

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 9 FEBRUARY 2021

Councillors Present: Jeff Brooks, James Cole, Lee Dillon (Vice-Chairman), Lynne Doherty, Gareth Hurley, Alan Law (Chairman), Ross Mackinnon, Thomas Marino, Steve Masters, Garth Simpson, Joanne Stewart and Tony Vickers

Also Present: Catalin Bogos (Performance Research Consultation Manager), Nick Carter (Chief Executive) and Andy Sharp (Executive Director (People)), Gordon Oliver (Corporate Policy Support) and James Townsend

PART I

37. Declarations of Interest

Councillors Tony Vickers and Steve Masters declared an interest in Agenda Items 5 and 6, but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

38. Commercialisation Part 2: Commercial Board Update

Andy Sharp introduced the report that sought to respond to the request from the Overview and Scrutiny Management Commission for an update in respect of the Commercial Board and its work programme. He outlined that the purpose of the report was to:

- Provide an overview of the history of the Board; and
- Provide an overview of the work programme for 2021/22.

He indicated that the focus of the Board had changed in recent months and was now on the following:

- To identify and lead strategically significant commercialisation programmes;
- To provide guidance and support to cross-organisational commercialisation projects; and
- To take oversight of the traded services arrangements within the organisation, largely through the Education Service.

He reported that the project identified for further consideration through the Lions' Lair process (which encouraged staff to identify potential commercial opportunities), related to the potential development of a crematorium within West Berkshire. An initial business case outlining a proposal for the development had been considered and approved by the Board, and a consultant would be appointed to help develop a detailed business case. He indicated that the Board would also be supporting the Housing Service with the development of a new housing company. In addition, he noted that the Board had commissioned an organisation called "Keystone" to deliver commercial skills training to Council staff, targeting those who already lead traded services and those who lead services that could be delivered in a more commercial way.

He reported that the Board had created a Steering Group for Traded Services, which was reviewing all of the Council's traded services within the Education portfolio to identify

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opportunities to increase income, whilst also providing better support to the schools that the Council already works with.

Councillor Jeff Brooks indicated that he wanted to see more detail in the report on traded services in Education. He noted that he would have liked to have seen the scale and scope of these services, i.e. services provided, clients, competitors and market analysis. He indicated that the report had missed the opportunity to set goals and identify actions to help the Council be more competitive. He also asked if there was a need for another crematorium in West Berkshire, since he thought that the existing facility was coping with demand.

The Chairman asked Andy Sharp if more detail and data could be provided. Andy Sharp noted that the purpose of this report was to give an overview of the work of the Commercial Board. He offered to bring a more detailed report on traded services in Education to a future meeting, including: details of the current offer, level of income, and how this has changed over time.

The Chairman asked for a short report, which listed the services with their revenues and any profits / losses.

Councillor Brooks also suggested that this also should include sales targets.

Councillor Tom Marino asked what services were traded and reiterated the need for financial information. Andy Sharp confirmed that these were mostly support services, ie. HR, ICT, finance and school improvement. He confirmed that any surpluses from traded services were put back into Council services.

Action: Andy Sharp to bring a follow-up paper on commercial services to OSMC in April.

Andy Sharp, noted that the crematorium proposal was for a sustainable facility using renewable energy. The outline business case identified a potential market, but a more detailed business case was needed to identify whether it could be operated profitably. This would require specialist consultancy support.

Councillor James Cole noted that Housing would be an important aspect of the Board's activities and asked if other Executive Portfolio Holders would be brought in. He also asked if the crematorium proposal was the only thing to come out of the 'Lions Lair'. Andy Sharp explained that the purpose of the Board was to offer advice, guidance and support to projects/programmes with a commercial emphasis rather than taking on their governance. He indicated that the Housing Board would oversee the new housing company. He highlighted the 'Routeguard' project on safe walking routes to schools as another successful Lions' Lair project. He explained that most projects identified were either not considered viable or had insufficient income potential.

Councillor Cole asked if there were plans to repeat the Lions' Lair. Andy Sharp indicated that a proposal was going to the Board that week around generating ideas from staff about doing things differently, including commercial ventures.

Councillor Tony Vickers asked about the Lions' Lair process and suggested that involving staff in generating commercial ideas should be an ongoing initiative. He suggested that a SWOT analysis was needed to respond to developments in national education policy.

Councillor Garth Simpson indicated that death rates were steady and fairly predictable outside of the pandemic, and suggested that the crematorium market was well-covered. He did not consider that a sustainable crematorium was an easily sellable proposition if the electricity was cheaper than that used by the current facility. He highlighted concerns about the ownership and financing of existing crematoria across the UK.

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Andy Sharp noted that researching the market in more detail was the main reason for the second phase of the business case.

Councillor Simpson questioned the aims identified in the report, particularly in relation to having a swathe of commercial activities. He suggested that the next two years would be challenging as the district recovered from Covid, and this would consume officers' time.

Councillor Gareth Hurley sought clarification about the problem statement and strategic objective for the crematorium project. He indicated that he would be interested in seeing the outline business case and initial land search.

Councillor Lee Dillon echoed other Members' calls for additional data. He asked for more detail on projected vs achieved income targets. He suggested that where a budget pressure was identified, an income target may be set, which could become the focus rather than service delivery. He asked where the balance should be in terms of income generation vs service delivery. He also asked how much commercial expertise was on the Commercial Board, and whether a specialist person could be brought in to work with the Council for a limited period. Finally, in relation to Education, he asked how much the commercialisation was underpinning the Education team, and if more academies were to deliver services in-house, what that would mean for core services to LEA schools.

Andy Sharp noted that there were colleagues on the board with commercial expertise and that external support was utilised as and when required. He acknowledged that there were tipping points in terms of the operating surplus of the Education Service, which could be incorporated into a future report.

Councillor Ross Mackinnon noted that the sustainable nature of the crematorium didn't just relate to energy usage, but there were also other environmental aspects. He noted that the commercial business case was in the early stages and it was too early to rule it out completely. He indicated that neighbouring local authorities generated significant levels of income by running their own crematoria. He agreed with Councillor Dillon's point about focusing on provision of efficient services, but where there were opportunities for commercial income, these were worth exploring.

Councillor Steve Masters agreed with Councillor Mackinnon that there were other sustainability issues relating to crematoria. He also agreed with Councillor Simpson about the challenging period of post-Covid recovery and suggested that the Board should not put too much pressure on officers to be commercial.

The Chairman concluded by asking for additional information on traded services. He echoed the concerns about the crematorium and indicated that one crematorium served the whole of Northern Ireland, but there was one in Thatcham and others in neighbouring local authorities. He also suggested that there could be additional services that could be traded.

Resolved that the report be noted and that a further report be brought to OSMC to provide more in-depth analysis on the Council's commercial activities.

39. 2020/21 Performance Report Quarter Two

Catalin Bogos introduced the report and explained that it provided assurance that the Council's core business and priorities for improvement were being managed effectively. He noted that the context remained challenging in Quarter 2, with the Council responding to the pandemic by protecting residents and supporting local businesses. He stated that in West Berkshire, many key economic indicators had maintained pre-Covid strong levels. However, there had been an increase in benefit claimants, and the Council was supporting young people with work placements through the Kickstart scheme. He noted that a key focus for the Council had been on distribution of grants to local businesses.

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He indicated that most performance indicators relating to the Council's core business were on track to achieve end-of-year targets, with strong performance for financial assessments, timeliness of decisions on benefit claims, recycling levels, and timeliness of responses to planning applications. He highlighted some exceptions, such as Council tax and non-domestic rates collections, but noted that these were as a result of the Council's actions to support residents and businesses, and the deficit should be recovered from Central Government funding. He also highlighted a number of performance indicators where activity had paused or could not be reported due to the pandemic (e.g. care home inspections and education attainment).

In terms of priorities for improvement, the majority of measures were reported as being on target. He noted that where milestones had been achieved, new measures had been identified.

Councillor James Cole suggested that performance was good and sensible decisions had been taken in response to the pandemic.

Councillor Dillon noted that the KPIs were being achieved and that where the Council was not achieving target (e.g. rates), the reasons were understood and the opposition was supportive of the approach. He asked about the percentage of children in care who had received a visit within 6 weeks and noted that the Council was below target for statutory visits. He asked if the Council had a plan for targeting high-risk families during the pandemic. Catalin Bogos noted that Government allowed for visits to be made in different ways, but the Council was continuing to report against the normal methodology. The exceptions report mentioned that some visits were being made virtually and mitigations were being put in place to address the shortcomings of this format and some face-to-face visits were still being made.

Councillor Dillon noted that circumstances had changed as the UK had gone into lockdown in Quarter 3.

Councillor Vickers suggested the statement that 'independent shops have been better able to survive during the lockdown' was counter-intuitive. He asked if any work had been done locally to confirm whether that was the case for West Berkshire. Catalin Bogos confirmed that support grants had been allocated to local businesses. He offered to try and get a response to the question.

Action: Catalin Bogos to find out if there is any research about how local independent businesses have fared during lockdown.

Councillor Brooks asked for more detail in relation to activity around ensuring the wellbeing of older people and vulnerable adults. He highlighted the fact that only 66.7% of care homes had been inspected by the CQC. The Chairman highlighted the section in the report that confirmed the CQC had been unable to carry out the usual inspections during Covid.

The Chairman highlighted the lack of benchmarking data for 2019 and 2020. Catalin Bogos indicated that there was a significant time lag and the report would be updated as data became available.

The Chairman concluded by praising the Council's performance during unprecedented times. However, he asked for more detail on the top 10 local employers within the next quarterly report and plans for senior Members and Officers to meet with them. Catalin Bogos confirmed that this was linked with the Economic Development Strategy and undertook to discuss this with the service and executive portfolio holder.

Action: Catalin Bogos to review the performance indicator relating to visiting the top-10 employers in West Berkshire.

Resolved that the report be noted.

40. **Health Scrutiny**

(Councillor Steve Masters declared a personal interest by virtue of the fact that he was a trustee of Eight Bells for Mental Health and Councillor Tony Vickers declared a personal interest by virtue of the fact that his wife (Councillor Martha Vickers) was a non-executive Board Member of Healthwatch. As their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

The Chairman provided an overview to Items 5 and 6. He stated that the Council had statutory powers to scrutinise health providers who provided services to West Berkshire residents. There had been several recent consultations about changes to health services that had to be directed to a scrutiny committee. Also, the development of the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System (ICS) created a requirement for joint scrutiny of their activities. He explained that the Council was proposing to set up a Health Scrutiny Committee, which would report to OSMC, and that members of that Committee would represent West Berkshire on the Joint Committee when considering activities at the ICS level.

Gordon Oliver introduced a report that sought to consider a proposal to form a new Health Overview and Scrutiny Committee to undertake scrutiny of Public Health and NHS services in West Berkshire. He noted that health scrutiny had its own legislation which required bodies to consult local authorities' health scrutiny committees on any proposals they had for substantial developments or changes in services. He highlighted that the legislation gave local authorities powers to scrutinise the planning, development and operation of the health service, and that health scrutiny committees could make recommendations to and require responses from NHS bodies. He noted that OSMC was responsible for health scrutiny, but it lacked the capacity and specialist expertise to do this in depth, so a new Health Scrutiny Committee was proposed, which would set its own work programme and set up task groups to undertake in-depth reviews. He noted that provision would be made for up to two non-voting co-opted members to provide specialist advice on particular reviews. A 0.5 FTE Scrutiny Officer post would be required to coordinate meetings and provide policy support. This had been identified as a budget pressure for 2021/22.

Councillor Dillon noted the options listed in the report and suggested that neither Full Council nor OSMC would be able to respond to health consultations in an efficient way. He supported the proposal, but wanted the number of members to be left undefined at this stage. He welcomed more health scrutiny given the level of public money spent on health. He suggested that it would be wise to also scrutinise the private healthcare providers in West Berkshire.

Councillor Cole agreed with the proposal and suggested that any issues with the meeting quorum could be addressed through substitutes.

The Chairman agreed that the number of members should be left undefined at this stage.

