

Notice of Meeting



Scan here to access the public documents for this meeting

Executive

Thursday 17 January 2019 at 5.00pm

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

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Wednesday 9 January 2019

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

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

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

Agenda

Part I

Pages

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 20
To approve as a correct record the Minutes of the meeting of the Executive held on 20 December 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 Adrian Abbs to the Portfolio Holder for Planning, Housing and Waste**
"What are the reasons behind the Planning Department allowing over 9 months for Bloor Homes and Donnington Homes to have their linked applications for the Sandleford Park development to be determined, especially given the original time frame given was 13 weeks and the delay is causing unnecessary costs and stress for nearby residents of the development?"
 - (b) **Question submitted by Ms Carlyne Culver to the Portfolio Holder for Planning, Housing and Waste**
"What is the total income from the garden bin charge since it was introduced?"
 - (c) **Question submitted by Ms Carlyne Culver to the Portfolio Holder for Planning, Housing and Waste**
"What requirements does West Berkshire Council have for new developments in West Berkshire to provide their own onsite renewable energy?"
 - (d) **Question submitted by Mr Lee McDougall to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**
"Why is the Council spending £88k to turn Newbury Football Ground from a



Agenda - Executive to be held on Thursday, 17 January 2019 (continued)

venue that consultation has shown previously met the needs of the community (organised team football) into a facility that the community have not requested or been consulted on (turn-up and play any sport)?”

(e) Question submitted by Mr Lee McDougall to the Portfolio Holder for Corporate Services

“Can Councillor Boeck outline the table of events that could lead to the Newbury Football Ground being ready for development in December 2019, as he stated, given it is a protected green space within WBC’s own Core Strategy?”

(f) Question submitted by Ms Carolyn Culver to the Portfolio Holder for Planning, Housing and Waste

“What is West Berkshire Council doing to encourage the retrofitting of social and private housing to improve energy efficiency?”

(g) Question submitted by Mr Steve Masters to the Portfolio Holder for Finance, Transformation and Property

“What is the total area of roofing across West Berkshire Council buildings including schools?”

(h) Question submitted by Dr Julie Wintrup to the Portfolio Holder for Corporate Services

“In what ways does the Council’s Executive group plan to share with the public their learning – corporate and in terms of governance - from the mistakes made from the unlawful deal with St Modwens?”

(i) Question submitted by Dr Julie Wintrup to the Deputy Leader of the Council

“When is the Council’s Executive going to apologise to the council-tax-payers of Newbury and West Berkshire, for wasting public money on agreeing an unlawful deal, while continuing to make financial cuts to public health services, some of which will cease to exist?”

(j) Question submitted by Dr Julie Wintrup to the Deputy Leader of the Council

“Would the next phase of £300k proposed cuts to health and care services “that will impact the public” be unnecessary had the council not spent £363k in legal expenses unsuccessfully defending in court their unlawful deal with St Modwens?”

(k) Question submitted by Mr Steve Masters to the Portfolio Holder for Finance, Transformation and Property

“Taking into account suitable orientation requirements, what percentage of West Berkshire Council roofing are utilised for solar power generation?”



