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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, 29 JUNE 2010

Councillors Present: Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Geoff Findlay, Irene Neill, David Rendel, Quentin Webb, Emma Webster

Also Present: Councillor David Betts, Nick Carter (Chief Executive), Steve Duffin (Head of Benefits and Exchequer), Andrew Garratt (Principal Traffic and Road Safety Engineer), Stephen Chard (Policy Officer), David Cook (Principal Policy Officer), David Lowe (Scrutiny and Partnerships Manager)

PART I

27. Minutes

The Minutes of the meeting held on 24 May 2010 and 25 May 2010 were approved as a true and correct record and signed by the Chairman.

28. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Item 6, and reported that, as her interest was personal and prejudicial, she would be leaving the meeting during the course of consideration of the matter. However, at the agreement of the Commission, Councillor Emma Webster was permitted to remain but not participate or vote on the item.

Councillor David Rendel declared an interest in Agenda Items 10 and 15, 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.

29. Actions from previous Minutes

The Commission received an update on actions following the previous Commission meeting (Agenda Item 4).

Further clarity was still required on upheld planning appeals and it was agreed that the Development Control Manager would be invited to attend the next meeting to answer further questions.

(Councillor Emma Webster joined the meeting at 6.35pm).

RESOLVED that the update would be noted and the Development Control Manager would be invited to attend the next meeting to answer further questions.

30. Items Called-in following the Executive on 17 June 2010

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

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31. **Item Called-In following an Individual Decision: Cheap Street, Newbury, Turning Restriction**

(Councillor Emma Webster declared a personal and prejudicial interest in Agenda item 6 by virtue of the fact that she had considered a number of highway restrictions in her role as Portfolio Holder for Highways and had declared a previous position on this matter. As her interest was personal and prejudicial she took no part in the debate or voting on the matter).

The Commission considered the call-in of the Individual Decision relating to the Cheap Street turning restrictions (Agenda Item 6). This followed a site visit prior to the meeting.

Andrew Garratt gave some background to the issue:

- The requirement for a decision originated with a request from cyclists for the existing restrictions for turning right into and out of Cheap Street to be lifted.
- The view of Officers was that the turn into Cheap Street was too hazardous for cyclists and therefore the ban should be retained. However the turn right from Cheap Street to Market Street was considered acceptable and a period of statutory consultation was entered into regarding the lifting of this restriction.
- Two responses to this consultation were received which related to the right turn into Cheap Street, one in favour of and one opposed to the restriction.
- The Individual Decision was then made to remove the ban on right turns from Cheap Street to Market Street, but to retain the ban on right turns from Market Street into Cheap Street.

Councillor David Betts added the following points:

- It was disappointing that the views of some Members had not been made at an earlier stage as he would have been willing to undertake further consultation to avoid the need for a call-in.
- However, on balance it was unlikely that he would change his position because of road safety concerns for cyclists.

Andrew Garratt then made the following points in response to the reasons given for calling in the decision to retain the ban on right turns from Market Street into Cheap Street:

- This manoeuvre was felt to be unsafe as any cyclist turning right would have to do so from the middle of the road. This was backed up by the swept path markings observed at the site visit and by the diagrams circulated, which showed the course taken by larger vehicles through the bend which could endanger cyclists.
- Cyclists could travel safely into Cheap Street by using the nearby pedestrian crossing.
- It was acknowledged that the local cycling group (Spokes) were not consulted. However street notices were in place at the location for 3 weeks as part of the consultation and the Cycling Touring Club and Auto Cycling Union were consulted as statutory consultees. It had been agreed that Spokes would be added to future consultations for schemes which affected cyclists. The point was however made that if Spokes had been consulted and provided a response, this was unlikely to have changed the recommendation to retain the ban on no right turns into Cheap Street for safety reasons.

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- The potential inconvenience caused by this restriction to cyclists was a lesser consideration than the safety requirement.

Councillor Tony Vickers, as one of the five call-in Members, made the following points:

- He had no wish to politicise the issue and the matter was only raised via a Liberal Democrat news release because of his absence on leave.
- This would have been an ideal subject for discussion at an Area Forum.
- Cyclists should be supported in line with Council policy. Discouraging cyclists would increase traffic congestion.
- He believed the Council was acting out of a fear of being sued. However this was unfounded as there was no record of accidents on the site. There was therefore no risk to the Council or to cyclists.
- The reasons given for the decision taken were inaccurate. Visibility/safety was only a concern when two large vehicles approached the junction from opposite directions and in this instance one vehicle would have to stop. There were many others areas within the district with similar or heightened safety concerns and with right turns permitted.
- This restriction led to cyclists travelling across town via Bear Lane which was a more dangerous option.
- This junction was not vulnerable to excessive speeds due to its nature.
- Spokes were not consulted, it was therefore felt that the consultation was flawed and should be repeated to include Spokes.
- Safety restrictions should be adapted to support cyclists.

In considering the safety concerns raised at the site visit and during the debate, Councillor Quentin Webb proposed that the Individual Decision to retain the ban on right turns from Market Street into Cheap Street should be accepted. The fact that cyclists could safely use the pedestrian crossing was also a factor that supported this.

There was much support among Members to this proposal. This view acknowledged that if there was an accident the blame could rest with the Council. Experience of dangerous driving at this junction was also shared and if a cyclist had been in the location they would have been vulnerable.

The opposition to the proposal focussed on the need to ensure that cyclists were safe, as many were likely to turn right into Cheap Street regardless of a ban. If the ban was retained and the Individual Decision was upheld, then an alternative proposal for the Executive's consideration was for additional data to be provided to help understand the number of instances where the ban was ignored. This data should be included as part of a full consultation, to involve Spokes, at a later date to decide on a safe alternative for cyclists. This proposal was not seconded.

RESOLVED that the Individual Decision to remove the ban on rights turns from Cheap Street to Market Street and to retain the ban on right turns from Market Street into Cheap Street be accepted. The decision could therefore be implemented immediately.

32. Councillor Call for Action

No new Councillor Call for Action (CCfA) items were raised for discussion.

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33. Shared Services

The Commission considered a report providing an update on progress made with the establishing of a Shared Services Register (Agenda Item 8).

Steve Duffin introduced the report by making the following points:

- The original intention was to compile a register and to undertake a value for money review of all shared services.
- However there was found to be an unexpectedly large number of arrangements in place and therefore an alternative approach had been agreed. This was to continue the work to compile a complete register of shared services, but to only conduct value for money reviews for new arrangements.
- Many existing shared service arrangements had been working well for some time, whereas others were small scale and low in value. It was felt that value for money reviews were not necessary in respect of these arrangements.

Members agreed that arrangements of a low value did not need to be reviewed, however they were of the view that the decision to review should be based on value and any arrangement above a certain amount should be reviewed over time regardless of its age.

Nick Carter was in agreement that a criterion should be set in this way, but also felt that the definition of what was a shared service needed to be made clear, which could in turn impact on the number listed in the register. Many of the arrangements listed in the draft register were in fact collaborative ventures between organisations and not shared services. Further work was therefore needed on the register.

Steve Duffin agreed to work on the register in the way suggested and report back to the Commission once work was at a more developed stage.

RESOLVED that the item would return to the Commission for an update once work was at a more developed stage.

34. Council Plan Outcomes 2009/10 - Quarter 4 Performance Update

The Commission considered the year end Council Plan outcomes performance report (Agenda Item 9) and the report requested at the last meeting on the timeliness with which the Commission could consider quarterly performance reports.

David Cook made the following points on the year end performance report:

- 92 of the 116 targets were achieved (77%) and a further four, which were reported as red, were achieved just outside the timescale.
- The report listed those indicators which had turned red during the fourth quarter.

Members noted the year end performance report and turned their attention to the timeliness with which the Commission could consider quarterly performance reports.

The options to receive performance reports were discussed and a proposal was made for the Commission to receive reports after they have been considered by Management Board but before they reached the Executive. This could mean that Commission meetings needed to be rearranged, but would allow any recommendations to be fed into the Executive and for the potential for comments to be acted upon. This proposal would be forwarded to the Executive for consideration.

RESOLVED that:

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- (1) The year end performance report would be noted.
- (2) The proposal for the Commission to receive reports after they had been considered by Management Board but before they reached the Executive would be forwarded to the Executive for consideration.

35. **The West Berkshire response to and impact of the severe weather of winter 2009/2010**

(Councillor David Rendel declared a personal interest in Agenda item 10 by virtue of the fact that his wife was a GP in West Berkshire. 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 outlining the draft recommendations arising from the review of the impact of and response to the severe weather of the winter of 2009/10 (Agenda Item 10).

Councillor Brian Bedwell advised that he and Councillor Jeff Brooks, as Chairman and Vice-Chairman of the Commission, had gone through the report and reached agreement on the draft recommendations. It was hoped that these could be approved at this stage to allow time to implement changes in advance of next winter.

Members were disappointed that no response had been received from Sovereign Housing and it was agreed that the report, when approved by the Commission, would be sent to Sovereign Housing for their information and to ask for their comments. It was agreed that this would be extended to the National Farmers Union (NFU).

RESOLVED that:

- (1) The report would be sent to Sovereign Housing and to the NFU for their information and to ask for their comments.
- (2) The report would be approved by the Commission and forwarded to the Executive for its consideration.

36. **Scrutiny review into Section 106 Contributions**

(Councillor Jeff Brooks joined the meeting at 7.50pm).

The Commission considered a report (Agenda Item 11) outlining the results of the investigation into why S106 contributions had been unspent and the issues delaying payment.

Councillor David Rendel, as a Member of the task group that conducted this work, made the following points:

- As a result of the work many changes had already been made and improvements were being seen. More of the monies were being spent and greater efforts were being made to do so. Although this was helped in some ways by a reduction in funding being received due to the recession.
- However difficulties were still being experienced and ways to resolve these were detailed in the recommendations.
- There was some uncertainty regarding the small sums which dated back to Berkshire County Council and it was agreed that Stephen Chard would confirm the status of these monies.

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Members approved the report but raised the importance of monitoring this subject over time.

RESOLVED that:

- (1) Stephen Chard would establish the status of monies which dated back to Berkshire County Council.
- (2) The report would be approved by the Commission and forwarded to the Executive for its consideration.

37. Scrutiny review into Improving Public Confidence

The Commission considered a report (Agenda Item 12) outlining the results of the investigation into improving public confidence.

Councillor Quentin Webb referred to the draft recommendations of the Select Committee for Members' approval and advised that this work had already led to wider consultation with the residents of Thatcham.

The changing funding situation for public bodies, including Thames Valley Police, was referred to and it was pointed out that the focus of public sector organisations could revert more to their own core business. It was therefore suggested that recommendation C (to review Neighbourhood Action Groups) should be amended to include organisations other than the Police to ensure that this work was not lost.

Councillor Webb acknowledged these points, but was of the view that the recommendations should stand as the implications of any funding cuts were not yet known. This matter could be revisited at a later stage.

Nick Carter added that the indicator which related to public confidence was likely to be removed from the national directory and the Police had been asked to focus on fighting crime. The recommendations were still valid but might not remain a priority.

RESOLVED that the report would be approved by the Commission and forwarded to the Executive and Thames Valley Police for their consideration.

38. Scrutiny review into the performance of schools in West Berkshire

The Commission considered a report (Agenda Item 13) outlining the results of the investigation into the performance of schools in West Berkshire.

Councillor Irene Neill introduced the report and made the following points:

- Many well informed and experienced witnesses were involved in the review which aided the production of the findings and recommendations.
- Issues identified included a time delay between the identification of problems within a school and corrective action being taken.
- Many recommendations related to improvements in leadership and governance.
- Many actions had been put in place between the time of the scrutiny review and the production of the report. This included the ability to take action at an earlier stage with schools and governing bodies which could prevent a situation from deteriorating.
- It was felt that interventions were effective as schools were improving and coming out of special measures etc.

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- The final paragraph on page 163, which related to future leaders, should be considered as a recommendation in its own right.

The recommendations relating to Governor training were discussed and Members felt that as Governors were only voluntary this training could only be made optional. It was also queried whether recruitment of Governors was an issue and whether newly appointed Governors were fully aware of their responsibilities. Councillor Neill advised that recruitment methods varied and improvement was needed for some schools. However recent visits of the Standards and Effectiveness Panel showed that many schools had been able to recruit appropriately skilled Governors.

Effective recruitment of Head Teachers was then discussed and it was queried whether incentives were in place that would encourage good Head Teachers to work at a failing school. Councillor Irene Neill acknowledged this was a difficulty as good schools in a good area found it easier to recruit, although some Head Teachers might relish a challenge. There were instances where a Head Teacher from a successful school was recruited as an Executive Head Teacher to assist a failing school.

The involvement of Local Education Authority (LEA) representatives in the recruitment of Head Teachers was queried and it was advised that while the LEA was involved in recruitment, the advice given could be ignored by governing bodies.

Recommendation 14, which related to resource levels for school improvement, was then discussed as this was a time of potential budget cuts. Councillor Neill pointed out that this recommendation was to at least maintain existing resources if not to increase them. The introduction of academies could impact on the requirement for school improvement services, but this was at yet unclear.

The workings of the Standards and Effectiveness Panel (recommendation 15) were referred to and a view was given that a more robust framework was required for the investigation of schools. Councillor Neill advised that schools that gave cause for concern were visited by the Panel and the informal approach taken often produced better results, but a firm approach was taken with schools when necessary. These visits also gave the opportunity for schools to discuss services received from the LEA.

The following sentence was suggested to be added to this recommendation:

The work of the Standards and Effectiveness Panel should be considered in light of a more structured approach to school visits in order to improve consistency.

Councillor Neill was in agreement with this amendment and, in addition, agreed that changes would continue to be monitored by the Select Committee.

RESOLVED that the report would be approved by the Commission, subject to the incorporation of the agreed amendment, and forwarded to the Executive for its consideration.

39. Greener Select Committee

The Commission considered a report (Agenda Item 14) on the work of the Greener Select Committee.

Councillor Emma Webster gave an update on the discussions held at the meeting of the Select Committee on 8 June 2010:

- The procurement of local food was discussed as part of the continuing work on the use of local resources. It was hoped that a report would be brought to the Commission in due course on this subject.

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- Good progress had been made with the implementation of the recommendations arising from the flooding review. Much of the required work was complete and the few areas of work outstanding were in progress. As a result West Berkshire was in a much stronger position to deal with a potential reoccurrence.
- The performance of the waste contract was discussed and it was agreed that some elements would be investigated further. The Select Committee felt this was particularly important as the Waste Management Task Group had been disbanded.

Members raised a potential flooding concern that could arise as a result of the racecourse development. It was felt that any flood alleviation work should take place prior to the development and Councillor Webster agreed to raise this with the Civil Contingencies Manager on behalf of the Select Committee.

Members asked that further work on the waste contract included the provision and take up of assisted collections and wheeled boxes.

RESOLVED that the update would be noted and the further areas requested by the Commission for investigation would be taken forward by the Select Committee.

40. Healthier Select Committee

(Councillor David Rendel declared a personal interest in Agenda item 15 by virtue of the fact that his wife was a GP in West Berkshire. 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 15) on the work of the Healthier Select Committee.

Councillor Geoff Findlay advised that the work programme had been reviewed and as a result a more manageable list of items had been produced. A focus of the remaining items was to avoid duplication of effort between organisations where possible.

RESOLVED that the update be noted.

41. Resource Management Select Committee

The Commission considered a report (Agenda Item 16) on the work of the Resource Management Select Committee.

Councillor Jeff Brooks described the resolutions made to seek improvements to the work of Property Services and their contractors in schools. These included a suggested change to the way in which minor works were conducted and to the invoicing process. This topic would continue to be monitored.

The Asset Management Plan was due for discussion at a future meeting.

Clarity was still needed on the timings with which budget reports could be received by the Select Committee. This would be ideal prior to Executive so that any recommendations could be fed through, in line with the discussion on performance reports. Nick Carter agreed with the logic of this approach, but advised that this would need to be agreed by the Executive first.

RESOLVED that the update would be noted and clarity would be sought as to when budget reports could be received by the Select Committee.

42. Safer Select Committee

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The Commission considered a report (Agenda Item 17) on the work of the Safer Select Committee.

Councillor Quentin Webb informed Members that the main agenda item for the next meeting was the continuation of the review into the use of fire sprinklers in Council buildings. Consideration would also be given to the next review into crime statistics.

RESOLVED that the update be noted.

43. Stronger Communities Select Committee

The Commission considered a report (Agenda Item 18) on the work of the Stronger Communities Select Committee.

Councillor Irene Neill advised that the work programme had been reviewed and as a result a more manageable list of items had been produced.

The agenda items for the next meeting, scheduled for 8 July 2010, were as follows:

- A briefing on the work of the Greater Greenham Project.
- To consider the outcome of the audit of the Housing Register to identify and potentially scope future work for the Select Committee. Councillor David Rendel offered his assistance with this item should a detailed review be undertaken.

RESOLVED that the update be noted.

44. West Berkshire Forward Plan - July - October 2010

The Commission considered the West Berkshire Forward Plan (Agenda Item 19) for the period covering July to October 2010.

Members discussed whether the Forward Plan should be removed from future agendas as it was rarely discussed.

Members were of the view that the Forward Plan should remain as an agenda item and the reduction of the scrutiny work programme could mean that more items would be identified from the Forward Plan.

RESOLVED that the Forward Plan be noted.

45. Overview and Scrutiny Management Commission and Select Committee Work Programme

The Commission considered the work programme of the Commission and Select Committees for 2010/11 (Agenda Item 20).

It was noted that the programme of work had been reduced. Councillor Brian Bedwell advised that this was a more structured work programme that was achievable within the next 18 months.

RESOLVED that the work programme be noted.

46. Customer Service Performance

The Commission considered a report (Agenda Item 21) providing an update on performance within Customer Services.

Members requested further detail in addition to the data provided and it was agreed that Sean Anderson would be invited to the next meeting to provide a greater breakdown of

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the data, an explanation of developments and a definition of what calls were included, i.e. to Customer Services and the Switchboard.

RESOLVED that the update would be noted and Sean Anderson would be invited to provide further information at the next meeting.

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

CHAIRMAN

Date of Signature