**Please ask for:** Gillian Durrant  
**Direct Line:** 01635 519097  
**e-mail:** gdurrant@westberks.gov.uk

Dear Andy

**Response to the petition for the removal of proposed parking charges at  
Burdwood Centre car park, Thatcham – Call In**

In accordance with Paragraph 6.4.5 of the Council's Constitution, I hereby give notice that the undersigned wish to call in the Individual Decision in relation to the removal of proposed parking charges at Burdwood Centre car park, Thatcham. The reasons for the call in are as follows:

1. The predicted income is negligible and is at risk in any event.
2. The costs of purchasing and installing a ticketing machine, and collecting the money from the machine and servicing it are not mentioned in the report.
3. This will cause a displacement of car parking to parking spaces that are provided free to support local retailers.
4. There will be damage to the local retail trade.
5. There is concern over the management of the two hour free period; some members of the public may not realise they have to obtain a ticket to park for free for the first two hours.

Yours sincerely

1.....



Councillor Jeff Brooks

2 ..



...

Councillor David Rendel

3.



..Councillor Keith Woodhams

4... *AM Vicks* .....Councillor Tony Vickers

5. *R. Hunneman* ...Councillor Roger Hunneman



## Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Petition for removal of proposed parking charges at Burdwood Centre car park, Thatcham</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	08 November 2012
<b>Forward Plan Ref:</b>	ID2518

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**Purpose of Report:**

To respond to a petition that has been submitted to the Council and a resolution made by Thatcham Town Council opposing the implementation of parking charges in the Burdwood Centre car park that were approved by Full Council on 1 March 2012.

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**Recommended Action:**

That the Executive Member for Planning, Transport Policy, Property, Highways and Transport (Operational) resolves to approve the recommendations set out below:

- (a) To amend and advertise the Parking Order to implement the parking charges shown in 2.4 Table 2 at the Burdwood Centre car park, Thatcham;
- (b) To inform the organiser of the petition of the actions approved following consideration of this report; and
- (c) To inform Thatcham Town Council of the actions approved following the consideration of this report.

**Reason for decision to be taken:**

To maximise parking income and to ensure that the users of the Burdwood Centre car park contribute to the running costs of the car park.

**Other options considered:**

To retain free parking.

**Key background documentation:**

- (a) Decision of Full Council on 1 March 2012;
- (b) The petition submitted opposing the implementation of parking charges at the Burdwood Centre car park; and
- (c) Letter dated 18 July 2012 from Thatcham Town Council.

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Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Keith Chopping - (0118) 983 2057
<b>E-mail Address:</b>	kchopping@westberks.gov.uk
Contact Officer Details	
<b>Name:</b>	Martyn Baker
<b>Job Title:</b>	Parking Manager
<b>Tel. No.:</b>	01635 519211
<b>E-mail Address:</b>	mebaker@westberks.gov.uk

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## Implications

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<b>Policy:</b>	None arising from this report.
<b>Financial:</b>	<p>The proposed implementation of parking charges in the Burdwood Centre car park were a part of the Council's Revenue Budget for 2012/13. It was estimated that the parking charges would raise some £1,250 in 2012/13. The Council's Finance Manager for Resources and Environment has indicated that she has no comments to include in this report.</p> <p>If there are any financial implications contained within this report this section <b>must</b> be signed off by a West Berkshire Finance Manager. Please note that the report cannot be accepted by Strategic Support unless this action has been undertaken.</p>
<b>Personnel:</b>	None arising from this report.
<b>Legal/Procurement:</b>	None arising from this report.
<b>Environmental:</b>	None arising from this report.
<b>Property:</b>	None arising from this report.
<b>Risk Management:</b>	None arising from this report.
<b>Equalities Impact Assessment:</b>	<p>EIA Stage 1 attached as Appendix A.</p> <p>Where a decision is required, Strategic Support are not able to accept your report without an EIA Stage 1 being completed (Appendix A to this report). Further information and an EIA Stage 2 form can be found at: <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>. For advice please contact Principal Policy Officer (Equality &amp; Diversity) on Ext. 2441.</p>

## Consultation Responses

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### Members:

<b>Leader of Council:</b>	Councillor Gordon Lundie was consulted on 22 October: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.
<b>Overview &amp; Scrutiny Management Commission Chairman:</b>	Councillor Brian Bedwell was consulted on 20 August: He responded saying I am unfamiliar with this car park but would suggest that staff purchase a season ticket for one year at a nominal rate and another area be set aside for patients only, the other area to be charged with one hour free.
<b>Ward Members:</b>	<p>Councillor Dominic Boeck was consulted on 20 August: He supports the proposal provided that the surgery is not disadvantaged.</p> <p>Councillor Roger Croft was consulted on 20 August: He supports the proposal provided the surgery is not disadvantaged.</p>
<b>Opposition Spokesperson:</b>	Councillor Keith Woodhams was consulted on 20 August: To date no response has been received, however any

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comments will be verbally reported at the Individual Decision meeting.

## Local Stakeholders:

Councillor Richard Crumly was consulted on 20 August: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor David Rendel was consulted on 20 August: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor Sheila Ellison was consulted on 20 August: To date no response has been received, however any comments will be verbally reported at the Individual Decision meeting.

Councillor John Horton was consulted on 20 August: He responded saying my only response is that there should be no parking charges in Thatcham Burdwood as this would be detrimental to the town and may inhibit access to services and businesses that are struggling during the recession.

Councillor Jeff Brooks was consulted on 20 August: He initially responded saying I write to object to charges being implemented at this location. Volunteers and patients rely on this car park to access the Burdwood Centre and will often stay in excess of the one hour free period proposed. You will also have received objections from Thatcham Town Council and I am able to speak as both a District and Thatcham Town Councillor in this matter. It would also seem to me that the sum of money that you expect to be collected is very small and its net effect negligible. It was pointed out to him that the period of free parking had been increased to 2 hours to overcome concerns about patients needing sufficient time and that although income is small it helps to offset the costs of maintaining the car park. He responded again stating that he still didn't think that this is necessary.

Thatcham Town Council was consulted on 20 August: The Clerk responded saying that The Finance & General Purposes Committee had met and considered the draft report and appendices, prepared in response to a petition and the Town Council's representations, that is due to be considered by Individual Decision on 26th September by Councillor Keith Chopping. The main focus of the discussion was on the problems that would be caused by cars being parked on the surrounding roads rather than in the car park and also the lack of a financial cost benefit analysis.

Following discussion the following resolution was passed - "In the light of the potential for cars to park in the surrounding streets rather than paid for parking and the void of a compelling financial case, such that the income would appear to be as little as £100 per month, this Council cannot support this and urges West Berkshire Council to

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reconsider.”

Burdwood Surgery was consulted on 20 August: The Practice Manager responded setting out the surgery's concerns about the proposals. Following this further consideration was given to the impact on the surgery and the proposals were modified to address these concerns. The surgery has subsequently confirmed that the Partners are happy to co-operate fully with the proposal as now presented in this report and have offered thanks for our assistance in this matter.

**Officers Consulted:** Mark Cole; Mark Edwards; John Ashworth; Wendy Howells

**Trade Union:** N/A

<b>Is this item subject to call-in?</b>	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

## Supporting Information

### 1. Background

- 1.1 On 1 March 2012 Full Council approved the 2012/13 revenue budget and this included the implementation of revised parking charges. One of the agreed proposals was the implementation of parking charges at the Burdwood Centre car park in Station Road, Thatcham. The parking charges for the Burdwood Centre agreed by Full Council were:

**Table 1: Parking Charges approved by Full Council for the Burdwood Centre**

<b>Monday to Saturday 8.00 am to 6.00 pm</b>	
Up to 1 hour	<b>Free</b>
Up to 2 hours	<b>£0.50</b>
Up to 3 hours	<b>£0.80</b>
Over 3 hours	<b>£2.00</b>

- 1.2 The statutory advertising process prior to implementing the parking charges in the Burdwood Centre car park generated a petition organised by the Burdwood Surgery

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situated within the car park that ultimately contained 648 signatures. The petition states:

“We, the undersigned, petition West Berkshire Council to remove the proposed car parking charges as detailed in the Newbury Weekly News.”

The petition was sent to the Council with an accompanying letter dated 25 May 2012 from the Practice Manager, a copy of which is at Appendix B to this report.

- 1.3 In the light of the petition it was resolved to postpone the implementation of the parking charges until the petition had been considered and a decision made as to whether or not parking charges should still be implemented at the Burdwood Centre car park.
- 1.4 A letter dated 18 July 2012 was sent by Thatcham Town Council in which they advised that the Finance and General Purposes Committee of the Town Council had unanimously approved a resolution calling for the suspension of the proposed parking charges at the Burdwood Centre in this municipal year to allow proper consultation of the requirements of patients, hall hirers and users of the Baptist Church as well as an assessment of the retail impact in the area. The Town Council was informed that their resolution would be included within this report. A copy of the Town Council's letter is at Appendix C to this report.

## 2. Factors for Consideration

- 2.1 The Burdwood Centre car park lies in Station Road, Thatcham and it has provided free parking since it opened in the 1980s. The car parking area is adjoined by a community centre; a doctor's practice; a Baptist Church; and retail outlets, which include a large Co-operative store and three smaller retailers (a Fish & Chip shop; a chemist; and one vacant unit). West Berkshire Council does not own the whole car park and the plan attached at Appendix D shows how the car park is divided. The parking area immediately adjacent to the Co-operative store, which holds 11 parking spaces (accessed via Wheelers Green Way) is not in the Council's ownership and there are 6 parking spaces immediately outside the front of the doctor's practice that are dedicated to the practice. Of the total of 81 parking spaces in the car park, 64 are within the Council's ownership. It has also come to light that under an Agreement concluded in January 1988 with the former Newbury District Council the Baptist Church has the right to 15 parking permits to enable those attending services and other functions in the Church to use the car park without charge.
- 2.2 When the Council implements new car parking charges it does so by advertising an amendment to the Parking Order through a statutory process contained within Section 35 (c) of the Road Traffic Regulation Act 1984. This requires the Council to place an advertisement in the local press for the area concerned and to simultaneously erect notices on site advertising the new parking charges and the implementation date. While there is no objection process the Council takes due consideration of comments made by customers and this is manifest in the deferral of the proposed parking charges at the Burdwood Centre. The advertising process detailed above also serves as a form of consultation as it may well be envisaged that a formal consultation process about whether or not parking charges should be increased is unlikely to receive customer endorsement.

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- 2.3 The intention behind the proposed parking charges at the Burdwood Centre is to optimise the Council's parking income in times of severe financial stringency and to offset the running costs of the car park by modest parking charges that would not adversely affect those attending routine appointments at the doctor's surgery or patronising the adjoining retail outlets. It was considered that by making the first hour free both patients and shoppers could conclude their business within the free parking time. The Council has adopted a view that users of discretionary services, such as car parks, should pay for the service used and it has previously implemented modest parking charges in other car parks (eg Goldwell Park in Newbury; and at Gilbert Court, Thatcham) where parking had hitherto been free. The Council pays some £1,500 per annum for the cleaning of the Burdwood Centre car park and it also meets occasional repair and maintenance costs. It was considered that the implementation of the parking charges shown in table 1 above would recoup some, even if not all, of this annual expenditure.
- 2.4 It is reasonable for the Council in the management of its' parking portfolio to implement modest parking charges, especially when the proposed parking charges will not adversely affect specific potentially vulnerable user groups and deter them from using the car park. It is recognised that some patients attending the doctor's practice may need more than one hour and consequently it is proposed that the modified parking charges shown in table 2 should be implemented at the Burdwood Centre car park. Furthermore, in recognition of the community impact of Burdwood Surgery, it is proposed that the surgery will be provided, free of charge, with 10 season tickets which are to be used at the discretion of the Practice Manager in order to assist the surgery in the delivery of Primary Care Medical Services.

**Table 2: Proposed Modified Parking Charges for the Burdwood Centre**

<b>Monday to Saturday 8.00 am to 6.00 pm</b>	
Up to 2 hours	<b>Free</b>
Up to 3 hours	<b>£0.80</b>
Over 3 hours	<b>£2.00</b>
<b>(1) A Ticket must be displayed for the two hour free parking period</b>	
<b>(2) No return to the car park is permitted for a period of two hours after the free parking period has elapsed</b>	

- 2.5 The requirement for a ticket to be displayed in the free parking period is essential to ensuring that the free parking is not abused. The "two hour no return" condition will also ensure that the free parking is not abused to avoid paying a parking charge.
- 2.6 Not all of the users of the car park will be exempt from parking charges. Anyone who needs to park for over two hours including those commuters who use the car park and walk to Thatcham station and those who work within Thatcham and walk to their place of work would have to pay to park if the parking charges are

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implemented. However, workers and rail commuters using the Council's car parks in other Town Centres and within Thatcham have to pay to park. Customers using any of the Council's car parks expect to find them both clean and well-maintained and this involves costs which parking income, however modest, helps to defray while any parking income surplus provides the opportunity to limit the demands on Council Tax. This in turn means that non-motorists do not provide through their Council Tax a subsidy that enables free parking for some motorists.

## 3. Equalities Impact Assessment Outcomes

3.1 The EIA Stage 1 is at Appendix A to this report. It is considered that the implementation of parking charges will not deter any of the groups listed in point 2 of the EIA Stage 1 from their continued use of the Burdwood Centre car park as:

(a) This car park, together with all of the Council's other car parks, will be available for unimpeded use by all;

(b) The proposal to provide the first two hours parking free of charge, together with the season tickets to be used at the discretion of the Practice Manager, will enable those attending appointments at the doctor's practice to park without charge and will particularly benefit older persons; pregnant women; and parents and carers with young children;

(c) To assist disabled persons the Council has identified that two disabled parking bays may be installed by using the three remaining parking spaces outside the practice. These will be available for use by Blue Badge holders; and

(d) This car park will be added to the pay by mobile phone service so that customers may obtain the free parking time or pay remotely for their parking time, negating the need to walk to the machine. This will benefit those with mobility problems who are not Blue Badge holders and disabled persons who cannot find parking in the proposed disabled parking spaces.

## 4. Financial Implications

4.1 In the budget report to Full Council on 1 March 2012 it was calculated that the annual income that would accrue from the revised parking charges at Thatcham Station and the implementation of parking charges at the Gilbert Court and Burdwood Centre car parks would total some £6,000 in a full financial year. This comprised some £3,500 from Thatcham Station and a combined total of £2,500 from the parking charges at Gilbert Court and the Burdwood Centre.

4.2 It is considered that, if implemented, the parking charges shown in 2.4 Table 2 will generate some £1,200 in a full financial year.

## 5. Officers' Response to Consultation Comments Received

5.1 Councillor Brian Bedwell's suggestion that staff purchase a season ticket for one year at a nominal rate and another area be set aside for patients only, the other area to be charged with 1 hour free would be at variance with what has been adopted elsewhere in the district and more specifically in Thatcham and would be virtually impossible to enforce. If a specific area was set aside for patients there could be times when this had unused spaces that other customers may wish to use and other times when it could be full and patients couldn't park. The current



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proposal, by permitting free parking for 2 hours, should be ample time for patients and they would have the whole of the car park controlled by the Council available for use. The doctor's practice already has 6 dedicated spaces for use by staff and would also have 10 free season tickets to be used at the discretion of the Practice Manager.

- 5.2 Councillor John Horton's response that there should be no parking charges in Thatcham Burdwood as this would be detrimental to the town and may inhibit access to services and businesses that are struggling during the recession is a point of view that is not shared by officers'. All the other towns in West Berkshire have parking charges and the proposals for Thatcham would bring it in line with the rest of the district. The proposed costs are modest and with 2 hours of free parking in the Burdwood Centre car park and free parking in the private car park adjacent to the Co-operative store there is ample provision for customers. Only long stay parkers such as rail commuters using Thatcham station would be affected by the proposals and this is not a bad thing as this car park is not provided to give free parking to commuters travelling away from Thatcham.
- 5.3 Councillor Jeff Brooks initially objected to the charges on the grounds that volunteers and patients rely on the Burdwood Centre and will often stay for more than one hour and because the estimated income is small. He was advised that the free parking period originally proposed had been increased to two hours to overcome concerns about patients needing sufficient time and that although the estimated income is low it still helps to offset the costs of maintaining the car park. He acknowledged this additional information but said that he still thought the proposed charges are unnecessary.
- 5.4 The main focus of the concerns of Thatcham Town Council are problems that would be caused by cars being parked on the surrounding roads rather than in the car park and the lack of a financial cost benefit analysis. The Town Council's Finance & General Purposes Committee has resolved as follows: "In the light of the potential for cars to park in the surrounding streets rather than paid for parking and the void of a compelling financial case, such that the income would appear to be as little as £100 per month, this Council cannot support this and urges West Berkshire Council to reconsider."
- 5.5 It is considered that this car park is for the benefit of the visitors and shoppers at the Burdwood Centre and not for long stay parkers such as rail commuters as mentioned in 5.2 above. The revised proposals would now cater for the needs of the majority of users and it is appropriate that those that wish to stay for extended periods beyond 2 hours should be expected to pay and that Council Tax payers should not be expected to effectively subsidise the users of the car park. It is considered that the financial information provided in the report is appropriate for the scale of this proposal. The costs and benefits are discussed in sections 2 and 4 of this report and the Council's annual cleaning costs alone, at some £1,500, are sufficient justification for seeking to obtain income to offset these costs without undertaking a more detailed and time consuming cost benefit analysis. The reason that the estimated income is low is because the proposed charges are low and the estimates are deliberately conservative because it is very difficult to predict the numbers of paying customers when charging is first introduced. However although the estimated income is low at £1,200 per annum this would contribute to the Council's costs and it is still considered sound financial management to seek to recoup these costs.

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5.6 There may be some additional parking on surrounding roads initially but this is only likely to be long stay parkers because the 2 hours of free parking will cater for the needs of most visitors to the Burdwood Centre. There is nothing wrong with parking on roads in principle so long as this parking accords with the regulations in force. If parking occurs in contravention of the parking regulations this would be dealt with using the Council's Civil Enforcement powers. As with all new charging regimes, the situation would be monitored if the charges were introduced and any necessary action taken if required.

## 6. Conclusion

6.1 The original proposal was to implement the parking charges shown in 1.1 Table 1 at the Burdwood Centre and this would have provided customers with the first hour of parking free. Following opposition from the petitioners and from Thatcham Town Council, the implementation of the parking charges has been deferred to enable the concept of implementing parking charges at the Burdwood Centre car park to be reviewed. This review has included contact being made with local stakeholders and Members and the responses received are in the Consultation Responses section of this report. An officers' response to comments received during the consultation is contained in section 5 of this report.

6.2 Upon review it is considered that with free parking having been removed in other Council car parks that had offered free parking and replaced with modest parking charges that it is inequitable to allow one car park to remain free of charge at all times. The implementation of new parking charges is never welcome, but the Council is operating in a climate of severe financial restraint and it is reasonable to identify and implement legitimate income sources, particularly where services have been provided free of charge and the service costs have been absorbed by others. Moreover, the proposed parking charges set out in 2.4 Table 2 now offer the first two hours of parking free which will absolve a large number of customers from having to pay to park. The Council incurs annual costs in the provision of this car park and it is reasonable that service users should make a contribution to those running costs. Consequently it is considered that the parking charges set out in 2.4 Table 2 should be implemented without further delay.

## 7. Recommendations

- 7.1 That the Parking Order be amended and advertised to facilitate the implementation of the parking charges shown in 2.4 Table 2 at the Burdwood Centre car park, Thatcham;
- 7.2 That the organisers of the petition submitted against the implementation of parking charges at the Burdwood Centre car park be informed of this decision; and
- 7.3 That Thatcham Town Council is informed of this decision.

## Appendices

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Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Letter from Burdwood Surgery accompanying petition

Appendix C – Letter from Thatcham Town Council

Appendix D – Plan of the Burdwood Centre Car Park

**Equality Impact Assessment – Stage One**

<b>Name of item being assessed:</b>	Petition for removal of proposed parking charges at Burdwood Centre car park, Thatcham
<b>Version and release date of item (if applicable):</b>	16 August 2012
<b>Owner of item being assessed:</b>	Martyn Baker
<b>Name of assessor:</b>	Martyn Baker
<b>Date of assessment:</b>	16 August 2012

<b>1. What are the main aims of the item?</b>
To determine whether or not parking charges will be implemented at the Burdwood Centre car park after consideration of a petition submitted opposing the proposed parking charges.

<b>2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)
---

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this.</b>
All Groups	None	These groups of users currently use the Burdwood Centre car park while it provides free parking. The implementation of parking charges will not affect their continued use of the car park and a two hour period of free parking will enable visitors such as patients attending the Burdwood Surgery to still do this at no cost.

<b>Further comments relating to the item:</b>
Free parking without time limits will be provided to Blue Badge holders.

<b>3. Result</b> (please tick by double-clicking on relevant box and click on 'checked')
<input type="checkbox"/> <b>High Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> <b>Medium Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> <b>Low Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment

# DRAFT DOCUMENT

<input checked="" type="checkbox"/>	<b>No Relevance</b> - This <b>does not</b> need to undergo a Stage 2 Equality Impact Assessment
-------------------------------------	---

**For items requiring a Stage 2** equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

<b>4. Identify next steps as appropriate:</b>	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	Not required

**Name:** Martyn Baker

**Date:** 16 August 2012

# BURDWOOD SURGERY

PLANNING AND COMMUNITY

WHEELERS GREEN WAY  
THATCHAM  
BERKSHIRE RG19 4YF  
Tel: (01635) 868006  
Fax: (01635) 867484

28 MAY 2012



WEST BERKSHIRE DISTRICT COUNCIL

Nick Carter  
Chief Executive  
West Berkshire District Council  
Council Offices  
Market Street  
Newbury  
Berkshire RG14 5LD

25<sup>th</sup> May 2012

Dear Mr Carter,

## Re: Burdwood Centre Car Park

I am writing on behalf of the 4 Partners at Burdwood Surgery, the 9893 patients we serve and the 25 members of staff we have currently in employment here.

We would like to strongly object to the application of car parking charges which are due to come into effect shortly at the Burdwood Centre Car Park. I cannot quantify the number of complaints we have been receiving from our patients and the stress it has caused for patients and staff alike. What type of consultation process is required for this change and was it followed correctly as there has been no formal consultation for the users of this car park through our surgery. Is this permissible? After a phone call with the planning department, I was made aware of the sign on 2 of the lampposts indicating proposed charges but I would like to understand how such a significant change like this can be made without due consideration of public impact.

Our patients will be affected, our staff will be affected and there has not been enough notice around this to allow sensible discussion. As far as we are aware the car park land had been donated by the developers for use of the community. Does this use allow the charging of the car park for members of this community?

After speaking to one of the planning officers – I believe the concern is of train commuters parking their cars, leaving them for the day and filling the car park. We use the car park every weekday and occasionally at weekends and it is very rare and very noticeable when a car has been parked here for the station. If anyone has protested about this they may well be confused with our staff parking their cars here. I have 25 members of staff of which all but 2 are part time so the application of car park charges for this group will be a significant increase in cost in an already difficult financial climate.

This will also affect our patients, people who are feeling ill or most vulnerable. Has the impact of this been taken into account? Although for most patients the permitted 1 hour free parking will cover the time of an appointment for others who have multiple appointments or longer procedures this will not be the case. We are going to be affecting exactly those members of the community that we have been put into place to serve.

I am enclosing copies of a petition that patients are using to demonstrate against the car parking charges and you can see from the number of pages that it is against local opinion and the public are outraged. This representation has been collected over a matter of 2 days from patients who have been visiting the practice – what about people who still are not aware of the changes.

I am writing to you to request that you reconsider this proposal and reflect on the implications for local residents, our patients and staff. In the very least I would like the minimum time for free parking to be reconsidered and increased to 5 hours and I would like my staff to be given permits for free parking.

Please can you consider this at your earliest opportunity and let me know what can be done as it will be affecting everyone very soon. My direct dial is 01635 292600.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K Bahia', written in a cursive style.

**Kamal Bahia (Mrs)**  
Practice Manager

Encl. Petition

cc.  
District Councillor Roger Croft  
District Councillor Dominic Boeck  
Thatcham Town Council



# Thatcham Town Council

Town Clerk: Mrs Elaine Hare

Council Offices  
Brownsfield Road  
Thatcham  
Berkshire RG18 3HF

Mr N Carter  
Chief Executive  
West Berkshire Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD

Tel: 01635 863592  
Fax: 01635 863843

e-mail: [enquiries@thatchamtowncouncil.gov.uk](mailto:enquiries@thatchamtowncouncil.gov.uk)  
website: [www.thatchamtowncouncil.gov.uk](http://www.thatchamtowncouncil.gov.uk)

Our ref: EH/la/Car Parking

18<sup>th</sup> July, 2012

Dear Mr Carter,

## **Parking Charges**

Thank you for your letter dated 19<sup>th</sup> June, the contents of which were discussed at the Finance and General Purposes Committee last week. Although the Members were pleased to note that in future you will ensure that the Town Council is advised in advance of the formal process, they were concerned that there was no information in the letter which indicated how long the review would take, how it would be conducted and whether the Town Council would be involved in the formal consultation.

Following discussion the Committee made a resolution stating that it remained dissatisfied that car parking charges should be introduced at either car park. In respect of the Burdwood Centre, the Committee requested that charging be suspended in this municipal year to allow proper consultation of the requirements of patients, hall hirers and users of the Baptist Church as well as an assessment of the retail impact in the area. This resolution was passed unanimously.

The Committee members also asked if the car park at the end of Brownsfield Road could be referred to as Brownsfield Road and not Gilbert Court, which in their view is misleading and incorrect.

Yours sincerely,

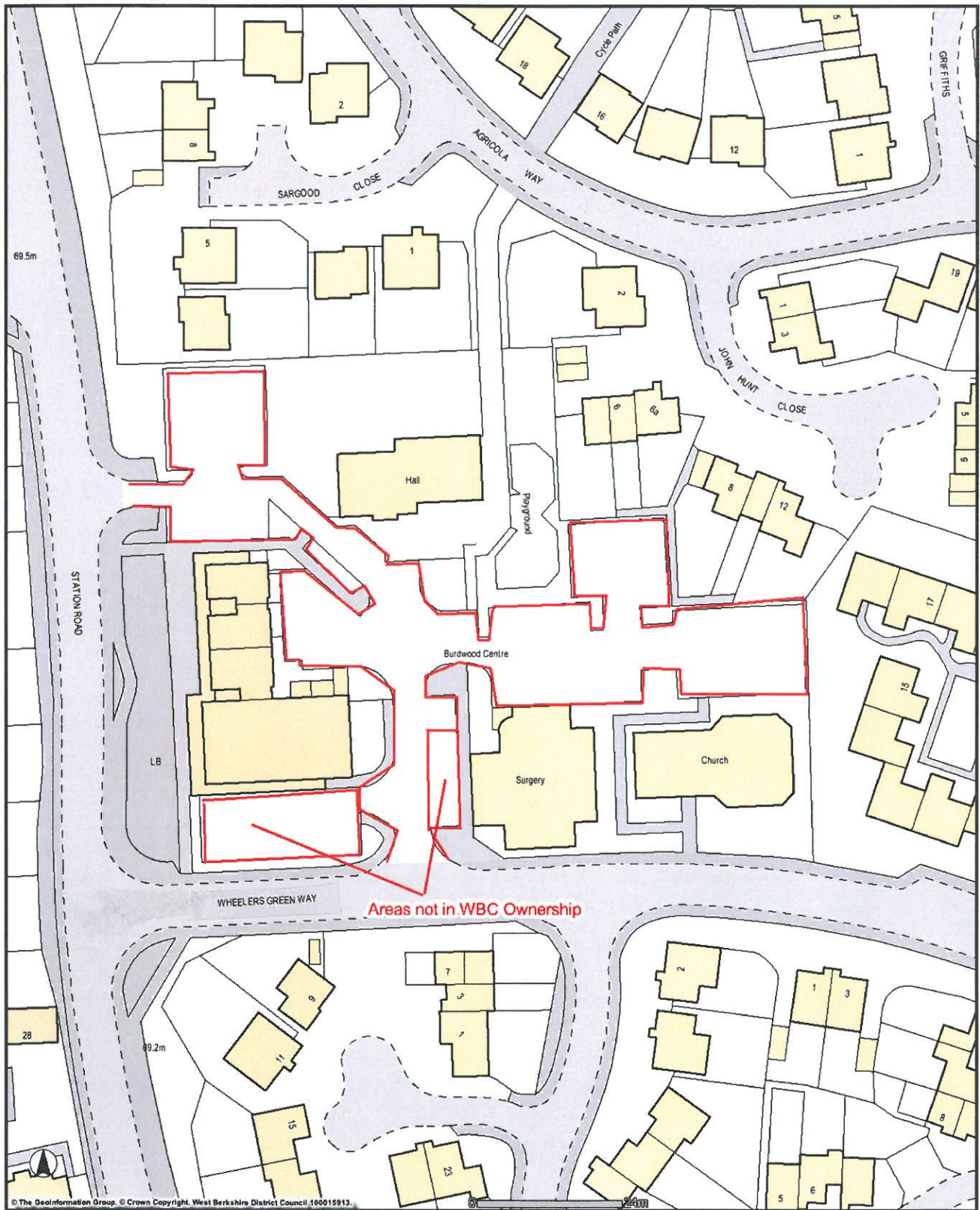
*Elaine Hare*

Elaine Hare (Mrs)  
Town Clerk



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Title:	Appendix D		Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. West Berkshire District Council 100015913.
At:	10:36 20 <sup>th</sup> Aug 2012	1:939	
Notes:	ID Report 2518		
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**THATCHAM CENTRAL WARD**



**Our Ref:** RJC/LMS/WBC

15 NOV 2012

The Officer in Charge  
Overview and Scrutiny  
West Berkshire Council  
DX 30825  
NEWBURY

**Councillor Richard Crumly**

The Old Courthouse  
31 The Broadway  
Thatcham  
Berkshire  
RG19 3HX

**Tel:** 01635 200702  
**Mobile:** 07852 287 153  
**Tel Work:** 01635 866166  
**Fax Work:** 01635 874096  
**e-mail:** rcrumly@westberks.gov.uk

14 November 2012

Dear Sirs

**Re: Overview and Scrutiny Meeting**

I have an interest in the item referred to O & S, I believe, for 11<sup>th</sup> December relating to the Burdwood car parks at Thatcham. I make a Freedom of Information request, namely that no later than seven days prior to the above meeting, full disclosure of the economics of the Burdwood site be disclosed to me, namely:-

A breakdown of the current cost of repair and maintenance of the Burdwood car parks.

Clear identification of which are owned by the Council and which are not.

The capital cost of setting up the project.

A detailed breakdown of the likely income.

A breakdown of the latest thinking on exempt periods and exempt individuals, i.e. two hours and all surgery personnel.

A detailed breakdown of the likely income to be generated, bearing in mind the free periods.

Yours faithfully

  
**RICHARD CRUMLY**

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## **Briefing Note on the Burdwood Car Park for the Overview and Scrutiny Management Commission meeting on 11 December 2012**

### **Response to Letter from Councillor Crumly Dated 14 November**

The letter from Councillor Crumly is attached as Appendix A. The letter contained six requests for economic information, which are set out below with a response in each case.

1. A breakdown of the current cost of repair and maintenance of the Burdwood car parks.

#### Response

The cost of cleaning the elements of the car park that are owned by the Council consist of two parts, namely cleansing and litter picking. This is carried out under the corporate cleaning contract with Veolia and the monthly costs are £105.32 and £22.66 respectively. This equates to £1,535.76 per annum.

It is proposed to install one or two of the Zeag pay machines that are currently held in store. These machines are available because they have been replaced by more modern Metric alternatives at very high use sites for operational reasons in the past. They are nonetheless functional and perfectly adequate for this location. These two Zeag machines are already on the list of machines that are included in the Council's maintenance contract, so there will be no additional maintenance costs incurred if one or two of them are deployed.

The type of repairs that can be required in Council car parks include repair or replacement of tariff boards, replacement of posts or bollards, repairs to pot holes, repainting of worn out lines, trimming back plants and trees for which the Council is responsible etc. It is not however possible to identify what these maintenance costs might be during any financial year because they occur on a needs must basis. If such costs do occur they are paid for from the Parking budgets that are set up for the purpose.

This response is given in relation to the extent of the Burdwood car park that comes under the Council's control. The Parking team is not responsible for the repair, maintenance and cleaning of the two smaller areas of the car park that are not in the Council's ownership. Consequently it is not possible to provide any information on what the costs are for these two areas.

2. Clear identification of which are owned by the Council and which are not.

Response

The plan that was included as Appendix D to the ID report considered on 8 November 2012 shows all of the car park and highlights the two small areas that are not in the Council's ownership. These are the area adjacent to Wheelers Green Way (in front of the Co-op) and the area in front of the Surgery. This plan is attached to this briefing note as Appendix B.

3. The capital cost of setting up the project.

Response

As indicated in the response to 1 above we will not be purchasing any new pay machines as we already have these available for use. The cost of installing the bases for the machines is approximately £250 so the maximum we would have to pay for this is £500 if we go for two machines. This cost would come out of our revenue budget however so it is not a capital cost.

4. A detailed breakdown of the likely income.

Response

At the time that Full Council approved the charges for this car park as part of the wider revised parking charges contained in the 2012/13 revenue budget the following tariff structure was agreed:

<b>Monday to Saturday 8.00 am to 6.00 pm</b>	
Up to 1 hour	<b>Free</b>
Up to 2 hours	<b>£0.50</b>
Up to 3 hours	<b>£0.80</b>
Over 3 hours	<b>£2.00</b>

A very conservative approach was used to predict the income at that time because there is always considerable uncertainty about how customers will react to new charges. Typically income is low to begin with but then picks up when customers become accustomed to the new charges. The very simple assumption made was that we would sell 10 tickets per day at £0.50 for the 305 charging days per annum (ie less Sundays and Bank Holidays). This equated to £1,270 net of VAT. No additional income was



included for customers staying for up to 3 hours or for those staying for over 3 hours because it was considered that the numbers would be small given the location. This was almost certainly an under estimate however because this car park may be attractive to peak time railway commuters willing to walk further for a lower parking charge than they have to pay at the Station car park.

When the petition was received objecting to the proposed charges it was agreed that the proposal be postponed for further consideration. As a result of the further deliberations that followed revised proposals were included in the Individual Decision Report that was considered and approved on 8 November. The revised tariff structure proposed to take account of concerns raised is as set out in the November report that is reproduced below:

<b>Monday to Saturday 8.00 am to 6.00 pm</b>	
Up to 2 hours	<b>Free</b>
Up to 3 hours	<b>£0.80</b>
Over 3 hours	<b>£2.00</b>

Two assumptions were made at this stage. These were that we would sell some 6 £0.80 tickets per day or that we would sell just 1 ticket at £0.80 and 2 tickets at £2.00 for the 305 days per annum. Both of these assumptions are again very conservative. In both cases the estimated income net of VAT is £1,220. Again we think this is almost certainly an under estimate but it is better to have a lower estimate that we improve on than a higher one that we don't achieve.

It is worth mentioning that we now have the benefit of the information on ticket sales at the Gilbert Court car park at which charging was introduced in May. In the first 7 months we have achieved an income of £873, which projects to £2,095 for a full year. This compares with our earlier estimate of £1,270 using the same assumptions for this car park as we did for Burdwood.

5. A breakdown on the latest thinking on exempt periods and exempt individuals, ie two hours and all surgery personnel.

### Response

The first part of this request has essentially been covered above and was set out in more detail in the 8 November Individual Decision Report. To summarise the position though, customers would now be able to stay for 2

hours instead of 1 hour free of charge, which should be ample time to meet the needs of almost all visitors to the Surgery and the local shops. For those persons who would need to stay for more than 2 hours, eg a very small number of patients or staff working at the Surgery, the latest proposal, as detailed in the report, to provide the Practice Manager with 10 free season tickets to be used at her discretion will provide for this need. The Practice Manager has contacted the Council and said on behalf of The Partners that they are happy to co-operate fully with this proposal and to thank us for our assistance in this matter.

6. A detailed breakdown of the likely income to be generated, bearing in mind the free periods.

#### Response

This has already been covered in 4 above.

### **Response to Reasons for Call-In as detailed in letter from Strategic Support dated 14 November**

The letter from Strategic Support is attached as Appendix C. The letter listed five reasons for the call-in, which are set out below with a response in each case.

1. The predicted income is negligible and is at risk in any event.

#### Response

It is accepted that the estimated income is quite low but the estimate is very conservative. The detailed explanation in the response to Councillor Crumly's economic information request 4 above makes this clear and indicates that we are likely to achieve higher than the estimated income. It is certainly not the case that the income is at risk.

2. The costs of purchasing and installing a ticketing machine, and collecting the money from the machine and servicing it are not mentioned in the report.

#### Response

This has also been partly answered in the responses to Councillor Crumly's economic information requests 1 and 3 above. In summary the machines are already held in store and readily available for use at no extra cost and are already on the Council's maintenance contract. The cost of installation will be between £250 and £500 depending on whether we go for one or two pay machines.



Cash is collected from all of our machines under an existing cash collection contract. The cost of adding either one or two machines to this contract will be £5 per machine per week, which equates to £260 to £520 per annum.

3. This will cause a displacement of car parking to parking spaces that are provided free to support local retailers.

#### Response

It is difficult to see why this would be the case. The majority of visitors to this car park would be able to conclude their business within the 2 hours of free parking that would be permitted if this proposal goes ahead. Consequently it is unlikely that visitors would park in the Co-op car park that will still be free. It is accepted that some of the retailers may have employees that park for more than the 2 hours of free parking and these would have to pay if they use the Council's car park. However this is no different from everywhere else in the district. Co-op employees would probably park in their own car park though.

4. There will be damage to the local retail trade.

#### Response

The nature of the local retail trade in this area is unlikely to require stays of greater than 2 hours and the number customers who stay for longer than this are likely to be quite low. It is therefore unlikely that there would be any significant impact on the local retail trade.

5. There is concern over the management of the two hour free period; some members of the public may not realise they have to obtain a ticket to park for free for the first two hours.

#### Response

Everything will be done to make the signage as clear as possible to ensure that customers understand the need to obtain a ticket for the first 2 hours even though it is free. This requirement to display a ticket for free periods of parking is common place throughout the country. It is not unreasonable to expect car drivers to read signs and comply with clear instructions.

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<b>Title of Report:</b>	<b>Review into Adult Social Care eligibility criteria</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	11 December 2012

**Purpose of Report:** To outline to the Overview and Scrutiny Management Commission proposed Terms of Reference for a review into the Council's Fair Access to Social Care eligibility criteria.

**Recommended Action:** Amend, if necessary, and approve the Terms of Reference for the review.

HSP Chairman	
<b>Name &amp; Telephone No.:</b>	Councillor Quentin Webb – Tel (01635) 202646
<b>E-mail Address:</b>	qwebb@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	David Lowe
<b>Job Title:</b>	Scrutiny and Partnerships Manager
<b>Tel. No.:</b>	01635 519817
<b>E-mail Address:</b>	dlowe@westberks.gov.uk

# Executive Report

---

## 1. Introduction

- 1.1 Following a recent legal action, The Executive Member for Community Care and his officers have requested that the Health Scrutiny Panel conducts a review into the way that the Council provides adult care services, in order to ensure that they continue to be statutorily compliant and do not disadvantage the very vulnerable of West Berkshire.
- 1.2 In support of this request, this report provides background on the national adult social care framework, its application locally, a summarised briefing on the Council's legal position following the recent High Court hearing on the operation of its Fair Access to Care Services policy and sets out a proposed methodology and Terms of Reference.

## 2. The national framework

- 2.1 In 2003 the Department of Health issued Fair Access to Care Service (FACS) guidance to local authorities. This guidance allowed Councils to determine the level at which it would meet a person's assessed care needs. There are 4 levels:
  - Critical
  - Substantial
  - Moderate
  - Low

## 3. Fair Access to Care Services in West Berkshire

- 3.1 In 2003 the Council set a policy of 'critical' only. This policy was subject to a full review in 2008, by officers rather than through Scrutiny, with the outcome being a decision not to change the eligibility criteria. A recommendation was also made to review the criteria again in 2011.
- 3.2 The Dilnott Commission, looking at the future funding of adult social care, made its recommendations to the Government in 2011. On the basis that one of the recommendations was for a national minimum threshold, the Council did not proceed with its review. Whilst the Dilnott review will not become statute for 2-4 years, it is anticipated that the Government will accept this proposal.
- 3.3 West Berkshire is one of only 3 councils operating an eligibility criteria of 'critical', Northumberland and WBC chose critical in 2003, Wokingham moved to 'critical' 4 years ago. Other Councils have tried to move to critical only but have failed after legal challenge on their consultation process.

## 4. Legal challenge

- 4.1 On 14 May 2012 an application for a Judicial Review of the Council's policy was brought, via litigation friends, on behalf of 5 learning disabled clients.

- 4.2 The case was heard by the High Court on 1 June 2012 and the court rejected the application for a Judicial Review. On 3 July 2012 the High Court heard an application from the claimants for an oral hearing but again this was refused.
- 4.3 The claimants then lodged an appeal against this decision but the Court of Appeal rejected their claim.
- 4.4 Importantly, the Judge considered the Department of Health FACS guidance and rejected the argument made by the Claimants that it was not permissible to have a critical only policy, stating this was 'unarguable.' The Local Authority was entitled to choose critical, rather than any lower category.
- 4.5 Whilst the judgement was very clearly in the Council's favour, it has highlighted the importance of undertaking regular and robust reviews of the policy in respect of the eligibility criteria.

## **5. Proposed activity in response**

- 5.1 As the policy was last subject to a full review in 2008, the Executive Member for Community Care and the Head of Adult Social Care have agreed that it would be prudent for another review to take place, concluding before by 30 June 2013.
- 5.2 The Chairman of the Health Scrutiny Panel (HSP) has agreed that it would be desirable for the review to be carried out as Scrutiny by a three-Member task group. As the 2008 review paperwork appeared to stand up to scrutiny very well it would therefore seem to be appropriate to take a similar approach again, whilst also taking full account of the Council's duties under the Equality Act 2010.
- 5.3 The Terms of Reference would be for the Health Scrutiny Panel to conduct a review of the Council's Fair Access to Care Services policy and in particular:
- Understand the policy's context, scope and intent
  - Assess the effect of the policy's application in practice, particularly the extent to which it is statutorily compliant
  - Consider what might be done further to improve the policy
  - Report to the OSMC thence the Executive with recommendations as appropriate.
- 5.4 In order to ensure demonstrable rigour and objectivity to the review, it is proposed to engage the services of an external facilitator to support a number of consultation exercises with stakeholders. The funding for the facilitator has been identified.
- 5.5 More detail on the review is provided at Appendix A.

## **6. Recommendation**

- 6.1 It is recommended that Members of the Commission amend, if necessary, and approve the Terms of Reference for the review.

## **Appendices**

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Appendix A – Review scoping matrix

## **Consultees**

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**Local Stakeholders:** None

**Officers Consulted:** Jan Evans, Andy Day, Leigh Hogan

**Trade Union:** None

**Review Topic:** Adult Social Care eligibility criteria

**Timescale**

**Start:** September 2012

**Finish:** June 2013

**Review Rationale:**

To assess whether in setting its eligibility criteria at 'critical' the Council's operation of the Fair Access to Care Services policy still allows it to meet its statutory duties.

**Terms of Reference: To conduct a review of the Council's Fair Access to Care Services policy and in particular:**

- Understand the policy's context, scope and intent
- Assess the effect of the policy's application in practice, particularly the extent to which it is statutorily compliant
- Consider what might be done further to improve the policy
- Report to the OSMC thence the Executive with recommendations as appropriate.

**Review Membership:**

TBD

**Chairman:** Councillor Quentin Webb

**Vice-Chairman:**

**Scrutiny Officer:** David Lowe

**Information Required:**

- Context
- Statutory duties – what are they and are they being met
- Case law
- White paper
- Policy position and rationale
- Who is the client
- Process
- Organisational structure
- Accessibility
- Training
- Volume (applications/conversions/diversions as numbers and % of population)
- What happens to those who don't qualify? Is it discriminatory
- Cost
- Options for change
- Recommendations from the 2008 review and EIA changes

- Complaints
- Risk management
- Application of the policy in practice (including assessment through site visits)

Witnesses:

Joe Mooney

Jan Evans

Leigh Hogan

Belinda Schwehr

Melanie Ellis

Steve Duffin

## Session 1

Scene setting and background

- The national framework
  - Policies
  - Strategies
- The legal position
  - Fair Access to Care Services
  - Equality Duty
  - Case law
  - Judicial Review
- Emerging policy developments (including Dilnot)
- West Berkshire volumetrics
- Previous activity (policy development and review)

Formulation and agreement of the review strategy

Evidence from Jan Evans, Leigh Hogan and Belinda Schwehr

## Session 2

The West Berkshire FACS policy

- Context (social care policy framework)
- Aim and intent
- Scope
- Exclusions and diversions
- Cost of operation
- Cost of a change of policy

Practice elsewhere

- Comparative data
- Case studies from other authorities

Evidence from Jan Evans, Steve Duffin and Melanie Ellis, Jeannette Chappell, other authorities (?)



**Session 3**

Operational practice

- Training
- Application and interpretation
- Review of (anonymised) cases

Evidence from council staff and care workers. To also incorporate a site visit to Willows Care Home.

**Session 4**

Review of consultation exercises

- Disability Equality Scheme Board
- West Berkshire Independent Living Network
- Learning Disability Board
- Mental health users
- Older people
- Carers

Presentation of results from facilitator

**Session 5**

Formulation of recommendations

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# Agenda Item 13.

<b>Title of Report:</b>	<b>Health Scrutiny Panel</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	11 December 2012

**Purpose of Report:** To provide an update on the work of the Health Scrutiny Panel.

**Recommended Action:** To note the information.

Health Scrutiny Panel Chairman	
<b>Name &amp; Telephone No.:</b>	Councillor Quentin Webb – Tel (01635) 201435
<b>E-mail Address:</b>	qwebb@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Charlene Myers
<b>Job Title:</b>	Strategic Support Officer
<b>Tel. No.:</b>	01635 519695
<b>E-mail Address:</b>	cmyers@westberks.gov.uk

# Executive Report

---

## 1. Introduction

- 1.1 The Health Scrutiny Panel has not met since the report made at the last Overview and Scrutiny Management Commission

## 2. Next Meeting

- 2.1 The Health Scrutiny Panel is due to meet next on Tuesday 4 December 2012. The Following items are on the draft agenda
  - (1) Findings of the Independent review of Continuing HealthCare.
  - (2) Dignity and Nutrition in Local Hospitals.
- 2.2 Work Programme
- 2.3 The latest work programme for the Health Scrutiny Panel is contained within item 6 of this agenda.

## Appendices

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There are no Appendices to this report.

# Agenda Item 14.

<b>Title of Report:</b>	<b>Resource Management Working Group</b>
<b>Report to be considered by:</b>	Overview and Scrutiny Management Commission
<b>Date of Meeting:</b>	11 December 2012

**Purpose of Report:** To provide an update on the work of the Resource Management Working Group.

**Recommended Action:** To note the information.

<b>Resource Management Working Group Chairman</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Tony Vickers – Tel (01635) 230046
<b>E-mail Address:</b>	tvickers@westberks.gov.uk

<b>Contact Officer Details</b>	
<b>Name:</b>	Charlene Myers
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# Executive Report

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## 1. Introduction

1.1 The Resource Management Working Group (RMWG) last met on 6 November 2012. The main items for discussion were:

(1) Financial Performance Report for Month Five

The performance report was received and noted.

(2) Risk Register

Ian Priestly explained the process by which it is managed and accessed.

(3) School - Academies and the impact on Council Finances

Ian Pearson presented information regarding the process of a school transferring to an Academy and the impact the change would have upon the Local Authority.

(4) Asset Management

John Ashworth provided information relating to the details of previous asset management cases and discussed the process by which the future use of Taceham House would be agreed.

(5) The Parkway Development

The Parkway contract was discussed.

The Overview and Scrutiny Management Commission are asked to consider the following work tasks to form part of the RMWG Work Programme:

(1) Shaw House: for members to consider the property's current utilisation, constraints on use and the impact upon generated income.

(2) Risk Register: to elements of the Risk Register if reported as either red or amber – contrary to the current work item which restricts scrutiny to annually.

## 2. Next meeting

2.1 The next meeting is scheduled for 18 December 2012. The agenda items are yet to be confirmed.

## 3. Work Programme

3.1 The latest work programme for the Working Group is contained within item 6 of this agenda.

## Appendices

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There are no appendices to this report.

Month presented to the Executive	Review title	Recommendation	Date Adopted by Executive	Link to Exec Report	Implemented within 12 months?
Jul-12	Facilities Available for Young People	a. The Executive Member for Children and Young People and Youth Service should work, including through the networks available to Elected Members, to encourage schools to enable community groups to access the use of their facilities	19/07/12		
		b. The Executive Member for Finance, Property and Health and Safety should take steps to allow and promote the use of Council property by community groups. This should include through tenancy agreements for let assets.	19/07/12		
		c. The Executive Member for Partnerships, Equality, the Visions and Communities should encourage town and parish councils to allow the use of their property by community groups.	19/07/12		On Track
		d. The Executive Member for Highways, Transport (Operational), ICT and Customer Services should critically examine the opportunities for the Council to allow the public use of the Council's own transport fleet, particularly in locations where there is an expressed need for community transport, working to remove bureaucratic burdens and obstacles where they exist.	No		
		e. The Executive Member for Highways, Transport (Operational), ICT, Customer Services should introduce a mechanism to assess the extent to which Council transport assets are being utilised by community groups.	No		
		f. The Executive Member for the Environment, "Cleaner Greener", Public Protection, Culture and Leisure should identify measures to encourage and increase the use by community groups of the Council's leisure facilities, for example sports and leisure centres.	19/07/12		On Track
		g. When considering change of use applications by and for community groups, the Executive Member for Planning and Housing should ensure that planning policies to allow favourable weighting and consideration of the wider societal benefits that their activities usually generate.	No		
		h. The Executive Member for Children and Young People and the Youth Service should continue to support organisations, such as the Berkshire Association of Clubs for Young People, that enable community groups to operate effectively, for example through the provision of training and CRB checks.	19/07/12	<a href="http://decisionmaking.westberks.gov.uk/jelistDocuments.aspx?Cid=117&amp;Mid=1826&amp;Ver=4">http://decisionmaking.westberks.gov.uk/jelistDocuments.aspx?Cid=117&amp;Mid=1826&amp;Ver=4</a>	yes
		i. The Executive Member for Children and Young People and the Youth Service should implement a comprehensive plan, which includes the use of social media, to communicate to young people the wealth of spare time opportunities and activities that are available to them.	19/07/12		yes
		j. The Executive Member for Children and Young People and the Youth Service should create and promote guidance on the key steps to be taken on the establishment of youth community groups. This might take the form of a 'Youth Club Starter Pack'.	No		
		k. The Executive Member for Children and Young People and the Youth Service should take steps to identify and the remove those Youth Service practices that prevent or obstruct the use of its facilities by community groups.	No		
l. The Executive Member for Partnerships, Equality, the Visions and Communities should establish a mechanism to allow the sharing across community groups of resources such as training opportunities, skills, expertise and knowledge.	19/07/12		yes		

