

Notice of Meeting



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Executive

Thursday 14 June 2018 at 5.00pm

**in the Council Chamber, Council Offices,
Market Street, Newbury**

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Date of despatch of Agenda: Wednesday 6 June 2018

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: executivecycle@westberks.gov.uk

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WestBerkshire
C O U N C I L

To:	Councillors Dominic Boeck, Graham Bridgman, Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones
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Agenda

Part I

Pages

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 12
To approve as a correct record the Minutes of the meetings of the Committee held on 3 May 2018 and 17 May 2018.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Public Questions**
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.
 - (a) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**
"How much did the Council spend during the winter of 2016/17 helping the homeless with emergency accommodation in Newbury?"

 - (b) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**
"How much did the Soup Kitchen and West Berkshire Homeless save you in winter 2017/18?"

 - (c) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**
"What are the projected costs for the extra fly tipping and landfill charges that will be produced as a by-product of the new garden waste charge?"



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- (d) **Question submitted by Ms Julie Wintrup to the Portfolio Holder for Health and Wellbeing, Culture and Leisure**
“Did West Berkshire Council, as sponsor of Healthwatch West Berkshire’s research into homelessness, ensure NHS Research Ethics Committee approval was gained to conduct the research, given that people were interviewed because of and in relation to their present or past use of health/social care services?”
-
- (e) **Question submitted by Ms Julie Wintrup to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**
“Does West Berkshire Council, as sponsor of Healthwatch West Berkshire’s research into homelessness, consider itself to have protected adequately the data of the vulnerable adults who participated in the research?”
-
- (f) **Question submitted by Mr David Marsh to the Portfolio Holder for Planning, Housing and Waste**
“Will West Berkshire residents be charged a reduced amount for their garden waste bin if they receive council tax support as is the case in Reading?”
-
- (g) **Question submitted by Mr David Marsh to the Portfolio Holder for Planning, Housing and Waste**
“Will West Berkshire residents be offered a 25% reduction for their garden waste bin if they receive single person discount on their council tax?”
-
- (h) **Question submitted by Ms Carolyn Culver to the Portfolio Holder for Planning, Housing and Waste**
“Please can I ask the Portfolio Holder what financial and operational contingencies she will be putting in place in the likelihood that black bins will be stuffed with garden waste and fly tipping will increase, as a result of the £50 charge for garden waste bins?”
-
- (i) **Question submitted by Mr Gabriel Stirling to the Portfolio Holder for Planning, Housing and Waste**
“Do you agree that it would have been appropriate for representatives from Veolia and the council’s waste management team to have attended the recent planning meeting that determined the applications regarding the Padworth recycling centre so that they could have addressed concerns raised by local residents and members of the committee?”
-

5. Petitions

Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

Petition to be presented by Professor Keith Bright, requesting that the Council introduce traffic calming and road safety measures in Benham Hill and Pound Lane in Thatcham.

Items as timetabled in the Forward Plan

	Pages
6. Revenue Financial Performance 2017/18 - Provisional Outturn (EX3306) (CSP: MEC & MEC1) Purpose: To inform Members of the provisional revenue outturn for 2017/18.	13 - 48
7. Capital Financial Performance 2017/18 - Provisional Outturn (EX3306a) Purpose: To inform Members of the provisional capital outturn for 2017/18 and the likely impact of this on the 2018/19 Capital Programme.	49 - 56
8. Joint Venture with Sovereign Housing Association (EX3392) Purpose: To seek approval to establish a Joint Venture with Sovereign Housing Association as a Limited Liability Partnership to deliver the Council's housing objectives through the provision of additional homes, in a range of tenures, to meet housing need in the district.	57 - 94
9. Key Accountable Performance 2017/18: Quarter Four (EX3249) (CSP: BEC, SLE, P&S, HQL, MEC, BEC1, BEC2, SLE1, SLE2, P&S1, HQL1, MEC1) Purpose: to report quarter four outturns for the Key Accountable Measures which monitor performance against the 2017/18 Council Performance Framework; to provide assurance that the objectives set out in the Council Strategy and other areas of significant activity are being managed effectively; to present, by exception, those measures that are RAG rated 'red' (targets not achieved) and provide information on any remedial action taken and the impact of that action; and to recommend changes to measures/targets as requested by services.	95 - 164
10. Wash Common Library - Devolution and Community Asset Transfer (EX3558) Purpose: To seek approval for the transfer of the Wash Common Library building to Newbury Town Council on a 5 year short term lease for use by the Friends of Wash Common Library for use as a small part-time library and community hub.	165 - 174
11. Members' Questions Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.	



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- (a) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Alan Macro**
“Will the Council support the target to end homelessness in West Berkshire by 2020?”
-
- (b) **Question to be answered by the Portfolio Holder for Economic Development and Communications submitted by Councillor Jeff Brooks**
“How does the Council plan to reach out to businesses nationwide to capitalise on the top tech award?”
-
- (c) **Question to be answered by the Portfolio Holder for Planning, Housing and Waste submitted by Councillor Alan Macro**
“Can the Portfolio Holder for Waste clarify arrangements for the roll out of the new green bin tax which is now only weeks away?”
-

12. 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. [Rule 8.10.4 of the Constitution refers.](#)

Part II

13. **West Berkshire CYPIT (Children and Young Peoples Integrated Therapy Services (EX3555))** 175 - 188
(Paragraph 5 - information relating to legal privilege)
- (CSP: P&S, HQL and P&S1)
Purpose: To seek approval for an exception to the current procurement rules in order to secure a three year contract, delivering a cumulative saving for West Berkshire Council. Savings will be realised by the Dedicated Schools Grant (DSG) budget.
14. **Organisational Change Proposal (EX3595)** 189 - 200
(Paragraph 1 – information relating to an individual)
(Paragraph 2 – information identifying an individual)
- Purpose: To agree the organisational change proposal for the Culture Team in Public Protection and Culture.

Andy Day
Head of Strategic Support

West Berkshire Council Strategy Aims and Priorities

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

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

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EXECUTIVE

MINUTES OF THE MEETING HELD ON

THURSDAY, 3 MAY 2018

Councillors Present: Dominic Boeck, Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, Graham Jones and Rick Jones

Also Present: Paul Anstey (Head of Public Protection and Culture), Iain Bell (Revenues and Benefits Manager), Nick Carter (Chief Executive), Rachael Wardell (Corporate Director - Communities), Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Billy Drummond, Councillor Mollie Lock and Gabrielle Mancini (Group Executive - Conservatives)

Apologies for inability to attend the meeting: John Ashworth (Corporate Director - Economy and Environment), Councillor Graham Bridgman and Councillor James Fredrickson

PART I

96. Minutes

Councillor Graham Jones introduced the meeting by welcoming Councillor Jeff Brooks back into the Chamber as a Council Member.

Councillor Graham Jones then bade farewell to Rachael Wardell, the Council's Corporate Director for Communities, who was leaving the Council on 4 May 2018 to join the London Borough of Merton. He gave thanks to Rachael for all her hard work and for the significant achievements that had been made during her time at the Council. Councillor Graham Jones then invited Councillors Lynne Doherty and Rick Jones to say a few words.

Councillor Doherty gave particular thanks to Rachael for her work in leading Children and Family Services. Councillor Doherty explained that Rachael's vision for the service was the key driver for successfully achieving its improvement journey from being rated as Inadequate by Ofsted to Good. Councillor Doherty stated that she would seek to ensure that high levels of service were maintained.

Councillor Doherty also praised Rachael's innovative approach and highlighted the Family Safeguarding Model and the Emotional Health Academy as positive examples of this.

Councillor Doherty highlighted the fact that 95% of West Berkshire's schools were rated Good or Outstanding by Ofsted. This was again a reflection of Rachael's vision.

Finally, Councillor Doherty highlighted the improvements made to the recruitment and retention of staff in Children and Family Services. This had enabled a reduction in the Council's use of agency staff.

Councillor Rick Jones commented from the Adult Social Care perspective. This service was also performing well and he particularly highlighted safeguarding work and that adults in care were very well cared for. He added that Rachael was leaving behind a definite legacy for the Directorate.

Councillor Mollie Lock echoed the points made by Councillors Graham Jones, Lynne Doherty and Rick Jones. She also added that Rachael had provided new enthusiasm to

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the Directorate. Councillor Lock also noted that it had been interesting to see how well the Council's Looked After Children had progressed.

The Minutes of the meeting held on 29 March 2018 were approved as a true and correct record and signed by the Leader.

97. **Declarations of Interest**

There were no declarations of interest received.

98. **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 Ms Julie Knapman to the Portfolio Holder for Planning, Housing and Leisure**

A question standing in the name of Ms Julie Knapman on the subject of the criteria used in the selection of the Warren Road access within the Sandlesford Development was answered by the Portfolio Holder for Planning, Housing and Leisure.

(b) **Question submitted by Ms Julie Knapman to the Portfolio Holder for Planning, Housing and Leisure**

A question standing in the name of Ms Julie Knapman on the subject of the research undertaken by the Council to confirm the suitability of the Warren Road access was answered by the Portfolio Holder for Planning, Housing and Leisure.

(c) **Question submitted by Ms Julie Knapman to the Portfolio Holder for Planning, Housing and Leisure**

A question standing in the name of Ms Julie Knapman asking whether the Council would review the criteria for selecting the Warren Road access, when considering the objections raised against it, was answered by the Portfolio Holder for Planning, Housing and Leisure.

99. **Petitions**

There were no petitions presented to the Executive.

100. **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 Jeff Brooks**

A question standing in the name of Councillor Jeff Brooks on the subject of charging for green waste collection was answered by the Portfolio Holder for Culture and Environment.

(b) **Question to be answered by the Portfolio Holder for Children, Education and Young People submitted by Councillor Mollie Lock**

A question standing in the name of Councillor Mollie Lock on the subject of access for families to nursery provision in rural areas was answered by the Portfolio Holder for Children, Education and Young People.

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(c) Question to be answered by the Portfolio Holder for Highways and Transport submitted by Councillor Lee Dillon

A question standing in the name of Councillor Lee Dillon on the subject of the number of pot holes that had been reported since January 2018 was answered by the Portfolio Holder for Highways and Transport.

101. 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 they involve the likely disclosure of exempt information as contained in Paragraphs 1 and 2 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.

102. Housing Benefit Overpayment Write Off (EX3419)

(Paragraph 1 – information relating to an individual)

(Paragraph 2 – information identifying an individual)

The Executive considered an exempt report (Agenda Item 8) which sought approval to write off an overpayment of Housing Benefit.

RESOLVED that the recommendation 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.

103. Children and Family Services Targeted Intervention Service

(Paragraph 1 – information relating to an individual)

(Paragraph 2 – information identifying an individual)

The Executive considered an exempt report (Agenda Item 9) which sought permission from the Executive to make the redundancy payments associated with a restructure in the Targeted Intervention Service in Children and Family Services.

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.

(The meeting commenced at 5.00pm and closed at 5.35pm)

CHAIRMAN

Date of Signature

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

SPECIAL EXECUTIVE MINUTES OF THE MEETING HELD ON THURSDAY, 17 MAY 2018

Councillors Present: Dominic Boeck, Graham Bridgman, Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, James Fredrickson, Graham Jones and Rick Jones

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Tandra Forster (Head of Adult Social Care), Robert O'Reilly (Head of Human Resources), Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Mollie Lock, Councillor Alan Macro and Gabrielle Mancini (Group Executive - Conservatives)

Apology for inability to attend the meeting: Councillor Marcus Franks

PART I

1. Declarations of Interest

There were no declarations of interest received.

2. New post of Executive Director (Communities)

The Executive considered a report (Agenda Item 3) which sought permission to delete the post of Corporate Director (Communities) and replace it with a new post of Executive Director (Communities) to include the new role of Deputy Chief Executive. The report also sought the funding required to support the new remuneration package.

Councillor Graham Jones introduced the report. He explained that he had discussed the proposals with Councillor Lee Dillon. Councillor Jeff Brooks, as Shadow Portfolio Holder, had also been briefed.

Councillor Graham Jones further explained that the proposals had been formed following discussions with, and the receipt of expert advice from, South East Employers (SEE). The additional funding proposed was a recognition of the importance of attracting the right candidate for the role, the differentials created for the post and the fact that the post holder would be responsible for a number of high risk areas for the Council.

Councillor Graham Jones also drew the Executive's attention to paragraph 2.3 of the supporting information to the report. This explained that SEE had been commissioned to undertake a review of senior management remuneration. The report, expected in the coming months, would also reflect upon the emerging structural options that could be considered.

Councillor Lynne Doherty commented on the post continuing to be 'twin hatted', an approach which worked well for the Council. The Test of Assurance, Appendix F to the report, concluded that this approach remained viable. The Test of Assurance was produced in line with an Ofsted recommendation in 2015 and was revisited earlier this year.

Councillor Doherty continued by explaining that there was a competitive market for recruitment in the social care arena. Market pressures needed to be met in order to recruit the right calibre of person to this senior role. Councillor Doherty was confident that this reconfigured role would be to West Berkshire's benefit.

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Councillor Jeff Brooks explained that the Liberal Democrat Group was broadly supportive of the proposals and understood their reasoning. He sought assurance, as part of the interview process, that as well as the successful candidate having the necessary specialist knowledge in Children’s Services and Adult Social Care, that an understanding was gained as to whether the successful candidate also held the necessary strategic and corporate capability to perform, in particular, the Deputy Chief Executive element of the role.

In response to a query from Councillor Graham Jones in relation to whether the Job Description and Person Specification adequately covered this requirement, Councillor Brooks explained that he felt these to be acceptable, he felt that the wider breadth of capability was something to be drawn out through the interview process.

Councillor Graham Jones noted the points made by Councillor Brooks.

Councillor Alan Macro voiced a concern should an incidence occur where the Chief Executive was absent for an unexpected period of time, through sickness for example, and queried whether the Deputy Chief Executive would be able to cover for the Chief Executive as well as fulling the other duties of their substantive role. He questioned whether the Test of Assurance should be revisited to cover this eventuality.

In response, Councillor Graham Jones explained that the existing level of senior management capacity would not change in terms of covering a longer term absence. Nick Carter agreed that the senior management structure would be essentially unchanged. He did not feel that the addition of the Deputy Chief Executive element to the post warranted a need to revisit the Test of Assurance. This would only become a need should a wider restructure take place at Head of Service level.

RESOLVED that:

- (1) The post of Corporate Director (Communities) be deleted and replaced with a new post of Executive Director (Communities) to include the new role of Deputy Chief Executive.
- (2) The additional funding of £23,186 per annum, required to support the new post, be agreed.

Other options considered: In all other respects the Council’s senior management arrangements remain unchanged.

(The meeting commenced at 1.30pm and closed at 1.40pm)

CHAIRMAN
Date of Signature

Revenue Financial Performance 2017/18 - Provisional Outturn

Committee considering report:	Executive on 14 June 2018
Portfolio Member:	Councillor Anthony Chadley
Date Portfolio Member agreed report:	5 June 2018
Report Author:	Melanie Ellis
Forward Plan Ref:	EX3306

1. Purpose of the Report

- 1.1 To inform Members of the provisional revenue outturn for 2017/18.

2. Recommendations

- 2.1 To ensure that Members are fully aware of the financial performance of the Council and approve the provisional outturn report.
- 2.2 To refer the paper to Budget Scrutiny Group for further review.

3. Implications

- 3.1 **Financial:**
The provisional outturn is an over spend of £276k against a net revenue budget of £117.4million. The forecast will mean a reduction in the level of the Council's General Reserves.
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** n/a
- 3.4 **Legal:** n/a
- 3.5 **Risk Management:** n/a
- 3.6 **Property:** n/a
- 3.7 **Other:** n/a

4. Other options considered

- 4.1 N/a – factual report for information.

Executive Summary

5. Introduction / Background

- 5.1 This report presents the provisional revenue outturn for the Council in respect of the 2017/18 financial year, subject to the final result of the closedown and External Audit. The provisional revenue outturn is an over spend of £276k against a net revenue budget of £117.4million, which is 0.23% of net budget. This will lead to a reduction in the General Fund. The final outturn is a decrease of £584k from Quarter Three, predominantly due to further under spends in Economy & Environment and Resources Directorates.

Directorate Summary	Current Net Budget	Forecast (under)/over spend				Change from Last Quarter
		Quarter One	Quarter Two	Quarter Three	Year End	
	£000	£000	£000	£000	£000	£000
Communities	61,095	870	952	966	1,076	110
Economy and Environment	30,501	0	-159	112	-279	-391
Resources	13,079	0	-190	-218	-575	-357
Capital Financing & Risk Management	12,735	0	0	0	54	54
Total	117,410	870	603	860	276	(584)

NB. Rounding differences may apply to nearest £k

- 5.2 The revenue over spend for the Communities Directorate is £1.07million against a net budget of £61.1million. This is a £110k increase from the forecast over spend at Quarter Three. Pressures were incurred during the financial year on demand led budgets across Adult Social Care, children's placements and support for children with disabilities in Education Services. The directorate has taken measures to mitigate the over spend, including utilising one off funding from reserves and approval for the use of Public Health funding to cover the cost of activity which supports Public Health outcomes.

- (1) The Adult Social Care outturn is an over spend of £446k, largely attributable to commissioning rates continuing to increase above the rate of inflation. The service had a savings target of £895k of which £266k were not achieved, largely due to implementation of the New Ways of Working strategy being slower than anticipated. During the financial year £1.89million of one off in year funding has been utilised to support the budget. This comprises £901k of one off funding previously released from the Adult Social Care risk reserve, £163k further release from the risk reserve at year end, £526k of s106 monies and £300k of one off Public Health funding.
- (2) Children and Family Services outturn position is an over spend of £226k. The outturn position reflects the release of £348k of one off funding from the Children & Families risk reserve. The financial pressure in the service is the result of demand on the residential placements budget and Childcare Lawyers joint arrangement, together with additional staffing and agency costs required to deliver the social worker recruitment and retention programme.
- (3) The Education outturn position is an over spend of £381k, as a result of demand on the budgets for supporting children with disabilities,

increasing costs for residential and community care packages, and higher than expected costs of agency staff and social worker recruitment and retention payments.

(4) The remainder of the Communities Directorate is on line.

- 5.3 The Economy & Environment Directorate has a revenue under spend of £279k against a net budget of £32million. This is a £391k change from the £112k over spend forecast at Quarter Three. Development & Planning under spent by £347k, Transport & Countryside closed in a break even position and Public Protection & Culture had a small over spend.
- 5.4 The Resources Directorate outturn is a £575k under spend against a budget of £13.08 million net. This is an increase of £357k from the Quarter Three forecast of £218k underspend. All services are reporting under spends.
- 5.5 In response to the volatility of some of the Council's budgets, three service specific risk reserves were established in Adult Social Care, Children and Family Services and Legal Services. The levels of these reserves are informed by the level of risks in the service risk registers. During the year, £901k was released from the Adult Social Care risk reserve to help combat some of the inflationary pressures the service is facing. The outturn position reflects the release of a further £163k from the Adult Social Care risk reserve and the release of £348k from the Children & Family Services risk reserve.
- 5.6 Net income on interest earned from investments was £34k below target because market interest rates remained very low throughout the financial year 2017/18 and there was a shortfall against the target for cheques written back. This shortfall was offset by lower than expected interest paid on long term loans to fund capital expenditure.
- 5.7 The Council set a revenue budget of £117.4million for 2017/18. During the year budget changes may be approved for a number of reasons and approval limits are set out in the Council's Financial Regulations. Details of budget movements during 2017/18 are reported quarterly and budget changes that require Executive approval are included at Appendix G.
- 5.8 In order to meet the funding available, the 2017/18 revenue budget was built with a £4.712m savings and income generation programme. The programme has been monitored throughout the year on a monthly basis using the RAG traffic light system. At outturn, £343k of risks were Red (7%) and £4.4m Green (93%). Plans are in place to enable the achievement of these savings targets on an ongoing basis from 2018/19.
- 5.9 The Council was awarded £1.37m in transition funding for 2017/18, which was allocated as £140k short breaks, £200k libraries and £30k Citizens Advice Bureau. The remaining £1m was used to create a Transformation Reserve in order to ensure that the Council has the resources to pursue transformation plans outlined in the MTFS and to invest in strategies that will bring future benefits to the organisation. Transformation funds so far allocated are £225k for an invest-to-save scheme in corporate commissioning, £74k for an apprenticeship levy coordinator post, £5k for the emotional health academy, £12k for the Legal Services shared

service advice, £28k for Family Hub transformation, £216k for the New Ways of Working Project and £5k for Adult Social Care transport review.

- 5.10 The Dedicated Schools Grant (DSG) is the main source of funding for schools and the outturn position was an over spend of £14k. This is an excellent result in the context that the budget was set with a planned over spend of £844k. The Schools Block had an under spend of £413k, the Early Years Block an over spend of £118k and the High Needs Block an over spend of £309k.

6. Proposal

- 6.1 To note the provisional outturn position.
- 6.2 To refer the paper to Budget Scrutiny Group for review.

7. Conclusion

- 7.1 The Council was faced with delivering a savings programme of £4.712m in 2017/18, which it has successfully done, achieving 93% of savings plans. The Council has addressed in year over spends and has brought the over spend down from £1m at Quarter Three to a provisional over spend of £276k. This has been achieved against a net revenue budget of £117.4 million.
- 7.2 The Council invested in identified pressure points as part of the 2018/19 budget setting process and will continue to maintain financial discipline, to ensure that the agreed savings programme is monitored throughout 2018/19. The Council has an excellent track record of managing the savings programme and minimising budget over spends, and the overall impact of the 2017/18 outturn is a reduction in our General Reserve of £276k.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Summary Revenue Outturn 2017/18
- 8.4 Appendix D – Savings and Income Generation Programme Risk Items
- 8.5 Appendix E – Summary of Revenue Budget Movements
- 8.6 Appendix F - Service Specific Risk Reserves
- 8.7 Appendix G - Transition and Transformation Funding

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(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; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) 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) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) 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.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	No decision
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	
Name of assessor:	Melanie Ellis
Date of assessment:	8.5.18

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	
Objectives:	
Outcomes:	
Benefits:	

2 Note which groups may be affected by the proposed decision. 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
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision 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 Two 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:	

Name:

Date:

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

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Revenue Financial Performance 2017/18

Provisional Outturn – Supporting Information

1. Introduction

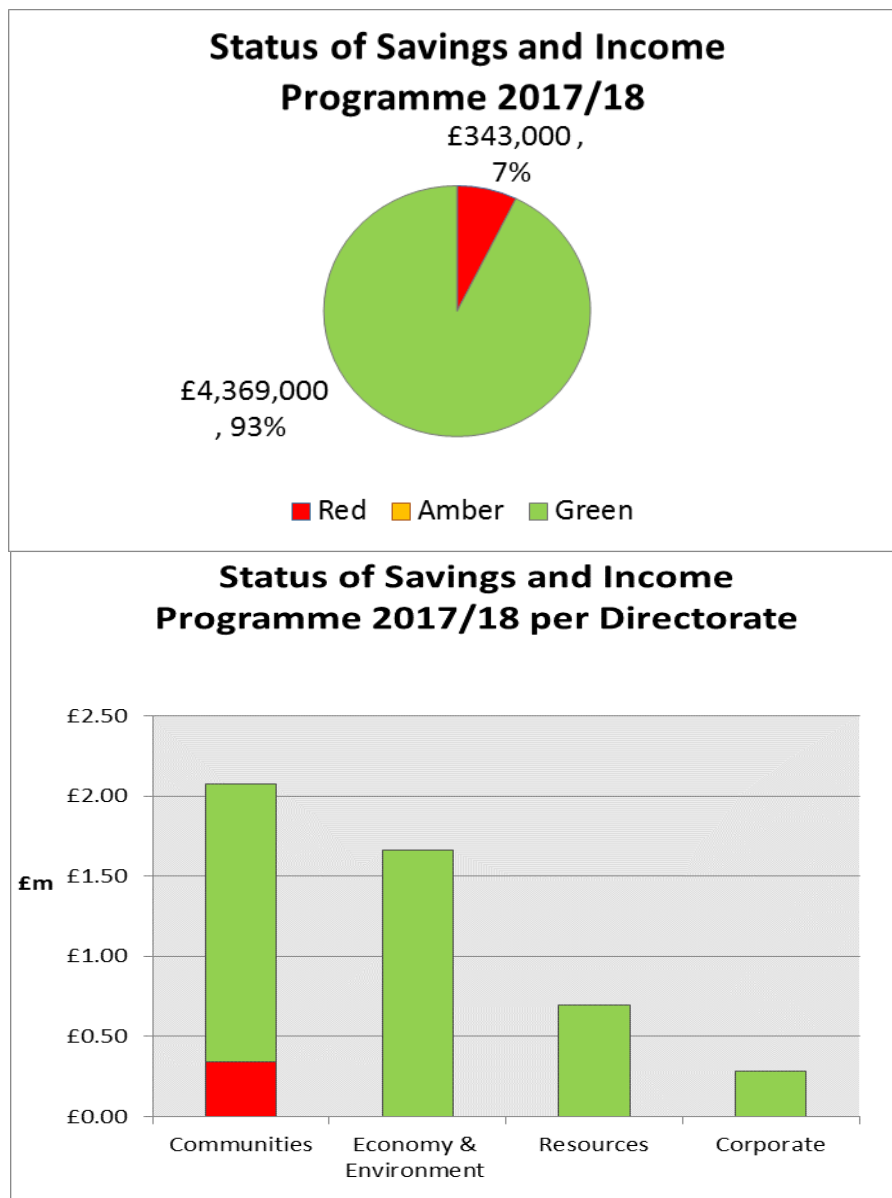
- 1.1 The financial performance reports provided to Members throughout the financial year report the under or over spend against the Council's approved budget. This report presents the provisional revenue outturn for the Council in respect of the 2017/18 financial year. It should be noted that these figures are provisional and may change as a result of closedown or External Audit.
- 1.2 The net revenue expenditure in 2017/18 was £117.7m against a budget of £117.4m resulting in a provisional year end over spend of £276k or 0.23% of net budget. The forecast over spend has decreased by £584k from Quarter Three.
- 1.3 The revenue over spend for the Communities Directorate is £1.07million against a net budget of £61.1million. This is a £110k increase from the forecast over spend at Quarter Three. Pressures were incurred during the financial year on demand led budgets across Adult Social Care, children's placements and support for children with disabilities in Education Services. The service had a savings target of £895k of which £266k were not achieved, largely due to implementation of the New Ways of Working strategy being slower than anticipated. The directorate has taken measures to mitigate the over spend, including utilising one off funding from reserves and approval for the use of Public Health funding to cover the cost of activity which supports Public Health outcomes.
- 1.4 The Economy & Environment Directorate has a revenue under spend of £279k against a net budget of £32million. This is a £391k change from the £112k over spend forecast at Quarter Three. Development & Planning under spent by £347k, Transport & Countryside closed in a break even position and Public Protection & Culture had a small over spend.
- 1.5 The Resources Directorate outturn is a £575k under spend against a budget of £13.08 million net. This is an increase of £357k from the Quarter Three forecast of £218k underspend. All services are reporting under spends.
- 1.6 In response to the volatility of some of the Council's budgets, three service specific risk reserves were established in Adult Social Care, Children and Family Services and Legal Services. The levels of these reserves are informed by the level of risks in the service risk registers. During the year, £901k was released from the Adult Social Care risk reserve to help combat some of the inflationary pressures the service is facing. The outturn position reflects the release of a further £163k from the Adult Social Care risk reserve and the release of £348k from the Children & Family Services risk reserve.

2. Changes to the 2017/18 Budget

2.1 The Council set a revenue budget of £117.4million for 2017/18. During the year budget changes may be approved and approval limits are set out in the Council’s Financial Regulations. Budget increases occur when budgets are brought forward from the previous year as a result of requests that are approved at year end, after the original budget has been set in early March. These budget changes are submitted to the Finance and Governance Group (FAGG) and must meet certain criteria to be approved. Other reasons for in year budget changes include drawing from reserves to support specific projects or to cover risks that have arisen and have previously been provided for. Budget changes are summarised at Appendix G. There are no changes requiring Executive approval at Quarter Four.

3. 2017/18 Savings and Income Generation Programme

3.1 In order to meet the funding available, the 2017/18 revenue budget was built with a £4.712m savings and income generation programme. The programme has been monitored throughout the year on a monthly basis using the RAG traffic light system. The status of the programme is shown in the following charts:



3.2 Explanations for red saving and mitigation plans:

Adult Social Care: £266k red.

Adult Social Care 2017/18 budget was built with £895k of savings, £629k of which were green at the year end. £266k of savings were unachieved / red at the year end.

The Transforming Lives learning disability client review had a £350k target of which £293k was achieved, primarily through the attainment of Continuing Health Care (CHC) contributions for existing client packages. The service was unable to achieve the full target due to time taken to review packages and where required obtain Court of Protection approval to amend packages. As a result £57k of the target was unachieved at the year end. The project is continuing and the service is also looking at options to deliver the savings from increased capacity in Shared Lives. These initiatives should ensure that the target can be met on an ongoing basis into 2018/19.

The £209k savings target against New Ways of Working was unachieved at the year end. The transfer to a new system has meant that quantification of success against the saving target has been problematic. This, paired with difficulty in recruiting skilled social workers and occupational therapists, has resulted in the implementation of the strategy being slower than anticipated. However, positive impacts of the strategy have been identified, with the average age of clients accessing services increasing to roughly 80 years of age. The impact of not achieving this saving in 2017/18 is reflected in the commissioning budget over spend. Work is being undertaken to develop key performance indicators within the service in order to robustly identify and track delivery of identified savings in 2018/19.

Children & Family Services: £30k red.

Children & Family Services 2017/18 budget was built with £527k of savings, £497k of which are green at the year end. £30k of savings were unachieved / red at the year end.

There was a target saving of £30k for Childcare Lawyers which was dependent on Court demand. During the last quarter of the financial year the joint arrangement has incurred a financial pressure of £200k relating to a complex case currently processing through court so the saving has not been achievable.

Prevention and Safeguarding: £47k red.

Prevention and Safeguarding 2017/18 budget was built with £115k of savings, £68k of which are green at the year end. £47k of savings are unachieved / red at the year end.

A £7k income generation target within Quality Assurance and Safeguarding Service (QASS) has not been achieved as a result of a long period of sickness and subsequent change of management in year.

£20k of income assigned to the development of the Emotional Health Academy was not achieved. School investment into the academy has been challenging to due to financial pressures.

£20k of consultancy income was not achieved due to capacity issues.

The prevention and Safeguarding Service functions are being reallocated across Adult Social Care, Children & Family Services and Education Services for 2018/19. As part of the reallocation process, the budgets are subject to review and income targets are being rebuilt to reflect achievable targets in light of the departure of key members of staff and growing financial pressures in external parties limiting the capacity of the service to generate income. Unachievable income targets will be replaced with a general in year efficiency target for reallocation by the Corporate Director and Senior Management Team in 2018/19.

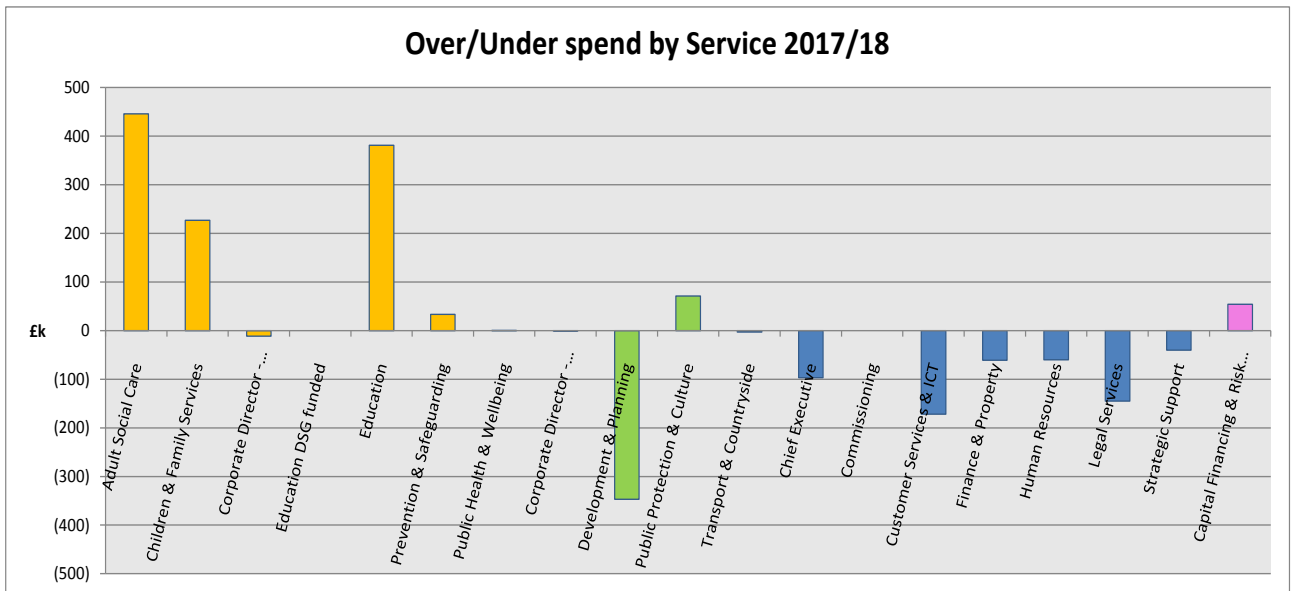
Appendix D provides further detail of the savings and income generations items that were not met.

4. Provisional Revenue Outturn 2017/18

Directorate Summary	Current Net Budget	Forecast (under)/over spend				Change from Last Quarter
		Quarter One	Quarter Two	Quarter Three	Year End	
	£000	£000	£000	£000	£000	£000
Communities	61,095	870	952	966	1,076	110
Economy and Environment	30,501	0	-159	112	-279	-391
Resources	13,079	0	-190	-218	-575	-357
Capital Financing & Risk Management	12,735	0	0	0	54	54
Total	117,410	870	603	860	276	(584)

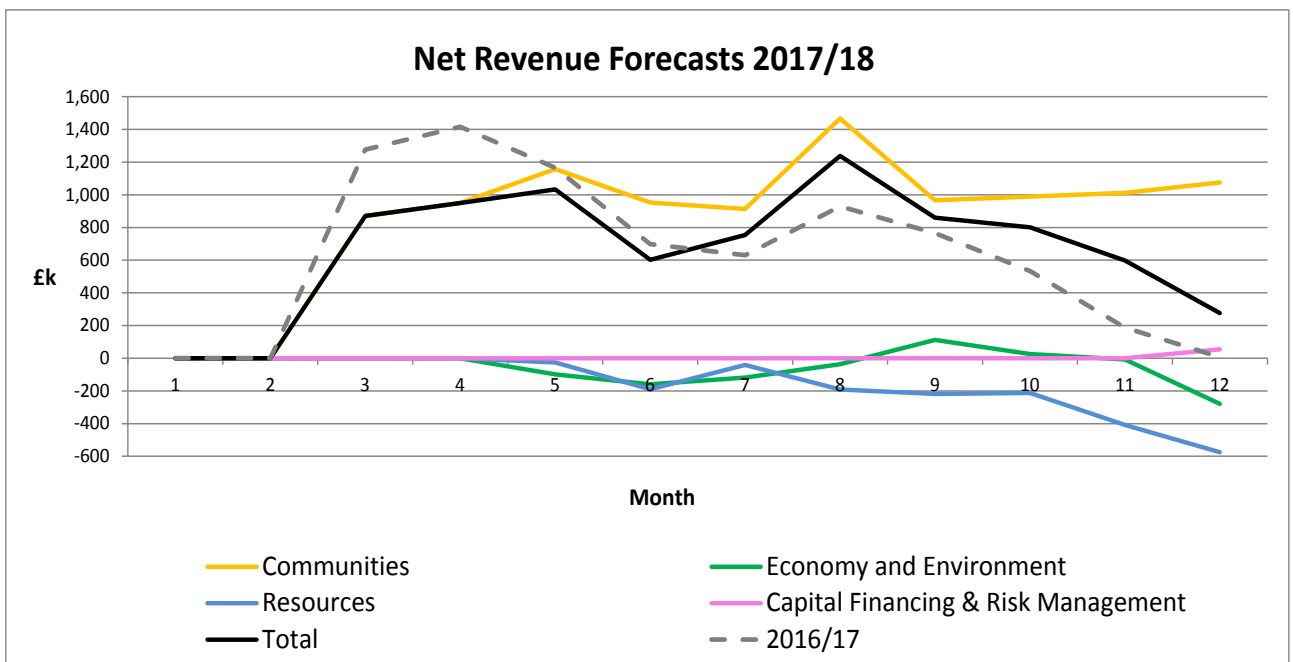
NB. Rounding differences may apply to nearest £k

- 4.1 The Council’s provisional outturn is an over spend of £276k which represents 0.23% against a net revenue budget of £117.4million. At Quarter Three, the Council faced the prospect of an £860k over spend. By year end, the over spend reduced by £584k as a result of the Economy & Environment Directorate and Resources Directorate improving their outturn positions by over £300k each.
- 4.2 The final outturn was a good result in the context of having to manage significant pressures during 2017/18 within its “demand led” services. Service Specific Risk Reserves are in place to help manage the volatility of these demand led services and these have enabled the Council to achieve a year end position with minimal impact on the General Reserve.
- 4.3 The 2018/19 budget has made provision for budgetary pressures totalling over £4m across Communities budgets, funded from the Adult Social Care precept and general Council Tax increases.
- 4.4 The outturn position by Service is shown in the following chart.



4.5 The main services driving the over spend are Adult Social Care (£446k), Children and Family Services (£227k) and Education (£381k). The cumulative pressures across these services total over £1m. The 2017/18 over spend has been brought down through under spends in Development & Planning (£347k), Customer Services & ICT (£172k), Legal Services (£145k), and various other smaller under spends.

4.6 The following chart shows the monthly forecasts through 2017/18.

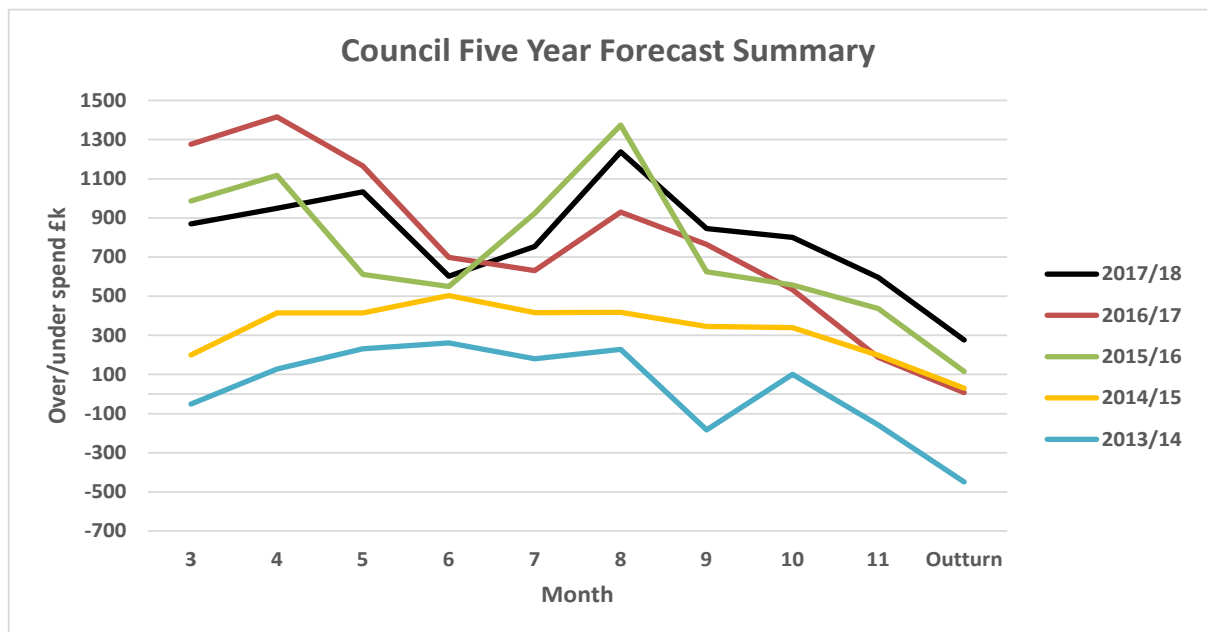
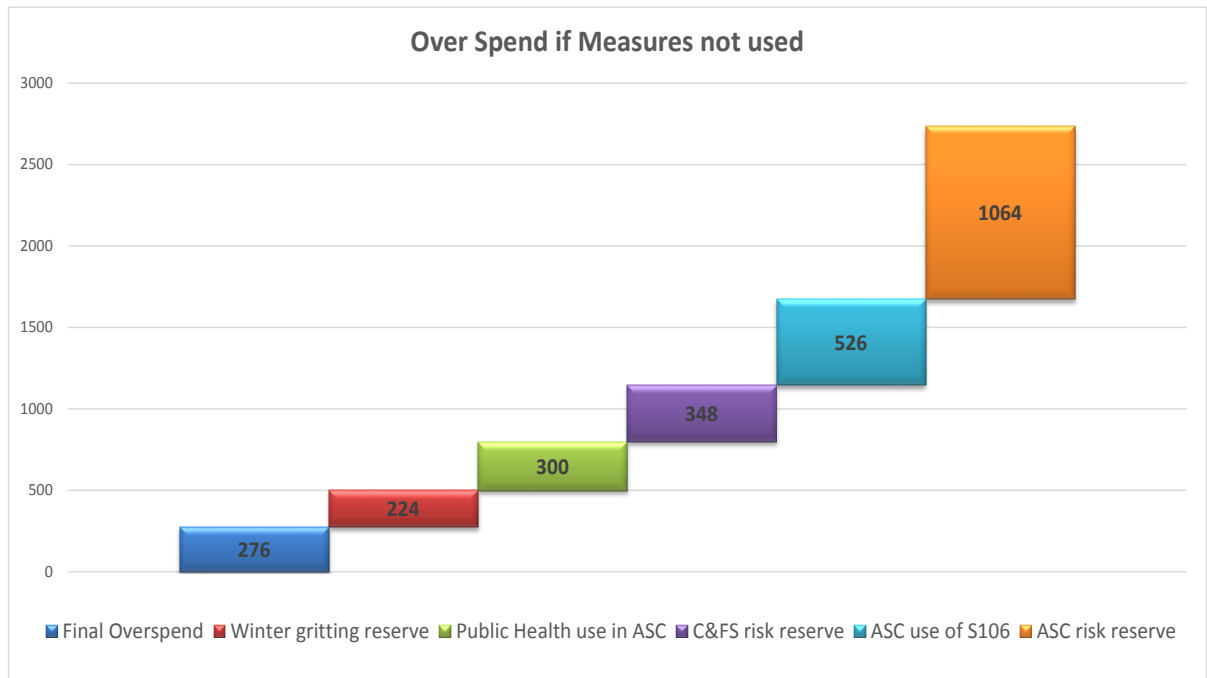


4.7 The 2017/18 forecast over spend started at Quarter One with Adult Social Care forecasting a £900k over spend. In Quarter Two, £392k was released from the ASC risk reserve, but other demand led budgets in Children’s and Education started to report pressures. Both Economy & Environment and Resources started to report under spends overall.

4.8 In Quarter Three, a further £509k was released from the ASC risk reserve and the pressures in Children’s and Education continued to rise. Despite the total release of

£901k from risk reserves, the Communities over spend was still at nearly £1m, and Economy & Environment was experiencing an overall pressure.

4.9 The outturn position, reflects the further release of £163k from the ASC risk reserve and £348k from the Children & Family Services risk reserve. All directorates continued the drive to push down costs and identify mitigation strategies to address emerging pressures and both Economy & Environment and Resources increased their under spends in the final quarter. Overall use of service specific risk reserves has been £1.4m. The chart below shows that the overspend would have been £2.7m before the use of one off funding.



4.10 The five year summary shows a similar profile since 2015/16 with forecast over spends peaking around Month Eight. For 2017/18 the release of risk reserves through the year are the key reason for the fall in over spend during the final four

months of the year, in conjunction with a council wide effort to reduce costs wherever possible in order to bring the outturn position closer to break even. Graphs for each Directorate are shown in the following sections of the report.

5. Employee Costs

5.1 The following chart shows an analysis of employee costs by Directorate at Year End.

Year End Employee Costs	Last Years' Outturn £	Original Budget for 2017 £	Total Changes to Budget during 2017 £	Current Budget for 2017 £	Year End	
					Exp/Inc to 31/Mar/2018 £	Actual Variance £
Communities						
Salary costs	23,799,523	24,023,700	683,475	24,707,175	23,318,693	-1,388,482
Agency & Temporary Staff	3,859,374	1,685,430	78,080	1,763,510	3,346,024	1,582,514
Other Costs	1,449,300	1,994,710	25,730	2,020,440	2,018,775	-1,665
Total	29,108,197	27,703,840	787,285	28,491,125	28,683,492	192,367
Economy & Environment						
Salary costs	12,893,826	14,013,060	-314,870	13,698,190	13,268,065	-430,125
Agency & Temporary Staff	297,935	67,090	-22,290	44,800	366,836	322,036
Other Costs	532,011	574,160	-2,260	571,900	517,850	-54,050
Total	13,723,772	14,654,310	-339,420	14,314,890	14,152,751	-162,139
Resources						
Salary costs	12,347,559	12,898,760	-388,350	12,510,410	11,686,960	-823,450
Agency & Temporary Staff	310,750	117,820	2,880	120,700	262,997	142,297
Other Costs	390,449	5,680	92,220	97,900	-58,494	-156,394
Total	13,048,758	13,022,260	-293,250	12,729,010	11,891,463	-837,547
Total						
Salary costs	49,040,908	50,935,520	-19,745	50,915,775	48,273,718	-2,642,057
Agency & Temporary Staff	4,468,059	1,870,340	58,670	1,929,010	3,975,857	2,046,847
Other Costs	2,371,760	2,574,550	115,690	2,690,240	2,478,131	-212,109
Total	55,880,727	55,380,410	154,615	55,535,025	54,727,706	-807,319

Note that this table excludes staffing expenditure that is directly offset by grant funding.

5.2 The chart shows the outturn for 2017/18 across employee costs. The overall position is an under spend on staffing budgets of £807k, with a £192k over spend in Communities offset by under spends across Environment and Resources. The Communities pressure is being driven by difficulties in recruiting and retaining social workers within Children & Family Services and Adult Social Care and use of agency to cover posts.

5.3 Agency budgeting has been reviewed and the 2018/19 budgets have been built to be more reflective of actual spend levels in both salary costs and agency costs, whilst recognising the need to continue to push down on agency costs Council wide.

5.4 The overspend in Communities has been analysed further for the main service areas as shown in the following charts.

Provisional Outturn – Supporting Information

Year End Employee Costs	Last Years' Outturn £	Original Budget for 2017 £	Total Changes to Budget during 2017 £	Current Budget for 2017 £	Exp/Inc to 31/Mar/2018 £	Actual Variance £
Adult Social Care						
Salary costs	9,900,581	10,537,810	659,085	11,196,895	10,160,794	-1,036,101
Agency & Temporary Staff	2,314,223	968,210	191,300	1,159,510	2,052,208	892,698
Other Costs	507,941	546,360	-57,490	488,870	497,305	8,435
Total	12,722,745	12,052,380	792,895	12,845,275	12,710,307	-134,968
Children & Family Services						
Salary costs	5,450,890	5,642,250	510	5,642,760	5,349,034	-293,726
Agency & Temporary Staff	1,196,801	607,670	-113,220	494,450	776,094	281,644
Other Costs	482,974	418,560	64,040	482,600	356,421	-126,179
Total	7,130,665	6,668,480	-48,670	6,619,810	6,481,549	-138,261
Education						
Salary costs	5,247,726	3,939,020	130,940	4,069,960	4,137,191	67,231
Agency & Temporary Staff	285,925	99,550	0	99,550	409,095	309,545
Other Costs	105,874	128,090	28,140	156,230	188,135	31,905
Total	5,639,525	4,166,660	159,080	4,325,740	4,734,421	408,681
Prevention and Safeguarding						
Salary costs	1,125,683	1,436,930	-36,130	1,400,800	1,323,713	-77,087
Agency & Temporary Staff	53,731	10,000	0	10,000	108,496	98,496
Other Costs	-12,052	-12,110	-17,150	-29,260	-10,457	18,803
Total	1,167,362	1,434,820	-53,280	1,381,540	1,421,752	40,212

- 5.5 The service analysis shows that in Adults and Children services, agency spend is far greater than budget but has been contained within the overall employee budgets and is offset against salary costs. In Education, there has been an overspend in salary costs due to redundancy costs, maternity cover and use of casual staff. Education over spent against agency budgets, largely in the Children with Disability Team, which used agency for maternity cover, sickness, vacancies and sabbaticals.

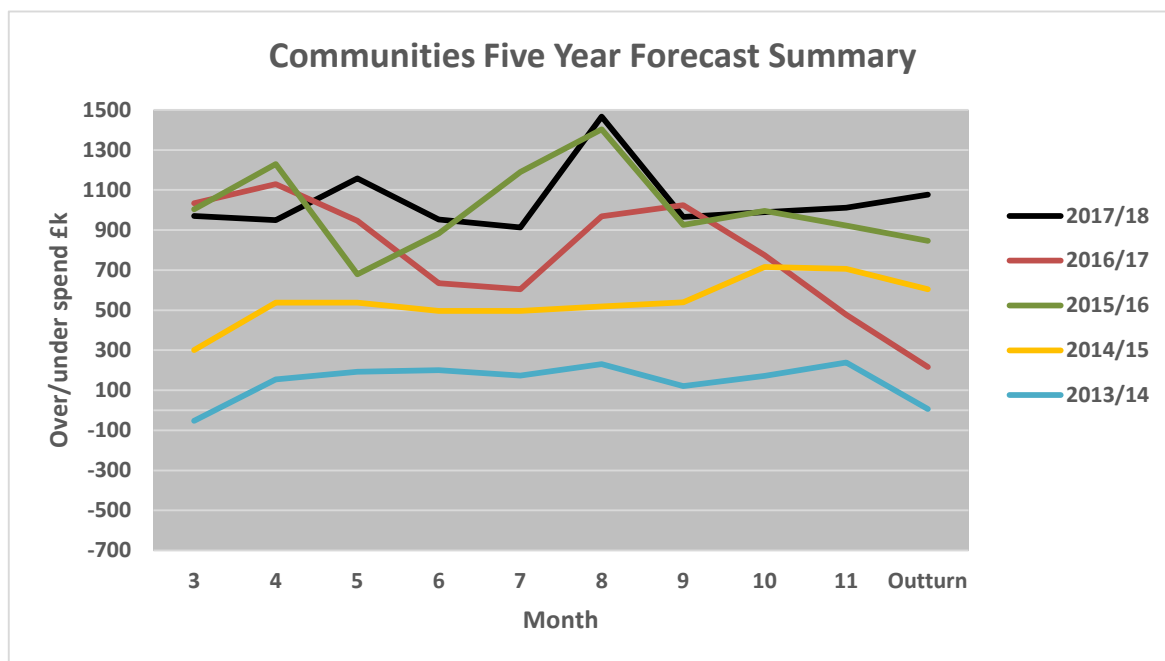
6. Communities Directorate 2017/18 Review

Communities	Current Net Budget £000	Forecast (under)/over spend				Change from Last Quarter £000
		Quarter One £000	Quarter Two £000	Quarter Three £000	Year End £000	
Adult Social Care	38,162	891	603	485	446	(39)
Children & Family Services	14,538	0	109	389	227	(162)
Corporate Director - Communities	205	0	0	0	(11)	(11)
Education DSG funded	(523)	0	0	0	0	0
Education	7,983	(21)	240	364	381	18
Prevention & Safeguarding	852	0	0	28	33	5
Public Health & Wellbeing	(123)	0	0	(300)	0	300
Communities	61,095	870	952	966	1,076	110

- 6.1 The revenue over spend for the Communities Directorate is £1.07million against a net budget of £61.1million. This is a £110k increase from the forecast over spend at Quarter Three. Pressures were incurred during the financial year on demand led

budgets across Adult Social Care, children’s placements and support for children with disabilities in Education Services. The directorate has taken measures to mitigate the over spend, including utilising one off funding from reserves and approval for the use of Public Health funding to cover the cost of activity which supports Public Health outcomes. The 2018/19 budget has made provision for budgetary pressures totalling over £4m across Communities budgets, funded from the Adult Social Care precept and general Council Tax increases.

6.2 The following graph shows the past five years forecasting trends and outturn for the Communities Directorate.



6.3 2017/18 shows a peak at Month Eight which reduces by year end due to release of risk reserves to support the service pressures in both Adult Social Care and Children and Family Services.

(1) Adult Social Care

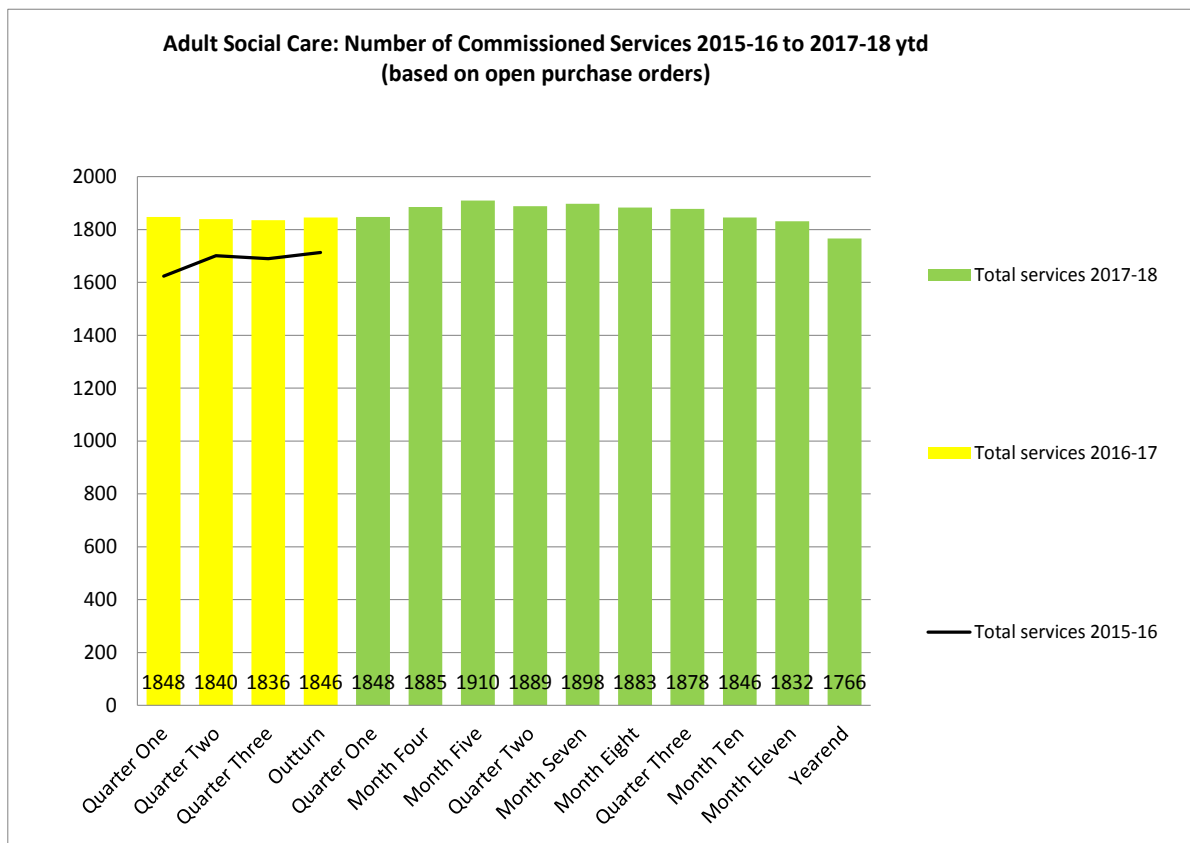
The Adult Social Care outturn position is an overspend of £446k, which is a £39k reduction from the forecast position at Quarter Three. During the financial year £1.89million of one off in year funding was utilised to support the budget. This comprises £901k of one off funding previously released from the Adult Social Care risk reserve (with member approval), £163k further release from the risk reserve at year end, £526k of s106 monies and £300k of one off Public Health funding.

The financial pressures in the service are the result of commissioning rates continuing to increase above the rate of inflation for both homecare and placements in care homes. The market has seen one homecare provider withdraw, meaning 25 clients required alternative care provision and one care home closing with nine residents being moved. The rates paid for both suppliers was considerably lower than current market rates. The market remains challenging and there is a risk that further providers will withdraw from the market.

The implementation of the New Ways of Working Strategy which crosses all commissioning budgets, has been slower than anticipated due to recruitment

difficulties and as a result the saving target attached to it was not achieved in 2017/18. £21k of the yearend position is due to pressure created by automatic enrolment into the West Berkshire employee pension scheme in November 2017.

Client numbers accessing services are monitored weekly; overall client numbers remained relatively constant during 2016/17 and although fluctuating in 2017/18 are currently at a similar level to last year.



(2) Children and Family Services

The Children & Family Services outturn position is an over spend of £226k, which is a £163k decrease on Quarter Three. The outturn position reflects the release of £348k of one off funding from the Children & Families risk reserve.

The financial pressure in the service is the result of demand on the residential placements budget and Childcare Lawyers joint arrangement, together with additional staffing and agency costs required to deliver the social worker recruitment and retention programme. Financial pressures in year were partially offset through salary savings within the Targeted Intervention Service and lower placement costs in respect of Independent Fostering as a result of fewer children being placed in independent arrangements.

(3) Education

The Education Service outturn position is an over spend of £381k, which is a £17k increase on the forecast as at Quarter Three. The financial pressure in the service is the result of demand on the budgets for supporting children with disabilities, in particular, increasing costs for residential and community care packages, together

with higher than expected costs of agency staff and social worker recruitment and retention payments.

Financial pressures in year were partially offset through additional eligible expenditure charged to the European Social Fund Elevate project, additional income from charging for Home to School Transport, and savings on pension costs of former Berkshire County Council employees. In order to help address the overall overspend position, Education Services put in place, with effect from 1st December 2017, a freeze on recruitment to council funded posts and on any other non-essential expenditure until the end of the financial year.

(4) Prevention & Safeguarding

The Prevention & Safeguarding Service outturn position is an over spend of £33k, which is £5k increase in the overspend forecast at Quarter Three. The financial pressure in the service is the result of agency costs to cover a manager’s maternity leave together with costs incurred for a Serious Case Review.

(5) Public Health & Wellbeing

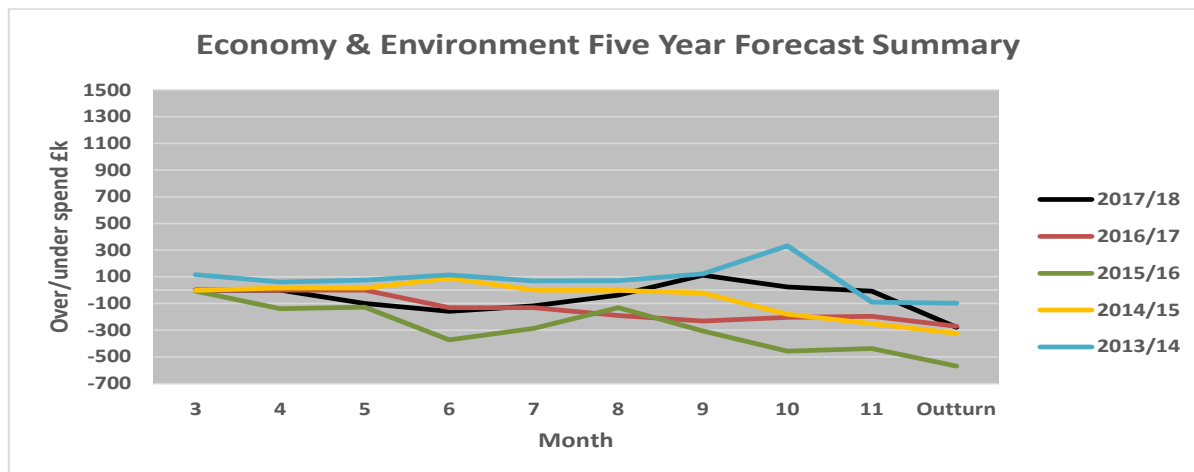
The Public Health ring-fenced grant is online at the year end. At Quarter Three the grant was forecast to generate a £300k underspend. The funding identified as underspent was approved for reprioritisation in year and utilised within the directorate against expenditure identified as contributing to Public Health outcomes.

7. Economy and Environment and Directorate 2017/18 Review

Economy and Environment	Current Net Budget	Forecast (under)/over spend				Change from Last Quarter
		Quarter One	Quarter Two	Quarter Three	Year End	
	£000	£000	£000	£000	£000	£000
Corporate Director - Environment	158	0	0	0	(0)	(0)
Development & Planning	2,379	(121)	(118)	(101)	(347)	(246)
Public Protection & Culture	4,104	121	128	222	71	(151)
Transport & Countryside	23,860	0	(169)	(9)	(3)	6
Economy and Environment	30,501	0	(159)	112	(279)	(391)

7.1 The Service outturn position is a £279k under spend which is 0.9% of the net budget of £32m and is a variance of £391k to the Quarter Three forecast position. The Directorate budget was built with a savings programme of £1.3m.

7.1 The following graph shows the past five years forecasting trends and outturn for the Economy & Environment Directorate.



(1) Development & Planning

The Service outturn position was a £347k under spend. The under spend is mainly due to the following areas:

- An increase in income from planning applications
- Balancing the income and expenditure of the Community Infrastructure Levy (CIL) administration charge which has produced an additional under spend of £177k. For years one to three of the CIL, the legislation states that CIL administration income applied to administrative expenses shall be no more than 5% of the CIL collected over the period of the three years. The increased under spend has resulted from additional CIL invoicing in year three, mainly in the last quarter of the year and being able to apply this retrospectively over the past three years to balance the account.
- Various salary and staff related cost savings from employee vacancies.
- Two grants of £65k which were received in March and had not previously been forecast.

Pressures within the Housing Service due to repairs to properties following a water leak which were not claimable through an insurance claim were managed within the Service.

(2) Public Protection & Culture

The Service finished the year with an over spend of £71k which is mainly due to the following:

- The Activity Team over spend of £124k due to reduced income;
- An over spend in the Libraries' Service of £25k relating to an insurance excess of £10k for a claim together with increased staffing costs to cover long term sickness and reduced income.
- Shaw House over spend of £34k due to reduced room booking from Council Services. Council use has decreased in year by 31% and catering by 40%.

Salary savings due to vacancies and restructuring together with an early saving of the grant payment to the Watermill Theatre, an unexpected grant from Greenham Common Trust and a deliberate slowing down of non-essential expenditure within areas of low risk such as the museum and leisure centres have helped reduce the pressure within the Service.

(3) Transport & Countryside

The outturn position is an under spend of £3k against a net budget of £24.6m. Areas of under spend include:

- Increased income from Car Parking of £118k;
- £160k saving within Transport Services due to vacancies, the ending of leases for our Handybus fleet, increased income from public transport operations, delayed procurement of new IT for concessionary fares and savings on short term contracts;
- Reduction in the forecast for insurance claims due to the successful defence of third party claims together with a deliberate slowing down of all non-essential expenditure.

Pressures have been managed within the Service and include the following:

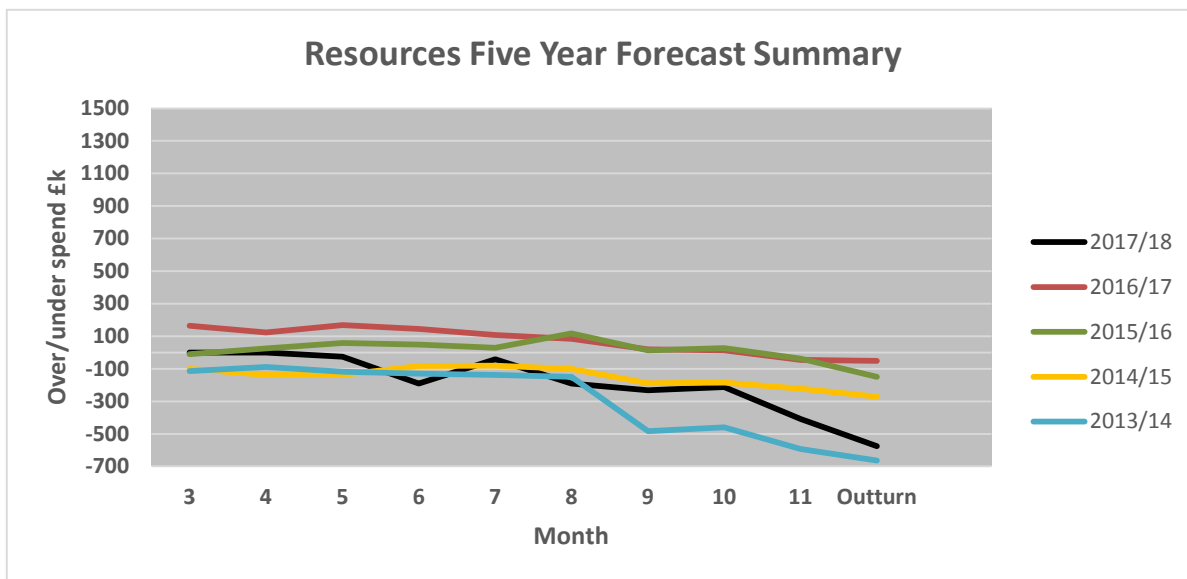
- Increased highways maintenance and gritting costs of £275k due to adverse weather conditions. The additional winter service costs were drawn down from the winter service reserve which was set up this year.
- There have also been a number of unforeseen emergency repairs to bridges which has caused a pressure of £70k.

8. Resources Directorate 2017/18 Review

Resources	Current Net Budget	Forecast (under)/ov				Change from Last Quarter
		Quarter One	Quarter Two	Quarter Three	Year End	
	£000	£000	£000	£000	£000	£000
Chief Executive	726	0	(57)	(77)	(97)	(20)
Commissioning	824	0	(12)	8	0	(8)
Customer Services & ICT	3,109	0	(36)	(97)	(172)	(75)
Finance & Property	3,560	0	(31)	(57)	(61)	(4)
Human Resources	1,468	0	12	(1)	(60)	(59)
Legal Services	1,051	0	(58)	(2)	(145)	(143)
Strategic Support	2,341	0	(8)	8	(40)	(48)
Resources	13,079	0	(190)	(218)	(575)	(357)

- 8.1 The Resources Directorate outturn is a £575k under spend against a budget of £13.08 million net. This is an increase of £357k from the Quarter Three forecast of £218k underspend. The under spends have arisen largely due to salary savings across the Directorate together with reduced legal costs. In the last quarter there has also been a deliberate slowing down of non-essential expenditure to assist with the corporate position.

8.2 The following graph shows the past five years forecasting trends and outturn for the Resources Directorate.



(1) Chief Executive

The Chief Executive Service budget had a £97k underspend mainly from salary savings, training costs and planned projects not being undertaken.

(2) Commissioning

The Commissioning Service was on line at year end.

(3) Customer Services and ICT

Customer Services and ICT completed the year with an under spend of £171k. This has mainly arisen from salary savings of £95k throughout the Service, a reduction in the volume of printing and postage and a move to cheaper circuits for the network.

(4) Finance and Property

Finance & Property completed the year with a £62k underspend. Savings were made in the following areas:

- Salary savings due to a reduction in hours and salaries attributed to Capital projects;
- Lower payment for the apprenticeship levy than originally budgeted;
- Earlier than expected rental from new properties;
- Increased debt cost recovery;
- Lower maintenance and energy costs within the corporate properties;
- Unexpected additional new burdens funding.

Pressures due to bank and credit card charges, additional IT costs to make our payment systems Payment Card Industry compliant and an increase to our bad debt provision for Council Tax costs have been managed within the Service.

(5) Human Resources

The HR service finished the year with an under spend of £60k. The main areas of under spend were:

- £15k salary and overtime savings;
- £33k increased income from training and counselling;
- £16k savings against superannuation costs.

(6) Legal Services

Legal Services was £144k under spent at year end. Employee costs accounted for £92k of the under spend due to vacancies and a transfer of salaries attributable to Capital projects and other Services; Income was £51k above budget.

(7) Strategic Support

Strategic Support ended the year with a £40k under spend. Salary savings of £70k of which £40k was from the Corporate Programme, lower IT costs of £24k and reduced Members’ expenses of £13k have helped offset pressures within the Land Charges budget from reduced income and the cost of digitising the service.

9. Service Specific Risk Reserves

9.1 In order to manage the volatility of some of the Council’s demand led budgets, a number of service specific risk reserves have been established. Detailed risk registers are maintained to support these reserves. The year end level of service specific risk reserves are shown in the following table:

	Reserve Balance 1.4.2017	Change to level of Reserve 2017/18	Current Reserve Balance	Risks arising 2017/18	Reserve Balance 31.3.2018
Service	£000	£000	£000	£000	£000
Adult Social Care	2,090	-1,046	1,044	-163	881
Children & Family Services	500	-114	386	-348	38
Legal Services	50	0	50	0	50
Total	2,640	-1,160	1,480	-511	969

9.2 **Adult Social Care:** During the year, the reserve was reduced by £145k to reflect the level of risk and £901k was released against named risks identified on the risk register in order to cover some of the inflationary pressures that the service has faced. The outturn position reflects the release of a further £163k from the Adult Social Care risk reserve at year end.

- 9.3 **Children and Family Services:** During the year, the reserve was reduced by £114k to reflect the level of risk. The service outturn position reflects the release of £348k from the reserve in response to realisation of identified risks.
- 9.4 **Transport and Countryside:** A risk reserve of £224k was created this year for winter gritting costs. This has now been fully utilised.
- 9.5 **Legal Services:** The service has a risk reserve of £50k which was not required in 2017/18.
- 9.6 Further detail is provided in Appendix F.

10. Transition Funding and Transformation Reserve

- 10.1 The Council was awarded £1.37m in transition funding for 2017/18, which was allocated as:

Directorate	Service	Project Description	Transition Funding £	Agreed by	When
Communities	C&FS	Short Breaks	140,000	Council	4.3.2017
Environment	PPC	Libraries	200,000	Council	4.3.2017
Resources	SSU	Citizens Advice Bureau	30,000	Council	4.3.2017
		Transformation Reserve	1,000,000	Council	4.3.2017
		Total	1,370,000		

- 10.2 The Transformation Reserve was established in order to ensure that the Council has the resources to pursue transformation plans outlined in the MTFs and to invest in strategies that will bring future benefits to the organisation. Funds have so far been allocated as shown below. Further detail is provided in Appendix G.

Directorate	Service	Project Description	Transformation Funding Awarded	Agreed by	When	2017/18 Saving Target	2018/19 Saving Target	2019/20 Saving Target
			£000			£000	£000	£000
		Opening Balance	1,000					
Resources	Commissioning	Invest to save posts in commissioning	-225	Ops Board	13.4.17			277
Resources	HR	Invest to save post - Apprenticeship Coordinator	-74	Ops Board	6.7.17			100
Communities	P&S	Emotional Health Academy	-5	Budget Board	6.4.17	20	20	
Resources	Legal	Shared service advice	-12	AW/NC	4.12.17			
Communities	Education	Invest to save - Family Hub transformation	-28	AW	8.12.17		30	
Resources	F&P, HR, SSU	Invest to save - New Ways of Working project	-216	Corp Prog Board	15.2.18			tbc
Communities	ASC	Transport	-5	Budget Board	22.3.18			
		Total awarded	-565					
		Closing Balance	435					

11. Levies and Interest 2017/18 Review

- 11.1 Net income on interest earned from investments was £34k below target because market interest rates remained very low throughout the financial year 2017/18 and there was a shortfall against the target for cheques written back. This shortfall was offset by lower than expected interest paid on long term loans to fund capital expenditure.
- 11.2 The net amount of interest earned in 2017/18 was £100k higher than in 2016/17 because of the 0.25% increase in the Bank of England base rate in November 2017 and because the Council's average cash balances were higher in 2017/18 than 2016/17.

12. Dedicated Schools Grant 2017/18 Review

12.1 The main source of funding for schools is the Dedicated Schools Grant (DSG). It is a ring fenced specific grant and can only be used on school/pupil activity. The DSG is split between three funding blocks:

- (1) Schools Block
- (2) Early Years Block
- (3) High Needs Block

12.2 The DSG outturn position is an over spend of £14k. This is an excellent result in the context that the budget was set with a planned over spend of £844k. The Schools Block had an under spend of £413k, the Early Years Block an over spend of £118k and the High Needs Block an over spend of £309k.

13. Options for Consideration

13.1 Not applicable – factual report for information

14. Proposals

14.1 To note the provisional outturn position.

14.2 To refer the paper to Budget Scrutiny Group for review.

15. Conclusion

15.1 The Council was faced with delivering a savings programme of £4.712m in 2017/18, which it has successfully done, achieving 93% of savings plans. The Council has addressed in year pressures and has brought the over spend down from £1m at Quarter Three to a provisional over spend of £276k. This has been achieved against a net revenue budget of £117.4 million.

15.2 The Council has invested in identified pressure points as part of the 2018/19 budget setting process and will continue to maintain financial discipline, to ensure that the agreed savings programme is monitored throughout 2018/19. The Council has an excellent track record of managing the savings programme and minimising budget over spends, and the overall impact of the 2017/18 outturn is a reduction in our General Reserve of £276k.

16. Consultation and Engagement

16.1 Nick Carter – Chief Executive, John Ashworth – Director, Rachael Wardell - Director

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

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

Officer details:

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

Summary Revenue Outturn 2017/18

	Budget		Net Outturn			Gross Performance						
	Original Budget 31/03/2018 £	Revised Budget 31/03/2018 £	Annual Net Budget to 31/03/2018 £	Net Exp/Inc to 31/03/2018 £	Actual Variance to 31/03/2018 £	Expenditure			Income			Net Variance £
						Annual Expenditure Budget for 2017/18 £	Actual Expenditure 2017/18 £	Expenditure Variance for 2017/18 £	Annual Income Budget for 2017/18 £	Actual Income for 2017/18 £	Income Variance for 2017/18 £	
Adult Social Care	37,886,470	275,720	38,162,190	38,608,157	445,967	52,906,880	54,543,605	1,636,725	-14,744,690	-15,935,449	-1,190,759	445,967
Childrens and Family Services	14,007,560	530,790	14,538,350	14,765,153	226,803	15,698,230	16,414,550	716,320	-1,159,880	-1,649,397	-489,517	226,803
Corporate Director - Communities	204,210	740	204,950	193,478	-11,472	238,730	228,262	-10,468	-33,780	-34,785	-1,005	-11,472
Education (DSG Funded)	-523,130	0	-523,130	-523,130	0	98,017,600	100,669,344	2,651,744	-98,540,730	-101,192,474	-2,651,744	0
Education	8,273,400	-290,220	7,983,180	8,364,265	381,085	10,496,040	11,155,575	659,535	-2,512,860	-2,791,310	-278,450	381,085
Prevention and Safeguarding	923,690	-71,460	852,230	885,652	33,422	1,370,890	1,509,841	138,951	-518,660	-624,189	-105,529	33,422
Public Health & Wellbeing	-80,000	-42,980	-122,980	-122,844	136	5,917,920	5,925,125	7,205	-6,040,900	-6,047,969	-7,069	136
Communities	60,692,200	402,590	61,094,790	62,170,730	1,075,940	184,646,290	190,446,302	5,800,012	-123,551,500	-128,275,572	-4,724,072	1,075,940
Corporate Director - Environment	173,510	-15,020	158,490	158,194	-296	158,490	158,194	-296	0	0	0	-296
Development and Planning	2,410,820	-31,620	2,379,200	2,032,852	-346,348	4,153,150	4,221,838	68,688	-1,773,950	-2,188,987	-415,037	-346,348
Public Protection and Culture	4,206,730	-102,850	4,103,880	4,174,665	70,785	9,229,100	9,246,942	17,842	-5,125,220	-5,072,277	52,943	70,785
Transport and Countryside	23,717,000	143,100	23,860,100	23,856,819	-3,281	32,797,710	33,377,023	579,313	-8,937,610	-9,520,203	-582,593	-3,281
Environment	30,508,060	-6,390	30,501,670	30,222,531	-279,139	46,338,450	47,003,998	665,548	-15,836,780	-16,781,467	-944,687	-279,139
Chief Executive	777,020	-51,040	725,980	628,513	-97,467	730,980	768,415	37,435	-5,000	-139,902	-134,902	-97,467
Commissioning	1,549,110	-725,560	823,550	823,716	166	7,095,440	7,670,763	575,323	-6,271,890	-6,847,047	-575,157	166
Customer Services and ICT	3,242,050	-132,840	3,109,210	2,937,589	-171,621	4,011,550	3,781,270	-230,280	-902,340	-843,681	58,659	-171,621
Finance and Property	3,436,230	124,170	3,560,400	3,498,899	-61,501	44,297,800	44,051,537	-246,263	-40,737,400	-40,552,638	184,762	-61,501
Human Resources	1,483,960	-15,840	1,468,120	1,408,159	-59,961	1,946,740	1,845,836	-100,904	-478,620	-437,677	40,943	-59,961
Legal Services	1,062,910	-11,380	1,051,530	906,820	-144,710	1,166,150	1,072,500	-93,650	-114,620	-165,680	-51,060	-144,710
Strategic Support	2,309,980	30,630	2,340,610	2,300,864	-39,746	2,814,940	2,988,605	173,665	-474,330	-687,741	-213,411	-39,746
Resources	13,861,260	-781,860	13,079,400	12,504,560	-574,840	62,063,600	62,178,925	115,325	-48,984,200	-49,674,365	-690,165	-574,840
Capital Financing & Management	9,971,120	-496,840	9,474,280	9,528,607	54,327	9,981,960	16,665,969	6,684,009	-507,680	-7,137,362	-6,629,682	54,327
Movement Through Reserves	866,000	902,650	1,768,650	1,768,792	142	1,768,650	1,768,792	142	0	0	0	142
Risk Management	1,511,740	-20,150	1,491,590	1,491,040	-550	1,491,590	1,491,040	-550	0	0	0	-550
Capital Financing and Risk Management	12,348,860	385,660	12,734,520	12,788,439	53,919	13,242,200	19,925,801	6,683,601	-507,680	-7,137,362	-6,629,682	53,919
Total	117,410,380	0	117,410,380	117,686,260	275,880	306,290,540	319,555,026	13,264,487	-188,880,160	-201,868,767	-12,988,607	275,880

Summary of Revenue Budget Movements – 2017/18

Appendix D

Service	Original Net Budget £000	Budget B/F from 2016/17 £000	In Year Budget Changes not requiring approval £000	Budget Changes approved by S151 and Portfolio Holder £000	Budget Changes requiring Executive Approval £000	Current Net Budget £000	Explanation of Major Budget Changes
Adult Social Care	37,886	(349)	(440)	163	901	38,162	£339k budget transfers from Commissioning; (£407k) movement of Transport budget to Transport & Countryside;
Children and Family Services	14,008	(777)	960	348		14,538	£407k Innovation fund; £112k re joint arrangement; £160k budget transfer from Commissioning, (£282k) UASC migration grant cfwd; (£183k) pension adjustment; £348k released from risk reserve
Corporate Director - Communities	204		1			205	
Education DSG funded	(523)					(523)	
Education	8,273	42	(349)			7,983	(£392k) Movements Through Reserves; (£113k) Pension adjustment; £148k Additional budget re
Prevention and Safeguarding	924	(164)	92			852	£105k post 00956 & 00256 from 71811
Public Health & Wellbeing	(80)	(43)				(123)	£327 transfer to PH reserve; £5k HE grant ; £5k paid in advance
Communities	60,692	-1,291	265	511	901	61,095	
Corporate Director - Environment	174		(16)			158	
Development & Planning	2,411	129	(161)			2,379	Reserve, -£94k Homelessness prevention, -£40k consultancy, -£125 Local Development Framework, £91k LGPS
Public Protection &	4,207		(103)			4,104	-£66k Repayment to capital, £172k Redundancy payments, -£104 Newbury Library boiler, -£179
Transport & Countryside	23,717	177	(34)			23,860	£407 from ASC, £200k waste management, -£439k PFI reserve, £224k Winter Maintenance, -£272 Streetworks, -£56k Minibus contribution, -£151k LGPS
Economy & Environment	30,508	306	-314	0	0	30,501	
Chief Executive	777		(59)			726	
Commissioning	1,549	25	(751)			824	-£241k To ASC, -£4k car allowance, -£340 Supporting People to Housing, -£160 Supporting People to CSF, £65k transition funding,
Customer Services & ICT	3,242	(29)	(104)			3,109	-£81k LGPS
Finance & Property	3,436	24	100			3,560	£124k move unrepresented cheque income target, £156k allocate car allowance saving, -£179k apprentice levy movements, £84k Joint Arrangement moved to reserve, £131 LGPS
Human Resources	1,484	37	(53)			1,468	
Legal Services	1,063		(12)			1,051	
Strategic Support	2,310	13	17			2,341	
Resources	13,861	70	-862	0	0	13,079	
Capital Financing & Management	9,971		(497)			9,474	provision for loan maturity
Movement through Reserves	866		903			1,769	Balance of all budget movements
Risk Management	1,512		(20)			1,492	
Capital Financing & Risk Management	12,349	0	386	0	0	12,735	
Total	117,410	-915	-525	511	901	117,410	

Savings and Income Generation Programme – Unmet items

Appendix E

Ref	Directorate	Service	Description	Category	£	RAG	Explanation of Red and Amber
1	Communities	ASC	Adult Social Care New Ways of Working	Transformation	209,000	Red	Due to the transfer to a new system, quantifying success of the strategy has been problematic as achievement of the saving is currently difficult to quantify. The implementation of the strategy has been slower than anticipated due to key vacancies within the service exacerbated by difficulty in recruiting permanent social workers and occupational therapists. Impacts of the strategy have been identified, although the client base of the service has remained static, there has been an upward trend in the average age of individuals accessing services, which is now roughly 80 years of age.
3	Communities	ASC	Transforming Lives Learning Disability Client Review	Transformation	57,000	Red	£350k target: £57k red. We were unable to achieve the larger savings target in 2016.17 and despite further work this year, the target is looking unachievable. Whilst continuing the project we are also looking at other options to deliver the savings from increased capacity in Shared Lives.
11	Communities	C&FS	Reduction to the Childcare Lawyers joint arrangement fees	Disinvestment	30,000	Red	This is dependent on Court demand which has increased during the last quarter of 2017-18. The Joint arrangement has a year end pressure of approximately £200k.
20	Communities	P&S	Development of the Emotional Health Service	Income	20,000	Red	school investment in the EHA has not been achieved due to financial pressures
22	Communities	P&S	Development of consultancy model	Income	20,000	Red	Head of Service capacity to fulfil requests for consultancy support limited.
23	Communities	P&S	Income generation - Quality & Assurance & Safeguarding Services	Income	7,000	Red	£10k target, £3k achieved. The QAAS Service Manager was long-term sick for five months and is being replaced in July with a new permanent Service manager. The plans for income generation have not progressed because of this context.

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Service Specific Risk Reserves

1. Introduction

- 1.1 In order to manage the volatility of some of the Council's demand led budgets, a number of service specific risk reserves have been established. Detailed risk registers are maintained to support these reserves. The provisional level of service specific risk reserves are shown in the following table:

	Reserve Balance 1.4.2017	Change to level of Reserve 2017/18	Current Reserve Balance	Risks arising 2017/18	Reserve Balance 31.3.2018
Service	£000	£000	£000	£000	£000
Adult Social Care	2,090	-1,046	1,044	-163	881
Children & Family Services	500	-114	386	-348	38
Legal Services	50	0	50	0	50
Total	2,640	-1,160	1,480	-511	969

2. Communities

Adult Social Care:

- 2.1 Adult Social Care has a dedicated risk reserve designed to be utilised in year, should the named risks materialise. A detailed risk register is maintained to support this reserve. During the year, £901k was released against named risks identified on the risk register in order to cover some of the inflationary pressures that the service has faced. The outturn position reflects the release of a further £163k from the Adult Social Care risk reserve.

	Value	Reserve Balance
Adult Social Care	£000	£000
Risk Reserve closing balance 31.3.2017	1,107	
Increase in reserve agreed in 2017/18 budget	983	
Risk Reserve balance 1.4.2017	2,090	
Decrease in reserve agreed at Budget Board 29.6.17	-145	
Movement to ASC for Inflationary pressures Q2	-392	
Movement to ASC for Inflationary pressures Q3	-509	
Risk Reserve balance 31.01.2018		1,044
Risks arising during 2017/18 and funding to be released at yearend:		
National Living Wage increases from providers	-15	
Delayed Transfers of Care - higher rates paid for homecare	-53	
Delayed Transfers of Care - higher rates paid for care placements	-95	-163
Risk Reserve closing balance 31.3.2018		881

Children and Family Services:

- 2.2 Children and Family Services have a dedicated risk reserve of £386k designed to be utilised in year, should named risks materialise. A detailed risk register is maintained to support this reserve. The service outturn position reflects the release of £348k from the reserve in response to realisation of identified risks.

	Value	Reserve Balance
Children & Family Services	£000	£000
Risk Reserve balance 1.4.2017	500	
Decrease in reserve agreed at Budget Board 29.6.17	-114	
Risk Reserve balance at Month Ten		386
Risks arising during 2017/18 and funding to be released at yearend:		
Children in high cost residential placements	-201	
Requirement to cover key posts - social workers - above base provision	-147	
		-348
Risk Reserve closing balance 31.3.2018		38

3. Environment and Economy

3.1 Transport & Countryside:

A risk reserve of £224k was created this year for winter gritting costs. This was fully utilised.

4. Resources

Legal Services:

Legal Services has a dedicated risk reserve of £50k which was not required in 2017/18.

	Value	Reserve Balance
Legal Services	£000	£000
Risk Reserve balance 1.4.2017		50
Risks arising:		
Risk Reserve closing balance at 31.3.2018		50

5. Risk Provision

- 5.1 All risk reserve levels have been reviewed early in 2018/19 at Budget Board and increases made in line with current service risk registers.

Transition and Transformation Funds

1. Transition Fund

1.1 The Council was awarded £1.37m in transition funding for 2017/18, which was allocated as:

Directorate	Service	Project Description	Transition Funding £	Agreed by	When
Communities	C&FS	Short Breaks	140,000	Council	4.3.2017
Environment	PPC	Libraries	200,000	Council	4.3.2017
Resources	SSU	Citizens Advice Bureau	30,000	Council	4.3.2017
		Transformation Reserve	1,000,000	Council	4.3.2017
		Total	1,370,000		

2. Communities

The Directorate was awarded transition funding of £140k for 2017/18.

Short Breaks – Children & Family Services

£140k was allocated to Short Breaks Services by allocating grants to a number of voluntary organisations to provide respite services and help transition short breaks services across West Berkshire. This was in response to the Judicial Review undertaken in 2016 to mitigate the impact of the original savings.

3. Environment & Economy

The Directorate was awarded transition funding of £200k for 2017/18.

Library Service – Public Protection and Culture

£200k was awarded towards the following:

- Salary costs £55k
- Shortfall from a contribution from Theale Green school £18k
- Shortfall in Parish contributions £61k
- Cost of work to modify buildings for new ways of working £40k
- Balance to be spent on transitional issues £26k within Hungerford, Lambourn and Theale.

4. Resources

The Directorate was awarded transition funding of £30k for 2017/18.

Citizens Advice Bureau – Strategic Support

£30k was awarded to Strategic Support for the Citizens Advice Bureau.

5. Transformation Reserve

- 5.1 The Transformation Reserve was established in order to ensure that the Council has the resources to pursue transformation plans outlined in the MTFS and to invest in strategies that will bring future benefits to the organisation. Funds have so far been allocated to:

Directorate	Service	Project Description	Transformation Funding Awarded	Agreed by	When	2017/18 Saving Target	2018/19 Saving Target	2019/20 Saving Target
			£000			£000	£000	£000
		Opening Balance	1,000					
Resources	Commissioning	Invest to save posts in commissioning	-225	Ops Board	13.4.17			277
Resources	HR	Invest to save post - Apprenticeship Coordinator	-74	Ops Board	6.7.17			100
Communities	P&S	Emotional Health Academy	-5	Budget Board	6.4.17	20	20	
Resources	Legal	Shared service advice	-12	AW/NC	4.12.17			
Communities	Education	Invest to save - Family Hub transformation	-28	AW	8.12.17		30	
Resources	F&P, HR, SSU	Invest to save - New Ways of Working project	-216	Corp Prog Board	15.2.18			tbc
Communities	ASC	Transport	-5	Budget Board	22.3.18			
		Total awarded	-565					
		Closing Balance	435					

- 5.2 Council approval has been given to increase the Transformation Reserve in 2018/19 by £561k, as part of the Strategy for use of Capital Receipts.

6. Communities

- Prevention and Safeguarding was awarded £5k from the Transformation Reserve for consultancy costs to review the Emotional Health provision in West Berkshire.
- Education was awarded £50k in 2016/17 to support the transformation of former Children's Centres into Family Health and Wellbeing Hubs. £25k will be carried forward into 2018/19 to complete the project.
- Adult Social Care was awarded £5k for an external resource to interrogate transport expenditure, supported by the Transport Integration Group.

7. Environment & Economy

The Directorate has not currently been awarded any transformation funding for 2017/18.

8. Resources

The Directorate was awarded transformation funding of £311k:

- £225k was awarded for invest to save posts in Commissioning. The funding has been used to cover the initial cost of staff needed to take on additional work in line with the expanded remit of the service and was agreed as part of the strategic

management review recommendations. The posts are all now recruited to and a savings forward plan is in place for 2019/20 to cover the ongoing revenue costs of the posts.

- Human Resources was awarded £74k to co-ordinate the apprenticeship levy work for 18 months to ensure we are in a position to fully utilise the money available in our digital account.
- Legal Services was awarded £12k to obtain advice regarding entering a shared service arrangement.
- The New Ways of Working Project was awarded £216k split between Finance & Property, Human Resources and Strategic Support. The funding is for additional resource requirements in order to run the project for the next three years.

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Capital Financial Performance 2017/18 - Outturn

Committee considering report: Executive on 14 June 2018

Portfolio Member: Councillor Anthony Chadley

Date Portfolio Member agreed report: 31 May 2018

Report Author: Gabrielle Esplin

Forward Plan Ref: EX3306a

1. Purpose of the Report

1.1 To inform Members of the provisional capital outturn for 2017/18 and the likely impact of this on the 2018/19 capital programme.

2. Recommendation

2.1 To ensure that Members are fully aware of the financial performance of the Council.

3. Implications

3.1 Financial:

It should be noted that these figures are provisional and may change as a result of the closedown and External Audit.

3.2 **Policy:** n/a

3.3 **Personnel:** n/a

3.4 **Legal:** n/a

3.5 **Risk Management:** n/a

3.6 **Property:** n/a

3.7 **Other:** n/a

4. Other options considered

4.1 N/a – factual report for information.

Executive Summary

5. Introduction

- 5.1 This report presents the provisional capital outturn for the Council for the 2017/18 financial year, subject to the final result of the closedown and External Audit.
- 5.2 Total capital expenditure in 2017/18 was £38m from a revised budget of £49.8m. The budget was revised during the year to take account of funds brought forward from 2017-18, additional grant and section 106 funding allocated during the year and spend re-profiled into 2018-19. Budget changes have been explained in quarterly budget monitoring reports to the Executive and the amounts already agreed to be re-profiled have been incorporated into the 2018/19 capital programme approved by the Council on the 1st March 2018.
- 5.3 A summary of capital spend against budget is shown in the table below; a more detailed breakdown of capital spend and commitments to date and budget changes is shown in Appendix B.

Directorate	Original Budget £000	Revised Budget £000	Amount spent/ committed to 31/3/18 £000
Communities	8,998	6,223	5,457
Environment	20,825	20,114	13,984
Resources	5,671	23,485	18,596
Total all services	35,494	49,822	38,037

- 5.4 The budget remaining unspent at the end of the financial year mainly consists of:
- £4.4m of the budget for commercial property acquisition for the purchase of further property now expected to be completed in July 2018;
 - £4.5m of the Highways and Countryside programme, including 3 resurfacing schemes which were delayed due to bad weather and the Kings Road Link on which the developer is behind schedule, together with delays to the A4 cycle route, Sandford access improvements and a number of smaller schemes;
 - An underspend of £751k on disabled facilities and home repair grants;
 - Underspends on a number of Education schemes (£413k) and Adult Social Care schemes (£309k) most of which are scheduled to continue in 2018/19.

6. Conclusion

- 6.1 Capital Strategy Group (CSG) reviewed the outturn on 17 May and recommended that £11.1m budget should be carried forward within the services to which it has been allocated, to enable the completion of schemes already underway or to cover pressures within those services. The remaining £700k unspent budget consists mostly of the Council's contribution to disabled facilities grants (over and above the government grant received for this purpose) and funds to facilitate the development of the London Road Industrial Estate. We do not expect it to be necessary to add this sum to the funding already available for these schemes in 2018/19. Therefore this can potentially be used to meet any new and unavoidable pressures on the programme.

- 6.2 CSG also agreed to transfer £400k to cover the shortfall in funding for Highwood Copse School, following tendering and retendering of the contract, to be met from the approved budget for 2018/19 for Education schemes now expected to be delayed. This will enable the Highwood Copse scheme to proceed in June 2018.
- 6.3 However this will create pressure on the Education programme in 2019/20 and CSG will review funding for the 2019/20 programme over the coming months, to ensure that all essential schemes can be funded. It is likely that this will be achieved by reallocating the £0.7m remaining unspent budget from 2017/18, by reviewing the strategy for use of capital receipts or by reviewing the existing budget allocations for all services.

7. Appendices

Appendix A – Equalities Impact Assessment

Appendix B – Summary of capital spend, commitments and in year budget changes

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(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; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) 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) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) 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.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	No decision
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	
Name of assessor:	Melanie Ellis
Date of assessment:	18.1.18

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	
Objectives:	
Outcomes:	
Benefits:	

2 Note which groups may be affected by the proposed decision. 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
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision 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 Two 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:	

Name:

Date:

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

Capital Summary 2017/18

Summary of Budget Changes, Spend and Commitments by Service

Service Area	Original Budget 2017/18	16/17 Slippage	Other Agreed Changes to 2017/18 Budget (2)	Revised Budget for 2017/18 (1)	Expenditure to date	Revised Budget not yet spent	Committed to date (order placed, not yet paid) %	Revised Budget not yet committed £
	£	£	£	£	£	£	%	£
COMMUNITIES DIRECTORATE								
Adult Social Care	1,184,860	422,730	(72,520)	1,535,070	1,225,759	20.1%	49,785	16.9%
Children's Services	20,000	12,210	495,780	527,990	483,783	8.4%	31,265	2.5%
Education Services	7,793,320	773,700	(4,406,970)	4,160,050	3,747,436	9.9%	942,223	-12.7%
Total for Communities Directorate	8,998,180	1,208,640	(3,983,710)	6,223,110	5,456,978	12.3%	1,023,273	-4.1%
ENVIRONMENT DIRECTORATE								
Development and Planning	4,747,650	1,537,370	(2,198,900)	4,086,120	2,874,156	29.7%	182,706	25.2%
Public Protection & Culture	804,490	697,250	(344,420)	1,157,320	844,848	27.0%	73,474	20.7%
Transport & Countryside	15,273,040	1,037,040	(1,439,300)	14,870,780	10,265,475	31.0%	3,109,787	10.1%
Total for Environment Directorate	20,825,180	3,271,660	-3,982,620	20,114,220	13,984,478	30.5%	3,365,966	13.7%
RESOURCES DIRECTORATE								
Customer Services and ICT	4,083,250	983,760	(3,007,550)	2,059,460	1,944,382	5.6%	185,332	-3.4%
Chief Executive	15,000	51,200	0	66,200	6,120	90.8%	720	89.7%
Finance and Property	1,409,440	313,400	19,281,080	21,003,920	16,496,069	21.5%	209,496	20.5%
HR & Payroll	47,520	21,520	21,920	90,960	30,237	66.8%	0	66.8%
Strategic Support	116,000	163,960	(15,000)	264,960	119,940	54.7%	1,488	54.2%
Total for Resource Directorate	5,671,210	1,533,840	16,280,450	23,485,500	18,596,748	20.8%	397,036	19.1%
Totals	35,494,570	6,014,140	8,314,120	49,822,830	38,038,204	23.7%	4,786,275	14.0%

(1) Revised budget includes additional grants and contributions received and/or allocated in 2017/18, less funds reprofiled into 2018/19

(2) **Explanation of Other Changes Agreed to 2017/18 Budget**

	£	Approved by
COMMUNITIES DIRECTORATE		
Children's Services:		
Purchase of Merchant House	483,780	Exec Approval 04-05-17
Transfer from Corporate Allocation to help fund adaptations to West Point	12,000	CSG 21-12-17
Adult Social Care:		
Increase in Allocation from Disabled Facilities Grant	41,000	Agreed by Finance Manager and Heads of Service
Budget for Assistive Technology project reprofiled to 2018/19	(113,520)	CSG 18-1-18
Education:		
Reprofiling of Education Schemes as per refreshed 2018/19 programme	-4,406,970	CSG 18-1-18
	(3,983,710)	
ENVIRONMENT DIRECTORATE		
Transport and Countryside:		
Funds reprofiled from 2016/17 for Kings Rd Link and Tull Way attenuation pond agreed in Jan 2017 but not included in original budget	2,180,000	CSG 13-1-17
Reprofiling of Dunston Park Flood Alleviation scheme and Robin Hood Roundabout improvements to 2018/19	(1,510,000)	CSG 1-6-17
Reprofiling of Sandleford Access road, Kings Road Link and Wharf Interchange to 2018/19	(3,145,000)	CSG 19-10-17
Additional DfT Challenge Fund Grant for resurfacing	3,000,000	CSG 19-10-17
Reprofiling of Bear Lane Junction Improvements and Challenge Funding for surface dressing	(2,450,000)	CSG 18-1-18
Additional grant funding from National Productivity Investment Fund	430,000	CSG 18-1-18
Purchase of Minibuses funded RCCO	55,700	CSG 18-1-18
Public Protection & Culture:		
S106 for Library Self Service Kiosks	86,400	CSG 1-6-17
Revenue contribution for Newbury Library Boiler replacement	104,000	CSG 19-10-17
Budget for maintenance of Shaw House, Museum and leisure centres reprofiled to 2018/19	(584,720)	CSG 18-1-18
Conversion of Theale Gateway for Trading Standards shared service funded from revenue contribution	49,900	Agreed by Finance Manager and Head of Service
Development & Planning:		
Increase in allocation of Disabled Facilities Grant from DoH	102,000	
S106 and Other Developers Contributions for Transport Model	274,000	CSG 13-7-17
Redevelopment of Four Houses Corner reprofiled to 2018/19	(1,050,000)	CSG 18-1-18
Budget for purchase of temporary accommodation reprofiled to 2018/19	(1,524,900)	CSG 18-1-18
	(3,982,620)	
RESOURCES DIRECTORATE		
Finance and Property:		
Budget for purchase of investment property	25,000,000	Council 9-5-17
Transfer from Corporate Allocation to help fund adaptations to West Point and extended use of myview	-33,920	CSG 21-12-17
Budget for purchase of investment property reprofiled to 2018/19	-5,700,000	CSG 18-1-18
Customer Services & ICT:		
Additional Budget for Cash Management	45,000	CSG 13-7-17
Reprofiling of budget for Superfast Broadband	-3,100,000	CSG 18-1-18
Additional funding from other local authorities for Superfast Broadband allocated to match actual spend	47,450	Agreed by Finance Manager and Head of Service
HR & Payroll		
Increase in budget for HR payroll system for extended use of myview	21,920	CSG 21-12-17
	16,280,450	
Totals	8,314,120	

0

Joint Venture with Sovereign Housing Association

Committee considering report:	Executive on 14 June 2018
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	22 May 2018
Report Author:	June Graves/Shiraz Sheikh
Forward Plan Ref:	EX3392

1. Purpose of the Report

- 1.1 To seek approval to establish a Joint Venture (JV) with Sovereign Housing Association as a Limited Liability Partnership (LLP) to deliver the Council's housing objectives through the provision of additional homes, in a range of tenures, to meet housing need in the District.
- 1.2 To provide sufficient information for Members to make a final decision on whether to proceed with the setup of the JV. As a complex and detailed area of work every effort has been made to summarise information for the purpose of decision making where possible.

2. Recommendations

- 2.1 The Executive resolves:
 - (1) to approve the establishment of the JV with Sovereign in accordance with this report.
 - (2) to delegate authority to the Chief Executive in consultation with the Deputy Leader and Executive Portfolio for Planning, Housing and Leisure, Head of Finance and Head of Legal Services to
 - (i) establish a JV with Sovereign Housing structured through a LLP to support the provision of additional homes in the District;
 - (ii) agree and authorise the execution of documentation required to implement the LLP model;
 - (iii) name the LLP; and
 - (iv) make appointments to the Management Board of the JV LLP of the Corporate Director of Economy and Environment, Head of Commissioning and Legal Services Manager (Governance & Environment).
 - (3) to agree to allocate land adjacent to the Phoenix Centre, Newbury and land at Chestnut Walk, Hungerford, ("the Projects") to be developed for housing by the JV , subject to a separate decision by this Executive on the disposal to

JV together with valuation of the land and approval of the business plans for the Projects. Future projects in the JV Business Plan will also require approval by the Executive including any financial appraisals, business plans and the disposal of sites.

3. Implications

- 3.1 **Financial:** It is anticipated that the Council will contribute capital assets and funds to the JV in the form of land and/or funding of the proposed developments. It is likely that the funds for development will be financed through borrowing e.g. from the Public Works Loans Board. The value of the land contributed by the Council will be deemed to be either market value, or at a reduced value taking into account the additional non financial benefits to the residents of West Berkshire from the provision of social and/or supported housing. The JV will repay to the Council the value of capital contributed by the Council from revenue and/or capital receipts generated from the development. These repayments will cover any interest or other costs incurred by the Council. If the JV generates surplus income, it is intended this income will either be re-invested in the JV's activities or distributed 50:50 between the Council and Sovereign Housing. The proposed arrangement does not have any significant taxation implications for the Council and advice is being sought from the Council's tax advisors to ensure that there is no adverse effect on the Council's ability to reclaim from HMRC VAT which it has paid on its costs.
- 3.2 **Policy:** Policy work may be required to support the delivery of the JV business plan.
- 3.3 **Personnel:** Officers will be required to act in support of the JV Management Board.
- 3.4 **Legal:** As set out in the Report.
- 3.5 **Risk Management:** Specific risks are identified in the report and a risk register has captured all identified risks to date.
- 3.6 **Property:** Disposal of land to the JV will be subject to Council processes and approvals.
- 3.7 **Other:**

4. Other options considered

- 4.1 To continue working with affordable housing providers on a piecemeal basis.
- 4.2 Establish a wholly owned vehicle e.g. a Housing Company.
- 4.3 A procured JV.

4.4 To do nothing.

Executive Summary

5. Introduction / Background

- 5.1 In order to make best use of land assets, resources, skills and expertise to progress house building in the District, it was agreed, by Members at Budget Board in September 2017, to pursue the option of setting up a Joint Venture (JV) between West Berkshire Council (WBC) and Sovereign Housing Association (SHA) to accelerate housing delivery.
- 5.2 The Council has an ambition for 1000 new affordable homes by 2020 but does not have the means to progress this, at pace, and therefore needs to find a structure and partner for doing so.
- 5.3 The environment for the delivery of affordable housing has become increasingly challenging and there has recently been a growing emphasis on partnership working. Both the Council and SHA have been looking at new ways of working in order to increase the annual delivery of new homes.
- 5.4 SHA has positive experience of working through a JV with private developers and is now looking to work with West Berkshire as a key local authority area to maximise housing delivery in line with its strategic objectives.
- 5.5 The Council has an existing portfolio of small/strategic sites, some of which have been unattractive to the market when offered for development. SHA have other sites which, when combined with WBC sites, could offer greater opportunity to provide housing of different tenures or to open up other development opportunities.
- 5.6 Recognising the JV as an opportunity, exploratory work has been undertaken to develop proposals for using these sites to deliver a mixed tenure portfolio of developments, under a JV, which, if taken forward, would meet a range of housing needs in the District.
- 5.7 Identification of the preferred structure has been key to allow proper exploration of the implications for both parties of entering into a JV relationship. To support these endeavours, contact has been made with both Brighton & Hove City Council and Peterborough City Council who have recently established similar arrangements.
- 5.8 Trowers and Hamlins were commissioned jointly by WBC and SHA in support of developing the recommended structure of the JV and to provide initial advice covering the powers and the JV model.
- 5.9 PSTAX has also provided initial financial and tax advice. The outcome of this wider consideration has been reflected in this report.
- 5.10 To maintain focus and pace the work has been overseen by a Member Reference Group that has met with officers on a monthly basis. Officer meetings have been held in the interim, to focus on the detail of the work. Sovereign has been represented at these meetings.
- 5.11 The Council's Corporate Programme Office has supported the team of both Council and SHA officers who have worked to support and inform Member approval; making a recommendation for a preferred structure and identifying the actions required to establish a functioning JV.

- 5.12 Ambitious timeframes were set with the original plan to have secured Executive approval by end of March 2018, this was subsequently moved to June 2018 to allow time for the detailed work to be completed on the proposed structure.
- 5.13 In conjunction with the Member Reference Group, an implementation plan was put together by the Council legal team. This identified a number steps including the development of heads of terms for the proposed JV and the governance arrangements.
- 5.14 Work has been completed under the following headings reflected in the recommendations of this report and the attached documentation. Subject to further amendment it is hoped approval will be given to progress to the implementation phase at the Executive meeting in June at which point a second phase of work will be planned.
- Agree recommended model
 - Liaise with other authorities that have established JVs
 - Explore implications of, and on, the Council's Asset Management strategy
 - Explore implications of, and on, the legal position of the Council
 - Explore implications of, and on, the financial and tax status of the Council
 - Explore implications of, and on, financial the Council's Housing strategy
 - Consider primary purpose of the JV; provision of affordable housing or commercial
 - Explore funding options
 - Identify key documents required
 - Establish the Governance structure
 - Establish Heads of Terms and consider implications
 - Identify initial projects
- 5.15 Sovereign has carried out parallel analysis, throughout the process; where possible this has been aligned.
- 5.16 Significant work has been done to ensure the constitutional, governance and procedural impact of setting up a JV is clear.
- 5.17 Going forward, both parties will take separate legal advice, as required.
- 5.18 If there is a decision to proceed, the first two WBC sites for redevelopment have been identified; a decanted supported scheme in Hungerford for circa 8 homes and a site in Newbury for circa 48 homes. A separate report covering the disposal of these two sites will be placed before Executive once the financial appraisal and business plan have been developed.

6. Proposal and benefits

6.1 The proposal is:

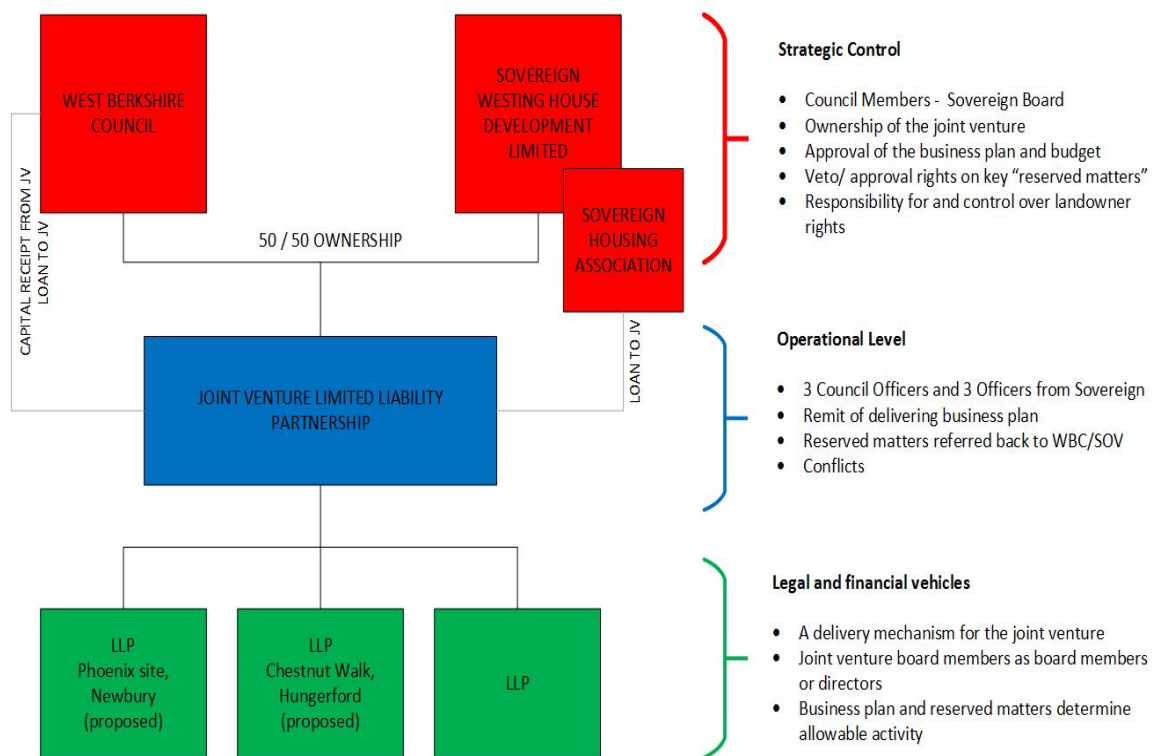
- (1) that the Council and Sovereign will incorporate a new limited liability partnership (LLP) on a 50:50 basis.
- (2) that the LLP will acquire, fund, develop, sell and own (as applicable) a mixture of tenures with the primary aim of achieving the Council's housing objectives.
- (3) that developments will be brought forward on the basis of individual site appraisals to deliver a range of tenures – list is not exhaustive
 - Affordable rent (either limited by LHA or not)
 - Intermediate rent
 - Shared ownership
 - Market sale
 - Market rent
 - Starter homes
 - Discounted sale
 - Rent to buy
- (4) that the Council and Sovereign each contribute 50 per cent of the LLP's required capital. The estimates for the capital investment has not yet been calculated;
- (5) the LLP purchases identified sites from the Council or SHA at market value or potentially at an undervalue depending on the project.
- (6) that the LLP appoints:
 - (a) contractors and professional team for development, from Sovereign's frameworks where possible;
 - (b) Sovereign appointed as development manager on a costs incurred basis;
 - (c) Sovereign appointed as housing and asset management services on a costs incurred basis;
 - (d) the Council to provide corporate and financial services.
- (7) It is proposed that in the long run each the Council and Sovereign (LLP Members) is expected to receive a commercial rate of return on its equity investment from the profits generated in the LLP as properties are either let or sold. Each LLP Member would benefit from a stable long-term index-linked revenue stream as rental growth is linked to either CPI or RPI (as applicable)
- (8) Each of the LLP Members will provide equity to fund the project, with the funds provided to the LLP as interest bearing loans.
- (9) Each LLP Member is expected to receive a commercial rate of return on its equity investment from the profits generated in the LLP as properties are either let or sold. Each LLP Member would benefit from a stable long-term

index-linked revenue stream as rental growth is linked to either CPI or RPI (as applicable).

- (10) The Shared Ownership investment also provides the potential for capital growth, through house price inflation linked to staircasing receipts.
- (11) There are also valuable indirect benefits for the WBC and its local area including social and economic benefits from the inward investment into the provision of new housing, increased council tax revenues and potentially New Homes Bonus.
- (12) In this model, the WBC gains access to the SHA’s technical and commercial developer skills, and benefits from the SHA’s supply chain arrangements and volume buying power. Both LLP Members benefit from the pooling of funding and resources, and sharing of risk.
- (13) In this model the Council retains more control and influence over what happens in the development of a site once it has been sold.

7. LLP model and governance

DRAFT CORPORATE AND GOVERNANCE STRUCTURE



8. Governance structure

- 8.1 The governance structure for the JV will be framed by the Council's role and rights as a member of the LLP as per Appendix B. There would also be a board charged with management of the LLP.

- 8.2 The members of the JV will retain strategic control over the operation of the vehicle through the right to approve, and monitor delivery of, a business plan and the requirement that certain listed decisions, referred to as "reserved matters", must be referred back to the owners (the Council / Sovereign) rather than being within the discretion of the board. For details of the reserved matter see schedule to Appendix D Heads of Terms.
- 8.3 The principle is that the JV partners approve the business plan and the board then has the remit and discretion to implement it, subject to the reserved matters. The level of discretion given to the board depends on the agreed structure (i.e. how prescriptive or flexible it is) and what the reserved matters are.
- 8.4 The board of the LLP would be given a role equivalent to role of a board of directors on a company. Although a board member of an LLP is not the same as the director of a company, it is common in the governance documents to treat the position as the same meaning the individual will have duties to act in the best commercial interests of the LLP for the benefit of both parties.
- 8.5 There would be a board of six, three to be appointed by Sovereign and three by the Council with the preference being for senior officers as per the recommendation at section 2.1 of this report. It would be possible for councillors or officers of the Council to be board members. On a JV of this nature, focused on delivery of operational matters, an officer board has been recommended with strategic and significant control retained to Councillors, via the LLP member rights.

9. Legal implications

- 9.1 Specific powers relating to setup of the JV/ LLP:
- (1) Under section 111 of the Local Government Act 1972 the Council may take any action (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions, which would include increase in housing provision in the district.
 - (2) Under section 1 of the Localism Act 2011, the General Power of Competence (GPC) the Council is allowed to enter into the JV and if this is essentially an activity for a commercial purpose then it should be noted that it cannot be undertaken directly by the Council under section 4 of the Localism Act 2011 but would need to be carried out through a company. However the main purpose of this JV is to develop and provide a mixture of housing with a primary purpose of achieving Council's housing objectives. This does not prevent the Council from making a return and does not mean that it turns it into a commercial purpose but rather the fact is that the Council would be acting in a commercial manner which is not prohibited.
 - (3) Under Section 120 of the Local Government Act 1972 the Council may also acquire property by agreement for the purposes of any of their functions or otherwise for the benefit, improvement or development of their area. Further under Section 2 of the Local Authority (Land) Act 1963 the Council is allowed to develop land. This provides a further combination of powers to the enablement of the JV.

9.2 Funding of the LLP

- (1) Sections 1 and 12 of the Local Government Act 2003 affords the Council broad powers allowing it to invest and to borrow, in each case either for purposes relevant to the performance of any of their functions or generally for the prudent management of their financial affairs. This would also be pertinent when there is change in the Council Investment and Borrowing Strategy as a result of funding of the JV for example by fund from the PWLB. Any changes to this Strategy would be the decision of the full Council and would be an amendment to the Strategy.

9.3 Disposal of Council Land

- (1) The Council will be required to obtain best consideration in accordance with Section 123 of the Local Government Act 1972. Usually this will be achieved by placing the property onto the open market or otherwise in respect of a sale agreed off market, demonstrating by way of professional valuation that it is achieving no less than market value for the property.
- (2) The Council can dispose of property for less than market value provided that consent is obtained from the Secretary of State. The Local Government Act 1972 General Disposal Consent (England) 2003 (General Consent 2003) is a wide reaching consent that allows disposal at an undervalue to promote economic, social or environment wellbeing. The difference between the market value and the consideration must not exceed £2 million, and a "professionally qualified valuer" must give a view as to the likely amount of the undervalue.
- (3) In determining what the value of the land is for this purpose it is the unrestricted value that is considered, i.e. the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt. Voluntary restrictions imposed by the Council, such as a restriction in the proposed lease to use the land for social housing, would not be taken into account.
- (4) If one of the general consents is not applicable then the Council would need to approach the Department for Housing, Communities and Local Government to obtain Secretary of State consent to the disposal on the proposed terms. There is not a statutory framework for this process so it would be uncertain as to how long it would take and whether it would be given.

9.4 State Aid

- (1) The state aid rules prohibit the Council from transferring its resources to a third party in a way that could distort competition and affect cross-border trade in the European Union. This needs to be considered in relation to the selection of Sovereign and the transfer of assets (e.g. land and funding) to the LLP or Sovereign.
- (2) Where an advantage is being given to the LLP or Sovereign, the Council's best approach to mitigate state aid risk is to rely on the market economy investor principle. This provides that if the Council can demonstrate that it is

acting as a rational private sector investor in similar circumstances would, then the activity is not a breach of the state aid rules. To rely on this the Council should provide funding and any other resources transferred to the LLP on market terms.

- (3) There is also an exemption in the state aid rules for support given to services of general economic interest (SGEI), which include social housing. This is potentially relevant if any resources will be transferred by either the Council or Sovereign at below market value, and will require additional terms to be included in the transfer documents to ensure that the requirements of the exemption are met. Structuring the transaction to comply with the SGEI exemption could be the best way of mitigating state aid risk in relation to any transfers of land at undervalue.

9.5 Procurement

- (1) The Council is subject to procurement legislation that requires it to run competitive tenders when awarding contracts for goods, works or services. If the JV is taken forward it would mean that the Council is selecting Sovereign without a tender. There are a number of grounds that could justify the Council doing so and present a low risk procurement position, namely:
 - there is no public contract in place between the Council and Sovereign – entering into the JV itself need not involve the awarding of a contract for goods, works or services;
 - this is public sector co-operation that is permitted under the procurement rules – both parties are public bodies for procurement purposes and could make use of inter-public body exemptions;
 - public contracts that do exist can be awarded without a procurement process in light of what is known as the Teckal exemption – this allows entities controlled by and delivering activity for public bodies to be awarded contracts without a competitive procurement process.
- (2) LLP is likely to be classified as a contracting authority under the Regulations. This is because it will fall within the definition of "bodies governed by public law". Corporate bodies set up by local authorities or other contracting authorities are often classified this way even though there is the potential to structure them so that they do not do so. The Regulations permit a controlling authority to contract directly (without a tender) with a controlled person and vice versa.
- (3) In order to meet the requirements in respect of the LLP any intermediate companies should also be structured to be contracting authorities. Although there are no plans in the current proposed structure for either the Council or Sovereign to purchase goods, works or services from any of the other parties in the arrangement, the potential for them to do so will therefore exist.
- (4) Where there is only one controlling authority, the Regulations also explicitly permit the controlled person to award contracts directly to the controlling authority, known as "reverse" Teckal after the case the exemption was originally based on. However, the Regulations do not explicitly permit or

prohibit an award by a controlled person where there is more than one controlling authority, as will be the case here. This may be relevant as the LLP may contract with the Council for corporate, finance and lending services, and with Sovereign for housing management and development management services.

- (5) It would be difficult to challenge successfully the award of such contracts on these grounds, particularly as they will be related to the wider strategic purpose, and will enable the LLP to meet the objectives for which it was established rather than to pursue alternative aims, perhaps competing with others on the market. The use of competitive procurement routes to appoint providers of services and works relating to the development, such as the frameworks would mitigate risk as the market would still be engaged with the opportunity.
- (6) The appointment of Sovereign for development and management services is to be done on a costs incurred basis rather than for profit which supports the applicability of the procurement exemptions outlined above.

10. Heads of Terms

10.1 The Heads of Terms (HoTs) have been agreed with Sovereign to represent the commercial agreement of the parties at the current stage of negotiations. These are contained in Appendix C. Whilst the HoTs reflect a reasonably advanced agreed position on the fundamental features of the joint venture, these HoTs are not exhaustive.

10.2 Brief description of the documents required to implement the JV/LLP as contained in the HoTs:

Document	Description
LLP Member Agreement	Core legal agreement incorporating key areas of how LLP will function including governance, dispute resolution and other key areas.
Overarching Strategic Land Agreement	Document detailing how sites will be transferred between the Council, Sovereign and LLP.
Funding Agreement	Document detailing how parties will provide funding to the LLP. This is not been finalised in the HoTs.
Development Management Agreement	Document detailing how the Development Management Service will be provided by the Sovereign to the LLP.
Asset Management Agreement	Document detailing how the Asset Management Service will be provided by the Sovereign to the LLP.
Residential Management	Document detailing how the Residential Management Service will be provided by the Sovereign to the LLP.

Document	Description
Agreement	
Corporate & Financial Services Agreement	Document detailing how the Corporate and Financial Services will be provided by the LLP.

11. Taxation Implications for the Council

- 11.1 Advice has been sought on the general tax implications for the Council of the proposed JV arrangements from PSTAX. (These are the Council’s main advisors on VAT and employment taxes and are now working in partnership with Wilkins Kennedy Accountants to provide advice on the corporation tax implications of local authorities’ commercial and quasi commercial activities).
- 11.2 The main advice note provided by PSTAX is included as Appendix D to this report. In summary this explains that a limited liability partnership, as proposed, will not be liable to pay corporation tax in its own right on any profit generated and that the Council will not be liable for corporation tax on any share of profits which it receives. It is, therefore, more tax efficient for the Council if the JV takes the form of an LLP rather than a limited company, and for the Council to be a partner in its own right, rather than by forming an arm’s length company.
- 11.3 The normal arrangements for VAT will apply to the Council’s activities relating to the joint arrangements, i.e. the Council can normally reclaim VAT which it pays on costs incurred and will charge VAT on any goods or services provided to the JV which would normally be subject to VAT. There is a limit on the amount of VAT which the Council can reclaim on costs which it incurs in connection with supplies of land which are exempt from VAT. For this reason, the supply of land to the JV may potentially affect the Council’s ability to reclaim some VAT incurred. However, costs incurred by the Council in relation to the supply of land to the JV are not likely to be significant and further advice will be taken from PSTAX on how to minimise or avoid this issue, and on other more detailed operational aspects of the JV arrangement.

12. Conclusion

- 12.1 As detailed above, a significant amount of work has been done to establish that a JV with Sovereign would provide a suitable vehicle for the provision of additional mixed tenure housing in the District and that the preferred model for the JV is that of an LLP. It is, therefore, suggested that the recommendations within this report be accepted.

13. Appendices

- 13.1 Appendix A – Equalities Impact Assessment
- 13.2 Appendix B – Governance Structure
- 13.3 Appendix C – Heads of Terms
- 13.4 Appendix D – Tax Advice
- 13.5 Appendix E – Data Protection Impact Assessment

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(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; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) 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) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) 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.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	To approve the recommendations of this report and instruct officers to continue the work to establish the Joint Venture with Sovereign Housing Association and the full Business Plan for the Limited Liability Partnership.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	June Graves
Date of assessment:	2.5.18

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To increase and expedite the delivery of affordable housing in the District To maximise the opportunity of working together with SHA
Outcomes:	Increased provision, at pace, of affordable housing in the District
Benefits:	More flexible provision of affordable housing in the District

2 Note which groups may be affected by the proposed decision. 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

Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		
The impact of this decision will benefit all groups equally		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision 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 Two 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:	

Name: June Graves

Date:2.5.18

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

GOVERNANCE AND THE LLP MODEL

1. OVERVIEW

- 1.1. The Council and Sovereign are considering establishing a joint venture formed as limited liability partnership (LLP) to acquire and develop property to meet the housing needs of West Berkshire.
- 1.2. This note explains the proposed governance model. Schedule 1 diagrammatically summarises the governance framework of the LLP.

2. GOVERNANCE FRAMEWORK

- 2.1. The Council will interact with, and be able to exercise control over, the LLP's activities in three principal ways:
 - 2.1.1. as a landowner, with contractual rights governing what sites the Council wants to transfer to the LLP and on what terms;
 - 2.1.2. as a member of the LLP, which in broad terms is equivalent to being a shareholder of a company (i.e. an owner of the vehicle);
 - 2.1.3. through appointees to the management board, which is comparable to company's board of directors.
- 2.2. In addition to the LLP the parties may establish subsidiaries for risk management and commercial purposes. These subsidiaries would be controlled by and within the governance arrangements for the LLP.

3. LANDOWNER FUNCTION

- 3.1. The Council will enter into a contract with Sovereign and the LLP to set out the rights of the Council as landowner (referred to in the heads of terms as an Overarching Strategic Land Agreement (OSLA)). This will provide the Council as landowner with control over what property is put into the LLP and in what circumstance property is released to the LLP.
- 3.2. The OSLA will have a set of conditions that will need to be met in order for the identified land to be drawdown. Usual conditions would include land assembly, vacant possession, third party consents, site conditions, supply chain approval, satisfactory planning permissions, funding availability and viability. Only when all of these conditions are met the LLP would be able to trigger land draw down and then only in respect of land that the Council had agreed to put in the joint venture. This approach is essential for achieving best value and achieving a maximum independent valuation using the RICS Red Book.
- 3.3. The initial decision to enter Phoenix and Chestnut sites into the OSLA would be an Executive decision. Thereafter the Council would need to agree on the level of delegation to officers to make decisions on behalf of the Council in relation to the OSLA.

4. LLP MEMBER – STRATEGIC CONTROL

- 4.1. The Council, and Sovereign, will retain strategic control over the LLP's operation through their rights as members of the LLP. This will be achieved through the Council having the right to approve the LLP's annual business plan and the requirement that certain listed decisions, referred to as **reserved matters**¹, will have to be referred back to it rather than being within the discretion of the management board. For example, this would typically include any change of business, creating security over the LLP's assets or transactions over a specified value.

¹ See Head of Terms – schedule 1

- 4.2. The business plan would include a list of sites that the LLP expects to use for development which could include drawdown of identified sites from the Council or purchase of sites from the market. Approval and adoption of the business plan would be a reserved matter and therefore would need the consent of both the Council and Sovereign. Where either the Council or Sovereign wished to bring forward a new site not listed in the approved business plan this activity would be a reserved matter and therefore require the consent of the Council and Sovereign.
- 4.3. It is proposed that this level of strategic control, i.e. the right to make decisions as member of the LLP, is retained by councillors. This will reflect the role of councillors within the Council i.e. a role focused on leadership and strategic control rather than the task of operational delivery.
- 4.4. The Council's role and rights as member will be set out in a members' agreement, a contract between the Council, Sovereign (by way of its trading subsidiary) and the LLP. This is the LLP's constitution and performs similar functions to a company's articles of association and shareholders' agreement.

5. OPERATIONAL CONTROL – LLP MANAGEMENT BOARD

- 5.1. The Council and Sovereign will, as the members of the LLP, have the right to appoint a management board. The board will be given a role equivalent to a company's board of directors meaning the individuals will have duties to manage the activity of the LLP acting in the best commercial interests of the LLP for the benefit of the Council and Sovereign as its members.
- 5.2. The management board will have the task and remit of implementing the business plan set by the Council and Sovereign and subject to those matters / decisions reserved to the members.
- 5.3. The level of discretion given to the management board will depend on the business plan – i.e. how prescriptive or flexible it is – and the reserved matters. By way of example, these could include approving transactions above a specified value and subjecting the LLP's assets to security. Matters within the remit of the business plan would not need to be referred back as reserved matters as well.
- 5.4. The proposal is for a board of six, three to be appointed by Sovereign and three by the Council. The Council will appoint senior officers. The relatively low number of management board members should ensure that the LLP is focussed and operationally flexible.

6. CONFLICTS AND THE MANAGEMENT BOARD

- 6.1. The governance structure of the management board has been developed to minimise conflicts of interests issues both for decisions made within the LLP and decisions made within the Council. This is being achieved through:
 - 6.1.1. councillors exercising control and influence through the Council's role as a member (owner) of the LLP; and
 - 6.1.2. officers appointed as board members not being statutory officers and / or the officer with ultimate responsibility for matters directly relating to the LLP.
- 6.2. This approach is a sensible and commonly-used approach for local authorities seeking to minimise conflicts of interests in respect of wholly owned or joint venture entities. Given the role of the proposed joint venture - operating as a developer including applying for planning permission – the potential for conflicts of interests is significant which places additional emphasis on the need for a robust governance structure.
- 6.3. The proposed approach to board composition, however, is not the only way and there are also examples of councillors being appointed to housing joint venture boards. Schedule 2 provides some different examples of approaches taken.
- 6.4. The principal reasons for the proposed approach are:

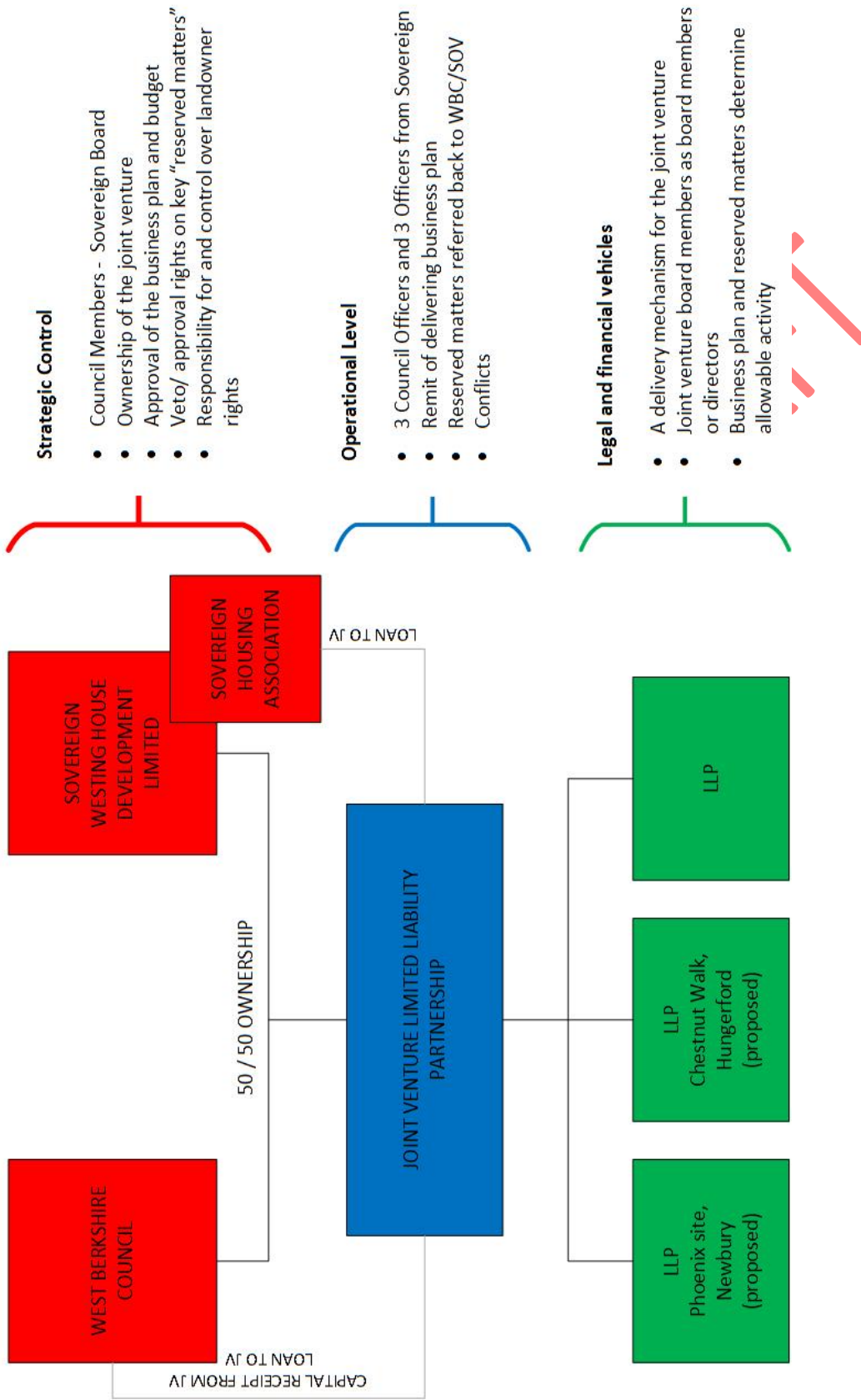
- 6.4.1. If the Council were to appoint a councillor as a management board member, the individual would have to disclose any potential conflicts of interests and observe the requirements of the Code of Conduct of the Council. The councillor would also need to be careful (when undertaking their Council role) to avoid acting in a way that suggested bias or predetermination. This can be difficult to achieve in practice.
- 6.4.2. Whilst the Council could grant a dispensation under the Members' Code of Conduct to allow a councillor to continue to take decisions relating to the LLP within the Council, it is not possible for the Council to avoid accusations of bias or predetermination. This is particularly the case if the councillor is senior. Participation on the board of the LLP could therefore preclude a councillor from being involved in discussions and decisions within the Council relating to it.
- 6.4.3. The risks around conflicts for officer board members are hard to manage where officer directors are also responsible within the Council for decisions materially affecting the vehicle. This risk is best mitigated by not putting Council officers who are responsible for decisions relating to vehicles as directors of those vehicles. For this reason, the most senior officers including statutory officers (monitoring officer, s.151 officer and the head of paid service) should not be appointed as board members as they may be required to undertake their statutory roles in relation to the vehicle at some point which would raise difficult conflicts.
- 6.4.4. The Council can consent to the officer continuing to act as an officer despite potential conflicts, and can agree not to take action if the officer acts contrary to the Council's interests as a result of their appointment as board member.
- 6.4.5. It is Sovereign's preference for the LLP board to be operationally focused without the need to manage the added complexities that would come with a structuring including councillor board members. Sovereign are adopting a mirror approach to their appointments.

7. OBSERVERS AND THE MANAGEMENT BOARD

- 7.1. It would be possible for the members (i.e. Sovereign and the Council) to agree that they have a right to appoint a specified number of observers to the management board, i.e. individuals who are not board members but who are entitled to attend board meetings for the purposes of sharing information and contributing where invited to do so. This is an approach sometimes used in joint ventures by minority partners who do not have full board appointees. It would not be typical for a joint venture partner who does have board appointees but would still be possible.
- 7.2. Care would need to be taken in respect of any such observer that the person did not become treated as a shadow or de facto board member. This could happen if in practice the individual acted and was treated in the same way as the appointed board members. In such cases the individual could have the duties and liability associated with board membership, for example potential liability associated with insolvency, without the indemnities and insurance that protect the duly appointed board members. This would be a risk for both the individual and the appointing member, i.e. Council and /or Sovereign. The risk could be mitigated through very clear protocol, documentation and practice around the role, rights and limitations of the observer role.
- 7.3. The Council and Sovereign would need to work through and be satisfied that the practical implications of such appointments were satisfactory, for example whether such presence would inhibit discussions/ operations of the board in any way, whether issues of confidentiality may arise and the size of the group meeting.

SCHEDULE 1 DIAGRAM

DRAFT CORPORATE AND GOVERNANCE STRUCTURE



SCHEDULE 2 – EXAMPLES OF LOCAL AUTHORITY HOUSING / PROPERTY JOINT VENTURE GOVERNANCE ARRANGEMENTS

Local Authority	Housing Association / Developer JV Partner	Joint Venture Remit	Governance Arrangements
Slough Council	Morgan Sindall Investments Ltd	Property Regeneration and housing	Board of 6 Council 3 (1 councillor, 2 officers)
Sheffield City Council	Keepmoat Great Places Housing Group	Housing	Board of 6 Council 3 (3 officers)
Birmingham City Council	Places for People Canal and River Trust	Housing regeneration and	Board 6 Council 2 (2 officers)

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Joint Venture

West Berkshire Council and Sovereign Housing Association

DRAFT Heads of Terms

1. BACKGROUND

- 1.1. West Berkshire District Council (**Council**) and Sovereign Housing Association (**Sovereign**) via its development arm, Sovereign Westinghouse Development Ltd (**SWD**), wish to work together in partnership. They intend to establish a limited liability partnership (**LLP**) to act as a joint venture vehicle to increase the delivery of housing and in particular affordable housing in West Berkshire to meet the needs of the residents of West Berkshire.
- 1.2. These will include a mixture of affordable rent model and shared ownership homes as well as market rent and other tenures. The activity may generate an income stream for both the Council and Sovereign as the members of the LLP.
- 1.3. Land adjacent to Phoenix Centre, Newtown Road, Newbury and Residential Care Home, Chestnut Walk, Hungerford are Council-owned properties that have been identified as potentially being suitable for the joint venture. Any decision by the Council to dispose of any property to the LLP would be a decision for the Council undertaken in accordance with the Council's normal governance and procedural arrangements for disposal of land.
- 1.4. Further properties (including but not limited to properties owned by the Council or Sovereign) may be identified from time to time and the parties will decide whether to pursue the acquisition and development of those properties on a case by case basis in accordance with the documents referred to in paragraph 2.
- 1.5. These heads of terms represent the commercial agreement of the parties at the current stage of negotiations.

2. DOCUMENTATION

- 2.1. The joint venture will be based around the following principal documentation:
 - 2.1.1. overarching strategic land agreement (**OSLA**)
 - 2.1.2. limited liability partnership members' agreement (**Members' Agreement**)
 - 2.1.3. [funding agreements]
 - 2.1.4. development management agreement (**DMA**)
 - 2.1.5. asset management agreement (**AMA**)
 - 2.1.6. residential management agreement (**RMA**)
 - 2.1.7. corporate and financial services agreement (**CFSA**)
- 2.2. In addition, the members will approve a Business Plan and financial model. Any material amendments to the Business Plan and/or financial model will require the approval of the LLP's members.

3. OVERARCHING STRATEGIC LAND AGREEMENT

3.1. Parties:

- 3.1.1. Council;
- 3.1.2. SWD [and/ or] [Sovereign]; and

3.1.3. LLP.

3.2. The OSLA will govern the arrangements between the Council and Sovereign as landowners and the LLP. This will allow the Council and Sovereign to establish a clear separation of duties and responsibilities when dealing with the LLP in their capacity as a landowner.

3.3. The OSLA will provide appropriate controls, protections and mechanisms for the timing of the drawdown of land from the Council and/or Sovereign into the LLP. The following controls, protections and mechanisms are envisaged:

3.3.1. the circumstances under which properties will be transferred into the LLP;

3.3.2. an option for the LLP to call down identified properties once the relevant property is vacant and/or one the planning consent is granted;

3.3.3. the obligations to be performed by each of the Council or Sovereign and the LLP in order to prepare and enable properties to be drawn down:

a) when a property is ready to be drawn down, the LLP will have a period of [] months within which to exercise a drawdown option and if the option is not exercised within this period it will lapse and the property will cease to be included in the OSLA;

b) all properties will be drawn down on the basis of either a lease or a freehold transfer which will be granted by the landowner to the LLP. Properties may not be drawn down for land banking but must be developed in accordance with the agreed Business Plan. The option preconditions will be framed so that at the time of draw down, a property must be ready for development in accordance with the Business Plan for that property;

3.3.4. the price to be paid for a property will be established (or verified) upon draw down on the basis of a pre-agreed appraisal and approval methodology including circumstances where less than market value consideration is to be provided;

3.3.5. preconditions for exercise of draw down option – any option to draw down a property will become exercisable by the LLP when the following have been achieved:

a) the LLP has adopted a Business Plan for the relevant property (which is consistent with the overarching LLP Business Plan) and includes an indicative development programme for the property;

b) the proposed development scheme satisfies a viability test in accordance with the overarching LLP Business Plan and there is a development appraisal adequately costed and verified in sufficient detail to support the viability test;

c) the project monitor or development manager has signed off a value for money certificate in respect of construction costs;

d) the project monitor or development manager has provided a report to the LLP on likely values and costs within specified parameters to support the development appraisal;

e) vacant possession can be obtained when needed (and/or arrangements for further decant are in place);

f) planning consent has where relevant been obtained by the LLP for the development (or first phase if a multi phased scheme). The assumption in respect of any Council property is that the costs of obtaining planning permission will be met by the LLP (funded 50:50 by the LLP's members) and the property will be valued and transferred with the benefit of planning permission;

g) funding has been agreed for the development (or first phase);

- h) any required amendments to the pro forma lease or transfer documentation for the relevant property have been approved by the landowner (acting reasonably); and
- i) any consents for disposal which have not already been obtained have been given.

3.3.6. Viability test – prior to exercising any draw down option, the LLP must be satisfied that development is viable in accordance with the Business Plan and financial model. Viability testing (and market analysis) will be on the basis of pre-agreed required levels for Internal Rate of Return (IRR) for development so that the viability test (and the resulting residual land value), is determined by external or objective market criteria. Elements such as construction costs and anticipated values must have been costed and verified in sufficient detail to ensure that the viability test is robust. This will in part be satisfied by the project monitor/development manager signing off or reporting on certain aspects of the proposed development, as set out above.

3.4. Separately, the Council may wish to obtain its own independent report to ensure it is satisfied that the resulting land value and "value for money" analysis meets the Council (as landowner)'s regulatory and constitutional requirements for land disposals.

4. MEMBERS' AGREEMENT

4.1. Parties:

4.1.1. Council;

4.1.2. [Sovereign] [SWD]¹; and LLP.

4.2. The parties will make the following funding available by way of [capital contributions] [debt] to the LLP²:

4.2.1. Council: £[] on the timetable provided at Schedule [];

4.2.2. [Sovereign] [SWD]: £[] on the timetable provided at Schedule [];

on the following terms:

4.2.3. []

4.3. On terms to be agreed between the members and the LLP and recorded in member loan agreements.

4.4. The parties will hold the following interests and voting rights in the LLP:

4.4.1. Council: [50]%

4.4.2. [Sovereign] [SWD]: [50]%

4.5. The Members' Agreement will govern the commercial terms of the joint venture and how the two parties will jointly run and fund the LLP.

4.6. The stated business of the LLP will be: [].

4.7. Strategic control over the operation of the LLP will be retained by the members through the right to:

4.7.1. approve the LLP business plan; and

4.7.2. make decisions on a unanimous basis in respect of those matters listed at schedule 1 (**reserved matters**).

¹ It was proposed by Sovereign to mitigate any risk associated with the question of whether the Council directly participate in LLP Sovereign's interest of 50% maybe shared between two entities. However in light of the Haringey ruling this is not necessary.

² Both capital and debt has been mentioned in our meetings but Council requires financial advice on how best to equitise the venture.

- 4.8. If a matter which would otherwise be a reserved matter is included in the Business Plan, then there is no requirement to obtain an additional approval in respect of that matter and the LLP has the authority to proceed and implement it. As a result, reserved matter approval should only be sought in respect of matters outside the Business Plan.
- 4.9. The parties will establish an LLP management board comprising of [six] individuals:
- 4.9.1. Sovereign appointees: [];
- 4.9.2. Council appointees: [].
- 4.10. One member of the board shall be appointed as chair for an annual term. The right to appoint the chair shall rotate between the parties and the Council shall make the first appointment. The chair will not have a casting vote.
- 4.11. The parties do not intend that a management board member will provide any goods or services to the LLP in a personal capacity. Accordingly, the LLP shall not remunerate any member of the management board and expenses shall only be paid in accordance with a policy approved from time to time.
- 4.12. The management board will have the task of delivering the business plan.
- 4.13. Each management board member shall have one vote on any matter unless he/she has a conflict of interests. A conflict of interests in this context means a personal conflict, a conflict between his/her appointing member (or member of its group) and the LLP (including under any contracts between them) or actual or alleged default of that member under the Members' Agreement. If at any point a conflict of interest arises, the conflicted member and its appointees to the management board member shall be excluded from the LLP's decision-making processes in respect of the matter giving rise to the conflict of interest.
- 4.14. Any deadlocked decision at management board level (arising by reason of the same number of votes cast for and against a resolution, or by reason of a lack of quorum) may be referred by any management board member to the members for resolution.
- 4.15. If at any point the members are unable to agree as to how the LLP should proceed in relation to a reserved matter or a matter referred to them by the management board, a deadlock shall have arisen and the following deadlock resolution procedure shall apply:
- 4.15.1. the matter shall be escalated within each member's organisation to [] for the Council and [] for Sovereign;
- 4.15.2. failing resolution it may be referred by either member to non-binding mediation; and
- 4.15.3. failing resolution through mediation, either member may give notice that the LLP should be independently valued and sealed bids made by each member for the other member's equity and debt interests in the LLP. In the event neither member makes a bid, the parties shall do all things necessary to approve a winding up of the LLP.
- 4.16. If a member suffers or commits a default event under the Members' Agreement (broadly, a change of control, un-remedied material or persistent breach or insolvency), the other member shall have the right, but not the obligation, to acquire the defaulting member's equity and debt interests in the LLP at 90% of the fair value of those interests as determined by an independent valuer.
- 4.17. A member may transfer its equity and debt interests in the LLP:
- 4.17.1. at any time, to another member of its group, provided the transferee has a sufficient financial covenant to meet its obligations under the Members' Agreement, and provided that there is a transfer back in the event the transferee leaves the group of the original member transferor;
- 4.17.2. at any time, with the prior written consent of the other member;
- 4.17.3. after an initial lock in period (equivalent to practical completion plus one year), to a third party but only after offering those interests to the other member on the same terms.

- 4.18. Any incoming third party shall be required to adhere to the terms of the Members' Agreement and the Business Plan then in force. In no circumstances shall a transfer of interests in the LLP be permitted where the transferee is an "unsuitable person" (broadly, a person with a material interest in the production, distribution or sale of tobacco, alcohol or pornography, any person whose activities are incompatible with the provision of housing services or services to the public sector in general, or any person who poses or could pose a threat to national security).
- 4.19. On the [seventh] anniversary of the Members' Agreement and on the expiry of each subsequent seven year period, the members will consider their continued relationship and each of them will have the following rights:
- 4.19.1. to call for the sale of the LLP's assets and its liquidation; and
 - 4.19.2. [alternative exit events].
5. DEVELOPMENT MANAGEMENT AGREEMENT
- 5.1. Development Management Agreement between the LLP and [Sovereign?] for the management of all development services (**DMA**).
- 5.2. The LLP will appoint [Sovereign?] pursuant to the DMA in a form to be agreed, but which will include the following key items:
- 5.2.1. a fee calculated on costs incurred basis (including costs of the Chief Executive, overheads, business rates, etc.) and as signed off by the project monitor, to be payable in accordance with the agreed relevant financial model;
 - 5.2.2. an agreed scope of service; and
 - 5.2.3. [other key terms to be determined including relationship with proposed project monitor role]
6. ASSET MANAGEMENT AGREEMENT & RESIDENTIAL MANAGEMENT AGREEMENT
- 6.1. The new homes will be managed by Sovereign or its subsidiary company who will provide both housing management and asset management services.
- 6.2. The LLP will appoint a housing and asset manager pursuant to a management agreement in a form to be agreed with:
- 6.2.1. an agreed scope of services and Key Performance Indicators (KPIs);
 - 6.2.2. a fee calculated on costs incurred basis and as signed off by the project monitor, to be payable being not less than [TBA] subject to [RPI][CPI] increase; and
 - 6.2.3. []
7. CORPORATE AND FINANCIAL SERVICES AGREEMENT
- 7.1. Corporate and Financial Services Agreement between the LLP and [] for company secretarial, tax and accounting services (**CFSA**);
- 7.2. The LLP will appoint a provider pursuant to a services agreement in a form to be agreed and following an open tender process against an agreed scope of services and KPIs, and including the following key items:
- 7.2.1. a fee calculated on costs incurred basis and as signed off by the project monitor, to be payable being not less than [£[] a month subject to [Retail Prices Index (RPI)] [Consumer Prices Index(CPI)] increase];
 - 7.2.2. an agreed scope of services; and
 - 7.2.3. []

These heads of terms are non - binding and subject to contract.

.....
Signed for and on behalf of Sovereign Date

.....
Signed for and on behalf of the Council Date

CONFIDENTIAL DRAFT

Schedule – Reserved Matters

Officers and members of the LLP

1. Agreeing the appointment and the appointment terms (including any remuneration terms), or the removal, of any management board member other than one appointed by Sovereign or the Council.
2. Approving the admission of further members to the LLP or agreeing any rights or restrictions attaching to any shares/equity allocated to such new members.
3. Agreeing or approving any increase in the maximum size of the management board.

Future direction and development of the LLP

4. Agreeing to enter into or entering into any debt facility or loan agreement other than the member loan agreements.
5. Forming any subsidiary or acquiring an interest in any other LLP or participating in any partnership or joint venture (incorporated or not).
6. Amalgamating or merging with any other LLP or business undertaking.
7. Selling or disposing of any part of the LLP.
8. Passing any resolution for its winding up or presenting any petition for its administration (unless it has become insolvent).
9. Apply for the listing or trading on any stock exchange or market.

Management of the business of the LLP

10. Changing the name of the LLP.
11. Adopting and/ or agreeing any material amendments or variations to a Business Plan.
12. Creating or agreeing to create a charge, security or encumbrance over the LLP's assets, interest or income.
13. Changing the nature of the business of the LLP or commencing any new business which is not ancillary or incidental to the business.
14. Agreeing to enter into or entering into any acquisition or disposal of any material assets by the LLP.
15. Giving notice of termination of any arrangements, contracts or transactions which are material in the nature of the business or materially varying any such arrangements, contracts or transactions.
16. [Appointing and changing the LLP's auditors].
17. Agree to make or making any loan (otherwise than by way of a deposit with a bank or other institution, the normal business of which includes the acceptance of deposits or in the ordinary course of business) or granting any credit (other than in the normal course of trading or giving any guarantee (other than in the normal course of trading) or indemnity outside the normal course of business.
18. Changing the accounting reference date of the LLP.
19. Accepting any capital contributions in the LLP.
20. Authorising the return of any capital contributed to the LLP to a member.
21. Allocating and distributing any profit of the LLP.

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West Berkshire Council
Council Offices
Market Street
Newbury
RG14 5LD

FAO: Gabrielle Esplin

02 May 2018

Dear Gabrielle

Tax Advice on the Proposed Joint Venture between West Berkshire Council and Sovereign Housing

Thank you for asking PSTAX and Wilkins Kennedy to provide tax advice to West Berkshire Council ('the Council') on its proposed Joint Venture ('JV') with Sovereign Housing ('Sovereign'). As per the Brief that the Council kindly provided, this advice note is limited to the tax implications of the general operation of the JV and does not extend to specific projects carried out within the JV.

Background

Please note, this section is reproduced from the Brief to provide some context to the advice note.

West Berkshire District Council and Sovereign Housing Association (via its development arm, Sovereign Westinghouse Development Ltd), wish to work together in partnership. They intend to establish a joint venture (JV) vehicle with the main aim of increasing the delivery of housing and in particular affordable housing in West Berkshire to meet the needs of the residents of West Berkshire.

These will include a mixture of affordable rent model and shared ownership homes. The joint venture may also provide some residential property for rent or sale at market rates and the activity may generate an income stream for the Council and Sovereign Housing, although the main aim remains to increase the supply of affordable housing.

The Council may transfer some of its own land assets to the LLP and may also provide capital funds to the partnership at market rates.

The model of partnership currently proposed is a Limited Liability Partnership (LLP) between the Council and Sovereign Housing. The Council currently proposes to enter into the partnership in its own right i.e. not via an arm's length company.

Costs of setting up the partnership

The costs incurred in setting up the partnership, including preliminary costs (ie those incurred prior to committing to the arrangements) will be borne by, and proper to, the parties individually. The partnership cannot, by definition, incur costs until it exists.

Any VAT on costs incurred by the Council in preparation for and prior to the formation of the JV will be fully recoverable. Should the Council incur a cost as part of the setting up process and seek to recharge all or part of that cost to Sovereign, this will be consideration for an onward supply and will be subject to VAT at the appropriate rate.

Limited Company v limited Liability Partnership

Corporation Tax

Limited Company - If the JV is set up as a limited company, all profits and capital gains made by the JV will be subject to corporation tax. The rate is currently 19% but is due to reduce to 17% from 1 April 2020.

The tax is due for payment nine months and one day after the end of the accounting period (e.g. for a 31 March 2018 year end, the tax would be payable on 1 January 2019). If taxable profits exceed £1.5m, the company will instead need to pay its tax by way of four equal quarterly instalments.

The company will need to file accounts with Companies House nine months after the year end (the first accounts will be due 21 months after the date of incorporation) and file a corporation tax return to HMRC twelve months after the year end. The profits after tax can be distributed to the shareholders as dividends – the Council would not be subject to tax on the dividends that it receives.

Limited Liability Partnership - It would be more tax efficient for the Council if an LLP was used for the JV. This is because an LLP is treated as being transparent for tax purposes which means that the partners themselves are taxed on their profit allocations and that the LLP pays no tax itself. This is obviously an advantage because any profits allocated to the Council will not be subject to tax as a result of the Council's tax exempt status.

An LLP does have to file accounts with Companies House (the deadlines are the same as for a limited company) and although it pays no tax, it does also have to file a tax return with HMRC. The tax return discloses the income and expenses for the year and records any adjustments that are required to arrive at the taxable profit, and then shows how this profit is split between the partners (the partners then disclose these profit shares on their own tax returns, if they are required to file them).

The tax return is due for filing by 31 January following the end of the tax year (for a 31 March 2018 year end, the tax return would be due by 31 January 2019). Any profits paid out to the Council (as drawings/distributions) will be tax free in the hands of the Council.

There are other forms of partnership that could be used (such as partnership or limited partnership) and the tax treatment would be the same as for an LLP.

Whichever of the structures is adopted for the JV it will be treated as a separate entity for VAT purposes, and normal VAT rules will apply.

Some key issues to be aware of in the difference between the VAT treatment of the JV (whether a company or an LLP) and that of the local authority are:

- JV cannot recover VAT on non-business activities
- JV can only recover VAT incurred in making exempt supplies where this is less than £7500 and less than 50% of VAT incurred.
- JV must complete a partial exemption calculation each time a VAT return is submitted and carry out an annual adjustment calculation
- JV can change a tax point by issuing a VAT invoice within 14 days of a taxable supply (limit is 60 days for a local authority).

General VAT implications

It is likely that the JV will be making a mixture of taxable supplies (new homes sold either outright or as shared ownership – zero rated) and exempt supplies (domestic rental or sale of pre-owned homes).

The zero-rated supplies will create a right (or an obligation if such supplies exceed the VAT registration threshold of £85,000 per annum¹) for the JV to be registered for VAT, which will allow VAT recovery on costs directly attributable to its taxable supplies, and an appropriate proportion of its overhead costs. There is generally no right to recover VAT on costs attributable to exempt supplies unless such VAT amounts to less than £7,500 per annum.

Transfer of Land to the JV

The transfer of land by the Council to the LLP under would be treated for VAT purposes in exactly the same way as the disposal to any other party. Having read the Draft Heads of Terms, we assume that all transfers will be for a consideration, whether or not this amounts to full market value.

The transfer would either be exempt from VAT (dwellings or un-opted commercial sites) or standard-rated (opted commercial sites). If the transfer is exempt from VAT the Council should consider the implications for its section 33 (partial exemption) calculation.

¹ As at April 2017

Where a site has been opted and VAT is charged, the JV might not be able to recover the VAT, so it will fall as a cost to the project.

The transfer will be subject to SDLT, but partnership relief will apply such that SDLT will not be due on the proportion that will continue to be owned by the Council within the partnership. For example if the Council transfers land to the LLP in which it has a 60% share, SDLT will only be due on the remaining 40%.

Capital Funding provided to the JV by the Council

We understand that the Council might provide capital funding to the JV at market rates. The interest received by the Council will be exempt from VAT and should be included in the section 33 (partial exemption) calculation, although associated VAT costs are not likely to be significant.

Services provided by the Council to the JV

Any services provided by the Council to the JV for a consideration will be subject to VAT at the usual rate. Again, VAT charged by the Council might be irrecoverable by the JV, so will fall as a cost of the project. In order to be fully tax deductible in the LLP tax return (this will affect the JV partner), the services will need to be provided at a commercial arm's length rate.

Services provided by the JV to the Council

Services provided by the JV to the Council for a consideration will be subject to VAT at the appropriate rate. The Council will be entitled to recover VAT that it is charged subject to the usual section 33 (partial exemption) provisions.

The Council's share of revenue generated by the JV

As stated above, an LLP is transparent for tax purposes and will not pay tax on its surpluses. The distribution of surpluses to the individual members is outside the scope of VAT, and each member is responsible for accounting for tax on its share.

As the Council is exempt from Corporation Tax, its share of the surpluses from the LLP will not be subject to tax.

The Council's share of any capital gains generated by the JV

As above, each member is responsible for accounting for tax on its share of the gain. The share of any capital gain received by the Council will not be subject to tax.

Alternative methods of raising capital finance

The Council can finance the LLP by providing capital contributions and/or loans. Any interest paid is usually treated as additional profit share rather than as a tax deductible expense of the LLP. As the Council is tax exempt there are not likely to be any tax implications arising from the decision to classify the investments as capital or loan. However, there may be legal/commercial implications and separate advice should be obtained in this regard.



I trust that I have set out the tax liabilities and implications clearly, but should you have any questions, please let me know.

Yours sincerely

A handwritten signature in blue ink, which appears to read 'Peter Gladdish', with a long horizontal flourish extending to the right.

Peter Gladdish
Managing Director and Head of Indirect Taxes
PSTAX

Tel: 07977 513735

Email: peter.gladdish@pstax.co.uk

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Appendix E

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Commissioning & Legal Services
Team:	Commissioning & Legal Services
Lead Officer:	June Graves/Shiraz Sheik
Title of Project/System:	Joint Venture with Sovereign Housing Association
Date of Assessment:	23.05.18

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Key Accountable Performance 2017/18: Quarter Four

Committee considering report:	Executive on 14 June 2018
Portfolio Member:	Councillor Rick Jones
Date Portfolio Member agreed report:	31 May 2018
Report Author:	Catalin Bogos
Forward Plan Ref:	EX3249

1. Purpose of the Report

- 1.1 To report quarter four outturns, for the Key Accountable Measures which monitor performance against the 2017/18 Council Performance Framework.
- 1.2 To provide assurance that the objectives set out in the Council Strategy and other areas of significant activity are being managed effectively.
- 1.3 To present, by exception, those measures that are RAG rated 'red' (targets not achieved) and provide information on any remedial action taken and the impact of that action.
- 1.4 To recommend changes to measures / targets, as requested by services.

2. Recommendations

- 2.1 To note progress against the Key Accountable Measures (KAM) and the key achievements in all services. Comparing to last year the same proportion of measures are RAG rated Green (against similar or more challenging targets than in 2016/17). In absolute terms, the results for the majority of the KAMs have further improved this year.
- 2.2 To review those areas reported as 'red' to ensure that appropriate action is in place. In particular, to consider the results and improvement actions for:
 - (a) Educational attainment of the Free School Meals and for disadvantaged pupils cohorts
 - (b) Older people and vulnerable adults' wellbeing
 - (c) Progress towards adopting the Local Plan and Minerals & Waste Local Plan
- 2.3 To agree a change in target from 'December 2019' to 'April 2020' for both measures, 'the submission of a New Local Plan for examination' and for 'the submission of a Minerals and Waste Plan for examination' (see Appendix F exception reports).

3. Implications

- 3.1 **Financial:** Financial implications relating to performance results (above or below targets) are highlighted and managed by each service.
- 3.2 **Policy:** Policy implications are highlighted and managed by each service accordingly.
- 3.3 **Personnel:** Personnel implications are highlighted and managed by each service accordingly.
- 3.4 **Legal:** Legal implications are highlighted and managed by each service accordingly.
- 3.5 **Risk Management:** Risk management implication are highlighted and managed by each service accordingly.
- 3.6 **Property:** Property implications are highlighted and managed by each service accordingly.
- 3.7 **Other:** There are no other known direct implications as a result of this report.

4. Other options considered

None.

Council Strategy 2015-2019: Performance Scorecard

Summary of Performance Quarter 4 2017/18

Council Strategy

Priorities for Improvement

RAG* Status

Core Business

Educational Attainment **A/R**

G Protecting our Children

Close the Attainment Gap **R**

G Bin Collection & Street Cleaning

Additional Affordable Housing** **A**

G Providing Benefits

Key Infrastructure Improvements **G/R**

G Collecting Council Tax & Business Rates

Safeguarding Children & Adults **G**

R/G Older People & Vulnerable Adults Wellbeing

Communities Help Themselves **G/A**

G/A Planning and Housing

More Effective Council **G/A**



Corporate Programme

RAG* Status

Service Transformation **G/A**

G Workforce Projects

New Investment and Income Opportunities **G**

G Other Programme Activity

Corporate Health

Net budget for 2017/18: **£117.4m**

Staff turnover (of 1,564 FTE)

year to date, not annualised

2017/18 Q1 forecast overspend: **£870k**

2.9% 2017/18 Q1 Staff Turnover

2017/18 Q2 forecast overspend: **£602k**

8.0% 2017/18 Q2 Staff Turnover

2017/18 Q3 forecast overspend: **£860k**

10.0% 2017/18 Q3 Staff Turnover

2017/18 Q4 provisional overspend: **£276k**

14.0% 2017/18 Q4 Staff Turnover



* RAG (Red, Amber, Green) performance measured over Strategy's lifetime for Priorities and against year end targets for Core Business and Corporate Programme.

** 412 affordable units already constructed plus 700 permissions granted for affordable housing.



Executive Summary

5. Introduction / Background

- 5.1 This report provides the Executive with a summary of the Council performance during quarter four 2017/18. Performance is shown against the priorities for improvement as set out in the Council Strategy, core business activity, progress with the Corporate Programme and the main corporate health indicators. The overall position is summarised in the Council Performance Scorecard.

6. Synopsis

- 6.1 In terms of priorities for improvement, good performance has been maintained for areas such as protecting children and vulnerable adults and most of the key infrastructure projects. Progress has been made to further improve education attainment but, as the other areas in the country have also made progress, West Berkshire's results remain in the top or second quartile nationally. Education attainment for disadvantaged pupils remains a challenge (bottom quartile). The highest annual number (171) of affordable homes completed over the last five years, was achieved but there are over 700 additional units with planning permission to be built by developers in order to deliver the ambitious Council priority of 1,000 affordable homes by 2020.

The 'More effective council' aim, reflects that a minority of measures/milestones have not achieved their targets (see exception reports Appendix F) and that the majority of the KAMs have further improved results compared to last year.

- 6.2 Good performance continued this quarter in relation to children's social care, waste recycling, and timeliness of planning applications' determination. Performance has further improved from last year for timeliness to decide on benefit claims, collection of Council Taxes and housing. Improvements have been achieved in relation to homelessness prevention and timeliness of decisions on benefit claimant's change in circumstances. Challenges remain relating to 'vulnerable adults and older people's wellbeing' (including the timeliness of reviews, delayed transfers of care, the outcome of the reablement services) due to the level and complexity of demand combined with the internal and external resources availability pressures.
- 6.3 In terms of the Corporate Programme, good progress is reported across the work streams; New Ways of Working made slower progress than expected but benchmarking and data analysis is now progressing.
- 6.4 High level corporate health indicators show that the net revenue expenditure in 2017/18 was £117.7m against a budget of £117.4m resulting in a provisional year end over spend of £276k or 0.23% of net budget. Staff turnover has improved compared to last year by two percentage points to 14%. (See Council Performance Scorecard).

7. Conclusion

- 7.1 The Council continues to perform well in most areas. Compared to last year, further improvements have been achieved for the majority of the KAM including in some activity domains scrutinised by the OSMC (e.g. timeliness to decide on benefit claims, collection of Council Taxes). In some areas improvement is evident even if

sometimes ambitious targets have not been met (e.g. education attainment). The Corporate Programme is reporting 'on track' across most areas of work even though there was slower progress with the New Ways of Working reviews. Resource management remains strong, whilst the provisional overspend is only 0.2% of the total revenue budget.

7.2 Most of the measures RAG rated Red have achieved results only slightly below targets, and are not of significant concern at this stage. Other areas for the Executive to review are:

- Educational attainment of the FSM and for disadvantaged pupils' cohorts – area already scrutinised in depth by OSMC in May 2017 and in April 2018 (the later, as part of the Social Mobility Report).
- Older people and vulnerable adults' wellbeing (timeliness or reviews, outcome of the reablement services) – most measures already scrutinised in depth by OSMC in October 2017.
- Progress towards adopting the Local Plan and Minerals & Waste Local Plan and the request to agree a new target of April 2020 for the milestone to submit the plan for examination for both of these pieces of work.

8. Appendices

8.1 Appendix A – Equalities Impact Assessment

8.2 Appendix B – Supporting Information

8.3 Appendix C – District Wide Health Check dashboard

8.4 Appendix D – Measures of Volume graphs

8.5 Appendix E – Key Accountable Measures by Strategic Priority

8.6 Appendix F – Exception Reports

8.7 Appendix G – Quarterly Requests for Reviews of Measures

8.8 Appendix H – Technical background and conventions used to report performance

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(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; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) 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) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) 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.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	To note performance levels achieved and to review any remedial actions proposed.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Catalin Bogos
Date of assessment:	17/11/2017

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To inform about progress in delivering the Council Strategy priorities and core business areas.
Objectives:	Decision making bodies are up to date about the progress to deliver the priorities and core business related objectives of the Council Strategy.
Outcomes:	Corporate Board and Executive to note performance levels and review the actions to address any under-performance.
Benefits:	All beneficiaries of the Council's services should indirectly benefit from better outcomes delivered as highlighted in the Council's Strategy.

2 Note which groups may be affected by the proposed decision. 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
Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision 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 Two 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:	
Timescale for Stage Two assessment:	

Name: Catalin Bogos

Date: 17/11/2017

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

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Key Accountable Performance 2017/18: Quarter Four – Supporting Information

1. Introduction/Background

This report provides the Executive with an update on the Council's performance for quarter 4 (Q4) of 2017/18. Reflecting the Council's Performance Management Framework (see Appendix H for the technical background and conventions), information is provided to cover the following areas:

- Any notable changes to the Measures of Volume;
- Delivery of the Council's Strategic priorities and core business areas of activity;
- Update on the progress being made with the Corporate Programme;
- An overview of the key Corporate Health Measures.

2. Supporting Information

2.1 Measures of Volume (contextual, non-targeted measures) – See Appendix C

2.1.1 Attached to this report is a summary dashboard showing a number of health of the District indicators (Appendix C). Although the Local economy indicators and some social care contextual measures are not within the Councils control, they do provide valuable information to the Council, partners and the residents as a whole about how the local economy is performing.

2.1.2 Notable changes to measures of volume, related to West Berkshire's Local Economy, are:

- The new measure for '*the number of properties subject to business rate*' shows an increasing trend over the last four quarters reaching a total of 5,546 business properties (187 more since the end of June 2017). '*The number of business premises that are empty*' followed an increasing trend too, since March 2017.
- The last two quarters reached levels higher than the quarterly values over the last two financial years (at 241 empty business properties Q4 result is 66% higher than Q4 of last year). Whilst 187 more properties are registered for business rates, 96 additional business properties are empty. The two measures of volume suggest that despite an increase in empty properties, the increase in registered properties subject to business rates is greater.
- Q3 (latest) result for the average house price (£354k) shows that the upward trend continued, even though at a lower rate compared to the increase in Q2 to £349k.

- The numbers of planning applications received during Q3 (confirmed) and Q4 (provisional) are the lowest over the last three financial years.

2.1.3 Notable changes in the local Social Care measures of volume for Q4 are:

- The increasing trend of total annual referrals to Children’s Services between 2015 and 2017 has been reversed. The result for the year ending March 2018 (1,540) is also 7% below the total referrals for 2016/17 (1,652).
- The number of child protection plans at 179 at the end of Q4 reached the highest quarterly level over the last three financial years. There is not an obvious reason for this and comparative data suggest that this trend is seen nationally. In contrast, the number of Looked After Children at the end of Q4 reached the second lowest level over the last three years.
- The number of adult safeguarding enquiries opened (113) was the highest quarterly level over the last three financial years (the previous record highest was 90 enquiries opened during Q4 of 2016/17). However, the annual total for 2017/18 (318) is similar to 2016/17 total (316) which reduced the increase year on year seen over the previous three years.
- Adult social care waiting lists at 497 for March 2018 has reduced by 20% compared to when it peaked at 621 in March 2017.

2.2 Performance by Council Strategy Priorities for Improvement (See Appendix E):

2.2.1 Improve Educational Attainment (RAG: Amber/Red)

- Education attainment results for 2017 show improvements in most areas but for Key Stages (KS) 2 and 4 that have not achieved the ambitious target of top quartile nationally given that the other local authorities achieved similar improvements. This makes the delivery of the priority to reach the aspirational 10% ranking nationally by 2020 more challenging.
 - Early Years Foundation Stage - The education attainment results for the 2016/17 academic year show that the target has been achieved for the % of pupils achieving a Good Level of Development at the end of Reception year (top quartile nationally).
 - KS2 expected standard for reading, writing and maths combined – West Berkshire results have improved in all three subjects and the combined result (62%) increased from 53% the previous year and is better than the national average of 61%. However, this places the Council in the second quartile nationally which is below the target of being amongst top 25% of councils nationally. (see Appendix F - exception report).
 - KS4 average attainment 8 score – West Berkshire’s result at 47.4 is well above the national average of 44.2 but has just fallen short of the top quartile position nationally. Actions have been taken to improve attainment. (see Appendix F - exception report).

- The % of schools judged ‘good’ or better by Ofsted has significantly improved from 80% at the end of March 2016 to 95%, exceeding the year end target of 90%.

2.2.2 Close the Educational Attainment Gap (RAG: RED)

- Results of the FSM and disadvantaged cohorts are impacted by a number of factors ranking the District third or bottom quartile nationally:
 - Early Years Foundation Stage Good Level of Development – performance of the Free School Meals (FSM) cohort for 2017 has declined placing West Berkshire in the 3rd quartile nationally against the target of top quartile. The very small number of pupils in this cohort in most of the primary schools impacts on the support that can be provided. Actions have been put in place to improve performance (see Appendix F - exception report).
 - KS2 (for 11 year olds) expected standard for reading, writing and maths combined – the factors described in paragraph 2.2.1 have had an impact on the performance of the disadvantaged pupils’ cohort. Despite West Berkshire’s improvement in performance of this cohort based on the previous year, greater progress has been made nationally by others, placing the District in the bottom quartile nationally.

Some of the actions being taken to improve this situation include regular monitoring visits to schools, headteachers peer support and the prioritisation of support according to risk and school performance. Some of the actions are already seeing improvements in results (see Appendix F - exception report).

- KS4 (for 16 year olds pupils) average attainment 8 score – Attainment of the disadvantaged pupils cohort followed the national trend but the District’s result is still bottom quartile nationally. The very small cohort numbers in the schools, a higher percentage of the cohort than nationally being double disadvantaged due to special educational needs or disability are factors identified as impacting on performance. Support is provided through the LA organised pupil premium network and concerns have been raised directly with the relevant schools and with the Regional Schools Commissioner in the case of academies. (see Appendix F - exception report).

2.2.3 Enable the Completion of Additional Affordable Housing (RAG: AMBER)

- The total number of affordable homes completions during 2017/18 at 171 units, exceeded the annual results of the previous two financial years but is below the target of 225 units. The number of units completed since the start of 2015/16 is 412 units which is below the expected trajectory set out in the Council Strategy priority to facilitate the completion of 1000 units by 2020 but planning permission was granted to over 700 additional units yet to be built by the development industry (see Appendix F - exception report).

- Contextual information shows that house prices in the District increased by 4.4% from £339,050 in December 2016 to £353,815 in December 2017.

2.2.4 Deliver or enable key infrastructure projects in relation to roads, rail, flood prevention, regeneration and the digital economy (RAG: GREEN/RED)

- All 17 flood prevention and drainage improvement schemes, listed in the capital programme for this year, have been completed. Schemes completed include: Winterbourne flood alleviation scheme; Station Road, Woolhampton surface water drainage improvements; Willow Close/Paddock Road, Newbury surface water drainage improvements and Compton Culvert replacement (enlargement of two culverts on the River Pang).
- Work is on track regarding the key infrastructure projects including the Market Street redevelopment (against revised target) and the Sterling Cables redevelopment. For Sterling Cables, the Council has been successful in securing £1.2m in funding as a result of a bid to central government for Marginal funding and thereby reducing the viability issues previously reported.
- London Road Industrial Estate project work is delayed due to ongoing court action. (see Appendix F - exception report).
- Work is on schedule for increasing the number of West Berkshire properties connected to reach the revised target of 96.6% of properties by December 2018. Once this project is completed it is expected that West Berkshire will become one of the best superfast broadband connected areas in the UK.

2.2.5 Good at Safeguarding Children and Vulnerable Adults (RAG: GREEN)

- Good outcomes of Ofsted inspection of Children's Services and of CQC inspection of regulated adult social care services have already been detailed in previous quarterly performance reports and there are no changes this quarter.
- The reported timeliness of responding to adult safeguarding concerns has improved and exceeded the target during last two quarters. However, the cumulative, annual target was not met due to lower performance levels for the first two quarters of this year. The improvements achieved since Q3 are due to actions taken by the service, including the change to the new recording system (Care Director), management and operational level work to improve practice, processes and activity recording. (See Appendix F - exception report).
- Provisional adult social care users' survey data (86.7%) show performance better than target (85%) for % of respondents reporting that the services have made them feel safe and secure.

2.2.6 Support Communities to do More to Help Themselves (RAG: GREEN/AMBER) - Progress has continued on a number of work streams that are part of this priority:

- **Community conversations:** From the beginning of the financial year, the total number of community conversation undertaken is 15 which exceeds the

year end target of 10 community conversations. During Q4 community conversations were held at Bucklebury and Lambourn School with their Year 5 and 6 pupils. The following question was asked 'what is it like living in your community'.

67% (10/15) of identified communities have agreed what actions will be undertaken to address locally identified needs which is below the 100% target. 2017/18 was the first year when a target on actions following community conversation was established. It is now clear that, as the purpose of having community led conversation is for each community to decide if and what actions are going to be progressed, the Building Communities Together Team has limited direct control on achieving such a target (See Appendix E - exception report).

- **The devolution agenda:** The Executive agreed devolution deals with both Hungerford Town Council and Thatcham Town Council. The Hungerford Library building will be transferred to Hungerford Town Council with the library continuing to operate out of this building. Three playgrounds/open spaces have also been devolved to Thatcham Town Council.

2.3 Performance by Council Strategy's core business areas:

2.3.1 Protecting our children

- Further improvements have been achieved on the already good levels of performance from 2016/17 for the timeliness of single assessments (98.3% within timescales versus 95% target) and for placement stability of LAC (only 3.5% of cases with three or more placement moves this year versus a maximum 10% target).
- The average number of weeks to conclude care proceedings has maintained the slightly improved results achieved in quarter 3 (from 35 to 32 weeks) but remains higher than the national target of maximum 26 weeks. As previously reported, the delays are not attributable to Local Authority case planning. Work will continue with the judiciary to reduce the timescales, where possible. (see Appendix F exception report for details).

2.3.2 Bin collection and street cleaning

- The estimated result for the household waste recycled, composted, reused or recovered at 83.2% has further improved from previous year 82.5% and exceeded the year end target of 80%.
- Better performance (rating of 'good') is estimated against the target (rating 'satisfactory') in relation to maintaining an acceptable level of litter, detritus and graffiti.

2.3.3 Providing benefits

- Good performance levels achieved since quarter 2 for the timeliness of making decisions on new benefit claims measures has been sustained and the year end result (19.5 days average) was better than the target of 20 days and better than the previous year's 22.7 days.

- The improving trend for the ‘timeliness of making decisions on changes in a benefit claimant’s circumstances’ has continued and the result at quarter 4 (average 6.23 days) is better than the target for the end of year (less than 9 days) and better than the previous year’s 8.7 days. This was an area highlighted by the Executive and scrutinised in greater detail by the OSMC (Overview and Scrutiny Management Commission) at quarter one.

2.3.4 Collecting Council Tax and Business rates

- Good performance was achieved by the Revenues and Benefits service regarding ‘in year’ collection of Council Tax and Business rates. This was another area that was scrutinised by the OSMC.

2.3.5 Wellbeing of older people and vulnerable adults

- Performance better than target (97%) is reported for the timeliness to undertake financial assessments referred to the Financial Assessment & Charging team (Q4 result 99.7%).
- Performance for ‘the reduction of the number of bed days due to delayed transfer of care (DTC, new measure) has improved (provisional result: 573 bed days) compared to the end of the previous year (808 bed days) but has not achieved the target (446 bed days) for the end of Q4. Factors impacting on performance include the high volume of referrals, limited capacity in the care at home providers’ market and challenges to find suitable placements to support complex users’ mental health needs. (see Appendix F – exception report).
- The proportion of older people still at home 91 days after discharge from hospital into reablement services is based on low numbers which results in a higher level of volatility of quarterly results. Following better than target performance for the first three quarters of the year, Q4 result (80.5%) was below target (83%). The complexity of service users’ needs and the impact of DTC are also factors considered as impacting on performance and will be considered as part of the LGA peer review.
- The timeliness of reviews of adult social care clients with a long term service, has been scrutinised by the OSMC at quarter 1. A number of actions put in place to address underperformance has resulted in improved results, from 65.1% in quarter 1 to 71.4 for quarter 2 and 72.8% in quarter 3. However, these improvements combined with other factors, such as the service not being able to retain the additional specialist staffing resource, have not been sufficient to ensure that the end of year target of 75% was met - actual end of year result 69% (see Appendix F – exception report).

2.3.6 Planning and housing

- The timeliness of determining planning applications (major, minor and other) and the timeliness of approving Disabled Facilities Grant’s achieved performance results better than their targets.
- The activities to submit the New Local Plan for examination are reported ‘behind schedule’ against the target of December 2019. Similarly, it is

estimated that the submission of the Minerals and Waste Local plan is 'behind schedule' against the due date (December 2019) for submitting it to the Secretary of State for examination. A new target of April 2020 was proposed by the service for both measures (see Appendix F - exception report).

- Homelessness has been relieved or prevented in 76.9% of cases by the end of quarter 4 which is an improvement from previous quarters and achieved the end of year target. The circumstances for quarter 1 performance below target have been considered in more details at OSMC.

2.4 Corporate Programme's performance - part of the Overarching aim: Become a More Effective Council

2.4.1 Corporate Programme Board is monitoring a range of initiatives that support the aim of becoming a more effective council. The key updates for quarter three relating to these initiatives are:

- **Service Transformation** – During 2017/18 the Financial Challenge Review process was initiated and completed a first phase of work to identify ways in which the £4.5m funding gap in the Council's finances to 2019/20 could be closed. Approximately, £1.5m of savings was identified for 2018/19. Further work has begun for future years and a methodology for achieving this has been developed.

The New Ways of Working reviews for Development & Planning and Education Services began, although progress was limited by the requirement to focus on the Financial Challenge reviews. SWOT analyses were carried out, with the views of staff, management and elected members being captured. Detailed data analysis and benchmarking for these services began which will continue into the new municipal year.

Work on digitising bookings, courses, payments, virtual meetings and case management has continued. There has been and remains some overlap between this work and the waste savings project, which has been developing specific actions to realise anticipated savings of £3m.

- **New Investment and Income Opportunities** – A process has been established to allow the Property team to identify suitable property investments to recommend to Property Investment Board. This activity has now become business as usual.

A project team has been and continues to be exploring the business case for purchasing general residential accommodation to prevent people becoming homeless, and initial work has been begun on a joint venture with Sovereign Housing to pursue this aim.

Arising from the Financial Challenge Reviews, a working group was established to coordinate the Council's commercialisation activity. The work of the group will continue into 2018/19.

The Steering Group examining the opportunities arising from and the approach towards trading with schools and academies, had its work

significantly informed by the actions arising from the Financial Challenge process.

- **Workforce Projects** – Changes to the staff car leasing scheme were effected during 2017/18.

Work continued to ensure compliance with and maximise the opportunities arising from the introduction of the Apprenticeship Levy. This activity has now become business as usual.

General Data Protection Regulations (GDPR) compliance work across the Council was carried out. GDPR will become effective in May 2018 and the authority is well on track to meet its statutory requirements.

- **Other Programme Activity** – The Programme Office has monitored a range of projects dealing with matters such as SEND Ofsted preparation, demand management, the Sandleford and Grazeley developments and infrastructure improvement.

2.4.2 Under the aim of ‘A more effective council’, an analysis of the basket of the Key Accountable Measures used to monitor the delivery of the Council Strategy 2015-2019, indicates that 62.5% (25/40) of them were RAG rated Green and 37.5% (15/40) Red compared to 64% (25/39) Green and 36% (14/39) Red for quarter four 2016/17. The targets for 2017/18 were at least the same or more challenging than for the previous year for the majority of the measures which suggests that improvements have been achieved in the overall level of performance.

2.4.3 An analysis of the absolute results achieved in 2017/18 compared to 2016/17 shows that for the majority (65% or 24/37) of the key accountable measures results have further improved.

2.5 Corporate Health Measures (see Council Performance Scorecard).

The Corporate Health Measures, which are applicable for all services, focus on human resources measures which are useful from a management perspective. The net revenue expenditure in 2017/18 was £117.7m against a budget of £117.4m resulting in a provisional year end over spend of £276k or 0.23% of net budget. The staff turnover is now at 14% compared to 16% for the previous year.

3. Conclusion

3.1 The end of year results show that performance levels have been maintained at good levels on most of the areas and some have achieved further improvements. Of the remaining measures, some of the results are better than national averages but still RAG rated Red against very challenging local targets. Comparing with previous year, the results achieved for the majority of the key accountable measures have further improved.

3.2 Improvements or maintaining high performance have been achieved in the following areas:

- Infrastructure improvements – on schedule progress with key redevelopments (Sterling Cables and, against revised target, Market Street,), with good performance for the status of the principal road network (A roads) and the progress (against revised target) for the coverage of the Superfast Broadband availability.
- Good at Safeguarding children and adults – good outcomes following service inspections by Ofsted and CQC have been maintained.
- Supporting communities – the number of expected community conversations delivered has been exceeded.
- Protecting our children – high performance was maintained for the timeliness of assessments, placement stability;
- Bin collection and street cleaning – levels of recycling have further improved and local environment's cleanliness was maintained to 'good'.
- Timeliness of decisions on benefit claims – good performance was achieved for new claims' and for changes in circumstances' timeliness of response. This was an area scrutinised by OSMC at the beginning of the financial year.
- Collecting Council Tax and Business Rates – achieved the end of year targets.
- Planning and housing – exceeding targets relating to the timeliness of determining planning applications, timeliness of approving Disabled Facilities Grants and homelessness prevention/alleviation (OSMC has considered homelessness area in detail earlier in the year).

3.3 An analysis of the measures RAG rated Red, shows that actions have been implemented to improve performance, which in many of the cases were just below the targets/thresholds originally set:

- Education attainment – improvements have been achieved at KS2 and KS4 and results above the national averages but short of the local target of achieving top quartile this year.
- Timeliness to respond to adult safeguarding concerns – good improvements have been made (due to change in practice and processes) in the second part of the financial years but the end of year results were impacted by performance in the earlier part of the year.
- Timeliness to conclude care proceedings – performance has improved but still remains below target. The delays are not attributable to the Local Authority. Work with the judiciary to reduce timescales continues.
- London Road Industrial Estate – to note ongoing dependencies on court action.
- Enable the completion of affordable housing – improvements are evident compared to previous years. In terms of the actual units built, the annual result was still short of the required annual levels to achieve the priority within timescales as development industry is yet to build over 700 units for which

planning permission was granted (see Appendix F - exception report). This area has been scrutinised in depth during 2017/18.

3.4 Based on the analysis of the available information at Corporate Board, it is proposed that the following measures RAG rated Red are considered by the Executive for further scrutiny:

- Educational attainment of the FSM and for disadvantaged pupils’ cohorts – a number of factors including the very low cohorts in some of the schools and, as a result, the level of their engagement in improvement and support activities meant that West Berkshire results are bottom quartile nationally. This has been looked at in depth via the social mobility report at OSMC in April 2018.
- Older people and vulnerable adults’ wellbeing – performance for most of the measures for this core business area (timeliness of reviews of clients with a Long Term Adult Social Care Service, % of people still at home after 91 days from discharge from hospital) has been impacted by factors such as the complexity of the needs of the service users, availability of internal resources or within the home care providers market, volatility of size and circumstances of the cohort.
- Local plan and Mineral & Waste Local plans are reported as behind schedule – amended targets are proposed by the Service (see Appendix F - exception report).

Background Papers:

Council Strategy 2015-2019 (refreshed March 2016)

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

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**

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by providing evidence on progress and inform any additional or remedial actions.

Officer details:

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District Wide Health Check Q4 2017/18

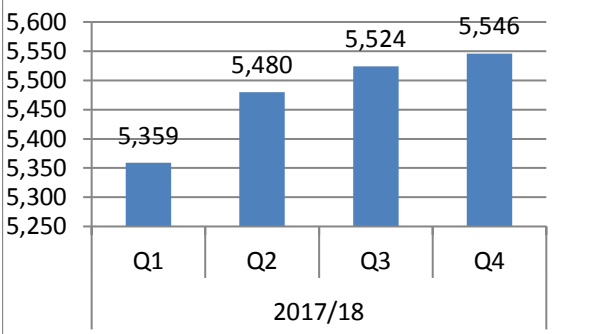


Arrows indicate direction of travel (DoT) latest quarter versus same period last year unless otherwise stated.
Values between brackets are the actual values for the quarter.

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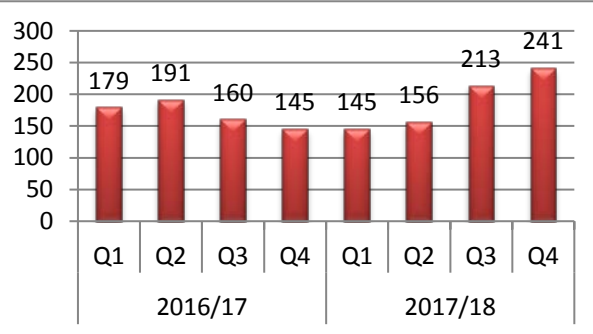
Local Economy

No of properties which are subject to business rates New MoV for Q4



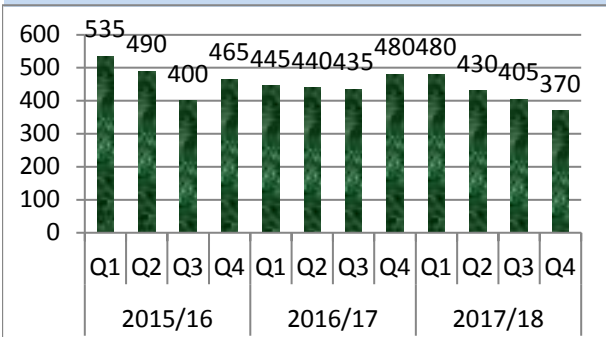
Business rates are charged on most non-domestic properties e.g. Shops, offices and pubs

No. of empty business premises QvQ 66.2%

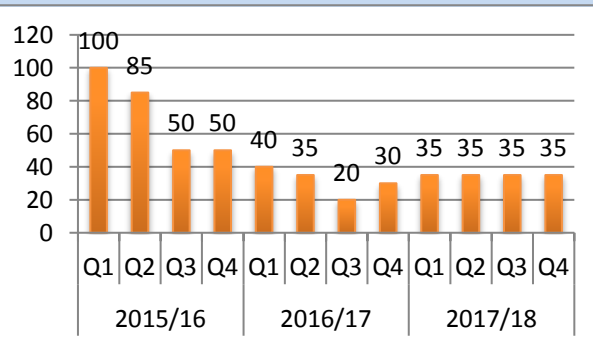


Business rates are charged on most non-domestic properties e.g. Shops, offices and pubs

Jobseeker's Allowance count (16-64) QvQ -22.9%

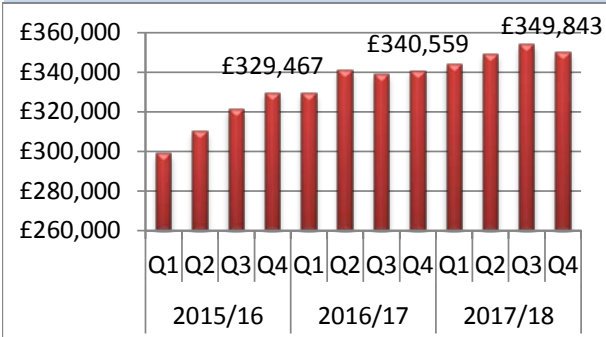


Jobseeker's Allowance count (16-24) QvQ 16.7%



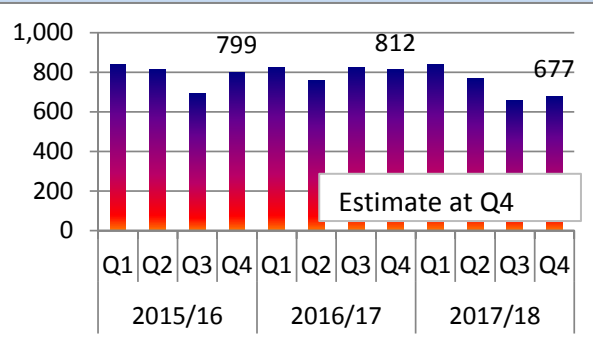
Usually reported for last month in the quarter, however only February data is currently available. Number of people claiming Jobseeker's Allowance (JSA). This is paid to help people who are unemployed or on a low income that are out there looking for a job.

Average house price (£k) QvQ 2.7%



Data for 2017/18 has been updated at Q4 to reflect changes in the data published by the land registry. Q4 figure is for January only as February and March data is unavailable. (Quarterly average for all property types published by the Land Registry)

Planning applications received QvQ -17%

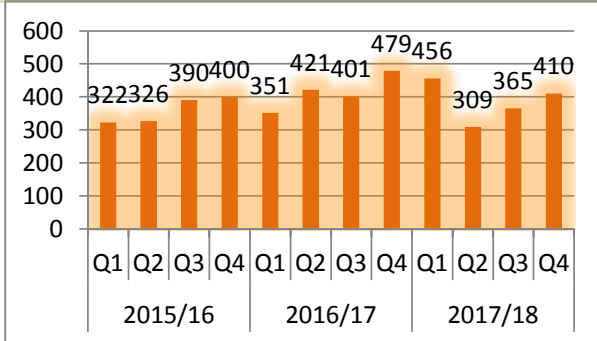


Q3 result has been amended. Q4 is an estimate and will be updated at Q1. The total number of applications received by Planning, either by post or via the planning portal

Social Care

Referrals to Children & Family Services

QvQ
-14%

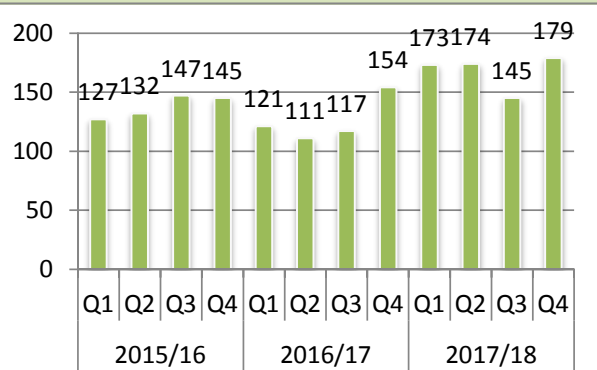


ASC new enquiries

Unable to provide Q4 data until final year end statutory reporting is completed to ensure this aligns. The transition to CareDirector has meant that data sources from both RAISE and CD need to be merged which is a complex process. No comparison can be made with data prior to Q3.

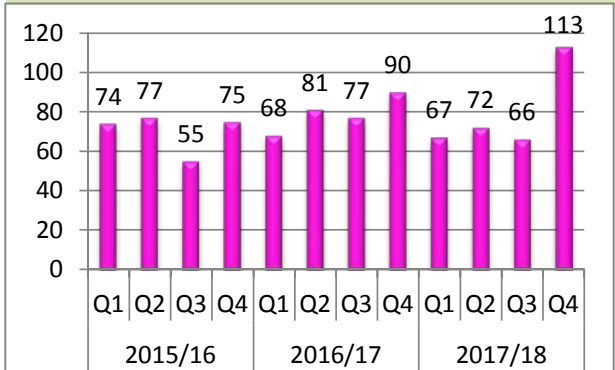
Child protection Plans

QvQ
16%

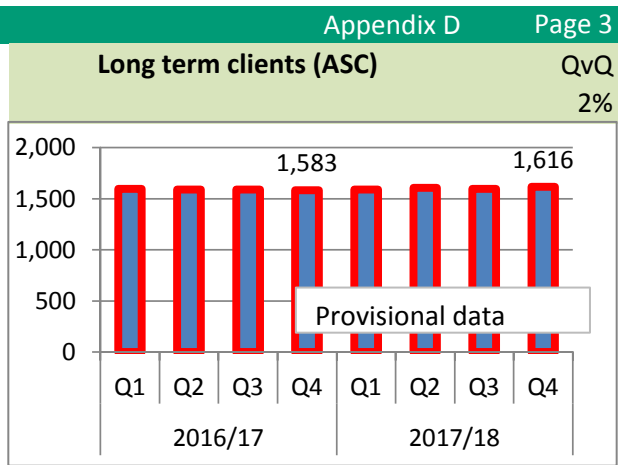
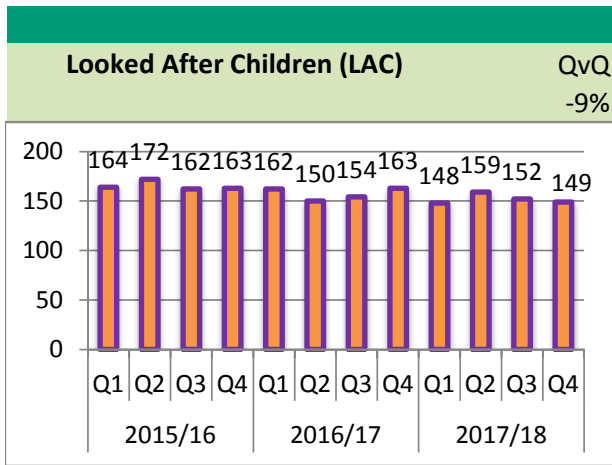


Adult safeguarding enquiries opened

QvQ
26%



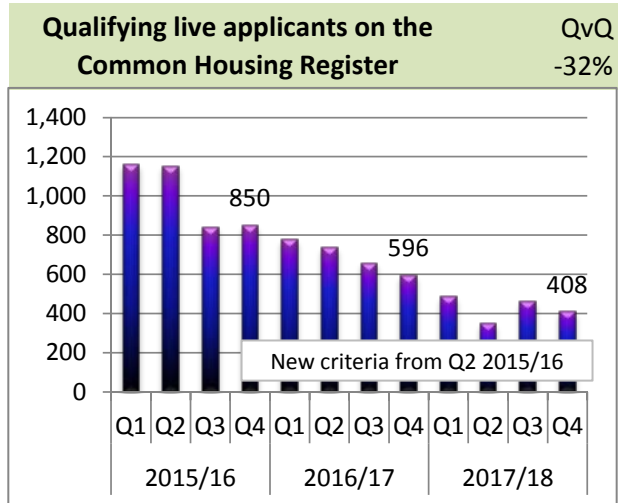
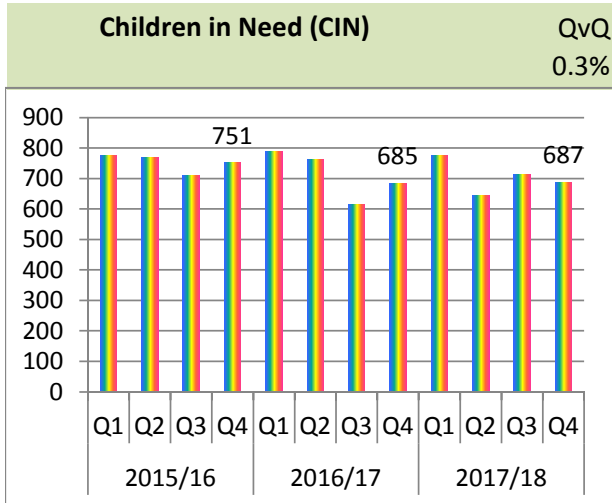
Provisional, may change following statutory



Provisional data - Reported as snapshot, not year to date.

Data before 2016/17 has not been provided as it is not comparable due to the implementation of the Care Act, where we reviewed work flow with the previously joint MH team. This identified a cohort of clients that previously were captured as receiving 'long term professional support'. A decision was made post April 2015 that their support was primarily health focused, they would not be reviewed under Care Act eligibility and were closed.

Social Care



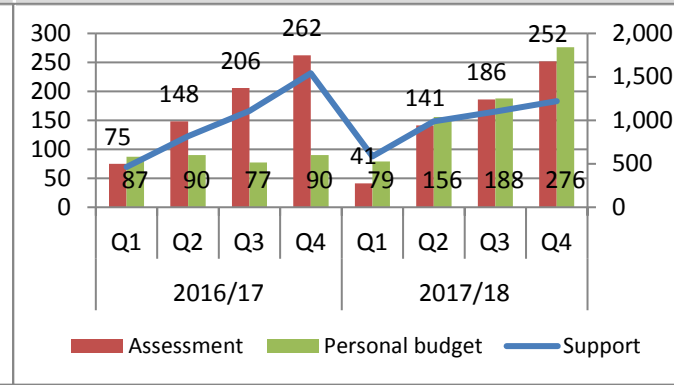
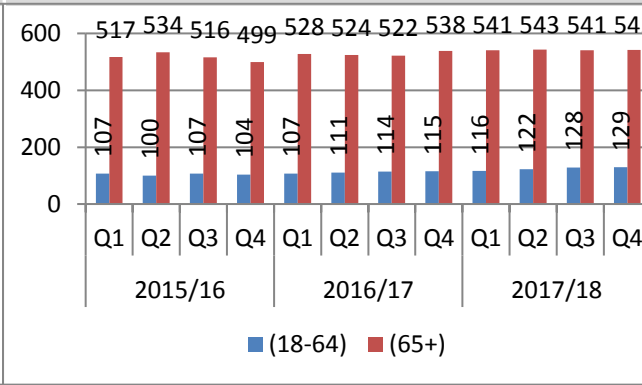
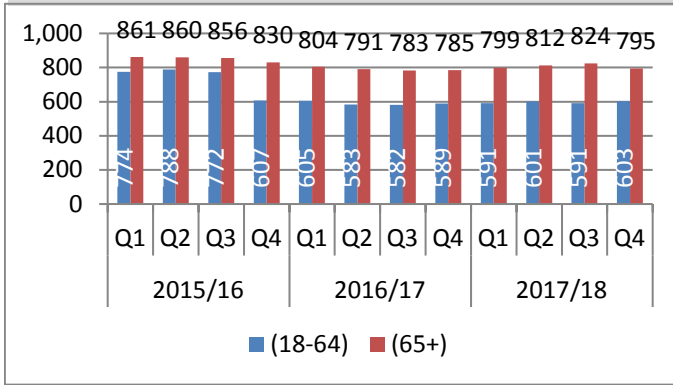
Key Accountable Measures of Volume 2017/18 by Service (current qtr v. same qtr last year)

Appendix D

1. ASC: No. of clients aged 18-64 or 65+ in the last 12 months in receipt of a Long Term community service (Homecare/ Day care / Personal Budget cash payment/ Community support / Extra Care Housing)

2. ASC: No. of clients aged 18-64 or 65+ in the last 12 months in receipt of a Long Term Service (LTS) residential/nursing care

3. ASC: No. of Carers receiving an assessment against eligibility criteria/support during the year/personal budget



Provisional data
Rolling 12 months

Provisional data
Rolling 12 months

YTD figures (1st Apr - 4th Sep from Raise [128] + 4th Sep - 31st Mar from CD [124])

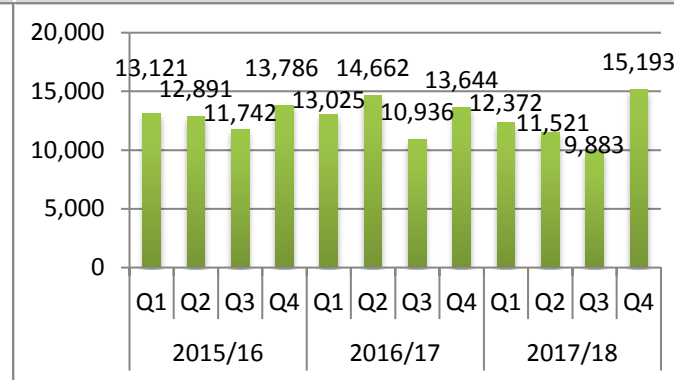
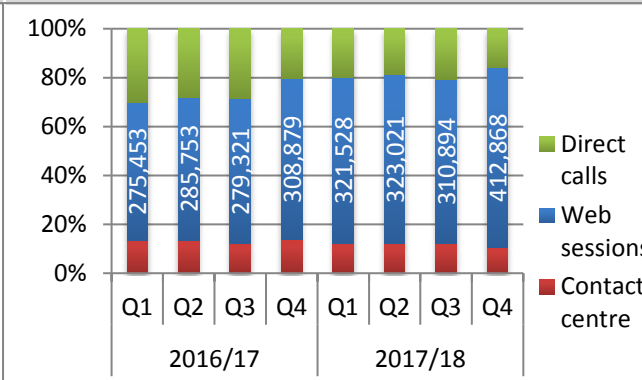
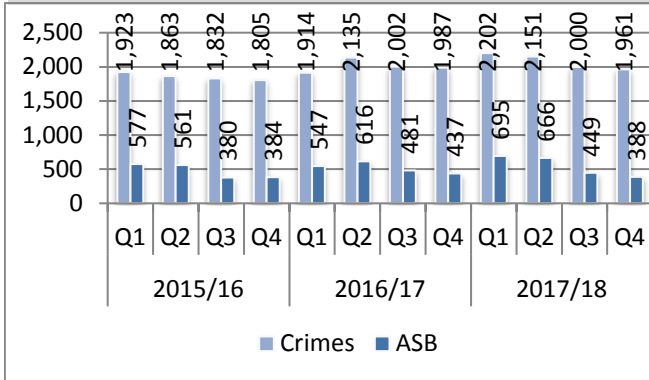
4. BCT: No of all crimes and anti-social behaviour (ASB) incidents reported to Thames Valley Police

QvQ
Crime: - 1.3%
ASB: - 11.2%

5. CS&ICT/SS: Direct calls, Contact Centre calls and Individual website sessions

6. CS&ICT: No. of Streetcare enquiries (received directly through Contact Centre & 11.4% online fault reporting) (Total)

QvQ: 11.4%



From Q2 individual sessions on Planning's Public Access site have been included.

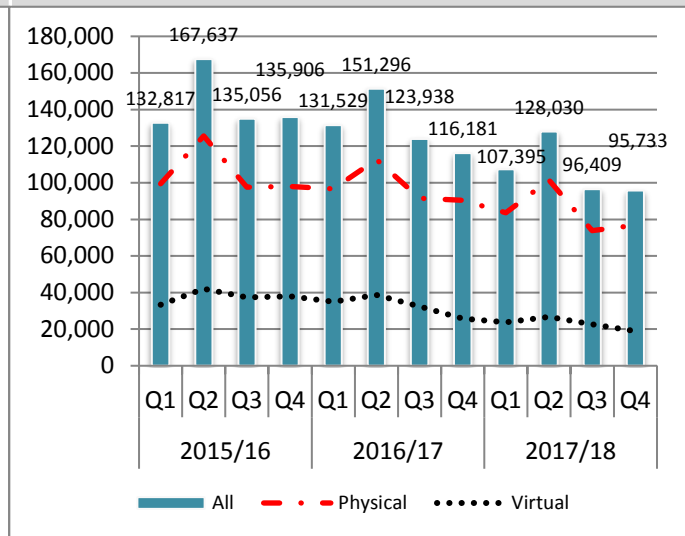
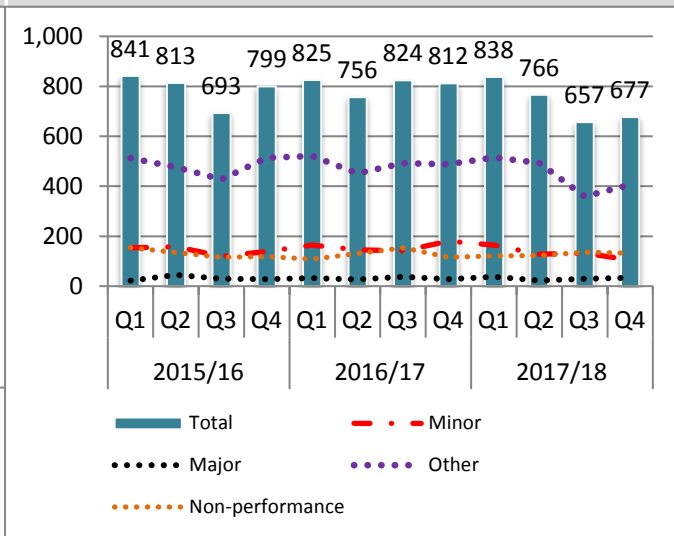
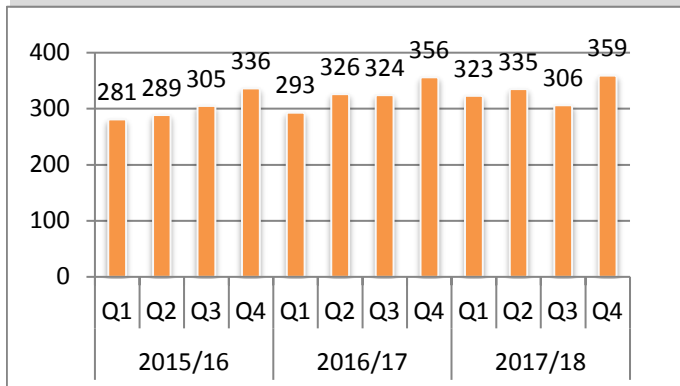
Key Accountable Measures of Volume 2017/18 by Service (current qtr v. same qtr last year)

Appendix D

7. SS: No. of Freedom of Information requests received QvQ: 0.8%

8. D&P: Number of planning applications received (Total) QvQ: -16.6%

9. PP&C: Number of visits to libraries, including the Mobile and 'At Home' Service (Total) QvQ: -17.6%

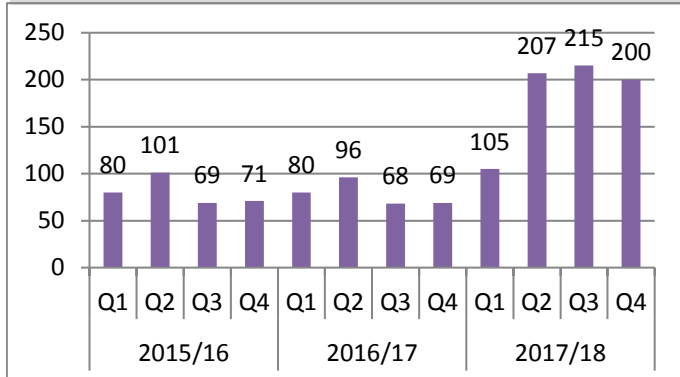


Q3 result has been amended. Q4 is an estimate and will be updated at Q1.
The total number of applications received by Planning, either by post or via the planning portal

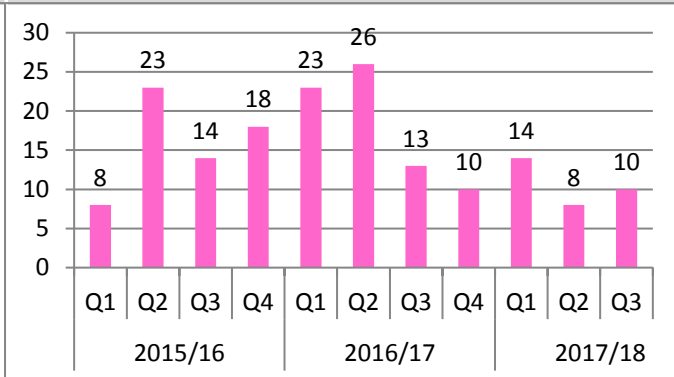
Libraries are experiencing a year of major change as we implement the 44% reduction in service agreed by members last March. Phase 1 of the project (April to December 2017) focused on implementing the operational changes including the recruitment and training of over 200 volunteers. Phase 2 (January 2018 onwards) focuses on increasing library usage through marketing, business development, events and activities.

Key Accountable Measures of Volume 2017/18 by Service (current qtr v. same qtr last year) Appendix D

10. PP&C: Number of volunteers across libraries, including the Mobile and 'At Home' Service
 QvQ: 189.9%

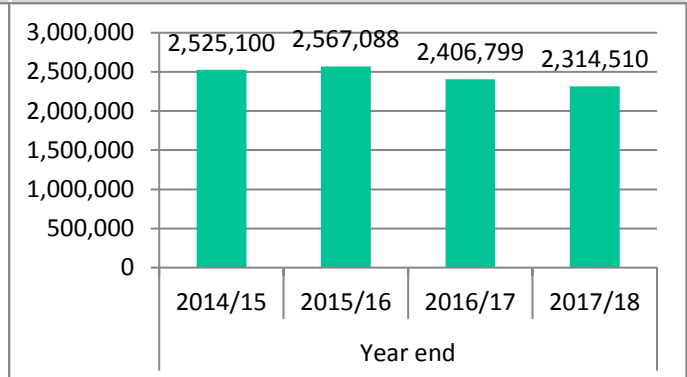


11. T&C: Number of people killed or seriously injured on roads in West Berkshire (incl Highway Agency roads)
 Q3vQ3: -23.1%



Reported quarterly in arrears
 Q1 and Q2 results updated

12. T&C: Number of bus passenger journeys commencing in West Berkshire
 YrvYr: -3.8%



This is a drop of 92k since 2016/17 (3.8%), with most services across West Berkshire seeing a fall in passenger numbers.

Strategic Priority: BEC1 - Improve educational attainment

BEC1kt1 Continue to develop our work with schools to improve outcomes for all children and young people.

FINANCIAL YEAR				Historical outturns										Q4 Comment
Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17	YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	
BEC1kt6EY1	Educ	% of schools judged good or better by Ofsted under the new Framework (harder test)	Elaine Ricks	(68 / 82) 76.8%	local	75%	★ 87%	local	90%	★ 90.2%	★ 95.1%	★ 93.8%	★ 95.1%	Ofsted did not inspect any west Berkshire schools during Q3. De-designated schools have been excluded from the calculation. Schools are de-designated when they become sponsored academies and will be included in the calculations once they have been inspected.

ACADEMIC YEAR

				Historical outturns									
Ref	Service	Title	Responsible Officer	Year end 2014/15	National rank/Quartile 2014/15	Target 2015/16	RAG/Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	Year end 2016/17	National rank/Quartile 2016/17	Comment	
BEC1kt0EAY00	Educ	% pupils achieving a Good Level of Development (GLD) at Foundation Stage (EYFS)	Avril Allenby	71%	1st	Top 25%	- 75%	1st	Top 25%	★ Top 25%	Rank 13/152 (76%) 1st	Top 25% Rank 13/152 76% of children achieved a good level of development	
BEC1kt1EAY2	Educ	At KS4, the average attainment 8 score is in the top 25% of English Local Authorities	Elaine Ricks	-	-	Baseline	- Top 25% (51 points)	Rank 38/152 1st	Top 25%	■ Top 50% Rank 47/152 (47.4 points)	Rank 47/152 (47 points) 2nd	See exception report for details	
BEC1kt1EAY3	Educ	At KS2, the percentage achieving the expected standard is in the top 25% in England for reading, writing and maths combined	Elaine Ricks	-	-	Top 25%	■ Top 50% (56%)	Rank 50/152 2nd	Top 25%	■ Top 50% Rank 65/152 (62%)	Rank 65/152 (62%) 2nd	See exception report for details	

Strategic Priority: BEC2 - Close the educational attainment gap

BEC2kt1 Our disadvantaged children will have better results and will be closer to the results of other children

ACADEMIC YEAR				Historical outturns									
Ref	Service	Title	Responsible Officer	Year end 2014/15	National rank/Quartile 2014/15	Target 2015/16	RAG/Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	Year end 2016/17	National rank/Quartile 2016/17	Comment	
BEC2kt0EAY18	Educ	% pupils eligible for Free School Meals (FSM) achieving a Good Level of Development (GLD) at Foundation Stage (EYFS)	Avril Allenby	45%	4th	Top 25%	■ 57%	Rank 38/152 2nd	Top 25%	■ Top 75% Rank 99/152 (53%)	Rank 99/152 (53%) 3rd	See exception report for details	
BEC2kt1EAY11	Educ	To improve on 2015/16 Academic year rankings for reading, writing and maths combined expected standard for disadvantaged pupils in KS2 in 2016/17 Academic Year	Elaine Ricks	-	-	Baseline	- Rank 122/152 (33%)	4th	To rank higher than 122/152	■ Rank 148/152 (35%) 4th quartile	Rank 148/152 (35%) 4th	See exception report for details	
BEC2kt1EAY12	Educ	To improve on 2015/16 rankings for attainment 8 for disadvantaged pupils in KS4 in 2016/17 Academic Year	Elaine Ricks	-	-	Baseline	- Rank 100/152 (39.5 points)	3rd	To rank higher than 100/152	■ Rank 112/152 (34.5 points) 4th quartile	Rank 112/152 (35 points) 4th	See exception report for details	

Strategic Priority: SLE1 - Enable the completion of more affordable housing														
SLE1kt1 Pursue options to accelerate the delivery of affordable housing in the district														
Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
						Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17						
SLE1kt1D&P1	D&P	To enable the completion of 1,000 affordable homes in the 2015-2020 period	Bryan Lyttle	158	local	-	83	local	225 (17/18)	⊕ Annual - Q4	⊕ Annual - Q4	⊕ Annual - Q4	◆ 171	See exception report for details
Strategic Priority: SLE2 - Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy														
SLE2kt1 Invest £17m in our roads.														
Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
						Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17						
SLE2kt1t&c1	T&C	% of the principal road network (A roads) in need of repair	Andrew Reynolds	2%	14/149 1st	5%	★ 3%	47/150 2nd	5%	⊕ Annual - Q4	⊕ Annual - Q4	⊕ Annual - Q4	★ 3%	
SLE2kt2 Seek to develop new partnerships with the private sector and local communities to enhance local infrastructure.														
SLE2kt2ce o1	CEO	Market Street Redevelopment for 17/18: start on site (Milestone 2)	Nick Carter	Complete	-	Dec-16	★ Rescheduled for Jan 2018	local	*July-18	★ On track	■ Delayed	★ On track	★ On track	*Service request in Q2 was granted to change target from March 2018 to July 2018 for the initial phase of relocating the bus station to the wharf. On track to be delivered in July 2018
SLE2kt2ce o2	CEO	Redevelop London Road Industrial Estate (LRIER) with St. Modwen Plc Business plan created and approved (Milestone 1)	Nick Carter	Complete	-	Apr-17	■ Delayed	local	tbc dependent on court	■ Delayed	■ Delayed	■ Delayed	■ Delayed	See exception report for details
SLE2kt2ce o4	CEO	Sterling Cables - Clear site and begin development	Nick Carter	-	-	Dec-16	★ Demolition and decontamination has commenced	local	Nov-18 (dependent on Marginal Funding Bid)	★ On track	◆ Delayed	◆ Delayed	★ On track	WBC, on behalf of the developer, has put in a bid for central government for Marginal funding and thereby reduced the viability problem. As of 1st February 2018, WBC has been informed that the bid has been successful (£1.5m) and the developer and WBC are working up a revised development finance agreement; this includes WBC funding the new road into the development.
SLE2kt4 Invest £5.2m in flood prevention schemes.														
SLE2kt6 Implement the Superfast Broadband Programme for Berkshire and West Berkshire.														
SLE2kt6CS&ICT	CS&ICT	Increase number of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above	Richard Welch	57,340 (82.8%)	local	90%	■ 60,519 (87.3%)	local	*70,584 (96.6%) Dec 2018	◆ 62,557 (85.6%)	◆ 64,124 (87.7%)	◆ 66,224 (90.6%)	★ 67,763 (92.7%)	*Service request granted in Q3 to change phase timescale to December 2018, so as to reflect the decision made by the project board.

Strategic Priority: PS1 - Good at safeguarding children and vulnerable adults

PS1kt2 Where services are independently inspected they are rated at least 'good' and peer reviews of safeguarding rated highly.

Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
						Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17						
PS1kt2asc3	ASC	% of WBC provider services inspected by Care Quality Commission (CQC) that are rated good or better by CQC in the area of "safe"	Tandra Forster	(3/4) 75.0%	local	100%	■ (4/5) 80%	local	100%	★ 80.0%	★ 100.0%	★ 100.0%	★ 100.0%	YE: 5 / 5
PS1kt2CFS1	CFS	Improved Ofsted rating for Children and Families Service	Pete Campbell	Inadequate	local	Good	■ Waiting for visit	local	A rating of 'Requires Improvement' or above.	★ Rated 'Good'	★ Complete in Q1	★ Complete in Q1	★ Complete in Q1	

PS1 Other Measures that aren't aligned to a 'Key Thing' but are reported under this Strategic Priority

PS1asc2	ASC	% of adult social care safeguarding concerns responded to within 24 hours.	Tandra Forster	(135/143) 94.4%	local	92%	★ (151/157) 93.3%	local	92%	◆ 86.3%	■ 83.3%	■ 85.9%	■ 88.8% (P)	YE: 429 / 483 Data is provisional. See exception report for details
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Strategic Priority: HQL 1 - Support communities to do more to help themselves

HQL1kt1 Accelerate the delivery of local services for local communities by local communities.

No measures assigned

HQL1kt2 Work with local communities to help people live longer, healthier and more fulfilling lives and improve the health of the poorest fastest.

Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
						Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17						
HQL1kt2phwb1	PH&WB	Monitor uptake of Identification & Brief Advice (IBA) training	Matthew Pearce	-	local	-	-	local	Jan-18	⌚ Reports from Q3	⌚ Reports from Q3	★ On track	★ Complete	Alcohol Concern were awarded the contract to deliver Alcohol IBA training in November 2017 and the first training session was held in January 2018. 5 sessions in total were held in Q4, attracting 69 attendees from a variety of Council and voluntary sector services. This was slightly below the target to train 75 people and it is thought that this relates to one session which had a lower level of attendance despite being adequately subscribed. The Programme Officer is closely monitoring the situation with the provider and it is anticipated that the target of 500 people trained in IBA by the contract end date in May 2019 will still be achieved.

HQL1kt9 Grow community conversations via Brilliant West Berkshire: Building Community Together partnership working

Ref	Service	Title	Responsible Officer	Historical outturns					YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment	
				Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17							
HQL1kt9bct1	BCT	Number of Community Conversations through which local issues are identified and addressed	Susan Powell	-	-	-	-	-	local	>10	★ 6	★ 6	★ 11	★ 15	Community Conversations were held at Bucklebury and Lambourn School with their Yr5 and 6 pupils asking the question 'what is it like living in your community'. The Independent Advisory Group was reinvigorated and has 9 members; they have met twice and an extraordinary meeting was held to assist with a police incident. The Community Alcohol Project in Thatcham is to be launched in June - it will tackle under age drinking and proxy buying is against the law. Local retailers, youth services, BCT Team, Police and Thatcham Town Council and Trading Standards form the working group.
HQL1kt9bct4	BCT	% of identified communities that have agreed what actions will be undertaken to address locally identified issues	Susan Powell	-	local	-	-	-	local	*100%	★ 0%	◆ 66.7%	◆ 63.6%	■ 66.7%	YE: 10 / 15 *Q2 request granted to report this measure to the Executive Committee. See exception report for details

Core Business:

a. Protecting our children

Ref	Service	Title	Responsible Officer	Historical outturns					YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
				Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17						
CBaCFS7	CFS	% of (single) assessments being completed within 45 working days	Pete Campbell	(1251/1517) 82.5%	67/152 2nd	90%	★ 97%	dna	>=95%	★ 98.8%	★ 98.5%	★ 98.4%	★ 98.3%	YE: 1,858 / 1,890
CBaCFS11	CFS	Number of weeks taken to conclude care proceedings (children social care)	Pete Campbell	23	local	26 weeks	■ 28	local	<=26 weeks	■ 35	■ 35	■ 32	■ 32	See exception report for details
CBaCFS12	CFS	Placement moves - stability of placement of Looked After Children - number of moves (3 or more in a year)	Pete Campbell	6%	5/152 1st	10%	★ 9%	dna	<=10%	★ 1.4%	★ 1.9%	★ 2.7%	★ 3.5%	YE: 5 / 144

c. Bin collection and street cleaning

CBct&c1	T&C	% of household waste recycled, composted, reused and recovered (Local Indicator)	Jackie Ward	83%	local	80%	★ (67,149/80,948) 83.0%	local	80%	★ 78.8% (P)	★ 82.3% (P)	★ 84.% (P)	★ 83.2% (E)	Q4: 14,479 / 17,951 YE: 64,739 / 77,786 Q3 result has been updated. Q4 result is an estimate based on partial availability of data and will not be finalised until the next quarter. All results are subject to change once figures are validated and confirmed by DEFRA after Q4.
CBct&c1	T&C	Maintain an acceptable level of litter, detritus and graffiti (as outlined in the Keep Britain Tidy local environmental indicators)	Jackie Ward	Good	local	Good	★ Good	local	Satisfactory	⊗ dna	★ Good	★ Good	★ Good (E)	Q4 is an estimate as data is not yet available. (Reports 3x per year from Q2)

d. Providing benefits

CBdF&P8	F&P	Average number of days taken to make a full decision on new Benefit claims	Iain Bell	19.04 days	local	18.5 days	■ 22.75 days	local	<20 days	◆ 21.13 days	★ 19.7 days	★ 19.7 days	★ 19.54 days	
CBdF&P9	F&P	Average number of days taken to make a full decision on changes in a Benefit claimants circumstances	Iain Bell	5.85 days	local	8 days	■ 8.7 days	local	<9 days	◆ 12.55 days	◆ 9.5 days	★ 8.71 days	★ 6.32 days	

e. Collecting Council Tax and Business rates

CbeF&P11	F&P	The 'in-year' collection rate for Council Tax	Iain Bell	99%	local	99%	★ (98,457,967/100,097,445) 98.4%	local	99%	★ 29.7%	★ 57.2%	★ 84.6%	★ 98.8%	YE: 104,604,310 / 105,897,764
CbeF&P12	F&P	The 'in-year' collection rate for Business Rates	Iain Bell	99%	local	99%	★ (85,577,727/87,139,235) 98.2%	local	99%	★ 34.9%	★ 59.4%	★ 84.5%	★ 99.3%	YE: 87,059,126 / 87,683,258

f. Ensuring the wellbeing of older people and vulnerable adults

Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
						Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17						
CBfasc5	ASC	% of clients with Long Term Service (LTS) receiving a review in the past 12 months	Tandra Forster	(1129/1187) 95.1%	local	75%	■ (826/1240) 66.6%	local	75%	◆ 65.1%	◆ 71.4%	■ 72.8%	■ 69.0% (P)	YE: 841 / 1,219 Data is provisional. See exception report for details
CBfasc6	ASC	Decrease the number of bed days due to Delayed transfers of care (DToc) from hospital	Tandra Forster	-	-	-	■ 808	dna	*Variable	◆ 733	◆ 613	★ 438	■ 573 (P)	*Service request approved in Q3 to set the target to that of the national expectation: • Each quarter will be a snapshot of the last month in the quarter • The target will change for each quarter, depending on how many days are contained within the last month of the quarter - 28 days per month = 402.4 30 days per month = 431.2 31 days per month = 446 Q3 data revised based on published data Q4 data is provisional and based on local monitoring. It is reporting a snapshot as of March 2017 (31 days per month) with a target of 446 days
CBfasc8	ASC	% of older people (65+) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services	Tandra Forster	(53/67) 79.1%	117/152 4th	82%	★ (103/111) 92.8%	dna	83%	★ 92.1%	★ 90.1%	★ 84.3%	■ 80.5% (P)	YE: 99 / 123 Data is provisional. See exception report for details
CBfasc10	ASC	% of financial assessments completed within 3 weeks of referral to the Financial Assessment & Charging Team	Tandra Forster	(1,545/1,555) 99.4%	local	90%	★ (438/441) 99.5%	local	98%	★ 99.1%	★ 99.4%	★ 100%	★ 99.7%	Q4: 434 / 434 YE: 1,678 / 1,683

g. Planning and housing				Historical outturns										
Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	RAG/Year end 2016/17	National rank/Quartile 2016/17	YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q3 (YTD) RAG/Outturn	Q4 (YE) RAG/Outturn	Q4 Comment
CBgD&P4	D&P	Submit a New Local Plan for examination	Bryan Lyttle	Behind schedule	local	Dec-19	★ On track	local	*Dec-19	★ On track	★ On track	★ On track	★ Behind schedule	*Service request to change target date from December 2019 to April 2020. See exception report for details
CBgD&P5	D&P	Submit a Minerals & Waste Local Plan for West Berkshire to the Secretary of state for examination	Bryan Lyttle	Behind schedule	local	Dec-19	★ On track	local	*Dec-19	★ On track	★ On track	★ On track	★ Behind schedule	*Service request to change target date from December 2019 to April 2020. See exception report for details
CBgD&P7	D&P	Subject to examination, adopt the Site Allocations Development Plan Document (DPD)	Bryan Lyttle	Behind schedule	local	Jun-17	★ On track	local	Jun-17	★ Complete	★ Complete in Q1	★ Complete in Q1	★ Complete in Q1	Adopted on 9 May 2017
CBgD&P9	D&P	% of 'major' planning applications determined within 13 weeks or the agreed extended time	Gary Rayner	(56/70) 80%	72/125 3rd	60%	★ (65/86) 75.6%	108/125 4th	60%	★ 77.3%	★ 74.5%	★ 75.6%	★ 78.6% (E)	Q4: 19 / 21 YE: 81 / 103 Q3 result confirmed. Q4 is an estimate and will be updated, if required, at Q1
g. Planning and housing														
CBgD&P10	D&P	% of 'minor' planning applications determined within 8 weeks or the agreed extended time	Gary Rayner	(298/411) 73%	78/125 3rd	65%	★ (329/437) 75.3%	99/125 4th	65%	★ 68.9%	★ 74.5%	★ 76.4%	★ 74.6% (E)	Q4: 44 / 68 YE: 323 / 433 Q3 result confirmed. Q4 is an estimate and will be updated, if required, at Q1
CBgD&P11	D&P	% of 'other' planning applications determined within 8 weeks or the agreed extended time	Gary Rayner	(1,127/1,274) 89%	32/125 2nd	75%	★ (1,193/1,290) 92.5%	45/125 2nd	75%	★ 83.9%	★ 85.6%	★ 85.7%	★ 85.8% (E)	Q4: 214 / 248 YE: 1,175 / 1,369 Q3 result confirmed. Q4 is an estimate and will be updated, if required, at Q1
CBgD&P14	D&P	% of people presenting as homeless where the homelessness has been relieved or prevented	Sally Kelsall	79%	local	75%	★ (269/349) 77%	local	75%	◆ 63.9%	◆ 71.7%	■ 71.9%	★ 76.9%	Q4: 59 / 64 YE: 200 / 260
CBgD&P16	D&P	% of high priority Disabled Facilities Grants approved within 9 weeks of receipt of full grant application	Sally Kelsall	97%	local	80%	★ (63/66) 95%	local	90%	★ 96.0%	★ 98.0%	★ 98.8%	★ 99.1%	Q4: 32 / 32 YE: 113 / 114

Rachael Wardell / Ian Pearson		Education Service				Q4 2017/18	RED	
Indicator Ref: BEC1edAY08	At KS4, the average attainment 8 score is in the top 25% of English Local Authorities						Type: Snapshot	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
RAG		Baseline	Q1	Q2	Q3	Q4		
Qrtly outturn	-	-	Annual	Annual	Annual	-		
YTD outturn	-	Rank 38/152 (51 points) (2015/16 AY) 1 st quartile	-	-	-	Rank 47/152 (47.4 points) (2016/17 AY) 2 nd quartile	Higher is better	
<p>REASON FOR RED: Context: GCSE results in 2017 cannot be compared to 2016 due to further changes in the accountability system. Attainment 8 scores for 16 year olds at 47.4 points are well above national scores of 44.2 points but has just fallen short of top quartile performance. A range of measures are used to evaluate GCSE performance nationally. Of the 7 key GCSE performance measures, the LA is in top quartile for 5 out of 7 measures.</p> <p>Eight out of ten secondary schools have scores equal to or above the national Attainment score of 44.2 points. The two lowest performing schools are Trinity School (Academy) at 40.2 points and John O Gaunt School (Academy) at 39.6 points. This has impacted negatively on overall results.</p> <p>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</p> <p>Maintained schools and academies all participate in LA organised subject leader networks to support raising attainment, especially at GCSE. Concerns about individual performance have been raised directly with the schools concerned by the Head of Education.</p> <p>The Regional Schools Commissioner has been informed about concerns about Academy performance.</p> <p>FINANCIAL IMPLICATIONS: None</p> <p>SERVICE PLAN UPDATES REQUIRED: None</p> <p>STRATEGIC ACTIONS REQUIRED: None</p>								

Rachael Wardell / Ian Pearson		Education Service				Q4 2017/18	RED	
Indicator Ref: BEC1edAY09		At KS2, the percentage achieving the expected standard is in the top 25% in England for reading, writing and maths combined					Type: Snapshot	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
		Baseline	Q1	Q2	Q3	Q4		
RAG	-	-	Annual	Annual	Annual	■		
YTD outturn	-	Top 50% Rank 50/152 (56%) (2015/16 AY) 2 nd quartile	-	-	-	Top 50% Rank 65/152 (62%) (2016/17 AY) 2 nd quartile	Higher is better	
REASON FOR RED:								
<p>In the primary phase, we are now in the second year of a new accountability system following the removal of national curriculum levels.</p> <p>KS2 Reading Writing Maths (RWM) scores improved from 55% in 2016 to 62% in 2017 which is above the national score of 61%. Scores in Reading continue to be very strong. Separately, scores in Reading improved from 69% to 74% (national 71%); Writing improved from 69% to 75% (nat 76%); Maths improved from 69% to 73%. It has fallen short of the ambitious target of top 25% due to:</p> <ul style="list-style-type: none"> Although writing scores have improved significantly they are just below national scores which have also improved. Writing scores are teacher assessed (not tested as in reading and mathematics). It is widely recognised by Ofsted and the DfE that teacher assessment of writing across England is currently very uneven with national scores in writing now well above that of reading which is not typically expected. Further changes to writing assessments in 2018 may result in further inconsistency as the new accountability system continues to bed in. Feedback from LA writing moderation visits to schools in 2017 reported that good improvements had been made especially in the quality and range of writing in schools and schools are continuing to build on those improvements for 2018 where further 								

improvement is expected.

- Performance in mathematics needs improvement in some schools. Headteachers cite lack of subject knowledge in mathematics as a key barriers in some cases.
- The general low performance and of a very small group of primary schools has impacted negatively the overall rate of improvement. Low performance of these schools can also be seen to be linked to leadership as well as quality of teaching.

REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:

£120,000 secured as a result of bidding to the DfE Strategic School Improvement Fund to improve teacher subject knowledge in mathematics and the leadership of mathematics. The project entitled, “Growing Greater Mathematicians” involved 12 targeted schools over 5 terms. The project commenced in October 2017 to build sustainable improvements in mathematics through developing secure teacher subject knowledge.

Continued LA CPD programme in Mastery in English to improve the quality of writing. There has been a very high take up for this training.

Dedicated training for teachers in years 2 and year 6 on teaching and assessing writing

LA CPD programme on spelling

Service level agreement support for schools to support planning for writing.

LA leadership “health check review” has been undertaken in a targeted school with low results.

Additional intensive support to new leadership to improve attainment and assessment in core subjects in The Willows Primary School and Lambourn C.E Primary School.

Maintained schools are categorised for support according to risk and school performance. Schools categorized category C or below receive additional School Improvement Adviser support and challenge visits.

The primary academies have RWM scores which are below national scores. The Regional Schools Commissioner has been informed about concerns about primary academies.

FINANCIAL IMPLICATIONS: None

SERVICE PLAN UPDATES REQUIRED: None

STRATEGIC ACTIONS REQUIRED: None

Rachael Wardell / Ian Pearson		Education Service				Q4 2017/18	RED
Indicator Ref: BEC2edAY07		% pupils eligible for Free School Meals (FSM) achieving a Good Level of Development (GLD) at Foundation Stage (EYFS)					Type: Snapshot
Executive	2015/16 Year End	2016/17 Year End	2017/18				
			Q1	Q2	Q3	Q4	
RAG	■	■				■	
Qrtly outturn	-	-	Annual	Annual	Annual	-	
YTD outturn	Rank 45/152 (2014/15 AY) 4 th quartile	Rank 38/152 (57%) (2015/16 AY) 2 nd quartile	-	-	-	Top 75% Rank 99/152 (53%) (2016/17 AY) 3 rd quartile	Higher is better Top 25%
REASON FOR RED:							
Free School Meal Data Analysis 2016 / 2017							
	GLD		FSM 2016	FSM 2017			
	No. of schools where no FSM children achieved GLD (Indicates a school where this has occurred in 2016 & 2017.)		56.9%	51.1%			
	11 schools (Aldermaston, Bradfield, Brookfields, Chaddleworth, Cold Ash, Pangbourne, PDI, Shaw-cum-Donnington, St. John the Evangelist, St. Joseph's, The Willows, Victoria Park Nursery)		11 schools (Basildon, Bradfield, Brimpton, Chaddleworth, Chieveley, Compton, Fir Tree, Hermitage, Purley, Spurcroft, Welford & Wickham)				

Gap FSM / Non-FSM	19.6%	26.7%
Cohort size	123	133
1 child = %	0.8%	0.7%
No. of schools with only 1 FSM child	14	17
No. of schools with 5 or less FSM children	23	21
No. of schools with 13 or less FSM children	4	6

There were 21 schools in 2017 who had 5 FSM children or less, 18 of those schools did not achieve at least 50% of their FSM children attaining a GLD. Schools who had less than 13 FSM children performed better. 5 out of the 6 schools achieved at least 50% of their FSM children at GLD. Free School Meal Data Analysis 2016 /2017

All schools who had a FSM child were invited to the EYFS FSM network meetings in 2017 (3 across the year). The schools had access throughout the year to LA support, workshops where good practice was shared amongst colleagues and regular data scrutiny was encouraged. The schools who were invited are listed below and those who fully engaged in the network are highlighted in yellow.

<u>School</u>	<u>No. of FSM children</u>	<u>No. who achieved GLD</u>
Aldermaston C.E. Primary School	5	1
Basildon C.E. Primary School	1	0
Beenham Primary School	2	1 (other child who did not achieve GLD joined the school very late in the year)
Birch Copse Primary School	3	2
Bradfield C.E. Primary School	1	0
Brimpton C.E. Primary School	1	0
Calcot Infant School and Nursery	7	4
Chaddleworth St Andrew's C.E. Primary School	1	0
Chieveley Primary School	1	0

Compton C.E. Primary School	1	0
Downway Primary School	1	1
Falkland Primary School	2	1
Fir Tree Primary School and Nursery	2	0
Francis Baily Primary School	4	1
Hermitage Primary School	1	0
Hungerford Primary School	7	3
John Rankin Infant and Nursery School	5	4
Kennet Valley Primary School	4	1
Kintbury St Mary's C.E. Primary School	2	1
Lambourn C.E. Primary School	7	5
Long Lane Primary School	3	1
Mortimer St John's C.E. Infant School	4	1
Mrs Bland's Infant School	6	4
Pangbourne Primary School	5	5
Parsons Down Infant School	4	3
Purley C.E. Primary School	1	0
Robert Sandilands Primary School and Nursery	4	1
Shaw-cum-Donnington C.E. Primary School	1	1
Shefford C.E. Primary School	1	1
Speenhamland Primary School	4	3
Springfield Primary School	2	1
Spurcroft Primary School	1	0 (Attachment issues)

St Finian's Catholic Primary School	1	1
St John the Evangelist C.E. Nursery and Infant	3	2
St Joseph's Catholic Primary School	1	1
St Paul's Catholic Primary School	1	1
Streatley C.E. Voluntary Controlled School	1	1
Thatcham Park Primary	4	2
The Willows Primary School	9	6
The Winchcombe School	7	1
Theale C.E. Primary School	3	2
Welford and Wickham C.E. Primary School	1	0
Westwood Farm Infant School	3	2
Whitlands Park Primary School	5	3

The Winchcombe school has been challenged as despite contact with the school throughout the year there was no indication that the data would be so low. 85% of FSM children did not even achieve the prime areas. The EYFS Adviser has contacted the Headteacher with a series of questions to further unpick this data.

The low numbers of pupils in individual schools makes it very challenging for the early years team to get and keep the engagement of all schools. The best outcomes are from the schools who regularly attend the network meetings, share practice and are proactive in their work to improve outcomes for all children.

Things to consider...

- West Berkshire has very small cohorts in many schools which has an impact on statistics particularly when presented as a percentage.
- The number of pupils eligible for FSM is small (in 2017...133 pupils out of 1959 which equates to 7% of pupils in total) 68 pupils eligible for

FSM achieved a GLD which compares to 1472 in total achieving a GLD (therefore 4.6 % of pupils achieving a GLD were FSM).

- However, the FSM gap increasing this year is a real concern. There were 21 schools who had 5 FSM children or less, 18 of those schools did not achieve at least 50% of their FSM children attaining a GLD. Schools who had less than 13 FSM children performed better. 5 out of the 6 schools achieved at least 50% of their FSM children at GLD. Analysis suggests that where there is a small number of FSM children particularly in small schools these children do not do so well. This will need to be a focus moving forward.

REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:

The network meetings have been extended to cover all vulnerable children in the hope of greater engagement. Each school is asked for their data at key points in the year; baseline, mid-year and prior to submission at the end of the summer term. Schools who have repeatedly featured as having larger gaps and issues will be visited in year to ensure that they are providing additional support for the identified FSM pupils. The relevant SIA for the school has also been given the information so that they can challenge during visits. (Obviously this only works for schools who are either in a category or by back school improvement services).

Next steps

West Berkshire level

- Collection of Baseline data from schools
- Identify early those schools with FSM children and previously funded 2 year old children who are now in Reception. Monitor how effective schools are at putting interventions in place, if necessary, and tracking FSM / two year old funded children.

Moderation cycle

- Identify those schools who are in need of support*
- Plan the next moderation cycle for 2017-2018*

Training and support

FSM network and project work to support vulnerable families who have been funded as 2 year olds

School level

Schools to analyse their data and identify trends / possible actions

Pupil level

Schools to identify specific pupils who require further support moving into Year 1

We are planning additional moderation activities to look at the assessment of these pupils in detail, providing support and challenge. Head Teachers are an important part of this process and will also be invited to network meetings and moderation activities. They are responsible for signing off their end of year results at the point of submission and need to be mindful of the outcomes for these pupils.

FINANCIAL IMPLICATIONS: None

SERVICE PLAN UPDATES REQUIRED: The targets are reasonable and need to remain the same.

STRATEGIC ACTIONS REQUIRED: None

Rachael Wardell / Ian Pearson		Education Service				Q4 2017/18	RED
Indicator Ref: BEC2edAY10		To improve on 2015/16 Academic year rankings for reading, writing and maths combined expected standard for disadvantaged pupils in KS2 in 2016/17 Academic Year					Type: Snapshot
Executive	2015/16 Year End	2016/17 Year End	2017/18				
			Q1	Q2	Q3	Q4	
RAG		Baseline					
Qrtly outturn	-	-	Annual	Annual	Annual	-	
YTD outturn	-	Ranked 122/152 (33%) (2015/16 AY) 4 th quartile	-	-	-	Rank 148/152 (35%) (2016/17 AY) 4 th quartile	Higher is better Rank higher than 122/152
REASON FOR RED:							
(Please refer also to Exception Report on KS2 RWM where the commentary on writing and mathematics is also applicable)							
Context: The number of pupils entitled to FSM in West Berkshire is very small at approximately 15% of pupils. Of that cohort, a higher than national percentage of FSM pupils are also SEND (doubly disadvantaged) and white working class boys, the lowest attaining group of pupils nationally. 42% of primary schools have typically 2 or fewer disadvantaged pupils in a cohort which presents different challenges in terms of skills of meeting the needs of those pupils.							
The performance of FSM RWM improved from 31.9% in 2016 to 34.5% in 2017 which is lower than the national score at 48%. FSM pupils who have no SEND improved from 41.0% in 2016 to 50% in 2017 which is closer to, but lower than, the national score of 57%.							
In addition to the commentary in the KS2 RWM exception report, the drop in performance from 2016 is due to :							
<ul style="list-style-type: none"> Expenditure of Pupil Premium funding being insufficiently evaluated by school leaders which results in little impact on results. Interventions and approaches used by schools are not chosen on the basis of evidence base research of “What works well” in terms of 							

raising attainment.

- Too low expectations of pupils by schools with pupils who are low attaining at the end of KS1 (aged 7) in some schools. Many of these pupils are also FSM.
- Some schools with very low numbers of FSM placing insufficient priority on meeting their needs.
- Weak subject knowledge of teachers which results in less than good teaching and which impacts on all pupils, including FSM.

REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:

- Expected outcomes for FSM pupils in year 6 for 2018 are being audited by the LA in every school. As a result, 6 targeted schools will receive regular monitoring visits from designated **Pupil Premium Peer Challenge Headteachers** to ensure pupil premium spend is having sufficient impact on learning outcomes across the school. Additional training for governing bodies on monitoring the impact of PP spend will form part of this monitoring programme. The low performance of FSM pupils has been a focus of debate at Primary Heads Forum and it has been agreed that head teacher peer challenge of “collective responsibility” for improving outcomes is the next step for the LA pupil premium strategy.
- DfE funding has been secured through Strategic School Improvement Funding bids to train teachers in maths (12 schools) and phonics (10 schools) in with a focus on disadvantaged pupils. The 2 projects span 5 terms and will address teacher subject knowledge and the ability to diagnoses the gaps in learning of disadvantaged pupils in particular. The bids total £230,000 and will build long term sustainability.
- Targeted primary schools have had LA whole school pupil premium reviews.
- The successful KS1 and KS2 pupil premium network of schools for pupil premium leads will continue. A pan – Berkshire PP conference is organised for the summer.
- Intensive support is being provided to support ambitious new leadership at The Willows Primary and Lambourn C.E. Primary.
- Maintained schools are categorised for support according to risk and school performance. Schools categorized category C or below receive additional School Improvement Adviser support and challenge visits.
- The Regional Schools Commissioner has been notified about the concern about the performance primary academies which each have lower than national scores for KS2 RWM FSM.

FINANCIAL IMPLICATIONS: None

SERVICE PLAN UPDATES REQUIRED: None

STRATEGIC ACTIONS REQUIRED: None

Rachael Wardell / Ian Pearson		Education Service				Q4 2017/18	RED
Indicator Ref: BEC2edAY11	To improve on 2015/16 rankings for attainment 8 for disadvantaged pupils in KS4 in 2016/17 Academic Year						Type: Snapshot
Executive	2015/16 Year End	2016/17 Year End	2017/18				
RAG		Baseline	Q1	Q2	Q3	Q4	
Qrtly outturn	-	-	Annual	Annual	Annual	-	
YTD outturn	-	Rank 100/152 (2015/16 AY) 3 rd quartile	-	-	-	Rank 112/152 (34.5 points) (2016/17 AY) 4 th quartile	Rank higher than 100/152 Higher is better
<p><i>*NB: GCSE results in 2017 cannot be compared to 2016 due to further changes in the accountability system.</i></p> <p>REASON FOR RED: The number of pupils entitled to FSM in West Berkshire is very small at approximately 15% of pupils. Of that cohort, a higher than national percentage of FSM pupils are also SEND (doubly disadvantaged) and white working class boys, the lowest attaining group of pupils nationally.</p> <p>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</p> <p>Maintained schools and academies all participate in LA organised pupil premium network to share good practice and support raising attainment, especially at GCSE.</p> <p>Concerns about individual performance have been raised directly with the schools concerned by the Head of Education.</p> <p>The Regional Schools Commissioner has been informed about concerns about Academy performance.</p> <p>FINANCIAL IMPLICATIONS: None</p> <p>SERVICE PLAN UPDATES REQUIRED: None</p> <p>STRATEGIC ACTIONS REQUIRED: None</p>							

John Ashworth / Gary Lugg		Development and Planning				Q4 2017/18		AMBER
Indicator Ref: SLE1dp01		To enable the completion of 1,000 affordable homes in the 2015-2020 period					Type: No. +	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	-	-	⊙	⊙	⊙	◆	1,000 by 2020 / 225 in year	Higher is better
YTD outturn	158	83	Annual	Annual	Annual	171		
REASON FOR RED:								
The development industry has not built out the planning permissions granted for affordable housing. There are over 700 permissions for affordable housing not yet under construction. If the development industry built these permissions then together with the 412 already constructed the target would be achieved.								
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:								
Planning permission for new housing continue to be granted including permission for affordable housing. Discussions have also been held with Homes England to see if they are willing to intervene on stalled sites. Funding has been received from the Ministry of Housing to help Sterling Cables which had stalled due to contamination issues.								
The Council and Sovereign Housing are also to work together in a Joint Venture to boost delivery of affordable housing in West Berkshire.								
FINANCIAL IMPLICATIONS:								
Loss of housing delivery grant directly related to affordable housing provision								
SERVICE PLAN UPDATES REQUIRED:								
None.								
STRATEGIC ACTIONS REQUIRED:								
None.								

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Nick Carter		Chief Executive Officer (CEO)				Q4 2017/18	RED	
Indicator Ref: CEO3	Redevelop London Road Industrial Estate (LRIER) with St. Modwen Plc Business plan created and approved (Milestone 1)						Type: text	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	-	■	■	■	■	■	tb dependent on court	n/a
Qrtly outturn	-	-	-	-	-	-		
YTD outturn	-	Delayed	Delayed	Delayed	Delayed	Delayed		
REASON FOR AMBER:								
Continued delay due to ongoing court action. The case brought against the Council by Faraday Developments Ltd (FDL) was won in the High Court, however, the appellant sought leave to appeal. In October 2017 the Court of Appeal granted FDL leave to appeal and the Council will be defending its case. As a result the legal process continues.								
The case will go before a judge at the Court of Appeal 12-13 June 2018. However, the final judgement date is unknown and could take at least 6 months. Position has not changed during Q4.								
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS: None								
FINANCIAL IMPLICATIONS: None								
SERVICE PLAN UPDATES REQUIRED: None								
STRATEGIC ACTIONS REQUIRED: None								

Rachael Wardell / Tandra Forster		Adult Social Care				Q4 2017/18	RED	
Indicator Ref: PS1asc2		% of adult social care safeguarding concerns responded to within 24 hours						
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Type: Snapshot
	RAG	★	Q1	Q2	Q3	Q4		
	135/143 94.4%	151/157 96.2%	120/139 86.3%	90/113 79.6%	95/103 92.2%	126/134 94%	=>92%	Higher is better
	718/768 93.5%	573/614 93.3%	210/252 83.3%	305/355 85.9%	429/489 88%			
REASON FOR RED:								
YTD 58 out of 483 (88%) concerns were not responded to within 24 hours.								
If Q3 & Q4 data alone is considered, the 92% target would be met. Of the 134 reported concerns in Q4, only 8 concerns were not be responded to within 24 hrs (94%). Clear evidence that since Q3 we have continued to improve but as the target is calculated ytd we are not able to improve significantly enough to take into account past performance in the year.								
Discussion and review of practice in safeguarding in Q2 has indicated a shift in practice to ensure all concerns have been recorded on the same day in a timely way and that the recording of these concerns is on the system. Previously the safeguarding team has managed any presenting risk however recording has been delayed and on occasion completed in retrospect which is not in line with national minimum standards. However we are confident that the risk to the individual was managed.								
On occasion, concerns can be received where there is not enough necessary information to inform decision making sometimes this requires waiting one or two additional working days to receive required information from the original referrer. In this period Safeguarding ensure that arrangements are made to ensure the safety of the individual concerned.								
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:								
With the implementation of care director we have a number of mechanisms by which we can monitor concerns and S42s more closely through the use of views and dashboards, this allows the safeguarding team and operational manager to be aware of any concerns on the system and ensure they are responded to in a timely way. We will spot check and audit these records to ensure that practice is being consistently applied.								

The implemented system changes in Q3 and Q4 ensuring timely and robust recording of all concerns can now be monitored effectively by the safeguarding adult lead. Where there are exceptional circumstances that are over and beyond 24hrs (this is often in relation to contact with the original referrer being required) we can monitor these closely. The changes in process have been confirmed with the ASC management team to ensure clarity of process.

FINANCIAL IMPLICATIONS:

Remedial actions will be completed within existing resources.

SERVICE PLAN UPDATES REQUIRED:

No changes required, remedial actions should address performance.

STRATEGIC ACTIONS REQUIRED: None

Nick Carter / Nick Carter		Better Communities Team				Q4 2017/18	RED
Indicator Ref: HQL1kt9bct4	2015/16 Year End	2016/17 Year End	2017/18				Type: %snap
% of identified communities that have agreed what actions will be undertaken to address locally identified issues		Q1	Q2	Q3	Q4	Target	
Executive							
RAG		★	◆	◆	■		
Qtrly outturn	-	0/0	4/6	7/11	10/15	100%	Higher is better
YTD outturn	-	0%	66.7%	63.6%	66.7%		
REASON FOR AMBER:							
<p>The number of community conversations held have increased during 2017/18 with the BCT Team supporting their instigation.</p> <p>Qtr 2 – Conversation held in Hungerford, Calcot, Newbury, Burghfield, Aldermaston and Thatcham. 4 identified potential actions (Hungerford, Calcot, Newbury and Burghfield) but no timescales were set.</p> <p>Qtr 3 – the 6 above plus Conversations with a Peer Mentors Event, Rough Sleepers, and in the communities of Hermitage, Lambourn and Bucklebury. 7 identified potential actions. Topics raised at the Peer Mentors Event were shared with colleagues across Education; outcomes from the meeting with some Rough Sleepers informed the development of the Making Every Adult Matter project.</p> <p>Qtr 4 – <i>The outcomes from the two conversations at the primary school have been taken forward by the Health and Wellbeing Schools officer. Thatcham, Hungerford, Calcot, Hermitage, Independent Advisory Group (IAG), Community Alcohol Project (CAP) in Thatcham, Aldermaston and Holybrook are all progressing the issues. Hermitage is looking into youth provision; Calcot a community cafe, Thatcham is looking at speeding and have had 7 members come forward to do the Speed Indicator Device training. The Hungerford Professional Lens Meeting influences what the community hub may offer.</i></p> <p>The activity of convening community conversations is being achieved but, it is important to note that the whole purpose of having community led conversations is for each community to decide what actions, if any, will arise and are taken forward and in what format. It is not within the gift of the Building Communities Together Team to decide on the action planning.</p>							
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN:							
As explained above. The BCT Team cannot take management action to ensure that all identified issues are progressed into actions.							

This is down to the community to decide. However the BCT has been very proactive in actually ensuring that Community Conversations have taken place i.e. Hermitage Parish Council asked for a public meeting which was held as a community conversation and was chaired by the BCT Team Manager. BCT Team members have supported police colleagues when they have organised a community conversation in Aldermaston and Beansheaf.

Importantly whilst there may not have Actions arising from each Conversation there have been new and innovative ways of identifying community issues and for potentially empowering communities in finding ways of addressing them.

On reflection it may not have been a good idea to set a target of 100% for a measure that is not within the control of the BCT Team and for a way of working that is still relatively new within the district. Community Conversations appear to have a great potential in supporting community engagement and building community resilience so whilst the target measure may not be achieved at year end it has been valuable work.

STRATEGIC ACTIONS REQUIRED: None

Rachael Wardell		Children and Family Service				Q4 2017/8	RED
Indicator Ref: CBaCFS11		Number of weeks taken to conclude care proceedings (Children Social Care)					Type: snapshot
Executive	2015/16 Year End	2017/18				Target	Polarity
	2016/17 Year End	Q1	Q2	Q3	Q4		
RAG	★	■	■	■	■		
Qrtly outturn	-	-	-			<=26	Lower is better
YTD outturn	23	28	35	32	32		
REASON FOR RED:							
<p>This indicator measures the average number of weeks taken to conclude care proceedings for those concluded ytd. The target of 26 weeks is a national one. The National Average is some way adrift from this at 30 weeks (2013-2016).</p> <p>In West Berkshire, a small number of case proceedings have gone over the required 26 weeks because of the complexity of the cases concerned and this is accepted by the courts as legitimate delay.</p> <p>It is accepted that Court capacity has also contributed to our proceeding timescales.</p> <p>We are in discussion with the judiciary and the Local Family Justice Board about the delays which relate to court capacity and are avoidable.</p> <p>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</p> <p>As above – we’re in continued discussion with the judiciary and Local Family Justice Board about these delays.</p> <p>FINANCIAL IMPLICATIONS: None</p> <p>SERVICE PLAN UPDATES REQUIRED: None</p> <p>STRATEGIC ACTIONS REQUIRED: None</p>							

Rachael Wardell / Tandra Forster		Adult Social Care				Q4 2017/18	RED		
Indicator Ref: CBfasc05		% of clients with Long Term Service (LTS) receiving a review in the past 12 months							
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Type: snapshot	Polarity
			Q1	Q2	Q3	Q4			
RAG	★	■	◆	◆	■	■			
Qrtly outturn	1,129/1,187	826/1,240	806/1,239	903/1,264	895/1,229	841/1,219		75%	Higher is better
YTD outturn	95.1%	66%	65%	71.4%	72.8%	69% (P)			
REASON FOR RED:									
<p>During Q1 of 2017/18 we completed analysis of the cases that were overdue a review, this identified that a high proportion (43%/88 people) had a primary support reason (PSR) of Learning Disabilities or Mental Health. Care reviews for individuals with these types of need tend to be more complex which means they take longer. Whilst the team had been established as multi-disciplinary a skills analysis identified the need to increase the number of staff with expertise in learning disabilities and mental health.</p> <p>This was addressed by recruiting two full time staff with the relevant skills, which has had a positive increase in our performance in Q2. In addition the Care Act allows us to take a proportionate approach to reviews; this means we can use a range of different methods including telephone</p> <p>In Q3 performance continued to improve, however the additional resource that was put in place has now been removed as part of in year changes to address over spend. We highlighted this this could impact on our ability to achieve this target and this has become evident in Q4.</p>									
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:									
<p>Weekly reports provides detail of reviews required and is being actively used to focus work.</p> <p>During Q1, review of the data and skill set within the team took place to understand support needed to meet year end targets Increased team FTE temporarily to focus on overdue reviews where the primary support reason is Learning Disability and Mental Health (the main proportion of overdue reviews) which will allow us to meet target. Work continues to focus on these areas.</p> <p>Care Director supports a proportional approach to reviews and minimises paperwork to be completed; looking to fully apply this approach where appropriate and safe to do so.</p>									
FINANCIAL IMPLICATIONS:									

Remedial actions will need to be completed within existing resources.

SERVICE PLAN UPDATES REQUIRED:

KPI will remain for 2018/19, but it is clear that significant more resource would be required to meet the target of 75%.

On the basis of reduced capacity we are proposing that we revise and reduce the target to 70% to ensure this is achievable.

STRATEGIC ACTIONS REQUIRED: None

Rachael Wardell / Tandra Forster		Adult Social Care				Q4 2017/18	RED	
Indicator Ref: CBfasc06	Decrease the number of bed days due to Delayed transfers of care (DToC) from hospital						Type: Nsnapshot	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	■	■	◆	◆	★	■	Variable 446 for YE Q	Lower is better
Qrtly outturn		808	733	613	438	573 (P)		
YTD outturn		808	733	613	438	573 (P)		
REASON FOR RED:								
DToC has been a key measure in the BCF programme of work.								
Department of Health set the targets nationally in July 2017, based on snapshot previous performance; these were always considered to be significantly challenging.								
<ul style="list-style-type: none"> Volumes of Referrals through hospital pathways have been high. Capacity in the market for care at home is significantly challenged. MH delays are often long due to finding suitable placements to support complex needs 								
Despite target not being met, a significant improvement can be evidenced from performance in April 2017 to performance in March 2018								
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:								
A number of work streams through the BCF have been initiated as a system to work towards improving our DToC; these include: Early discharge planning; Systems to monitor patient flow ; Multi-disciplinary/multi-agency discharge teams; Home first/discharge to assess; Seven-day service and Trusted assessors								
LGA peer review into DToC will enable us to review our challenges and consider improvements across Health and Social Care sector that can be delivered in an integrated way. Anticipating further actions to be developed from this to further develop the BCF programme of work, overseen by the H&WB Board								

FINANCIAL IMPLICATIONS:

We have invested funding from ASC budgets as well as BCF to support us to improve performance on the target. Spend on short term packages funded from the BCF was £140k. ASC also spent a further £320k specifically on short term packages to move people out of hospital on a more timely basis.

iBCF carried forward from 2017/18 and iBCF from 2018.19 allocation, totalling £467k, has been made available to deliver short term care packages in 2018.19.

SERVICE PLAN UPDATES REQUIRED:

Updates to how DToC is reported will be dependent on DH requirements for reporting DToC next reporting year. The methodology in the BCF utilised for 2017/18 (including targets set) was not defined until July 2017. We have asked for earlier clarity.

STRATEGIC ACTIONS REQUIRED:

LGA peer review into DTOC will enable us to review our challenges and consider improvements across Health and Social Care sector that can be delivered in an integrated way

Rachel Wardell / Tandra Forster		Adult Social Care				Q4 2017/18	RED
Indicator Ref: CBFasc08		% of older people (65+) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services					
Executive	2015/16 Year End	2017/18				Target	Polarity
		Q1	Q2	Q3	Q4		
RAG	★	★	★	★	■		Higher is better
Qrtly outturn	-	103/111	100/111	70/83	99/123	83 %	
YTD outturn	79.1%	92.8%	90.0%	84.3%	80.5%		
REASON FOR RED: (Briefly describe what has happened):							
This indicator is known to be volatile due to low cohorts. Our target was set in line to be above the England average. Outturn for 2017/18 is 99/123 (80.5%)							
This indicator only measures the last 3 months in the year (reporting period) and as a consequence it remains volatile. Q1, Q2 and Q3 we had achieved the target set. However, in Q4 the number not remaining at Home after 91 days related to 13 individuals that have died and a further 11 that were in permanent care home placements, an indication that we are supporting more vulnerable people to return home. Small cohort means this KPI has been prone to fluctuations in performance.							
Reablement service works with vulnerable people, so this PI is always at risk and with the added pressure from DToC to get people out of hospital in a timely way.							
In relation to national context, the average for England in 2016/17 was 82.1 %, and an average of 80.1 % for the SE region.							
REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN (What is being done to make the situation better?) AND ALTERNATIVE PLANS:							
LGA peer review into delays will enable us to review our challenges and consider improvements across Health and Social Care sector that can be delivered in an integrated way. This will impact positively on the 91 day indicator.							
FINANCIAL IMPLICATIONS: None.							
SERVICE PLAN UPDATES REQUIRED: None.							
STRATEGIC ACTIONS REQUIRED: None.							

John Ashworth / Gary Lugg		Development and Planning				Q4 2017/18	RED	
Indicator Ref: CBO1dp04		Submit a New Local Plan for examination					Type: Project	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	■	★	★	★	★	■	N/A	
YTD outturn	Behind Schedule	On track	On track	On track	On track	Behind Schedule	Dec-19	
REASON FOR RED:								
<p>The programme has slipped six months due to staffing and pressure to do complex planning enquiries to ensure the Council maintains a five year land supply. It has not been helped by Government proposals to change the way in which the housing number for the authority is calculated.</p> <p>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</p> <p>The planning policy team has recruited to all current vacancies and has jointly commissioned studies with other Berkshire UAs to ensure that the evidence base is not delayed. Some-time will be made back by this joint working but the biggest single issue is defending the Objectively Assessed Need calculations, the five year land supply and the Councils planning policies at appeal.</p> <p>FINANCIAL IMPLICATIONS:</p> <p>No direct financial implications.</p> <p>SERVICE PLAN UPDATES REQUIRED:</p> <p>Proposed new target is April 2020.</p> <p>STRATEGIC ACTIONS REQUIRED:</p> <p>To agree the new target.</p>								

John Ashworth / Gary Lugg		Development and Planning				Q4 2017/18	RED
Indicator Ref: CBO2dp05	Submit a Minerals and Waste Local Plan for West Berkshire to the Secretary of State for examination						Type: Project
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target
RAG	■	★	Q1	Q2	Q3	Q4	Polarity
YTD outturn	Behind Schedule	On track	On track	On track	On track	Behind Schedule	N/A
<p>REASON FOR RED:</p> <p>The team leader resigned and the recruitment to that post plus maternity leave resulted in the team being at 50%.</p> <p>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</p> <p>Recruitment has been successful and the maternity leave has ended meaning that the team is at 100% for the first time in two years. A detailed project plan has been drawn up and is in the process of being implemented. If the project slips again additional resources might need to be considered</p> <p>FINANCIAL IMPLICATIONS:</p> <p>There will be a budgetary pressure in 2020, as the team was scheduled to be reduced by two posts once the local plan had been produced. However, there is now a statutory duty to keep the plan updated on a rolling five year cycle.</p> <p>SERVICE PLAN UPDATES REQUIRED:</p> <p>Proposed new target is April 2020.</p> <p>STRATEGIC ACTIONS REQUIRED:</p> <p>That the proposal is endorsed,</p>							

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Quarterly Service Requests for Reviews of Measures

In 2015/16, a new performance framework was introduced that gave Heads of Service the option to amend their service plans on a quarterly basis in order to ensure they reflect the reality of the service. This would for example include, which measures were still relevant, where they are reported to and any agreed targets. As part of the quarterly reporting, approval for any amendments is sought from the appropriate decision maker e.g. changes to Key Strategic Measures will need to be approved by Corporate Board.

Quarter 4 request:

1. Submit a New Local Plan for examination

REQUEST from Development and Planning: To propose a new target of April 2020 (currently December 2019).

REASON: The programme has slipped six months due to staffing and pressure to do complex planning enquiries to ensure the Council maintains a five year land supply.

2. Submit a Minerals and Waste Local Plan for West Berkshire to the Secretary of State for examination

REQUEST from Development and Planning: To propose a new target of April 2020 (currently December 2019).

REASON: The team leader resigned and the recruitment to the post, plus maternity leave, has resulted in the team being at 50%.

Quarter 3 request:

MOV:

3. No. of closed accounts (businesses no longer registered for National Non Domestic Rates (NNDR) and

No. of new accounts (businesses registered for National Non Domestic Rates (NNDR)

REQUEST from Finance and Property: Replace the above with these measures as from Q4.

No of properties which are subject to business rates.

No of empty properties subject to business rates.

REASON: To use measures that give a better indication of the evolution of the local economy, by showing the number of properties, subject to business rates, that are occupied or empty.

DECISION: Agreed

KSM:

4. Decrease the number of bed days due to Delayed transfers of care (DTC) from hospital

REQUEST from Adult Social Care: To set a target to match the national expectation:

- Each quarter will be a snapshot of the last month of the quarter
- The target will change each quarter, depending on how many days are contained within the last month of the quarter -

28 days per month = 402.4

30 days per month = 431.2

31 days per month = 446.

REASON: In July 2017, the Local Area Performance (LAP) Metrics and the NHS Social Care Interface dashboard was published. The LAP guidance set the national expectations for DToC aiming to reduce delays to 3.5% of occupied hospital beds. It took into account previous performance and set expectations based on Q4 2016/17 performance. For West Berkshire, the prescribed methodology translates to the following in terms of actual bed days delayed per month. NB: the national expectations are different from those of the Better Care Fund.

DECISION: Agreed

5. Increase number of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above

REQUEST from Customer Service & ICT: Change the target date from March 2018 to December 2018.

REASON: To reflect the decision made by the Project Board to change the phase timescale.

DECISION: Agreed

Quarter 2 request:

KSM:

1. Market Street Redevelopment for 17/18: start on site (Milestone 2)

REQUEST from CEO/Special Projects: To change the target from March 2018 to July 2018.

REASON: Dependency on the developer completing a viability process.

DECISION: Agreed

2. % of identified communities that have agreed what actions will be undertaken to address locally identified issues

REQUEST from Better Communities Together: To report through to the Executive Committee (currently reported as part of the Council Delivery Plan).

REASON: The performance framework aiming to reflect the work in this area has been aligned with the performance measures used to report at the Health and Well-being Board. Reporting the proposed measure to the Executive will provide a better indication of the outcomes of the community conversations.

DECISION: Agreed

Quarter 1 request:

KSM:

3. % of claims for Discretionary Housing Payment, determined within 28 days following receipt of all relevant information (Ref: CBgD&P15 - Reports to Corporate Board and Executive)

REQUEST from Development and Planning: HoS and Service Manager have asked for this KPI to be removed.

REASON: DHP data is collected via a spreadsheet which is less than ideal as it relies on someone updating it. In addition, the Indicator is from the point of receipt of all relevant information but this is difficult to capture on the spreadsheet. What inevitably happens is that the officer collating the stats has to go through numerous months of data to try and update previous month's submissions before looking at the current submission. The data is always out of date, always lags behind by several months and is not robust.

DECISION: Agreed

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Technical Background and Conventions

To provide an update on progress against the council's Key Accountable Measures (KAMs) for 2017/18.

The measures within this report have been distilled from those monitored through individual service delivery plans and focuses on those which deliver the strategic priorities in the Council Strategy and the core business of the council as a whole. In order to:

- provide assurance to the Executive that the objectives laid out in the Council Strategy are being delivered;
- provide assurance to the Executive that areas of significance / particular importance are performing;
- act as an early warning system, flagging up areas of significance / particular importance which are not performing - or are not expected to perform - as hoped;
 - and therefore ensure that adequate remedial action is put in place to mitigate the impact of any issues that may arise.

Measures are RAG rated by projected year end performance, e.g. a prediction of whether the target or activity will be achieved by the end of the financial year (or, for projects, by the target date):

★ On target
 ◆ Behind target
 ■ Target missed
 ◎ Annual target
 ⌚ Data not available
 ≡ Baseline

Where measures are reported as 'red' or 'amber', an exception report is provided.

To note: where a change has been made to a target or the way in which a measure is reported, an asterisk (*) is placed next to the current target and in the adjacent explanatory comment.

Comparative Outturns

This relates to standardised, nationally reported measures. By default the data is compared to England as a whole. Our relative standing is presented as quartiles (i.e. 4th quartile up to 1st quartile). Where available, this is included against the previous year's outturn. Where a direct, national comparison is not available, this is labelled as 'local'. Because of the timescales involved in central government, compiling, validating and publishing relative statistics, these are only published 6-12 months in arrears, sometimes longer.

Measures of Volume

In addition to the key accountable measures, a number of contextual measures are recorded. These are non-targeted measures, which serve to illustrate the workload in a service, as well as how this may have changed from the previous quarter, or on a like-for-like basis, to the same period last year.

Scorecard

The Council Performance Scorecard is an overall summary of performance against the Council Strategy Priorities and Overarching Aim, Core Business areas and the two corporate health measures relating to revenue expenditure forecast and staff turnover.

A RAG rating is given to each Priority and the Overarching aim. This decision is not based on an exact formula, but is reached by the relevant decision bodies (e.g. Corporate Board, Executive), through their discussion of the KSM report. The RAG judgement aims to reflect the likelihood of delivering the priorities and aims over the lifetime of the Council Strategy.

- Green (G) – indicates we have either achieved / exceeded or expected to achieve / exceed what we set out to do
- Amber (A) – indicates we are behind where we anticipated to be, but still expect to achieve or complete the activities as planned
- Red (R) indicates that we have either not achieved – or do not expect to achieve what we set out to do based on the current plans and results to date.

In a similar manner, an overall RAG rating is applied to each core business area and the Corporate Programme, but the focus is instead on the likelihood of achieving the end of year targets.

Dashboard

The dashboard is providing a visual representation for the evolution of some Measures of Volume. The elements used to provide information are as follows:

- Arrows – upwards or downwards based on the evolution of the measure quarter versus quarter (e.g. Q2 this year vs. Q2 of the previous financial year). In some cases it is more appropriate to compare Year to Date values and this is indicated by the 'YTD' text on the arrows. A sideways pointing arrow indicates that there is not much difference between the two reporting periods.
- Values on the arrows provided between brackets reflect the result for the reporting quarter (except where 'YTD' text is added which indicates that the value is year to date). The percentages provided on the arrows show the percentage variance between the reporting period (quarter only or year to date) and the corresponding period of previous year

To note: direction of travel is based on the difference between the two values and not as a result of a statistical test to assess if such a difference is statistically significant or not.

Wash Common Library – Devolution and Community Asset Transfer

Committee considering report:	Executive on 14 June 2018
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	2 May 2018
Report Author:	Jo Naylor
Forward Plan Ref:	EX3558

1. Purpose of the Report

- 1.1 To seek approval for the transfer of the Wash Common Library building to Newbury Town Council (NTC) on a 5-year short term lease for use by the Friends of Wash Common Library for use as a small part-time library and community hub.

2. Recommendation

- 2.1 To proceed with the transferral of leaseholder responsibility to Newbury Town Council and to permit this empty building to be reused as a library and community hub.

3. Implications

- 3.1 **Financial:** There will be no budget transferred along with the building in accordance with the decision made in 2016 as part of the Transformation of West Berkshire Library Services which removed Council supported provision in this location. Newbury Town Council have obtained support in principle for this project from their Policy and Resources Committee held on 30th April.
- The Friends of Wash Common Library have created a business plan and fundraising strategy to ensure the service they provide can be run from this site. This includes collecting financial pledges of support by residents, applying for grant funding and utilising the building for other small income generating ideas.
- 3.2 **Policy:** Devolution Programme is part of the Council's Corporate Plan priority to help communities to help themselves.
- 3.3 **Personnel:** There will be some cost in relation to officer time to complete the necessary due diligence checks prior to transferral of any responsibility.
- 3.4 **Legal:** Legal Services time and resource will be required to help agree the necessary lease agreement to support this transfer.

- 3.5 **Risk Management:** There is a small risk the community venture might fail however with the involvement of Newbury Town Council, this helps secure the short-term management and maintenance of the building without requiring Council financial resources.
- 3.6 **Property:** The Wash Common Library building is in good condition and could be used in the short to medium term to reinstate a small library in this location.

Executive Summary

4. Introduction / Background

- 4.1 It is the general approach of the Council that the Devolution Programme should support the transfer of responsibility for assets/services to town and parish councils wherever possible to allow for greater local autonomy and control.
- 4.2 Wash Common Library was closed in April 2017 following a review of the statutory service and as part of transformation proposals for the service. Whilst a library in this location is not an essential requirement in terms of the Council's statutory responsibilities to provide library services, it was well liked and supported by local residents.
- 4.3 Local community members have formed a charity and are seeking full Charitable Incorporated Organisation (CIO) status with the purpose of establishing a volunteer run community library in the building. The West Berkshire Library Service will donate all the book stock, shelving and the furniture that was in the library when it closed, to the charity but will have no other connection, financial or operational, with the community library.
- 4.4 Wash Common Ward Members along with Newbury Town Councillors sought to find opportunities to reopen the library building and provide a wider community hub resource. There is good agreement and joint working between Friends of Wash Common Library and Newbury Town Council to see this venture succeed.

5. Proposal

Transfer on short 5-year lease

- 5.1 The proposal is to seek to transfer the leasehold for Wash Common Library to Newbury Town Council on a 5-year full repairing and maintaining lease. The Heads of Terms have been drafted to reflect the requirements.
- 5.2 There is currently a proposal to charge a minimum peppercorn rent of £1 per annum to Newbury Town Council (NTC) on the basis the Council has divested itself of the building and all revenue and capital responsibilities are passed across to NTC.
- 5.3 There will be no revenue costs to this Council associated with the transfer of the asset to NTC. The freehold of the building itself will remain in the ownership of West Berkshire Council. This follows the model the Executive recently agreed with Hungerford Town Council in relation to Hungerford Library.

Community library operation

- 5.4 The library service will be run by the Friends of Wash Common Library, staffed entirely by volunteers. Newbury Town Council will have the appropriate Service Level Agreement with this group to allow for the building to be primarily used for this purpose.
- 5.5 All the book stock, shelving and furniture that was in the library when it closed will be donated to the charity. The building also includes telephone access, an intruder alarm and staff toilet which would all be maintained as part of the agreement.
- 5.6 The library will be entirely independent of the West Berkshire Library Service. However, both parties are keen to develop ways in which they can work in partnership provided the Council incurs no costs. For example, the Friends of Wash Common Library could raise money to buy book stock via the Council's bulk purchasing arrangements, and some training of volunteers may also be possible.

Revenue costs

- 5.7 The revenue costs of operating the building as a library have already been provided to NTC and the Friends of Wash Common Library. These equate to £7,600 per annum and these savings have already been realised by this Council and will need to be covered by the charity through fundraising.
- 5.8 The Friends of Wash Common Library have developed a business plan setting out how they will fund their activities and cover their running costs to ensure a sustainable service. NTC will provide the financial backing for the necessary building maintenance and insurance.
- 5.9 The Friends of Wash Common Library have already received pledges of £6k from local residents to support the library. They also have approached Greenham Trust about a grant funding and have obtained a positive initial response indicating their likely support for the project.
- 5.10 The group would be equally be eligible for a single time Community Solutions Fund grant for any initial capital costs or small repairs required to the building prior to transfer.
- 5.11 The group has also been investigating further income generating ideas including art classes and working with other community groups to fully maximise the use of the venue.

Risk Assessment

- 5.12 There is little risk associated with this proposal. Currently the building is vacant and is seen by the local community as a wasted asset. This could be utilised and managed by the Friends of Wash Common Library for community purposes at no cost to West Berkshire Council.

- 5.13 The condition of the building has been assessed and there isn't any significant repair work required. Newbury Town Council Members have also inspected the building on 22 March 2018.
- 5.14 A short-term lease of 5 years appears to be an appropriate timeframe for trialling the service and testing the residents' commitment to using this facility, including opportunities to expand its use as a community hub. Newbury Town Council is looking to commit to take over the responsibilities for the building including all necessary insurances.
- 5.15 Newbury Town Council has confirmed they have the necessary Public Liability Insurance with cover up to £5 million for the transfer of this asset.
- 5.16 This proposal has already passed through all the Council's internal committees before coming to the Executive for the final approval.

6. Conclusion

- 6.1 This proposal provides an opportunity for the community to develop a community library and hub with the assurance that Newbury Town Council will cover the building maintenance and insurance costs as necessary.
- 6.2 The Executive Committee is asked to consider the transfer of this asset to Newbury Town Council and allow for this joint venture with the local community. The risks are relatively low considering the short term nature of the lease (expiring in 5-years) and the freehold of the building remaining with West Berkshire Council.
- 6.3 The proposal helps to utilise a vacant building without any revenue implications for West Berkshire Council. This report is seeking a decision to progress this proposal now the backing from Newbury Town Council has been confirmed.

Appendices

- 6.4 Appendix A – Equalities Impact Assessment

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(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; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) 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) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) 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) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	To consider issuing a short-term lease for the Wash Common library building to Newbury Town Council in order to allow the Friends of Wash Common Library group to run a part-time library service.
Summary of relevant legislation:	Cities and Local Government Devolution Act, 2016
Does the proposed decision conflict with any of the Council’s key strategy priorities?	This is consistent with the Council Strategy priority to help communities to help themselves.
Name of assessor:	Jo Naylor
Date of assessment:	4/5/18

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	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 proposed decision and who is likely to benefit from it?	
Aims:	Better use of a community facility for a volunteer led library service.
Objectives:	Provision of a small library/book exchange provision.
Outcomes:	Local library provision reinstated. Use of community volunteers to run a service.
Benefits:	This proposal will respond to the community request for a small library in this location but will be done without any cost to WBC.

<p>2 Note which groups may be affected by the proposed decision. 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
Age	Positive	See comment section below for justification.
Disability	Positive	
Gender Reassignment	Positive	
Marriage and Civil Partnership	Positive	
Pregnancy and Maternity	Positive	
Race	Positive	
Religion or Belief	Positive	
Sex	Positive	
Sexual Orientation	Positive	
<p>Further Comments relating to the item:</p> <p>Proposal will have a positive impact on ALL groups – as it will result in a more accessible service for all groups - indiscriminate of race, gender, age, disability, etc.</p>		

3 Result	
<p>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</p>	No
<p>Please provide an explanation for your answer:</p>	
<p>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</p>	No
<p>Please provide an explanation for your answer:</p>	

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 Two 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

Name: Jo Naylor

Date: Rachel Craggs

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

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Agenda Item 13.

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Agenda Item 14.

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