

Minutes

OVERVIEW & SCRUTINY COMMISSIONING COMMITTEE

MINUTES OF THE OVERVIEW & SCRUTINY COMMISSIONING COMMITTEE HELD ON TUESDAY 8 DECEMBER 2009, IN MEZZANINE ROOM 3, COUNTY HALL, AYLESBURY, COMMENCING AT 10.04 AM AND CONCLUDING AT 11.53 AM.

MEMBERS PRESENT

Mr M Appleyard (Non Voting Member), Mrs M Baldwin, Mr P Cartwright (VC), Mrs A Davies, Mr M Edmonds, Mr T Egleton (C), Mr P Hardy and Mrs B Jennings

CO-OPTED MEMBERS PRESENT

Mr R Davey, Mr P Monk and Mr M Moore

OFFICERS PRESENT

Mr M Averill, Mr M Chard, Mr D Laird, Mr J Stevens, Ms H Wailing and Mrs K Woods

1. APOLOGIES/CHANGES IN MEMBERSHIP

Apologies for absence were received from Mr B Allen, Mr J Bajina, Mr J Bilson, Mr N Hussain and Mrs W Mallen.

Members noted that Mrs M Baldwin was in attendance as a substitute for Mr Hussain.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minutes of the meeting held on 10 November 2009 were agreed and signed as a correct record.

4. PUBLIC PLATFORM

There were no members of the public in attendance.



INVESTOR IN PEOPLE



5. COUNCILLOR CALLS FOR ACTION

There were no Councillor Calls for Action.

6. CABINET MEMBER DECISIONS/FORWARD PLAN

There were no pending Cabinet Member decisions.

7. CALL-INS

There were no requests for call-ins.

8. CHAIRMAN'S UPDATE

The Chairman updated Members.

Task and Finish Groups

These were now underway and updates would be provided later in the meeting.

Work Programme

The Work Programme was now planned in detail and meetings would focus more on the Forward Plan and Cabinet Member decisions. The old Overview and Scrutiny Committees had held pre-meetings, and this could be considered for the Overview and Scrutiny Commissioning Committee. A pre-meeting could focus lines of questioning during the main meeting.

Publicity

The Committee had a page in the e-magazine which was sent to all Members. However more publicity was needed, and Members of the Committee should act as Overview and Scrutiny Champions. An article about the Committee had been submitted for CCN (County Councils Network), which was due to be published in January 2010. The Chairman had also sat as a witness in front of the Strategy and Partnerships Scrutiny Committee at Oxfordshire County Council. The purpose of the visit was to showcase the new Commissioning Committee structure and to answer any questions relating to its functions and outputs.

Members then discussed the idea of holding a pre-meeting, and made the following points:

- The Overview and Scrutiny Committee for Public Health Services held a pre-meeting of 15 minutes (30 minutes if a complex item was on the agenda).
- Pre-meetings could send a negative message to members of the public waiting outside for the main meeting. However a solution would be to inform members of the public of what had been discussed at the pre-meeting.
- A Chairman's Briefing would be more appropriate than a pre-meeting.
- Lines of questioning agreed at a pre-meeting should not restrict further questioning or discussion in the main meeting. A pre-meeting should not remove the element of spontaneity from the main meeting.
- Briefing notes which were produced currently by the Policy Officer were very helpful.
- There was a risk that a pre-meeting could become political.

The Chairman said that these points would all be taken into account and that a proposal would be brought to the next meeting. **Action: TE/MC**

Attendance at Cabinet on 30 November 2009

A Member asked the Chairman for an update on his attendance at Cabinet on 30 November. The Chairman said that he had attended Cabinet to report on the Review into Statutory, Mandatory and Discretionary Services, Phase 1. The Chairman had told Cabinet that the Overview and Scrutiny Committee was keen to be a 'critical friend' and to 'add value'. In future, reports would be presented to Cabinet by the Chairmen of the task and finish groups.

9. FLOOD PREVENTION IN BUCKINGHAMSHIRE

The Chairman welcomed Jim Stevens (Head of Transport), Mark Averill (Network Operations Manager) and Duncan Laird (Policy Officer) to the meeting.

Duncan Laird gave a presentation on Flood Management and made the following points:

- The Government had recently published two strategies – 'Making Space for Water' and 'Future Water.' These strategies contained plans up to 2030. Responsibilities in the strategies would be linked to the EU directive on Flood Management.
- There were six different types of flooding. 2009 figures showed that 3650 properties in Buckinghamshire were at risk of flooding.
- A Flood and Water Management Bill was currently going through Parliament, based on recommendations from the Pitt Review: 'Lessons learned from the 2007 floods.' The Bill would transfer responsibility for strategic flood management to upper tier authorities, including the development of Surface Water Management Plans.
- 77 areas in England had been identified as being most susceptible to surface water flooding, and funding had been made available for these areas to develop a Surface Water Management Plan (SWMP). Two of these areas were in Buckinghamshire (High Wycombe and Chesham), and BCC had received £200k in ABG funding for the SWMP. In High Wycombe 5800 properties had been identified at risk, and in Chesham 4400 properties. The SWMP had to include a deliverable action plan.

