

Meeting of West Berkshire District Council

Thursday 15 September 2016

Summons and Agenda



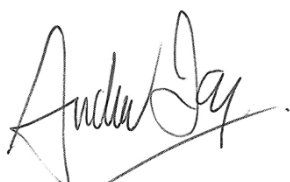
WestBerkshire
C O U N C I L

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on

Thursday 15 September 2016
at 7.00pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Wednesday 7 September 2016

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **APPOINTMENT OF VICE CHAIRMAN**

To appoint a Vice-Chairman for the remainder of the 2016/17 Municipal Year.

3. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.



Agenda - Council to be held on Thursday, 15 September 2016 (continued)

4. MINUTES

The Chairman to sign as a correct record the Minutes of the Council meetings held on 19 May 2016 and 31 May 2016.

(Pages 7 - 20)

5. DECLARATIONS OF INTEREST

To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

6. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

The Council has been notified that Councillor Gordon Lundie will present a petition on behalf of Ms Sue Cocker in relation to West Berkshire's Library Service.

7. PUBLIC QUESTIONS

Members of the Executive to answer the following questions submitted by members of the public in accordance with the Council's Constitution:

- (a) **Question to be answered by the Executive Member for Planning and Housing submitted by Paul Inman:**

"What consideration has been given to using the 'Section 106' contributions from the 'Living at the Racecourse' and many other recent new developments in Greenham towards mitigating the impact of more visitors to Greenham Common – and specifically to the project to restore the Control Tower to use as a visitor centre?"

- (b) **Question to be answered by the Leader of the Council submitted by Balu Sudra:**

"What did the Council spend in total marketing the Greenham Control Tower, including any spend on negotiations with the parish council and processing what turned out to be an un-necessary planning application for its change of use?"

- (c) **Question to be answered by the Executive Member for Planning and Housing submitted by John Gage:**

"Why did the Planning Department in 2014 fail to identify that a planning application for change of use of the Control Tower to a visitor centre not only existed from 2000 but had been substantially implemented, when normally 'planning history' on sites throughout the District is very comprehensive going back well before that date?"



- (d) **Question to be answered by the Executive Member for Highways and Transport submitted by Elizabeth O’Keeffe:**

“The redevelopment of the Sterling Industrial Estate includes its decontamination and the provision of a new link road to the main employment area of Newbury, the latter funded by a time-limited grant from Berkshire Local Enterprise Partnership (LEP). This will relieve Mill Lane and Kings Road of one-way B-road through traffic. With no sign of the development starting and only 18 months before the potential loss of the LEP funds, what is the Council doing to ensure the road gets built?”

- (e) **Question to be answered by the Executive Member for Highways and Transport submitted by Mr Kim Hetherton:**

“What can West Berkshire Council do to ensure minimum disruption to businesses from the effect of utilities digging up the highway with the result of adversely affecting trade in these testing times?”

8. **MEMBERSHIP OF COMMITTEES**

The Council is asked to approve the appointments set out below:

It is proposed that Councillor Keith Chopping be appointed to the Governance and Ethics Committee to replace Councillor Rick Jones who had to resign his seat on the Committee following his appointment to the Executive.

It is proposed that Councillor Marigold Jaques be appointed to the Communities Select Committee to replace Councillor Rick Jones who had to resign his seat on the Committee following his appointment to the Executive.

It is proposed that Councillor Marigold Jaques be appointed to the Overview and Scrutiny Management Commission to replace Councillor Rick Jones who had to resign his seat on the Commission following his appointment to the Executive.

9. **LICENSING COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Licensing Committee has not met.

10. **PERSONNEL COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 30 June 2016. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council’s website](#).

11. **GOVERNANCE AND ETHICS COMMITTEE**

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 5 September 2016. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council’s website](#).

Agenda - Council to be held on Thursday, 15 September 2016 (continued)

12. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee met on 27 July 2016 and 30 August 2016. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

13. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 7 June 2016. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

14. CHANGES TO THE CONSTITUTION - PART 11 (CONTRACT RULES OF PROCEDURE) (C3134)

To review and if appropriate amend Part 11 (Contract Rules of Procedure) following a request from the Procurement Board to do so.
(Pages 21 - 50)

15. A NEW COUNCILLORS CODE OF CONDUCT (C3066)

To present the new Councillors Code of Conduct and seek the Council's approval.
(Pages 51 - 84)

16. RESPONSE TO THE MOTION THAT THE COUNCIL INVESTIGATES WEBCASTING (C3065)

To present the response of the Webcasting Task and Finish Group to Councillor Alan Macro's Motion that 'The Council investigates the cost and practicality of webcasting all Council, Executive and Committee meetings' which was put to the Council on 2 July 2015.
(Pages 85 - 90)

17. SHORT BREAKS FOR DISABLED CHILDREN (C3173)

The High Court on the 22 July 2016 ordered that the Council's decisions relating to the reduction in funding for short breaks should be quashed. In light of the judgement the Council is asked to consider its decisions of 1 March 2016 and 31 May 2016 relating to the short breaks budgetary proposal, looking at the issues completely afresh.
(Pages 91 - 264)

18. WEST BERKSHIRE DISTRICT COUNCIL (LAND AT ENGLEFIELD ROAD AND NORTH STREET, THEALE) COMPULSORY PURCHASE ORDER 2016 (C3172)

To obtain authority from full Council to purchase by agreement or using compulsory purchase powers all or parts of land identified within the plan attached to the report (Appendix C) to enable the relocation of Theale Church of England Primary School from Church Street, Theale to land adjoining Englefield road and North Street, Theale.
(Pages 265 - 296)



19. **MEMBERS' QUESTIONS**

Members of the Executive to answer the following question submitted by Councillors in accordance with the [Council's Constitution](#):

- (a) **Question to be answered by the Executive Member for Highways and Transport submitted by Councillor Billy Drummond:**

"We are concerned about the safety of the A34. What actions are the Council taking to address safety issues after recent accidents"?

20. **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.*

Part II

21. **WEST BERKSHIRE DISTRICT COUNCIL (LAND AT ENGLEFIELD ROAD AND NORTH STREET, THEALE) COMPULSORY PURCHASE ORDER 2016 (C3172A)**

(Paragraph 1 – information relating to an individual)

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

To consider the exempt Exchange Land Plan.

(Pages 297 - 298)

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



Agenda Item 4.

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 19 MAY 2016

Councillors Present: Steve Ardagh-Walter, Peter Argyle, Howard Bairstow, Pamela Bale, Jeremy Bartlett, Jeff Beck, Dominic Boeck, Graham Bridgman, Paul Bryant, Keith Chopping, Jeanette Clifford (Vice-Chairman), Hilary Cole, James Cole, Roger Croft, Richard Crumly, Lynne Doherty, Billy Drummond, Adrian Edwards, Sheila Ellison, Marcus Franks, James Fredrickson, Dave Goff, 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, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Virginia von Celsing, Quentin Webb (Chairman), Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Martin Dunscombe (Communications Manager), Mac Heath (Head of Children and Family Services), David Holling (Head of Legal Services), Andy Walker (Head of Finance), Robert Alexander (Conservative Group Executive), Moira Fraser (Democratic and Electoral Services Manager) and Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Anthony Chadley, Councillor Lee Dillon, Councillor Nick Goodes, Councillor Manohar Gopal, Councillor Alan Law and Councillor Anthony Stansfeld

Councillor Absent: Councillor Rob Denton-Powell

PART I

1. Chairman's Remarks

The Chairman stated that West Berkshire Council was saddened to learn of the death of former district councillor David Rendel. Mr Rendel had served as a district councillor for 16 years representing the wards of St Johns, Craven, Thatcham North and Thatcham Central. He was also the Member of Parliament (MP) for the Newbury constituency for 12 years.

Councillor Alan Macro commented that David had worked tirelessly as both a District Councillor and as an MP. He had left a lasting legacy for the residents of West Berkshire including his work on the Newbury Bypass, West Berkshire Community Hospital, the Newbury Cinema and had helped save Greenham Common for the residents of the District. Councillor Macro commented that David believed in social justice. He believed that as he had been afforded a good start in life others should have the opportunities that he had benefitted from too. He was a gentlemen, always courteous, had great integrity and boundless energy.

Councillor Roger Croft stated that, on behalf of the Council, he would like to send condolences to David's family and friends. He noted that David was a true public servant who spent a great deal of his life representing local people in Parliament and on the district council. He commented that David was a well-liked and respected man and someone who made his mark on the Council. Councillor Peter Argyle noted that he had written to David's family to express the Council's condolences.

Councillor Mollie Lock stated that David was both a friend and colleague who had passed away at a tragically young age. He had the ability to get people to listen to him but also

COUNCIL - 19 MAY 2016 - MINUTES

always listened to the views of others. She sent her best wishes to David's wife Sue and their two sons.

Councillor Adrian Edwards commented that this was a sad time. Although he was not always in agreement with David he always respected him for his great debating skills and enormous energy. Councillor Edwards stated that David was a people's man and he had never heard him utter a bad word against anyone. He also commented that David's wife Sue was always a great supporter of her husband and that his passing would be a great loss to the district and to his family.

Councillor Gordon Lundie stated that David had many great qualities; he always treated people with courtesy and respect, had a very forensic mind, he was a committed parliamentarian and local councillor and he did a lot to help local residents. Councillor Lundie summated that David was a gentleman, an intellect and a man of great integrity.

Councillor Graham Pask commented that David's loyalty to the people of West Berkshire was exemplary and the respect he commanded was clearly evident.

The Chairman asked the Council to observe a minute's silence as a mark of respect for David Rendel.

The Chairman then reported that he had attended 147 events over the past year, his Vice-Chairman had attended 38 events and he also thanked former Chairmen Councillors Jeff Beck and Adrian Edwards for attending three events on his behalf.

The Chairman thanked the Vice Chairman, Councillor Quentin Webb, for his support over the 2015/16 Municipal Year. He noted that Councillor Webb had acted with honour and dignity throughout the year.

2. Presentations

The Chairman presented a cheque of £4,454.39 to Janet Caruzzo of Helen and Douglas House, his chosen charity for his year in office.

The Chairman then presented Councillor Paul Bryant with an award for 20 years of service and Councillor Pamela Bale for 10 years of service. He thanked Councillors Bryant and Bale for the outstanding service they had provided to the residents of the District.

The Chairman thanked Jude Thomas and Jo Watt for all the support they had afforded him during his year in Office. He stated that they always went far beyond what was expected of them and in so doing made his year very easy.

Councillor Argyle then thanked his wife Margaret for the wonderful support that she had given him during his year in Office.

3. Election of the Chairman for the Municipal Year 2016/17 (C2993)

The Motion was proposed by Councillor Roger Croft and seconded by Councillor Graham Jones that Councillor Quentin Webb be elected Chairman of the Council for the Municipal Year 2016/17. There were no further nominations.

Councillor Croft in proposing Councillor Webb for the role of Chairman noted that Councillor Webb was a faithful servant of the residents of Bucklebury and had also been appointed as Vice-Chairman for the 2015/16 Municipal Year, a role he had fulfilled with great dignity. Through his many roles he had made a great contribution to the residents of West Berkshire and he was therefore honoured to propose him for the role of Chairman.

Councillor Graham Jones commented that Councillor Webb was a man of the people and worked well with the community, both of which would be great assets for this role.

COUNCIL - 19 MAY 2016 - MINUTES

Councillor Croft thanked the outgoing Chairman, Councillor Peter Argyle for his exceptional year in Office and for all his hard work during that year.

RESOLVED that Councillor Quentin Webb be elected as Chairman of Council for the Municipal Year 2016/17.

(Councillor Quentin Webb in the Chair)

The new Chairman read and signed the Declaration of Acceptance of Office. Councillor Webb thanked the Council for electing him and Councillors Croft and Jones for their kind words. He stated that it was an honour and a privilege and that he would seek to represent the Council with honesty, integrity, governance and ethics.

Councillor Webb reported that his chosen charity for 2016/17 was Thames Valley Air Ambulance. He was also pleased to announce that Councillor Marigold Jaques had agreed to be the Chairman's Lady.

Councillor Webb thanked the outgoing Chairman, Councillor Peter Argyle, for working tirelessly to represent the Council in his term of Office. He had upheld the very highest standards of professional behaviour while always exhibiting a friendly demeanour.

Councillor Webb thanked Councillor Argyle for the consideration, consultation and friendship he had shown him throughout the year. He stated that it had been a pleasure to act as Councillor Argyle's Vice-Chairman.

He also thanked Mrs Margaret Argyle for the support she had afforded to Councillor Argyle during his year in office.

4. Appointment of Vice-Chairman for the Municipal Year 2016/17 (C2994)

The Chairman requested nominations for the position of Vice-Chairman of Council for the Municipal Year 2016/17. In response to this request Councillor Jeanette Clifford was nominated by Councillor Adrian Edwards and the nomination was seconded by Councillor Keith Chopping. There were no further nominations for the position of Vice-Chairman.

Councillor Edwards stated that Councillor Clifford had been a resident of Newbury for 17 years. She had fulfilled a number of leadership roles in her private capacity and more laterally as a Councillor and he had no doubt that she had the attributes needed to fulfil the role of Vice-Chairman.

Councillor Chopping commented that Councillor Clifford was a very accomplished lady and that her Masters Degree in Risk, Crisis and Disaster Management would serve her well in the role of Vice-Chairman.

RESOLVED that Councillor Jeanette Clifford be appointed Vice-Chairman of Council for the Municipal Year 2016/17.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Clifford thanked the Council for electing her. She noted that this was a huge honour and she would support Councillor Webb to the best of her ability.

Councillor Clifford thanked Officers for the advice that they had already provided to her in preparation for this meeting and she thanked Councillors Edwards and Chopping for their kind words in nominating her. Councillor Clifford thanked Councillors Peter Argyle and Quentin Webb for their year in Office and commented that they had been fantastic ambassadors for the Council.

Councillor Webb, on behalf of the Council, thanked the outgoing Chairman's lady, Mrs Margaret Argyle, for the work she had undertaken during the previous Municipal Year. He noted that Councillor Argyle had been proud to have her at his side and he was very

COUNCIL - 19 MAY 2016 - MINUTES

grateful for her support over the past year. Councillor Webb also thanked her for the friendship and courtesy she had extended to him.

5. Minutes

The Minutes of the meeting held on the 01 March 2016 and the special meeting on the 24th March 2016 were approved as a true and correct record and signed by the Chairman.

6. Declarations of Interest

There were no declarations of interest received.

7. Governance and Ethics Committee Annual Report 2015/16 (C3034)

The Council considered a report (Agenda Item 8) which set out the Governance and Ethics Committee Annual Report.

MOTION: Proposed by Councillor Quentin Webb and seconded by Councillor Rick Jones:

That the Council:

- “1. notes the content of the report.
2. agrees that the report be circulated to all Parish/Town Councils in the District for information.”

Councillor Quentin Webb in introducing the report noted that the Monitoring Officer had presented it to the previous Governance and Ethics Committee. The report outlined the main changes and composition of the merged Standards Committee and Governance and Audit Committee to form the Governance and Ethics Committee and Advisory Panel.

The purpose of the Governance and Ethics Committee was to provide effective challenge, assurance of the governance framework, internal control, receiving the Annual Audit Letter and signing off the Council's final accounts. It was also charged with promoting and maintaining high standards of conduct by both District, Parish and Town Councillors.

Councillor Webb drew Members' attention to the budget pressure associated with external investigations of complaints.

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

8. Appointment of the Executive by the Leader of the Council for the 2016/17 Municipal Year (C2995)

Councillor Roger Croft announced the appointment of Members to the Executive for 2016/17 as follows:

Leader of the Council with responsibility for Strategy and Performance	Roger Croft
Deputy Leader with responsibility for Health and Wellbeing	Graham Jones
Portfolio Holder for Education and Corporate Infrastructure	Dominic Boeck
Portfolio Holder for Finance and Transformation	Anthony Chadley
Portfolio Holder for Adults, Care and Culture	Hilary Cole

COUNCIL - 19 MAY 2016 - MINUTES

Portfolio Holder for Children & Young People	Lynne Doherty
Portfolio Holder for Communities & Public Protection	Marcus Franks
Portfolio Holder for Corporate Services and External Affairs	James Fredrickson
Portfolio Holder for Economic Development and Planning	Alan Law
Portfolio Holder for Transport and Emergency Planning	Garth Simpson

9. **Appointment of and Allocation of Seats on Committees for the 2016/17 Municipal Year (C2996)**

The Council considered a report (Agenda Item 10) concerning the appointment and allocation of seats on Committees and associated bodies for the 2016/17 Municipal Year.

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Graham Jones:

That the Council:

1. “notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of Appendix A to this report are to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.
2. agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.2 (Table A).
3. agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 of Appendix A (Table B).
4. agrees that the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 of Appendix A (Table C).
5. agrees that in respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee’s area who are not appointed to the Committee. Where substitutes attend the District Planning Meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.
6. approves the appointment of Members to the Committees as set out in Appendix B and in accordance with the wishes of the Political Groups.
7. in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, agrees the Council’s Policy Framework for 2016/17 be as set out in paragraph 6.1 of Appendix A and that any appropriate amendments be made to the Council’s Constitution (Paragraph 2.5.2) should this be necessary.
8. in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council’s Executive.

COUNCIL - 19 MAY 2016 - MINUTES

9. agrees that Paragraph 2.6.5 of Article 6, setting out the Executive Portfolios, be amended to reflect any changes made by the Leader of the Council at the Annual Council meeting.
10. agrees that the appointment of two non voting co-opted Parish/Town Councillors be made to the Governance and Ethics Committee.
11. agrees that the appointment of two Parish/Town Councillors be made to the Governance and Ethics Committee's Advisory Panel.
12. agrees to re-appoint three Independent Persons, namely Lindsey Appleton, James Rees and Mike Wall should they be willing to continue to fulfil this role.
13. agrees the membership of the Health and Wellbeing Board as set out in paragraph 9.1.
14. agrees the membership of the three Scrutiny Select Committees as set out in paragraph 2.2 (Table A) of Appendix A.
15. agrees that authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.
16. agrees the revised timetable of meetings for 2016/17, attached at Appendix C to the report."

Councillor Roger Croft welcomed the introduction of the Select Committees and stated that the appointments of his Group represented an attempt to reflect the geographical spread of Conservative Members across the District.

Councillor Alan Macro commented that his Group were largely supportive of the proposals set out in the report. Their only reservation was that the Select Committees would only meet twice each year which would make it difficult to maintain continuity. He also would have liked to see the meetings aligned to the performance monitoring cycle.

Councillor Roger Croft accepted the comments made by Councillor Macro in relation to the frequency of meetings. There were however issues surrounding resources to support the meetings. He would however write to Councillor Macro to set out the Scrutiny Framework that he was working towards. The Select Committees would be put in place for a year as a trial period. During that time he would work with the Chairman of the Overview and Scrutiny Management Commission and Councillor Macro to see how the authority could do more work in this area. He committed to working closely with Councillor Macro to look into how more meetings could be held.

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

10. **Adjournment of the Meeting**

RESOLVED that the meeting of Council be adjourned to enable the various Committees to determine their Chairmen and Vice-Chairmen.

The meeting was adjourned at 8.03pm.

11. **Recommencement of the Meeting**

The meeting was reconvened at 8.14pm.

12. **West Berkshire Council Strategy: Refresh 2015 - 2019 (C3055)**

The Council considered a report (Agenda Item 13) which set out the refreshed Council Strategy 2015-2019 for consideration and approval by the Council. The refreshed document also articulated the progress that had been made and introduced new or updated projects to support the delivery of the Council's priorities for improvements.

COUNCIL - 19 MAY 2016 - MINUTES

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Graham Jones:

That the Council:

“approves the updated Council Strategy covering the period 2015 to 2019”.

Councillor Roger Croft noted that the four year strategy had been approved by the Council in May 2015 following a public consultation exercise. The Council’s aims and priorities had not changed. The refresh set out the progress that had been made and clarified new and amended projects. The refresh also reflected on the challenging financial position the Council found itself in.

Councillor Alan Macro commented that he was disappointed to see that the strategy did not focus more on income generation and shared services. He would have liked to see a more radical approach to these areas in the refreshed strategy. Councillor James Fredrickson noted that the Council already adopted a shared approach to working in a large number of areas including Environment Health, Trading Standards, Legal Services, Democratic Services (contract with the Royal Berkshire Fire and Rescue Service), Health and Wellbeing Board, the Emotional Health Academy, Berkshire Leaders, Public Health and many more.

Councillor Emma Webster stated that she looked forward to receiving suggestions from Members of both political groups about income generation and savings proposals at future Resource Select Committee meetings.

Councillor Graham Jones accepted that the financial challenge was immeasurably harder than it had ever been for the Council. The Council would have to revisit everything it did and provided in order to maximise what it could deliver using limited resources. He accepted that there was more work to be done but that the right perspective would need to be adopted.

(Councillor Clive Hooker left the meeting at 8.19pm and returned at 8.21pm)

Councillor Roger Croft noted that he and the Chief Executive had met with the leaders of Berkshire and other neighbouring authorities to see if there were further opportunities for combined and shared services. This information had not been included in the strategy as discussions were still at an early stage and as yet there was no progress to report.

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

13. **Medium Term Financial Strategy (MTFS): 2017/18 to 2019/20 (C2977)**

The Council considered a report (Agenda Item 14) concerning the Council’s Medium Term Financial Strategy (MTFS).

(Councillor Anthony Pick left the meeting at 8.20pm and returned at 8.22pm)

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Laszlo Zverko:

That the Council:

“approves and adopts the Medium Term Financial Strategy 2017/18 to 2019/20”.

Councillor Roger Croft explained that this was a rolling three year strategy which was built to ensure that the financial resources, both revenue and capital, were available to deliver the Council Strategy. The MTFS should be read in conjunction with the Revenue Budget 2016/17, the Capital Strategy 2016 to 2021 and Investment and Borrowing Strategy reports.

COUNCIL - 19 MAY 2016 - MINUTES

The aim of the MTFS was to ensure that the Council allocated its available resources focussing on those determined as most critical in supporting its priorities and statutory responsibilities. The Strategy sought to determine the level of service the Council would realistically be able to provide. A further aim was to ensure that capital investment was affordable and that the Council has sufficient levels of reserves.

Councillor Croft noted that there was a £22m revenue shortfall over the next three years. The shortfall could be met in four ways: generating more internal savings (work on this area was ongoing), increasing Council Tax, developing alternative income streams and making further savings in frontline services.

Councillor Alan Macro commented that the financial outlook was severe and the law of diminishing returns needed to be factored into any strategies. It already appeared as if some of the services within the Council were over stretched. He requested that the District Council continued to implore the three local MPs to continue to lobby Central Government for the Better Care Funding that had been promised to the Council. Councillor Macro also requested that the Council engaged more proactively with Town and Parish Councils to work more effectively together.

Councillor James Fredrickson stated that the Council was reluctant to make internal savings but that this was preferable to making cuts to frontline services. Councillor Fredrickson commended Officers for their ongoing diligence in respect of the work that was being undertaken to secure funding from the Better Care Fund.

Councillor Roger Croft commented that he too was disappointed that no resolution had been reached as yet in respect of the Better Care Fund. He undertook to keep working with communities to transform services over the next three years. He conceded that although setting the budget for the next three years would not be easy he commended the strategy to Members and asked them to support it.

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

14. **“Getting to Good”: A model for Improving Service Delivery and Building Sustainable Service Development within Children's Social Care Frontline Teams (C3116)**

The Council considered a report (Agenda Item 15) which sought to inform Members of the progress of the Children and Family Service since the Ofsted Inspection of March 2015. The report also set out the framework to build ‘good’ and sustainable frontline Children’s Social Care Service.

(Councillors James Podger and Laszlo Zverko left the meeting at 8.28pm and returned at 8.30pm)

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

That the Council:

1. “agrees the infrastructure for the Children’s Social Care frontline services and to the establishment of a Looked After Children’s Team and to build capacity for a Multi-Agency Safeguarding Hub (MASH);
2. notes the workload pressures and the preferred approach to building a strong Children’s Social Care Service.”

Councillor Doherty noted that following the Ofsted inspection in 2015 the Council had adopted a development and improvement plan to address the issues identified by the inspection and to deliver the agreed priority of securing a ‘good’ rating for Children’s

COUNCIL - 19 MAY 2016 - MINUTES

Services in the future. The Minister of State for Children and Families had commented that good progress was being made with the Plan.

Councillor Doherty thanked the Social Care Team who had worked tirelessly to deliver the plan whilst still dealing with the day to day challenges of their roles. The report set out recommended changes to the structure within the team in order to provide sufficient resources and a sustainable approach to address the challenges the team were facing.

(Councillor Emma Webster left the meeting at 9.30pm and returned at 8.31pm)

Councillor Alan Macro supported the approach being taken although he had concerns around recruitment difficulties.

Councillor Lundie welcomed the report and the approach that was being adopted. He commented that he did not think that Ofsted's assessment that the service was inadequate was fair. He thanked Councillor Doherty and Officers for the work that they had done to respond to the Ofsted report and the ongoing activity to get the assessment back to 'good'.

Councillor Doherty noted that 15 new members of staff had been recruited since May 2015 and retention of staff had improved. She therefore asked Members to support the approach as set out in the report.

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

15. **Corporate Parenting Panel (C3103)**

The Council considered a report (Agenda Item 16) concerning the proposed changes to the governance of the Corporate Parenting Panel which would provide a robust framework that would uphold the Council's statutory responsibilities in relation to carrying out its responsibilities towards children and young people in care including care leavers.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Graham Pask:

That the Council:

"agrees to amend the Corporate Parenting Panel's governance including new membership and new terms of reference as set out in Appendix "B" to the report."

Councillor Doherty stated that all Members were Corporate Parents and therefore they were all required to contribute to the wellbeing of the District's Looked After Children (LAC) as if they were their own children. Approaches to Corporate Parenting varied across the country.

Ofsted had identified that the current approach was not robust and this report sought to make changes to the governance of the Corporate Parenting Panel in order to ensure that the LACs voices were heard. The proposals set out in the report were in line with best practice.

Councillor Mollie Lock supported the approach and stated that she hoped the new approach would be successful.

Councillor Alan Macro noted that part of the role of the Panel was to scrutinise activity in this area and he therefore queried whether it was appropriate for the Portfolio Holder for Children and Young People to Chair the Panel.

Councillor Graham Pask stated that this was a duty that all Councillors should take seriously and they should treat the Looked After Children as if they were their own children. This approach would strengthen the remit of the Panel.

COUNCIL - 19 MAY 2016 - MINUTES

Councillor Doherty noted that the paper had been put together after extensive research. She commented that there was a mixed picture when it came to who should chair the Panel. She, however, had no concerns about her ability to hold her own service to account.

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

16. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had not met.

17. Personnel Committee

The Council noted that, since the last meeting, the Personnel Committee had not met.

18. Governance and Ethics Committee

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 4 March 2016 (special) and 25 April 2016.

19. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee had not met.

20. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 05 April 2016.

(The meeting commenced at 7.00pm and closed at 8.40pm)

CHAIRMAN

Date of Signature

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON TUESDAY, 31 MAY 2016

Councillors Present: Steve Ardagh-Walter, Peter Argyle, Pamela Bale, Jeff Beck, Paul Bryant, Anthony Chadley, Keith Chopping, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lynne Doherty, James Fredrickson, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Alan Law, Tony Linden, Mollie Lock, Alan Macro, Tim Metcalfe, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Quentin Webb (Chairman) and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Martin Dunscombe (Communications Manager), Mac Heath (Head of Children and Family Services), David Holling (Head of Legal Services), Juliet Penley (Service Manager - Children), Shiraz Sheikh (Principal Solicitor), Robert Alexander (Conservative Group Executive) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: John Ashworth, Councillor Howard Bairstow, Councillor Dennis Benneyworth, Councillor Dominic Boeck, Councillor Graham Bridgman, Councillor Jeanette Clifford, Councillor Lee Dillon, Councillor Billy Drummond, Councillor Adrian Edwards, Councillor Sheila Ellison, Councillor Marcus Franks, Councillor Dave Goff, Councillor Rick Jones, Councillor Gordon Lundie, Councillor Ian Morrin, Councillor Virginia von Celsing, Rachael Wardell and Councillor Emma Webster

Councillors Absent: Councillor Jeremy Bartlett and Councillor Nick Goodes

PART I

21. Declarations of Interest

The Monitoring Officer noted that Councillor Lynne Doherty had been granted a dispensation by the Governance and Ethics Committee to speak and vote on financial proposals pertaining to Short Breaks Funding.

22. Short Breaks for Disabled Children (Urgent Item)

(Councillor Lynne Doherty's employer was a recipient of Short Breaks funding. Following the granting of a dispensation to speak and vote on this item she determined to remain in the meeting and vote on the item).

The Council considered a report (Agenda Item 3) which had been brought to Council due to Judicial Review proceedings being brought against the Council by parents of users of short breaks services.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor James Fredrickson

That the Council:

“considers the report and its appendices and resolves that the decision of the 01st March 2016 be reaffirmed.”

Councillor Lynne Doherty in introducing the item commented that it was necessary to revisit the budget decision made on the 1st March 2016 with regard to the provision of short breaks for disabled children within West Berkshire.

COUNCIL - 31 MAY 2016 - MINUTES

Councillor Doherty explained that litigation was being brought against the Council by two families who were in receipt of the short break service. The original budget decision was taken with all the information provided at this meeting and was included in Appendix B. The decisions taken in March 2016 were the result of an unprecedented demand to make budgetary savings whilst still meeting all of the Council's statutory duties. The Council also needed to continue to protect other areas of children's and adult's social care provisions. All options were considered and there was very little 'room for manoeuvre'.

Councillor Doherty emphasised that the original decision was not taken easily, but that it had been an informed decision. Councillor Doherty stated that, unless similarly affected, it was difficult to comprehend the daily difficulties faced by disabled children or the impact this had on their families. The Council fully recognised the need to protect and promote the welfare of this vulnerable group. Councillor Doherty believed that an effective service could still be delivered on the reduced budget proposed in March. She also believed that it was possible to minimise the effect of the proposed reduction and still meet the needs of both children and carers within the District. The local offer which was promoted to all families contained many supported services that the Council did not fund. Current providers were continuing to deliver services and new providers continued to emerge.

Councillor Doherty recognised that change could be difficult at the best of times and for this group it might be even more of a challenge. She highlighted that the Council would continue to review its offer to ensure it was meeting need. Councillor Doherty therefore requested that Members reaffirm the decision taken in March 2016.

Councillor Graham Pask queried why the Council was having to revisit the decision if all the information had already been presented to Members.

Councillor Alan Macro raised a point of order. He noted that the decision taken on the 01 March 2016 was subject to the 'six month rule' and therefore according to the Constitution it could not be rescinded. The Monitoring Officer explained that in accordance with paragraph 4.16.1 of the Constitution a Motion could not be moved to rescind a decision made at a meeting of the Council within the preceding six months unless notice of the Motion was given under Rule 4.9 (Motions) and was signed by at least one-quarter of all Members of Council. As Members were being asked to reaffirm the decision made on the 01st March 2016 and not rescind it the 'six month rule' did not apply.

Councillor Macro commented that there was a significant cost in terms of time and money being expended in order to reaffirm a decision. He felt that by reaffirming the decision it was almost certain that the appellants would proceed with the Judicial Review. He stated that he was disappointed that the report did not provide detail on the likelihood of the Judicial Review being successfully defended nor did it set out the indicative costs to the Council.

Councillor Macro noted the statement from Christine Lenehan from the Council for Disabled Children and commented that he was disappointed that the report did not address the issues that she had raised in her statement. He also stated that the witness statements showed how valuable the service was to the families that had submitted them. He noted that one of the statements included a reference to having to place one of the children in residential care which could negate the savings made by the proposal.

Councillor Keith Chopping stated that he believed that the previous decision was made in the knowledge that the Council would still meet its obligations and he asked that the Portfolio Holder confirm that this was still the case.

COUNCIL - 31 MAY 2016 - MINUTES

Councillor Richard Somner stated that he understood that the savings were well protected in comparison to others and he asked for confirmation that his understanding was correct.

Councillor Lynne Doherty responded to the queries raised by Councillors Pask, Chopping and Somner. She stated that Council would still meet its statutory duties as set out in the Children's Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011.

Councillor Doherty noted that the decisions made at the Council meeting had been based on three principles namely: that the Council would ensure that it met its statutory duties, that the Council would ensure that it minimised the impact on the most vulnerable and that the Council would work with communities to deliver services in a different way. She believed that in making the decision at the Council meeting in March 2016 all three of these criteria had been met.

Councillor Alan Law noted that Members had been presented with the information they had considered at the 01 March 2016 Council meeting as well as the additional information presented at that meeting (the witness statements). He stated that after considering the additional information he would not change the decision that he made in March. He was disappointed that there was an inference in the statements that Councillors had been presented with inadequate information to base their decision on and that they had been derelict in their duty of care. He stated that nothing could be further from the truth. Members had been presented with a lot of information from Officers, including feedback from an extensive consultation exercise. He had also spoken privately with the Portfolio Holder and Officers before the Council meeting. Councillor Law explained that despite the fact that he had personal experience of the need for respite care he was happy to defend the process and decision taken earlier in the year.

Councillor Graham Jones recognised the value of the short break service. He drew Members attention to page 112 of the paperwork which set out the budget motion in detail. He reminded Members that at the time of the meeting he had commented that this was the most difficult Council meeting he had ever had to attend. He also drew Members' attention to page 115 which set out the amendment that was made at the Council meeting where, in response to the consultation, he and the Leader had proposed that £170k of the transition funding be allocated to the Short Breaks for Children budget. Councillor Jones also reminded Councillor Macro that on page 117 of the paperwork in the minutes of the Council meeting he had thanked Councillor Macro for the co-operation across the chamber during the discussions on the budget.

Councillor James Fredrickson noted that the decision on the budget had been taken at the March meeting of Council. Subsequent to the decision being made a legal challenge had been brought against the decision to reduce funding for short breaks for children. Members were presented the original information submitted to the budget meeting and statements from those involved in the legal challenge. At the time the original decision was made it was accepted that these were the most difficult decisions the Council had ever had to make. At the time of the decision Members were acutely aware of their responsibilities under the Public Sector Equality legislation. The Council undertook one of the largest consultation exercises of any English Unitary Authority and as a result of that consultation some of the transition funding was allocated to the delivery of short breaks for children's' services budget. The Council had to make complex and difficult decisions but he was confident that a balanced outcome had been arrived at.

Councillor Fredrickson stated that he disagreed with Councillor Macro and that as the Portfolio Holder responsible for Legal Services he felt that it was important to give Members the opportunity to review the decision they had made in light of the legal challenge. He stated that it was also important not to pre-empt the costs and impact of a

COUNCIL - 31 MAY 2016 - MINUTES

Judicial Review but instead Members were being asked to consider the additional information presented in the statements. He concluded by saying that the decisions that the Council had been forced to make were unpalatable but that the Council was required to agree a balanced budget and he therefore recommended that Members re-affirm their previous decision.

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

(The meeting commenced at 7.00pm and closed at 7.17pm)

CHAIRMAN

Date of Signature

Changes to the Constitution - Part 11 (Contract Rules of Procedure)

Committee considering report:	Council on 15 September 2016
Lead Member:	Chairman of Governance and Ethics Committee
Date Lead Member agreed report:	5 September 2016
Report Author:	David Holling
Forward Plan Ref:	C3134

1 Purpose of the Report

- 1.1 To review and if appropriate amend Part 11 (Contract Rules of Procedure) following a request from the Procurement Board to do so.

2 Recommendations

- 2.1 To consider and agree, if appropriate, the proposed amendments to Part 11 (Contract Rules of Procedure) and to discuss any additional changes required.
- 2.2 To agree that any changes will come into effect on the 16th September 2016.

3 Implications

- 3.1 **Financial:** S151 Officer at the Finance, Audit & Governance Group approved the amendments to Part 11 of the Constitution
There will be no costs associated with making the amendments to the Constitution
- 3.2 **Policy:** Will require changes to Part 11 of the Constitution
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4 Other options considered

- 4.1 Not to agree the changes

5 Executive Summary

- 5.1 Following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution. A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and this work is ongoing.

Part 11 Contract Rules of Procedure

- 5.2 A number of changes were made to Part 11 of the Council's Constitution (Contract Rules of Procedure) in May 2015 to ensure that the Council was acting in accordance with the Public Contracts Regulations 2015. The changes included the setting of thresholds delegating decision making as follows:

Total Contract Value £	Delegated decision or Resolution of:
Up to £99,999	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall have delegated authority to award the contract.
£100,000 to £499,999	Relevant Head of Service following recommendation of S151 officer and Head of Legal Services shall submit a report to Corporate Board seeking delegated authority to award the contract in consultation with the S151 officer and Head of Legal Services.
Over £500,000	These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive shall receive a report from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the relevant Portfolio Holder, s151 officer and the Head of Legal Services.

- 5.3 The revised rules have been in place since May 2015 and Officers have now been asked to amend the thresholds by both Corporate Board and Procurement Board to reduce the number of contracts that require Executive approval. Under paragraph 11.4.4 transactions falling outside of the Capital Programme (e.g. revenue) and where the relevant Head of Service does not have the delegated authority to award the contract an approval or a resolution of the Executive is required.
- 5.4 The changes proposed affect mainly contracts over the £500,000, threshold; however some minor changes to the other thresholds are required to address clarity. The proposed table of amendments is set out below: -

Total Contract Value £	Delegated decision or Resolution of:
Up to £100,000.	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall

Total Contract Value £	Delegated decision or Resolution of:
	have delegated authority to award the contract.
More than £100,000 and less than £500,000.	<p>Relevant Head of Service (following recommendation of the S151 officer and Head of Legal Services) shall have delegated authority to award the contract provided:</p> <p>a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by the Procurement Board; and</p> <p>b) the report has been included as an “item for information” item for the Corporate Board.</p>
More than £500,000 in total value and less than £2.5million per annum.	<p>The award of these contracts shall require a “key decision”(as defined in Part 5.1.1 of the Constitution) delegated to be taken by relevant Head of Service in consultation with the relevant Portfolio Holder (following recommendation by the relevant Corporate Director, S151 officer and Head of Legal Services) to award the contract provided:</p> <p>a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by the Procurement Board; and</p> <p>b) the report has been included as an “Item for information” item for the Corporate Board and to the Operations Board.</p> <p>c) such decision has been made in accordance with Part 5.3 and 5.4 of the Constitution.</p>
More than £2.5million per annum.	<p>These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive shall receive a report from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the relevant Portfolio Holder, s151 officer and the Head of Legal Services.</p>

5.5 Paragraph 11.11.11 (Exclusions and Exceptions to Contract Rules of Procedure) of the Constitution already identifies that the requirement to conduct a competitive procurement process is excluded in certain circumstances including:

- where the contract is excluded under the Procurement Legislation;
- where the proposed contract is being awarded under a Purchasing Scheme;
- where the proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or

a variation or where the variation is a modification permitted under the Procurement Legislation;

- where the contract is for specified social care services.

- 5.6 It should however be noted that all key decisions taken by the Council need to appear on the Council's Forward Plan. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 where a decision maker intends to make a key decision, that decision must not be made until at least 28 days public notice (Forward Plan) has been given that such a decision is to be made.
- 5.7 Under the Regulations a key decision is an executive decision, which is likely:
- (a) to result in the relevant local authority incurring **expenditure** which is, or the making of savings which are, **significant** having regard to the relevant local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- 5.8 If Members are minded to approve the amended contract thresholds then it should be noted that decisions made by Officers under delegated authority will still have to appear on the Forward Plan within the prescribed deadlines and will also require the publication of a delegated officer decision notice which are then subject to the Council's call-in procedures.
- 5.9 A report was taken to the Council in December 2015. At that meeting Councillors raised some concerns around some of the thresholds. , they sought clearer definitions of what a "contract" was and what was meant by "valuation". Members also sought clarity on whether the value of the contract was to be the total value over the life of contract or if it was the annual figure.
- 5.10 Officers have therefore undertaken some further work on the Contract Rules of Procedure. The proposed changes to thresholds are largely in line with neighbouring authorities and it is therefore proposed that they be accepted. The description of contracts as set out in paragraph 11.1.3 has been extended to include Service Level Agreements and Software Licenses.
- 5.11 An additional paragraph 11.4.5 has been included setting out that 'The Total Contract Value is the whole of the estimated value (net of value added tax) which the Council expects to give under the contract calculated according to the valuation rules.' The contract values include an explanation as to whether it is the total value or a per annum figure.
- 5.12 An amendment has been included in the table at paragraph 11.11.1 stating that in respect of exemptions 'For contract value greater than £50,000, approval of the Procurement Board, following the submission of an extension report to the Procurement Board with recommendation from Head of Legal Services and S151 Officer.' A note clarifying this has also been included below the table.

6 Proposals

6.1 It is proposed that the revised thresholds as set out in paragraph 5.4 of this report be adopted.

7 Conclusion

7.1 This report recommends changes to Part 11 of the Council's constitution.

8 Appendices

Appendix A – West Berkshire Council Constitution – Part 11 Contract Rules of Procedure

This page is intentionally left blank

West Berkshire Council Constitution

Part 11

Contract Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	5	Date Modified:	June 2014
Revision due	Annual		
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1.1	Sept 2008	Amended to include up to date guidance on the use of consultants	
2	Jan 2010	Significant re-write in line with current legislation.	
3	April 2012	Changes to whole document as a consequence of the Senior Management Review	
4	December 2012	Significant re-write to bring in line with current law, practice and procedures. Also to streamline it.	
5	June 2014	11.11.3(a)	Delegated authority
6	May 2015	11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.3.1 (b) and (f), 11.4.3, 11.4.4, 11.5.1, 11.6.2, 11.6.3, 11.6.4, 11.7.2, 11.7.3, 11.8.1, 11.8.2 (deleted), 11.9, 11.9.2, 11.9.4, 11.9.5, 11.11.1, 11.11.2, 11.11.3, 11.11.4, 11.11.5, 11.11.6, 11.13.1, 11.13.2, 11.15.5	



Version	Date	Description	Change ID
		11.16.2, 11.16.Implementation of the new Directives and Regulations	
z	July 2015	Amendments arising from the merge of the Governance and Audit and Standards Committee	11.14.3[j1]

West Berkshire Council Constitution

Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:

<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.



Contents

11.1	Application of Contract Rules of Procedure.....	<u>14</u>
11.2	Purpose of Contract Rules of Procedure.....	<u>22</u>
11.3	Tendering – Preliminaries.....	<u>22</u>
11.4	Authority.....	<u>33</u>
11.5	Tendering - Financial Thresholds & Procedures.....	<u>54</u>
11.6	Tendering - Advertising.....	<u>75</u>
11.7	Tendering - Contract Value & Aggregation.....	<u>76</u>
11.8	Tendering - Principles and Evaluation.....	<u>86</u>
11.9	Tendering - Submission and Opening of Tenders.....	<u>86</u>
11.10	Tendering – Evaluations of Quotes and Tenders.....	<u>97</u>
11.11	Exceptions to Contract Rules of Procedure.....	<u>97</u>
11.12	Purchasing Schemes.....	<u>1310</u>
11.13	Prevention of Corruption.....	<u>1411</u>
11.14	Entering into a Contract.....	<u>1411</u>
11.15	Legal Consideration.....	<u>1512</u>

11.1 Application of Contract Rules of Procedure

11.1.1 These Contract Rules of Procedure (also referred to as the Contract Standing Orders) are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

~~11.1.1~~11.1.2 These Contract Rules of Procedure apply to purchases by or on behalf of the Council of works, supplies (~~goods~~) and services.

11.1.3 These Contract Rules of Procedure apply to all contracts including (~~but not limited to~~) purchase orders, consultancy agreements, ~~sService Level aAgreements, sSoftware Licenses,~~ concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are expressly excluded under the Procurement Legislation.

11.1.4 The Procurement Legislation referred to in these Contract Rules of Procedure includes the following:

a. The EU Directives, as follows:

- (i) Directive 2014/24/EU on public procurement, replacing Directive 2004/18/EC, for Public Sector Contracts;
- (ii) Directive 2014/25/EU procurement by entities operating in water, energy, transport and postal services sectors, replacing Directive 2004/17/EC; and
- (iii) Directive 2014/23/EU on award of concession contracts, which does not directly replace any previous directive.

b. The Regulations, as follows:

- (i) Public Contracts Regulations 2015 (“PCR”)
- (ii) Utilities Contracts Regulations 2016 (“UCR”)
- (iii) Concessions Contracts Regulations 2016 (“CCR”)
as amended from time to time and all -implementing 11.1.34 (a) (i) and any further domestic regulations implementing the above EU Directives.

Public Procurement Regulations 2006.

~~11.1.2~~ These Contract Rules of Procedure (also referred to as the Contract Standing Orders) are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

~~11.1.3~~11.1.5 These Contract Rules of Procedure do not provide guidelines on ~~what is~~ the best way to purchase works, supplies (~~goods~~) and services. They seek to set out minimum requirements to be followed. Further information ~~is and~~ guidelines provided by of guidance and updates on the Legal Services intranet pages, will be set out in the Council’s Desktop Procurement Guide which it is intended when developed and approved will accompany these Contract Rules of Procedure is document. This further information is made available and and updated from time to time.

~~11.1.4~~11.1.6 The Council has designated that the Head of Legal Services, be the Monitoring Officer. The Council has designated the Head of Finance be the

S151 Officer. The Head of Legal Services shall be responsible for interpreting these Contract Rules of Procedure. All reference to Head of Legal Services hereafter includes any such officers nominated by the Head of Legal Services.

~~11.1.5~~ 11.1.7 In the event where a Governing Body of a school, under the control of the Local Education Authority, intends to enter into a contract for works, ~~supply of goods~~ supplies or services the Head teacher or such persons as delegated by them must follow these Contract Rules of Procedures.

~~11.1.6~~ 11.1.8 In the event of a declaration of major incident the Council's Major Incident Plan and/or Business Continuity Plan may be invoked. This in turn may lead to the need to incur additional unbudgeted expenditure. When this becomes necessary the Contract Rules of Procedure will be suspended and the Chief Executive, or an officer nominated by the Chief Executive, is then authorised to incur whatever expenditure is necessary in consultation with the Head of Finance. A Corporate Director will act in the place of the Chief Executive if they are unavailable.

~~11.1.7~~ 11.1.9 Failure to comply with these Contract Rules of Procedure will be viewed by the Council as a breach of the Officers' Code of Conduct contained within Part 13 (Codes and Protocols) of this Constitution and may be considered a disciplinary matter.

11.2 Purpose of Contract Rules of Procedure

11.2.1 The purpose of these Contract Rules of Procedure is to provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality ~~supplies~~ goods, services and works.

11.2.2 These Contract Rules of Procedure protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the ~~C~~citizens of West Berkshire. ~~The Head of Legal Services shall be responsible for interpreting these Contract Rules of Procedure~~

~~11.2.3~~ Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duty of Best Value, Equality and Sustainable Commissioning.

~~11.2.4~~ When proposing to procure or making arrangements for procuring a service contract where the estimated value exceeds the EU Threshold (for Services) then consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012

11.3 Tendering – Preliminaries

11.3.1 It is the responsibility of the Chief Executive, Corporate Directors, and Head of Services to ensure all purchases of ~~goods~~ supplies and services and works comply with:

- (a) all relevant statutory requirements;

- (b) the relevant EU Rules and including EU Treaty Principles and Directives.
- (c) the Council Constitution including these Contract Rules of Procedure and Financial Rules of Procedure and Scheme of Delegation.
- (d) any code, guidance or conditions approved by the Governance &and Audit Ethics Committee and/or the Executive and/or the Council to the exercises of powers delegated by them.
- (e) any conditions attached by the Executive or the Council to the exercise of powers delegated by them.
- (f) the guidance and updates (available from time to time) on the Legal intranet pages proposed Council's Desktop Procurement Guide (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.

11.3.2 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then (c), (d), (e), and (f) as above.

11.4 Authority

11.4.1 All transactions must fall within the powers delegated to the Chief Executive or Corporate Director or the Head of Service or must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, an authorised Member of the Executive, the Council or one of its committees or sub-committees.

11.4.2 No contract, agreement or other document shall be signed or sealed unless it gives effect to:

- a decision or resolution (in accordance with the Council's Constitution) of the Executive, an authorised Member of the Executive or one of its committees or sub committees; or
- _____ a decision by an officer exercising delegated powers.

11.4.3 Budgetary provision must exist before any contract can be entered into. This provision should be explicit in a budget approved by resolution of the Council. Where budgetary approval exists for a specific item within the Capital Programme further Member approval is generally not required.

11.4.4 For items outside of the Capital Programme (e.g. revenue) if the relevant Head of Service does not have the delegated authority then an approval or a resolution (as appropriate) is required as outlined in the table below (provided the expenditure can be met within budget) before the contract can be awarded:

Total Contract Value* £	Delegated decision or Resolution of:
£100,000 or less per annum. Total Contract Value of up to £99,999.	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall have delegated authority to award the contract.
£100,000 or more and	Relevant Head of Service (following

Total Contract Value* £	Delegated decision or Resolution of:
<u>less than £500,000 per annum. Total Contract Value of between £100,000 and £499,999.</u>	<p>recommendation of the S151 Officer and Head of Legal Services) shall have delegated authority to award the contract following provided:</p> <ul style="list-style-type: none"> a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by the Procurement Board; and b) the report has been included as an “item for information” item for the Corporate Board.
<u>£500,000 or more and less than £2.5million per annum. For contracts exceeding £500,000 in Total Contract Value and up to £2.5million per annum.</u>	<p>The award of these contracts shall require a “key decision”(as defined in Part 5.1.1 of the Constitution) delegated to be taken by relevant Head of Service in consultation with the relevant Portfolio Holder (following recommendation by the relevant Corporate Director, S151 Officer and Head of Legal Services) to award the contract provided:</p> <ul style="list-style-type: none"> a) a written report by the relevant Head of Service (or such officers as nominated by the Head of Service in writing) has been provided and approved by the Procurement Board; and b) the report has been included as an “Item for information” item for the Corporate Board and to the Operations Board. c) such decision hasve been made in accordance with Part 5.3 (Call-In) and 5.4 (Forward Plan) of the Constitution.
<u>£2.5million or more per annum. For contracts exceeding £2.5million per annum.</u>	<p>These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive shall receive a report from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the relevant Portfolio Holder, s151 officer and the Head of Legal Services.</p>

**Total Contract Value is the calculation of the estimated value of procurement based on the total amount payable, net of VAT, including any renewals, extensions, any form of option and variation calculated in accordance with the Procurement Legislation. Please also refer to Paragraph 11.7.*

11.4.5 All contracts over £50,000 in Total Contract Value will be reported to Procurement Board on at least a quarterly basis by the Heads of Services for review and scrutiny.

The Total Contract Value is the whole of the estimated value (net of value added tax) which the Council expects to give under the contract calculated

according to the valuation rules for the whole of the predicted contract period (including proposed extensions, variations and options.)

11.5 Tendering - Financial Thresholds & Procedures

11.5.1 Officers with the conduct of undertaking the procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing. Where the contract is not subject to EU Rules and is below the EU threshold for goods and services officers must not include a pre-qualification stage. However questions relating to a supplier's suitability assessment may be included provided such questions are relevant to the subject matter of the procurement and proportionate.

~~11.5.1~~ 11.5.2 The financial value thresholds (exclusive of Value Added Tax) at which processes become mandatory are set out in the table below. The thresholds apply to contracts for works, supplies and services:

	Total Value £	<u>Procedure to be used</u> <u>Award Procedure</u>	<u>Advertising requirements</u>
<u>A</u>	<u>1,000 to up to 9,999</u>	At least one quote must be sought from an appropriate source <u>via the Procurement Portal.</u>	<u>None mandated.</u>
<u>B</u>	<u>10,000 to 49,999</u> <u>10,000 to 99,999</u>	At least three written invitation to quote must be sent via the Procurement Portal to appropriate sources with at least one from SME* or VCSE* a local organisationsupplier (where appropriate and possible)¹:- <u>Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation (where appropriate and possible)</u> ¹ :-	<u>None mandated, however if advertising then information about the opportunity should be placed on Contracts Finder database.</u>
<u>C</u>	<u>10050,000 to</u>	Full competitive tender process applies and at	<u>An advert should be</u>

	Total Value £	Procedure to be used	Award Procedure	Advertising requirements
	EU threshold ^{2*}	least five written tenders must be sought	via the Procurement Portal following advertisement by public notice.	placed on the Portal together with information on the Contracts Finder database
<u>D</u>	Above relevant EU threshold ^{2*} for supplies and services	EU Procedures Rules apply – full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal following advertisement in the Official Journal of the European Union for supplies and Part A* services. For Part B* services reduced requirements apply under the EU Rules however there is a requirement to adhere to EU principles of openness, transparency, equal treatment and fairness.		An advert should be placed on the Official Journal of the European Union together with information on the Contracts Finder database.
Above EU threshold* for works	Works	EU Rules apply – full competitive process following advertisement in the Official Journal of the European Union		

^{*}SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or ^{*}VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives).

¹The Council cannot give preference to SME/ VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.

^{*2}There are ~~three~~ two different EU thresholds for Works; Supply and Services; Social and Other Specific Services, one for works and the other for supplies and services. The ~~To obtain the~~ latest values are published on ~~the~~ Legal intranet page as updated from time to time, please contact Legal Services.

11.6 Tendering - Advertising

11.6.1 There is a general presumption in favour of competition. [Subject to advertising requirement in paragraph 11.5.2 \(Tendering- Financial Thresholds and Procedures\)](#)

~~11.6.1~~ 11.6.2 ~~Where possible all~~ contract opportunities ~~being should be~~ advertised ~~by the relevant Head of Service by way of a public notice and/or should be done so~~ electronically on the Council's Procurement Portal ~~to ensure that such opportunities also appear on the Contracts Finder database.~~ For opportunities relating to works, services and supplies which fall below the EU threshold a UK Government Certified national database ~~(such as Constructionline)~~ can be used to select tenderers.

~~11.6.2~~ 11.6.3 [Subject to 11.6.1 \(above\)](#) All contract opportunities which are:

- above the EU thresholds; and
- subject to the full application of EU [R](#)procurement rules

must be advertised by notice in the Official Journal of the European Union ("OJEU notice") [and Contracts Finder database](#) prior to such advertisement appearing on any other advertising medium (such as trade journal etc.). [Contracts Finder means a web-based portal provided by the Cabinet Office.](#)

~~11.6.3~~ 11.6.4 However under the EU Treaty principles where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.

~~11.6.4~~ 11.6.5 Where [a](#) contracts ~~is above the EU financial threshold are of a type and value that mean the EU Rules apply to them then~~ there are ~~five~~ [four](#) main types of EU procedures available. These are [O](#)pen procedure, [R](#)estricted procedure, [C](#)ompetitive procedure with negotiation, [e](#)Competitive dialogue and [I](#)nnovation ~~partnership~~ ~~competitive negotiated procedure~~. Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought from Legal Services on the choice and use of EU procedure. OJEU notices must be approved and issued by Legal Services who will also assist in the conduct of the procurement.

11.7 Tendering - Contract Value & Aggregation

11.7.1 The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the contract value for the purposes of these Contract Rules of Procedure is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).

11.7.2 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the [EU Rules Procurement Legislation](#) and/or these Contract Rules of Procedure.

11.7.3 The [EU Rules Procurement Legislation](#) can cover contracts, which are below the stated EU threshold, where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for the procurement should therefore seek advice on the application of the [EU Rules Procurement Legislation](#) where they envisage that they may be required to make such purchases.

11.8 Tendering - Principles and Evaluation

11.8.1 All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner so as to ensure:

- sufficient time is given to plan and run the process;
- equal opportunity and equal treatment;
- openness and transparency;
- proportionality;
- probity;
- outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

~~11.8.2 Before undertaking any procurement exercise the Officer responsible for the procurement must complete (in writing) the following:~~

- ~~• Sustainability Impact Assessment (as appropriate).~~
- ~~• Equality Impact Assessment (as appropriate).~~

11.9 Tendering - Submission and Opening of Tenders

11.9.1 An [electronic](#) Invitation to Tender shall be issued by the Council for all contracts ~~with an estimated value of over £100,000, or more~~ [49,999](#) and tenders shall be submitted [electronically via the Council's Procurement Portal](#) ~~in accordance with the requirements of the Invitation to Tender.~~

~~Any tenders received (other than those received electronically, to which [11.1.1](#) shall apply) shall be:~~

~~addressed to the relevant Head of Service; in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates;~~

~~kept in a secured cabinet;~~

~~11.9.2 retained unopened until the date and time specified for its opening.~~

~~11.9.3 Where the Council has indicated in tThe Invitation to Tender that a tender can or must be submitted electronically using the Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is submitted by tenderers and such tenders shall be, then these tenders shall be:~~

~~11.9.4 in the format specified in the Invitation to Tender;~~

~~11.9.5~~ [11.9.2](#) stored in a secure portal account which is locked until the date and time specified for its opening.

~~11.9.6~~ 11.9.3 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Head of Legal is satisfied that there are exceptional circumstances and the other tenders have not been opened.

~~11.9.7~~ Where a tender is expected to have a value in excess of £49,999, and is not electronically submitted using the Procurement Portal, the relevant Head of Services shall invite the appropriate Portfolio Holder and a Procurement or Legal Officer to undertake the tender opening and shall complete a standard tender opening form as issued by Legal Services (available on the intranet).

11.9.4 The electronic opening of tenders submitted on the Procurement Portal shall be conducted ~~Where the tender is expected to have a value in excess of £49,999, and is electronically submitted by a Procurement or Legal Officer and using the Procurement Portal then~~ the relevant Head of Service or their nominated representative.

11.9.5 Only in limited circumstances a tender process should be undertaken by hard copy submissions. In such cases written approval of the Head of Legal Services is required. The following circumstances shall apply:

a. The Invitation to Tender shall specify that such tenders should be returned to the relevant Head of Service; in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates; and

b. Tenders should be kept unopened in a secured cabinet until the tender opening date; and

c. The relevant Head of Services shall invite the appropriate Portfolio Holder and an officer from Legal Services to undertake the tender opening and shall complete a standard tender opening form as issued by Legal Services (available on the intranet) in order to avoid risk of challenge.

~~shall facilitate electronic tender opening in the presence of an appropriate Portfolio Holder and a Procurement or Legal Officer. Further details on how to facilitate electronic tender opening will be detailed in the Council's Desktop Procurement Guide.~~

11.10 Tendering – Evaluations of Quotes and Tenders

11.10.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.

11.10.2 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Advice from Legal Services should be sought on the selection and evaluation criteria.

11.10.3 Save in exceptional circumstances approved in advance by the relevant Head of Service all contracts shall be awarded on the basis of the quote or tender which is most economically advantageous and represents best value for money to the Council and not on the basis of lowest price.

11.11 Exclusions and Exceptions to Contract Rules of Procedure

Exclusions

11.11.1 The requirement to conduct a competitive procurement process is excluded in the following circumstances:

	<u>Type of circumstance</u>	<u>Written record and approval</u>
a)	<u>the proposed contract is excluded under the Procurement Legislation:</u>	<u>Prior written approval from the Head of Legal Services is required.</u>
b)	<u>the proposed contract is being awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or</u>	<u>Prior written approval from the Head of Legal Services is required.</u>
c)	<u>the proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation.</u>	<u>For contract value below £50,000 prior written approval from the Head of Legal Services and S151 Officer is required.</u> <u>For contract value greater than £50,000, approval of the Procurement Board, following the submission of an extension report to Procurement Board provided an extension report has been submitted to the Procurement Board with recommendation from Head of Legal Services and S151 Officer</u>
d)	<u>the contract is for the following social care services:</u> <u>i. residential placements sought for an</u>	<u>Head of Service must ensure that a record of the reasons for the</u>

	<p><u>individual with a registered care provider of their choice;</u></p> <p>ii. <u>supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990;</u></p> <p>iii. <u>individual school placements sought for a child with Special Educational Needs (SEN);</u></p> <p>iv. <u>social care packages managed by or on behalf of individual clients under the personalisation agenda;</u></p> <p>v. <u>where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider.</u></p> <p>vi. <u>residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme).</u></p>	<p><u>choice of provider is maintained on the individual's case notes. A record of the annual cumulative expenditure with each provider should be maintained by each directorate and made available for audit.</u></p>
--	--	--

In the interests of clarity where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by Procurement Board. Please refer to 11.11.4.

Exceptions

~~11.10.4~~11.11.2 Subject to ~~11.11.3~~~~11.11.3~~~~11.11.2~~ the requirement for the Council to conduct a competitive purchasing process for contracts in excess of £9,999, may be excepted or waived in the following circumstance:

- for contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
- ~~the circumstances set out in the Public Contract Regulations 2006 Regulation 14 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or~~
- ~~the contract is awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or~~
- ~~the proposed contract is an extension to or a variation of the scope of an existing contract where the contract is not subject to the application of the EU Rules.~~

- ~~_____~~ at the discretion of the relevant Corporate Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the ~~service/~~ Council with reasons recorded in writing.

~~11.10.5~~11.11.3 _____ Only the Head of Legal Services and/or the Head of Finance (as S151 Officer) ~~or such officer as nominated by them~~ may grant a waiver or an exception to these Contract Rules of Procedure, subject to Exception Values and delegations below, ~~to these Contract Rules of Procedure~~. An Officer, who seeks a waiver of Contract Rules of Procedure, shall do so only in advance and only in exceptional circumstances.

~~11.10.6~~11.11.4 _____ Exception values and delegations

- (a) For all contracts up to £49,999 the Section 151 Officer or nominated Officer must approve the exception.
- ~~(g)~~(b) _____ For contracts ~~above between £50,000, and up to the £200,000, EU threshold~~ the Section 151 Officer or nominated Officer will consult with the Head of Legal Services and the appropriate Corporate Director provided an exception report has been approved by ~~the~~ Procurement Board.
- ~~(h)~~(c) _____ For contracts between ~~EU threshold~~£200,000 and £500,000 the exception will be dealt with by way of recommendation to ~~the~~ Corporate Board after consultation with the Section 151 Officer and with the Head of Legal Services or such officer as nominated by them provided an exception report has been approved by the Procurement Board.
- ~~(i)~~(d) _____ For contracts over £500,000 the Section 151 Officer and the Head of Legal Services or such officer as nominated by them will make a recommendation to the Executive provided an exception report has been prepared and approved by ~~the~~ Procurement Board and the Corporate Board.

~~11.10.7~~11.11.5 _____ All exceptions or waivers ~~from to~~ these Contract Rules of Procedure must be:

- Fully documented;
- Subject to a written exception report to be submitted in advance to ~~the~~ Procurement Board (for 11.11.3 b, c, d) by the relevant Head of Service or Corporate Director which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required.
- Subject to an approval by the Section 151 Officer (~~or nominated officer~~) who shall record ~~that he/she has they have~~ considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional. Applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional.
- Relevant approval has been sought under 11.11.3.

~~11.10.8~~11.11.6 For contracts subject to the EU Rules, any waiver or [an](#) exception from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.

~~11.11~~11.12 **Purchasing Schemes**

~~11.11.1~~11.12.1 An officer responsible for the procurement exercise may use Purchasing Schemes subject to the following conditions: -

~~11.11.2~~11.12.2 An officer responsible for the procurement must seek advice in advance that:

- the Council is legally entitled to use the Purchasing Scheme;
- the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
- the establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.

~~11.11.3~~11.12.3 A "Purchasing Scheme" may include:

- Contractor prequalification lists/select lists;
- Framework arrangements (including those set up by the Government Procurement Service);
- Purchasing arrangements set up by central purchasing bodies and commercial organizations;
- Consortium purchasing;
- Collaborative working arrangements;
- Formal agency arrangements;
- E-procurement / purchasing schemes and methods;
- Other similar arrangements.

11.12.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Rules of Procedures in respect of the choice and conduct of procedures. Advice should be sought from Legal Services prior to entering to such arrangements.

11.13 Reporting Requirements

11.13.1 A written report should be drawn by the relevant Head of Service for each contract that is awarded which is above EU threshold and subject to the Procurement Legislation. The Procurement Legislation places an obligation on the Council to document, for each procurement, key decision and steps taken and stages leading to the award of contracts. This report may be requested by the European Commission and/or the Cabinet Office and should be kept for a period of 3 years. A guidance note and template for such report will be made available by way of guidance and updates on the Legal Services intranet pages which accompany these Contract Rules of Procedure.

~~11.11.4~~11.13.2 In addition to the above, the relevant Head of Service should document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with

[contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Documentation must be kept for three years from the award of the contract.](#)

11.14 Prevention of Corruption

~~11.11.5~~11.14.1 The public is entitled to demand of Local Government Officers conduct of the highest standard. Public confidence in their integrity would be undermined were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motives.

~~11.11.6~~11.14.2 Where a Member or Officer of the Council has an interest in a contract or a proposed contract whether it is a disclosable pecuniary interest or otherwise and is also involved in the process of letting or managing of that contract, this interest must be registered with the Monitoring Officer who shall decide on whether that Member or Officer should be involved or not.

11.14.3 In the case of ownership of shares Members should seek advice from the Head of Legal Services as to the current level of share ownership accepted by the [Standards Governance and Ethics](#) Committee or any such successor authority as being de minimus for the purposes of declarations of interest.

11.1211.15 Entering into a Contract

~~11.12.4~~11.15.1 There should be written evidence of all purchases, including electronic evidence.

~~11.12.2~~11.15.2 All contracts entered into by the Council must be in writing in a form approved by the Head of Legal Services or ~~his~~their delegated officer. Where a standard form of contract is used, or a standard form is to be amended, the form of contract shall be prepared/amended by the Head of Legal Services or his delegated officer. The Head of Legal Services shall retain all relevant contract documents.

~~11.12.3~~11.15.3 The relevant Head of Service must formally notify the Head of Legal Services (or nominated officer) of the award of all contracts with the relevant data for the purpose of it being recorded on the Council Contract Register.

~~11.12.4~~11.15.4 Every ~~contract~~ shall include wherever possible the standard clauses set out in Standard Form of Agreement issued and updated from time to time by the Head of Legal Services or ~~his~~their nominated officer and available from Legal Services.

~~11.12.5~~11.15.5 As a minimum, where appropriate, all contracts ~~of a value of £9,999 or more~~ shall include clauses which set out:

- the works, supplies (goods), services, material, matters or things to be carried out or supplied;
- the time within which the contract is to be performed. Quality requirements and/or standards which must be met;
- requirements on the contractor to hold and maintain appropriate

insurance;

- what happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part);
- requirements on the contractor to comply with all relevant equalities and health and safety legislation;
- that the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010.
- payment obligations which require that:
 - a. any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and
 - b. any subcontract imposes obligations similar to those required above (a) and an obligation that the subcontractor is required to impose such obligations in any further subcontract.
- All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Desktop Procurement Guide

~~11.13~~ 11.16 **Legal Consideration**

~~11.13.1~~ 11.16.1 Indemnities; No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument should be allowed unless authorised in writing by the Head of Legal Services and the Head of Finance or nominated Officer.

~~11.13.2~~ 11.16.2 Risk Assessment & Performance Bond; Where a contract is estimated to exceed £~~49,999~~5100,000, in value or amount and is for the execution of works (or for the supplies y of goods or materials or services by a particular date or series of dates) the relevant Head of Service should consider requiring a performance bond (for an amount equal to 10% of the value of the contract) from the contractor. The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender. This is to provide sufficient security for the due performance of the contract. If a performance bond is considered not necessary then the relevant Head of Service must:

- a. undertake a risk assessment in writing; and-
- b. seek approval from the Head of Finance; and
- c. keep a copy the risk assessment on the contract file for inspection.

~~11.13.3~~11.16.3 *Insurances*; Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Head of Service must:

- in consultation with the Head of Finance or nominated Officer set adequate levels of insurance cover. This includes employer's liability, public liability and any other as determined by the needs of the particular contract;
- in consultation with the Head of Finance or nominated Officer ensure that the required insurances are in fact held by the contractor and that the policies concerned are renewed, if necessary, during the period required;
- in consultation with the Head of Finance or nominated Officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);
- in consultation with the Head of Finance set [an appropriate- level of consultants' professional indemnity insurance for each specific contract that require professional and/or design services \(for Consultancy agreements\), minimum £5,000,000 cover unless the Risk Manager feels that a greater amount is required if so determined by the risk assessment process. This should not be a standard level but be assessed on a case by case basis.](#)

~~11.13.4~~11.16.4 *Sealing*: All contracts above the value of £49,999 shall be sealed. The affixing of the seal shall be attested and witnessed in writing by the Head of Legal Services, or an Officer duly designated by them in accordance with the delegated powers conferred by the Council. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person attesting the sealing.

The Common Seal shall be in the Custody of the Head of Legal Services and kept in a safe place at their discretion. The Common Seal of the Council may be affixed to any document that has been approved by a resolution of the Council; or of the appropriate Committee or an Officer to which the Council or the Executive has delegated its powers on its behalf, provided that a resolution of the Council or of the appropriate Committee or Officer where that appropriate Committee or Officer has the appropriate authority authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of stock, the presentation of any petition, memorial or address, the making of any rate, contract or order, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

The Common Seal of the Council may be affixed to any:

- petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;
- mortgage in respect of a loan arranged by the Head of Finance or nominated Officer under the powers of Heads of Service approved by the Council;

- incomplete form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.

~~41.13.5~~11.16.5 Signature of Documents: Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Head of Legal Services.

~~41.13.6~~11.16.6 Where it becomes necessary to execute any document on behalf of the Council not required by law to be under Seal, the Head of Legal Services or an Officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Head of Legal Services or Officer duly designated by them.

~~41.13.7~~11.16.7 Counsel: Within budget, the Head of Legal Services (or nominated officer) shall have discretion to select Counsel, obtain Counsel whenever it is considered expedient in the Council's interest to do so.

This page is intentionally left blank

A new Councillors Code of Conduct

Committee considering report:	Council on 15 September 2016
Lead Member:	Chairman of the Governance and Ethics Committee
Date Lead Member agreed report:	5 September 2016
Report Author:	Jo Reeves
Forward Plan Ref:	C3066

1. Purpose of the Report

- 1.1 To present the new Councillors Code of Conduct and seek the Council's approval.

2. Recommendations

- 2.1 That the Council:

- (1) Approves and adopts the new Councillors Code of Conduct
- (2) Delegates authority to the Monitoring Officer to make any required changes to the Council's Constitution in light of the new Councillors Code of Conduct
- (3) Delegates authority to the Monitoring Officer to update the process for investigating alleged breaches of the Code of Conduct
- (4) Delegates authority to the Monitoring Officer to publicise the revisions and replacement of the Councillors Code of Conduct in accordance with Section 28 (12) of the Localism Act 2011.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** The new Code of Conduct will become part of the Council's Constitution. It makes reference to a number of policies and protocols, such as the Member's ICT policy. Officers will need to ensure that hyperlinks in the Code of Conduct are kept updated as policies are reviewed and refreshed.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** The new Code of Conduct is designed to assist councillors in complying with their legal obligation to declare Disclosable Pecuniary Interests and comply with the Bribery Act 2010.
- 3.5 **Risk Management:** The new Code of Conduct will make it easier for councillors to understand the declarations they need to make and how they need to conduct themselves so will have a positive impact on management of reputational risk.

3.6 **Property:** None.

3.7 **Other:** None.

4. Other options considered

4.1 To make no changes to the way the Code of Conduct is presented.

5. Executive Summary

- 5.1 The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by Councillors and co-opted members of the Council.
- 5.2 At the Governance and Ethics Committee's meeting on 23 November 2015, the then Chairman, Councillor Quentin Webb, noted that it was nearly three years since the adoption of the Code and requested that the Code of Conduct be reviewed. A Task Group was established for this purpose.
- 5.3 The Task Group found there had been no legislative changes which meant that the Code's content needed to be changed.
- 5.4 Their focus was to amend the presentation of the Code so it was clear in its definitions and guidance. They also were mindful that the Code would be read on electronic devices and suggested that this be borne in mind when reformatting it. The Code now consists of a short summary document, with the detail in its appendices.

6. Conclusion

In conclusion, the Task Group present a new Councillors Code of Conduct which is designed to be read on electronic devices and offers clearer guidance to Councillors.

7. Recommendations

- 7.1 The Task Group recommends that the Council:
- (1) Approves and adopts the new Councillors Code of Conduct
 - (2) Delegates authority to the Monitoring Officer to make any required changes to the Council's Constitution in light of a new Councillors Code of Conduct
 - (3) Delegates authority to the Monitoring Officer to update the process for investigating alleged breaches of the Code of Conduct
 - (4) Delegates authority to the Monitoring Officer to publicise the revisions and replacement of the Councillors Code of Conduct in accordance with Section 28 (12) of the Localism Act 2011.

8. Appendices

- 8.1 Appendix A - Supporting Information
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Councillor's Code of Conduct

This page is intentionally left blank

A new Councillors Code of Conduct – Supporting Information

1. Introduction

- 1.1 The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by Councillors and co-opted members of the Council.
- 1.2 The Council must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person' to investigate alleged breaches, and sanctions to be imposed on any councillors who breach the code.
- 1.3 The Council's existing Code of Conduct (hereafter referred to as The Code) was adopted by the Council at its meeting on 10th May 2012 and confirmed at a meeting on 16th July 2012. It came into effect on 1st July 2012. The revised Code was adopted at the Council meeting on the 12 December 2013.
- 1.4 At the Governance and Ethics Committee's meeting on 23 November 2015, the then Chairman, Councillor Quentin Webb, noted that it was nearly three years since the adoption of the Code and requested that the Code of Conduct be reviewed. A Task Group was established for this purpose.
- 1.5 The Task Group included the following members:
 - Councillors Rick Jones, Quentin Webb, Graham Bridgman and Lee Dillon.
 - Barry Dickens (Co-Opted Member) and James Rees (Independent Member).
- 1.6 The Task Group stated that their focus would be to ensure the Code was clear in its definitions and guidance. They also were mindful that the Code would be read on electronic devices and suggested that this be borne in mind when reformatting it. The Code now consists of a short summary document, with the detail in its appendices.

2. Councillor's Code of Conduct

- 2.1 The Task Group identified that since the passage of the 2011 Act, model codes of conduct have been produced by DCLG, the Local Government Association, and the National Association of Local Councils (NALC). The Task Group considered that these model codes did not offer the detail or clarity they felt would be appropriate.
- 2.2 The Task Group also examined the Codes of other Councils and identified some features that would be useful to Councillors, such as a flowchart to explain Interests.

3. Interests

- 3.1 Alongside the requirement to draw up a code of conduct, the Localism Act 2011 strengthened requirements on councillors to register and disclose interests. Schedule 2 of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 lists the disclosable pecuniary interests specified for the purposes of the Act. The Task Group identified that the Council's existing Code was not clear enough on how it defined interests, or what a Councillor should do about their interests.
- 3.2 The new Code also provides guidance to councillors on Other Registrable Interests and Personal Interests.
- 3.3 The requirements to register Disclosable Pecuniary Interest apply to either an interest of the councillor or an interest of the Councillor's spouse/ partner. The task Group recommended that in the case of Other Registrable Interests and Personal interests, Councillors are asked to consider whether an interest belonging to a family member should be declared to maintain transparency.

4. Councillors Gifts and Hospitality Protocol

- 4.1 The Task Group also considered whether any changes were required to the estimated value (£25 or more) of a gift or hospitality, whether offered or received, to them or their spouse/partner. They concluded that this figure was still relevant so do not propose any change is made.

5. Conclusion

In conclusion, the Task Group present a new Councillors Code of Conduct which is designed to be read on electronic devices and offers clearer guidance to Councillors.

6. Recommendations

- 6.1 The Task Group recommends that the Council:
- (1) Approves and adopts the new Councillors Code of Conduct
 - (2) Delegates authority to the Monitoring Officer to make any required changes to the Council's Constitution in light of a new Councillors Code of Conduct
 - (3) Delegates authority to the Monitoring Officer to update the process for investigating alleged breaches of the Code of Conduct
 - (4) Delegates authority to the Monitoring Officer to publicise the revisions and replacement of the Councillors Code of Conduct in accordance with Section 28 (12) of the Localism Act 2011.

7. Consultation and Engagement

- 7.1 Councillors: Rick Jones (as Chairman of the Governance and Ethics Committee), Quentin Webb, Graham Bridgman, Lee Dillon, Alan Macro, Barry Dickens (Co-Opted Member), James Rees (Independent Member), Operations Board

7.2 Officers: David Holling, Head of Legal Services (as Monitoring Officer); Moira Fraser (Democratic and Electoral Services Manager), Sarah Clarke (Legal Services Manager), Corporate Board

Background Papers: Minutes from the Code of Conduct Task Group (available on request), Local government standards in England – House of Commons Briefing Paper.

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aim and priority by ensuring that all councillors uphold high standards of conduct.

Officer details:

Name: Jo Reeves
Job Title: Policy Officer (Executive Support)
Tel No: 01635 519486
E-mail Address: Joanna.Reeves@westberks.gov.uk

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.

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

Name of policy, strategy or function:	Code of Conduct for Members of West Berkshire Council
Version and release date of item (if applicable):	
Owner of item being assessed:	Moira Fraser
Name of assessor:	Jo Reeves
Date of assessment:	16 June 2016

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

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To ensure high standards of conduct by councillors.
Objectives:	To clarify the expectation on councillors in their role.
Outcomes:	Appropriate declaration of interests, gifts and hospitality.
Benefits:	To uphold the integrity and transparency in the conduct of councillors.

2. Note which groups may be affected by the policy, strategy, function or service. 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
None		

Further Comments relating to the item:	
3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: All councillors will be expected to uphold high standards of conduct.	
Will the policy, strategy, function or service 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 2 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:	n/a
Timescale for Stage Two assessment:	n/a
Stage Two not required:	Yes

Name: Jo Reeves

Date: 16 June 2016

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

This page is intentionally left blank

West Berkshire Council

Councillor's Code of Conduct

September 2016

1 Introduction

The initial version of this Code of Conduct (“this Code”) was adopted by the [Council](#) at its meeting on 10 May 2012 and confirmed at its meeting on 16 July 2012 pursuant to the duty to promote and maintain high standards of conduct by [Councillors](#) and others set out in the [Localism Act 2011](#) (“the Act”). It came into effect on 1 July 2012 and revisions were adopted on 12 December 2013 and 15 September 2016.

2 Gifts and Hospitality Protocol and Appendices

- 2.1 The [Councillors' Gifts and Hospitality Protocol](#) is an associated document to be read in conjunction with this Code.
- 2.2 [Appendix 1](#) contains definitions used in this Code and its Appendices (or identifies where they may be found). Within the electronic version of this Code defined words or phrases are hyperlinked for ease of reference (on the first occasion they appear): to the relevant definition within Appendix 1 or elsewhere within the Appendices as relevant; or to an external document (eg legislation).
- 2.3 [Appendix 2](#) contains the [Ten Principles of Public Life](#) (‘the Nolan Principles’).
- 2.4 [Appendix 3](#) gives guidance for declaring and registering interests.
- 2.5 [Appendix 3a](#) sets out the prescribed definitions relating to [Disclosable Pecuniary Interests](#).
- 2.6 [Appendix 3b](#) contains a flow chart relating to the declaration of interests.
- 2.7 [Appendix 4](#) sets out the rules relating to [Dispensations](#).
- 2.8 [Appendix 5](#) sets out the process for investigating alleged breaches of this Code.

3 Application

- 3.1 This Code applies to Councillors and [Co-Opted Members](#) (eg whenever they are acting, claiming to act, or giving the impression they are acting in their [Capacity](#) as a Councillor or Co-Opted Member). Where a [councillor](#) is not acting with Capacity no breach of this Code is likely to occur.
- 3.2 It is a Councillor's or a Co-Opted Member's personal responsibility to comply with this Code.
- 3.3 This Code is consistent with and based upon the Ten Principles of Public Life (also known as the Nolan Principles).
- 3.4 Should a complaint be made against a Councillor or Co-Opted Member it will be dealt with in accordance with the Act and its supporting regulations.
- 3.5 If a Councillor or Co-Opted Member needs any guidance on any matter relating to this Code, they should seek it from the [Monitoring Officer](#) or their own legal adviser (but it is repeated that it is entirely their personal responsibility to comply with the provisions of this Code).

4 General Obligations

4.1 Councillors and Co-Opted members **must**:

- (a) Treat councillors, co-opted members, officers, members of the public and service providers with courtesy and respect.
- (b) When involved in the decision making of the Council:
 - (i) ensure that they are aware of and comply with the requirements of the [Bribery Act 2010](#);
 - (ii) have regard to any advice provided to them by the Council's Chief Financial Officer or Monitoring Officer pursuant to their statutory duties;
 - (iii) give reasons for decisions made in accordance with any legal requirements and/or reasonable requirements of the Council.
- (c) When using or authorising the use by others of the resources of the Council, use the resources properly and in accordance with the Council's relevant policies.
- (d) Have regard to the applicable [Local Authority Code of Publicity](#) under the Local Government Act 1986.

4.2 Councillors and Co-Opted Members **must not**:

- (a) Engage in [bullying or intimidating behaviour](#) or behaviour which could be regarded as bullying or intimidation.
- (b) Do anything which may cause the Council to breach any of the equality enactments as defined in [section 33, Equality Act 2006](#).
- (c) Disclose information given to them in confidence or information acquired by them which they believe or are aware is of a confidential nature except where:
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required to do so by law;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice;
 - (iv) the disclosure is reasonable and in the public interest;
 - (v) the disclosure is made in good faith and in compliance with the reasonable requirements of the Council or its professional advisers.
- (d) Prevent another person from accessing information if that person is entitled to do so by law.
- (e) Improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of their Disclosable Pecuniary Interests.
- (f) Conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

5 Interests, Dispensations, Sensitive Interests and Bias

- ### 5.1 Councillors **must** declare any interests (Disclosable Pecuniary Interests, [Other Registrable Interests](#) and [Personal Interests](#)) that relate to their public duties and **must** take steps to resolve any conflicts arising in a way which promotes openness and transparency, including registering and declaring interests in a

manner conforming with the procedures. Further guidance is contained within Appendix 3.

- 5.2 Councillors who have a Disclosable Pecuniary Interest may apply for a Dispensation to enable them to speak and/or vote at a [Meeting](#) on the specific grounds set out in the Dispensation Procedure in Appendix 4.
- 5.3 If the Monitoring Officer agrees that an interest is a [Sensitive Interest](#) the Councillor **must** disclose its existence at a relevant Meeting but is not required to provide specific details (see Appendix 3). The Monitoring Officer shall also exclude the details of the Sensitive Interest from the published version of the Register of Interests.
- 5.4 When exercising a quasijudicial function (eg Planning, Licensing and Appeals), interests which do not qualify as Disclosable Pecuniary Interests or Other Registrable Interests could nevertheless lead a reasonable member of the public to conclude that there was a real possibility of bias on the part of a Councillor. In such circumstances the Councillor should not participate in the decision making process (ie the Councillor should not vote nor, unless they are requested to do so by the Chairman of the Meeting on a point of clarification, speak on the matter). The interest should be registered with the Monitoring Officer.

6 Gifts and Hospitality

Councillors **must** disclose and record any [gift or hospitality](#) they are offered or receive in accordance with the Councillors' Gifts and Hospitality Protocol.

7 Alleged breaches of this Code

- 7.1 Any allegation that a Councillor has breached this Code will initially be considered by the Monitoring Officer in consultation with one of the [Independent Persons](#). Where a matter is referred for investigation the Governance and Ethics Committee's Advisory Panel will consider the findings of the investigation. The Advisory Panel shall be chaired by an Independent Member and make recommendations to the Governance and Ethics Committee for final decision.
- 7.2 Appendix 5 is a flowchart outlining the process for dealing with alleged breaches of this Code.

West Berkshire Council Councillor's Gifts and Hospitality Protocol

September 2016

Introduction

This Protocol is intended to complement the [Councillors' Code of Conduct](#). It offers guidance to [Councillors](#) with regard to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect both individual Councillors and the [Council](#) itself. The intention of this Protocol is to ensure that the Council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the Council and its stewardship of public funds.

This Protocol adopts the definitions in [Appendix 1](#) to the Code.

This Protocol sets out Councillors' obligations to declare any relevant gifts and hospitality which might be offered to or received by them in their [Capacity](#) as a Councillor or to their spouse or partner as a result of their relationship with the Councillor.

The corollary of this is that gifts and hospitality offered to a [councillor](#) in their private capacity, of whatever value, do not need to be registered at all. Further, this Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to a councillor by the Council.

It is the Councillor's responsibility to ensure any gifts and hospitality received or offered to them or their spouse/ partner are declared to the Council's [Monitoring Officer](#) in accordance with the agreed procedures.

Transparency is the issue: councillors should always consider whether any gifts or hospitality could be seen as being connected with their public role as a Councillor. It is public perception that matters.

A breach of this Protocol amounts to a breach of the Code and a complaint can be reported to the Monitoring Officer or the Governance and Ethics Committee and dealt with in accordance with the [process for alleged breached of the Code](#).

The Rules

- 1 A Councillor or their spouse/ partner **must never**:
 - 1.1 accept a gift or hospitality as an inducement or reward for anything which they do as a Councillor; or
 - 1.2 accept a gift or hospitality which might be open to misinterpretation; or
 - 1.3 accept a gift or hospitality which puts them under an improper obligation; or
 - 1.4 solicit a gift or hospitality.
- 2 Prior to the acceptance of any hospitality with a value of £25 or more, a Councillor should whenever possible seek authorisation from the Monitoring Officer, and only if consent has been given should the Councillor or their spouse/partner accept the hospitality.

- 3 A Councillor **must** register every individual gift or item of hospitality over £25 in value that is offered to them and indicate whether or not it was accepted.
- 4 A Councillor's registration of the gift or hospitality **must** be made within 28 days of the date of offer or receipt as the case may be.
- 5 Registration is made by a declaration in writing to the Member Services Officer(s) working on behalf of the Monitoring Officer, preferably electronically (eg by email), and giving details of:
 - 5.1 the value (or estimated value) and details of the gift or hospitality offered or received;
 - 5.2 if the gift or hospitality has been accepted, the reason for that acceptance;
 - 5.3 whether to the Councillor's knowledge the donor of the gift has, or has had in the past, or is likely to have in the future, dealings with the Council.
- 6 A Councillor should be aware of serial givers or repeat offers of hospitality as these may indicate a pattern of behaviour that might result in a breach of the Code of Conduct.
- 7 An offer of a gift or hospitality that appears over-generous **must** be declined; it could be seen as an inducement to affect a Council decision.
- 8 Even if all Councillors, or a large number of them, are offered or receive the same gift or hospitality, they **must** each make individual notifications.

Please note that the press and public have the right to inspect gift and hospitality declarations as submitted (and that Officers cannot edit the declarations).

Guidance

Should a Councillor accept gifts and hospitality?

It is not sufficient just to register gifts or hospitality; a Councillor **must** consider whether it is appropriate or sensible to accept them in the first place. The general test of caution is one of common sense and perception, ie would a reasonable member of the public question the appropriateness of hospitality or gifts offered to or received by the Councillor or their spouse/partner? If a Councillor is concerned the acceptance could be misinterpreted they **must** decline it and declare it.

A Councillor or their spouse/ partner **must never** solicit a gift or hospitality, or accept any gift or hospitality offered as an inducement or which puts them under any obligation.

Particular care must be taken in relation to gifts and hospitality offered by current or potential contractors for the Council. In certain cases, the acceptance of a gift or hospitality from these sources could constitute a criminal offence, even if declared. If there is any suspicion that any offer is intended as an inducement, then the matter **must** be reported in accordance with established procedures.

The Bribery Act 2010 has offences of "bribing another person" (active bribery) and of "being bribed" (passive bribery). The offences consist of "promising, offering or giving" or "requesting, agreeing to receive or accepting an advantage (financial or otherwise)" in circumstances involving the improper performance of a relevant function or activity.

In the context of the Council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially or

in a particular way by a person performing it in a position of trust. There is a maximum penalty of 10 years' imprisonment or an unlimited fine for these offences.

Must a Councillor register all gifts and hospitality that they are offered?

A Councillor **must** register any gift or hospitality worth £25 or more that they or their spouse/partner are offered, and whether it was accepted. Where the value of any gift or hospitality is under £25 a Councillor **may** wish to declare receiving it.

What about gifts or hospitality that a Councillor is offered but did not accept?

A Councillor **must** register any offer of gifts and/or hospitality over £25 even if declined, since this protects both their position and that of the Council.

What is the value of the gift / hospitality?

A Councillor may have to estimate how much a gift or some hospitality is worth in their written declaration. It is suggested that they take a common sense approach, and consider how much they reasonably think it would cost a member of the public to buy the gift, or provide the hospitality in question. If as a result they estimate that the value is £25 or more, then the Councillor **must** declare it.

Where hospitality is concerned, a Councillor can disregard catering on-costs and other overheads, eg staff and room hire. If the refreshments, of whatever kind, would cost £25 or more in a comparable establishment providing food of comparable quality, the Councillor **must** register it.

If a Councillor is not certain whether the value is under £25, the safest course of action is to register it and give an approximate value.

What about gifts of low value?

There is no requirement to declare gifts of a value of less than £25. However, in order to be transparent, if a Councillor or their spouse/ partner receive a series of related gifts which are all under £25, but together total above £25, then they **must** register them if they are from the same person. If the small gifts offered by or received from different persons are connected in some way, it is good practice to register them.

How does a Councillor register gifts and hospitality that they receive?

A Councillor **must** give the Member Services Officer(s) working on behalf of the Monitoring Officer written details about the gifts and hospitality they or their spouse/ partner are offered, preferably by email. The best advice is to get into the habit of registering things as soon as possible.

Which organisation does a Councillor make declarations to?

A Councillor **must** also consider that they might be offered gifts and hospitality in their capacity as the Council's representative on an outside body. It is a Councillor's responsibility to ensure that they declare any gifts and hospitality in accordance with that organisation's rules and procedures.

How to deal with the issue of when gifts or hospitality are offered or received in different capacities or where there are overlapping roles

Councillors need only declare gifts and hospitality to the Monitoring Officer where they are offered or received in their Capacity as a West Berkshire District Councillor.

If a councillor receives gifts or hospitality in another capacity, eg arising from holding another public office, they should register in accordance with whatever code is in

place for that other body. If a particular body does not actually require the councillor to register anything, then they do not need to do anything in respect of the receipt of a gift or hospitality directly attributed to their role within that organisation.

If the councillor is not sure what capacity they or their spouse/partner was offered or received something in, provided they declare the gift or hospitality *at least once* with the body that appears to be the most appropriate, they will have fulfilled their duties. The overriding purpose is public transparency.

What happens if a Councillor does not register a gift or hospitality?

Failure to notify the Monitoring Officer, or the Members Service Officer(s) acting on their behalf, of the offer or receipt of a gift or hospitality with a value of £25 or more is a breach of this Protocol and consequently also a breach of the Code of Conduct. An alleged breach of the Code can be the subject of a complaint to the Monitoring Officer or Governance and Ethics Committee which could result in the matter becoming the subject of an investigation.

Gifts which are more likely to be considered acceptable

It is the responsibility of the Councillor to decide whether or not to declare gifts and hospitality.

The Council has however agreed that in appropriate circumstances Members of the Council may choose to accept gifts and hospitality in the following circumstances:

- Civic hospitality provided by another authority;
- Modest refreshments offered or received in the ordinary course of duties as a Councillor eg at formal meetings, training or working meetings or when in contact with constituents;
- Tickets for sporting or cultural events which are sponsored or supported by the Council;
- Small gifts of low intrinsic value branded with the name of the company or organisation making the gift (eg pens, diaries, calendars etc);
- Modest souvenir gifts from another public body given on the occasion of a visit by or to that body;
- Hospitality offered or received in the course of an external visit or meeting which has been authorised by the Council. In such cases the arrangements should be made by Officers rather than the Councillors who will be benefiting and hospitality should be commensurate with the nature of the visit; and
- Other unsolicited gifts where it is impracticable to return them or where refusal would in the circumstances cause offence. In such cases the Councillor may wish to pass the gift to the Chairman's Charity.

Offers/receipt of gifts and hospitality of these types are still subject to the requirements of this Protocol regarding the notification to the Monitoring Officer of gifts and hospitality of greater than £25 in value. The appropriateness of acceptance must always be considered beforehand. It must also be noted that the fact that a gift or hospitality does not have to be notified under this Protocol does not necessarily mean that it is appropriate to accept it.

Will the register be open to the public?

The register is available to the public in the same way as the register of Disclosable Pecuniary Interests is. It is open for inspection at the Council Offices, Market Street.

Regular updates of declarations will be reported to the Governance and Ethics Committee as part of the quarterly performance monitoring reports.

Further assistance

It is each Councillor's own individual responsibility to observe this Protocol, but the Monitoring Officer will help where possible. If a Councillor has any questions at all please contact the Monitoring Officer, Deputy Monitoring Officer(s) or the Democratic and Electoral Services Manager for advice and assistance.

West Berkshire Council

Councillor's Code of Conduct - Appendix 1

Definitions

This appendix provides definitions to some of the words and phrases used in the Code of Conduct and its Appendices.

'Bullying or intimidating behaviour' means offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group.

(Such behaviour can have a damaging effect on a victim's confidence, capability and health.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, [but within the scope of the Code of Conduct].

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a councillor will be found guilty of bullying when both parties have contributed to a breakdown in relations.)

'Capacity' – a Councillor or Co-Opted Member is acting in their Capacity as such when they are:

- acting as a representative of the Council; or
- participating in a [Meeting](#); or at briefing meetings with officers and members of the public; or
- corresponding with the authority other than in their private capacity.

'Council' means West Berkshire Council.

'councillor' means an elected member of the Council.

'Councillor' means a councillor where they are acting in their Capacity.

'Co-Opted Member' means a person who is not a councillor but who:

- is a member of any committee or sub-committee of the Council; or
- is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council.

'Disclosable Pecuniary Interest' has the meaning given to it in the Act (see Appendix 3).

'Dispensation' has the meaning given to it in Appendix 5.

'Independent Person' means a person appointed by the Council in accordance with the Act who is consulted before the Council makes any decision on an allegation of a breach of this Code.

'Meeting' means any meeting of:

- the Council;
- the executive of the Council;

Councillors Code of Conduct – West Berkshire Council

- any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, task groups, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of councillors.

'Monitoring Officer' means the Monitoring Officer of the Council (*who has the specific duty to ensure that the Council, its Officers, and its councillors, maintain the highest standards of conduct in all they do*).

'Other Registrable Interest' has the meaning given to it in Appendix 3.

'Personal Interest' has the meaning given to it in Appendix 3.

'Relevant Person' has the meaning given to it in Appendix 3.

'Sensitive Interest' has the meaning given to it in Appendix 3.

West Berkshire Council

Councillor’s Code of Conduct - Appendix 2

The Ten Principles of Public Life (‘the Nolan Principles’)

Selflessness

Councillors should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

Councillors should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity

Councillors should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Councillors should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement

Councillors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others

Councillors should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.

Duty to uphold the law

Councillors should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Councillors should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership

Councillors should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

West Berkshire Council

Councillor's Code of Conduct - Appendix 3

Interests

Introduction

Councillors and Co-Opted Members **must** declare any interests that relate to their public duties and **must** take steps to resolve any conflicts arising in a way which promotes openness and transparency, including registering and declaring interests in a manner conforming to the procedures.

There are three types of interest:

- Disclosable Pecuniary Interests
- Other Registrable Interests
- Personal Interests

Councillors should also always consider whether any interest could be seen as being prejudicial to their decision making as a councillor. It is public perception that matters.

1 Disclosable Pecuniary Interests (DPIs)

- 1.1 [Schedule 2 of the Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) lists the disclosable pecuniary interests specified for the purpose of the Act. This list is in [Appendix 3a](#).
- 1.2 The requirements to register interests apply to either an interest of the councillor or an interest of the councillor's spouse, civil partner or partner. However, the councillor does not have to differentiate between their own or their spouse/civil partner/partners' interests or to name them.

2 How to declare a DPI

- 2.1 Councillors **must** notify the Monitoring Officer of any DPI, within 28 days of taking up office or becoming aware of their interest. As with the Code, the requirement to disclose DPIs applies to Co-Opted Members as well as to councillors.
- 2.2 Any interests **must** also be disclosed at a Meeting if they are relevant to the matters under discussion.
- 2.3 The Act makes participation in such matters a criminal offence if the Councillor has a DPI.
- 2.4 Where, as an Executive Member, a Councillor may discharge a function alone, and they become aware of a DPI in a matter being dealt with, or to be dealt with by them, the Councillor **must** notify the Monitoring Officer of the interest and **must not** take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

3 Other Registrable Interests

- 3.1 Councillors are required by law to register Other Registrable Interests.
- 3.2 An Other Registrable Interest is one which a member of the public who knows all the relevant facts relating to it would reasonably consider that interest is so

significant that it is likely to prejudice or influence the councillor's judgement of the public interest.

3.3 These relate to:

- (a) any body of which a councillor is a member or in a position of general control or management and to which they are appointed or nominated by their authority;
- (b) any body exercising functions of a public nature; directed to charitable purposes; or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which they are a member or in a position of general control or management;
- (c) any easement, servitude, interest or right in or over land which does not carry with it a right for the councillor (alone or jointly with another) to occupy the land or to receive income.

4 How to declare an Other Registrable Interest

4.1 Councillors **must** notify the Monitoring Officer of any Other Registrable Interests, within 28 days of taking up office or becoming aware of their interest. As with the Code, the requirement to disclose Other Registrable Interests applies to Co-Opted Members in addition to councillors.

4.2 A Councillor may participate in decision making relating to their Other Registrable Interests to make representations, answer questions or give evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. The Councillor **must** leave the Meeting immediately after making representations, answering questions or giving evidence.

4.3 Subject to the Councillor disclosing the interest at the Meeting, they may attend a Meeting and vote on a matter where they have an Other Registrable Interest that relates to the functions of their authority in respect of:

- (a) housing, where they are a tenant of their authority provided that those functions do not relate particularly to their tenancy or lease;
- (b) school meals or school transport and travelling expenses, where they are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to councillors;
- (e) any ceremonial honour given to councillors; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

5 When an Other Registrable Interest becomes a Personal Interest

5.1 The Council has many dual-hatted councillors who are also town or parish councillors. Membership of a body exercising functions of a public nature, such as town and parish councils, is an Other Registrable Interest and usually

restricts a Councillor's participation in decision making. A Councillor would however be permitted to participate in decision making at Planning Committee meetings because their membership of a town or parish council is unlikely to prejudice or influence the Councillor's judgement of the planning application before the Committee. In this instance the Councillor should follow the rules on how to declare a Personal Interest.

- 5.2 Conversely, there might be times when a councillor's membership of a town or parish council is likely to prejudice or influence the Councillor's judgement of the planning application before the Committee. The Councillor should seek advice from the Monitoring Officer if they are unsure.

6 Personal Interests

- 6.1 A Councillor has a Personal Interest in any decision of their authority where the interest might reasonably be regarded as affecting their well-being or financial position or that of a [Relevant Person](#) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward

- 6.2 A Relevant Person is:

- (a) a parent, grandparent, sibling, child, aunt, uncle, cousin (or partner/spouse of any of those people) by birth or by marriage; or
- (b) any person or body who employs or has appointed a Relevant Person, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom a Relevant Person has a beneficial interest in a class of securities exceeding the nominal value of £25,000.00; or
- (d) any body of a type described in Other Registrable Interests.

7 How to declare a Personal Interest

- 7.1 Where a Councillor has a Personal Interest in any business of the Council a Councillor needs to disclose to the meeting the existence and nature of that interest when they address the meeting on that business.
- 7.2 Personal interests do not need to be declared to the Monitoring Officer, but Councillors should seek advice if they are not sure what type of interest they have.

8 When a Personal Interest becomes an Other Registrable Interest

- 8.1 As outlined in [the Code](#), a situation may arise where a member of the public who knows all the relevant facts relating to it would reasonably consider that an interest is so significant that it is likely to prejudice or influence the Councillor's judgement of the public interest. In that circumstance their interest would be considered to be an Other Registrable Interest.
- 8.2 A Councillor would have an Other Registrable Interest in a planning application that their parent had submitted because that Relevant Person is likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward or parish. A DPI would not cover this aspect as they relate to Councillor and their spouse/partner only. The existence of a close family tie would mean that the public might consider that it would prejudice the Councillor's view when considering the application.

- 8.3 In this instance the Councillor should follow the rules on how to declare an Other Registrable Interest.

9 Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of the council (or of a sub-committee of such a committee) where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of their authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, they were a member of the Executive, committee, sub-committee, joint committee or joint sub-committee they were present when that decision was made or action was taken,

a Councillor may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and they **must** leave the room where the meeting is held immediately after making representations, answering questions or giving evidence. The Councillor should not stay in the meeting for the purposes of taking part in the committee's general debate.

10 Register of Interests

The Council will maintain a register of councillors' interests, and make it available to the public on their website.

11 Sensitive Interests

- 11.1 Where a councillor is concerned that the disclosure of the details of an interest (whether a DPI or Other Interest which the councillor is required to disclose) at a Meeting or on the Register of Members' Interests, and such disclosure would lead to the councillor or a person associated with them being subject to violence or intimidation, the councillor may request the Monitoring Officer agree that such interest is a Sensitive Interest.
- 11.2 If the Monitoring Officer agrees that the interest is a Sensitive Interest the councillor **must** still disclose the existence of the interest at a relevant Meeting but the councillor is not required to provide the details of the Sensitive Interest during the meeting. The Monitoring Officer shall also exclude the details of the Sensitive Interest from the published version of the Register of Members' Interests.

West Berkshire Council

Councillor's Code of Conduct - Appendix 3a

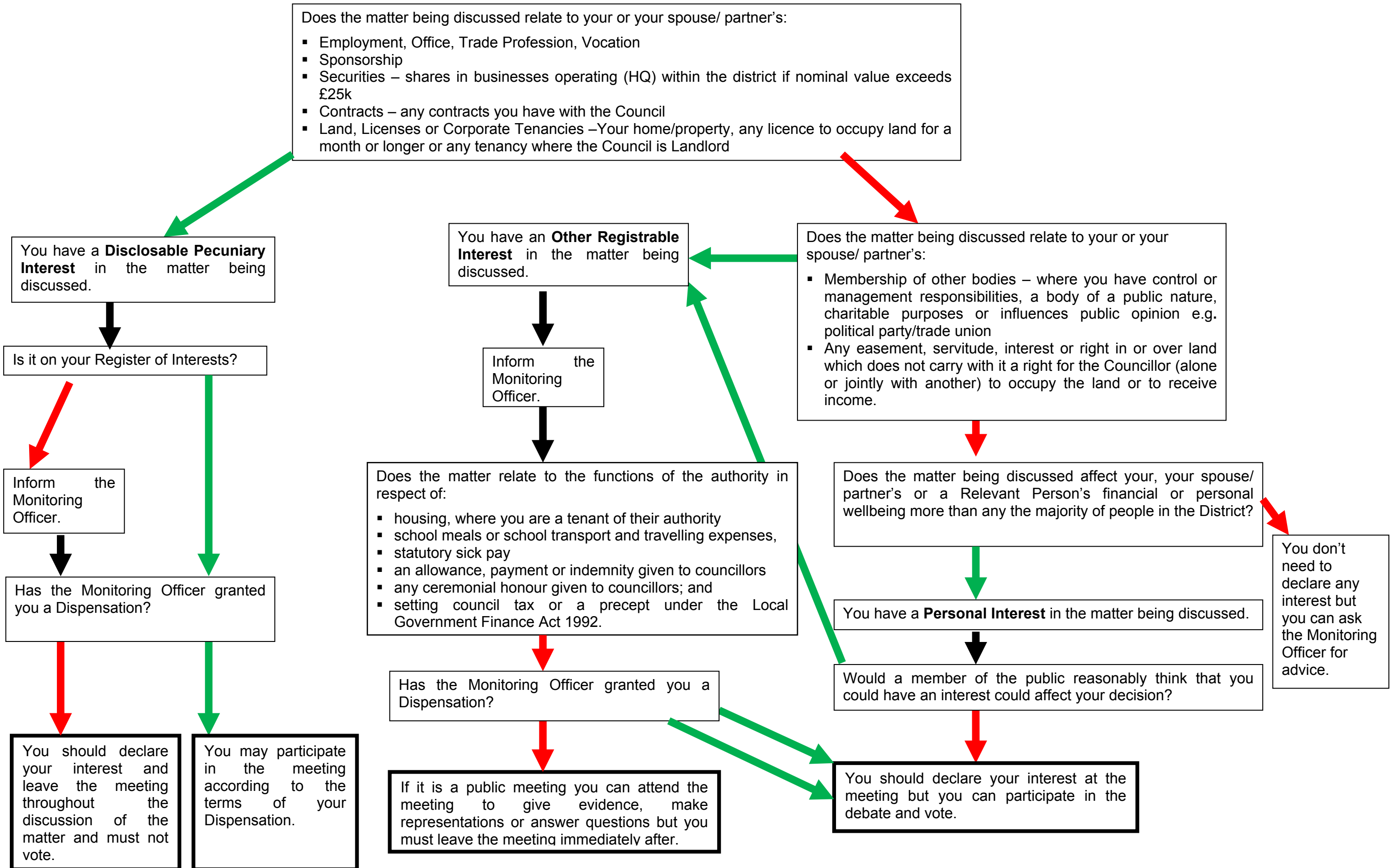
Prescribed Definitions for Disclosable Pecuniary Interests

The following table replicates [Schedule 2 of the Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) and gives the prescribed definitions for Disclosable Pecuniary Interests.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by a Councillor in carrying out duties as a member, or towards the election expenses of a councillor. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the Councillor's partner/ spouse (or a body in which the Councillor's partner/ spouse has a beneficial interest) and the Council— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the Councillor's partner/ spouse has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor's partner/ spouse has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

This page is intentionally left blank.

West Berkshire Council
Councillor’s Code of Conduct - Appendix 3b
Appendix 3b – Interests Flowchart



This page is intentionally left blank.

West Berkshire Council

Councillor’s Code of Conduct - Appendix 4

Dispensations under the Localism Act 2011

Introduction

Regulations came in to force on 1 July 2012 following the introduction of the Localism Act 2011. Section 33 of these regulations prescribes the circumstances in which the Governance and Ethics Committee and the Monitoring Officer may grant Dispensations to Councillors to speak and/or vote at a meeting in which they have a Disclosable Pecuniary Interest under Section 31 of the Act.

If a Councillor acts in accordance with the granting of such a Dispensation, any participation in business prohibited by the mandatory provisions of the Code of Conduct is not a failure to comply with the authority’s Code.

These regulations refer to the circumstances where a Councillor, finds they are in a position where they have to declare a disclosable pecuniary interest under the Code of Conduct which would ordinarily then require them to leave the meeting. These councillors might be able to obtain a Dispensation from the Governance and Ethics Committee or Monitoring Officer to stay in the meeting after declaring the interest and either speak or speak and vote according to any Dispensation granted.

Dispensations

1 Circumstances in which a Dispensation can be Granted

- 1.1 The Governance and Ethics Committee or Monitoring Officer may grant a Dispensation to a Councillor in the following circumstances:
- (a) That so many Councillors of the decision making body have Disclosable Pecuniary Interests in a matter that it would “impede” the transaction of the business of that body. [In practice this means the decision making body would be inquorate as a result.
 - (b) That without the Dispensation the representation of different political groups on the body transacting the business would be such as to alter the outcome of the vote on that particular matter.
 - (c) That the authority considers that the Dispensation is in the interests of persons living in the authority’s area.
 - (d) That without a Dispensation no Member of the Executive would be able to participate in a particular matter. They suggest that where the Executive would be inquorate as a result then the particular decision could be dealt with by an individual Member of the Executive. It may be necessary to make provision in the Scheme of Delegation to enable this to occur although it does appear to be an unlikely event.
 - (e) That the Council considers that it is “otherwise appropriate” to grant a Dispensation. This is a particularly wide provision as to some extent is (c) above.

- 1.2 It is considered that grounds (a) and (d) are objective. Dispensations on these grounds are delegated to the Monitoring Officer with an appeal to the Governance and Ethics Committee.
- 1.3 Grounds (b), (c) and (d) are rather more complex and subjective. The discretion to grant Dispensations on these grounds remains with Governance and Ethics Committee after consultation with the Independent Person.

2 Requesting a Dispensation

Requests for Dispensations **must**:

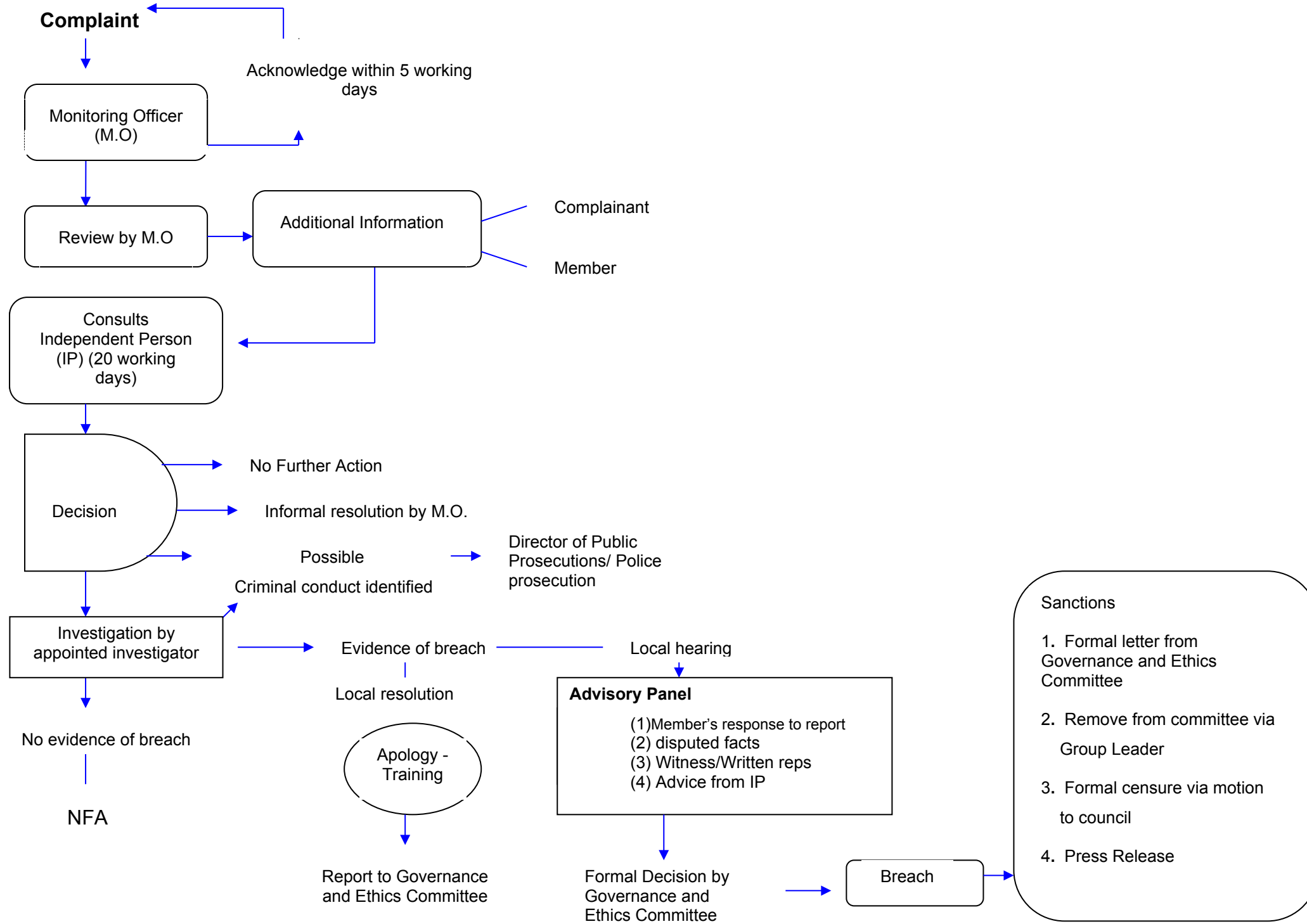
- (a) Be made in writing.
- (b) Be made to the Monitoring Officer of the Council.
- (c) Be made by an individual Councillor or Co-Opted Member of the authority.
- (d) Provide sufficient information to base a decision on.

3 Procedure and Considerations

- 3.1 The Governance and Ethics Committee or Monitoring Officer will take the following into consideration when determining whether or not a Dispensation should be granted:
 - (a) They will weigh up the effect of Councillors' disclosable pecuniary interest against the outcome of the vote if they are not participating in the vote.
 - (b) They will consider whether the nature of the interest in question is such that public confidence in the authority would be damaged if that Councillor were allowed to vote.
 - (c) They will look at whether the interest in question is one that is common to both the Councillor and to a significant proportion of the population.
 - (d) They will take account of the expertise and knowledge of the Councillor and whether this justifies their participation in the item in question.
 - (e) They will have regard to whether the business in question relates to a voluntary or public body and additionally whether the interest is a financial one.
 - (f) They will consider whether a Dispensation not being granted would mean the meeting was inquorate, this might be a reason to grant the Dispensation.
- 3.2 This consideration may also take account of any other relevant circumstances or local criteria.
- 3.3 The Monitoring Officer or Governance and Ethics Committee will determine the nature of any Dispensation they are minded to grant:
 - (a) Whether the applicant can speak and not vote; or
 - (b) Whether the applicant can participate fully and vote.
- 3.4 The Monitoring Officer or Governance and Ethics Committee can also decide the length of the Dispensation (not more than four years).

- 3.5 The regulations do not allow for the Monitoring Officer or Governance and Ethics Committee to grant a general Dispensation to cover any situation where a Disclosable Pecuniary Interest may arise.
- 3.6 If the Monitoring Officer or Governance and Ethics Committee grants a Dispensation it should do so in writing and before the Meeting(s) in question is/ are held.
- 3.7 The Monitoring Officer or Governance and Ethics Committee may decide to refuse an application for a Dispensation. This is within their discretion under the regulations.
- 3.8 A written record of the decision taken must be kept and placed with the Register of Interests maintained under Section 81(1) of the Local Government Act 2000.

Appendix 5 – Process for Alleged breaches of the Code



This page is intentionally left blank

Response to the Motion that the Council Investigates Webcasting

Committee considering report:	Council on 15 September 2016
Portfolio Member:	Councillor James Fredrickson
Date Portfolio Member agreed report:	30 August 2016
Report Author:	Jo Reeves
Forward Plan Ref:	C3065

1. Purpose of the Report

- 1.1 To present the response of the Webcasting Task and Finish Group to Councillor Alan Macro's motion that 'The Council investigates the cost and practicality of webcasting all Council, Executive and Committee meetings' which was put to the Council on 2 July 2015.

2. Recommendations

- 2.1 The Council is asked to note that the Webcasting Task and Finish Group (WTFG) recommends:
- (1) The Council should webcast meetings of particular public interest.
 - (2) A project board of officers from Property, IT and Strategic Support should make arrangements to complete the repairs and acquire the equipment it needs to webcast meetings in the Council Chamber and at other locations.
 - (3) The Governance and Ethics Committee should develop a Webcasting Policy, to include a procedure for identifying meetings to be webcast and guidance for Members.

3. Implications

- 3.1 **Financial:**
- Capital: If Members chose to follow the WTFG's recommendations there would be a capital cost of around £80k to buy microphones and upgrade the Council Chamber.
- Revenue: If Members chose to follow the WTFG's recommendations there would be minimal revenue implications for the Council but there would be an impact on staffing with Strategic Support who will be responsible for managing the webcasting. This would need to be kept under review to ensure that any webcasting was done as professionally and efficiently as possible.

- 3.2 **Policy:** The WTFG recommends a Webcasting Policy is developed to include a procedure for identifying meetings to be webcast and guidance for Members.
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** Access to webcasted material might change in the event that Youtube's Terms and Conditions change, including monetisation (advertising or access to content) and ownership of content. To mitigate that risk, it is proposed to download all the streamed videos, or record them locally at the time.
- 3.6 **Property:** The WTFG recommends that the Council Chamber needs upgrades to support its normal multi-purpose use and webcasting.
- 3.7 **Other:** None

4. Other options considered

- 4.1 To enter into a contract with a company which offers a range of digital services to public sector organisations, to provide software licences, hosting, streaming and support. This option was dismissed by the WTFG as it would cost approximately £15-£18k per annum.
- 4.2 To do nothing. This option was dismissed because trials of webcasting produced 'in-house' had been met with positive feedback from Members, Officers and the public.

5. Introduction

5.1 To present the response of the Webcasting Task and Finish Group (WTFG) to the motion that the Council considers the cost and practicality of webcasting, this report will:

- (1) Explain what a webcast is and why the Council might choose to do it
- (2) Describe the options the WTFG considered
- (3) Discuss the cost implications of their chosen option
- (4) Discuss the practical implications of their chosen option
- (5) Present the WTFG's recommendations

6. Background

6.1 The Council has been aware for some time of the use of webcasting by a number of authorities across the country and at its meeting on 2nd July 2015, Councillor Alan Macro proposed a Notice of Motion to request that the Council "investigated the cost and practicality of webcasting all Council, Executive and Committee meetings". The Council agreed to create a Webcasting Task and Finish Group to respond to the Motion.

6.2 The WTFG met three times and included:

- (1) Conservative Members: Councillors Pamela Bale, Jeanette Clifford, James Fredrickson. Councillors Rick Jones and Quentin Webb joined the Group for its last meeting.
- (2) Liberal Democrat Member: Councillor Lee Dillon

6.3 A webcast is a sound or video broadcast over the Internet. Some Councils choose to webcast to promote the work they do and to be transparent about how they do it. Lots of councils are already webcasting by either contracting a provider to webcast for them or doing it themselves.

7. Options for Consideration

7.1 The WTFG considered the following options:

- (1) Do nothing
- (2) Webcast with a provider
- (3) Do our own webcasting

7.2 The WTFG dismissed the option to do nothing because when the Council webcast the meeting in November 2015 (which agreed the Development Plan Document) it was well received by Councillors and members of the public.

7.3 The WTFG dismissed the option to webcast with a provider. Officers contacted three companies to find out what a contract would cost and the WTFG decided that the revenue costs would be too high given the Council's financial position.

7.4 The WTFG concluded that the Council should do its own webcasting by buying equipment and asking officers to webcast meetings.

8. Cost

8.1 If the Council chose to webcast it would need to spend some money on getting the right equipment. Officers have already bought cameras, a laptop and software for about £1k. The Council will also need to buy some microphones so that viewers can hear the webcasts.

8.2 Microphones were hired for the trial meeting at a cost of £1600 per meeting. Quotes obtained by officers suggest that the expected cost of purchasing a microphone system would be around £35k. The WTFG suggest that the Council buys microphones instead of hiring them, because they will help to amplify the sound at all meetings, not just the meetings that are webcast.

8.3 To make sure the microphones would work properly officers have asked engineers to evaluate the existing equipment in the Council Chamber. They found that the induction loop was not working properly, the projector screens were not descending and the speakers were not working well. To fix these issues, the Council would need to spend about £45k.

8.4 There would also be a cost in terms of officer time to set up the equipment and monitor the webcasting for each meeting.

9. Practicality

9.1 If the Council chose to webcast it would need to decide what meetings were important or interesting enough to be webcast.

9.2 Officers presented the WTFG with data on current level of public interest in Council and Committee meetings. The WTFG concluded that there was not a sufficient level of interest in all Council, Executive and committee meetings to justify webcasting all of them. If any meetings were to be webcast it would only be justifiable to webcast meetings of particular public interest.

9.3 The WTFG suggested that there should be a procedure to help decide what meetings were important enough to webcast. They thought that a councillor or officer should be required to gain support to webcast the meeting from the Leader of the Council, the Leader of the Opposition, the Committee Chairman and the Head of Strategic Support. The procedure would also set out how any disagreement between the relevant parties would be solved.

9.4 The WTFG also discussed that there should be guidance for Councillors on webcasting so that meetings could be conducted in a way which preserved the integrity and reputation of the Council and Councillors.

9.5 The WTFG considered that there should be a way to webcast meetings held at different venues and suggested that a mobile audio-visual solution should be bought.

10. Conclusion and Recommendations

- 10.1 In conclusion the WTFG have considered the cost and practicality of webcasting and propose that webcasting is something that the Council should do.
- 10.2 The Governance and Ethics Committee endorsed the report at its meeting on 5 September 2016 and added the request that the current cameras are replaced with High Definition cameras to improve the video quality of webcasts.
- 10.3 The WTFG recommend:
- (1) The Council should webcast meetings of particular public interest.
 - (2) A project board of officers from Property, IT and Strategic Support should make arrangements to complete the repairs and acquire the equipment it needs to webcast meetings in the Council Chamber and at other locations.
 - (3) The Governance and Ethics Committee should develop a Webcasting Policy, to include a procedure for identifying meetings to be webcast and guidance for Members.

11. Consultation and Engagement

- 11.1 Members of the WTFG Group consulted the Conservative Group and Liberal Democrat Group.
- 11.2 Officers have consulted with ICT Programme Board.

12. Appendices

- 12.1 Appendix A – Membership and Terms of Reference for the Webcasting Task and Finish Group

Background Papers: Minutes from the meeting of the Council on 2 July 2015, Additional documentation considered by the WTFG is available on request.

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim and priority:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aim and priority by improving transparency and engagement with decision making processes.

Officer details:

Name: Jo Reeves
Job Title: Policy Officer (Executive Support)
Tel No: (01635) 519486
E-mail Address: Joanna.Reeves@westberks.gov.uk

Appendix A

Webcasting Task and Finish Group

Statement of Purpose and Terms of Reference

Objective(s):

The purpose of the Webcasting Task and Finish Group is to make a recommendation to the Governance and Ethics Committee regarding whether the Council should webcast its meetings and if so to consider which meetings should be webcast, what the implications on resources and staff might be and establish a timescale for implementation of webcasting, if approved.

Membership:

Councillor Pamela Bale
Councillor Jeanette Clifford
Councillor James Fredrickson
Councillor Lee Dillon

Officers:

Phil Rumens, Digital Services Manager
Jo Reeves, Policy Officer (Executive Support)
Moirra Fraser, Democratic and Electoral Services Manager

Terms of Reference:

The Webcasting Task and Finish Group will:

- Gain an understanding of how local authorities use webcasting and other broadcast techniques
- Assess what resources are available within the Council to accommodate webcasting etc.
- Consider which meetings should be broadcast (ie. whether all public meetings should be broadcast, all meetings of particular committees etc)
- Present a report to the Governance and Ethics Committee making clear recommendations

Short Breaks for Disabled Children

Committee considering report:	Council on 15 September 2016
Portfolio Member:	Councillor Lynne Doherty
Date Portfolio Member agreed report:	7 September 2016
Report Author:	Mac Heath/David Holling
Forward Plan Ref:	C3173

1. Purpose of the Report

- 1.1 The High Court on the 22nd July 2016 ordered that the Council's decisions relating to the reduction in funding for short breaks should be quashed. In light of the judgment the Council is asked to consider its decisions of 1st March 2016 and 31st May 2016 relating to the short breaks budgetary proposal, looking at the issues completely afresh.

2. Recommendation

- 2.1 The Council resolves: -
- 2.2 That having considered this Report and its appendices fully it considers the service redesign, reductions and budgetary measures proposed relating to short breaks funding are appropriate and proportionate following assessment of the statutory requirements
- 2.3 That officers robustly monitor the impact of the budgetary reduction and continue to work in close partnership with local providers of short breaks provision in West Berkshire.

3. Implications

- 3.1 **Financial:** As set out in the report under section 6.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** The implications are as set out at length in the report.
- 3.5 **Risk Management:** The risks associated with this Review concern both reputation and finance as highlighted in the report
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 As detailed in the report

Executive Summary

5. Introduction

- 5.1 Council is asked to consider the budgetary proposal to reduce short breaks funding and balance our aims and priorities in the reduction of our services. Initially, this proposal was affirmed by full Council as part of the budgetary decision taken on 1st March 2016 (Decision 1) and reaffirmed on 31st May 2016 (Decision 2) (collectively the Decisions). The High Court on 23rd July 2016 ordered both Decisions to be quashed (the Judgment).
- 5.2 Mrs Justice Elisabeth Laing DBE in relation to Decision 1 observed that Members did not focus on the right question or at best part focussed on the relevant question relating the duty to have due regard under section 149 (1) the Equality Act 2010 (see later). Mrs Justice Laing further observed that members did not ask the right questions relating to section 149 (1) and other statutory duties (and none were set out in the text of the report) when they looked at the material assembled and presented to them.
- 5.3 In relation to Decision 2 Mrs Justice Laing found that the report addressed the flaws contained in the previous and contained all the relevant statutory text, material and analysis impact. However because the Council was not entitled to rescind Decision 1 and because the way the material was presented to Members gave the impression that they were expected simply to “rubber stamp” Decision 1, there was a “very clear appearance of predetermination”. Accordingly, it is important that on this occasion Members fully consider the proposal on short breaks funding and whether savings should be made elsewhere or reserves used, instead of reducing short breaks funding.
- 5.4 Members are reminded of West Berkshires aim to “Protect and support those who need it” and our priority is to be “Good at Safeguarding children and vulnerable adults”. However, although the budgetary reduction may adversely impact on some children with special educational needs and/or disabilities, and their family members and others who care for them, in the light of the Council’s need to appropriately balance all of its strategic aims and priorities and to fairly secure protection and support across the wide range of vulnerable people who need this, the recommendation remains to approve the proposal. Essentially because of the need to make budgetary savings, the need to protect other budgets from even greater reductions, the difficulty in raising the Council’s income higher than the maximum allowable without a referendum and the highly limited ability to access reserves for non statutory delivery of services in the light of the fact that reserves are currently at very low levels.
- 5.5 Enclosed with this report at Appendix A Supporting Information Report from the Service Manager [Juliet Penley] Her report is aimed at presenting Members with additional analysis of the likely consequences of the budgetary decision about short breaks which should be read alongside the witness statements referred to below (paragraph 5.6(2)) Although the Council is now to consider the current matter afresh Members are asked to reconsider:-
- (1) the concerns expressed in the summary of the original consultation responses (See Appendix B (documents relating to the Decision 1 including (i) the Budget Report; (ii) the Budget Consultation Report; (iii)

Budget Proposals 2016-17: Short Breaks for Disabled Children Overview of Responses and Recommendations; (iv) Summary of Feedback Received and Key Findings; (v) Verbatim Responses (vi) Equality Impact Assessments at Stage 1 and Stage 2; and (vii) minutes of the budget meeting))

- (2) The witness statements used in the Judicial Review proceedings which express the likely consequences of the loss of short breaks provision (See Appendix C) and
- (3) The equality impact assessments Stage 2 (See Appendix D).

5.6 The essential question for Members is whether the budgetary proposal is justifiable in the context of the important need to protect and promote the welfare of children with special educational needs/disabled children and notwithstanding the possible consequences for those children and their carers. As Members will appreciate, whilst “statutory needs” will continue to be met, there is likely to be considerably less provision of targeted social and leisure activities where children can mix with other children and a variety of adult support workers outside of school hours and during holidays. This may have, negative implications for the children concerned and their carers.

6. Service Reduction and Budgetary measures

6.1 As acknowledged by Mrs Justice Laing the Council faces a challenging financial position. One particular difficulty within Children and Family Services is that most of its revenue budget is committed to meeting “*statutory needs*” so that it had limited room for manoeuvre to identify required savings and had to look at areas of “*discretionary*” spending. Accordingly, faced with limited options, priority has been given to maintaining the Service’s level of “*statutory spending*” but to reduce its level of “*discretionary spending*”, inter alia, on short breaks provision;

- the Council has historically provided short breaks for children with “*statutory needs*” at a facility called Castle Gate and through its Disability Support Budget. Within 2016/17 the budget for Castle Gate will slightly increase from £515,690 to about £555,690 and the Disability Support Budget will remain at £436,130. This provision includes overnight care and also day care and social activities. Significant work continues to ensure the delivery from this provision addresses the areas of need in collaboration with families and partner providers;
- the Council decided to reduce its block-funding of voluntary groups that provide short breaks to children from £386,575 in 2015/16 to £163,432 for 2016/17 including transitional funding designed to promote more sustainable services that depend less on local authority financial support, partly in recognition that partners are able to access funding opportunities not currently available to Council;
- accordingly, that represents overall reduction in the Council’s short breaks budget from £1,366,820 to £1,191,820, namely £175,000 or 12.8%. Within that, the Council’s block funding of short breaks provided by voluntary organisations reduced by 42%, however:

- (i) this is just one part of the Council’s provision of short breaks;

- (ii) the reduction in block funding to organisations does not prevent that individual families entitled to statutory services from using their “*direct payments*” from the Council to purchase services from these organisations;
- (iii) and, the Council funds social care provision for individual children (including for short breaks and respite care) through their care plans, either by providing services in kind or through direct payments and there has not been any budget-driven reduction in those sums).

Overall, the Council’s spending on children’s services for 2016/17 will be £15.1M

- 6.2 In summary, there is a reduction in short breaks funding provided to local voluntary organisations from £386,575 to £163,432. Further, there is an increase in short breaks funding at Castle Gate from £515,690 to £555,690. It is considered that this will allow us to continue delivery of Short Break Services, both to meet statutory obligation and to continue some discretionary work with partners, to ensure the range of provision delivered aligns with need and ensures a sustainable service delivery going forward.
- 6.3 It is incumbent upon Councils to ensure that they have sufficient reserves to enable response to unavoidable or emergency pressures that may arise during the year. Current reserves are set close to the minimum safe level of reserves. There is not therefore the capacity within West Berkshire Council’s reserves to offset the budget reductions to non statutory delivery and sustain its approach as West Berkshire General Fund reserves are £6.3m as at 31st March 2016.

7. Legal considerations

The Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011

- 7.1 Section 17 (1) of the 1989 Act imposes on Local Authorities a general duty to safeguard and promote the welfare of children in their area who are in need by providing a range and level of services appropriate to those children’s needs. Disabled children are expressly included at section 17 (11) as being children in need.’ In discharging that duty, the Local Authority ‘shall have the specific duties and powers set out in Part I of Schedule 2 to the 1989 Act (section s17 (2))
- 7.2 Paragraph 6 of Schedule 2 to the Children Act 1989 provides as follows:-
- (1) Every local authority shall provide services designed—*
- (a) to minimise the effect on disabled children within their area of their disabilities;*
 - (b) to give such children the opportunity to lead lives which are as normal as possible; and*
 - (c) to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring.*

- 7.3 The duty to provide such services must be performed in accordance with regulations made by the Secretary of State (paragraph 6 (2)), the relevant regulations being the Breaks for Carers of Disabled Children Regulations 2011 SI NO 707 (detailed further below).
- 7.4 From this, Members can see that the Council is required to provide services that are designed to minimise the effect on children of their disabilities, that help children lead lives that are as normal as possible and that help carers continue to care for children and/or to do so more effectively by giving them breaks from caring.
- 7.5 The Council will continue to provide services designed to have the effects outlined above and the Council will continue to meet the needs of children and carers who are in the greatest need and who qualify for statutory services under the Children Act 1989 and the Chronically Sick and Disabled Persons Act 1970. The effect of the reduction in the short breaks budget will be that the Council will fund fewer services of those kinds. That will mean that children and carers with statutory needs will have less choice, which may impact on the children's ability to lead lives which are as normal as possible, whilst children and carers who do not have statutory needs will have fewer services available to them and may lose the ability to access certain services. This may impact on the provision set out in [paragraph 8], as set out above and this may result in such children or carers developing statutory care needs. The Council remains committed to meeting statutory care needs.
- 7.6 It is not possible to assess the likely impact precisely in numbers, or otherwise, but the Service Manager's report [together with the witness statements referred to above] provide the best assessment the Council is able to provide on the likely impact on children and their carers.
- 7.7 Regulation 3 of the 2011 Regulations provides as follows:

3. Duty to make provision

In performing their duty under [paragraph 6\(1\)\(c\) of Schedule 2](#) to the 1989 Act, a local authority must—

(a) have regard to the needs of those carers who would be unable to continue to provide care unless breaks from caring were given to them; and

(b) have regard to the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to—

(i) undertake education, training or any regular leisure activity,

(ii) meet the needs of other children in the family more effectively, or

(iii) carry out day to day tasks which they must perform in order to run their household.

- 7.8 From this, Members can see that in performing their duty to provide services designed to help carers continue to care for children and/or to do so more effectively by giving them breaks from caring, Members must have regard to (i) the needs of carers who would be unable to continue to provide care without breaks from caring and (ii) the needs of carers who would be able to care for their children

more effectively if they had breaks from caring that (a) enabled them to undertake education, training or some leisure activity, (b) that enabled them to meet the needs of other children in the family more effectively or (c) that enabled them to carry out day-to-day household tasks.

- 7.9 Carers who would be unable to continue to provide care without breaks from caring will have a statutory entitlement to respite care and the Council will meet that entitlement. However, they may prefer and may sometimes strongly prefer their children to have a wider range of breaks than will be available as a result of the Council's decision on short breaks funding. So, while statutory entitlement would continue to be met it may not always be in the family's preferred way.
- 7.10 Carers who will be able to provide care more effectively if they had breaks from caring, those carers and/or their children may or may not have a statutory entitlement to short breaks and respite care. If they have a statutory entitlement, then as a result of the Council's decision there will be a reduced choice of short breaks and respite provision and, in particular, there are likely to be fewer opportunities for their children to socialise and engage in activities involving other children. If they do not have a statutory entitlement then there will be less targeted provision available which may result in those carers providing care less effectively. This may impact on the quality of life of carers and children and it may result in "statutory needs" arising that the Council will then have to meet.
- 7.11 Regulation 4 of the 2011 Regulations provides as follows:

4. Types of services which must be provided

(1) In performing their duty under [paragraph 6\(1\)\(c\) of Schedule 2 to the 1989 Act](#), a local authority must provide, so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively.

(2) In particular, the local authority must provide, as appropriate, a range of —

(a) day-time care in the homes of disabled children or elsewhere,

(b) overnight care in the homes of disabled children or elsewhere,

(c) educational or leisure activities for disabled children outside their homes, and

(d) services available to assist carers in the evenings, at weekends and during the school holidays.

- 7.12 As Members will see from the Service Manager's report, no difficulty arises in relation to the provision of day-time care or overnight care which is generally provided where there are statutory needs and which is and will remain sufficient. Where the budgetary reduction will have consequences is in relation to the provision by voluntary organisations of educational or leisure activities outside children's homes and in the provision of services to assist carers in the evenings, at weekends and during the school holidays. This provision goes beyond basic care and enables disabled children/children with SEN to socialise more widely and undertake activities that other children may take for granted and that assist carers both to care more effectively and also look after other family members, have some

relief from the pressures of caring and undertake other activities. As set out above, and in the Service Manager's report, the consequences of the funding reduction are likely to include reduced choice of services, loss of access to services in some cases of families without statutory needs and in some cases statutory needs developing that will have to be met.

- 7.13 Regulation 5 of the Regulations also require an authority, before 1 October 2011, to prepare a statement for carers in their area (a 'short breaks services statement') which gives details of the range of services provided in accordance with regulation 4, eligibility criteria and how the range of services is designed to meet the needs of carers. That statement must be published, kept under review, and, where appropriate, revised (regulation 5 (2) and (3)). West Berkshire Council published such a statement in 2011, and updated it in 2014. A further updated statement will be revised and published by 16 September 2016.

8. Section 27 of the Children and Families Act 2014 (CFA)

- 8.1 Section 27 of the CFA 2014 is also triggered when a local authority makes a decision to review its social care provision for children with disabilities. This provides as follows:

Duty to keep education and care provision under review

(1) A local authority in England must keep under review—

(a) the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, and

(b) the educational provision, training provision and social care provision made outside its area for—

(i) children and young people for whom it is responsible who have special educational needs, and

(ii) children and young people in its area who have a disability.

(2) The authority must consider the extent to which the provision referred to in subsection (1)(a) and (b) is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

(3) In exercising its functions under this section, the authority must consult—

(a) children and young people in its area with special educational needs, and the parents of children in its area with special educational needs;

(b) children and young people in its area who have a disability, and the parents of children in its area who have a disability;

(c) the governing bodies of maintained schools and maintained nursery schools in its area;

- (d) the proprietors of Academies in its area;*
 - (e) the governing bodies, proprietors or principals of post-16 institutions in its area;*
 - (f) the governing bodies of non-maintained special schools in its area;*
 - (g) the advisory boards of children's centres in its area;*
 - (h) the providers of relevant early year's education in its area;*
 - (i) the governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales that the authority thinks are or are likely to be attended by—*
 - (i) children or young people for whom it is responsible, or*
 - (ii) children or young people in its area who have a disability;*
 - (j) a youth offending team that the authority thinks has functions in relation to—*
 - (i) children or young people for whom it is responsible, or*
 - (ii) children or young people in its area who have a disability;*
 - (k) such other persons as the authority thinks appropriate.*
- (4) [Section 116B of the Local Government and Public Involvement in Health Act 2007](#) (duty to have regard to assessment of relevant needs and joint health and wellbeing strategy) applies in relation to functions exercisable under this section.*
- (5) "Children's centre" has the meaning given by [section 5A\(4\) of the Childcare Act 2006](#).*

8.2 This requires the Council to consult (which it has done) and also keep under review, whether the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability is sufficient to meet those children's educational, training and social care needs. Members will be aware, the Council will always be under a duty to meet statutory needs for education, training and social care; including where there is an assessed statutory need for education, training or social care to be met in a particular way, for example, in a social or group setting.

8.3 However, Members should also consider broadly whether, as a result of this proposal, there will be a reasonable level of short breaks provision in the Council's area to meet the wider, non-statutory needs of children with special educational needs or a disability. This may include the needs of children who (i) do not have a statutory need for short breaks provision, or (ii) whose need for short breaks provision exceeds their "statutory need" and (iii) children who need short breaks provision and who have a non-statutory need to have such provision in social or group settings.

8.4 The result of this decision if the Council chooses to agree both recommendations, will be less short breaks provision in the area, in particular of a kind that enables children to socialise with other children and a variety of adults in the ways that other children may take for granted. The Service Manager's report references what this may mean for some children and families but positive partnership work continues with other local providers to help mitigate the impact of the local authority commissioning a lesser delivery and helping support other partners working together to maximise local provision.

9. Section 3 of the Local Government Act 1999 and the statutory guidance issued under it

9.1 Section 3(1) of this Act imposes a duty on a local authority to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness' together with a duty to consult for the purposes of deciding how to fulfil that duty and a duty to take into account the social value of commissioned services which in the case of short breaks services is very high. In deciding how to fulfil the duty, and in making decisions about consultation, a local authority must have regard to guidance issued by the Secretary of State. The guidance sets out clear expectations for councils which are considering a change to local voluntary or community group funding and states at Paragraph 7 that 'Authorities should seek to avoid passing on disproportionate reductions – by not passing on larger reductions to the voluntary and community sector...as a whole than they take on.' The full guidance is here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418505/Revised_Best_Value_Statutory_Guidance_final.pdf.

9.2 The Council's decision reduces funding for voluntary providers but slightly increases funding for Castle Gate. As Members will be aware, the Council should not pass on disproportionate reductions to the voluntary and community sector.

9.3 The reason why funding for Castle Gate has been slightly increased is that Castle Gate is the only short breaks provider that provides residential care, which is an essential part of the Council's ability to discharge its statutory duties. It provides very high quality care and runs efficiently and is graded as good by Ofsted. If its funding was reduced the Council might be unlikely to be able to discharge its statutory duties throughout any other facility. Castle Gate can also be used as a hub for providing a wide range of services and that is an aspect that Council officers are looking to develop.

9.4 By contrast, whilst the voluntary organisations concerned provide services of very great social value and to a high standard, their funding can be reduced without endangering the Council's ability to meet its statutory duties.

10. Section 11 of the Children Act 2004

10.1 Section 11 (2) of the 2004 Act imposes a duty on local authorities to make arrangements for ensuring that in exercising any function in a way which affects a child to have regard to the need to safeguard and promote the welfare of children.

10.2 This provides as follows:

11(2) Each person and body to whom this section applies must make arrangements for ensuring that—

(a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and

(b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.

10.3 As a result, Members need to consider whether the proposed reduction in short breaks provision is justifiable because of the need to make budgetary savings having regard to the need to safeguard and promote the welfare of children, in particular the children who stand to be adversely affected by the proposed decision.

10.4 Members must treat the need to safeguard and promote the welfare of children as a very important and powerful consideration, although it is not absolute and can be overridden if there are even more powerful considerations, which can include the need to make budgetary savings and the need to protect other areas of children's and adult's social care provision from further savings. In particular, Members need to consider whether it is possible to use the Council's reserves, increase charges elsewhere or make even greater savings elsewhere.

11. Section 149 of the Equalities Act 2010

11.1 In light of the proposed recommendation Decision Members need to carefully review and address the impact and implications. This Section provides as follows:

149 Public sector equality duty

(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;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) 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) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) 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.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

*age;
disability;
gender reassignment;*

pregnancy and maternity;

*race;
religion or belief;*

*sex;
sexual orientation.*

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.....

11.2 Members are reminded of the consultation responses, the Service Manager's report [and in particular the witness statements] and the equality impact assessments referred to above.

11.3 The fundamental requirement on Members imposed by s.149 is to take reasonable steps to inquire into the issues before them and to understand the impact, or likely impact of the decision they are being asked to make on those on the protected characteristics list who are potentially affected by the decision. Here, Members are

required carefully to consider the important needs of children with special educational needs and/or disabilities and whether the short breaks proposal is justifiable given the importance of (i) advancing equality between such children and others, (ii) reducing the disadvantages that such children suffer from, (iii) meeting the needs that they have that are different from the needs of other children and (iv) encouraging them to take part in public life, including in particular social, recreational and leisure activities in social and group settings.

- 11.4 As Members will appreciate, children with special educational needs and/or a disability will find it much harder than other children to engage in social, recreational and leisure activities and so enjoy a childhood of equal quality to other children. This problem may not be fully overcome simply by meeting statutory needs and/or by meeting statutory needs through providing one-to-one respite care by a carer. However it is obviously important for children with special educational needs and/or disabilities to engage in activities with other children and groups of adults as far as possible, as other children are able to do, irrespective of whether they are assessed as having a formal statutory need to do so.
- 11.5 Members will also appreciate that many children with special educational needs and/or a disability will struggle to cope with the loss of particular kinds of service, even if their needs continue to be met in different ways.
- 11.6 In addition, the provision of short breaks enables carers to provide care more effectively, allows greater time to be afforded to other children of the family and allows carers – who will often be women – to engage in education, work, leisure, household chores to a greater extent than would otherwise be the case.
- 11.7 These are all very important and powerful considerations but they are not absolute. Whilst these considerations must be treated as being very important and powerful it is still appropriate to try to weigh up exactly how important and powerful they are in the particular circumstances. It is legitimate to conclude that it is necessary for the Council to do less to promote the welfare of children and their carers than it would wish to do for budgetary reasons, including to protect the budgetary allocation for other vulnerable children and adults. It is however necessary for Members to feel confident that the short breaks budget reduction is proportionate and justified and that there are no other measures that reasonably could be taken, for example using reserves or increasing fees or reducing other budgets.
- 11.8 Members will also need to instruct and be satisfied that officers will properly monitor the impact of the reduction in short breaks funding and report back, in particular if any unforeseen risks materialise. This is reflected in the Recommendations before Council.

12. Conclusion

- 12.1 It is recommended the Council considers and approves Officers' recommendations on Page 1.

13. Consultation and Engagement

- 13.1 The consultation process undertaken for the proposal to reduce the budget for short breaks for children with disabilities was progressed in an informed and appropriate way. This included the council engaging Parent Voice, a parent participation group,

to ensure parents views were heard, as well as meetings being undertaken with local providers of Short Breaks provision across West Berkshire to ensure the impact of any reduction in services was fully understood.

- 13.2 These meetings are ongoing with the awarding of the Transition funding to further ensure maximum benefits are derived from the services delivered and that they can be sustainably delivered without over-reliance on Council funding in the future.
- 13.3 Members are reminded of the need conscientiously to consider the consultation responses in full and the accompanying reports in Appendix B.

14. Financial considerations

- 14.1 It is considered that this proposal is proportionate and justified and there are no other measures that reasonably could be taken, for example using reserves or reducing other budgets. Reserves cannot be used because they are currently at a minimum level where any further reduction would be considered unsafe. Reduction in other budgets has been ruled out as disproportionately impacts in other areas of the Council's duties.

Officers consulted: Juliet Penley, Mac Heath, Shiraz Sheikh and David Holling as Monitoring Officer.

15. Appendices

- 15.1 Appendix A – Supporting Information

Appendix B – Documents relating to the Decision taken on 1st March 2016 including (i) the Budget Report; (ii) the Budget Consultation Report; (iii a) Budget Proposals 2016-17: Short Breaks for Disabled Children Overview of Responses and Recommendations; (iii b) Summary of Feedback Received and Key Findings; (iii c) Verbatim Responses (iv 1 and 2) Equality Impact Assessments at Stage 1 and Stage 2; and (v) minutes of the budget meeting.

Appendix C – The witness statements used in the Judicial Review proceedings.

Appendix D – Equality Impact Assessment

This page is intentionally left blank

Short Breaks for Disabled Children – Supporting Information

1. Introduction/Background

- 1.1 The council made the decision in March 16 to accept the recommendations in respect of the budget proposals to reduce the funding for Short Breaks for Disabled Children. This council decision was subject to a Judicial Review hearing in July 2016 in the High Court which the council lost. It is now necessary for the council to consider this decision afresh.

2. Supporting Information

- 2.1 There are currently 170 families in receipt of statutory services from children's social care, all of whom receive short breaks provision. The budget for these children is not affected and no packages of care are being re-assessed or reduced.
- 2.2 The total number of disabled children receiving short breaks in 2014/15 and 2015/16 was 350 – 400. For the reasons given below it is not possible to be precise.
- 2.3 In 2014/15 different providers provided short breaks to 560 children and in 2015/16 the figure was about 526. These figures are compiled by short breaks providers, on the basis that each child who receives a particular service from a provider counts as one child. This has the consequence that a child who receives a service from Mencap and also Crossroads will appear twice in these numbers; and a child who receives 2 different services from Mencap and one service from Crossroads will appear 3 three times (see the attached data sheets).
- 2.4 The data provided to the Council by different providers is anonymised so while it is possible to see how many different services are provided to how many numbers of children, it is not possible to work out exactly how many different children are in receipt of services. It is estimated that 350 – 400 children receive one or more short breaks services each year.
- 2.5 The figures referred to above in paragraph 2.4 also include children who are entitled to statutory care services. There are currently 170 children in receipt of statutory care services. There is no double counting involved in those figures because they are from the Council's own records. These children may also be subjected to the double counting described in paragraph 2.3. We estimate of the 350 – 400 children in receipt of short breaks services each year, 200-300 are entitled to statutory services. Approximately 200 children who receive short breaks services do not have a statutory entitlement to them.
- 2.6 The short breaks service providers and the numbers of children they provide services for are as follows, as set out in the attached data sheets for 2015/16.

	2015/16			
	Number of young people receiving a service			
Organisation	Total (Q1)	Total (Q2)	Total (Q3)	Total (Q4)
Mencap				
Sleepovers			5	
Home Sitting Service				
Holiday Play schemes	50	75	42	
Saturday Club	36	36	42	
Youth Club	28	27	26	
Greenfields	10	10		
Residential				
After school club	73	73	74	
Crossroads				
Sitting service				
Oxfordshire Overnight	5	31		
Youth Provision	6	7	8	
Play schemes	26	32	27	
Befriending	7	10	8	
Home-StartWB				
Care/Sitting service	22	20	10	
GUIDEPOSTS TRUST				
Guideposts Trust	13	13	8	
National Autistic Society				
National Autistic Society	14	10	18	
Oasis club	21	20	18	
Oasis Transition Group	5	4	5	
Dingley				
Summer play scheme	28	29	25	
The Castle School				
Summer play scheme/Easter Holiday Club	16	12	15	
Brookfields School				
Youth Club	27	27	25	
After School Club	38	39	46	
Holiday Club	73	71		
KIDS				
KIDS	0	8	32	
PALS				
PALS	24	17	16	
TOTALS	522	571	450	0

2.7 As can be seen from Alice Cullingworth's statement:

- Mencap West Berkshire, which is by far the largest short breaks provider will continue to provide its after school club on Mondays, Tuesdays, Wednesdays and Fridays and its youth club on Thursdays. This will benefit approximately 15 children per day, about 60 per week for 38 weeks of the year. It will, however, cease to provide its Saturday club (except in the case of 6 children), its Greenfields play schemes in the summer and Easter holidays, its residential

holiday during February half term and its sleepovers (4 nights a year), whilst it will have to significantly reduce its holiday play schemes in the summer and Easter holidays (from 22 days per year to 12 days). Mencap will continue to provide 20 children’s places a day for play schemes which is 240 sessions per year in total. It may increase its charges for its home sitting carers service;

- Crossroads Care Oxfordshire provides activity days during weekends and holidays and trips away during school holiday, as follows:

Crossroads 15/16	Q1	Q2	Q3	
Sitting service				
Oxfordshire Overnight	5	31		
Youth Provision	6	7	8	
Play schemes	26	32	27	
Befriending	7	10	8	

2.8 This provision will be reduced by about 40%;

- As can be seen, Guideposts planned to cease provision in any event. It used to provide holiday play schemes:

GUIDEPOSTS TRUST 15/16	Q1	Q2	Q3	
Guideposts Trust	13	13	8	

2.9 As far as other providers are concerned the position is as follows:

- My information is that Home-start, National Autistic Society, Brookfields School, Castle School, PALS, and Dingley will continue to provide services to similar numbers as previously.
- Swings and Smiles is a new provider in 16/17 and will provide Holiday play schemes for 8 children for 20 sessions a year and 8 children at a Saturday Club over 10 sessions throughout the year;
- In addition to these short breaks providers, there are 2 schools in West Berkshire, Brookfields and Castle School that provide short breaks. Brookfields provides holiday, after school and youth club services and Castle School provides after school activities such as a film club to children with special educational needs and/or a disability. These services have been partly funded by short breaks funding and this will continue in 16/17.

2.10 Officers are working with voluntary organisations to develop their use of transitional funding and have met with providers a number of times. The aim is to support organisations to become more sustainable without Council financial assistance and, as can be seen, Mencap has already had some limited success in that it has secured alternative funding for its Thursday night youth club. In addition, officers will develop Castle Gate to provide a hub which will allow families with statutory needs to use their budgets to purchase services that involve social and group activities.

2.11 There has been some reduction in the level of social and group activities; in particular during the weekends and school holidays. As a result of that:

- The 170 families with statutory needs may find it harder to secure group activities for their children, where their children can socialise with other children and a variety of adults even though their statutory needs will still be met through funding that enables alternative activities and respite breaks to be purchased. There may be the upset of having to change a service, which some disabled children can find particularly distressing;
- The remaining families without statutory needs (around 200) and, of course, families with statutory needs who desire more services than their statutory entitlement, may find it difficult to secure activities that both allow their carers some respite from caring and that allow the children to engage in sociable activities.

- 2.12 It is not possible to provide accurate figures and the picture is a shifting one, in that local voluntary groups have some scope for obtaining alternative funding, the Council's transitional funding is designed to help voluntary groups develop sustainable alternative forms of provision and families with statutory needs have budgets that they are entitled to use to meet those needs how they wish so that there is scope for the market to respond to how those families wish to use their budgets.
- 2.13 It may be harder for carers of disabled children who do not have statutory needs (approximately 200) to pursue education, training, any regular leisure activity or employment, meet the needs of other children of the family more effectively or carry out household tasks.
- 2.14 The funding decision may impact on the ability of children without statutory needs to secure educational or leisure activities outside their homes and during evenings, weekends and school holidays. Children with statutory needs may find it harder and may have less choice, in terms of finding services to pay for that involve group activities where the children can socialise with other children and a range of adults.
- 2.15 Of course, socialising activities will still occur during school (there are, for example, 910 children in West Berkshire with a SSEN), and may also occur by obtaining services from remaining providers and by way of purchasing decisions from the budgets available to those who have statutory care needs.
- 2.16 Day-time care and home sitting has reduced in demand – in 2014/15 about 8,000 hours were provided but in 2015/16 about 2500 hours were provided. 2 providers have ceased provision due to lack of demand. Those with statutory needs can readily purchase services of this kind from agencies, or pay their own support worker. Other families will have to rely on services provided by voluntary organisations supported by transitional funding but there may be less available.
- 2.17 In 2014/15 the Council provided short breaks funding to providers who delivered 280 nights of overnight care and in 2015/16 that figure was 165. Families with statutory needs will continue to have their statutory needs met in full at Castle Gate or with short break foster families. Families without statutory needs will experience less provision in that 2 providers out of 4 will continue to provide this kind of service.

3. Transition Funding and Current Situation

3.1 Funding grants have been awarded to 7 short breaks providers and 2 special schools for the year 2016/17 using £170,000 transitions funds. This is a slight reduction as there were 8 providers last year. The remit for these grants have been to support providers to become more self sustaining and explore options for greater co-operation and efficiency. All providers except Crossroads have continued to deliver short breaks services and the table below shows the first quarter returns and a total of 259 children receiving a short break. Crossroads have now started to build up their services again and it is estimated they will provide short breaks to 30-35 children so this will show in the next return. The second quarter will show higher numbers across most services as it covers the summer holidays. Caution is needed with these figures as there is likely to be some double counting as detailed in paragraphs 2.3 to 2.5.

Organisation	2016/17			
	Number of young people receiving a service			
	Total (Q1)	Total (Q2)	Total (Q3)	Total (Q4)
Mencap				
Holiday Play schemes				
Youth Club				
After school club	48			
Crossroads				
Youth Provision				
Play schemes				
Home-StartWB				
Care/Sitting service	11			
National Autistic Society				
National Autistic Society	14			
Oasis club	26			
Oasis Transition Group				
Dingley				
Summer play scheme	26			
The Castle School				
Youth Clubs	15			
Brookfields School				
Youth Club	26			
After School Club	39			
Holiday Club	21			
PALS				
PALS	23			
Swings & Smiles				
Swings & Smiles	10			
TOTALS	259	0	0	0

3.2 The situation for each short break provider is

Dingley. Continue to provide 10 places in their holiday clubs for Under 5s. No change

National Autistic Society (NAS). Continue to run Befriending service for 20 children and 26 places in their youth club. No change. They do now charge parents

Brookfields School. Continue to run holiday playtimes for 20 children per day. Reduction in number from 30 approx. After school clubs and Youth clubs continue at the same level. Charges have been increased for after school and youth clubs.

Homestart. Continue with no change and provide service to 12 families

Swings and Smiles. They are a new provider and deliver 8 places of holiday club over 20 days a year. They provide 8 places at a Saturday club once a month

PALS. Continue to provide places to 16 young people for youth clubs and holiday activities. No change

Crossroads. Continue to provide youth clubs for 24 young people. Reduced from 30-40. Also provide overnight breaks to 18 children which is a reduction of half. They have increased charges. They have stopped their sitting service.

Mencap. Stopped their Saturday club (30 places), high need holiday scheme (10) and overnight breaks (5). Continue to deliver 20 places on holiday play schemes but for 2 weeks instead of 4. Their youth club continues unchanged but after school club is reduced to 15 children per day for 4 days a week. Previously 30 places approx.

Council officers have had a further meeting with providers and they report that since the reduction in council funding they have been able to continue to run short breaks but Mencap and Crossroads have reduced the number of services they provide, and the number of places. Mencap have stopped their Saturday club and reduced numbers and days in their summer play scheme and Crossroads have reduced numbers in their overnight breaks and youth clubs. Some services, Crossroads, Mencap, NAS and Brookfields have increased charges and all are exploring alternative funding options. The local short breaks providers have come together locally and formed a SEND Providers forum to enable closer and more efficient working and the sharing of ideas. Council officers have been invited to the next meeting in September. Despite the challenges the providers appear determined and positive about providing services going forward.

4 Proposal

4.1 The Council to take into account the information provided in this report in taking the decision as to whether to make the budget reductions in relation to the Short Breaks Budget.

5 Conclusion

5.1. It is acknowledged that a reduction in funding will reduce the range of Short Breaks provision for children with disabilities and their carers but West Berkshire are still committed to working with providers, parents and carers to ensure the provision available continues to exceed the statutory minimum expected and will continue to monitor this provision and ensure children's needs are prioritised.

6 Consultation and Engagement

- a. It is considered that the consultation process undertaken for the proposal to reduce the budget for short breaks for children with disabilities was progressed in an informed and appropriate way. This included the council engaging Parent Voice, a parent participation group, to ensure parents views were heard, as well as meetings being undertaken with local providers of Short Breaks provision across West Berkshire to ensure the impact of any reduction in services were fully understood. These meetings are ongoing with the awarding of the Transition funding to further ensure maximum benefits are derived from the services delivered.
- b. Officers consulted: Mac Heath, Shiraz Sheikh and David Holling as Monitoring Officer.

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected:

All

Officer details:

Name: Juliet Penley
Job Title: Service Manager
Tel No: 01635 510903
E-mail Address: Juliet.penley@westberks.gov.uk

This page is intentionally left blank

Revenue Budget 2016/17

Committee considering report:	Council
Date of Committee:	1 March 2016
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	18 February 2016
Report Author:	Andy Walker
Forward Plan Ref:	C2979

1. Purpose of the Report

- 1.1 To consider and agree the 2016/17 Revenue Budget. This report highlights that for West Berkshire residents there will be a Council Tax requirement of £82.28m requiring a Council Tax increase of 1.99% in 2016/17 and a 2% ring-fenced precept for adult social care. The Council has had to find savings of £14m in 2016/17, the highest in the Council's history.
- 1.2 Given the scale of task to arrive at a balanced budget for next year a number of significant saving proposals have been made including reductions to libraries, children centres, home to school transport, public transport subsidy, highway maintenance, provision of care services and many others.
- 1.3 The proposed savings will have significant implications for staff. Subject to the outcome of public consultations, 127 employees will be at risk of redundancy and associated exit costs are estimated to be in the region of £2m.
- 1.4 The report also proposes the Fees and Charges for 2016/17 as set out in Appendix H and the Special Expenses as set out in Appendix I.

2. Recommendations

The Council is recommended to resolve as follows:

- (1) That the responses received to each of the 47 public facing savings proposals in relation to Phase 1 of the public consultation exercise undertaken on the 2016/17 budget be noted.
- (2) That Council consider the use of the 2016/17 transitional grant as a means of mitigating the impact of some of the Phase 1 proposals and where this is not used, the recommendations set out in the Overview and Recommendations template be approved.
- (3) That Council recommend that those public health grant funded services (marked as "to be progressed") in the Overview and Recommendations template totalling £114,000 be progressed.

- (4) That the 2016/17 revenue budget requirement for Council Tax setting purposes of £82.28 million requiring a Council Tax increase of 1.99% be approved
- (5) That the 2% ring-fenced adult social care precept be applied.
- (6) That the Fees and Charges be approved as set out in Appendix H and the appropriate statutory notices be placed where required.
- (7) That the Special Expenses be approved as set out in Appendix I.
- (8) That the Efficiency Strategy for Use of Capital Receipts be approved as set out in Appendix O.
- (9) That the Executive, on 24 March 2016, be given delegated authority to adjust the Council's budget plans, should the responses to Phase 2 of the public consultation require it to do so.
- (10) That the Executive, on 24 March 2016, propose where the transitional grant funding of £1.39m will be used.
- (11) That it be noted that the following amounts for the year 2016/2017 in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended (by the Localism Act 2011):-
 - (a) 62,626.13 being the amount calculated by the Council, (Item T) in accordance with regulation 31B of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Localism Act 2011), as its council tax base for the year.
 - (b) Part of the Council's area as per Appendix M being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which a Parish precept relates.
- (12) Calculate that the Council Tax requirement for the Council's own purposes for 2016/2017 (excluding Parish precepts) is £82,281,340.
- (13) That the following amounts be now calculated by the Council for the year 2016/2017 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, amended by the Localism Act 2011:-
 - (a) £292,700,038 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2)(a) to (f) of the Act taking into account all precepts issued to it by Parish councils.
 - (b) £206,549,768 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act.
 - (c) £86,150,270 being the amount by which the aggregate at 13(a) above, exceeds the aggregate at 13(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R).

- (d) £1375.63 being the amount at 13(c) above (Item R), all divided by 11 (a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the 'basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £3,868,930 being the aggregate amount of all special items (parish precepts) referred to in Section 34(1) of the Act (as per Appendix M).
 - (f) £1313.85 being the amount at 13(d) above less the result given by dividing the amount at 13(e) above by the amount at 11(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special items relates.
- (14) That it be noted that for the year 2016/2017 Police and Crime Commissioner for Thames Valley & The Royal Berkshire Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Councils area as indicated in Appendix M.
- (15) That the Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables in Appendix M as the amounts of Council Tax for 2016/2017 for each part of its area and for each of the categories of dwellings.

3. Implications

3.1 Financial:

These are contained in further detail within the report. The key implication is the proposed 1.99% Council Tax increase and a ring-fenced 2% adult social care precept, which leads to a significant savings programme of £14m in 2016/17, the highest level of savings required in any one year in the Council's history, which in turn will present some additional risks surrounding their implementation and which will be closely monitored during the year.

The proposed savings will have significant implications for staff. Subject to the outcome of the Phase 2 public consultations, 127 employees will be at risk of redundancy (96 FTE) and associated exit costs are estimated to be in the region of £2m. The Government has recognised that councils will be challenged to fund these costs given the level of organisational change being proposed and is now allowing the Council to use capital receipts expected during next year to fund these costs provided that the conditions covering their use in this way are met. This will help the Council protect its level of General Fund reserves at what is considered to be a minimum prudent level of £6m.

3.2 Policy:

Because of the scale of the funding reductions required for 2016/17 it will be necessary to undertake a review of the Council Strategy to ensure that the priorities and projects are

still appropriate, affordable and achievable.

- 3.3 **Personnel:** There will be significant implications for staff. Subject to the outcome of the Phase 2 public consultations, 127 employees will be at risk of redundancy (96 FTE); and in addition 27 FTE vacant posts will be deleted. The trade unions have been consulted and the reductions in staffing will be handled in accordance with the Organisational Change Procedure.
- 3.4 **Legal:** Requirement to produce a Revenue Budget under the various Local Government Finance Acts. The savings proposals have been out to public consultation in order to meet the Council's Public Sector Equality Duty and responses considered in setting the budget. Challenges may be made to certain proposals by means of judicial review as well as under employment legislation in respect of staffing reductions. All cases have been assessed in order to reduce risk of challenge regarding the lawfulness of proposals.
- 3.5 **Risk Management:** There is a real inherent risk in achieving the scale of savings required in 2016/17. As part of the 2016/17 financial monitoring, savings proposals will be kept under monthly review to ensure they are deliverable. Appendices F and G set out how the impact of increased volatility in Local Government finance will be managed and consider the impact on levels of reserves.
- 3.6 **Property:** The full property implications will need to be determined and a strategy developed for dealing with the impact where the Council retracts from the whole or part of a property, for example, a library or children's centre. There could be a number of options to be investigated when the decision on the revenue budget have been agreed from; sale of the site, re-development, shared use, mothballing and/or change of use or re-letting for another purpose.
- 3.7 **Other:** In the light of the scale of the funding reductions required for 2016/17 the options available to the Council for making savings were very limited and it is acknowledged that in some cases the Council will be providing the minimum level of service for some of its Statutory Services.

4. Other options considered

- 4.1 The scale of the Local Government Settlement has left West Berkshire Council with limited options. We are proposing to increase Council Tax by 1.99% and apply the adult social care ring-fenced precept of a 2% increase to Council Tax. If these options were not taken, the savings requirement would be £3.2m higher. We have considered all options available to us in order to keep the savings requirement to the level it is. These options include use of capital receipts and transitional grant funding.

5. Executive Summary

- 5.1 Over the last six years, West Berkshire Council has had to find over £36m of revenue savings, which has been achieved through finding efficiencies, staff reductions and transforming services. Over two thirds of the Council's income comes from Council Tax, which has seen no increases in four out of the last six years, with the last increase being in 2013/14. Where there have been increases, these have been kept below 2%.
- 5.2 The provisional settlement figures for the next four years were issued on 17 December 2015 and the settlement for West Berkshire was much worse than expected. In 2016/17 we will receive 44% less in Revenue Support Grant (RSG) than in 2015/16, equating to a loss of £7.6m. This is the third largest cut to RSG of all Unitary Authorities in England. Although we had planned for RSG to be cut by 25% year on year, the cuts to RSG are being applied much faster than expected. A number of grants have been rolled into the RSG and have then been cut. The most significant of these is the freeze grant funding that we received for freezing Council Tax in prior years. For West Berkshire this amounted to £2.8m. This grant has now been rolled into the RSG and will be cut as part of the RSG cuts so that by 2019/20 none of our freeze grant will remain.
- 5.3 Central Government has introduced without warning, a new formula for distribution of council funding. West Berkshire loses from this formula because it is based on assumptions about our ability to raise Council Tax income. Central Government has assumed that local authorities will increase their Band D Council Tax by 1.75% (CPI forecast) and take up the ring-fenced 2% adult social care precept. Based on these assumptions, our grant funding has been reduced accordingly.
- 5.4 From 2013/14, the Council has been exposed to the volatility of our local business rate generation. Of the £89m collected locally the vast majority is paid over to central government leaving the Council with £17m. Whilst councils did not previously bear any risk from successful appeals by businesses to the Valuation Office, they are now liable for half of the cost, including any backdating liability, which in some cases may go back to 2005 or earlier. Appeals have had a significant impact on West Berkshire which has resulted in a loss of nearly £3m from back dated appeals and an ongoing loss of circa £850k per year. The Spending Review included proposals for further major transformation of local government funding, confirming that the Government will move to the retention of 100% of business rates by 2020, but no details have yet been issued on whether this will benefit local authorities.
- 5.5 The Care Act 2014 came into force in April 2015, introducing the most significant changes to social care legislation for 60 years. The most significant financial impact for the Council was the implementation of the new national eligibility criteria. This required the Council, which had previously met service users' "critical" needs only, to expand the number of clients supported, and the scope of packages of care, to meet this new definition of eligibility which is closer to that previously defined as "substantial". Despite the Government stating they would meet the costs of the Care Act in full, the total additional funding received (which has covered other elements of the Care Act, such as services to carers) has left the Council to cover a funding gap of £3m caused by this particular change. The Council (with another LA) judicially reviewed the Department of Health's assessment and decision making process and it agreed a further review of the eligibility criteria based on that

challenge. The local MP also made representation to the Secretary of State and additional funding may become available following the final outcome of all the review processes.

- 5.6 The Dedicated Schools Grant (DSG) does not form part of the Revenue budget as it is received by government and then passed straight out to schools. The funding is split into three blocks – schools, early years and high needs. The DSG settlement for 2016/17 was announced on 17 December 2015 and there will be a shortfall of £1.4m. The shortfall in funding will have a significant impact on all schools, making it harder for schools to balance their own individual budgets.
- 5.7 West Berkshire Council receives a ring-fenced grant to fund Public Health. The Government has announced savings in public health spending averaging annual real terms savings of 3.9% over the next five years and that the grant is to remain ring-fenced for a further two years in 2016/17 and 2017/18. In 2016/17 we will receive £6.2m.
- 5.8 A collection fund deficit of £1.01m has arisen because council tax debits raised have not matched expectations when the taxbase was set in December of the previous year. The taxbase reflects the actual number of properties liable to council tax adjusted for any relevant discounts and exemptions and with a further adjustment for the effect of new build property. In 2015/16 the physical number of new builds has met expectations but the rate of build has been slower, resulting in a lower value of debit. The deficit reduces our funding available by £1.01m.
- 5.9 Each year an increase in budget is required for the Council to perform exactly the same functions. As part of the budget setting process, the Council provides for general inflationary pressures such as salary increases, contractual inflation and increases to National Insurance and pension contributions.
- 5.10 Each year new unavoidable service pressures arise and need to be built into the revenue budget. The unavoidable pressures for 2016/17 amount to £3.89m and include £908k for children's placements, £551k for Ofsted Improvement plans for Children's Services, £600k for the transition of learning disability clients from children to adult placements and £179k for costs associated with Deprivation of Liberty Safeguarding. Full details are given in Appendix D.
- 5.11 Prior to the provisional settlement we had identified a need to find £10.8m savings in 2016/17, but in the light of these grant figures, this increased to £19m. By increasing Council Tax by 1.99% and applying the ring-fenced Adult Social Care precept of 2%, and making some changes to our assumptions around cost pressures and inflation, we have reduced this savings requirement to £14m. However, by choosing not to fund some cost pressures we are exposed to greater risk.
- 5.12 Given the scale of the task to arrive at a balanced budget for next year a number of significant saving proposals have been made including reductions to libraries, children centres, home to school transport, public transport subsidy, highway maintenance, provision of care services and many others.
- 5.13 As a result of these savings plans, 127 employees are at risk of redundancy (96 FTE) and in addition 27 vacant posts will be deleted. The associated exit costs are estimated to be in the region of £2m.

- 5.14 Given the scale of the savings requirement for 2016/17, some tough decisions have had to be made. We recognised that a number of the proposals being put forward within the revenue budget would be considered ‘front line’ services that people use and will miss. As a result, from 3 November to 14 December 2015, a public consultation exercise (Phase 1) was undertaken on the need to make £10.8m of savings in 2016/17. £4.6m of these savings affected frontline services. The consultation generated over 2,500 responses and covered 47 individual budget proposals.
- 5.15 Since the consultation closed on 14 December 2015 Members and officers have had the task of reading and assessing all of the comments received. The Revenue Budget papers has included, as Appendix N, the report which went to the Executive on 11 February 2016 which has been amended to reflect the comments made at that meeting including referencing the three petitions and a letter objecting to the proposed funding reductions for short breaks for children and bus route 143. This report also contains links to the verbatim comments, a summary of comments template, an overview and recommendations template and the Equality Impact Assessments templates for each of the 47 savings proposal.
- 5.16 Members are fully aware of the Public Sector Equality Duty which requires “decision makers” to keep the welfare of service users and their families at the forefront of their mind particularly those that are most disadvantaged. This is an important consideration when setting the 2016/17 budget.
- 5.17 In view of the unexpectedly poor Government RSG settlement it has been necessary to undertake a Phase 2 public consultation exercise. This commenced on 15 February 2016 and will conclude on 7 March 2016. There are 16 public facing savings proposals representing £2.1m.
- 5.18 It is proposed that the Council will set its budget on 1 March 2016. However, it is also proposed that the Executive, at its meeting on 24 March 2016, be given delegated authority to adjust these plans afterwards, should it need to. Once the consultation closes on 7 March 2016, the responses to our proposals will be fully considered. The Executive will be able to respond accordingly to any issues raised and will be proposing where the transitional grant funding of £1.39m will be used.
- 5.19 On 8 February 2016, Government announced their response to the consultation of the provisional Local Government Settlement. A transitional grant has been made available to be paid in each of the first two years of the settlement. West Berkshire will receive additional transitional grant funding from central government of £1.39m in 2016/17 and £1.37m in 2017/18. After the Phase 2 consultation on savings is closed, the Executive on 24 March 2016 will be proposing where the transitional grant funding will be used. The full list of savings proposals for 2016/17 are detailed in Appendix E, amounting to £14m.

6. Conclusion

- 6.1 The Council has been left with little room for manoeuvre to deliver a balanced budget for next year and has to propose significant savings to many valued services as detailed in the report.

- 6.2 As a result of these savings plans, 127 employees are at risk of redundancy (96 FTE) and in addition 27 vacant posts will be deleted. The associated exit costs are estimated to be in the region of £2m.
- 6.3 A public consultation exercise (Phase 1) was undertaken on the need to make £10.8m of savings in 2016/17. £4.6m of these savings affected frontline services. In view of the unexpectedly poor Government RSG settlement it has been necessary to undertake a Phase 2 public consultation exercise. This commenced on 15 February 2016 and will conclude on 7 March 2016. There are 16 public facing savings proposals representing £2.1m.
- 6.4 It is proposed that the Council will set its budget on 1 March 2016. However, it is also proposed that the Executive, at its meeting on 24 March 2016, be given delegated authority to adjust these plans afterwards, should it need to. Once the Phase 2 consultation closes on 7 March 2016, the responses to our proposals will be fully considered. The Executive will be able to respond accordingly to any issues raised, and will be proposing where the transitional grant funding of £1.39m will be used.
- 6.5 The Council's 151 officer (the Head of Finance) recommends that General Reserves are a minimum of 5% of the Council's net budget, which in 2016/17 should be £6m.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Contract Inflation
- 7.4 Appendix D – Unavoidable Service Pressures
- 7.5 Appendix E – Savings Proposals 2016/17
- 7.6 Appendix F - Reserves statements
- 7.7 Appendix G - Adequacy of reserves and robustness of budget estimates
- 7.8 Appendix H - Fees and charges
- 7.9 Appendix I - Special Expenses
- 7.10 Appendix J - Council Tax Collection Fund
- 7.11 Appendix K - Unison comments – *to be tabled*
- 7.12 Appendix L – Minutes of the Business Panel information meeting held on 22nd February 2016 - *to be tabled*
- 7.13 Appendix M – Council Tax Resolution
- 7.14 Appendix N – Budget Consultation
- 7.15 Appendix O – Efficiency Strategy for use of Capital Receipts 2016/17

Revenue Budget 2016/17 – Supporting Information

1. Introduction

- 1.1 The purpose of this paper is to propose the Council's revenue budget for 2016/17, to outline the context within which it is set, and to set a Council Tax requirement for 2016/17.
- 1.2 This report highlights that for West Berkshire residents there will be a Council Tax requirement of £82.28m requiring a Council Tax increase of 1.99% in 2016/17 and a ring-fenced 2% precept for adult social care. The Council has had to find savings of £14m in 2016/17, the highest in the Council's history.
- 1.3 Given the scale of task to arrive at a balanced budget for next year a number of significant saving proposals have been made including reductions to libraries, children centres, home to school transport, public transport subsidy, highway maintenance, provision of care services and many others.
- 1.4 The proposed savings will have significant implications for staff. Subject to the outcome of public consultations, 127 employees will be at risk of redundancy and associated exit costs are estimated to be in the region of £2m.
- 1.5 The report also proposes the Fees and Charges for 2016/17 as set out in Appendix H and the Special Expenses as set out in Appendix I.

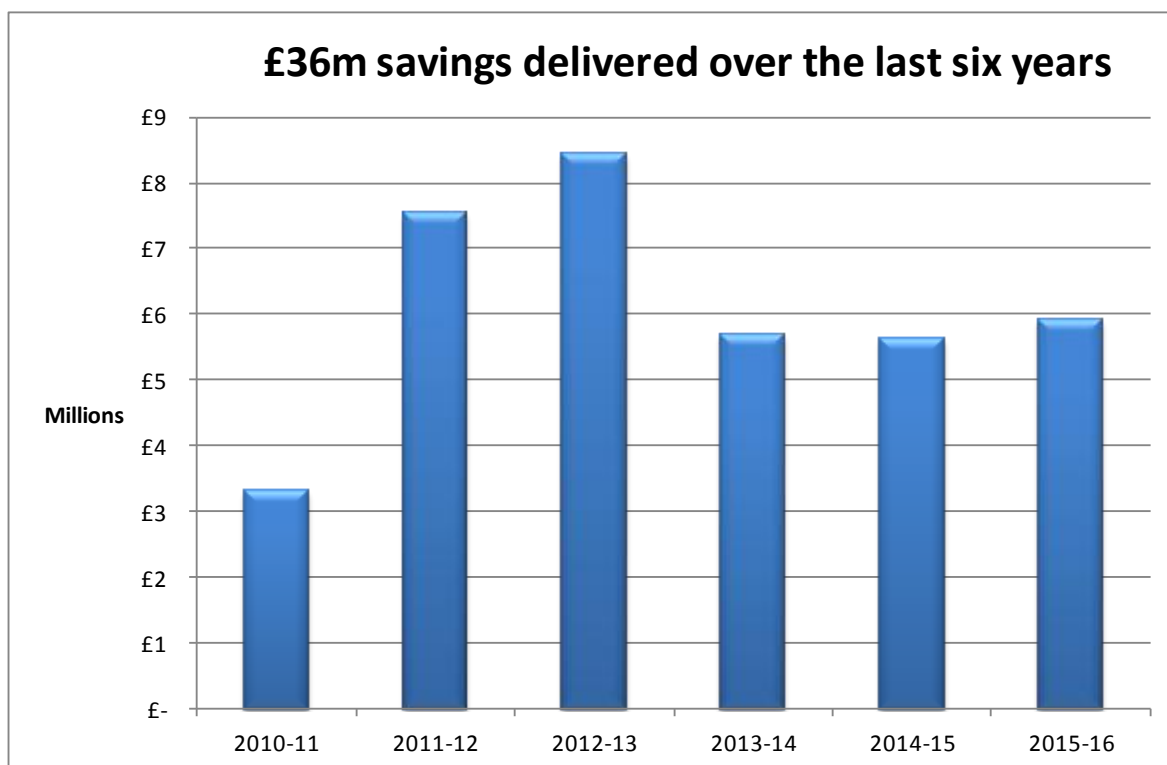
2. Background

- 2.1 Over the last six years, West Berkshire Council has had to find over £36m of revenue savings, which has been achieved through finding efficiencies, staff reductions and transforming services. This level of savings was required as a result of a number of factors:
 - (1) Since 2010, Council funding from Central Government has significantly reduced as part of the deficit reduction programme.
 - (2) Since 2013/14, the Council has been exposed to the volatility of our local business rate generation. This represents both an opportunity to benefit from growth, but also a risk. Since the introduction of local business rate retention, growth has stagnated and a number of large appeals from business to the Valuation Office have reduced the Council's income. We have faced a loss of nearly £3m from backdated appeals and an ongoing loss of circa £850k per year.
 - (3) The Care Act 2014 came into force in April 2015, introducing the most significant changes to social care legislation for 60 years. Despite the Government stating they would meet the costs of the Care Act in full, the Council has been left to cover an annual funding gap of £3m.
 - (4) The Council's costs rise by about 2% each year to perform exactly the same functions with no new demands. There have also been new cost

pressures such as increased demands on children’s placements, social worker recruitment, demand for social care and demand for services such as waste management.

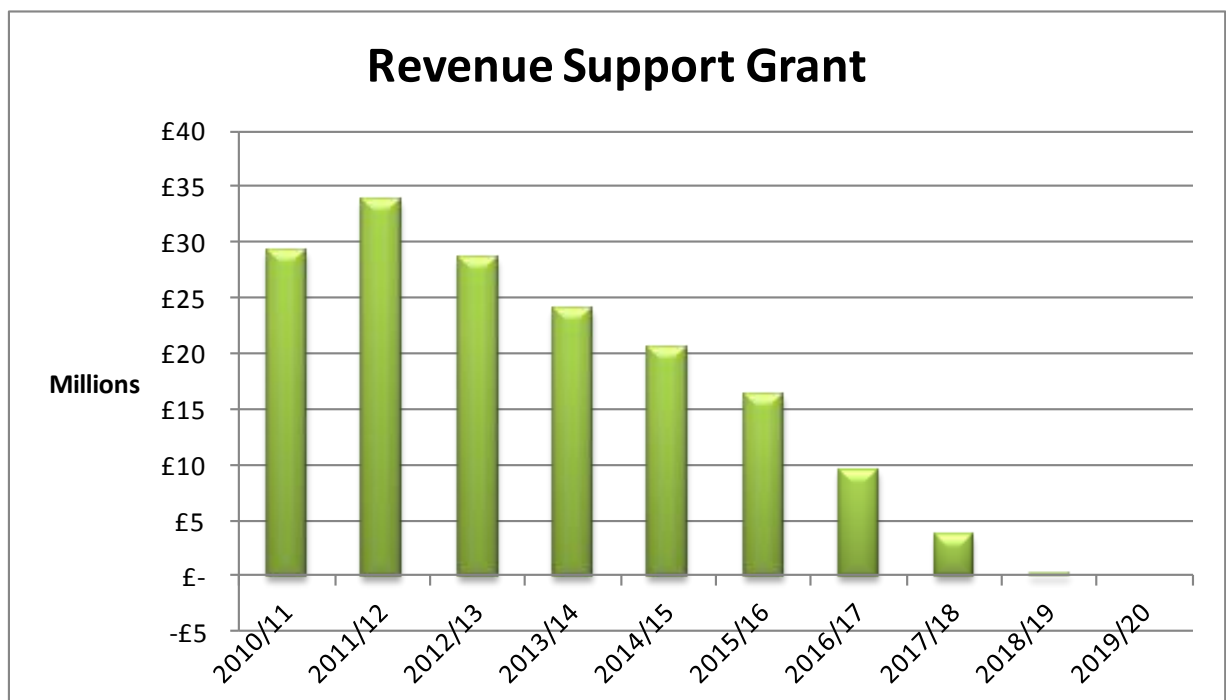
- (5) Over two thirds of the Council’s income comes from Council Tax, which has seen no increases in four out of the last six years, with the last increase being in 2013/14. Where there have been increases, these have been kept below 2%.

2.2 During this period, we have put in place a programme to remain within our budget which has delivered savings of around £36m as shown in the following chart:



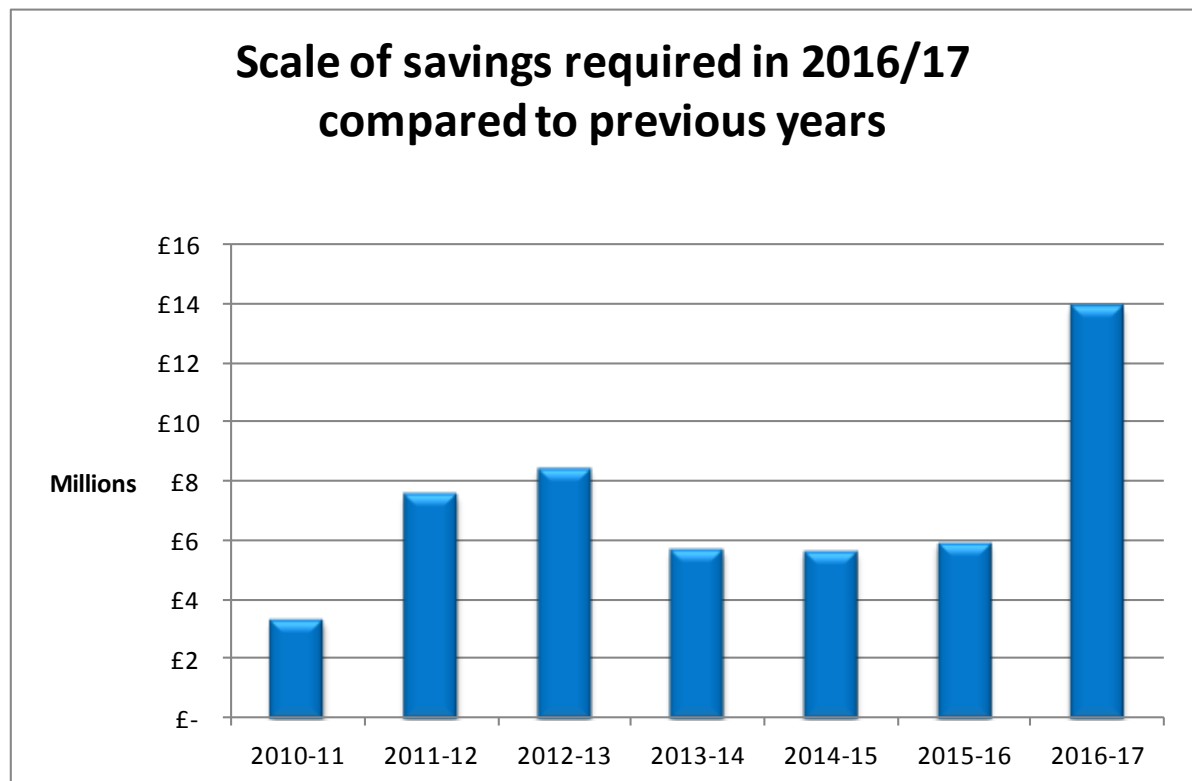
3. Local Government Settlement 2016-17

3.1 The provisional settlement figures for the next four years were issued on 17 December 2015 and the settlement for West Berkshire was much worse than expected. In 2016/17 we will receive 44% less in Revenue Support Grant (RSG) than in 2015/16, equating to a loss of £7.6m. This is the third largest cut to RSG of all Unitary Authorities in England. Although we had planned for RSG to be cut by 25% year on year, the cuts to RSG are being applied much faster than expected. The scale of RSG cuts are shown in the following chart:



- 3.2 By 2019/20 we will no longer receive any RSG, and will also be charged an additional tariff on our business rates in order to meet the overall reductions to local government funding set in the Spending Review. A number of grants have been rolled into the RSG and have then been cut. The most significant of these is the freeze grant funding that we received for freezing Council Tax in prior years. For West Berkshire this amounted to £2.8m. This grant has now been rolled into the RSG and will be cut as part of the RSG cuts so that by 2019/20 none of our freeze grant will remain.
- 3.3 The Spending Review included proposals for further major transformation of local government funding, confirming that the Government will move to the retention of 100% of business rates by 2020, but no details have yet been issued on whether this will benefit local authorities.
- 3.4 Central Government has introduced without warning, a new formula for distribution of council funding. West Berkshire loses from this formula because it is based on assumptions about our ability to raise Council Tax income. Central Government has assumed that local authorities will increase their Band D Council Tax by 1.75% (CPI forecast) and take up the 2% ring-fenced adult social care precept. Based on these assumptions, our grant funding has been reduced accordingly.
- 3.5 Our Education Services grant has been cut as a result of the General Funding Rate for schools being reduced from £87 to £77 per pupil. This has cost us £180k in 2016/17.
- 3.6 The New Homes Bonus funding is below our previous expectations as a result of proposed reforms, and this is forecast to fall by £1.5m in 2018/19 and a further £100k in 2019/20.
- 3.7 Prior to the provisional settlement we had identified a need to find £10.8m savings in 2016/17, but in the light of these grant figures, this increased to £19m. By increasing Council Tax by 1.99% and applying the Adult Social Care ring-fenced precept of 2%, and making some changes to our assumptions around cost

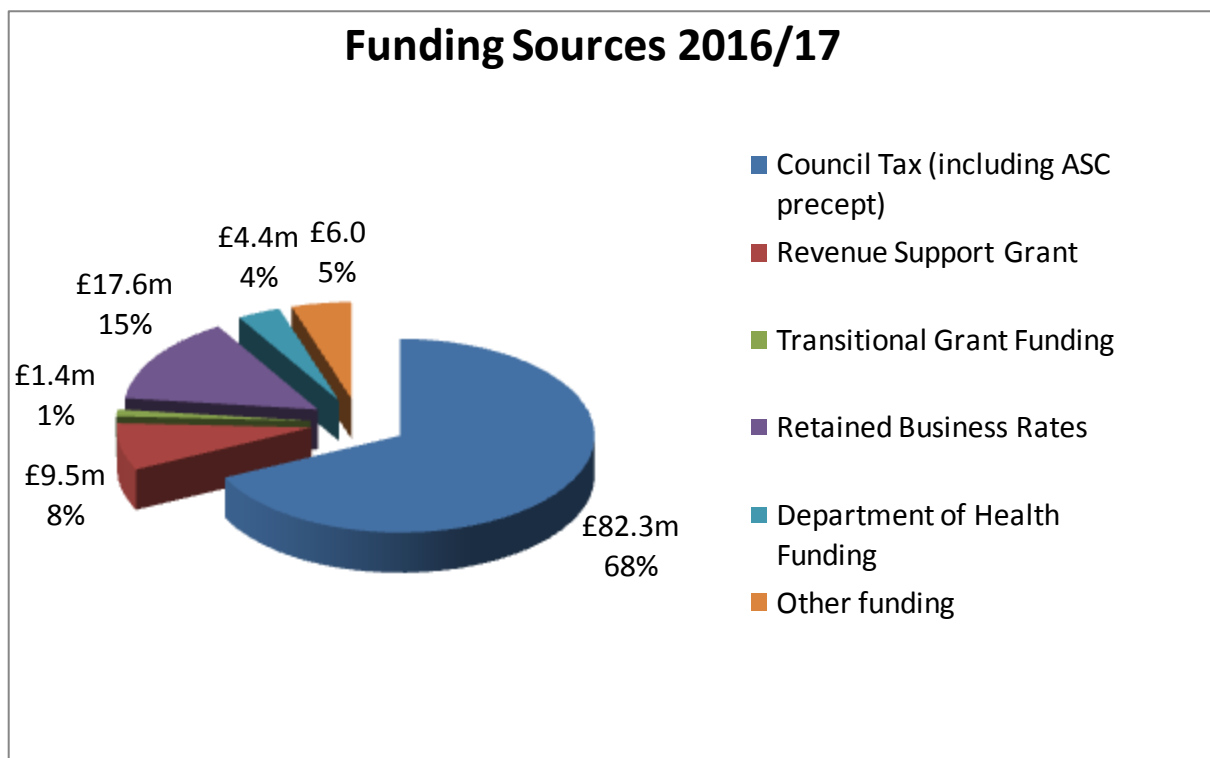
pressures and inflation, we have reduced this savings requirement to £14m. However, by choosing not to fund some cost pressures we are exposed to greater risk. The scale of savings compared to previous years is shown in the following chart:



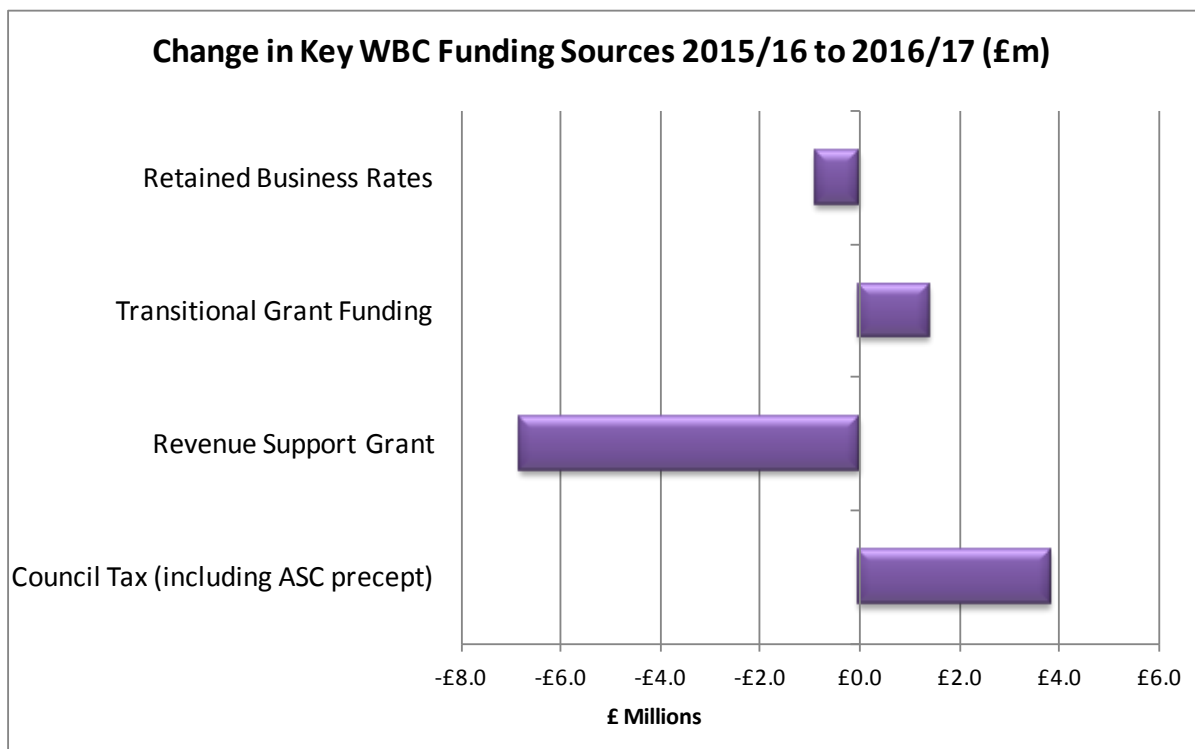
3.8 On 8 February 2016, Government announced their response to the consultation of the provisional Local Government Settlement. A transitional grant has been made available to be paid in each of the first two years of the settlement. West Berkshire will receive additional transitional grant funding from central government of £1.39m in 2016/17 and £1.37m in 2017/18. After the Phase 2 consultation on savings is closed, the Executive on 24 March 2016 will be proposing where the transitional grant funding will be used.

4. Sources of Funding

4.1 The sources of funding for the revenue budget for West Berkshire Council in 2016/17 are shown in the following chart. This does not include ring-fenced grants which are used to fund specific areas.



- 4.2 **Council Tax.** West Berkshire Council’s main source of funding is from Council Tax, which is collected from local residents based on the value of the property in which they live. The recommendation included within this report is a Council Tax increase of 1.99% for 2016/17 and a 2% ring-fenced precept for adult social care.
- 4.3 **Revenue Support Grant (RSG).** Councils receive a general grant from Government to support the services provided. There are no restrictions on how this is used, within a council’s legal powers. West Berkshire Council will receive Revenue Support Grant of £9.5m in 2016/17. This represents a reduction in this funding of 44%, or a £7.6m reduction from 2015/16.
- 4.4 **Transitional Grant Funding.** This was announced on 8 February 2016 as a response to the consultation on the Provisional Local Government Finance Settlement and is available for the first two years of the settlement.
- 4.5 **Retained Business Rates.** From 2013/14, councils keep a proportion of the income they receive from business rates raised in their area. Of the £87m collected locally the vast majority is paid over to central government leaving the Council with £17.6m. Currently councils have limited ability to counteract risk in relation to appeals and avoidance, and this is especially the case for councils dependent on a small number of large businesses. Whilst councils did not previously bear any risk from successful appeals, they are now liable for half of the cost, including any backdating liability, which in some cases may go back to 2005 or earlier. Appeals have had a significant impact on West Berkshire which has resulted in a loss of nearly £3m from back dated appeals and an ongoing loss of circa £850k per year.
- 4.6 The chart below shows the change to the three main funding sources compared to last year.



4.7 **Department of Health Funding.** This funding via the Better Care Fund is to be spent locally on health and care with the aim of achieving closer integration and improve outcomes for patients and service users and carers. In 2016/17 the fund will be allocated to local areas where it will be put into pooled budgets under Section 75 joint governance arrangements between CCGs and councils. A condition of accessing the money is that the CCGs and councils must jointly agree plans for how the money will be spent, and these plans must meet certain requirements. In addition to this the Department of Health is providing grants to meet some of the new burdens arising from the Care Act but this does not include the additional eligibility cost of £3m the Council is currently having to accommodate despite previous reassurances from the Department of Health that these additional costs would be funded and discussions on this matter are still continuing.

4.8 **Other Funding.** West Berkshire Council receives a number of specific grants to support its priorities:

- (1) **Education Services Grant.** This is allocated on a per-pupil basis to local authorities according to the number of pupils for whom they are responsible. For 2016/17 this amounts to £1.84m for West Berkshire Council, a reduction of £187k from 2015/16. The reduction is as a result of reducing the pupil funding rate from £87 per pupil to £77.
- (2) **New Homes Bonus.** This is paid to councils to encourage them to build new homes. This gives councils a grant equivalent to their increase in Council Tax income for a period of six years for each new home. There is additional money if any of these new homes are affordable housing. West Berkshire Council will receive £3.95m from this grant in 2016/17, which is an increase of £892k from 2015/16 as a result of reaching year six of the scheme.
- (3) **Collection Fund Deficit.** A collection fund deficit of £1.01m has arisen because council tax debits raised have not matched expectations when

the taxbase was set in December of the previous year. The taxbase reflects the actual number of properties liable to council tax adjusted for any relevant discounts and exemptions and with a further adjustment for the effect of new build property. In 2015/16 the physical number of new builds has met expectations but the rate of build has been slower, resulting in a lower value of debit. The deficit reduces our funding available by £1.01m.

- (4) **Capital Receipt.** As part of the Local Government Spending Review, the Government has provided councils with the flexibility to use capital receipts to fund transformation and restructuring of services in order to achieve efficiencies and revenue cost savings. In order to qualify for this flexibility, the authority must prepare an Efficiency Strategy which is included in Appendix O. The initial strategy must be approved by Council by 31 March 2016. This may be updated at any point in the year to take account of any change to the estimated level of capital receipts available and their planned use. Any amendments must also be approved by Council. The main capital receipt available in 2016/17 is £2.9m from the sale of the former Pound Lane depot. This will be used to fund the expected cost of redundancies in 2016/17 of £1.9m, which will generate annual savings of £2.7m, and to fund the transformation of service provision costing an estimated £1m, which will generate annual savings of £500k.

4.9 **Ring-fenced Funding.** The Council receives ring-fenced funding which must be spent on these specific areas. The largest of these are detailed below:

- (1) **Dedicated Schools Grant (DSG).** The DSG does not form part of the Revenue budget as it is received by government and then passed straight out to schools. The funding is split into three blocks – schools, early years and high needs. The DSG settlement for 2016/17 was announced on 17 December 2015 and there will be a shortfall of £1.4m. The shortfall in funding will have a significant impact on all schools, making it harder for schools to balance their own individual budgets. The available funding compared to the budget estimates for 2016/17 is shown in the following table:

2016/17 Estimate	DSG Funding £'000	Budget Estimate £'000	Headroom/ (Shortfall) £'000
Schools Block	96,718	96,112	606
Early Years Block	6,708	6,824	-116
High Needs Block	19,464	21,379	-1,915
Total	122,890	124,315	-1,425

- (2) **Public Health Grant.** West Berkshire Council receives a ring-fenced grant to fund Public Health. The Government has announced savings in public health spending averaging annual real terms savings of 3.9% over the next five years and that the grant is to remain ring-fenced for a

further two years in 2016/17 and 2017/18. In 2016/17 we will receive £6.2m. Details of the savings required to meet the cut in grant in 2016/17 are shown in Appendix E iv).

5. Planned Revenue Expenditure

BASE BUDGET GROWTH

- 5.1 This is the budget increase required for the Council to perform exactly the same functions year on year. As part of the budget setting process, the Council provides for general inflationary pressures such as salary increases (1% assumption) based on the established number of posts, together with salary increments and increases to National Insurance and pension contributions. From April 2016, the new State Pension will replace the existing basic and additional State Pension and will bring to an end 'contracting-out' and the National Insurance rebate. For employers, the standard rate of National Insurance is 13.8% of all earnings above the secondary threshold for all employees and we will no longer receive the 3.4% National Insurance rebate. The impact for West Berkshire Council in 2016/17 is expected to be in the region of £800k.

BASE BUDGET GROWTH - CARE ACT ELIGIBILITY

- 5.2 The first phase of the Care Act 2014 came into force in April 2015 and introduced the most significant changes to social care legislation for 60 years. The most significant financial impact for the Council was the implementation of the new national eligibility criteria. This required the Council, which had previously met service users' "critical" needs only, to expand the number of clients supported, and the scope of packages of care, to meet this new definition of eligibility which is closer to that previously defined as "substantial". Despite the Government stating they would meet the costs of the Care Act in full, the total additional funding received (which has covered other elements of the Care Act, such as services to carers) has left the Council to cover a funding gap of £3m in caused by this particular change. The Council (with another LA) judicially reviewed the Department of Health's assessment and decision making process and it agreed a further review of the eligibility criteria based on that challenge. The local MP also made representation to the Secretary of State and additional funding may become available following the final outcome of all the review processes.

CONTRACT INFLATION

- 5.3 Budgets are inflated where a contract is in place and is subject to annual inflationary increases. This amounts to £383k in 2016/17. The main amount of contract inflation the Council faces is from the waste PFI contract. This contract increase is based on the RPIx measure in January of each year. Full details are given in Appendix C.

UNAVOIDABLE SERVICE PRESSURES

- 5.4 Each year new unavoidable service pressures arise and need to be built into the revenue budget. The unavoidable pressures for 2016/17 amount to £3.9m and include £908k for children's placements, £551k for Ofsted Improvement plans for Children's Services, £600k for the transition of learning disability clients from children to adult placements and £179k for costs associated with Deprivation of Liberty Safeguarding. Full details are given in Appendix D.

OTHER RISKS

- 5.5 The Council is also facing a number of risk items that will arise during 2016/17 but cannot yet be quantified. The main risk items are:
- (1) introduction of the National Living Wage, which will affect some Council employees and service providers that we commission
 - (2) part year impact of any delays to implementing the savings plans for 2016/17
 - (3) possible delay to the recruitment and retention of permanent social workers in Children's Services
 - (4) increases in demand for services over and above budget assumptions.

6. Savings

- 6.1 Given the scale of task to arrive at a balanced budget for next year a number of significant saving proposals have been made including reductions to libraries, children centres, home to school transport, public transport subsidy, highway maintenance, provision of care services and many others as detailed in Appendix E totalling £14m.
- 6.2 As a result of these savings plans, 127 employees are at risk of redundancy (96 FTE) and in addition 27 vacant posts will be deleted. The associated exit costs are estimated to be in the region of £2m. The Council is proposing in the Efficiency Strategy at Appendix O, to use capital receipts to fund these costs given the level of organisational change being proposed.

7. Budget Consultation 2016/17

- 7.1 Given the scale of the savings requirement for 2016/17, some tough decisions have had to be made. We recognised that a number of the proposals being put forward within the revenue budget would be considered 'front line' services that people use and will miss. As a result, from 3 November to 14 December 2015, a public consultation exercise (Phase 1) was undertaken on the need to make £10.8m of savings in 2016/17. £4.6m of these savings affected frontline services. The consultation generated over 2,500 responses and covered 47 individual budget proposals.
- 7.2 Since the consultation closed on 14 December 2015 Members and officers have had the task of reading and assessing all of the comments received. The Revenue Budget papers has included, as Appendix N, the report which went to the Executive on 11 February 2016 which has been amended to reflect the comments made at that meeting including referencing the three petitions and a letter objecting to the proposed funding reductions for short breaks for children and bus route 143. This report also contains links to the verbatim comments, a summary of comments template, an overview and recommendations template and the Equality Impact Assessments templates for each of the 47 savings proposal.
- 7.3 Members are fully aware of the Public Sector Equality Duty which requires "decision makers" to keep the welfare of service users and their families at the forefront of

their mind particularly those that are most disadvantaged. This is an important consideration when setting the 2016/17 budget.

- 7.4 In view of the unexpectedly poor Government RSG settlement it has been necessary to undertake a Phase 2 public consultation exercise. This commenced on 15 February 2016 and will conclude on 7 March 2016. There are 16 public facing savings proposals representing £2.1m.
- 7.5 It is proposed that the Council will set its budget on 1 March 2016. However, it is also proposed that the Executive, at its meeting on 24 March 2016, be given delegated authority to adjust these plans afterwards, should it need to. Once the consultation closes on 7 March 2016, the responses to our proposals will be fully considered. The Executive will be able to respond accordingly to any issues raised, and will be proposing where the transitional grant funding of £1.39m will be used. The full list of savings proposals for 2016/17 are detailed in Appendix E, amounting to £14m.

8. Levies and Capital Financing Costs

- 8.1 This budget includes approximately £9.6 million for principal and interest payments on the long term loans which the Council has taken out to fund its capital programme. This cost is offset by interest earned on the Council's investments estimated at about £0.39 million. The remaining budget also includes levies set by the Environment Agency and the Thames Valley Magistrates Courts Service.

9. Fees and Charges

- 9.1 The proposed changes to each Directorates fees and charges are shown in Appendix H. There are generally two types of charges; statutory and discretionary and the rationale behind the proposed increases are included in detail in Appendices H i) to H iv).

10. Funding Statement

- 10.1 The Funding Statement for 2016/17 shows all non-ringfenced funding available to the Council which can be used to fund the budget requirement.

2016/17 Funding Statement	£m	£m
Income		
Council Tax income		82.28
Revenue Support Grant		9.53
Transitional Grant Funding		1.39
Other Non-Ringfenced Grants		0.07
Retained Business Rates		17.65
Education Services Grant (ESG)		1.84
Department of Health Funding		4.37
New Homes Bonus		3.95
Council Tax Collection Fund deficit		-1.01
Use of Capital Receipt		1.17
Funds available		121.25
Expenditure		
Opening Directorate Budget	116.30	
Base budget growth	2.07	
Contract inflation	0.38	
Unavoidable service pressures	3.89	
Other risks	1.97	
Savings identified	-13.90	
Use of transitional grant funding	1.39	
Directorate budget requirement		112.09
Levies & capital financing costs		9.10
Net Budget Requirement for Management Accounting		121.19
Use of Reserves (-)		0.00
CTSS support for Parishes		0.05
Budget requirement		121.25

11. Reserves

- 11.1 As part of the financial planning process, the Council will consider the establishment and maintenance of reserves. Reserves are categorised into General Reserves, Earmarked Reserves, Capital Reserves and Unusable Reserves.
- 11.2 The General Reserves consist of the General Fund and the Medium Term Financial Volatility Reserve (MTFVR).
- (1) The General Fund exists to cover a number of risks. These are detailed as per the s151 officer's statement in Appendix G; there are a number of items that have inherent but not specific risks. If the risks occur, then this would reduce the General Reserves, assuming that every other Council budget breaks even. If the Council over spends then it will need to establish a mechanism for replenishing reserves in future years.

- (2) The Medium Term Financial Volatility Reserve (MTFVR) was created in 2012/13 to cover a number of risks, primarily resulting from changes to local government finances and the volatility that these present.

11.3 At 31 March 2015 the General Reserves amounted to £7.97m, comprising £6.44m in the General Fund and £1.53m in the MTFVR. During 2015/16, the General Reserves decreased by £2.75m for the following reasons:

- (1) £1.15m to support the 2015/16 budget
 (2) £1m to create an earmarked reserve for schools in financial difficulty
 (3) £0.6m to fund the 2015/16 over spend as forecast at quarter three.

11.4 The Council s151 officer (the Head of Finance) recommends that General Reserves are a minimum of 5% of the Council's net budget, which in 2016/17 should be £6m. In order to ensure the General Reserves meet the £6m prudent level recommended by the s151 officer, £780k has been released from Earmarked Reserves by reassessing the risks relating to these items. General Reserves are now expected to amount to £6m, comprising £4.97m General Fund and £1.03m MTFVR.

12. Special Expenses

12.1 There are six Parish special expenses areas within the District and the special expenses to be levied are detailed below:

North Fawley – St Mary the Virgin	£350
Hungerford Footway Lighting	£4,280
Kintbury – St Mary's Churchyard	£5,100
Shaw – St Mary's Churchyard	£910
Theale – Holy Trinity	£1,270
Tilehurst – St Michael's	£12,500
Total	£24,410

12.2 The special expenses to be levied for these areas are detailed in Appendices I.

13. Options for Consideration

13.1 The scale of the Local Government Settlement has left West Berkshire Council with limited options. We are proposing to increase Council Tax by 1.99% and apply the adult social care ring-fenced precept of a 2% increase to Council Tax. If these options were not taken, the savings requirement would be £3.2m higher. We have considered all options available to us in order to keep the savings requirement to the level it is. These options include use of capital receipts and transitional grant funding.

14. Proposals

- (1) That the responses received to each of the 47 public facing savings proposals in relation to Phase 1 of the public consultation exercise undertaken on the 2016/17 budget be noted.
- (2) That Council consider the use of the 2016/17 transitional grant as a means of mitigating the impact of some of the Phase 1 proposals and where this is not used, the recommendations set out in the Overview and Recommendations template be approved.
- (3) That Council recommend that those public health grant funded services (marked as “to be progressed”) in the Overview and Recommendations template totalling £114,000 be progressed.
- (4) That the 2016/17 revenue budget requirement for Council Tax setting purposes of £82.28 million requiring a Council Tax increase of 1.99% be approved.
- (5) That the 2% ring-fenced adult social care precept be applied.
- (6) That the Fees and Charges be approved as set out in Appendix H and the appropriate statutory notices be placed where required.
- (7) That the Special Expenses be approved as set out in Appendix I.
- (8) That the Efficiency Strategy for Use of Capital Receipts be approved as set out in Appendix O.
- (9) That the Executive, on 24 March 2016, be given delegated authority to adjust the Council’s budget plans, should the responses to Phase 2 of the public consultation require it to do so.
- (10) That the Executive, on 24 March 2016, propose where the transitional grant funding of £1.39m will be used.

15. Conclusion

- 15.1 The Council has been left with little room for manoeuvre to deliver a balanced budget for next year and has to propose significant savings to many valued services across the Council as detailed in the report.
- 15.2 As a result of these savings plans, 127 employees are at risk of redundancy (96 FTE) and in addition 27 vacant posts will be deleted. The associated exit costs are estimated to be in the region of £2m.
- 15.3 A public consultation exercise (Phase 1) was undertaken on the need to make £10.8m of savings in 2016/17. £4.6m of these savings affected frontline services. In view of the unexpectedly poor Government RSG settlement it has been necessary to undertake a Phase 2 public consultation exercise. This commenced on 15 February 2016 and will conclude on 7 March 2016. There are 16 public facing savings proposals representing £2.1m.

15.4 It is proposed that the Council will set its budget on 1 March 2016. However, it is also proposed that the Executive, at its meeting on 24 March 2016, be given delegated authority to adjust these plans afterwards, should it need to. Once the Phase 2 consultation closes on 7 March 2016, the responses to our proposals will be fully considered. The Executive will be able to respond accordingly to any issues raised, and will be proposing where the transitional grant funding of £1.39m will be used.

15.5 The Council s151 officer (the Head of Finance) recommends that General Reserves are a minimum of 5% of the Council's net budget, which in 2016/17 should be £6m.

Background Papers:

None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- BEC – Better educated communities**
- SLE – A stronger local economy**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- SLE1 – Enable the completion of more affordable housing**
- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**
- P&S1 – Good at safeguarding children and vulnerable adults**
- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

Officer details:

Name: Andy Walker
Job Title: Head of Finance
Tel No: (01635) 519433
E-mail Address: awalker@westberks.gov.uk

Phase 1 Budget Consultation 2016-17 - Summary Report

Committee considering report:	Special Executive on 25 February 2016 Council on 1 March 2016
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	1 February 2016
Report Author:	Andy Day, Head of Strategic Support
Forward Plan Ref:	C2979

1. Purpose of the Report

- 1.1 This report provides an update on the results of Phase 1 of the public consultation exercise in relation to the 2016/17 budget. This report provides information on the total number of responses received to the consultation and details of the total number of responses received for each savings proposal.
- 1.2 This report also provides details where “counter proposals” have been made by organisations and looks at those savings proposals which are currently funded by the public health grant.

2. Recommendation

- 2.1 That the responses received to each of the 47 public facing savings proposals in relation to Phase 1 of the public consultation exercise undertaken on the 2016/17 budget be noted.
- 2.2 That, should transitional funding not be appropriate, Full Council progress each of the non-public health grant funded savings proposals (29 individual proposals in total) and the one income proposal relating to car parking as set out in Appendix A.
- 2.3 That it be a recommendation to Council that those public health grant funded services set out in paragraph 3.4 of Appendix “A” totalling £114,000 be progressed.

3. Implications

- 3.1 **Financial:** This report will contribute to and inform the 2016/17 budget report and discussion at Council on 1 March 2016.
- 3.2 **Policy:** N/A
- 3.3 **Personnel:** Some of the savings proposals will have an impact on staff and where this is the case these have been identified and appropriate action taken.
- 3.4 **Legal:** The Public Sector Equality Duty (149 (1) requires a Local Authority in exercise of its functions to 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.

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The essential duty is that decision makers must keep the welfare of service users at the forefront of their mind, but also families, and especially their families who are most disadvantaged.

3.5 **Risk Management:** N/A

3.6 **Property:** N/A

3.7 **Other:** In relation to the Mortimer to Willink Home to School Transport route the On-Highways aspect has been assessed by our Highways Engineers in accordance with Road Safety GB guidelines. In response to feedback, the Council commissioned a 2nd independent review which also concluded that the On-Highways aspect was suitable as a route to school.

4. **Other options considered**

4.1 The Council is required to consult on its 2016/17 budget by virtue of the Equality Act 2010 and particularly in relation to any proposals which might have a public impact.

5. Executive Summary

- 5.1 In agreeing a balanced budget for 2016/17 the Council was initially required to find a total of £10.8m of savings. Approximately £4.6m of these savings were identified as potentially having a public impact.

6. Consultation Approach

- 6.1 The Council launched Phase 1 of its public consultation on its 2016/17 budget on 3 November 2015. The consultation ran for 6 weeks which concluded on 14 December 2015. A total of 2458 responses were received to the 47 individual savings proposals. Approximately 1,000 of these responses were received in the last week and required a significant effort to make sure that all of the responses were entered on to the system and reflected in this report.
- 6.2 A table showing the number of responses for each proposal is set out in Appendix B to this report along with templates providing an overview and summary of the comments received to each proposal. It should be noted at this stage that it is not the number of responses which should be focused on but the responses to the two questions about impact.
- 6.3 As already stated there were 47 public facing savings proposals for 2016/17 compared to 18 in 2014/15 and 2015/16. The 47 savings proposals represented £4.6m. The consultation was launched with a video of the Chief Executive explaining the financial challenges faced by the Council.
- 6.4 The proposals were published on the Council's consultation finder database with information disseminated to all registered consultees. The proposals were also e mailed round to approximately 900 members of the community panel as well information being posted on Facebook and Twitter accounts. A press release was also issued drawing attention to the public consultation exercise.
- 6.5 Of the 47 public facing savings proposals 18 related to services funded by the public health grant which has been ring fenced by the Government for a further two years. Although the Council has to make savings of £139,000 from the public health grant in 2016/17 it is only proposed to reduce funding to those public facing savings proposals set out in Paragraph 3.4 of Appendix A which totals £114,000.
- 6.6 At the Executive on 11 February 2016 three petitions and a letter were presented requesting the Council to reconsider its proposals to reduce funding in the following areas:
- (i) Short Breaks for Children - The petition contained 3694 signatures.
 - (ii) 143 bus service in Purley and Pangbourne - The petition contained 253 signatures.
 - (iii) 143 bus service in Basildon - The petition contained 352 signatures.
- 6.7 The letter was from the Pangbourne and Whitchurch Sustainability Group supporting the sentiments of the two petitions relating to the 143 bus service.

7. Conclusion

- 7.1 The public consultation on the 2016/17 budget attracted around 2500 responses. Details of all responses and recommendations are set out in the individual templates and further distilled in the spreadsheet attached to the report.

8. Appendices

- 8.1 Appendix A - Supporting Information (Main Report)
- 8.2 Appendix B - Summary of Recommendations
- 8.3 Appendix C - Table showing the total number of responses received to each proposal
- 8.4 Appendix D – Overview of Responses and Recommendations, Summary of Responses, Verbatim Responses and Equalities Impact Assessment are published on the 47 individual consultation pages and can be accessed via the central index page for [Budget Proposals 2016/17 Phase One](#).

Phase 1 Budget Consultation 2016/17 - Supporting Information

1. Introduction/Background

- 1.1 This report provides feedback on the results of Phase 1 of the public consultation exercise undertaken in relation to the 2016/17 budget. This report provides information on the total number of responses received to the consultation and details of the responses for each savings proposal and the themes of those responses.
- 1.2 This report also highlights those areas where organisations have made “counter” proposals in response to the question asked within the consultation about “what can you do to help mitigate the impact of this proposal?”
- 1.3 The report also looks at those savings proposals which are funded by the public health grant which has been ring fenced for a further two years.
- 1.4 The Council launched its public consultation on its 2016/17 budget on 3 November 2015. The consultation ran for 6 weeks and concluded on 14 December 2015. A total of 2458 responses were received to the 47 individual savings proposals. Approximately 1,000 of these responses were received in the last week of the consultation and required a great deal of work to make sure that all responses were entered on to the system.
- 1.5 A spreadsheet (Appendix B) proposes a recommendation for each of the 47 individual savings proposals. A summary of the total number of responses to each of the proposals is also set out in Appendix C. Appendices D and E provide a summary and overview of the responses received to each of the proposals. A further spreadsheet (Appendix F) is also attached which provides the Equality Impact Assessments, verbatim comments and summary of responses for each proposal.
- 1.6 As already stated there were 47 public facing savings proposals for 2016/17 compared to 18 in 2014/15 and 2015/16. The scale of the consultation was therefore significantly different compared to the last two years. The total value of the public facing savings proposals was £4.6m. The consultation was launched with a video of the Chief Executive explaining the financial challenges faced by the Council.
- 1.7 The 47 individual savings proposals were published on the Council’s consultation finder database with information disseminated to all registered consultees. The proposals were also e mailed round to around 900 members of the community panel as well information being posted on Facebook and Twitter accounts. A press release was also issued drawing attention to the public consultation exercise.
- 1.8 All of the organisations impacted by the proposals were also contacted prior to the consultation exercise going live so were aware of the proposals and the potential impact on them.

- 1.9 The consultation asked the following questions:
1. What would be the impact on you or your community?
 2. What can you do to help mitigate this impact?
- 1.10 The consultation exercise generated a great deal of feedback from the public . Where organisations have made counter proposals these are set out in the summaries and distilled further in Section 2 of this report.
- 1.11 Section 3 deals with those savings proposals currently funded by the public health grant and makes recommendations on those public facing proposals which should be progressed given the need to save 2.2% of this budget in 2016/17.
- 1.12 Section 4 deals with the Equality Impact Assessment aspects of the savings proposals and details the four outcomes which are possible arising from the public consultation.
- 1.13 At the Executive on 11 February 2016 three petitions and a letter were presented requesting the Council to reconsider its proposals to reduce funding in the following areas:
- (i) Short Breaks for Children - The petition contained 3694 signatures.
 - (ii) 143 bus service in Purley and Pangbourne - The petition contained 253 signatures.
 - (iii) 143 bus service in Basildon - The petition contained 352 signatures.
- 1.14 The letter was from the Pangbourne and Whitchurch Sustainability Group supporting the sentiments of the two petitions relating to the 143 bus service.

2. Counter Proposals

- 2.1 A number of “counter “proposals have been suggested by organisations impacted by some of these proposals and these are summarised below:
- (i) CCTV - This service currently costs the Council £224,000 annually. In response to the consultation, Newbury Town Council working with Newbury BID, Thames Valley Police are developing a proposal which will hopefully see a CCTV system being retained in Newbury. Thatcham, Hungerford Town Councils Lambourn and Theale Parish Councils are also considering whether to develop their own bespoke CCTV service.
 - (ii) Empowering West Berkshire - EWB are the umbrella organisation for the voluntary and community sector (VCS). The £50,000 currently goes towards the employment of 1.5fte. All other costs are currently met by Greenham Common Trust.

EWB has made a “counter” proposal to the Council and has agreed to take a funding reduction of £10,000 per annum making the overall cost of operating an umbrella organisation for the VCS £40,000 a year. EWB has committed to securing other funding to bridge this gap. The responses received to this proposal show the value of the organisation and the help that they have provided across the sector.

- (iii) Home to School Transport - The Council currently spends a total of £246,400 on 366 pupils. Having regard to the responses received the following options have been proposed by officers:
 - (a) The Council continues to operate its home to school transport services but for those pupils whose entitlement to free transport has ceased a seat could be offered on a Fare Payer basis.
 - (b) School or community-led bus service - The Council could encourage the schools or community to set up appropriate bus services.
 - (c) Mortimer to Willink Route - The Council could undertake appropriate infrastructure works such as signage, drainage, vegetation maintenance and purchase school lockers to make it easier for pupils to walk to school.
- (iv) Learning Independence for Travel – It has been suggested that the Council retains £40,000 of its planned £114,000 reduction in order to be able to establish a remodelled service with the aim of reducing the SEN home to school transport costs.
- (v) Public Transport - The methodology used to propose the savings was based on the highest cost per passenger journey. It is suggested that this be revised and remodelled on the basis of existing passenger usage rather than cost.

3. Public Health Grant

- 3.1 The Public Health grant for 2015/16 was £4,819k. The Council received a new budget in October 2015 for Health Visitors of £919k making a total public health grant of £5,738k. This has been reduced in year by £355k to £5,383k.
- 3.2 In 2016/17 the Council will receive the remainder of the Health Visitors' budget ie a further £919k increasing its base to £6,301k. The Council is anticipating a reduction of 2.2% to this budget in 2016/17 (£139k) and a further 2.5% reduction in 2017/18 (£154k).
- 3.3 Of the 47 public facing savings proposals 11 are currently funded by the public health grant. The Government has recently confirmed that this grant will be ring fenced for a further two years, however, a reduction of £139,000 (2.2%) to this grant will be required in 2016/17 and £154,000 (2.5%) in 2017/18.
- 3.4 Having looked at the responses received to the savings proposals and having regard to the need to make savings in the public health grant of £139,000 in 2016/17 it is proposed that the following public facing savings proposals be progressed.
 - (i) Eat 4 Health - £5,000
 - (ii) Feel Good Fortnight - £10,000
 - (iii) Oral Health Promotion - £24,000
 - (iv) Physical Activity in Children - £16,000
 - (v) Smoking Cessation Service - "Smoke Free Life" - £32,000

- (vi) Thames Valley Positive Support - £7,000
- (vii) The Edge - £14,000
- (v) Youth Offending Team - £6,000

3.5 The balance of the savings required from the Public Health grant will be met from non public facing proposals.

4. Equality Impact Assessments

4.1 The Public Sector Equality Duty (149 (1) requires a Local Authority in exercise of its functions to 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.
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

4.2 The essential duty placed on decision makers is that they must keep the welfare of service users at the forefront of their mind, but also families, and especially their families who are most disadvantaged.

4.3 The Equality Impact Assessments attached to this report identify the chosen option(s) and their potential impacts and document the reasons for the decision in each of the 47 savings proposals. The following four outcomes are possible from an assessment and more than one may apply to a single proposal:

- (i) No major change is required as the EIA has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.
- (ii) Adjustments are needed to remove barriers identified by the assessor or to promote equality (but the local authority has to ask itself if the adjustments will be effective).
- (iii) Continue despite having identified some potential for adverse impacts or missed opportunities to advance equality.
- (iv) Stop and rethink if an EIA shows actual or potential unlawful discrimination. Is there a way of reducing or mitigating any negative impact?

4.4 It is important that Members have carefully considered, assessed and fully understood the implications of any of the responses received to the savings proposals. Members have already reviewed at length the detailed feedback for each of the proposals.

5. Conclusion

5.1 The public consultation on the 2016/17 budget attracted around 2500 responses. Details of all responses and recommendations are set out in the individual templates and further distilled in the Spreadsheet attached to the report.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval X
Delays in implementation could have serious financial implications for the Council
Delays in implementation could compromise the Council's position
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
Item is Urgent Key Decision
Report is to note only

Officer details:

Name: Andy Day
Job Title: Head of Strategic Support
Tel No: 01635 519459
E-mail Address: aday@westberks.gov.uk

This page is intentionally left blank

Budget Proposals 2016/17: Summary of Recommendations as result of feedback on the impact of budget proposals – for Full Council meeting 1 March 2016

Savings Proposals:

Service area	Proposal	Total Budget 2015/16	Initial proposed saving 2016/17	Finalised proposed saving 2016/17	Recommendation
P&C	Access Officer	£48,000	£48,000 (100%)	£48,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
C&EP	Arts and Leisure Development	£54,000	£54,000 (100%)	£54,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
CS	Cash Office, Market Street	£166,000	£44,000 (26%)	£44,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
SSU	CCTV	£224,930	£224,930 (100%)	£224,930	Feedback from the consultation has resulted in several of the appropriate Town and Parish Councils seeking to maintain a bespoke CCTV service in their area. To proceed with this savings proposal.
ASC	Chestnut Walk Care Home	£354,000	£94,000 (26%)	£94,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Education	Children's Centres	£1,226,000	£300,000 (24%)	£300,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
SSU	Citizens Advice Bureau	£239,892	£15,000 (6%)	£15,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
C&EP	Cleaner Greener	£20,000	£20,000 (100%)	£20,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
SSU	Empowering West Berkshire	£50,000	£50,000 (100%)	£50,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Child	Family Resource Service	£830,440	£100,000 (12%)	£100,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
H&T	Highways Maintenance	£2,875,010	£552,000 (19%)	£552,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.

Budget Proposals 2016/17: Summary of Recommendations as result of feedback on the impact of budget proposals – for Full Council meeting 1 March 2016

Service area	Proposal	Total Budget 2015/16	Initial proposed saving 2016/17	Finalised proposed saving 2016/17	Recommendation
Education	Home to School Transport – available routes	£1.6 M (mainstream school transport)	£246,400 (15%)	£246,400	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Education	Home to School Transport – other proposals		£140,000 (9%)	£140,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
CCH&S	Housing Related Outreach Support Service	£184,000	£184,000 (100%)	£184,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
C&EP	Kintbury Jubilee Leisure Centre	£9,000	£9,000 (100%)	£9,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Education	Learning Independence for Travel (LIFT)	£114,000	£114,000 (100%)	£114,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
C&EP	Library Service	£1,525,000	£90,000 (5.9%)	£90,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
CCH&S	Mental Health Supported Living Scheme	£201,000	£100,000 (50%)	£100,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
P&C	Pang and, Kennet Project	£14,000	£14,000 (100%)	£14,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Education	Primary Children and Adolescent Mental Health Service (PCAMHS)	£80,000	£40,000 (50%)	£40,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Education	Pre School Teacher Counselling Service	£170,000	£85,000 (50%)	£85,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.

Budget Proposals 2016/17: Summary of Recommendations as result of feedback on the impact of budget proposals – for Full Council meeting 1 March 2016

Service area	Proposal	Total Budget 2015/16	Initial proposed saving 2016/17	Finalised proposed saving 2016/17	Recommendation
P&C	Public Conveniences - Newbury	£70,000	£70,000 (100%)	£70,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
H&T	Public Transport	£1,463,090	£320,000 (21.9%)	£320,000	The methodology used to propose savings in public transport was based on the highest cost per passenger journey. The feedback has suggested that bus services should be retained in most areas but be based on existing passenger usage rather than cost. To proceed with the proposed saving, based on a methodology of passenger usage rather than cost.
H&T	Rural Highways Grass Cutting	£70,000	£10,000 (14%)	£10,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Education	School Crossing Patrol	£21,000	£21,000 (100%)	£21,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
Child	Short Breaks for Children	£415,000	£345,000 (83%)	£345,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
CCH&S	Step by Step Support Lodgings	£100,000	£100,000 (100%)	£100,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
H&T	Traffic Management and Road Safety	£364,870	£91,000 (25%)	£91,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
C&EP	Visitor Information Service	£62,000	£62,000 (100%)	£62,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.
C&EP	Waste Management - Street Cleansing	£2,200,000	£100,000 (4.5%)	£100,000	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal.

Budget Proposals 2016/17: Summary of Recommendations as result of feedback on the impact of budget proposals – for Full Council meeting 1 March 2016

Public Health and Wellbeing Funded:

Service area	Proposal	Total Budget 2015/16	Initial proposed saving 2016/17	Finalised proposed saving 2016/17	Recommendation
PH&WB	Alana House Satellite Service	£22,500	£22,500 (100%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £22,500. To continue to fund this service at the current level.
PH&WB	Eat 4 health	£60,000	£7,000 (12%)	£5,000	Although this proposal is funded by the Public Health grant, feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal, without any modifications.
PH&WB	Feel Good Fortnight	£10,000	£10,000 (100%)	£10,000	Although this proposal is funded by the Public Health grant, feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal, without any modifications.
PH&WB	Friends in Need	£25,000	£25,000 (100%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £25,000. To continue to fund this service at the current level.
PH&WB	Healthy Eating in Children	£32,000	£5,000 (16%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £32,000. To continue to fund this service at the current level.
Educ	Not in Education, Employment or Training (NEET) Support	£20,000	£20,000 (100%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £20,000. To continue to fund this service at the current level.
PH&WB	Oral Health Promotion	£24,000	£24,000 (100%)	£24,000	Although this proposal is funded by the Public Health grant, feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal, without any modifications.
PH&WB	Physical Activity in Adults	£13,000	£6,000 (46%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £13,000. To continue to fund this service at the current level.
PH&WB	Physical Activity in Children	£36,500	£16,000 (44%)	£16,000	Although this proposal is funded by the Public Health grant, feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal, without any modifications.

Budget Proposals 2016/17: Summary of Recommendations as result of feedback on the impact of budget proposals – for Full Council meeting 1 March 2016

Service area	Proposal	Total Budget 2015/16	Initial proposed saving 2016/17	Finalised proposed saving 2016/17	Recommendation
C&EP	Reduction to Healthy Eating Programme in Schools	£20,000	£10,000 (50%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £20,000. To continue to fund this service at the current level.
SSU	Relate	£6,468	£6,468 (100%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health budget has been ring-fenced for a further two years it is suggested that the Council continue to fund this service at an annual sum of £6,468. To continue to fund this service at the current level.
SSU	Shopmobility	£26,000	£12,000 (46%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £26,000. To continue to fund this service at the current level.
PH&WB	Smoking Cessation Service - 'Smoke Free Life'	£311,000	£32,000 (10.2%)	£32,000	Although this proposal is funded by the Public Health grant, feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal, without any modifications.
Education	Special Needs Advice and Counselling Support (SNACS)	£10,000	£10,000 (100%)	£0	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. However, given that the Public Health grant has been ring-fenced for a further two years it is recommended that this service continue to be funded at an annual sum of £10,000. To continue to fund this service at the current level.
PH&WB	Thames Valley Positive Support	£13,000	£7,000 (54%)	£7,000	Although this proposal is funded by the Public Health grant, feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. To proceed with this savings proposal, without any modifications.
PH&WB	The Edge	£168,000	£42,900 (25%)	£14,000	Although this proposal is funded by the Public Health grant, it is recommended to that the service continue to be funded, but with a small reduction of £14,000 (8%) . To continue to fund this service with the proposed reduction.
PH&WB	Youth Offending Team (YOT)	£24,183	£24,183 (100%)	£6,000	Although this proposal is funded by the Public Health grant, it is recommended that the service continue to be funded at a reduced annual sum of £18,183 (with a saving of £6,000 (25%)) . To continue to fund this service with the proposed reduction.

Budget Proposals 2016/17: Summary of Recommendations as result of feedback on the impact of budget proposals – for Full Council meeting 1 March 2016

Income Proposals:

Service area	Proposal	Total Income 2015/16	Initial expected income 2016/17	Finalised expected income 2016/17	Recommendation
H&T	Car Parks	£2,952,190	£3,316,190 (Increase of 13.3%)	£3,316,190 (Increase of 13.3%)	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. It's therefore recommended to implement this proposal with no changes. To proceed with this proposal.

Overview of Responses and Recommendations

Budget Proposals 16/17: Short Breaks for Disabled Children		Juliet Penley - Service Manager	16 February 2016 Version 3 (Council)
Proposal:	To reduce the funding for this service.		
Total budget 15/16:	£415,000	Recommended officer saving 16/17:	£345,000 (83%)
Initial proposed saving 16/17:	£345,000 (83%)	Final recommendation to Council:	To proceed with this savings proposal.
Nos of responses:	<p>58 responses were received, including 46 from parents or carers. The remainder were from organisations, members of the public and two Parish Councils (Tilehurst and Pangbourne). In addition to the online formal consultation:</p> <ul style="list-style-type: none"> • Met with 8 providers of short breaks (contracts) on 30/11/15 and 4/12/15. These were Mencap, Crossroads, KIDS, Dingley, Homestart, Guideposts, National Autistic Society and PALS. • 9 parents attended an open meeting arranged by Parent Voice (parent participation organisation) • Parents views collated by Mencap and Crossroads (14) • Petition online (via 38 degrees) with 3,173 signatures • Healthwatch – advocating on behalf of Mencap Users and carers. They questioned whether the proposal in conflict with the priorities of the Health and Wellbeing Board and key challenges in regard to Section 25 of the Children and Young Persons Act and the spirit of Section 138 of the Local Government and Public Investment in Health Act 2007 and the Equality Act 2010 		
Key issues raised:	<ul style="list-style-type: none"> • Budget reductions will severely affect the range and quantity of short breaks available to families. • Some services will close all together due to lack of council funding. This will affect families by not giving them a break from pressures of caring and not providing social and leisure opportunities to disabled children. • More families will suffer stress / go into crisis and require more specialised services. • More children will require residential services which will end up costing more and have negative impact on families. • Proposal in conflict with the priorities of the Health and Wellbeing Board and key challenges in regard to Section 25 of the Children and Young Persons Act and the spirit of Section 138 of the Local Government and Public Investment in Health Act 2007 and the Equality Act 2010 		

NB: This overview and recommendation paper should be read in conjunction with the Summary of Responses and Verbatim Responses received in relation to this proposal, circulated electronically to all members alongside the agenda pack and published online on our [Consultation Portal](#).

Overview of Responses and Recommendations

Budget Proposals 16/17: Short Breaks for Disabled Children		Juliet Penley - Service Manager	16 February 2016 Version 3 (Council)
Equality issues:	None in addition to those expected.		
Suggestions for reducing the impact on service users:	Suggestion	Council response	
	Some providers of services will look for alternative funding or charge for services	This would be an appropriate action to take	
Alternative options for applying the saving in this area:	Suggestion	Council response	
	Ask Special schools to provide additional services	This would be appropriate to consider by the schools	
Suggestions for how others may help contribute:	Ask special schools to provide services and provide more personal budgets. We have also advised Healthwatch and others that we recognise the importance of working with partner providers to ensure as comprehensive a service is able to be maintained as possible as to help coordinate options to deliver as wide an offer as possible.		
Officer conclusion as a result of the responses:	Part of the feedback questioned whether the Council could meet its statutory obligations under the Children and Young Persons Act if these savings proposals were progressed. The Council recognises that it will need to work even closer with its partners to ensure statutory compliance but is confident that this will be achievable.		
Officer recommendation as a result of responses:	Feedback has not uncovered any further issues which would prevent the council from proceeding with this proposal. It's therefore recommended to implement this proposal with no changes.		

NB: This overview and recommendation paper should be read in conjunction with the Summary of Responses and Verbatim Responses received in relation to this proposal, circulated electronically to all members alongside the agenda pack and published online on our [Consultation Portal](#).

Budget Proposals 2016-17: Short Breaks for Disabled Children

Summary of Feedback Received and Key Findings

Why we consulted?

Over the last four years we have had to make savings of £23m because we've received less money from central government. We have done this by becoming more efficient at what we do, by reducing some of our administrative functions and increasing our income. Throughout this period we have done our best to protect front line services.

We now have to find another £20m over the next four years, with almost £11m to be found in 2016/17. Much of this will come from further efficiencies within the council, but £4.6m will have to come from services that will impact the public.

In order to inform the budget setting process for 2016/17 we published a list of those proposals which would likely have a direct impact on service users, and sought the views from those affected and interested:

- to understand the likely impact
- to identify any measures to reduce their impact
- to explore any possible alternatives

Approach

All the proposals were published on the council's website on 3 November 2015 with feedback requested by 14 December 2015. Respondents were directed to a [central index page](#), with a video message from the Chief Executive outlining the background to the exercise.

Information relating to this proposal was linked directly from this index page. This contained more detailed information on what was specifically proposed, information on what we thought the impact might be, as well as what else we had considered in developing and arriving at this proposal. Feedback was then invited through an online form, two meetings with providers of services, and a meeting for parents organised by a parent group and through a dedicated email address.

Each individual budget proposal was placed on our [Consultation Portal](#) which automatically notified those registered that an exercise had been launched. Members of the West Berkshire community panel (around 800 people) and local stakeholder charities, representative groups and partner organisations were also emailed directly, notifying them of the exercise and inviting their contributions.

Heads of Service made direct contact with those organisations affected by any of the budget proposals prior to them being made publically available.

A press release was issued on the same date, as well as publicised through Facebook and Twitter.

Budget Proposals 2016-17: Short Breaks for Disabled Children

Summary of Feedback Received and Key Findings

Background

At present, our support for families with disabled children is provided through contractual arrangements from a range of partners. These partners are largely from local or national charity organisations and help provide a range of services, including short break residential respite, local activities and groups for children with disabilities and their families.

Much of this activity is non-statutory and can take different forms, such as:

- supporting children returning home from their out of district, residential school during the holidays
- offering activities at weekends within peer group settings
- providing regular respite care so children can be cared for close to home
- supporting parents or carers in looking after their children at home

This activity is provided alongside the support families are able to receive through Direct Support Payment arrangements, and gives opportunities for many of the activities on offer for disabled children, to be subsidised.

At present, the service provides a range of support in different amounts and at different levels to children with additional needs and their families. This support is provided through a range of different contract arrangements, funded by the council, but delivered predominantly through external providers.

The proposal is to cease all the current contractual arrangements, in order to rationalise these arrangements; revising and reducing the breadth of the current provision and refocusing support to those children and families assessed to be in the greatest need.

It is also proposed to reduce council funding and deliver significantly more limited short breaks provision, whilst working with the community based organisations and charities to help provide support for those families who are most able to manage their own support arrangements for their disabled children. This will save the council £345,000.

Summary of Key Points

58 responses were received, including 46 from parents or carers. The remainder were from organisations, members of the public and two Parish Councils (Tilehurst and Pangbourne). The organisations that responded were:

- Homestart westberkshire
- Parent Voice
- National Autistic Society
- Brookfields school
- West Berkshire Mencap
- Crossroads
- Unison
- Oasis and Spectrum club (National Autistic Society)

In addition to the online formal consultation:

- Met with 8 providers of short breaks (contracts) on 30/11/15 and 4/12/15. These were Mencap, Crossroads, KIDS, Dingley, Homestart, Guideposts, National Autistic Society and PALS.

Budget Proposals 2016-17: Short Breaks for Disabled Children

Summary of Feedback Received and Key Findings

- 9 parents attended an open meeting arranged by Parent Voice (parent participation organisation)
- Parents views collated by Mencap and Crossroads (14)
- Petition online (via 38 degrees) with 3,173 signatures

The feedback from parents and carers stressed the value and importance of services and they were against any reduction. Families stated how stressful caring for a disabled child could be and how these services were vital for providing respite and a break. Families also said that services were important for their children socially as they often provided only leisure or social activity they were able to use.

The ceasing of the council's funding via contracts for short breaks will have a significant impact on the capacity of the organisations to continue to provide services to families. If there is no future funding then most organisations are likely to continue to provide a very limited range of services and will need to increase charges to cover costs. For larger organisations like Mencap and Crossroads, who provide services to the greatest number of children with disabilities, they say they will need to make staff redundant and close some services completely.

All feedback from families has said how much they value and rely on these short breaks services. Feedback also stated that these services were important to preventing family breakdown, the need for costly residential care and preventing family distress and stress. Feedback from organisations stressed similar points as to the value and need for services. Some organisations said they would continue in a smaller and different way. They could increase charges which may penalise the less well off and reduce range of services provided.

1. Are you, or anyone you care for, a user of this service?

There were 27 carers or parents that responded who were users; plus the other parent feedback as outlined above

2. What do you think we should be aware of in terms of how this proposal might impact people?

- Overall reduction in support to families with disabled children.
- Increased stress on families, more use of more costly and specialised services, more social isolation of disabled children.
- Young People with SEN cannot access other services. Loss of confidence if service lost
- Likely increase of family breakdown and use of residential care.
- Very valued service, which is cost effective.
- May lead to some organisations closing through loss of core funding.
- Families rely on these services, they trust them to care for their children with complex needs

3. Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?

Budget Proposals 2016-17: Short Breaks for Disabled Children

Summary of Feedback Received and Key Findings

It will particularly affect families with disabled children and disabled children themselves

4. Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.

Generally responses were against any reduction in services. More personal budgets to be made available, peer support, charities could work together in a more effective way.

5. Is there any way that you, or your organisation, can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.

Some organisations said they could apply for grants elsewhere although this is very challenging and loss of core council funding does impact this sometimes. Some organisations said they could increase changes

6. Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.

The current range are good and don't need changing, provide more personal budgets, Special schools could run after school clubs and holiday care.

7. Any further comments?

This will end up costing the council more in long run because of the increased likely need for more specialised services.

The council is not facing up to its responsibilities and statutory requirements, The council must protect services to children with autism

Conclusion

There appears no additional information from feedback to lead to this proposal not proceeding as planned

Please note: *In order to allow everyone who wished the opportunity to contribute, feedback was not sampled. Therefore this wasn't a quantitative, statistically valid exercise. It was neither the premise, purpose, nor within the capability of the exercise, to determine the overall community's level of support, or views on the proposals, with any degree of confidence.*

The feedback captured therefore should be seen in the context of 'those who responded', rather than reflective of the wider community.

All the responses have been provided verbatim as an appendix to this report. Whilst this summary seeks to distil the key, substantive points made, it should also be read in conjunction with the more detailed verbatim comments to ensure a full, rounded perspective of the views and comments are considered.

Budget Proposals 2016-17: Short Breaks for Disabled Children

Summary of Feedback Received and Key Findings

Juliet Penley
Service Manager
Children and Families Service
8 January 2016
Version 1 (CB)

This page is intentionally left blank

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
1		Yes	A reduction of £345,000 is a significant amount to cut. Ceasing these contracts will effectively shut down these existing services which are supported by this funding. The impact to these families and children with additional needs will be devastating as there is already a shortage of services out there at the moment.	This proposal will deeply affect the family & careers of children with additional needs. It is not just the children which are affected, but their family & everyone around who support them who will take on additional stress. Helping these families can be achieved by not cutting this funding especially in such a drastic manner without any concrete transition plans to a replacement service of equal quality & access.	This is hard to say as there are varying services. A clear transition to replacement services would be helpful.			I believe these existing charities & organisation which deliver these services are best placed to as this is their specialist skills. Bring this back in house to the council would create a significant ramp to match the existing services currently available.
2		Yes	Oasis Youth Club for young people with autism would close. I set the club up so fully understand the financials and know that voluntary income will not sustain it. Befriending for young people with autism would close. And what else is there for young people with autism in West Berks - nothing. This will detrimentally impact around 30 young people with autism and another 100 or so parents and siblings.	Yes Young people with autism at the Oasis Club or in Befriending have no alternative provision. Schools or Youth Groups do not give these youngsters the ability to relax and make friends - the fact that they are with neuro-typical people means that the young people with autism remain tense and stressed as they try to conform. The don't need to at Oasis. Befriending is a life line too. The ability to do something with a trained and carefully matched adult allows the child to do things without their parents, building self esteem and confidence. And it is a massive break for parents that otherwise are unlikely to get any break from caring for often very challenging young people.	Both services are already very heavily reliant on volunteers. Reduction or removal of funding would lead to closure.	See above - the services will close. I have dedicated a decade of my life to helping establish and run services for people with autism in West Berks, as have many other parents. There is no more we can give.	Perhaps all members of Council could train as volunteers and take on running Oasis and Befriending! More seriously it is appreciated how much councillors and others do give of their time. West Berks could directly fund these two services in return for the significant West Berks savings made by the work of the National Autistic Society West Berks Branch volunteers	These two services run with extremely limited overhead, no building maintenance and no reserves. If all after-school activities and youth groups are closing, if play parks are all being closed, if all other youth amenities are being shut, if all other support to vulnerable youngsters is being withdrawn - then and only then should support to young people with autism, who have no choice and no alternative, be removed
3		Yes	The social impact this will have on the family as a whole! By cutting all these services you are at risk of putting more families at crisis point due to not having enough or any support!			If there's is anything we can do to help or work with we will! NAS west Berkshire branch!		I am a parent of a child with special needs and I'm also a professional (family support worker) so I see both sides and the frustrations that comes with this! I constantly think of things I can do professionally to help my families I work with and this mainly just by giving them my time to talk etc! As a parent trying to Find the right support is difficult to come by! By cutting what we do have would be detrimental!

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
4		Yes	<p>Children with complex needs such as severe learning disabilities, Autism and associated challenging behaviours who function about 10 years below their mainstream peers, accessing standard community activities is utterly impossible. With this level of need, even accessing most of the provision for 'special needs' children and YP is often also almost impossible. However, with the specialised 1-1 support that Mencap playschemes and clubs can provide, such children and YP can access appropriate activities with vital contact with their peers. The 'by product' of these rich, rare but immensely valuable opportunities for the child /YP also comes the almost equally important opportunity for parents and carers to take a break from their relentless responsibilities. Particularly during school holiday periods, such breaks from these immensely demanding duties, is not just beneficial for the parent / carer, I would say that it is utterly essential.</p>	<p>I think that it will affect young people with complex needs and severe disabilities in their teenage years more than the younger children. I believe this because the gap between them and their peers is for ever growing wider and wider, their behaviours can be growing severely anti social, their size makes them even more difficult to manage safely in general community settings and I think that the general public are far far less tolerant and accepting of large teenage children displaying antisocial behaviours than they are of younger, 'cuter' children who may have similar disabilities. I think that it is essential that the After School Club, Youth Club and holiday playschemes continue to be funded but I think that by far the most important provisions are the holiday playschemes as it is during this time that parents lose the vital support of the school team and can be left caring single handedly for their child / YP for days or weeks on end, and I know that delivering consistently high quality care under such circumstances, without a break, is impossible.</p>		<p>I am already a foster carer providing care for only an allowance of roughly £500 a week which can easily include during school holidays over 100 hours of waking care. I used to also provide respite and shared care for other children with disabilities until this became too difficult to manage for my full time placement child. I have no more capacity and need WB to maintain respite provisions to support me in the care of the child they have placed with me.</p>	<p>Maintain and increase funding to support the Special Schools to provide care during school holiday periods. This will prevent parents and carers having to move our children into privately run residential schools.</p>	<p>My child is already in foster care. He has been placed full time with me for 7 years and I know that I am saving the LA an absolute fortune by providing care, single handedly, in my own home. The thought that these services at Mencap are going to be taken away from a child who already has the LA with full parental responsibility seems to me to be beyond short sighted.</p>
5		Yes	<p>This proposal will take away a vital support system to parents with disabled children. Numerous activities including holiday camps, after school clubs will be terminated as a result of this. Disabled children who attend the Castle School will no longer have an after school club which they can attend and be safe at. Every other school and 'non disabled' child has these facilities available to them. I cannot understand how it is fair to remove this from the most vulnerable people in the district. One of the Council's core aims is to 'safeguard vulnerable children and adults'. By even proposing this type of budget cut you have failed miserably in achieving this.</p>	<p>Yes disabled children are going to be severely affect by this where as non disabled children will not be affected at all by the budget cuts. You are punishing children and parents who find life more of a struggle to being with! Re-instate the funding is the only way to help with this.</p>				<p>It is a disgrace the way in which the Council is prepared to shrug off and reduce it's responsibility to disabled children. Proposals like this make it an embarrassment to work for the Council. The people making this decision have no idea of the consequences it will cause and are too narrow minded to listen to how this is going to affect people. In particular the former leader, Gordon Lundie has acted disgracefully in his attack on charities (Mencap). The basis of his attack was formed on a complete lack of understanding of financial accounts. A formal apology for this should be issued.</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
6		No	Families in difficulty rely on this service. Looking after a child with disabilities is extremely hard work and without the respite services Mencap provides many families will struggle. Some to the extent that their child may need to be looked after by the local authority (ultimately costing more both in terms of money and in human suffering).	Some individuals rely more heavily on Mencaps services, either because their children have more complex needs or because they have no family support to fall back on. These families will need to continue having respite provided or their families may end up breaking down.				
7	West Berkshire Mencap	No	I will be completing this survey on behalf of West Berkshire Mencap although many of the comments have been agreed by some of the other organisations involved in this cut. We have received a letter terminating all Short Breaks that we provide and this will impact our families hugely. We have over 3000 names on our petition which is still growing and both myself and other staff are being contacted daily by different parents/carers most of whom are desperate at the thought of losing their respite. There are people who will have to give up work and go onto benefits. Some of the families have said that they will no longer be able to keep their children with them which is incredibly hard for them. I believe that this is a very short term cut, the benefits of which will be lost if one child goes into care. These families do not want to lose their children but feel that they have no choice. We are regularly described as a lifeline for the families. The impact will be huge. We will close our children's services except for a couple of projects that have different funding. We will lose our staff and volunteers, many have been with us for years and know the young people very well. We regularly take children that no one else feels able to take because they are too challenging or their health needs are too high. The benefits are not just for the children and families, the children socialise and get to enjoy experiences that children without disabilities may take for granted. Families get to spend time with siblings after school and during playschemes etc and also we have a huge number of young volunteers recruited from local schools that work on a one to one basis with each young person who attends.	It will have a different impact on different individuals as they all have their own needs, complexities and challenges. Not all of the young people and families are currently known to Social Services but they are far more likely to be known once they have their respite and short breaks cut. I would think that Social Services are aware of the more challenging young people ie the 2:1's etc and we would be able to sit with officers to compose a list of those who we think would be most affected. We are often able to see the family as a whole and predict if there are issues that may be putting the family on the verge of breakdown, or indeed things are going well and help isn't needed. We would be prepared to share this information and indeed can direct people to the Disabled Childrens Team for help. Currently we work as a buffer between the family and the Council and we resolve a lot of issues ourselves. However this has become more difficult since 55% of our Family Advisor funds were cut and it will be virtually impossible once the Short Break money is cut. We are spending our reserves on a Family Adviser currently as the role is vital but this won't be sustainable so we will need to be sending more families to Social Care for the help that they need.	I think that the way WB Mencap has been delivering short breaks and respite have worked very well. There are a number of our young people that are not able to access Castlegate because of their challenging behaviour and we take them on. What I understand from the parents and carers is that they need regular respite that can be relied on, they like their young people to socialise as much as possible whilst remaining safe and happy. With us they can socialise with their peers as well as their volunteers. Castlegate offers a good service to the people it takes but we need much more respite. After School club and Play Scheme are the most popular and needed services that we offer and parents have asked if they can have more of these. They have also asked about a transition group which we have tried to start but reached a standstill re transport. The local authority offers it to another organisation but we haven't got very far ourselves in getting transport from Newbury College to The Slater Centre in Bone Lane.	We are fortunate in that we are able to provide a lot of added value to our short breaks/respite through the use of our young volunteers and fundraising. Therefore services which cost over £150 per session are heavily subsidised so that parents only pay £25 per session, this is for the Greenfields playscheme for children with severe health needs that we were asked to provide by Social Services. Because we are a charity we are able to apply for grants that will help give added value to the schemes we provide such as trips out, entertainment, extra services etc. However we need the core element that has been cut as it provides us with sustainability including the ability to retain our trained staff. We are always happy to discuss if you think that there are areas that we could develop that would tie in with something you feel is needed as long as it is within our remit to provide and we have the resources or we believe we can try to grant fund for it.	I would think that you have the best knowledge in that area ie West Berkshire Mencap, Crossroads, Castlegate etc.	To be frank this has been a very difficult time. To receive the letter of termination which was very short and to the point was a shock. We appeared to have been left off the email communications re consultations for a long while and the whole process has been extremely difficult in many ways. We are trying to encourage and support parents who are panicking, trying to keep our staff so that services can continue whilst not knowing anything ourselves. I was sent a copy of an email from Gordon Lundie to a parent which he copied to ALL councillors which had several 'mistakes' in it including naming me personally as contacting the local paper and starting a PR war when in fact the paper contacted me and asked me to respond to Mr Lundie's comments which were personal (and this will stay with me for ever) "Leila Ferguson is cynically using children with disabilities to further her own political aims". That was both untrue and unnecessary and very hurtful. However we need to work together to make provision for the people that need it and we can do it with civility. Personally I feel that this is a dreadful time for all involved, the local authority has to make massive cuts and I truly sympathise but I feel it is very shortsighted to make cuts in this area which is so preventative

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			We offer huge amounts of training and the volunteers return regularly, often choosing careers based on their time with us.					and could lead to huge costs if not provided. These costs would be financial to the local authority and emotional to the families involved. Please don't make these cuts to the short break/respice, life is hard enough for these families and we help them to hang on and even enjoy family life. Both our children's and our adult services are very much needed.
8	Pangbourne Parish Council	No	This service is a life line for many families. it can support parents in many ways and provide much needed respice in a safe environment. It is also vital, in many cases, for other family members to have the full attention of their parents for a period of time,		This service should be rationalised with more liaison with charities and other voluntary agencies which provide help.			
9	West Berkshire Parent Voice	Yes	Parent Voice is West Berkshire parent carer participation charity. It has been running for about 16 months and is funded by the DfE through Contact A Family Nationally It has a website and regularly communicates with parents via Facebook and Twitter. We know many of our members have give feedback directly to the council however we felt it important to offer a evening session for those who wanted to discuss the proposals and be part of the Paent Voice community feedback. We held the meeting on 30th November at St Johns Church rooms, it was advertised widely through our networks and those of our partners. The feeling of the meeting was that the provision offered through short breaks is currently a minimum and would not withstand any cut. Without maintaining the current service children and young people with Special Educational Needs and or a Disability will be significantly disadvantaged and will not be given the opportunity to 'live ordinary lives' as set out in the Children and Families Act 2014 and the Equalities Act 2010. Accessing services currently is a challenge as the families service are oversubscribed with waiting lists in place.	Parent present felt children and young people with significant and complex needs receive very few services as it is, they are hard to place and are not able to make changes in placement as easily as other children, therefore any change has a huge and long lasting impact on the children, young people and their parent carers Afterschool and Youth clubs were of great importance to the parents who attended. The Crossroads provision and Mencap was seen as essential services which should not be cut under any circumstances, they are a life line to children, young people and their parent carers. Youth Clubs such as Spectrum, Oasis, and Cosmos provide the opportunity for young people to learn and practice a range of social skills, and for many in West Berkshire, both Mencap or Crossroads are their only services, and without it them will have no social outlet at all. Parents and Young people at the meeting failed to see how the council can adhere to their Short Breaks statement as set out in the extract below should these cuts take place. 'West Berkshire Council is committed to working with its partners to make	Sadly the feeling of the meeting was one of distrust of the council and therefore there was a reluctance to offer any solutions as they feel a distrust towards the council and are concerned any suggestions offered would be seen as an acceptance of any cuts which is not the situation at all. The group were disappointed they had not been approached earlier and given the opportunity to work with the council from the 'get go' as set out in the Short Breaks statement above and supported by the Children Act 2014.	It is not in Parent Voice gift to contribute directly to alleviate the impact of these cuts. We would have like to have been consulted earlier in the process and to have enable to council to acces parent to gain their views and ideas before the consultation process. Of those present at the meeting 100% have used the Short Break service but none had used the Local Offer and only one person had heard of it. We, like the government, see the Local Offer a crucial to parent accessing services. We know the resources for this site are also being reduced which will make it even more difficult to find suitable services. To alleviate the impact Parent Voice would see continue support of the Local Offer is needed.	Council to take it back in house and use their own facilities and staff. Can base usage on known needs from disabled children's team and SEN team. Access lottery funding not just for sports! Increase access to 'normal' provisions for children with milder special needs Afterschool clubs in schools/ castle V disabled kids difficult to place in less specialised setting, set up Buddy families to reduce cost of afterschool care and activities etc. Swings and smiles to provide respice breaks PIP (more expensive for councils and difficult to manage)	a couple of quotes from parents 'Short breaks are so, so important to us' 'The sitting service is the only break I get' The meeting wanted the council to recognise many families are very, very isolated and stuck at home looking after children with very complex needs. Many were not able to attend the meeting as they have no one who can care for their children while they have just an hour off. Short breaks are an essential service not an added extra, parents felt that without this support there would be more family breakdown which in turn would cost the council even more money. The meeting asked that we shout as loud a possible PLEASE DONT MAKE THESE CUTS, THESE ARE SOME OF THE MOST DISADVANTAGED FAMILIES WHO CAN NOT WITHSTAND A CUT IN SHORT BREAKS.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
				<p>sure a wide range and type of short breaks are available to families. The council will;</p> <ol style="list-style-type: none"> 1. Ensure that we listen to all disabled children, act on their views, and provide them with choices - West Berkshire's Short Break Statement 2. Ensure all disabled children and their families are supported to take part in and enjoy local community life, wherever possible using local childcare facilities, leisure and recreational activities 3. Ensure that as parents and carers you are supported to become equal partners in making decisions about service development and priorities, so we work together to 'get better' 4. Ensure we provide you with useful information when you need it <p>All of the above will help to ensure that we meet the requirements of the Disability Discrimination Acts (1995 and 2005). "West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation." Parents at the meeting felt the Short Breaks statement had been totally disregarded. They all felt this has been illustrated by the recent action of the council in:</p> <ul style="list-style-type: none"> • Sending out letters of notice to providers prior to any consultation with children, young people, parents, carers or providers. • The consultation process entered into by the council taking place over a shorter period than that recommended by the National Governments' Compact guidelines as it is over six weeks compared to the 12 weeks recommended in the guidance • The consultation period is taking place during the very busy run up to Christmas. • No consultation events have been held by the council to gain the views of parent carers and young people. 				

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
10		No	Keep KIDS UK & Crossroads - weekend breaks for children/young people with Learning Difficulties - there is no alternative that can take this on. You cannot just access and pay - it would not exist!					
11		Yes	No breaks for families with a young person with Learning Difficulties who do not meet the criteria under the Social Care Disabled Children's Team....or don't want a full service just a little break instead.	Yes - as above. It would cost far more money if these families then requested assessment by DCT and met the criteria....or went into crisis due to losing this small service.	Using the voluntary sector is always far cheaper than using any internal service. Spend a little to prevent crisis...saves loads than reacting to crisis!		This service is vital....so many children & young people have a little break to learn independent skills, away from mum/dad, and the rest of the family have a break to re-charge their batteries to carry on for another year!	
12	West Berkshire Mencap	Yes	Our daughter, xxx, is 6 years old. She is severely disabled and has complex health needs. She has just failed to meet the Continuing Health Care criteria, though she has been eligible for this since she was first assessed when very young, so we are even more concerned about the proposed loss of service from West Berkshire Mencap in Newbury. West Berkshire Mencap has become a core provider of care for xxx over the last few years. xxx has been looked after by a small team of people whom she has come to know and recognise, which is obviously important for her happiness. As she has such complex health needs and she is unable to communicate, it is vital she is looked after by people who have known her for a long period of time, who are tuned in to her. This is because they need to know if she is some discomfort, for example, and very importantly if she is becoming unwell as she can require immediate transfer to hospital. She has had two ICU admissions this year from chest infections. We moved house two years ago so xxx could have adapted living. This has required an increased mortgage and so we both need to work. We are both teachers at Kennet School. My husband works full time and I work part time. The hours I work fit well with hospital appointments and if xxx is ill in hospital it has allowed us to manage this and looking after xxx's younger brother, as well as allowing me to get shopping, housework etc done. As such, we are	This is difficult to answer. For families like us, with a child with such high and complex needs, it removes a vital part of the network of support that gives us the chance to function as a family. For others, who receive no additional support, it removes ALL their support. The thing you need to understand is that an organization like Mencap, as a specialist, can tailor their support to individual needs. It will hit all families very hard. What would be the gain of having someone new learn all about xxx's and other children's needs; and surely it is extremely difficult for children with autism (not xxx) to become familiarised with new people and surroundings.	Not really. Mencap does a good, cost-efficient job, as it is partly staffed by volunteers, and does its own fund-raising. West Berks is a small district, and there cannot be many alternative providers locally. To go out of the area is bound to be costly. We have past experience of respite provided by foster-carers: they are hard to come by, are rarely specialists in children like xxx, the relationship can break down, and it can involve long distances (in one case we had to take xxx to central Reading for short respite breaks provided by foster-carers). Castle School might take on a role in after-school clubs, but it is difficult think of anything else. In-home care has its place, but this option means our daughter will hardly get out of the house, and not be able to access the specialist facilities and social options Mencap has. Social exclusion is a real issue for families like us.	No. As a hard-pressed family we have neither the time nor the financial resources for this.	See responses to question 5	Our understanding is that most of these services under threat actually fulfill your statutory obligations, which Mencap are merely delivering on your behalf as part of a contractual agreement. Some of the confrontational language used by Mr Lundie, on behalf of the council, has been dreadful. Furthermore, we were promised by David Cameron that vulnerable families like us would not be targeted by the austerity measures, and yet this threatens to hit us very hard. The term 'short breaks' can, to outsiders, imply that these are somehow 'holidays' when in fact they are a vital means of support in helping families like us cope, and children like xxx exercise their right to equality.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>reliant on xxx's place at Mencap After School Club on Mondays and Wednesdays while I am at school. The staff also give xxx her tea and get her in her pyjamas. This takes away some of the high 'workload' we have looking after xxx, as when home she requires medicines, fluid, nappy changes every half hour to hour up until after 10pm. xxx needs to be checked in the night and so we always have interrupted sleep, so this bit of help goes a long way for us. My husband has a high workload and I can get more work done at school due to this help. xxx also accesses the Mencap holiday play schemes three days a week; and Saturday Club once a month. We believe very strongly that xxx has a right to socialise with other children without her parents there. She really enjoys these opportunities, smiling and interacting with others. xxx requires one to one to do anything and so this is very difficult for us to do at home without paying someone (if available) at a great deal of expense. If left she will sleep and then be more awake at night. These play schemes also give us a much needed break. It also allows xxx's brother to spend quality time with us and for us all to be involved with activities we cannot do with xxx. This includes socialising with xxx's friends and participation in exercise, which we find helps our mental wellbeing, which we both have some difficulty with due to xxx's high care needs and fragile health. To be frank, I am concerned about our ability to cope looking after xxx if Mencap's services cease. This is not something I ever thought we would have to explain to somebody.</p>					
13	West Berkshire Green Party	No	<p>It is clear from the comments of people who use this service that it would cause considerable distress to remove it.</p>		<p>The former council leader's grotesquely misjudged and very public attacks on Mencap, which were followed by his swift departure from office, contained the repeated suggestion that the charity should use its reserves to fund the services it provides. We suggest</p>			

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
					that the council follows this advice, at least for 2016/17.			
14	Parent	Yes	There is families that use the service that can not get direct payments but do still need respite. I feel that some families that can not get this help are the ones or are just coping at present but without the services, may not cope. So they end up in crisis. How does that benefit anyone.	The people that can not get personal budgets because they will not get the help. The only thing that would help is to change criteria for getting a social worker.			Grants made available and easier to access.	I think a lot of parents with disabled children find life hard enough trying to find people you trust with your children and money is tight because not everyone can go back to work, some people work only because you trust the people you leave your child with. If all these services disappear, what happens to our children they spend all their time at school and home and no social life at all.
15	Parent	Yes	There are families around that cannot apply to have Direct Payments, as they cannot get Social Worker support. These are the people who will really suffer as they have been able to access respite before, but will be priced out by considering to pay privately. Because these families cannot get support from a Social Worker are basically being punished by just about coping with the behaviour of their disabled children.	It will affect the families that cannot get Direct Payments and will therefore have to consider paying privately. Changing the rules to enable Social Worker support to be accessed by more families including those to appear to be coping. Making grants available to those families who cannot get Direct Payments.	If the cuts are carried out, then there are not other ways as Children's Centres are also being closed and staff being made redundant.		Grants to be made available for short breaks as not all families can get Direct Payments.	The council boasts that they look after Carers. If these cuts are carried out, then some families may be put into crisis and their children may be put at risk of harm as some families may not know which way to turn. On the other side, Carers may be put at risk as their children's behaviour may push them to the limit. It is amazing that one day in the holidays can help Carers recharge and get through the holidays. Do the council want injuries or maybe even deaths on their conscience.
16		Yes	Xxx my twelve year old son has autism.He goes to the after school club twice a week and the the holiday clubs during the school holidays. He is a only child and has no friends in the neighbourhood and his only social interaction is going to Mencap. If Mencap ends the facilities for children, he may go backwards in his social development and be in the world autism for the rest of his life.	All disabled children at Mencap. All parents,carers and siblings.	Personal budgets for disabled children through the council.	Would pay a higher contribution for the facility	Feel Mencap have the expertise and value to continue with facility	

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
17	West Berkshire Parent Voice	Yes	<p>Parent Voice a participation service based in the Voluntary Sector initiated about 16 months ago, it is funding with DfE monies through the National charity Contact A Family. The service has made contact with all of its users with regard to the consultation, many have replied directly through the councils portal others have emailed or attended an open event held on the 30th Novemeber in Newbury. It is from all of the feedback and on behalf of the group this response if given. The feeling of the meeting was that the provision offered through short breaks is currently a minimum and would not withstand any cut. Without maintaining the current service children and young people with Special Educational needs and or a Disability will be significantly disadvantaged and will not be given the opportunity to 'live ordinary lives' as set out in the Children and Families Act 2014 and the Equalities Act 2010. Accessing services currently is a challenge as the families services are oversubscribed with waiting lists in place. Of those present at the meeting 100% have used the Short Break service but none had used the Local Offer and only one person had heard of it. the services used were as follows: Mencap – Afterschool Club Crossroads – Shorts breaks Stay at Butlin's Day trips during holidays Pals Afterschool club Daytrips during the holiday clubs Residential holiday trips Buddies Volunteers to accompany child to mainstream activities Dingley Currently provision for under 5's SPECTRUM, OASIS, COSMOS Weekly meetings for ASD so valuable for providing friendship opportunities and developing social skills.</p>	<p>Parent present felt children and young people with significant and complex needs receive very few services as it is, they are hard to place and are not able to make changes in placement as easily as other children, therefore any change has a huge and long lasting impact on the children, young people and their parent carers. The meeting recognised that many parents were unable to attend the consultation event as they were stuck at home caring for their children and young people. Those present spoke on their behalf: there is currently little rest-bite care with many having no break from their care role outside of school hours and for some school attendance was limited as their children and young people were often too ill to attend. It was felt that young people were the most disadvantage in the community with little or no opportunities for socialising. Maintaining the current provision was seen as essential. Afterschool and Youth clubs were of great importance to the parents who attended. The Crossroads provision and Mencap was seen as essential services which should not be cut under any circumstances, they are a life line to children, young people and their parent carers. Youth Clubs such as Spectrum, Oasis, and Cosmos provide the opportunity for young people to learn and practice a range of social skills, and for many in West Berkshire, both Mencap or Crossroads are their only services, and without it them will have no social outlet at all. Parents and Young people at the meeting failed to see how the council can adhere to their Short Breaks statement as set out in the extract below should these cuts take place. 'West Berkshire Council is committed to working with its partners to make sure a wide range and type of short breaks are available to families. The council will; 1. Ensure that we</p>	<p>The feeling of the meeting was one of distrust of the council and therefore there was a reluctance to offer any solutions as they were concerned any suggestions offered would be seen as an acceptance of any cuts which is not the situation at all. The group were disappointed they had not been approached earlier and given the opportunity to work with the council from the 'get go' as set out in the Short Breaks statement above and supported by the Children Act 2014. The only suggestions offered were to use reserves held by the council to continue to provide the short breaks services.</p>	<p>Parent Voice is currently and will in the future be happy to consult it members and give feedback on all aspects of the councils work. It is fair to say we were disappointed to hear indirectly of the intention to cut service and find it hard to support the council work when the a partnership approach is diluted in such a way. It would have been a lot easier to have managed our member's dismay if we had know earlier and been able to share the council a strategic view</p>	<p>use personal budgets through PIP (more expensive for councils and difficult to manage) Increase access to 'normal' provisions for children with milder special needs Afterschool clubs in schools/ castle V disabled kids difficult to place in less specialised setting put in more resources to enable this to happen Buddy families to reduce cost of afterschool care and activities etc. Swings and smiles to provide respite breaks Council to take it back in house and use their own facilities and staff. Can base usage on known needs from disabled children's team and SEN team Access lottery funding not just for sports!</p>	

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
				<p>listen to all disabled children, act on their views, and provide them with choices - West Berkshire's Short Break Statement</p> <p>2. Ensure all disabled children and their families are supported to take part in and enjoy local community life, wherever possible using local childcare facilities, leisure and recreational activities</p> <p>3. Ensure that as parents and carers you are supported to become equal partners in making decisions about service development and priorities, so we work together to 'get better'</p> <p>4. Ensure we provide you with useful information when you need it' All of the above will help to ensure that we meet the requirements of the Disability Discrimination Acts (1995 and 2005). "West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation." Parents at the meeting felt the Short Breaks statement had been totally disregarded. They all felt this has been illustrated by the recent action of the council in:</p> <ul style="list-style-type: none"> • Sending out letters of notice to providers prior to any consultation with children, young people, parents, carers or providers. • The consultation process entered into by the council taking place over a shorter period than that recommended by the National Governments' Compact guidelines as it is over six weeks compared to the 12 weeks recommended in the guidance • The consultation period is taking place during the very busy run up to Christmas. • No consultation events have been held by the council to gain the views of parent carers and young people. Parent present felt children and young people with significant and complex needs receive very few services as it is, they are hard to place and are not able to make changes in 				

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
				placement as easily as other children, therefore any change has a huge and long lasting impact on the children, young people and their parent carers.				
18	on behalf of West Berks Mencap	Yes	The cuts will affect the most exposed, defenceless and susceptible in society. Also the carers well being and ability to continue their role caring for these vulnerable children/young people.	The individuals are being similarly affected here.	I assume personal budgets are being considered. To me this seems a much more expensive individual option for the council. With West Berks Mencap they provide group settings and also with volunteers which is a cost effective way of providing care to a number of children with disabilities.		If personal budgets are being considered perhaps families could be grouped so they share the same support where appropriate.	
19	Transport Services Team		"The proposals are unclear in terms of the overall effects on individuals and the position of Respite, Castlegate and Mencap. Without more clarity it is difficult to comment on the implications. If the use of Council transport is reduced, it could have significant financial implications on other parts of the Council that operate vehicles. In addition, Mencap and Castlegate have Council fleet vehicles, and there may be early termination penalties if vehicles are returned before the end of their lease."					
20	UNISON West Berkshire	No	This will affect the most vulnerable. The removal of these services is likely to result in more demand for other services, increasing the workload for already overstretched staff. It may also affect the achievement of the Council's ambitions to have a stable CFS workforce that is not reliant on agency staff. If pursued, this could end up costing the Council more than it saves	Children and their families.	No.	No.	No.	No.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			and will have a longer term impact on staff.					
21	Tilehurst Parish Council							Advice, support and guidance for these families could be managed through the Children's Centres. It is felt that we are unable to comment on the proposal with the information provided, but it would appear that some of the services could be run through Children's Centres and others through Crossroads.
22		No	I think that these services are an important lifeline for people having a very difficult time. I do not need to use them myself (yet....who knows what the future holds?) but I am more than happy that my taxes as a local resident are used to pay for them. I think that if you take away the services, the resulting effects e.g family breakdown, stress, illness, will cost more than it would have cost to keep them going in the first place.	Clearly it will affect families with disabled children the most: probably some of the most vulnerable families of all.				I do not understand why we can't just use the tax system to ensure that those with a higher salary contribute more and the most vulnerable don't suffer the most. I know a lot of people in the area who feel the same.
23		Yes	1. Elimination of social opportunities for a significant number of children and young people. Many young people with disabilities - including my son - cannot access mainstream activities and clubs, and have little or no social life outside their families. Removing short breaks funding will in many cases remove the only opportunity for young people to socialise with their peers, leading to isolation and mental health issues. 2. Childcare. Many young people and children with disabilities cannot access mainstream childcare - after school clubs, holiday schemes and child minders are unable to cater for them. Short Break providers are able to not only provide such schemes, but do so at a cost to parents that is on par with mainstream activities. Removing these schemes means that many families will need to massively reduce their working hours, or will be unable to work at all as childcare will be either unavailable or prohibitively expensive compared to	This will affect all children and young people with disabilities who use short breaks services. It will particularly affect those who have no other options for respite - whether that be because they have no family or friends who can care for their child, or because their child's needs are too great.	If anything, a wider range of short breaks needs to be made available. There are normally waiting lists for the different services. West Berkshire has a duty to provide a wide range of different short breaks to meet differing needs.	Given that most of the short break providers operate on a shoestring with minimum wages and volunteers to run their services, I don't see how much further organisations can help. In order to provide short breaks, carers must be trained, supported, DBS checked and insured. Likewise there are ongoing costs for venue hire and equipment. This cannot be done for free, even if time was provided on a volunteer basis.	Contact parents - family voice, local charities and volunteers to find out what parents need. Local offer is probably a good place to start.	Cutting Short Breaks funding is a false economy. The cost of residential care for a single child with complex needs is likely to be in excess of the entire Short Breaks funding cuts. Cutting Short Breaks funding is destroying a whole community of support. The impact of the short breaks services goes well beyond childhood and into adulthood - helping young people become more confident and independent in society.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>mainstream. These families will likely require additional benefits if they are unable to work. 3. Family breakdown. Parenting children with additional needs is physically and mentally relentless. The small amount of respite offered by short break providers is often the difference between families surviving, or going into crisis. When a family hits crisis and is no longer able to look after their young person, West Berkshire will become responsible, and more than likely at a greater cost than the short breaks provisioning.</p>					
24		Yes						<p>As parents of a 14 year old girl with special needs, we are writing to you with regard to the proposed cuts from West Berkshire Council which will result in the closure of Mencap's Children's Services. Our daughter has regularly attended the Mencap After School Club twice a week for the past five years. This is the only After School Club that she is able to access. Not only does it have all the specialist equipment that allows her to play — something all children should be able to access — but it is an activity that is especially for her as opposed to her 5 siblings. Invariably she spends a lot of time watching her younger brother and sister playing football, hockey, swimming etc not to mention meeting up with friends and going to numerous birthday parties. She regularly asks if she can take part to which the answer is always 'no' which is heart-breaking for both her and us. With the Mencap After School Club she has a fun activity with her friends which she isn't otherwise afforded. If this valuable service is forced to close our daughter will spend two more evenings a week seeing her siblings have fun while she has to sit and watch. These children are already at a</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
								<p>disadvantage so why take something so valuable away from them? They are not in a position to find an alternative because there are no other alternatives available to them. Our daughter also accesses the Mencap Saturday Club and the Summer Play Scheme for the same reasons that she attends the After School Club. The closure of both of these will have the same effect as those we've listed above. There are currently waiting lists for all Mencap Children's Services—the demand for these is genuine and much-needed. We appreciate that cuts have to be made but it seems very unfair to make cuts that will affect such a vulnerable group of young people who already miss out on so much - not least quality of life. We urge West Berkshire Council to find other ways of saving the £135,000 a year needed to keep Mencap Children's Services open — even if it means an increase in taxation such as parking charges — surely the general public would see this as a small price to pay for such an essential service for special needs children in the community. We are aware that Gordon Lundie feels strongly that Mencap has sufficient funds to pay for these services itself. However, having questioned West Berkshire Mencap about this and having been provided with a breakdown of their capital it is fair to say that a large amount of the money they have is restricted and, as such, cannot be used to pay for Children's Services. They also need to keep significant reserves in order to run the charity in a responsible way. The quality</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
								of life for our daughter, and many like her, and the rest of our family, will be seriously affected should these closures go-ahead. Yet again we will find ourselves in a position whereby we have to deny our daughter the joy of playing with her friends in a safe and secure environment — please do not let this be the case.
25		Yes	Young people with special needs will no longer have access to any after school clubs, holiday play schemes or Saturday morning play schemes. Not only do the children who attend really enjoy these opportunities (there are no other opportunities available to them) but these services offer the rest of the family some respite time. Equally, as a working parent, time available to be at work will be restricted given there are no other after school clubs available to children with special needs.	I think the more severely disabled children and their families will be particularly affected as looking after a disabled child is incredibly hard work and stressful and puts stress on other members of the family. I think you could help with this by finding a different service to take money from.	No - the service that is currently delivered is second to none as are the staff. The children are happy in a safe and secure environment and are able to socialise which they can't do anywhere else. It is more often than not impossible to take disabled children to mainstream settings. This service should most definitely not be cut - the most vulnerable families and children are the ones who will suffer.	I am not an organisation I am a parent of a special needs child.	Surely the Council is already aware of these services. As a parent I can advise you that there are very few other sources of support and from what I understand, the other organisations such as KIDS are also going to have their budgets cut so we, and our children, will lose out again.	Why was West Berkshire Council so vitriolic towards West Berkshire Mencap? I have looked at West Berkshire Mencap's figures and these do not add up to £800,000 worth of spare cash just sitting in the bank. A large proportion of these funds are restricted and, as such, can not be put towards the general running costs of Mencap's Children's Services. It is also good practice to have reserves in the bank which are not unreasonable once the restricted funds have been taken into account. If they had less money in the bank then they could be criticised for poor financial management.
26	Mencap	Yes	Isolation will be a major factor in their lives also will be a big impact on the parents as it is respite for the parents. the parents will be having to cut their work times and possibly give up their job to care for their child when they are in mencap, following on from this that will be less money for the family and you will find families struggle with money and providing for their child.	yes i do! for example my son as he has no friends around where we live and his only form for socialising is through mencap, also children that are severely disabled. the way you would be able to help this is to not cut the budget, as you promised to look after every single special needs child/ adult in West Berkshire.			this present system is not broken and doesn't needs fixing	just put yourself in the families shoes.... i think these cuts will cause more problems then you are anticipating.
27	Parent	Yes	This proposal would impact on my daughters life SIGNIFICANTLY because she has no other way to socialise with her peers!! She gets to go to the cinema or out for a meal with peers that she won't get to do otherwise. As a young 16 year old lady it is her human right to be able to do what a neurotypical teen can do, BUT she needs the extra help to do so which is what this service provides and provides outstandingly!	I feel it will affect most people the same although some families with more than 1 disabled child will be affected more			Yes!! The likes of 2 charities KIDS and CROSSROADS which are all facing the same cuts so what exactly will there be for he's children?????	

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			!!					
28		Yes	<p>People with disabilities need all the help and support they can get. For many of them Mencap is a life line. It provides Social activities and Family support and information. I have four children the youngest two have ASD. For the past five years they have attended an out of county school. This is a two hour journey to school and a two hour journey home every day. They have no friends or classmates locally, the only social life they have is Mencap. As they attend a special school they are not allowed to attend Spectrum or Oasis groups which provide a service for ASD children. Mencap is our only option. If we do not support and encourage our young people we are going to make life harder for them as they grow older. To take away funding from this vital service is false economy. Our children will need much more care later on if you undo all the good work Mencap has done for them so far.</p>	<p>I feel that families like mine with more than one special needs child will be hit hardest.</p>	<p>Make it easier and clearer to claim for Personal Budgets. Provide better information and support for Families. I had never even heard of Personal Budgets let alone been offered one until I attended a recent meeting at Mencap.</p>	<p>I wish I could!</p>	<p>More publicity? Most families have little information. Organisations need to make themselves known.</p>	<p>Please don't cut the Children's Services budget.</p>
29		No	<p>I have registered concern at all cuts for children and young adults with SEN. Unless you have lived with this difficulty in your family you cannot imagine how difficult it is and how low life can become. I know 6ft police officers who deal with organised crime by day but cry at night for their SEN child and family life. These breaks are lifelines for exhausted parents, siblings and SEN children who target keeping the home running until the next break. Their life cannot be changed. This is how it will be. To remove these services will make life intolerable and lead to greater costs for children being taken into homes, residential schools and mental health care for all.</p>					

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
30		Yes	<p>My daughter has severe, multiple and complex physical and learning disabilities. She requires constant care with feeding and toileting. She is blind, and cannot walk or speak. She needs repeated medication throughout the day. Both my wife and I receive counselling to help deal with the stresses of being full-time carers, and my wife is on medication for anxiety. The stress of caring has had a real impact on our relationship. This will have a huge impact on families like us. As I understand it, you have a statutory duty to provide short breaks any way, and I am puzzled why you are making such cuts. It is noticeable that you make no direct mention of what these duties are. Mencap After School Club: this allows us to work. To lose this would mean my wife or I would need to reduce our hours, with substantial financial consequences for us. Saturday Club: Allows us to do 'normal' things with our youngest son, that are just not possible otherwise. Holiday clubs: Allows us to do things with our son, take him to clubs, have friends to play, and have some respite for ourselves. Mencap is my daughter's only chance to have social time and sensory play outside the home. Staff know her and are sensitive to her complex needs. The time before we got the level of support from Mencap that we now receive was a very black time for us. Since we received it, we have been able to cope better. The support we receive allows to a semblance of a 'normal' family life: it is NOT a luxury. The chance for my daughter to be in a group setting is surely a way of helping her access her right to normal things as well.</p>	<p>For some families, the short breaks Mencap provides are the only respite they get, so to remove it would reduce their support to zero. Working parents need the after-school club as Castle School offers very limited provision and mainstream childcare services do not offer services for children like ours. Where else would we go? West Berkshire is a small authority - there are not, to my knowledge, alternative providers around. Families such as us are some of the most vulnerable people in the community, which is why these breaks are statutory in the first place. Please understand the reality of what these breaks mean, and what the effects will be.</p>	<p>Not really. In-home support would not deliver the same benefits in terms of socialising and access to specialised facilities. Mencap are specialists in their field, so they are best placed to deliver the service. Castle School might run an after-school club, but could not help at weekends or the school holidays.</p>	<p>No. As a family we are stretched to the limit already. That is why we need the service!</p>	<p>West Berks is a small place. I doubt there are any locally. Castle School could offer an after-school club on-site?</p>	<p>Please protect us. Short breaks are a lifeline that allow us at least some of the things that families with mainstream children take for granted. As I understand it, you have a statutory duty to provide short breaks any way, and I am puzzled why you are making such cuts. It is noticeable that you make no direct mention of what these duties are. This has been handled in a confrontational way by the council, and has already caused distress.</p>
31	Oasis	Yes	<p>My son who is 14, I have always struggled to encourage him to come out with me to do family activity's and day to day things. He never wanted to do any thing or go anywhere just stay home, which obviously impacted the whole family. When this club came to our attention and my son attended it became clear he was enjoying himself. Hes always excited about going to this</p>	<p>The children who attend will be most affected, by not closing the club I feel this would help them.</p>	<p>No the service is fine as it is.</p>	<p>No</p>	<p>No</p>	<p>No</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			club and always talks to me afterwards about what he gets up to and how much fun he has. If this proposal goes ahead I feel my son may sink back into his old ways.					
32	Mencap	No	Carers of severely mentally handicapped people are saving the council/country thousands of £. They deserve some respite from their extremely tough daily lives. If they cannot get this, I fear they will pass the responsibility on to the council, completely overwhelming any budget saving that this measure creates. The human toll should be seen to be believed.	Carers deserve our support	Take all of these handicapped people into full time care and see how much that costs!	Mencap respite care services are an inexpensive way of delivering this service	I don't know of any other way	
33		No	It will severely impact families with disabled children and young people, resulting in an increased demand for statutory services.	It will affect disabled children. The council has a statutory duty to make provision for them to achieve the best possible educational and other outcomes.	1. Provide families with a personal budget 2. Invest in increasing the capacity of mainstream providers to include disabled children in what they provide 3. Charge a contribution to families using short breaks			
34		Yes	My child has autism and would regress in his social and emotional functioning. They will lose the confidence the Spectrum club has given them. Since receiving support from Spectrum club my son has learnt new skills and pay for things in shops. Because of their autism, they need consistent, specialist, expert support to retain these skills and to maintain the confidence they have gained from attending the club. The impact will be likely to be a loss of confidence and self-esteem, a loss of friends (the only friends they have), and a decrease in mental health. Before attending the club, my son did not go out and had no friends, they had been unable to access mainstream clubs and suffered poor mental health. If they could no longer attend the Spectrum club then they would go back to being socially isolated. The impact of closing this scheme will also be felt by us as the parents – the club has given us essential respite and have allowed us to have a bit of time for ourselves and spend time with our daughter. The	This proposal absolutely affects young people with autism more than others. The proposals by West Berks Council are to shut existing clubs and schemes with the intention of these young people accessing more mainstream clubs and activities. It is part of the condition of autism which means that kids with autism cannot just participate in mainstream activities and clubs. Many children with autism have sensory sensitivities which mainstream clubs and venues don't cater for (ie. Swimming pools, leisure centres too loud and crowded and unpredictable). Young people with autism must have routine, structured activities which they are prepared for by staff/volunteers who are trained in autism so that they know how to communicate with the young people in a way they understand. Young people with autism are far more socially isolated than other groups of young people (42% of children	We are not aware of another provider other than the NAS in the West Berks area who are sufficiently trained in autism to deliver these clubs if they were shut.	We are parents of a child with autism and we have had to fight for every bit of support we've ever received. We find it offensive to be asked to help deliver services for our disabled son. It is the Council's legal obligation to provide short breaks for disabled children. Autism spectrum disorders are a disability and as such the Council must provide services for them. The NAS Branch and other parents already do their best – as volunteers - to help other families affected by autism in West Berks. But they cannot and should not be asked to take on more and start providing services for free which	We can't answer this question as we simply don't know any other sources of support.	Young people with autism were identified as a particular group of young people with disabilities who must not be disadvantaged in accessing short breaks. West Berks Council must take into consideration that children with ASDs have been specifically highlighted as a disadvantaged group who must be able to access short breaks appropriate to them and their autism. The 'Aiming High for Disabled Children: Short Breaks Implementation Guidance' recognised the need for local authorities to provide specialist short breaks provision for children and young people with autism, as it states that a short breaks service should: "provide fit for purpose and age appropriate provision which ensures the following groups are not disadvantaged in accessing short breaks: a) children and young people with

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>whole family has benefited from this scheme – his sister is happier because we have been able to spend more time with her and we are happier because we get some time to do essential household things without having to worry about him. We fear that if the scheme was closed that my other child would suffer as she would have less time with us to herself and would have more caring responsibilities. My son would certainly regress in terms of socialising and confidence and his overall well-being.</p>	<p>with autism have no friends as opposed to 1% of other children). Their autism means that adjustments have to be made to activities and communication. They have to be supported to understand social rules and communications. If these schemes are shut, these young people will not just be able to adapt to mainstream clubs and activities – their disability makes this impossible. They have a disability which is lifelong and extremely complex with the biggest difficulties being around social communication – this means they will be unfairly affected by these closures as they are unable to join other clubs/ activities without the staff and venues making reasonable adjustments and training their staff in autism to make their venues and communication accessible to young people with autism.</p>		<p>the Council has a duty to commission for disabled children.</p>		<p>ASD. These are likely to have other impairments, such as severe learning disabilities or have behaviour, which is challenging.” If these cuts to autism-specific short breaks provision goes ahead, West Berkshire Council will be acting against national guidance and will also be creating circumstances which are likely to lead to much higher spending needs in the near future.</p>
35	Home-Start West Berkshire	No	<p>This proposal will impact the families that we support who have children under 5 with disabilities as we will no longer be able to prioritise their needs within our service. Parents will no longer have respite time to focus on their own needs or the needs of other children within the family. The impact is difficult to quantify as it will be different for each family, for some the lack of respite may have a negative impact on the mental health of the parent and other members of the family.</p>	<p>This proposal will affect those with disabled children. The impact on particular individuals will be dependent on what other support is in place. A planned ending would help, what plans are now in place rather than just ending. If a family has our support and we intend to end we want to ensure they know what universal services there are that they could engage with or what other services offer support even if this would now have to be paid for. Ensuring vulnerable families know what is the current offer even if it no longer includes us would help.</p>	<p>Peer to peer support; potential for those families affected to help one another - take in turns so there is still a period of respite. Paid support. Groups funded by other funders. Means tested access, those who can afford to pay do so while those unable to are supported. Access 'tokens' to ensure fair take up by all with support evenly distributed to every family impacted. Communication between service providers; we have found that we were supporting a family to use another service funded by same funding. We are also aware there are families that access a range of breaks and some who do not access anything.</p>	<p>Providing information to families impacted. Providing names of families supported by this funding to WBC to enable analysis of families most affected.</p>		

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
36		Yes	The support offered is invaluable in terms of taking the strain off the rest of the family. If this service was reduced the impact could be detrimental to the entire family putting them at breaking point which would then possibly have a knock on effect on their mental health, requiring them to need support in this area. Therefore the overall expense to the authority will be greater than leaving them as they are at the moment.	Yes, it will affect people with the most complex needs. It is essential that those with the greatest needs do not have their support cut.				
37		Yes	You should be aware that the cuts are hitting the same group of people from many different angles eg cuts to respite services and to camhs are affecting the same families. So the effect is cumulative and therefore catastrophic. A few hours respite a few times a year may not seem like much to you but to a family it is the difference between coping and not coping. If a family can't cope then the costs for social and health services is huge. Short term cuts may mean long term burdens on the services.	Yes. It affects those of us with disabled children more than other people. By targeting respite care for children, camhs and children's centres you are drastically cutting things that families with disabled children rely on to survive. Spread the cuts and be careful of cutting services which affect the same group of people more than once. We can cope with potholes. We can't cope with what are already very difficult situations with very little support anyway being made worse. It's not as though there is an abundance of help to start with. You are threatening to take away the bare minimum.	No. We get help from Crossroads in the form of a few hours respite a year. Organisations that cater for one child's disability and none of the other children's needs from our family are inappropriate as we get no respite and physically taking our children to different clubs according to their needs is not possible, so clubs run by charities to cater en masse are not the answer. Sometimes things are already run on a shoestring and are the bare minimum anyway and can't be cut. Camhs is a joke already with over 2 years waiting list for children who are suffering and families who are suffering. Any cuts to camhs are insane! I suggest maybe cheaper office space for the council? We don't particularly care about Christmas lights or any frivolities in West Berks, so maybe cut spending there rather than on vulnerable groups who are easy to target.		You need to bear in mind that although charities may provide groups for children with disabilities they are not providing the same service and it isn't appropriate for those who currently use Crossroads care, otherwise they would use them.	
38	Brookfields School	Yes	This service gives parents the much needed respite that they need, disabled children are emotionally and physically draining and some of us have no family to help and rely on this service, it also	definitely, those children that need 24 hour care, their parents and carers need that break in order to have some time for themselves, some children do not sleep so these			perhaps contact some of these charities that claim they help children, the lottery fund, children in need, comic relief	

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			helps the children to socialise and learn to adapt to new surroundings and people,	breaks are vital.				
39	Mencap	Yes	this proposal might lead to closure of some services to children with special needs. My daughter will be losing her after school club and holiday play scheme at mencap which she enjoys and needs most as no other organisation or school provides these services for such low prices.	i think it will effect all the individuals using the services.	yes, if schools like castle school can do after school clubs and holiday clubs.	we can pay from the direct payments we get.	yes, if schools like castle school can do after school clubs and holiday clubs.	
40	Mencap/Cross roads	Yes	I am the Mum of a profoundly disabled 13yo son who has Williams syndrome and autism. He uses Mencap and Crossroads regularly and they provide a lifeline to my family. My son thoroughly enjoys going there and he is loved and cared for with kindness in a safe environment. This provides some essential respite for my family. Until you have a disabled child, it is very difficult to appreciate the enormity of the task which faces a family in this situation. Without these essential services, my family and many others like me would be at breaking point. There are very few places available which are able to care for children and young people with complex disabilities so, if these services are withdrawn, many families would suffer terribly. Many of these families are already isolated, struggling and withdrawn and the situation would only be made worse. I feel very strongly that this will have a severe and detrimental impact on some of the most vulnerable and deprived families. This cannot be reasonable or fair in our society.	I think these proposals will affect all young people and there families who use the services form Mencap and Crossroads.	These services need experienced, specialised and dedicated staff often with many years of training to care for these young people with very complex needs. I think it would be very difficult and costly to attempt to provide these services elsewhere and I cannot see how anyone would benefit.	No!	I am an experienced Mum and also a Consultant Paediatric Orthopaedic Surgeon. Hence, I have a wide experience of children with special needs. The level of care required for these complex children is almost impossible to find and I cannot see, as things stand, that there are any other provisions available.	I feel very strongly that this would cause a very desperate situation to many families with children with special needs. There is nothing else for them and nowhere else to go as they require very specialised care. I understand that the numbers affected are small but the impact on these families would be huge. Surely this is not a reasonable way to treat our most vulnerable.
41		Yes	This reduction will impact very negatively on the children who need additional support and for whom respite provides an opportunity to widen their horizons. This will also impact negatively on the parents and carers of children with Special Needs. This service allows parents and carers to do normal everyday activities that would otherwise not be possible. Simple things like doing the household shopping, cleaning, and self care will be severely impacted. It is impossible to do these things whilst caring for a Special Needs child. In addition to the above this	People on low income or not in work will be hardest hit by this, as there is no other way that they can afford to obtain this care.				Stop trying to shirk your moral duties to the most vulnerable within the council area. Attacking children for cuts is reprehensible, targeting disabled children is just cowardly. Disable children are the most vulnerable part of our society because they are least able to communicate the huge impact this will have on them. If you are looking for cost reductions, try looking at the ludicrously high salaries paid to executives and top managers

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>provides valuable time for parents and carers to take some time for themselves, to recharge their batteries and to be able to continue caring for the child within the home. If this time is taken away it will mean that parents and carers are less able to take care of the child and ultimately will lead to the council being required to assist with more children in care. This time provides a lifeline to parents and carers and is much cheaper than the council having to pay for 52 week care of the child.</p>					<p>within this organisation. How can these people look themselves in the mirror every morning whilst they continue to take these huge salaries at the same time as taking benefits away from the most vulnerable parts of our society. Have you no shame!!!!</p>
42		Yes	<p>What it is like living with a child with additional needs, the impact and strain it has on day to day life. The difficulties we face as the child gets older in accessing places etc</p>	<p>I think it will affect all carers and put a strain on there family life. You can help by not cutting this service</p>				
43	Mencap and NAS	Yes	<p>I have a daughter aged 7 who has autism, ADHD, sensory processing disorder and epilepsy. We love her deeply but the challenges she faces are immense and the repercussions of those challenges on the family unit are immense too. My daughter has no control over her emotional system and is constantly seeking sensory kicks. This means that on an average day she will bite her hand until it bleeds, kick, scratch and bite us and her 11 year old brother, throw shoes, cups, sometimes even knives at us, pour milk over lap-tops, pour water under her brothers door because she wants to get in. We can't leave her on her own for long in case she has an epileptic fit. We can't go out as a family in any kind of relaxed way because everything has to be on her agenda and she will scream and lash out if it isn't. We tried to visit Newbury Show this year but it was too much for her and we ended up as a family in the craft tent huddled under a picnic blanket to create an impromptu "quiet space". Mostly we just don't go to the kind of family events that most of you take for-granted. Most of the time we feel that we are living in a war zone. Think for a second of the effect all this has on my little boy xxx. He has just started at St Barts. Yesterday he was crying his heart out because he had tried to play hide and seek with his sister and she had</p>	<p>I think many disabled children and their families will be affected by these cuts in slightly different ways. For families with children with complex needs and or severe behavioural problems like mine, these cuts are likely to tip many parents over the edge into mental health problems or seeking residential care for their children. For the proposed cuts to clubs for Aspergers children and teenagers as run by the local Branch of the NAS I would say this: These children spend their life struggling with incredible anxiety and low self esteem - much of it caused by feeling out of place and rejected or wrong footed in society. If you went to see the young people at the Oasis and Spectrum clubs you would see them at peace in an environment that gets them and values them. They learn there the social skills to make friends that they carry with them for years. They learn that they are accepted and that they can be happy in the world. This opportunity for these kids is worth more than gold. the vast majority of Aspergers people, when they leave school become isolated and depressed leading them to put a huge burden on social services and the NHS. Groups like these give</p>	<p>I could imagine that in the case of Mencap, children could be moved onto personal budgets. Parents would then tend to chose Mencap as their provider because they have the best facilities, the right staff, social set up and because they are extraordinary value for money.</p>			

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>ended up kicking him in the face. He has a chain lock on his door so that he can have some privacy, but she will stand outside banging on it incessantly or calling him names over and over to get his attention. Sometimes he finds all this just too much. He is frightened and frustrated. We had to seek counselling support for him at school. This isn't the kind of family life my husband and I envisaged. I love being a Mum. I want to be able to spend time with him, talking about his day, helping him with his homework. He has just started a new school and I want to support him through this transition. But when my daughter is around this is not possible. She will demand my attention constantly and if she doesn't get it she will spiral. It takes all evening to get my daughter to sleep too so we don't even have time then. My daughter goes to the Mencap after school club on a Monday which gives me 2 precious hours to spend with my son. Last summer (parents with autistic children DREAD summer holidays) my daughter attended the Mencap summer school twice a week. This gave us as a family unit time to re-ground ourselves before the next onslaught. On one of these days I took xxx for a trip to Bletchley Park. Again the sort of day out that many parents take for granted. For us it was a wonderful and rare gift to be able to relax and enjoy each other's company. Without Mencap children's services none of this would be possibly for my family. These service are not a nice-to-have. For many families, including mine, that struggle to create any sense of family equilibrium, they are the difference between coping and not coping. They are a lifeline. They keep families together. Early last July, things at home were so unremittingly stressful I called the disabled children's team in tears saying that if more support was not put in place we might have to start looking at a residential placement for my daughter. I was anticipating my worst nightmare. There are many families like mine in West Berkshire that use Mencap. It would only take one</p>	<p>them a social network which bolsters their resilience beyond measure. Many of them create their own groups when they leave. Many of these children will not qualify for personal budgets.</p>				

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>family to get to breaking point and ask for their child to be placed at a residential school to wipe out entirely any saving that the council may think they have made through £137,000 worth of cuts to Children's Services. I would say that if you make these cuts, this will be an inevitable outcome. It is financially and socially short-sighted. I know of several families who are on the edge and seriously considering applying for residential placements. If I am going to leave my child it needs to be with someone who is trained in ASD and epilepsy. My friends don't usually offer because they are worried they would not be able to cope. Other respite services can cost about £20 ph. We know one parent whose child uses Mencap who were charged £200 per day by one private provider of respite care because they said that he needed 2:1 care. Mencap charge a pittance in comparison. Mencap staff are extraordinary. Not only have they won a Queen's award for setting up the volunteer scheme which leads many of them to move into a career in a related field, these young people embrace our children with a love and commitment which is wonderful. There are children at Mencap after school club who have been turned down by all other care providers in many areas of the UK. When out with our children we have to endure the tutting and eye rolling and the "can't you control your child". Many of us have known being asked to leave churches and shops. When we pick up from Mencap we are accepted with open arms. It is hard to put into words how important this is. Gordon Lundie has said that you are considering expanding the provision that Castlegate provide. I have significant doubts that Castlegate, however good, can in and of itself meet the need of families requiring respite services. At present it only takes children over the age of 8 and only offers overnight care – not after school, Saturday or holiday provision. For that reason we have been unable to use this service. Our social worker was also very</p>					

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>doubtful as to whether it would suit xxx: we are intending to visit the facility to see for ourselves but she felt that the children there were almost all with very severe disabilities and she was concerned that xxx (who despite her behavioural problems is very bright and verbal) would feel deeply uncomfortable. It is important, when thinking about the council's provision of respite services to meet the demands of the Children's Act, that the provision is varied enough to meet the needs of children with very different profiles and needs: It would be impossible for high functioning Aspergers children to feel at home or stimulated in an environment with mostly children with severe intellectual and physical disabilities – just as neuro-typical people wouldn't want to spend all their social time with people with severe cognitive disabilities. In order for the provision to be respite at all the parents need to be confident that their children are happy. Mencap after school club and holiday club are MASSIVELY oversubscribed. We have only been able to get Estella into one session a week after school and we desperately need more. There are many other parents like us. I know many parents who have found it hard to get places at Castlegate. We need more short break provision in Newbury not less. I do not see how Castlegate could provide anything like the necessary level of service. As parents of some of the most vulnerable members of society this is the most recent of a barrage of cuts we have had to bear. CAMHS has become a not—fit —for-purpose service in the eyes of most people I speak to, the Mencap sitting service and Family Advice Service along with Buddies have also been cut. How much more are we supposed to take? And this year council salaries went up by 12.5 per cent. It is not only parents of disabled children who are horrified and up in arms at this: our neighbours and friends in Newbury are similarly aghast and are asking what they can do to support us in our campaign for a U-turn here. It runs</p>					

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			counter to most people's sense of what a humane society looks like.					
44	West Berks Mencap	Yes	There are, as far as I know, no other services of this kind for children with disabilities and their parents in the area. It will mean that children who have a severely limited ability to access recreational facilities that are available for the general population have nowhere to go that is safe and suitable for them. For their parents, on whom a significant burden of caring falls, the loss of this valuable respite could mean despair and exhaustion, as well as possibly depression. For some, it may mean that they have to give up work (if they are currently able to balance working with caring responsibilities). Clearly, this could have a knock on effect in terms of cost elsewhere (benefits, health service) and, if the bigger picture is considered, I would question whether the proposal is in fact a saving. In terms of the impact on the children/young people who will lose the service, it could impact on their health (the centre provides outdoor exercise and fresh air) and the self-esteem that socialising at the centre provides. The way that they are understood and compassionately treated by the trained staff and volunteers will potentially contrast with the way they will often be treated by those in mainstream type environments (if indeed their parents venture to take them to such places). It is extremely difficult as a parent to take your child where their behaviour or condition attracts comments and stares, which	Yes, it will affect disabled children/young people and their families, but obviously not the general population, who won't access the service anyway. Obviously the more severely disabled the child/young person is, the more they will be affected, since less disabled individuals would be more likely to be able to access (to varying degrees) general recreational facilities. See answer to 3 above. Providing holiday and after school care for disabled children (i.e. replacement services) would be helpful, though it is difficult to see how this would be better done by West Berks Council rather than Mencap.	In terms of after school care, my own view is that secondary schools and primary schools should be obliged to provide after school care, at least 3 days per week (most primary schools seem to do so, but the (incorrect) assumption appears to be that this requirement falls away once a child is at secondary school). If children are disabled, this should not affect their ability to access these services i.e. there should be sufficient staff kept on to provide it. For school holiday care, it would seem that the only way my child could access the facilities available to neurotypical children would be if he had a one-to-one, which would make him stand out like a sore thumb. Many of the holiday clubs available (like the one my daughter attended last summer at St Gabriel's School) are on sites which simply don't have the facilities for children who attend West Berkshire Mencap and where there	N/A	As far as I am aware, there are no alternatives in this area (as it is I drive for 30 mins to reach this venue). As suggested above, for after school care you could look at making much better provision in schools themselves. Personally, I would be prepared to pay for this & it would be in an environment my son is familiar with. I was quite put out that although my local special school has an after school club, my son cannot attend that as an alternative (he is in an autistic unit with no after school care) because it is only for the kids attending that school. Some children therefore fall through the gaps and even the West Berks Mencap provision is out of reach (except in holidays). For holiday clubs I'm afraid I see no easy answer: the mainstream ones I have called say that I would need to provide a one-to-one if I were to book my son in there, which would surely have a cost in excess of £100 per day once the fees were also	The West Berkshire Mencap is an excellent service with dedicated, well trained staff. The venue is good and they organise various activities and outings for the children so that they are well stimulated. I last tried putting my son in mainstream holiday clubs when he was around 8 (he is now 12). He lasted until the second day, when they rang me up to tell me he couldn't stay and they would give me my money back. This was because they only had 3 staff with 20 kids to look after and, since he was not interested in sitting colouring in or playing with the others, he insisted on staying in the playground where they couldn't monitor him properly. I was called back from my work (as a civil servant) and had to take the rest of that week off to care for him. I have managed to work part time (until relatively recently, due to the lack of secondary stage after school childcare) by using West Berks Mencap in the school holidays. I could truly relax leaving him there, knowing they are set up to give the best possible experience to children like him. If this service closes and there is nothing to replace it, I will have little chance of

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>reaction sadly persists in society despite campaigns and general increased awareness from the media. Where, as in my own case, the disabled child has siblings who access a variety of clubs and holiday activity programmes, they are surely likely to feel this loss particularly strongly. My child has autism and it is very difficult and unfair on him to put him with mainstream kids unless he has a one-to-one support as he invariably is picked on and teased by them.</p>		<p>is no security of the perimeter. I cannot see how this service can easily be replaced by e.g. summer camps run in mainstream schools, because they are not set up to cope (however, you could look at whether certain of these could offer disabled services). However, even if West Berkshire was able to find a suitable venue and run these services itself, that would surely not result in a cost saving.</p>		<p>taken into account.</p>	<p>returning to work anytime soon. I would urge those considering making these cuts to pay a visit to the service and observe these beautiful, but very needy children: ask yourselves whether, if your life involved caring for them and trying to fit in work and all the other necessities of life around that, could you do it without support? Please do not withdraw these services, certainly if nothing will be put in which can adequately replace them.</p>
45		No	<p>This proposal will have a significant detrimental effect on anyone involved in the service. The many young people who volunteer with West Berkshire Mencap will lose a brilliant opportunity to work directly with children and young people with disabilities which helps foster a sense of community not often seen in people of this age group, and helps to instill a healthy and inclusive attitude towards people with disabilities. It also provides valuable work experience (particularly for those such as myself interested in careers in a healthcare profession or in education). It will threaten the jobs of staff members, some of whom have spent years developing a highly specialised, effective service. This is a service that is unique to West Berkshire, and losing the expertise of these staff members would be a huge mistake, as it is more than likely that in the future the council will again recognise the need for a well-run children's service and will then have to start again from scratch. Most importantly it will quite obviously affect children and young people with disabilities and their families. Children with disabilities are at greater risk of isolation, and the current childrens' services allow them the opportunity to socialise with the other children and volunteers in a way that they would not be able to at home. Younger children benefit from shared access to play</p>	<p>As mentioned above, this will affect everyone currently involved in running and using the service, but children and young people and their families, especially families with working parents or those where more than one sibling has a disability will be hardest hit. This can be helped by continuing to fund the existing services.</p>	No	N/A	No	<p>I had the extremely valuable opportunity of working as a volunteer at the afterschool clubs and holiday playscheme's provided by West Berkshire Mencap childrens' services when I was at secondary school. I then moved to Wales to go to medical school but when I tried to find similar volunteering opportunities as a student I did not come across any other schemes providing the same level of support for children and young people with disabilities and their families. I am now a qualified paediatric doctor and have worked in several hospitals in Wales and south-west England, and frequently work with children with disabilities. I have seen first hand the immense amount of strain that these families are under, and I often wish that there were local services in my area as good as those that are currently provided by West Berkshire Mencap that I could refer my families to. The services currently available in West Berkshire are fantastic, and to pull the funding from these well established schemes would be incredibly short-sighted and will have a huge</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>equipment and activities, and older children and teenagers get to enjoy some independence from their parents. It goes without saying that their families also benefit. The pressure placed on families with a child with additional needs cannot be underestimated. Taking away after-school clubs and holiday playschemes would take away time for parents to do household chores/ shop/ give siblings time and attention. These key activities obviously become a lot more difficult with a child at home who may have complex and time-consuming medical or behavioural needs. It would of course make childcare arrangements even more difficult for parents who work. Taking away established supportive services from these families is very likely to push some families over the edge, and in the long term the cost of emergency foster care placements for some of these children is likely to far outstrip the cost of running the existing service that helps parents to continue providing the care themselves, as well as providing all the benefits for others mentioned above.</p>					<p>negative effect on the families who use the services.</p>
46		Yes	<p>Oasis club. My son xxx attends this club. I feel is one of the few times he gets to socialise with others you people in a similar situation. I dont know what he would do if Oasis was to close. It would certainly affect his confidence.</p>	<p>Yes. Some will depend on it more than others.</p>	<p>Voluntary payment from people.</p>			
47		Yes	<p>This would have long term lasting effect this on individuals that currently access the service and their families/carers. The world becomes VERY limited with a disability especially without the right support or access to environments that cater for individual needs with Qualified staff. The long term effect of taking services away from children is the future adults needing greater help and a bigger dependence on services, support i.e. Social services, secure homes, police and NHS. There are a lot of young people who do work experience within these services they are also the future. If these services are cut how will the young of today gain knowledge and experience in these job roles ? Again this will have a lasting impact on our</p>	<p>This proposal will have a wide and varied impact on a great number of families/carers. It will isolate not only individuals who access the services but also their families/carers. The world outside everyone's front door is a difficult and complex one at the best of times, without any disabilities. The continuation of the MUCH needed current services should be top priority for the local authority ! If there needs to be change then a longer and wider consultation is needed ? To just stop things mid flow seems very short sighted.</p>	<p>Why do we need to keep changing things ?????? Maybe once everyone knows exactly what's happening then the fine tuning can begin !</p>	N/A	<p>Talk to the parents, carers and adults who need them. They are the best informed people. Consultation with Social Services would surely give the up to date information that is needed ?</p>	<p>This is a very worrying time for my family and I as we watch and wait to see the outcome of our vital services currently under threat !</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			social services, NHS, mental health services, without the support staff and professionals all of the above will fail.					
48		Yes	<p>This will have a devastating effect on my son with special needs and on us, his parents. For our son it will mean losing his only opportunity to interact with other children and adults outside of his special school environment. Because our son is physically disabled and still in nappies at age 11, the other providers of social interactions will not accept him and we are regularly turned down by these other organisations. Mencap in Newbury and Thames Valley Adventure Playground are the only two organisations that provide us with respite and Daniel really enjoys his time there. If Mencap have to stop their Saturday club (once a month) we will only have one social group for Daniel to belong to (TVAP). Mencap also provide a holiday club which is vital to enable my husband and I to both keep working to pay our large mortgage because we have to live in a bungalow to be able to cope with our disabled son which was more expensive. The devastating impact on my husband and I as carers if we lose this small but vital respite is very worrying. We both work, the rest of our time (24 hours a day for the last 11 years and for the rest of our lives) is spent looking after our son. We don't have family who can help and friends have disappeared over the years as we have no-one to look after our son in the evening - we haven't been out in the evening together for 11 years - just think about that for a minute. If we lose our 3 hours one Saturday a month at Mencap and the 5 hours at TVAP once a month (we pay £30 and £25 for those using direct payments money) we will be totally isolated and I'm not sure how we will cope. WBC have already cut the funding to our son's special school so</p>	I totally disagree with making the cuts to Children's Services. You should look elsewhere in your organisation to make cuts and leave the most vulnerable people alone.	I totally disagree with making the cuts to Children's Services. You should look elsewhere in your organisation to make cuts and leave the most vulnerable people alone.	I totally disagree with making the cuts to Children's Services. You should look elsewhere in your organisation to make cuts and leave the most vulnerable people alone.	I totally disagree with making the cuts to Children's Services. You should look elsewhere in your organisation to make cuts and leave the most vulnerable people alone.	I totally disagree with making the cuts to Children's Services. You should look elsewhere in your organisation to make cuts and leave the most vulnerable people alone.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>they were unable to provide as much summer holiday club this year. Because we both work we don't have enough annual leave to cover all the school holidays and these holiday clubs are vital to help us manage them.</p>					
49		Yes	<p>Comments (in the Council's own budget proposal) such as "They would have to adjust to considering a reduced range of options from other organisations and through different arrangements rather than the same range of more familiar providers." make me realise how out-of-touch the Council is when it comes to the needs of our disabled children. You make it sound as easy as choosing to shop in Tesco's instead, if Sainsbury's closed down. It is not always easy for an able-bodied, 'typically developing' child or teenager to adapt to change. The children who use Mencap's disabled children's services can be extremely, frighteningly affected by new situations. My son has to have the same spoon to eat his cereal, will only wear one particular t-shirt, has only ever allowed me (and not even his father) to wash his hair (and he is BY NO MEANS the least adaptable of the children who use Mencap's services). He has been going to Mencap's children's groups since he was 2. He knows the staff and the buildings - and they know him, and that's just as important. There is 15 years' worth of knowledge and experience and trust built up on both sides. If we lost Mencap I would not know where to turn and I don't know I have the energy to start again, maybe with new people and different surroundings. SO the impact on xxx would be no more social life. His anxious behaviours such as rocking and rubbing his hands will probably increase. There will be no more days when the other three people in xxx's family can put themselves first for once, instead of</p>					

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			<p>only ever choosing activities and venues that xxx is comfortable with. The impact on me would be that I lose the free time I currently have when xxx is at Mencap. I would certainly withdraw from the volunteering that I currently do with the local Downland Volunteer Group as I doubt very much I would have any energy to think of anyone but myself and my family.</p>					
50		Yes	<p>Individuals who may have ASD services withdrawn (Oasis club) will be at risk of greater social isolation. This, at a young age can lead to lifelong depression and its associated risk factors which might include socio economic and personal problems arising from feelings of isolation and depression.</p>	<p>The cutting back of any services for young people with ASD will effect a lot of those who currently use the service. It is an invaluable lifeline to these youngsters who benefit from a sense of wellbeing and feelings of inclusion and safety amongst likeminded people with trusted staff who are aware of their spectrum of disabilities.</p>	<p>No. It is imperative that Oasis club is able to continue as it has been for many years providing a safe haven for ASD sufferers to socialise with a feeling of independence in a looked after fashion.</p>			<p>My son attended both the Spectrum club and the Oasis club. He is not currently a member as he has now turned 16 years of age. I was very saddened to read in a communication from Oasis club that the club is under threat. My son loved and needed that club. He felt safe amongst like minded people (his own words). He gained a huge amount of enjoyment and sense of fulfilment from participating in the differing activities on offer especially cooking. He used money independently in the tuck shop to buy his own snacks and drink. This little bit of free choice away from his family were some of the first indications of him growing up from a child to a young man. He attended the club every Thursday evening for some years. When he was tired or poorly he still insisted on attending the club because he needed it so much. I am very sad indeed to think that there are other families in West Berkshire with young Autistic children who might not now be offered this great 'Oasis' for their child. Please don't change/end the Oasis/Spectrum ASD youth club.</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
51	Oasis	Yes	<p>My son xxx is autistic and attends Kennet School as a mainstream sixth form student, he has never attended a school trip or outing.. He has attended Spectrum club and now Oasis club every Thursday evening since he was seven years old. xxx does not have friends at his secondary school. Spectrum and Oasis have been very important to xxx and his parents. The group is the only activity outside of the school day that xxx attends. He has tried cubs, scouts, sports groups and other youth clubs. Xxx has always felt uncomfortable and threatened when he had attended these groups. The impact will almost certainly be a loss of confidence and self-esteem, a loss the only friends that he has made. He has made games and activities that he has taken to Oasis and Spectrum club so that he can share his idea with his friends there. When he started Spectrum club he felt at ease straight away and has rarely missed a weeks meeting. He has attended every weekend away and shows that he has enjoyed every minute of the group. If he could no longer attend the Oasis club then he would go back to being socially isolated and what provision will there be for these mainstream autistic children that find mixing with others so difficult. Since attending Spectrum and then Oasis group, the support from the staff has been invaluable. The adult helpers are amazing and understand the children's needs. The young helpers are invaluable in breaching that gap between child and adulthood that these precious children struggle with. xxx has learnt new skills that school has been unable or unwilling to teach because of their resources and lack of insight or training. Because of xxx's autism, he needs consistent, specialist, expert support to retain these skills and to maintain the confidence that he has learnt from attending Spectrum and Oasis club.</p>	<p>Xxx and other children like him have sensory sensitivities which mainstream clubs and venues don't cater for. Cinema's, other youth clubs, swimming pools etc. are too loud and crowded and unpredictable nature of other people that children and adults like xxx find difficult. This proposal absolutely affects young people with autism more than others as Young people with autism are far more socially isolated than other groups of young people. Xxx and others like him must have routine, structured activities which they are prepared for by staff/volunteers who are trained in autism so that they know how to communicate with the young people in a way they understand. They have to be supported to understand social rules and communications, so as to no harm not only comes to children like xxx but to other children and young adults as well. xxx needs to be in an environment where he is safe as he does not pick up on the clues of dangers in some situations. If these schemes are shut, these young people will not just be able to adapt to mainstream clubs and activities – their disability makes this impossible. They have a disability which is lifelong and extremely complex with the biggest difficulties being around social communication – this means they will be unfairly affected by these closures as they are unable to join other clubs/ activities without the staff and venues making reasonable adjustments and training their staff in autism to make their venues and communication accessible to young people with autism.</p>	<p>I am not aware of another provider other than the NAS in the W Berks area who are sufficiently trained in autism to deliver these clubs if they were shut.</p>	<p>I wondered whether a small increase in the weekly fees and asking for a larger contribution to their weekend away that they go on once a year.</p>	<p>No</p>	<p>I am just so disappointed that yet again I am (as a parent) having to justify and put up a fight for my son. I do not expect the council to pay for my son and his disabilities, he is my son and my responsibility but I expect for there to be provision for activities and groups with appropriately trained staff where the children ad adults feel safe and protected. And if these groups close then what will the provision be?</p>

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
52	Oasis Club	Yes	My son xxx is 16 and has Asperger's syndrome. Oasis and Spectrum (the same club but your younger members) has been the only club xxx has used, since he was 10, and felt he had to leave scouts, as he did not feel safe there as he had in Cubs. Where he as nurtured, and the boys had not reached the loud boisterous stage. Xxx does not make friends really, and he is vulnerable to being mistreated. I once asked him why he liked it as the club, and his reply was "Because it it the only place people understand me." He can be his self there, as much as he can be at home. and there is nowhere else I can say that of. So. If this group is taken away. xxx will lose the only social outlet available he has. I can't tell you how sad that makes me.	The club is aimed at people at main stream school, with Autism in some form. To my understanding, for these people, their autism makes it extremely difficult to socialise, but aware still. that they want to be part of all the things that are going on around them in society. I do not believe there is ANYTHING remotely similar in the area, that xxx and similar people could use, should this club be closed. So, I urge you so very strongly, not to take this away from them. Life is already so tough for them!	This club is already very simply structured, and run with a lot of voluntary help. I can not see how it can really be streamlined to cost less. I believe it is to save money that the club is under threat? I am happy to help in any way I can, and have offered to do so. But if I came helped at the club, that rather defeats the object of giving my son independence. Also, I do not think that is what the club is in need of anyway. So No I do not.	Other than talking to members to help them with the loss of their beloved club, I can think of no way to help alleviate the impact.	No. see above comments.	Xxx will already have to leave this club, when he is a little older, and I find it really sad, as there is nothing else similar out there for him. It has been a social lifeline for him while he has been the ages to attend. It would be a huge loss for others in his situation not to benefit in such a way. In fact I think we should be extending the service to a wider age group, and so making it impossible to run!
53		Yes	As it has been helping with practising independence for my son's, they will probably end up with a life just behind their computer desks and all of the potential health problems that this can incur, ie; Scheunmens Disease, also for Autistic Spectrum Children non compliance	They need Befrienders, who are neutral to the family as a bridge to independence	No the current way works just fine		Befriending helps the children allot, they can be taken to places, or practice elements of independence, with ie; practice run on the bus with the Befriender	
54	National autistic society OASIS	Yes	My son has autism and would regress in his social and emotional functioning. he will lose the confidence the Oasis club has given them. Since receiving support from OASIS and SPECTRUM before that Ben has learnt new skills and made lots of friends. The impact will be likely to be a loss of confidence and self-esteem, a loss of contact with his friends outside of sitting at his computer - when not attending the clubs he rarely goes out. I would expect to see a marked decline in his mental health and the onset of depression (which he has already had) The impact of closing these schemes will also be felt by me as the parent – the clubs have given me essential respite and have allowed me	Definably young people with autism more than others. Autism means that our children cannot not access and just participate in mainstream activities and clubs. Many children with autism have sensory sensitivities which mainstream clubs and venues don't cater for. I believe that you are also going to axe the NAS befriending service and PALS - I hear that many parents use these to supply a friend to take their child to a main stream club. Young people with autism must have routine, structured activities which they are prepared for by staff/volunteers who are trained in autism so that they know how to	There is not another provider other than the NAS who are well enough trained to deliver these services if they were shut.	Through the years we have had to fight for every bit of support we've ever received - from appointments with CAMHS (which you are also hitting with cuts) to getting support in school. I already volunteer with other activities to help my child It is the Council's legal obligation to provide short breaks for disabled children. ASD are a disability and as such the Council must provide services for		If you axe autism-specific short breaks you will be acting against national guidance and will also be creating circumstances which are likely to lead to much higher spending needs in the near future - do you really want to have to spend more money when families and children reach crisis point.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
			to have a bit of time for myself - even if it is only to get the shopping done in peace	communicate with the young people in a way they understand - if these services are axed they will not be able to adjust to mainstream clubs and activities. ASD is a lifelong disability and is very extremely complex - the biggest difficulties being around social communication – this means they will be unfairly affected by these closures as they are unable to join other clubs/ activities without the staff and venues making reasonable adjustments and training their staff in autism to make their venues and communication accessible to young people with autism. Young people with ASD are more socially isolated than other groups of young people (42% of children with autism have no friends as opposed to 1% of other children). Their autism means that adjustments have to be made to activities and communication and they have to be supported to understand social rules and communications		them. The NAS Branch and other parents already do their best – as volunteers - to help other families affected by autism in the area. They cannot and should not be asked to take on more and start providing services for free which the Council has a duty to commission for disabled children. Some of us are already at the end of our tether - asking us is quite frankly offensive		
55								I read today on the medium that the whole world can read that you are to cut funding to several local charities that help children with disabilities. Shame on you. In one of the richest countries you cannot arrange the publics funds to provide Aid to these children and their parents. I have worked in public and court offices a d experienced the waste. Over warm rooms with the windows open. Huge courtrooms , redecorated on the whim of a magistrate on over generous expenses. Have another look for savings that are not so cruel.

ID	Group / organisation responding on behalf of (if applicable):	Are you, or is anyone you care for, a user of this service?	What do you think we should be aware of, in terms of how this proposal might impact people?	Do you feel that this proposal will affect particular individuals more than others, and if so, how do you think we might help with this?	Do you have any suggestions as to how this service might be delivered in a different way? If so, please provide details.	Is there any way that you or your organisation can contribute in helping to alleviate the impact of this proposal? If so, please provide details of how you can help.	Do you have any suggestions on how we can best identify other sources of support and alternative arrangements, breaks and activities for families and their children with disabilities? If so, please provide details.	Any further comments?
56		Yes	I don't think you have any idea of what these services mean to families of disabled children. My son has days out in holidays and a 3 day break every year with Crossroads. The location of his school means he has no local friends and even though he is 13 it is not safe for him to be out and about without supervision even if he did have. This means that the only place he goes to without me or Crossroads trips is school. These trips contribute hugely to developing social skills and independence. The short break is the often the only time he has a holiday and is the only time me and his brothers have a break as there is no-one else that I can trust to look after him and meet his needs.	Obviously it is going to affect the vulnerable again. Not only that, it will affect their families as this is the only break they get from caring for a child with disabilities. This could lead to increased mental health issues in carers, families and so on.				Again you are removing services from the most vulnerable in our society.
57		No	Im not a user but have benefited personally and am who and where I am today because of the services west berkshire mencap provide. I started as a volunteer with west berkshire mencap while still at school, it taught me to appreciate life, treat everyone with respect and gave me a real appreciation of life. This service does not only benefit the service users and their families, but also the young volunteers, their friends, acquaintances, family and future employers.	This will affect every resident of west berkshire, now and in the future.	Reverse the 16.5% pay increase given to councillors and through other efficiencies.		You shouldn't need too, west berkshire mencap provide the best possible service	Gordon Lundie should be ashamed of his comments and how he has dealt with this. Is it why he has stood down?
58								THE CASE OF XXX XXX THE MOTHER OF A CHILD THAT THE COUNCIL THAT YOU BOTH REPRESENT YOU BOTH WANT TOO CUT OUT THEIR NEEDS FOR THEIR CHILD TO CUT FUNDS FOR HEALTH CARE THAT THEY NEED FOR MENCAP. THIS IS NOT THE WAY TO ACT TOWARDS CHILDREN IN THIS DAY AND AGE, I URGE YOU TO HAVE SOME COMPASSION FOR THESE PEOPLE AND OTHER PEOPLE IN THESE SITUATION.

This page is intentionally left blank

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.

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

Name of policy, strategy or function:	Revenue Budget 2016/17
Version and release date of item (if applicable):	
Owner of item being assessed:	Andy Walker
Name of assessor:	Andy Walker
Date of assessment:	29.1.16

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

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To ensure the Council has a balanced revenue budget for 2016/17
Objectives:	
Outcomes:	
Benefits:	

<p>2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(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.)</p>
--

Group Affected	What might be the effect?	Information to support this
Further Comments relating to the item:		

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the policy, strategy, function or service 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 2 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	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	Not required

Name: Andy Walker

Date:29.1.16

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

Equality Impact Assessment Template – Stage Two

Please complete this template if completion of the Stage 1 template has identified that a full Equality Impact Assessment is required.

Before proceeding with the Stage 2 Equality Impact Assessment, you should discuss the scope of the analysis with service managers in your area. You will also need to refer to the equality impact assessment guidance.

Name of item being assessed:	Budget Proposals regarding Short Breaks for Disabled Children
Version and release date of item (if applicable):	
Owner of item being assessed:	Juliet Penley
Name of assessor:	Juliet Penley
Date of assessment:	28.12.15
Date Stage 1 EIA completed:	30.10.15

STEP 1 – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this Equality Analysis? Please tick all that apply.			
Service Targets		Performance Targets	x
User Satisfaction	x	Service Take-up	x
Workforce Monitoring		Press Coverage	
Complaints & Comments		Census Data	
Information from Trade Union		Community Intelligence	
Previous Equality Impact Analysis		Staff Survey	
Other (please specify)			

2. Please provide details on how you have used the available evidence, information you have selected as part of your Impact Assessment?
<p>I have taken into account the views and comments provided from the following;</p> <p>Public consultation published on council's website and ran from 1.11.15 – 15.12.15. The public were encouraged to complete an online form. 58 responses received</p> <p>Meeting with providers of short breaks (contracts) on 30.11.15 and 4.12.15</p> <p>Parents open meeting arranged by Parent Voice (parent participation organisation) 9 parents attended</p> <p>Parents views collated by Mencap and Crossroads -14</p> <p>Petition online (via 38 degrees) with 3,173 signatures</p>

3. If you have identified any gaps in relation to the above question, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research? If 'No' please proceed to Step 2.

No

STEP 2 – Involvement and Consultation

1. Please use the table below to outline any previous involvement or consultation with the appropriate target groups of people who are most likely to be affected or interested in this policy, strategy, function or service

Target Groups	Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age – relates to all ages	
Disability - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.	Consultation was undertaken with parents of children with a disability as detailed in 2 above.
Gender reassignment - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement for them to undergo medical supervision.	
Marriage and Civil partnership –.protects employees who are married or in a civil partnership against discrimination. Single people are not protected.	
Pregnancy and Maternity - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place	
Race - includes colour, caste, ethnic / national origin or nationality.	
Religion and Belief - covers any religion, religious or non-religious beliefs. Also includes philosophical	

belief or non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.	
Sex - applies to male or female.	
Sexual Orientation - protects lesbian, gay, bi-sexual and heterosexual people.	

2. Who are the main stakeholders and what are their requirements?

In addition to families, the main stakeholders are the 8 providers who hold contracts with the council to provide short breaks. It is these contracts that the council have given notice on and are having to consider in terms of future budget savings.

The 8 organisations who hold contracts are Mencap, Crossroads, Dingley, PALS, Guideposts, KIDS, National Autistic Society and Homestart. Guideposts have said they do not wish to continue to provide any short break services

The 7 remaining organisations need the level of council funding to continue in order to continue to provide the same level, range and standard of short breaks going forward.

3. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

The ceasing of the councils funding via contracts for short breaks will have a significant impact on the capacity of the organisations to continue to provide services to families. If there is no future funding then most organisations are likely to continue to provide a very limited range of services and will need to increase charges to cover costs. For larger organisations like Mencap and Crossroads who provide services to the greatest number of children with disabilities, they say they will need to make staff redundant and close some services completely.

All feedback from families has said how much they value and rely on these short breaks services. The following comments are representative of all those received;

'Crossroads has been a lifeline for our family, its peace of mind to know she is being cared for by competent staff. My daughter is very physically disabled and this is the only social opportunity she has and the only break for my family.'

'My son has severe autism and has been with Crossroads and Mencap for many years, it is the only social life he has. He has no friends.'

'I have 3 boys with autism and a husband with mental health problems. Somebody giving me a break, just once during school holidays, to give me the space to think and recharge has made the difference to facing school holidays with dread and finishing them with exhaustion and illness to having the strength to enjoy and have fun with the children.'

'Oasis Youth Club for young people with autism would close. Befriending for young people with autism would close. And what else is there for young people with autism in West Berks - nothing. This will detrimentally impact around 30 young people with autism and another 100 or so parents and siblings.'

'The social impact this will have on the family as a whole! By cutting all these services you are at risk of putting more families at crisis point due to not having enough or any support!'

'Parent Voice is West Berkshire parent carer participation charity. We know many of our

members have give feedback directly to the council however we felt it important to offer an evening session for those who wanted to discuss the proposals and be part of the Parent Voice community feedback. We held the meeting on 30th November at St Johns Church rooms; it was advertised widely through our networks and those of our partners. The feeling of the meeting was that the provision offered through short breaks is currently a minimum and would not withstand any cut. Without maintaining the current service children and young people with Special Educational Needs and or a Disability will be significantly disadvantaged and will not be given the opportunity to 'live ordinary lives' as set out in the Children and Families Act 2014 and the Equalities Act 2010. Accessing services currently is a challenge as the families service is oversubscribed with waiting lists in place.

STEP 3 – Assessing Impact and Strengthening the Policy

What will be done to improve access to and take-up of, or understanding of the policy, strategy, function or service? (these are the measures you will take to mitigate against adverse impact)

Those Childrens and families with the highest level of need will be eligible for an assessment by Childrens Social Care and will be provided with services such as short breaks to meet their needs.

There is likely to be a reduced amount of short breaks funding available so this will be used to support those services most valued by families. The overnight breaks are very costly to provide and are delivered to a smaller number of children. The services most needed by families (according to their feedback) are holiday play schemes, after school clubs and youth clubs so it is planned that the remaining money can be targeted to those services.

Some organisations have advised that they will continue to offer short breaks and will either increase charges or seek funding elsewhere.

STEP 4 – Procurement and Partnerships

Is this project due to be carried out wholly or partly by contractors? Yes/No (please delete)

If 'yes', have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation.

No

STEP 5 – Making a Decision

Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority's responsibilities in relation to equality and support the Council's strategic outcomes?

The council has to make very difficult decisions regarding budgets. It is clear from the consultation that short break services are very valued and needed by families and there has been a huge amount of feedback which all disagrees with the proposal to make reductions in funding. There is a risk that by ceasing or reducing the funding to these early help services that families with go into crisis and eventually cost the council and other services much more.

The current short breaks services were commissioned following on from the governments 'Aiming High for Disabled Children' initiative (2008-11) when considerable central funding was available to councils to develop and increase short breaks for disabled children. So the current

contracts were awarded to organisations to provide short breaks at an early point of need and to a far greater number of children.

Although councils would want to provide prevention/early intervention as well as statutory services, it is not now possible given the savings required so this proposed budget savings is to those short breaks at 'preventative' level

Short breaks will still be provided by the council to those families who are assessed as being in the greatest need.

STEP 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan, you must identify how you will monitor the policy/function or the proposals following the Equality Impact Assessment and include any changes of proposals you are making.

What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

There will be a procurement process with the remaining funds which will offer a smaller amount of support for 2 or 3 services. The contract monitoring processes will continue and impact monitored and reported to council management

STEP 7 – Action Plan

Any actions identified as an outcome of going through Steps 1-6 should be mapped against the headings within the Action Plan. You should also summarise actions taken to mitigate against adverse impact.

	Actions	Target Date	Responsible post holder & directorate
Involvement & consultation	Discussions will continue with current providers to mitigate impact of reduction in funding and consider level of ongoing provision	Subsequent to consultation period	Service manager (C&F services)
Data collection	Continue to collect data from short break providers as currently	Every quarter	Service manager (C&F)
Assessing impact	Data will be used to consider any gaps in service provision	Post April 2016	As Above
Procurement &	Award contracts with remaining funds	April 2016	As Above

partnership	under the 'quick quote' process through portal		
Monitoring, evaluation and reviewing	New contracts awarded will be monitored as part of contract arrangements	April 2016	As Above

STEP 8 – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Assessor		
Name: Juliet Penley	Job Title: Service Manager	Date: 29.12.15

Service Director or Senior Officer (sign off)		
Name:	Job Title:	Date:

Please email a copy of the EIA to Rachel Craggs, Principal Policy Officer (Equality & Diversity): Rachel.craggs@westberks.gov.uk

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON TUESDAY, 1 MARCH 2016

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, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Sheila Ellison, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Vice-Chairman), Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Martin Dunscombe (Communications Manager), Peta Stoddart-Crompton (Public Relations Officer), Andy Walker (Head of Finance) and Rachael Wardell (Corporate Director - Communities), Moira Fraser (Democratic and Electoral Services Manager), Linda Pye (Principal Policy Officer), Honorary Alderman Andrew Rowles and Phil Rumens (Digital Services Manager)

Apologies for inability to attend the meeting: Councillor Howard Bairstow, Councillor Jeremy Bartlett, Councillor Dennis Benneyworth, Councillor Richard Crumly, Councillor Rob Denton-Powell and Councillor Gordon Lundie

PART I

94. Declarations of Interest

The Deputy Monitoring Officer announced that in respect of Agenda Item 16 (Revenue Budget 2016/17) all Members, except Councillor Nick Goodes, had completed an Application for a Grant of a Dispensation in relation to "any beneficial interest" in land within the Authority's area. The Monitoring Officer had granted the dispensation to allow all those Members that applied for a dispensation to speak and vote on these items.

Andy Day also reported that Councillor Lynne Doherty had an interest in Agenda Item 16 (Revenue Budget 2016/17) by virtue of the fact that Councillor Doherty's employer was a recipient of the Short Breaks Funding. Councillor Doherty had applied to the Governance and Ethics Committee for a dispensation to speak and vote on this item. The Committee decided that Councillor Doherty could speak and vote on the Phase 1 consultation responses as a whole, but could only speak on the short breaks for children and not vote on this issue should this situation occur.

The Deputy Monitoring Officer stated that Councillors Marcus Franks and Lee Dillon had an interest in Agenda Item 16 (Revenue Budget 2016/17) by virtue of the fact that their employer, Sovereign Housing Association, received funding from the Council for its Neighbourhood Warden Scheme. Both Councillors had applied to the Governance and Ethics Committee for a dispensation to speak and vote on this item. The Committee decided that a dispensation should be granted but that the dispensation would permit Councillor Franks and Councillor Dillon to speak but not vote on this item.

The Deputy Monitoring Officer also informed Members that Councillor Mike Johnston had notified him that he had a disclosable pecuniary interest in Agenda Item 16 (Revenue

COUNCIL - 1 MARCH 2016 - MINUTES

Budget) by virtue of the fact that his wife was employed, on a casual basis, by the Visitor Information Centre and he would be leaving the room during the course of discussing and voting on this matter.

Andy Day explained that Councillor Jeff Beck was a trustee of the Corn Exchange, Readibus and the Volunteer Centre West Berkshire. As he had a fiduciary duty to these trusts he determined, in respect of Agenda Item 16 (Revenue Budget), to leave the Chamber during the discussion of this item and would not take part in the vote.

The Councillors set out below declared a personal interest in Agenda Item 16 (Revenue Budget).

Councillor	Outside Body	Other
Bale, Pamela	East Downlands Children's Centre Advisory Board Governor of Pangbourne Primary School	Regular user of Pangbourne Library
Bryant, Paul	Greenham Common Trust Donnington Trust Harwell Restoration	
Clifford, Jeanette	Governor of St Bartholomew's School A foundation Governor of the St Bartholomew's Foundation A member of The Corn Exchange Newbury Town Council link Councillor to the West Berkshire Museum Trustee of Mabel Luke Charity – almshouses	User of Newbury Library; User of Northcroft Leisure Centre; Attends events at The Watermill;
Goff, Dave	Foundation Governor at St Bartholomew's School	
Jackson-Doerge, Carol	Corn Exchange The Watermill Theatre Governor of St Marys Burghfield	
Jaques, Marigold	West Berks Citizens Advice Bureau	
Jones, Rick	WB Mencap – WBC representative	

COUNCIL - 1 MARCH 2016 - MINUTES

Councillor	Outside Body	Other
	West Berkshire Disability Alliance	
Lock, Mollie	Burghfield Children's Centre - Member on the Board (no financial responsibilities)	User of Mortimer Library. User of No 75 Bus service. Bus Passes.
Macro, Alan		Occasional user of Theale Library Member of Theale Parish Council. (Theale Parish Council utilises, and helps fund, the Neighbourhood Warden Service and CCTV Service)
Podger, James	Governing Body at Mary Hare School	
Stansfeld, Anthony		Police and Crime Commissioner

106. Revenue Budget 2016/17 (C2979)

(All Members, except Councillor Nick Goodes, had been granted a dispensation by the Monitoring Officer to speak and vote on this item).

(Councillor Lynne Doherty declared a personal and disclosable pecuniary interest in Agenda Item 16 by virtue of the fact that Councillor Doherty's employer was a recipient of Short Breaks funding. Following the granting of a dispensation to speak and vote on this item, unless short breaks for children were specifically discussed, she determined to remain in the meeting and vote on the item).

(Councillors Marcus Franks and Lee Dillon declared a personal and disclosable pecuniary interest in Agenda Item 16 by virtue of the fact that their employer, Sovereign Housing Association, received funding from the Council for its Neighbourhood Warden Scheme. Following the granting of a dispensation to speak but not vote on this item they determined to take part in the debate but not vote on this item).

(Councillor Mike Johnston declared a personal and disclosable pecuniary interest in Agenda Item 16 by virtue of the fact that his wife was employed, on a casual basis, by the Visitor Information Centre. As his interest was personal and a disclosable pecuniary interest he determined to leave the meeting and took no part in the debate or voting on the matter).

(Councillor Jeff Beck declared a personal interest in Agenda Item 16 by virtue of the fact that he was a trustee of the Corn Exchange, Readibus and the Volunteer Centre West Berkshire. However as he had a fiduciary duty to these trusts he determined to leave the Chamber during the discussion of this item and did not take part in the vote).

(Councillors Pamela Bale, Paul Bryant, Jeanette Clifford, Dave Goff, Carol Jackson-Doerge, Marigold Jaques, Rick Jones, Mollie Lock, Alan Macro, James Podger and

COUNCIL - 1 MARCH 2016 - MINUTES

Anthony Stansfeld declared a personal interest in Agenda Item 16 for the reasons set out in the table in Agenda Item 4. As their interest was personal and not a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).

(Councillors Jeff Beck and Mike Johnston left the meeting at 8.29pm and did not return).

The Council considered a report (Agenda Item 16) concerning the 2016/17 revenue budget.

The Chairman clarified the rules of debate for this item which had been agreed by both Group Leaders prior to the meeting. Both Leaders would be permitted to speak for up to ten minutes and their presentations should include the submission of any amendments. All Portfolio and Shadow Portfolio Holders would be permitted to speak for up to five minutes on the motion and amendments with all other Members being allowed two and a half minutes to speak.

The Chairman pointed out that Members would have been lobbied on the revenue proposals and this was noted. It was also noted that a significant number of Members were also Parish or Town Councillors.

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Graham Jones:

“That the Council:

- 1) Notes the responses received to each of the 47 public facing savings proposals in relation to Phase 1 of the public consultation exercise undertaken on the 2016/17 budget.
- 2) Considers the use of the 2016/17 transitional grant as a means of mitigating the impact of some of the Phase 1 proposals and where this is not used, the recommendations set out in the Overview and Recommendations template be approved.
- 3) Recommends that those public health grant funded services (marked as “to be progressed”) in the Overview and Recommendations template totalling £114,000 be progressed.
- 4) Approves the 2016/17 revenue budget requirement for Council Tax setting purposes of £82.28 million requiring a Council Tax increase of 1.99%.
- 5) Applies the 2% ring-fenced adult social care precept.
- 6) Approves the Fees and Charges as set out in Appendix H and the appropriate statutory notices be placed where required.
- 7) Approves the Special Expenses as set out in Appendix I.
- 8) Approves the Efficiency Strategy for Use of Capital Receipts as set out in Appendix O.
- 9) Authority be delegated to the Executive, on 24 March 2016, to adjust the Council’s budget plans, should the responses to Phase 2 of the public consultation require it to do so.
- 10) Permits the Executive, on 24 March 2016, to propose where the transitional grant funding of £1.39m be used.
- 11) Notes the following amounts for the year 2016/2017 in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended (by the Localism Act 2011):-
 - a) *62,626.13 being the amount calculated by the Council, (Item T) in accordance with regulation 31B of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Localism Act 2011), as its council tax base for the year.*

COUNCIL - 1 MARCH 2016 - MINUTES

- b) Part of the Council's area as per Appendix M being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which a Parish precept relates.*
- 12) Calculates that the Council Tax requirement for the Council's own purposes for 2016/2017 (excluding Parish precepts) is £82,281,340.
- 13) Calculates the following amounts for the year 2016/2017 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, amended by the Localism Act 2011:-
- a) £292,700,038 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2)(a) to (f) of the Act taking into account all precepts issued to it by Parish Councils.*
- b) £206,549,768 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act.*
- c) £86,150,270 being the amount by which the aggregate at 13(a) above, exceeds the aggregate at 13(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R).*
- d) £1375.63 being the amount at 13(c) above (Item R), all divided by 11 (a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the 'basic amount of its Council Tax for the year (including Parish precepts).*
- e) £3,868,930 being the aggregate amount of all special items (parish precepts) referred to in Section 34(1) of the Act (as per Appendix M).*
- f) £1313.85 being the amount at 13(d) above less the result given by dividing the amount at 13(e) above by the amount at 11(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special items relate.*
- 14) Notes that for the year 2016/2017 the Police and Crime Commissioner for Thames Valley & the Royal Berkshire Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Councils area as indicated in Appendix M.
- 15) In accordance with Sections 30 and 36 of the Local Government Finance Act 1992, sets the aggregate amounts shown in the tables in Appendix M as the amounts of Council Tax for 2016/2017 for each part of its area and for each of the categories of dwellings."

Councillor Croft in introducing the report noted that this was West Berkshire Council's most challenging budget ever as the principle source of government funding had been cut by the Government by 44% in 2016/17. This meant that the savings requirement for the Council had increased from £10.8 million to £18 million since December 2015. The authority however had a duty to set a balanced budget.

As a consequence Members were required to make difficult decisions as the Council was unable to continue to provide the existing levels of service. The Council and its residents would have to identify different models for delivering services including supporting Parish and Town Councils and community organisations to take on some of the responsibility for delivering services if they were valued by local communities.

Councillor Croft explained that the Council had deliberately used its reserves. They were currently at a level of around one month's revenue which could be a critical position if an emergency situation, such as flooding should occur.

COUNCIL - 1 MARCH 2016 - MINUTES

Executive Members and Officers had been working hard to identify savings proposals which would still allow the authority to set a balanced budget. Councillor Croft thanked them and all the residents that had responded to Phase 1 and Phase 2 of the public consultations. He reminded members of the public that the Phase 2 consultation would close on 7 March 2016. Councillor Croft acknowledged the impact some of these savings could have on residents' lives.

Members had lobbied Ministers on their proposed cut to the Revenue Support Grant and he thanked West Berkshire's three Members of Parliament for their support in lobbying the Secretary of State. As a result of this, the Council had secured transition funding of £1.4m for each of the next two years. This funding would be used to help others to develop new models of delivery. The Executive had agreed that all transitional funding would be used to support this work.

Councillor Croft stated that the budget comprised three strands. The first of these sought to increase revenue. This would be achieved by raising Council Tax by 1.99%. In addition, the Chancellor of the Exchequer had granted the ability to raise an additional 2% precept for adult social care responsibilities which the authority would be taking up. This would result in a total increase of 3.99% in Council Tax.

The Leader acknowledged that increasing Council Tax would impact on all residents, especially the low paid, the vulnerable and those on fixed incomes. However, faced with the level of savings required this increase was unavoidable.

In addition the Executive was also recommending an increase to other fees and charges such as car parking fees. This increase in revenue proposals would generate approximately £5m.

The second strand of the budget was the internal efficiencies that the Council would be making whilst still meeting its statutory duties. Just over £5m of savings had been identified and regrettably this would result in over 100 jobs being lost in 2016/17. Other proposals included sharing more services with other local authorities, looking at different models of delivery, working with partners, including Parish and Town Councils, and working with the community and community organisations.

The third strand of the budget introduced changes to frontline services. The Council had a statutory duty to provide certain services and any savings would have to come from discretionary areas. These proposals would generate £8m of savings. Local organisations had already started to identify ways of reducing the impact of some of the cuts.

The transition grant would be used to help mitigate some of the effects of the savings the Council was being forced to make. As the grant would only be available for two years it would be used to fund those services which the residents said that they valued the most. Community groups would have to work together to transform those services ensuring that they would be sustainable without Council funding going forward.

Councillor Croft stated that before moving on to the detail of the transition funding, he would like to propose the first of two amendments. The first amendment proposed that the Phase 2 public facing savings proposals be determined by a special meeting of Council on 24 March 2016 and not the Executive as recommended in the report.

If approved the Executive would still meet on the 24 March 2016 and make appropriate recommendations to Council on the use of the remaining transition funding.

He also gave notice of his second amendment that proposed four service areas where the Executive recommended some of the £1.4m transition funding should be spent. As the Phase 2 consultation would close on 7 March 2016 it would be inappropriate to make

COUNCIL - 1 MARCH 2016 - MINUTES

any comment or decision on those proposals until the consultation closed and the results had been analysed.

Councillor Croft stated that it was with a heavy heart that he put forward the proposals.

AMENDMENT 1: Proposed by Councillor Roger Croft and seconded by Councillor Alan Macro:

“That recommendation (9) be replaced with the following:

‘That the Executive, on 24 March 2016, make appropriate recommendations to a special meeting of Council on 24 March 2016, to adjust the Council’s budget plans should the responses to Phase 2 of the public consultation require it to do so’.

The Amendment was put to the vote and declared **CARRIED**.

AMENDMENT 2: Proposed by Councillor Roger Croft and seconded by Councillor Graham Jones:

“That recommendation (2) be approved and adopted subject to Council agreeing to allocate transition funding, as set out below, to the following Phase 1 public consultation areas of service:

- *Short Breaks for Children - £170,000*
- *Two Saints floating support service and Step by Step Lodgings service - £100,000*
- *Empowering West Berkshire - £25,000*
- *Adult Social Care Learning Disability Clients - £100,000”*

Councillor Lee Dillon commented that this amendment was similar to one which the Liberal Democrats had tabled and subsequently changed which included a proposal to support the important Short Break service.

The Amendment was put to the vote and declared **CARRIED**.

Discussion then returned to the substantive motion. Councillor Alan Macro stated that there was no doubt that the Council had been impacted negatively by the timing and severity of the cuts in the Revenue Support Grant. He stated that in addition to the reduction in the Revenue Support Grant the Government was also decreasing the Dedicated Schools Grant.

He was of the opinion that the Council needed to work with other Councils to achieve better deals in terms of procurement, seek to achieve economies of scale for large contracts and that all budgets should be subjected to a zero based budgeting approach. He also suggested that alternative service delivery options should be looked at. For example, he suggested that a commercial partner should be sought to help run Shaw House and that the authority should be seeking to share more back office functions and possibly accommodation with other authorities and charities. He also felt that more partnership work should be undertaken with town and parish councils.

(Councillor James Podger left the meeting at 8.45pm and returned at 8.47pm)

Councillor Macro commented that libraries were valued by residents and that every effort should be made to save these valued services. Councillor Macro welcomed the fact that all the transitional funding would be used and asked for a commitment that if the Council received any funding from the Care Act that it too would be used to reverse some of the proposed cuts.

AMENDMENT 3: Proposed by Councillor Alan Macro and seconded by Councillor Lee Dillon:

COUNCIL - 1 MARCH 2016 - MINUTES

“That recommendation (2) be approved and adopted subject to Council agreeing to allocate transition funding, as set out below, to the following Phase 1 public consultation areas of service

£132,500 to be used to delay the implementation of the cuts to home-to-school transport until the start of the new school year. This is to allow the following:

- The works required to improve the walking routes to be completed*
- Give parents time to change their family arrangements to allow them to accompany or drive their children to school*
- Allow parents time to budget for the increase in farepayer fares*

£21,000 to delay implementation of the cut of the school crossing patrol service for one year to allow schools and communities to find other ways to fund this valued service.”

Councillor Macro reiterated his Group’s support for using £170k of the transitional funding to support the short breaks service.

Cuts to Home to School Transport would mean more children would have to be driven or accompanied to school which could prove to be very problematic for parents. His Group were therefore proposing to use £132,500 to delay the implementation of these cuts until the start of the new academic year. This would allow time for families to put arrangements in place to deal with the removal of these services. It would also allow time to make the routes safe.

Councillor Macro also informed Council that his Group were proposing to use £21k of the transition funding towards school crossing patrollers who were greatly valued by pupils and their parents. It was only a small amount of funding in comparison to the total budget.

Council Macro stated, that based on advice received, he had withdrawn the proposals relating to home to school transport originally set out in the tabled amendment.

Councillor Macro stated that if the transitional funding was used it would give residents the opportunity to adjust to the cuts.

Councillor Dominic Boeck stated if the budget was approved then discretionary home to school transport provided to some families would be removed. Some families would then be asked to pay more for seats on buses than they currently did. This proposal generated a large number of consultation responses with children’s safety being a common theme. The Council had listened carefully to parents and as a result some changes had already been made to some of the routes. Independent advice had been sought on the Mortimer to Willink route assessment and the independent advisor had supported the Council’s original assessment. Councillor Boeck also noted that Thames Valley Police had not declared any of the routes as being unsafe.

To assist parents of pupils using Mortimer to Willink, Bucklebury to Kennet and Aldermaston Wharf to Aldermaston Primary School routes they would be offered priority fare paying seats on buses at standard rates and payments could be made via eight separate payments spread across the year.

As parents would be asked to take more responsibility of their children to and from school it would not be reasonable to fund school crossing patrollers. Given the level of savings required in Phase 2 it would be better not to spend the money suggested in amendment 3 until the outcome of the consultation was known.

Councillor Hilary Cole stated that school crossing patrols were not a universal service and only benefitted pupils at certain schools. It would therefore not be unreasonable to

COUNCIL - 1 MARCH 2016 - MINUTES

ask those schools to fund the service or to seek sponsorship for it. It was unfair to ask other residents to subsidise these schools.

Councillor Graham Jones thanked Councillor Macro for removing the reference to home to school transport from his original amendment as its inclusion could have fettered Members discretion when they were considering the Phase 2 savings. He reiterated Councillor Boeck's comment that if the transition funding was spent now there would not be the opportunity to spend it on the Phase 2 proposals and therefore he was unable to support the amendment.

Councillor Mollie Lock noted that the standard fare referred to by Councillor Boeck would cost parents around £640 per annum which was a significant increase on the £250 they were currently required to pay. She was also concerned that the earliest date on which the bus service could be stopped was the 18 April 2016 and Rights of Way Officers had confirmed that it would take 55 days (mid June) to upgrade the Mortimer to Willink route. Councillor Boeck confirmed that the standard rate bus seat would cost £684.

Councillor Lee Dillon commented that the second amendment allowed some of the transition funding to be spent and therefore he felt that it was unfair to turn down the amendments set out in amendment 3. The Liberal Democrat amendment set out clearly how the transitional arrangements could be achieved to protect residents and were genuine attempts to transition services.

Councillor Macro responded to Councillor Cole's comments by stating that not all schools were adjacent to busy roads. He reminded Members that schools were also faced with budget problems given the reduction in the Dedicated Schools Grant.

Councillor Croft stated that around £400k of the transitional funding had been allocated and around £1m had deliberately been retained in order to fully consider the outcomes of the second consultation.

In accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on Amendment 3 be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Amendment

Billy Drummond, Mollie Lock, Alan Macro

AGAINST the Amendment

Steve Ardagh-Walter, Peter Argyle, Pamela Bale, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Lynne Doherty, Adrian Edwards, Sheila Ellison, James Fredrickson, Dave Goff, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Graham Jones, Rick Jones, Alan Law, Tony Linden, Ian Morrin, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

ABSTENTIONS

Paul Hewer, Tim Metcalfe, Graham Pask

Councillors Lee Dillon, Marcus Franks and Nick Goodes did not vote. Councillors Jeff Beck and Mike Johnston had left the meeting given that they had declared interests.

The Amended Motion was put to the vote and declared **LOST**.

Members then returned to the Substantive Motion. Councillor Alan Law stated that he had some empathy with residents' frustration at having services removed that had

COUNCIL - 1 MARCH 2016 - MINUTES

seemed to be in place forever. He outlined the changes that had had a significant impact on funding.

He noted that there had been changes to population demographics. The population was ageing and advances in medical technology were also prolonging people's lifespan often at very high costs for treatment and support, and there had been significant changes in expectations around safeguarding. As an illustration in 2001 the Council had spent £21.9m (31%) on social services and by 2016 this had risen to £56.3m (46%).

Members were faced with difficult choices between, for example, caring for the most vulnerable residents versus keeping libraries open which were used widely by residents. He understood that residents would not agree with all the proposals in the budget but he hoped that they had gained some understanding of the backdrop and difficulties faced following the debate at the meeting.

Councillor Lynne Doherty stated that as the Portfolio Holder for Children and Young People she had a duty to protect children who were at risk of abuse or neglect. She was however still able to support this budget. She had a statutory obligation to minimise the impact on this vulnerable group. In her opinion the budget delivered on key areas in her Portfolio.

(Councillor Rick Jones left at 9.14pm and returned at 9.16pm)

The Council's core frontline social care teams and the work they were doing to implement the Ofsted Improvement Plan had been protected. The Disabled Children's Team were able to continue their transition work with families with regard to education, health and care plans. The Family Resource Team could continue their targeted work with families in need. Support could continue to be offered to care leavers, children and young people at risk of substance misuse and the successful Turnaround Families Programme would continue. There was also funding still available for innovative projects such as the Health Academy.

Areas of disinvestment in this area included prevention and early intervention. Although she supported early help and universal provision Councillor Doherty appreciated that it was difficult to calculate the impact this support had. This area of work was also not the sole responsibility of the local authority and by working effectively with partners and communities she was sure that the impact of these savings could be mitigated against.

Councillor Doherty had attended the Save our Services meeting and she was pleased to see the willingness to look for solutions to allow some discretionary services to continue. The children that were supported within her service often did not have vociferous parents to champion their needs. The Council had listened to the views raised during Phase 1 and recognised, in particular, the importance of providing short breaks for parents of children with disabilities. She emphasised that it was never the intention to stop providing this service but there was a need to rationalise provision. To reach all residents the Council would have to look at alternative solutions by working with new and existing partners. She was pleased to support the budget, with the amendments, as it provided an effective, available and value for money Children's Service in West Berkshire.

Councillor Hilary Cole had never envisaged having to present savings like these to Council. She noted that many of the services in Adult Social Care were statutory. Councillor Cole commented that the authority had been let down by the Department of Health over funding for the Care Act.

The transformation programme, which would ensure services were delivered in a different way, and which was being implemented in Adult Social Care, would generate around £800k in savings. She too was pleased to see that £100k of the transition funding would be spent on the Two Saints floating support service and Step by Step lodging

COUNCIL - 1 MARCH 2016 - MINUTES

service and an additional £100k had been allocated to the Adult Social Care Disability Clients programme. This funding would allow the organisations and Officers' time to come up with new ways to deliver services to the most vulnerable in the community.

Within Culture and Countryside Phase 1 savings included closing the Visitor Information Centre and public conveniences in the Wharf area in Newbury. She was disappointed that neither the Newbury BID nor the Town Council had been able to commit to take these on. She was pleased that Kintbury residents had been able to come up with a proposal to take over the running of the Kintbury Jubilee Leisure Centre.

Councillor Hilary Cole thanked Officers for all the work they had undertaken and were still undertaking to plug the funding gap that had arisen since Christmas 2015. These proposals were still being consulted on and she accepted that none of these savings were palatable as they pertained to services that residents valued the most.

(Councillor Manohar Gopal left the meeting at 9.24pm and returned at 9.27pm)

Councillor Cole stated that she derived no pleasure in decreasing library provision down to one library. She had previously stated that she had no intention of closing the libraries but circumstances had changed so dramatically that the decision had had to be revisited. She was well aware of the effect these decisions would have on the residents of the district and these decisions had not been taken lightly. Councillor Cole commented that there had been a lot of soul searching about these proposals. Meetings with various organisations to consider ways of mitigating the impact were ongoing.

Councillor Cole paid tribute to the Officers for the selfless way they had faced these difficult proposals.

Councillor Garth Simpson advised that the reductions to the highways budget affected maintenance budgets and operational transport budgets. Although it was not a popular option it had been necessary to increase car parking charges across the district. This income would be used to protect front line services. The LED replacement street lighting programme had also generated significant revenue savings (circa £1m) which would also be used to protect some of the frontline services. He commended the difficult budget to Members.

Councillor James Fredrickson stated that following the December 2015 announcement the Executive had met and agreed to a three phased approach to the budget. The first would be to fight for transitional funding, the second would be to consult on how any funding awarded could be used (even if the consultation period had to be reduced to three weeks) and thirdly that all the transition funding awarded would be used to assist frontline services.

In terms of the consultation process the vast majority of the services the Council provided were statutory and there were therefore not that many options available in terms of discretionary spending. The budget had to be set against a backdrop of changing demographics and an ageing population. The Council still, however, had a legal duty to set a balanced budget. The ramifications of not doing so were severe and could result in the authority being declared bankrupt or being taken over by another authority for statutory services. There were no easy alternatives for the Council. He assured Councillor Macro that as Portfolio Holder for Human Resources he had gone through their budgets line by line.

Councillor Fredrickson commented that this had been a very painful process for Officers and he thanked them for their professionalism, care and dedication in putting together the savings proposals at great speed whilst striving to mitigate the impact the savings would have.

COUNCIL - 1 MARCH 2016 - MINUTES

Councillor Dominic Boeck commented that in continuing to provide care for the most vulnerable residents it had become necessary to remove some of the discretionary services the Council provided or to deliver them in a different way. The Council would continue to provide services it was legally required to provide.

He was aware that the services provided by Children's Centres were important and highly regarded by young families. These services would still be provided albeit in a different way. The district would be divided into three family and wellbeing areas. The Council would rationalise the number of buildings it used to provide these services and would also strive to make use of existing community buildings.

Councillor Boeck commented that there would be further proposals in Phase 2 of the savings proposals and he urged all residents affected to respond and to try and identify new ways of delivering services.

Councillor Marcus Franks commented that this was a difficult process which was exacerbated by the short timescales imposed on the Council. None of the decisions would be taken lightly. Members needed to make a balanced decision between services provided for the district's most vulnerable residents and those enjoyed by the wider population.

The transitional funding was the result of a lot of hard work on behalf of the local Members of Parliament and he thanked them for that. He urged residents to continue to take part in the Phase 2 consultation and to come forward with community led solutions. Discussions were also ongoing with neighbouring authorities about cross border charging for waste recycling services. He supported the balanced budget in challenging times.

Councillor Lee Dillon commented that he was disappointed not to be able to vote but that if he was able to do so he would be voting against the proposals. He was concerned about the scale of the savings proposals and the impact they would have on residents. He was disappointed that the Liberal Democrat amendment had been lost as it would have allowed the Council and communities time to come up with solutions in the areas identified in the amendment. He felt that despite the size of the cuts the Council should have been in a position to do better.

He was of the opinion that the Council lacked innovation in terms of remodelling services and income generation. He noted that other authorities had set up trading companies, sold services, invested in property, set up joint ventures, were selling energy and expertise etc because they had foreseen the difficult financial future for local councils.

He would be asking the Overview and Scrutiny Management Commission to set up a task group to look into income generation initiatives.

Councillor Graham Jones stated that the Council was and had, for some considerable time, been looking at income generation, rationalising back office functions and zero based budgeting. The issues being experienced by West Berkshire Council were not unique and were replicated across the country.

Councillor Jones stated that it was with regret that the Council would not be able to continue to provide all the services it previously had. The Council and its community would have to find new ways of delivering services whether that be by creating trusts, empowering town and parish councils or by Members working with their communities to find alternative solutions.

Councillor Emma Webster requested that in accordance with paragraph 4.9.12 (v) of the Constitution the meeting be permitted to go on until 10.30pm if required. The Council voted in favour of this proposal.

COUNCIL - 1 MARCH 2016 - MINUTES

Councillor Roger Croft noted that this budget also included the Council's revised fees and charges for the forthcoming financial year. Councillor Croft stated that local government had to change and at a much faster rate. Members, alongside the district's MPs, would continue to lobby Central Government for better funding and the retention of business rates. He commended the budget to Members subject to the inclusion of the agreed amendments.

Prior to the vote being taken the Monitoring Officer announced that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (SI 2014/165) (2014 Regulations) came into effect on the 25 February 2014 and as a consequence the Council was required to record the names of Members voting for and against the budget proposals.

FOR the Substantive-Motion

Steve Ardagh-Walter, Peter Argyle, Pamela Bale, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Lynne Doherty, Adrian Edwards, Sheila Ellison, James Fredrickson, Dave Goff, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Graham Jones, Rick Jones, Alan Law, Tony Linden, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

AGAINST the Substantive-Motion

Billy Drummond and Alan Macro

ABSTAINED

Mollie Lock

Councillors Lee Dillon, Marcus Franks and Nick Goodes did not vote. Councillors Jeff Beck and Mike Johnston had left the meeting given that they had declared interests.

(The meeting commenced at 6.30pm and closed at 9.55pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

THE HIGH COURT OF JUSTICE

CLAIM NO: _____

ADMINISTRATIVE COURT

IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend [REDACTED])

First Claimant

-and-

(via her mother and litigation friend [REDACTED])

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

WITNESS STATEMENT OF ALICE CULLINGWORTH

I, Alice Cullingworth, of 40 Horn Viaduct, London, EC1N 2PZ will say as follows:-

1. I am a Solicitor in the firm of Irwin Mitchell LLP. I have conduct of this case on behalf of the Claimants. I have seen the grounds of claim in this matter and confirm that they accord with my instructions. All correspondence referred to in this statement is contained within the Court Bundle with references in square brackets.
2. This claim relates to the lawfulness of the decision by the Defendant on 1 March 2016 to cut its funding to voluntary sector providers of short breaks services by 54%. I make this statement to assist the court with a summary of the pre-action correspondence and to explain why extensive correspondence was necessary before issuing proceedings.
3. We were first contacted by the family of the First Claimant, [REDACTED] on 2 November 2015. We were informed that the Defendant had sent letters to all voluntary sector providers of children's short breaks and respite services in the borough on 25 September 2015 to terminate their contracts for funding on 31 March 2016. We were instructed that the First Claimant relied upon services provided by West Berkshire Mencap ("Mencap") and

Crossroads Care Oxfordshire ("Crossroads") and that he would be detrimentally affected if these services reduced or ceased.

4. On 3 November 2015, the Defendant launched a public consultation regarding its budget proposals for 2016/17. The consultation documents stated that the Defendant must make savings of £20 million over the next 4 years, £11 million of which are to be made in 2016/17. The consultation included a proposal in relation to short breaks services to *"cease all the current contractual arrangements, in order to rationalise these arrangements; revising and reducing the breadth of the current provision and refocusing support to those children and families assessed to be in the greatest need. It is also proposed to reduce council funding and deliver significantly more limited short breaks provision, whilst working with the community based organisations and charities to help provide support for those families who are most able to manage their own support arrangements for their disabled children. This will save the council £345,000"*. The consultation closed on 14 December 2015.
5. We made an urgent application for legal aid on 9 November 2015 that was granted on 23 November 2015. We sent a letter before action on 30 November 2015 [C1-8], to challenge the Defendant's decision to terminate all providers' contracts to provide children's short breaks services and the Defendant's ongoing consultation.
6. In November 2015, we were approached by three further potential clients: the Second Claimant, [REDACTED] and [REDACTED]. We sent a second letter before action on the same day (30 November 2015) on behalf of the first two [C9-11] and a third letter before action on behalf of [REDACTED] dated 3 December 2015 [C12-15].
7. The Defendant provided its formal response on 14 December 2015 [C16-21]. Within its formal response, the Defendant confirmed that it had not taken any decision to cut the funding to providers. It confirmed that no final decision would be taken until 1 March 2016 when the full Council would approve the budget proposals for 2016/17. Although termination letters were sent to all voluntary sector providers, the Defendant stated that *"the Council has not decided not to negotiate a further extension of the existing contracts beyond 31 March 2016. All options remain open pending completion of the consultation"* [C17].
8. We confirmed by letter dated 21 December 2015 [C22-23] that we did not therefore intend to issue judicial review proceedings at that time to challenge the termination letters sent to providers on 25 September 2015. We sought clarification as to how the Defendant had arrived at the figure of £345,000 in savings by cutting short breaks services as it was not clear how the Defendant had determined what its statutory obligations are towards disabled children in the borough and the cost of meeting those statutory obligations but no more.

9. In respect of the calculation of the proposed savings, the Defendant explained by letter dated 8 January 2016 [C24-26] that *"the estimated saving is based on an officers' assessment of the likely spend on respite care and short breaks that focus on (a) children who met the eligibility criteria; and (b) community provision"* [C25]. No further details were provided. The Defendant stated that it was anxious to engage in ADR to avoid costly litigation, which it said could take place without lawyers [C21].
10. Our clients were content to await a final decision on 1 March 2016 before taking any further legal action. A meeting took place directly between the Defendant and providers on 4 February 2016 [52-56]. Also, the First Claimant's mother, [REDACTED] approached Children's Services directly to request a meeting to discuss her son's short breaks services provision, as she was concerned about what would be left for him to access after the cuts.
11. As set out in detail in the Grounds of Claim, on 1 March 2016 the full Council approved the proposal to reduce the budget voluntary sector organisations to provide children short breaks services by 83% (£345,000) from £415,000 in 2015/16 to £70,000 in 2016/17 and approved the allocation of £170,000 of transitional funding to children's short breaks services. Later in correspondence the Defendant confirmed that £50,000 of the transitional funding will likely be applied to Castle Gate, a council run respite service, leaving £120,000 available to voluntary sector organisations to apply for [C38]. Factoring in this transitional funding, the funding to voluntary sector organisations to provide children's short breaks services would be £190,000 in 2016/17 (£70,000 plus transitional funding of £120,000). This is a cut by 54%.
12. A meeting took place on 15 March 2016 between the Defendant and providers, including Mencap and Crossroads, during which the Defendant explained that, in light of the transitional funding, grants of up to £20,000 could be applied for by providers to continue their provision in 2016/17. Mencap and Crossroads both applied for transitional grants before the deadline of 15 April 2016.
13. We liaised with the LAA to agree funding for the First Claimant to challenge the decision on 1 March 2016. However, we were not notified by the LAA that funding had been agreed until 10 March 2016. We urgently considered the documents and prepared a letter before action to the Defendant within five working days, which was sent on 17 March 2016 [C27-36].
14. The Defendant responded on 29 March 2016 [C37-47], disputing the claim but offering to meet with the First Respondent's family *"on an ADR basis"* and that it is willing *"to make a social worker available within the next few days"* [C46]. On 1 April 2016 [C48-49] we accepted the offer but the meeting was not in fact arranged until 14 April 2016 and our request that this meeting be brought forward [C53] was refused [C54].

15. On 1 April 2016, we also sent a letter to the Defendant on behalf of the Second Claimant [C52] seeking a reassurance that her needs will continue to be met by the Defendant. In its response on 5 April 2016, the Defendant sought more time to provide a formal response under the pre-action protocol and stated that a claim on her behalf would be premature before the outcome of transitional funding grants was known [C56].
16. We responded two days later on 7 April 2016 [C57-59]. We confirmed that we would await the outcome of the meeting with the First Claimant's social worker before deciding whether to issue judicial review proceedings on behalf of the First Claimant and we invited the Defendant to provide a full formal response regarding the Second Claimant if it wished to do so by 14 April 2016. We again invited the Defendant to confirm that it will take a new decision, such as applying the Defendant's unrestricted reserves for the purpose.
17. Responding on 14 April 2016 [C60-61], the Defendant repeated that it will meet the First Respondent's needs. The Defendant suggested that it will meet any assessed needs of the Second Claimant (although it mistakenly stated that she has not been assessed).
18. We responded by letter the following day, on Friday 15 April 2016 [C62-63]. We set out why the Defendant had mischaracterised our case by focussing on the individual assessed needs of the Claimants, as opposed to focussing on our claim that the Defendant has breached its general duties to provide short breaks services as set out in our letter before action. We stated that we have no option but to issue judicial review proceedings. We also confirmed that, following the meeting with the social worker, [REDACTED] does not consider that the Defendant will be able to identify options for [REDACTED] that are most suitable to meet his needs. We explained that the Second Claimant's family is prepared to engage in dialogue with her social worker about [REDACTED] provision.
19. We were then informed by providers that the Defendant's decisions in respect of transitional grant applications were to be taken on Monday 18 April 2016 and that the outcome would be communicated within a week, i.e. by Monday 25 April 2016. We assessed that it was reasonable given that decisions would be communicated to providers within a matter of days to await this information before issuing proceedings.
20. We were informed that providers received notice on 21 April 2016 regarding the transitional funding grant applications. We are now issuing judicial review proceedings on behalf of the Claimants only 2 working days later.
21. Now that we have all of the information regarding funding to providers for 2015/16 we have been able to establish the detriment to the Claimants. In order to assist the Court, we exhibit

to this statement at "AC1" a table setting out how each Claimant will be detrimentally affected by the decision on 1 March 2016.

22. We have acted expeditiously throughout this protracted period of pre-action correspondence in order to establish the facts, accept the Defendant's offer of a meeting with a social worker in respect of the First Claimant, and to issue proceedings 3 working days after decisions were communicated by the Defendant regarding grants to providers.
23. The Claimants therefore ask the Court to intervene to correct the Defendant's unlawful decision to cut the funding to voluntary sector organisations to provide short breaks services by 54%.

Statement of truth:

I believe that the facts stated in this Statement are true.

Signed:



Dated:



THE HIGH COURT OF JUSTICE

CLAIM NO: _____

ADMINISTRATIVE COURT

IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend [REDACTED])

First Claimant

-and-

(via her mother and litigation friend [REDACTED])

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

EXHIBIT "AC1"

West Berkshire Mencap										Candle Gate	Crossroads Care Oxfordshire	Guidespost					
Service	After school club every Monday	After school club every Tuesday	After school club every Wednesday	After school club every Friday	Youth club every Thursday	Saturday club	Holiday play schemes in summer, Easter, & Xmas holidays	Gravithids play schemes in summer and Easter holidays	Residential holiday during February half term	Sleepovers, 4 nights per year	Home Sitting Service (carer attending child's home)	Activity days at weekends / holidays	Trips away during holiday	Council run overnight respite facility	Activity days during holidays		
First Claimant:																	
Second Claimant:																	
How will services be affected by the cuts?	<p>Due to the cessation of funding on 31 March 2016, after school clubs have continued at a reduced level since Easter (Children attending 2 nights per week were reduced to 1 night per week for the First Claimant)</p> <p>Mencap now has sufficient funding to continue these clubs until July 2017 via the transitional funding grant combined with an alternative source</p> <p>Once Mencap was been able to recruit new staff the First Claimant will be able to resume 2 nights per week. The Second Claimant will continue 1 night per week</p> <p>Mencap has ceased after school club for 6 children with profound and multiple learning disabilities</p> <p>The First Claimant will lose this service</p> <p>This service will be reduced instead of 16 days at summer, 2 days at Christmas, and 2 days over the year</p> <p>Mencap will provide 8 days at Christmas, and 2 days at Easter (12 days over the year)</p> <p>The First and Second Claimants will have reduced access to this service</p> <p>This playscheme for children with profound and multiple learning disabilities and physical disabilities will cease</p> <p>This service will cease</p> <p>This service will cease</p> <p>Mencap may have to increase its charge for this service from £14 to £16 per</p> <p>Although Crossroads was granted some transitional funding, it will have to reduce the level of services it provides by approximately 40%</p> <p>The First Claimant will have reduced access to these services</p> <p>The Defendant has confirmed that funding to Candle Gate will increase and so this service will continue</p> <p>We understand that Guidespost planned to cease services even if funding was available</p>																

THE HIGH COURT OF JUSTICE

CLAIM NO: _____

ADMINISTRATIVE COURT

IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend [REDACTED])

First Claimant

-and-

(via her mother and litigation friend [REDACTED])

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of [REDACTED]
[REDACTED] will say as follows:

1. I make this statement in support of the Claimants' application for judicial review. I am [REDACTED] [REDACTED] mother and litigation friend. My date of birth is [REDACTED]
2. Unless otherwise stated, the facts and matters referred to in the statement are within my own knowledge derived from my professional experience and are true to the best of my knowledge, information and belief. Where they are not within my knowledge, the source of my information is identified.
3. [REDACTED] is 14 years old and lives at home with us in Newbury – which is to say with me, my husband [REDACTED] and our three other children, who are aged [REDACTED]. [REDACTED] has autism and a developmental disorder called William's Syndrome. He has high care needs, 24 hours a day. He is non-verbal and communicates best using an iPad or a touchscreen with icons, by pointing, and by grabbing on to someone. Whilst [REDACTED] is continent during the day (but with occasional accidents) at night he requires incontinence pads. [REDACTED] cannot wash or dress himself. [REDACTED] cannot get food or help himself to a drink, although when he is provided with food or drink he is able to feed himself with a bit of assistance. [REDACTED] has almost no comprehension of danger, such as from traffic. [REDACTED] is fully

mobile, for example he can run (although at a slower speed than others). [REDACTED] has profound behavioural issues related to his autism, including severe obsessions and difficulties in all aspects of normal interaction.

4. [REDACTED] cannot be left alone at all as he may injure himself or cause damage. He might flood the bathroom, scald himself, empty the kettle, pull wires out from the television or computer, go exploring, etc. He is unable to care for himself at all. At night, he sleeps in his own room but is very close to us. He is taken to the loo late at night but, despite having a nappy, is regularly very wet in the morning.
5. Caring for [REDACTED] affects every area of our lives. Every day, either at home or on an outing, needs to be carefully planned to enable us to keep him safe and happy, whilst allowing our other children time to have fun and be a "normal" family. It can prove almost impossible at times. He needs full adult 1:1 supervision at all times including going for a walk, going to the cinema, out for a meal, swimming, etc. He cannot even be left in the car for two minutes while we pick up other children from school. It can be amusing, exhausting, embarrassing, upsetting or completely impossible but never dull! We often feel that we are barely coping.

What services [REDACTED] enjoys

6. [REDACTED] has a care package which is funded by the Council. I manage [REDACTED] direct payments on his behalf. With these direct payments I arrange all of [REDACTED] care, including his short breaks services. I understand the rate I have paid for these is low because the providers are also funded directly by the Council. [REDACTED] attends services provided by West Berkshire Mencap, Crossroads Care Oxfordshire, Castle Gate, and Guide Post. We love [REDACTED] dearly, but it is absolutely necessary that we are able to get these short breaks – necessary both for him and for us as a family.
7. [REDACTED] attends an after school club twice a week on Tuesday and Friday from 3.30 pm to 6 pm and a weekend club on a Saturday morning once a month from 9.30 am to 12.30 pm with Mencap. [REDACTED] also attends the Mencap play schemes every holiday, which will be 6 to 8 days in the summer holidays, 2 days in the Easter holidays, and 1 day in the Christmas holidays from 9.30 am to 4 pm. With Mencap, [REDACTED] can take part in indoor and outdoor activities with other disabled young people, such as playing games at the Mencap Centre, swimming, visiting a zoo, or visiting a play park.
8. With Crossroads, [REDACTED] has day trips regularly during the year, mostly in the school holidays. This is for several days each holiday. He might go for an outing to the zoo, cinema, or for pizza for example. Also, once a year in the summer, he goes for a 2 night stay to Butlins.
9. [REDACTED] also enjoys 2 nights of overnight respite a month from Castle Gate. He will either be collected straight from school and returned to school the next day, or he attends Castle Gate from 2.30 pm

until 1 pm the next day. During these stays, [REDACTED] stays at a specially purpose built building with outdoor play area and can take part in activities such as playing in the play area and going for walks.

10. With Guide Post, [REDACTED] also takes part in activity days based at his school during school holidays. This is for approximately 8 days in the summer holiday and 2 days at Christmas and Easter.

Assessment of [REDACTED] needs

11. [REDACTED] was last assessed by Children's Services in December 2014, and a copy of this assessment is exhibited to this statement at SM1. Whilst this is rather out of date and [REDACTED] is now accessing short breaks with Crossroads as well as Menap, it is still largely accurate. The assessment reflect how high [REDACTED] needs are, for example where it states that "*[REDACTED] has a number of obsessions which can lead to increased anxiety for himself and these are difficult for the family to manage... due to the risks presented by these obsessions and [REDACTED] severely limited awareness of dangers and risks, he requires intensive supervision which dominates family life*".
12. The assessment shows how important short breaks services are in meeting [REDACTED] needs, for example when it says "*The local area has a range of community resources and amenities to meet the needs of the family*" and notes that Mencap and Castle Gate "*continue to be appropriate in supporting the outcome of the CIN plan*". It records that "*As [REDACTED] has become older he has become increasingly dependent on specialist services such as Mencap*". The fact that an important element of these services is to allow [REDACTED] to socialise with peers is also clear – it says "*[REDACTED] accesses a range of out-of-school activities providing him with opportunities to be with peers*" and "*[REDACTED] has continued to make good use of community resources and services providing respite. [REDACTED] is able to access a range of activities in the community through specialist services providing opportunities to social alongside peers*".
13. At the time of the assessment, [REDACTED] social worker concluded: "*In my opinion an increased level of respite would enable [REDACTED] to have the required 1:1 support more frequently and support the family to continue to provide the level of care and support [REDACTED] needs to stay safe and achieve his potential*" and recommended that [REDACTED] access to playschemes and holiday clubs continue, his respite at Castle Gate to continue, and there should be an increase in his direct payments.

Why these services are so important to [REDACTED] and to us

14. I literally cannot think of a single part of our lives that will not be detrimentally affected if [REDACTED] is not able to continue with the same short breaks he enjoys right now. Without these services, [REDACTED] will no longer be able to socialise with other children and adults in a safe environment. There are very few places where he can go because he is so disabled, so we are very grateful that there are places where he can go and remain safe and enjoy himself with Mencap, Crossroads and Guideposts. We

have been using them for a long time and we know and trust the employees. We have confidence that they are qualified and specially trained to provide the level of care he requires, and without that confidence we simply could not leave [REDACTED] in the care of others.

15. He loves Mencap, Crossroads, and Castle Gate and always gets really excited when he gets to go. I can tell he is happy and comfortable, especially because he knows the staff and other children, and because he is in a familiar environment.
16. The lives of the rest of the family would be completely changed as well. My husband works full time as a vet and I part time as a doctor, so losing these services would make our working lives harder. It I simply don't know how we will be able to cope.. Even though we already employ a nanny, she works virtually the same hours as my job so the same difficulties apply to her, i.e. how can she provide 1:1 and safe care for [REDACTED] whilst looking after the other children – especially during the holidays. This will also have a knock-on effect as us being tired will make it harder to take care of [REDACTED] and the rest of the family. The lives of my other children will be negatively affected as well by these changes. The short breaks Ben accesses give us the chance to take our other children out to do activities we wouldn't be able to do if [REDACTED] were there. So all our relationships with each other as a family unit will certainly deteriorate as we will be under a lot of pressure caring for [REDACTED] without the same level of short breaks as we get now. As already mentioned, the effect on the rest of the family cannot be underestimated and will be extremely detrimental and very hard.

Alternative provision locally

17. Having met with [REDACTED] social worker, it is clear that there are no services that are suitable and available for [REDACTED] if Mencap and Crossroads cannot maintain his provision. The other solutions we've found would force either [REDACTED] or us to lose something valuable, like socialisation or respite. Because of his profound disabilities there are not a lot places locally that have the safe environment and the specially trained staff he needs. Leaving [REDACTED] with carers that are not specially trained is simply not an option because of the risks this would involve to his wellbeing.
18. Increasing the Castle Gate provision will help a little but this is no replacement. Castle Gate is a very lovely (and as I understand it – expensive) overnight respite facility but it does not provide a social environment for [REDACTED] at all. The only other option would be to hire a care worker to attend on [REDACTED] 1:1. This would not be ideal and it would be much more expensive – I believe £16 per hour. It could in no way replace the services that [REDACTED] lost, because he would not be able to socialise with other children and adults, which he is able to do with his current providers. If a carer came over to look after [REDACTED] – where could they take him where he will be safe and stimulated by the environment? How would he access a peer group like he does now at Mencap and Crossroads? He could end up spending much more time at home and he will lose access to all sorts of other environments that enrich his life.

19. We will also lose the benefit of having [REDACTED] stay overnight with providers, except Castle Gate. Replacing, for example, the Butlins trip by Crossroads with a carer coming over to our home and staying overnight is just not the same. Being present, we will still to some degree be on duty, and we will not have a total break.
20. I have attempted to cost up how much [REDACTED] personal budget would have to be increased to replace his Mencap, Crossroads, and Guideposts services with a 1:1 carer at £16 per hour, and I estimate that [REDACTED] would need several thousands of pounds extra per year. I can't imagine it will save the Council anything by making these cuts to funding for providers and then increasing children's personal budgets to buy back the services they lost – and this will be to buy a worse service than what is available right now. It makes no sense to me at all.
21. It seems to me like the Council went ahead with these cuts because it had to find savings, without really looking into the actual impact it would have on disabled children like [REDACTED] and families like mine. I can't believe that it properly analysed what services would remain after the cuts because, whilst the Council says it will meet children's assessed needs – how will it do so? If the Council had looked properly at what provision would be left across the borough then maybe it would have realised that there would be nothing left to replace what would be lost.

Meeting with [REDACTED] social worker

22. Following the letter before action sent to the Council by [REDACTED] solicitors, we were told that the Council would arrange for a social worker to meet with us to discuss what options will be available for [REDACTED] after the cuts. We already had a meeting scheduled with [REDACTED] social worker for 14 April, and this was not brought forward by the Council. I had asked for this meet some time ago because I was worried about what would happen to [REDACTED] services and his social worker agreed to meet with me. The Council made no attempt to contact me to bring this meeting forward.
23. At the meeting [REDACTED] social worker and I went through all the services that [REDACTED] is likely to lose and tried to find what the local authority could identify instead. I said there were two things I believed were important when looking at alternative solutions for [REDACTED]. The first was that we needed to be sure we were taking care of all of his needs – but especially his social needs. The second would be to offer us, meaning my family, the respite that the current services offer. During the meeting the social worker confirmed that there were no "like for like" replacements in either the short or long term.
24. Looking at short term solutions for [REDACTED] we discussed another club called Beyond that is privately run and provides holiday day care but it is much more expensive (£95 per day) and also it doesn't offer as many days as he currently enjoys. Another option we discussed was increasing his direct payments in order to pay for a 1:1 carer, which not only costs the Council more money but would

mean that [REDACTED] will not get the opportunity to socialise like he does now. It will also take some time to find a suitable carer for [REDACTED], which will cause more stress for the family. The other options we discussed were facilities where he would need to be accompanied by me, which means that I will not actually be getting respite. We discussed several long term solutions as well, such as the possibility of some daytime respite at Castle Gate, but I was told that this is not currently available.

25. The following day, I drafted a note of my meeting within an email and sent this to [REDACTED] solicitor, copying in his social worker in case she wanted to comment at all on the content. A copy of my email is exhibited to this statement at SM2.

26. Following this meeting, I am more convinced than ever that [REDACTED] and the whole family will not be able to access anything like the support we get now after the cuts. Of course I am willing to keep looking, but the prospect is pretty negative. I am very disappointed that the Council did not seem to take into account this fact before it took its decision – that after the cuts there won't be the services available locally to meet [REDACTED] needs in the way he (and we) most need. It is very clear to me that once Mencap and Crossroads reduce their services, there won't be anything like for like to replace them, even with an increased personal budget.

The effect of the cuts on [REDACTED]

27. If his services cease, there are no services outside school or home that are suitable or able to care for [REDACTED] in light of his severe disabilities. This would mean he would become socially isolated from everyone besides his family. The effect this would have on him would be profound.

28. The reduction or removal of these services would also have a massive impact on our family as we use the time afforded by these services to work and more importantly to spend time with our three other children. The short breaks these services provide are critical in helping us provide a sustainable caring role for [REDACTED]. Without them, I simply do not know how we could cope as a family.

29. In conclusion, it is hard for me to express how important these services are in keeping our family together. I hope that the Council will consider carefully what I and other families are saying about these cuts and that it will realise that it has made a mistake – because once these cuts start to really bite and services reduce or cease altogether, there simply won't be anything left to fill that gap. Children like [REDACTED] will suffer awfully as a result. I hope the Council changes its mind as soon as possible to keep these vital services going.

Statement of truth:

I believe that the facts stated in this Statement are true.

Signed:

[Redacted signature]

[Redacted text]

Dated:

THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

CLAIM NO: _____

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend [REDACTED])

First Claimant

-and-

(via her mother and litigation friend [REDACTED])

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED], of [REDACTED], will say as follows:

1. I make this statement in support of the Claimants' application for judicial review. I am [REDACTED] [REDACTED] mother and litigation friend. My date of birth is [REDACTED]
2. Unless otherwise stated, the facts and matters referred to in the statement are within my own knowledge derived from my professional experience and are true to the best of my knowledge, information and belief. Where they are not within my knowledge, the source of my information is identified.
3. [REDACTED] is 8 years old and lives at home with her father, her brother Alec, who is 12, and me in Newbury. She is diagnosed with autism, ADHD, epilepsy, and cortical dysplasia. Her cortical dysplasia is a brain malformation in the frontal lobe of the right hemisphere, which is the part of the brain that is responsible for emotional and impulse control. As a result of her conditions, [REDACTED] is incredibly volatile and often violent. She spirals out of control quickly and is very impulsive, which makes it difficult for her to learn. At 8 years old she can't yet read or write, even though she is very bright, due to her disabilities. It is also very difficult for [REDACTED] to make friends because of her ASD and her poor emotional and impulse control.

4. Caring for [REDACTED] has had a huge impact on our lives. Our family is in constant state of fight or flight because of [REDACTED] impulsive and violent reactions. She needs constant attention and will lose control if she loses your attention for a moment. It is especially difficult on her older brother [REDACTED] who even has to keep a padlock on his bedroom door to keep her from coming in, hurting him, calling him names, and breaking things. Her behaviour means that we cannot have a normal family life. Simple things like helping [REDACTED] with his homework or playing a game with him become nigh on impossible because she needs to be the centre of attention most of the time.

What services [REDACTED] enjoys

5. [REDACTED] has a care package funded by the Council, which I organise on [REDACTED] behalf using direct payments. With these direct payments I buy all of [REDACTED] care, including short breaks services. [REDACTED] attends services provided by West Berkshire Mencap and she also has a 1:1 care worker, called [REDACTED]. These services are critical, not only for [REDACTED] own wellbeing but also to keep us afloat as a family.
6. [REDACTED] receives services provided by West Berkshire Mencap. With Mencap, [REDACTED] attends the after school club on Mondays and play schemes every holiday. She goes to these play schemes for a number of days in the Easter holidays, the Christmas holidays, and 8 days in the summer holidays. There is a sensory room for her to use, a soft room play area, and an outdoor play area. The 1:1 services they provide are exceptional in my opinion. This service provides [REDACTED] with a safe environment to play in while fulfilling her care needs. [REDACTED] always wants to go to Mencap because she loves playing with the other children there. In contrast, although she likes [REDACTED], she sometimes objects to going out with her because she doesn't want to spend time with an adult, she would rather play with other children her age. [REDACTED] also spends 2 hours after school and 4 hours during the weekend with her 1:1 care worker, [REDACTED]. We were very lucky to have found [REDACTED] because with [REDACTED] unique needs she needs someone who is very experienced.

Assessment of [REDACTED] needs

7. [REDACTED] has been assessed by the Children's Services and a copy of her latest Child in Need Plan, which is dated 24 March 2014, is exhibited to this statement at HF1. It was after this assessment was conducted that [REDACTED] was diagnosed with cortical dysplasia and heterotopia, which is why these diagnoses are not mentioned. 18 months ago we were going through a very stressful time and so the hours of respite were increased to 10 hours a week for 3 months. Ten hours a week worked very well for us but, after the three-month period, the hours were reduced again to 6, which is what [REDACTED] has now. We were unhappy with this and made an appeal for the hours to be maintained at 10 but regrettably we were not successful.

8. [REDACTED] Child in Need Plan shows how extensive her needs are, stating that [REDACTED] "high level of complex needs places additional demands on the family". It states that at school [REDACTED] "interaction with peers are limited due to requiring 1:1 support for her emotional and behavioural needs". Also the fact that caring for [REDACTED] impacts on quality time with our son Alex is clearly recorded. Mencap was identified as a provider to meet her needs, particularly in relation to socialising with peers: "It has been identified that [REDACTED] could attend a mencap after-school club so she has further opportunities to socialise with peers in her age group and have similar needs whom she may be able to associate herself with". So accessing Mencap services was always about giving us a break and, equally importantly, so that [REDACTED] can socialise with children her own age more.

Why these services are so important to [REDACTED] and to us

9. [REDACTED] life would be dramatically impacted if she were no longer able to continue with the short breaks provided by Mencap. Most importantly, they give [REDACTED] an opportunity to socialise with other children. [REDACTED] spent two years out of the classroom being taught 1:1 because, within a classroom environment, she spiralled out of control. She would disrupt the learning of others by running about, screaming, throwing things and sabotaging activities. Because of her sensory processing issues, which are extremely severe, her poor attention and her need to be on her own agenda at all times, she was unable to learn in a classroom setting. Consequently, both in Year 1 at [REDACTED] School and in Year 2 at the autism resource at [REDACTED] Primary she was taught out of the classroom 1:1 or even 2:1. When she arrived at [REDACTED] special school last September she didn't know how to relate to other children and her class teacher described her as "a lonely little girl". Mencap not only provides her with the opportunity to socialise but it allows her to do so in a safe environment. She always wants to go to Mencap because she knows she will be able to play with other children, an experience she does not get with her 1:1 carer. Mencap is also fantastic because it gives her a place to go for an extended period of time. With a 1:1 care worker she is not allowed to stay at the care worker's house for more than three hours, making it expensive and difficult to keep [REDACTED] entertained as there is only so many times you can go to McDonalds or the cinema. During the summer holidays [REDACTED] loses the social structure that she enjoys during the school year making Mencap very important for her. Being able to go to Mencap for 2 days a week gives her the structure she needs and gives us peace of mind knowing that she is having fun with other children in a safe space with excellent staff.
10. It is these short breaks services that keep the family together. Taking care of [REDACTED] has been very hard on the family, especially for [REDACTED] her older brother. Because of [REDACTED] he can't bring many friends home and he goes to counselling at school. [REDACTED] will target [REDACTED] pinch him, kick him and throw things at him. With the short breaks services we are able to do things with [REDACTED] we would never be able to do otherwise, as we would have to spend all of our time and energy taking care of [REDACTED]. It also gives us a time to recharge our batteries because otherwise we would not be able to

cope with the constant care and attention [REDACTED] needs. The Holidays are especially difficult for us and we always come back from holiday completely exhausted.

11. For example, we just got back from a week long holiday and we had brought a lot of board games in the hopes of being able to play them with [REDACTED], however we were unable to do so because we spent all of our time taking care of [REDACTED]. With [REDACTED] it is impossible to do things that other families take for granted.

Alternative provision locally

12. [REDACTED] social worker came over to our house on the evening of 20 April 2016 to discuss her short breaks and respite, and suggested that she may be able to arrange for an additional night of 1:1 care per week, which could be provided by [REDACTED]. I will not know if this additional respite will be provided until a decision is made by the Panel to fund this. Whilst we would be grateful for this additional support, this will not be a real substitute for Mencap's services. [REDACTED] wants to be around other children, which I believe is very important too, and this doesn't happen with [REDACTED]. [REDACTED] is fantastic and a great 1:1 care worker for [REDACTED] but [REDACTED] doesn't always want to spend time with [REDACTED] while she always wants to go to Mencap.
13. We have had a lot of difficulty finding other respite services for [REDACTED]. We have a social worker who has tried to find suitable placements for [REDACTED] but even the social worker has admitted there is an unmet need. For instance, [REDACTED] was assessed for Castle Gate, however, she was deemed too bright for the program and was therefore rejected. I have spoken to many people and they all agree that Castle Gate would not be a suitable alternative for her as she would not have the social group she needs, like she has at Mencap. We have also been looking for an overnight placement for [REDACTED], such as a foster family who could meet her unique needs. Unfortunately, I don't think that we will be able to find a suitable place for [REDACTED] to stay overnight because it has been two years and we (and the Council) haven't found a family or a place that provides the environment she needs.
14. Another option would be to send [REDACTED] to a residential placement. We might seriously have to consider this if we lose Mencap because we can't cope without the respite it provides. We love [REDACTED] and do not want to send her to a residential placement but we can't take care of her the way she needs without Mencap.
15. It is very difficult for me to understand how the Council could go ahead with its decision to cut funding to Mencap without understanding the impact it would have on disabled children like [REDACTED]. I don't believe the Council realised what the consequences would be – that you can't just increase [REDACTED] personal budget and everything will be fine. I think the Council conducted its consultation but didn't actually try to work out the effect of the cuts, as in what services would stay and what would go, and what would actually happen to those children using those services.

The effect of the cuts on [REDACTED]

16. Without the respite services [REDACTED] will not have access to the socialisation within a safe environment that Mencap gives her. Other similar places such as Castle Gate would not be able to meet her needs for socialising the way that Mencap does. [REDACTED] looking after [REDACTED] for an additional night per week will help, but it is no replacement for Mencap's services.
17. It would also lead to a lot of problems within the family, such as causing more stress and anxiety for her brother and even more responsibility for my husband and me. We don't have any extended family or other support network nearby that could help us shoulder a part of the responsibility. My husband and I would spend a lot more time caring for her. With the loss of Mencap we might have to find a residential placement for [REDACTED] because it will be our only other option because our family wouldn't be able to cope with the added burden that would be put on us.
18. I find it very distressing that the Council didn't take into account all of these consequences before it took its decision to cut its funding to providers. It just didn't seem to consider properly what would happen on the ground if the cuts went ahead. I hope that now the Council has been given lots of information about the real suffering that will be caused to children and families that it will change its mind and provide the funding necessary to save these services.

Statement of truth:

I believe that the facts stated in this Statement are true.

Signed: [REDACTED]
[REDACTED]

Dated:

THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

CLAIM NO: _____

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend [REDACTED])

First Claimant

-and-

(via her mother and litigation friend [REDACTED])

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

WITNESS STATEMENT OF LEILA FERGUSON

I, Leila Ferguson, Chief Executive of West Berkshire Mencap, The Mencap Centre, Enborne Gate, Enborne Road, Newbury, Berkshire RG14 6AT will say as follows:

1. I make this statement on behalf of West Berkshire Mencap in support of the Claimants' application for judicial review. I have worked for West Berkshire Mencap for 20 years starting as a Children's Manager. Since 2003, I have been Chief Executive and therefore ultimately responsible for West Berkshire Mencap. Before becoming CEO I was a Family Advisor working with the families, most of whom use our services. I am therefore very aware of how much the short breaks and respite services are needed. Regularly I have meetings with parents, far too many of whom are at breaking point, whom rely on our services to give them much needed respite. Besides direct meetings with parents and carers I have formal qualifications including a MSc in Voluntary Sector Management.
2. Unless otherwise stated, the facts and matters referred to in the statement are within my own knowledge derived from my professional experience and are true to the best of my knowledge, information and belief. Where they are not within my knowledge, the source of my information is identified.

West Berkshire Mencap

3. West Berkshire Mencap was founded in 1954. It is an independent charity (registered charity number 1076658) and a company limited by guarantee (company number 3790942). We are affiliated with but are not funded by the national Mencap, which is a totally separate charity, to whom we pay an annual fee.
4. Funding by West Berkshire Council has been in place for our Children's Services at various levels and under various SLAs for 14-15 years. For the last financial year 2015/2016 our contract funding from West Berkshire Council was £136,789. This SLA incorporates both Short Breaks funding (previously called "Aiming High" funding) as well as the Children's Services SLA and Carers Children funding for our Family Advisory Service team. For the financial year 2015/2016, this SLA represents 70% of our funding for these services. Our other income comes 20% from sessional fees charged to parents and 10% from grants made by other charitable trusts. We are therefore heavily dependent on funding by West Berkshire Council in order to provide our Children's Services.
5. In order to run our Children Services, we have the following staff:
 - a. 2x full time staff – a Senior Children's Officer and a Children's Officer, who must be qualified with NVQ Level 3;
 - b. 1x part time Children's Manager, who must be qualified with an NNEB;
 - c. 10x part time regular sessional staff – Play Workers, 3 of whom are qualified with NVQ Level 3 and 7 of whom are working towards this qualification;
 - d. 5x bank staff for our Play Scheme;
 - e. 50x volunteers weekly to staff our After School Club, Youth Club and Saturday Club;
 - f. 30x additional volunteers for our play schemes;
6. All our staff have undertaken and continue to undertake relevant training to their position within Children's Services. We require training in the following areas: epilepsy, anaphylactic shock, paediatric first aid, safeguarding children and young people, gastrostomy, medication, diabetes, manual handling, PRICE (restraint training), food hygiene, and learning disability awareness.
7. We provide the following Children's Services:
 - a. After School Club – Active Zone. Active Zone started in November 2001 and provides daily care for school aged children with a learning disability. Active Zone operates daily (except Thursdays) from 3.30pm – 6pm. The after school club caters for 5-18 year olds and provides fun activities on site as well as the children having use of the sensory room, playground and soft play room. The children that attend the after

school club have a 1:1 volunteer carer from local schools who assist the children in daily activities and encourage play and social interaction. 56 children attend every week with 7-9 staff members working the After School Club. The First Claimant attends the after school club every Tuesday and Friday and the Second Claimant attends every Monday.

- b. Youth Club – Funky Thursdays. Funky Thursdays started in 2001 and is a youth club that runs every Thursday during term time from 6-8pm. The club is aimed at the teenagers aged 12-18. The teenagers are involved in creating the programme of events, such as a disco, quiz night, cooking, a trip out to Pizza Hut or playing snooker and the games console. 26 children attend every week and 4-6 staff members work the Youth Club.
- c. Saturday Club. Saturday Club was established in 2001 and runs once a month for children aged 3-18 years. The club is split into 2 sessions. Session 1 runs from 9.30-12.30 and is for children aged 10-18 and Session 2 runs from 1.30pm-4.30 and is for children aged 3-10 years. The club operates at the Mencap Centre and is a play based session. The children have access to a wide range of toys, soft play room, sensory room and fully equipped playground. We also offer craft, cooking and other sensory activities during the session. There are 7 fully trained staff on site and volunteers who provide 1:1 support to the children. 36 children attend every month and 10 members of staff work the club. The First Claimant attends the Saturday club once per month.
- d. Holiday Play Schemes. These schemes have been running for 11 years over the Christmas, Easter and Summer Holidays, taking in children aged 3-18 years with a wide range of abilities and needs. We take up to 25 children a day. Each child is given a 1:1 volunteer carer for the day. The volunteers are mainly recruited from local schools and colleges and are given training in subjects such as basic first aid, communication, health and safety and play. There are also highly skilled and experienced staff on site. The Play Schemes also allow the children the opportunity to access occasional trips out as well as the facilities on offer at the centre. 78 children attended in the summer of 2015. Depending on individual need and whether a child needs 1:1 or 2:1, staffing numbers are between 8-12. Both the Claimants use our Holiday Play Schemes.
- e. Greenfields Play Schemes – The scheme has been running for 5 years during the Easter and summer holidays. This is a specialised play scheme for children with Profound Multiple Learning Difficulties with high care needs and physical disabilities. Each child is staffed 1:1 due to their care needs. This is a more relaxed and sensory

based play scheme. It ran for 7 sessions during last summer for 11 children. 8 members of staff work these sessions.

- f. Residential Holiday – This runs during the February half term and takes 6 young people away and all have 1:1 support from staff/volunteers.
- g. Sleepovers is our newest services, which has been running for 3 years. It runs for 4 days a year and a maximum of 8 young people access this service at one time. Between 3-4 staff work these sessions.

8. Our above services support a total of 150 families.

9. The children's needs vary widely, but the majority of children and young people who access our services have one or more of the following: mild learning disabilities, communication difficulties, severe learning disabilities, profound and multiple learning disabilities, Autistic Spectrum Disorder, Severe Autistic Spectrum Condition, Downs Syndrome, Cerebral Palsy, complex epilepsy, complex medical conditions, Sensory Processing Disorder, microcephaly, Angelman's Syndrome, CHARGE Syndrome, and diabetes.

Effect of the cuts on our Children Services

10. Ever since the Council sent termination letters to providers on 25 September 2015 to end our SLAs, our ability to recruit and retain both staff and volunteers has been negatively affected. The uncertainty of our funding position has meant existing staff have been looking for other roles elsewhere and volunteers similarly will be casting around for other volunteering opportunities. This is inevitable as we had to be honest with our staff, volunteers and families that our funding would cease on 31 March 2016. To date we have lost 3 members of staff, including 1 manager, and recruiting new staff to our Children's Team has been virtually impossible for us as we cannot offer any reasonable length of contract. We recently had one applicant withdraw their application because of the cuts to services when they read about it in the local press.
11. Since the cuts were announced in October 2015, we have had to take some tough decisions about what services we can continue to provide and for how long. We decided that we will be able to continue our after school clubs that Claimants attend, at least until 20 July 2016. However, since Easter we have had to reduce the access to these clubs because of our staffing shortages. We have notified parents of children who attended 2 nights per week, such as the First Claimant, that their children can only attend 1 day a week in the interim.
12. We also run a Children's outreach service which is delivered via Your Choice Services which is West Berkshire Mencap's registered domiciliary care agency. Whilst families can use this service to pay for carers to come over to their homes and provide short breaks that way (either in the home or out in the community), we know this is not the kind of short breaks service that most of

our families need. Critically, the child loses the massive benefit of being in a social environment outside of their home. As a result of the cuts, we are having to increase our charges for the home sitting service from £14 per hour to £16 per hour. So any family trying to replace the loss of our other short breaks services via our home sitting service will need to meet our rate of £16 per hour.

13. In the interim, whilst we awaited a decision from the Council about transitional funding grants, we have tried to keep as many of our services going at the same level as before, but it has been impossible for us to continue all services as before.

Outcome of transitional funding grants

14. We received notice on 21 April 2016 that we have been only partially successful in our applications for transitional funding grants. We made 5 separate applications, 1x application for £17,102 to fund our playschemes and 4x applications for £15,500 to fund our 4x after school clubs. This amounts to £79,102 – the most we thought we could apply for.
15. The Council granted us the £17,102 we requested to fund our playschemes but only 4x £12,000 to run each of our after school clubs. This means we have been granted a total of £65,102 for this year to run our short breaks services. Whilst this is of course a great improvement on zero funding, which is what we would have got without the transitional funding grants, given that our funding by the Council last year was £136,789, this means we have lost £71,687 in funding this year, which is a cut by 52%.
16. We have been working hard to identify other sources of funding and luckily we have secured a funder to assist with the shortfall in the funding for our after school clubs, which means that these and the youth and bubble clubs will run as normal until July 2017. Once we have recruited new staff, children like the First Claimant will be able to return to using the clubs twice a week.
17. We will still have to make some significant reductions in our services however:
 - a. We will be able to run our holiday playschemes but we will reduce the number of days. Instead of 16 days at summer, 2 days at Christmas, and 4 days at Easter (22 days over the year) we will provide 8 days at summer, 2 days at Christmas, and 2 days at Easter (12 days over the year);
 - b. The Saturday club will cease after 9 July 2016, except for the children with profound and multiple learning disabilities, who we will continue to support (again subject to staffing). This means that the number of children attending will reduce from 20 to 6. The First Claimant does not have profound and multiple learning disabilities and so he will lose this service after 9 July 2016;
 - c. Greenfields Play Schemes – will cease;

- d. Residential Holidays – will cease; and
- e. Sleepovers service – will cease.

Communication with the Council

18. We see that the Defendant says in its formal response to the Claimant's letter before action that it has "*not been made aware*" by providers that services may have to cease to exist due to the cuts. This is not correct. We have engaged with the Council and have explained on numerous occasions the fact that with massive cuts to our funding we will not be able to maintain the level of services we provide now.
19. Shortly after the termination letters were sent, we attended a meeting with the Council on 30 November 2015 at which we explained the likely impact on the services we run and the consequences for families, carers and children if our SLA ended. The minutes to this meeting are in the Court Bundle at D48-50. As recorded in the minutes, we made it clear that if some funding continued we could maintain core services but to fewer children and that our other sources of income were unreliable.
20. We submitted our consultation response online and were not provided with an electronic copy. From memory, we explained in our consultation response why short breaks services are so important to local families and that the cuts would jeopardise our ability to continue to provide those services. We also started a petition using the website 38 Degrees for "West Berkshire Council to change their mind on their proposal to cut the funding of disabled children's short breaks at West Berkshire Mencap", explaining that "West Berkshire Mencap support the most complex and vulnerable of children who quite literally have no other respite options". This petition has attracted 3,705 signatures to date. A copy of the web page is exhibited to this statement at LF1.
21. On 23 December 2015 we sent a letter to Ms Juliet Penley, the Children's Services Manager at the Council, requesting an extension to our SLA beyond 31 March 2016. A copy of this letter is exhibited to this statement at LF2. In response to this request we received a single sentence by way of refusal: by email on 5 January 2016 Ms Penley said "*discussions are continuing and no decisions have been made. So I am unable to agree any extensions at present*". A copy of this email is exhibited to this statement at LF3.
22. On 8 January 2016 we wrote again a letter to Ms Penley explaining that the anticipated cuts to our funding on 1 April 2016 were causing us staffing difficulties that were impacting our services. We were concerned that our services would become unviable before a decision was made on 1 March 2016 about the budget for children's short breaks services in 2016/17. We requested an

extension to our contract beyond 31 March 2016 as a matter of urgency. A copy of our letter is exhibited to this statement at LF4.

23. We received a response by letter dated 8 January 2016, which said the Council was not willing to negotiate by correspondence but indicated that it is open to ongoing discussions. A copy of this letter is exhibited at LF5.
24. Following this my colleague Ms Emily Buckmaster, Manager of our Children's Services, attended a meeting on 4 February 2016 with the Council and providers, the minutes of which are contained in the Court Bundle at D52-56. There are mistakes in these minutes (such as comments made by the NAS that are attributed to us) and it is only a partial record of what was said. Looking at our own notes of this meeting, Ms Buckmaster said that it is difficult for our Trustees to make decisions about what services will close or will need to be reduced until we know what decision is going to be made by the Council about our funding. So we made it very clear that, depending on the funding decision made by the Council on 1 March, more or less of our services would cease.
25. On 2 March 2016, I wrote an email to the Council following a telephone conversation I had with Ms Penley to confirm in writing that *"we need to give notice on the toy library as the cuts have sadly made it impossible for us to run and it is costing us far more than we can afford to run."* On 3 March 2016, I wrote a further email to the Council confirming what other reductions to our services the Board had decided were necessary, as described above. A copy of my email is exhibited to this statement at LF6.
26. On 15 March 2016, Ms Buckmaster attended a meeting with the Council and other providers to discuss the impact of the cuts and the future of our services. A copy of the minutes are in the Court Bundle at D187-189. Ms Buckmaster explained during this meeting the difficult position that we were in and that as a result of the cuts we were reducing our services. This was recorded in the minutes of the meeting.¹
27. On 16 March 2016, Ms Buckmaster emailed the Council a copy of the letter we had already sent to parents, notifying them of the reductions in our services, a copy of which is exhibited to this statement at LF7.
28. We have been transparent with the Council about the level of reductions to our services that will be a consequence of the cuts, at least so far as this is possible without knowing what transitional funding will be granted to us.

¹ *"Emily Buckmaster (Mencap) said that they had sent a letter out to parents/carers asking those with an extra After School Club session to reduce the number of days. She also confirmed that they are not running playschemes over the summer holidays but that the Youth Club was safe."* (Page 3)

Provision across the borough

29. In our view, the Council did not even attempt to anticipate what the impact of its decision to cut our funding would be. Given that it conducted a public consultation on the proposals, we expected that the Council would make a serious effort to look at what services would stay and what would go if the cuts went ahead. We expected that the Council would conduct some sort of broad review of the services that are available locally, how many disabled children in the borough have needs for these services, and whether enough would remain after the cuts to meet those needs. In short, we assumed that the Council would analyse the demand for and supply of services across the borough before taking a decision to axe funding to voluntary providers to provide these services by 54%. Without doing this analysis, how could the Council know whether enough services would continue after the cuts to meet its legal duties towards disabled children?
30. It is clear to us, in light of all the conversations, meetings, and correspondence we have had with the Council, that it has not conducted any such review of short breaks provision locally. The cuts were presented to us providers as something that is necessary, i.e. it had to happen, and we were asked to come up with creative solutions or other sources of income in order to continue services after the cuts. In meetings we were asked by the Council about what services we provide and told to liaise with other providers to try to work out new ways of working together to ensure that no services are duplicated and that we target what services remain at the children most in need. They asked us in our transitional funding grant applications to show that our services will be sustainable, i.e. they can continue in the future without continued funding by the Council, which is obviously very difficult for us to be able to show. But all this was the Council asking us providers to work together in response to the cuts, as opposed to the Council taking a broad view of services to reach a decision about what would be enough to ensure sufficient provision locally.
31. It appeared to us that there was no officer in the Council that had a really good understanding of what services were already in existence, to whom they were provided, and what the minimum level of provision needs to be to meet the assessed needs of the children. For example, whilst we provided information to the Council about what services we provide and to how many children, we have not seen any evidence that the Council analysed this information in order to assess what services might stay, what might go, and how many children (and which children) we support will lose those services if the cuts went ahead.

The importance of our short breaks services

32. Several families have recently indicated to members of staff that West Berkshire Mencap services have prevented them from going into crisis because it has given them opportunities to have a break from their caring role, enabled them to spend time with their other children, and to work and

to maintain normal family life. Without these services their child/ren would be in care, residential care, residential schooling, or foster care.

33. The services we provide are also pivotal for disabled children because they provide an opportunity to socialise with their peers. If these children cannot access the same level of services due to the cuts to our funding, then children will lose their social networks and the support that families benefit from will disappear.

34. West Berkshire Mencap are not aware of any other local services in the borough who could offer the short breaks services we provide, apart from those organisations which are also affected by the same cuts to funding by West Berkshire Council – such as Crossroads Care and the NAS. It is unlikely therefore that children will be able to access alternative services locally that offer what we can offer – these cuts will inevitably reduce the availability of short breaks services across the whole borough. In particular, what will be lost is the group activities that we offer where children are provided with a social environment that is safe and meets their care needs as well as their needs for socialising.

Statement of truth:

I believe that the facts stated in this Statement are true.

Signed: _____

Leila Ferguson

Dated:

THE HIGH COURT OF JUSTICE

CLAIM NO: _____

ADMINISTRATIVE COURT

IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend _____)

First Claimant

-and-

(via her mother and litigation friend _____)

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

WITNESS STATEMENT OF MARY RAINFORD

I, Mary Rainford, Chief Executive of Crossroads Care Oxfordshire, Crossroads Centre, Marston Court, Oxford, OX3 0EA will say as follows:

1. I make this statement on behalf of Crossroads Care Oxfordshire ("Crossroads") in support of the Claimants' application for judicial review. I am the Chief Executive of Crossroads, overseeing both our adult and children's services. I work closely with our Children Services Manager to ensure a vital and varied programme of support for people who care for children and young people and also for children and young people with care needs. We also support young adult carers.
2. Unless otherwise stated, the facts and matters referred to in the statement are within my own knowledge derived from my professional experience and are true to the best of my knowledge, information and belief. Where they are not within my knowledge, the source of my information is identified.

Crossroads

3. Crossroads has been providing support to adults and children for over 40 years. We continue to provide daily support to people with care needs in a variety of ways including:
 - a. Daily domiciliary visits;

- b. Holiday breaks;
 - c. Weekend breaks;
 - d. Day trips;
 - e. Sitting services;
 - f. Social activities and groups;
 - g. Companionship; and
 - h. End of life support.
4. We often help families in crisis situations and help relieve pressures associated with the caring role. Our constructive and innovative work assists with a reduction in hospital admissions and often prevents the breakdown of care settings at home. We are a network partner of Carers Trust and work closely with them to respond to national trends within the care field.
5. With the sum of £65,000 in 2015/16 from West Berkshire Council we have been able to support over 77 children and hundreds of associated siblings and family members. With this funding we have provided vital respite and support services for children and young people, helping with social and educational activities, sitting services, music therapy groups and emergency support. The children we support often have complex needs with both behavioural and emotional complications.
6. The children and young people we care for have varying issues, including those living with:
- a. Autistic Spectrum needs;
 - b. Special Needs;
 - c. Behavioural issues;
 - d. Terminal illnesses; and
 - e. Social deprivation.
7. The First Claimant uses our short breaks services: he attends our weekend and holiday activity days and enjoys trips away that we organise during school holidays.
8. The response to our children and young people's service has been overwhelmingly positive. Families have expressed great joy at having their children engaging in social activities and support, proving beneficial with regards behaviour and general happiness. Combating social isolation for children and young people with care needs is a major focus of the work we do.

Families have also expressed how amazing it is to have a rest or break from their caring role. Such breaks help parents and guardians to spend time with their other children, helping to reduce tension within the home.

Effect of the cuts on our Children Services

9. Without funding from the Council, we have no funds to provide the level of care we have previously because we have no alternative source of funding currently.
10. We informed our service users as soon as we became aware of the proposed cuts to our funding and explained that our services would have to end. Naturally, there was a lot of upset, worry and negative feedback. The overwhelming response from our service users is panic around how they are going to cope without having any support – as they have no other support available to them. We explained to our service users the timescale for the cuts and also who to contact to discuss these issues, but this did not allay fears as the services Crossroads provides are trusted services, which have taken time to build. Many families have become deeply anxious as they fear a breakdown in family units as the stress of the caring role, with no support, could become too much.

Communication with the Council

11. We see that the Defendant says in its formal response to the Claimant's letter before action that it has "*not been made aware*" by providers that services may have to cease to exist due to the cuts. This is not correct. We have attended meetings with the Council and clearly expressed our concerns that without funding our services will cease.
12. We could not attend the meeting with the Council on 30 November 2015 and so we met separately with officers on 4 December 2015. A short note by the Council of this meeting is in the Court Bundle at D51. During this meeting we explained our deep concerns about the impact on families of the cuts.
13. We responded to the consultation online (and were not sent an electronic copy). I recall that we explained in our response the feedback we had from families about how important our services are to them, that families can reach a crisis point without proper short breaks, and that these cuts would put our services under threat.
14. I attended the meeting on 4 February 2016 with the Council and providers and expressed the difficult situation that providers are in. I said that we need certainty to be able to confirm to families what services we are and are not going to be able to provide. I said that providers weren't seeing the bigger picture because they all provide different types of services. The Council was encouraging us to consider working in partnership with one another, but effective partnership working will be difficult given how different our services are. In any event, it is the Council's job to

have the big picture and ensure that there is the necessary variety of services to meet needs across the borough.

15. I attended the further meeting with the Council and providers on 15 March 2016, and although there are no comments recorded in the Council's minutes by me, I also made it clear during this meeting that our services will cease without adequate funding. This is the bottom line for us and I have repeatedly made it clear to the Council that this is the ultimate consequence of the cuts to our funding.
16. We have been clear throughout this period that Crossroads is dependent on the funding by the Council and our services will cease without it. We have recently informed the Council that, without the benefit of full funding, we will be cutting our holidays and short breaks services from May 2016.

Outcome of transitional funding grants

17. We received notice on 21 April 2016 that we have been only partially successful in our applications for transitional funding grants. We made two separate applications for £20,000 each (a total of £40,000), one to fund our short breaks programme and one to fund our activities programme for one year, which was the most we could apply for under the Council's guidelines.
18. The Council has decided to award us £15,000 for our short breaks programme and £12,000 to fund our activities programme (a total of only £27,000). Given that our funding by the Council last year was £65,000, this means we have lost £38,000 in funding this year, which is a cut by 58%.
19. Whilst we are extremely grateful for any financial support we have, the limitations in our funding will mean the amount of families we can assist will have to drop by around approximately 40%. We continue to engage in additional ongoing fundraising to try to make up the huge shortfall but as yet we have not secured any additional funding.

Provision across the borough

20. In our view, the Council did not properly assess its provision of services across the borough in order to determine whether there would be enough services remaining after the cuts to meet children's needs. We have worked closely with the Council, even before the consultation process, to try to explain what the impact on our services would be if the cuts went ahead as planned and to explain what a devastating impact it would have on the children we support. We provided information about the nature of our services, the numbers of children we provide services to, and what sort of needs they have. However, we cannot see that the Council really processed this information and used it as part of an exercise to review its provision. We think this is a real failure because it is a leap in the dark – these cuts are going ahead without the Council having any idea what services will be left afterwards, and without any idea how children's needs will be met, and

without any idea how many children will be left without support. This isn't good enough because the wellbeing of a lot of disabled children and their families are at stake.

The importance of our short breaks services

21. At MR1 I exhibit a number of emails by families who wrote to us to express how important the services we provide are to their families. They wrote these emails in order to support our services continuing but we have anonymised them in any event.

22. These emails show that the services we provide are a lifeline of support to people with care needs. We help to build authentic social capital, that in the long-term saves the Council money because it keeps families together, improves behaviour, and makes for a more stable and caring society.

Statement of truth:

I believe that the facts stated in this Statement are true.

Signed: _____

Mary Rainford

Dated:

THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
IN THE MATTER OF A PROPOSED APPLICATION FOR JUDICIAL REVIEW

CLAIM NO: _____

BETWEEN:

THE QUEEN

on the application of

(via his mother and litigation friend [REDACTED])

First Claimant

-and-

(via her mother and litigation friend [REDACTED])

Second Claimant

-v-

WEST BERKSHIRE COUNCIL

Defendant

WITNESS STATEMENT OF CHRISTINE LENEHAN

I, Christine Lenehan, Director of the Council for Disabled Children, 8 Wakley Street, London, EC1V 7QE, will say as follows:

1. I make this statement on behalf of the Council for Disabled Children (the "CDC") in support of the Claimants' application for judicial review. I am well known for my work in this field and have had a successful career in championing the rights of disabled children and their carers. I qualified as a social worker in 1980 and have always worked in disabled children's services. I have managed and developed short break services for a number of years and provide national and international advice on their development and delivery. I was a member of the expert working group on the Children's National Service Framework module on disabled children and was responsible for the development of its consultation programme. I sat on the advisory group for the publication "Improving the life chances of disabled people", issued by the Prime Minister's Strategy Unit in January 2005. I have held a number of strategic roles, including being a member of the Stakeholders Group, which worked on the implementation of "Every Child Matters", the Ministerial Implementation Group for "Implementing Aiming High for Disabled Children", and the Programme Board overseeing "Aiming High for Disabled Children". In 2009 I was awarded an OBE in recognition of my work with disabled children and their families for over thirty years. In 2012, I was appointed a member of the Healthwatch England committee. I recently co-chaired the Children

and Young People's Health Outcomes Forum, which lead the development of the Children and Young People's Health Outcomes Strategy. In 2013, I was awarded an Honorary Fellowship of the Royal College of Paediatrics and Child Health my work advocating the rights of children, including disabled children, across the health system. I also acted as a board member of the Every Disabled Child Matters (EDCM) campaign.

2. I am currently the Director of the CDC and my role is to manage the direction and strategic development of the CDC team. The CDC is the umbrella body for the disabled children's sector in England, with links to other UK nations. We are the only national body that brings together the diverse range of organisations that work with and for disabled children to support the development and implementation of policy and practice. Our work impacts on over 800,000 disabled children and their families. I have overall responsibility for CDC as the direct line manager of key staff and as a senior manager within the National Children's Bureau. On a day to day basis this means linking with ministers and civil servants, all levels of staff working within statutory agencies, colleagues across the wider voluntary sector, and most importantly parents and children and young people.
3. Unless otherwise stated, the facts and matters referred to in the statement are within my own knowledge derived from my professional experience and are true to the best of my knowledge, information and belief. Where they are not within my knowledge, the source of my information is identified.

The importance of short break services to disabled children

4. The status of short breaks as a fundamental service to support families with disabled children to lead ordinary lives is beyond dispute. In October 2006, a set of cross party parliamentary hearings was conducted by Rt Hon Tom Clarke MP and Joan Humble MP, supported by the disabled children's charities CDC, Contact A Family, Mencap, and the Special Educational Consortium. This inquiry found overwhelming evidence for the positive impact of short breaks for families with disabled children and identified a lack of access to these services as the single biggest cause of unhappiness with service provision.¹
5. It is not hard to understand why short break services are so highly valued by families with disabled children. Over 10 years, successive Mencap surveys have found in the region of 80 per cent of parent carers of children with learning disabilities say they have reached or are close to reaching a "breaking point"; a moment of emotional, psychological or mental crisis where they feel

¹ *Parliamentary hearings on services for disabled children*, Rt Hon Tom Clarke MP and Joan Humble MP (2006)

they can no longer cope with their caring responsibilities.² Short break provision gives families a break from care duties and allows children to experience new relationships, environments and positive activities. The benefits to children, young people and their families are profound.

Aiming High for Disabled Children

6. However, prior to the Parliamentary hearings in 2006, gaining access to support through short break services was extremely difficult. A key theme that emerged in the hearings was that families with disabled children were forced to fight to get access to the right services for their child and the support that would allow their family to function. In particular, the inquiry identified a serious lack of short break provision as the leading priority for families with disabled children. Parents complained that provision was simply not available until they could no longer cope.
7. The Government responded to the findings of the Parliamentary hearings with the "Aiming High for Disabled Children: Better Support for Families" report, which formed part of the 2007 Comprehensive Spending Review. This committed £340 million revenue funding between 2008 and 2011 to transform local authority services for disabled children, with £280 million specifically allocated to expand the types of short break services available and increase accessibility to disabled children, young people and their families. This grant was intended to make provision for an additional 40,000 fortnightly short breaks between 2008-11.
8. In December 2008, the Children's Plan committed an additional £90 million local authority capital funding for short break services from 2008 to 2011, bringing the funding allocation for short breaks to £370 million. In addition, the Department of Health's 2009 Child Health Strategy 'Healthy lives, brighter futures' announced that £340 million of Primary Care Trust baseline funding for 2008/09 to 2010/11 should be allocated to disabled children to be spent on short breaks, community equipment, wheelchairs, and children's palliative care.
9. The Government and EDCM (the Every Disabled Child Matters campaign, hosted by CDC) undertook research to assess the impact of this unprecedented investment in short break services and both found significant achievements, although these were unevenly spread across the country. The most important achievement for families with disabled children was the much greater levels of provision that allowed local authorities to move away from a crisis model, where residential short breaks were provided to a low volume of children at high cost, to a preventative model where far greater numbers of families benefited from provision that was more responsive to their needs and cheaper to provide. In many areas, this move was facilitated by the development

² *Breaking Point reports*, Mencap (2003, 2006, 2013), available at: http://www.mencap.org.uk/sites/default/files/documents/2008-04/campaigns_breaking_point_0408.pdf

of self-referral models that allowed families to access provision without having to undertake social care assessments, which were typically required only for the most intensive interventions. These models were popular with many parent carers because they enabled families to receive services more easily and empowered them to meet their own needs through the available provision. They led to key developments within the voluntary sector and a recognition that innovation in short breaks was often provided beyond a statutory sector response.

10. Despite the funding won under AHDC, EDCM considered it essential to campaign for stronger rights to regular, reliable, and appropriate short breaks for the disabled children and their families who needed them. To this end, EDCM lobbied the Government on the passage of the Children and Young Person's Act 2008 to include the duty to provide short breaks. This duty was necessary to embed in law the move towards a prevention model that supports parent carers to fulfil their caring role and avoid reaching a crisis point.
11. The passing of a specific legal duty to provide these services was also necessary to ensure the sustainability of short break provision beyond the life of the ring-fenced AHDC funding. Concerns about sustainability were shared by some of those working within the AHDC programmes as well as by parents and were borne out by the fact that in many areas funding ear-marked for short breaks through PCT funding was not dedicated to this purpose. EDCM's research later revealed that some areas began making cuts to provision even before the end of AHDC funding, despite the passage of the short breaks duty.³
12. The Breaks for Carers of Disabled Children Regulations 2011 responded to these concerns by setting out the range of short break services that must be provided. An additional £800m was announced in December 2010 by the Department for Education (DfE) explicitly to continue investment into Short Break Services, as well as £40m capital investment in 2011-12. This continued investment in short breaks was made available through the Early Intervention Grant (EIG) for four years, allocated in sums of £198m / £202m / £206m / £210m between 2011/12 and 2014/15.⁴
13. The EIG brought together a range of ringfenced and non-ringfenced funding streams into a single non-ringfenced grant for children's services not included in the Dedicated Schools Grant (DSG). However, there has been dissatisfaction with how the EIG has distributed funds to local authorities. According to the Local Government Association, the total EIG represented a 32 per

<http://www.mencap.org.uk/sites/default/files/documents/2008-03/Breaking Point Families still need a break.pdf> and http://www.mencap.org.uk/sites/default/files/documents/Short_Breaks_report.pdf

³ See the Report by EDCM entitled "Short Breaks in 2015: An uncertain future":

<http://www.edcm.org.uk/media/162179/short-breaks-in-2015-an-uncertain-future-final.pdf>

⁴ *Government announces £800 million to support families – press release*, Department for Education (11 December 2010), available at:

<https://www.gov.uk/government/news/government-announces-800-million-to-support-families>

cent budget cut compared to all the previous grants that it replaced.⁵ The EIG was subsequently transferred into the Business Rates Retention (BRR) system from 2013-14, with funding for expanding early education for disadvantaged children taken out of the EIG and transferred into the ringfenced DSG that amounted to £534 million in 2013/14 and £760 million in 2014/15.⁶ In addition, a 'top-slice' of £150m per year was retained by the DfE⁷ and later allocated back to local authorities as specific non-ringfenced grants including the special educational needs reform grant of £70m in 2014/15.⁸ The DfE explicitly committed funds to local authorities for the purpose of sustaining short breaks services.

14. Elizabeth Truss MP, the then Minister for Education and Childcare, in responding to a Parliamentary Question in January 2014 stated that funding for early intervention through the EIG (and subsequently BRR system), DSG and DfE funding through its 'top-slice' had actually increased funding from £2.2 billion in 2011-12 to £2.5 billion in 2014-15 despite complaints by local authorities of increasing budgetary pressures caused by these changes.⁹ The changing parameters around these funding streams for children's services has obscured the explicit intention of additional funds granted to local authorities over this period to sustain the development of short breaks services.

15. In terms of recent spending by local authorities on short breaks, according to the research by EDCM¹⁰ there was a huge variation between local authorities. The average cut for the bottom quartile of local authorities on the short break spending index was 26% between 2011/12 and 2015/16. The average spending increase for the top quartile was also 26%. This shows many local authorities have worked hard to protect spending on short breaks in a challenging financial climate.

West Berkshire Council

16. I note that in this case, West Berkshire Council has drawn a distinction between its funding for what it calls the "Aiming High" voluntary sector providers, such as West Berkshire Mencap, the NAS, and Crossroads, and its "core funding" for children's services. In its formal response to the First Claimant's letter before action it said:

⁵ *Early Intervention Grant briefing*, Local Government Association (2012):

http://www.local.gov.uk/briefings-and-responses/-/journal_content/56/10180/3736125/ARTICLE

⁶ Ibid.

⁷ Ibid.

⁸ *Timpson creates SEN funding pot from early intervention grant*, Children and Young People Now (2013):

<http://www.cypnow.co.uk/cyp/news/1141041/timpson-creates-sen-funding-pot-intervention-orant>

⁹ Elizabeth Truss, 6 Jan 2014 : Column 89W

¹⁰ Page 3 of report by EDCM entitled "Short Breaks in 2015: An uncertain future".

<http://www.edcm.org.uk/media/162179/short-breaks-in-2015-an-uncertain-future-final.pdf>

- *"...the short breaks budget/contracts in question are a relatively recent phenomenon, originally commissioned by the Council pursuant to central government's Aiming High for Disabled Children initiative (2008—11), when central funding was provided to councils to develop and increase short breaks for disabled children at an earlier point of need and to far greater numbers than previously (for convenience, this provision will be referred to "Aiming High short breaks provision", although the description is no longer completely accurate);*
- *central government ring-fenced funding ceased in around 2012/13 and, not only that, central government has required the Council to make very substantial budgetary savings out of its general funds... ..Notwithstanding the total cessation of ring-fenced central government funding for Aiming High short breaks provision, and the budgetary pressures on its general funds, the Council has continued to fund Aiming High short breaks provision through a number of contracts and there will continue to be some funding available in 2016/17..."*

17. It appears to me that the Defendant has misinterpreted the Government's intention regarding the Aiming High Funding. While the funding came through a ring fenced grant, the Government's intention was to raise the provision of short breaks to a point where it met agreed needs. Within the final year of Aiming High ring fenced funding we saw the introduction of the Regulations and the Short Breaks statement which made clear to local authorities and to parents the Government's intention that local provision should continue.

18. It is important to note that the Defendant's distinction between "Aiming High short breaks provision" and "core" provision is inaccurate as these provisions carry the same statutory intent and, in essence, Aiming High just acted as a pump priming mechanism to build local authority capacity. The fact that in some areas this short breaks provision was then provided by the voluntary sector is irrelevant. There is no difference in these types of funding, as the Regulations were passed with the Parliamentary intention of sustaining short breaks provision established by Aiming High. In my view, the Defendant's approach to this issue, by describing services as core and non-core and focussing on the "total cessation of ring-fenced central government funding", is misguided.

19. Finally, I understand that the Defendant has attempted to defend the cuts it is making by confirming that it will meet the assessed needs of children in the borough. In my view, it is not appropriate for local authorities to be focussing solely on meeting assessed needs in this way. There is now a policy imperative to reduce the emphasis on assessments of disabled children's needs. The overall cost of conducting assessments is high, and short breaks services are intended to bring down the number of assessments and by providing generic services available to

all disabled children and by preventing needs from escalating to the point that an assessment is needed.

20. Short breaks are an essential part of living for families of disabled children. They enable the basis of an ordinary life and are a key part in promoting the best outcomes for children and to prevent family breakdown. The Government recognised this through the Aiming High Programme and encouraged local authorities to be flexible and innovative in designing and commissioning provision to meet these needs. The voluntary sector programmes under threat by the cuts in this case are examples of short breaks services that, provided they are there for the long term, are invaluable to maintaining family lives.

Statement of truth:

I believe that the facts stated in this Statement are true.

Signed: _____

Christine Lenehan

Dated:

Equality Impact Assessment Template – Stage Two

Please complete this template if completion of the Stage 1 template has identified that a full Equality Impact Assessment is required.

Before proceeding with the Stage 2 Equality Impact Assessment, you should discuss the scope of the analysis with service managers in your area. You will also need to refer to the equality impact assessment guidance.

Name of item being assessed:	Budget Proposals regarding Short Breaks for Disabled Children
Version and release date of item (if applicable):	
Owner of item being assessed:	Juliet Penley
Name of assessor:	Juliet Penley
Date of assessment:	28.12.15 (updated 19.8.16)
Date Stage 1 EIA completed:	30.10.15

STEP 1 – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this Equality Analysis? Please tick all that apply.			
Service Targets		Performance Targets	x
User Satisfaction	x	Service Take-up	x
Workforce Monitoring		Press Coverage	
Complaints & Comments		Census Data	
Information from Trade Union		Community Intelligence	
Previous Equality Impact Analysis		Staff Survey	
Other (please specify)			

2. Please provide details on how you have used the available evidence, information you have selected as part of your Impact Assessment?
<p>I have taken into account the views and comments provided from the following;</p> <p>Public consultation published on council's website and ran from 1.11.15 – 15.12.15. The public were encouraged to complete an online form. 58 responses received</p> <p>Meeting with providers of short breaks on 30.11.15 and 4.12.15. Further meetings have been held with short break providers on 4.2.16, 15.3.16 and 19.7.16</p> <p>Parents open meeting arranged by Parent Voice (parent participation organisation) 9 parents attended</p> <p>Parents views collated by Mencap and Crossroads -14 comments from parents sent direct to</p>

organisation, copied and sent to council

Petition online (via 38 degrees) with 3,173 signatures. This was to support the case that the council should not make any reduction in funding to the short breaks budget.

Meeting with 2 parents at their home on 12.4.16

3. If you have identified any gaps in relation to the above question, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research? If 'No' please proceed to Step 2.

No

STEP 2 – Involvement and Consultation

1. Please use the table below to outline any previous involvement or consultation with the appropriate target groups of people who are most likely to be affected or interested in this policy, strategy, function or service

Target Groups	Describe what you did, with a brief summary of the responses gained and links to relevant documents, as well as any actions
Age – relates to all ages	
Disability - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.	Consultation was undertaken with parents of children with a disability as detailed in 2 above. This included views obtained from families, partner agencies, voluntary groups, providers of short breaks and 'Parent Voice'
Gender reassignment - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement for them to undergo medical supervision.	
Marriage and Civil partnership –.protects employees who are married or in a civil partnership against discrimination. Single people are not protected.	
Pregnancy and Maternity - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place	

Race - includes colour, caste, ethnic / national origin or nationality.	
Religion and Belief - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.	
Sex - applies to male or female.	
Sexual Orientation - protects lesbian, gay, bi-sexual and heterosexual people.	

2. Who are the main stakeholders and what are their requirements?

In addition to families, the main stakeholders are the 8 providers who hold contracts with the council to provide short breaks. It is these contracts that the council have given notice on and are having to consider in terms of future budget savings.

The 8 organisations who hold contracts are Mencap, Crossroads, Dingley, PALS, Guideposts, KIDS, National Autistic Society and Homestart. Guideposts have said they do not wish to continue to provide any short break services

The 7 remaining organisations need the level of council funding to continue in order to continue to provide the same level, range and standard of short breaks going forward.

In April 2016 transition funding was made available for 2016/17 so grants were awarded to 7 local organisations for the year 2016/17; Mencap, Crossroads, PALS, Swings and Smiles, Homestart West Berkshire, Dingley Promise and National Autistic Society. Guideposts said that it no longer wished to provide services in West Berkshire as it was based in Lincolnshire. Grants were also given to 2 special schools, Brookfield and The Castle.

3. Amongst the identified groups in the previous question, what does your information tell you about the potential take-up of resulting services?

The ceasing of the councils funding via contracts for short breaks will have a significant impact on the capacity of the organisations to continue to provide services to families. If there is no future funding then most organisations are likely to continue to provide a very limited range of services and will need to increase charges to cover costs. For larger organisations like Mencap and Crossroads who provide services to the greatest number of children with disabilities, they say they will need to make staff redundant and close some services completely.

All feedback from families has said how much they value and rely on these short breaks services. The following comments are representative of all those received;

'Crossroads has been a lifeline for our family, its peace of mind to know she is being cared for by competent staff. My daughter is very physically disabled and this is the only social opportunity she has and the only break for my family.

'My son has severe autism and has been with Crossroads and Mencap for many years, it is the only social life he has. He has no friends.'

'I have 3 boys with autism and a husband with mental health problems. Somebody giving me a break, just once during school holidays, to give me the space to think and recharge has made the difference to facing school holidays with dread and finishing them with exhaustion and illness to having the strength to enjoy and have fun with the children.'

'Oasis Youth Club for young people with autism would close. Befriending for young people with autism would close. And what else is there for young people with autism in West Berks - nothing. This will detrimentally impact around 30 young people with autism and another 100 or so parents and siblings.'

'The social impact this will have on the family as a whole! By cutting all these services you are at risk of putting more families at crisis point due to not having enough or any support!'

'Parent Voice is West Berkshire parent carer participation charity. We know many of our members have give feedback directly to the council however we felt it important to offer an evening session for those who wanted to discuss the proposals and be part of the Parent Voice community feedback. We held the meeting on 30th November at St Johns Church rooms; it was advertised widely through our networks and those of our partners. The feeling of the meeting was that the provision offered through short breaks is currently a minimum and would not withstand any cut. Without maintaining the current service children and young people with Special Educational Needs and or a Disability will be significantly disadvantaged and will not be given the opportunity to 'live ordinary lives' as set out in the Children and Families Act 2014 and the Equalities Act 2010. Accessing services currently is a challenge as the families service is oversubscribed with waiting lists in place.'

Update August 16. The reduction in funding has led to a reduction in the variety and number of short breaks available but as can be see from detail below all providers have continued to deliver some short break services

Dingley. Continue to provide 10 places in their holiday clubs for Under 5s. No change

National Autistic Society. Continue to run Befriending service for 20 children and 26 places in their youth club. No change. They do now charge parents

Brookfields school. Continue to run holiday playchemes for 20 children per day. Reduction in number from 30 approx. After school clubs and Youth clubs continue at the same level. Charges have been increased.

Homestart. Continue with no change and provide service to 12 families

Swings and Smiles. They are a new provider and deliver 8 places of holiday club over 20 days a year. They provide 8 places at a Saturday club once a month

PALS. Continue to provide to 16 young people youth clubs and holiday activities. No change

Crossroads. Continue to provide youth clubs for 24 young people. Reduced from 30-40. Also provide overnight breaks to 18 children which is reduced by half. They have increased charges.

Mencap. Stopped their Saturday club, high need holiday scheme and overnight breaks. Continue to deliver 20 places on holiday play schemes but for 2 weeks instead of 4. Their youth club continues unchanged but after school club is reduced to 15 children per day for days. Previously 30 approx.

The services that have continued at Mencap and Crossroads have been those most valued by parents such as holiday play schemes, youth clubs and after school clubs. The short break providers have formed a SEND provider's forum to share learning and increase co-operation and efficiency. Providers have sought and some secured alternative funding. The impact on families and disabled children has been that they have less choice, increased charges and less availability. There are still a similar number of providers of services and a range of short breaks available in terms of type. The greatest reduction has been seen and are likely to be seen in

the provision of overnight breaks which are the most expensive to run.

STEP 3 – Assessing Impact and Strengthening the Policy

What will be done to improve access to and take-up of, or understanding of the policy, strategy, function or service? (these are the measures you will take to mitigate against adverse impact)

Those Childrens and families with the highest level of need will be eligible for an assessment by Childrens Social Care and will be provided with services such as short breaks to meet their needs.

There is likely to be a reduced amount of short breaks funding available so this will be used to support those services most valued by families. The overnight breaks are very costly to provide and are delivered to a smaller number of children. The services most needed by families (according to their feedback) are holiday play schemes, after school clubs and youth clubs so it is planned that the remaining money can be targeted to those services.

Some organisations have advised that they will continue to offer short breaks and will either increase charges or seek funding elsewhere.

Update

So far all providers have continued to provide short breaks and there has been one new provider this year, Swings and Smiles. As detailed in Section 3, there has been a reduction in service by Crossroads, Mencap and to a lesser extent, Brookfields. Please see below for quarter 1 data return showing numbers. There may be some double counting as children attend more than 1 short break service.

Organisation	2016/17			
	Number of young people receiving a service			
	Total (Q1)	Total (Q2)	Total (Q3)	Total (Q4)
Mencap				
Holiday Play schemes				
Youth Club				
After school club	48			
Crossroads				
Youth Provision				
Play schemes				
Home-StartWB				
Care/Sitting service	11			
National Autistic Society				
National Autistic Society	14			
Oasis club	26			
Oasis Transition Group				
Dingley				
Summer play scheme	26			
The Castle School				
Youth Clubs	15			
Brookfields School				
Youth Club	26			
After School Club	39			

Holiday Club	21			
PALS				
PALS	23			
Swings & Smiles				
Swings & Smiles	10			
TOTALS	259	0	0	0

Short break providers have come together locally and have formed themselves into a group called the SEND providers forum and council officers will become part of this group in September. This group aims to provide mutual support, share good ideas and maximise co-operation and efficiency.

STEP 4 – Procurement and Partnerships

Is this project due to be carried out wholly or partly by contractors? Yes/No (please delete)

If ‘yes’, have you done any work to include equality considerations into the contract already? Specifically you should set out how you will make sure that any partner you work with complies with equality legislation.

No

STEP 5 – Making a Decision

Summarise your findings and give an overview of whether the policy, strategy, function or service will meet the authority’s responsibilities in relation to equality and support the Council’s strategic outcomes?

The council has to make very difficult decisions regarding budgets. It is clear from the consultation that short break services are very valued and needed by families and there has been a huge amount of feedback which all disagrees with the proposal to make reductions in funding. There is a risk that by ceasing or reducing the funding to these early help services that families with go into crisis and eventually cost the council and other services much more.

The current short breaks services were commissioned following on from the governments ‘Aiming High for Disabled Children’ initiative (2008-11) when considerable central funding was available to councils to develop and increase short breaks for disabled children. So the current contracts were awarded to organisations to provide short breaks at an early point of need and to a far greater number of children.

Although councils would want to provide prevention/early intervention as well as statutory services, it is not now possible given the savings required so this proposed budget savings is to those short breaks at ‘preventative’ level

Short breaks will still be provided by the council to those families who are assessed as being in the greatest need.

Update There will be no change to those families eligible for a service from the council. Those below this threshold will likely find that that there has been a reduction in the number of services but that they can still directly access a variety of services.

As detailed in Section 3, there has been a reduction in service by Crossroads, Mencap and to a lesser extent, Brookfields. Other providers such as PALS, Homestart, Dingley, and the

National Autistic Society (NAS) have continued to provide at similar levels. Charges for services have been increased by NAS, Brookfields, Crossroads, and Mencap. Holiday play schemes and youth clubs have been least affected but overnight breaks have been stopped or reduced by Crossroads and Mencap. Mencap as the largest provider of services has shown the greatest reduction and only their youth club continues at previous levels.

STEP 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan, you must identify how you will monitor the policy/function or the proposals following the Equality Impact Assessment and include any changes of proposals you are making.

What structures are in place to monitor and review the impact and effectiveness of the new policy, strategy, function or service?

There will be a procurement process which will offer a smaller amount of support for 2 or 3 services. The contract monitoring processes will continue and impact monitored and reported to council management

Update. Transition funding has been used to award grants to 7 voluntary organisations and 2 special schools. Quarter 1 data has been collected and is shown in the table above. Data will continue to be collected and monitored. Short breaks services have continued to be provided and providers are being supported to become more self sufficient and self sustaining. The providers have formed themselves into the SEND forum and council officers will joint their meetings from September. There will also be individual meetings with each provider in October 2016 to further monitor and assess the impact on each short breaks provider.

STEP 7 – Action Plan

Any actions identified as an outcome of going through Steps 1-6 should be mapped against the headings within the Action Plan. You should also summarise actions taken to mitigate against adverse impact.

	Actions	Target Date	Responsible post holder & directorate
Involvement & consultation	Discussions will continue with current providers to mitigate impact of reduction in funding and consider level of ongoing provision	Subsequent to consultation period	Service manager (C&F services)
Data collection	Continue to collect data from short break providers to include numbers of children, places and types of provision.	Every quarter	Service manager (C&F)

Assessing impact	Data will be used to consider any gaps in service provision	Post April 2016	As Above
Procurement & partnership	Award grants to short breaks providers using transition funding	April 2016	As Above
Monitoring, evaluation and reviewing	Grants awarded will be monitored by holding monitoring meetings, gathering data, and holding provider meetings.	April 2016	As Above

STEP 8 – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Assessor		
Name: Juliet Penley	Job Title: Service Manager	Date: 19.8.16

Service Director or Senior Officer (sign off)		
Name:	Job Title:	Date:

Please email a copy of the EIA to Rachel Craggs, Principal Policy Officer (Equality & Diversity): Rachel.craggs@westberks.gov.uk

West Berkshire District Council (land at Englefield Road and North Street, Theale) Compulsory Purchase Order 2016

Committee considering report:	Council
Date of Committee:	15 September 2016
Portfolio Member:	Councillor Lynne Doherty
Date Portfolio Member agreed report:	Report e-mailed to Councillor Doherty on 7 September 2016
Report Author:	David Holling and Bill Bagnell
Forward Plan Ref:	C3172

1. Purpose of the Report

- 1.1 In respect of the land adjoining Englefield Road and North Street, Theale known as part of the North Street playing fields to:
- (1) obtain authority from full Council to purchase by agreement or using compulsory purchase powers pursuant to Section 530 of the Education Act 1996 and the Acquisition of Land Act 1981 all or parts of land identified within the land shown edged with a dashed black line on the plan attached to this Report entitled "Site Plan"(see **Appendix C**) to enable the relocation of Theale Church of England Primary School from Church Street, Theale to land adjoining Englefield Road and North Street, Theale;
 - (2) confirm, if the Secretary of State authorises the Council to do so, any Compulsory Purchase Order(s) made;
 - (3) utilise, where appropriate, either the General Vesting Declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965; and
 - (4) give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.
- 1.2 To consider the provisions of the Human Rights Act 1998 and the Equality Act 2010 so far as they might be applicable in deciding whether or not to make the Compulsory Purchase Order(s) and all other statutory powers that the Council seeks to exercise.

2. Recommendations

- 2.1 Having given consideration to all the provisions of this report including the impact on Human Rights and Equalities, the Council resolves to delegate to the Head of Legal Services authority to make a Compulsory Purchase Order(s) and other such powers as detailed in Section 1.1 of this report.
- 2.2 Whilst negotiations are continuing to take place, successful negotiated purchase agreements cannot be reached despite numerous attempts to engage over the last 18 months.
- 2.3 Without the Council's involvement to acquire the necessary interests in land, the Council will be unable to unlock the site for the relocation of Theale Church of England Primary School. The school has already exceeded capacity and there is an urgent need to provide more primary school places in Theale to meet current demand and projected pupil modelling numbers. The proposal will assist with meeting the Council's duty to provide sufficient primary school places.

3. Implications

- 3.1 **Financial:** The financial implications are covered within the body of the report. There is provision within the scheme budget for the acquisition of freehold land required for the new school site together with implementation of the scheme. However, should the Council have to proceed to full CPO and thereby incur a project delivery delay of over a year, there is a small risk of project construction costs rising. At present that risk is low due to the uncertainty in market conditions and its effect on the construction industry. Of immediate concern is the cost of the CPO process itself. Overall total extra costs associated with delayed construction and CPO are estimated at between £85K to 100K and will have to be found out of the existing approved total budget. At present the overall project budget has a 5% contingency to cover off unforeseen construction problems associated with both the new school and highways improvements. Though undesirable, extra costs associated with delayed construction and the CPO process can at present be underwritten by this contingency. There will be a risk that should major unforeseen problems arise once construction work commences, remaining contingency monies may not be able to fully cover the extra costs as forecasted. At present this risk is viewed as manageable.
- 3.2 **Policy:** This scheme is in accordance of the Council's strategy for better educated communities and protecting and supporting those who need it.
- 3.3 **Personnel:** None
- 3.4 **Legal:** Discussed in the Report.
Legal Services will advise on the CPO process and

acquisition of land.

- 3.5 **Risk Management:** This scheme is being managed in accordance with the Council's Project Management Methodology and Risk Management Process. There is a risk relating to the amount of exchange land currently being negotiated and being equally advantageous as explained in more detail in paragraphs 4.6 and 4.7 of the Supporting Information Report (see **Appendix A**).
- 3.6 **Property:** Expert valuation advice is being sought and will be required throughout the process.
- 3.7 **Other:**

4. Other options considered

- 4.1 As detailed in the Supporting Information Report (see **Appendix A**) and in the Site Selection Scoring Matrix and associated report undertaken by the Council (see **Appendix D**).
- 4.2 The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:
- (1) facilitating the relocation of Theale Church of England Primary School,
 - (2) assist with reducing the shortage of school places at primary phase to comply with the Council's statutory duty to ensure there are sufficient pupil places to meet demand, and
 - (3) ensure there are places available locally.

5. Executive Summary

- 5.1 The National Audit Office has warned that there is a national shortage of school places at primary and secondary school level. West Berkshire District Council (**the Council**) has a duty to ensure that there is a school place available to every West Berkshire resident child who requests one from the age of 5-11 and thereafter to 17.
- 5.2 To meet the expected the demand for primary places on a permanent basis in West Berkshire, the Council is working with Theale Church of England Primary School to replace the existing school situated at Church Street, Theale as part of the Education Capital Programme.
- 5.3 The existing school is already at over capacity. There is an urgent need for suitable accommodation for a 1.5 FE (315 place) primary school and integrated 26 place nursery provision, with integral Autistic Spectrum Disorder (ASD) and Language and Literacy (LAL) units. Based on pupil modelling forecasts the new school is designed to cater for 2 FE expansion when required. The Council fully expects that a 2 FE school (420 pupils) will be required by 2025.
- 5.4 The land identified for the relocation site is currently owned by Englefield Estate Trust Corporation Limited and leased to Theale Parish Council. Negotiations have been progressing over the last 18 months with the freeholder but the Parish Council has not engaged resulting in the Council having to consider the use of CPO powers in parallel with attempting to continue negotiation. The Council is unable to provide sufficient school places locally by September 2017 if agreements cannot be reached imminently and therefore other options need to be progressed in parallel with negotiations to minimise the impact.
- 5.5 Before promotion of a Compulsory Purchase Order (**CPO**) further preparatory work will be required. The Summary Report – Supporting Information (see **Appendix A**) spells out why it is necessary to progress the use of compulsory purchase powers in parallel whilst continuing negotiations. The report has been prepared on the basis of information currently available.
- 5.6 The Council has compulsory purchase powers which, if authorised to exercise, can be used for the purposes of complying with its functions as a Local Education Authority (**LEA**). The Council has a number of compulsory purchase powers but the most relevant to this particular matter are contained in Section 530 of the Education Act 1996 (**1996 Act**).
- 5.7 Section 530 of the 1996 Act authorises the acquisition of land by the Council that is required for the purposes of any school which is maintained by the Council for which they have the power to assist. Theale Church of England Primary School is maintained by the Council as the LEA. The Council will be the owner of the relocated school site.
- 5.8 The land identified for compulsory acquisition is acquired to deliver the relocated school with associated hard and soft landscaping. Associated highway works will be carried out to Englefield Road on land that already forms part of the adopted highway including the construction of pavements, pedestrian crossing and traffic calming measures.

- 5.9 As noted above, the land required is in third party ownership. Negotiations have been progressing well with the freehold owner. Unfortunately attempts to negotiate acquisition of the leasehold interest have been unsuccessful to date and hence the need to proceed to CPO. Though the Council seeks approval to exercise its powers of compulsory purchase, it will remain open to negotiation with Theale Parish Council throughout the CPO process in the continued hope of reaching an acceptable agreement.
- 5.10 The Council is aware of the Government oil pipeline which crosses through the site and are in communications with the management contractor. The proposed layout of the scheme means there are no impediments to the scheme proceeding due to the pipeline.
- 5.11 The Council will seek to continue to acquire all interests by agreement.
- 5.12 The Council has carried out an equality impact assessment scoping exercise, and considers that the proposals do not have a direct impact on any groups with protected characteristics.
- 5.13 The relocation site is currently used for the purposes of public recreation. As part of the compulsory purchase process, the Secretary of State will therefore need to be satisfied that other land will be exchanged to replace the lost area or the land being acquired is to secure its preservation or improve its management. If the Secretary of State cannot be satisfied, the compulsory purchase order will be subject to special parliamentary procedure.
- 5.14 The Council is in negotiations to acquire some exchange land (see Part 2 at **Appendix E**). Until negotiations have been completed the exchange land will be included in the CPO. Advice is also being sought in relation to whether the re-provision is sufficient. The Council is not attempting to fully replace the 5 acres of recreation land lost to the proposed new school development. Such an acquisition would make the new school scheme financially unviable and full replacement land is either unavailable or inappropriately located.

6. Conclusion

- 6.1 In order to deliver the relocation of Theale Church of England Primary School, land outside the Council's ownership is required. The land required is owned by Englefield Estates Limited and the majority is leased on a long lease to Theale Parish Council. To progress the scheme the Council will need to acquire the freehold and leasehold interests.
- 6.2 To date Englefield Estates Limited have been supportive of the proposals, however, the Council has been unable to secure agreement from Theale Parish Council. Therefore, Officers recommend that the Council approves the use of compulsory purchase powers to ensure that sufficient school places can be provided in Theale.
- 6.3 In respect of the land at Englefield Road and North Street, Theale authority is sought from Council to
- (1) purchase by agreement or using compulsory purchase powers pursuant to Section 530 of the Education Act 1996 and the Acquisition of Land Act 1981 all or parts of land identified within the land shown edged with a dashed black line on the plan attached to this Report

entitled "Site Plan"(see **Appendix C**) to enable the relocation of Theale Church of England Primary School from Church Street, Theale to land adjoining Englefield Road and North Street, Theale;

- (2) confirm, if the Secretary of State authorises the Council to do so, any Compulsory Purchase Order(s) made;
- (3) utilise, where appropriate, either the General Vesting Declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965; and
- (4) give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.

6.4 To consider the provisions of the Human Rights Act 1998 and Equality Act 2010 so far as they might be applicable in deciding whether or not to make the Compulsory Purchase Order(s) and all other statutory powers that the Council seeks to exercise.

7. Appendices

7.1 **Appendix A** – Supporting Information Report

7.2 **Appendix B** – Equality Impact Assessment

7.3 **Appendix C** – Extent of Site 4 Site Plan

7.4 **Appendix D** – Site Selection Scoring Matrix and Associated Area Plan and Report

7.5 **Appendix E** – Part 2 – Exchange Land Plan

West Berkshire District Council (land at Englefield Road and North Street, Theale) Compulsory Purchase Order 2016 – Supporting Information

1. Introduction/Background

- 1.1 The National Audit Office has warned that there is a national shortage of school places at primary and secondary school level. West Berkshire District Council (**the Council**) has a duty to ensure that there is a school place available to every West Berkshire resident child who requests one from the age of 5-11 and thereafter to 17.
- 1.2 To meet the expected the demand for primary places on a permanent basis in West Berkshire, the Council is working with Theale Church of England Primary School to replace the existing school situated at Church Street, Theale as part of the Education Capital Programme.
- 1.3 The existing school is already at over capacity. There is an urgent need for suitable accommodation for a 1.5 FE (315 place) primary school and integrated 26 place nursery provision, with integral Autistic Spectrum Disorder (**ASD**) and Language and Literacy (**LAL**) units. Based on pupil modelling forecasts the new school is designed to cater for 2 FE 'care' expansion when required. It is currently anticipated that a 2 FE school will be required by the 2025.
- 1.4 The land identified for the relocation site is currently owned by Englefield Estate Trust Corporation Limited and leased to Theale Parish Council. Negotiations have been progressing over the last 18 months, however, the Council is also reviewing whether it could use its compulsory purchase powers. The Council is unable to provide sufficient school places locally by September 2017 if agreements cannot be reached imminently and therefore other options need to be progressed in parallel with negotiations to minimise the impact.
- 1.5 Before promotion of a Compulsory Purchase Order (**CPO**) further preparatory work will be required. This Report sets out why it is necessary to progress the use of compulsory purchase powers in parallel whilst continuing negotiations. The report has been prepared on the basis of information currently available.
- 1.6 The Council has compulsory purchase powers which, if authorised to exercise, can be used for the purposes of complying with its functions as a Local Education Authority (**LEA**). The Council has a number of compulsory purchase powers but the most relevant to this particular matter are contained in Section 530 of the Education Act 1996 (**1996 Act**).
- 1.7 Section 530 of the 1996 Act authorises the acquisition of land by the Council that is required for the purposes of any school which is maintained by the Council for which they have the power to assist. Theale Church of England Primary School is maintained by the Council as the LEA. The Council will be the owner of the relocated school site.

- 1.8 This report sets out:
- (1) The site options considered (see Paragraph 3)
 - (2) The planning position (see Paragraphs 4.1-4.2)
 - (3) The extent of the proposed order lands and status of negotiations (see Paragraphs 4.3-4.8)
 - (4) The need for the CPO (see Paragraphs 4.9 – 4.13)
 - (5) The funding position (see Paragraphs 4.14 - 4.16)
 - (6) Consideration of the Human Rights Act 1998 (see Paragraphs 4.17-4.20)
 - (7) Consideration of the Equalities Act 2010 (see Paragraphs 4.21 – 4.22)
 - (8) Recommendations for resolution (see Paragraph 5)
 - (9) Consultation and Engagement (see Paragraph 6)
- 1.9 The Council has procured Kier Construction under a design and build framework and awarded a pre-construction services contract. Following the acquisition of the land required for the scheme it will enter into a construction contract with Kier.

2. Supporting Information

Appendices

- 2.1 **Appendix B** – Equality Impact Assessment
- 2.2 **Appendix C** – Extent of Site 4 Site Plan
- 2.3 **Appendix D** – Site Selection Scoring Matrix and Associated Area Plan & Report
- 2.4 **Appendix E** – Part 2 - Exchange Land Plan

3. Options for Consideration - Site Selection

- 3.1 The Council has an Education Capital Programme. It supports the Council's commitment to raising educational attainment in the district, as identified in the Council Strategy 2015-2019. Theale Church of England Primary School is a popular local primary school in the east of the district. It is rated as 'Outstanding' by Ofsted. An Autistic Spectrum Disorder (**ASD**) Unit and a Language and Literacy (**LAL**) Unit are also part of the school. West Berkshire is experiencing strong demographic growth, both within Theale and across the district. The scheme will see the existing school relocate to a new site within Theale, and will ensure that children born in Theale catchment continue to be able to get a place at their local school. The school has been designed to accommodate up to 2 FE (420 pupils) should demand for places continue which the Council fully expects by 2025.
- 3.2 The scheme is required for the following reasons:

- Theale has experienced strong demographic growth, putting pressure on the existing amount of pupil places available;
- Approved and future new housing will put existing provision under even more pressure;
- The Council has a statutory duty as LEA to ensure there sufficient pupil places to meet demand;
- To ensure that there is good quality local education provision for the local community.

3.3 The existing school is on a constrained site of approximately 0.61Ha and currently functions as a 1.5FE school with several temporary classrooms and reduced play space. Although a feasibility study has been carried out by the Council on expanding the existing school to a 1.5FE school, it has not been realised due to abortive costs, time, lack of play space, disruption to the school life and a requirement to build on existing Parish Council recreational land to the north of the existing school which was not acceptable to the Parish Council.

3.4 A comprehensive site selection appraisal has been undertaken by the Council, see **Appendix D**. In total eleven (11) sites were considered as shown on page 14 of the appraisal. The sites have been tested against key criteria:

- (1) Cost (land price)
- (2) “Abnormals” (other costs - ground conditions, noise, business loss)
- (3) Situation (access, relationship to village, planning)

3.5 Site 4 (as shown edged with a dashed black line on the plan at **Appendix C**) which will be known throughout this report as “the Order Lands” (**the Order Lands**) was the Council's preferred option. Site 1 was identified by some residents and members of Theale Parish Council as a suitable site. On the Council's criteria, Site 1 was ranked 10th out of 11 sites whereas Site 4 was ranked 1st out of 11 sites.

3.6 The establishment of a new primary school at Englefield Road (Site 4) (the Order Lands) is preferred by the Council due to the site's suitability including:

- (1) Initial land valuations indicate the site to be affordable;
- (2) The site has minimal abnormalities which reduces cost impact and offers good suitability for development;
- (3) The site is well located within the village, with good connection to open space and the church;
- (4) Highways and access assessment by a highways engineer shows the site is capable of development for education purposes with the following mitigation works:
 - (a) New site access at the southern corner of the site;

- (b) Extend the 30mph speed limit section of Englefield Road and move the existing gateway feature;
- (c) Extending and widening of the footpath; and
- (d) The ability to deliver a footpath connecting Church Street with Englefield Road and a footpath connecting Play Platt with the Order Lands.

4. Proposals

The planning position

- 4.1 The works to construct the new primary school will require planning permission pursuant to the Town and Country Planning Act 1990. An application for the proposal was made by the Council as LEA to the Council as Local Planning Authority on 24 March 2016 for the construction of a new 1.5 FE single storey primary school with associated hard and soft landscaping on the existing playing field area north of the Theale Village Hall. This proposal also includes construction of pavements, pedestrian crossing and traffic calming measures on Englefield Road (application reference no. 16/00724/COMIND). On 13 July 2016 the Eastern Area Planning Committee resolved to grant planning permission subject to conditions. Therefore, it is expected that there are no planning impediments to the scheme proceeding.

As the site relates to an existing playing field the Council is considering referring the application resolution to the Secretary of State before the decision is issued in accordance with the Town and Country Planning (Consultation) (England) Direction 2009. An update on the current status of the application will be provided at the meeting.

- 4.2 As the scheme is a departure from the development plan, specifically Policy CS18 – Green Infrastructure, a Press Notice of the departure was published in the Reading Chronicle on 7 July 2016. The period for comments expired on 21 July 2016.

The extent of the Order Lands/Acquisitions by private treaty

- 4.3 As is consistent with compulsory purchase procedure, the Council is only seeking to acquire the minimum land required for the school. Construction of the school will involve the construction of a single storey building with associated hard and soft landscaping on the existing playing field. The proposal includes the construction of pavements, pedestrian crossing and traffic calming measures. The total proposed gross internal floor area will be 2,093m². The total size of the area is 19,700m² for a 2 FE school.
- 4.4 The land is currently used as a playing field/general recreation including dog walking and is laid to grass. It contains an undersized football pitch. The area to be included in the CPO, the Order Lands, is shown edged with a dashed black line on the site plan at **Appendix C**. All of the freehold interest required for the Order Lands is in the ownership of Englefield Estates Limited registered at the Land Registry under Title No. BK450180. Negotiations with the freeholder are progressing well.

- 4.5 The majority of the Order Lands are leased to Theale Parish Council. The Lease expires in 2029. The freeholder can only terminate the lease early if any of the forfeiture provisions apply. Unfortunately attempts to negotiate acquisition of the leasehold interest have been unsuccessful over the last 18 months and as a result the Council is being asked to consider the use of compulsory purchase powers which will cause delay and incur additional cost.

Further due diligence enquiries will need to be carried out before any CPO is made to identify any other interests in the Order Lands including those with the benefit of rights, easements and covenants over the land.

- 4.6 As the Order Lands are used for the purposes of public recreation, the CPO would be subject to special parliamentary procedures unless the Secretary of State certifies that either:

- (a) Exchange land is being given which is no less in area and equally advantageous as the land taken; or
- (b) The land is being purchased to ensure its preservation or improve its management; or
- (c) The land being taken is 209 m² or less in area and that exchange land is unnecessary.

- 4.7 The Council is in negotiations to acquire some exchange land (see Part 2 at **Appendix E**). Until negotiations have been completed the exchange land will be included in the CPO. Advice is also being sought in relation to whether the re-provision is sufficient. The Council is not attempting to fully replace the 5 acres of recreation land lost to the proposed new school development. Such an acquisition would make the new school scheme financially unviable and full replacement land is either unavailable or inappropriately located.

- 4.8 The Council has made and is continuing attempts to acquire the third party interests by agreement. Unfortunately these attempts have not been successful to date and hence the need to proceed to CPO. Though the Council seeks approval to exercise its powers of compulsory purchase, it will remain open to negotiation with Theale Parish Council throughout the CPO process in the hope of reaching an acceptable agreement.

The Council is only seeking to acquire the land required for the scheme (consistent with government guidance) and is not seeking to acquire all of the North Street playing fields nor Theale Parish Council's entire leasehold interest.

Guidance and Compulsory Purchase Orders

- 4.9 In promoting a compulsory purchase order, acquiring authorities should have regard to government guidance, and the relevant government guidance is now the guidance which was issued in October 2015 from Department for Communities and Local Government. Matters which must be addressed are:

- (1) There must be a compelling case in the public interest – as to which see paragraph (4.11) below;

- (2) Authorities should have taken reasonable steps to acquire the interests by negotiation, where practicable. A compulsory purchase order is intended as a last resort in the event that attempts to acquire by agreement fail. A summary of the negotiations with third parties is contained in paragraphs 4.4, 4.5, 4.8 above;
- (3) There must be a clear idea of how the Council intends to use the land and that the necessary resources are likely to be available to achieve that end within a reasonable timescale;
- (4) Full details for the source of, and timing for, the funding of the scheme are required – this is covered in paragraph 4.14 below;
- (5) The scheme must be unlikely to be blocked by impediments to implementation.

4.10 A compulsory purchase order can only be made if there is a compelling case in the public interest and that the purposes for the making of the order should sufficiently justify interfering with the human rights of those with an interest in the order land. This is dealt with at paragraph 4.17 – 4.20 below.

4.11 On the basis of the assessment carried out by the Council it must consider that a compelling case exists before a decision is made. Officers have carried out this assessment and are of the view that as a result of the unlocking of the site for the relocation of Theale Church of England Primary School, the Council will be able to increase the number of primary school places available in Theale which in turn will assist with meeting its obligation to provide sufficient school places under its statutory duty. There is a compelling case in a public interest for the making of the CPO and interfering with human rights of those affected by the scheme. The scheme will also deliver highway improvements to provide a benefit of the community. Delaying the implementation of the scheme will have an impact on the school places in Theale. From September 2017 it will be necessary to transport children to the nearby schools/villages until sufficient provision can be provided in Theale. The acquisition of land for the new site and construction of the scheme is therefore genuinely and urgently required to minimise disruption.

4.12 A resolution to grant planning permission has been passed. It is anticipated that planning permission will be granted for the scheme and there are no planning impediments to the scheme proceeding. Further subject to confirmation of compulsory purchase powers or acquisition of land by agreement there are no remaining impediments to the scheme proceeding.

4.13 The Council considers that there is no alternative to its use of compulsory acquisition powers to deliver the scheme in a timely manner (albeit if continuing negotiations are successful there will be no need to use the powers).

Funding

4.14 The scheme for a new school is part of the approved Education Capital Programme which was agreed by the Council in March 2015 and reaffirmed in March 2016. The Council currently has the necessary funds in place to deliver the scheme. A total amount of £7.46m was earmarked by the Council in 2015 for the scheme. This amount is intended to cover all costs associated with the scheme including the

acquisition of the land required to deliver the scheme and implement the scheme. Also the budget includes monies required to reasonably convert up to 2 acres of agricultural land into playing field land should such conversion be approved at Planning and the relevant land owner be able to formally offer to Theale Parish Council 2 acres of replacement leasehold land to mitigate against the land required for the new school.

- 4.15 Should the Council have to proceed to full CPO and thereby incur a project delivery delay of over a year, there is a small risk of project construction costs rising. At present that risk is low due to market uncertainty and its effect on the construction industry. Of immediate concern is the cost of the CPO process itself. Overall total extra costs associated with delayed construction and CPO are estimated at between £85K to 100K and will have to be found out of the existing approved total budget. At present the overall project budget has a 5% contingency to cover off unforeseen construction problems associated with both the new school and highways improvements. Though undesirable, extra costs associated with delayed construction and the CPO process can at present be underwritten by this contingency. There will be a risk that should major unforeseen problems arise once construction work commences, remaining contingency monies may not be able to fully cover the extra costs as forecasted. At present this risk is viewed as manageable.

Whilst the funds allocated do not have to be spent by a fixed date, if the scheme does not proceed in a timely manner the funds will be allocated to other 'Basic Need' schemes to meet the Council's duty to provide sufficient places within its LEA area.

- 4.16 Once the CPO is confirmed and implemented the Council will be liable to meet statutory compensation claims and has the necessary funding in place to cover these costs. As with extra costs associated with project delay and CPO, any approved compensation will have to be found from the original approved budget.

Human Rights Act 1998

- 4.17 The Human Rights Act 1998 (**HRA**) came into force on 2 October 2000.

- 4.18 Provisions of the HRA which are relevant in relation to the CPO are:

- (1) The European Convention on Human Rights (the Convention) is an international treaty signed under the auspices of the Council of Europe. Whilst the United Kingdom was instrumental in drafting the Convention it was never incorporated into United Kingdom law;
- (2) The HRA still does not incorporate the Convention into United Kingdom law but what it does is to enable individuals to invoke Convention rights for certain purposes and for certain effects;
- (3) The main articles of the Convention which are of importance in circumstances where the Council is considering making a compulsory purchase order is Article 1 of Protocol 1 – the protection of property;
- (4) In making a CPO an acquiring authority must show that the acquisition is justified in the public interest.

4.19 Article 1 of Protocol 1 provides that:

- (1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions;
- (2) No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law;
- (3) However, the above rules shall not prevent a State enforcing such laws as it deems necessary to control the use of property in accordance with the general interest;
- (4) The Council must decide in relation to Article 1 whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The right to compensation is an important factor in considering the balance between the two.

4.20 Recommendations Relating to the Human Rights Act:

It is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the works particularly taking into account the fact that there is a legal right to compensation for the property taken under the CPO.

Equalities Act 2010

4.21 In addition to the Human Rights Act 1998 the Council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

4.22 The Council has carried out an equality impact assessment and considers that the proposals do not have a direct impact on any groups with protected characteristics. **Appendix B** contains an Equality Impact Assessment.

5. Conclusion

Recommendations

5.1 That having given consideration to all the provisions of this report, including the impact on Human Rights and Equalities, the Council resolves to delegate to the Head of Legal Services authority to:

- (1) purchase by agreement or using compulsory purchase powers pursuant to Section 530 of the Education Act 1996 and the Acquisition

of Land Act 1981 all or parts of land identified within the land shown edged with a dashed black line on the plan attached to this Report entitled "Site Plan"(see Appendix C) to enable the relocation of Theale Church of England Primary School from Church Street, Theale to land adjoining Englefield Road and North Street, Theale;

- (2) confirm, if the Secretary of State authorises the Council to do so, any Compulsory Purchase Order(s) made;
- (3) utilise, where appropriate, either the General Vesting Declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965; and
- (4) give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.

5.2 To consider the provisions of the Human Rights Act 1998 and the Equality Act 2010 so far as they might be applicable in deciding whether or not to make the Compulsory Purchase Order(s) and all other statutory powers that the Council seeks to exercise.

6. Consultation and Engagement

Community Engagement

- 6.1 On 5 June 2015 the Council's Education Service gave a public presentation to the Theale Community regarding the proposal for the relocation to a new site. The presentation explained the need for more school places and the sites considered. The Council explained why the land included within the proposal CPO was the preferred site.
- 6.2 Further meetings were held in November and December 2015 by the design team, the Council, Theale Parish Council and the Chief Executive of the Council, before submission of the planning application.
- 6.3 Local stakeholders: Residents of Theale, Holy Trinity Church Theale, Theale Church of England Primary School, Theale Village Hall Trustees/Theale Social Club.
- 6.4 Officers consulted: Shiraz Sheikh, Richard Turner, Andy Walker, Mark Lewis, Ian Pearson and Nick Carter
- 6.5 Trade Union: N/A

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: Theale

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- BEC – Better educated communities**
- P&S – Protect and support those who need it**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**

Officer details:

Name: David Holling
Job Title: Head of Legal Services
Tel No: 01635 519422
E-mail Address: david.holling@westberks.gov.uk

Officer details:

Name: Bill Bagnell
Job Title: Project Officer
Tel No: 01635 519980
E-mail Address: bill.bganell@westberks.gov.uk

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.

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

Name of policy, strategy or function:	'Better Educated Communities' & 'Protect and Support Those Who Need It'
Version and release date of item (if applicable):	First version
Owner of item being assessed:	Bill Bagnell
Name of assessor:	Bill Bagnell
Date of assessment:	12/08/16

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

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	Better educated community
Objectives:	To provide adequate school places as a statutory duty by securing a new school site via the Council's powers of compulsory purchase
Outcomes:	Delivery of a new school with capacity to expand
Benefits:	Council fulfils its statutory duty

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

Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Children of primary school age	Maintain academic attainment and provide an environment where children are safe and can thrive.	Consultation with Headteacher, staff, governors, parents and local residents.
Children of primary school age and with special needs	Maintain academic attainment and provide an environment where children with special needs are safe, can thrive and are included within mainstream education.	Consultation with Headteacher, staff, governors, parents and local residents.
Local residents with one or more of the protected characteristics as described above in Note 2.	Net loss of 11% of existing open public space in order to provide new school site. (At present 28 acres available of open public space. 5 acres required for new school site and with 2 acres being reprovided elsewhere).	Consultation with Parish Council and residents including proposals to partly replace lost open public space by securing land from a third party land owner.
Sports enthusiasts with one or more the protected characteristics as described above in Note 2.	Loss of one under sized adult football pitch. Loss to be partly offset by public access to new primary school playing fields outside of school hours.	Consultation with Parish Council, residents and local players.
Further Comments relating to the item:		

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the policy, strategy, function or service 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 2 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	YES (subject to further consultation)
Owner of Stage Two assessment:	Bill Bagnell
Timescale for Stage Two assessment:	TBC
Stage Two not required:	

Name: Bill Bagnell

Date: 12/08/16

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

This page is intentionally left blank

Revisions

No.	Description	Date / Issued by

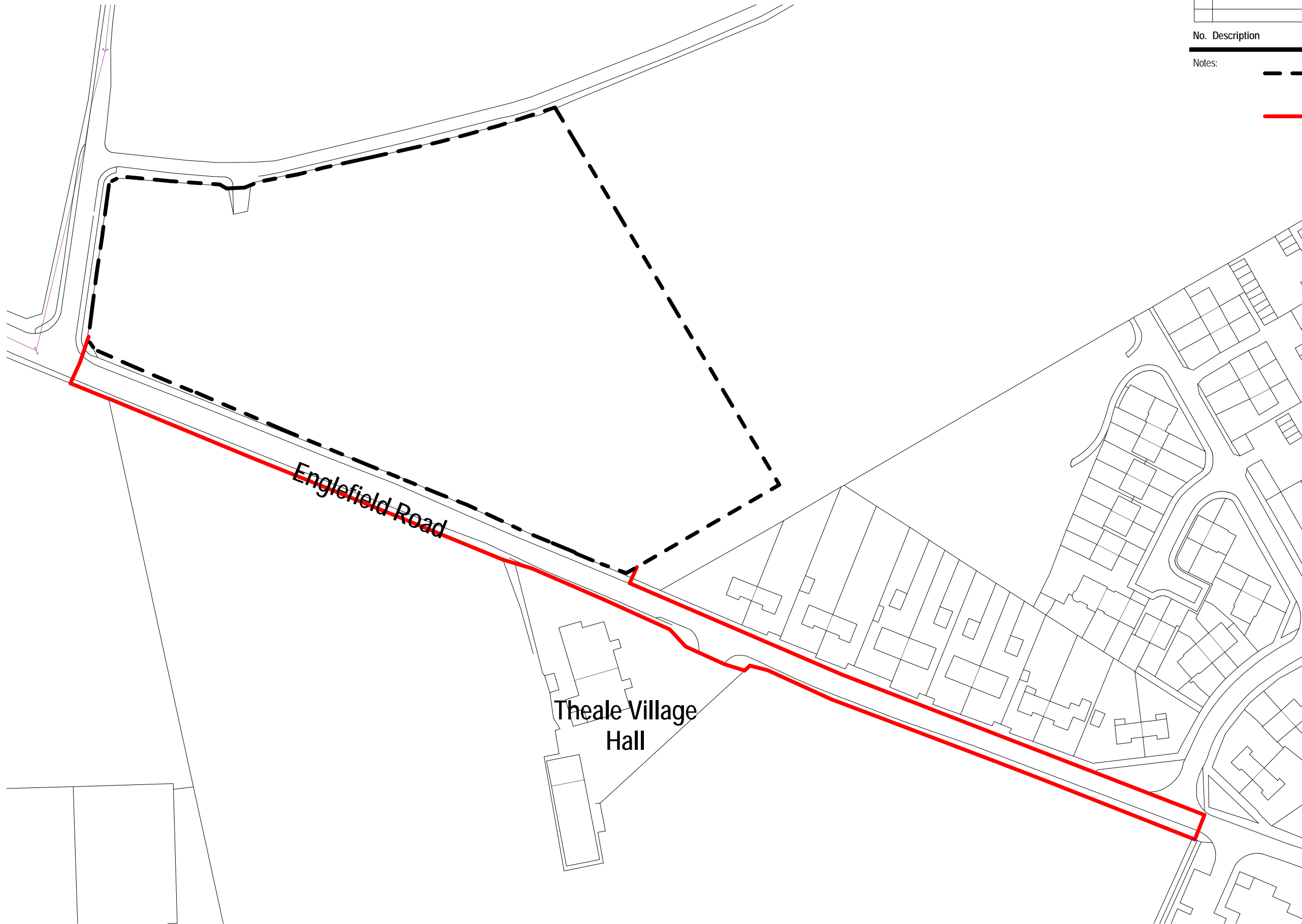
No. Description

Date / Issued by

Notes:

— Site boundary line

— Extend of the highways works



Use figured dimensions only. All levels and dimensions to be checked on site. This drawing is to be read in conjunction with all other relevant drawings and specifications.

All rights reserved. Hunters South Architects Limited.

hunters
south
architects

Sussex Business Village
Lake Lane, Barnham
West Sussex. PO22 0AA

T 01243 558750

info@hunterssoutharchitects
www.hunterssoutharchitects



Project Name:
Theale C. o. E. Primary School

Dwg Reference:
Site plan

Drawn: MR | Checked: PS | Date: Feb 2016

Status: For Information

Scale: 1 : 1250 @ A3

Job No:	Dwg No:	Rev:
Z0154	A-SK001	

This page is intentionally left blank

NEW SITE OPTIONS

SITES	COST		ABNORMALS		SITUATION		TOTAL SCORE	
	Weight 5	Score	Weight 4	Score	Weight 3	Score		
Option 1	1	5	5	20	1	6	28	
Option 2	3	15	5	20	2	6	41	3rd
Option 3*	1	5	5	20	5	15	40	
Option 4	3	15	5	20	4	12	47	1st
Option 5**	2	10	3	12	4	12	34	
Option 6	1	5	4	16	3	9	30	
Option 7***	5	25	3	12	3	9	46	2nd
Option 8	3	15	2	8	2	6	29	
Option 9	2	10	3	12	3	9	31	
Option 10	1	5	4	16	4	12	33	
Option 11	1	5	3	12	2	6	23	

Weighting 5 to 3. All scored 1 to 5

***Option 3** is the best situated, but costs of temporary accommodation are very high.

****Option 5** shows a poor scoring against cost in part because the land includes the driving range on the local golf course, therefore substantial business compensation issues.

*****Option 7** is land in the control of WBC (?). This site could deliver if utilising land Option 8 for playing fields, however, overhead power lines are viewed as unacceptable.

Abnormals include issues like ground conditions and noise which will contribute extra delivery costs

Situation covers access / relationship to village / 'without prejudice' view of Planning

This page is intentionally left blank

Date:	17 June 2015
Author:	Bill Bagnell Project Officer
Communication:	Appendix to communication BB_TPC_Let-1 Summary of site options
Purpose:	To convey information related to a specific action taken from a public meeting on 5 th June 2015

1	Summary of site options
----------	--------------------------------

A total of eleven potential sites were selected by the Property Services Team for consideration. Each site was assessed for its suitability and ranked.

Three particular areas impact on the suitability of a site for development for educational use. These are the cost of the site and any additional abnormal costs, planning and highways/accessibility.

Comments provided by West Berkshire Council Planning and Highways Teams to date are high level, without prejudice and based on no detailed information. In respect to land cost, Planning take no account of this and it is a matter for the developer (here West Berkshire Council Education Service) to manage land cost.

Since formally evaluating the sites at the end of 2014 and drawing up a list of sites in order of preference, further information has become available reinforcing the preference of one site option and highlighting the non-deliverability of some sites previously considered possible. The summary of all the sites below describes the situation as understood and as explained to the community on Friday 5th June 2015. Nothing has changed since that meeting.

1.1 Site 1

From a Highways point of view the site is deliverable with highways mitigation works. These works, which have been subject to an initial high level independent highways assessment, focus on a new zebra crossing, extensive reduced traffic speed zone along the length of the Green combined with traffic calming road gateway feature, traffic island crossing points in addition to zebra crossing and possibly extra street lighting. The cost of these mitigation works would be in the region of £60K.

In planning terms, this site is at one end of the village reducing a new school's connectivity to the existing community and is likely to increase driving to the school as opposed to further reducing it; the school has a 70% walk to school uptake by parents and this is viewed as likely to diminish if the school moves to Site 1.

Though Site 1 is at present in agricultural use, its purchase price will reflect that this site has the potential to be allocated for housing in the near future. As such the open market value for this site will lie close to values associated with land already earmarked for residential development. . The purchase price of this site will significantly exceed the available fixed project budget . Aside from Planning's view, financially this site is wholly unviable.

In terms of ground conditions site 1 has running across it a major fuel line which cannot be overbuilt for building foundation purposes. Site configuration is such that this situation reduces site layout flexibility but is not a barrier to project delivery.

1.2 Site 2

This site has not been independently assessed by external highways engineers, but due to restrictions on how new buildings could be sited, there are issues known about now that reduces this site's ability to deliver an appropriate new school site. Moreover highways mitigation works are likely to be extensive and costly in relation to other sites. The three road junction where The Green meets Deadman's Lane would need remodeling as would possibly the bus park up lane (subject to agreement with Theale Green Academy) if a new access point was attempted at this point. Safe pedestrian access along Deadman's Lane might have to be considered involving major highways improvements along the length of the lane combined with speed restrictions.

This site is partially leased to Theale Green Academy over whom WBC has no control. In planning terms, it is not acceptable to site a new school on either the Northern or Western boundaries of this site, which it is viewed will leave the school isolated and disconnected from the built environment generally. Additionally all agricultural land outside of playing fields on site 2 is subject to an existing farm tenancy which the landlord does not have the ability to justifiably extinguish. Thus a new school would have to be built on the Academy playing fields which in turn would require extra land to reprovide lost Academy playing fields. Shared use of school playing fields and the creation of an education 'campus' combining the two schools are not appropriate for either WBC or the Academy. In terms of cost, the land values of site 2 are not insurmountable but difficult – again there is Hope Value on this site. This cost situation deteriorates further if major highways mitigation works have to be implemented – this combination makes viability marginal and reduces the Council's ability to fully deliver a fit for purpose new school.

In terms of ground conditions site 2 poses no known construction delivery issues.

1.3 **Site 3**

Delivery of a redeveloped school using both the existing site and part of site 3 was looked at in detail during the course of 2013 / 14.

In order to develop a new fit for purpose school, the school would need to expand onto the existing community recreation land; the minimum land up take would be 1000sqms. This was not deemed acceptable by the parish council. Moreover such permanent loss of central village community open space would still deliver a school with shared space for playing fields, thus not resolving existing management and safeguarding issues, and also not resolve long term parking issues on site. Parking on site would have to be permanently on church ground and the remaining parking space required would have to be delivered by permanent shared arrangement elsewhere in the community and thereby create a split school site. .

In terms of cost, delivery of a new school with inherited issues both on the existing site and utilizing village green land, would in the end be comparable to delivering a brand new school elsewhere. Finally a substantial part of this cost would be entirely abortive; approximately £1M would have to be spent on housing the school in temporary accommodation while a new school is being built. The move would not only be disruptive to pupils, the same pupils would have to live next door to a building site.

For the above reasons – where there would be a bad outcome for education and an undesirable impact on critical village centre open space, the option to redevelop on both the existing site and part of site 3 was rejected by WBC and Theale PC.

In terms of ground conditions site 3 poses no known construction delivery issues.

1.4 **Site 4**

From a Highways point of view the site is deliverable with highways mitigation works. These works, which have been subject to an initial high level independent highways assessment, focus on: creating new and / or widening existing pavements; the extension of existing speed restrictions and enforcing them by moving West existing gateway / pinch point features; by creating a formal pedestrian footpath through the existing school site thereby linking Church Street and Englefield Road and creating formal access from Play Plat and the Crescent onto site 4. The cost of these mitigation works are in the region of £100K and in the context of overall project costs comparable to Site 1 mitigation works.

In planning terms, site 4 is not only a good one in relation to the form of the village as it is now but also potentially a good site in relation to how the village could grow over the coming decades. The location and connectivity have the best ability to maintain existing levels of 'walk to school' take up, not increase car use.

Site 4 continued over page/...

Site 4 will require the loss of 5 acres of open public space a proportion of which is used for sport. However, by leaving the community with a uniform rectangular land holding of just under 9 acres and which will retain suitable vehicle access (both maintenance and for sports purposes), it has been shown the community will be able to deliver three full size over 18s FA standard football pitches with recommended full run offs and also enough space to provide ample parking for players and spectators. This does cover off sports provision but it is accepted that in terms of general open space (dog walkers etc), there is a community loss. However, it is hoped that any community loss is seen as balanced by the public benefit of a new fit purpose school that will serve the community well in the years ahead and will not involve the calling for more land in the years ahead.

In terms of cost, site 4 will not be available at pasture / pony paddock land cost, but the costs are affordable within the overall budget and do not represent an undue burden. WBC has funding to secure the site and deliver a good new school. Generally it is a quiet space and one where children should be able to flourish.

In terms of ground conditions site 4 poses no known construction delivery issues.

1.5 **Site 5**

The major highways issue with site 5 is vehicle accessibility. The site cannot be appropriately serviced by Blossom Lane and it is neither financially viable nor acceptable to deliver an adoptable standard road from Englefield Road onto site 5. From a general Planning point of view the site, even if accessible, is in the very North of the community and not favourable in planning terms.

In terms of cost, site 5 would not be available at pasture / pony paddock land cost, but the land costs would be manageable. However, a major site issue is the existing golf club. The land owner cannot justifiably bring closure to the golf club and there would be compensation issues.

For the reasons of access and existing business use, site 5 is unviable.

In terms of ground conditions site 5 poses no known construction delivery issues.

1.6 **Site 6**

Site 6 suffers from the same accessibility issues as site 5. In terms of cost, land values is not so much of an issue, but this site is a former Thames Water sewage treatment site and is contaminated. The cost of contamination remedial works are not affordable in the context of the new school budget, thus making this site unviable; generally it is a noisy location close to the motorway and over which electrical pylons run and as such this site is unsuitable as a location for a new school.

1.7 Site 7

Site 7 as a location for new school buildings with dedicated school playing fields located on site 8 was considered as an option. It was believed that site 7 was in the control of WBC and though public open space, this site was looked at in the same way we have looked at site 4 though the options would involve the potential loss of open public space.

However, not only is site 7 covenanted open public space and thus not available for use, the site suffers again from comparable accessibility issues as sites 5 & 6.

In terms of ground conditions site 7 poses no serious delivery issues. However, due to the inability to build on site 7 and the inability to deliver playing fields on site 8 where there are very serious ground condition issues as well as electrical pylons, site 7 is considered undeliverable.

1.8 Site 8

Site 8 does have accessibility issues. The existing truncated High Street could be extended onto the site to give access, but the cost of the road would be prohibitive not only in itself but also because the site suffers from very serious ground conditions. Even if site 8 was acceptable, other access solutions such as a slip road are undeliverable due to the enormous cost of such works.. Site 8 sits in a flood zone and has very poor ground conditions, is a very noisy location and is under electrical pylons; the site is both undeliverable and wholly undesirable for a new school.

1.9 Site 9

Site 9 has accessibility issues but which are less serious than site 8 – access could be gained off the end of the High Street. However, beyond this advantage, the site again sits in a flood zone and as such has very poor ground conditions. Generally it is a very noisy location and again under electrical pylons. As with site 8, this site is both undeliverable and wholly undesirable for a new school.

1.10 Site 10

Site 10 has similar highways accessibility issues to sites 6 & 7 in that it cannot be readily serviced from a small lane like Volunteer Road. However, the overriding problem with site 10 is that it is allotment garden space and even if the allotments could be moved to a new location with the full approval of all users (no existing precedent), WBC would have to reprovide the same size and quality of space in a neighbourhood environment. This space does not exist / is not available and nor could the project budget manage the purchase of such space.



2.11 Site 11

In planning terms, this site is similar to site 1 in that it is at one end of the village, thereby reducing the school's connectivity to the existing community and is likely to increase driving to the school as opposed to further reducing it. The school has a 70% walk to school uptake by parents and this is viewed as likely to diminish if the school moves to Site 11.

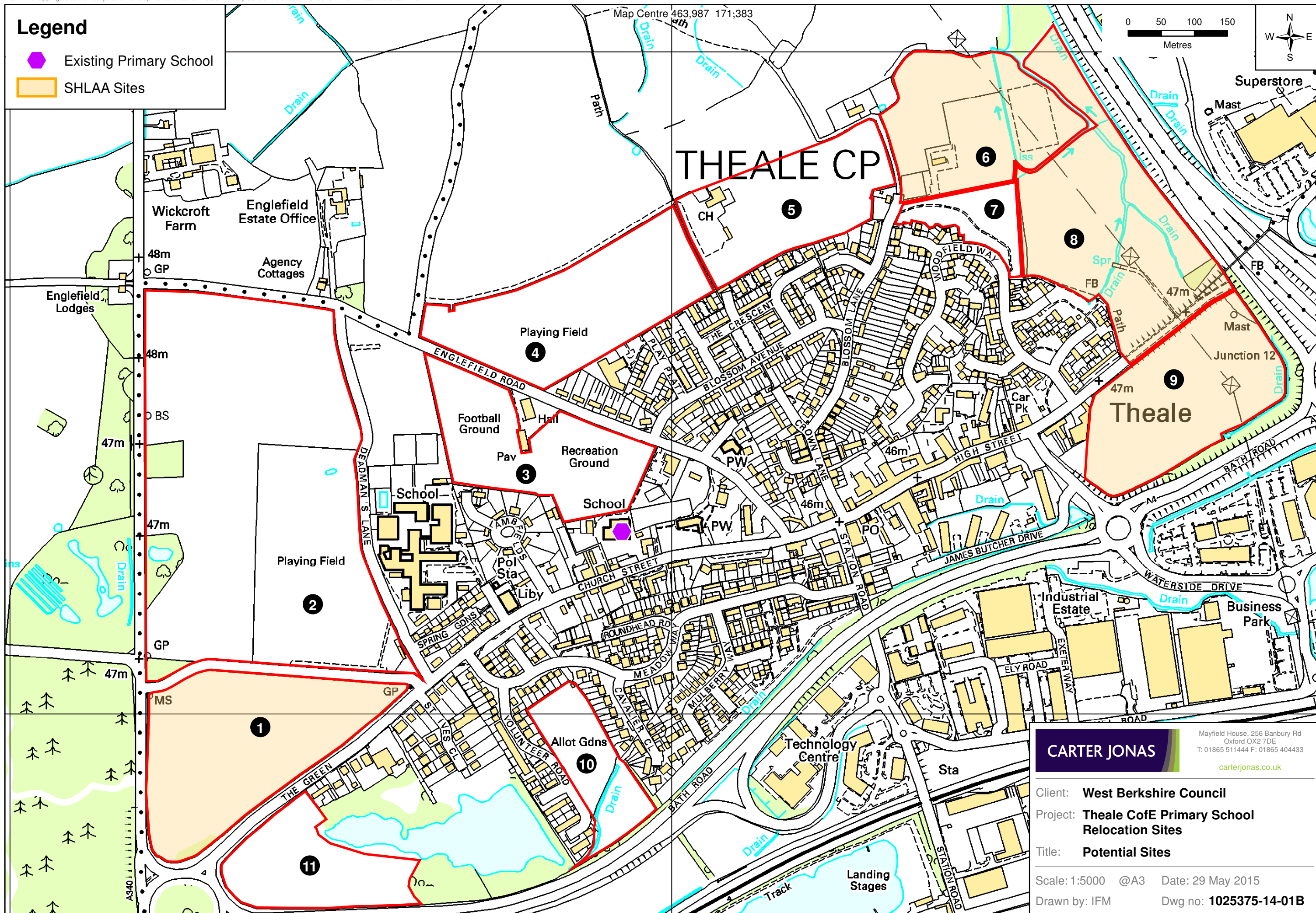
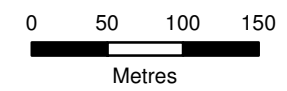
In addition to the above there are land value issues associated with site 11 in that the land has existing residential planning permissions on it and thus the market values would be unaffordable.

End of document

Legend

-  Existing Primary School
-  SHLAA Sites

Map Centre 463,987 171,383



CARTER JONAS
 Mayfield House, 256 Banbury Rd
 Oxford OX2 7DE
 T: 01865 511444 F: 01865 404433
carterjonas.co.uk

Client: **West Berkshire Council**
 Project: **Theale CofE Primary School Relocation Sites**
 Title: **Potential Sites**
 Scale: 1:5000 @A3 Date: 29 May 2015
 Drawn by: IFM Dwg no: **1025375-14-01B**

This page is intentionally left blank

Agenda Item 21.

Document is Restricted

This page is intentionally left blank