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OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 18 JANUARY 2011

Councillors Present: Brian Bedwell (Chairman), Geoff Findlay, Irene Neill, David Rendel, Andrew Rowles (Substitute) (In place of Emma Webster), Quentin Webb, Keith Woodhams (Substitute) (In place of Jeff Brooks)

Also Present: Councillor Roger Hunneman, Councillor Alan Law, Councillor Tony Vickers, Mel Brain (Housing Strategy Manager), Nick Carter (Chief Executive), Jason Teal (Performance, Research & Consultation Manager), Stephen Chard (Policy Officer), David Lowe (Partnerships & Scrutiny Manager)

Apologies for inability to attend the meeting: Councillor Jeff Brooks and Councillor Emma Webster

PART I

109. Minutes

The Minutes of the meeting held on 7 December 2010 were approved as a true and correct record and signed by the Chairman.

110. Declarations of Interest

Councillors Irene Neill, David Rendel, Tony Vickers and Keith Woodhams declared an interest in Agenda Item 6, 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 David Rendel declared an interest in Agenda Item 13, 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.

111. Actions from previous Minutes

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

Severe Winter Weather

The Commission were informed that the Education Service had been contacted to request that school severe weather plans were provided. No feedback had been received to date on this point.

The possibility of a teacher working in another West Berkshire school nearer to their own home during severe weather was being investigated by the Education Service.

Quarter 2 budget report

It was pointed out that while the Resource Management Select Committee considered the Quarter 2 budget report at its last meeting, the report had not been formally approved by the Executive. Nick Carter agreed to ensure that the necessary action was taken on this report.

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Stronger Communities Select Committee Common Housing Register Task Group

Councillor David Rendel informed Members that he had volunteered to participate in a pilot project during discussions of this task group, which would involve him making contact with residents in his Ward, who had been removed from the Register, to establish whether they were aware of this and whether they still had a housing need. He questioned when such an arrangement could be made as it was advised at one of the meetings that providing housing data to Ward Members on these residents was not restricted by Data Protection and therefore assistance could be offered. He advised that this was contrary to information he was provided with when making a Freedom of Information request for this data when he was advised that it was restricted.

Councillor Irene Neill, Chairman of the task group and the Select Committee, advised that a response to the report and its recommendations would first be needed from the Executive before any such action could take place. Once the report was approved by the Select Committee and then the Commission (due at its next meeting on 1 March 2011), it would be sent to the Executive to request a response.

Councillor Rendel was eager for this access to be granted prior to the report approval process described and Councillor Brian Bedwell suggested that, as restrictions were not in place, he should pursue this through an alternative approach separate to the committee process.

RESOLVED that:

- (1) The issues relating to the severe winter weather and schools would be pursued when this topic was discussed in more detail at the next meeting.
- (2) Nick Carter would ensure that the Quarter 2 budget report received the necessary approval.

112. Items Called-in following the Executive on 13 January 2011

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

113. Item Called-In following an Individual Decision: Review of First Step West Berkshire

(Councillors Irene Neill, David Rendel, Tony Vickers and Keith Woodhams declared a personal interest in Agenda item 6 by virtue of the fact that they held accounts with Newbury Building Society. As their interest was personal and not prejudicial they were permitted to take part in the debate and vote on the matter).

The Commission considered the call-in of the Individual Decision relating to amendments to First Step West Berkshire (Agenda Item 6).

Councillor Tony Vickers, one of the Members that had called the decision in and Opposition Spokesperson for Housing, made the following points in support of the reasons for calling-in the Individual Decision:

- He firstly apologised for not commenting as part of the consultation process for the Individual Decision.
- There was no confidence that changes to the scheme would result in a higher take up. This view was supported by the failure of similar schemes operated in other local authorities and in some areas the scheme had been brought to a close. Difficulties with the economy had been named as the primary cause of these problems.

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- The modifications proposed to the scheme made it less targeted on the most vulnerable in the district. This could lead to the exclusion, for example, of families on benefit and those on the Common Housing Register.
- The option of ending the scheme had not been detailed within the report and it was felt that this option should have been given greater consideration. This was the main reason for the call-in.
- When considering the limit to resources, the scheme was not felt to be a high priority and did not merit the use of valuable officer time which should be concentrated on assisting residents in greater need. This was only making a small impact and was another reason why ending the scheme should have been given further consideration.
- The flexible home improvement loan scheme was a success and it was suggested that the resources given to First Step West Berkshire should be transferred to this scheme in order to improve the housing stock.

Councillor Roger Hunneman, also one of the Members that had called the individual decision in, added that he felt the scheme was a disappointment and would like to have seen the Section 106 funding allocated to this scheme utilised for building affordable homes.

Councillor Alan Law, Portfolio Member for Housing, circulated a response to the call-in and made the following points:

- He felt the call-in was inappropriate and only made for political gain.
- No response was made by the Opposition Spokesperson as part of the Individual Decision consultation process.
- Call-in reasons two to five were inappropriate as they opposed the principle of the scheme, whereas the Individual Decision was to review the working of the scheme and not its principle.
- No positive suggestions had been made for the improvement of the scheme, the only suggestion made was to bring it to a close.
- Call-in reason one (no confidence that changes to the scheme would result in a higher take up) was a matter of opinion. The schemes referred to in other local authorities did contribute to the formation of West Berkshire's scheme, but there were differences. It was accepted that the scheme had been a disappointment, but the reasons for the slow take up had been analysed and in his opinion the following changes would result in a higher take up:
 - The size of the equity loan would be increased from £10k to £20k.
 - The scheme would be extended to include residents wishing to purchase shared ownership homes and current or previous homeowners as long as appropriate safeguards and checks were in place.
 - The requirement for applicants to be on the Common Housing Register would be removed and the First Step application amended so that an assessment of housing need could be undertaken at that stage. This would help simplify the application process and avoid duplication of effort.
 - A new public relations campaign would be launched to promote the scheme.

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- The first time buyers market was at an all time low and increasing the size of the equity loan and widening the acceptance criteria would help to address this issue.
- In terms of the remaining reasons for calling the decision in, the more vulnerable people in the community were already offered assistance with housing through separate initiatives. This scheme, which was aimed at middle market residents, was therefore in accord with the Council's priorities as people in this category were included within the definition of social housing.
- The work undertaken in partnership with Newbury Building Society (NBS) was seen as an innovative approach to help this sector of the housing market. NBS actively promoted the scheme, but first time buyers were not coming forward at this time.
- Approval was sought from the Commission to accept the Individual Decision as it stood and avoid further delay to making the proposed changes.

Reference was made to the fact that the First Step scheme was created as part of a response to the recession and was approved by the Executive on 8 October 2009 partly on that basis. A six month review was agreed to by the Executive, this had been undertaken and new initiatives were proposed. Councillor Quentin Webb then proposed to accept the suggested changes as set out in the Individual Decision. This included the need for a further review of progress in six months time when it was hoped that an increased uptake would be seen. This would allow an opportunity for the scheme to improve.

In response to some of these comments the Members that had called the Individual Decision in advised that:

- The call-in was not politically motivated as only two applications to the scheme had been completed. Ending the scheme was therefore felt to be a valid option as it would enable limited resources to be concentrated on those residents with the highest need.
- It was accepted that these changes could lead to an increased uptake, but it could also lead to financial assistance being given to residents in a better position than others in greater need. The proposed changes would increase the potential for this beyond the existing scheme. Priority should be given to the most vulnerable.
- The principle of the scheme should have been a consideration of the review.

It was pointed out that those targeted by the scheme were not necessarily wealthy and assistance offered to them could prevent future housing needs.

Councillor Brian Bedwell reiterated his view given in the report that he was happy to accept the report and proposals for improvement.

Councillor David Rendel made a proposal to only accept the amendment to remove the need for applicants to be registered on the Common Housing Register and to reject all the other proposed amendments. This was seconded by Councillor Keith Woodhams.

Councillor Law felt that the proposed amendments should be taken forward in their entirety as it was not viable to only pursue one of them.

Councillor Rendel's proposal was put to the vote and was rejected by the Commission.

Councillor Webb's proposal to accept the Individual Decision was then put to the vote and was accepted by the Commission.

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RESOLVED that the Individual Decision be accepted without amendment.

114. **Councillor Call for Action**

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

115. **Petitions**

No petitions were brought to the Commission for consideration.

116. **Council Plan Outcomes 2010/11 - Quarter 2 Performance Update**

The Commission considered the Quarter 2 Council Plan outcomes performance report (Agenda Item 9).

Jason Teal introduced the report by advising that of the 97 indicators reported at Quarter 2, 79% were reported green, 12% amber and the remaining 9% reported as red.

It was queried how the Better Roads and Transport indicator to improve the perception of footways could be measured. Jason Teal advised that the Highways Service was part of a national benchmarking club which had commissioned an external agency to run a residents' survey on this issue.

It was noted that the number of red indicators had increased when compared to this time last year (6% to 9%). This was concerning as it was felt that the number of red indicators was likely to increase during the course of the year. Efforts were therefore needed to prevent this. Discussion then followed on some of the red indicators as follows:

CPAH03 - Award 85 new grant loans to bring properties up to a safe and decent standard

The exception report indicated that consideration was being given to launching a campaign to improve performance in November 2010. Members were interested to find out if this took place and the effect that it had. This information would be requested.

Jason Teal informed Members that it would be beneficial to discuss progress against red indicators at Commission meetings. Councillor Brian Bedwell asked Members to indicate if there were particular indicators they wished to focus on in advance of future performance discussions. This would enable the officer(s) concerned to be invited to attend the meeting and provide additional information.

CPAH06 - Facilitate a total annual provision of 80 new affordable housing units with 25% of this total as new units in rural areas

A reason given for this indicator turning red was the impact of the recession. This included developers making an economic viability case and having the requirement to contribute to affordable housing waived. Members voiced concerns on this point as developers could continue to make this case, potentially leading to further losses of affordable housing in future.

It was therefore agreed that a Planning officer would be invited to attend the next meeting to discuss this indicator in more detail.

CPHQ07a – Ensure that performance in relation to the speed in which planning applications were determined was maintained above the Government's targets

The section detailing the risks associated with new remedial actions was referred to. The risks described were not felt to relate to the remedial actions, but rather the risk of this indicator not being achieved. Nick Carter advised that this would be amended in future reports.

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It was advised that there were staff shortages in Planning and this was felt to contribute to the reduced performance levels. Therefore permission had been granted to recruit to some posts in the service and it was hoped that performance would improve when these positions had been filled.

RESOLVED that:

- (1) Further information would be requested on indicator CPAH03.
- (2) Members, on receipt of future performance reports, would indicate if there were particular indicators they wished to focus on so that additional information could be provided.
- (3) A Planning officer would be invited to attend the next meeting to discuss indicator CPAH06 in more detail.
- (4) Information on the risks associated with new remedial actions would only relate to those actions in future reports and not risks from failing to achieve the indicator.

117. The Council's response to the severe weather of winter 2010/11

The Commission considered Terms of Reference and scope for a short review into the Council's response to the severe weather experienced during the winter of 2010/2011 (Agenda Item 10).

This item was felt to be a timely opportunity to assess the success of the Winter Plan and other initiatives throughout the current winter. There had been national press coverage of difficulties in some local authorities with waste collections, however this area was felt to be well managed in West Berkshire.

Members then raised some of the areas that needed to be covered as part of this review, as follows:

- Were grit levels adequate during the period of low temperatures in December 2010?
- Supply, positioning and replenishment of grit bins. Ways to avoid improper use of the grit needed to be discussed.
- Information on school closures and school related activity.
- Whether concerns of legal implications for individuals clearing their own footways etc were resolved.

RESOLVED that the Terms of Reference would be approved and the review would take place at the Commission's next meeting.

118. School Academies

The Commission considered Terms of Reference and scope for a review into the effect of schools becoming Academies on the capacity of the Local Education Authority (Agenda Item 11).

The Commission agreed that this piece of work should be conducted by the Stronger Communities Select Committee. Councillor Irene Neill, Chairman of the Select Committee, advised that the approach to this work would be fully confirmed at the next meeting on 7 February 2010. This was likely to take the form of a task group consisting of some or all of the Select Committee Members. In addition, the Terms of Reference had been shared with the Head of Education who felt the points raised could be

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responded to, but some concern had been expressed that allocating officer time to this work would be difficult in the short term due to other pressures on staff.

It was suggested that the Headteacher of Kennet School be invited to participate as consideration was being given by Kennet to applying for Academy status.

Members felt that consideration needed to be given by schools to the services they would need to purchase from the Council should they become Academies and the cost of these. This was an area of discussion for the Select Committee.

There were some concerns raised about the length of time taken between a task group agreeing its report and that report being considered by the Executive. Councillor Neill was hopeful that a report would be presented to the Commission in the not too distant future. This would be helped by the fact that the task group would essentially be the Select Committee and this would remove a step in the approval process.

RESOLVED that the Terms of Reference would be approved and that the Stronger Communities Select Committee would conduct the review.

119. Greener Select Committee

The Commission considered a report (Agenda Item 12) on the work of the Greener Select Committee.

Members raised the following points from within the minutes:

Fly tipping

- The different ways in which fly tipping was recorded by the Council and Sovereign Housing were noted. Sovereign were reporting an increase, but this was felt to be due to their recording of bulky waste items left on an individual's own property. The Council did not consider this to be fly tipping and was therefore not recorded. The Council's data showed no noticeable change in the level of fly tipping since the introduction of the new waste management contract.
- The Select Committee was asked to help seek a resolution on the recording of data between the Council and Sovereign. It was suggested that the position of the Environment Agency should be considered as part of this.
- Some concern was then raised that the Council ceasing to offer free bulky waste collections was increasing Sovereign's figures and more importantly having a detrimental impact on communities. It was then pointed out that if a public health issue was caused by this issue then it would be the responsibility of Sovereign to resolve the matter where they were the landlord.

Other issues

- Paint pots were not accepted by recycling centres and there was some suggestion that larger supermarkets/retail outlets should be contacted to see if something could be arranged. It was agreed that the Select Committee should be asked to investigate this further.
- While detailed discussions were held on both the Rights of Way Improvement Plan and renewable energy, it was felt that some resolutions/potential recommendations had not been included. It was agreed that the Select Committee would be asked to give consideration to this.
- An arrangement was to be made for the Chairman and Vice-Chairman of the Select Committee to scope a potential review into planning policy and waste management.

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- As Councillor Emma Webster had sent her apologies to this meeting it was difficult to receive a detailed update on the work of the Select Committee. It was therefore agreed that, where possible, substitutes should be from the appropriate Select Committee.

RESOLVED that:

- (1) The Select Committee should undertake further activity as described on fly tipping, recycling of paint pots, the Rights of Way Improvement Plan and renewable energy.
- (2) The Chairman and Vice-Chairman of the Select Committee should scope a potential review into planning policy and waste management.
- (3) Where possible, substitutes for Commission meetings should be from the appropriate Select Committee.

120. Healthier Select Committee

(Councillor David Rendel declared a personal interest in Agenda item 13 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 13) on the work of the Healthier Select Committee.

A confidential item had been scheduled for the next meeting of the Select Committee on 20 January 2011 to receive a briefing on the new working arrangements for the Strategic Health Authority and NHS Berkshire West.

RESOLVED that the update would be noted.

121. Resource Management Select Committee

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

A number of actions and resolutions had been agreed at the last meeting following discussion on the Corporate Property Asset Management Plan (AMP). One of these was for a review of the Highways AMP to be added to the Select Committee's work programme. Members felt that an important issue to be resolved as part of this work related to where the responsibility lay for grass verges, as there was felt to be some uncertainty between Countryside and Highways. A contributing factor to this issue was that while ownership was with Highways, the contract was managed by Countryside. There was also a need to establish who owned the land concerned to help identify responsibility.

In addition, monthly and quarterly budget reports would detail below the line budget information as well as Directorate reports. This followed a resolution of the Select Committee.

RESOLVED that the update would be noted.

122. Safer Select Committee

The Commission considered a report (Agenda Item 15) on the work of the Safer Select Committee.

The last meeting was held on 6 December 2010 where the following items were discussed:

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- The Council's Gating Orders protocol was reviewed and was found to be adequately robust.
- Discussions on community empowerment were deferred pending receipt of national legislation and guidance.
- The item on the Integrated Offender Management Scheme was also deferred pending further work on this by the Safer Communities Partnership. Nick Carter, Chairman of the Safer Communities Partnership, informed Members that this scheme was looking at ways to avoid reoffending among people recently released from prison.
- The policy in place for designing out crime from new developments was felt to be adequate. This was evidenced at a recent Planning Committee when insufficient detail on this point led to this being a reason for refusing an application.
- No new items were suggested for the work programme at this time. Although a suggestion was made that the new proposals of the Secretary of State for the Home Department could be considered at some stage.

RESOLVED that the update would be noted and consideration given to future agenda items.

123. Stronger Communities Select Committee

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

The next meeting of the Select Committee was scheduled for 7 February 2011. Items for the agenda were as follows:

- School admissions
- School Academies
- Receipt of the Common Housing Register Task Group report.
- Receipt of reports from the Standards and Effectiveness Panel. This was in line with a recommendation agreed as part of the scrutiny review into school standards. It was not believed that the Government intended to reduce the current inspection regime of schools.

RESOLVED that the update would be noted.

124. West Berkshire Forward Plan - February - May 2011

The Commission considered the West Berkshire Forward Plan (Agenda Item 17) for the period covering February to May 2011.

RESOLVED that the Forward Plan would be noted.

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

The Commission considered its work programme and that of the Select Committees for the remainder of 2010/11 (Agenda Item 18).

The items added to the work programme on the severe winter weather of 2010/11 and school academies were suggested by Councillor Jeff Brooks. A third item was proposed which related to the way in which the Council conducted its business. This was felt to pre-empt the work of the Executive and officers on the Committee structure post the local

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elections and was therefore not added to the work programme. It was asked that the comments made at this meeting on timeliness of reporting be fed into these discussions. It was noted that the future Committee structure could be dependent on Government guidance and the content of the Localism Bill.

Concerns were raised with the time taken for the review into the accessibility of public transport. This was being conducted by a joint task group formed by the Greener and Stronger Communities Select Committees. This would be progressed with the appropriate officer.

RESOLVED that the work programme would be noted and progress be chased on the task group review into the accessibility of public transport.

(The meeting commenced at 6.30pm and closed at 8.30pm)

CHAIRMAN

Date of Signature