

**MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
HELD ON MONDAY 23 JUNE 2014 FROM 7.30 PM TO 10:00 PM**

*Present:- Tim Holton (Chairman), Michael Firmager (Vice Chairman),
Parry Batth, Mike Gore, Kate Haines, Norman Jorgensen, Malcolm Richards,
Rachelle Shepherd-DuBey and David Sleight*

Also present:-

Lindsay Ferris

Kevin Jacob, Principal Democratic Services Officer

Kazek Lokuciewski

Andrew Moulton, Head of Governance and Improvement Services

Angus Ross, Executive Member for Environment

Stuart Rowbotham, Director Health and Wellbeing

PART I

Prior to the commencement of the meeting, Tim Holton paid tribute to Norman Jorgensen for his Chairmanship of the Committee between 2010 and 2014.

1. MINUTES

The Minutes of the meeting of the Committee held on 12 March 2014 were confirmed as a correct record and signed by the Chairman.

2. APOLOGIES

Apologies for absence were submitted by Prue Bray, (substituted by Rachelle Shepherd-DuBey), Pauline Helliard-Symons and Nicky Jerrome.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PUBLIC QUESTION TIME

There were no public questions

5. MEMBER QUESTION TIME

There were no Member questions

6. CONSIDERATION OF REQUESTS FOR OVERVIEW AND SCRUTINY REVIEWS 2014/2015 AND COMMITTEES WORK PROGRAMME 2014/2015

The Committee considered a report on Agenda pages 6 to 69 which set out details of the ongoing work programme of the Overview and Scrutiny Management Committee and the Overview and Scrutiny Committees together with a list of new scrutiny suggestions received for the 2014/2015 municipal year. The Committee was reminded that the purpose of the item was to decide whether a suggestion should be progressed to a review or not.

Prior to the discussion of the items, the Chairman outlined the arrangements that would be followed for individuals to introduce their suggestions and asked the Committee to take the following outcomes into consideration in terms of possible decisions on the individual suggestions.

- that the suggestion did not meet the selection criteria for overview and scrutiny reviews set out on page 7 of the Agenda;
- that the issue raised important issues that complied with the selection criteria, but that undertaking a review at the present time would be inappropriate;
- that the issue did not comply with the selection criteria and was felt to be of a low priority;
- that the suggestion should not be progressed as a scrutiny review, but that a briefing or information report on the issue should be requested of Officers and considered by an Overview and Scrutiny Committee;
- that the suggestion should be progressed as an overview and scrutiny review and allocated to a particular Committee.

Consideration of the individual scrutiny reviews is set out below:

Accuracy of Council Minutes – Kazek Lokuciewski

Members were referred to the details of the suggestion form as set out on pages 39 to 40 of the Agenda which asked for a review to be undertaken into how the minutes of Council meetings were recorded. Kazek Lokuciewski attended the meeting and spoke in support of his suggestion. In summary he commented that:

- the minutes of council meetings from formal meetings and public consultation meetings were not accurate and gave as examples the minutes of a public meeting held regarding the South Wokingham Distributor Road and a meeting of the Council's Executive which he felt had not been recorded accurately;
- he felt some politicians were willing to tell untruths;
- he felt the Council was acting against the instruction of Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government by not recording or allowing to be recorded, all of its meetings;
- Councillors and the Council were not meeting the obligations of the Localism Act and were acting in breach of the provisions of the Council's own Constitution.

It was felt by Members that the topic was not one which overview and scrutiny could pursue, but that the Constitution Review Working Group should be asked to consider Mr Lokuciewski's request and the issues he had raised.

Future Role and Viability of the Local Education Authority – Cllr Beth Rowland

Members were referred to the detail of the suggestion form as set on pages 41 to 42 of the Agenda which had been submitted by Beth Rowland on behalf of the Liberal Democrat Group. Lindsay Ferris attended the meeting and spoke in support of the suggestion. He commented that the advent of the Academy and Free School programme whereby schools had become independent of Local Education Authority control had resulted in circumstances where it was necessary to consider the future viability of the Council as a provider of Local Education Authority services. There was a risk that the Local Education Authority would become too small to be effective.

In discussing the suggestion, Members commented that as the number of schools achieving academy status would only increase it was an issue which it was important to seek more information on. Comment was also made that it was important to consider how Local Education Authority supported all schools including academies.

It was felt that a full scrutiny review would not be necessary, but that the Children's Services Overview and Scrutiny Committee should be requested to look at the issue by

receiving a report from Officers addressing the points raised in the scrutiny review suggestion.

Review of Outside Bodies – Cllr Dee Tomlin

Members considered the scrutiny review request set out on Agenda pages 55 to 56 which had been submitted by Dee Tomlin on behalf of the Liberal Democrat Group. The suggestion asked that a review be undertaken of the Council's Member representation on external organisations, (outside bodies) looking at the appropriateness, usefulness, performance and cost effectiveness.

The suggestion was introduced by Lindsay Ferris. He commented that there was an issue around the effectiveness of some of the Council's memberships of outside bodies. Where the Council paid a subscription to be a member of the organisation, there was also a potential issue around the value for money of that membership. Members of the Committee were referred by Lindsay Ferris to the most recent reports on outside bodies submitted by individual Members to Council in March and in particular the report submitted by Ian Pittock regarding the Mid and West Berkshire Local Access Forum which had highlighted issues around the Forum, but which raised wider questions regarding outside body membership.

In discussing the suggestion, Members of the Committee commented that they felt that the suggestion did raise issues which should be explored and agreed that there were issues around the visibility and value for money of membership of some outside bodies, although in general they were felt to be very useful and important. In other cases, the Council contributed public funding towards an organisation and therefore had an interest in seeing how those funds were used.

Kevin Jacob commented that following an internal review, an Outside Bodies Directory had been produced which set out a range of information around each of the outside bodies including the role and purpose of the organisation and the basis of the Council's appointment. He commented that this could be made available to any future review.

It was agreed that a scrutiny review be undertaken and that because the suggestion covered parts of the Council's relationship with external organisations the Community Partnerships Overview and Scrutiny Committee should be requested to undertake the review.

Amenity Vehicle Provision – Cllr Angus Ross

Members considered the scrutiny review request set out on pages 57 to 58 which had been submitted by Angus Ross. The review advocated looking at the issue of the continued provision of amenity waste vehicles by the Borough Council for the local collection of bulky waste items. Angus Ross attended the meeting and spoke in support of his suggestion. In summary he commented that:

- the issue of the future of the provision of the service was an ideal area of policy development for the Council and it was an appropriate point at which to undertake an objective and balanced view of the situation;
- the amenity vehicle service had been established prior to the opening of the waste recycling centres and although it was accepted that the service was valued, it needed to be established whether that the service remained the most appropriate solution taking into account issues such as value for money. There had been a number of health and safety issues arising out of the operation of the service which had

necessitated more members of staff being present which affected the cost of the service.

In discussion Members commented that they felt the service was valuable, but that it was a sensible issue for consideration and that the Community Partnerships Overview and Scrutiny Committee was the most appropriate committee to be requested to undertake a full scrutiny review.

Integration with the NHS within the context of the Better Care Fund – Teresa Bell, Integrated Programme Manager

The Committee considered the scrutiny review request as set out on Agenda pages 49 to 50. The purpose of the suggested review was for Members to understand the aims and desired outcomes of Wokingham's plans for the integration of health and social care so that Members could gain assurance that the plans were progressing in the best interests of residents and achieving value for money. Stuart Rowbotham, Director Health and Wellbeing attended the meeting and spoke to the suggestion. In summary he commented that:

- the integration of health and social care had big implications for the Council and a number of structural solutions were possible in terms of making sure that statutory duties were fulfilled;
- Clinical Commissioning Groups, (CCGs) were already federating and integrating and future viability was an issue for the Council to consider;
- There was an issue around a potential democratic deficit arising – the Council would continue to be statutorily responsible for many services;
- There were financial problems in the background to the changes including potential funding gaps;
- The Better Care Fund was intended to provide a solution to the issue by the provision of community integration and infrastructure;
- The Council was entitled to make its own decisions about the form and depth of integration, but a key influencing factor was the issue of economies of scale;
- Scrutiny could add value by examining the business case for the integration and gather evidence to provide assurance that the business case was robust;
- That although a shift in provision within the health and social care economy was taking place from acute hospital provision to community base services there would continue to be a great need for hospital provision.

The Committee discussed the merits of undertaking a review and whilst having some concerns regarding whether the review would be of manageable scope did agree that it should be taken forward and requested that the Health Overview and Scrutiny Committee undertake the review.

Implementation of the Care Act – Brian Grady, Head of Strategic Commissioning

The Committee considered the scrutiny review suggestion submitted by Brian Grady, Head of Strategic Commissioning with regards to the implementation of the Care Act as set out on Agenda pages 43 to 44. The Care Act was due to introduce changes to give more people access to care support services, putting carers on the same footing as the people they care for and a cap on care costs. Stuart Rowbotham, Director Health and Wellbeing attended the meeting and spoke to the suggestion. In summary he commented that:

- the Care Act would introduce the most sweeping reforms of the care system since 1948;

- the Council's duty towards vulnerable adults would change with the extension of the social care safety net to all regardless of their ability to make their own care arrangements;
- the new national eligibility criteria was to be introduced which was likely to widen the number of adults entitled to support in comparison with the Council's existing locally decided criterion of 'critical needs';
- the changes would significantly impact upon the Council and vulnerable adults and there was potentially a gap in funding between the cost of the changes as estimated by the Government and by social care organisations – most local government estimates indicated that the Government's funding would fall short;
- it was timely for the Council to look at the issue;

In debating the suggestion, members of the Committee referred to the issue of the ageing population within the United Kingdom and the increasing costs of social care. The changes about to be introduced by the Care Act were thought to be highly significant to the future of the Council and service users and an appropriate topic to explore through a scrutiny review.

Kevin Jacob commented that taking on the subject as a scrutiny review would be a complex task and would require a significant amount of expert Officer resource from within the Council. He also suggested the idea of seeking to integrate some of the aspects of a review of the implementation of the Care Act and the integration of health and social care through the better care fund. However, it was accepted that this might lead to a review becoming too broad and unmanageable.

It was agreed to request that the Health Overview and Scrutiny Committee undertake the review and as part of this give consideration to the possibility of combining or addressing the issues raised within the scrutiny review of social care and health.

Identification of Vulnerable Single People – Cllr Malcolm Richards

At this point, Malcolm Richards commented that although he would speak in support of his suggestion and answer any questions, he would not, as a member of the Committee who had made a scrutiny suggestion take part in the discussion or decision on the suggestion.

The Committee considered the suggestion as set on Agenda pages 45 to 48 of the Agenda. In presenting the suggestion Malcolm Richards commented that:

- in his opinion there were weaknesses within the social care and NHS systems in terms of the identification of vulnerable people living alone and there was a need to be pro-active. Although, adults with a pre-existing condition would be picked up and identified, others who did not have pre-existing conditions might not be identified until a serious situation had developed;
- although some checks of single people might be undertaken these were not often enough;
- One possible solution might be the introduction of an automated system where further intervention would be triggered if contact was not made by the vulnerable adult on a regular basis. It might also be possible to pick up on trends in behaviour such as gradual declines;

In examining the suggestion, Members of the Committee suggested that benchmarking be looked at to see what other Councils were doing in this area and also that Healthwatch could be contacted to see if this was an issue they had identified. It was felt that a full

review was not justified at the present time, but that the issues around the identification of single people could be picked up as part of an element of the Care Act and Better Care Fund scrutiny reviews previously allocated to the Health Overview and Scrutiny Committee.

The Effect of Pollution on Public Health and Wellbeing in Wokingham Borough – Keith Malvern

The Committee considered the scrutiny review request submitted by Keith Malvern as set out on pages 51 to 52 of the Agenda. The suggestion proposed a scrutiny review of the effect of particulate air pollution on public health within Wokingham Borough in light of data from a report from Public Health England published on 10 April 2014 which was reported to have attributed a local mortality rate of 5.7% to long term exposure to this form of pollution.

In discussing the suggestion, Members commented that the issues raised around the effects of traffic pollution were important, but that the figures quoted within the suggestion first needed to be tested and put into the context of data from other local authority areas. It was suggested that the Health Overview and Scrutiny Committee be asked to consider the issue and that Officers be asked to provide data and a commentary to that Committee.

Wokingham Town Centre Regeneration Scheme – Cllr Prue Bray

The Committee considered the scrutiny review request submitted by Cllr Prue Bray on behalf of the Liberal Democrat Group as set out on Agenda pages 61 to 63. The review request suggested that a review was timely and should cover the areas of the management of the project, its financial costs and the future implication of both these areas for the project.

