

## DRAFT

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, 31 AUGUST 2021

**Councillors Present:** Adrian Abbs (Substitute) (In place of Jeff Brooks), James Cole, Lee Dillon (Vice-Chairman), Alan Law (Chairman), Thomas Marino, Steve Masters, Claire Rowles and Tony Vickers

**Also Present:** Jenny Graham (Environment Delivery Manager) and Susan Halliwell (Executive Director - Place), Councillor Lynne Doherty (Leader of the Council and District Strategy and Communications), Katharine Makant (Corporate Programme), Gordon Oliver (Democratic Services), Shiraz Sheikh (Legal Services Manager) and Councillor Howard Woollaston (Executive Portfolio: Internal Governance, Leisure and Culture)

**Apologies for inability to attend the meeting:** Councillor Jeff Brooks and Councillor Gareth Hurley

## PART I

### 19. Minutes

The Minutes of the meeting held on 6 July 2021 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 10 August were approved as a true and correct record and signed by the Chairman, subject to the following additions relating to Item 3 of the Agenda:

- Note that Councillor Adrian Abbs had asked about:
  - The number of staff affected by the Timelord 2 proposal – this was confirmed to be around 1,000.
  - The additional people expected to work from home under Timelord 2 – this was estimated at 50 - 60 people.
  - When savings would be delivered – it was confirmed that the offices would be retained for a 6 month evaluation period before being sold.
- It was highlighted that the project manager was yet to be appointed.
- It was highlighted that the detailed project implementation plan had not yet been produced.
- It was confirmed that the incoming Chief Executive had been briefed on Timelord 2 and was supportive of the concept.

### 20. Actions from previous Minutes

Gordon Oliver provided an update on the actions from previous minutes (Agenda Item 3).

Members were asked to note the additional data provided in relation to Action 39, which showed how usage of each of the Council's car parks had changed during the pandemic.

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It was also noted that all other actions had been completed or closed with the exception of the following:

- **Action 43** – it had been agreed with the Leader and Chief Executive that future OSMC meetings should be two weeks in advance of Executive meetings to allow sufficient time for comments on quarterly finance and performance reports to be properly communicated.
- **Action 47** – Councillor Steve Masters was yet to provide Councillor Lee Dillon with details of his proposed amendment to the scope of the Thames Water review.
- **Action 48** – Councillor Lee Dillon was yet to provide the Chairman with the scope for the proposed review of the Council's telephone system.

### 21. **Declarations of Interest**

Councillors Adrian Abbs and Tony Vickers declared an interest in Agenda Item 6, but reported that, as their interests were personal or other registrable interests, but not disclosable pecuniary interests, they determined to remain to take part in the debate and vote on the matter.

### 22. **Petitions**

There were no petitions to be received at the meeting.

### 23. **Council Motion Referred to Overview and Scrutiny Management Commission**

*(Councillor Adrian Abbs declared a personal interest in Agenda item 6 by virtue of the fact that he was a Ward Member for the proposed alternative location of the football ground at Monks Lane. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

*(Councillor Tony Vickers declared a personal interest in Agenda item 6 by virtue of the fact that he was a Member of Newbury Town Council which had a well-known view on the London Road Industrial Estate. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

The Commission considered a report (Agenda Item 6) concerning the Motion that Councillor Lee Dillon had referred to Council on 8 July 2021. It was noted that Council had subsequently referred the matter to OSMC for consideration.

Councillor Tony Vickers explained that the Motion related to how the Executive had acted in regard to the Local Planning Authority's policies, specifically CS18 on Green Infrastructure (GI). The Motion sought to hold the Executive account for the way it had managed this key asset and taxpayers' money in the light of planning policy.

Councillor Vickers noted the statement in the report that no decision had been made in relation to the football club site at Executive. However, he indicated that Executive had taken many decisions on this matter. He noted that the Planning Authority had yet to make a decision, but this was a different body.

He stated that the Executive acted as landowner / promoter of the site and was custodian of public funds / assets including the London Road Industrial Estate (LRIE), of which the football ground was a key part until planning policy was formally changed.

He indicated that professional planners and lawyers were paid to manage the development plan process and development management. He stated that there was no policy in place to support the Executive's aspiration, as highlighted in the Avison Young report.

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He suggested that an outline application for the whole LRIE site should be brought forward together with the proposal to reprovide football facilities on another site.

He acknowledged that OSMC was unable to scrutinise decisions by planning committees, but stressed that it could scrutinise the Executive's decisions on its use of taxpayers' money and its actions in the light of planning policy. Therefore, he suggested that the report was misleading.

He suggested that as a result of the decision to relocate the football ground, millions of pounds of public money and officer time and 10 years of business rates income had been spent, committed or foregone – all contrary to planning policy, specifically in relation to GI.

He highlighted that an independent planning professional had written to the Secretary of State requesting him to intervene.

While Councillor Vickers acknowledged that there would be no immediate loss of GI associated with the current application, he highlighted the considerable harm to the site's use and enjoyment as a result of the Executive's actions contrary to planning policy (i.e. public shut out, stands removed, clubhouse burned down). He accepted that converting the football ground to an informal recreation area may mitigate some of the harm, but only until the LRIE development commenced. He suggested that this was only being done to remove the site's status as a football ground.

He indicated that the proposal would be an exception in GI terms, and if approved, it would set a precedent. Even for exceptional cases, new GI must be provided in an accessible location close-by, and he felt that Monks Lane did not satisfy these criteria. Also, he felt there was no certainty that the Monks Lane site would gain planning permission.

He considered that it would be a poor example to others if the Local Planning Authority (LPA) allowed one planning application in the hope that the Monks Lane application would also be approved.

He noted that the Monks Lane proposal would be less valuable in terms of GI, since the new artificial pitch would be an "ecological desert".

In summary, he stated that the Executive proposals would involve a net loss of area and quality of GI. Although in accordance with the Playing Pitch Strategy, it was not in accordance with Planning Policy. He repeated the call for all parts of the LRIE and football facilities to be seen as part of a single project in terms of business planning and development management.

Councillor Vickers indicated that the Liberal Democrats would have fast-tracked the site investigation with outline planning years ago. He acknowledged this would have cost more up-front, but he felt it would have provided additional certainty in planning policy and development cost terms. Contamination on the site would make it costly and challenging to build out. He noted that under EIA regulations, the cumulative impact of the LRIE proposals, meant that this work should be undertaken prior to / as part of the outline planning application.

He felt that there was no case for the current planning application, other than to continue to prevent football at the site. Regardless of whether the football ground remained in Faraday Road or not, he indicated that the Executive was duty bound to act as community leaders by following or exceeding planning policy.

He considered that Executive had set a bad example and that it was OSMC's job to say so.

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Councillor Adrian Abbs noted that biodiversity net gain was part of the National Planning Policy Framework (NPPF) and therefore part of local policy. He indicated that there was significant risk associated with the project, as highlighted in the Avison Young report, which put the Council in a terrible position to meet the biodiversity net gain requirement. The Chairman indicated that he considered the point to be outwith the terms of the Motion and that Councillor Abbs should not introduce new reasons.

Councillor Abbs observed that a change of use of the site had taken place and that other developers would not be allowed to do this without going through the planning process. He suggested that submission of the planning application was evidence that Executive had made a decision in relation to the football ground site. He indicated that the motion referred to Policy CS18 and OSMC was being asked to consider whether the Executive was doing things in accordance with policy, which he felt they were not.

Councillor Vickers highlighted that biodiversity was mentioned in paragraph 5.125 of Policy CS18. He indicated that the concept of biodiversity net gain came in after the Core Strategy had been adopted, but as current national planning policy, it was relevant, and would apply where there was no adequate local policy in place.

The Chairman cautioned against focusing solely on planning, since this was not within OSMC's remit.

