

**OVERVIEW AND SCRUTINY COMMISSION
28 JANUARY 2010
7.30 - 10.45 PM**



Present:

Councillors Edger (Chairman), McLean (Vice-Chairman), Finnie, Harrison, Leake, Mrs Shillcock, Turrell, Virgo, Ms Whitbread and Worrall

Parent Governor Representative:

Dr P Josephs-Franks

Also present:

Councillor McCracken, Executive Member for Culture, Corporate Services and Public Protection

Councillor Ward, Executive Member for Finance, Resources and Assets

Apologies for absence were received from:

Councillors Mrs Birch and Mrs McCracken
Mr GS Anderson

In attendance:

Timothy Wheadon, Chief Executive
Victor Nicholls, Assistant Chief Executive
Alan Nash, Chief Officer: Financial Services
Richard Beaumont, Head Of Overview & Scrutiny
Claire Sharp, Senior Strategy & Partnerships Officer
Sue Hills, Democratic Services Officer

50. Minutes and Matters Arising

RESOLVED that the minutes of the meeting of the Commission held on 19 November 2009 be approved as a correct record and signed by the Chairman.

Matters arising –

Government Consultation on Strengthening Local Democracy – a report would be submitted in due course on the requirement to appoint a Statutory Overview and Scrutiny Officer.

51. Declarations of Interest and Party Whip

There were no declarations of interest relating to any items on the agenda, nor any indications that members would be participating whilst under the party whip

52. Bracknell Forest Partnership Board - Discussion with Chairman and Lead Officer

Timothy Wheadon, Chairman of the Bracknell Forest Partnership and Chief Executive, and Claire Sharp, Lead Officer of the BFP Board, attended the meeting to

discuss with the Commission the Board's governance, performance management, financial management and related issues.

Bracknell Forest Partnership (BFP) encompassed the Partnership Board which met monthly and drove the business and 10 individual theme partnerships. Member organisations were:

Berkshire East Primary Care Trust
Bracknell Forest Council
Bracknell Forest Voluntary Action
Bracknell Regeneration Partnership
Royal Berkshire Fire and Rescue Service
Thames Valley Police
Town and Parish Liaison Group
Government Office for the South East (observer)
South East England Development Agency (observer)

The Chief Executive informed the Commission that he considered the BFP to be one of the most well involved partnerships in terms of governance and effectiveness and explained the role of the BFP Board. This was akin to the Council's Corporate Management Team and it concentrated on major issues including the Sustainable Community Strategy, the Local Area Agreement and co-ordination of performance. There was a high level of agreement on the common agenda of the major issues facing the borough and it was a productive forum.

Arising from questions put by members –

- The Executive Officer of Sandhurst Town Council represented the Parish and Town Councils on the BFP.
- BFP minutes were currently published on the Council's website but the Partnership was investigating establishing their own website.
- The main costs of the partnership related to staff time so each organisation funded itself. There was one member of staff supporting the Lead Officer and £100,000 had been top-sliced from the Local Public Services Agreement (LPSA) Reward Grant for the Council to provide secretariat and research support. There was a small amount of funding for which the Partnership could bid annually and this helped towards venue costs, etc.
- BFP kept an overview of the work of the theme partnerships and would deal with any performance issues. A recent example was concerning the increased number of young people who were NEET (not in employment, education or training).
- BFP was not a statutory body but partners had a statutory duty to co-operate and relationships with Bracknell Forest BFP were sound.
- Under section 12 of the Partnership agreement and protocol there was no mention of the successful working of the BFP Scrutiny Group as it was a new arrangement. This would be included in the annual update.
- In the questionnaire question D5 'How does the public know that the partnership achieves value for money?' remained unanswered. The Chief Executive thought the public were more interested in outcomes than in processes and he cited as an example of partnership success 'Operation Ladybird' led by the Crime and Disorder Reduction Partnership whereby the number of burglaries reduced drastically.

The Chairman thanked Timothy Wheadon and Claire Sharp for coming to speak to the Commission.

