

MINUTES OF A MEETING OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE HELD ON 16 NOVEMBER 2022 FROM 7.00 PM TO 9.05 PM

Committee Members Present

Councillors: Jim Frewin (Chair), Andrew Mickleburgh (Vice-Chair), David Cornish, Andy Croy, Norman Jorgensen, Adrian Mather, Stuart Munro and Alison Swaddle

Other Councillors Present

Councillors: Pauline Jorgensen and Beth Rowland

Officers Present

Dave Allen, Head of Communications, Marketing and Engagement
Neil Carr, Democratic and Electoral Services Specialist

8. APOLOGIES

Apologies for absence were submitted from Peter Dennis, Graham Howe and Gregor Murray.

Pauline Jorgensen and Beth Rowland attended the meeting as substitutes.

9. MINUTES OF PREVIOUS MEETINGS

The Minutes of the meeting of the Committee held on 15, 24 and 25 October 2022 were confirmed as a correct record and signed by the Chair, subject to the following amendments to the Minutes of the meeting on 24 October:

Minute 46 – In relation to Andy Croy's query, Councillor Norman Jorgensen agreed that there were no Labour Members on the Executive.

Minute 46 – Note that Norman Jorgensen and Pauline Jorgensen both contributed to the presentation of the Call-In – clarify the comments made by each Member.

10. DECLARATION OF INTEREST

There were no declarations of interest.

11. PUBLIC QUESTION TIME

There were no public questions.

12. MEMBER QUESTION TIME

There were no Member questions.

13. CONSULTATION AND ENGAGEMENT REVIEW

The Committee considered a report, set out at Agenda pages 29 to 34, which examined some of the key issues faced in consulting and engaging with residents and stakeholders in a meaningful way. Specific issues outlined in the report were:

- Accessibility and inclusion;
- Accurate and appropriate information;
- Use of consultation findings;

- Timing of consultation and engagement;
- Consultation design and delivery;
- Potential need for a formalised Consultation and Engagement Protocol.

The report stated Local authorities had a statutory obligation to consult on a range of specific issues of local and national interest. Wokingham Borough Council was keen to exceed its statutory obligations and to consult effectively with local residents, businesses and other stakeholders on issues which affected them. This helped to ensure that stakeholders were involved in the planning, implementation and monitoring of key Council services.

Most of the Council's public consultation was administered by the Communications, Engagement and Marketing team and managed through the Engage Wokingham Borough online platform. There was a wide variation in response rates which reflected the public interest in the topic under consultation. The Engage platform now had more than 12,000 registered members.

The report stated that the overriding reason to consult residents was to help inform decision-making. There were issues on which the Council was statutorily required to consult and issues upon which the Council would choose to consult. In both scenarios, consultation findings should be used to inform decisions.

In the ensuing discussion, Members raised the following points:

The report outlined the current process for consultation. It was important to continue to improve in order to deliver consistency and fairness for stakeholders. The idea of a Consultation Protocol was welcomed as this would deliver a more consistent approach.

When developing new consultations it was important to think about the target audience, i.e. residents and community groups as opposed to businesses and professional bodies. On-line consultations needed to be as simple as possible in order to ensure wide engagement and the maximum response. As an example, there had been problems with the LCWIP consultation as a consequence of using external software to carry out the work. Consultations should use accessible language and ask questions in a non-leading manner.

In determining which issues to consult on, was the process driven by services? What was the role of the Communications team? It was confirmed that the Communications team were involved in discussions about consultation except when there was a legal requirement to consult. Ongoing discussions could lead to the taking of legal advice about the requirement for consultation. A Consultation Protocol would make this process clearer. For example, in relation to the food caddy liner issue, there was no change in the service provided so it was concluded that consultation was not required.

It was suggested that consultations should include an option of the status quo ante. If there were financial constraints making the status quo difficult, these should be explained as part of the consultation.

How could the Council ensure that differently-abled residents (e.g. non-sighted) were able to take part in consultation exercises? It was confirmed that the Communications team worked directly with specialist groups to ensure that their views were included.

It was important that residents had the opportunity to give the responses they wanted to give, i.e. more than just a yes-no response. This would provide rich data which would be as valuable as the headline numbers.

It was noted that a balance had to be struck between giving options and the reality of financial constraints and the implications of Government policies. For example, current Government housing policy dictated that the Borough would have to take more housing in spite of the opposing views of residents.

An example was given of consultations carried out by the Fire Authority. These provided a breakdown of the residents taking part in the consultations, e.g. younger people and older people. It was confirmed that it was possible to give a breakdown on the responses to specific consultations, for example the waste consultation. Targeted media was used to engage with specific groups.

It was important to note that consultation was different to a referendum. Consultation feedback was used to inform decision making, not to replace it. However, providing a full range of options did mean that all views could be taken into account, including the status quo.

RESOLVED That:

- 1) Dave Allen be thanked for attending the meeting to present the report and respond to Member questions;
- 2) the development of a WBC Consultation Protocol be supported in principle;
- 3) a draft of the WBC Consultation Protocol be submitted to the Committee in February/March 2023.

14. RESULTS OF THE SCRUTINY IMPROVEMENT REVIEW

The Committee considered a report, set out at Agenda pages 35 to 58, which gave details of the external review of the Council's Overview and Scrutiny function.

The report stated that, in 2021, the Council underwent a LGA Corporate Peer Challenge. As part of the peer challenge process the Council asked the LGA team to advise on how it could make the Overview and Scrutiny function more meaningful and effective. The LGA team observed that Overview and Scrutiny at WBC was often the scene of lively debate and was seen as a political arena rather than creating "good policy" and positive challenge.

Following the peer review, the Chief Executive commissioned the Centre for Governance and Scrutiny (CfGS) to carry out a Scrutiny Improvement Review (SIR). The SIR included the following elements:

- A review of documentation and Overview and Scrutiny reports;
- On-site interviews in June 2022 and observation of Overview and Scrutiny meetings;
- A study of Scrutiny's role and integration in the Council;

- Joint development of an improvement action plan with follow up work as necessary.

The CfGS final report was received in late October 2022. It concluded that, “the conditions for successful scrutiny are clearly present at Wokingham; there is a shared understanding from Members and officers that good governance involves scrutiny, and when used effectively, scrutiny can add value to decision-making. All of those interviewed believed that improvements can be made to make scrutiny more effective and to add greater value.”

The report contained a series of twenty recommendations together with officers’ initial responses. The recommendations included:

- Developing the role of political group leaders in setting the framework for effective overview and scrutiny;
- Clearer focus on the scrutiny of Executive Members - more democratic accountability;
- More emphasis on involving scrutiny early in the development of policy and key decisions;
- Regular communication and information sharing between scrutiny and the Executive;
- More rigorous process for developing work programmes involving residents and key stakeholders;
- Extending the use of Task and Finish Groups to deliver maximum impact;
- Make meetings more effective with fewer items and more concise presentations;
- Review how recommendations are made and how impact and outcomes are measured;
- More skills development for scrutiny Members and for the key roles of Chair and Vice-Chair.

CfG&S would be arranging a Member/officer workshop to discuss the recommendations in more detail in early 2023.

In the ensuing discussion, Members made the following points:

Feedback from external experts was useful in developing the Overview and Scrutiny process at WBC. It was important to carry out the independent “critical friend” role by focussing on the weight of evidence submitted to Members rather than party political views.

The Member-officer workshop was welcomed as a way of broadening understanding of the role of overview and scrutiny including the working relationship between scrutiny Members and the Executive.

Members felt that the Overview and Scrutiny Management Committee fulfilled an important role and should continue to oversee the scrutiny process at WBC.

Overview and Scrutiny should focus on issues which lead to improved services and measurable outcomes for residents.

Improved communications with the Executive were being achieved through three-weekly meetings between the Management Committee Chair and Vice-Chair and the Leader and Chief Executive. Feedback from these meetings would be reported to future meetings of the Committee.

Members confirmed the importance of using Committee meeting time to focus on questions rather than listening to presentations. More rigorous preparation for meetings would result in more focussed and effective discussions.

RESOLVED That:

- 1) the Scrutiny Improvement review and report from the Centre for Governance and Scrutiny be welcomed;
- 2) the draft improvement action plan, with officer comments, be supported;
- 3) the ongoing role and work programme for the Overview and Scrutiny Management Committee be endorsed;
- 4) a Member-officer workshop on the action plan be arranged for early 2023;
- 5) the Committee review progress against the improvement plan in 2023/24.

15. COUNCIL MOTIONS

The Committee considered a report, set out at Agenda pages 59 to 82, which gave details of progress against Council Motions approved over the past three years.

The report stated that Members were entitled to submit Motions to Council meetings in line with Section 4 of the Constitution. Motions on Notice must relate to matters for which the Council had responsibility or which affected the Borough. Members were also able to move Motions without Notice at the meeting on procedural issues.

Motions agreed by the Council were submitted to the relevant department for implementation. Until now, there had been no “feedback loop” process whereby Members and residents were appraised of the implementation of Motions and any outcomes for the Borough.

Appended to the report (Annex A) was a list of Motions approved by the Council over the past three years (2019-22). Annex B to the report set out the full wording of each of the approved Motions.

Members received updates on the most recent approved Motions as follows:

Local Welfare Provision Scheme – more effective delivery and signposting – officers have been looking at ways to reach those most in need with the LWP scheme and have been in discussions with various 3rd sector partners via the Hardship Alliance.

Local Electricity Bill – promotion of local community energy schemes – Sarah Kerr has submitted the Council’s pledge on the website of Power for People, who are campaigning for the Bill. The Leader and Chief Executive have written to the MPs (John Redwood, James Sunderland, Theresa May and Matt Rodda) and to the Secretary of State for Business, Energy and Industrial Strategy.

Alternatives to car travel – improving journey times to London Waterloo – Officers have commenced communication with the train operator. Officers are also aware of discussions that have taken place between the rail operator and WBC Members. Communications will continue with the rail operator with the view to highlight the aims of this Motion.

Banning the use of live animals for prizes on WBC land – Officers have added a new clause into the WBC Booking form for Events: Wokingham Borough Council has an outright ban on the giving of live animals as prizes in any form, on Wokingham Borough Council land. Officers will confirm this point when they receive enquiries relating to events.

Parental Leave Policy for Members – A small Member working group has been set up, comprising: Rachel Bishop-Firth, Laura Blumenthal, Rachel Burgess and Jim Frewin. Officers will join the group to advise. The aim is for the policy to be presented to Council in early 2023.

Declaration of a Cost of Living Crisis in the Borough – a community-led response has been developed, driven through the Hardship Alliance, supported by the Council and a range of partners and groups across the Borough. Progress has been reported to the Community & Corporate and Children’s Services Overview and Scrutiny Committees.

In the ensuing discussion, Members made the following points:

The report provided useful information on progress against the agreed Motions. The report on the Council website should be updated once the agreed actions were fully implemented.

The siting of the information on the WBC website needed to be more prominent. Updates could be added with a RAG rating to indicate the rate of progress. The development of the new Council website (expected summer of 2023) could be used to facilitate this work.

RESOLVED That:

- 1) the update on progress against Motions agreed by Council be welcomed;
- 2) an update report on progress against Council Motions be submitted to the Committee in November each year;
- 3) the web team be requested to ensure a more prominent location for the report on the WBC website as part of the new website development work.

16. OFFICER RESPONSE TO THE REPORT OF THE TREE & BIODIVERSITY TASK & FINISH GROUP

The Committee considered a report, set out at Agenda pages 83 to 114, which gave details of the officer response and Executive decisions relating to the recommendations of the Tree Protection and Biodiversity Task & Finish Group.

Members were reminded that the Tree Protection & Biodiversity Task & Finish Group was established by the Overview and Scrutiny Management Committee and met for the first time in August 2021. The Group agreed Terms of Reference including scrutiny of the Council’s current policies and plans relating to Tree Protection and Biodiversity, the impact of the Environment Act 2021 and the emerging WBC Tree Strategy. The Task & Finish Group also carried out a case study relating to the loss of approximately 450 mature trees at Bearwood Lake.

The report and recommendations of the Task & Finish Group were presented to the Overview and Scrutiny Management Committee on 17 March 2022. The Committee

resolved that the Task and Finish Group's 13 recommendations to the Executive, as amended, should be approved.

In line with the Council's Constitution, the Task & Finish Group recommendations were then submitted to the Executive on 27 October 2022, together with officer comments. Overall, the recommendations were largely accepted by officers subject to a few cases where Officers explained their reasoning. The Executive resolved to accept the officer responses.

In the ensuing discussion, Members made the following points:

The proposed annual update report on the Biodiversity Action Plan, Tree Strategy, Local Nature Recovery Strategy and other relevant issues be welcomed. The annual report should include a preview of challenges and actions to be carried out in the following year.

The annual update report should be submitted to the Management Committee in advance of full Council in order to ensure that scrutiny comments can be included in the final report. The Committee should also agree the format of the annual report. All Members should be updated on key issues and actions highlighted in the annual report.

RESOLVED That:

- 1) the officer and Executive response to the recommendations of Tree Protection and Biodiversity Task & Finish Group be endorsed;
- 2) the Committee receive the annual update report on tree protection and biodiversity issues in advance of full Council in order to submit comments and agree the report format.

17. CONSIDERATION OF THE CURRENT EXECUTIVE AND IEMD FORWARD PROGRAMMES

The Committee considered a copy of the Executive Forward Programme and Individual Executive Member Forward Programme, as set out on Agenda pages 115 to 124.

In relation to the Annual Report 2021/22, it was suggested that the Section 151 Officer be invited to a future meeting to discuss the reporting and public understanding of financial information in key Council reports.

In relation to the Corporate CRM System Procurement item, it was suggested that details be circulated to Overview and Scrutiny Members.

RESOLVED: That the forward programmes be noted.

18. COMMITTEE WORK PROGRAMMES

The Committee considered its forward work programme and that of the Overview and Scrutiny Committees as set out on Agenda pages 125 to 132.

RESOLVED That:

1. the Chair and Vice-Chair review and refine the list of items to be considered at the meeting in January 2023;

2. the Children's Services Overview and Scrutiny Committee consider potential items on school capacity and SEND capacity;
3. the Leader and Chief Executive update report to the Management Committee (January 2023) include an assessment of staff wellbeing.

19. ACTION TRACKER REPORT

The Committee considered the latest Action Tracker report, set out at Agenda pages 133 to 136.

RESOLVED: That the Action Tracker report be noted.