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		<p>m. The Executive Member for Partnerships, Equality, the Visions and Communities should encourage communities developing parish plans to consider items and activities that have a lower purchase/build cost but provide better value than more expensive but less flexible items such as Multi Use Games Areas (MUGAs).</p> <p>n. The Executive Member for Strategy, Performance and Community Safety should ensure that budgets allocated for the provision of Community Wardens, across all contributing organisations, are protected to enable their invaluable work to continue.</p> <p>o. The Executive Member for Children and Young People and the Youth Service should ensure that budgets allocated for the provision of detached youth workers are protected to enable their invaluable work to continue.</p>	19/07/12		On Track
		<p>1 Comply fully with the recommendations arising from the Department for Transport's report <i>Prevention and a Better Cure</i>.</p> <p>3 Develop and deliver a communications plan to engage the public in the reporting of potholes. This might be achieved through the publication of leaflets, through the Council's website or through advertising. Any materials should be written in ways that do not require prior technical knowledge.</p> <p>4 Arrange for the authority's approach to the handling of potholes to be explained to parish councils at the District/Parish Conference.</p> <p>5 Arrange for the authority's approach to the handling of potholes to be explained to Members of Thatcham Town Council.</p> <p>6 Arrange for the authority's approach to the handling of potholes to be explained to Members of the Council at a Member Development Seminar.</p> <p>7 Produce and distribute to all Member of the Council guidance on the methodology in place for pothole maintenance.</p> <p>8 Give consideration to the introduction of a permanent 'find and fix' team to complement the existing proactive schemes already in place.</p> <p>9 Give consideration to the Council taking part in the national MORI survey every two years, in order to monitor the public's satisfaction with the Council's pothole maintenance activities.</p>	19/07/12		yes
		<p>1 Comply fully with the recommendations arising from the Department for Transport's report <i>Prevention and a Better Cure</i>.</p> <p>3 Develop and deliver a communications plan to engage the public in the reporting of potholes. This might be achieved through the publication of leaflets, through the Council's website or through advertising. Any materials should be written in ways that do not require prior technical knowledge.</p> <p>4 Arrange for the authority's approach to the handling of potholes to be explained to parish councils at the District/Parish Conference.</p> <p>5 Arrange for the authority's approach to the handling of potholes to be explained to Members of Thatcham Town Council.</p> <p>6 Arrange for the authority's approach to the handling of potholes to be explained to Members of the Council at a Member Development Seminar.</p> <p>7 Produce and distribute to all Member of the Council guidance on the methodology in place for pothole maintenance.</p> <p>8 Give consideration to the introduction of a permanent 'find and fix' team to complement the existing proactive schemes already in place.</p> <p>9 Give consideration to the Council taking part in the national MORI survey every two years, in order to monitor the public's satisfaction with the Council's pothole maintenance activities.</p>	19/07/12		yes
	<b>Domestic Abuse</b>	<p>(1) The Portfolio Holder responsible for Safer Communities should take steps to secure the attendance at the West Berkshire Domestic Abuse Forum representatives from schools and General Practitioners, to ensure that all appropriate agencies are represented.</p> <p>(2) The Portfolio Holder responsible for Children and Young People should secure the necessary funding to make permanent the Domestic Abuse Response Team in order to ensure that its effective work continues.</p> <p>(3) The Portfolio Holder responsible for Children and Young People should consider increasing the resources available to the Domestic Abuse Response Team in order to improve its resilience.</p> <p>(4) The Portfolio Holder responsible for Safer Communities should take steps to ensure that the incoming Police and Crime Commissioner (PCC) fully understands the value of the West Berkshire Independent Domestic Violence Adviser. The desired outcome would be for funding, which will move from the Home Office to the PCC's control, to be maintained at existing levels.</p> <p>(5) In the event that the desired outcome at recommendation (4) cannot be achieved, the Council would need to review the implications of this decision.</p>			



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		<p>(6) The Portfolio Holder responsible for Housing should make available funding to reduce the gap for Independent Domestic Violence Advisers in the district from the current 0.8 Full Time Equivalent (FTE) to the 2.5 FTE recommended by the charity Co-ordinated Action Against Domestic Abuse (CAADA).</p> <p>(7) In order to raise and maintain the profile of domestic abuse, the Portfolio Holder responsible for Safer Communities should publish a domestic abuse strategy, for which appropriate governance and delivery mechanisms should be established.</p> <p>(8) The Portfolio Holder responsible for Safer Communities should review the 'Making Changes' programme to ensure that it is effective and fit for purpose.</p> <p>(9) The Portfolio Holder responsible for Safer Communities should seek from HM Court and Tribunal Service that the Special Domestic Violence Court be reinstated in Newbury, in order to ensure that victims from West Berkshire receive justice expediently.</p> <p>(10) Following the success of previous campaigns, the Portfolio Holder responsible for Safer Communities should develop and deliver a media and communications plan to maintain or improve the level at which domestic abuse is reported.</p> <p>(11) The Chief Executive of the Royal Berkshire Hospital should develop, deliver and review the effectiveness of packages of training and support for all staff working in maternity, post-natal and accident and emergency units to ensure that they have the requisite skills and confidence to be able to identify, record and deal effectively with domestic abuse.</p> <p>(12) The Chief Executive of the Berkshire Healthcare Foundation Trust should provide assurance to the Safer Communities Partnership that funding for the post of Specialist Practitioner Domestic Abuse remains a priority, in order that her important and valued work continues.</p> <p>(13) The Chairman of the West Berkshire Health and Wellbeing Board should critically examine the appropriateness and effect of the action taken in response to Recommendation 11 of the Pemberton Domestic Homicide Review, in order to ensure that its desired outcome is achieved.</p> <p>(14) The Portfolio Holder for Housing should write to the Home Secretary requesting that she give consideration to the establishment of a national system for refuge provision, in order to ensure that there is an appropriate number and mix of accommodation type available.</p> <p>(15) In order that professionals working with domestic abuse are able to understand the composite picture and manage resources accordingly, in conjunction with A2Dominion the Portfolio Holder for Housing should establish a mechanism to capture data on the total number of referrals being made to refuges, whether within the district or elsewhere. After six months of data collection, an assessment should be made as to the appropriateness of both the number and type of refuge accommodate provided.</p> <p>(16) The Portfolio Holder responsible for Housing should develop and deliver a media and communications plan to counter negative perceptions of refuges held by the public, in order that those perceptions do not prevent, dissuade or otherwise deflect female victims of domestic abuse from seeking help from them when they need it.</p> <p>(17) In order that all professionals with a need to know, do know, the Local Police Area Commander should take the necessary steps to ensure that data captured on the I-DASH can be shared with schools.</p>			

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		<p>(18) The Portfolio Holder responsible for Children and Young People should ensure that there is no further reduction in the staffing of the West Berkshire YOT, in order to enable it to continue its valued work on Domestic Abuse.</p> <p>(19) The Portfolio Holder responsible for Education should take steps to train Emotional Literacy Support Assistants as 'domestic abuse champions' in schools, in order to support all other school staff in dealing with domestic abuse.</p> <p>(20) The Portfolio Holder responsible for Education should take steps to make training in domestic abuse mandatory for all schools' staff, in order to ensure that they have the requisite skills and confidence to be able to identify, record and deal effectively with the effects in children of domestic abuse.</p> <p>(21) The Portfolio Holder responsible for Safer Communities should ensure that a timetable is developed and that appropriate resources are made available in order to ensure that the domestic abuse tiered training system is delivered by no later than April 2013.</p> <p>(22) The Portfolio Holder responsible for Children and Young People should, through the Local Safeguarding Children's Board, consider re-running domestic abuse awareness and other training for voluntary organisations, in order to ensure that they have an appropriate level of understanding. The West Berkshire Volunteer Centre may be able to provide assistance in the promotion of the courses.</p> <p>(23) The Chairman of the West Berkshire Health and Wellbeing Board should commission the Identification and Referral to Improve Safety (IRIS) scheme for adoption by the West Berkshire Clinical Commissioning Group, in order to improve the awareness of and responsiveness to domestic abuse by GP practices.</p> <p>(24) The Portfolio Holder responsible for Corporate Services should ensure that levels of awareness of domestic abuse are increased amongst all staff, with specific training provided for those in identified posts.</p> <p>(25) The Portfolio Holder responsible for Corporate Services should produce domestic abuse guidance for all Council staff, irrespective of status, in order that all are aware of the actions that might be taken in the event of another member of staff disclosing to them that they are experiencing domestic abuse.</p>			