-
- (l) **Question submitted by Mr David Marsh to the Portfolio Holder for Highways and Transport, Environment and Countryside**
“What action is the council taking to follow the advice of the National Institute for Health and Care Excellence that, for public health reasons, new and upgraded roads should prioritise pedestrians, cyclists and public transport over motorised vehicles?”
-
- (m) **Question submitted by Mr John Stewart to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**
“The large spectator stand at Newbury's main football ground in Faraday Road has been there for 25 years, so when the council states that it has always been a tenant fixture, how did it pass through 2 defunct tenants to the last tenant when none of these clubs co-existed while the council owned the property all that time?”
-
- (n) **Question submitted by Mr Jason Braidwood to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**
“In October's Executive meeting, Councillor Fredrickson stated that the Playing Pitch Strategy would be approved and adopted by the Council and published on the Council website in early January. Can you provide a progress and status update please including confirmation that the recommendations will be adhered to by the Council?”
-
- (o) **Question submitted by Mr Steve Masters to the Portfolio Holder for Community Resilience and Partnerships**
“How does West Berkshire compare to other South Eastern Local Authorities in regards to the amount of CO2 emissions per Capita?”
-
- (p) **Question submitted by Mr Paul Morgan to the Portfolio Holder for Corporate Services**
“Following the Appeal Court ruling with respect to the legal challenge against the Development Agreement (DA) between West Berkshire Council and St Modwen Developments Limited who in the Council will be responsible to ensure that the necessary governance is put in place to ensure that “the unlawful direct award of contracts” cannot and will not happen in the future?”
-
- (q) **Question submitted by Mr Paul Morgan to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**
“Would it not make sense to allow Newbury Community Football Group (NCFG), a legally recognised Community Interest Company (CIC) to run Newbury Football Ground on behalf of the community as a bookable facility for organised football teams for the community to hire at no cost to the public purse and as a not for profit operation, until the outcome and timing of either planning applications is determined?”
-



-
- (r) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**
“With the council estimate of rough sleepers from October at 26, what is the figure now and is there sufficient provision for those numbers once SWEF is active?”
-
- (s) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**
“How has the council spent the £210,000 rough sleepers grant received in June?”
-
- (t) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Waste**
“With the Commitment by the council to spend £80,000 on the football club, would it be protecting the campsite from eviction during any construction works?”
-
- (u) **Question submitted by Mrs Amey Tunney to the Portfolio Holder for Planning, Housing and Waste**
“Compared with the same period of 2017, has there been an increase in the amount both on weight and cost being sent by West Berkshire to landfill?”
-
- (v) **Question submitted by Mrs Amey Tunney to the Portfolio Holder for Planning, Housing and Waste**
“What is the councils strategy for increasing the percentage of plastics that can be collected and recycled such as trays and yoghurt pots?”
-

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. The following petition is expected to be presented at the meeting:

- Petition to be presented by Mr Steve Masters, requesting that the Council declare a climate emergency and work towards West Berkshire becoming net zero carbon by 2030.

Items as timetabled in the Forward Plan

	Pages
<hr/> <p>6. Devolution of Moorside Community Centre (EX3608) (CSP: HQL & HQL1, MEC & MEC1) Purpose: To consider the transfer of the freehold of Moorside Community Centre, Urquhart Road, Thatcham, RG19 4RE and adjacent playing field, by way of devolution to Thatcham Town Council.</p> <hr/>	21 - 46



7. **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.

(a) **Question submitted by Councillor Lee Dillon to the Deputy Leader of the Council**

"Does the Leader of Council agree that to ensure complete transparency in the LRIE Review, no Member that has been directly involved in any decisions regarding LRIE should chair the investigation?"

(b) **Question submitted by Councillor Lee Dillon to the Deputy Leader of the Council**

"Can the Leader of Council outline what service areas have had an impact assessment completed in the event of a no deal Brexit and when will these be made public?"

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

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



Agenda Item 2.

DRAFT

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

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 20 DECEMBER 2018

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

Also Present: John Ashworth (Corporate Director - Environment), Iain Bell (Revenues and Benefits Manager), Robert Bradfield (Service Manager - Commissioning), Rebecca Braithwaite (Contracts & Commissioning Officer), Nick Carter (Chief Executive), Sarah Clarke (Acting Head of Legal Services), Tess Ethelston (Group Executive (Cons)), Olivia Lewis (Group Executive (Lib Dem)), Bryan Lyttle (Planning & Transport Policy Manager), Ian Pearson (Head of Education Service), Councillor Jeff Brooks, Councillor Paul Bryant, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Adrian Edwards, Councillor Mollie Lock, Jo Reeves (Principal Policy Officer), Councillor Richard Somner and Councillor Quentin Webb

Apologies for inability to attend the meeting: Councillor James Fredrickson

PART I

58. Minutes

The Minutes of the meeting held on 18 October 2018 were approved as a true and correct record and signed by the Leader.

59. Declarations of Interest

Councillor Graham Jones declared an interest in Agenda Items 11 and 15, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

Councillors Lee Dillon and Marcus Franks declared an interest in Agenda Items 12 and 16, and reported that, as their interest was a disclosable pecuniary interest or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter.

Councillor Dominic Boeck declared an interest in Agenda Item 10, but 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, but would abstain from voting on the matter.

Councillors Jeff Brooks and Lee Dillon declared an interest in Agenda Item 10, but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate.

Councillor Graham Jones announced that Councillor Marcus Franks would be stepping down from his role as an Executive Member in the new year due to ill health. His role as Portfolio Holder for Community Resilience and Partnerships would be fulfilled by Councillor Richard Somner. Councillor Jones bid farewell to Councillor Franks and a welcome to Councillor Somner.

Councillor Graham Jones explained that Councillor Franks was the longest serving Member of Executive, second only to himself. He had originally been a Member of the Conservative Shadow Executive before becoming the Housing Portfolio Holder followed

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

by a number of senior Member positions. Councillor Franks' contributions as a Councillor had been a very positive benefit to the residents of West Berkshire.

Councillor Graham Jones wished Marcus all the best for the future and in his recovery from ill health.

Councillor Franks gave thanks to fellow Councillors for their support, particularly during the past year. He had thoroughly enjoyed his time on the Executive.

Councillor Graham Jones added his best wishes to Marcus in advance of his forthcoming wedding on 5 January 2019.

Councillor Lee Dillon echoed these comments from the Liberal Democrat side of the Chamber. As a Portfolio Holder, Councillor Franks had always shown respect to the Opposition and to members of the public, particular in his recent public facing community roles.

On a personal level, he and Marcus were friends outside of the Council and he was looking forward to attending the wedding. He added his best wishes to Marcus for the future.

60. Public Questions

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

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

A question standing in the name of Mr Steve Masters on the subject of whether the Executive had a viable plan and target date to achieve net zero carbon status in West Berkshire was answered by the Portfolio Holder for Highways and Transport, Environment and Countryside.

(b) **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 whether West Berkshire Council would follow the lead of other councils around the country and bring forward a motion to confirm the phase out of single-use plastics as soon as possible (by 2021 at the latest) in West Berkshire was answered by the Portfolio Holder for Planning, Housing and Waste.

(c) **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 asking what efforts the Council was making to modify the present contract with Veolia so that a greater range of plastics could be collected and recycled was answered by the Portfolio Holder for Planning, Housing and Waste.

(d) **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 asking when the Council would provide recycling bins alongside the standard rubbish bins in public places in the local area was answered by the Portfolio Holder for Planning, Housing and Waste.

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

(e) **Question submitted by Mr David Marsh to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr David Marsh on the subject of whether the speed limit should be reduced on the Andover Road near to Falkland and Park House Schools was answered by the Portfolio Holder for Highways and Transport, Environment and Countryside.

(f) **Question submitted by Mr David Marsh to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr David Marsh on the subject of whether safety improvements would be considered by extending the 30mph speed limit zone along the A343 south in the direction of Wash Water (thereby covering the whole residential area of Andover Road) was answered by the Portfolio Holder for Highways and Transport, Environment and Countryside.

(g) **Question submitted by Ms Moz Bulbeck Reynolds to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Ms Moz Bulbeck Reynolds asking which housing developers were the Council actively seeking out to encourage efficient, environmentally sound, and truly affordable home building on brown sites in the Council area would receive a written answer from the Portfolio Holder for Planning, Housing and Waste.

(h) **Question submitted by Ms Moz Bulbeck Reynolds to the Portfolio Holder for Corporate Services**

A question standing in the name of Ms Moz Bulbeck Reynolds asking what additional support was the Council provisioning to give Council employees at the front line of managing the housing benefit roll over onto Universal Credit to ensure they were fully supported to best assist affected clients would receive a written answer from the Portfolio Holder for Corporate Services.

(i) **Question submitted by Mr John Stewart to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

A question standing in the name of Mr John Stewart asking whether the Council would reopen the Faraday Road football stadium fit for purpose so that teams in the Newbury community could once again play their league matches at the ground was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture.

(j) **Question submitted by Dr Julie Wintrup to the Portfolio Holder for Corporate Services**

A question standing in the name of Dr Julie Wintrup (asked on her behalf by Mr Lee McDougall) on the subject of whether the Council would disclose all relevant documents relating to the regeneration of the London Road Industrial Estate project since 2010 was answered by the Portfolio Holder for Corporate Services.

(k) **Question submitted by Dr Julie Wintrup to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Dr Julie Wintrup (asked on her behalf by Mr Lee McDougall) on the subject of whether the Council would supply details of all public consultation events and outcomes specific to the London Road Industrial Estate project for the period between 2008 and 2018 was answered by the Portfolio Holder for Planning, Housing and Waste.

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

(l) **Question submitted by Mr Paul Morgan to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Paul Morgan (asked on his behalf by Mr John Stewart) on the subject of whether the Council would provide the necessary legal documentation to show that the Council had complied with the Asset of Community Value requirements was answered by the Portfolio Holder for Corporate Services.

(m) **Question submitted by Mr Lee McDougall to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Mr Lee McDougall on the subject of whether the Council would be reinstating the football stand at the Faraday Road football ground, on the understanding that a Section 80 Notice of Demolition had not been issued, was answered by the Portfolio Holder for Planning, Housing and Waste.

(n) **Question submitted by Mr Lee McDougall to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Mr Lee McDougall asking how much money the Council intended to spend on re-opening the Faraday Road football ground was answered by the Portfolio Holder for Planning, Housing and Waste.

(o) **Question submitted by Mr Jack Harkness to the Leader of the Council**

A question standing in the name of Mr Jack Harkness on the subject of whether there was a sexist mindset within the Council following the Council's failure to consult the Newbury Ladies Football Team about the closure of the Faraday Road football stadium was answered by the Leader of the Council.

(p) **Question submitted by Mr Jack Harkness to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

A question standing in the name of Mr Jack Harkness on the subject of whether the Council would permit the ladies teams to play cup matches at Faraday Road was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture.

(q) **Question submitted by Mr Lee McDougall to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Lee McDougall requesting a detailed itemised list of all costs associated with the London Road Industrial Estate redevelopment incurred since 2010 to the present day was answered by the Portfolio Holder for Corporate Services.

(r) **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 happened to the contents of green recycling bags if they were contaminated with plastics that could not be recycled was answered by the Portfolio Holder for Planning, Housing and Waste.

(s) **Question submitted by Mr Peter Norman to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Peter Norman (asked on his behalf by Mr David Marsh) asking what actions the Council was taking in light of the Appeal Court ruling its development agreement with St Modwen was invalid was answered by the Portfolio Holder for Corporate Services.

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

(t) **Question submitted by Mr Peter Norman to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Peter Norman (asked on his behalf by Mr David Marsh) asking whether the Council would publish all minutes of the meetings it had with St Modwen and legal advice it received prior to signing the agreement was answered by the Portfolio Holder for Corporate Services.

(u) **Question submitted by Mr Peter Norman to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Peter Norman (asked on his behalf by Mr David Marsh) querying the total amount spent on facilitating the St Modwen development agreement was answered by the Portfolio Holder for Corporate Services.

61. **Petitions**

There were no petitions presented to the Executive.

62. **Key Accountable Performance 2018/19: Quarter Two (EX3421)**

The Executive considered a report (Agenda Item 6) which outlined quarter two outturns for the Key Accountable Measures which monitored performance against the 2018/19 Council Performance Framework; provided assurance that the objectives set out in the Council Strategy 2015-2019 and other areas of significant activity were being managed effectively; presented, by exception, those measures which were predicted to be 'amber' (behind scheduled) or 'red' (not achievable) at year end and information on any remedial action and its impact; and which recommended changes to measures/targets as requested by service areas.

Councillor Dominic Boeck, in introducing the report, gave an assurance that actions had been put in place to make improvements to the 'amber' and 'red' measures where possible.

Councillor Graham Bridgman commented on the two Adult Social Care (ASC) measures which were reporting 'red'. As noted previously, the indicator '% of WBC provider services inspected by Care Quality Commission that are rated good or better by the CQC in the area of "safe"' was 'red' as the 100% target had not been met. This was because the Birchwood Care Home had been given a rating of Requires Improvement and this could not be changed at least until the home was re-inspected. Councillor Bridgman added the positive news that the embargo on making placements at Birchwood had been lifted. He commended officers for their work on making improvements to the home.

The second 'red' measure in ASC was '% of clients with Long Term Service (LTS) receiving a review in the past 12 months'. Councillor Bridgman explained that there were two issues impacting on performance in this area. A manager in this area of work had recently retired and turnover was high. However, work was ongoing to address this and new staff were bedding in.

Councillor Hilary Cole turned to the 'red' measure in Development and Planning. She explained that Development Control had historically achieved the targets for determining major, minor and other planning applications. The targets were originally set at a level agreed with the Planning Service Customer Panel and allowed time for negotiation and amendment with a view to gaining planning approvals. However, as part of the New Ways of Working review it was noted that the local performance targets were below other similar Local Planning Authorities. It was therefore agreed to increase the targets to the national average mid-way through the financial year. There was every confidence that

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

the targets could be achieved in 2019/20, however it would prove challenging in 2018/19 as the changes were introduced mid-year.

Councillor Lee Dillon thanked Councillor Bridgman for his explanation of the 'red' indicators in ASC. He understood the points made regarding the Birchwood Care Home, but was concerned that the indicator 'reviews for long term clients' was again reporting as 'red'. He noted the explanation of staffing, but he felt this to be a further excuse following poor performance in previous quarters. Care packages should be reviewed in a timely manner to ensure they were appropriate. Reviews could also identify savings if there were cases of over provision and this was important when considering the ASC overspend.

Councillor Bridgman explained that reviews of financial packages were under control. He offered to discuss further details with Councillor Dillon outside of the meeting.

Councillor Jeff Brooks was pleased to note that the redevelopment of the London Road Industrial Estate (LRIE) had been referred to the Overview and Scrutiny Management Commission (OSMC) for a thorough investigation. However, he questioned why the measure was only rated as 'amber' rather than 'red' considering the extensive difficulties that had been encountered. Councillor Boeck added his expectation that a thorough review would be undertaken by the OSMC. The measure was reported as 'amber', however the rating could be reconsidered post the outcome of the scrutiny review.

Councillor Graham Jones commented that the redevelopment of the LRIE had been subject to court proceedings and there was only a single finding against the Council.

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) Increase number of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above.
- 3) Average number of days taken to make a full decision on new Benefits claims.
- 4) % of people presenting as homeless where the homelessness has been relieved or prevented.

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".
 - 2) % of clients with Long Term Service (LTS) receiving a review in the past 12 months.
 - 3) % of 'major' planning applications determined within 13 weeks or the agreed extended time.
 - 4) % of 'minor' planning applications determined within 8 weeks or the agreed extended time.
- The fact that the D&P Service were considering an alternative KPI for '% of high priority Disabled Facilities Grants approved within 9 weeks of receipt of full grant applications' be noted.

Other options considered: None.

63. Capital Financial Performance Report - Q2 of 2018/19 (EX3592)

The Executive considered a report (Agenda Item 7) concerning forecast spend against the 2018/19 approved capital budget. The report also informed Members of the progress made with major capital schemes, particularly those considered to be high risk.

Councillor Anthony Chadley advised that every effort was made to fulfil capital programme works as per the schedule. There was also flexibility to complete works ahead of schedule in some cases.

RESOLVED that progress against the Council's capital programme and forecast expenditure against the approved capital budget be noted.

Other options considered: N/a- factual report for information.

64. Revenue Financial Performance Report - Q2 of 2018/19 (EX3562)

The Executive considered a report (Agenda Item 8) which informed Members of the latest revenue financial performance for 2018/19.

