

MINUTES OF A MEETING OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE HELD ON 11 SEPTEMBER 2023 FROM 7.00 PM TO 10.00 PM

Committee Members Present

Councillors: Alistair Neal (Chair), Andrew Mickleburgh (Vice-Chair), Andy Croy, Norman Jorgensen, Pauline Jorgensen, Stuart Munro, Alison Swaddle, Chris Johnson, Caroline Smith, David Cornish and Rachelle Shepherd-DuBey

Other Councillors Present

Councillors: Prue Bray

Officers Present

Neil Carr, Democratic and Electoral Services Specialist
Chris Easton, Assistant Director, Highways & Transport
Giorgio Framalico, Director, Place & Growth
Andy Glencross, Head of Environmental Services
Emily Higson, Head of Insight, Strategy & Inclusion
Louise Livingston, Assistant Director, HR
Will Roper, Customer Insight Analyst & Performance Manager
Sally Watkins, Chief Operating Officer

24. APOLOGIES

Apologies for absence were submitted from Catherine Glover and Adrian Mather.

David Cornish and Rachelle Shepherd-Dubey attended the meeting as substitutes.

25. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 18 July 2023 were confirmed as a correct record and signed by the Chair, subject to Minute 18 (Leader of the Council) being amended as follows:

Para 2 (Page 7) to read:

What were the other impacts of soaring inflation, e.g. on the health and wellbeing of families and recruitment and retention challenges facing the Council and its suppliers/contractors? Councillor Conway noted the impact of the cost of living crisis on the demand for services. The £11m figure discussed earlier was much higher when the impact of additional service demands was factored in. **Graham Ebers confirmed that a balanced budget for 2023/24 was set in February 2023 and included £11m for inflation. The average inflation used to reach that figure was 8.7%. Graham Ebers also confirmed that the budget was challenging, but achievable. Around £500k of staff salary increases, which happened, were not included in the £11m, but the £11m would be adequate....**

26. DECLARATION OF INTEREST

There were no declarations of interest.

Andy Croy noted that he had chaired the Estate Infrastructure Task & Finish Group which featured in Agenda item 30.

27. PUBLIC QUESTION TIME

There were no public questions.

28. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chair invited Members to submit questions.

28.1 Councillor Gary Cowan asked the Chair the following question:

As the Overview and Scrutiny Management Committee is responsible for co-ordinating the Council's arrangements for holding the Executive to account which includes undertaking policy development and review performance monitoring and external Scrutiny.

Apparently, the Council's accounts have not been signed off for two years.

My question is does the Overview and Scrutiny Committee Management Committee consider that the Borough Council's audit committee is a good enough safeguard for the Borough Council's finances.

Answer

Thank you for your question. In short, my answer is yes. Let me explain why.

The Audit Committee is a sub-committee of Council with its members appointed by Council each year. The Audit Committee works assiduously to ensure its remit and processes reflect best practice.

Earlier this year, the Committee undertook a review against the latest (2022) CIPFA guidance which showed good levels of compliance but also identified further areas where practices could be improved. One of these was to update the terms of reference for the Committee which were brought to full Council in March 2023.

Full Council also receives a comprehensive annual report from the Audit Committee which offers the opportunity for any member to raise concerns. I note that this year's annual report was considered at the March 2023 meeting of full Council at which you were present.

You will have noted that the annual report covered the issue of the Council's accounts and the reasons for the delay in sign-off. However, I am pleased to note that the Council's Statement of Accounts for 2020/21 were signed off in July 2023 and work is proceeding on the 2021/22 accounts. If you read the minutes of the Audit Committee you will see that at each meeting of the Committee, members are appraised of the latest position including the opportunity to seek assurances from officers and our external auditors.

The current delays in the signing off of accounts are in the main beyond Wokingham's control and are problems being experienced nationally. To give context the National Audit Office (NAO) published a report earlier this year found that just 12% of 2021-22 local authority audits were completed at that time.

As well as national matters such as the recent technical issues around infrastructure which required the accounting body to work up "clarifications" to the accounting code, locally whilst our own accounts were complete, we had not been able to close 2020/21 until the Pensions body's accounts had been audited (The Royal Borough of Windsor and Maidenhead are the administering body for the fund and these delays affect all Berkshire authorities), which as stated previously is now resolved for that year.

Work on 2021/22 Accounts continues in tandem with our External Auditors and progress will be reported to the Audit Committee in the same way as previous years Accounts.

Supplementary Question

As the number of Councils going bankrupt has increased, the LGA and CIPFA have raised serious concerns about the management of Council finances. This is over and above the usual routines we carry out. They point out that not enough attention is paid to the complexity of commercial plans and the risks surrounding them. They also add that the skills and professional capabilities of officers must be balanced by the skills of elected Members who must be engaged and financially literate in order to understand the financial aspects of the issues that come before them. How can that be achieved if, when elected Members challenge decisions, they can be denied the information requested? One example is the Dementia Care Home which has been cancelled, costing the Council £1.14m to date. These costs may or may not be recovered as the project is now cancelled.

The Overview and Scrutiny Management Committee must have a view on the cultural secrecy written into the Council's Constitution which allows quite large financial decisions to be made without consultation. For example, write-offs up to £25k can be agreed by specific officers. Virements can be £150k to £300k depending on the officer involved. The list of these obscure numbers is endless. With the Constitution written in a manner that encourages secrecy in finance, my question is: beside the £1.14m spent to date at Toutley, what other sums of money has the Council paid out which Members have not been aware of?

Supplementary Answer

Firstly, I can assure you the Council's finances are under constant review and monitoring and whilst it faces significant challenges the position is robust and the medium term financial plans are deliverable. Effective monitoring is in place through the Executive and further challenge and assurance is undertaken through the Audit Committee. The Council's commercial investment performance is reported regularly, along with performance against key prudential indicators, as part of the Treasury Management reports through to Council and these remain positive.

The Council's Constitution is set and agreed by Members and balances ensuring the appropriate governance and transparency with providing officers with the opportunity to run services effectively and, where appropriately or required, flexibly. A number of controls are in place to ensure the Constitution is adhered to and Members have sight of key decisions. You will be aware there is currently a process to review the Constitution to ensure it remains fit for purpose and meets the organisation's needs. Members will play a key role in reviewing and agreeing any changes.

You have quoted the example of the care home. However, I understand that this scheme is not "cancelled", but is rightly undergoing further financial and market analysis to ensure the right decision both financially but also in providing key facilities to the community. The spend to date was critical to understand the right approach and, in fact, has already added value in increasing the value of the land should a care home provision not be decided as the best future approach and investment.

29. Q1 2023/24 PERFORMANCE MONITORING REPORT

The Committee considered the Quarter 1 Performance Monitoring Report (April to June 2023) as set out at Agenda pages 13 to 64.

Councillor Prue Bray (Executive Member for Children's Services) attended the meeting, supported by officers, to present the report and answer Member questions in the absence of Councillor Sarah Kerr (Executive Member for Climate Emergency and Resident Services).

The report stated that Quarter 1 showed good overall performance in the face of significant challenges to service delivery, including high inflation and interest rates and increasing demand for key services. The current projected revenue monitoring position for the end of 2023/24 was an overspend of approximately £2.9m.

As part of the annual performance cycle, Directors had met with Executive Members to review KPIs and targets to ensure that they focussed on performance in the key areas of the Council's activity. Some new KPIs had been introduced whilst others had been retired. In line with the discussions at the previous meeting, charts in the report had been reviewed and leisure centre KPIs had been developed.

The report stated that four KPIs had reported as Red in Quarter 1, as follows:

- PG8 – Total household tonnes (waste);
- PG11 – All recorded crime in Wokingham Borough (excluding fraud);
- AS1 – Social work assessments allocated to commence within 28 days of the request;
- AS4 – New permanent admissions to residential or nursing care homes (65+).

The report gave details of the background to the KPIs reported as Red in Quarter 1 and the corrective action being taken to bring them back on track.

In the ensuing discussion. Members raised the following points and questions.

In relation to the projected £2.9m overspend, what steps were being taken to bring the Budget back on track? It was confirmed that work was ongoing to identify savings and potential increases in revenue. The annual Budget Scrutiny round was due to start in October via the Community and Corporate Overview and Scrutiny Committee. Measures included a focus on recruitment and retention of staff, thereby reducing spend on agency and interim staff. The process for removing the latter, once permanent staff were in place, to be discussed outside the meeting.

RA 7 – Return on investment portfolio – Property Investment Fund - It was noted that the activities linked to this KPI (including the properties invested in) would be reviewed as part of the Budget scrutiny process, commencing in October 2023.

PG6 and PG8 – Percentage of waste, composted and reused/Total household tonnes – It was noted that more data was required in order to assess the performance of the service. Government guidance was awaited on future recycling measures – this would inform discussions on additional items to be included in the recycling process.

PG6 – Percentage of waste recycled, composted and reused – Was the target for this KPI consistent with the target included in the Council's Climate Emergency Action Plan (CEAP)? The target in the CEAP was 70% compared to 52% for PG6. It was confirmed that the move to alternate weekly collection was estimated to deliver a 10% increase in recycling which would be a big step towards the 70% target in the CEAP. Officers agreed to review the target in the CEAP compared to the current KPI target.

PG8 – Total household tonnes – how many new households were there and what was their impact on the increase in total household waste? Officers undertook to provide further information on the number of new households contributing to the waste stream.

RA3 – Completion to time and budget of regeneration projects (Residential works – What was the current situation with the flats adjacent to the Carnival Hub? It was confirmed that a new contractor would be appointed shortly to complete the works. A date for occupancy would be confirmed in due course.

RA4 – Occupancy rate of WBC-owned Regeneration units – what proportion of the units were currently rent bearing? It was confirmed that this information would be checked and provided for Members.

CEX9 – Proportion of Wokingham resident pupils eligible for Free School Meals in Wokingham Borough schools – Would this indicator be more useful if it set out the number of pupils eligible for FSM and the percentage who actually received them? It was confirmed that officers would look at the presentation of this KPI. However, it may be difficult to determine the actual number of eligible pupils who were eligible for FSM.

RA2 – Participation in leisure activities to support those who may be experiencing social isolation – The service narrative referred to increasing levels of demand, but the target for Q3 and Q4 was decreasing. What were the reasons for the reducing target? Officers undertook to investigate this issue and provide further information for Members.

AS4 – New, permanent admissions to residential or nursing care homes (65+) – This KPI was reported as Red, yet the service narrative indicated that the Council was performing well compared to other local authorities. It was suggested that officers and the Executive Member consider the presentation of this indicator. KPIs which were Red over a sustained period should include contextual narrative which explains the background, actions undertaken and impacts for residents.

CEX6 – Channel shift – The report referred to an actual of 87.3%. What did this 87.3% refer to? Officers agreed to look at the service narrative to provide more clarity and to consider the relationship between channel shift and improved satisfaction.

PG9 – All recorded crime in Wokingham Borough (excluding fraud) – It was noted that the majority of crime categories had seen an increase in Quarter 1. Recent news stories about shoplifting were worrying. It was confirmed that officers were working with local businesses to discuss measures to prevent shoplifting. Although the KPI reflected activities outside WBC's control, it was felt to be a useful KPI as the data helped the Council in discussions with partners through the Community Safety Partnership.

RESOLVED That:

- 1) Prue Bray and supporting officers be thanked for attending the meeting to present the report and answer Member questions;
- 2) performance against the KPIs relevant to the Committee be noted;
- 3) further information/clarification be provided to Members, as set out above;

4) officers be thanked for the improved content and clarity of the performance monitoring report.

30. ESTATE INFRASTRUCTURE TASK & FINISH GROUP

The Committee considered a report, set out at Agenda pages 65 to 134, which gave details of progress against the recommendations made by the Estate Infrastructure Task & Finish Group, which reported in 2020.

