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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, 1 MARCH 2011

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

Also Present: Councillor David Betts, Councillor Roger Hunneman, Nick Carter (Chief Executive), Mark Edwards (Head of Highways and Transport), Mark Lewis (Education Assets Manager), Gary Lugg (Head of Planning and Countryside), Bryan Lyttle (Planning and Transport Policy Manager), Melvyn May (Highway Manager), Carolyn Richardson (Civil Contingencies Manager), David Baker (Principal Policy Officer), Stephen Chard (Policy Officer), David Lowe (Scrutiny and Partnerships Manager)

PART I

126. Minutes

The Minutes of the meeting held on 18 January 2011 were approved as a true and correct record and signed by the Chairman.

127. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Item 7, but reported that, as her interest was personal and not prejudicial, she 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.

128. The Council's Response to the Severe Weather of Winter 2010/11

The Commission considered a report describing the Council's response to the severe winter weather experienced during the winter of 2010/11 (Agenda Item 4).

Carolyn Richardson gave a presentation to the Commission and highlighted the following points:

- December 2010 was the coldest December on record across the UK. However, less snowfall was experienced in West Berkshire compared with the winter of 2009/10.
- Heavy snow fell over 17 and 18 December 2010, this was accompanied by very low temperatures which continued into January 2011.
- The Council's Adverse Weather Plan for extreme cold and snow was activated. All parts of the Thames Valley were affected and all agencies had participated in an extensive debrief.
- In addition to having the Adverse Weather Plan in place, a number of specific changes and improvements had been made since 2009/10, these included:
 - Co-ordination of contractors for pavement clearance.

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- 4x4 vehicle use and co-ordination.
- Production of a revised Winter Service Plan by Highways and Transport.
- Additional stocks of salt (5000 tonnes – up from the previous 1400 tonnes).
- An additional 85 salt bins installed across the District.
- Improved website which received positive feedback.
- There was an increase in the number of calls received by the Contact Centre, but this was less than the previous year.
- Although the December 2010 weather was not declared as a major incident for West Berkshire, Civil Contingencies operated on a 24/7 basis to ensure business as usual as far as possible. There was a reduced impact on the Council in comparison to 2009/10.
- Some mutual aid was offered to other local authorities, i.e. 4x4 vehicle support offered to Oxfordshire County Council.

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

- A high percentage of waste collections were achieved during this period with some compliments received from residents.
- School closures were kept to a minimum, this was partly due to the schools being closed during the holiday period.
- Some library closures were necessary, but one of these related to a heating problem and not the snow.
- Community Care activated their Prioritisation Plan and utilised 4x4 vehicle support to reach clients.
- Feedback received from Parish and Town Councils highlighted a need both for themselves and West Berkshire Council to encourage a greater community effort from residents.
- Current projects included:
 - Work with Parish and Town Councils and community groups to encourage local engagement.
 - Work across the Thames Valley and with other neighbouring responders to ensure good practice was shared.
 - Revising the Adverse Weather Plan as necessary.

Members queried whether the additional stocks of salt were adequate. Mark Edwards explained that the salt level remained above the minimum requirement of 1400 tonnes for the Council. The salt was stored in two locations, approximately 1500 tonnes was stored under cover in a barn at Chieveley, the remaining amount was uncovered. Mark Edwards advised that it was the intention to seek an alternative location that would enable all the salt to be covered.

Mark Edwards felt that the engagement of Parish and Town Councils was significant and made a real difference across the District. They were pleased to be involved on issues such as the management of salt bins.

Melvyn May explained that in response to the Commission's recommendations from the review of the previous winter, attempts had been made to engage local farmers to provide assistance in the clearance of roads to help communities. Unfortunately an

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approach to this had not been agreed. This had been sought through the Thames and Kennet Machinery Ring (TKMR) and while they did offer assistance, this was only possible on an ad hoc basis and came with a charge of £40 per hour. Further complications of such an approach were insurance issues and a need for adequate training. The Council's term contractor for highways, Volker, were willing to train farmers as sub contractors but there was little interest from TKMR in doing so.

Councillor Jeff Brooks was pleased that efforts had been made with farmers and was of the view that these should be continued with the acceptance that this would be on an ad hoc basis. Councillor Irene Neill added to this view by stating that farmers in her ward had indicated they would be willing to provide assistance. The Commission therefore recommended that further efforts should be made.

Members were interested in the number of potholes reported and the success in repairing them. Officers explained that 479 were reported over December 2010/January 2011 this was a decrease from the 678 reported for the same period a year earlier. Melvyn May explained that it was necessary to temporarily plug the potholes as a permanent repair was not possible during the snow and low temperatures. This had failed in some instances and, as a result, work was being undertaken with Volker to identify a separate method of plugging that had more permanence.

The costs of repairing failed plugging work was covered by Volker who were willing to accept this risk during cold weather conditions. Melvyn May offered to identify the number of repeat reports of pot holes to help understand the level of the issue. Members felt this was important as a way of measuring the effectiveness of the contract. Melvyn May advised that further quality checks were prohibited by resource limitations, but added that the Council had one of the best repudiation rates in the country when responding to third party insurance claims.

Councillor David Betts went on to say that a good deal of work to permanently repair the roads was successfully completed during the summer months of 2010. This was the ideal time to undertake this work and as a result the statistics for the number of roads needing attention had reduced dramatically – only 11% of rural roads required attention at this time.

Councillor Emma Webster had received positive comments on the Council's swift response to repair the pot holes.

On the subject of salt bins, Melvyn May advised that both Council and Parish/Town Council bins had labels making it clear that the salt was not for private use. Routine maintenance previously conducted by the Council on an annual basis had ceased, although any repairs etc would be seen to as and when necessary. Some Parish and Town Councils had taken on responsibility for maintenance of the bins themselves.

In response to questions regarding mutual aid to other local authorities, Mark Edwards advised that contact was made by Cumbria County Council regarding a loan of salt and an offer was made to them should this be required. This was not taken up and although low levels of salt were reported elsewhere, none was provided to other local authorities. Mark Edwards added that an agreement had been reached across the Thames Valley should this be necessary and any loan of salt would be returned when the local authority concerned was able to do so.

Members felt that the communication updates were very helpful and the frequent website updates invaluable.

Councillor Brian Bedwell was pleased to note the level of work that had taken place in the last year, with much of it owing to the recommendations of the Commission. This had reduced the number of issues being raised. The issue of pot holes remained an irritant,

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but the efforts made to repair them were appreciated and Councillor Bedwell felt that the Commission should recommend work to identify alternative methods of repair be undertaken as indicated by Highway Officers.

RESOLVED that:

- (1) The Head of Highways and Transport should ensure that the Council's salt stock was stored in such a way so as to ensure it was entirely covered.
- (2) Further efforts should be made by Highways and Transport to engage local farmers to assist with clearing of roads during adverse weather.
- (3) Melvyn May would identify the number of repeat reports of pot holes to help understand the level of the issue.
- (4) Highways and Transport Officers should continue with their work to identify alternative methods of repairing pot holes.

129. Actions from previous Minutes

The Commission received an update on actions following the previous meeting (Agenda Item 5).

Continuing with the subject of severe winter weather, Members requested an update on whether schools had provided copies of their severe weather plans to the Education Service. Members felt it was important that plans were in place to avoid closures wherever possible. Mark Lewis explained that an action for the current school term was to ascertain that plans were in place and copies would be requested. Mark Lewis pointed out that schools could be encouraged to provide them, but this could not be insisted upon. It was suggested that the interest Members had in this topic should be communicated to schools to further encourage their participation.

Mark Lewis agreed to provide an update to the Commission on the number of schools who had complied with this request.

RESOLVED that the update would be noted and Mark Lewis would provide the Commission with a list of schools who had produced a severe weather plan and provided it to the Education Service.

130. Items Called-in following the Executive on 17 February 2011

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

131. Councillor Call for Action

(Councillor Emma Webster declared a personal interest in Agenda item 7 by virtue of the fact that her employer was conducting the public relations work for the Underwood Road development. As her interest was personal and not prejudicial she was permitted to take part in the debate and vote on the matter).

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

Councillor Brian Bedwell updated Members on progress with the Underwood Road CCfA. The first planning application submitted by the developer, Bellway Homes, had been refused by the Eastern Area Planning Committee. However, a revised application was being consulted upon and based on the draft proposal it was hoped that a positive outcome would be achieved. Councillor Bedwell felt that the CCfA had been a key element in achieving this.

RESOLVED that the update would be noted.

132. Petitions

No petitions were brought to the Commission for consideration.

133. Performance Indicator - Affordable Housing Units

The Commission considered a report (Agenda Item 9) which set out the information requested at the previous meeting on this performance indicator and specifically commenting on the requirement for developers to contribute to affordable housing being waived on some occasions.

Gary Lugg opened the discussion by pointing out that the responsibility for this indicator rested with the Housing and Performance Service. Performance was still believed to be below target. This report sought to cover the planning aspects, such as the impact of the recession.

The number of houses to be built across West Berkshire was covered in a 20 year plan which was broken down into five year cycles. It was up to developers to decide when to build homes and this had been impacted on by the recession.

Councillor Emma Webster referred to a recent announcement made by the Housing Minister to introduce a new homes bonus that would match fund the additional Council Tax income potential from increased housing stock. This included an additional amount for affordable homes. As this funding would match the amount of Council Tax expected to be received, it was suggested that this could lead to an increased number of larger homes being built which would be in a higher Council Tax band. In response, Gary Lugg advised that the bonus had been discussed with the Portfolio Holder and while this funding would be welcomed, provision of affordable housing remained the priority.

Gary Lugg added that pre-recession, performance was high at around 1000 units per annum and permissions were in place for building homes.

Councillor Jeff Brooks proposed that the item should be deferred to the next meeting with Housing Officers also present. The discussion would need to include consideration of the number of residents on the Common Housing Register.

RESOLVED that the issue would be deferred until the next meeting when Housing officers would also be in attendance.

134. CCTV

The Commission considered a proposal for a review into the recent transfer of the Council's CCTV control room to the Royal Borough of Windsor and Maidenhead (RBWM) (Agenda Item 10).

This request for scrutiny originated with Councillor Roger Hunneman and Councillor Hunneman was asked to introduce the item. He did so by making the following points:

- The review was requested based on the level of public concern, most particularly raised over the Christmas period. He had received many enquiries from retailers and the press in his role as Ward Member for Newbury Town Centre.
- Confusion had been caused by the information circulated on whether or not the cameras were operational. This created a potential risk of an increase in crime. Information was also given out by the RBWM control room to members of the public who had made contact. This gave the impression that there was no clear communications plan for the project.

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- It was hoped that the review would be accepted by the Commission based on the Terms of Reference in the report with an intended outcome that lessons would be learnt from the experience.

Councillor Quentin Webb was in support of the proposal and suggested an addition to the Terms of Reference to include evidence from Newbury Town Centre retailers. Councillor Hunneman was in acceptance of this addition.

Councillor Brian Bedwell informed the Commission that the Portfolio Holder was supportive of the topic being scrutinised. Councillor Bedwell felt that the difficulties encountered had reduced and it would be interesting to identify the key issues associated with the delays encountered as part of the scrutiny process.

RESOLVED that the item would be added to the work programme for discussion at a future meeting(s), with the inclusion of a minor addition to the Terms of Reference.

135. **Scrutiny Review into the Council's Common Housing Register**

The Commission considered the report and draft recommendations following the Stronger Communities Select Committee Task Group review into the Council's Common Housing Register (CHR) (Agenda Item 11).

Councillor Irene Neill, Chairman of the task group, referred Members to the six recommendations for improvement. The potential resource implications for recommendations five and six had been noted by the task group and as such this was commented on in the report. This suggested that detailed cost analysis be undertaken before a response was made to the Executive. For example, if an upgrade of Locata was deemed necessary, and this would be costly, then it could be delayed to a scheduled update of the system.

Members of the Commission supported the view that the recommendations be retained as written. A view was also given that it was important for Members to be able to access housing related data and it was felt that an upgrade of Locata was the most cost effective way of doing this.

A concern was expressed that the inclusion of a caveat could prove necessary for a number of reviews/recommendations. It was the role of scrutiny to make recommendations for the Executive to consider and respond to.

Councillor Neill took the opportunity to thank all the Members and Officers involved in the review.

RESOLVED that the report and its recommendations be approved for the consideration of the Executive.

136. **Greener Select Committee**

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

Councillor Emma Webster advised that the Committee met on 16 February 2011 to confirm their response to the two Council Motions regarding renewable energy. This was agreed together with an amendment to recommendation four to include assistance to community groups undertaking renewable energy projects.

The next meeting scheduled for 8 March 2011 had been cancelled as the business on the work programme had been concluded.

Councillor Brian Bedwell referred to a note in the report which stated that there had been no noticeable change in the level of fly tipping since the new waste management contract was introduced. This was a topic for discussion at the last meeting of the Commission.

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The discussion had resulted in a report in the Reading Chronicle quoting Councillor Bedwell as saying there had been an increase in fly tipping caused by the introduction of a cost for collecting bulky waste items. Councillor Bedwell made it clear that he did not make this statement and as such this was an incorrect report. The Reading Chronicle had subsequently retracted the article. The article was based on a Liberal Democrat press release and Councillor Bedwell requested this inaccuracy be removed from the Liberal Democrat website.

Some disagreement then followed on what was actually discussed and reported at the meeting and Councillor Jeff Brooks offered to discuss the matter within his Group before taking any action. Councillor Bedwell accepted this approach.

The different reporting methods used by the Council and Sovereign Housing were again referred to and questions were asked about what was actually considered to be fly tipping. Councillor Webster advised that Council Officers were liaising with Registered Social Landlords including Sovereign Housing regarding the capture of information. Also the Select Committee were of the view that the principle in relation to fly tipping needed to be about reducing the problem regardless of where it occurred and prosecutions should be sought where possible. She went on to point out that dumping of commercial waste was more of an issue than by private residents.

The matter of paint pots being accepted by recycling centres was then discussed. There was some experience of paint pots not being accepted regardless of whether the paint was solidified and this needed to be clarified. In response to this, Councillor Webster confirmed that recycling centres would accept paint pots if the paint was solidified and it had also been agreed that sand would be available on site for this purpose.

RESOLVED that Councillor Brooks would discuss the Liberal Democrat press release on fly tipping within his Group and take action as necessary.

137. 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.

RESOLVED that the update would be noted.

138. Resource Management Select Committee

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

Councillor Jeff Brooks referred Members to the number of actions identified at the last meeting detailed within the minutes.

RESOLVED that the update would be noted.

139. Safer Select Committee

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

RESOLVED that the update would be noted.

140. Stronger Communities Select Committee

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

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Councillor Irene Neill advised that two meetings were being arranged to conduct the review into the effect schools becoming academies would have on the capacity of the Local Education Authority. This would involve Council officers and the Headteacher of Kennet School which was due to become an academy.

RESOLVED that the update would be noted.

141. West Berkshire Forward Plan - March - June 2011

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

RESOLVED that the Forward Plan would be noted.

142. 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).

Councillor Brian Bedwell proposed that the next meeting scheduled for 12 April 2011 be cancelled as Members would be canvassing in the lead up to local elections. This was agreed by Members.

Councillor Bedwell thanked Members for their work over the previous year. Thanks were also given by the Commission to Stephen Chard, who was moving to a different role in Policy and Communication, for his support of the scrutiny process.

RESOLVED that the work programme would be noted and the meeting scheduled for 12 April 2011 be cancelled.

(The meeting commenced at 6.30pm and closed at 8.00pm)

CHAIRMAN

Date of Signature