

# Notice of Meeting

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# Executive

**Thursday 18 October 2018 at 5.00pm**

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

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Date of despatch of Agenda: Wednesday 10 October 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](mailto: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 - 16  
To approve as a correct record the Minutes of the two special Executive meetings held on 12 July 2018 and the ordinary Executive meeting on the 6 September 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 Ms Carlyne Culver to the Portfolio Holder for Highways and Transport, Environment and Countryside**  
*"Would the Council consider saving money by not cutting verges so often and instead allowing wild flowers to grow for the benefit of pollinators?"*
  - (b) **Question submitted by Ms Carlyne Culver to the Portfolio Holder for Planning, Housing and Waste**  
*"How much has the Council spent so far during this financial year on collecting fly tipped waste, compared with how much it spent on the same task during the whole of the financial year 2017/18?"*
  - (c) **Question submitted by Mr Thomas Tunney to the Leader of the Council**  
*"Given the £2.8m forecast overspend that the Council is having to try and bring under control, how can the organisation defend the employment of a Conservative Group Support Officer at Grade J £33k-£39k paid for by local taxpayers?"*



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- (d) **Question submitted by Mr Thomas Tunney to the Leader of the Council**  
*“Why do cuts and belt-tightening apply to all operations of the Council except the activity of Councillors themselves, who also benefitted from a 16.5% allowance rise which would appear to provide adequate resource for carrying out much, if not all, of the role?”*
- 
- (e) **Question submitted by Mr Thomas Tunney to the Leader of the Council**  
*“How does the Council propose to be taken seriously as an authority on the social media activity of staff when one of its own Executive has been found culpable of sharing deeply unpleasant views, emerged without any notable censure and further allowed to remain on the group executive?”*
- 
- (f) **Question submitted by Mr Thomas Tunney to the Leader of the Council**  
*“Following the investigation of the councillor previously mentioned in question (e) what steps have been taken to provide social media training for all council members of all levels of understanding?”*
- 
- (g) **Question submitted by Mr Peter Carline to the Portfolio Holder for Economic Development and Communications**  
*“Following a recent poll by the Newbury Weekly News on a second Brexit referendum (87% yes, 13% no), will this council join other councils in supporting a people's vote - or better still support the revoking of Article 50?”*
- 
- (h) **Question submitted by Mr Paul Morgan to the Portfolio Holder for Economic Development and Communications**  
*“What evidence did WBC take into account and what consultation took place to support the decision as outlined in the June press release relating to Newbury Football Club?”*
- 
- (i) **Question submitted by Ms Susan Millington to the Portfolio Holder for Planning, Housing and Waste**  
*“Given that a great many ratepayers, now feeling obliged to pay £50 annually for green bin collections, would have chosen to pay only for the spring and summer period, why did West Berkshire Council never publicise the option of a collection service from March to August 2019 at £25 (which is in fact available, although hidden in the terms and conditions section of your online information about this service), not in your letter to all ratepayers or in any other communications?”*
- 
- (j) **Question submitted by Mr Lee McDougal to the Portfolio Holder for Highways and Transport, Environment and Countryside**  
*“West Berkshire Council is one of the only Local Authorities to not have a Playing Pitch Strategy (PPS) in place, I understand that at Sport England's request a draft PPS is now being written. Can you advise when the public will be able to read the report and advise if WBC committed to adhering to any recommendations the PPS makes, including the retention of existing sporting facilities?”*
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- (k) **Question submitted by Mr Stephen Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**  
*“Does the Executive agree that if we as a community are serious about improving air quality in West Berkshire we should be drastically reducing our dependency on the use of automobiles on our roads and this should be a priority in any strategic planning?”*
- 
- (l) **Question submitted by Mr Stephen Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**  
*“In the Executive’s opinion did the cuts to rural bus services help reduce car use and improve air quality or more likely have a detrimental effect?”*
- 

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.

**Items as timetabled in the Forward Plan**

	<b>Pages</b>
6. <b>Procurement of Investment Portfolio Services (EX3642)</b> (CSP: MEC & MEC1) Purpose: To consider the appointment of the Council’s Property Investment and Management Advisor.	17 - 28
<hr/>	
7. <b>Members' Questions</b> Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council’s Constitution.	
(a) <b>Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services</b> <i>“What is the average margin paid to the temporary worker agencies on top of the agency workers costs?”</i>	
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(b) <b>Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services</b> <i>“Are agency workers paid the national living wage?”</i>	
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(c) <b>Question submitted by Councillor Alan Macro to the Portfolio Holder for Planning, Housing and Waste</b> <i>“How was the part-year payment for the green bin charge publicised?”</i>	
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(d) **Question submitted by Councillor Lee Dillon to the Portfolio Holder for Community Resilience and Partnerships**

*“How do you expect residents to take part in the Newbury Vision 2026 conference when it is being held during a working day?”*

8. **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

9. **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)** 29 - 44

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

(CSP: P&S, HQL)

Purpose: To seek Executive approval for 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 will enable the Council to extend the current provision of the service by an additional 12 months.

## Item not timetabled in the Forward Plan

	Pages
10. <b>Approval for an exit payment over £10,000 (Urgent item)</b> 45 - 52 <i>(Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)</i> Purpose: To seek approval from the Executive to make an exit payment in excess of £10,000.	

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

**Agenda - Executive to be held on Thursday, 18 October 2018 (continued)**

**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

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



## DRAFT

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

### EXECUTIVE

### MINUTES OF THE MEETING HELD ON

### THURSDAY, 12 JULY 2018

**Councillors Present:** Dominic Boeck, Graham Bridgman, Hilary Cole, Graham Jones and Rick Jones

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Sarah Clarke (Acting Head of Legal Services), Martin Dunscombe (Communications Manager), Dean Fischer (Strategic Asset Manager), Ian Pearson (Head of Education Service), Richard Turner (Property Service Manager), Andy Walker (Head of Finance), Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Mollie Lock, Councillor Alan Macro, Gabrielle Mancini (Group Executive - Conservatives) and Councillor Quentin Webb

**Apologies for inability to attend the meeting:** Councillor Anthony Chadley, Councillor Jeanette Clifford, Councillor Lynne Doherty, Councillor Marcus Franks and Councillor James Fredrickson

#### PART I

#### 19. Declarations of Interest

There were no declarations of interest received.

#### 20. Exclusion of Press and Public

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

#### 21. Property Acquisition

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

The Executive considered an exempt report (Agenda Item 4) concerning the acquisition of a commercial property.

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

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

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

*(The meeting commenced at 4.30pm and closed at 4.47pm)*

**CHAIRMAN** .....

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

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# DRAFT

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## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY, 12 JULY 2018

**Councillors Present:** Dominic Boeck, Graham Bridgman, Hilary Cole, Graham Jones and Rick Jones

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Sarah Clarke (Acting Head of Legal Services), Martin Dunscombe (Communications Manager), Ian Pearson (Head of Education Service), 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 Anthony Chadley, Councillor Jeanette Clifford, Councillor Lynne Doherty, Councillor Marcus Franks and Councillor James Fredrickson

#### PART I

#### 22. Declarations of Interest

Councillor Alan Macro declared an interest in Agenda Items 4 and 5 by virtue of the fact that he was a Governor of Theale Primary School, which was a sponsor of Highwood Copse School. However, he reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

#### 23. Exclusion of Press and Public

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1, 3 and 5 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.

#### 24. Highwood Copse School and A339 Link Road

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

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

*(Paragraph 5 – information relating to legal privilege)*

The Executive considered an exempt report (Agenda Item 4) concerning the proposed development of Highwood Copse School and the provision of a new access and link road from the A339 through to the strategic housing site at Sandlesford ('the Access Road').

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

**Reason for the decision:** as set out in the exempt report.

**Other options considered:** as set out in the exempt report.

#### 25. Highwood Copse School and A339 Link Road

The Executive considered the report (Agenda Item 5) which sought delegated authority to exchange a Development Agreement which would secure the delivery of Highwood

## EXECUTIVE - 12 JULY 2018 - MINUTES

Copse School ('the School') and a new access and link road from the A339 through to the strategic housing site at Sandford ('the Access Road').

Councillor Hilary Cole proposed acceptance of the report's recommendations following the Part II debate. This was seconded by Councillor Graham Jones.

Councillor Alan Macro noted from the report that the blame for the difficulties and delays encountered with this development, culminating in the need for this last minute deadline, was clearly placed with Newbury College. However, he understood that the Council Officers responsible for projects were currently stretched in seeking to deliver a number of projects which included the London Road Industrial Estate and the Market Street redevelopment. He therefore queried whether the Council had sufficient capacity to also undertake this development of Highwood Copse School and the new access and link road.

Councillor Graham Jones confirmed that the necessary capacity was in place. He added that the view of the Administration was that it was very important that this project proceeded in order to achieve the public benefit that had been identified.

**RESOLVED that** following the completion of a Section 38 Agreement which provided for the Access Road to be dedicated as public highway on the issue of a certificate of practical completion, and the completion of the transfer to the Council of the small parcel of land next to the A339 ("the Highway Land") the Executive would delegate to the Corporate Director for Economy and Environment in consultation with the Head of Legal Services and the Head of Finance and Property:

- (a) authority to simultaneously exchange the Development Agreement in an approved form with Newbury College to secure delivery of Highwood Copse School and associated temporary access road, together with the link road from the A339 to the strategic housing site at Sandford; and
- (b) if the agreement was not exchanged by 4pm on Monday 16th July 2018, authority would be delegated to immediately cease further negotiations with Newbury College for the delivery of Highwood Copse School and the A339 access and link road.

### Other options considered:

- Continue with negotiations and set a new timescale so that the delivery of Highwood Copse School moves by a further year to September 2020.
- Cease negotiations with Newbury College and not progress with the delivery of Highwood Copse School or the A339 access and link road.

*(The meeting commenced at 5.00pm and closed at 5.10pm)*

**CHAIRMAN** .....

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

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY, 6 SEPTEMBER 2018

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

**Also Present:** Catalin Bogos (Performance Research Consultation Manager), Nick Carter (Chief Executive), Mark Edwards (Head of Transport and Countryside), Tandra Forster (Head of Adult Social Care), Andy Walker (Head of Finance and Property), Councillor Paul Bryant, Stephen Chard (Principal Policy Officer) and Councillor Alan Macro

**Apologies for inability to attend the meeting:** John Ashworth, Councillor Dominic Boeck, Councillor Marcus Franks and Councillor Mollie Lock

#### PART I

#### 38. Minutes

The Minutes of the meeting held on 26 July 2018 were approved as a true and correct record and signed by the Leader, subject to the following amendments:

##### Item 28 – Public Questions

The first sentence ‘There were no public questions submitted.’ was deleted.

##### Item 34 – Member Questions

The first sentence ‘There were no Member questions submitted.’ was deleted.

For both of these items, the link to the full transcription of the question and answer sessions needed to be enabled.

#### 39. Declarations of Interest

There were no declarations of interest received.

#### 40. 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 Wintrup to the Leader of the Council**

A question standing in the name of Ms Julie Wintrup on the subject of the ways in which the Council had responded to the 21 recommendations made in the Communities and Local Government Select Committee Report ‘Effectiveness of local authority overview and scrutiny committees’ would receive a written answer from the Leader of the Council.

##### (b) **Question submitted by Ms Julie Wintrup to the Leader of the Council**

A question standing in the name of Ms Julie Wintrup on the subject of how the role of the public in scrutiny was being promoted as per recommendation 18 of the Communities and Local Government Select Committee Report ‘Effectiveness of local authority overview and scrutiny committees’ would receive a written answer from the Leader of the Council.

## EXECUTIVE - 6 SEPTEMBER 2018 - MINUTES

(c) **Question submitted by Mr Chris Turner to the Portfolio Holder for Children, Education and Young People**

A question standing in the name of Mr Chris Turner asking what the Council was doing to support Kintbury Pre-School to ensure improvements following their Ofsted report was answered by the Portfolio Holder for Children, Education and Young People.

(d) **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 asking what proportion of households in West Berkshire had signed up for the £50 garden waste collection scheme was answered by the Portfolio Holder for Planning, Housing and Waste.

(e) **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 asking what representations had the Council's Executive made to Richard Benyon MP calling for more central government funding to support people living in rural areas with transportation was answered by the Portfolio Holder for Highways and Transport, Environment and Countryside.

### 41. **Petitions**

There were no petitions presented to the Executive.

### 42. **Key Accountable Performance 2018/19: Quarter One (EX3420)**

The Executive considered the report (Agenda Item 6) which outlined quarter four outturns for the Key Accountable Measures (KAMs) which monitored performance against the 2018/19 Council Performance Framework; which sought to provide assurance that the objectives set out in the Council Strategy and other areas of significant activity were being managed effectively; which presented, by exception, those measures that were predicted to be 'amber' (behind schedule) or 'red' (not achievable) by year end together with information on any remedial action being taken and its impact; and which recommended changes to measures/targets as requested by services.

Councillor Rick Jones presented the report in the absence of Councillor Dominic Boeck. He reported that the Council set itself challenging targets and performance against these, irrespective of the results, was outlined in this open and honest report.

Overall, the Council's performance was good, the majority of measures were 'green' and improvements were being seen. Councillor Rick Jones particularly highlighted the improvements made in reducing the number of delayed transfers of care (DTOC).

Four measures were reported as 'amber' and there was a single 'red' indicator, however actions plans were in place in each of these cases.

Councillor Rick Jones next made reference to the Performance Scorecard. This summary page reported the priority for improvement of 'Safeguarding Children and Adults' as being green/red and Councillor Jones gave some clarity on this. Firstly, the Council's target in this very important area was 100% and therefore rightly challenging. Councillor Rick Jones then explained that in relation to Safeguarding Children, the Council's performance was entirely green. This was also the case for Safeguarding Adults but with one exception – the Birchwood Care Home, as the home had received a Care Quality Commission (CQC) rating of 'Requires Improvement'. However, rapid improvements were being made under a strong action plan.

## EXECUTIVE - 6 SEPTEMBER 2018 - MINUTES

Councillor Alan Macro noted from the Scorecard that the Council's net budget for 2018/19 was stated as £125.4m. However, this was stated as £119.4m in the Quarter One Financial Report and there was therefore an error to be corrected.

Also in the Scorecard, staff turnover of 14.5% was reported which he felt to be of concern. Councillor Macro asked what efforts were being made to improve this and how would issues highlighted in the Employee Attitude Survey be addressed. Councillor Graham Jones responded to this point and stated his view that this was a low rate of turnover for such a large organisation. This percentage would also be considered as low in the private sector. Councillor Rick Jones would ask Councillor Boeck to respond more fully to these questions.

Councillor Macro noted the reduction in the number of planning applications received since the same period last year and queried the reasons for this decrease. He followed this by asking if the proposed recruitment of three Planning Officers was still planned. Councillor Hilary Cole advised that there was not a clear view on the reasons for this reduction. She added that the Planning Service was currently understaffed and staffing requirements were constantly monitored.

Councillor Macro next queried the number of live applicants on the Common Housing Register (CHR). While this had marginally increased in comparison to Q1 of 2017/18, it had decreased since 2016/17. Councillor Cole explained that there had been several reviews of the Council's allocations policy since 2014. A more stringent criteria was in place with a view to giving greater assistance to local people and a greater level of vigilance was employed for reviewing applicants which could result in people being removed. Monitoring regularly took place.

However, Councillor Cole did not believe there to be a reduction in the level of need. The Homelessness Reduction Act enabled local authorities to assist people with finding housing in the private rental sector and this did result in a reduced number on the CHR.

Finally, Councillor Macro noted a decline in the Council's use of Shaw House and he queried what was being done to encourage greater use of the building for Council meetings etc. Councillor Rick Jones acknowledged that there had been a decline in Council use but this had been balanced by greater public use, for which there was a stronger business case, and this pointed towards a prosperous future for Shaw House.

Councillor James Fredrickson highlighted the exceptionally good news that a record number of properties subject to business rates was in place. An increase of 346 (5,359 to 5,705) since Q1 of 2017/18.

Councillor Fredrickson then drew comparisons to Q4 of 2017/18. Since that time, the number of properties subject to business rates had risen by 159 and the number of empty properties had only increased by 15, which further highlighted this positive news.

### **RESOLVED that:**

- Progress against the KAMs and key achievements in all services be noted.
- Those areas reported as 'amber' and 'red' had been reviewed to ensure that appropriate actions were in place (listed below):

### **Amber:**

- 1) (LRIER) London Road Industrial Estate redevelopment 2018/19 milestone: Create and gain approval for the business plan.
- 2) Average number of days taken to make a full decision on new Benefits claims.
- 3) % of clients with Long Term Service (LTS) receiving a review in the past 12 months.

## EXECUTIVE - 6 SEPTEMBER 2018 - MINUTES

- 4) % of 'major' planning applications determined within 13 weeks or the agreed extended time.
- 5) % of 'minor' planning applications determined within 8 weeks or the agreed extended time.
- 6) % of 'other' planning applications determined within 8 weeks or the agreed extended time.

### Red

- 1) % of WBC provider services inspected by Care Quality Commission (CQC) that are rated good or better by CQC in the area of "safe".
  - Additions and amendments made to KAMs, following Corporate Board's requests for further information during the target setting process, were noted and approved:
    - (a) Delayed Transfer of Care (DToC) target will be set nationally during Q2.
      - The removal of the KPI "% of high priority Disabled Facilities Grants approved within 9 weeks of receipt of full grant applications" and the proposal to investigate a more meaningful alternative be agreed.
      - The reporting of the number of people aged 16-24 and 16-64 who claim Claimant Count, instead of those just claiming Jobseekers Allowance, be agreed as a measure of volume to reflect the move towards Universal Credit.

**Other options considered:** None.

### 43. **Revenue Financial Performance Report - Quarter 1 of 2018/19 (EX3561)**

The Executive considered a report (Agenda item 7) which informed Members of the latest revenue financial performance for 2018/19. The current financial forecast was an overspend of £1.3m against a net revenue budget of £119.4m. This figure took account of a number of mitigation strategies, notably the in year reduction of expenditure, where appropriate, across the Council and in particular in Adult Social Care (ASC). Members were particularly asked to note the continued challenge of managing pressures in ASC, which were shared nationally, and the mitigation that was proposed in year to reduce the current end of year projection.

Councillor Anthony Chadley explained that costs for ASC were significant and concerned a relatively small number of residents. A change in the circumstances of a client could create a significant financial impact, however the costs of care needed to be met. Unfortunately, the funding that had been modelled for ASC was not sufficient to meet increasing costs, however mitigating actions had been and would continue to be taken and central government would be lobbied for additional funding. This included applying to remain in the Business Rates pilot, but there would be competition for this from other local authorities as a shortfall in ASC funding was a national issue.

Councillor Chadley added that the Council had an excellent record of balancing its budgets. He also pointed to the successful implementation of the Property Investment Strategy with the income target being exceeded. The Council was also on target to achieve anticipated income from green waste charging and he expected that this would soon be reported as 'green'.

Councillor Alan Macro noted the ASC overspend of £2.4m, which was the figure prior to any mitigation measures, and queried when the ASC risk reserve would be utilised as well as the criteria for its use. He asked whether it would be used prior to taking the step referred to of slowing down activity and expenditure.

## EXECUTIVE - 6 SEPTEMBER 2018 - MINUTES

Councillor Graham Bridgman explained that risk reserves had been established to meet specific identified risks in the budget and were contingency funds to meet unpredicted costs. He also made the point that the timing for the deployment of risk reserves would not alter the outturn position for the financial year and it was felt to be at too early a stage in the financial year to do so. Mitigating measures needed to be implemented in the first instance rather than automatically turning to the risk reserve, this was particularly important when considering that the amount set aside for predicted risks was not sufficient to meet the forecast position due to the level of in-year pressure.

Councillor Bridgman then built on the comment made by Councillor Chadley that a small number of new clients and those with a change in their circumstances could make a vast difference to costs and therefore the ASC outturn. As an example of this he highlighted the cost of residential care placements which was in the region of £1m and was for just less than 25 people. However, this did align with demographic expectations.

Councillor Bridgman made the further point that ASC costs did not just concern elderly residents, they also encapsulated adults with high level needs that needed to be met. He added that the modelling would be worked through in detail to fully understand where there had been issues to aid future predictions.

**RESOLVED that** Members noted the report.

**Other options considered:** N/A – factual report for information.

### 44. **Capital Financial Performance Report - Q1 of 2018/19 (EX3591)**

The Executive considered a report (Agenda Item 8) which informed Members of the progress made with major capital schemes and forecast spend against the 2018/19 approved capital budget.

Councillor Anthony Chadley highlighted that at the end of Quarter One, a total spend of £81.6m was forecast against the revised capital budget of £84.2m and 37.1% of the revised budget had been committed. It was positive to note this forecast level of expenditure on capital infrastructure projects.

There had been an increase in the capital budget, but this was solely due to the reprofiling of funds from the previous financial year.

Councillor Alan Macro questioned the reasons behind the considerable delay with the delivery of the contracts with British Telecom and Gigaclear for Phase Three of the Superfast Broadband project, and what action was being taken as a result. Nick Carter explained that the primary reason was the fact that both providers were having difficulty with appointing sub-contractors to do the work due to current difficulties in the market.

Remedial plans were in place with both providers and this included a revised timeframe. There was confidence that the revised timeframe would be met.

**RESOLVED that** Members noted the report.

**Other options considered** N/A – factual report for information.

### 45. **Treasury Management Annual Report 2017/18 (EX3630)**

Councillor Anthony Chadley presented the report (Agenda Item 9) which informed Members of the treasury management activity and performance of the Council's investments for the financial year 2017/18.

He explained that both himself and Councillor Lee Dillon formed the Treasury Management Group and this group would continue to scrutinise and review the Council's investments and borrowing activity.

**EXECUTIVE - 6 SEPTEMBER 2018 - MINUTES**

**RESOLVED that** Members noted the report.

**Other options considered:** Not applicable.

**46. Members' Questions**

There were no Member questions submitted.

**47. Exclusion of Press and Public**

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

**48. Insurance Tender Award (EX3634)**

*(Paragraph 3 – information identifying the financial/ business affairs of a particular person)*

The Executive considered an exempt report (Agenda Item 12) which sought approval to award the contract for insurance services.

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

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

*(The meeting commenced at 5.00pm and closed at 5.37pm)*

**CHAIRMAN** .....

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



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## Procurement of Investment Portfolio Services

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<b>Committee considering report:</b>	Executive on 18 October 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	4 October 2018
<b>Report Author:</b>	Richard Turner
<b>Forward Plan Ref:</b>	EX3642

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### 1. Purpose of the Report

- 1.1 The Executive resolves to delegate authority to (a) 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) Head of Legal Services to enter into a call off contract.

### 2. Recommendation

- 2.1 Following the conclusion of a further competition process within the Crown Commercial Services framework, it is recommended that the council appoint Montagu Evans as property investment and management advisor.

### 3. Implications

- 3.1 **Financial:** The capital and revenue expenditure associated with the property agents is allowed for within the cost modelling for the commercial property portfolio.
- 3.2 **Policy:** The appointment of advisors forms part of the long term management of the commercial portfolio, in accordance with the Property Investment Strategy.
- 3.3 **Personnel:** There are no human resources implications.
- 3.4 **Legal:** Procurement in accordance with the West Berkshire Council constitution, part 11 Contract Rules of Procedure.
- 3.5 **Risk Management:** The appointment of property agents ensures the support of professional property agents in the acquisition and management of a commercial property portfolio.
- 3.6 **Property:** The Property Services team are responsible for the appointment of, and ongoing performance management of the property agents.
- 3.7 **Other:** None identified

#### 4. Other options considered

- 4.1 To conduct a procurement process for the new fee associated with the additional £50m and retain the existing contract for the existing property portfolio. This is not the preferred option as has the potential for the total portfolio to be split across two providers, with different terms.
- 4.2 To end the current contract and proceed without professional property agent input, conducting all services in house. The model upon which the Property Investment Strategy is based, relies upon significant breadth of skills, market position nationally and the infrastructure to offer multiple services, none of which can be accommodated internally.

## Executive Summary

### 5. Introduction / Background

- 5.1 In accordance with the Contract Rules of Procedure (part 11 of the WBC Constitution) a procurement exercise was undertaken in August 2017 and Montagu Evans were appointed as property agents.
- 5.2 The Councils Legal team advised the Council to carry out a procurement process for the additional £50M investment. Owing to the potential for this to create two parallel contracts it was agreed to cancel the existing HCA contract with ME and undertake a procurement process to cover the additional investment and the management of the entire £100m portfolio (once fully invested).

### 6. Proposals

- 6.1 All 12 providers on the CCS framework were invited to Tender on 10 August 2018. The result of the Tender process, run in adherence with the Framework rules and ending on 31 August 2018, produced only one tender – from Montagu Evans.
- 6.2 The frameworks rule for a single Provider submission allow for appointment to be made so long as the Price submitted is within the range of fees originally provided to the Framework.
- 6.3 The submitted tender was evaluated by a panel including an independent person and Montagu Evans scored 78.8 on Quality. The Price was confirmed to be ‘within the range of fees previously provided by the Supplier on the Framework’.
- 6.4 When comparing the tender submission made by Montagu Evans, with the price of the services provided in the previous contract the costs are either the same or less than previously structured.

### 7. Conclusions

- 7.1 At the end of the Further Competition process, it was concluded that ME were a suitable Provider to support the Councils PIS and it would be appropriate to engage the Provider for the tendered contract period of 5 years using a CCS Framework Contract.
- 7.2 We are seeking, the Executive resolves to delegate authority to (a) 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) Head of Legal Services to enter into a call off contract.

### 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

## Appendix A

### 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](mailto:dp@westberks.gov.uk)

Directorate:	Resources
Service:	Finance and Property
Team:	Property Services
Lead Officer:	Richard Turner
Title of Project/System:	Procurement of Property Management consultants
Date of Assessment:	10 <sup>th</sup> September 2018

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

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “<i>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><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>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?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</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.

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity 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.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To approve the appointment of the recommended property management consultant.
<b>Summary of relevant legislation:</b>	Section 135 of the Local Government Act 1972 Directive 2014/24/EU on public procurement, replacing Directive 2004/18/EC Public Contracts Regulations 2015
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Richard Turner
<b>Date of assessment:</b>	10 <sup>th</sup> September 2018

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

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To appoint consultant commercial property agents
<b>Objectives:</b>	To receive specialist expertise related to the acquisition and management of commercial property.
<b>Outcomes:</b>	The ownership of a commercial property portfolio to derive long term revenue income.
<b>Benefits:</b>	£1m of revenue from 2018/19 rising to £2m of revenue income from 2020/21.

<b>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.</b>		
(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.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>

Age	None	n/a
Disability	None	n/a
Gender Reassignment	None	n/a
Marriage and Civil Partnership	None	n/a
Pregnancy and Maternity	None	n/a
Race	None	n/a
Religion or Belief	None	n/a
Sex	None	n/a
Sexual Orientation	None	n/a
<b>Further Comments relating to the item:</b>		
<b>3 Result</b>		
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>		<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b>		
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>		<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b>		

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](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: *Richard Turner*

Date: *10<sup>th</sup> September 2018*

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



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# Procurement of Investment Portfolio Services – Supporting Information

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## 1. Introduction/Background

- 1.1 The Council adopted a Property Investment Strategy (PIS), 'the strategy' prepared by property consultants JLL (dated March 2017) on 9 May 2017. The strategy was reviewed and refreshed and adopted by the Council on 1 March 2018.
- 1.2 The strategy, as an addendum to the Treasury Management Strategy, increased the level of borrowing to increase the capital programme by £50m allowing the purchase of commercial investment property. In compliance with the adopted strategy, the Council functions as an 'Informed Client' with enhanced capability provided by an external Property Consultant, to acquire and manage income producing commercial property throughout the UK.
- 1.3 In accordance with the Contract Rules of Procedure (part 11 of the WBC Constitution) a procurement exercise was undertaken through the HCA (now Homes England) framework agreement for the appointment of the property agent services.
- 1.4 Montagu Evans (ME) were appointed as the Councils Property Consultants in August 2017.
- 1.5 With the support of the Property Consultants (Provider), £48m of the authorised £50m of funds has now been successfully invested.
- 1.6 On 3 July 2018, the Council resolved to allocate an additional £50m of funds for the acquisition of commercial property aligned with the Council's strategy.
- 1.7 It is estimated that an overall £100m portfolio may potentially generate circa £2.5m of fees during the term of the contract for the Provider.
- 1.8 Due to the overall contract value and subsequent increase in fee generation, the Councils Legal team advised the Council to carry out a procurement process for services associated with the additional fees. Owing to the potential for this to create two parallel contracts it was agreed to cancel the existing HCA contract with ME at an appropriate time and undertake a procurement process to cover the investment of the additional £50m and the management of the entire £100m portfolio (once fully invested).
- 1.9 Terminating the Council's contract with ME early is allowable within the HCA framework without cost consequence. This is a consequence of the increased level of service and associated fees and there are no performance issues with the current level of service provided by ME.
- 1.10 A competitive procurement process was undertaken during August 2018 by the Council's Property Services Team utilising the Crown Commercial Service (CCS) Framework. The conclusion of that process is that ME were successful in their

tender submission and should now, subject to Executive approval, be appointed under the terms of the CCS framework contract for the five year contract.

- 1.11 This report requests the Executive resolves to delegate authority to (a) 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) Head of Legal Services to enter into a call off contract.

## 2. Supporting Information

- 2.1 ME were initially appointed to provide Property Investment and Management/Facilities advice during August 2017 and were appointed after a competitive tender process via the HCA Framework. At the time of the contract award (for a term of three years with the potential to extend for a further two years) it was envisaged that the total committed funds would not exceed £50m. The Potential Providers on the HCA Framework submitted their Tender on this basis.
- 2.2 The initial £50m has been successfully invested (actual total of £48m spent inclusive of fees) in less time than originally envisaged.
- 2.3 The Council resolved on 3 July 2018 to allocate a further £50m creating, once fully invested, a capital investment of £100m, income-producing, commercial property portfolio (inclusive of purchaser's costs).
- 2.4 It is estimated that the total fees generated for a single Provider for a £100m portfolio (inclusive of acquisitions fees) to be in the region of £2.5m over the life time of the contract, a period of five years.
- 2.5 The original HCA contract is explicit that it was for a maximum of £50m and does not allow for a significant increase in fees for services provided by the Provider. The Councils legal team advised that to continue using the HCA contract for the entire £100m portfolio would expose the Council to the potential for legal challenge.
- 2.6 It was the view of WBC Property Services Team that a split commercial property portfolio administered via two separate contracts would be inefficient and lose strategic oversight, and that a single contract would be most effective. This view was presented to and received the support of the Property Investment Board (PIB)
- 2.7 Subsequently, following direction from PIB, Property Services undertook a Further Competitive procurement process via the CCS framework. It is worth noting that the HCA has now been replaced by the Homes England (HE) and the replacement Framework was not available to the council at the time of seeking suitable frameworks.
- 2.8 The Councils tender process was launched on 10 August 2018 with all twelve Potential Providers on the CCS framework invited to Tender. The Tender process was run in adherence with the Framework rules and ended on 31 August 2018. Only one Provider submitted a Tender – Montagu Evans.
- 2.9 The frameworks rules for a single Provider submission are as follows:

*“If the Authority receives only one Tender in relation to this Further Competition, the Potential Provider will be awarded the Contract provided that they meet the*

*Minimum Total Score of 65 for Quality and the Price is within the range of fees previously provided by the Supplier on the Framework.”*

- 2.10 The submitted tender was reviewed and scored by a panel of four which included an independent person from another team within the Council. Montagu Evans scored 78.8 on Quality and the Price was confirmed to be ‘within the range of fees previously provided by the Supplier on the Framework’.
- 2.11 When comparing the tender submission made by Montagu Evans, on the price of the services provided when with the previous contract the costs are either the same or less than previously structured.
- 2.12 At the end of the Further Competition process, it was concluded that ME were a suitable Provider to support the Councils PIS and it would be appropriate to engage the Provider for the tendered contract period of 5 years using a CCS Framework Contract.

### **3. Options for Consideration**

- 3.1 Option 1: To maintain the status quo. Whilst the existing arrangement with ME has been successful, advice from the Councils Legal team suggests that continuing with the existing HCA contract would leave the Council exposed to legal challenge and is as such untenable.
- 3.2 Option 2: Maintain the current HCA contract with ME for the original £50m portfolio only (for the contract term) and re-tender for the second £50m tranche of the portfolio. This option may or may not result in the appointment of two separate Providers. It was the view of PIB and the Property Services team that the potential to have the two separate Providers would be inefficient and lose overall strategic oversight.
- 3.3 Option 3: To not appoint a consultant. Integral to the adopted strategy is that the Council works as an ‘Informed Client’ with enhanced capability provided by Property Consultants. The Councils Property Services team does not have specialist knowledge such as for commercial acquisition and commercial property management, subsequently it is necessary to buy in the additional skill sets in order to achieve the objectives set out in the PIS.
- 3.4 Option 4: Following on from the Further Competition process, appoint ME under a CCS Framework contract (the HCA contract would be terminated early so as to align the entire £100m portfolio).
- 3.5 The selected Provider has the commercial skill sets, coverage and experience required to enhance the Councils Property team service and successfully implement the PIS.

### **4. Proposals**

- 4.1 Following on from the Further Competition process run during August 2018 utilising the CCS Framework, ME were selected by the tender assessment panel on 4<sup>th</sup> September 2018 to be awarded the contract subject to final sign-off by the Council’s Executive. The award is based on a rigorous evaluation process that assessed ME’s Tender on quality, technical merit and value.

4.2 The Executive resolves to delegate authority to (a) 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) Head of Legal Services to enter into a call off contract.

## 5. Conclusion

5.1 In conclusion, the PIS in its current form represents a very solid base from which to build a £100m (inclusive of fees), UK wide, defensive and income producing commercial property portfolio.

5.2 The Councils experience in the market since May 2017, emerging market trends and the stock availability, have provided the basis to increase the quantum invested to £100m.

5.3 Central to this initiative is the appointment of appropriate Commercial Property Consultants to support the Councils Property Services Team and PIB.

5.4 Mindful of the above, it is requested that the Executive resolve to appoint ME as Consultants for the Commercial Property Portfolio.

## 6. Consultation and Engagement

6.1 Council Legal Team

6.2 Homes and Communities Agency (HCA)

6.3 Crown Commercial Service (CCS)

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**Wards affected:** Not applicable

### 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: Richard Turner  
Job Title: Property Services Manager  
Tel No: 01635 503653  
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# Agenda Item 10.

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