The Task & Finish Group had been set up to investigate complaints from residents about delays and frustrations in the adoption of new roads, drainage and open space linked to new housing developments.

Chris Easton (Assistant Director, Highways and Transport), Andy Glencross (Head of Environmental Services) and Alan Lewis (Highways Development Manager) attended the meeting to present the report and answer Member questions.

The report reminded Members that, as developers built new homes, they were required to build supporting infrastructure to support new communities. Each type of infrastructure (roads, open space, play areas, etc.) was controlled by different legal and contractual frameworks, and local or national standards. Housing development usually took place on private land and, as developers were private organisations, there was no obligation for them to seek that the Council adopt new roads and open spaces. If, for example, a new road was not adopted, the Council had no powers to undertake works on that road. That obligation fell to the relevant management company or individual property owners.

Appended to the report was a Local Government Ombudsman report into alleged maladministration by Teignbridge District Council and Devon County Council. The Ombudsman investigation and report referred to the alleged failure of the two councils to secure the completion and adoption of a new estate road. The Ombudsman report highlighted a number of issues addressed in the Task & Finish Group's recommendations.

The 12 recommendations made by the Task and Finish Group were set out in the report along with a summary of progress. The recommendations included increasing public awareness of the infrastructure adoption process, improved maps on the Council website, improved information and briefings for Town and Parish Councils, improved S106 agreements, training for Members and retention of key staff involved in the process.

In the ensuing discussion, Members raised the following points and questions.

In relation to the Task & Finish Group's first recommendation – the Council considers measures to increase public awareness about the adoption of new infrastructure – It was noted that the Frequently Asked Questions did not appear on the "New Residents" section of the website. Housebuyers needed to be aware that, on occasions, estate infrastructure was not adopted and, as a result, there could be financial consequences. It was noted that, frequently, house buyers were not aware of the type of questions to ask. The Council could not force the adoption process to take place. Officers agreed to review the information provided for residents on the relevant website pages. Officers also agreed to consider the potential for including information on the adoption process in the new residents' packs circulated to people moving into the Borough.

In relation to recommendation 2 – the Council considers measures to improve and expand the current interactive maps on its website – The maps did not indicate the roads which

were not adopted and the reasons why they were not adopted. If this information could not be included in the interactive maps, Members suggested that there should, at least, be a list of affected roads. Officers agreed to look at ways to incorporate these suggestions on to the interactive maps on the website.

In relation to recommendation 3 – more regular briefings for Town and Parish Councils – Members noted that Town and Parish Councils were often the first point of contact for residents, so it was essential that they received accurate, up-to-date information to assist them. This would then assist Borough Members in their roles.

RESOLVED That:

- 1) Chris Easton, Andy Glencross and Alan Lewis be thanked for attending the meeting to present the report and answer Member questions;
- 2) the original 12 Task & Finish Group recommendations be reaffirmed and progressed, as enhanced by the points raised by Members at the meeting;
- 3) a further update report be submitted to the Committee in 2024/25.

31. SCRUTINY IMPROVEMENT REVIEW ACTION PLAN

The Committee considered a report, set out at Agenda pages 135 to 140, which gave details of progress following the Scrutiny Improvement Review (SIR), carried out by the Centre for Governance and Scrutiny in 2022.

The Centre for Governance and Scrutiny concluded that conditions for successful scrutiny were clearly present at Wokingham; there was a shared understanding from Members and officers that good governance involved scrutiny and, when used effectively, scrutiny could add value to decision-making.

All of those interviewed as part of the SIR believed that improvements could be made to make scrutiny more effective and to add greater value. Members recognised the benefits of change and improvement, and this presented a good opportunity for the Council to further develop the way in which scrutiny operated. Strengthening the role of Overview and Scrutiny could also aim to elevate the status of scrutiny, so that it was recognised as a strategic function and was fully utilised as a resource to support continuous improvement.

Following the review a SIR Action Plan was developed in order to ensure that key recommendations were implemented and reported back to Members. The Action Plan was appended to the report for Member discussion and comment.

The report stated that the Centre for Governance and Scrutiny would be arranging a feedback session later in the year (probably at the end of 2023) in order to explore Member views about progress following the SIR and opportunities for further development of Overview and Scrutiny at WBC.

In the ensuing discussion, Members raised the following points and questions.

It was noted that opportunities for improving the Overview aspect of Overview and Scrutiny had been discussed with the Leader of the Council at the previous meeting. This could be supported by early sight of the strategic forward plan, currently being developed by officers. The five Scrutiny Chairs should seek regular discussions with the relevant

Executive Members and Directors to “horizon scan” and identify items for early consideration by the relevant Committees.

Members highlighted the need for more effective/streamlined reports to Members. Reports should aim to describe the issue under consideration, the options considered, the proposal, risks and financial implications, timeline, proposed outcomes/benefits for the community and measures of success. It was agreed that the Overview and Scrutiny Committees should also consider feedback reports on the actions taken and any outcomes from previous recommendations.

The importance of Member training was emphasised. This would be important in 2024, when the all-out elections may result in a larger than usual intake of new Members. Budget Scrutiny training was especially important in the current climate. It was noted that a Budget Scrutiny training session was scheduled for 10 October 2023. Members were asked to submit comments on any specific issues they wished to cover in the Budget Scrutiny training session. The training should include analysis of the different roles of the Overview and Scrutiny Committees and the Audit Committee.

RESOLVED That:

- 1) the Scrutiny Improvement Review Action Plan be noted and amended to reflect the points raised by Members at the meeting;
- 2) officers be requested to produce reports to Overview and Scrutiny in line with the requirements agreed by the Committee;
- 3) Members submit suggestions for topics to be covered at the Budget Scrutiny training session on 10 October 2023;
- 4) the proposed SIR feedback session with the Centre for Governance and Scrutiny be noted.

32. CONSIDERATION OF THE CURRENT EXECUTIVE AND IEMD FORWARD PROGRAMMES

The Committee considered a copy of the Executive Forward Programme and Individual Executive Member Decision (IEMD) Forward Programme, as set out on Agenda pages 141 to 152.

Members referred to the item on WBC Future Office Provision, due to be considered at the Executive on 28 September 2023. It was agreed that a report on this issue be submitted to the next meeting of the Committee on 4 October 2023.

RESOLVED That:

- 1) the Executive and IEMD Forward Programmes be noted;
- 2) a report on the proposed Executive item - WBC Future Office Provision, be requested for the Committee’s next meeting.

33. O&S COMMITTEE WORK PROGRAMMES

The Committee considered its forward work programme and that of the Overview and Scrutiny Committees as set out on Agenda pages 153 to 172.

In the ensuing discussion, Members raised the following points.

- An item on the Borough-wide Sports Pitch Strategy be added to the Committee's work programme;
- An item on WBC Future Office Provision be added to the Agenda for the Committee's next meeting on 4 October 2023;
- Representatives from Scottish and Southern Electricity Networks be invited to a future meeting of the Committee;
- Items on SEND Strategy and SEND Voices be added to the work programme for the Children's Services O&S meeting on 1 November 2023;
- A special meeting of the Community and Corporate O&S Committee be held on 9 October 2023 to consider Local Transport Plan 4;
- A Budget Scrutiny Member training session be held on 10 October 2023.

RESOLVED: That the Overview and Scrutiny Committee work programmes, as amended, be approved.

34. ACTION TRACKER

The Committee considered the regular Action Tracker report, as set out on Agenda pages 173 to 174.

In the ensuing discussion, Members raised the following points.

- Officers be requested to provide an all-Member briefing on the Children's Services Safety Valve project;
- Follow-up information on progress relating to the Committee's recommendations on the Bus Enhanced Partnership, be circulated to the Committee.

RESOLVED: That the Action Tracker, as amended, be approved.

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