

EXECUTIVE

MINUTES OF THE MEETING HELD ON 9 SEPTEMBER 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 (P), Mike Rodger (P)

Also present: Councillors Barbara Alexander, Peter Argyle, Paul Bryant, Keith Chopping, Geoff Findlay, Gordon Lundie, Irene Neill, Graham Pask, Quentin Webb, Emma Webster, Laszlo Zverko

PART I

65. APOLOGIES.

There were no apologies for absence received.

66. MINUTES.

The Minutes of the meeting held on 12 August 2004 were approved as a true and correct record and signed by the Chairman.

67. DECLARATIONS OF INTEREST.

Councillor Laszlo Zverko declared an interest in Agenda Item 23, but reported that, as his interest was personal, he was permitted to take part in the debate.

68. PRESENTATION BY STEVE HART, CSCI - INSPECTION OF WEST BERKSHIRE CHILDREN'S SERVICES BY THE COMMISSION OF SOCIAL CARE INSPECTORATE (EX0841).

Steve Hart, from the Commission of Social Care Inspectorate (CSCI), provided a presentation on the findings of the recent inspection of West Berkshire Children's Services. The inspection had taken place during July of this year and had been the first inspection of the Service since 2001.

Mr Hart explained that during the inspection the CSCI had focussed on the following areas:

- The outcomes for services users and in particular how all the investment impacted on their lives;
- The effectiveness of the process of change to ensure the Service was concentrating on its core responsibilities;
- How risks were managed;
- That there was "sign up" to change from other partners eg the voluntary sector; and
- That the Council was ensuring that the development of those charged with the delivery of the Service was being addressed.

Mr Hart reported that during the inspection the Team had met more service users than ever before, some of which had previously been complainants, and heard conclusively that the Service had positively impacted on their lives. One of the main strengths of the Service was that it was seeking to provide services to children in an integrated way whilst recognising that any could be vulnerable at certain times in their lives.

The inspection found that the Service had a skilled and motivated workforce and the opportunities they had to develop were first rate. The workforce was also confident in their leadership and was justifiably proud.

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Mr Hart concluded that although the CSCI had come up with recommendations these were mostly extensions of work already being carried out or finessing in certain areas eg improving the timing of assessments and elements of service monitoring. Mr Hart therefore found West Berkshire Children's Services was serving people very well and had an excellent capacity to improve.

The Portfolio Member for Children and Young People thanked the Commission for undertaking a very thorough and well conducted inspection which the staff had found both a very worthwhile and engaging process. The result of the inspection, of course, did reflect the hard work undertaken by the Children's Services Team.

During discussion of the item Members stated the report was a tribute to the Management Team and Staff who often had a very demanding and difficult job. Congratulations were given to Andy Couldrick, Head of Children's Service and all his staff.

RESOLVED that the Commission for Social Care Inspection's report be accepted and the Action Plan be approved.

69. 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 Gordon Lundie to be answered by the Executive Member for Financial Management:

"With our pension fund sitting at 83% of full funding requirement, West Berkshire Council is increasing its contribution to help make up this shortfall. Are there any plans to increase employee contributions or review the benefits delivered under this scheme in future? If this is not done, what is the danger of the burden being placed on all the people of West Berkshire through increased future Council Tax?"

The Executive Member for Financial Management gave the following answer:

"The Local Government Pension Scheme is a statutory scheme with all of its rules regulated by Acts of Parliament. Local Authorities are not empowered to set employee contribution levels or determine the main benefits schemes.

The contribution level is currently 6% and has been since being set in the 1930's.

The ODPM has undertaken a review of the scheme recently and considered both employee contribution levels and the benefits derived. The proposed changes arising from that review are contained in The Local Government Pension Scheme (Amendment)(No 2) Regulations 2004. These regulations are expected to come into force on 1st April 2005. Whilst the review concluded that employee contribution levels should not be changed, in spite of being there since the 1930s, there are proposals to increase the age at which benefits can become payable in various circumstances, one of these being the option of taking early retirement at 50 will no longer be available, the minimum age will be 55.

A full valuation of the pension fund is carried out every 3 years and recommendations are then made regarding future employer contribution levels. The actuaries are carrying out the valuation at the moment and Members will be informed as soon as the results are available."

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Councillor Lundie asked the following supplementary question:

“If the gap in the pension fund between current levels and full funding doesn’t narrow, either next year or the year after, is there a contingency plan to increase contributions to the Council from the council tax?”

The Portfolio Member for Financial Management answered:

“In actual fact, the Berkshire Scheme is one of the best local government funded pension schemes. 83% is actually one of the highest levels of funding within the LGPS. These valuations are a kind of ‘stick your finger in the air and see which way the wind is blowing’ with regard to how valuations are actually made up. They are valued on 31st March every year in accordance with the Stock Exchange and could go up or down the next day, but the actual valuation is fixed on 31st March. 1st April the following year is when that valuation comes into force so there is a good 12 months between what the valuation was at the valuation point and when it comes into force, so there is a huge amount of differential between those two positions. Any shortfall is spread across the number of employees within the pension scheme and the remaining working lifetime of the employees, which is typically 12 years, so any additional employer’s contributions will be based on a calculation to close the gap over a period of twelve years.”

70. PETITIONS.

There were no petitions received.

71. WEST BERKSHIRE FORWARD PLAN – OCTOBER 2004 TO JANUARY 2005.

The Executive considered a report (Agenda Item 7) concerning items to be considered by West Berkshire Council over the next four months. The Portfolio Members for Finance; Community Care and Affordable Housing; and Highways and Transportation requested amendments to the Forward Plan as set out below.

RESOLVED that the West Berkshire Forward Plan for October 2004 to January 2005 and its subsequent publication be approved, subject to the amendments listed below:

- (1) an item relating to Accommodation Charging Issue (EX0874) to be taken as an Executive Decision on 14 October 2004;
- (2) an item relating to West Berkshire Council Representation on the Board of Sovereign Housing Association (EX0875) to be taken as an Executive Decision on 14 October 2004;
- (3) C0854 – Adoption of the Berkshire Structure Plan 2001-2016 – Councillor Royce Longton to be put as the relevant Portfolio Member;
- (4) EX0645 – Commissioning Strategy for Learning Disability Services – Add Councillor Phil Barnett as Portfolio Member, alongside Councillor Sally Hannon.
- (5) EX0646 – Older People's Commissioning Strategy to be moved to 11 November 2004;
- (6) EX0644 – Physical Disability Commissioning Strategy to be moved to 9 December 2004;
- (7) EX0651 – Pooled Budgets with Health to be moved to 9 December 2004.

72. CLOSURE OF CAPITAL ACCOUNTS 2003/2004.

The Executive considered a report (Agenda Item 8) concerning the determination of certain capital financial transactions for the accounting year ended 31 March 2004 in accordance with the Local Government and Housing Act 1989.

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Members were informed that this would be the last year that use of Capital Resources would be reported in this way. A new Prudential Framework came into force on 1 April 2004 and this placed the emphasis on affordability and local authorities would themselves now decide how much they could afford to borrow without relying on the Government issuing Credit Approvals.

Members noted that a total of £112,444 had been applied during the financial year in funding capital expenditure which was considerably lower than last year. The additional resources available for use had already been taken into account when formulating the Council's strategy for 2004/05.

RESOLVED that the following be agreed in respect of the accounts for the financial year ended 31 March 2004:

- (1) the allocation of credit approvals against schemes as follows:
 - (a) the Council received a Basic Credit Approval (BCA) for 2003/2004 of £7,215,000 in support of its proposed capital programme;
 - (b) the Council received Supplementary Credit Approvals (SCA) for 2003-04 to the value of £1,227,700, which were for Education Modernisation Funding (£867,700) and Renovation Grants (£360,000);
 - (c) the Council had also received two year Supplementary Credit Approvals in 2002-03, some of which had not been fully used in that financial year. The remainder of these allocations were used during 2003-04. These were in respect of Education Special Needs Access (£242,400) and Education Modernisation Funding (£512,000). These allocations totalling £754,400 were fully spent in 2003-04.
- (2) the use of useable capital receipts of £112,444.

73. PERFORMANCE REPORT FOR LEVEL ONE INDICATORS – QUARTER ONE 2004/2005.

The Executive considered a report (Agenda Item 9) concerning the current performance levels across the Council for the first quarter 2004/05 and where appropriate the remedial action that would be required.

During discussion of this item Councillor Keith Chopping requested further information on the following areas:

- PSA targets that were causing the Council concern; and
- The reason behind why the number of visits to libraries appeared to be declining.

It was agreed that written responses would be provided to Councillor Chopping.

RESOLVED that the remedial action proposed in Appendix 9 to the report be approved.

74. 2004/2005 BUDGET MONITORING – QUARTER 1.

The Executive considered a report (Agenda Item 10) concerning an update on the 2004/05 budget monitoring position at the end of Quarter 1 to ensure that the Council's available resources were managed effectively in order to enable delivery of its priorities.

Members were informed that regular budget monitoring was carried out across all service areas on a monthly basis and the report included information up to the end of June 2004. The report highlighted a current year budget saving of £1.45m but Members noted that the Medium Term Financial Strategy, reported to the Executive in July, had planned for an underspend in the current year of £1.26m made up of £800,000 from CC&H and £400,000 from E&PP service areas. In relation to the anticipated £150,000 overspend in Children's Services this was due to changes to the qualification for receiving the Government grant to meet the cost of asylum seekers which now stated that 44 young people were required to apply for asylum before the grant could be paid.

RESOLVED that the report and the management actions outlined within it be noted.

75. SUPPORTING PEOPLE INSPECTION REPORT.

The Executive considered a report (Agenda Item 11) concerning the outcome of the recent Audit Commission Inspection of the Supporting People programme in West Berkshire and the response to the recommendations contained in the report.

The Supporting People Programme was a national initiative that was implemented locally and required Local Authorities to produce a five-year Supporting People Strategy by March 2005. Currently the Council was working to the 'Shadow' Strategy that was produced in 2003/04 and positive use had been made of the grant, supporting the moves of over 100 people from residential care to supported living as well as securing a wide range of housing support services for all vulnerable people in the District. The Council had also received £159,000 to fulfil its role as the 'Administering Authority' for Supporting People which provided a good and efficient service.

Members were informed that over £6m was given by central sources and the Office of the Deputy Prime Minister was looking at the amount of money that was provided to Local Authorities and it was anticipated that funds could be reduced drastically. Therefore in order to continue to offer this level of service the Council could require extra resources.

The Executive was informed of discussions that had taken place on this item at the recent Community Care and Housing Select Committee when they had expressed their reservations as to whether a proportion of budget should be set aside for a new post, rather than exploring ways of achieving the same result from other areas. The Executive agreed to defer a decision relating to the funding of an additional post in the Supporting People Team.

RESOLVED that the content of the report be noted and the action being taken in response to the recommendations be approved.

76. TREASURY MANAGEMENT ANNUAL REPORT 2003/04.

The Executive considered a report (Agenda Item 12) concerning an Annual Report on the Treasury Management function including a review of the previous year's activities and performance of the Fund for the year.

Members were informed that the Strategy, endorsed by the Executive in February 2004, aimed to ensure the maximisation of interest receipts with the minimum risk taken on the security of monies invested. During the year, 58 temporary investments were placed (excluding money market funds) and one temporary loan was raised. The net value of the fund at 31st March 2004 was £14.490m (compared to £12.357m on 31st March 2003) made up entirely of temporary investments with no temporary borrowing.

Members noted that interest earned on investments during the year totalled £820,507 net of interest paid for borrowing, and before the allocation of interest on internal balances.

RESOLVED that the previous year's treasury management activities and performance of the Fund be noted.

76. DISABLED FACILITIES GRANT GROUP REPORT.

The Executive considered a report (Agenda Item 13) concerning the findings of a Task Group that had been set up as a result of concerns about the Disabled Facilities Grant (DFG) process and funding in West Berkshire. DFG funds were used to adapt private dwellings for disabled occupants in order to help people stay in their own homes eg by installing stair-lifts, handrails etc. However the DFG budget has been under enormous pressure, especially as the demand appeared to have increased and this had resulted in some delays in work being carried out. If the upward trend continued it was anticipated that by 2009 the amount of funding required would be around £1m. In relation to delays a new computer system was being installed which would be able to track applications and it was expected that this would improve the service to applicants.

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During discussion of this item Members were pleased to see that the review had included users and the proposed increase in staff was welcomed as it was anticipated that this would assist with delays in administering applications.

RESOLVED that the report be welcomed and:

- (1) the recommendations be supported subject to the proviso that the recommendations relating to future funding requirements (paragraph 7 of the report refers) be noted and considered as part of the 2005/06 budget process;
- (2) in relation to the appointment of an additional 0.5 Grant Officer, the Executive accepted the principle that this post would be funded using a proportion of the Disabled Facilities Grant.

77. SECTION 106 SCRUTINY REVIEW TASK GROUP REPORT.

The Executive considered a report (Agenda Item 14) concerning the findings of a Task Group that had been set up to review how Section 106 legal agreements were handled following concern expressed by Members and developers.

The Chairman of the Task Group reported its findings to the Executive and stated that there was an urgent need to create a Section 106 Officer post to assist with negotiations with developers on contributions, co-ordinate the production of legal agreements and collect, distribute and monitor those contributions. It was proposed that the post would be self-funded and it was anticipated that it would provide a more co-ordinated approach to S106 contributions and assist with meeting Government performance targets.

The Executive agreed the principle of appointing a Section 106 Officer but requested that a business case be drafted in order to provide confirmation of the post being self-financing. It was also felt necessary that Members should receive regular reports on S106 contributions and therefore an amendment to Recommendation 8 was requested as set out below.

RESOLVED that the report be noted and supported and the recommendations contained therein be approved with the proviso that:

- (1) the addition to the staffing establishment of a Section 106 Officer should be on the basis of the Officers drafting a business case confirming that the post would be self-financing; and
- (2) Recommendation 8 as contained in the report should be reworded as follows:
“The facility should be made available within the new Agresso system to allow any S106 contribution to be tracked by the planning application number and there would also be regular reporting to Members. Planning and planning financial control to liaise to find the best method of achieving this.”

78. HOUSING BENEFIT TASK GROUP REPORT.

The Executive considered a report (Agenda Item 15) concerning the establishment of a Task Group to review the performance of the Housing Benefit Service following concerns expressed around the performance of the service.

Members were informed that the review was set up with the following terms of reference:

- To discover the extent of the current delays within the Housing Benefit system;
- To establish the reasons for these delays and whether the problem was acute or chronic; and
- To examine the proposed methods of dealing with the delays and whether these were long-term solutions or quick fix.

During the review a further concern arose relating to the inappropriate design of the Government indicator BVPI 178a, the indicator used to measure the Housing Benefit Service's performance which

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led to a 12 day period potentially in which a claim had to be processed. It was therefore felt that there was a need to establish a more meaningful local indicator to measure the work of the service.

In conclusion the review identified that there was a problem with the Housing Benefit Service but the appropriate Officers were taking action to rectify this.

The Portfolio Member for Community Care and Housing thanked the Task Group for their helpful comments on a process that was not always straightforward.

RESOLVED that the report be welcomed and the Portfolio Holder be requested to liaise with the appropriate Council Officers over the possibility of establishing a more meaningful local indicator to measure the work of the service in time for the 2005/06 Service Plan process.

79. OLDER PEOPLE'S SERVICES TASK GROUP REPORT.

The Executive considered a report (Agenda Item 16) concerning a Task Group that was established in order to examine and report on a range of issues in relation to Older People's Services.

The Chairman of the Task Group reported that the review had been started in October 2003 with a broad remit and a need for a report to be produced after six months. Due to the limited timescale the Task Group had decided to focus on delayed transfer of care, due to the perceived urgency of problems, and other related issues would be considered depending on the progress of the review.

Councillor Alexander stated how pleased the Task Group had been to work with the Community Care and Housing Department as it was very aware of the problems around Older People's Services and was trying to run a service under difficult conditions eg lack of money and resources.

Councillor Alexander went through the recommendations of the Task Group and reported that the most important were expanding support to those residents classified as Level 2 and the planned review of services in rural areas, which should have a high focus on the needs of older people, including transport arrangements.

The Executive thanked the Task Group for the work they had undertaken but felt that it was unfortunate that they had reduced their scope because of limited time and would welcome them undertaking further work.

RESOLVED that the report be welcomed and the following recommendations be approved:

- (1) the balance between in-house provision and that purchased from other providers should be reviewed, for both residential and domiciliary care services;
- (2) the feasibility of more flexible use of beds at Walnut Close Day Centre should be explored, with a view to providing respite provision as well as rehabilitation;
- (3) information on services for older people should be reviewed and improved. This should include services provided by other agencies as well as by the Council;
- (4) fitness and health activities and other activities that could assist older people to maintain an active life in their own homes should be promoted actively;
- (5) the planned review of services in rural areas should have a high focus on the needs of older people, including transport arrangements;
- (6) the Community Care and Housing Select Committee should establish an Older People's Services Panel;
- (7) every effort should be made to expand support to those classified as level 2.

80. SOUTH EAST ENGLAND DEVELOPMENT AGENCY (SEEDA) SMALL RURAL TOWNS PROGRAMME.

The Executive considered a report (Agenda Item 17) concerning a new Small Rural Towns Programme, launched by SEEDA, that offered grant aid to enhance the economic and wellbeing of small rural towns.

Members noted those rural towns that were deemed as eligible, as set out in Appendix 17(a), and also that whilst the Programme had a regional value of £7m over a 7 year period Berkshire was only likely to attract between £500k-£700k over this period at an average of around £100k per annum. However they did welcome an opportunity for eligible towns to gain extra funding.

During the ensuing discussion Members supported the recommendations but felt there had to be a much simpler way for the Government to get money to areas where it was needed and felt that Officers' time could be better spent.

RESOLVED that:

- (1) the Council's involvement in the Programme and as a partner in the County Network be approved;
- (2) the Council act as the Accountable Body for Berkshire.

81. BENEFITS COUNTER FRAUD STRATEGY.

The Executive considered a report (Agenda Item 18) concerning the Benefit Counter Fraud Strategy which represented the Council's commitment to ensuring that Housing and Council Tax Benefits were paid to those rightly entitled to claim and seek to minimise abuse of the benefits system.

Members noted the reduction in the number of cases referred for investigation that reflected the fact that additional checks had been built into the system. This helped stop fraudulent claims being made in the first place and had a knock on effect on the value of fraud detected.

During discussion of the Strategy Members agreed that there was a need to pursue people who were abusing the benefits system but wanted to ensure that the Council did not make it difficult for those in need to get the benefits they were entitled to.

RESOLVED that the Benefits Counter Fraud Strategy be approved.

82. PARK WAY REDEVELOPMENT – UPDATE REPORT.

The Executive considered a report (Agenda Item 19) concerning an update on the process for selecting a developer for the Park Way redevelopment.

Members were informed that unfortunately Slough Estates had withdrawn subsequent to the shortlisting process and the Newbury Town Centre Task Group had since approached two additional companies with a view to shortlisting them as well. Members also noted the revised timetable.

RESOLVED that the report be noted and that the following selection method be approved:

- (1) The four companies to have until 19 November to submit their detailed proposals in line with the Development and Planning Briefs, which had previously been approved by the Executive.
- (2) The Newbury Town Centre Task Group be authorised to undertake the selection process during December and January 2005 with a view to recommending the preferred developer to the Executive at its meeting on 13 January 2005.

83. SEN INCLUSION POLICY AND SEN DEVELOPMENT PLAN.

The Executive considered a report (Agenda Item 20) concerning the outcome of the SEN review consultation and the resulting SEN Inclusion Policy and Development Plan 2004-2009. The proposed SEN Inclusion Policy brought the Council in line with national expectations on the inclusion of pupils

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with special education needs. The statutory framework for SEN stated that children with statements of special education need must be educated in mainstream schools unless this would be incompatible with:

- The wishes of the child's parents; or
- The provision of efficient education of other children.

Members wanted to ensure that as there would only be a small number of schools with SEN provision, and these units would continue to cater for a range of pupils, that care would be as good as that received at specialist schools. Members were informed that there were three strands to the Policy:

- (1) Wherever possible pupils with SEN to be located in mainstream schools with additional support; or
- (2) at specially resourced schools; or
- (3) ways to be found of creating inclusive opportunities, by the co-location of special schools with mainstream schools, for those pupils with severe and profound learning difficulties.

Concern was expressed by Members that the co-location of schools would not mean the closure of special schools. Members were informed that the co-location model meant that special schools would not be closed but would be physically located with a mainstream school that would be sufficiently flexible and where a high level of protection and specialist provision would be available.

Members also wanted to ensure that specialist recreational facilities would still be provided and that all pupils, not just those with SEN, would benefit.

RESOLVED that the SEN Inclusion Policy and Development Plan 2004-2009 be approved for publication.

84. EAST OF THE DISTRICT TASK GROUP.

The Executive considered a report (Agenda Item 21) concerning the establishment of an East of the District Task Group in order to evolve a vision and strategy for services in the East of the District.

The Leader of Council informed Members that it had been felt for some time that there was a need to review the services provided to the East of the District. However the Leader considered that the Task Group should be called the Eastern Urban Vision Task Group and Members agreed that Councillor Mike Rodger should be added to the membership.

Concern was expressed that rural areas also needed to be looked at and it was hoped that this would happen once the work of the Task Group had been completed.

RESOLVED that:

- (1) a Task Group be established to be known as the Eastern Urban Vision Task Group;
- (2) Councillor Mike Rodger be added to the membership of the Task Group.

85. EXCLUSION OF PRESS AND PUBLIC.

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972. Rule 4.2 of the Constitution also refers.

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PART II

86. DOMICILIARY CARE BLOCK CONTRACTS.

(Paragraph 9 – terms proposed in negotiations)

(Councillor Laszlo Zverko declared a personal interest in Agenda Item 23 by virtue of the fact that his wife occasionally worked for one of the companies referred to in the report. Councillor Zverko therefore took part in discussions on this item.)

The Executive considered an exempt report (Agenda Item 23) concerning contracts to purchase Domiciliary Care.

RESOLVED that the recommendations as set out in the Exempt report be approved.

(The meeting commenced at 6.30pm and closed at 8.15pm)

CHAIRMAN

Date of Signature: