

EXECUTIVE

MINUTES OF THE MEETING HELD ON

THURSDAY, 18 OCTOBER 2018

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

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Edward Clintworth (Public Health Programme Officer), Robert O'Reilly (Head of Human Resources), Ian Pearson (Head of Education Service), Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Mollie Lock, Councillor Alan Macro and Councillor Quentin Webb

Apologies for inability to attend the meeting: Councillor Jeanette Clifford and Councillor Marcus Franks

PART I

49. Minutes

The Executive meeting commenced with all present observing a one minute silence. This followed the tragic accident involving friends and colleagues from Priors Court School on 11 October 2018. Three members of the school's staff lost their lives as a result of the accident, with others sustaining serious injuries. Members' thoughts were with all those involved at the school and their families.

The Minutes of the two Special Executive meetings held on 12 July 2018 and the Executive meeting on 6 September 2018 were approved as true and correct records and signed by the Leader.

50. Declarations of Interest

There were no declarations of interest received.

51. Petitions

Councillor Graham Jones stated that petitions would be received in advance of responding to public questions on this occasion due to the high number of public questions.

Councillor Graham Jones presented a petition containing 231 signatures relating to the application for a 20mph speed limit and the re-designation of Back Street as 'access only' in the village of Eastbury. Councillor Graham Jones commented that the petition had received almost total support from Eastbury villagers. The petition would be referred to the Head of Transport and Countryside and the Portfolio Holder for Highways and Transport, Environment and Countryside.

Councillor Alan Macro presented two petitions, one containing 666 signatures and one containing 6,960 signatures, both requesting that the Council abolish the £50 green bin tax. The petition stated that recycling was an essential service and should not be subject to an additional charge which could result in less economically fortunate residents recycling their garden waste. There were also concerns that disabled and elderly residents would be unable to take their recycling to a Household Waste Recycling Centre as an alternative.

Councillor Hilary Cole questioned the presentation of the green waste petitions by Councillor Macro when she recalled that Liberal Democrat Members supported the introduction of this charge at the Council meeting in March 2018. Councillor Lee Dillon

EXECUTIVE - 18 OCTOBER 2018 - MINUTES

stated that Liberal Democrat Members voted against this proposal and against the budget. Councillor Graham Jones pointed out that Councillor Dillon had proposed a Motion at Council to reduce but not remove the green waste charge.

As the number of signatories to the green waste petitions exceeded the threshold of 1500 signatures which could allow a Council debate, discussions would be held as to whether the petition would be debated at a Full Council meeting. This was a matter to be determined by the two Group Leaders.

52. **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 Carlyne Culver to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Ms Carlyne Culver on the subject of not cutting verges so often to allow wild flowers to grow for the benefit of pollinators was answered by the Portfolio Holder for Corporate Services in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

(b) **Question submitted by Ms Carlyne Culver to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Ms Carlyne Culver on the subject of the amount spent by the Council during this financial year on collecting fly tipped waste, in comparison with the 2017/18 financial year, was answered by the Portfolio Holder for Planning, Housing and Waste.

(c) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of the employment of a Conservative Group Support Officer was answered by the Leader of the Council.

(d) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of why budget cuts and belt tightening did not apply to the activity of Councillors was answered by the Leader of the Council.

(e) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of social media activity by an Executive Member was answered by the Leader of the Council.

(f) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of the provision of social media training for all Council Members was answered by the Leader of the Council.

(g) **Question submitted by Mr Peter Carline to the Portfolio Holder for Economic Development and Communications**

A question standing in the name of Mr Peter Carline on the subject of supporting a second Brexit referendum would receive a written response from the Portfolio Holder for Economic Development and Communications.

EXECUTIVE - 18 OCTOBER 2018 - MINUTES

(h) **Question submitted by Mr Paul Morgan to the Portfolio Holder for Economic Development and Communications**

A question standing in the name of Mr Paul Morgan on the subject of what evidence and consultation had taken place to support the decision relating to Newbury Football Club, as outlined in a Council press release in June 2018, was answered by the Portfolio Holder for Economic Development and Communications.

Mr Morgan expressed concern that the Portfolio Holder's response did not address the question as originally submitted. It was therefore agreed that, post complete clarification, a full written answer would be provided by the Portfolio Holder for Economic Development and Communications. Mr Morgan would then be given the opportunity to ask a supplementary question. Mr Morgan stated that he would also appreciate a conversation on the matter.

The full response would be detailed in the publically available Question and Answer document (available as a link in these minutes).

(i) **Question submitted by Ms Susan Millington to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Ms Susan Millington on the subject of why the option to pay £25 for six months' of green bin collections had not been publicised was answered by the Portfolio Holder for Planning, Housing and Waste.

(j) **Question submitted by Mr Lee McDougal to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr Lee McDougal on the subject of when the Playing Pitch Strategy (PPS) would be available to the public to read and whether the Council was committed to adhering to any recommendations made from the PPS was answered by the Portfolio Holder for Economic Development and Communications in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

(k) **Question submitted by Mr Stephen Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr Stephen Masters on the subject of improving air quality in West Berkshire was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

Mr Masters' supplementary question would receive a written response.

(l) **Question submitted by Mr Stephen Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr Stephen Masters on the subject of whether cuts to rural bus services had helped to reduce car use and improve air quality was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

53. **Procurement of Investment Portfolio Services (EX3642)**

The Executive considered a report (Agenda Item 6) which sought approval to delegate authority to (a) the Head of Finance to award the call off contract to Montagu Evans following a mini competition dated 31 August 2018 under the terms of the Crown Commercial Services Framework (ref: RM3816 dated 12 April 2017) and (b) the Head of Legal Services to enter into a call off contract. This was in respect of the appointment of the Council's Property Investment and Management Advisor.

EXECUTIVE - 18 OCTOBER 2018 - MINUTES

Councillor Anthony Chadley advised that Montagu Evans had already been appointed to this role, following an appropriate procurement exercise in August 2017, to manage the original sum of £50m to be invested in commercial property. To date, £48m of this sum had been invested and the income target for the Council of £500k per annum was already being exceeded. Councillor Chadley added that the Property Investment Board was in place to oversee this expenditure.

As a result of this success, approval was then given by Council in July 2018 to increase the sum for property investment to £100m and thereby increase the Council's potential income. Advice from the Council's Legal Team was to carry out a procurement process for the additional £50m investment and as this could create two parallel contracts it was agreed that the existing contract with Montagu Evans would be cancelled and a procurement process undertaken to cover the additional investment and the management of the entire £100m portfolio.

Montagu Evans was the only bidder, they were considered suitable and met the required criteria. Montagu Evans was therefore recommended as the Council's Property Investment and Management Advisor.

Councillor Dominic Boeck added to the points made by Councillor Chadley. The Council had worked with Montagu Evans since 2016 and in Councillor Boeck's view they had done an excellent job. While the Council's in house expertise was good, Montagu Evans had provided an extra depth in that expertise. He was delighted to support the recommendation.

Councillor Jeff Brooks felt it was disappointing that only one bid had been submitted and questioned whether the reasons for this had been investigated. He accepted that Montagu Evans had met the required quality criteria, but he was concerned that there was no competitor with which to compare the bid from Montagu Evans and he queried if any lessons had been learned from this process.

Councillor Chadley advised that he had asked the very same questions. It was however very difficult to investigate why no further bids had been submitted. Some assumptions had been made, it was felt that the involvement of Montagu Evans in the first tranche could have resulted in other property firms deciding not to bid. Councillor Chadley did make the point that the bid for the £100m portfolio from Montagu Evans was an improvement upon their original successful bid for the £50m. He also explained that Montagu Evans scored more highly and was a substantially cheaper alternative to its competitors for the original tendering process for the £50m portfolio.

Councillor Boeck added that the sums of £50m and £100m were not considered substantial in the market and there was therefore only a small pool of potential bidders. He went on to explain that Montagu Evans had gained much experience in property investment and would have been challenging competition if any other bids had been forthcoming.

Councillor Brooks accepted that the incumbent provider would have been seen by its competitors as having the fast track for this contract, however he felt it was invaluable to identify lessons learned from the process.

Councillor Brooks noted from the report that fees for a single provider for a £100m portfolio would potentially be in the region of £2.5m for a five year contract and felt that a greater awareness was needed of how the portfolio was structured, i.e. whether bonuses were paid and penalties issued, to help ensure that value for money was being achieved. Councillor Graham Jones noted that a response to this point could involve commercially sensitive information and it was agreed that this would be followed up with Councillor Brooks outside of the meeting.

EXECUTIVE - 18 OCTOBER 2018 - MINUTES

Councillor Alan Macro questioned the difference between the fees potentially paid to Montagu Evans and the level of income expected to be received by the Council. His expectation was that the Council's income should, in comparison, be higher than the amount paid to Montagu Evans.

Councillor Chadley explained that he could not answer that point in full due to commercial sensitivities, but did point out that Montagu Evans was responsible for the ongoing management and maintenance of properties and therefore the £2.5m was not a profit for them. The income obtained by the Council was a profit.

RESOLVED that following the conclusion of a further competition process within the Crown Commercial Services framework, it was agreed that the Council should appoint Montagu Evans as its Property Investment and Management Advisor.

Other options considered: None identified.

54. 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 submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services**

A question standing in the name of Councillor Jeff Brooks on the subject of the average margin paid to temporary worker agencies on top of the agency workers cost was answered by the Portfolio Holder for Corporate Services.

(b) **Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services**

A question standing in the name of Councillor Jeff Brooks on the subject of whether agency workers were paid the National Living Wage was answered by the Portfolio Holder for Corporate Services.

(c) **Question submitted by Councillor Alan Macro to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Councillor Alan Macro on the subject of how the part year payment for the green waste bin charge was publicised was answered by the Portfolio Holder for Planning, Housing and Waste.

(d) **Question submitted by Councillor Lee Dillon to the Portfolio Holder for Community Resilience and Partnerships**

A question standing in the name of Councillor Lee Dillon on the subject of how residents were expected to attend the Newbury Vision 2026 Conference when it was being held during the working day was answered by the Leader of the Council in the absence of the Portfolio Holder for Community Resilience and Partnerships.

55. 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 involved the likely disclosure of exempt information as contained in Paragraphs 4 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

EXECUTIVE - 18 OCTOBER 2018 - MINUTES

56. Contract extension (exception) for the Public Health School Nursing and Health Visiting Service: 0-19 (up to 25 for young people with special educational needs and disabilities) (EX3643)

(Paragraph 6 – information relating to proposed action to be taken by the Local Authority)

The Executive considered an exempt report (Agenda Item 9) requesting an exception from the Contract Rules of Procedure to extend the current contract for the Public Health School Nursing and Health Visiting Service 0-19 (up to 25 for young people with special educational needs and disabilities). The exception would enable the Council to extend the current provision of the service by an additional 12 months.

RESOLVED that the recommendation in the exempt report be agreed.

Other options considered: as outlined in the exempt report.

57. Approval for an exit payment over £10,000 (Urgent item)

(Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)

The Executive considered an exempt report (Agenda Item 10) which sought approval to make an exit payment in excess of £10,000.

RESOLVED that the recommendation in the exempt report be agreed.

Other options considered: as outlined in the exempt report.

(The meeting commenced at 5.00pm and closed at 6.07pm)

CHAIRMAN

Date of Signature