

## MINUTES OF A MEETING OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE HELD ON 28 MARCH 2017 FROM 7.00 PM TO 9.45 PM

### **Committee Members Present**

Councillors: Simon Weeks (Chairman), John Kaiser (Vice-Chairman), Parry Batth, Lindsay Ferris, Michael Firmager, Pauline Helliar-Symons, Ken Miall and Shahid Younis

### **Officers Present**

Peter Baveystock, Service Manager, Cleaner and Greener Services  
Neil Carr, Principal Democratic Services Officer  
Julie Holland, Service Manager, Business Improvement  
Brendan Troy, Service Manager, Community Infrastructure Delivery

### **60. APOLOGIES**

Apologies for absence were submitted by Kate Haines, John Jarvis and Philip Mirfin.

### **61. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 24 January 2017 were confirmed as a correct record and signed by the Chairman.

### **62. DECLARATIONS OF INTEREST**

There were no declarations of interest.

In relation to item 66 (Update on Grounds Maintenance Contract) Councillor Parry Batth stated, for information, that in addition to being a member of the Committee he was also Deputy Executive Member for Environment.

### **63. PUBLIC QUESTION TIME**

There were no public questions.

### **64. MEMBER QUESTION TIME**

There were no Member questions.

### **65. COUNCIL PLAN PERFORMANCE MONITORING REPORT**

The Committee considered the Quarter 3 Council Plan Performance Monitoring Report 2016/17, set out at Agenda pages 13 to 76. Julie Holland, Service Manager, Business Improvement, introduced the report and answered Member questions.

The report indicated that the breakdown of performance indicators in Quarter 3 was three Red, 13 Amber and 44 Green. The indicators of greatest concern (Red) related to:

- % of children who became subject of a Child Protection Plan (CPP) who were subject to a CPP for a second or subsequent time within 24 months;
- % of Care Proceedings completed in 2016/17 within 26 weeks of application;
- % of Looked After Children living within 20 miles of Berkshire West.

Appendix B to the report gave a description of each of the performance indicators and an explanation of the determination of the Red, Amber and Green thresholds.

Members considered performance relating to the key indicators. During the discussion the following points were made:

- Household waste, reused, recycled and composted – Members requested more information on the options under consideration in order for the Council to meet the statutory recycling target of 50% by 2020.
- Number of schools becoming academies – Members considered the issues around schools being “forced” into academisation and noted the recent example of Southfields school which had made significant progress and achieved a “good” Ofsted rating following the appointment of an effective headteacher.
- Timing of performance reports – Members noted that there had been some improvement in the timeliness of performance information reported to the Committee. It was felt that the 21<sup>st</sup> Century Council programme should be able to deliver further improvements in this regard.
- Number of affordable dwellings completed – Members requested clarification on progress made in relation to the stated Housing Strategy target of facilitating 1,000 affordable homes between 2015 and 2018. Members also requested details on the types of housing which fell within the Council’s definition of “affordable housing”.

**RESOLVED** That:

- 1) the Quarter 3 Council Plan Performance Monitoring Report be noted;
- 2) the additional information requested by Members be circulated following the meeting;
- 3) Members on the 21<sup>st</sup> Century Council steering group raise the issues around the timeliness of performance reports and report back to the Committee on any proposals under consideration to improve the process.

**66. UPDATE ON GROUNDS MAINTENANCE CONTRACT**

Peter Baveystock, Service Manager, Cleaner and Greener Services, gave a presentation to the Committee on the challenges identified during the 2016 grass cutting season and the improvements to be implemented in 2017.

The presentation explained that there had been a general awareness that starting the new contract in April 2016 would cause problems for the new contractor (ISS). This timing was unavoidable and would not happen in future contract re-lets. The situation in 2016 was exacerbated by the wet and warm winter and the early grass cut in March by the previous Contractor.

ISS did a good job of transferring 100% of the previous staff by 1<sup>st</sup> April 2016. However, training the staff on new equipment and working practices delayed the start of the grass cutting and work on sight lines and encroaching vegetation. ISS also experienced problems in acquiring appropriate equipment and had to rely on trailers transferring the grass cutting machines to site.

There was also confusion around the interpretation of the long grass regimes which created a significant amount of customer queries and complaints. Most of these challenges were eventually overcome by mid-July 2016 when, in the main, a balance was struck between long grass and regularly cut grass.

ISS had now settled into the contract and it was considered that the 2017 programme would be smoother with less problems and complaints arising. ISS had also taken on grounds maintenance work relating to sheltered housing and was able to take on work for schools and Town and Parish Councils.

During the discussion, Members raised the following questions and issues:

- Members noted the progress made in delivering the contract and welcomed the development of wild flower areas. It was noted that the aim was to develop 10,000 square metres of wild flower areas each year.
- Members welcomed the proactive approach taken in relation to customer complaints with site visits undertaken with residents, Towns and Parishes and Borough Council Members.
- Members stressed the importance of training for new or temporary contractor staff in order to ensure that agreed standards were met.
- Members asked about any additional costs incurred relating to the challenges faced during 2016. It was confirmed that the contract was “fixed price” and any additional works were met within the agreed contract price.

**RESOLVED** That:

- 1) Peter Baveystock be thanked for attending the meeting and answering Member questions;
- 2) the Cleaner and Greener Team and ISS be congratulated on their positive approach to customer service and complaints handling;
- 3) copies of the presentation slides and notes of the WBC/ISS annual review meeting be circulated to Members.

#### **67. COMMUNITY INFRASTRUCTURE LEVY**

The Committee considered a report, set out at Agenda pages 77 to 102, which gave details of the Community Infrastructure Levy (CIL) Regulation 123 List of Infrastructure that could be funded by CIL. Brendan Troy, Service Manager, Community Infrastructure Delivery introduced the report and answered Member questions.

The report stated that the 123 List had originally been adopted by the Council in February 2015. The information set out in the report followed a consultation exercise and had been approved by the Executive on 26 January 2017.

The report also stated that the updated information in the report would help to provide assurance that there was no double counting of CIL and Section 106 planning obligations. The information would also help to ensure that site-specific planning obligations could be secured where they were required by new development. The 123 List was not used for prioritisation of CIL monies. Prioritisation was carried out through the development of the Council’s Capital Programme and the Medium Term Financial Plan (MTFP).

Members considered the information in the report and raised the following issues and questions:

- Members sought clarification on the difference between CIL and Section 106 funding. It was confirmed that CIL was used for infrastructure projects such as new roads or schools whilst Section 106 related to services, e.g. bus services and travel plans and site specific works such as a new roundabout to facilitate a housing development.
- Members asked for further clarification about the description of Wokingham Road, Crowthorne (set out on Page 91) and whether this, in fact, referred to Lower Wokingham Road.
- Members noted that the Council's approach to facilitating Strategic Development Locations which attracted CIL funding had resulted in a significant increase in the funding available for infrastructure projects. It was also confirmed that 25% of CIL funding would be allocated to the relevant Town and Parish Councils.

**RESOLVED** That:

- 1) Brendan Troy be thanked for attending the meeting and answering Member questions;
- 2) the additional information requested by Members be circulated following the meeting.

**68. OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE AND OVERVIEW AND SCRUTINY COMMITTEES ANNUAL REPORTS 2016/17**

The Committee considered the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees Annual Reports for 2016/17, set out at Agenda pages 103 to 132.

The Annual Reports highlighted the range of issues considered by the Committees during the year and the recommendations made for improvement in 2017/18. The report also referred to the ongoing House of Commons Select Committee Inquiry into Overview and Scrutiny in local government.

In looking forward to 2017/18 the report highlighted the aim of Overview and Scrutiny Members to become more involved in policy development and pre-decision scrutiny of key decisions. Discussions with Executive Members had indicated that this would be a more productive use of Overview and Scrutiny resources and would add value to the work of the Council.

It was noted that the Council had considered and noted the Annual Reports at its meeting on 23 March 2017.

**RESOLVED** That:

- 1) the Overview and Scrutiny Management Committee and Overview and Scrutiny Committee Annual Reports for 2016/17 be approved;
- 2) the dates of Overview and Scrutiny Committee meetings in 2017/18, as set out in the reports, be checked and confirmed to Members.

**69. OVERVIEW AND SCRUTINY WORK PROGRAMMES FOR 2017/18**

The Committee considered a report, set out on Agenda pages 133 to 148, which set out details of the ongoing work programme for the Overview and Scrutiny Management

Committee and the Overview and Scrutiny Committees together with a list of new Scrutiny suggestions for 2017/18.

At its meeting on 24 January 2017, the Committee had received a draft list of Scrutiny items for the next municipal year and agreed that the Council's website and social media be used to invite Members, residents and community groups to submit further suggestions for investigation.

Members were advised that the new Scrutiny suggestions should be assessed using the selection criteria previously agreed by the Committee, viz:

- Whether the issue was of local, and preferably current, concern;
- Whether the undertaking of a Scrutiny review could be linked to the Council's Vision, priorities and underpinning principles or would help achieve these;
- Whether the topic was already being reviewed elsewhere within the Council, e.g. as part of the 21<sup>st</sup> Century Council programme;
- Whether the topic was one that was capable of being influenced by the Committee;
- Whether the topic was of manageable scope – not too wide-ranging and yet of sufficient size to warrant a scrutiny review;
- Whether sufficient resources were available to support the review and, if so, what priority should be given – high, medium or low;
- Whether the review should be undertaken by the Overview and Scrutiny Management Committee itself, delegated to an Overview and Scrutiny Committee or a Task and Finish Group be established.

Consideration was given to the individual Scrutiny requests as follows.

#### **69.1 Scrutiny Request - Bill Luck**

Members were referred to the suggestion form on Agenda pages 149 to 150, which referred to a request from Bill Luck for a review of parking standards relating to Houses in Multiple Occupation (HMOs). Mr Luck attended the meeting and addressed the Committee.

Mr Luck stated that the request referred to permitted development rights for the conversion of Use Class C3 to a Use Class C4 (HMO) and consideration of an Article 4 Direction to ensure that adequate car parking was provided with such a change of use. Also a review of the parking standards to include a requirement for all types of HMO, both Use Class C4 and sui generis (buildings not falling into a specific use class).

These conversions, within a suburban area, often resulted in a significant increase in car parking demand, given that they usually generated as many cars as bed spaces. With limited on-plot parking they added an unacceptable burden to the local roads to accommodate the overspill parking along with those from the surrounding family homes, particularly when there could be a number in any one street. Many Local Planning Authorities (LPAs) were including such policies in their Local Plans and reviewing their parking standards as a result.

Comments received from local residents about the impacts of parking from such properties and comments upon local social media again highlighted these problems. Bill Luck was personally aware of two such properties where the number of vehicles had exceeded the number of bedrooms, with only one on-plot parking space. He was also aware that a

number of LPAs were adopting Article 4 Directions and planning policies to specifically address the problems of excessive parking associated with HMOs.

It was **agreed** that:

- 1) the Scrutiny review request be referred to the Community and Corporate Overview and Scrutiny Committee for consideration and inclusion in its work programme for 2017/18;
- 2) the Planning briefing document on HMOs be circulated to Members of the Community and Corporate Overview and Scrutiny Committee for information.

### **69.2 Scrutiny request - Catherine Goad**

Members considered the suggestion form, on Agenda page 151, which referred to a request from Catherine Goad for a review of household recycling.

The Scrutiny request form stated that Ms Goad had lived in the area for the past 12 months and was disappointed by how little residents were able to actually recycle. Having lived in Taplow where residents could recycle so much, including most plastics, pots, trays as well as bottles, foil, glass as well as all the normal bits it was shocking that the Council didn't want to do more.

Ms Goad appreciated that recycling could be a costly exercise for a Council, but felt that, with neighbouring Councils managing this, was there not some kind of partnership deal that could be done to help with such an important issue.

To be able to recycle more, certainly more plastics and ideally other items too, would make it easy to reduce the amount the amount going to landfill.

It was **agreed** that:

- 1) the request be referred to the existing Member/Officer Working Group on Waste Services for information;
- 2) Ms Goad be thanked for the request and be informed of the Council's current cost/benefit rationale for determining which items are recycled.

### **69.3 Scrutiny request - Gary Cowan**

Members were referred to the suggestion form on Agenda pages 153 to 154, which referred to a request from Councillor Gary Cowan for a review of the Member/Officer/Resident protocol for communicating with each other.

Councillor Cowan stated that this was the biggest drawback to Members being able to fulfil their roles and there needed to be in place very clear guidance on how communications worked that were open and transparent, etc. This would help to address the many cases of a lack of communication which led to distrust.

It was **agreed** that further consideration be given to Councillor Cowan's Scrutiny request and he be invited to attend a future meeting of the Committee for a more detailed discussion.

### **69.4 Scrutiny request - Jason Sutton**

Members considered the suggestion form on Agenda pages 155 to 158, which referred to a request from Jason Sutton relating to responses to a question to the Executive Member

for Children's Services, at the Executive meeting on 26 January 2017, relating to the proposal to expand Aldryngton Primary School.

The review request referred to a supplementary question asked at the Executive meeting which was not considered to be answered. The supplementary question sought clarification on the action to be taken by the Executive in the event that a decision was proven to be based on inaccurate and misleading information, in this case a failure to consider a spatial study, completed in September 2015, which compared Loddon, Radstock and Aldryngton Primary schools.

Members noted that there were several Scrutiny requests relating to aspects of the decision making process around the potential expansion of Aldryngton Primary School. These requests were considered in turn.

Members did not feel that these were suitable matters for inclusion in the Overview and Scrutiny work programme. In reaching this conclusion Members noted the decisions taken at the Executive meeting on 15 March 2017, including the provision for further consultation and consideration of alternative options for growth in the event that expansion of Aldryngton was put forward in the period 2018 to 2020. Members also noted that residents who were dissatisfied by the decision making process relating to Aldryngton could pursue a complaint or complaints through the Council's complaints procedure.

It was **agreed** that the Scrutiny request is not included in the Overview and Scrutiny Work Programme for 2017/18.

#### **69.5 Scrutiny request - John Halsall**

Members were referred to the suggestion form on Agenda page 159 to 160, which referred to a request from Councillor John Halsall relating to the projected increase in borrowing in the Council's 2017/18 Medium Term Financial Plan (MTFP).

The request stated that the MTFP foresaw an increase in borrowing which was several times the annual level of Council Tax receipts and probably the highest level of borrowing ever enjoyed. It was argued that these borrowings would generate new income flows which would repay the borrowings within ten years. These assumptions must be tested and reported upon with the risks associated coupled with the institutions required to ensure that these risks are minimised.

The request asked: should the Council be acting as a speculator? Does it have the necessary skills? Should the Council be putting residents at risk financially or should be it be minimising risk, reducing borrowings and concentrating on optimising services?

It was **agreed** that, as the request related to financial strategy and risk management, it should be referred to the Audit Committee for consideration.

#### **69.6 Scrutiny requests - Paul Counihan**

Members were referred to the suggestion form on Agenda pages 161 to 163, which referred to a request from Paul Counihan relating to the context, meeting, and factors that led to the agreement for a decision to recommend Aldryngton School for expansion above other options available.

The request sought clarification about what point, and based on what criteria, Aldryngton was chosen, above ALL other options available, using data and assumptions

independently validated by and against the recommendation and advice of the ERMCA architects? The request stated that there was a serious issue of transparency in this case.

Mr Counihan submitted a further request relating to the decision on Aldryngton expansion relating to the role of Judith Ramsden, Director of People Services and highlighted a potential conflict of interest. The request sought an independent review of the decision making process relating to Aldryngton.

A third request was submitted by Mr Counihan, relating to the operation of a Children's Services Task and Finish Group (2015) which met to consider options for the provision of additional school places in Earley and made recommendations about the allocation of resources to the Executive. The request sought clarification about the operation of the Task and Finish Group and the methodology used to develop recommendations about Aldryngton.

Members considered these Scrutiny requests in association with the request from Jason Sutton (see item 69.4 above) and concluded that they were not suitable for inclusion in the 2017/18 work programme.

It was **agreed** that the three requests from Paul Counihan are not included in the Overview and Scrutiny work programme for 2017/18.

#### **69.7 Scrutiny request - Pauline Jorgensen**

Members were referred to the suggestion form on Agenda page 165, which referred to a request from Councillor Pauline Jorgensen relating to the 21<sup>st</sup> Century Council change programme.

The request stated that it might be useful to carry out a health check of the customer service organisation in advance of 21 Century Council and review the new requirements against this to ensure we are talking the right actions given the importance of the area to the future running of the Council. It would reduce the likelihood of issues but it needs to be done at the right time.

Members noted that the Community and Corporate Overview and Scrutiny Committee was receiving regular update reports on the 21<sup>st</sup> Century Council change programme.

It was **agreed** that:

- 1) the Scrutiny request be referred to the Community and Corporate Overview and Scrutiny Committee for consideration and inclusion in its work programme;
- 2) the Committee be asked to discuss the request with Councillor Pauline Jorgensen and the 21<sup>st</sup> Century Council team to establish the scope and timing of a review and to ensure that there was no duplication of ongoing work.

#### **69.8 Scrutiny request - Roberta (a local resident)**

Members were referred to the suggestion form on Agenda page 167, which referred to a request from Roberta (a local resident) relating to transport links to the Oakbank secondary school.

The request stated that, currently, there were no public transport links to Oakbank school and the so-called cycle paths were far too dangerous to use. There was traffic and congestion around school drop-off and pick-up times. Children were having to walk and

cycle great lengths along a very unsafe route (from the school to the Black Boy roundabout) due to the lack of transport links.

The request sought the introduction of a public bus linking Earley, Whitley, Shinfield and Oakbank, potentially running during peak school times.

It was **agreed** that:

- 1) the scrutiny request is not added to the 2017/18 work programme;
- 2) the resident be asked to raise any concerns with the local ward Member;
- 3) the Highways and Transport team be asked to advise on existing public transport links in the area.

### **69.9 Scrutiny request - Tom Clark**

Members were referred to the suggestion form on Agenda page 169, which referred to a request from Tom Clark relating to the efficiency and value for money delivered by the Council's legal services team.

The request sought a review of legal services to carry out benchmarking, identify best practice and identify potential new suppliers.

It was **agreed** that:

- 1) the Scrutiny request is not added to the 2017/18 work programme;
- 2) the resident be notified of the implementation of recent initiatives, such as Shared Legal Services, aimed at improving efficiency and value for money.

### **70. MONITORING OF PUBLIC AND MEMBER QUESTIONS**

The Committee considered a report, set out on Agenda pages 171 to 194, which gave details of public and Member questions submitted to recent meetings of the Executive and full Council.

Members considered the questions and answers provided and discussed the potential for further investigation and review of the issues raised.

**RESOLVED:** That the report be noted, with no further action to be taken.

### **71. CONSIDERATION OF THE CURRENT EXECUTIVE AND INDIVIDUAL EXECUTIVE MEMBER DECISION FORWARD PROGRAMMES**

The Committee considered a copy of the Executive Forward Programme and the Individual Executive Member Decision Forward Programme as set out on Agenda pages 195 to 202.

Members noted the outcome of discussions between the Executive and the Overview and Scrutiny Committee Chairmen on initiatives to improve the profile and impact of Overview and Scrutiny across the Council. This included agreement in principle that new policies and key service decisions would be submitted to Overview and Scrutiny in draft form. It was felt that the earlier involvement of Overview and Scrutiny would help to strengthen new policies and service changes.

**RESOLVED** That:

- 1) the Forward Programmes be noted;
- 2) the proposals aimed at increasing the profile and impact of the Overview and Scrutiny Committees be welcomed.

**72. UPDATE REPORTS FROM CHAIRMEN OR NOMINATED MEMBER OF THE OVERVIEW AND SCRUTINY COMMITTEES**

The Committee considered update reports from the recent meetings of the Overview and Scrutiny Committees as follows:

- Health Overview and Scrutiny Committee held on 8 March 2017 – Councillor Ken Miall submitted a report which highlighted the following issues: community mental health services, learning disability services, meeting the needs of the home care population and an update from Healthwatch Wokingham. Councillor Miall also referred to a special meeting of the Committee, to be held on 27 April 2017, which would consider the potential closure of the hydrotherapy pool at the Royal Berkshire Hospital.
- Community and Corporate Overview and Scrutiny Committee held on 13 March 2017 – On behalf of the Chairman, Councillor Michael Firmager submitted a report which gave details of the following issues: Right to Buy, new procurement regulations, Civil Parking Enforcement, the Borough's Crime and Safety Partnership and commuter parking.
- Children's Services Overview and Scrutiny Committee held on 21 March 2017 – Councillor Pauline Helliard-Symons gave a verbal update on the meeting which included consideration of children educated at home, three Ofsted reports, the Coombes Task and Finish Group report, the 30 hours of free childcare proposals and a Part II item on local schools causing concern.

**RESOLVED:** That the update reports from the Chairmen of the Overview and Scrutiny Committees be noted.