

# **EXECUTIVE**

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

### **THURSDAY 16 FEBRUARY 2017**

**Councillors Present:** Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones

**Also Present:** John Ashworth (Corporate Director - Environment), Thomas Bailey (Senior Contracts and Commissioning Officer), Robert Bradfield (Team Leader (Contracts & Commissioning)), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), June Graves (Head of Care Commissioning, Housing & Safeguarding), Trish Guest (Commissioner (BCES)), Shiraz Sheikh (Principal Solicitor), Peta Stoddart-Crompton (Public Relations Officer), Andy Walker (Head of Finance), Lesley Wyman (Head of Public Health and Wellbeing), Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Billy Drummond, Councillor Carol Jackson-Doerge, Councillor Mollie Lock, Jo Reeves (Principal Policy Officer) and Councillor Quentin Webb

**Apologies for inability to attend the meeting:** Councillor Dominic Boeck, Councillor Roger Croft and Rachael Wardell

#### **PART I**

##### **97. Minutes**

Councillor Graham Jones opened the meeting by explaining that the Council Leader, Councillor Roger Croft, and his wife Zelda had been involved in a serious car accident while travelling in France. With great sadness, Councillor Graham Jones reported that Mrs Zelda Croft died in the accident and Councillor Croft had been seriously injured and was currently in hospital in a stable condition. Councillor Graham Jones passed on the condolences of the Executive Members and other Members to Roger, his family and friends at this very difficult time.

Councillor Lee Dillon added the condolences of the Liberal Democrat Group to Councillor Roger Croft, his family and friends. He added that Members of the Executive were in their thoughts as Councillor Croft's friends and colleagues.

Councillor Graham Jones then expressed his sadness at the tragic death of West Berkshire schoolboy Kaden Reddick who died after an accident in the Topshop store in Reading Town Centre on Monday 13 February 2017. Councillor Jones sent condolences on behalf of the Council to Kaden's family and friends at this very difficult time.

A one minute silence was then observed to mark these tragic events.

Councillor Graham Jones explained that he would fulfil the position of Acting Leader and Councillor Hilary Cole Acting Deputy Leader until Councillor Croft was able to return. Councillor Graham Jones expressed thanks for the support of Member colleagues on both sides of the Chamber over the past few sad days.

The Minutes of the meeting held on 19 January 2017 were approved as a true and correct record and signed by the Acting Leader.

##### **98. Declarations of Interest**

There were no declarations of interest received.

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### 99. Public Questions

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

#### (a) Question submitted by Miss Sarah Lowes to the Leader of the Council

A question standing in the name of Miss Sarah Lowes on the subject of safeguards the Council would be putting in place to protect the interests of businesses within West Berkshire who relied on trade with the EU was answered by the Acting Leader of the Council.

#### (b) Question submitted by Mrs Martha Vickers to the Portfolio Holder for Planning and Housing

A question standing in the name of Mrs Martha Vickers on the subject of the Homelessness Reduction Bill was answered by the Portfolio Holder for Planning and Housing.

### 100. Petitions

There were no petitions presented to the Executive.

### 101. Investment and Borrowing Strategy 2017/18 (C3118)

Councillor Graham Jones explained that as Agenda Items 6 to 9 would ultimately be determined at Council on 2 March 2017, the Executive debate was proposed to be minimal. Councillor Lee Dillon gave his agreement to this and stated that Liberal Democrat Members did not intend to debate these items in any detail at the Executive.

The Executive considered a report (Agenda Item 6) concerning the Council's borrowing limits as set out by CIPFA's Prudential Code, and which recommended the Annual Investment and Borrowing Strategy for 2017/18.

#### **RESOLVED that:**

- (1) The adoption of the 2017/18 Investment and Borrowing Strategy be recommended to Council.
- (2) Formulation of Treasury Management Policy in compliance with the Local Government Act 2003 and CIPFA's Prudential Code and Code of Practice for Treasury Management be recommended to Council.

**Other options considered:** Not applicable.

### 102. Medium Term Financial Strategy (MTFS): 2017-2018 to 2019-20 (C3119)

The Executive considered a report (Agenda Item 7) concerning the Medium Term Financial Strategy (MTFS) which was a rolling three year strategy 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 2017-18, Capital Strategy and Investment and Borrowing Strategy reports.

The aim of the MTFS was to:

- (1) Allocate the available resources focussing on those determined as most critical in supporting the Council's priorities and statutory responsibilities;
- (2) Determine the level of service the Council would realistically be able to provide;
- (3) Ensure that capital investment was affordable; and
- (4) Ensure that the Council had sufficient levels of reserves.

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Councillor Anthony Chadley added that the MTFs helped to forecast levels of expenditure and income to inform budgetary requirements over the three year period. The document also had a key role in helping to close the Council's funding gap over this time period.

**RESOLVED that** the Medium Term Financial Strategy 2017-18 to 2019-20 be recommended for approval by Full Council.

**Other options considered:** None.

### 103. Capital Strategy and Programme 2017/18 to 2021/22 (C3120)

The Executive considered a report (Agenda Item 8) which outlined the five year Capital Strategy for 2017 to 2022 which included the Minimum Revenue Provision (MRP) Statement and the Asset Management Plans for Property and Highways, and which set out the funding framework for the Council's five year Capital Programme.

**RESOLVED that:**

- (1) The Capital Strategy and Programme would be recommended for approval by Full Council.
- (2) Council would be requested to delegate authority to the Executive to increase the Capital Programme by up to £50 million in 2017/18 in line with the proposed property investment strategy which was still to be finalised.

**Other options considered:** Not applicable.

### 104. Revenue Budget 2017/18 (C3121)

The Executive considered a report (Agenda Item 9) concerning the 2017/18 Revenue Budget to be recommended to Full Council. The Revenue Budget contained a proposal for a Council Tax requirement of £88.4m which would be formed by a proposed Council Tax increase of 1.99% in 2017/18 with an additional 3% precept ring-fenced for Adult Social Care (ASC). The Council Tax increase and ASC precept would raise £4.2m, leaving a gap of £4.7m to be met from savings and income in 2017/18.

The report also proposed the Fees and Charges for 2017/18 as set out in Appendix H and the Special Expenses set out in Appendix I. The report also recommended the level of General Reserves as set out in Appendix F and Appendix G.

**RESOLVED to recommend to Council that:**

- (1) Council approve the 2017/18 Council Tax requirement of £88.4m, requiring a Council Tax increase of 1.99% with a 3% precept ring-fenced for Adult Social Care.
- (2) The Fees and Charges are approved as set out in Appendix H and the appropriate statutory notices be placed where required.
- (3) The Special Expenses are approved as set out in Appendix I.
- (4) The responses received to each of the public facing savings proposals in the public consultation exercise undertaken on the 2017/18 budget be acknowledged and noted, and that the Transition Grant of £1.37m be allocated as follows:
  - (a) £140k to Short Breaks
  - (b) £30k to Citizens Advice Bureau
  - (c) £200k to Libraries
  - (d) £1m to be put into a Transformation Fund, to assist West Berkshire Council to transform and improve the way it delivers its services.

**Other options considered:** It is proposed to increase Council Tax by 1.99% with a 3% precept ring-fenced for Adult Social Care. If these options were not taken, the savings

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requirement would be £4.2m higher. All available options have been considered in order to keep the savings requirement to the level it is.

### 105. Financial Performance Report 2016/17 - Quarter Three (EX3137)

The Executive considered a report (Agenda Item 10) informing Members of the latest financial performance of the Council.

Councillor Lee Dillon noted that it was proposed to mitigate the forecasted £765k overspend through in-year savings or using reserves and questioned how those savings might be found at this point in the financial year. Councillor Chadley advised that the assumption had been made that the Council would use its reserves.

Councillor Dillon enquired how Strategic Support had achieved an underspend of £100k and Customer Services had achieved a £91k saving and how this saving might impact on customers. Nick Carter advised that the savings were accrued from a variety of budgets and he could provide further detail outside the meeting. Councillor James Fredrickson commented that services were sharing resources and this ethos was carried out by officers on a day-to-day basis.

#### **RESOLVED that:**

- (1) The Executive note the latest financial position of the Council.

**Other options considered:** Not applicable – factual report for information.

### 106. A Proposed Shared Emergency Planning Service (EX3232)

The Executive considered a report (Agenda Item 11) which set out a proposal for a Shared Emergency Planning Service across Berkshire.

Councillor Marcus Franks felt that, subject to approval, this would become another good example of a shared service. It was proposed that West Berkshire Council would act as the lead authority as West Berkshire held a level of expertise in this important area of activity. A Joint Team of five full time equipment (fte) was proposed to be established.

While a small level of savings would be achieved from this arrangement, the key driver was to increase resilience.

Executive approval was in the process of being sought across all six Berkshire unitary authorities and this was expected by April 2017. Subject to agreement being reached in all cases, the shared service should be in place by the autumn of 2017.

Councillor Lee Dillon queried whether West Berkshire Council would be able to maintain its income stream, currently in the region of £8k annually, once the shared service was established. Councillor Franks confirmed this was his expectation.

#### **RESOLVED that:**

- (1) The six unitary authorities in Berkshire set up a shared Emergency Planning Service through delegation to West Berkshire Council to act as lead authority. A collaboration agreement between the six unitary authorities will set out what will be provided by the lead authority to others. It is intended that the governance under the agreement would be through the Berkshire Chief Executives' Group.
- (2) The Shared Service will provide Emergency Planning, Business Continuity Planning and Out of Hours Co-ordination (where appropriate) to all six unitary authorities.
- (3) A Joint Team of 5 fte is established. The Team Manager will be based in the Lead Authority. Two teams of 2 fte will be based in Berkshire West and Berkshire East. It is proposed that no fixed base is established. The Team Manager will be responsible for deciding on work locations in liaison with the six unitary authorities.

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- (4) The budget for the service is set in the first year at £371k and apportioned to each unitary authority as an annual payment as follows:
- |                    |      |
|--------------------|------|
| Bracknell Forest - | £45k |
| Reading -          | £65k |
| RBWM -             | £71k |
| Slough -           | £48k |
| West Berkshire -   | £82k |
| Wokingham -        | £60k |
- (5) Permanent staff would TUPE to the Lead Authority on their existing terms and conditions and will be slotted into the staffing structure set out in this report where appropriate. Vacancies will be filled through internal/external recruitment where required. Subject to Executive approval in all six unitary authorities, the Service will commence on 1 October 2017.

**Other options considered:** Retention of the status quo. This has been used as the basis for testing the Business Case which has been developed by BGG Associates.

### 107. Homelessness Services (EX3202)

The Executive considered a report (Agenda Item 12) which provided information on the tender process for homelessness services and which sought delegated authority to award and enter into a contract with the successful tenderer.

Councillor Hilary Cole provided an update to the information contained within the report to advise that the current contractors, Two Saints, were able to provide 76 places which, whilst still a decrease from the current provision, was an increase of 13 places from the original tender requirements. A2 Dominion would be providing 27 places for young people who were homeless which was one more than the original tender. Overall the total units for homelessness would be reduced from 108 to 103, but would deliver an annual saving of £350k.

Councillor Lee Dillon welcomed the slight increase in the provision compared to the original proposed reduction and highlighted the focus that homelessness had recently held in the local and national media. There had been a huge community response and he was of the view that the reduction to this service provided evidence of how the reduction in local authority funding from central government was now effecting the most vulnerable. Councillor Cole expressed the view that it was laudable that the community had come forward to see how they could support the Council to support homeless people. She invited Councillor Dillon to attend a round table discussion on homelessness with private and voluntary sector partners which would also be promoting the Every Adult Matters Campaign. She advised that the Council were mindful of their responsibilities, whilst welcoming the involvement from local communities and businesses.

#### **RESOLVED that:**

- (1) Authority be delegated to the Head of Contracts, Commissioning and Housing, in consultation with the Head of Legal Services and Head of Finance, to enter into the Homelessness Services contracts with the successful tenderer.

**Other options considered:** Termination of all homelessness provision.

### 108. Public Health Nursing Services - 0-19 (25 SEND) Healthy Child Programme (HCP) (EX3169)

The Executive considered a report (Agenda Item 13) which sought delegated authority to award the integrated Healthy Child Programme (HCP) Public Health Nursing Services contract to the successful bidder following a competitive tender process.

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Councillor Graham Jones explained that this report was originally scheduled for consideration at the previous Executive, but had been delayed to this meeting to allow time for work to be conducted on ensuring safeguarding compliance within the contract. This had been achieved.

Councillor Graham Jones pointed out that the proposed contract would achieve a saving of approximately £315k on current arrangements.

### **RESOLVED that:**

- (1) Authority be delegated to the Corporate Director (Communities), Head of Public Health and Wellbeing, Portfolio Holder for Children and Young People, Portfolio Holder for Health and Wellbeing, in consultation with the Head of Finance and Head of Legal Services, to award the contract to the successful bidder following a competitive tender process as outlined in the report.
- (2) Following the tender evaluation, the contract can be awarded subject to the provider implementing any necessary and appropriate changes within agreed timescales.

**Other options considered:** Not applicable.

### **109. Berkshire Community Equipment Service Contract Award (EX3229)**

The Executive considered a report (Agenda Item 14) which informed Members of the tender process and sought delegated authority to award and enter into a contract with the successful tenderer.

It was proposed that West Berkshire Council would act as Lead Authority under an existing S75 (NHS Act 2006) Agreement on behalf of the six Berkshire Unitary Authorities and the seven Berkshire Clinical Commissioning Groups for this contract.

### **RESOLVED that:**

- (1) Authority be delegated to the Head of Contracts, Commissioning and Housing, in conjunction with the Head of Legal Services and Head of Finance to enter into the contract with the successful tenderer, NRS Healthcare Ltd, for a period of five years from 1 April 2017 with an option to extend for a further two years as set out in the report.

**Other options considered:**

- (1) The previous five 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.
- (2) 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.

### **110. Contract Award - Complex Needs Service for Clients with a Learning Disability (EX3230)**

The Executive considered a report (Agenda Item 15) which sought approval to award a contract for the complex needs learning disability service at Blagden Close, Newbury.

Councillor Rick Jones explained that this service was provided for a small number of clients who had particularly complex needs. This was the only suitable venue for the provision of this service within West Berkshire.

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It was recommended that the contract be awarded to the successful existing provider, Choice Care Group, for a period of five years, with the option of a three year extension.

Councillor Rick Jones commended the work of Officers in negotiating a 2.5% saving on the previous contract.

Councillor Lee Dillon was pleased to note that Blagden Close residents and their families had been consulted to help inform the updated specification. He queried whether they had any particular requests and whether these had been accommodated. In response, Councillor Rick Jones reiterated that the provision of care was excellent and the concern for residents and their families was that this level of service should continue. They were pleased that the current arrangement was proposed to continue.

### **RESOLVED that:**

- (1) The contract for the provision of the complex needs learning disability supported living service at Blagden Close be awarded and entered into with the successful tenderer, Choice Care Group, for a period of five (+ three) as set out in the report.

### **Other options considered:**

- (1) Do nothing – this is not an option due to the complex nature of the 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.

## **111. Members' Questions**

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

- (a) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of the level of impact that the approval or refusal of the Sandford application would have on the local plan was answered by the Portfolio Holder for Planning and Housing.

- (b) **Question to be answered by the Leader of the Council submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon requesting an update on the progress being made between West Berkshire Council and Greenham Common Trust with regards to property investments to generate income was answered by the Portfolio Holder for Corporate Services and External Affairs.

- (c) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Mollie Lock**

A question standing in the name of Councillor Mollie Lock asking when the Council will be able to resubmit an application for the Padworth waste site was answered by the Portfolio Holder for Planning and Housing.

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

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned items of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1, 2, 3, 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

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### 113. **Public Health Nursing Services - 0-19 (25 SEND) Healthy Child Programme (HCP) (EX3169)**

*(Paragraph 3 – information relating to financial/business affairs of particular person)*  
*(Paragraph 5 – information relating to legal privilege)*  
*(Paragraph 6 – information relating to proposed action to be taken by the Local Authority)*

The Executive considered an exempt report (Agenda Item 18) which sought delegated authority to award the integrated Healthy Child Programme (HCP) Public Health Nursing Services contract to the successful bidder following a competitive tender process.

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

**Reason for the decision:** as outlined in the exempt report.

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

### 114. **Berkshire Community Equipment Service Contract Award (EX3229)**

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

The Executive considered an exempt report (Agenda Item 19) which informed Members of the tender process and sought delegated authority to award and enter into a contract with the successful tenderer.

It was proposed that West Berkshire Council would act as Lead Authority under an existing S75 (NHS Act 2006) Agreement on behalf of the six Berkshire Unitary Authorities and the seven Berkshire Clinical Commissioning Groups for this contract.

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

**Reason for the decision:** as outlined in the exempt report.

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

### 115. **Contract Award - Complex Needs Service for Clients with a Learning Disability (EX3230)**

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

The Executive considered an exempt report (Agenda Item 20) which sought approval to award a contract for the complex needs learning disability service at Blagden Close, Newbury.

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

**Reason for the decision:** as outlined in the exempt report.

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

### 116. **Staffing implications associated with savings put forward to deliver the 2017/18 Revenue Budget: approval to pay redundancy payments (Strand 3) (EX3195)**

*(Paragraph 1 – information relating to an individual)*  
*(Paragraph 2 – information identifying an individual)*

The Executive considered an exempt report (Agenda Item 21) which sought approval to make the “Strand Three” redundancy payments set out in this report associated with savings to deliver the 2017/18 Revenue Budget.

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

**Reason for the decision:** as outlined in the exempt report.



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

*(The meeting commenced at 5.00pm and closed at 5.40pm)*

**CHAIRMAN** .....

**Date of Signature** .....