

# SCRUTINY COMMISSION

## MINUTES OF THE MEETING HELD ON THURSDAY, 25 APRIL 2024

**Councillors Present:** Carolyne Culver (Chairman), Dominic Boeck (Vice-Chairman), Antony Amirtharaj, Erik Pattenden, Justin Pemberton, Christopher Read, Jeremy Cottam (Substitute) (In place of Geoff Mayes), Richard Somner (Substitute) (In place of Paul Dick), Howard Woollaston (Substitute) (In place of Ross Mackinnon), and Stuart Gourley

**Also Present:** Nigel Lynn (Chief Executive), Jon Winstanley (Service Director (Environment)), Kofi Adu-Gyamfi (Service Lead - Climate Change) and Jenny Graham (Environment Delivery Manager),

**Apologies for inability to attend the meeting:** Councillor Paul Dick, Councillor Ross Mackinnon and Councillor Geoff Mayes

### PART I

#### 53. Minutes

The Minutes of the meetings held on 28 November 2023, 18 January 2024 and 6 February 2024 were approved as true and correct records and signed by the Chairman.

The Chairman then read out a statement which covered the following points:

- The role of the Scrutiny Commission was to hold the Executive and other decision makers to account, and it had a unique legitimacy to examine issues.
- It was not appropriate for a Member of the Executive to put pressure on the Chairman to reverse a decision that had already been made about the Commission's work programme.
- Executive portfolio holders should respect the independence of the scrutiny function and should not seek to direct the work of the committee.
- While the Chairman was happy to consider requests regarding scrutiny of an issue, she would not be bullied. Any such attempt raised suspicions and suggested that the decision to scrutinise an issue was correct.
- Members were reminded that they should come to scrutiny meetings with independent minds.

#### 54. Actions from previous Minutes

Members noted the updates on actions from the previous meetings.

Comments were made in relation to the following terms:

- **Action 119** - it was considered that the terms equity and equality had not been properly defined, so this action was not considered to be closed.
- **Action 122** – Members asked if it would be possible to see the Bus Survey results.

**Actions:**

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- **Gordon Oliver to seek further clarification of the definitions of equity and equality from officers.**
- **Gordon Oliver to ask for the Bus Survey results to be provided to Scrutiny Commission Members.**

The Chairman read out an update on flooding/sewage issues. It was agreed that this would be appended to the minutes. The following matters were discussed in relation to the update:

- It was explained that Gold Command meetings were only used for emergency incidents. However, Strategic and Tactical Groups had been set up for the recent floods. It was acknowledged that it would be useful to review the effectiveness of these groups.
- The importance of maintaining sluice gates was highlighted, since these could exacerbate flooding if they could not be opened. The Environment Agency lacked powers to require landowners to maintain them.
- It was suggested that people living in mills were often unaware of their responsibility to manage river levels and that this should be considered as part of future discussions with Thames Water and the Environment Agency.
- Ownership of one of the bunds in Linear Park had changed hands and it was suggested that changes in ownership needed to be tracked so authorities knew who to contact if there was an issue.
- Jon Winstanley committed to provide an update on the uptake of flood grants to the October meeting.
- The threshold of 50 affected properties for local authorities to be eligible for flood grants was seen as a high bar for small local authorities like West Berkshire. DLUHC had been unwilling to make concessions.
- It was noted that sonic equipment could detect leaks in pipes/sewers. It was suggested that Thames Water be asked if they were using this equipment.
- In addition to sewer lining and manhole sealing, the need for major infrastructure was highlighted (e.g., London Road Pumping Station).
- Although Thames Water had visited Hampstead Norreys on 12 April, they had not found evidence of pollution, despite ongoing sewage leaks from a manhole cover into the river.
- The latest edition of the Newbury Weekly News had featured a story about a child falling into sewage and subsequently becoming unwell.
- It was suggested that the Council's 'report a problem page' could be used to log issues reported by residents. Officers confirmed that they always encouraged residents to report issues to Thames Water directly. Any issues reported through the website were referred onto the relevant organisation.
- Apologies were given for officers not responding to Newbury Town Councillor Steve Masters' request for West Berkshire Council to issue an abatement notice against Thames Water under Section 79e and section 80 of the Environmental Protection Act, 1990. This was being investigated.
- Thames Water was nervous about water levels remaining high into next winter. If water levels remained high over the summer, then there would be no respite from the issues, and Thames Water would be unable to implement any remedial measures.

