

Note: These Minutes have been amended. See Minutes of 17 September 2015 for amendments.

COUNCIL

MINUTES OF THE MEETING HELD ON

MONDAY, 20 JULY 2015

Councillors Present: Steve Ardagh-Walter, Peter Argyle (Chairman), Pamela Bale, Jeff Beck, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Sheila Ellison, Marcus Franks, James Fredrickson, Dave Goff, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Sarah Clarke (Team Leader - Solicitor), Martin Dunscombe (Communications Manager), Mark Edwards (Head of Highways and Transport), Rachael Wardell (Corporate Director - Communities) and Jon Winstanley (Projects Manager - Highways & Transport), Robert Alexander (Policy Officer) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Howard Bairstow, Councillor Jeremy Bartlett, Councillor Dennis Benneyworth, Councillor Rob Denton-Powell, Councillor Alan Law, Councillor Anthony Pick and Councillor James Podger

Councillor Absent: Councillor Nick Goodes

PART I

43. Chairman's Remarks

The Chairman noted that although Chairman's Remarks were not usually included on an Extraordinary Council agenda he would be exercising the Chairman's prerogative to make an announcement.

It was with regret that he needed to announce that George McGeachie, a former Conservative councillor from Burghfield had recently passed away. Mr McGeachie had represented Burghfield from 1983 to 1995, when he did not stand. He was Chairman of Newbury District Council in 1988/89 and had also served as a Governor at Willink School. The Chairman asked all those present to observe a minute's silence.

44. Declarations of Interest

Councillors Adrian Edwards, David Goff, Jeff Beck, James Fredrickson, Lynne Doherty, Jeanette Clifford, Mike Johnston and Alan Macro declared an interest in Agenda Item 4, and reported that, as their interest was personal and prejudicial they would be leaving the meeting during the course of consideration of the matter.

By way of explanation the Deputy Monitoring Officer explained that in relation to Item 4 authority was being sought to delegate to the Head of Legal Services the authority to make a Compulsory Purchase Order (CPO) in respect of the land identified in the report, for the purpose of creating a new junction from the A339 onto Fleming Road in Newbury. The land affected included land which was leased to Newbury Town Council (NTC).

Members who were both Members of West Berkshire Council and NTC would therefore have a personal interest (see paragraph 4.2.2 of West Berkshire Council's Code of Conduct) in this item. In addition as the proposal could affect the financial position of

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NTC these Members with a personal interest could also be deemed to have an 'Other Interest' (Para 4.5.1 of the Code of Conduct).

Where a Member had an 'Other Interest', they were only permitted to make representations to the extent that the public would be able to do so. As the public were not entitled to speak at meetings of Council, they were therefore required to leave the room while the item was being considered (Para 4.5.3).

45. **Children's Services Improvement Plan (C3000)**

The Council considered a report (Agenda Item 3) concerning the response from the Communities Directorate to Ofsted's judgement of the Council's Children's Services as being 'inadequate'. The report also provided the Council with the draft Ofsted Improvement Plan that included the resources that were immediately required to move the service out of inadequate and to start the journey to 'good'.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Gordon Lundie:

That the Council:

"approve the Improvement Plan to ensure Children's Services were no longer inadequate".

Councillor Doherty drew Members' attention to the revised table replacing the one on page 66 in the agenda that had been tabled at the meeting. The table included some minor amendments to the figures.

Councillor Doherty in introducing the item noted that in March 2015, Ofsted had carried out an inspection of West Berkshire's Children and Families Services. The outcome of the inspection was that the Council's 'services for children in need of help and protection' were judged to be 'inadequate' and therefore the local authority's overall effectiveness in delivering children and family services was judged to be inadequate too. The Leader had confirmed at the 19th May 2015 Council meeting that a full response would be brought to a Full Council meeting.

The Ofsted report contained 17 recommendations which had to be implemented effectively and of those 1,7 four were for 'Priority and Immediate Action and a further 13 were 'Areas for Improvement'. The Council was also publicly committed to achieving 'good' standards of safeguarding, which was delivered through its children and family services.

Councillor Doherty noted that the Council was required to submit a response to the Department for Education (DfE) by the 24th August 2015. This Improvement Plan would be the core document against which improvement in the service would be monitored and evaluated. The Improvement Plan was a required mandatory response to an Ofsted 'inadequate' judgement and the Council was recommended to approve it and to monitor its implementation.

The focus at this particular time was on taking the necessary remedial actions to bring the service out of 'inadequate'. In January 2016 firm proposals to carry forward the next phase of service improvement would be brought to the Council's Executive for consideration and agreement. Councillor Doherty noted that initial feedback suggested that the Improvement Plan was being well received by the DfE and the relevant Minister.

Councillor Mollie Lock noted that the Ofsted inspection had highlighted that much of the Children's Services work was not inadequate. She was however concerned that Members had only had a short time to consider the report. She commented that

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representatives from the DfE would be visiting the Council the following day which would not give Officers much time to make any post Council adjustment to the report.

One of the most significant issues that would need to be resolved was the shortage of social workers. Councillor Lock stated that 33% of the workforce were agency workers which resulted in high costs and an unstable workforce. She commented that agency staff varied in quality and practice. She welcomed the training programme that would be delivered through the Academy. She stated that an additional option which could be considered to attract social workers could be assistance with accommodation.

Councillor Macro also lamented that Members had had a very short time to assimilate the information in the report and that, in light of the DfE visit the following day, there would not be much time to make any amendments to the Plan. He too was concerned about the stability of the workforce. He noted that 77% of senior social workers and 42% of social workers were supplied by agencies. He reiterated the need to attract permanent members of staff.

Councillor Macro noted that the table in paragraph 7.9 stated that the figures for Family Intervention Workers needed to be double checked. Inclusion of this comment and the tabled correction highlighted that the information had not been thoroughly checked before being issued which concerned him.

Councillor Macro supported spending the additional £12k on commissioning a 'test of assurance' of a dual role from the DCS from an external provider. He was pleased to see that £100k was being set aside for staff training.

Councillor Macro was also concerned that the unions had not been consulted on the paper as it was essential to have staff buy in.

Councillor Lee Dillon was concerned about the red items listed in the Improvement Plan as it would be the core document against which the improvements would be monitored and evaluated. He requested that progress be reported back to Full Council which would give an opportunity for all Members to comment on it.

Councillor Dillon also felt that it would be useful to review the previously agreed recruitment and retention strategy.

Councillor Graham Jones stated that through the Health and Wellbeing Board he would work with partner organisations such as the Clinical Commissioning Groups, Dental Practitioners and Public Health to deliver the health based outcomes in the Plan. He also noted that there was a national statistic that 75% of all mental health issues could be identified before the age of 21 and therefore vulnerable young people needed to be supported through the CAMHS. He commended the plan.

Councillor Emma Webster responded to the comments on recruitment and retention of social workers by explaining that the Overview and Scrutiny Management Commission (OSMC) would be looking into this issue at their October 2015 meeting. She reminded Members that increasing salaries was not the only solution as it could create a knock on effect and it might be necessary to look at this issue from a Berkshire wide perspective. She reminded all Members that they were welcome to attend OSMC meetings.

Councillor Lundie stated that he was disappointed that the Service had been adjudged to be inadequate. He felt however that Officers had put together an excellent response and he thanked them for the work that they had undertaken post the inspection. He felt that the Plan provided a robust, clear and detailed response. He felt that it was important to bring the response back to Full Council as soon as was practicably possible. He had however delayed the report in order to ensure that it contained detailed costings. He noted that the Plan appeared to have been well received by the DoE.

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(Councillor Mike Johnston arrived at 7.24pm)

Councillor Lundie stated that he did not think that it was fair to criticise agency staff but commented that of course it would be preferable to have permanent employees. He stated that this was a demand led service which made it very difficult to predict numbers. It was however important not to put children at risk. He thanked Members for the opportunity to bring this item to Council.

Councillor Doherty stated that she appreciated the comments about the time to consider the report but that it was essential to bring the Plan back to Members as quickly as possible. She highlighted that the process was being driven by Ofsted's timetable. She commented that reliance on agency workers was decreasing. She noted that training at the academy for three newly qualified social workers was in place and that a second cohort of four newly qualified social worker would be starting in September 2015. Two unqualified workers were also being supported in the service to achieve their social work qualifications. She reiterated the need to have the right people in the job for the sake of the children involved. Rushing recruitment could in itself lead to instability.

Councillor Doherty noted that in May 2015 work on Child Protection Plans had dipped but was back up to 100% in June 2015. She commented that although she had expected a deterioration in morale post the Ofsted inspection but having spoken to staff they seemed to have pulled together and morale appeared to be good. She noted that in terms of engagement the Plan had been circulated to all affected members of staff and focus groups had been arranged for the 15th and 19th June 2015. A cross section of staff had attended these events which had focussed on improvements. She apologised that the documents had not been sent to the unions in advance of publication in the Council agenda but noted that staff had been consulted.

An Improvement Board and the Local Children's Safeguarding Board would also be looking at some of the recommendations shown as red on the Plan.

Councillor Doherty noted that, in addition to the previously mentioned discussion on recruitment and retention at OSMC, progress would be reported to the Executive.

The Motion was put to the meeting and duly **RESOLVED**.

46. **A339/Fleming Road Junction Compulsory Purchase Order (C2955)**

(Councillors Jeff Beck, Jeanette Clifford, Lynne Doherty, Adrian Edwards, James Fredrickson, Dave Goff and Mike Johnston declared a personal and prejudicial interest in Agenda Item 4 by virtue of the fact that they were all Members of Newbury Town Council. As their interest was a personal and a prejudicial interest they left the meeting at 7.30pm and took no part in the debate or voting on the matter)

(Councillor Alan Macro declared a personal and prejudicial interest in Agenda Item 4 by virtue of the fact that he was an Officer in a negotiation with another company on the site. As his interest was a personal and a prejudicial interest he left the meeting at 7.30pm and took no part in the debate or voting on the matter)

The Council considered a report (Agenda Item 4) concerning the purchase of private land by agreement or by using compulsory purchase powers under the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 to enable a new junction to be built from the A339 onto Fleming Road in Newbury and to appropriate the land within the Scheme for planning purposes.

MOTION: Proposed by Councillor Garth Simpson and seconded by Councillor Graham Pask:

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That the Council:

“having given consideration to all the provisions of this report including the impact on Human Rights and Equalities resolves to delegate authority to the Head of Legal Services to make a Compulsory Purchase Order(s) and other such powers as detailed in section 11 of this report.”

Councillor Simpson in introducing the item noted that the re-development of the London Road Industrial Estate was identified as a priority in the Local Plan (West Berkshire Core Strategy, Area Delivery Plan Policy 2). The site was home to mainly industrial uses, predominantly relating to the motor trade. The London Road Industrial Estate (LRIE) had remained largely untouched in the last 40 years as the generally poor condition of the building stock conveyed. Providing access to the LRIE from the A339 would facilitate the regeneration of the LRIE which would deliver economic growth, creating additional jobs and would regenerate and integrate this part of the town.

Councillor Simpson explained that the provision of a new junction directly onto the A339 would assist with unlocking this site. Whilst planning permission had been sought and granted in the past for the delivery of the new junction onto the A339 by a private developer, such planning permission lapsed without implementation and the market had not been able to bring forward the access road to date. It was the Council's view that the cost of delivering the access road meant that the road would not be delivered by a private developer alone and would need the intervention of the Council supported by public funds.

Councillor Simpson noted that the Council had successfully bid for grant funding from the Local Enterprise Partnership Local Growth Fund towards the provision of this junction, which would connect Fleming Road to the A339. The £1.9m funding was, however, time limited and work had to commence in the next 12 months in order to comply with the conditions of the grant. There was also £0.5m of S106 and DfT grant funding available for the £3m scheme.

Councillor Simpson explained that in order to deliver the new junction, land outside the highway boundary was required. The land required was owned by West Berkshire Council and the majority was leased on a long lease to Faraday Development Limited (FDL), with individual units subsequently let to individual tenants. To progress the project the Council would need to acquire the long leasehold of the land required for the Scheme in order to demolish units 6 and 7 and would also require changes to the kerb lines of units 4 and 5.

The Portfolio Holder explained that the remainder of the land required for the Scheme was at Victoria Park and was leased to Newbury Town Council. In order to deliver the Scheme, the Council would need to acquire this interest for road widening and to develop an illuminated footpath and cycle path.

Officers were recommending the approval of the use of compulsory purchase powers to safeguard against losing the funding and to ensure that this critical infrastructure scheme proceeded.

Councillor Billy Drummond informed Council he would not be supporting the motion as the new junction would further exacerbate the pollution levels around the Robin Hood, Bear Lane and Burger King Roundabouts. Councillor Drummond declared that the compulsory purchase of land from Victoria Park was not something he could support either as he considered that this was a “theft” of greenspace.

Councillor Tim Metcalfe was concerned that the new junction could be used as a rat run to access the A4.

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Councillor Pamela Bale commented that she had been involved with the processes for a number of years and wished to commend the work that had been undertaken. Councillor Bale said that the support of the Local Enterprise Partnership in putting money forward showed how favourable the scheme was. Councillor Bale mentioned that the traffic flow would be greatly improved and that she had seen the modelling which had been done on the lights to improve flow of traffic.

Councillor Pask reiterated Councillor Bale’s point and added that the traffic flow would be improved by 17%.

Councillor Simpson responded to Councillor Metcalfe’s concern by explaining that the Scheme would create additional capacity around the Robin Hood gyratory. He stated that the Scheme would be greatly beneficial and he thanked Officers in Highways and Planning Policy for all the work they had done on the project.

The Motion was put to the meeting and duly **RESOLVED**.

In accordance with paragraph 4.17.3 of the Constitution Councillors Mollie Lock and Tim Metcalfe wished it be noted that they had abstained from the vote.

(The meeting commenced at 7.00 pm and closed at 7.40 pm)

CHAIRMAN

Date of Signature