

COUNCIL

MINUTES OF THE MEETING HELD ON 26 AUGUST 2004

Councillors: James Mole (*Chairman*) (P), Mrs Barbara Alexander (P), Peter Argyle (P), Trevor Banning (P), Phil Barnett (P), Brian Bedwell (AP), J.C.G. Brooks (P), Paul Bryant (P), Mrs Val Bull (P), George Chandler (P), John Chapman (P), Keith Chopping (P), Billy Drummond (P), Sue Farrant (P), John Farrin (P), Geoff Findlay (P), Marcus Franks (P), Mrs Kathleen French (P), Miss Denise Gaines (P), Manohar Gopal (A), Mrs Sally Hannon (P), Mrs Sandra Harding (P), Roger Hunneman (P), Owen Jeffery (P), Graham Jones (P), Bob Judge (P), Mrs Susie Kemp (P), Andy Kilgour (P), Tony Linden (P), Mrs Mollie Lock (P), Keith Lock (P), Dr Royce Longton (P), Gordon Lundie (AP), Alan Macro (P), Tim Metcalfe (P), Joe Mooney (AP), Mrs Irene Neill (P), Graham Pask (AP), Alexander Payton (P), Terry Port (P), Paul Pritchard (P), Mike Rodger (P), Andrew Rowles (P), Anthony Stansfeld (AP), Ms Caroline Suggett (P), Julian Swift-Hook (P), Tony Vickers (*Vice-Chairman*) (P), Quentin Webb (P), Chris Webber (P), Emma Webster (P), Keith Woodhams (P), Laszlo Zverko (P)

PART I

18. APOLOGIES.

Apologies for the inability to attend the meeting were received on behalf of Councillors Brian Bedwell, Gordon Lundie, Joe Mooney, Graham Pask and Anthony Stansfeld.

19. MINUTES.

RESOLVED that the Minutes of the Annual Council meeting held on 4 May 2004 and the Special Council meeting held on 4 May 2004 be approved as true and correct records and signed by the Chairman.

20. DECLARATIONS OF INTEREST.

Councillor Graham Jones declared a personal interest in Agenda Item 13 (Minute 30).

21. CHAIRMAN'S REMARKS.

The Chairman reported that between himself and the Vice Chairman they had attended 65 events since their appointment. Councillor Mole informed Council that during the first week of his term of office he had taken part in a four mile walk and also highlighted the following events:

- A memorial service was held for visiting American Veterans at Greenham Common and the day also included a trip around RAF Welford Bomb Museum; and
- The opening of the A34/M4 underpass that was carried out recently. Councillor Mole presented Council with a framed tie from this event.

The Chairman also informed Members that he would be launching the Junior Citizen Scheme next week. He asked Members if they would actively encourage the Scheme in their wards.

22. PETITIONS.

Councillor Sue Farrant presented a petition containing more than 304 signatures relating to concerns about the safety of the B4009 road (between Shaw and Curridge) following a second fatal accident in two years. It was agreed that the petition would be discussed at a future meeting of the Newbury Area Forum.

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23. PUBLIC QUESTIONS.

- (a) A question standing in the name of Mrs J Kiely on the subject of promoting walks around West Berkshire was answered by the Executive Member for Environment and Waste.
- (b) A question standing in the name of Christopher Austin on the subject of advertising performances on the front of the Corn Exchange was answered by the Executive Member for Culture and Leisure Services.
- (c) A question standing in the name of Roy Renton, asked by John Head, on the subject of investment in West Berkshire Council's Occupational Therapy Service was answered by the Executive Member for Community Care and Affordable Housing.
- (d) A question standing in the name of Mick Hutchins on the subject of the Disabled Facilities Grant was answered by the Executive Member for Community Care and Affordable Housing.
- (e) A question standing in the name of Peter Dolphin on the subject of the revised charging policy for vulnerable residents using non-residential services was answered by the Executive Member for Community Care and Affordable Housing.
- (f) A question standing in the name of John Holt on the subject of the formation of a single Care Trust was answered by the Executive Member for Community Care and Affordable Housing.
- (g) A question standing in the name of Vera Barnett on the subject of Fir Tree Lane School MUGA was answered by the Executive for Children and Young People.
- (h) A question standing in the name of Vera Barnett on the subject of Wheely Bins was answered by the Executive Member for Environment and Waste.
- (i) A question standing in the name of S Marsh on the subject of the quality of life of elderly residents in West Berkshire was answered by the Executive Member for Community Care and Affordable Housing.
- (j) A question standing in the name of M Edwards on the subject of the wiring of electrical equipment in residential homes was answered by the Executive Member for Community Care and Affordable Housing.
- (k) A question standing in the name of R J Francis on the subject of use of laundry facilities in residential homes was answered by the Executive Member for Community Care and Affordable Housing.
- (l) A question standing in the name of A J Wigmore, asked by Mrs M Edwards, on the subject of the policy towards residents in residential homes who are non-smokers was answered by the Executive Member for Community Care and Affordable Housing.
- (m) A question standing in the name of Miss Y Shepherd on the subject of the visit at Lambourn Court by a member of the West Berkshire Supporting People team was answered by the Executive Member for Community Care and Affordable Housing.

24. SELECT COMMITTEES.

The relevant Chairman or Vice-Chairman presented the Minutes of the Select Committees as detailed below:

- (a) Strategy and Commissioning – 26 February 2004, 4 May 2004, 18 May 2004, 8 July 2004 and 26 July 2004.
- (b) Community and Care Housing – 10 February 2004, 5 April 2004, 4 May 2004, 11 May 2004, 6 July 2004 and 26 July 2004.

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- (c) Environment and Public Protection – 23 March 2004, 4 May 2004, 25 May 2004 and 27 July 2004.
- (d) Children and Young People – 19 February 2004, 27 April 2004, 4 May 2004, 27 May 2004 and 22 July 2004.

25. PLANNING AND DEVELOPMENT AND LICENSING COMMITTEES.

The Council noted that, since the last ordinary meeting of the Council, the Planning and Development Committee had met on 28 April 2004, 9 June 2004 and 21 July 2004. The Council also noted that the Licensing Committee had met on 9 March 2004 and 1 June 2004.

26. CORPORATE PLAN ANNUAL REFRESH.

The Council considered a report (Agenda Item 9) concerning the annual update of the Council's five year Corporate Plan 2003-2008 which took on board changes in circumstances, feedback from stakeholders and lessons learnt during the previous year.

Included in the report was a summary of the Council's achievements to date against its 10 Strategic Priorities and development themes. Particular highlights were:

- CP1 – Launch of the West Berkshire News, which was partly funded by the LSP and delivered free to residents and 37 parishes had been involved in completion or development of parish plans;
- CP2 – Over £1m additional benefits income achieved for those on the lowest income levels through advice from the Community Care team;
- CP3 – More than 70 people with learning disabilities moved into independent accommodation and a reduction in the number of older people whose discharge from hospital was delayed;
- CP4 – 60% of the Council's Key Performance Indicators showed improvement and 67% of KPIs were in the top quartile when compared to other authorities;
- CP5 – Reduction in the number of abandoned vehicles and the Youth Offending Team was rated as one of the top five in the country;
- CP6 – A Tenancy Support Service had been established;
- CP7 – The number of children in care had been reduced by 7%;
- CP8 – Introduction of a demand responsive Call-a-Bus service, serving Lambourn and Hungerford;
- CP9 – Over £23m in waste PFI credits was awarded to be used towards an integrated waste management strategy in 2005;
- CP10 – Adoption of a 25 year vision and action plan for Newbury and completion of several environmental enhancement schemes in the Town.

In order to take account of financial constraints for 2004/05 it had therefore been decided to focus on four strategic development priorities and three cross cutting strategic themes however this would not mean that the original ten Corporate Priorities would be discarded. Members noted the Key Projects that were outlined in Appendix 1.

During discussion of this item Councillor Franks requested information on the following areas:

- (a) In relation to the fact that 10 schools inspected by Ofsted had been judged to be good or better overall – how many schools were actually inspected during this period?

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- (b) In relation to the fact that 42 roads had been resurfaced in 2003/04 – how many of the roads due for resurfacing had been delayed?
- (c) In relation to the refurbishment of the Kennet Centre (by Shops Etc) – what role did West Berkshire Council actually play in this?
- (d) In relation to the ongoing development of a new brand and marketing strategy for the Town Centre – could an update on what is actually happening be supplied?

It was agreed that Councillor Franks would be provided with written responses to the above questions.

Councillor Metcalf reported that it appeared that residents in Purley did not actually receive copies of the West Berkshire News. It was agreed that Officers would look into this matter.

MOTION - Proposed by Royce Longton and seconded by Owen Jeffery

That the Corporate Plan 'refresh': "Update 2004: Building on Success", attached as Appendix 9 to the report, be approved.

The Motion was put to the meeting and duly **RESOLVED**.

27. **MEDIUM TERM FINANCIAL STRATEGY 2004-2008.**

The Council considered a report (Agenda Item 10) relating to the Medium Term Financial Strategy (MTFS) 2004-2008 which outlined how the Council's priorities, service delivery objectives and targets could be achieved in the medium term.

Members were informed that the MTFS provided the overall framework for the budget setting process for the following year and set out the likely consequence for subsequent years. A gap of £6m over the next three years had been identified and therefore there was a need to highlight non-priority areas for disinvestment. The Government had indicated that there would be few changes to grants for local authorities and it was expected that the DfES would again require local authorities to passport relevant funds to schools. Members were requested to note that the MTFS model contained in the report was based on all the information available at the present time but that this was subject to possible changes required by the Government.

Members were further informed that the key elements of the strategy were:

- Government grants – to continue to lobby for changes in ceilings that act to withhold grants from the Council;
- Council Tax – to be kept as low as possible;
- Partnership Working – to build capacity by aligning activities with others in the private, public and voluntary sectors in order to deliver more effective outcomes.

During discussion of this item Councillor Webster requested information relating to the Council's use of e-govt money and whether the Government could ask for the money to be returned if it had not been spent in time. It was agreed that a written response would be provided.

MOTION - Proposed by Denise Gaines and seconded by Alex Payton

That the Strategy as set out in Section 5 of Appendix 10 to the report be adopted.

The Motion was put to the meeting and duly **RESOLVED**.

28. **ANNUAL STATEMENT OF ACCOUNTS 2003/04.**

The Council considered a report (Agenda Item 11) concerning the requirement to produce and publish the Annual Statement of Accounts 2003/04 as required by the Accounts and Audit Regulations 1996.

The Portfolio Member with responsibility for Finance reported that the Annual Statement of Accounts 2003/04 had been built on good work that had been carried out to ensure sound financial

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management and issues had been found at early stage in order that they could be managed effectively. Although it had been originally expected that the Council would need to use £1.8m from its general reserves to support the annual budget, services had actually returned an underspend of £1.8m by 31st May 2004. Almost £750,000 of the £1.8m was as a result of several late announcements from the Government on the levels of Grant funding to be received. The rest of the figure was mainly made up of savings in the active management of care services and the significant reduction in household waste.

Members noted that the Statement on Internal Control now had to be jointly signed by the Leader of Council and the Chief Executive and also that, in the Audit Commission's Audit and Inspection Letter, the District Auditor had stated that "The Council had made significant progress and real improvements were already evident in some services" and that the Council had established "appropriate corporate arrangements to enable it to realise continuous service improvements over the longer-term". The Auditor's CPA scorecard also recognised that in the category of 'Use of Resources' sufficient progress had been made to raise the overall score from a 3 to a 4, the maximum score achievable.

MOTION - Proposed by Denise Gaines and seconded by Terry Port

That the Statement of Accounts for the financial year ended 31 March 2004 be approved.

The Motion was put to the meeting and duly **RESOLVED**.

29. **BEST VALUE PERFORMANCE PLAN 2004/05.**

The Council considered a report (Agenda Item 12) concerning the Best Value Performance Plan (BVPP) 2004/05 that the Council had a statutory requirement to publish each year and which also formed part of its Planning Policy Framework.

The BVPP highlighted some of the Council's achievements from the last year and set out its aims for the forthcoming year. The BVPP was a parallel document to the Corporate Plan and showed that approximately 70% of the Council's Performance Indicators were green for 2003/04. The BVPP also presented plans for improvements in order that the Council would be able to obtain a good CPA score.

MOTION - Proposed by Royce Longton and seconded by Billy Drummond

That the Best Value Performance Plan 2004/05 be approved.

The Motion was put to the meeting and duly **RESOLVED**.

30. **MEMBERS' ALLOWANCES – HEALTH SCRUTINY.**

(Councillor Graham Jones declared a personal interest in Agenda Item 13 as he was a member of the PCT Executive. Councillor Jones remained in the Chamber and voted on the item.)

The Council considered a report (Agenda Item 13) by the Independent Remuneration Panel relating to the Health Scrutiny Panel. The Independent Remuneration Panel recommended that the Chairman of the Health Scrutiny Panel should receive a Special Responsibility Allowance, in the sum of £2,125, with effect from 4 May 2004.

Members were pleased to note that scrutiny was being used to look at areas outside the Council and would be looking at partnerships and their impact on residents.

MOTION - Proposed by Royce Longton and seconded by Tony Vickers

That the Council approve the recommendation of the Independent Remuneration Panel in relation to the establishment of a Special Responsibility Allowance for the Chairman of the Health Scrutiny Panel in the sum of £2,125 with effect from 4 May 2004.

The Motion was put to the meeting and duly **RESOLVED**.

31. REVIEW OF THE CONSTITUTION.

The Council considered a report (Agenda Item 14) relating to proposals for changes to the Constitution put forward by the Constitution Task Group.

In order to ensure that the Council's Constitution continued to underpin the effective, efficient and accountable decision making structures introduced under the Local Government Act 2000, regular monitoring and review of the Constitution would be undertaken. The last review was undertaken in May 2004 and since that time a number of issues, as set out in the report, had arisen that needed to be considered.

Members noted that a further change had been supplied, via letter, following despatch of the agenda. This related to non-contentious applications submitted by West Berkshire Council in order that they could be determined under delegated authority, but would still be subject to the usual call-in procedure. The proposed change to Rule 3.14.4 Planning (bullet point number six) was as follows:

- “That Officers will refer for determination to the appropriate Area Sub-Committee any application, including:
 - (a) those submitted by, or on behalf of West Berkshire Council, or where the land in question is owned by the Council if there is one or more objection or if the application is a major one;”

In relation to Area Forum meetings Members were informed that the Executive had agreed the proposals put forward by the Area Forum Task Group, which were subsequently endorsed by the Strategy and Commissioning Select Committee to:

- Increase the number of Area Forums from four to five;
- Propose changes to the Area Forums' Terms of Reference;
- Propose changes to the appointment of School Governors.

MOTION - Proposed by Royce Longton and seconded by Jeff Brooks

That the following Recommendations be agreed:

Recommendation 1: Part 3 - Scheme of Delegation

- (a) Changes in the Scheme of Delegation in relation to the Complaints Procedure as set out in Paragraph 2.6 of the report.
- (b) Changes in the Scheme of Delegation in relation to Affordable Housing and Local Plan Sites as set out in Paragraph 2.11 of the report.
- (c) Changes in the Scheme of Delegation in relation to Planning as set out above.

Recommendation 2: Parts 5 and 6 - Executive and Overview and Scrutiny Rules of Procedure

- (a) The addition of new Rules 5.3.2/6.5.2 and minor reference changes to Rules 5.3.1/6.5.1 and 5.3.3/6.5.3 in the “call-in” provisions and as set out in Paragraph 3.1 of the report.
- (b) The rewording of Rule 5.4.7 as set out in Paragraph 3.2 of the report
- (c) The proposed change in wording of Rule 5.5.11 as set out in Paragraph 3.3 of the report.

Recommendation 3: Part 8 - Area Forum Rules of Procedure

- (a) The recommendations (1) to (15) set out in Appendix 14(a) be approved.
- (b) The meeting dates for the new Thatcham Area Forum and the change of date for the next meeting of the Kennet and Pang Valley Area Forum (Paragraph 5.3 refers).

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Amendment:

That the Motion be approved subject to the following amendments/addition:

- (a) Rule 5.4.7 – additional sub-paragraph as follows:

“(c) Where the Leader of the Council and the Chairman of the relevant select committee belong to the same political group, the Leader of the Opposition shall also be consulted.”

- (b) Rule 5.5.11 – to be reworded as follows:

“Members of the Council who are not Members of the Executive may attend meetings of the Executive and any Committee of the Executive.

They shall have the right to address the Executive on any item on the Agenda for not more than five minutes.

Subject to the discretion of the Chairman they shall be allowed to join in the debates on any item.

Only Members of the Executive may vote on items on the agenda.”

In relation to the proposed additional sub-paragraph (c) to Rule 5.4.7 the Council confirmed their support for this proposal.

The remaining proposed amendments to Rule 5.5.11 were put to the Meeting and declared lost.

The Substantive Motion (incorporating agreed changes to Rule 5.4.7) was put to the meeting and duly **RESOLVED**.

32. MEMBERS' QUESTIONS.

- (a) A question standing in the name of Councillor Bob Judge on the subject of the cost of vandalism and ASB suffered by all 56 parishes in the West Berkshire area was not answered at the meeting but Councillor Judge was provided with a written response.
- (b) A question standing in the name of Councillor Barbara Alexander on the subject of the time taken to register Planning Applications was answered by the Executive Member for Planning and Sustainability.
- (c) A question standing in the name of Councillor Marcus Franks on the subject of the incorrect delivery of school merger consultation papers in the Winchcombe area was answered by the Executive Member for Children and Young People.
- (d) A question standing in the name of Councillor Gordon Lundie on the subject of the West Berkshire Council pension fund was not subsequently asked at the meeting.

(The meeting commenced at 7.00pm and closed at 9.10pm)

CHAIRMAN

Date of Signature: