

**OVERVIEW AND SCRUTINY COMMISSION
17 JULY 2008
7.30 - 8.55 PM**



Present: Councillors Edger (Chairman), McLean (Vice-Chairman), Mrs Birch, Brunel-Walker, Finnie, Mrs Shillcock, Thompson, Virgo and Ms Whitbread

Mr G S Anderson (Oxford Diocese Representative)
Mr I Sharland (Parent Governor Representative)

Also Present: Councillors Mrs Ballin and McCracken

Apologies for absence were received from:
Councillors Burrows, Leake and Worrall

Absent: Mr M Gibbons (Portsmouth Diocese Representative)

In attendance: Alison Sanders, Director of Corporate Services
Victor Nicholls, Assistant Chief Executive
Alex Jack, Borough Solicitor
Jo Alderson, Head of Procurement
Richard Beaumont, Head of Performance & Scrutiny
Sue Hills, Democratic Services Officer

16. Chairman's Welcome

The Chairman welcomed to the meeting representatives of Wokingham Borough Council who had come to observe the scrutiny process in Bracknell Forest.

17. Minutes and Matters Arising

RESOLVED that subject to Minute 13, paragraph on the Social Care & Learning Scrutiny Panel being amended to read as follows:

“The English as an Additional Language Working Group had completed its visits to schools and was on target to produce an interim report in July. The Support for Carers Working Group had met with the Executive Member and work was progressing. The Working Group on Social Care Modernisation was nearing the end of the information gathering stage“,

the minutes of the meeting of the Commission held on 5 June 2008 be approved as a correct record and signed by the Chairman.

18. Declarations of Interest and Party Whip

There were no declarations of interest made at the meeting or indications that Members would be participating whilst under the party whip.

19. Urgent Items of Business

There were no urgent items of business.

20. Road Traffic Casualties Working Group Report

The Panel noted the report of the Assistant Chief Executive and received the response of the Executive Member for Planning and Transportation, tabled at the meeting.

The report of the Working Group had been well received by the Executive and all five recommendations had been agreed. The Executive had welcomed the involvement of Thames Valley Police in the review.

The Commission noted

- Government Office for the South East had approved targets in the LAA for reduction in the number of fatalities or serious injury in the borough.
- The report had been copied to all Thames Valley Highway Authorities and feedback had been received from three.

Councillor Mrs Ballin thanked the Working Group for an excellent piece of work on a very important subject.

21. Corporate Performance Overview Report

The Assistant Chief Executive presented the Chief Executive's Corporate Performance Overview Report (CPOR) for the period January to March 2008. The CPOR brought together the progress and performance of the Council as a whole. 92% of actions in support of the 12 interim Corporate Themes were achieved by year end. The areas of underperformance were due mainly to resource constraints. He highlighted:

- The transfer in February of the housing stock to Bracknell Forest Homes.
- The reduction of 12.5% in crime over three years.
- The successful bid for lottery funding for renovation of the grounds at South Hill Park.
- The successful Ofsted report of the Joint Area Review of Children's Services.
- Exceeding the year end target of 26% of household waste recycled.
- National recognition of solid performance by the CPA 'Four Stars, Improving Strongly' rating.

Matters that arose in discussion or in response to members' questions included:

- (i) The delay in publishing a five year programme of masterplans for neighbourhood centres in the former New Town areas had been due to workload and to waiting for the housing stock transfer. Following the appointment of the new Head of Planning and Transportation scoping work was now proceeding.

- (ii) The production of a Strategy for Older People had been delayed due to staffing shortages in the Chief Executive's Office. A consultant had been engaged to carry out this work.
- (iii) In relation to the implementation of the Domestic Violence Strategy, 10 of the 11 indicators of the BVPI had been complied with. The strict wording required in the tenancy agreement for Bracknell Forest Homes did not meet exactly with the requirement in measure 9 of the BVPI. This was not an issue for the Council but for Bracknell Forest Homes.
- (iv) In relation to assessing the opportunities for capital investment in youth facilities, the Assistant Chief Executive informed the Commission that options would be developed and taken to the Bracknell Town Centre Regeneration Committee and involve Bracknell Town Council.
- (v) The Commission noted that, in an effort to increase the number of bus and train routes in the borough, officers were working closely with First Beeline and targets were included in the LAA in an attempt to promote an increase in buses to hospitals.
- (vi) The introduction of a self-service facility to the library service had been delayed as the current library management system was not compatible. Members expressed the view that the introduction of a new management system should be investigated and implemented as soon as possible and that the service should not be deferred until the library moved to the new Civic Hub. The Chairman asked that a note on the current situation be prepared and sent to members.
- (vii) The review of Joint Arrangements and subsequent amendments to Joint Arrangement Agreements had been delayed due to pressure of work and vacancies within the Legal Services Section.

22. Annual Governance Statement

The Commission noted the Borough Solicitor's report on the Annual Governance Statement, for which there was now a statutory requirement, in place of the Statement on Internal Control. The Annual Governance Statement was attached as appendix 1.

The new CIPFA/SOLACE guidance "Delivering Good Governance in Local Government: Framework" defines six core principles that should underpin the governance of each local authority. The Framework recommends that authorities:

- Review their governance arrangements to ensure they meet the six core principles;
- Update their Local Code of Governance
- Produce an Annual Governance Statement.

Included in the significant governance issues set out in paragraphs 5.1 to 5.7 of the Statement were:

- The Audit Commission had advised that the functions of the Council's Audit Committee being undertaken by the Overview and Scrutiny Commission did not satisfy the requirement for a committee charged with governance, in particular because the Commission did not have decision making powers.

The terms of reference of the Final Accounts Committee have been extended to enable it to satisfy governance requirements on an interim basis whilst the arrangements for members to review governance and audit were given further consideration.

- The existing Member and Officer Protocol would be reviewed to ensure it supports the already effective working relationship between the Leader and the Chief Executive.

The Commission noted that an action plan had been developed to address the significant issues and to further enhance the Council's governance arrangements.

23. Teacher, Parent Governor and Other Representatives on the Social Care and Learning Overview and Scrutiny Panel

A review of the appointment of teacher representatives and Parent Governor representatives to the Social Care and Learning Overview and Scrutiny Panel had been undertaken and the Commission considered the report of the Assistant Chief Executive and the Director of Corporate Services which included the recommendations of the Social Care and Learning O & S Panel.

Mr Gordon Anderson, Oxford Diocesan representative, expressed concerns at the broadening of the remit of the former Lifelong Learning and Children's Services O&S Panel and indicated that he would like to see more education matters on the agenda of the Commission. The Chairman assured him that his view on any subject was valued, although it was acknowledged that he would only be able to vote on education matters.

RESOLVED that

- i) in addition to the statutory requirement of two parent governor and two Diocesan representatives, two teachers (one primary and one secondary) and two social care representatives be appointed to the Social Care and Learning Overview and Scrutiny Panel;
- ii) teacher, social care and Church representatives be appointed initially for a three year term to coincide with the life of this Council, and thereafter from May 2011 for a four year term;
- iii) in the event that teacher, social care and Church representatives did not complete their term of office, their successor be appointed to complete the remainder of the original term of office;
- iv) social care representatives be sought in consultation with the new Bracknell Forest Local Involvement Network (LINKs);
- v) nominees for teacher representation be sought by writing to head teachers formally inviting nominations;
- vi) it was not necessary to consult the Teachers Association and other organisations over the change to the arrangement whereby teacher representation is sought;
- vii) it was not necessary for the teacher representatives to be restricted to current teachers only;

- viii) current arrangements for parent governor representatives be formalised by allocating places for two parent governor representatives on the Panel, one primary school and one secondary school parent governor, with a term of office of four years each;
- ix) if it was not possible to appoint a parent governor from each category (primary/secondary), two parent governors be appointed from any category;
- x) in the event that these parent governor representatives did not complete their term of office, their successor be appointed to complete a normal full term of four years;
- xi) general information about the role of representatives on the Social Care and Learning Overview and Scrutiny Panel be provided on a website accessed by teachers and governors.

24. Update on the Local Area Agreement Working Group

The Chairman gave an oral update on the Local Area Agreement Working Group. Useful meetings had been held with the Bracknell Forest Partnership Board, officers, the Chief Executive, and Martin Gilman, Director, Bracknell Forest Voluntary Action, A separate meeting was to be held with Chief Inspector Simon Bowden. It was anticipated that an interim report would be available in September.

The Assistant Chief Executive expressed the view that this review was useful from the point of view of the 10 themed Partnerships.

25. Overview & Scrutiny Progress Report

The Commission noted the report of the Assistant Chief Executive outlining the activities of the Council's Overview and Scrutiny Panels and the Commission.

26. Updates from Panel Chairmen

Updates on Working Group progress:

Strategic Review of Waste

Councillor Brunel Walker reported on a very informative visit to the Reading Smallmead waste facility. A draft report should be available in September.

Street Cleaning/ Street Scene

Councillor Finnie informed the Commission that the final report was being prepared and should be available in the autumn.

Support for Carers

Councillor Mrs Birch reported that a full report should be going to the Panel in September. Councillor Mrs Shillcock informed the Commission that the Working Group had not been able to talk to anyone from the Indian Association but it was hoped that another ethnic group would meet with them.

Social Care Modernisation Agenda

Councillor Virgo reported that the report had been drafted by Councillor Leake.

English as an Additional Language

Councillor Mrs Birch reported that the report would be submitted to the Panel in September. Mr Sharland, a member of the Working Group, had found it an interesting experience and was pleased to be able to make a contribution by participating in the process.

Extended Services and Children's Centres

Progress was being made and it was hoped to report in September.

Health and Wellbeing Strategy

Councillor Virgo reported that the recommendations of the Working Group had largely been adopted by Executive Members.

Patient Focus

Councillor Virgo reported that the Working Group was looking at the out of hours service. Work had only recently commenced on this review.

Councillor Mrs Shillcock appraised the Commission of two meetings on Wednesday of the Joint East Berkshire Health Overview and Scrutiny Committee and that Committee plus Buckinghamshire. For the first time parties had not been in general agreement on the PCT 'Right Care, Right Place' proposals. Bracknell Forest and Slough found the proposals broadly satisfactory but Windsor and Maidenhead held a different view and a majority vote was passed in favour of the proposals.

27. Executive Forward Plan

The Commission noted the Executive Forward Plan. The Chairman noted that the Member Development Strategy was on the forthcoming Council agenda.

The Chairman asked for clarification whether the Executive meeting on 22 July had been cancelled.

28. Work Programme for 2008/09 Municipal Year

The Commission received the report of the Assistant Chief Executive inviting members to consider the revised work programme for 2008/09 which was attached at appendix 1.

RESOLVED that

- (i) the Overview and Scrutiny work programme for 2008/09, appendix 1 of the report, be approved; and
- (ii) CMT and the Executive be formally consulted on the work programme by the Commission Chairman.

29. Exclusion of Public and Press (S 100A)

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 the consideration of the following item which involved the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information), provided that information in this category is not exempt information if it is required to be registered under the Companies Act 1985; the Friendly Societies Acts 1974 and 1992; the Industrial and Provident Societies Act 1986; or the Charities Act 1993.

30. **Procurement Update - Further Information**

Jo Alderson, Head of Procurement, introduced the exempt information report requested by the Commission on:

- The system used for internal procurement actions;
- Levels of off contract procurement spending throughout the year; and
- Whether there was a case to centralise procurement.

Appendix A - detailed extracts from Contract Regulations.

Appendix B - detailed an off contract spend analysis.

Appendix C - detailed an extract from a report by SIGMA on centralised and de-centralised public procurement.

In addition, the report also highlighted the importance of:

- The Scheme of Delegation in each department; and
- Membership of the Strategic Procurement Group.

The Commission noted the information on:

- procurement approvals, both through Agresso and through the tendering process;
- off contract spending, including the analysis of expenditure on advertising, non-care agency staff, electricity and photocopiers; and
- centralised procurement.

CHAIRMAN

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