

EXECUTIVE

MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2004

Councillors: Phil Barnett (P), Billy Drummond (AP), 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, Keith Chopping, Geoff Findlay, Marcus Franks, Roger Hunneman, Graham Jones, Tim Metcalfe, Graham Pask, Alexander Payton, Paul Pritchard, Quentin Webb, Emma Webster, Keith Woodhams, Laszlo Zverko

PART I

103. APOLOGY.

An apology for inability to attend the meeting was received on behalf of Councillor Billy Drummond.

104. MINUTES.

The Minutes of the meeting of the Executive held on 14 October 2004 were approved as a true and correct record and signed by the Chairman.

105. DECLARATIONS OF INTEREST.

Councillor Graham Jones declared an interest in Agenda Item 8, and reported that, as his interest was personal, but not prejudicial, he was permitted to take part in the debate.

106. 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 Brian Bedwell to be answered by the Executive Member for Highways and Transportation:

"Are there any plans to implement green cycle lanes around any other roundabouts in West Berkshire?"

The Portfolio Member with responsibility for Highways and Transportation gave the following answer:

"No."

Councillor Bedwell asked the following supplementary question:

"Having recently driven round St John's Roundabout on a dark, wet night and seeing no significant signs I wondered whether Councillor Hannon could enlighten us as to the validity or otherwise of the painted signs on that roundabout that indicate that it is a cycling alley. Incidentally I crossed it without worrying at all whether a cyclist would come up. Don't cycling signs usually indicate that that a particular part of the highway is for cyclists and not for anybody else?"

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

"I'm sorry but there are very clear signs that indicate there are cycling band lanes, certainly as you come up St John's Road because one of the things that we asked was the Officers put up large signs and there are large signs there. Equally there are

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large signs actually on the roundabout and I have to say that my perception walking past there and driving past there at least twice a day is that people are obeying and are very clear as to the lanes they should be on. And I would remind you that whenever any new traffic schemes is introduced it always takes a little while to get used to it – a classic is the mini-roundabouts and the confusion that they caused. My observations are that there isn't an issue and in fact it is very successful in slowing down traffic and that traffic would automatically go into the right lane."

- (ii) 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 Leader of Council:

"Can the Executive Member give me an assurance that any proposal to vary the Amey Contract will come to Full Council for determination?"

The Leader of Council gave the following answer:

"I can confirm that, in accordance with the Council's Constitution, any proposals to vary the Amey contract which would affect the Council's budget and policy framework, and in particular lead to additional costs, would come to a full meeting of the Council via the Partnership Strategy Board and the Executive."

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

"Can the lead member guarantee that the new hall for Purley Church of England Infant School will be completed by 31 December, as promised at the Executive meeting on 15 July 2004?"

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

"Thank you for this question. I must refer you to my reply to your question on July 15th and this was stated in the Minutes. My reply was - on 14th January the Eastern Area Planning Sub-Committee unanimously deferred the original plans on several counts. The plans were subsequently withdrawn and obviously then the timetable was delayed. I went on to say that the resulting plans will provide more accommodation as well as being more aesthetically pleasing. You then said could I ensure the continuation of the project and I replied that going back to the beginning of the planning meant that you have to go through the whole process again. I understand from the planners that providing that Eastern Area Planning approve the application, and that is a big proviso, the hall should be finished by 31st December. That is Phase One and then Phase Two should be ready approximately May-June 2005.

Following that, this happened. The new plans were approved at the Eastern Area Planning on August 18th and this was followed by discussions with all of those involved, including the head teacher and governors. Due to timing, namely the summer holidays, initially a certain amount of time was lost due to difficulties of people not being able to arrange meetings. During the discussions longer was spent than in previous projects ensuring that the specification was really, really tight. This I might add is being done on all schemes now to improve the quality of projects and to reduce the risk of unexpected expenditure. This meant that the whole project team reviewed the specification and they went through it page by page together to ensure that everything was covered. This included such things as the materials to be used, colours wanted, and with the consultant even providing a colour board at the meeting to ensure that the school and ourselves were happy.

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This was completed and then tenders were invited. The six tenders are due in on 19th November and once the preferred one is selected, all the health and safety checks will be carried out on the company, in liaison with the head teacher, to ensure that all aspects are covered. I am going to digress slightly here because there is another project I looked at recently where the specification even went down to the fact that the builders would be instructed to wear their t-shirts at all times and the school for their part would keep the girls away.

Once all aspects are covered the site would then be ready to commence Phase One and this time immediately followed by Phase Two.”