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- It was confirmed that Richard Aylard had left Thames Water, but it was not known if he would be replaced. Tess Fayers was suggested as an alternative contact.

### **Actions:**

- **Scrutiny Commission to review the Section 19 report at the October meeting.**
- **Officers to prepare a report similar to that produced following scrutiny of the 2014 flooding response in order to provide reassurance that the Council was joined-up when it came to:**
  - a) **its flood and water management related strategies;**
  - b) **the various council teams that responded to such emergencies; and**
  - c) **communication between authorities.**
- **For officers to consider how we might work more effectively with Thames Water and the Environment Agency on information/education campaigns.**
- **For officers to provide an update about take-up of flood grants at the October meeting of the Scrutiny Commission.**
- **Pumping of groundwater and cellar water and the need for a long-term solution to be discussed at the October meeting of Scrutiny Commission.**
- **For Scrutiny Commission to consider how lessons learned were being captured and how these could be used to inform Environment Agency decisions about future flood alleviation schemes.**
- **Chairman of Scrutiny Commission to write to the Flood Forums and Sewage Groups to thank them for giving their time to gather data and evidence, advise and support residents, and challenge the authorities about what action they were taking.**
- **Seek clarity at the October meeting of Scrutiny Commission that the WBC Section 19 report and any other relevant documentation and evidence gathered this winter/spring will be used to inform revisions to the GISMP documents.**
- **At October Scrutiny, ask Thames Water how they log calls, ask why people were told they were the only ones affected, check that the automatic reply email system has been rectified, and ask why people have been told there was no evidence when there clearly was.**
- **Scrutiny Commission to establish who was responsible for clean-up.**
- **Scrutiny Commission to be updated about progress with Councillor Gourley's motion that was passed at March Council.**
- **Officers to provide a response to Steve Masters' request for West Berkshire Council to issue an abatement order to Thames Water.**
- **Seek an update from Councillor Gourley about whether action would be taken following the results of the Northbrook tests.**
- **Councillor Stuart Gourley to share contact details for Tess Fayers at Thames Water.**

## **55. Declarations of Interest**

There were no declarations of interest received.

**56. Petitions**

There were no petitions to be received at the meeting.

**57. Environment Strategy Operational Review**

Councillor Stuart Gourley (Executive Portfolio Holder: Climate Action, Recycling and Biodiversity), Jenny Graham (Environment Delivery Manager) and Kofi Adu-Gyamfi (Service Lead – Climate Change) presented the Environment Strategy Operational Review (Agenda Item 6).

The following points were raised in the debate:

- It was noted that the Environment Advisory Group (EAG) Open Forum was improving transparency of decision making and the group was hearing from innovators and technology companies. This was helping to inspire local residents and businesses.
- Members asked about the reprioritisation process for the next version of the Delivery Plan. It was explained that significant changes were proposed to the way it would be laid out to make it easier to navigate, with actions organised around the following themes:
  - Energy efficiency and renewables
  - The natural environment
  - Sustainable travel
  - Waste and recycling

Cross-cutting themes would be:

- Focus on net zero
- Health and wellbeing benefits
- Communications
- Partnership working
- Education and community engagement

Business as usual activities were being stripped out.

Officers would seek to ensure that actions were of a similar scale.

- Members suggested that the Council's recently appointed Ecologists could work with town/parish councils who were looking to respond to the ecological emergency. Officers suggested that the Ecologists could attend a future Town and Parish Climate Forum and highlight areas that town/parish councils might wish to consider. It was confirmed that contact details had recently been updated for all town/parish, so this should help to improve attendance.

**Action: Jenny Graham to arrange a Town and Parish Climate Forum focused on biodiversity.**

- It was noted that there were over 60 town/parish councils, who may lack knowledge, skills and experience, and who had land/buildings/assets that needed improvement.
- It was suggested that a similar forum could be established for local environmental groups/stakeholders. Officers indicated that this was a key driver for the EAG Open Forum sessions. There were plans to tweak the Open Forum to provide more opportunities for collective brainstorming around key issues to inform policies and guide progress towards net zero and beyond.
- Members asked about participation at EAG. It was confirmed that there was a full programme of talks. Although online attendance was good, attendance in person was

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limited. Attendees were there to hear what was going on and ask questions and learn about new initiatives. A recent presentation on plastic-free living had highlighted synergies between the work of the Council and Veolia and a waste company that was trying out new technology.

- Officers were asked about flood defence schemes planned for the Rivers Lambourn and Kennet. It was confirmed that the Section 19 investigation and the Environment Agency's Section 18 report would inform decisions around business cases and funding bids for schemes to mitigate flood risk. £6.3 million had been secured on the basis of previous Section 19 reports for Thatcham flood alleviation measures and studies in Newbury around the Northcroft ditch and surface water in Clay Hill, as well as property level protection.
- There was discussion around the Big Community Energy Switching scheme. While previous rounds had offered significant savings for residents, the latest round in 2023 had not, due to unpredictability in the energy market. The scheme had been suspended for 2024, but it would be kept under review.
- Members noted the ambitious plans to achieve carbon neutral status by 2030 and asked how this would be achieved, and whether carbon offsetting could be avoided. It was explained that the Council aimed to tap into local natural resources (e.g., solar and water). Investigations had been carried out around decarbonisation of local assets. It was thought that the Council could achieve carbon neutral status without offsetting, but more work was needed to understand the pathway and develop a pipeline of projects.
- Officers were asked for further detail about the Green-Blue Infrastructure Framework. It was confirmed that work had started on scoping the framework, which had benefited from input from a large number of teams. Work had been paused due to resourcing and a vacancy in the team, but this would restart once the resource was in place.
- Members proposed communications with riparian landowners to encourage them not to mow their grass up to the river in order to maintain habitat for wildlife. It was confirmed that a communications campaign was planned for 'No mow May'. Also, it was suggested that the Town and Parish Climate Forum would be a good mechanism for disseminating messages and encouraging people to take action within their communities. Furthermore, it was planned to provide a toolkit of practical things that residents could do.
- There was discussion about what was being done in relation to the circular economy. The soil conditioner giveaway was highlighted, but it was acknowledged that there were still significant opportunities around reducing food waste. Education was key to changing behaviour. Also, it was suggested that large businesses could have a significant influence. Local organisations could share information on work they were doing in relation to Biodiversity Net Gain, achievement of the highest BREEAM ratings on new buildings, and local purchasing. Within the Council, a sustainability tool was being developed to guide projects, and staff were encouraged to use Thatcham Refillables. In addition, the Council was doing lots of work on educating residents around waste avoidance with a particular focus on children, including outreach work at local schools and the Eco Schools programme. Work was ongoing with the Community Reuse Project in Newbury to repair and refurbish items for resale, and the concept of a reuse shop was being explored.
- It was noted that the Living Rainforest had raised concerns about the absence of sustainability, biodiversity and climate change in the school curriculum. However,

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Members welcomed the school outreach work. Reaching young people and maintaining their interest was seen as important.

- Members asked about benchmarking of performance, networking opportunities and the support available from the Local Government Association (LGA). The LGA was seen as a key focus for knowledge sharing. There was a lot of space for innovation and there were lots of different forums for networking and sharing of best practice. This included a Berkshire group, which also helped to identify opportunities for joint working (e.g., Solar Together). Officers had also met with colleagues from other local authorities to share ideas (e.g., Sustainability Assessment Tool created by Cheltenham Borough Council). The Association for Public Service Excellence was also cited as being useful for sharing best practice.
- Officers were asked if they were confident that the Council would meet its target to be carbon neutral by 2030. Officers confirmed that they were confident that this would be achieved.
- Members asked if the report was shared with residents. It was confirmed that all three annual progress reports were on the Council's website. A refreshed strategy and delivery plan, and a further progress report would be presented to the Executive in the autumn. These would be promoted through the EAG Open Forum.

**Resolved** to note the report.

### 58. Task and Finish Group Updates

The Chairman read out the following update on the work of the Covid and Recovery Task and Finish Group (Agenda Item 7), which had been provided by Councillor Paul Dick.

*"Since the last update in November, the Task Group has met four times, with each meeting having a particular focus.*

*December's meeting looked at various Public Health and Community Support aspects. There were presentations on: communications, outbreak management, the vaccination programme, Covid testing, and the role of the Public Protection Partnership.*

*The focus of January's meeting was on Public Health and Emergency Community Support, with presentations on the Community Support Hub, mental health and isolation, and supporting individuals with their recovery.*

*In February, the Task Group looked at how the Council had supported local businesses and the recovery of the local economy. The Task Group Members were keen to get the perspective of service users, so they surveyed local businesses and invited the Chair of Newbury Business Improvement District to attend and share his experiences.*

*The most recent meeting considered the support provided to the education sector in West Berkshire. There was a presentation from the Schools Emergency Planning Team. Again, the Task Group Members sought the perspectives of service users. They conducted a survey of local headteachers and invited two headteachers from local primary and secondary schools to give evidence.*

*The next session will focus on Support for the Care Sector, and a meeting is being arranged for May.*

*There remain some further lines of enquiry that the Task Group hopes to tie up at a further meeting. A survey has just gone out to town / parish councils and community groups, and additional information is being sought in relation to domestic abuse.*

*Throughout the process, the Task Group has sought to understand what elements of the Council's response had worked well and what changes could be put in place now, so we*

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*are better prepared for the next event. A series of draft recommendations are starting to emerge and the Task Group is aiming to report back to the Scrutiny Commission in September.”*

It was suggested that the Task Group be made aware of a local charity offering free legal aid for victims of domestic abuse.

**Resolved** to note the report.

### 59. **Sports Hub Task and Finish Group Terms of Reference**

Members considered the draft Sports Hub Task and Finish Group Terms of Reference (Agenda Item 8) as drafted by the Scrutiny Commission Chairman.

Key points from the debate were as follows:

- Additional witnesses were proposed, including Mr Alan Pearce, the Football Federation, the Football Association, Newbury Town Council, and Paul Martindill.
- It was proposed to consider whether consistent advice (including external advice) had been given to officers and subsequently to Members.
- It was felt that the review could be concluded in four meetings, but concern was expressed that it may take longer if the Task Group considered all aspects in detail.
- Some Members felt that the review might become political and they suggested that it should not rake over previous decisions. The new administration had simply decided on a different course of action.
- A suggestion was made to narrow the scope to consider: whether the project had been well-managed; whether reliable and consistent advice had been provided; and what lessons could be learned from the project.
- If the scope was narrowed, it was suggested that the list of witnesses could be reduced. It was felt unlikely that Sport England would attend and that there would be existing documentation that could be referred to instead. Also, it was suggested that the political witnesses would not be able to add much to the proceedings.
- A reduced scope was felt to be a good compromise in terms of available resources and outcomes.
- Others felt that Sport England were fundamental to the conversations that had taken place, so it would be necessary to have them as a witness and to review the evolution of the project from as far back as possible.
- Learning lessons to inform future work was considered important.
- It was suggested that the Task Group should focus on scrutinising the Executive's decisions rather than fact-finding.
- The administration should have nothing to fear from the decision making process being reviewed – any lessons could be applied to future decisions.
- In terms of the outputs of the review, it was suggested that, rather than producing a long report, the Task Group should come up with concise points in a tabular form about what had gone well/badly and lessons that could be applied to a future project.
- Members felt that it would be difficult to review the project without reference to the revised Playing Pitch Strategy document. Unfortunately, this would not be ready for some time.

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- The consistency of advice was considered to be one of the most important aspects to consider.
- If the Council had used PRINCE2 for the project, then the documentation could be readily reviewed (e.g., initial idea, business case, gateway reviews and lessons learned report). If everything was in order, then subsequent interviews may be unnecessary.
- The Chief Executive expressed concerns about staff capacity. The interviews would take time to organise. The organisation was under pressure from Adult Social Care and Children's Services, which had much higher levels of spend and risk than this project and it was suggested that staff should spend their time on things that could make a difference financially and in terms of the services the Council provided.
- Members suggested that this work could inform a future review of the Playing Pitch Strategy as well as learning lessons about project management to inform future projects.
- It was confirmed that the Sports Hub would have been funded from borrowing and so no funds had been reallocated.
- It was recognised that external witnesses were not obliged to attend, but attendance via Zoom would be offered. Alternatively, they could be send a list of questions.
- Although this was a project of the previous administration, it was felt that there was still value in looking at it.

Councillor Erik Pattenden proposed to amend the Terms of Reference to focus solely on points three, four and seven and that the list of witnesses be reviewed in order to reduce the amount of effort required to organise and run the task and finish group. This was seconded by Councillor Jeremy Cottam. At the vote, the motion was not carried.

The Chairman proposed to agree the terms of reference as written. The motion was seconded by Councillor Dominic Boeck. At the vote, the motion was carried.

**RESOLVED** to agree the terms of reference.

It was noted that the Legal Team had advised that the terms of reference should be amended to state that the Task Group would 'consider' rather than 'determine' each aspect.

The start date for the reviews was likely to be September.

Nominations were invited for membership of the Task Group. Members who had been involved in decisions about the Sports Hub would not be eligible.

### 60. Health Scrutiny Committee Update

Members considered the Health Scrutiny Committee Update provided by Councillor Martha Vickers (Agenda Item 9).

It was noted that the Healthcare in New Developments Task Group was due to conclude by the end of April. This had proved to be an interesting topic. The Chairman thanked Vicky Phoenix and Elisabeth Gowens for their contributions. The Task Group had interviewed GPs and NHS Integrated Care Board representatives. It was a complicated topic and a great deal of work had been done by officers to consider health implications of major planning applications. This was a key concern for residents. The Task Group report would go to Health Scrutiny Committee in due course.

**Resolved** that the report be noted.



**61. West Berkshire Council Forward Plan 1 May to 31 August 2024**

The Commission considered the West Berkshire Executive's Forward Plan for the period 1 May to 31 August 2024 (Agenda Item 10).

Reports previously highlighted for potential scrutiny included:

- Bus Service Improvement Plan
- Active Travel Plan

In addition, it was suggested that the Community Infrastructure Levy – Customer Journey Independent Review (CIL) be scrutinised.

**Actions:**

- **Confirm why the CIL report was not due until May 2025.**
- **Confirm Planning Advisory Group's role in reviewing the CIL report.**
- **Seek further details about the scope of the Market Failure Policy.**
- **Seek further details about the scope of the Protected Characteristics report.**
- **Raise concerns about missing/outdated information on the Forward Plan.**

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

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

The Commission considered its work programme (Agenda Item 11).

The Work Programme had been updated following discussions at recent meetings as well as subsequent discussions and the following aspects were discussed.

A private briefing on Adult Social Care High Cost Clients was proposed for May, in addition to an external training session on Adult Social Care Scrutiny.

**Action: Gordon Oliver to liaise with Paul Coe on the ASC briefing.**

It had previously been proposed that the Health Scrutiny Committee should take responsibility for scrutiny of Adult Social Care Services from May 2024. However, senior officers had since suggested a wider review of the Council's Scrutiny function, which would be undertaken by the Constitution Task Force

Members agreed that the May meeting should be pushed back to 26 June, to allow the first SEND/High Needs Block report to come forward in a timelier manner, and to allow the end of year financial and performance reports to come to Scrutiny before going to Executive.

**Action: Gordon Oliver to rearrange the meeting and advise officers.**

The Acting Leader of the Council had suggested that the Scrutiny Commission review IT Project Management. Members agreed that this was important but felt that IT should be dropped from the title of the review. It was noted that the recent car park issues had highlighted the importance of choosing the right delivery partners.

Members agreed to have a special meeting in October 2024 to consider the Section 19 report and Thames Water/Environment Agency activities.

**Action: Gordon Oliver to invite Thames Water and Environment Agency.**

Members agreed that the Commission should consider the Community Infrastructure Levy - Customer Journey Independent Review.

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The Chairman highlighted a request from a resident to review the spend on Faraday Road Football Ground. This alleged that a fencing contract had been given to Volker Highways at a cost of £150,000, despite the Council having received a quote from another contractor for £54,000. It was noted that the Scrutiny Commission was already reviewing the Sports Hub. It was suggested that this matter could either be picked up as part of the wider review of Project Management, or it could be handled by a public question to a meeting of the Executive. It was agreed that the Project Management Review could include Care Director, iTrent and the Faraday Road Football Ground.

**Resolved that** the changes to the work programme be noted.

*(The meeting commenced at 6.31 pm and closed at 9.05 pm)*

**CHAIRMAN** .....

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