

Notice of Meeting



Scan here to access the public documents for this meeting

Executive

Thursday 5 September 2019 at 5.00pm

**in the Council Chamber, Council Offices,
Market Street, Newbury**

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Thursday, 29 August 2019

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: executivecycle@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

To:	Councillors Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, Lynne Doherty, Rick Jones, Richard Somner and Howard Woollaston
------------	----------------------------------------------------------------------------------------------------------------------------------------------------------

Agenda

Part I

Page(s)

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 16
To approve as a correct record the Minutes of the meeting of the Executive held on 25 July 2019.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Public Questions**
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.

 - (a) **Question submitted by Mr Vaughan Miller to the Portfolio Holder for Public Health and Community Wellbeing**
"Are there any areas of disagreement between Sports England, The FA & WBC preventing publication of the Playing Pitch Strategy, which was commissioned in June 2017?"
 - (b) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Transport and Countryside**
"In relation to the new park at the Nature Discovery Centre. Why does the council keep referring back to using an outdated DDA legislation repealed in 2010 and replaced by the Equalities act when looking into Disability access?"
 - (c) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Internal Governance**
"While previous attempts by the newspaper have been blocked, do you think it's in the public interest to release details of any minor offences councillor may have committed as a way to for the public to fully understand our elected councillors?"



(d) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Economic Development and Planning**

“With less than 70 days (at time of submission) until the stage of winter, does the council have sufficient beds for SWEF provision without having to require spaces from West Berkshire Homeless?”

5. Petitions

Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

Petition to be presented by Mrs Jackie Paynter in relation to the third runway at Heathrow.

Items as timetabled in the Forward Plan

		Page(s)
6.	2019/20 Revenue Financial Performance Report - Quarter One (EX3795) Purpose: To report on the quarter one revenue financial performance.	17 - 20
7.	2019/20 Capital Programme Financial Performance Report - Quarter One (EX3799) Purpose: To report on the quarter one capital financial performance.	21 - 30
8.	Treasury Management Annual Report 2018-19 (EX3806) Purpose: To inform Members of the treasury management activity, including short and long term borrowing, and the performance of the Council's investments for the financial year 2018/19.	31 - 38
9.	Devolution: garage adjacent to Beansheaf Community Centre, Calcot (EX3756) Purpose: To obtain authority to devolve the freehold interest in the garage at the Beansheaf Community Centre, Calcot, from West Berkshire Council to Holybrook Parish Council for a nominal consideration.	39 - 48
10.	Reducing rough sleeping in West Berkshire: A plan to ensure no-one has the need to sleep rough (EX3724) Purpose: To adopt a plan that sets out how the Council intends to address rough sleeping.	49 - 60



11. Protection of Land - Unauthorised Encampments (EX3655) 61 - 70
(CSP:)

Purpose: On the 13th September 2018 a Motion was submitted to Council as follows:

“The Council resolves that an assessment of the susceptibility of each of its green areas in towns and villages to unauthorised encampments be urgently carried out. The assessment should assess each site on its vulnerability to incursions and the likely impact on nearby homes. The assessment to be used to prioritise a programme to improve the security of the sites against future incursions.”

The Motion was referred without debate to Executive. The purpose of this report is therefore to consider the various options in order to fulfil the objectives of the Motion.

Items not timetabled in the Forward Plan

	Page(s)
12. Interim report on progress since declaring a Climate Emergency (information item)	71 - 76
13. Members' Questions Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.	
(a) Question submitted by Councillor Carolyne Culver to the Portfolio Holder for Internal Governance <i>“When will environmental impact assessments apply to all projects, as equality impact assessments already do?”</i>	
(b) Question submitted by Councillor Carolyne Culver to the Portfolio Holder for Economic Development and Planning <i>“What is the timescale for recruiting an in house ecologist?”</i>	
(c) Question submitted by Councillor Carolyne Culver to the Portfolio Holder for Environment <i>“What is the Council's initial reaction to the results of the ‘Consultation on consistency in household and business recycling collections in England: analysis of responses’ published in July?”</i>	



(d) **Question submitted by Councillor Martha Vickers to the Portfolio Holder for Transport and Countryside**

“Will the Council reconsider introducing free parking in the Wharf car park in Newbury on Thursdays in order to increase footfall in the town centre on Market Day?”

14. Exclusion of Press and Public

RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 8.10.4 of the Constitution refers.](#)

15. Land on Love Lane (EX3787)

77 - 88

(Paragraph 3 – information relating to financial/business affairs of particular person)

(Paragraph 5 – information relating to legal privilege)

Purpose: To propose the transfer of an asset.

16. Staffing implications due to a proposed Contact Centre Management Restructure (EX3818)

89 - 92

(Paragraph 1 - information relating to an individual)

(Paragraph 2 - information identifying an individual)

Purpose: To set out the staffing implications which are likely to result from the proposed management restructure of the Council's Contact Centre.

Sarah Clarke

Head of Legal and Strategic Support

West Berkshire Council Strategy Priorities

Council Strategy Priorities:

PC1: Ensure our vulnerable children and adults achieve better outcomes

PC2: Support everyone to reach their full potential

OFB1: Support businesses to start, develop and thrive in West Berkshire

GP1: Develop local infrastructure to support and grow the local economy

GP2: Maintain a green district

SIT1: Ensure sustainable services through innovation and partnerships

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

This page is intentionally left blank

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 25 JULY 2019

Councillors Present: Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, Lynne Doherty, Richard Somner and Howard Woollaston

Also Present: Robert Bradfield (Service Manager - Commissioning), Rebecca Braithwaite (Contracts & Commissioning Officer), Nick Carter (Chief Executive), Tess Ethelston (Group Executive (Cons)), Karen Felgate (Contracts and Commissioning Manager), Mark Lewis (Strategic Commissioning & Compliance Manager), Olivia Lewis (Group Executive (Lib Dem)), Ian Pearson (Head of Education Service), Shiraz Sheikh (Principal Solicitor), Andy Walker (Head of Finance and Property), Jon Winstanley (Head of Transport and Countryside), Councillor Adrian Abbs, Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Carolyn Culver, Councillor Owen Jeffery, Councillor Ross Mackinnon, Councillor Alan Macro, Councillor Steve Masters, Councillor Andy Moore, Councillor Erik Pattenden and Jo Reeves (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Lee Dillon, Councillor Rick Jones and Councillor David Marsh

PART I

17. Minutes

The Minutes of the meeting held on 13 June 2019 were approved as a true and correct record and signed by the Leader.

18. Declarations of Interest

There were no declarations of interest received.

19. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) Question submitted by Mrs Jackie Paynter to the Portfolio Holder for Environment

A question standing in the name of Mrs Jackie Paynter on the subject of whether the Council planned to increase its recycling rate to emulate that of neighbouring South Oxfordshire Council was answered by the Portfolio Holder for Environment.

(b) Question submitted by Mrs Jackie Paynter to the Portfolio Holder for Environment

A question standing in the name of Mrs Jackie Paynter on the subject of whether the Council planned to encourage residents to produce less waste, as councils like Stroud had done, was answered by the Portfolio Holder for Environment.

(c) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning

A question standing in the name of Mr Lee McDougall querying the level of funding that the Council felt it would need to provide a replacement facility for the football ground at

EXECUTIVE - 25 JULY 2019 - MINUTES

Faraday Road, that was of an equivalent or better quality, was answered by the Portfolio Holder for Economic Development and Planning.

(d) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning

A question standing in the name of Mr Lee McDougall on the subject of whether representatives of the children and women users of the community football ground had been invited to join the membership of the London Road Project Board was answered by the Portfolio Holder for Economic Development and Planning.

(e) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning

A question standing in the name of Mr Lee McDougall asking how the London Road Project Board intended to consult with the public about the potential impact to the community football ground to ensure all views were captured was answered by the Portfolio Holder for Economic Development and Planning.

(f) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning

A question standing in the name of Mr Lee McDougall, which sought confirmation of the terms of reference of the recently set up London Road Project Board, was answered by the Portfolio Holder for Economic Development and Planning.

20. Petitions

There were no petitions presented to the Executive.

21. Key Accountable Performance 2018/19: Quarter Four (EX3423)

The Executive considered a report (Agenda Item 6) concerning the Council's Key Accountable Performance 2018/19: Quarter Four. Councillor Howard Woollaston introduced the report which monitored performance against the 2018/19 Council Performance Framework; provided assurance that the objectives set out in the Council Strategy 2015-2019 and other areas of significant activity were being managed effectively; and presented, by exception, those measures which were reported 'red' at year end; and outlined remedial action taken/its impact.

Councillor Woollaston reported that the Council was performing well against many of its demanding targets and continually strived to improve standards. He proposed acceptance of the report's recommendations.

Councillor Lynne Doherty added that the Council had, in general, coped well in areas of high demand, in particular Adult Social Care (ASC) and Children and Family Services.

Councillor Doherty was disappointed that the very ambitious and challenging educational attainment targets had not been met. However, she was pleased that improvements had still been made. It was the case that school standards were improving nationally and this made the achievement of targets, that would place West Berkshire in the top quartile, even more challenging.

Turning to the strategic priority to close the educational attainment gap, Councillor Doherty stated that work to improve the attainment of pupils eligible for Free School Meals (FSM) and help them achieve their potential would continue to be a focus of the new Council Strategy. The responsibility for this did not solely fall to schools, partner organisations also had a key role to play. Early years settings in particular played a very important role in working with this cohort of pupils.

EXECUTIVE - 25 JULY 2019 - MINUTES

Councillor Doherty commended the work of schools, officers and partner organisations for all their efforts in this difficult area. Councillor Dominic Boeck did likewise and also highlighted the fact that many of these pupils had complex educational needs.

Councillor Doherty concluded her comments by pointing out that alongside the Council's new strategic priorities, its core business/business as usual would continue. She highlighted improvements to the timeliness of processing benefit claims and for determining planning applications. These were two areas which highlighted the importance given to a positive customer focus.

Councillor Graham Bridgman spoke on the three recommendations relating to ASC. He firstly confirmed that actions continued to be taken to decrease the number of bed days due to a Delayed Transfer of Care (DToC). As discussed many times previously, this was a complex area and there were a number of different elements which could contribute to delays in transferring a patient from hospital to a home care package/alternative care. Councillor Bridgman stated that the issue was more predominant on the healthcare side. Work continued between Health and ASC colleagues to manage this on an ongoing basis.

Councillor Bridgman was satisfied that this area was being given sufficient focus.

Secondly, Councillor Bridgman referred to the proposal for the Overview and Scrutiny Management Commission (OSMC) to further analyse the timeliness of reviews of ASC clients with Long Term Support to ensure this had happened within the past 12 months. Councillor Bridgman welcomed the OSMC's involvement. He described work being undertaken to understand how these reviews were being conducted by other local authorities to establish whether changes could be made to the Council's processes, i.e. could some reviews be brought forward and were there cases where a delay was more acceptable.

Finally, the Executive was asked to note the increasing concern in 2018/19 regarding safeguarding and quality relating to some external ASC providers which had arisen following CQC inspections. Councillor Bridgman confirmed that ASC Safeguarding Officers had been closely involved in responding to these concerns.

Councillor Hilary Cole referred to the 'red' indicator for determining planning applications. She pointed out that revised targets were adopted in Quarter Two and it had not been possible to achieve the new higher performance target for the full year. The targets were however achieved within Quarter Four and there was therefore confidence that the targets would be met in 2019/20.

Councillor Alan Macro referred to the project to establish the Joint Venture with Sovereign Housing and queried when this would begin to provide homes. Councillor Cole explained that the Joint Venture was nearing its conclusion. Subject to the receipt of legal advice, it could be signed off by the Chief Executive under delegated powers. Once this had happened, the plan to deliver new homes could progress relatively quickly.

Councillor Macro noted that a review of the Housing Service was being undertaken and asked when the review was due for completion and when the implementation of any recommendations would therefore commence. Councillor Cole explained that a peer review was held in early July 2019. The report was received on 24 July 2019 and consideration of the findings of this report and the implementation of its recommendations would therefore commence. This was being led by the recently appointed Housing Service Manager.

Councillor Macro drew attention to the exception report for relieving or preventing homelessness. The Quarter Four performance of 41% was some way short of the 75% target. Recruitment difficulties were highlighted and Councillor Macro queried plans to

EXECUTIVE - 25 JULY 2019 - MINUTES

resolve these. Councillor Cole acknowledged that performance in assessing the increased number of people presenting as homeless, following the introduction of the Homelessness Reduction Act, and requiring a Personal Housing Plan had decreased due to staff sickness and problems recruiting. Efforts were ongoing to resolve these.

Councillor Macro felt there was an inconsistency in the report that needed to be clarified. Paragraph 2.3 (6) (c) stated that work was on track in relation to submitting a new Local Plan and a Minerals and Waste Plan for Examination. However, page 40 of the agenda pack stated that the submission of both these documents was behind schedule. Councillor Cole acknowledged that work on the new Local Plan was currently behind schedule, however it was still anticipated that the consultation, which would incorporate the Minerals and Waste Plan, would take place as per the timetable.

Councillor Owen Jeffery voiced a concern at required timeframes for reviews for ASC clients with long term support not being met. This meant there were instances where an individual was not receiving the required level of care until the review was held, impacting on the individual. It was also the case that timely reviews could identify a reduced level of need and the potential to reduce the care package and its cost. Councillor Jeffery sought reassurance that both these instances were being avoided.

Councillor Jeffery questioned the point made that DToC was more of an issue within hospitals on the healthcare side. If clear care pathways had not been established by the Council then this could result in patients having to remain in hospital or swiftly return to hospital.

Councillor Bridgman responded to these two points. Evidence from reviews of long term care packages highlighted that the level of need would more likely increase rather than decrease and thereby increase costs. However, regardless of this point, he acknowledged that reviews, which were a duty of the Care Act, should be conducted in a timely manner.

On DToC, Councillor Bridgman agreed to provide a chart to Councillor Jeffery which gave a breakdown of the number of delayed days and their causes. This demonstrated that causes were more often health related.

Councillor Carolyn Culver noted that the performance of pupils eligible for FSM at the Early Years Foundation Stage and the support they could be provided with to improve was impacted by the very small number of pupils in this cohort. She questioned if the same issues would apply to a larger group. Councillor Lynne Doherty advised that it was more straightforward to deliver support to a larger cohort as an intervention could be delivered to an entire class. This was much more difficult to provide for a small cohort within a class as they would need to be taught in a different way to the rest of the pupils. This would often have to be delivered to the small group outside of their classroom.

In response to a question from Councillor Culver in relation to the target and performance in completing affordable homes, Councillor Cole explained that the target for 1,000 completions for the period covering 2015 to 2019 was a commitment within the Conservative Manifesto of 2015. In total, 615 affordable homes had been built in West Berkshire in that timeframe. There was also extant planning permission for a further 800 units which had yet to be built out.

Councillor Erik Pattenden queried the absence of a responsible officer against seven of the indicators which fell within the strategic priorities of improving educational attainment and closing the educational attainment gap. The Council was ranked in the fourth quartile for some of these indicators. Councillor Boeck explained that the post had been vacant, but it had been filled and the appointee would soon commence in the role.

EXECUTIVE - 25 JULY 2019 - MINUTES

Councillor Pattenden acknowledged that ambitious targets had been set. However, he questioned the Council's low national ranking against some indicators and whether a shortage of resource was a contributing factor in the ranking. Councillor Pattenden particularly highlighted '% of pupils eligible for FSM achieving a Good Level of Development (GLD) at Foundation Stage' where the Council was ranked 150/152. Councillor Boeck stated that performance against this indicator had been acutely observed, but a number of measures were in place to address this and improve performance. This was part of a long term programme.

Councillor Doherty added that this was of particular concern and, as already referenced, this was a continued focus of the new Council Strategy. As indicated by Councillor Boeck, a number of approaches were being taken as there was not a one size fits all solution. It was also the case that performance fluctuated in this area through the year and time needed to be taken to assess a child's needs when they were new to the Foundation Stage. This was an area of focus for schools, but there were wider societal issues to address for what was a national issue.

Councillor Pattenden sought assurance that additional focus to improve performance in one area would not result in a decrease in performance elsewhere. Councillor Boeck advised that all possible efforts would always be made to improve performance and improvements in one area would not be at the expense of another area.

RESOLVED that:

- Progress against the KAMs and key achievements in all services be noted.
- Those areas reported as 'red', as detailed in Appendix F, had been reviewed to ensure that appropriate actions were in place, especially for the measures relating to the Superfast Broadband Project for West Berkshire and the number of bed days due to DToC.
- The following areas be referred for further analysis at the Overview and Scrutiny Management Commission (OSMC). Namely, the results and improvement actions for:
 - (a) the education attainment for Free School Meals cohorts,
 - (b) the timeliness of reviews of ASC clients with Long Term Support,
 - (c) the homelessness prevention and alleviation, and
 - (d) a number of measures reported under the Protecting Children core business.
- The increasing concern in 2018/19 regarding safeguarding and quality relating to some Adult Social Care providers be noted.

Reason for the decision: report quarter four outturns for the Key Accountable Measures (KAMs) which monitor performance against the 2018/19 Council Performance Framework.

Other options considered: n/a

22. Final Schools Funding Formula 2019/20 (EX3783)

The Executive considered a report (Agenda Item 7) concerning the Final Schools Funding Formula 2019/20. Councillor Jeff Cant introduced the report which explained that the Council's Executive was required to agree, on an annual basis, the school funding formula for primary and secondary schools. The report was approved by Executive in February 2019, but due to a calculation error the formula needed to be approved again. It became apparent after sending out the final allocations to schools on 1 March 2019 that there had been a significant change in the total allocation. Schools

EXECUTIVE - 25 JULY 2019 - MINUTES

had received a detailed explanation as to what had happened and this was covered in the report. The corrected formula was approved by the Schools Forum on 17th June 2019.

Councillor Owen Jeffery asked how the error occurred and stated he hoped that an apology had been made to schools. Councillor Cant advised that a spreadsheet formula was incorrect and further training had been provided to staff.

RESOLVED that the funding formula be approved.

Reason for the decision: the Council's Executive must agree on an annual basis the school funding formula for primary and secondary schools.

Other options considered: n/a

23. **Framework Agreement for the provision of Community Home Care Services (EX3748)**

The Executive considered a report (Agenda Item 8) concerning the framework agreement for the provision of Community Home Care Services. Councillor Graham Bridgman introduced the report which sought to inform the Executive of the tender process and sought delegated authority for the Head of Adult Social Care, in consultation with the Head of Finance and Property and Head of Legal and Strategic Support, to award each of the lot, block and spot contracts that made up the Framework Agreement to the successful bidders.

Councillor Owen Jeffery queried the risks of moving from the current 30 providers on the framework to the seven proposed. In response, Councillor Bridgman explained that having an arrangement with 30 providers could add complexities. A smaller number would enable officers to have a more direct relationship with providers and achieve good rates. The Council commissioned an average of 10,000 home care hours per week for 894 clients.

Councillor Alan Macro referred to the lot and block areas listed in the report and queried whether Tilehurst, Purley and Theale, which were not specifically listed, would be included. Councillor Bridgman agreed to respond to this point in writing.

RESOLVED that authority be delegated to the Head of Adult Social Care, in consultation with Head of Finance and Property and Head of Legal and Strategic Support, to award each of the lot, block and spot contracts that made up the framework to the successful bidders.

Reason for the decision: The current framework will expire in October 2019.

Other options considered:

Do nothing – costs would increase due to having to spot purchase without a framework. Workloads would also increase due to quality of care needing to be monitored.

Contract extension – this is a framework so there is no scope to extend past four years, the current framework ends in October 2019.

Re-tender a spot purchase only framework – we want to encourage as many providers in and increase efficiencies within the sector. There are often not enough providers who are on the current framework to manage the demand so this is not a viable option to continue in the same way as the current agreement.

24. **WBC Catering - Care Homes and Resource Centre Catering (EX3752)**

The Executive considered a report (Agenda Item 9) concerning a contract for Care Homes and Resource Centre Catering. Councillor Graham Bridgman introduced the

EXECUTIVE - 25 JULY 2019 - MINUTES

report which proposed the urgent award of a contract for the provision of Care Homes and Resource Centre Catering with a start date of 1st September 2019.

Councillor Owen Jeffery asked why the contract was not proposed to include school meals. Councillor Bridgman advised that he would answer in Part II.

RESOLVED that the Part I report, which sought delegated authority for the Head of Adult Social Care to award the contract to the successful bidder for the Care Homes and Resource Centre Catering contract (following the evaluation process) in consultation with the Head of Finance and the Portfolio Holder for Adult Social Care, would be noted prior to consideration within Part II of the meeting.

25. Newbury College (Urgent Item)

The Executive considered a report (Agenda Item 10) concerning a proposed loan to Newbury College. Councillor Jeff Cant introduced the report which sought to support the University Centre development at the Newbury College campus by providing a loan to the College to help fund its construction.

Councillor Cant explained that the College had requested a loan of £3.5 million from the Council to be drawn down on the 1 September 2019 at the earliest to enable the completion of the building by September 2020. The College proposed that the loan be secured by a legal charge on the eight acres of land to the east of the campus which they intended to sell and they would repay the loan on completion of the sale of this land.

Additional funding had also been secured by the College from the Thames Valley Berkshire Local Enterprise Partnership, dependant on the facility being open to students from September 2020.

Councillor Cant was supportive of the recommendation, subject to Part II discussions. The University Centre development was excellent news for the town and the district.

Councillor Dominic Boeck added his support to this bold and forward thinking concept which would benefit residents and businesses. The recommendation for approval made clear the Council's high ambitions for all young people and aligned with West Berkshire's continued Vision for the district to be a fantastic place to live, work and learn.

Councillor Carlyne Culver queried whether graduates from the University Centre would have a link to local apprenticeships with local businesses. Councillor Lynne Doherty advised that this was detailed within the appendices to the report.

RESOLVED that the Part I report, which sought delegated authority for the Head of Finance & Property, in consultation with the Head of Legal & Strategic Support, to enter into facility agreement and associated legal charge and agreements with Newbury College to provide a loan to the College, would be noted prior to consideration within Part II of the meeting.

26. Members' Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Internal Governance

(Councillor Jeff Brooks joined the meeting at 6.01pm)

A question standing in the name of Councillor Jeff Brooks on the subject of whether the Council was considering becoming involved in the 5G testbeds and trials projects, recently announced by the Department of Culture, Media and Sport, was answered by the Portfolio Holder for Internal Governance.

EXECUTIVE - 25 JULY 2019 - MINUTES

(b) Question submitted by Councillor Martha Vickers to the Portfolio Holder for Transport and Countryside

A question standing in the name of Councillor Martha Vickers, asked on her behalf by Councillor Andy Moore, questioning what the Council intended to do to mitigate the issue of disruption in Newbury Town Centre, created by poorly managed building works and uncoordinated utility works, was answered by the Portfolio Holder for Transport and Countryside.

(c) Question submitted by Councillor Adrian Abbs to the Portfolio Holder for Environment

A question standing in the name of Councillor Adrian Abbs asking what data was available to the Council showing usage of electric vehicle points in West Berkshire, to help plans for locations and quantity, was answered by the Portfolio Holder for Environment.

(d) Question submitted by Councillor Erik Pattenden to the Portfolio Holder for Children, Young People and Education

A question standing in the name of Councillor Erik Pattenden on the subject of the environmental and economic impact of primary and secondary school pupils not being given places at their nearest school was answered by the Portfolio Holder for Children, Young People and Education.

(e) Question submitted by Councillor Erik Pattenden to the Portfolio Holder for Children, Education and Young People

A question standing in the name of Councillor Erik Pattenden querying the number of schools in West Berkshire who were continuing to buy into the school meals service from the central contract was answered by the Portfolio Holder for Children, Young People and Education.

(f) Question submitted by Councillor Erik Pattenden for the Portfolio Holder for Children, Education and Young People

A question standing in the name of Councillor Erik Pattenden on the subject of whether the Department of Education grant funding for improvement activities that led to improvements in phonics and maths at a group of schools in West Berkshire was going to be renewed, was answered by the Portfolio Holder for Children, Young People and Education.

(g) Question submitted by Councillor Erik Pattenden to the Portfolio Holder for Children, Education and Young People

A question standing in the name of Councillor Erik Pattenden asking how and by when teacher assessments of reading, writing and mathematics for pupils aged seven would be improved was answered by the Portfolio Holder for Children, Young People and Education.

(h) Question submitted by Councillor Erik Pattenden for the Portfolio Holder for Children, Education and Young People

A question standing in the name of Councillor Erik Pattenden querying the price per meal for a school meal provided under the current school meals service from the central contract was answered by the Portfolio Holder for Children, Young People and Education.

EXECUTIVE - 25 JULY 2019 - MINUTES

(i) **Question submitted by Councillor Owen Jeffery to the Leader of the Council**

A question standing in the name of Councillor Owen Jeffery asking how the Executive intended to reduce the ten year life expectancy gap between the better off and least well off parts of the District was answered by the Leader of the Council.

(j) **Question submitted by Councillor Owen Jeffery to the Portfolio Holder for Adult Social Care**

A question standing in the name of Councillor Owen Jeffery asking what steps the Executive had taken and would take to ensure the continuation of domiciliary care services across the District, should increasing numbers of European Union (EU) citizens leave the country (assuming the UK left the EU on 31 October 2019) was answered by the Portfolio Holder for Adult Social Care.

(k) **Question submitted by Councillor Adrian Abbs for the Portfolio Holder for Environment**

A question standing in the name of Councillor Adrian Abbs, which asked the Executive to confirm that it would end the green bin charge to help encourage more recycling and help to reduce society's carbon footprint, was answered by the Portfolio Holder for Environment.

27. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned items of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

28. WBC Catering - Care Homes and Resource Centre Catering (EX3752)

(Paragraph 3 – information relating to financial/business affairs of particular person)

The Executive considered an exempt report (Agenda Item 13) concerning a contract for care homes and resource centre catering.

RESOLVED to delegate authority to the Head of Adult Social Care to award the contract to the successful bidder following the evaluation process, in consultation with the Head of Finance and the Portfolio Holder for Adult Social Care.

Other options considered: as outlined in the exempt report.

29. Nursery Site Acquisition (EX3749)

The Executive considered an exempt report (Agenda Item 14) concerning the acquisition of a nursery site.

RESOLVED that the recommendation in the exempt report be approved.

Other options considered: as outlined in the exempt report.

30. Newbury College Loan (Urgent Item)

The Executive considered an exempt report (Agenda Item 15) concerning a proposed loan to Newbury College.

RESOLVED to delegate authority to the Head of Finance and Property, in consultation with the Head of Legal and Strategic Support, to enter into a facility agreement and associated legal charge and agreements with Newbury College to provide a loan to the College.

EXECUTIVE - 25 JULY 2019 - MINUTES

Other options considered: as outlined in the exempt report.

(The meeting commenced at 5.00pm and closed at 6.52pm)

CHAIRMAN
Date of Signature

2019/20 Revenue Financial Performance: Quarter One

Committee considering report:	Executive
Date of Committee:	5 September 2019
Portfolio Member:	Councillor Jeff Cant
Date Portfolio Member agreed report:	6 August 2019
Report Author:	Melanie Ellis
Forward Plan Ref:	EX3795

1. Purpose of the Report

- 1.1 To report on the Quarter One revenue financial performance.

2. Recommendation

- 2.1 To note the report.

3. Implications

- 3.1 **Financial:** The Quarter One forecast is an over spend of £620k, of which £210k is provided for in service risk reserves and risk management provision, which if used, could result in a year end position of a £410k over spend. This is 0.3% of the Council's 2019/20 net revenue budget of £125m.
- 3.2 **Policy:** N/A
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** N/A
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** There is a forecast under achievement of commercial investment income.
- 3.7 **Other:** N/A

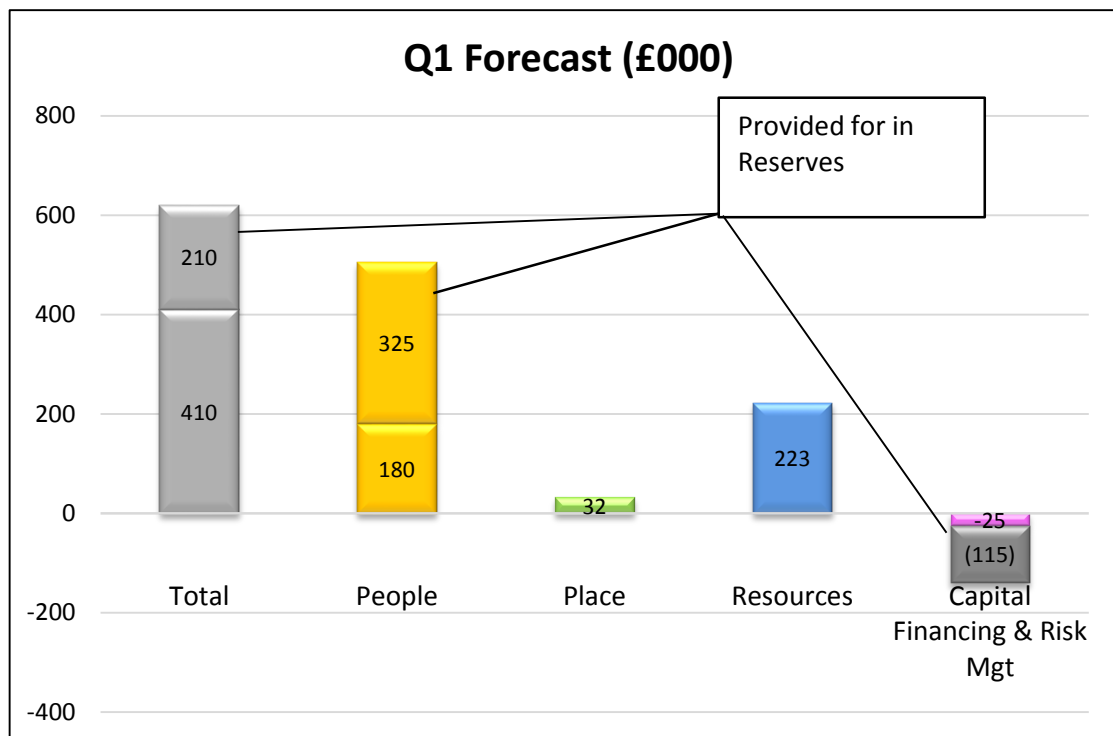
4. Other options considered

- 4.1 None

Executive Summary

5. Introduction

- 5.1 The Quarter One forecast is an over spend of £620k, of which £210k is provided for in service risk reserves and risk management provision, which if used, could result in a year end position of a £410k over spend. This is 0.3% of the Council's 2019/20 net revenue budget of £125m.
- 5.2 The Directorate forecasts are shown in the chart below.



- 5.3 The People Directorate is forecasting an over spend of £505k, of which £325k is provided for in service risk reserves and risk management provision.
- (1) Adult Social Care is forecasting an over spend of £153k, mostly arising in the care home workforce, in particular at Birchwood, due to difficulty recruiting and reliance on agency staff. There are pressures as a result of an Extra Care Housing provider terminating the contract at two provisions. There is a £161k service risk reserve for risks that have arisen.
 - (2) In Children & Family Services, there is a forecast over spend of £203k, predominantly in Independent Fostering Agency (IFA) placements. There is a £49k service risk reserve against this. There is a potential under spend in residential placements which could go towards mitigating the IFA over spend, but it is too early in the year to forecast this.
 - (3) In Education, there is a forecast over spend of £180k. The removal of the SEND grant is driving a £115k pressure, which Budget Board agreed to report as an over spend during 2019/20. This can be funded from the risk management provision at year end. There is a shortfall of

income at Castle Gate, due to insufficient beds to sell to neighbouring authorities. However, the placement of West Berkshire children here, is leading to cost avoidance on the disability support budget.

- 5.4 The Place Directorate is forecasting an over spend of £32k, largely arising in Public Protection and Culture from contract pressure and delay to digitalisation savings.
- 5.5 The Resources Directorate is forecasting an over spend of £223k. In Finance & Property there is a £290k income shortfall forecast in from commercial property, as the portfolio is not invested at the level expected. In Commissioning, there is a £72k contract pressure from the school meals service.
- 5.6 In Capital Financing & Risk Management, there is a forecast under spend of £140k. £100k income target for commercialisation which is currently forecast not to be met, but additional investment income, reduced levy costs and other under spends are offsetting this.
- 5.7 The 2019/20 savings and income generation programme of £6.2m, is 83% Green, 8% Amber and 9% Red. The relatively high level of red savings of £558k is a factor in the overall over spend position.

6. Proposal

- 6.1 To note the Quarter One forecast of £620k.
- 6.2 To note that £210k of the forecast over spend has been provided for in reserves, which if used could reduce the over spend to £410k.

7. Conclusion

- 7.1 The Council is reporting a forecast over spend of £620k, of which £210k is provided for in service risk reserves and risk management provision, leading to a year end forecast of £410k. The report highlights what each directorate is putting in place to mitigate their forecast over spends, and any implications for budget setting. There is a £6.2m savings and income generation programme which is forecasting 83% achieved at Quarter One.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – People Directorate
- 8.5 Appendix E – Place Directorate
- 8.6 Appendix F – Resources Directorate
- 8.7 Appendix G – Quarter One Report
- 8.8 Appendix H – Deficit Schools outturn position 2018/19

This page is intentionally left blank

2019/20 Capital Programme Financial Performance Report Quarter One

Committee considering report:	Executive
Date of Committee:	5 September 2019
Portfolio Member:	Councillor Jeff Cant
Date Portfolio Member agreed report:	15 August 2019
Report Author:	Shannon Coleman-Slaughter
Forward Plan Ref:	EX3799

1. Purpose of the Report

- 1.1 The financial performance reports provided to Members throughout the financial year reports on the under or over spend against the Council's approved capital budget.
- 1.2 This report presents the Quarter One financial performance for Members to note, no decisions are required.

2. Recommendation

- 2.1 Not applicable.

3. Implications

- 3.1 **Financial:** Any potential capital slippage during 2019/20 will be monitored in year and impacts on the 2020/21 capital programme reviewed by the Capital Strategy Group (CSG).
- 3.2 **Policy:** Not applicable
- 3.3 **Personnel:** Not applicable
- 3.4 **Legal:** Not applicable
- 3.5 **Risk Management:** Any significant delays in project delivery impact on the provisional budget for 2020/21 and subsequent years. Not fully utilising the Commercial Property budget (£35 million) will result in the Property Investment Strategy not being fully invested and compromising budgeted revenue returns in 2019/20 and planned returns for 2020/21.
- 3.6 **Property:** Not applicable
- 3.7 **Other:** Not applicable

4. Other options considered

4.1 Not applicable

Executive Summary

5. Introduction / Background

- 5.1 The financial performance report provided to Members on a quarterly basis during the financial year, details progress against the current years capital programme, and key capital schemes identified as high risk.
- 5.2 A capital budget for 2019/20 of £75 million was set by Council in March 2019 with funding of £20.8 million from external grants, £5.4 million section 106 contributions and Community Infrastructure Levy and with £48.8 million planned to be funded from borrowing.
- 5.3 During the year budget changes may occur, mainly as a result of budgets brought forward from the previous financial year, additional grants and section 106 allocations received in year and spend re-profiled into 2020/21. The revised budget at Quarter One is £88.1 million. As part of the yearend process for 2018/19 £8.5 million of slippage was agreed by CSG and is now included within the 2019/20 budget allocation. Appendix D gives a breakdown of programme slippage by service and all other changes to the capital budget.

6. Proposals

- 6.1 None

7. Conclusions

- 7.1 At the end of Quarter One expenditure of £48.4 million has been forecast against the revised budget of £88.1 million, an overall underspend of £39.6 million, 45% of the budget.

Directorate Summary	Current Budget	Quarter One		Quarter Two		Quarter Three		Change in Forecast from Last Quarter
		Forecast Spend in Year	Forecast (under)/Over Spend	Forecast Spend in Year	Forecast (under)/Over Spend	Forecast Spend in Year	Forecast (under)/Over Spend	
	£'000	£'000	£'000	£'000	£'000			£'000
People	18,605	16,963	(1,642)					
Place	30,282	27,282	(3,000)					
Resources	39,215	4,215	(35,000)					
Totals	88,102	48,460	(39,641)	0	0	0	0	0

- 7.2 The key areas contributing to the underspend position are:

- (1) Commercial Property (within Finance and Property Services, Resources Directorate), is forecasting a £35 million underspend. Executive agreed in June 2019 to review the property investment strategy. Until the strategy review is complete, forecasting is based on the likelihood that the Commercial Property budget of £35 million will not be spent in year and the full budget is forecast as an underspend at Quarter One.

- (2) Development and Planning (within the Place Directorate), is forecasting a £3 million underspend relating to the redevelopment of Four Houses Corner, purchase of temporary accommodation and anticipated usage of the Disabled facilities Grant.
- (3) Education Services (within the People Directorate), is forecasting £1.8 million underspend primarily relating to delays in the Willink expansion (at feasibility stage), Speenhamland two form entry expansion and the East Area Pupil Referral Unit redevelopment. This is partially offset by an overspend forecast by Adult Social Care of £154k relating to use of Occupational Therapists capitalised as part of the corporate mitigation programme in 2018/19.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – 2019/20 Budget Changes

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Finance & Property
Team:	Accountancy
Lead Officer:	Andy Walker
Title of Project/System:	Capital Programme Financial Performance Monitoring
Date of Assessment:	18.7.19

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	X
Will you be processing data on a large scale? Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	X
Will your project or system have a “social media” dimension? Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	X
Will any decisions be automated? Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	X
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	X
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	X
Will you be using any novel, or technologically advanced systems or processes? Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To note report
Summary of relevant legislation:	N/a
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Andy Walker
Date of assessment:	18.7.19

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	No
Function	Yes	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To inform re financial performance against agreed capital programme
Objectives:	To inform re financial performance against agreed capital programme
Outcomes:	To inform re financial performance against agreed capital programme
Benefits:	To inform re financial performance against agreed capital programme

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	Not applicable	Not applicable
Disability		

Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	N/a
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Andy Walker

Date: 18.7.19

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Treasury Management Annual Report 2018/19

Committee considering report: Executive on 5 September 2019

Portfolio Member: Councillor Jeff Cant

Date Portfolio Member agreed report: 15 August 2019

Report Author: Gabrielle Esplin

Forward Plan Ref: EX3806

1. Purpose of the Report

- 1.1 To inform Members of the treasury management activity, including short and long term borrowing, and the performance of the Council's investments for the financial year 2018/19.

2. Recommendation

- 2.1 To note the contents of the report.

3. Implications

- 3.1 **Financial:** The Treasury function is responsible for the daily cash flow management of the Council. In 2018/19, net interest of £687k was earned on short term investments, as compared with £360k in 2017/18.
- 3.2 **Policy:** The Council's cash flow, borrowing and investments are carried out in accordance with the Annual Investment Strategy agreed by Council.
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** All investments are undertaken with a view to minimising the risk of financial loss. The Treasury Management Strategy approved by the Council sets parameters to ensure this.
- 3.6 **Property:** The Council's Property investment strategy is closely aligned to the overarching Investment and Borrowing Strategy. Progress with property investment will be reported as part of quarterly financial performance monitoring.

4. Other options considered

- 4.1 Not applicable.

Executive Summary

5. Summary of Treasury Performance in 2018/19

- 5.1 The aim of the Council's Treasury Management Strategy is to manage cash flow to ensure sufficient funds are available on a day to day basis for the Council's operations. Surplus funds are invested to maximise interest, while minimising the exposure of investments to risk. Investment and borrowing activities in 2018/19 were affected by the increase in the Bank of England base rate of interest from 0.50% to 0.75% in August 2018.
- 5.2 The average level of funds invested by the Council in 2018/19 (net of short term borrowing) was £37.9 million (£22.6 million in 2017/18). Funds were invested in instant access deposit accounts with:
- Natwest at up to 0.2% until September 2018 and up to 0.3% from October 2018
 - the Bank of Scotland at 0.35% until July 2018 and 0.6% from August 2018
 - Santander UK at 0.15% throughout the year
 - the Goldman Sachs Sterling Liquid Reserve money market fund, at a variable rate of interest averaging 0.59%.
- Fixed term deposits were also placed with UK Building Societies for an average period of 282 days and an average rate of 1.05%. The maximum amount invested with any one institution was £5 million. A number of short term loans were also arranged from other Local Authorities to cover our short term cash flow needs. The average length of loan was 13 days and the average rate of interest paid was 0.79%.
- 5.3 Total interest earned on investments (net of interest paid on short term borrowing) was £314k, or 0.83% of the average fund value (compared with £129k or 0.57% in 2017/18). We also received a discount of 2.7% or £373k by paying our contributions to the Berkshire Pension Fund in advance. The total earned through cash flow management was therefore £687k which represents a return of 1.53%.
- 5.4 £46.1 million new longer term loans were also taken from the Public Works Loans Board (PWLB) in 2018/19. This included £39.8 million new 50 year maturity loans at an average rate of 2.51% to fund the acquisition of investment property. The remaining loans were all annuity loans, to finance capital expenditure, for between 10 years at 1.66% interest and 50 years at 2.66%. The length of loan was linked to the estimated useful life of the asset funded. £5.4 million repayments were made on existing capital financing loans, bringing the Council's total long term capital financing debt with the PWLB to £200.4 million.

6. Conclusion

- 6.1 The return on investments in 2018/19 compared favourably to the previous year's performance due to a higher fund balance, higher interest rates and proactive cash flow management. Interest rates have increased over the last 12 months and are currently expected to remain fairly stable for the remainder of the financial year 2019/20. We therefore anticipate that, by continuing to pursue the current treasury management policy, returns on investments for the current financial year will be at least as good as or slightly better than in 2018/19.
- 6.2 However it is likely that the fund balance will be lower in 2020/21 when capital schemes which have been subject to delay are expected to be completed. The

effect of a £5 million reduction in the fund balance **or** a 0.25% reduction in interest rates would be a reduction in interest earned of approximately £75k.

- 6.3 Treasury activities will continue to be reviewed and scrutinised by the Treasury Management Group and any significant changes to forecast performance will be reported to the Executive through the quarterly financial performance monitoring process.

7. Appendices

- 7.1 Appendix A – Data Protection Impact Assessment
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Supporting Information

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Finance and Property
Team:	Accountancy
Lead Officer:	Gabrielle Esplin
Title of Project/System:	Treasury Management
Date of Assessment:	23/7/19

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	No
Will you be processing data on a large scale? Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	No
Will your project or system have a “social media” dimension? Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	No
Will any decisions be automated? Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	No
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	No
Will you be using any novel, or technologically advanced systems or processes? Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	No

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	No decision – report to note only
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Gabrielle Esplin
Date of assessment:	23/7/19

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Not applicable – report on 2018/19 activity to note only
Objectives:	
Outcomes:	
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	Not applicable – report on 2018/19 activity to note only	
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Gabrielle Esplin

Date: 23/7/19

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Devolution: garage adjacent to Beansheaf Community Centre, Calcot

Committee considering report: Executive on 5 September 2019

Portfolio Member: Councillor Jeff Cant

Date Portfolio Member agreed report: 15 August 2019

Report Author: Colin Broughton

Forward Plan Ref: EX3756

1. Purpose of the Report

- 1.1 To obtain authority to devolve the freehold interest in The Garage at Beansheaf Community Centre, Calcot, from West Berkshire Council to Holybrook Parish Council for a nominal consideration.

2. Recommendation

- 2.1 That West Berkshire Council transfers the freehold interest in The Garage at Beansheaf Community Centre to Holybrook Parish Council for a peppercorn.

3. Implications

- 3.1 **Financial:** The premises are currently let to the Holybrook Parish Council for a peppercorn under a lease expiring 16 February 2025 and the Parish Council pay for all repairs, insurance costs etc. The garage is of little value to West Berkshire Council due to its location and nominal rental value, but has potential benefits as ancillary storage space for the Community Centre which is owned freehold by Holybrook Parish Council.
- 3.2 **Policy:** Under the Councils Devolution programme, property that can better deliver local services and is not required by the Council, are considered for transfer either on long leases or freehold subject to pre-emption, to local Parish or Town Councils, who maintain and run the property at their cost. As West Berkshire Council has no current or future use for the garage at Beansheaf it would be a suitable property to consider transferring to the Parish Council.
- 3.3 **Personnel:** Property Services and Legal Services
- 3.4 **Legal:** Legal Service representatives have attended all Devolution meetings where this matter has been discussed and agreed to the terms of the Transfer.
- 3.5 **Risk Management:**

3.6 **Property:** Property Services involvement relates to agreeing terms of transfer to the Parish Council following application by the Parish Council, and discussion at the devolution meetings where the terms of Transfer were approved.

3.7 **Other:**

4. Other options considered

4.1 Retain the Garage and continue leasing to Holybrook Parish Council at Nil rent.-

Executive Summary

5. Introduction / Background

- 5.1 Holybrook Parish Council was created in 2000 under an Order dated 1st March 2000 when it split from Theale Parish Council and the ownership of Beansheaf Community Centre was transferred from Theale PC to Holybrook PC.
- 5.2 When the Beansheaf Community Centre was built its ownership was retained by Theale Parish Council, and the then Newbury District Council had some changing rooms and toilets built on to the end of the Community Centre to service the adjoining playing field, these being shown edged blue on the attached plan. Newbury District Council retained ownership of the changing rooms and the garage which adjoins the Community Centre, the Garage being shown edged red on the plan attached.
- 5.3 Newbury District Council and more lately West Berkshire Council used the Garage for ground maintenance equipment up until 2004 when a request was made by the Youth and Community Team of the Council to use the Garage for a drop in centre for young people of the parish of Holybrook and planning consent was obtained for the change of use under application No 04/00947/FUL.
- 5.4 An approach was made by Holybrook Parish Council to take over the operation of the Garage as a Youth Drop in centre and a 10 year lease was granted to the Parish council from 2014 at nil rent.
- 5.5 As part of the Council's devolution programme, the Holybrook PC has requested that the freehold of the Garage be transferred to them for a nominal sum and provisionally terms have been agreed that the property be transferred for £1 and that the use of the premises is restricted to storage and uses ancillary to Beansheaf Community Centre as the use as a Drop in Centre has declined in recent years.
- 5.6 Provision in the transfer is to be made whereby there is a right of pre-emption if the Parish Council ceases to use the property for a period of 6 months or the property becomes surplus to the Parish Council or any successors needs, whereupon the property must be transferred back to West Berkshire Council in no worse state than at this transfer for £1.

6. Proposals

- 6.1 That West Berkshire Council transfers the freehold of the Garage at Beansheaf Community Centre to Holybrook Parish Council for a nominal sum of £1, the use of the premises being restricted to that of storage and uses ancillary to Beansheaf Community Centre and subject to the pre-emption proviso.

7. Conclusion

- 7.1 The freehold of The Garage at Beansheaf Community Centre be transferred to Holybrook Parish Council as proposed above.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment

8.2 Appendix B – Equalities Impact Assessment

8.3 Appendix C - Plan showing location of The Garage.

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Finance and Property
Team:	Property
Lead Officer:	Colin Broughton
Title of Project/System:	Devolution: garage adjacent to Beansheaf Community Centre, Calcot
Date of Assessment:	23/07/19

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	x <input type="checkbox"/>
Will you be processing data on a large scale? Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	x <input type="checkbox"/>
Will your project or system have a “social media” dimension? Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	x <input type="checkbox"/>
Will any decisions be automated? Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	x <input type="checkbox"/>
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	x <input type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	x <input type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes? Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	x <input type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To approve the conversion of a leasehold interest held by Holybrook Parish Council to the freehold ownership subject to conditions.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No. It is supported by Devolution policy.
Name of assessor:	Colin Broughton
Date of assessment:	23 July 2019

Is this a:		Is this:	
Policy	Yes	proposed	Yes
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To transfer property interests to local Parish and town councils
Objectives:	Reduce property liabilities and associated costs.
Outcomes:	Less management time and costs.
Benefits:	As above

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	Use of property remains the same
Disability	None	Use of property remains the same

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Use continues as currently	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Use continues as currently	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Colin Broughton

Date: 23 July 2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Reducing rough sleeping in West Berkshire: a plan to ensure no-one has the need to sleep rough

Committee considering report:	Executive
Date of Committee:	5 September 2019
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	15 August 2019
Report Author:	Neil Coles
Forward Plan Ref:	EX3724

1. Purpose of the Report

- 1.1 To adopt a plan that sets out how the Council intends to address rough sleeping.

2. Recommendation

- 2.1 That the plan titled – ‘Reducing rough sleeping in West Berkshire: A plan to ensure no-one has the need to sleep rough’ be adopted.

3. Implications

- 3.1 **Financial:** The failure to adopt the proposed plan as required by Ministry of Housing, Communities and Local Government (MHCLG) may result in the clawback of funding secured through the Rough Sleeper Initiative and Rapid Rehousing Pathway funding streams.
- 3.2 **Policy:** The proposed plan links to the Council’s Homelessness Strategy.
- 3.3 **Personnel:** The proposed plan relies on staffing resource currently funded through the Rough Sleeper Initiative which currently does not provide funding after 2019/20.
- In the event that further funding opportunities are not offered or where funding bids are not successful the proposed plan may need to be reviewed to determine future deliverability.
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

- 4.1 The option not to adopt a rough sleeping plan was dismissed as the adoption of a plan is a requirement of the Ministry of Housing, Communities and Local Government in connection with the Rough Sleeper Initiative and Rapid Rehousing Pathway funding awarded to the Council for 2018/19 and 2019/20.

Executive Summary

5. Introduction / Background

- 5.1 The Ministry of Housing, Communities and Local Government (MHCLG) has awarded the Council Rough Sleeper Initiative funding for 2018/19 (part) and 2019/20 to deliver a range of specified services to address rough sleeping.
- 5.2 During 2018/19 the Council received £211,312 in Rough Sleeper Initiative funding and this increased to £261,820 for 2019/20. This funding is to be used to deliver a range of interventions agreed with and monitored by MHCLG, underpinned by the appointment of a Homelessness Reduction Co-ordinator post which is funded until March 2020.
- 5.3 Further funding was awarded following a bid to the Rapid Rehousing Pathway resulting in £102,560 funding for 2019/20 to deliver a Navigator post to provide support to rough sleepers, and a Supported Lettings Officer post to assist rough sleepers to secure sustainable accommodation.
- 5.4 There is currently no indication whether future funding streams will be available beyond 2020, and there remains a degree of uncertainty regarding future funding specifically targeting the prevention of rough sleeping. It is assumed therefore that no further Government funding will be available in the future for addressing rough sleeping.
- 5.5 A condition attached to the funding is that the Council adopt a rough sleeping plan that sets out how rough sleeping will be reduced.
- 5.6 'Reducing rough sleeping in West Berkshire: A plan to ensure that no-one has the need to sleep rough' is the proposed rough sleeping plan to meet MHCLG's requirements.
- 5.7 The Homelessness Strategy Group was consulted on the proposed plan on 31 January 2019 and 04 April 2019 and comments from partners have been incorporated into the plan accordingly.
- 5.8 MHCLG have also been consulted on the most recent draft plan and their comments have been incorporated into the proposed plan. MHCLG supported the Council's approach to deliver a plan with a range of largely generic actions that responds to the fluctuating diversity of the cohort of rough sleepers at any one time.
- 5.9 As of 31 July 2019 there were 11 rough sleepers across the district – a reduction from the 18 that were present in November 2018 when the annual rough sleeper count was conducted.

6. Proposals

- 6.1 The proposed rough sleeping plan builds on the work that is currently undertaken by the Council and partner agencies to address the problem of rough sleeping, and also sets out the context of rough sleeping in West Berkshire. The plan assumes that no further Government funding will be available once the current funding ends in March 2020.

- 6.2 As the cohort of people sleeping rough is small and does not comprise a static group of individuals, the proposed plan incorporates a range of generic outcomes rather than targeted outcomes based on a specific needs assessment of a static cohort of individuals.
- 6.3 The proposed plan does not replace the range of statutory duties placed on the Council in respect of homeless households under the various pieces of housing legislation - it is complimentary to these obligations.
- 6.4 The plan sets the challenging ambition of continuing to ensure that no-one has the need to sleep rough, and details 5 priorities to achieving this goal:
- i) Delivering targeted support and accommodation services that meet the needs of rough sleepers;
 - ii) Providing innovative solutions to assist entrenched rough sleepers leave the streets
 - iii) Improving the health and well-being of rough sleepers;
 - iv) Preventing residents at risk of rough sleeping from needing to sleep rough, and;
 - v) Tackling the negative public perceptions surrounding rough sleeping.
- 6.5 The plan includes a detailed action plan that sets out the key actions to deliver each of the priorities, and includes the responsible party and delivery timescales.
- 6.6 As the plan relates directly to operational matters it is important that it remains flexible to address emerging challenges, to respond to local factors, and to embrace future MHCLG requirements. Any necessary future amendments will be completed in accordance with existing delegated authority detailed within the Council's Constitution.

7. Conclusions

- 7.1 The proposed plan is required to be adopted to satisfy the funding requirements of MHCLG, and assumes that no further Government funding will be available once the current funding ends in March 2020.
- 7.2 Failure to adopt the plan may result in the withdrawal of future MHCLG Rough Sleeper Initiative and Rapid Rehousing Pathway funding and the requirement to repay funding previously awarded.

Background Papers:

1. Reducing rough sleeping in West Berkshire: A plan to ensure that no-one has the need to sleep rough

Subject to Call-In:

Yes: ☒ No: ☐

Wards affected:

All wards

Officer details:

Name: Neil Coles
Job Title: Strategy, Development and Review Manager
Tel No: 01635 503020
E-mail Address: neil.coles1@westberks.gov.uk

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Reducing rough sleeping in West Berkshire: a plan to ensure no-one has the need to sleep rough

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Development and Planning
Team:	Housing
Lead Officer:	Neil Coles
Title of Project/System:	Reducing rough sleeping in West Berkshire: A plan to ensure that no-one has the need to sleep rough
Date of Assessment:	29/04/19

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To adopt a plan setting out how the Council intends to address rough sleeping
Summary of relevant legislation:	N/A
Does the proposed decision conflict with any of the Council's key strategy priorities?	The proposed plan links to the Council's Homelessness Strategy
Name of assessor:	Neil Coles
Date of assessment:	29/04/19

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	Yes	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To adopt a plan setting out how the Council intends to address rough sleeping.
Objectives:	To reduce the level of rough sleeping across the district.
Outcomes:	Reduced levels of rough sleeping.
Benefits:	Positive health impact on single homeless at risk of, or sleeping rough.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.

Disability	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Gender Reassignment	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Marriage and Civil Partnership	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Pregnancy and Maternity	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Race	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Religion or Belief	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Sex	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Sexual Orientation	Positive impact	The plan seeks to reduce rough sleeping to all individuals at risk of street homelessness, or sleeping rough.
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: The proposed plan impacts positively on all persons at risk of, or sleeping rough.	
Will the proposed decision have an adverse impact upon the lives of	No

people, including employees and service users?	
<p>Please provide an explanation for your answer:</p> <p>The proposed plan impacts positively on all persons at risk of, or sleeping rough.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Neil Coles

Date: 29/04/19

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

This page is intentionally left blank

Protection of Land, Unauthorised Encampments

Committee considering report:	Executive
Date of Committee:	5 September 2019
Portfolio Member:	Councillor Richard Somner
Date Portfolio Member agreed report:	15 August 2019
Report Author:	Paul Hendry
Forward Plan Ref:	EX3655

1. Purpose of the Report

- 1.1 On the 13th September 2018 a motion was submitted to Council as follows:

The Council resolves that an assessment of the susceptibility of each of its green areas in towns and villages to unauthorised encampments be urgently carried out. The assessment should assess each site on its vulnerability to incursions and the likely impact on nearby homes. The assessment to be used to prioritise a programme to improve the security of the sites against future incursions."

- 1.2 The motion was referred without debate to Executive. The purpose of this report is therefore to consider the various options in order to fulfil the objectives of the Motion.

2. Recommendation

- 2.1 That Executive notes the options set out in this Report and the potential implications in terms of both staff time and budget. Further that Executive advise on their preferred approach and response to the Motion.

3. Implications

- 3.1 **Financial:** Each option will have a financial implication. Significant resources will be required dependent on preferred option. Over a number of years the initial capital expenditure may be written off against a reduced number of unauthorised encampments and therefore associated costs.
- 3.2 **Policy:** Protecting vulnerable land in our communities is in accordance with the strategic aim of maintaining a high quality of life within our communities. As parishes will have to be actively involved and encouraged to implement their own solutions this is in accordance with our priority to support communities to do more for themselves.
- 3.3 **Personnel:** This can be achieved utilising existing resources but any capital works required will have to be prioritised over a number of financial years depending on the preferred option.

- 3.4 **Legal:** There are clear equalities issues and the report outcomes must be balanced against any duty owed to the travelling community.
- 3.5 **Risk Management:** There is a risk that we may simply be moving the problem into other locations within the District.
- 3.6 **Property:** Additional open space security measures could change the nature of the land in some areas.
- 3.7 **Other:** The proposal is in accordance with the current Thames Valley Police and Local Authority Joint Protocol which recommends a review of vulnerable land and increased security measures.

4. Other options considered

- 4.1 None

Executive Summary

5. Introduction / Background

- 5.1 In 2018 there was a marked increase in the number of unauthorised encampments in the District. Although most of these encampments were insignificant in terms of impact, a small number became high profile due to the nature of the nuisance and disturbance to local communities, particularly in Theale, Newbury and Thatcham. The Motion, submitted to full Council on the 13th September 2018 and referred without debate to the Executive came about as a consequence of these events.
- 5.2 Gypsies and Irish Travellers are ethnic minorities whose rights are protected by legislation. Actions arising out of this report and the proposed Motion need to balance the needs and expectations of the settled community against any duty owing to the travelling community.
- 5.3 Traveller movements in West Berkshire are largely seasonal and numbers of unauthorised encampments from year to year are generally sporadic. Although 2018 presented significant challenges, this year, to date, there has been no reported issues of unauthorised encampments on Council owned or managed land.
- 5.4 Government guidance and the joint Council/Thames Valley Police Protocol exists which provides guidance on managing unauthorised encampments. This guidance endorses site protection measures for vulnerable sites but is clear that this should not be the only approach considered. Further, target hardening may have the effect of displacing unauthorised encampments onto other more vulnerable land where impacts on the settled community are greater.
- 5.5 Security measures taken in last financial year in Theale and in Thatcham in total amounted to £35,000 for a range of security measures at 3 locations, 2 in Theale and 1 in Thatcham.
- 5.6 Local authority powers in relation to unauthorised encampments are complex. Due to the requirement for a complaint to be laid with magistrates, with an eventual court hearing, then many days will elapse before possession of land is secured.
- 5.7 The police have greater powers than local authorities and an eviction can, under certain circumstances, be carried out within a few hours. Strict criteria are applied under these circumstances but this has been used effectively to protect land and communities. In the last few years both this Council and the local police have cooperated fully in relation to encampments and have dealt with the most problematic encampments quickly and effectively, reducing impacts on communities.
- 5.8 The Countryside Service manages around 750 open spaces in the District, some very small, others much larger, with play facilities and other features provided for recreation purposes. Evaluating the security of land and implementing security measures will require significant investment of staff resources. Consequently site protection measures must target the most vulnerable locations and take into account the likelihood of displacement and available budget.
- 5.9 In May 2019 local parishes were invited to a forum at Shaw House to discuss unauthorised encampments. This meeting indicated that parishes were keen to

work on preventative measures to protect land in their area. Utilising this resource may help to reduce the amount of officer time involved in researching and identifying vulnerable land.

- 5.10 Officers consider that this Motion has to be considered in light of costs, both revenue and capital, and weighed against the seasonal and sporadic nature of encampments. Further the effective use of local authority and especially police powers may be considered sufficient to protect land and communities.
- 5.11 The proposals set out in Table 2 at Appendix C have been assessed in terms of their respective advantages and disadvantages and are designed to allow Members to make an informed choice on the best way forward in response to the Motion.

6. Proposals

- 6.1 Executive is asked to consider the options at Table 2 and advise on their preferred approach and response to the Motion. Bearing in mind the background set out at Appendix C, officers recommend option 3 which provides a more measured approach to the assessment of sites and the implementation of security measures.

7. Conclusions

- 7.1 The Motion submitted on the 13th September 2018 provides an opportunity to review best practice across local authority areas and to consider a process which identifies and protects the most vulnerable land in the District thereby reducing impact on local communities. Town and parish councils will be encouraged to participate in this process in order to provide an effective approach across the District.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Environment
Service:	Transport and Countryside
Team:	Countryside
Lead Officer:	Paul Hendry
Title of Project/System:	Process for evaluating the vulnerability of land to unauthorised camping.
Date of Assessment:	04/06/2019

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>		No
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>		No
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>		No
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>		No
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>		No
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>		No
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>		No

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To authorise officers to establish best practice and a process for the protection of land from unauthorised camping in the District.
Summary of relevant legislation:	The Human Rights Act 1998 as it relates to ethnic Gypsies.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Paul Hendry
Date of assessment:	04/06/2019

Is this a:		Is this:	
Policy	No	New or proposed	Yes/No
Strategy	No	Already exists and is being reviewed	Yes/No
Function	No	Is changing	Yes/No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To provide reassurance to our communities and balance this with the needs of the travelling community
Objectives:	Protection of land from unauthorised camping
Outcomes:	A process which is based on best practice which considers the best means to protect land and which considers the needs of both settled and traveller communities.
Benefits:	Community reassurance. A balanced approach which seeks to protect land but which recognises that traditional stopping sites exist.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race,

Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	N/A	
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	Gypsies and travellers: There are positive and beneficial impacts. There are areas of land which are entirely unsuitable for gypsies to settle due to their proximity to the settled community and the potential for conflict. The process aims to identify and protect these, whilst recognising that there are traditional stopping locations which cause very few issues for local communities	Historical records support this and recent local conflict and police records will show this.
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Site security measures will be assessed against criteria which aims to balance the needs of the settled and travelling communities.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Paul Hendry

Date: 15th July 2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Climate Emergency Update

Committee considering report:	Operations Board
Date of Committee:	22 August 2019
Portfolio Member:	Councillor Steve Ardagh-Walter
Date Portfolio Member agreed report:	28 August 2019
Report Author:	Paul Anstey/Adrian Slaughter
Forward Plan Ref:	Information Item

1. Purpose of the Report

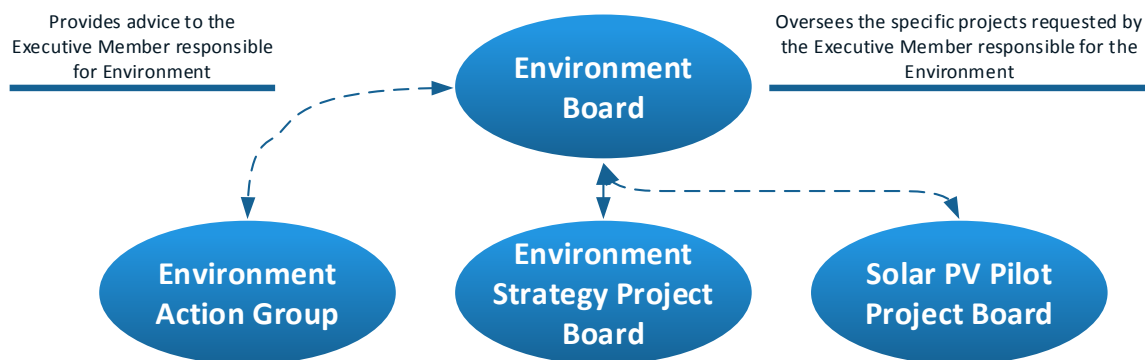
- 1.1 The purpose of this report is to summarise the actions that have been taken since the Council formally made a Climate Emergency Declaration on 2nd July 2019, committing the Council to a carbon neutral district by 2030.

2. Introduction

- 2.1 At the meeting of the Council on 2nd July 2019 the Council requested the Environment Board provide an interim report with the progress made to date.

3. Work Undertaken Since the Declaration

- 3.1 Embedded suitable governance arrangements to ensure delivery. See **Appendix A** for governance schedules.



More project boards will be created as the workload of the Environment Board develops.

- 3.2 Initial summary review of Council activity which is considered to fall within the scope of the Environment Board. See **Appendix B** as a guide.
- 3.3 A review of the corporate report templates is currently underway and as part of that work an environmental implications section will be added to all reports.

- 3.4 Identification of potential partners to assist with the progression of projects overseen by the Environment Board. This includes colleagues from the Association of Public Service Excellence (APSE) who are recognised in this field.
- 3.5 Timetable for delivery of an Environment Strategy by end of the calendar year 2019. This will describe how the Council and its partners will aim to work together to achieve carbon neutrality by 2030. Work will include an assessment of the evidence and data available to support the vision and objectives. This will be followed by an initial summary delivery plan to support the strategy.
- 3.6 Organisation of a Climate Conference to be held on 28th October 2019. This is currently being planned with the objective of gathering stakeholders to explore different ways in which residents, businesses, local organisations and the Council in West Berkshire (and potentially beyond) can work together and support the achievement of a carbon neutral district by 2030.

APPENDICES

APPENDIX A – GOVERNANCE SCHEDULES

Environment Board

- (1) Meeting every month. Chaired by the Executive Director for Place.
- (2) Created and convened first Environment Board on 18th July.
- (3) Terms of Reference have been agreed.
- (4) The identified role of the board is to oversee the development, implementation and overarching governance of the Council's Environment Strategy.

Environment Advisory Group

- (5) Chaired by the Executive Portfolio Holder responsible for Environment.
- (6) Created and convened first Environment Advisory Group on 23rd July.
- (7) Terms of Reference have been agreed.
- (8) There is cross party representation on the group.
- (9) The group has been established with the responsibility to provide advice, scrutiny and challenge to the Executive Portfolio Holder for Environment and to contribute to the development of the Environment Strategy and any associated documents.

Environment Strategy Project Board

- (10) Meeting every month. Sponsored by the Executive Director for Place and project managed by Head of Public Protection and Culture.
- (11) A Project Brief has been created and is in the process of being updated following the meeting on the 15th August.
- (12) A draft Project Plan has been outlined for the creation, stakeholder consultation and publication of the Environment Strategy by the end of the calendar year.

Solar PV Pilot Project Board

- (13) Meeting every month. Sponsored by the Head of Public Protection and Culture and project managed by the Senior Energy Efficiency Officer.
- (14) The Board was established earlier in the year and is currently in the process of awarding a contract.

APPENDIX B – PREVIOUS ACTIVITIES

Transport

- (15) LEP funded Sustrans route for the West Berkshire stretch of the National Cycle Network route 422 which is a new route linking Newbury to Ascot in Windsor and Maidenhead (and then on into London). This is expected to be complete through Thatcham and Newbury this financial year;
- (16) Hermitage to Hampstead Norreys Cycle Improvements - improvements to the bridges on the section along the disused railway line. Construction has started on site with completion expected by October 2019;
- (17) Improved links to Theale Station;
- (18) Improvements to cycle facilities at four stations on the Newbury to Reading line;
- (19) Improvements to Newbury Railway station to improve drop off, bus and cycling facilities as well as other changes to the station's fabric to make it a greener building.
- (20) A West Berkshire EV and EV Infrastructure Strategy is currently being developed.
- (21) Funding was obtained for the Co-Wheels Car Club which includes an electric vehicle. Co-Wheels Car Club is a low emission, hybrid or electric car hourly hire in Newbury <http://www.co-wheels.org.uk/newbury> and WBC has provided Electric Vehicle (EV) charging points in the Kennet Centre (for public and car club use) and in the Eight Bells car park (car club users only).
- (22) Earlier this year the Council secured a grant from the Office for Low Emission Vehicles for the delivery of on street residential EV charge points for properties without off street parking. 18 charge points have been installed in the Eastfields and Westfields areas of Newbury and further locations are being surveyed at present with a view to a further 18 being installed during the summer months. An EV Charging network for West Berkshire is in the process of being designed. An initial scoping report should be available by the end of August. This report will feed into and influence the draft West Berkshire EV and EV infrastructure Strategy.
- (23) Other non WBC funded EV charging points are located around West Berkshire, including in the Parkway Car Park (4 free points), and at Chieveley Service Station (4). For further sites visit: <https://www.zap-map.com/locations/newbury-charging-points/#> The Council continues to work with GWR to ensure that rail stations within West Berkshire will have charging points and for Newbury rail station these are proposed as part of the Market Street redevelopment.
- (24) The Council monitor local road networks to generate information and intelligence about air quality trends and publish content on the subject of air quality, further information is available via <http://info.westberks.gov.uk/airquality>

- (25) Route management signage has been placed on the A339 at the Swan roundabout to encourage HGV's to join the A34 to travel north rather than driving through Newbury.
- (26) The first stages of the 'Green Wave' intelligent traffic system, a demand responsive Traffic System linking the traffic signals through journey time, is being implemented. In the future this can be linked to air quality and journey time information to manage the flow of traffic along the A4. Further work to follow this financial year.
- (27) The Council support several schemes to promote early lifestyle learning, encouraging exercise when travelling to school, and cycle training:
 - (a) Walking and Cycling to School:
<http://info.westberks.gov.uk/index.aspx?articleid=27870>
 - (b) Bikeability Training for young people
<http://info.westberks.gov.uk/index.aspx?articleid=27869>
 - (c) Travel to School rewards schemes – Go Kinetic and Steposaurus:
<http://info.westberks.gov.uk/index.aspx?articleid=27870>

Energy

- (28) A feasibility pilot project to install solar PV on existing Council buildings which are currently using the Council's energy contract is in its latter stages and now looking to progress to implementation. This pilot is being used as a 'proof of concept' and has a number of potential business and environmental benefits for the Council sites currently chosen.
- (29) LED and control fittings for the Street Lighting replacement for West Berkshire was completed in 2016. 96.22% of our street lighting stock (12,471 units) are LED and 1048 LED sign lanterns (signs/bollards/zebra crossings) have been installed throughout the district, which includes LED retrofit lanterns.
- (30) A number of sections of street lights on the A4 are being switched off between midnight and 5.30am. Street lighting designs in estate streets have been identified as possible additional energy savings by dimming the existing lanterns.
- (31) Projects that have been implemented in previous years include:
 - (a) Smart metering programme for non-half hourly electricity meters;
 - (b) Corporate monitoring & targeting software for energy consumption within the Council's Central Energy Contract;
 - (c) LED light replacement in Multi-Storey Car Parks;
 - (d) Project support and/or advice to other areas e.g. Solar PV on Henwick Worthy Sports Field building; St George goes green (Church in Wash Common);

- (e) Voltage Optimisation in Multi-Story Car Parks;
- (f) Solar PV on Market Street, plus a number of schools;
- (g) Air source heat pumps in two buildings;
- (h) Ground Source Heat pumps in one primary school.

Planning Policy

- (32) All planning applications for new non - residential development must demonstrate that they will meet the BREEAM Excellent rating and, from 2019, Zero Carbon core strategy Policy CS15.

Parks & Countryside

- (33) Last year we appointed a new Grounds Maintenance contractor who has a commitment to assist the Council in meeting the government-set targets for local authorities and the wider public sector to phase out peat products. Suppliers to our contract will be instructed not to use peat-based growing media for any plants required for the contract.
- (34) We are working with our contractors to plant more trees than we lose as part of our carbon offsetting objectives; reduce chemical weed controls to the absolute minimum and explore non chemical technologies in some locations. We utilise selected battery powered plant and machinery on the grounds maintenance contract. We aim to recycle over 90% of our green waste through the contract.

General

- (35) Thatcham Dunstan Park and South East Thatcham Flood Alleviation Scheme. Sustainable drainage measures and extensive tree planting.
- (36) Sustainable Drainage Policy approved and being actively used to ensure sustainable drainage solutions on new developments.
- (37) As part of our work in Newbury town centre we are investigating and designing urban tree planting in Wharf Road and Bart Street North.

CONFIDENTIAL PART II

The report on the following item is **not for publication** by virtue of exempt information of the description contained in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers](#).

Land on Love Lane

(Paragraph 3 – information relating to financial/business affairs of particular person)
(Paragraph 5 – information relating to legal privilege)

Committee considering report:	Executive
Date of Committee:	5 September 2019
Portfolio Member:	Councillor Jeff Cant
Date Portfolio Member agreed report:	15 August 2019
Report Author:	Richard Turner
Forward Plan Ref:	EX3787

1. Purpose of the Report

- 1.1 The purpose of this report is to propose the transfer of the asset to the Newbury Academy Trust as part of a WBDC project to expand the capacity of Trinity School due to demographic growth working through primary and on to secondary provision in Newbury.

2. Recommendations

- 2.1 It is recommended that Executive resolve to transfer the 1.5 acre Love Lane site to the Newbury Academy Trust as part of the handover of the WBDC project for the expansion Trinity School and take receipt of £1.5m from the Education Capital Programme, this being an amount £400,000 below the best possible valuation (based on a commercial disposal with full planning consent).
- 2.2 The transfer of the land is to be on the basis that the land is 'sports pitch' land and remains for that purpose.

3. Implications

- 3.1 **Financial:** The recommendation would result in the transfer of £1.5m within the capital programme. Provision has been made from within the overall funding envelope of the Education Capital Programme. This amount will recover the original capital expense from the Shaw House project. This is set against an established use value as playing field of £90,000 but a maximum potential disposal value of £1.9m should consent be obtained for housing on the site which would act as a true capital receipt.
- 3.2 **Policy:** The proposal supports the Education Service in the statutory requirement for the council to ensure the provision of suitable spaces.
- 3.3 **Personnel:** No impact identified.
- 3.4 **Legal:** Legal Services input would be required to agree the transfer of the land and its terms associated with the existing lease of Trinity School.
- 3.5 **Risk Management:** Progression with the recommendation will address demographic growth. Were this not to progress as a project this would introduce risk within the education provision for Newbury as it would risk the progression of the project at Trinity School. Should the project not progress, there is a real risk of Trinity catchment pupils not being able to access secondary provision in Newbury and Thatcham and would therefore have to be transported to the next nearest school with places, which is going to be Theale Green or John O'Gaunt. This would incur significant Home to School Transport costs, would significantly impact on our ability to meet parental preference and be extremely unpopular with parents/carers.
- The alternative options for housing development and disposal of the site for capital receipt presents risk associated with planning consent and also the inherent risks of the housing development market. Additionally it is expected Crichel Down Rules apply for disposal of this land, requiring the former land owner first opportunity to purchase the site at current market value. While this is unlikely to have significant impact, it is a process that we expect to need to follow prior to disposal.
- 3.6 **Property:** This is the disposal of a WBDC land asset currently held corporately and up to this point proposed for potential housing development, including progression toward inclusion in the new WBDC Local Plan through the 'Call for sites' process. Progression with this proposal would remove the asset from WBDC ownership, and remove any risk associated with planning but equally removes the potential for housing on the site and associated capital receipt.

3.7 **Other:** None identified

4. Other options considered

- 4.1 The recommended and preferred option is to use the land as part of the Trinity School expansion project, to improve the sports pitch deficit which would be made worse by the project. A capital allocation of £1.5m has been made in the Education Capital Programme for transfer within the capital programme, representing the amount to be recovered from the original Shaw House/Trinity school project expenditure. Upon completion of the project, the land would be transferred to Newbury Academy Trust on the same terms as the school lease.

This capital allocation is sufficient to cover the original allocation within the capital programme, and is significantly higher than the value of the land being transferred in its current use (£90,000) and the use Trinity School will benefit from.

But when compared with the best case land valuation (eight unit development with nil AH) is approximately £400,000 below value. When compared with a twelve unit model offering 40% AH, this option is £200,000 below the land valuation.

- 4.2 Another option is to await the outcome of the 'Call for Sites' process and allocation of the site within the Local Plan to 2036. Subject to inclusion in the Local Plan the site could be sold to a private developer on a 'subject to planning' basis with a capital receipt achieved up to £1.9m.

NOTE – A sale to private developer links the land to the vagaries of the private development market, and possible 'long stop' dates linked with planning resulting in a lengthy period to achieve completion of the transfer and receipt of capital moneys.

- 4.3 Another option is to propose the disposal of the land to the WBDC/Sovereign Housing Joint Venture. This first requires an expression of interest from the JV in the acquisition and is subject to the conditions contained within the JV Agreement and also subject to planning. Although final decision on how best to develop the site would rest with the JV, the JV model is based on development being 100% affordable (up to 12 units in this case).
- 4.4 Subject to successful progression to the formation of a working structure/entity, the council may wish to progress with the 'direct' development of the site, most likely on a 12 unit development (to bring affordable housing onto the site), with disposal of the units on the developed site bringing capital receipt in the region of £1.7m.

The risk with this option is that 'direct' development by WBDC is at feasibility stage at this time and not yet concluded. Also WBDC would require to progress the site through construction and dispose of the completed units (both private and affordable) to achieve the receipt. This option also relies upon successful planning consent.

- 4.5 There is also the potential for the disposal of the site to interested Registered Providers on the basis of the site being developed for 100% affordable housing. This option has not been modelled for this site, but would offer a capital receipt below the £1.7m expected for a 12 units layout with 5 units AH.

Executive Summary

5. Introduction / Background

- 5.1 West Berkshire District Council (WBDC) owns the freehold of 0.61 hectares (1.5 acres) of land on Love Lane in Newbury, 'the land' (see appendix D). The developable area is in the region of 0.49 hectares, allowing for a strip of land to enable Trinity to access its playing field beyond.
- 5.2 The retention of the land was linked with the capital costs associated with construction of the Trinity sports hall and multi use games area (MUGA) which in turn formed part of a wider project to protect the long term use of Shaw House. The intention being that the sale of the land would recover capital costs expended by WBDC.
- 5.3 The land is currently vacant, although Trinity School has continued to use the site over the years as sport field without the permission of WBDC (see appendix E). Trinity School has come to rely on this use of the land as part of its delivery of the sports curriculum, albeit a use without the consent of the land owner, WBDC.
- 5.4 In July 2004 WBDC received confirmation from the Department for Education and Skills that the council had general consent (under School Playing Fields General Disposal and Change of Use Consent 2001) to exchange the school playing field land on Love Lane with that being used for the sports hall and muga, freeing up the land for future development.
- 5.5 Planning history which followed the retention of the land in 2004 included outline consent for housing which was called in by the Secretary of State and approved in 2006. This consent elapsed and further submission was made in 2012 with a case put linked with the ongoing upkeep of Shaw House. This argument was found to be weak and the application withdrawn. Planning advice was sought which recommended the council seek to include the site in its Local Plan and application was made through the 'call for sites' process in 2017 with outcome of the Local Plan expected during 2020.
- 5.6 Primary reception numbers significantly increased in September 2012, from the high 1600's to circa 2000. Growth in primary has been seen mainly in urban areas of the district and in Newbury in particular. Growth in Newbury is spread across all Newbury schools, but the most significant pressure is within Trinity's catchment area.

The expansion of Trinity is part of a package of measures to create the right number of places in the right locations across Newbury and Thatcham.
- 5.7 There is a statutory requirement for Academies to have suitable external sports area and this is covered within The Education (Independent School Standards) (England) (Amendment) Regulations 2012. Although not a statutory document, schools will generally make use of Building Bulletin 103 guidance on space requirements to determine the suitable level of provision.

- 5.8 The school is already 6,359 sqm below the minimum area requirements for soft outdoor PE (sports pitches area). This project is expanding the school to meet the impact from demographic growth, which will result in the new size school being 10,349 sqm below minimum area requirement for sports pitch provision. The transfer of the land would reduce this deficit to 4,249 sqm.
- 5.9 When considering the value of the site to be transferred and associated options there are a number of factors influencing value and the WBDC approach to its land:
- (1) The established use of the land on which it will be transferred to the Newbury Academy Trust, the use expected to continue as existing once transferred (sports pitch/amenity) value - **£90,000**;
 - (2) The value of the land at the point WBDC identified the capital receipt to compensate the council for its capital costs attached to the Trinity sports hall project. Value - **£1.5m**;
 - (3) The potential value should a successful planning consent be achieved and the site be available for residential development (either through disposal of the land or direct development (based on either 8 units with no affordable housing or 12 units with 5 affordable homes) Value - **£1.9m** and **£1.7m** respectively (see appendix F).

6. Proposals

- 6.1 It is recommended that Executive resolve to transfer the 1.5 acre Love Lane site to the Newbury Academy Trust as part of the handover of the WBDC project for the expansion Trinity School and take receipt of £1.5m from the Education Capital Programme into the overall capital programme.
- 6.2 The transfer of the land is to be on the basis that the land is 'sports pitch' land and remains for that purpose.

7. Conclusions

- 7.1 To enable WBDC to accommodate demographic growth in Newbury coming through primary into secondary education the council is expanding Trinity School.
- 7.2 To prevent the school expansion worsening an existing below standard (in quantity) 'sports pitch' provision at Trinity School, it is proposed to transfer the 1.5 acre WBDC owned land to Newbury Academy Trust for Trinity School use on completion of the expansion project.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Site Plan
- 8.5 Appendix E – Legal Note (Trinity use of the land)
- 8.6 Appendix F – 8 unit proposed layout

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Finance and Property
Team:	Property Services
Lead Officer:	Richard Turner
Title of Project/System:	Disposal of land on Love Lane, Newbury
Date of Assessment:	4 July 2019

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be processing data on a large scale? Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project or system have a “social media” dimension? Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will any decisions be automated? Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes? Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To dispose of WBDC freehold owned land for education purposes.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Richard Turner
Date of assessment:	4 July 2019

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes/No
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To ensure WBDC meets its statutory obligation to deliver school secondary places.
Objectives:	The transfer of WBDC owned land to provide adequate sports field provision for the expanded Trinity School.
Outcomes:	The expansion of Trinity School with associated increase in sports field provision.
Benefits:	Delivering the right amount of school places in the right place.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	n/a
Disability	None	n/a
Gender Reassignment	None	n/a

Marriage and Civil Partnership	None	n/a
Pregnancy and Maternity	None	n/a
Race	None	n/a
Religion or Belief	None	n/a
Sex	None	n/a
Sexual Orientation	None	n/a
Further Comments relating to the item:		
N/a		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes/No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes/No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	n/a
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

This page is intentionally left blank

Agenda Item 16.

Document is Restricted

This page is intentionally left blank