

# **EXECUTIVE**

## **MINUTES OF THE MEETING HELD ON**

### **THURSDAY, 20 OCTOBER 2016**

**Councillors Present:** Dominic Boeck, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones (Vice-Chair, in the Chair) and Rick Jones

**Also Present:** Paul Anstey (Environmental Health & Licensing Manager), Robert Bradfield (Team Leader (Contracts & Commissioning)), Mel Brain (Housing Strategy and Operations Manager), Mike Brook (Library Services Manager), Nick Carter (Chief Executive), Sarah Clarke (Legal Services Manager), Trish Guest (Commissioner (BCES)), Peta Stoddart-Crompton (Public Relations Officer), Rachael Wardell (Corporate Director - Communities), Robert Alexander (Group Executive (Conservatives)), Steve Broughton (Head of Culture & Environmental Protection), Stephen Chard (Policy Officer), Councillor Lee Dillon, Councillor Adrian Edwards, Councillor Carol Jackson-Doerge, Councillor Mollie Lock and Councillor Alan Macro

**Apologies for inability to attend the meeting:** Councillor Anthony Chadley and Councillor Roger Croft

*(Councillor Graham Jones in the Chair)*

## **PART I**

### **51. Minutes**

The Minutes of the meeting held on 8 September 2016 were approved as a true and correct record and signed by the Deputy Leader.

### **52. Declarations of Interest**

Councillor Marcus Franks declared an interest should Sovereign Housing Association be referred to during debate on any of the agenda items by virtue of the fact that he was an employee of Sovereign, but reported that, as his interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

### **53. Public Questions**

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

#### **(a) Question submitted by Mr Jeffrey Kent to the Portfolio Holder for Culture and Environment**

A question standing in the name of Mr. Jeffrey Kent on the subject of the target date for Padworth recycling tip to accept general rubbish and its opening hours was answered by the Portfolio Holder for Culture and Environment.

### **54. Petitions**

There were no petitions presented to the Executive.

### **55. Library Service Proposals (EX3181)**

The Executive considered a report (Agenda Item 6) concerning the recent Needs Assessment provided by consultants RedQuadrant and proposals for the future shape of the Council's Library Service, and to seek approval of the proposals for public consultation.

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

By way of background to the report, Councillor Dominic Boeck explained that since 2012 the Library Service net revenue budget had been reduced from £1.8m to £1.58m. Staffing restructures had taken place since that time.

The Revenue Support Grant settlement announced in December 2015 further increased the Council's savings requirement and a proposal went out to consultation to save £690k from the Library Service budget in 2016/17. This proposal, had it been implemented, would have resulted in only Newbury Library and the At Home Service being retained.

There was a high level of response to the public consultation on this proposal, which predominantly objected to the proposal. The consultation also identified that there was much appetite from community groups to support the continuation of the service.

This was followed by the Council being in receipt of the Government's Transitional Grant and a proportion of it was allocated to the Library Service. This afforded time to review proposals and delay a decision until an independent Needs Assessment could be commissioned and undertaken.

The Needs Assessment had been commissioned from RedQuadrant, an external organisation active in the library field. It was commissioned externally on the advice of Legal Services both to save time and to add greater weight/transparency to the process. The Department for Culture, Media and Sport (DCMS) had also contacted the Council and advised of the need for a fuller review of community needs.

The Needs Assessment process had involved an extensive consultation process which included members of staff, community groups and Parish and Town Councils. West Berkshire Council had also consulted community groups and Parish and Town Councils.

Three options had emerged from the RedQuadrant Needs Assessment for the future direction of the Library Service. Each option contained a level of reliance on volunteers and proposed closure of Wash Common Library. There would also be a reduction from two mobile libraries and the At Home Service into one mobile library. The options, proposed for consultation, were as follows:

- A. 50% reduced staffing in branch libraries. Newbury Library would be run by paid staff; and staffing of the remaining seven branch libraries would be split 50/50 between paid staff and volunteers. This option would achieve estimated savings of £580k.
- B. Hub and Spoke Library Network. Newbury Library would be run by paid staff; two 'hub' branches would be run 50/50 by staff and volunteers; and the remaining five 'spoke' libraries would be run by volunteers, with appropriate support from Libraries staff, but with no paid staff present day to day. This option would achieve estimated savings of £620k.
- C. Seven branches fully volunteer run. Newbury Library would be run by paid staff and would exist as the single 'hub', all seven branch libraries would be run by volunteers, with appropriate support from Libraries staff, but with no paid staff present day to day. This option would achieve estimated savings of £645k.

Councillor Boeck proposed acceptance of these options for consultation. This was seconded by Councillor Graham Jones.

Councillor Hilary Cole commended RedQuadrant for their excellent work in conducting the Needs Assessment. She had attended two of the consultation sessions and was very impressed with how they were run. The feedback from these sessions had been invaluable in helping to form options for the future. Councillor Cole highlighted the importance of continuing to work with communities in order to deliver the selected option post consultation.

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

Councillor Lee Dillon offered congratulations to the Council on following through with the production of the Needs Assessment and the associated public consultation as it was important that open dialogue took place on this important issue. He did however voice his concerns at the proposals formed for the initial consultation to only keep Newbury Library open as acceptance of this would have resulted in the Council failing to meet its statutory duties for a library service. This earlier proposal, which was not deliverable, had also caused undue concern for residents and members of staff.

Councillor Dillon queried whether there was confidence that the options proposed for consultation would fulfil the Council's statutory duties. Councillor Alan Macro added his concern that residents and members of staff had been unduly concerned by the initial proposal to only keep Newbury Library open, particularly when the Needs Assessment had highlighted that the majority of the savings requirement in this area could still be met from the closure of only one branch library.

Councillor Boeck responded to concerns of legality by explaining that earlier options had not been implemented post consultation and at no stage were statutory duties not met. He added that RedQuadrant were commissioned to produce the Needs Assessment based on their levels of experience in this area and they had stated that the Council would fulfil its statutory objectives by following any of the three options proposed for consultation.

Councillor Macro referred to the efficiency savings of around £230k noted in the report and queried why these had not been identified for 2016/17. Councillor Boeck clarified that these savings had been included in the 2016/17 budget and formed part of the change management process. It was anticipated that they would be delivered by year end, but implementation had been delayed to allow for the Needs Assessment and public consultation process to take place.

Councillor Macro then referred to the costs of the library system software and queried whether there was potential to collaborate with other local authorities in order to reduce/share costs. Councillor Boeck explained that the potential to share book stocks was being explored with other areas. He added that software licensing costs would be reviewed when this contract was due for renewal.

Councillor Macro queried whether Parish and Town Councils were aware that they would be asked for financial contributions and when contributions were expected. Councillor Boeck confirmed that parishes were aware and financial contributions would be sought for the 2017/18 financial year and beyond.

Councillor Mollie Lock noted from the report that each of the proposed options carried a level of risk and queried what these were. Councillor Boeck advised that risks were primarily in relation to an inadequate number of volunteers coming forward or of volunteers being unable to attend on a regular basis.

Councillor Adrian Edwards, speaking as Falkland Ward Member which included Wash Common, noted that only Wash Common Library was proposed for closure. He queried however whether there was scope for it to continue on a voluntary only operated basis if members of the public came forward. Councillor Boeck confirmed this could be considered if there were no budgetary implications of doing so.

Councillor Edwards followed this up by asking if the building could still be utilised by the community. Councillor Boeck explained that this could be considered as part of any proposals coming forward for Wash Common Library and a response to this question could be provided at the appropriate time.

**RESOLVED that** Executive note the three options suggested by RedQuadrant regarding the future shape of the library service and that they be put to the public in accordance

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

with the Council's usual consultation policy, and that consultation should take place simultaneously with the publication of the Needs Assessment report to inform responses from stakeholders.

### **Other options considered:**

- (1) The scale of savings required meant that continuing to run libraries the way the Council did now was not a viable option.
- (2) This paper contained three options for the transformation of the library service.

### **56. Adoption of the Temporary Accommodation Strategy (EX3166)**

The Executive considered a report (Agenda Item 7) which sought approval and adoption of the Temporary Accommodation Strategy.

Councillor Hilary Cole introduced the item by explaining that the Council had a duty to homeless households. The Court of Appeal, in the case of *Nzolameso v Westminster City Council*, stated that local authorities should have a policy for procuring sufficient temporary accommodation to meet demand for the year, and a policy for allocating such units to individual households. This new Strategy had been drafted to meet this requirement.

Its purpose was two-fold: firstly to set out the Council's Strategy for procuring additional temporary accommodation to meet identified needs, and secondly to set out the policy for allocating units of temporary accommodation to individual households.

Capital investment would be required to acquire new assets in order to increase this provision and a capital sum to enable this had already been approved by the Executive. It was anticipated that ongoing repair and maintenance costs would be met from rental income.

When allocating units of temporary accommodation to individual households, the Housing Service would take account of the full circumstances of the household in relation to the financial, social and medical needs of the household and would prioritise families with the highest overall level of need.

The draft Temporary Accommodation Strategy was previously considered by the Executive in July 2016 when it was approved for consultation. The consultation had since completed and the Strategy was now being presented for adoption.

Councillor James Fredrickson queried the number of homelessness applications received by the Council. Councillor Cole explained that 78 applications had been determined since 1 April 2016. The full duty had been accepted for 18 applications.

Councillor Alan Macro was surprised to note that no responses had been received to the consultation and queried what efforts had been made to publicise the consultation. Councillor Cole stated that she too was surprised that there had been no consultation responses. She did however clarify that a full consultation exercise was carried out, this included documents being placed on the Council's website and relevant organisations being alerted to the consultation.

**RESOLVED** that the Executive approve and adopt the Temporary Accommodation Strategy.

**Other options considered:** The Council could decide not to implement a Temporary Accommodation Strategy. This could give rise to legal challenge if households are not allocated suitable accommodation under statutory homelessness duties.

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

### 57. **Adoption of the Decant Policy (EX3168)**

The Executive considered a report (Agenda Item 8) which proposed adoption of the Decant Policy.

Councillor Hilary Cole explained that the Council had a small number of tenants and licensees who were afforded security of tenure. This Policy had been drafted to set out how the Council would manage decant of these tenants or licensees in the event that major works or refurbishment works were required to the properties. The Council would be unable to decant tenants or licensees without having a policy in place.

The draft Decant Policy was previously considered by the Executive in July 2016 when it was approved for consultation. The consultation had completed and the Decant Policy was now being presented for adoption. One consultation response had been received, but due to its nature, this was considered and dealt with separately to the consultation.

Councillor Alan Macro noted from the Policy that the Council would make only one offer of suitable alternative accommodation and this could create a difficult situation for the individuals concerned. He also noted that the Decant Policy would apply to both temporary and permanent moves and was concerned that this could place a requirement on a resident, needing to decant on a temporary basis, to remove all items from their home including carpets before returning to the property at a later stage. He queried whether this approach was suitable for temporary moves, particularly using the example of carpets.

Councillor Cole explained that it might prove necessary for a floor to be replaced as part of major works or refurbishment works and therefore it was necessary to remove carpets. The extent of the works required might not initially be clear and it was important that all possible eventualities were covered. Properties receiving major works or refurbishment works needed to be emptied to avoid the risk of damage being caused to furniture etc.

**RESOLVED** that the Executive approve and adopt the Decant Policy.

**Other options considered:** Not applicable.

### 58. **Joint Case Management Unit (EX3184)**

The Executive considered a report (Agenda Item 9) concerning the rationale for a Joint Case Management Unit (JCMU) with Oxfordshire County Council and the Royal Berkshire Fire and Rescue Authority, and which sought the relevant delegated authority to enter into the arrangement.

Councillor Marcus Franks introduced the report and stated that this was an excellent example of the Council looking to share services with other public bodies. The proposal would serve to strengthen resilience in this area of work, reduce risk and build expertise. Greater efficiencies could also be achieved by creating standardised processes across the three authorities, all of whom shared a common purpose in this area. The Council would host the unit and would receive a management fee for doing so. Councillor Franks proposed acceptance of the report's recommendations.

Councillor Alan Macro agreed this was a good initiative. He did however note from the report that Oxfordshire County Council had indicated that they wished to explore the development of the JCMU further and Councillor Macro queried the level of certainty with this aspect of the arrangement. In response, Councillor Franks explained that discussions had been ongoing for some time with both parties and there was willingness to enter into the JCMU in principle from both Oxfordshire County Council and the Royal Berkshire Fire and Rescue Authority. Oxfordshire County Council was merely seeking to confirm some of the finer details of the arrangement.

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

Councillor Macro queried whether savings could be made from the JCMU. Councillor Franks confirmed that the Council's costs would not increase and, as already explained, the Council would be in receipt of a small management fee. There was also potential to expand the arrangement in future.

### **RESOLVED that:**

- (1) The Head of Culture and Environmental Protection, in consultation with the Portfolio Member for Community Resilience and Partnerships, the Head of Legal Services and the Head of Finance, be granted delegated authority to enter into an agreement with Oxfordshire County Council and Royal Berkshire Fire and Rescue Authority for the delivery of a joint case management unit; and that
- (2) the term of that agreement shall be three years with an option to extend by one year; and that
- (3) a Joint Management Board will oversee the arrangement and that the Head of Culture and Environmental Protection or nominated Service Manager will represent the Council on that Board; and that
- (4) West Berkshire District Council will host the unit.

**Other options considered:** Not applicable.

### **59. Berkshire Community Equipment Service Contract Award (EX3162a)**

The Executive considered a report (Agenda Item 10) which informed the Executive of the intention to award a five year contract for the provision of the Berkshire Community Equipment Service commencing April 2017.

West Berkshire Council was the lead authority under an existing S75 (NHS Act 2016) Agreement on behalf of the six Berkshire Unitary Authorities and the seven Berkshire Clinical Commissioning Groups. West Berkshire Council received a management fee from the other twelve S75 partners to carry out the lead authority function, which included work on this tender.

Councillor Rick Jones explained that this was another good example of collaborative working, in this case across Berkshire. He added that the tender process had completed and a five year contract would be awarded to the successful bidder. A lower price had been negotiated compared to the existing arrangement.

Councillor Alan Macro queried if the name of the successful bidder could be announced. Councillor Rick Jones agreed to respond to this within Part II as this detail remained confidential at this time.

**RESOLVED that** the Executive note the intention to award a contract for the provision of the Berkshire Community Equipment Service to commence on 1st April 2017.

### **Other options considered:**

The previous 5 year contract expires on 31st March 2017 and procurement regulations and the value of the contract meant that a full competitive procurement process using the Open Procedure as defined within the Public Contracts Regulations (2015) was the most appropriate option for ensuring continuity of service.

Economies of scale, and government guidance in terms of providing an integrated community equipment service, mean that this service is most cost effectively delivered as a single shared service and therefore it is not feasible to bring it in-house. The service is shared between the 13 S75 partners in Berkshire and is centrally located at a depot in Theale, serving all areas of Berkshire.

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

### 60. **Contract Award – Complex Needs Service for Clients with a Learning Disability (EX3175a)**

The Executive considered a report (Agenda Item 11) which informed of the intention to award a contract for the complex needs learning disability service at Blagden Close in Newbury.

Councillor Rick Jones explained that the service was provided to a small number of clients with complex needs and care was provided on a 24/7 basis.

The existing contract was due to expire in December 2016 and the intention was to award a five year contract with the option of a three year extension. Savings would be achieved over this five year period and Councillor Rick Jones commended the work of Officers in obtaining good value for money from this new contract.

In response to a query from Councillor Alan Macro, Councillor Rick Jones confirmed that the contract was to be awarded to the existing provider. Councillor Macro followed this up by querying whether there was confidence that the level of quality currently achieved from this service could be maintained when costs were being lowered. Councillor Rick Jones confirmed this to be the case and stated that there was no change to the criteria of the contract in terms of quality. He added that the Council and the Care Quality Commission monitored and examined the operation of the service on a regular basis and no causes for concern had been identified.

Councillor Lee Dillon noted this service was provided to a small client group and queried whether service users and their families had been consulted as part of this process. Councillor Rick Jones agreed to provide a written response on that point.

*(Post meeting note: Councillor Rick Jones explained that the learning disability clients resident at Blagden Close and their family members were approached in May 2016 via a face to face consultation exercise in order for commissioners to get a better understanding of the strengths and weaknesses of the current service. The comments received had been used within the updated specification document. Councillor Rick Jones added that the service was provided at a specialist facility and there was no suitable alternative facility that could have been considered).*

**RESOLVED** that the Executive note the intention to award the contract for the complex needs learning disability service at Blagden Close, Newbury.

#### **Other options considered:**

- (1) Do nothing – this is not an option due to complex nature of client group and increased pressure to ensure that services in the community are available for this complex needs group in light of the Transforming Care agenda.
- (2) Bring service in house. However the Council does not currently have the skill set to deliver a complex needs service for clients with a learning disability.

### 61. **Members' Questions**

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

#### **(a) Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro querying when the Executive Member became aware that there would be a delay in residents receiving their permits to use the West Berkshire waste and recycling sites was answered by the Portfolio Holder for Culture and Environment.

## EXECUTIVE - 20 OCTOBER 2016 - MINUTES

(b) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the total cost of producing and distributing the permits to use the waste and recycling sites was answered by the Portfolio Holder for Culture and Environment.

(c) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the progress being made in expanding the Padworth recycling centre to take general household waste was answered by the Portfolio Holder for Culture and Environment.

(d) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro querying the number of residents who paid for an additional green recycling bin was answered by the Portfolio Holder for Culture and Environment.

### 62. **Exclusion of Press and Public**

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

### 63. **Berkshire Community Equipment Service Contract Award (EX3162b)**

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

The Executive considered an exempt report (Agenda Item 14) which informed the Executive of the intention to award a five year contract for the provision of Berkshire Community Equipment Service commencing April 2017.

West Berkshire Council was the lead authority for this service under an existing S75 (NHS Act 2006) Agreement on behalf of the six Berkshire Unitary Authorities and the seven Berkshire Clinical Commissioning Groups.

**RESOLVED that** the recommendations in the exempt report be agreed.

**Other options considered:** as detailed in the exempt report.

### 64. **Contract Award – Complex Needs Service for Clients with a Learning Disability (EX3175b)**

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

The Executive considered an exempt report (Agenda Item 15) which informed of the intention to award a contract for the complex needs learning disability service at Blagden Close in Newbury. The contract length would be five years with the option of a three year extension.

**RESOLVED that** the recommendations in the exempt report be agreed.

**Other options considered:** as detailed in the exempt report.

*(The meeting commenced at 5.00pm and closed at 5.45pm)*



**EXECUTIVE - 20 OCTOBER 2016 - MINUTES**

**CHAIRMAN**

.....

**Date of Signature**

.....