Councillor Tim Metcalfe asked the following supplementary question:

With respect, that has told me absolutely nothing. You say you have undertaken consultation but the two District Councillors involved have not been consulted and we were led to believe that it was going to be finished this year and we are still waiting. It is obviously not going to be finished this year, it's hardly going to be started this year. I realise this is extremely embarrassing for us all. I just wondered, have we got any deadline then at all?

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

“Yes, it will be commenced immediately after Christmas. The reason that it was delayed was the fact that it went through planning and it was not approved. Then it was very difficult to get the people together to do the specification. In order to have absolutely detailed specifications for everything, right down to colours, this took much longer than normal. And as I said, the tenders went out and there are six interested companies, which are due in on 19th November. These will go through the usual process and the site will be ready to start immediately after Christmas, and this again is because of the Christmas period. I am very sorry this has happened. Mainly it was because it was not approved the first time. I thought it would go straight through but the specifications had to be very closely defined and because of this, in future, all contracts are going to have this timeline. There will be planning - and I ask you to remember that planning does not have absolutely detailed specifications, and this is important, that schools should get the right drawing, the right everything for them. Full itemised specifications will be agreed with the school and with the proposed contractor. This will be detailed, and this will go to all parties, including schools so that there will only be limited changes. In other words we would rather schools did not come back and say we would like the door moved here or we would like an extra window there. This will go forward and then a timeline will be set.

I do speak to project managers to find out how things are going. But in order to be absolutely sure that this doesn't happen again - and I can't do anything if the plans are refused – I will monitor progress quarterly with Mark Abinger.”

107. PETITIONS.

A petition containing 237 signatures was received from Councillor Paul Pritchard. The petition related to the decision by the Portman Building Society to close their branch in Thatcham and asking them to review their decision in the light of the importance that the branch played in the local community. It was agreed that the petition would be sent to the Portman Building Society and once a response was received it would then be shared with Members at a future Executive meeting.

108. WEST BERKSHIRE FORWARD PLAN – DECEMBER 2004 TO MARCH 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 Member for Community Care and

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Affordable Housing and the Shadow Portfolio Members for Housing and Planning and Highways requested amendments to the Forward Plan as set out below:

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

- (1) EX0651 – Pooled Budgets for Intermediate Care to be moved from the December Executive to 13 January 2005;
- (2) EX0846 – Services for People with Learning Disabilities to be moved from the January Executive to a future meeting (date to be advised);
- (3) EX0849 – Parking Review to be moved from the January Executive to 10 March 2005.

109. 2004/05 HALF YEARLY BUDGET REPORT.

The Executive considered a report (Agenda Item 7) concerning an update on the 2004/2005 budget monitoring position and a number of in-year budget revisions. The key issues identified in the report were that the Corporate Director Environment and Public Protection had requested additional funds, to the amount of £330,000, in order to undertake highways improvements which could assist to improve the Council's CPA score for Environment. There was also a need to contribute to the Berkshire pension fund of around £300,000 for early retirement costs that would be funded from the forecasted underspend.

During discussion of this item concerns were raised regarding the accuracy and clarity of information contained in Appendix 7. It was agreed that the Head of Resources and Commissioning would write to the Executive and Shadow Executive and provide a more thorough interpretation of the figures contained in the Appendix.

RESOLVED that:

- (1) That the half yearly budget report be noted; and
- (2) The use of resources be approved as follows:
 - (a) £330,000 additional expenditure on Highways and Engineering;
 - (b) a contribution to the Berkshire Pension Fund of approximately £300,000 for early retirement costs.

110. AUDIT OF CRIME, DISORDER AND SUBSTANCE MISUSE 2001-04.

(Councillor Graham Jones declared a personal interest in Agenda Item 8 by virtue of the fact that he worked professionally to assist with some of the schemes used in the substance misuse programme. Councillor Jones therefore took part in discussions on this item.)

The Executive considered a report (Agenda Item 8) containing information on the levels of crime, disorder and substance misuse in West Berkshire during the period 2001-2004 that would be used to feed into the consultation process with partners and the community. The information contained in the audit enabled identification of problem areas and thereby focus on needs and identified priorities.

The Chairman of the Licensing Committee raised concerns about alcohol fuelled incidences especially as the data did not appear to show specific locations for these incidents. Members were informed that the Council was currently undertaking a mapping exercise in order to identify locations that would benefit from designation orders for alcohol. It was agreed that interim reports would be provided to the Licensing Committee.

RESOLVED that the first draft of the Audit of Crime, Disorder and Substance Misuse be approved prior to its completion in December.

111. CORPORATE POLICY ON CRIMINAL RECORDS BUREAU SEARCHES.

The Executive considered a report (Agenda Item 9) concerning the need to co-ordinate and update existing policies by agreeing a Council-wide policy on applying for and processing Criminal Record Bureau Searches. It was also proposed that the Council act as an umbrella organisation for those organisations that may not be registered with the CRB and accordingly charge a fee of £15 per search to cover handling charges.

RESOLVED that the policy set out in the report be adopted and that the Council agree to act as an umbrella organisation charging an administrative fee for handling such applications.

112. SOUTH EAST PLAN – WESTERN CORRIDOR AND BLACKWATER VALLEY STRATEGY.

The Executive considered a report (Agenda Item 10) concerning the South East Plan and in particular recommendations put forward by members of the Western Corridor and Blackwater Valley Steering Group. Under the new Planning Policy Framework the South East England Regional Assembly (SEERA) had the responsibility for producing a Regional Spatial Strategy for the South East, which was known as the South East Plan and which would identify the levels of housing to be provided up until 2026.

Concern was expressed that there needed to be consultation with the Police Authority as increased density tended to lead to increased crime. With regard to waste targets Members asked that GOSE be pressed to lower the targets.

RESOLVED that:

- (1) The Executive noted:
 - (a) the recommendations of the Western Corridor and Blackwater Valley Strategy;
 - (b) that Officers involved in preparing this Strategy were of the opinion that locally-generated housing needs in this area could be accommodated by development at the rate provided for in RPG9 but that fulfilling the area's potential for economic growth would require further development at a rate at least 40% above that in RPG9, a rate that would impose severe pressure on the area's infrastructure and environment;
 - (c) that Government policy as expressed in RPG9 (2001) urged local planning authorities in this area to discourage unsustainable development of a form that would place more than the minimal additional pressure on limited labour and land resources.
- (2) The Executive recommends to the South East England Regional Assembly (SEERA) that, for the Western Corridor Blackwater Valley Sub-Region, the South East Plan should provide for development that would:
 - (a) ensure a supply of homes for all the present population of the sub-region and their descendants;
 - (b) enable the sub-region to support a diverse and vibrant economy that would provide prosperity and jobs for the present population of the sub-region and their descendants, but without stimulating major net migration into the Sub-Region and thus placing undue pressure on labour and land resources.
- (3) The Executive believed that additional housing within the range RPG9 to RPG9 + 10% was what was required to achieve such a balance, and also that development at this level would only be acceptable if funding to provide the necessary infrastructure was guaranteed.

113. REGULATION OF INVESTIGATORY POWERS ACT 2000 – COVERT SURVEILLANCE POLICY AND GUIDANCE.

The Executive considered a report (Agenda Item 11) concerning the Council's policy relating to Regulation of Investigatory Powers Act 2000 (RIPA), which was introduced to ensure that surveillance and intelligence gathering by the police and other agencies complied with the European Convention of Human Rights.

Members noted that at present there was only one Officer who had achieved the relevant Home Office standards to become a Single Point of Contact and there was therefore a need to have at least one further trained Officer to cover for leave and other absences.

Members were informed that there needed to be a controlled process in place in order that the authorising Officer could ascertain all the facts in order that any surveillance confirmed to the criteria of the Act.

RESOLVED that:

- (1) the Regulation of Investigatory Powers Act 2000 – Covert Surveillance Policy and Guidance annexed as Appendix 11 to the report be formally adopted;
- (2) the Officers indicated in Appendix 2 to the Policy (Appendix 11) be approved as designated Officers under the Act;
- (3) provision be made for training of Officers and in particular training for a further Single Point of Contact officer.

114. FIREWORKS LICENSING FEES.

The Executive considered a report (Agenda Item 12) concerning the need to agree a licence fee for the purpose of the Firework Regulations 2004. At present there was a requirement under the Explosives Act 1875 for registration of premises wishing to store fireworks. In an attempt to restrict the supply of adult fireworks the Government had introduced the Fireworks Regulations 2004 which, in addition to several other measures, introduced new requirements on those who sold fireworks outside of the periods specified in the regulations, including the need to obtain a separate licence from the local authority. Members were informed that it was intended to charge a fee of £500 per annum for such a licence and this was in line with other local authorities in the South East.

RESOLVED that the Council set the fee at the maximum of £500 per annum for the sale of fireworks on an all year round basis as set out in the Fireworks Regulations 2004.

115. HOME TO SCHOOL TRANSPORT INTERIM SCRUTINY REVIEW REPORT.

The Executive considered a report (Agenda Item 13) concerning the review of home to school transport which had been undertaken by a Scrutiny Review Task Group made up of Members of the Children and Young People Select Committee. The review looked into the following areas:

- Potential changes in regulations particularly the proposed introduction of a School Transport Bill;
- Why the Council provided home to school transport;
- Travel trends of primary and secondary school pupils; and
- Benchmarking against other similar local authorities.

Members noted that the report was only an interim one pending the introduction of the School Transport Bill and that the Task Group might reconvene once the implications of the Bill were known.

In relation to the recommendations of the Task Group Members felt that the utilisation of vehicles owned by the Council and its partners was a good idea. However, there were strict rules on who could provide home to school transport and it was also felt that most Council vehicles eg those used by Social Services would be used at the same times as required by school children. Members were

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informed that it was understood that the Volunteer Bureau was currently undertaking an audit of available vehicles and it might be worth contacting them in order to avoid duplication of work.

RESOLVED that the following recommendations be approved:

- (1) That the Executive request that Council's Officers undertake an audit of the number and condition of vehicles owned by the Council and its partners. This audit to also include the suitability of these vehicles for home to school transport and the current utilisation of the vehicles.
- (2) That the Council encourages schools to produce and maintain School Travel Plans and that a guide is produced to aid schools in the production of these plans. It is also recommended that the Council contact Ofsted requesting that School Travel Plans form part of inspections.
- (3) That the Council encourages Town and Parish Councils to include community and school transport requirements in their Town and Parish Plans.
- (4) That the Executive supports the Task Group's investigations into the following areas:
 - (a) Investigate the feasibility of requesting schools to collaborate in setting their school day times to enable better utilisation of home to school transport vehicles.
 - (b) Investigate the feasibility of local communities entering a contract with the Local Education Authority to provide home to school transport for their community.
 - (c) Investigate better utilisation of West Berkshire vehicles in relation to co-operation between Social Services and home to school transport.
 - (d) Investigate the feasibility of co-ordinating school travel plans and school admission arrangements with home to school transport provision.

116. SEN INCLUSION POLICY AND DEVELOPMENT PLAN.

The Executive considered a report (Agenda Item 14) concerning the recommendations of the Children and Young People Select Committee following call-in of the Executive's decision relating to the SEN Inclusion Policy and Development Plan. The Executive noted the Select Committee's comments and in particular that they would like a progress report on co-location in six months time.

RESOLVED that the Executive noted that:

- (1) the Children & Young People Select Committee accepted the decision made by the Executive on 9 September 2004;
- (2) the Children & Young People Select Committee approved the principle of co-location and inclusion with the preference that Special Schools should be relocated in their entirety;
- (3) the Children & Young People Select Committee would like a progress report on co-location to come back to the Select Committee in six months time.

117. INTEGRATED WASTE MANAGEMENT CONTRACT WASTE ISSUES UPDATE.

The Executive considered a report (Agenda Item 15) concerning an update of the work undertaken in order to acquire a waste site for the new PFI waste contract. In March the Council commenced the formal procurement of a long-term 25 year integrated waste management contract, developed from the waste strategy, in order to maximise recycling and composting.

During discussion of this item Members were informed that potentially any of those companies tendering could come forward with a suitable site but in order to minimise risk to the Council a comprehensive review of potential sites, for waste management in the District, had been undertaken. Following investigation into suitable sites land at Padworth Sidings was identified as the preferred site. Padworth Sidings was a brownfield site with good access to road and rail network and also lay within the Waste Local Plan.

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In order to progress the site further a planning application would need to be submitted, ownership clarified and the Council was currently carrying out a geophysical assessment on the area.

RESOLVED that the work undertaken on acquiring a waste site for the new PFI waste contract be noted.

118. 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 the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. Rule 9.10.4 of the Constitution also refers.

PART II

119. INTEGRATED WASTE MANAGEMENT.

(Paragraph 9 – terms proposed in negotiations)

The Executive considered an exempt report (Agenda Item 17) concerning a further update on waste management issues.

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

120. REVIEW OF CAR PARKS CASH COLLECTION AND CASH COUNTING SERVICE.

(Paragraph 11 – labour relations matter)

The Executive considered an exempt report (Agenda Item 18) concerning the future of the car parks cash collection and cash counting service.

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

121. PROPOSED RELEASE OF COVENANTS.

(Paragraph 9 – terms proposed in negotiations)

The Executive considered an exempt report (Agenda Item 19) concerning the release of a restrictive covenant.

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

122. SALE OF LAND IN LAMBOURN.

(Paragraph 9 – terms proposed in negotiations)

The Executive considered an exempt report (Agenda Item 20) concerning the sale of land in Lambourn.

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

(The meeting commenced at 7.00pm and closed at 8.45pm)

CHAIRMAN

Date of Signature: