

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 30 OCTOBER 2012

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

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

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

PART I

55. Minutes

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

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

56. Declarations of Interest

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

Councillor Tony Vickers declared an interest in Agenda Item 12, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillor David Rendel declared an interest in Agenda Items 12 and 14, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

57. Actions from previous Minutes

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

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

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

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

Resolved that:

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

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

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

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

Resolved that the Forward Plan be noted.

59. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme and that of the Health Scrutiny Panel and Resource Management Working Group for 2011/12.

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

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

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

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

61. Councillor Call for Action

There were no Councillor Call for Action.

62. Petitions

There were no petitions to be received at the meeting.

63. GCSE Results

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved that:

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

65. Domestic Abuse

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

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

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

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

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

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

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

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

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

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

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

Resolved that:

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

66. Homelessness Scrutiny Review Scoping

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

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

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

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

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

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

Resolved that:

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

67. Health Scrutiny Panel

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

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

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

Resolved that the report be noted.

68. Resource Management Working Group

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

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

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

Resolved that the report be noted.

69. Scrutiny Recommendations Update

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

Resolved that the report be noted.

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

CHAIRMAN

Date of Signature

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