Resolved that OSMC:

- (a) **SUPPORT** the proposal for a Health Overview and Scrutiny Committee, reporting to Overview and Scrutiny Management Commission, to undertake scrutiny of Public Health services, and the planning, development and operation of NHS services for the citizens of West Berkshire; and.
- (b) **RECOMMEND** that Council delegates scrutiny of Public Health and NHS services in West Berkshire to the Health Overview and Scrutiny Committee; and

- (c) RECOMMEND that Council approves the terms of reference for the Health Overview and Scrutiny Committee

41. Health Scrutiny Arrangements Across the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System

(Councillor Steve Masters declared a personal interest by virtue of the fact that he was a trustee of Eight Bells for Mental Health and Councillor Tony Vickers declared a personal interest by virtue of the fact that his wife (Councillor Martha Vickers) was a non-executive Board Member of Healthwatch. As their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

Gordon Oliver introduced the report. He noted that currently, the majority of health scrutiny took place at the local level, but a joint committee was needed to scrutinise activity across the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System (ICS) footprint. He noted that ICSs would become statutory from April 2022 with Clinical Commissioning Groups to be restructured to become coterminous with the ICSs. He explained that the intention was for the ICS to have a single funding pot to cover primary care and commissioning of local and specialised care services, as well as sustainability and transformation funding. He stated that where proposals for substantial variations in service affected more than one local authority area, then the affected local authorities must appoint a joint health overview and scrutiny committee to consider them. He noted that it was predicted for around 80% of health scrutiny to take place at a local level, and a toolkit would be developed to help determine whether matters should be considered locally or jointly. He noted that the proposed quorum would be six members, with a minimum of one from each local authority. He also explained that it was proposed to remove restrictions on the number of non-voting co-opted members, and that discussions were ongoing regarding representation from the five Healthwatch services. In terms of the host and chairing duties, he confirmed that this would rotate every two years. He indicated that the aspiration was for the new joint committee to be established by May 2021 and that each local authority would need to sign off the terms of reference. He concluded by highlighting the report's recommendations.

The Chairman noted that some details were still evolving, but asked Members to note the report and give it their support so it could be taken to Council for approval.

Councillor Tony Vickers welcomed the proposal and noted that Councillor Martha Vickers had previously highlighted the need for more health scrutiny. He indicated that he did not think a committee of five Members with a quorum of four was sufficient, and suggested it should have seven members with representation from all three parties. Furthermore, he suggested that an Opposition member should be on the joint health scrutiny committee. The Chairman indicated that his preference was for smaller committees.

Councillor Cole noted the proposal for hosting and chairing duties to rotate and suggested that there may be IT issues that would need to be resolved. The Chairman agreed and cited the Pension Panel as a cross-authority committee that remained with one local authority as host.

Resolved that OSMC:

- (a) SUPPORT the proposal for a joint health overview and scrutiny committee to consider health issues at the NHS Integrated Care System level across Buckinghamshire, Oxfordshire and Berkshire West;

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(b) RECOMMEND that Full Council delegates scrutiny of health issues at the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System level to the joint health overview and scrutiny committee; and

(c) RECOMMEND that Full Council approves the terms of reference for the joint health overview and scrutiny committee as set out in Appendix C of the report.

42. **Overview and Scrutiny Management Commission Work Programme**

The Chairman explained that he had met with Cllr Dillon and the Principal Policy Officer to review the programme. He highlighted that a task and finish group, chaired by Councillor Hurley, would be arranged to scrutinise the forthcoming Leisure Strategy. Councillor Dillon stated that as Shadow Portfolio Holder, Councillor Erik Pattenden would be the Liberal Democrat representative on the group. The Chairman noted that a draft Terms of Reference had been created and that Cllr Hurley would discuss this with the Head of Service.

Action: Councillor Hurley to discuss the Terms of Reference with the Head of Service.

Councillor Dillon highlighted the 'Covid-19 lessons learned' item. He noted that it was important for this scrutiny to be carried out at the appropriate time and that it may need to move again to respond to any changes in the local situation.

Resolved that the work programme be noted and agreed.

43. **Overview and Scrutiny Management Commission Meeting Dates**

Councillor Law noted that he would like to better align OSMC meeting dates with the Executive meeting dates to make discussions around quarterly performance and financial reports more meaningful. He stated that he would work with Councillor Dillon and the Monitoring Officer to look into how the dates for 2021 could be changed.

Action: The Chairman to work with the Vice Chairman and Monitoring Officer regarding future meeting dates.

Resolved that the dates of future meeting be noted

(The meeting commenced at 6.30 pm and closed at 7.42 pm)