Lindsay Ferris attended the meeting and presented the suggestion. In summary, he commented that:

- there was a need for an objective review of what had happened with the Wokingham Town Centre Regeneration Scheme in terms of what had worked well and what could be improved further so that the project could move forward;
- there was synergy with and an opportunity to link the scrutiny suggestion with a separate suggestion relating to town centre car parking;

In debating the suggestion, a number of Members were concerned that the timing of the suggestion was not right because the project was still ongoing and that it would not be appropriate to undertake a scrutiny review when it was expected that a revised planning application for the development was expected to be submitted shortly. Other Members however, felt that the timing was appropriate and that there was an opportunity to look at the issue. It was suggested that it would be inappropriate to look at design and planning related issues as part of review in light of the planning application, but that a review could potentially be undertaken looking at the Business Case for the regeneration when that document was available and comment was made that a Business Case would be submitted with the planning application.

It was agreed that the Corporate Services Overview and Scrutiny Committee should be asked to consider a review of the Wokingham Town Centre Regeneration Business Case when available.

Impact of Commuter Parking on WBC Residents – Cllr Lindsay Ferris

The Committee considered a scrutiny review suggestion set out on Agenda pages 53 to 54 which suggested that a review be undertaken into the negative effects of commuter parking in those areas with train stations. Lindsay Ferris attended the meeting to present the suggestion and in summary commented that:

- the impact of commuter parking could be felt across the Borough and it was important to find a solution to seek to resolve the issues that residents faced;
- The development of the Cross Rail project was likely to further increase the demand for rail travel and therefore parking.

During the discussion of the suggestion, David Sleight commented that he felt the issue was important and there were wider issues around the Council and Government seeking to encourage a modal shift away from car use to rail travel which were related to commuter parking. Other Members commented that they had concern that the issue had a huge impact, but that the terms of reference for the review would need to be written carefully as there was a risk that the subject would become too broad. However, it was felt that the issue was one which met the criteria for a review.

It was agreed that the Corporate Services Overview and Scrutiny Committee should be asked to consider the suggestion as a probable scrutiny review.

Delivery of the Decent Homes Standard by the Council – Simon Price

The Committee considered a scrutiny review request submitted as set out on Agenda pages 59 to 60 which had been submitted by Simon Price, Head of Housing at the Council. Stuart Rowbotham, Director Health and Wellbeing presented the suggestion to the Committee and in summary commented that:

- the Decent Homes Standard was a set of basic criteria for social housing;
- the Council should have achieved the Decent Homes Standard in 2012, but because of management issues and a lack of funding arising from the Housing Revenue Account Formula in place at the time this target was not met;
- since 2012 the Council had come out of the Housing Revenue Account Formula process and now had access to 100% of rental income and delivery of the project had significantly improved, but it would be a race against time to meet the assurance the Council had given to meet the Standard by March 2015.

In discussion it was felt that it would be helpful for Members to have a briefing on the subject, but that it was not felt that a full review should be undertaken at this time. It was agreed that the Corporate Services Overview and Scrutiny Committees should be requested to receive this briefing.

How Wokingham Borough Council Learns as an Organisation – Graham Ebers

The Committee considered a scrutiny review suggestions as set out on Agenda pages 65 to 67 submitted by Graham Ebers, Director Finance and Resources. The suggestion suggested that a review should be undertaken to examine how the Council learnt as an organisation as the most effective organisations in both the private and public sectors were organisations that developed in a modern learning environment.

Kevin Jacob and Andrew Moulton spoke to the suggestion at the meeting. They emphasised that a learning organisation was one which could apply lessons from one area across the whole organisation. A review might look at the current arrangements and how the organisation could change and improve how it learnt.

In considering the suggestion, a number Members commented that they agreed that the continuous improvement of the organisation was important, but they did not feel that a full scrutiny review was appropriate. However, it was felt that it would be useful for Members to be updated on what processes were being used to embed good practice and what pieces of work were being undertaken across the Council to enhance this.

It was agreed that the Corporate Services Overview and Scrutiny Committee be requested to receive a report or briefing on the embedding of a learning organisation culture within the organisation.

Wokingham Town Car Parks Strategy and the Wokingham Borough Council Car Parks Strategy – Cllr Prue Bray

The Committee considered a scrutiny review request as set out on Agenda pages 63 to 64 which suggested a review of the progress of the Wokingham Town Car Parks Strategy and progress made by the Civilian Parking Enforcement Group and overall parking strategy across the Borough.

In debating the suggestion, Members commented that the suggestion was a potential review in its own right, but that the subject did have links or crossed over with the potential review of the regeneration of Wokingham Town Centre. It was felt on balance that initially, further information should be sought on the progress by the Civilian Parking Enforcement Group and progress with the car parking strategies.

It was agreed that the Corporate Services Overview and Scrutiny be asked to request a briefing from the Civilian Parking Enforcement Group on its activity and Officers on progress with the Car Parks Strategy.

RESOLVED: That a Work Programme for the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees be developed on the basis of the Committee's discussion.

7. CONSIDERATION OF THE EXECUTIVE FORWARD PROGRAMME

The Committee considered the latest published version of the Executive Forward Programme as set out on Agenda pages 72 to 81.

Norman Jorgensen referred to the Local Flood Risk Management Strategy and it was noted that this was a report the Committee had asked the Community Partnerships Overview and Scrutiny Committee to seek further information on.

RESOLVED: That the Executive Forward Programme be noted.

8. BALANCED SCORECARD – 2013/2014 QUARTER 4 REPORT

The Committee considered a report set out of on Agenda pages 82 to 96 which gave details of the Council's performance as of March 2014 measured against a balanced scorecard of indicators.

In presenting the report, Andrew Moulton highlighted that there were 21 indicators that were below target, 15 at Amber status and 6 at Red. Members were referred to the exception part of the report on pages 84 to 86.

With regard to Indicator 6 - % of referrals that are repeat referrals to Children's Social, Andrew Moulton commented that he had received additional information about the

performance of the indicator and the reasons why it had not met the allocated target from Judith Ramsden, Director Children's Services. The Committee was informed that the main issue behind the target not being achieved was not about family needs not being assessed or met well; but was a bi-product of the streamlining of processes within Children's Services in response to national policy which meant that 'contacts' and 'referrals' were no longer dealt with separately. The service was confident that the re-referral rate would reduce and come back to expected levels in the next six months.

Norman Jorgensen referred to Indicators 19 and 20 which related to self-directed support and effectiveness of reablement/rehabilitation services and asked whether there was any financial impact to the Council of not meeting the targets for the indicators. Andrew Moulton agreed to look into it and provide an answer.

Rachelle Shepherd-DuBey referred to Indicator 30 which measured the reduction of road casualties. Andrew Moulton commented that the indicator had showed a downward trend over a ten year period, but that further information could be made available to the Committee.

RESOLVED: That the report be noted.

These are the Minutes of a meeting of the Overview and Scrutiny Management Committee

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Additional Information
Overview and Scrutiny Management Committee 23 June 2014
Meeting Minute: 8 Balanced Scorecard Report

Extract from the Minutes:

'Norman Jorgensen referred to Indicators 19 and 20 which related to self-directed support and effectiveness of reablement/rehabilitation services and asked whether there was any financial impact to the Council of not meeting the targets for the indicators. Andrew Moulton agreed to look into it and provide an answer.'

Response from Stuart Rowbotham, Director of Health and Wellbeing

Indicator 19 – Self Directed Support – there are no financial impacts with regard to this indicator. It is important to note that the indicator target was locally set based upon the best information available at the time. In the event the indicator has been discredited nationally because the formulaic nature of the count has built in a perverse incentive – those who receive a 'once and done' service such as a piece of equipment and therefore don't go on to self-directed support are nevertheless counted in the denominator; so increasing the number of clients who get their needs met immediately reduces the proportion who get self-directed (long term) support. Consequently, this indicator has been dropped from the national data set for 14/15.

Indicator 20 – Reablement/Rehabilitation – this indicator may have a financial impact in 2015/2016. The Government's Better Care Fund, (BCF), worth £8m as a pooled budget between Wokingham Borough Council and Wokingham Clinical Commissioning Group, is partly funded on performance outcome and each area has had to describe the performance set to be monitored. Reablement/rehabilitation is one of the indicators for the Better Care Fund performance, however it is unclear exactly which performance indicator will determine whether payment is withheld. Guidance currently states that A & E admissions will be the sole indicator used, but we are awaiting clarification. If withheld, the sum would be in the region of £3m and the Council and its CCG partners would need to terminate many of the new services the BCF is intended to fund – but confidence is high that whichever performance target is chosen, the target will be met.