

Scrutiny Annual Report 2023-24

(July 2024)

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Foreword

This year 2023/24 has been a busy year for the Scrutiny Commission and Health Scrutiny Committee and their task and finish groups. West Berkshire Council and our residents have faced serious challenges this year, which have influenced our agendas, including the council finances, the cost-of-living crisis, and flooding and sewage discharges into our rivers and onto our streets.

Some highlights of the year were as follows.

- *Scrutiny of the work of Thames Water and the Environment Agency at a special meeting in October 2023, where members of flood forums, Action for the River Kennet and River Action asked questions alongside members.*
- *Scrutiny of the Council's budget for 2024/25, fostering, the Environment Strategy and Delivery Plan, and the Equalities, Diversity and Inclusion Framework.*
- *Task and finish groups focusing on 'healthcare on new developments' (reported its findings in June 2024), and 'Covid and recovery' (due to report September 2024).*

Scrutiny Commission is designated as the council's Crime and Disorder Committee, so the Police were invited to give evidence and answer questions from members. We also dealt with call-ins from Members, including active travel experimental road closures, Newbury town centre pedestrianisation, the development management agreement for Monks Lane Sports Hub and the Property Investment Strategy review.

I would like to thank everyone who has played a part in the scrutiny process over the past 12 months including Members of the Scrutiny Commission, Health Scrutiny Committee, and their various task and finish groups. My thanks also to the officers who have made such an important contribution to the scrutiny process including Gordon Oliver and Vicky Pheonix. I would also like to thank external guests who have attended meetings to give evidence and have their organisations' roles in service provision scrutinised.

Councillor Carlyne Culver
Chairman, Scrutiny Commission

1. Key Information About Overview and Scrutiny

1.1 Scrutiny's Role

1.1.1 The role of scrutiny is to improve the lives of local residents through improved public services and ensure that public funds are spent effectively.

1.1.2 Scrutiny committees have the power to look at any issue which affects the area or the area's inhabitants. This gives them a unique legitimacy to examine cross-cutting issues in a way that no other individual or organisation can.

1.1.3 Key roles for scrutiny committees include:

- Holding the Executive and other decision makers to account;
- Policy development and review;
- External scrutiny;
- Performance management.

1.1.4 The principles of good scrutiny are:

- To provide constructive 'critical friend' challenge;
- To amplify the voice and concerns of the public;
- To be led by independent people who take responsibility for their role;
- To drive improvement in public services.

1.2 Operation of Overview and Scrutiny in West Berkshire

1.2.1 West Berkshire Council currently has two scrutiny committees – the Scrutiny Commission and the Health Scrutiny Committee.

1.2.2 The Scrutiny Commission is responsible for reviewing the decisions, policies and services of West Berkshire Council and, in some cases, those of other organisations and partners. In particular, the Commission acts as the Council's Crime and Disorder Committee, undertaking scrutiny of the Community Safety Partnership.

1.2.3 It comprises of nine Members, reflecting the political composition of the local authority. In 2023/24 the Commission was chaired by Councillor Carlyne Culver and the other Members were Councillors Antony Amirtharaj, Dominic Boeck, Paul Dick, Ross Mackinnon, Geoff Mayes, Erik Pattenden, Justin Pemberton, and Christopher Read.

1.2.4 The Scrutiny Commission had five scheduled meetings in 2023/24, with additional meetings arranged as necessary to consider urgent items and requests to call-in decisions made by the Executive that had not yet been implemented.

1.2.5 Topics were either considered at a meeting of the Scrutiny Commission or delegated to a time-limited task and finish group, with findings reported back to the Scrutiny Commission.

- 1.2.6 The Health Scrutiny Committee focuses on matters related to the provision of health and public health services within West Berkshire and fulfils the statutory health scrutiny functions.
- 1.2.7 In 2023/24, it comprised of five Members, reflecting the political composition of the local authority. It was chaired by Councillor Martha Vickers. Other Members who sat on the Committee in the last year were: Councillors Nick Carter, Nigel Foot, Stuart Gourley, Owen Jeffrey, Jane Langford and Justin Pemberton. The Health Scrutiny Committee had four scheduled meetings in 2023/24.
- 1.2.8 West Berkshire Council also has two Members on the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board Joint Health Overview and Scrutiny Committee (BOB JHOSC). For 2023/24, these were Councillors Martha Vickers and Nigel Foot. The other Members of the BOB JHOSC are drawn from Buckinghamshire County Council, Oxfordshire County Council, Reading Borough Council and Wokingham Borough Council, with numbers reflecting the population of each local authority, as well as the political composition for each Council. The BOB JHOSC reviews activities relating to the Integrated Care Board (ICB) and the Integrated Care Partnership (ICP). Members attended two meetings in 2023/24.

1.3 Community Involvement

- 1.3.1 The Scrutiny Commission and Health Scrutiny Committee engage with a wide selection of groups, organisations and individuals when undertaking their reviews.
- 1.3.2 Healthwatch West Berkshire is invited to give an update at all Health Scrutiny Committee meetings to provide feedback from service users. Other key stakeholders are invited to Health Scrutiny Committees in relation to specific agenda items.
- 1.3.3 Scrutiny meetings are open to the public and residents are welcome to come along and listen to the presentations and debates. Task and Finish Group meetings tend to take place in private, but their reports are made public.
- 1.3.4 Members of the public are able to suggest topics for scrutiny reviews by [completing our online form](#). Members of the public are also invited to comment and inform Members' questions on Health Scrutiny Committee key agenda items to ensure that the voice of the local population is heard.

2. Scrutiny Work Programme

2.1 Complementing the Work of the Executive

- 2.1.1 The Scrutiny Commission seeks to complement the work of the Executive. A meeting was held with Members of the Executive and senior officers in September 2023 to review their priorities for the coming year and identify any areas where there were concerns about performance. This helped to highlight areas where scrutiny could add value.

2.2 Pre-Decision Scrutiny

2.1.2 Pre-decision scrutiny (or policy development) can be highly beneficial. It reduces the need for call-in by helping back-bench councillors to develop an understanding of relevant issues. It also allows Members to be assured that public engagement has been properly carried out and alternative courses of action considered. The Scrutiny Commission regularly reviews the Executive's Forward Plan to identify where it could get involved in pre-decision scrutiny.

2.3 Post-Decision Scrutiny

2.1.3 Call-in is an important mechanism that allows back-bench councillors to hold the Executive to account. It allows for decisions made (but not yet implemented) by the Executive, an individual Executive Member, or an officer with delegated authority, to be put on hold so they can be scrutinised.

2.4 Scrutiny of Partners and Third Parties

2.1.4 The Council has statutory duties to undertake scrutiny of services delivered by particular external partners, especially around areas such as crime and disorder, education, and health. These parties are legally required to attend scrutiny meetings, provide the information as requested, and answer questions. In the case of health partners, they must respond to any recommendations made by the Health Scrutiny Committee.

2.1.5 Health partners are also required to consult the Health Scrutiny Committee on any substantial variations to services that affect our residents. A Memorandum of Understanding has been developed with local NHS stakeholders to help inform this process.

2.1.6 The Local Government Act (2000) also gives scrutiny committees the power to investigate and report on any matter which affects a local authority's area or its inhabitants. This type of scrutiny brings its own challenges, as most other organisations are under no obligation to participate in scrutiny reviews.

2.5 Prioritisation

2.1.7 Once potential review topics have been identified, it is important to prioritise them into a realistic work programme. The PAPER tool has been developed to help rank competing proposals. This considers the following aspects:

- Public interest
- Area affected
- Performance Issues / Local Priority
- Effectiveness
- Available Resources

3. Summary of Activity for 2023/24

3.1 Scrutiny Commission

3.1.1 The Scrutiny Commission met eight times in 2023/24. Details of the topics considered are set out below.

Date	Topics
20/06/2023	Call-In of Individual Executive Member Decision (ID4317) of 16 March 2023 related to Active Travel Experimental Road Closures and Prohibition of Motor Vehicles on Deadman's Lane
	Call-In of Executive Decision (EX4332) of 23 March 2023 regarding revised costs and permission to sign the development management agreement for Newbury Sports Hub
	Capital Financial Performance Report: Q4 2022/23
	Revenue Financial Performance Report: Q4 2022/23
	Quarterly Performance Report: Q4 2022/23
17/07/2023	Local Government and Social Care Ombudsman Report Decision Review
14/09/2023	Community Safety Update
	Revenue Financial Performance Report – Q1 2023/24
	Capital Financial Performance Report – Q1 2023/24
11/10/2023	Thames Water and Environment Agency
28/11/2023	Call-in of the Executive Decision (EX4402) on 2 November 2023 regarding the Property Investment Strategy Review
	Fostering in West Berkshire
	Equalities, Diversity and Inclusion Framework
	2023/24 Revenue Financial Performance Q2
18/01/2024	Call-In of Executive Decision (EX4416) of 14 December 2023 concerning the Newbury Town Centre Pedestrianisation Trial
06/02/2024	Investment and Borrowing Strategy 2024/25
	Medium Term Financial Strategy
	Capital Strategy, Financial Years 2024/25 to 2033/34
	Revenue Budget 2024/25
	2023/24 Revenue Financial Performance Q3
25/04/2024	Environment Strategy Operational Review

3.1.2 The Scrutiny Commission also set up a Covid and Recovery Task and Finish Group to review the Council's response to the Covid pandemic and subsequent recovery. This is approaching the end of its review and is aiming to report its findings in September 2024.

3.2 Health Scrutiny Committee

3.2.1 The Health Scrutiny Committee met four times in 2023/24. Details of the topics considered are set out in the table below.

Date	Topics
13/06/2023	Dementia diagnosis rates and pathways in West Berkshire
	Diabetes pathways including prevention, diagnosis and healthcare
	Integrated Care Board activities and commissioning plans
12/09/2023	All Age Continuing Health Care Transformation Programme
	Access to primary care across West Berkshire
	Integrated Care Board activities and commissioning plans
12/12/2023	Mental health and emotional wellbeing of young people in West Berkshire
	Services supporting women and families with perinatal mental health care
	Update on the progress of the All Age Continuing Health Care Transformation Programme
	Integrated Care Board activities and commissioning plans
12/03/2024	Pharmacy Services and current provision
	Approach and systems of support for Early Years in West Berkshire
	To receive the annual report from the Inquest Review Panel
	Integrated Care Board activities and commissioning plans

3.2.2 The Health Scrutiny Committee also undertook a deep dive into the provision of healthcare facilities in new developments through a task and finish group.

3.2.3 The Health Scrutiny Committee maintains a number of watching briefs such as the Royal Berkshire Hospital Redevelopment, Hampshire Hospitals new hospital programme and Continuing Health Care. Members engage with the relevant key partners through informal briefings and other mechanisms, including a visit to the Royal Berkshire Hospital. The Committee also responds to notifications of proposed changes to NHS services.

3.3 Buckinghamshire Oxfordshire and Berkshire West Joint Health Overview and Scrutiny Committee

3.3.1 The BOB JHOSC met twice in 2023/24 to consider the following topics.

Date	Topics
15/06/2023	ICB Integrated Care Strategy
	ICB Five Year Joint Forward Plan
24/01/2024	Draft ICB Primary Care Strategy
	ICB Communications and Engagement Strategy

4. Scrutiny Highlights for 2023/24

4.1 Local Government & Social Care Ombudsman Report Decision Review

4.1.1 Following investigations, the Local Government and Social Care Ombudsman (LGSCO) found there to have been maladministration and injustice in relation to how a homelessness application had been managed by West Berkshire Council in December 2020.

4.1.2 The Council was required to consider the Ombudsman's report at a decision making body made up of elected members, and it was agreed that the matter should be referred to the Scrutiny Commission.

4.1.3 Members sought assurances that lessons had been learned from the incident and that suitable mitigations had been put in place to minimise the risk of a similar incident occurring in future.

4.1.4 Questions were asked about the following aspects of the Housing Service:

- Adequacy of processes and documentation
- Officer training
- Quality assurance and serious case reviews
- Levels of resourcing within the service
- Temporary accommodation and use of hotels
- Communications with neighbouring local authorities
- Links with Adult Social Care and Children's Services

4.1.5 Recommendations arising from the review were that the Housing Service should:

- take an assumption of responsibility and ownership of any case/issue until written confirmation had been received from the other party that they had taken ownership; and
- include contributions from clients or charities representing people who had experienced homelessness within its training programmes.

4.1.6 Further details of this meeting can be viewed on the Council's website: [West Berkshire Council - Agenda for Scrutiny Commission on Monday, 17th July, 2023, 6.30 pm](#)

4.2 Review of Thames Water and Environment Agency Activities

4.2.1 The Scrutiny Commission undertook a review of the activities of Thames Water and the Environment Agency. This review considered how Thames Water's investment in its water supply and foul water networks was supporting planned development in West Berkshire, and how effectively it was working to reduce and manage local pollution incidents. It also sought to understand how the Environment Agency was holding Thames Water to account.

4.2.2 The following groups provided written evidence in advance or spoke to the meeting:

- Action for River Kennet
- East Garston Flood and Pollution Forum
- Lambourn Valley Flood Forum

- Newbury Flood Forum
- Pang Valley Flood Forum
- River Action
- Thatcham Flood Forum

4.2.3 Key outcomes arising from the review included:

- Discussions with planners to consider how best to facilitate water efficient homes.
- Meetings between Councillor Stuart Gourley and Thames Water to discuss the London Road Pumping Station.
- Meetings between Thames Water and West Berkshire Council regarding pollution in the Northbrook in Newbury.
- Commitment from Thames Water to investigate whether additional sewer lining works were needed at Frilsham.
- Commitment from Thames Water to find a solution for faulty data loggers at Hampstead Norreys.

4.2.4 The Scrutiny Commission continues to keep these matters under review. Thames Water has been invited to attend a further meeting in October 2024 to provide an update on its activities. This will also consider the Section 19 report prepared in the wake of recent flooding events.

Further details of this meeting can be viewed on the Council's website: [West Berkshire Council - Agenda for Scrutiny Commission on Wednesday, 11th October, 2023, 6.30 pm.](#)

4.3 Budget Scrutiny

4.3.1 A special meeting of the Scrutiny Commission was arranged to allow for scrutiny of the budget before it went to Executive and onwards to Council for approval. Although the Scrutiny Commission had previously received quarterly capital and revenue financial updates, it had not undertaken pre-budget scrutiny before. Given the current pressures on Council budgets and the depleted reserves, it was important for Members to understand the process that had been followed in developing the budget and to challenge the underlying assumptions and allocations to ensure they were robust.

4.3.2 The Scrutiny Committee reviewed the following:

- Investment and Borrowing Strategy 2024/25 (including the Property Investment Strategy)
- Medium Term Financial Strategy
- Capital Strategy, Financial Years 2024/25 to 2033/34
- Revenue Budget 2024/25

4.3.3 Actions arising from the review, included:

- Identification of where Members could find historic financial information for other local authorities, particularly those that had issued S114 Notices.
- Highlighted inconsistencies in quoted figures for the West Berkshire Tax Base.

- Commitment for officers to provide anonymised information on high-cost social care clients.
- Scrutiny Commission to programme reviews of key areas of spend, including SEND services/High Needs Block, and the Adult Social Care Strategy.
- Data requested on how staff vacancy rates at West Berkshire Council compared with those at other local authorities.
- The Scrutiny Commission to receive an update on the Council's Transformation Programme.

4.3.4 Scrutiny of the budget was welcomed by both officers and Members of the Executive and this will become a permanent part of the scrutiny work programme.

4.3.5 Further details of this meeting can be viewed on the Council's website: [West Berkshire Council - Agenda for Scrutiny Commission on Tuesday, 6th February, 2024, 6.30 pm](#)

4.4 Continuing Healthcare

4.4.1 The Health Scrutiny Committee has kept in view concerns about NHS Continuing Healthcare, with updates provided to two meetings in 2023/24, and ongoing communications with the ICB.

4.4.2 NHS Continuing Healthcare (NHS CHC) is a package of care for adults aged 18 or over which is arranged and funded solely by the NHS. In order to receive NHS CHC funding, individuals have to be assessed according to a legally prescribed decision making process to determine whether the individual has a 'primary health need'.

4.4.3 Concerns were raised by residents that approvals for patients in Berkshire West (which includes West Berkshire, Reading and Wokingham) were consistently amongst the lowest in England, so the Health Scrutiny Committee asked the ICB to explain the process and what was being done to investigate these concerns.

4.4.4 The Local Government Association had been commissioned to deliver a series of peer reviews of CHC services. The reviews provided an opportunity for systems to reflect on what was working well and what needed to be developed further locally. The local review also provided an opportunity for clinical and care leaders and practitioners from across Buckinghamshire, Oxfordshire and Berkshire West (BOB) to reflect on how CHC is delivered at 'place' level and across the new 'integrated care system' (ICS), and how this delivery might be strengthened in the future.

4.4.5 The peer team had outlined a number of concerns about how CHC reviews were undertaken in Berkshire West, but found areas of excellent practice in Buckinghamshire and Oxfordshire, which, if made universal across BOB and supported by consistent processes and assurance, could provide a foundation for excellence in delivery of CHC.

4.4.6 Additional information sought by the Health Scrutiny Committee included:

- Details of the project plan for how CHC services would be transformed in Berkshire West

- Statistics on the number of patients assessed as being eligible for CHC payments
- Information on how reviews and appeals compared to the rest of BOB and England
- Information about the eligibility process and dates of changes to the National Framework
- A briefing from the ICB to support Members' understanding of All Age Continuing Care.

4.4.7 The CHC Transformation Programme is ongoing, so this matter will continue to be kept under review.

4.4.8 Further details of these meeting can be viewed on the Council's website:

[West Berkshire Council - Agenda for Health Scrutiny Committee on Tuesday, 12th September, 2023, 1.30 pm](#)

[West Berkshire Council - Agenda for Health Scrutiny Committee on Tuesday, 12th December, 2023, 1.30 pm](#)

4.5 Healthcare in New Developments Task and Finish Group

4.5.1 A Task and Finish Group was set up to review healthcare in new developments. This brought together officers from Planning and Public Health, as well as developers and the BOB ICB.

4.5.2 A key concern regarding proposed new developments is ensuring adequate healthcare services are provided. There is a need to ensure that healthcare commissioners are adequately consulted on the requirements for the primary care services to serve new developments when local populations increase, and that developers engage with health commissioners and planners.

4.5.3 There is also opportunity to ensure that new developments are designed to promote health and wellbeing, and therefore prevent future demand on primary care services. There is therefore a need to review how the planning application process is encouraging developers to design with long-term prevention and health promotion for all residents across the life-course of the development.

4.5.4 The scope of the review was broken down into three key areas:

- Part 1: Assessment of health needs in new developments
- Part 2: Health in planning policy and planning consultations
- Part 3: Funding and delivery of primary care and public health care services in new developments.

4.5.5 The task group identified a number of recommendations arising from this work, and its report will be presented at the Health Scrutiny Committee in June 2024, making recommendations for the Council and the ICB.

4.6 Engagement with the Health Scrutiny Committee

4.6.1 A key focus for the Health Scrutiny Committee in 2023/24 has been to build relationships with key stakeholders to inform and participate in Health Scrutiny Committee meetings and to ensure that the reviews undertaken are effective and collaborative.

- 4.6.2 Partners are brought together to produce reports collaboratively, they share experiences and barriers to help inform each other's ways of working. Many stakeholders leave the Committee meeting with specific actions and note improved understanding which will influence their decision making.
- 4.6.3 Key items are kept under review, which improves transparency of health services for residents of West Berkshire. There is a formal action and recommendations tracker for the Health Scrutiny Committee to ensure that any work is followed through.

5. Call-In of Decisions

- 5.1 The call-in process is used to hold the Executive to account. The purpose of a call-in is to scrutinise the decisions taken by the Executive, Individual Executive Members, or Senior Officers making delegated decisions.
- 5.2 The process enables further public debate to be held on the subject. The Scrutiny Commission can then consider whether, in their view, the decision was appropriate or if it wishes to make recommendations back to the Executive on potential changes.
- 5.3 The Scrutiny Commission considered four call-ins during 2023/24 as set out below.

Decision Called In	Scrutiny Resolution
ID4317: Active Travel Experimental Road Closures and Prohibition of Motor Vehicles on Lawrences Lane Thatcham, Station Road Newbury and Deadmans Lane Theale Consultation	That the Individual Executive Member Decision (ID4317) should stand, but that the proposal for a road closure and active travel scheme on Deadman's Lane be referred to Councillor Denise Gaines as the new Executive Portfolio Holder for Highways, Housing and Sustainable Travel for consideration as part of a separate scheme.
EX4332: Newbury Sports Hub – revised costs and seeking permission to sign the Development Management Agreement	To refer the matter back to the Executive for further consideration, particularly in respect of the following aspects: legal costs incurred by the Council; costs incurred by the Rugby Club; any penalty fees associated with not proceeding as planned; implications for the new Leisure Contract; and the need to revisit the Playing Pitch Strategy. West Berkshire Council - Agenda for Executive on Thursday, 6th July, 2023
EX4402: Property Investment Strategy	To recommend to the Executive that: a) they should not seek to dispose of all of the Council's commercial properties; and b) they should not seek to dispose of properties by a particular date.

	<p>(NB: Property Investment Strategy was not revised, but the Board's terms of reference were updated to reflect the Scrutiny Commission's recommendations.)</p> <p>West Berkshire Council - Agenda for Scrutiny Commission on Tuesday, 6th February, 2024</p>
<p>EX4416: Newbury Town Centre Pedestrianisation Extension Trial</p>	<p>That the Executive decision should stand and be implemented with immediate effect.</p>