

EXECUTIVE

MINUTES OF THE MEETING HELD ON 17 JUNE 2004

Councillors: Phil Barnett (P), Billy Drummond (P), Miss Denise Gaines (P), Mrs Sally Hannon (P), Owen Jeffery (P), Mrs Mollie Lock (P), Dr Royce Longton (AP), Mike Rodger (P)

Also present: Barbara Alexander, Brian Bedwell, Paul Bryant, Geoff Findlay, Marcus Franks, Roger Hunneman, Graham Jones, Keith Lock, Irene Neill, Graham Pask, Alexander Payton, Quintin Webb, Emma Webster, Keith Woodhams, Laszlo Zverko

PART I

17. APOLOGY.

An apology for the inability to attend the meeting was received on behalf of Councillor Royce Longton.

18. MINUTES.

The Minutes of the meeting held on 13 May 2004 and the special meeting on 26 May 2004 were approved as true and correct records and signed by the Chairman. In relation to Minute 12 of 13 May 2004 meeting Councillor Graham Jones reported that he had not yet received a written response as agreed.

19. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

20. QUESTIONS.

(a) Public Questions

There were no public questions submitted.

(b) Member Questions

- (i) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Zverko to be answered by the Executive Member for Financial Management:

"Can the Executive Member confirm when the accounts for 2003/04 will be finalised and also update me on whether there has been any change to the predicted £1.33m?"

The Executive Member for Financial Management gave the following answer:

"The provisional outturn for 2003/04 is reported as part of this agenda as set out in the West Berkshire Forward Plan considered by the Executive last month. I will deal with the change to the predicted underspend in its proper place in the agenda. The final accounts are now being audited by the District Auditor and the full accounts for the year are planned to be presented for approval at the meeting of Council in August."

Cllr Zverko asked the following supplementary question:

"Is the Executive Member still confident that the recent cuts in services, i.e the closure of Wash Common Library and the reduction in travel tokens were absolutely essential to balance the budget for this year?"

The Executive Member for Financial Management gave the following answer:

"Can I suggest that I answer that question when the item is discussed later on in the agenda."

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- (ii) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Jones to be answered by the Deputy Leader of the Executive:

"The Council's current consultation strategy states that 'The only way for authorities to get things right is to listen to and involve the people we serve'. Can the Executive Member outline what public consultation took place over the decision to close Wash Common Library and cut concessionary fares to the elderly?"

The Deputy Leader of the Executive gave the following answer:

"The Council was placed in an extremely invidious position at budget-setting time as Councillor Jones is well aware. This Council had written to Government on several occasions requesting a clear steer as to how they would approach our very difficult circumstances of facing for the second year an unfair and unjustified ceiling that on its own equated to about a 3.5% Council Tax rise. No response was received until the week before the budget Council meeting. Only then were we told that we would be capped and proceeded with our intended budget. As a direct result of this what I very sadly have to term a 'slash and burn' budget settlement was forced upon this Council. I greatly deplore it and the normal consultation processes were as a result largely lost. To deal with the specifics of your question, Wash Common Library – no public consultation took place owing to timescales. Regarding the concessionary fares, again no public consultation took place owing to timescales."

Cllr Jones asked the following supplementary question:

"Is it not the case that you only actually implement this policy when you don't get the answer you like?"

The Executive Member for Public Consultation gave the following answer:

"No."

- (iii) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Jones to be answered by the Leader of the Executive.

"Is the Executive Member aware of Section 5.5.11 of the Council's Constitution (Executive Rules of Procedure) which states: 'Members of the Council who are not Members of the Executive may attend meetings of the Executive and any Committees of the Executive. They shall have the right to address the Executive on any item of the agenda.....'"

Why was this rule not upheld at the last Executive meeting?"

The Deputy Leader of the Executive gave the following answer:

"As the Leader is not available this evening he will provide you with a written response."

- (iv) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Webster to be answered by the Executive Member responsible for Information.

"What was the cost of moving Wash Common Library Container from Glendale Avenue to Ampere Road, including the cost of clearing up and preparing the two sites?"

The Executive Member Responsible for Information gave the following answer:

"The cost of moving the Wash Common Container Library from Glendale Avenue to Ampere Road was £1650."

Cllr Webster asked the following supplementary question:

"I am intrigued as to how it was possible to move this from one place to another when we were led to believe that the reason it was being discontinued up at Wash Common was because it was no longer in a fit state, may I ask the Executive how can it now be used for storage purposes?"

The Executive Member Responsible for Information gave the following answer:

"I think that you are labouring under a misapprehension. The container library still had some life left. As was said, the decision was made to provide an alternative provision up there. There was some life left in the container and it was thought appropriate that it may well facilitate the saving in another budget in another part of the Council and hence that decision was made. Storage facilities were provided for documentation, it was a facility that could be used for that purpose and hence that decision was made."

21. PETITIONS

There were no petitions received.

22. PETITION: TESCO EXPRESS STORE – NORTHFIELD ROAD, THATCHAM – PROPOSED POST OFFICE CLOSURE

The Executive considered a report (Agenda Item 5(b) (i)) concerning the receipt of a petition, signed by 1,596 Thatcham residents who were opposed to the proposed closure of Northfield Road Post Office. The Executive noted the letters that had been sent from the Chief Executive to Tesco and the reply received.

Members were informed that due to Tesco's new market strategy they were intending to close the Post Office that was currently situated in Northfield Road, Thatcham when they open their "Express Store" on the same site. The petition organiser, whilst addressing the Executive, reported that a petition of 1,596 signatures was highly significant and identified a desperate need to have a Post Office in Northfield Road rather than have to travel to Thatcham Town Centre which was ½ mile away.

The Executive noted that this item had cross-party support and agreed to support the petitioners in their desire to see a Post Office remain in Northfield Road, Thatcham. The Executive felt that it would be worth investigating other affected areas, as it was believed that on some occasions Tesco had bowed to local pressure.

RESOLVED that the Executive agreed to continue to support the petitioners in their desire to see a Post Office remain in Northfield Road, Thatcham.

23. PETITION – ROAD SAFETY ON B4009 BETWEEN NEWBURY AND HERMITAGE

The Executive considered a report (Agenda Item 5(b) (ii)) concerning the receipt of a petition requesting measures to address road safety issues on the B4009 between Newbury and Hermitage.

Members were informed that a response had been sent to all petitioners, whose addresses were known, informing them that the B4009, between Newbury and Hermitage, would be included in the Road Safety Programme for 2004/05. Therefore a detailed investigation would be undertaken into the causes of incidences that had taken place on that stretch of road.

Mrs Desert, on behalf of the petitioners, informed the Executive that many drivers used the B4009 as a racetrack whilst rushing to get into town. This was dangerous not only for other car users but also for pedestrians and cyclists. It was also difficult for residents entering and exiting their drives.

The Executive was informed that when speed limits were reviewed consideration would be given to speeds used and at what time of day. The Task Group would then discuss proposals that come forward from the review and detailed consultation would then take place. The Task Group's recommendations would be discussed at a future Executive meeting.

RESOLVED that it be noted that the B4009 between Newbury and Hermitage was being assessed as part of the Local Safety Scheme Programme for 2004/05.

24. WEST BERKSHIRE FORWARD PLAN JULY 2004 TO OCTOBER 2004.

The Executive considered a report (Agenda Item 6) concerning items to be considered by West Berkshire Council over the next four months. The Deputy Leader of Council and the Portfolio Members for Financial

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Management, Community Care and Housing, Policy, and Highways and Transportation requested amendments to the Forward Plan as set out below.

RESOLVED that the West Berkshire Forward Plan for July 2004 to October 2004 and its subsequent publication be approved, subject to:

- (1) Addition of an item on Representation on an Outside Body – Actvar to be taken as an Individual Decision on 1 July 2004.
- (2) Addition of an item on Residual Personnel Issue – Early Release of Pension Funds to be taken as an Individual Decision on 15 July 2004.
- (3) Addition of an item on the Provision of Nursing Home Beds for Elderly, Mentally Frail People in West Berkshire to be taken as an Executive Decision on 15 July 2004.
- (4) Addition of an item on Enabling Land Transactions for Shaw House Redevelopment to be taken as an Executive Decision on 15 July 2004.
- (5) Addition of an item on Resource Community Café to be taken as an Executive Decision on 15 July 2004.
- (6) Addition of an item on Member Training and Development Needs Analysis 2004 to be taken as an Executive Decision on 15 July 2004.
- (7) Addition of an item on Public Transport Information Strategy to be taken as an Individual Decision on 29 July 2004.
- (8) Addition of an item on Road Safety Strategy to be taken as an Individual Decision on 29 July 2004.

25. PERFORMANCE MONITORING REPORT FOR LEVEL ONE INDICATORS – OUTTURNS 2003/2004.

The Executive considered a report (Agenda Item 7) outlining current performance levels across the Council for Year End 2003/04 and to consider, where appropriate the remedial action that was required.

Members were informed that there was a great deal of good news contained in the report, which provided better clarity now that revised indicators were being used.

The Portfolio Member responsible for Environment and Waste reported that the refuse retendering process had been carried out successfully and following the abandoned car initiative undertaken with TV Police the number of abandoned vehicles had largely reduced. Another area to note was the green waste separation trial, which in collaboration with Sheepdrove Organic Farm, had resulted in an increase in the recycling and composting rate from 11% to 17%.

The Portfolio Member for Children and Young People felt that the report was very positive and in particular brought Members' attention to the fact the Council's Youth Offending Team (YOT) was the top performing Team out of a total of 153 across England and Wales.

In relation to Community Care and Housing the Portfolio Member brought the Executive's attention to the wide range of initiatives that had been undertaken which had been of direct benefit to the community in West Berkshire. In particular he highlighted the fact that the number of delayed transfers had gradually reduced over the last few weeks and had in fact been zero for two weeks.

During discussion of the report the Leader of the Opposition requested clarification on BVPI 96 and in particular what was meant by "% of the network with negative residual life" and also when would BVPI 178a show signs of improvement. It was agreed that a written response would be provided to both questions.

The Shadow Portfolio Member for Environment and Public Protection requested an update on improvements to the Pinchington Lane Civic Amenity Site and was informed that there was currently a need to obtain full planning permission for the site and it was anticipated that this should come through in the not too distant future.

RESOLVED that the remedial action as proposed in Appendix 7(b) to the report be approved.

26. PROVISIONAL OUTTURN 2003/04.

The Executive considered a report (Agenda Item 8) that updated the Executive on the current position for 2003/04 across all services. The information contained within the report was based upon information available at 4th June. Although efforts had been made to identify any outstanding issues which might change the outturn as reported there could well be further movement following the Audit process due to be carried out by the Audit Commission during the summer.

Members were informed that variations from the Month 10 forecast were outlined within the report but the following should be particularly noted:

- In Community Care and Housing the variations were attributable mainly to higher homecare recharges to PCTs, a better grant allocation than expected and delayed discharges were not as high as expected;
- In Environment and Public Protection savings on waste tonnage, believed to be due to last year's dry summer, and staff vacancies were responsible for the variations; and
- In Strategy and Commissioning a reduction in recharges to the Legal Services for Child Care Solicitors and a reduced admin grant for Council Tax were the main causes of the variations.

During discussion of this item concern was expressed regarding whether, in the light of the outturn figures, that recent cuts in services, in particular the closure of Wash Common Library and the reduction in travel tokens had actually been necessary to balance the budget. Members were informed that at the start of Month 10 the Council had been under imminent threat of being capped. A decision was therefore made to set a lower Council tax figure which in turn led to the need to find savings. Wash Common library was not viable to continue as a library past this year and innovative libraries were being established in the areas of Theale and Hungerford and there was a need to look at the library service as a whole. With regard to concessionary fares it was widely agreed that there was a need to revise the system.

In relation to recently received Government grants the Shadow Portfolio Member for Environment and Public Protection requested a written record of any grants received.

RESOLVED that the report and the underspend reflected in Appendix 8 be noted.

27. OCCUPATIONAL ROAD RISK POLICY.

The Executive considered a report (Agenda Item 9) which advised of the developing Health and Safety initiative relating to the management of Occupational Road Risk (ORR). At the end of 2003 the Government, through the Health and Safety Executive and in association with the Department of Transport, published Guidance entitled "Driving at Work – Managing Work Related Road Safety". The document was published to highlight the legal responsibility of employers to implement Health and Safety in areas of work related to road safety.

Members were informed that there were a number of reasons why the Council should adopt an ORR Policy in particular that it was essential for organisations to have a sensible road risk policy and the Council could not ask local companies to undertake something that it was not prepared to take on itself. The Council also had a duty as a caring employer not to put the lives of its employees at risk.

Members endorsed their support for responsible driving but felt that the report articulated items that were already covered by the law and the Highway Code. In relation to the use of mobile phones the Conservative leader requested clarification on how this would affect the Caller-Bus, which relied on the use of such phones, and also taxis especially as the Council was the licensing authority. It was agreed that the Portfolio Member for Highways and Transportation would make enquires into both subjects and report back to the Conservative Leader.

RESOLVED that the developing Health and Safety initiative relating to the management of occupational road risk be noted.

28. REMOVAL OF SURPLUS PRIMARY SCHOOL PLACES.

The Executive considered a report (Agenda Item 10) concerning approval to formally consult on three amalgamations of paired infant and junior schools. Authorities were required by the DfES/Audit Commission to keep under review surplus school places and reduce these to between 5% and 10%. By implementing the amalgamations proposed the surplus places removed would significantly contribute to this target. By formally consulting, Officers would be able to bring to a forthcoming Executive a balanced view of whether to proceed with the proposals or not.

Members were informed that should formal consultation result in any amalgamations these schools would be provided with enhanced buildings and environment. Consultation would take the form of letters to all parents, leaflets to the local community, notices in local newspapers and also discussion at a series of public meetings.

Mr Lee, Chairman of Governors at Calcot Junior School, asked that the Executive give consideration to deferring the consultation period to September 2004 in order that all stakeholders, including new parents, would have the chance to air their views and this timing would also be out of the holiday period. Members were informed that the reason behind the timing of the consultation period was to remove any lengthy periods of uncertainty and it was intended to consult with staff and governors during the summer term. It was also proposed that the final decision would be taken in term time at the Executive meeting in September.

During discussion of this item Members' concerns were expressed regarding whether parents would be informed about what would be happening, if schools merged, to school facilities eg spare class rooms and also any proposals for the use of redundant land as it was felt that this would provide more meaningful consultation.

RESOLVED that approval be given to undertaking formal consultation on the proposed amalgamations of the following schools:

- (1) Dunston Park Infant School and St Mary's CE (Controlled) Junior School, Thatcham
- (2) Winchcombe Infant School and Winchcombe Junior School
- (3) Calcot Infant School and Calcot Junior School

29. UPDATE OF INTERNAL AUDIT WORK.

The Executive considered a report (Agenda Item 11) concerning the outcomes of internal audit work for the last six months.

Members were pleased to note that 76% of audits carried out over the last six months were given a green rating, 24% an amber rating and there were no red ratings.

The Conservative leader reported that at the Executive meeting in December he had requested further detailed information to be included in the report relating to the audits that were given an amber rating. However the report contained in the current agenda did not include this information. The Portfolio Member for Finance agreed to provide the Conservative leader with the requested information.

RESOLVED that the outcomes of the Internal Audit work over the last six months be noted.

30. BEST VALUE PERFORMANCE PLAN 2004/05.

The Executive considered a report (Agenda Item 12) concerning the draft Best Value Performance Plan (BVPP) 2004/05. The Council had a statutory requirement to publish each year its BVPP a final copy of which would be submitted to Full Council on 26 August 2004.

RESOLVED that the Best Value Performance Plan 2004/05 be noted.

31. REGISTRATION SERVICE: INTRODUCTION OF NEW SERVICES.

The Executive considered a report (Agenda Item 13) advising Members of new services available to the public which would enhance the Registration Service, particularly in the light of the ongoing Civil Registration Review and to seek authority to develop such celebratory services.

Members were informed that it was proposed to offer the following services, which would have the ability to generate additional income and contribute to the future development of the service as a whole:

- Reaffirmation of vows;
- Baby naming services;
- Civil Funerals.

Members wanted to ensure that, as these services were non-essential that careful records would be kept in order to keep track of what the actual costs were for these ceremonies.

RESOLVED that:

- (1) The Proper Officer (Head of Legal & Electoral Service) be given delegated authority to develop and administer arrangements in relation to celebratory and other new services in consultation with the Executive Member.
- (2) The Superintendent Registrar and trained deputies to conduct new ceremonies within the District of West Berkshire.
- (3) Fees for the new services be agreed as set out below:
 - Reaffirmation of vows – At the Register Office, Newbury:

and baby naming	Monday to Friday	£100
	Saturday	£150
	At approved premises:	
	Friday	£150
	Saturday	£175
	Sunday	£225
 - Civil funerals would carry a standard fee of £175.

32. AREA FORUM REVIEW – RECOMMENDATIONS FOLLOWING CALL-IN OF EXECUTIVE DECISION.

The Executive considered a report (Agenda Item 14) concerning a request for the Executive to consider the recommendations of the Strategy and Commissioning Select Committee arising from its meeting held on 19th May 2004.

Members felt that Area Forums would work better if they were given more power and money and it was agreed that a review should be undertaken early next year.

RESOLVED that the decision of the Executive on 8th April 2004 to stand with the following amendments put forward by the Strategy and Commissioning Select Committee at its meeting held on 19th May 2004:

- (1) The Area Forum Task Group be re-established in January 2005 to examine the impact of the Executive's recommendation;
- (2) Consideration be given to increasing the amount of money available to the Area Forums within the current financial year's budget. If that did not prove possible, to give consideration to this issue when the budget for 2005/06 would be considered;
- (3) Compton to be moved to the Downlands Area Forum.

33. ORGANISATIONAL CHANGE ISSUE.

(Paragraph 1 – particular employee)

The Executive considered an exempt report (Agenda Item 15) in connection with proposed organisational changes.

During discussion of the item Members used their discretion in applying the levels of benefit to be paid to the individual on his redundancy from the Council, within the scope of the Council's Severance Policy. In doing so Members took account of the circumstances of the individual including length of service, age and future employability.

It was therefore determined to award benefits in accordance with Option D contained in the report, by awarding added years of six and two thirds, and redundancy payments based on the level of actual pay.

Members also instructed Officers to review the Council's Severance Policy in line with changes to legislation, due to take effect in April 2005, and to provide interim guidance on the application of discretion. This guidance to be presented to the Executive, together with proposed options for the timing and process of applying discretion in awarding benefits.

RESOLVED that:

- (1) Benefits be awarded to the individual concerned in accordance with Option D contained in the report, by the addition of six and two thirds added years, and redundancy payments based on the level of actual pay;
- (2) The Council's Severance Policy to be reviewed in line with changes in legislation, due to take effect in April 2005, and to provide interim guidance on the application of discretion. This guidance to be presented to the Executive for approval.

(The meeting commenced at 6.30 p.m. and closed at 8.30 p.m.)

CHAIRMAN

Date of Signature: