

**OVERVIEW AND SCRUTINY COMMISSION
20 NOVEMBER 2008
8.00 - 10.00 PM**



Present:

Councillors Edger (Chairman), McLean (Vice-Chairman), Mrs Birch, Browne, Brunel-Walker, Burrows, Finnie, Leake, Mrs Shillcock, Thompson and Ms Whitbread

Executive Members:

Councillor Iain McCracken, Executive Member for Leisure, Corporate Services and Public Protection

Also Present:

Councillor Mrs McCracken

Apologies for absence were received from:

Councillors Virgo and Worrall
Mr G S Anderson
Mr I Sharland

Absent Members:

Michael Gibbons

In Attendance:

Alison Sanders, Director of Corporate Services
Victor Nicholls, Assistant Chief Executive
Richard Beaumont, Head of Overview & Scrutiny
Sally Hendrick, Head of Audit & Risk Management
Alex Jack, Borough Solicitor, Corporate Services
Dr Patrick Joseph-Franks, Observer
Priya Patel, Democratic Services Officer
Emma Silverton, Administrator, Overview & Scrutiny

39. Substitute Members

The Commission noted the attendance of the following substitute member:

Councillor Browne for Councillor Virgo.

40. Minutes and Matters Arising

Minute 31, Minutes and Matters Arising

It was reported that the issue of the self-service library facility had been referred to the Environment, Culture and Communities O&S Panel.

Minute 34, Report of the Review of Support for Carers

This report had been sent to the Executive Member for Adult Services, Health and Housing and a response back to the Commission was awaited.

It was noted that information regarding the Department of Health's formula for regional funding had been circulated to members of the Commission.

Minute 35, Report of the Review of the Local Area Agreement

It was reported that a finalised response to the DCLG consultation had now been approved.

Minute 38, Executive Forward Plan

It was reported that training on scrutinising the budget had now been delivered to members.

41. Declarations of Interest and Party Whip

Mrs Birch declared a personal interest as the spouse of the Executive Member for Adult Services, Health and Housing.

42. Attendance of Executive Members at Overview and Scrutiny Meetings

The Commission considered a report that proposed the arrangements for the attendance of Executive Members at Overview and Scrutiny meetings. It was reported that paragraphs 11 and 12 of the Code of Conduct for Members, precluded Executive Members from remaining in the Council Chamber when the Commission (or one of the Panels) considered an Executive decision that was made by them or which was made at a meeting of the Executive which the Executive Member attended.

Section 21(13) of the Local Government Act 2000 provided that an Overview and Scrutiny Committee (or a Sub-Committee) 'may require Members of the Executive.....to attend before it to answer questions'. Clearly this created a conflict between the Code and the Act. In these circumstances the Act would prevail.

In order to allow Executive Members to attend Overview and Scrutiny meetings it was proposed that the Commission (and each of the Panels) should issue a standing direction to Executive Members to attend whenever a matter concerning their portfolio was to be considered. The Executive Members would then be able to attend and answer questions but would not participate in the debate of the Committee. Obviously, there would be occasions when Executive Members could not attend and in those circumstances the Committee would receive the apologies of the Executive Member.

The Borough Solicitor advised that this report would be submitted to each O&S Panel. The Borough Solicitor also advised that the Council's Standards Committee would be bringing to the attention of the DCLG the need to change the Model Code of Conduct for Councillors, to remove the conflict with the Local Government Act.

The Borough Solicitor proposed that the recommendation detailed in the report be expanded to read: 'That the Commission require each Executive Member to attend its meetings whenever the agenda of the meeting includes a matter which falls within the relevant portfolio of the Executive Member, *unless the Chairman shall have confirmed that there are no matters which require the Executive member's attendance*'.

It was **RESOLVED** that the Commission would require each Executive Member to attend its meetings whenever the agenda for the meeting included a matter which fell within the relevant portfolio of the Executive Member, unless the Chairman confirmed that there are no matters which required the Executive Member's attendance.

43. **Internal Audit Half Yearly Assurance Report**

The Commission considered a summary of Internal Audit activity during the period April to September 2008 from the Head of Audit and Risk Management. It was noted that the report provided an overall assurance opinion to the Council and its management for the first half of the year.

It was reported that of 52 audits, 46 had generated a satisfactory or better assurance opinion. Five audits had generated a limited assurance opinion and would be revisited in 2009/10, or earlier if appropriate, to ensure successful implementation of agreed recommendations. The five areas where a limited assurance opinion was generated were:

- Contracting and Procurement
- The Look In
- Birch Hill Primary School
- Binfield Primary School
- Print & Design Service

Members received answers to their questions from the Head of Audit and Risk Management, regarding cheque frauds, self-assessments by schools, and outstanding CRB checks.

It was noted that 6 companies had tendered for the Internal Audit Services contract.

The Head of Audit and Risk Management agreed to submit the response received from Deloitte on the audit concerning the Highways (main contractor) as detailed on page 13 of the agenda papers.

44. **Corporate Performance Overview Report**

The Commission considered the Chief Executive's Corporate Performance Overview Report for quarter one (April to June) of the 2008/09 financial year, presented by the Assistant Chief Executive.

It was reported that the format of Council Performance Management Reports had been amended to incorporate the new National Indicator set on which the Comprehensive Area Assessment would largely be based.

It was noted that of 294 actions, 278 were on target. It was reported that whilst the 'credit crunch' on the UK construction and property industry had been substantial and had been felt in a number of major developments in other regions, the thorough preparatory work completed over the last five years in Bracknell Forest had put the development of Bracknell Town Centre in a relatively strong position. Officers were keeping in close contact with Bracknell Regeneration Partnership and other Town Centre developers to establish the impact on delivering the Bracknell Town Centre regeneration.

The Assistant Chief Executive agreed to report back to the Chairman as to whether the £180,000 anticipated funding from the PCT, detailed on page 63 of the agenda papers, could be found in the Council's revenue budget if the PCT were not liable for this cost.

Members received answers to their questions from the Assistant Chief Executive regarding preparations for Comprehensive Area Assessment, smoking in public places, and house building.

45. **Performance Monitoring Reports**

The Commission considered the latest trends, priorities and pressures in terms of the second quarter (July to September) of 2008/09 as reported in the Performance Monitoring Reports for:

The Chief Executive's Office

It was highlighted that:

- ten Community TV screens had now been installed around the Borough, at a first year cost of £80,000, shared between the Council and its partners.
- confirmation of the Bracknell Town Centre Compulsory Purchase Order had been received,
- in terms of progress against the Service Plan, 65 out of 71 actions were progressing well,
- five actions that were causing concern were detailed on page 4 of the monitoring report, one action had been transferred to another department.
- The planned dates for building the new Civic Hub were to reviewed in the course of producing the Service Plan for 2009/10.

It was reported that the Community TV work would be evaluated after a year and that the location of screens could also be considered again as part of this evaluation. The outcome of that evaluation would be reported to the Overview and Scrutiny Commission.

It was noted that the PMR had incomplete information on some performance indicators due to definitions and data for some of the new National Indicators not being available yet.

Mrs Birch asked to be provided with a copy of the Welcome Pack for all new residents to the Borough, detailed on page 13 of the monitoring report.

Corporate Services

It was highlighted in discussions that:

- Town Centre developers had needed to consider the delivery and phasing of development due to the down turn in the economy,
- The work on Service Efficiency, Neighbourhood Action Groups and Flexible working had been progressed
- the tender for customer payments to the Council and Bracknell Forest Homes had been awarded to the Post Office and the Alliance & Leicester Commercial Bank. Bracknell Forest Homes Management were being pressed to provide the necessary publicity information on counter payments.

- audit of the Council's financial statements had been completed and an unqualified opinion on the accounts had been given by the district auditor,
- the implementation of staff car parking charges and the consultation over proposed changes to car allowances continued to provide challenges,
- The Berkshire Shared Services Unit was now located at Time Square,
- ICT Services were preparing for the implementation of Microsoft Outlook,
- The sale of land at Brakenhale was due to be concluded in December,
- There was now less pressure to consider the relocation of the indoor market,
- Planning appeals had generated a considerable workload for legal services, notably those for the Staff College and the former TRL site.

In response to members' queries it was reported that the three pilot online forums would be publicised in Town & Country, the Bracknell Standard, the Bracknell News and the Council's website.

Members discussed the timing of the production of Performance Monitoring Reports, and noted that these should be available in good time before future meetings.

46. **Appointment of Parent Governor Representative**

The Commission considered a report recommending the appointment of a new Parent Governor representative to the Social Care and Learning Overview and Scrutiny Panel, subject to Council's decision on 26 November 2008.

The Chairman of the Social Care and Learning O&S Panel commented that she was delighted that Dr Patrick Josephs-Franks would be joining the membership of the Panel.

It was **RESOLVED** that Dr Patrick Josephs-Franks be appointed to the Social Care and Learning O&S Panel as a parent governor representative, for a term of office of four years, subject to Council's decision to appoint him on 26 November 2008.

47. **Response to the 'Communities In Control: Real People, Real Power Improving Local Accountability' Consultation by the Department for Communities and Local Government**

It was **RESOLVED** that the Commission note their finalised response to the Department for Communities and Local Government.

It was confirmed that the response had incorporated changes proposed by members of the Commission.

48. **Report of the Review of Street Cleaning**

The Commission considered the report by the Working Group of the Environment, Culture and Communities Overview and Scrutiny Panel on street cleaning in Bracknell Forest.

Commission members' congratulated the working group on an excellent, well thought out and detailed piece of work. Officers were also thanked for all the work and time they had committed.

It was noted that Bracknell Forest Homes also held some responsibility for these services and should be included in any future work or reviews.

The Chairman thanked the working group for the excellent report and confirmed that the report would be sent to the Executive Member for the Environment, who would be attending the next meeting of the Commission to give her formal response. The report would also be considered by the Executive on 16 December 2008.

It was **RESOLVED** that

- i) the Commission note the adoption of the report of the Working Group on the Review of Street Cleaning attached to the agenda papers.
- ii) the involvement of Town and Parish Councils should be considered for future Overview and Scrutiny reviews, as appropriate.

49. **Report of the Review of the Implications of English as an Additional Language in Bracknell Forest Schools**

The Commission considered a report by a Working Group of the Social Care and Learning O&S Panel on the implications of English as an Additional Language (EAL) in Bracknell Forest schools.

The Commission thanked the Working Group and officers for an excellent report, that was interesting and showed the comprehensive and wide ranging work that had been undertaken. Members' were disappointed by a negative headline in the press, which the Chairman would discuss with the Executive Member, but noted that other press coverage of the work had been positive.

Members' were keen to ensure that a distinction between the work of Special Education Needs workers and those assisting children with English as an additional language was made.

The Chairman said that, as Mayor of the Council, he would consider making awards to EAL students for progress in their English studies.

It was **RESOLVED** that the Review of the Implications of English as an Additional Language in Bracknell Forest Schools undertaken by a working group of the Social Care and Learning Overview and Scrutiny Panel, be adopted and sent formally to the relevant Executive Member.

50. **Updates from Panel Chairmen**

Environment, Culture & Communities O&S Panel

- The final report for the Review of Street Cleaning was complete.
- The Working Group on Waste had now reached the draft report stage
- The Working Group on the Housing Strategy was progressing.

Social Care and Learning O&S Panel

- Extended schools: an initial draft of the report had been completed, but more work was required on it.
- The Social Care Modernisation Working Group would soon be in a position to commence report drafting.

Health O&S Panel

- The Chairman stated that there were a number of areas that working groups could consider in the future such as; top slicing of the PCT budget by the Strategic Health Authority and Drug Prescription Charges.

51. **Executive Forward Plan**

The Commission noted the forthcoming items on the Executive Forward Plan.

CHAIRMAN