53. **Executive Forward Plan**

The Commission noted the Executive Forward Plan relating to corporate issues. Particular issues raised –

- EWP 1019134, Sale of land at Bay Road – members asked that the ward members should be consulted and that consultation with ward members should be built into the process. Councillor McCracken advised the Commission that he and Councillor Mrs Fleming would be submitting their views.
- EWP 1020193, CAA Action Plans – would be reported to the Governance and Audit Committee.
- EWP 1020064, Office Accommodation Strategy – Commission was advised that the decision would not be taken on 16 February as there were still issues to resolve. A member seminar may be arranged.
- EWP 1019270, Contract Award for the Supply of Fixed Line Telephony – Councillor Virgo asked to be informed of alternatives investigated.
- EWP 1010993, Town Centre Regeneration – at the last meeting the Commission was assured that it would have the opportunity to comment on the revised town centre regeneration. The Assistant Chief Executive confirmed that this would be brought to the Commission.

54. **Performance Monitoring Reports**

The Commission considered the Performance Monitoring Reports for the second quarter, July to September of the financial year 2009/10 for the Chief Executive's Office and the Corporate Services Department.

Chief Executive's Office

The Assistant Chief Executive had nothing to add to the report and there were no questions.

Corporate Services

Arising from questions –

- The Pericles system for the collection of Council tax and business rates was no longer supported and the tender process was well underway for its replacement.
- The Community Engagement Team had supported the Prevent bid to map faith communities in the borough. A survey had been undertaken to better understand faith communities and to better inform the Prevent work. Government funding was available for this.

The Chairman thanked the officers for complete and concise reports.

55. **Corporate Performance Overview Report (CPOR)**

The Commission considered the Chief Executive's Corporate Performance Overview Report (CPOR) for the second quarter, July to September, of the 2009/10 financial year..

Arising from questions or in discussion –

- The number of children subject to a child protection plan at the end of September 2009 had increased by nearly 25% on the previous quarter. The Chief Executive explained that most local authorities had experienced a significant increase since Lord Laming reported. The Commission also noted that there had been a decrease in this statistic in the previous quarter over the quarter before.
- The challenging targets set for the main indicators at key stages 2 and 4 had in some cases not been met. The Commission noted that the cohort was quite small and the Director of Children, Young People & Learning would ensure that schools had robust plans to address this issue. The Commission considered that it could be useful to scrutinise this issue in detail and asked the Head of Scrutiny to include it in discussions regarding the scrutiny work programme.
- The Commission noted that the annual cost of the Community TV pilot was £64,000 which was contributed to by all partners in the Bracknell Forest Partnership. Some survey work had already been undertaken in order to inform a review of the effectiveness of the pilot scheme. Some members considered further consideration should be given to the siting of the screens and the Chief Executive explained that the siting had been informed by surveys on footfall at the various locations.
- Reference was made to the in-year collection of Council tax, at 57% and the Commission noted that this was anticipated to be 98% by year end.
- The dividing line for responsibility in continuing healthcare cases was difficult and the Council had a good resolution process with its partners.
- Councillor McLean requested a briefing note on the progress made in respect of the Westmoreland Park Children's Centre.

The Commission thanked the officers for an interesting report.

56. **The Council's Budget Consultation**

The Council's draft budget proposals for 2010/11 had been agreed by the Executive as the basis for consultation with the Overview and Scrutiny Commission and Panels and other interested parties. The proposals were submitted for the Commission's comment. The Borough Treasurer's report attached the Revenue Budget and Capital Programme reports which had been presented to Executive. The annexes to each report set out the budget proposals in detail.

The relevant pages of the report for the Commission and the O&S Panels were highlighted. Members of the Commission had also received extracts of the Panels' considerations of the budget papers. Panel Chairs presented their Panel's minute and the following issues arose –

Adult Social Care

- Funding in the Supporting People budget was declining. Guidance was in place to find alternative sources of funding and the aim was to keep the same level of service at a reduced unit cost. The annual review of Supporting People was likely to take longer than usual and would be presented to the Environment, Culture and Communities O&S Panel.

- The comment that there was spare capacity for alternative day care services at Age Concern was disputed. Councillor Ward confirmed spare capacity at Sandhurst Day Centre and that under the flexible personalisation agenda people could choose what services they wanted.
- The lease for Eastern Road day services (formerly BROCC) could not be altered but alternative uses for the building were being investigated. Councillors Leake and Mrs Shillcock expressed the view that alternative accommodation should be sought as soon as possible.
- Councillor Mrs Shillcock asked what deferral was necessary to save £10,000 in the current year on the purchase of Forestcare equipment. An answer would be sought and sent to the member.

Environment, Culture and Communities

- EC&C service pressures and development amounted to £726,000 whilst the Department was also responsible for the greatest service economies of £1,318,000.
- The proposals for savings relating to surface dressing highways were noted. The Chief Officer: Financial Services confirmed that highway improvements were capital works and may not represent savings to the revenue budget. He would provide information to members on the proposed revisions to the highway improvement budget.
- Councillor Virgo raised the issue of what he regarded to be the serious problem at Swinley Forest and asked if the proposed scheme to cut down some of the trees to open up the area would proceed.
- One member supported the Panel's view that the proposal to discontinue the resource to collect stray dogs and to patrol for dog fouling issues could potentially damage partnership working.

Children's Services and Learning

No comments were added to the draft minutes of the Panel meeting when the budget had been considered.

The Commission then looked in detail at their areas of their responsibility, Corporate Services/ Chief Executives Office/ Council wide and the following comments points arose in discussion –

- There was a projected overspend on the devolved staffing budget in 2009/10 for Corporate Services as that budget assumed a vacancy rate of 3% to 4%. In the current financial climate there had been very little staff turnover and therefore very little scope for savings.
- With the downturn in the economy the rate of property vacancies had increased and income had reduced.
- Councillor McLean urged members to fully appreciate the consequences to the overview and scrutiny function of the deletion of one full time post which would at least impact upon the quantity of output of work, if not the quality.

- The transfer of all programmed building maintenance work as appropriate from the revenue to the capital budget.
- The cross cutting review of organisational and back office services with the objective of saving £350,000.
- The proposed increases to fees and charges were noted.
- Dr Josephs-Franks raised the issue of inconvenience caused by increased car park charges but the Chief Executive pointed out that the Council was in a difficult budget position and therefore the suggested increases were necessary.
- Reference was made to the virement of £0.034 million from the Council's LABGI receipt to support the business community.

In considering the Capital Programme, members of the Commission had concerns about the deferral of £3.2 million of urgent repairs and the impact on income generation and general deterioration of infrastructure.

The Commission had no other general comments on the proposals.

57. **Report of the Review of 14-19 Education Entitlement**

In the absence of Councillor Mrs Birch, the Working Group's lead member, Dr Josephs-Franks presented the draft report of the review of the development of 14 – 19 Years Education provision in Bracknell Forest by a working group of the Children's Services and Learning Overview and Scrutiny Panel.

Arising in questions or in discussion –

- The Commission supported the report's concerns that the Diploma would not meet the needs of young people who were not academic and did not appear to be appropriate for those not in education, employment or training. This was a national government initiative with which the Council had to comply.
- Queries as to how universities would view this qualification.
- Worries about the logistics of transporting pupils to other schools in the borough.
- The Working Group had approached local employers to ascertain their views. Questionnaires were sent to 100 local employers and the response was disappointingly low – only six replied and three of those were from Council departments.

The report would be published on the Council's website as well as that of the Centre for Public Scrutiny. The Commission

RESOLVED that

- (i) the report of the review of the development of 14 – 19 Years Education provision in Bracknell Forest be adopted for sending formally to the Executive Member for Education; and

- (ii) the report be sent to the Secretary of State and Shadow Secretary of State for Children, Schools and Families to inform them of the Working Group's concerns that the Diploma was unlikely to meet the needs of all children and young people;
- (iii) the Secretary of State be asked to respond to the concerns expressed.

58. Review of the Council's Key Objectives 2010-11

In December the Executive approved the Council's Key Objectives for consultation with the Commission. A Commission working group considered the objectives and observations and recommendations made to the Leader and Chief Executive were reported at the meeting. A response was awaited. The Commission thanked the Working Group for their work and

RESOLVED that the outcome of the Working Group's review of the proposed key objectives for the Council in 2010/11 be noted.

59. Overview & Scrutiny Quarterly Progress Report

The Commission considered the report which set out the overview and scrutiny activity from August to October 2009 and the national and local developments. The Chairman advised that the Leader had requested an Overview and Scrutiny review of the Council's service performance in the severe winter weather conditions of 2009/10.

RESOLVED that

- (i) the activity over the period August to October 2009 set out in paragraphs 3.1 to 3.12 and appendices 1 and 2 of the report be noted;
- (ii) the developments in overview and scrutiny set out in paragraphs 3.13 to 3.15 of the report be noted; and
- (iii) a Working Group comprising Councillors Edger, Finnie, Harrison and Turrell carry out a review of performance in the severe weather conditions.

60. Updates from Panel Chairmen

Adult Social Care O&S Panel

Councillor Turrell reported that meetings of the Working Group on the review of personalisation had been scheduled.

Environment, Culture and Communities O&S Panel

Councillor Finnie had nothing to report.

Children's Services and Learning O&S Panel

Councillor Ms Whitbread had nothing to report.

Health O&S Panel and Joint East Berkshire Health O&S Committee

Councillor Leake reported that –

- (i) A working group looking at NHS core standards had been added to the work programme.
- (ii) At the last meeting there had been a presentation by the South Central Ambulance Trust.

- (iii) The use of ambulances in care homes had become an issue. Care home staff appeared not to be trained in manual handling techniques and called an ambulance if a resident had a fall. This added significantly to the ambulance service workload.
- (iv) There was concern over the financial position of the Heatherwood & Wexham Hospital Trust and Berks East Primary Care Trust. Over the next five years they were anticipating a 20% reduction in their budget but they assured that services would not be affected.

61. **Overview & Scrutiny Work Programme**

Richard Beaumont presented a report inviting the Commission to determine changes to the overview and scrutiny work programme, including a reduction in the frequency of meetings and other measures consequent on the reduction in officer resources.

The overview and scrutiny Chairmen met in December to consider what adjustments were needed to the programme and organisation of O&S work and suggested that –

- meetings of the Commission be reduced from six to four a year;
- meetings of the panels be reduced from four to three a year;
- agendas should be slimmed, possibly stopping consideration of the quarterly departmental and corporate performance monitoring reports;
- working groups should be limited to three or four at any one time;
- working group reviews should only commence after approval from the Commission;
- revisions be made to the current work of working groups as set out on page three of annex 1 to the report;
- the quarterly O&S progress report be discontinued;
- the planned approach to partnership O&S would be unable to be continued.

The Corporate Management Team supported the proposals, subject to three points –

- The O&S review of Safeguarding Children should have top priority among the new and suspended reviews, once resources became available.
- CMT considered it to be important that the Commission and Panels should continue to focus on reviewing the Performance Monitoring Reports.
- CMT found the quarterly progress report informative would like to receive such a report six monthly.

Councillor Leake considered that there was no practical alternative but he wished to place on record that he did not support the staff reduction.

Views expressed at the meeting included -

- the quality of overview and scrutiny work had continually improved in recent years
- the quantity of working group reviews would be reduced
- working group reports had informed and enhanced decisions
- concerns about managing the workload, particularly as local authority overview and scrutiny powers were being continually expanded
- fewer meetings resulting in larger agendas
- additional responsibility from May 2010 to service the Joint East Berks Health Panel
- Concerns about the ability of non-Executive members of the Council to make constructive contributions to Council decisions

- Concerns about how it might impact on the engagement of non-Executive members of the Council

The Assistant Chief Executive thought the revised arrangements took on board concerns about not wishing the quality of reports to decline. The Commission

RESOLVED that

- (i) the proposed changes set out above and in the report be reluctantly endorsed;
- (ii) the O&S Commission and Panels should continue to receive and review the Performance Monitoring Reports;
- (iii) the quarterly O&S progress reports be replaced by six monthly reports;
- (iv) the new arrangements be reviewed after six months; and
- (v) the Executive be asked to keep the O&S staffing situation under review.

62. Exclusion of Public and Press

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 16 which involved the likely disclosure of exempt information under category 3 of Schedule 12A of that Act:

- (3) Information relating to the financial or business affairs of any particular person (including the authority holding the information).

63. Report of the Review of the Bracknell Healthspace

The Commission received the report of the review of the Bracknell Healthspace undertaken by a working group of the Health Overview and Scrutiny Panel. The report was confidential as it contained sensitive information relating to the financial and business affairs of NHS Berkshire East.

Councillor Virgo, lead member, thanked members of the working group for their work in carrying out the review.

A number of issues arose during discussion including the importance of a dedicated project manager and the confidential status of the report.

RESOLVED that

- (i) the report of the review of the Bracknell Healthspace be adopted by the Commission for sending formally to the relevant Executive Member and the Chief Executive of NHS Berkshire East;
- (ii) the report remain confidential pending its publication, which should be delayed until the commercial position had passed the 'point of no return', expected to be around July 2010;
- (iii) the date for publication of the report be decided by the Chairman of the Commission, in consultation with the Chairman of the Health O&S Panel;
- (iv) the Chief Executive, NHS Berkshire East, and the Project Manager be invited to attend a meeting of the Commission to present their response to the working group's report.

CHAIRMAN