Members then asked questions, and the questions and answers are summarised below.

Are the properties identified as being at risk based on a risk of surface water flooding annually?

The figures are usually based on a risk of flooding once every 100 years, but I will check this – **Action: DL**

Are surface flooding problems in High Wycombe made worse by the developments on the hillsides?

We are not sure – the Surface Water Management Plan should provide an answer to this question. The Environment Agency has done a lot of work in mapping areas for surface water flooding. There has been a change in development control legislation since September 2008, and planning permission is now required if a householder wishes to tarmac or concrete their driveway. This has not been strictly enforced to date, but new legislation will place a responsibility on the Council to co-ordinate this.

Will the completed SWMPs lead to requests for capital expenditure?

The funding for development of the SWMPs is a one-off area-based grant, spread over two years. It is mainly to develop the SWMPs, but can also be used for specific 'quick wins.'

In our response to the Flood and Water Management Bill, we have made it clear that

the responsibility placed on the Council in the Bill needs to have funding attached to it. The Government has not yet clarified the situation on funding going forward, and this could create a large risk for the Council.

Additional funding was available for bids from District Councils, although this has now closed. I will find out whether District Councils in Buckinghamshire submitted a bid.

Action: DL

The list of settlements most at risk in Buckinghamshire has High Wycombe in first place, Chesham in second place and Aylesbury in third place. Aylesbury has not been identified for Government funding. However there is a huge amount of growth planned for the Aylesbury area – has this been considered?

We had no input on identifying the areas for funding – these were identified by DEFRA (The Department for Environment, Food and Rural Affairs).

The work carried out by BCC on the Local Delivery Framework (LDF) has been supported by work from the Environment Agency. Sustainable Drainage Systems (SUDS) was taken into account in the LDF.

How will the SWMP influence local planning decisions?

It will be the developer's responsibility to comply with the requirements of the SWMP.

Will there be public consultation on the SWMPs?

Yes – this is required by the guidance, and is essential.

The Bill requires an increase in staff (up to eight additional members of staff - where will you find resources for this?

The Regulatory Impact Assessment (RIA) estimated that three additional full-time staff would be required, although the Local Government Association has estimated eight additional staff. We have responded to the Government to say that funding will be necessary to carry out the requirements of the Bill.

Could staff at the District Councils be utilised?

We have had a recent meeting with District Council officers – there is expertise in the District Councils, but it is limited. Joint working will be essential.

There are many problems with drainage and surface water flooding in rural areas, and these seem to be getting worse. You will need to work closely with landowners. More use could also be made of Parish Councils, who have a wide knowledge of their area.

Also, does filling in of village ponds increase the problem of flooding?

The SWMPs will give us power to chase landowners, and we do need to work closely with Parish Councils.

Village ponds were originally built for a reason (to hold excess water) and if these are filled in this can cause problems.

If the Council does not comply with the requirements in the Bill, will there be a financial penalty?

The Bill is a response to an EU directive, and central Government may be fined if the EU directive is not complied with. These fines could be passed on to local Government.

We are not the only authority which has sent a response to the Bill, and the Local Government Association is working on behalf of a number of authorities on this issue.

Who is responsible for surface water on roads in ditches and gullies?

Water in ditches is mainly the responsibility of the landowner. However some land has multi-owner issues and where it is not clear whose responsibility this is, the Council maintains the ditches.

Grips and gullies are the responsibility of the Council and we undertake an annual

clearance programme.

Culverts have caused problems – there needs to be public education for riparian owners.

Could the Council co-ordinate a public campaign to make residents at risk of flooding (e.g. homes near the Bearbrook in Aylesbury) aware of preventative steps that can be taken?

In developing the SWMPs in High Wycombe and Chesham, we will work with the public and roll out similar schemes in other areas with flooding problems, such as Buckingham.

When there is a period of rain and risk of flooding, we will help as much as possible. Sandbags can be provided in advance as rivers are tracked and monitored. When Marlow was under threat of flooding two years ago, we distributed 3000 – 4000 sandbags.

However often there is nothing we are able to do as the problem is so widespread. Residents do need to act to help themselves – we can assist through public education. Sticky plates are available to prevent water entering ventilation bricks, and one-use inflatable sand bags can also be purchased from DIY stores.

We have to prioritise – bigger ‘wins’ are possible in urban areas as more properties can be protected at the same time.

Can the Council hold stocks of sandbags for public use?

There would be an issue over where to store the sand bags and where the funding would come from. Also, the stock would not be useful unless the public was aware of it and made use of it.

I saw drain clearing being carried out recently, but when I checked later the drain was still clogged. How is drain cleaning monitored?

The gully operatives report to Mark Averill. Each gully should be cleared and tested – I will take this issue back.

New equipment for clearing the gullies had been purchased which also tracks and records the location of each gully and the debris blocking it. This will save money (reactive working costs more money).

Buckinghamshire has its own storm water system – this does not feed into the Thames Water storm water system. In Buckinghamshire soak-aways are used which need to be re-bored regularly.

Could you use a private company to provide preventative equipment (sticky plates etc.)? This could follow the model of the subsidised composting bins.

I will speak to Andy Fyfe about this to see if it is a possibility. **Action: DL**

10. TASK AND FINISH GROUPS UPDATE

Statutory / Mandatory / Discretionary Spend (Transport) Task & Finish Group

Mr P Cartwright, Chairman of the Task and Finish Group, told Members that a joint planning meeting had been held with the Achievement and Learning Task and Finish Group on 27 November 2009.

Members of the Transport Task and Finish Group had contributed very well. Three topics had been chosen to look at in more detail, and these were:

- Swanrider (currently running at a loss)
- Civil Enforcement Areas (currently running at a loss, and affecting District Councils and the County Council)
- Casualty Reduction

Mr Cartwright had held a preliminary meeting with The Head of Transport, and other meetings had also been set up.

Statutory / Mandatory / Discretionary Spend (Achievement and Learning) Task & Finish Group

Mrs B Jennings, Chairman of the Task and Finish Group, said that the group had selected two areas to look at in more detail. These were:

- Placement of young people with SEN and placement of children in care in out of county placements (this was a growth area)
- Provision of youth services (there were potential savings to be made in this area).

Examination of the Budget and Medium Term Plan (MTP) Task & Finish Group

Mr P Hardy, Chairman of the Task and Finish Group, told Members that the examination of the Budget would follow the same format as the previous year, starting on 12 January 2010 and reporting to full Committee on 26 January 2010.

A possible issue was that a Member of the Task and Finish Group was also a Cabinet Spokesman. Legal advice would be obtained on this.

Safeguarding Practices within Client Transport Task & Finish Group

Mrs M Baldwin reported on this as the Chairman of the Task and Finish Group, Mrs W Mallen, was not in attendance.

Mrs Baldwin reported that the Task and Finish Group had met on 7 December 2009 and had decided to focus on the issue of safeguarding, rather than on funding issues. Three further meetings had been planned, which would need to be very focused. The dates of the public evidence gathering meetings are the 12 and 13 January 2010.

Mr P Monk, who had been excluded from sitting on the Safeguarding Practices within Client Transport Task & Finish Group, due to him having a prejudicial interest, said that he had been asked instead to attend the group as a witness.

Mr Monk said that there was a financial risk in the contract with Amey, and also a reputational risk for the Council.

11. COMMUNICATING CHANGES TO BUS SERVICES (FOR INFORMATION)

Members discussed the response from the Cabinet Member for Transport regarding consultation over changes to bus services.

Mr P Cartwright referred Members to the consultation strategies used by Oxfordshire County Council, Surrey County Council and Transport for London. Oxfordshire was currently consulting on changes to rural transport in summer 2010.

Mr Cartwright said that he was disappointed with the consultation carried out in his electoral division, and understood that tenders had been submitted before comments from residents had been received. The previous bus service had cost £36 000, and the new service would cost £70 000, so it was not clear where the saving would be made.

Notices regarding the changes to services had been displayed in buses but had been small and the text had been printed in black on white paper, so was not obvious.

The Chairman asked Mr Cartwright to provide a written note of his experience of consultation on bus service changes in his electoral division.

Members agreed that they were not impressed with the response from the Cabinet Member, which missed the main thrust of the Committee's concerns regarding consultation.

The response did not mention:

- locality working
- best practice in other authorities
- a timescale for responses to consultations prior to decisions being made
- a communications strategy or transport user groups

A Member said that in their electoral division a bus service had been cut, and a replacement had been put in place. However the replacement service had not been publicised and the Member had only found out about it by chance.

The Chairman also noted a concern about the robustness of the consultation regarding LTP3.

It was agreed that a reply to the Cabinet Member would be drafted and circulated to Members by e-mail for comment. The comments would also be addressed to the Deputy Leader.

12. DATE OF NEXT MEETING

26 January 2010, 2pm-4pm in Mezzanine Room 1, County Hall, Aylesbury

CHAIRMAN

At the 8 December meeting of the Commissioning Committee there was an agenda item on Flood Prevention in Buckinghamshire. As a result of this agenda item an outstanding query emerged around which District Councils within the county had made bids for DEFRA money. Duncan Laird, Policy Officer (Transportation), has kindly sent the following response:

Chiltern District Council and South Bucks District Council were both considering submitting bids to DEFRA for developing schemes to address surface water flooding. It has come to light that neither authority made a bid in the end. The deadline for bid submissions has now passed.

I've been informed by the Environment Agency that further grant aid will be available for schemes to address flooding in July 2010, through the Flood Defence Grant In Aid (FDGIA). We will be encouraging Districts to consider grant applications to this fund and investigating the potential for a County Council bid.

Please let me know if you have any further queries regarding this matter and I will submit these on your behalf.

