

EXECUTIVE

MINUTES OF THE MEETING HELD ON 14 OCTOBER 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, Brian Bedwell, Paul Bryant, George Chandler, Keith Chopping, Geoff Findlay, Roger Hunneman, Graham Jones, Joe Mooney, Graham Pask, Alexander Payton, Quentin Webb, Chris Webber, Emma Webster

PART I

87. APOLOGIES.

There were no apologies for absence received.

88. MINUTES.

The Minutes of the meeting held on 9 September 2004 were approved as a true and correct record and signed by the Chairman.

89. DECLARATIONS OF INTEREST.

Councillor Billy Drummond declared an interest in Agenda Item 10, but reported that, as his interest was personal but not prejudicial, he was permitted to take part in the debate and vote on the matter.

90. QUESTIONS.

(a) Public Questions

- (i) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Sheila Burch, Chair of Governors, Winchcombe Junior School to be answered by the Executive Member for Children and Young People:

"Governors of Winchcombe Junior School are very concerned at the manner in which the consultation exercise with governors and parents has been carried out. In the first instance, letters setting out the broad terms of the proposals went to parents after the public meeting held at the school, because the original letters referred to Calcot School. The consultation meeting with the governors lasted for half an hour, immediately prior to the public meeting. Following this, notice to the school about the meeting of the Executive, at which this item was on the agenda, was received at the school on the actual day of the meeting – so that governors/parents had no opportunity to attend to hear the discussion. And finally, a letter addressed to parents advising them of the date of this Executive meeting (14 October) was received at the school on the morning of the 12 October, advising that parents wishing to put questions must submit them in writing by 10am on 13 October. The letter did not give any information about the recommendations of the Select Committee, or a proper address for the relevant officers (David Cook and Anne Hunter).

My question to the Executive is how do you propose to ensure that, if the Executive decides to proceed, notices are properly published in due time to enable all interested parties to have a full opportunity to lodge objections for the whole 18 week period allowed, prior to the School's Organisation Committee determining the outcome?"

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The Executive Member for Children and Young People gave the following answer:

"I do realise Miss Burch that you are the new Governor for Winchcombe Junior. Quite a lot of this was covered previously at meetings and I must say that the Officers came to the Governors' meeting, they waited approximately half an hour for the Governors to come and afterwards there was only a half an hour before the meeting."

If the Executive decides to proceed with the merger proposals it should be noted that the decision rests outside the Executive and with the Schools' Organisation Committee. Any decision to proceed therefore is authorising the publication of notices for a two-month period, during which, as I said previously, objections may be lodged. These objections, together with any responses from the Council will need to be carefully considered by the Schools' Organisation Committee before it comes to view. Now I am not sure whether you have the notice here, but for anybody who is looking, on page 78 this is set out on 11.1, the whole of the operation is set out very clearly and this is a legal requirement. There are 9 things that will have to happen."

Mrs Burch asked the following supplementary question:

"My question really was about how is this information going to be available on how any objections can be made, how is that going to be made? Because our experience so far is that letters are late and almost impossible for people, for parents to actually voice their views appropriately. My question is how is this information going to be published?"

The Executive Member for Children and Young People answered:

"As I explained, as soon as the notice is published, headteachers will be advised of this and you have an eight-week period in which to lodge your objections in writing to West Berkshire Council."

- (ii) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Niki Dore to be answered by the Executive Member for Children and Young People:

"Why are we invited to this meeting and not the one held last week when you had already put forward your recommendations for the merger to go ahead? Surely parents, carers and governors should have been at that meeting as the most important decisions seem to have been made on that date."

The Executive Member for Children and Young People gave the following answer:

"At the Children and Young People Select Committee which was on 30th September, the Chairman stated the Committee would be considering the process and rationale behind the recommendations for the schools to merge and not be re-running the consultation process, hence this is why key stakeholders had not been invited to address the meeting."

Niki Dore asked the following supplementary question:

"Surely it seems that the most important decisions were made at that meeting. The most important people are the parents and the governors, so they should have been told that they could be there, which they were not, which people are really unhappy about."

The Portfolio Member for Children and Young People answered:

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"Meetings are open. Decisions were not made. It was a recommendation. Decisions are not made yet to merge the schools, this is still in the consultative process, which is a very long process."

- (iii) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Mrs Amanda Robinson to be answered by the Executive Member for Children and Young People:

"I would like to express my disappointment in the way that the whole merger process has been handled, from initial consultations, websites not operating, local residents not being fully informed and now the latest letter informing us of a meeting tomorrow, which was received by the school yesterday, asking for any comments/questions by 10am the next morning – were you hoping that by such short notice you would be able to pass the proposal with no objections?"

I would like to strongly oppose the merger of the schools and register my disgust at the underhand and unprofessional way that the council has dealt with the whole procedure.

If you require a detailed list of my objections, please contact me by 10am tomorrow morning."

A written answer would be provided to Mrs Robinson as she was unable to attend the Executive.

- (iv) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Karen Beesley to be answered by the Executive Member for Children and Young People:

"I would like to know how the Committee came to vote for the schools to merge and in what interest it was best for the schools. Also the Committee in making this decision has not listened to parents of the schools involved, that being Speenhamland and Winchcombe School. Can you tell us before you have already voted if you are next going to send us Castle School site?"

Also I find that you are not giving the parents much notice to put their views forward."

The Executive Member for Children and Young People gave the following answer:

"I think there is a little confusion here. It is this Committee that will decide whether to publish merger proposals or not. The proposed merger of Winchcombe schools is not linked in any way to proposals around Speenhamland and The Castle Schools and not at any time has it been suggested that the children would go to The Castle School."

- (v) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Mrs R Spencer to be answered by the Executive Member for Children and Young People:

"To merge the Infants and Junior schools together would be pure madness. What is wrong with the way it is run at the moment? My two daughters had an enjoyable time at Nursery/Infant and Junior school. My elder son is in Year 4 and doing well and my youngest is only 3. What is going to happen to the Nursery?"

Please don't proceed with this merger as things are fine as they are!"

A written answer would be provided to Mrs Spencer as she was unable to attend the Executive.

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- (vi) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Steven Bonner to be answered by the Executive Member for Children and Young People:

"Why is the opinion (including the 140 signature petition) of parents, carers and governors not being held high on your list of considerations?"

"What exactly are your recommendations? How do these actually benefit the children?"

A written answer would be provided to Mr Bonner as he was unable to attend the Executive.

- (vii) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Mrs Pamela Snell to be answered by the Executive Member for Children and Young People:

"I am totally against the proposed merger of the Winchcombe schools. Speaking as a grandmother who has seen her children and grandchildren successfully through these schools, I wonder why you wish to change something that has always worked so well.

And what about the Nursery school? It would be a tragedy to mess up the status quo.

Please don't go ahead with this plan."

A written answer would be provided to Mrs Snell as she was unable to attend the Executive.

- (viii) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Helen Stanborough to be answered by the Executive Member for Children and Young People:

"Are you sure your figures for the number of pupils in the two schools are up to date? I am worried that the new school will not be big enough.

Have you considered the latest situation with Speenhamland and Castle School and the fact that this could have a knock on effect with the numbers at Winchcombe Schools?"

The Executive Member for Children and Young People gave the following answer:

"The proposals currently under consideration by Speenhamland governors have been taken into account when considering Winchcombe schools pupil forecasts. The figures available suggest that the size of the new school proposed will be big enough for the forecast figures. As at May 4th, the capacity of the two Winchcombe schools was 435. The figures of children actually in the school were 345."

- (ix) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Mr C A Critchley to be answered by the Executive Member for Children and Young People:

"The meeting of the Council's select committee, the timing of which is also very select, I find amazing. The indecent haste with which the meetings can be arranged, there has been no proper notification to the many people who are most affected by the proposals, the letter (unsigned) stating the time of the meeting was only received on 12th October, it gives no time at all to expect the proper distribution to parents and to expect them to return their comments by 10 o'clock on 13th October.

I think to call yourselves public servants is not a very accurate description, you obviously do not give a fig for the distress you are causing in riding roughshod over such dedicated people. I would therefore hope to expect that the meeting could be set for a new date?!!"

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A written answer would be provided to Mr Critchley as he was unable to attend the Executive

- (x) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Patrick Davies, Chairman of Governors, Winchcombe Nursery and Infant School to be answered by the Executive Member for Children and Young People:

"Given that the of the replies recieved to the consultation, the responses were overwhelmingly opposed to the merger; why are the council intending to continue down the path of merging the Winchcombe schools?"

The Executive Member for Children and Young People gave the following answer:

"The responses received in relation to the Winchcombe schools are clearly set out in Paragraphs 4.3, 4.4 and 4.5. Undoubtedly, some of respondents supported maintaining the status quo. I would ask you to note that on Page 69 paragraph 4.2 it was less than 1 in 8 who responded."

Patrick Davies asked the following supplementary question:

"Is the Executive Member aware that the governing body is a corporate body and therefore only makes one response. Out of a possible 22 governors, legally there should only be two possible replies from governors."

"The point I am trying to get to is that Winchcombe Infants School governors responded once as a corporate body not as individual governors."

The Portfolio Member for Children and Young People answered:

"Yes I am aware."

- (xi) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Patrick Davies, Chairman of Governors, Winchcombe Nursery and Infant School to be answered by the Executive Member for Children and Young People:

"As Winchcombe Infants School has already taken action to reduce its overcapacity by long-term letting one classroom to a pre-school club and expanding the Speech & Language Resource by 60% at the behest of the LEA; why is it proposed to take further action simply to meet the needs of bureaucracy as opposed to children?"

The Portfolio Member for Children and Young People answered:

"I do know that you are letting one classroom and I think when we were speaking we explained earlier to you that this does not remove surplus places. The places are still there at the school, and it is to their credit that the infant school has turned this space to other uses, but it is important to see the capacity issue because that relates to the whole number across both schools."

Patrick Davies asked the following supplementary question:

"If the merger does proceed is the letting protected?"

The Portfolio Member for Children and Young People answered:

"I shouldn't think so, as it's a private letting. If the school chooses to let a classroom out, it could be for any reason at all, it could be evening or anything, but it still counts as capacity for the school."

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- (xii) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Christine Honeyman to be answered by the Executive Member for Children and Young People:

"I would like to know what bits of information Sue Farrant has read if she thinks this is the right way to take the Schools?"

Also, what benefits would slow learning children have in a large class?

I thought Tony Blair said you would keep classes small for better education?"

The Executive Member for Children and Young People gave the following answer:

"The main question I am answering is what benefit will slow learning children have in a large class. Infant classes are governed by government regulations and must not be more than 30 to a class. It is determined by the number of pupils on role and is irrespective of what type of school it is."

- (xiii) In accordance with the Executive Procedure Rules contained in the Council's Constitution the following question was submitted by Mrs Valerie Edwards, Headteacher, Dunston Park Infant School to be answered by the Executive Member for Children and Young People:

"1. We have been informed that the area served by our school was not fully consulted, e.g. house opposite school received no information from the LEA re: this proposal. Can this be investigated?"

2. The latest letter asking for questions to go to the Executive Committee was only received by the school yesterday 12 October. Why? – this gives very little time.

Why was the document which is to be presented to the Executive Committee, not been fully available to all parents/community for consideration? Although we understand that it is now on the website, not all members of the community have this facility.

3. "Pupil Value Added" – this is now being considered as part of the school in promoting pupils' learning. The information in the document does not give the full picture.

The Key Stage 1 results for the 2004 cohort 11 year old National Test, should have been included, as this would give the 'value added' for that particular cohort. Information on the 'value added' for Key Stage 2 pupils in primary schools should have been given as this would give a truer picture of the effectiveness of Junior Schools/departments. Making a judgement that children are 'disturbed' by the transfer is not supported by the information you have given 8.9(1). Could you please comment?"

5. "Special Educational Needs" – starting in a smaller Infant School can be beneficial to children who have Special Educational Needs. Many difficulties can be resolved in a smaller secure environment.

The only detrimental aspect of SEN is that because of the 'long winded' process, pupils who have been identified in the Infant School do not get their Statement until they get into the Junior School.

6. 8.9 These issues relate to good liaison and all schools, Infant, Junior and Primary would be working on these areas.

These are some of the questions given to us by parents and the school community.

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A written answer would be provided to Mrs Edwards as she was unable to attend the Executive.

(b) Member Questions

- (i) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Geoff Findlay to be answered by the Executive Member for Children and Young People:

"The recent SEN Inclusion Policy report noted that the proposed collocation of special schools and mainstream schools could have significant financial implications. Does the Executive Member consider it wise to introduce a far reaching policy which has not been fully costed?"

The Executive Member for Children and Young People gave the following answer:

"I believe that many people do not understand the concept of co-location and there are many misconceptions. I know the whole issue is to be discussed with my colleague over there with his special Children and Young People's Committee on 18th of this month, when there will be parents, headteachers and people who are working in co-located schools. You asked if it has been costed. I am not quite certain, are you talking about maintenance capital, rebuild capital or revenue, as I wasn't quite sure?"

Cllr Findlay responded:

"If you are proposing a major change I would have thought you needed to know the revenue, maintenance and capital costs both during the period of the merger and subsequently thereafter if you are going to be able to fix a reasonable cost for the merger."

The Portfolio Member for Children and Young People answered:

"As you most probably know the accommodation at both Castle and Brookfields, potential partner schools, are very near the end of their life. They are costing an enormous amount of revenue at this stage to just keep the fabric in good repair. This is in direct contrast with efficiency delivered through building design and so on, and construction. Both special schools and in fact all mainstream schools must have accessibility and suitability issues which require significant capital expenditure, and it will be far more effective to rebuild the schools on one site should this go ahead.

The proposal to co-locate does offer an enormous opportunity in capital terms to replace this as I said earlier. The schemes have been costed and it was part of the Council's bid for building schools for the future and formed part of the West Berkshire Capital Plan. I am sure you have seen this. That bid, and this included primary and secondary, was for approximately £27m."

Cllr Findlay asked the following supplementary question:

"I would like a copy of those costings, I think they're in one budget line and they coexist together, but given that it was thought prudent to go ahead on this co-location before the financial aspects were known, as in your report, was it appropriate to make that decision, firstly before the standards control for disabilities was published in the National Service Framework for Children and Young People on 15 September, or before the OfSTED report on educational needs and disabilities was published last Tuesday? I would have thought that we were jumping the gun rather."

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The Portfolio Member for Children and Young People answered:

"I would say that we are again on the front end, as we would have been on many things this year, especially in the partnership with Children and Young People – we are very much in the forefront with Children and Young People's Services."

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

"Please can the Executive give the Council and members of the public an update on what is happening with the Post Office on Northfield Road?"

The Leader of Council gave the following answer:

"Following a strong campaign from local residents, backed strongly by this Council, Thatcham Town Council and our MP David Rendel, I am very very pleased to report that Tesco have now backed down and rejected their proposals to shut the Post Office at Northfield Road, Thatcham. I am very grateful to Cllr Payton for presenting a petition bearing 1596 signatures opposing the closure to this Council, and I am sure that this had some effect on Tesco.

Tesco had sought to relocate the Post Office but have now reviewed the layout of the store to create a store plan, which will allow the Post Office to be retained. This is an excellent outcome for all concerned. The people of Thatcham can now benefit from the convenience of the new Tesco store without losing the Post Office facility and the services that are an integral part of many residents' lives.

I am very pleased that Tesco has listened to the needs of local residents especially mothers with young children and the elderly. Overall the campaign has resulted in good news for the residents, great news for Thatcham, and I think great news also for Tesco, who will gain the passing trade and also goodwill for their decision.

Since this strong and successful campaign in Thatcham I have now been made aware of the threat to the Portman Building Society in Thatcham by Councillor Paul Pritchard. He has pledged to mount a campaign to keep the Thatcham office open and I wish him and the community of Thatcham all the best in ensuring the continued vitality of the town centre."

Cllr Payton asked the following supplementary question:

"Picking up on the campaign by my fellow Councillor Paul Pritchard to keep it open, you may be interested to know he will be weathering the elements on Saturday morning in Thatcham Broadway to try and collect some signatures for a petition and I was wondering whether the Leader of the Council would be prepared to put his signature to that petition?"

The Leader of Council answered:

"I certainly would."

- (iii) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Chris Webber to be answered by the Executive Member for Highways and Transportation:

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"In light of the significant public opposition to the proposed increase in the speed limit from 30 to 40mph along the A329 at Streatley does the lead member agree that:

- 1. Local people are best placed to assess road safety in their neighbourhood and the Council should accept their view that increasing the speed limit would be a regressive step.*
- 2. The solution to speeding in the current 30mph speed limit area should be proper enforcement or the installation of traffic calming measures.*
- 3. That given the level of public interest in this item it would be undemocratic for a single member to make the decision, and that this matter should at the very least be referred to the Executive for decision?"*

The Executive Member for Highways and Transportation gave the following answer:

- 1. The view of local people is taken very seriously by professional road safety officers when assessing proposals and before making recommendations or decisions. It is often the case however, that local people base their assessments on perceived judgements and not necessarily on facts backed up by data.*

The speed surveys undertaken as part of the review process compared current speeds to those taken before the 30mph was put in and revealed the following results.

The speed surveys were undertaken on the A329 Wallingford Road north of the A417 junction and surveys were carried out in 1994 when there was the national speed limit of 60 miles an hour and in 2004 with the 30 mile an hour speed limit. It was found that in 1994 85% of the traffic speed northbound was travelling at 49 miles an hour and again 85% of the traffic travelling in a southbound direction was 49 miles an hour. When the survey was repeated in 2004, the speeds were 51 miles an hour northbound and 45 miles an hour southbound.

It is apparent from the surveys that the 30mph limit is not working. This is in part because it is not enforced by the police as the speed limit on this section of the A329, in the view of both Highways and Police Officers, is not appropriate. It also does not conform to the Council's approved criteria for a 30mph speed limit or in fact the government criteria for speed limits.

By raising a section of the 30mph limit to a more appropriate 40mph limit, it would be consistent with other speed limits of a similar nature and would create a buffer zone to the 30mph speed zone that would be retained. It is expected that drivers would then be more likely to respond to the limit and to slow down to speeds below those that they are currently driving at. Experience of similar situations elsewhere tends to back up this expectation. The revised limit has been supported by the police and would also receive enforcement."

- 2. The police will not enforce speed limits that they do not consider appropriate. Their resources are stretched and they concentrate them in areas where they do have appropriate speed limits. I would also add that some casualty reduction and police officers are funded by the Letting-Off project and the terms they are able to work under are even stricter than the ordinary terms of policing officers.*

There is also a limit to the type of traffic calming measures that can be provided on a main A road route, particularly given that there is no street lighting present and that direct frontage development is limited. It would certainly not be appropriate to employ

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measures such as build-outs, speed cushions or chicanes, which are commonly used in residential roads.

The advantage of the revised limit is that improved signing, improved gateway features would accompany it on the A329 as well as measures to improve visibility at the junction with Townsend Road. These accompanying measures should have a calming effect on traffic speeds and the objective of the proposal has always been to reduce the speed of traffic and not to increase it.

3. *The individual decision process was taken in accordance with the Council's Constitution and the Executive did not call in the decision for consideration. The decision made was simply to undertake the statutory advertisement and consultation process on the proposed change to the speed limit."*

Cllr Webber asked the following supplementary question:

"Does the Executive Member feel that if Council has let down the residents of Streatley somewhat in promising them traffic calming measures at Area Forum level some years ago which has never been implemented, surely this is the right way to go to do that before any increase in speed takes place?"

The Portfolio Member for Highways and Transportation answered:

"The difficulty we have with the promises to the residents of Streatley you say were made to them is that we can't find any record of those in any of the Minutes of the meeting where one would have expected them to take place. This of course precedes this Council and therefore I cannot really comment because all we can do is go back and we can find no record of those promises being made. But we pointed out in a public meeting that Mark Edwards, Andrew Garratt and I attended in Streatley recently a number of improvements to the highways and footways are now being introduced into Streatley and there is a list of them available."

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

"When does the Executive Member expect the new Section 106 Officer to be in post?"

The Leader of Council gave the following answer:

"I am delighted that a Developer Contributions Officer is to be appointed, self-funded from contributions. I am delighted also that the new SPG 'Delivering Investment from Sustainable Development approved by the Executive comes into force on the 1st November 2004. I hope that this will bring clarity to the process and securing contributions and I hope increase the level of contributions we'll receive that are necessary to offset the infrastructure requirements of development.

The Current position is that the Head of Planning is preparing a Job Description and Person Specification. The post will then be evaluated and advertised.

As recommended by your Task Group the post's duties will include:

- *Working with Planning Officers to negotiate contributions with developers*
- *Co-ordinating the production of legal agreements, and*
- *Collection, distribution and monitoring contributions received*

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It is my sincere hope that we will have someone in post by January 2005."

- (v) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Keith Chopping to be answered by the Executive Member with responsibilities for Libraries:

"Will the Executive Member give an undertaking that the Library Book Stock Fund will be increased year on year until the cut of £100,000 is fully restored?"

The Executive Member with responsibilities for Libraries gave the following answer:

"I am currently working with Library service managers in producing a 10 year vision for the library service which will include a number of service developments and improvements including stock improvements. But I am unable at this stage to give any guarantees of additional funding for that service at this particular stage because there will be many calls on our funding and we will have to consider them against the council's stated priorities. But I can assure you it has a pretty high priority from my point of view and I will be doing everything to make recommendations to my colleagues if appropriate that we move forward."

Cllr Chopping asked the following supplementary question:

"I take it that there is going to be no increase in the Book Stock Fund funding this year or for the foreseeable future, is that correct?"

The Portfolio Member with responsibility for Libraries answered:

"No, that is not what I said at all. We are working out the priorities and we have not reached a final conclusion yet and when we do I will be making recommendations to come forward."

- (vi) In accordance with the Executive Procedure Rules contained in the Council's Constitution, the following question was submitted by Councillor Graham Jones to be answered by the Executive Member for Highways and Engineering:

"Would the Executive Member for Highways explain why speed data from traffic surveys is not routinely supplied to the public in its complete form and only given as the 85th percentile.

Will she make a commitment that in future such data will, on request, be made available to members of the public who ask for such information?"

The Executive Member for Highways and Engineering gave the following answer:

"The reason that complete data in its raw format is not routinely supplied to the public is because it is very bulky and difficult to interpret. The vast majority of the public would not thank us for providing information in this format. The reason why we only give 85 percentile information is because this is the format that is required to comply with government criteria for assessing the speed of traffic. We have got absolutely nothing to hide however, and have provided this data in its raw format to people in the past. But as an example, we have recently released data to somebody which contained 8,500 lines of information, you can get 50 lines of information on a page. By my calculation that would be 170 sheets of A4, which is an indication of how bulky this information is.

I have no problem with making such a commitment because the data is already provided in its raw format when it is required. The problem we have, because of the

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size of the data we've got, we need to actually ask people if they really want the information that they've requested, because obviously if we email you 170 pages of that sort of document it could crash the system. But there is no problem in letting people have this information if a request has been made and I have been given it."

Councillor Jones asked the following supplementary:

"I am pleased a commitment has been given as it has been difficult to get information."

The Portfolio Member for Highways and Transportation answered:

"Sorry to hear that you have had difficulty obtaining information as I know that a lot of people have managed to. Please let me know if this happens again."

91. PETITIONS.

There were no petitions received.

92. WEST BERKSHIRE FORWARD PLAN – NOVEMBER 2004 TO FEBRUARY 2005.

The Executive considered a report (Agenda Item 6) concerning items to be considered by West Berkshire Council over the next four months. The Portfolio Members for Children and Young People, Financial Management and Highways and Transportation requested amendments to the Forward Plan as set out below:

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

- (1) An item relating to Appointment on an Outside Body – Berkshire Adoption Advisory Service to be taken as an Individual Member Decision on 11 November 2004;
- (2) EX0713 – to be renamed "2004/05 Half Yearly Budget Update" and moved from the December Executive to 11th November Executive meeting;
- (3) EX0993 – "West Berkshire Local Development Scheme" – Councillor Royce Longton to be put as the Portfolio Member.

93. SALES OF AGE RESTRICTED PRODUCTS.

The Executive considered a report (Agenda Item 7) concerning the Public Protection (Trading Standards) Services' approach to the enforcement of legislation relating to age restricted products eg tobacco, alcohol, fireworks, videos etc.

Members noted that the balanced approach to enforcement taken this year working with partners from the Police, Health Service and retail trade to achieve a common aim appeared to be paying dividends. Officers had therefore recommended that the same approach be adopted for the next 12 months in relation to the control of sales of age restricted products as outlined in Paragraph 1.1 of the report. Members were pleased to see that tobacco and alcohol were included, as alcohol abuse was a growing problem in the Thames Valley area.

In relation to "Proof of Age" cards Members felt that the Scheme should be actively promoted and made available to all school children. The Scheme was also being promoted with retailers as a legitimate proof of age which would protect them and the wider community.

Members were informed that in relation to test purchasing of age restricted products the Council endeavoured to cover the whole of the District and over the last 2-3 years most premises had been targeted and it was aimed to target a variety of products as well. Members felt that gaming machines and arcades should also be targeted.

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Members were concerned about the enforcement of legislation relating to fireworks. The Portfolio Member reported that a letter had been sent to all retailers selling fireworks pointing out the consequence of underage sales. However a large element of enforcement was the responsibility of the Police and the Council would be liaising with them.

It was agreed that the Leader should sign a statement circulated by the RSPCA calling on the Government to give local authorities the power to limit the decibel rating of fireworks sold in their localities. This is in line with a motion approved by Council in 2003.

RESOLVED that the recommended enforcement programme set out in Section 2 of the report be approved.

94. COMMISSIONING STRATEGY FOR LEARNING DISABILITIES SERVICES.

The Executive considered a report (Agenda Item 8) concerning the Commissioning Strategy for Learning Disabilities Services in order to provide a clear direction for service commissioning and development in line with corporate priorities. The content of the Strategy was also based on existing national and local priorities.

The Learning Disability Partnership Board (LDPB) had been involved in the development of strategies forming the foundation of the Commissioning Strategy. These included service users, carers, and representatives of voluntary and public sector partner organisations including Newbury and Community Primary Care Trust and Thames Valley Police.

Members commented that the Commissioning Strategy pulled together a lot of work that was already being undertaken and the Council had achieved a large amount within a short timescale. The re-provision of Newbury Day Centre was included within the Strategy and Members were pleased to note the excellent consultation that had been undertaken with users of the Centre. Members also noted that due to the expectation that in the future more people would require these services an analysis of the difference between current service commissioning and the commissioning required to achieve the desired outcomes for service users provided the foundation for the commissioning objectives and plans.

Members wanted to endorse the major turnaround of Newbury Day Centre and commended staff for their high level of commitment to clients receiving their services.

RESOLVED that the Commissioning Strategy for Learning Disabilities Services be approved.

95. WASTE SCRUTINY REVIEW TASK GROUP REPORT.

The Executive considered a report (Agenda Item 9) concerning the findings of the Waste Scrutiny Review Task Group. The Task Group was set up to examine the background to the Integrated Waste Management Strategy adopted by the Council in 2001 and the ensuing proposal to finance the development of this strategy over a 25 year period using a Private Finance Initiative (PFI).

The Chairman of the Task Group informed the Executive that the report took into account the established audit trail that showed how the Integrated Waste Management Strategy had been adopted. The recommendations contained in the report indicated that there was still much to be done in order to meet more demanding Government Targets and public expectation. There was also a need to encourage local residents to minimise the production of waste and to make greater use of kerbside recycling collection facilities. The Chairman of the Task Group felt that there was an urgent need to improve the civic amenity centre at Pinchington Lane in order to provide better access to the site, thereby avoiding the need for traffic queuing and also to improve the accessibility to the green waste and cardboard dumping facilities. The Chairman also reported that there were areas identified in the report that provided opportunities to spend to save.

The Portfolio Member with responsibility for Waste congratulated the Task Group on the very successful and useful work that they had carried out that had resulted in an extremely constructive

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report. Councillor Jeffery gave his support to the recommendations contained in the report and made the following comments:

- Recommendation 1 – There was a need to consider how best to promote the partnership with Town and Parish Councils within the Waste Task Group;
- Recommendation 2 – Substantive information had already been made available in the public arena;
- Recommendation 3 – Officers had been tasked to investigate the possibility of adding to the numbers of Waste Minimisation Officers on an 'invest to save' basis;
- Recommendation 4 – Improvements to the traffic flow in order to stop queuing is already in hand with Biffa, who are the site operators, and it was expected that they would be submitting a planning application for a major improvement to the site in the not too distant future. Staff had also been reminded of the need to assist the public and to ensure that there would be staff available to help throughout public opening times.
- Recommendation 5 – Officers were trying to review where the bring centres were in West Berkshire in order to see what improvements could be achieved.
- Recommendation 6 – The Waste Service to co-ordinate with colleagues in the Planning Service to ascertain what improvements could be made.
- Recommendation 7 – There was a need to look at the question of cardboard waste to see if it could be included in the bulky collection facilities, particularly for those people without access to Pinchington Lane;
- Recommendation 8 – The Council was currently putting a case together, to go back to DEFRA, to increase revenue credits.

The Chairman of the Environment and Public Protection Select Committee reported that he was delighted with the result of cross party working and advocated this approach for other reviews.

RESOLVED that the following recommendations be approved:

- (1) Consultation – Urgent consideration should be given to initiating a campaign of active consultation with West Berkshire residents. The aim was to create a greater public awareness of waste issues and, in particular, the need to minimise the production of waste and to take a regular part in the kerbside recycling collection.
- (2) The Council needed to ensure that as much information on waste matters as possible was placed in the public arena.
- (3) That the Council ensured that during the busy contract period ahead, whilst existing contracts were maintained and monitored, and the new terms were negotiated, there was sufficient staff effort available to 'educate' in the broadest sense of the term, the attitude of the public on waste matters.
- (4) Improvements to be undertaken to make the civic amenity centre at Pinchington Lane a more attractive, user friendly and a safe site to visit.
- (5) That Bring Centres throughout the District are better placed to serve the whole District.
- (6) The provision of centralised recycling/collection facilities should be sought as a matter of course on all new multiple housing developments.
- (7) The Council find a solution to the removal of residential cardboard waste.
- (8) Consideration be given to increasing the Private Finance Initiative (PFI) credits granted to West Berkshire.

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96. COMMISSIONING STRATEGY FOR MENTAL HEALTH SERVICES.

(Councillor Billy Drummond declared a personal interest in Agenda Item 10 by virtue of the fact that his wife worked as a Community Mental Health Nurse. Councillor Drummond remained in the Chamber during consideration of the matter and voted on the item.)

The Executive considered a report (Agenda Item 10) concerning the Commissioning Strategy for Mental Health Services in order to provide a clear direction for service commissioning and development in line with corporate priorities. Within the Strategy around 18,000 people were identified as suffering mental health problems. The Commissioning Strategy drew on a review and analysis of the present trends in terms of:

- Legislation;
- Needs, supply and resource allocation;
- Organisational arrangements for commissioning.

The Commissioning Strategy also listed the services that are already on offer, how these were delivered and the various proposals already agreed by the Council. The Strategy went on to identify opportunities for residents to experience new opportunities and highlights the fact that it was intended that a Pathways to Employment Officer be appointed shortly.

Members congratulated Bev Searle and Margaret Goldie for all their hard work in this area, which they were sure, would help the quality of life for those suffering mental health problems.

RESOLVED that the Commissioning Strategy for Mental Health Services for 2004-2007 be approved.

97. PROPOSED SCHOOL MERGERS REPORT – WINCHCOMBE AND THATCHAM.

The Executive considered a report (Agenda Item 11) concerning the proposed school mergers of Winchcombe Infant and Nursery School with Winchcombe Junior School and Dunston Park Infant School with St Mary's CE Junior School.

Audit Commission guidance indicated that between 5% and 10% was the appropriate level for surplus places to allow for efficient use of resources, whilst also meeting some level of parental preference. The current level of primary surplus stands at 10.8% across the whole of West Berkshire and Officers were tasked with identifying options for the removal of these surplus places.

From the initial brief to look at removing surplus places within West Berkshire a list of criteria was drawn up for consideration and based on research carried out on the criteria and on the basis of further analysis and strategic planning impact, it was agreed that three infant/junior school mergers were appropriate to take forward for consultation.

The consultation process began on 18th June 2004 with a closing date of 18th August 2004 and encompassed as wide an audience as possible including parents, school staff, unions, governors and the local community. From the consultation exercise the number of formal responses received for Winchcombe and Thatcham Schools was less than one in eight.

In relation to configuration and use of sites and buildings for any merged school Members were informed that this would be agreed with the new governing body and headteacher whilst involving the local community in any discussions to determine what additional services would also be delivered from the same site. This would meet central Government's extended schools, by providing a "wrap-round" service, during and beyond the school day/year agenda as well as delivering on the Council's aim for primary schools in the future to be neighbourhood hubs for service delivery.

Members noted that the Council's current position was not to approve the disposal of school playing fields and under West Berkshire's Schools' Funding formula newly opened schools eg merged schools would receive transitional funding in addition to their basic formula budget for up to three years from

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the date of opening. This would allow for costs such as additional staffing and to compensate for any temporary fluctuation in pupil numbers which may surround the opening of a new school.

In relation to performance and standards of schools Members were informed that when looking at performance in primary schools against infant and junior school figures suggested that there was a strong benefit, in educational terms, of not changing schools at age 7.

During discussion of this item some Members were concerned that:

- No other options on the sites proposed appeared to have been considered;
- The report highlighted cost savings but did not set out capital cost details;
- Many costs and benefits were still to be identified;
- When the proposals went through the notice period phase it would be important to detail specific proposals for the reduction of buildings and reinforce the fact that no land in the Council's ownership would be lost for use of the community.

Members were informed that it was anticipated that any merged schools would stay in their same buildings for at least a year whilst the new governing body decided how best to use the available space. Subsequently the surplus building could be designated for community use.

Members noted the process as set out in Paragraph 11.1 which stated that following notices being published in October an 8-week objection period would follow prior to determination of the proposal by the School Organisation Committee in December. Members were keen to ensure that all parents from all four schools would receive a letter outlining when the cut-off date for communications on the proposal would be and also how these could be made.

RESOLVED that the Executive recommend:

- (1)
 - (a) to publish notices to merge Dunston Park Infant School with St Mary's CE Junior School, to form a single all through (3-11yr) primary school on the same site and serving the current catchment area, opening in September 2005
 - (b) that the all through Primary School referred to in (a) is of Church of England, Controlled status.
- (2) to publish notices to merge Winchcombe Infant and Nursery School with Winchcombe Junior School to form a single all through (3-11yr) primary school on the same site and serving the current catchment area, opening in September 2005
- (3) that a full and effective consultation be taken as part of the notice period.

98. **ADOPTION OF BERKSHIRE STRUCTURE PLAN 2001-2016.**

The Executive considered a report (Agenda Item 12) concerning the adoption of the Berkshire Structure Plan 2001-2016. This was the first Structure Plan that had been produced since Berkshire County Council was abolished and the new unitary authorities were established. On adoption of the 2001-2016 Plan, the 1991-2006 Structure Plan, which was adopted in 1995, would be replaced and would therefore no longer be a material consideration in planning decisions. The new Structure Plan would also be a central consideration in the preparation of the Council's new local development framework.

Members noted that the new Structure Plan contained strong policies on matters such as the need to incorporate high standards of energy efficiency and gave serious consideration to the inclusion of renewable technologies, in all new build.

RESOLVED that Council be recommended to formally adopt the Berkshire Structure Plan 2001-2016 (Appendix 12 of the report) and that the date of adoption be 10 December 2004.

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99. CREATING A LEGAL ENTITY TO DELIVER CONSUMER DIRECT.

The Executive considered a report (Agenda Item 13) concerning the proposal that the Council participated in a company limited by guarantee, along with potentially 19 other Local Authorities in the South East, in order to contract with the Department of Trade and Industry to deliver Consumer Direct. At the Executive meeting in July 2004 Members considered the background to Consumer Direct and agreed that the Council should support the initiative subject to certain provisos on any future regionalisation.

Members noted that all participating authorities should become Company Members who would have representation on the Board of Directors and would therefore be entitled to attend all Company Members Meetings eg AGMs and Extraordinary Meetings. It was further proposed that the participating authorities should nominate one of their officers as a Director and one of their Councillors to represent the Council at Company Member Meetings. Members also noted that the Company would be shown in the Council's accounts as a nominal investment although it's participation would be at negligible cost to the Council, liability would be restricted to £1 or £10, and would not expose it to any substantial financial risk. The Council would be committed to 5 years worth of funding but after this time the Council would be able to decide if it wished to carry on with the Company.

RESOLVED that:

- (1) the Council becomes a member (not a shareholder) of the proposed company limited by guarantee set up for the prime purpose of facilitating the Consumer Direct South East project;
- (2) the Corporate Director for Environment and Public Protection be nominated to be a Director of the company subject to appointment by the Board, or a person nominated by him;
- (3) the Portfolio Member in whose remit Trading Standards falls be nominated to represent the Council at Annual, Extraordinary and any other meetings of the company members;
- (4) the Food and Trading Standards Manager, in consultation with the Executive Member for Community Safety and the Head of Legal and Electoral Services, be authorised to approve the Memorandum and Articles of the proposed company.

100. SHAW HOUSE PROJECT APPRAISAL.

The Executive considered a report (Agenda Item 14) concerning the restoration of Shaw House and in particular the terms and conditions of the proposed contract between the Trustees of the National Heritage Memorial Fund and West Berkshire Council in respect of the offer of a grant.

On 30th June 2004 the Heritage Lottery Fund notified the Council that the application for grant aid had been approved and on 27th July 2004 the contract documentation was received. A condition of the letter of offer was that if the contract was not signed within three months of receipt, Trustees might consider withdrawing the grant.

Members noted that signing up to the contract would not commit the Council to letting a contract for the restoration works but provided a means to move forward to ensure the successful restoration of Shaw House.

Members commented that they had not all seen a copy of the Terms and Conditions. It was therefore agreed that a copy would be held in the Members' Room.

RESOLVED that

- (1) an agreement be entered into with the Trustees of the National Heritage Memorial Fund (NHMF) committing the Council to use the grant offered by NHMF in accordance with the terms and conditions of the agreement;
- (2) the Chief Executive be given delegated authority to sign all contractual documents on behalf of the Council.

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101. 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 4 of Part 1 of Schedule 12A of the Local Government Act 1972. Rule 4.2 of the Constitution also refers.

PART II

102. ACCOMMODATION CHARGING ISSUE.

(Paragraph 4 - particular applicant for/recipient of Council service)

The Executive considered an exempt report (Agenda Item 16) concerning an accommodation charging issue.

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

(The meeting commenced at 6.30pm and closed at 9.00 pm)

CHAIRMAN

Date of Signature: