

EXECUTIVE

MINUTES OF THE MEETING HELD ON

THURSDAY, 27 MARCH 2014

Councillors Present: Pamela Bale, Dominic Boeck, Hilary Cole, Roger Croft, Marcus Franks, Gordon Lundie, Joe Mooney, Irene Neill and Graham Pask

Also Present: John Ashworth (Corporate Director - Environment), Bill Bagnell (Manager - Special Projects), Bill Blackett (Revs and Bens Manager), Nick Carter (Chief Executive), Sarah Clarke (Team Leader - Solicitor), Steve Mann (Land Charges Officer), Elaine Ricks (Joint Principal Adviser for School Improvement), Keith Ulyatt (Public Relations Manager) and Rachael Wardell (Corporate Director - Communities), Councillor David Allen, Councillor Jeff Brooks (Liberal Democrat Group Leader), Stephen Chard (Policy Officer), Councillor Roger Hunneman (Deputy Liberal Democrat Group Leader), Councillor Royce Longton, Councillor Gwen Mason, Councillor Tony Vickers and Councillor Keith Woodhams

Apology for inability to attend the meeting: Councillor Alan Law

PART I

82. Minutes

The Minutes of the meeting held on 13 February 2014 were approved as a true and correct record and signed by the Leader.

83. Declarations of Interest

During discussion of the item, Councillor Tony Vickers declared an interest in Agenda Item 9, but reported that while this was an 'indirect' pecuniary interest, his interest was personal and not prejudicial and he determined to remain to take part in the debate.

84. Public Questions

There were no public questions submitted.

85. Petitions

There were no petitions presented to the Executive.

86. West Berkshire Pupil Achievement 2013 (EX2792)

Councillor Irene Neill introduced the report (Agenda Item 6) concerning school performance in 2013. The report explained the context of significant changes that national assessment systems were undergoing from Early Years Foundation Stage (EYFS), through SATS for seven and eleven year olds, and GCSE to A level.

These changes, together with a more stringent Ofsted Schools' Inspection Framework and the national spotlight on West Berkshire schools' performance of pupils entitled to Free School Meals (FSM), had placed considerable pressure on school leaders, governing bodies and the Local Authority.

Performance in EYFS and for seven year olds in KS1 SATS continued to be very high and West Berkshire was among the top performing local authorities. Performance for eleven year olds in KS2 SATS had improved to above the national average. However, more improvement needed to be made in KS2, especially in mathematics and in boys' writing, so that schools made good progress from the very strong performance of KS1. This was an area of focus for the School Improvement Team.

GCSE results had made a good recovery from the 2012 results which dipped slightly due to very disappointing English results. Results were now above average in the key

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indicator of five plus A*-C grades including English and Mathematics and progress rates were generally good. Mathematics was stronger than English where further improvement was needed.

A level results were in the top 25% of local authorities nationally, although there was significant variation across the ten secondary schools. The percentage of pupils attaining at the highest levels needed to improve in some schools.

Another focus of the School Improvement Team and the School Improvement Strategy was the attainment and progress of Pupil Premium children, especially those who qualified for FSMs.

The changes made to the School Improvement Team had helped produce a positive outcome and further improvements were predicted in 2014. The aim was to make the School Improvement Team the service of choice to all schools with the option to buy back the service, including academies. Councillor Neill asked the Executive to note the contents of the report and support the actions set out in the School Improvement Strategy.

Councillor David Allen was pleased to note the improvements being made. The report was very usefully clear in identifying areas where further improvement was needed in both the primary and secondary phases. Councillor Allen stated that he looked forward to seeing the outcome of the review into the additional resource allocated to school improvement and the achievements of the School Improvement Strategy 2013-15.

Councillor Allen then sought assurance that the funding allocated to school improvement would continue for the foreseeable future. Councillor Neill confirmed the intention to at least maintain current funding. Councillor Gordon Lundie added that school improvement was a particular area of focus for him as Leader. Investment in school improvement had led to improved performance and evidence from the review of the Strategy could result in increased investment.

Councillor Allen then referred to the key accountable measure to increase the proportion of pupils gaining five plus A*-C at GCSE including English and Mathematics to be above national levels (non-academies, not including special) and questioned how the target of >58% was set. Rachael Wardell explained that 58% was the national average and West Berkshire aimed for its achievement to be higher than the national average. Elaine Ricks added that this target had increased to >61% for 2014-15.

RESOLVED that the content of the report be noted and the actions set out in the School Improvement Strategy 2013-15 be supported.

Reason for the decision: N/a.

Other options considered: None.

87. **Voluntary Sector - Prospectus Adult Social Care (EX2741)**

The Executive considered a report (Agenda Item 7) concerning findings of the consultation on the proposal to introduce an outcomes focused grants prospectus to manage the investment in the voluntary sector by Adult Social Care.

Councillor Joe Mooney explained that Adult Social Care currently invested over £1m per year in a range of preventative services delivered by voluntary sector organisations.

The proposal to introduce a prospectus would result in a change to the way the Council commissioned services from the voluntary sector to ensure a more robust, competitive and transparent commissioning process. The benefits of this change would hopefully include new voluntary sector organisations providing services in West Berkshire and a greater degree of collaboration between voluntary organisations.

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The consultation process had been very effective and this included consultation workshops with service users and voluntary sector providers. Service user/carer representatives would also form part of the evaluation panel which would be part of the commissioning process. The prospectus would be implemented jointly between Adult Social Care and Public Health & Wellbeing, and it was the intention to widen this concept across the Council.

Councillor Marcus Franks gave his support to the introduction of the prospectus as he felt the voluntary sector was well placed to help meet the objectives of Adult Social Care.

Councillor Roger Hunneman referred to the main themes emerging from the consultation feedback and in particular the lack of health involvement. He queried how this would be addressed. Councillor Mooney gave an assurance that this would be taken forward with Public Health & Wellbeing and the Clinical Commissioning Groups.

Councillor Hunneman then commented that it was generally the practice to include consultation responses as an appendix to the report and questioned why they had not been included on this occasion. Councillor Mooney confirmed that he had seen the consultation responses and had no issue with making these available. Councillor Jeff Brooks requested that consultation responses be routinely added to all appropriate reports across the Council and Councillor Lundie agreed this was a reasonable request.

RESOLVED that the implementation of an outcomes-based Voluntary Sector Prospectus be agreed.

Reason for the decision: To progress implementation of the Voluntary Sector Prospectus.

Other options considered: None.

88. **Annual Report on Complaints Activity in Children's Social Care 2012-13 (EX2775)**

The Executive considered a report (Agenda Item 8) concerning the statutory complaints process for 2012/2013. In introducing the report, Councillor Irene Neill advised that during this period a total of 73 contacts were received (63 complaints and 10 representations). This was directly comparable to 75 contacts received in 2011/12, although it was noted that a number of the complaints received in 2012/13 were more complex. All complaints received in 2012/13 were resolved at Stage 1.

Councillor Neill also pointed out that over 70 compliments had been received, ranging from comments from families, children, professionals and other partner agencies.

Councillor Neill confirmed that the actions outlined in the report were being undertaken to ensure lessons were learned.

Councillor David Allen commended the report. He did however highlight his concerns that communication/information was recorded as the highest key theme which had arisen from the complaints (24% of complaints) and that 30% of these were upheld. He accepted that this was an area of continued focus.

Councillor Allen then referred to the number of compliments, which was positive, and asked how many cases these related to. Rachael Wardell agreed to provide Councillor Allen with the number of cases which could be open at any one time.

RESOLVED that the report, including lessons learned and actions be approved.

Reason for the decision: Local authorities must, each financial year, publish an annual report in order to keep the local authority informed about the operation of its complaints procedure. The report should be 'presented to staff, the relevant local authority committee, and to the regulator and general public.'

Other options considered: None.

89. Non Domestic Rating - Discretionary Rate Relief (EX2782)

(During discussion of the item, Councillor Tony Vickers declared a personal interest in Agenda item 9 by virtue of the fact that he managed the property owned by Newbury and West Berkshire Liberal Democrats at 108 Bartholomew Street which was currently rented as a tattoo parlour. The establishment was currently classed as retail for rate relief purposes, but could become classed as medical in future and this could affect receipt of rate relief. While he reported this as an 'indirect' pecuniary interest, his interest was personal and not prejudicial and he was permitted to remain and participate in the debate).

The Executive considered a report (Agenda Item 9) concerning the Council's policy for discretionary rate relief, which was established in May 2009, in the light of the changed funding arrangements in the rate retention scheme; and to establish the Council's policy for relief introduced in the Chancellors Autumn Statement. Linked to both was the establishment of an appeals process.

Councillor Gordon Lundie explained that a change resulting from the Autumn Statement was an amendment to the Council's policy for granting hardship relief. While this scheme would continue, an amendment was proposed which would limit the amount of rate relief to 50% in the first financial year and, subject to review, to 25% in the following financial year. The maximum period of relief would be two financial years.

With regard to part occupation, given the high values potentially involved and the consequent cost to the Council, it was recommended that a policy to not grant relief for part occupation should be put into place.

The report also recommended that the Council adopt a retail relief scheme which allowed relief to property types identified by Government and shown in paragraph 9.4 of the report. The scheme would allow for relief to be reduced for property types identified in paragraph 9.5 of the report.

A further recommendation was for an appeals process to be implemented. Appeals would be subject to an initial internal review and, if the applicant remained dissatisfied, would be referred to the Head of Finance for a decision. Further appeal would be to a Councillor review panel and the decision of that panel would be final.

Councillor Jeff Brooks queried the level of consultation which had been conducted. Bill Blackett explained that this was not necessary for those discretionary reliefs which were continuing without change. For new/amended schemes, although there was not a direct consultation exercise, businesses were consulted as part of the Council's budget process. He also confirmed that the guidance of the Department for Communities and Local Government in terms of eligibility was closely followed.

Councillor Tony Vickers referred to the policy for discretionary rate relief allowed to businesses which fell outside of the mandatory scheme which were located in rural settlements and queried the criteria which was in place. Bill Blackett explained that these rural settlements had originally been identified by the Office of the Deputy Prime Minister and had populations of fewer than 3,000 residents. The Head of Finance, under delegated powers, would determine those settlements which now fell into this category.

Councillor Vickers then expressed his surprise that hair and beauty services would qualify for rate relief, when medical services were considered by the Government to be outside the scope of the scheme. Bill Blackett advised that Government guidance for qualifying properties made particular reference to the eligibility of retail establishments, but this was not extended to cover medical services.

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Councillor Vickers also queried how the Councillor review panel, which would consider appeals, would be formed. Bill Blackett confirmed that this would be for Strategic Support to administer.

RESOLVED that:

1. The existing schemes for discretionary and top up relief to continue but with amendments to the hardship scheme as shown in paragraph 12.2 of the report.
2. The Council adopts a policy to not grant relief in respect of partly occupied property.
3. The Council adopts a retail relief scheme allowing relief to property types identified by government and as shown at paragraph 9.4 of this report be adopted. The scheme to allow for relief to be reduced for property types identified in paragraph 9.5 to the report.
4. An appeals process be put into place as described in paragraph 12.7.

Reason for the decision: The changed funding arrangements affect the cost of the existing scheme. The introduction of retail relief needs a policy for the identification for eligible businesses.

Other options considered: None.

90. Key Accountable Measures and Activities 2013/14. Update on progress: Q3 (EX2648)

The Executive considered a report (Agenda Item 10) concerning the quarter three outturns against the key accountable measures and activities contained in the 2013/14 Council Performance Framework. The report also set out by exception those measures/activities not achieved or behind schedule, any remedial action being taken and the impact it was having.

Councillor Roger Croft reported that across the reporting framework as a whole, 47 key accountable measures and activities were captured. Of these, four were annual measures and three were unavailable at the time of publication. Therefore the Council was able to report against 40 outturns at the time of print. Of these 40:

- 34 were reported as green – on track to be achieved by the end of the financial year;
- three were reported as amber – behind schedule, but expected to be achieved at year end; and
- three were reported as red – unachievable by year end.

As in the previous quarter, a suite of measures in Education was being used to set a baseline for subsequent years. For completeness, these were included in the list of key accountable measures, although no RAG ratings would be ascribed this year.

As normal, the report began with contextual measures concerning the State of the District. Councillor Croft made particular reference to the good news that there was:

- a 46% fall in domestic burglaries;
- a 37% drop in the number of 'working age' Job Seekers Allowance claimants (those aged 16-64) compared to Quarter Three last year; and
- a 49% drop in youth unemployment.

The report then considered measures of volume for Council services. Of particular note were:

- a 4% increase in the number of visits to library venues (both physical and virtual);

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- a rise of 6% in the number of visits to sports and leisure centres; and
- a 69% increase in the number of Freedom of Information requests.

In comparing performance against the Council's main strategic priorities:

- Caring for and protecting the vulnerable had 23 reported measures; 15 green, three amber, 2 red and 3 unreported.
- Promoting a vibrant district had 11 reported measures; six green, one red and four unreported.
- Improving education had ten reported measures; all green.
- Protecting the environment had three measures; all green.

Councillor Croft commended the report and asked the Executive to note the report and the explanatory notes.

Councillor Keith Woodhams referred to the measure which aimed to ensure that at least 75% of all works orders for permanent pothole repairs would be completed within 28 days of the order date and questioned why the 2012/13 outturn had yet to be confirmed. Councillor Croft agreed to provide a written response on that point.

Councillor Gwen Mason noted that data was not available for the safeguarding measures within vulnerable older people and adults due to technical issues with the system, and queried when this would be resolved. Councillor Croft confirmed that data would be available for Quarter Four.

Councillor Mason also pointed out that data was not available for the measure which sought to approve 95% of high priority Disabled Facilities Grants within nine weeks of receipt of full grant application and asked when this would be available. Rachael Wardell advised that efforts were ongoing with a view to providing this data in Quarter Four.

Councillor Jeff Brooks referred to the annual process of reviewing and setting key accountable measures and activities, during which a task group of the Overview and Scrutiny Management Commission (OSMC) had been involved in previous years. He queried whether the Executive would support the OSMC's involvement in this process this year. Councillor Gordon Lundie advised that he was content for Councillor Brooks to discuss this directly with Councillor Brian Bedwell (OSMC Chairman) and added that it was not part of his role as Leader to direct the work of scrutiny. Councillor Croft added that he would be content with the OSMC considering measures which made sense for West Berkshire Council.

Councillor Tony Vickers referred to the proportion of upheld planning appeals, currently reported as red, which he was pleased to note would be considered in more detail by the Planning Policy Task Group (PPTG). He did however query whether these related to decisions made by Members against Officer recommendation. Councillor Hilary Cole stated that it would be useful to consider this in more detail at the PPTG. Officers were reviewing their decision making processes alongside those of the Planning Inspectorate as it was felt the Inspectorate had become more permissive in comparison to the Council. Comparisons would also be made with the situation in other local authorities.

Councillor Roger Hunneman referred to the measure, reported red in West Berkshire and as a national issue, which sought to maintain the proportion of older people still at home 91 days after discharge from hospital into reablement/rehabilitation services and questioned the number of people for whom this was not achieved. Rachael Wardell agreed to provide Councillor Hunneman with a written response on this point.

In response to a further query from Councillor Hunneman, Councillor Cole confirmed that the total number of visits to library venues recorded both physical and virtual visits.

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Councillor Hunneman felt that it would be useful for this measure to be split between physical and virtual visits, and Councillor Cole agreed this information could be provided in the future.

RESOLVED that :

1. progress against the key accountable measures and activities contained in the Council's performance framework be noted;
2. those areas reporting as 'amber' or 'red' have appropriate corrective or remedial action in place.

Reason for the decision: This framework compiles and monitors progress in relation to the objectives laid out in the Council Strategy and on key activities and areas of risk from the Council's individual service plans. In doing so, it expresses the purpose and ambition of the Council and by extension the Council's main focus of activities and key measures of success against which we can assess ourselves and publicly report progress.

Other options considered: n/a.

91. Proposed variation to the Trading Standards Shared Service Agreement (EX2816)

The Executive considered a report (Agenda Item 11) which sought approval from the Executive to vary and extend the current Trading Standards shared service agreement with Wokingham Borough Council (due to expire in June 2015) to align it with the Environmental Health and Licensing Shared Service agreement (due to expire in January 2017).

Councillor Dominic Boeck advised that approval of the recommended action would make it possible to negotiate an extended agreement for both services simultaneously in due course.

RESOLVED that approval be granted to vary and extend the Trading Standards shared service agreement to expire in line with the Environmental Health and Licensing agreement on 19 January 2017.

Reason for the decision: To bring into line with Environmental Health and Licensing to allow the Council to consider the longer term issues and opportunities when the initial agreement periods ends in 2017.

Other options considered:

1. The agreement could be allowed to expire on 7 June 2015 and both Councils would revert back to running their own Trading Standards services.
2. A longer extension could be entered into e.g. 5 or 10 years.

92. Strutt & Parker's Developers Submissions & Recommendation on Development Partner for the London Road Industrial Estate Regeneration (EX2713a)

The Executive considered a report (Agenda Item 12) concerning Strutt & Parker's recommendation to the Council as to whom the Council should choose as its development partner in order to secure both enhanced revenue and regeneration of the London Road Industrial Estate (LRIE). Subject to satisfactorily agreeing the terms of any development agreement, the Council would be in a position, by mid Summer, to enter into contract with its preferred development partner.

Councillor Pamela Bale explained that the process for selecting a development partner had been very thorough and well managed by Strutt & Parker. She also expressed thanks to Members and Officers for their involvement in this work. The process had

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resulted in a firm recommendation from Strutt & Parker to appoint St Modwen as the development partner from a final shortlist of three development companies. A key objective in the considerations and for the proposed redevelopment had been to maintain and enhance the existing Council revenue from the LRIE.

Councillor Tony Vickers queried the contact to be made with Bayer which was highlighted as one of the next steps in the report, pending approval of the recommendations. Councillor Gordon Lundie explained that Bayer could potentially be located in the LRIE.

RESOLVED that:

1. Strutt & Parker's recommendation to enter into contract negotiations with the Council's recommended development partner be approved.
2. Authority be delegated to the Chief Executive to enter into and complete negotiations with the recommended development partner in consultation with the Portfolio Member, the Head of Legal Services and Head of Finance - and where the terms of any agreement have been successfully agreed between the development partner, Officers, Portfolio Member and the Council's appointed Consultants, the terms of the agreement be brought back to the Executive for approval prior to signing of contracts.
3. The process to carry out and complete procuring external legal consultants in order to support the Council during contract negotiations with the recommended development partner be agreed.

Reason for the decision:

1. Strutt & Parker confirms that a preferred partner has been unanimously identified by Consultants, Members and Officers through an extended and thorough selection process. The preferred partner will provide long term contractual commitment to the Council in order to deliver increased income from the LRIE and also deliver high quality regeneration on the LRIE.
2. Any development partnership contract will pass development risk to the appointed partner and thus there is now no development risk to the Council in completing the development partner appointment process. Where the development partner funds infrastructure improvements in order to deliver future development, the partner will have no right under any development agreement to seek funds from the Council in the event infrastructure costs cannot be recouped by the developer. Similarly, where the development partner redevelops existing properties on the basis of new leases from the Council, the Council will be paid the existing ground rent for that property during the redevelopment period for that plot.

Other options considered:

1. Not to take any further action in appointing a development partner for the LRIE. However, this course of action would be to ignore Strutt & Parker's clear recommendation and to avoid addressing a significant Council policy objective.
2. For the Council itself to undertake the redevelopment of the LRIE without a development partner. This course of action not only presents a considerable financial risk to the Council, the Council itself has neither the expertise nor resources to undertake itself the redevelopment of the LRIE.
3. Through the planning process and piecemeal lease extension negotiations, allow the LRIE to redevelop on an ad hoc basis. However, this non-strategic approach will cause the Council to lose any opportunity to substantially increase Estate income and will prevent any opportunity to see the LRIE redeveloped as a unified

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whole with new appropriate infrastructure and harmonized architecture and open space which itself will continue to have a negative impact on the town centre.

93. Members' Questions

- (a) **Question to be answered by the Portfolio Holder for Highways, Transport (Operations) Emergency Planning and Newbury Visions submitted by Councillor Keith Woodhams**

A question standing in the name of Councillor Keith Woodhams on the subject of the signage on the approach to Park Way bridge was answered by the Portfolio Holder for Highways, Transport (Operations), Emergency Planning and Newbury Visions.

- (b) **Question to be answered by the Portfolio Holder for Highways, Transport (Operations) Emergency Planning and Newbury Visions submitted by Councillor Keith Woodhams**

A question standing in the name of Councillor Keith Woodhams on the subject of the simultaneous closure of Crookham Hill and the Boundary Road bridge was answered by the Portfolio Holder for Highways, Transport (Operations), Emergency Planning and Newbury Visions.

- (c) **Question to be answered by the Leader of the Council submitted by Councillor Keith Woodhams**

A question standing in the name of Councillor Keith Woodhams on the subject of recent comments made by the former Portfolio Holder for Highways and Transport in relation to signage on the approach to Park Way bridge was answered by the Leader of the Council.

94. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 3 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 4.2 of the Constitution](#) also refers.

95. Strutt & Parker's London Road Industrial Estate Developers Submissions & Recommendation on Development Partner (EX2713b)

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

The Executive considered an exempt report (Agenda Item 15) which considered the Strutt & Parker London Road Industrial Estate (LRIE) Developers Submissions and Recommendations on Development Partner. The report demonstrated clearly a preferred candidate with whom the Council, subject to contract signing, could enter into partnership with in order to secure enhanced estate revenue and regeneration of the LRIE.

RESOLVED that the recommendations in the exempt report be agreed.

Reason for the decision: as set out in the exempt report.

Other options considered: as set out in the exempt report.

(The meeting commenced at 5.00pm and closed at 6.05pm)

CHAIRMAN

Date of Signature