Councillor Lee Dillon considered Councillor Abbs' comments to be consistent with the terms of the motion without expanding the remit of the debate. Also, he noted that when the application went before the Planning Committee, and Members of the Executive (as promoters of the site) were asked about costs, they were told there was no need to answer, since it was a policy question. He noted that the motion tabled to Council had been referred to OSMC without the Chairman's blessing and suggested that when there was any opposition to LRIE, attempts were made to obfuscate the argument and push it to a committee where only half the points would be relevant. He suggested there should be a full and open debate where the opposition could highlight where they believed the Executive had put forward proposals that were contrary to planning policy.

Councillor Dillon felt that the Council should be leading by example in terms of promoting best practice, and that the motion included evidence of where the Council had not acted in accordance with Core Strategy policies, specifically in terms of the loss of GI.

He questioned the timescale for delivering the replacement grass pitch and noted that the location had not been confirmed.

Councillor Dillon suggested that there should be a full and transparent conversation about provision of football facilities as part of a single set of policies, which could be the subject of public consultation, and would provide clear direction for the local planning authority.

He disagreed with how officers had evaluated this motion and suggested that they did not have sufficient knowledge about the policies it referred to.

The Chairman referred to the motion, which criticised the Executive and did not relate to planning aspects of LRIE, which would be heard by the LPA. He acknowledged that it was a difficult matter to assess, but indicated that there were 'Chinese walls' used to separate the Council as developer and LPA and that the Council worked hard to maintain these. He highlighted that it was up to the LPA to decide if a proposal was contrary to Planning Policy and if so, whether there were mitigating circumstances.

The Chairman asked Cllr Dillon to provide details of the particular date that the Executive had taken the decision to which he objected. Councillor Dillon was unable to provide a date, but suggested that the fact there was a planning application submitted for the site

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showed that a decision had been taken. He also referred to the Avison Young plan, which referred to the football ground as the first phase of development.

The Chairman agreed that a decision had been taken and that there was a clear statement about the preferred direction of travel, but this was subject to planning permissions.

Councillor Dillon indicated that he believed this to be in breach of planning policy. This could not be raised at Planning Committee, so he wanted a debate to show how the Executive was proposing ideas that were contrary to policy. He suggested that the recent fire at the football ground and subsequent demolition was a de facto illegal change of use, and it would be up to the LPA to take enforcement action against the Council.

The Chairman suggested this was a tortuous argument that made assumptions and OSMC was not in a position to know what the LPA might say on the matter.

**Action: Councillor Dillon confirm with LPA officers if an illegal change of use had taken place.**

Councillor Howard Woollaston affirmed the Administration's position of wanting to see economic development on the LRIE, which had been a long-held policy was in their manifesto. Detailed discussions had taken place with Sport England, the Football Association and the Rugby Football Union about local sports provision set out in the Playing Pitch Strategy, approved in 2020.

He explained that alternative sites had all been discounted. Approaches had been made to landowners including Newbury Rugby Club (NRC), who had previously declined, but had subsequently changed their minds. A report had been taken to Executive on 19 February, which had sought consent to maintain discussions with NRC. A deal was agreed and an application submitted for an artificial pitch, which could be used for 80 hours a week rather than 8 hours a week for the grass one at Faraday Road. He noted that the proposal included a new clubhouse and much better facilities.

The Football Association and Sport England had confirmed that an additional grass pitch was needed as well. Two alternatives had been considered and proposals were being developed to a stage where planning applications could be submitted and the public consulted. Councillor Woollaston noted that it was not appropriate to consult the public when there was uncertainty about the feasibility of the new pitches.

He indicated that the Executive had operated within proper bounds as the owner of the Faraday Road site and suggested that the motion be rejected.

Councillor Vickers noted that the Executive had made decisions every time they considered a matter related to LRIE going back to 2013 when Strutt and Parker had been engaged. He suggested that it was difficult for the public to discern the Chinese walls in place between the Council as developer and LPA.

The Chairman indicated that the motion should have referred to a date on which a decision was taken. Councillor Vickers indicated that the main decision had been taken in December when the masterplan had been signed off, but there was still no policy to support it.

Councillor Steve Masters indicated that another key decision date was when the community groups were evicted from the site three years previously.

Katharine Makant noted that the motion stated the Executive had acted outside of existing GI policies in relation to the Faraday Road football club site and it also referred to the proposed new site on Monks Lane. She stated that much of the discussion had been focused on planning issues. However, there was no substantial planning application for

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LRIE, only for the demolition of the clubhouse and the creation of a temporary playing field, which would be open to all. This would be determined by District Planning Committee on 8 September 2021. A planning application for a new facility at NRC was being processed. She indicated that any challenge to the decisions of those committees would be subject to the planning regime. Consequently, it was recommended to reject the motion on the basis that the decision was for the planning committee.

Councillor Claire Rowles noted there was a blurring of the lines between the Council as landowner and LPA. She was concerned that OSMC was asked to scrutinise a decision that had not been taken. She disagreed that the Council was in breach of planning policy and suggested that Councillor Vickers was at risk of pre-determining the application.

The Chairman noted that individual Members needed to take legal advice and act accordingly. He stated that the Council had acted within its rights as a landowner not to renew the lease on the football club site, but if it wanted to do something else with the site, then it would need to go through planning. He noted that the opposition had different aspirations for LRIE. Although the football ground was just one small part of it, the debate kept coming back to the wider development proposal. He reiterated that the Motion was specifically focused on Executive decisions relating to the football pitch.

Councillor Vickers agreed that the public needed to know where Members had conflicts of interest and confirmed that he would arrange a substitute for District Planning Committee and hoped that Executive Members would do likewise. He indicated that it was possible to have a committee with no Members from the Executive or Newbury Town Council, thus removing any conflicts of interest.

Councillor Masters suggested that there may be future occasions where scrutiny would be required on LRIE and asked where the debates should take place. He agreed that several Members would have conflicts of interest and supported the idea of using substitutes to address this.

The Chairman stated that OSMC was not legally permitted to scrutinise planning decisions, and the Local Plan was scrutinised at Full Council and was also subject to an Examination in Public chaired by an independent inspector. Shiraz Sheikh confirmed that OSMC's powers did not extend to planning decisions. He also reiterated that the Motion referred to Executive acting outside of the Council's policies, which was why it had been referred to OSMC.

Councillor Masters asked Members of OSMC how confident they were that they would not face legal challenges moving forward. The Chairman stated that decisions were informed by legal advice, but developers and others with vested interests would challenge everything. The important thing was to be able to justify decisions when they were challenged. He indicated that the Council would never intentionally open itself to challenge.

Councillor Abbs took issue with the reasons given to reject the Motion and noted that Policy CS18 used the word biodiversity at least twice and by closing off debate on this aspect, OSMC was making a decision based on incomplete information. The Chairman noted that the main point of Policy CS18 was not related to biodiversity.

Councillor Dillon asked if the Executive had not made a decision, then how had a planning application been submitted. He indicated that if OSMC was to agree with the Motion, then they would be ruling that the Executive had acted contrary to policy, but the argument presented was that because it had not been determined by the Planning Committee, no decision had been made. He noted that when the Motion had been tabled, the date for the application going to Planning Committee had not been agreed. He

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argued that the fact there was a proposal meant that a decision had been taken that was contrary to Policy CS18.

The Chairman noted that a Motion was a procedural device and stressed the need to avoid a political debate.

Councillor James Cole highlighted that each planning application had to be treated on its own merits, so this application would not necessarily set a precedent. He accepted that there had previously been challenges relating to the site and that there were strong feelings on the matter within the local community. However, he noted there was an alternative site identified, which had satisfied Sport England. He pointed out that it was not a new proposal and he was glad that decisions were being made on direction of travel and working towards a better football facility.

Councillor Dillon asked Councillor Cole if he agreed that Executive had made decisions. Councillor Cole agreed that they had been made on direction of travel only.

Councillor Rowles felt that the motion had to be rejected on the basis that no decision had been made.

Councillor Tom Marino agreed with Councillor Rowles and indicated that he was unable to support the Motion.

Councillor Vickers considered that the Executive had made decisions and committed funds over many years, with good intentions, but with minimal concern for existing planning policies. He agreed that Executive were not able to make decisions on planning policies, since that was a matter for the LPA. He suggested that the wording of the Motion was potentially confusing, but in his view, the Executive had acted and made numerous decisions, notably when it adopted a Masterplan that its own consultants had indicated was contrary to planning policies.

The Chairman stressed that OSMC should not have a debate about the pros and cons of LRIE. He accepted that it was difficult for the press and public to understand that the Council was acting in two different capacities as developer and LPA. He reiterated the point that many developers put forward proposals that could be considered contrary to planning policies and not all were turned down, since in some cases the planning balance may outweigh the negative aspects. This would be determined by the planning committee. He noted that the report indicated that the motion was not valid.

Councillor Dillon sought clarification that the new recreation ground would be for all sports. Katharine Makant confirmed that it would be open to all users for all sports.

The Chairman invited Members to vote on the Motion as presented in the report. At the vote the Motion was rejected.

**Resolved that:** the Motion be rejected on the basis that, as no decision had been made on the former football club site at Executive, it could not be said that the Executive had acted outside of the Council's existing policies in terms of Green Infrastructure. The decision on planning application ref 20/02402/REG3 and on the recently submitted planning application for the Sports Hub at Newbury Rugby Club was for the appropriate Planning Committee, not Executive, and Overview and Scrutiny Management Commission was not able to review or scrutinise decisions taken by Planning Committees.

**Action: Councillor Dillon to submit a request in writing to Executive to provide a chronological list of all decisions made by Executive in relation to LRIE, including when the decision had been made to submit the planning application for the football ground.**

## 24. Environment Strategy - Operational Review

*(Councillor Lee Dillion declared a person interest in Agenda item 7 by virtue of the fact that he was an Employee of Sovereign Housing. As his interest was personal and not prejudicial he was permitted to take part in the debate and would be able to vote on the matter.)*

*(Councillor Adrian Abbs declared a person interest in Agenda item 7 by virtue of the fact that he was a member of the West Berkshire Council's Environmental Advisory Group (EAG). As his interest was personal and not prejudicial he was permitted to take part in the debate and would be able to vote on the matter.)*

The Commission considered a report (Agenda Item 7) concerning the Environmental Strategy, presented by Jenny Graham. The report provided information to the Commission relating to the progress of implementing the Environment Strategy as approved by Executive in 2020. The delivery plan presented in the Agenda Pack was the latest version that was approved at Executive last month and would be subsequently updated on a monthly basis with progress against any of the schemes reported. A further annual progress report would go to Executive in November 2021.

Jenny Graham noted that in the report Members would find that there was an importance and focus on putting carbon savings against key actions and projects within the Delivery Plan. This was considered important because it would enable the team to indicate the direction of travel and document the progress towards the Council's 2030 target of carbon neutrality, as well as helping with prioritisation of projects and resources. Jenny Graham also highlighted one aspect of the work that wasn't covered in the paper, namely the formation of the West Berkshire Parish Climate Forum, which came about because Parishes had requested it. So far the forum's meetings have been met with enthusiasm and engagement and it was hoped that the forum would be a useful tool for both West Berkshire Council and the Parishes by way of making important links and partnerships so targets could be met.

The Commission thanked Jenny for her presentation. Comments were given around improvements of cross-team working and listening to public reactions, and it was noted that a lot of work had already been completed. However, concern was raised that it had been two years since the emergency declaration and more projects needed to be started in order to make the 2030 deadline.

It was suggested that actions needed to have anticipated carbon savings against them. Councillor James Cole highlighted an online tool for calculating emissions – he did not know how accurate it was, but it showed variations between parishes that made sense to him. He indicated that there was no sense of what the Council could do to identify or address the largest carbon emitters.

Councillor James Cole observed that the Council had not taken action in relation to existing buildings and that planning policy needed to prioritise eco-friendly buildings. He believed the Council needed to lobby Central Government where appropriate. He suggested that the report needed to focus more on emphasising the fact that the Council had declared a climate emergency rather than maintaining a green District. He also felt that reviewing the paper annually was not frequent enough.

Councillor Steve Masters concurred with Councillor Cole regarding the need for greater ambition and more robust targets and he added that the Council could make their own housing stock less carbon intensive by making the required adaptations. He applauded the Council's decision to declare the climate emergency, but stressed that the Council needed to do more. He also asked how many Parishes were



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proactively involved in the forum and how the Council would increase further participation in future.

The Chairman indicated that the Council did not have many of its own houses. Councillor Masters confirmed that it had 75 properties and retro-fitting these properties would demonstrate the Council's intent. The Chairman observed that the standard for social housing appeared to be better than for market housing. Councillor Masters stressed the need to work with social housing providers, such as Sovereign Housing. Councillor Lee Dillon declared an interest at this point by virtue of the fact that he was an employee of Sovereign Housing.

Councillor Adrian Abbs stated that his main concern was also regarding reaching the 2030 goal and that from the report he found it impossible to judge if the Council was on target to reach that goal. He suggested using thermometers and charts within the report that would indicate this visually and assist OSMC Members when they were assessing progress. He suggested that the Council was currently miles off achieving its goal and numbers were needed to provide context for the reassurances that had been provided. The Chairman noted that there were key performance indicators with colours associated. Councillor Abbs acknowledged this, but indicated that they were hard to understand.

Councillor Tony Vickers said that he was concerned that the top risk in the risk register was the lack of 'buy-in' from West Berkshire staff, schools community groups and businesses and stated that there was a lot of work to be done outside the Council. He agreed that putting 'one's own house in order' was the place to start, but stressed that more work needed to be done in joining up departments and cited the recent disconnection between Planning and Education where solar panels were not installed in a new build school because of cost. Councillor Vickers also asked if the Council was reaching out to community groups, businesses and particularly the farming industry, where there were significant opportunities. He stated that securing buy-in was the only risk that was fully within the Council's control. He suggested that Members needed to be better educated and more proactive in reaching out to residents and partners.

Councillor Clare Rowles also wanted to know about what the Council was doing to reach out to these groups and in particular the farming community, as she noticed those actions was lacking in the report. She acknowledged that the Council had come a long way, but highlighted the short-term goals and actions in the report that had not been started yet (e.g. audits of the Council's buildings portfolio to identify energy consumption profiles). She also stressed the importance of communications, particularly in encouraging more local, green businesses.

Jenny Graham thanked the Members for their questions and feedback. She stated that it had been two years since the climate emergency was declared and that the first year had been about getting the strategy in place, which had been done using existing resources and the current team had only been in place a year. Momentum was still being built in the team and more recruitment activity was occurring. She agreed that more speed was required and the team was aware of this.

In terms of actions, Jenny Graham said that she felt her team had been a little too cautious in saying where something had started, but this would be addressed in the next update of the delivery plan.

In terms of business and community engagement, there had been a number of meetings within various community groups and businesses, and this activity would increase, since a Business Engagement Officer had now started with the team.

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The team was also working on engagement with the farming and agricultural industry and they recognised that as a very important part of the delivery plan and they were currently working on developing a Natural Solutions Delivery Partnership that would engage key players within the farming and agricultural industry, including the AONB, BBOWT and the NFU.

Jenny Graham also said she embraced the idea of a thermometer as a means of communicating progress in an informative, but simple way. She recognised that they did not have all the facts and figures, but they were working on obtaining those.

She also stated that the annual progress report to Executive in November would show the Council's carbon footprint and the progress made.

She explained that the team was working with Planning Policy to get appropriate policies in the Local Plan and ensure that this would help deliver the aims of the Environmental Strategy and the climate emergency.

In terms of the Parish Climate Forum, she stated that there were on average 18 different Parishes represented at those sessions, which were being held every 5 or 6 weeks and there was more engagement each time. She encouraged Members to promote these events to their local parish councils.

It was suggested that farmers should be engaged and not just farming groups and organisations, and that the report really needed to be reviewed every 6 months.

### **25. Membership of Task and Finish Groups**

There were no changes proposed to the membership of Task and Finish Group (Agenda Item 8).

### **26. Task and Finish Group Updates**

No updates were provided on the work of the Task and Finish Groups (Agenda Item 9).

### **27. Health Scrutiny Committee Update**

Councillor Claire Rowles provided a verbal update on the work of the Health Scrutiny Committee (Agenda Item 10).

She confirmed that the Committee had met for the first time on 11 August 2021, where the main agenda items were the Joint Health and Wellbeing Strategy and the Healthwatch Annual Report.

She indicated that the next meeting would be in November and future dates were being arranged. She suggested that it may not be possible to schedule dates around OSMC meetings, but she would continue to provide updates.

Topics proposed for the next meeting included: NHS dentistry, the CAMHS Tier 4 proposal to move from a hospital setting to a community setting, the protocol for engaging with third parties, and a prioritisation tool for choosing future health scrutiny topics.

The Chairman asked about the Joint Health Overview and Scrutiny Committee that would operate across Buckinghamshire, Oxfordshire and Berkshire West to scrutinise the Integrated Care System. Gordon Oliver confirmed that the Terms of Reference had now been approved by all the local authorities and discussions were taking place about when the first meeting would be needed.

**28. West Berkshire Council Forward Plan 24 August to 30 November**

The Commission considered the West Berkshire Council Forward Plan for the period covering 24 August to 30 November 2021 (Agenda Item 11).

Councillor Tony Vickers proposed scrutiny of the following:

- The Joint Public Protection Committee (JPPC).
- The Contaminated Land Strategies of the three Councils.
- The item on Food and Feed, which he felt would be of interest to the public.

**Action: Councillor Vickers to put his requests in writing to the Chairman regarding scrutiny of the JPPC and Food and Feed items.**

Councillor Vickers also noted that the Forward Plan still showed the Local Plan Review - Regulation 19 Consultation as taking place in October, which was out of date. It was noted that this was in a state of flux, which made it difficult to keep the Forward Plan up to date.

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

The Commission considered its work programme for 2021/22 (Agenda Item 12).

Councillor Lee Dillon highlighted that Council officers had been required to respond outside of normal working hours to the recent fire at the football club in Faraday Road and the unauthorised development at Lawrences Lane. He thanked officers and the Executive Portfolio Holders for being responsive. He suggested that out of hours arrangements should be reviewed. He had drafted some terms of reference, which he had discussed with the Chairman as well as the Leader of the Council and Leader of the Green Party. He suggested that this should consider resources and reporting mechanisms. It was noted that officers who would give evidence to such a review were still reacting to the unfolding situation. The Chairman agreed and indicated that he had recently experienced issues when trying to use the Council's out of hours service and suggested that the customer interaction needed to be improved.

The Chairman suggested that the Out of Hours Service review could be considered in December and that the item on 'Effective employee appraisal and the management training and development programme' could be pushed back.

The Chairman noted that it had not been possible to put arrangements in place for OSMC to receive quarterly finance and performance reports ahead of Executive for the remainder of 2021/22. However, meeting dates for 2022/23 would be arranged so as to support this.

The Chairman also indicated that an additional meeting in February would be considered.

Councillor Claire Rowles asked what had been done in the short-term to improve the out of hours service. Councillor Dillon noted that arrangements had been bolstered over the last couple of weeks and residents had been informed of email addresses that were monitored 24/7 for the Lawrences Lane site. The Chairman stressed the need to look ahead and consider how future incidents would be handled.

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

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*(The meeting commenced at 6.30 pm and closed at 8.26 pm)*

**CHAIRMAN** .....

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