Councillor Anthony Chadley advised that the current financial forecast was an overspend of £1.3m against a net revenue budget of £119.4m which equated to 1.1% of the net budget.

The forecast overspend took into account £2m of mitigating action to be delivered by services during the remainder of the current financial year. The implementation of this mitigating action would be monitored closely.

The main driver of the forecast overspend was the Communities Directorate which was forecasting an overspend of £2.8m. £2.1m of this sum related to Adult Social Care (ASC) which was facing increasing financial pressures on demand led, externally commissioned, placement budgets over and above the modelled assumption that formed the basis of budget setting. In addition, a number of risks, provided for in the service specific risk reserve had materialised. Local authorities nationally were facing significant financial challenges relating to the funding of ASC budgets, including increasing demand on services and rising costs of commissioning care. This had been recognised by the Government and additional winter funding had been announced.

Councillor Chadley also reported that £1.3m of service specific risk reserves could be used to mitigate further the forecast overspend. This had yet to be deployed and was not included in the forecast. There was also an additional £768k risk management budget which could be utilised to help mitigate further the current forecast overspend. Councillor Chadley was therefore confident that the budget would be brought on target despite the significant financial pressures being faced. The Council had an excellent record in managing its finances.

Councillor Lee Dillon commented that the Council's finances were in a similar position to the previous year with an overspend being consistently predicted. He therefore felt the budget setting process needed to be examined and he would welcome a cross party solution to this. The budget needed to adequately reflect pressures. Councillor Dillon noted that risk reserves could be deployed, i.e. to meet contract inflation pressures, but he felt it should be possible for these pressures to be tracked and identified in the budget setting.

Councillor Dillon felt that it would be beneficial to understand in more detail the availability of other earmarked reserves and their total sum. He asked that the use of

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

these/their purpose be reviewed, he hoped this was an area the Administration would also be wanting to review.

Councillor Dillon also raised the importance of learning lessons from savings and income generation targets that were at risk of/would not be met.

Councillor Jeff Brooks noted that the Resources Directorate were reporting an underspend of £667k. He felt this was another example of the Resources Directorate 'riding to the rescue'. Councillor Brooks saw this as annual occurrence, with the Resources Directorate underspend accelerating through the year.

Nick Carter responded to this point. The report outlined the forecast outturn for the Directorate. He added that there had been a corporate response to the forecast overspend and each Head of Service had been tasked with slowing down expenditure. Nick Carter further added that he had no expectation of an increase to the underspend beyond what was being reported. However, it was more straight forward to slowdown expenditure in the Resources Directorate as it was less demand led.

Councillor Brooks understood those points, but allocated funds were not being spent year on year. Nick Carter advised that ideally this expenditure would take place, but difficult decisions had to be made when considering other priority areas at a time of significant financial pressure.

Councillor Graham Bridgman commented on pressures in ASC. These were demand led statutory services and needs had to be met. In terms of budget setting, Councillor Bridgman described a detailed ongoing piece of work to seek to address this for 2019/20. This was recognised as highly important and he applauded officers for their work on the budget modelling. Councillor Chadley added that many learning points had been taken on board as part of the budget setting process for 2019/20.

Councillor Chadley then commented that risk reserves would be deployed to meet contract inflation pressures, but the actual level of risk depended on whether there was a fixed or variable rate of inflation.

Other earmarked reserves formed part of the budget setting process and Councillor Chadley agreed to discuss with officers whether more detailed information could be released.

Lessons continued to be learnt from income generation work. Every effort was made to achieve income generation and savings targets, in some cases they would be achieved but on a delayed timescale.

Councillor Graham Jones commented that this was a dynamic situation with extensive pressure on care budgets. These budgets needed to continue to increase to meet demand. This would be an area for Overview and Scrutiny Management Commission review.

RESOLVED that the report be noted. In particular the continued challenge of managing pressures in Adult Social Care, which were shared nationally, and the mitigation proposed in year to reduce the current end of year projection.

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

65. **Funding arrangements for Newbury Railway Station Improvements (EX3673)**

The Executive considered a report (Agenda Item 9) which sought approval for entering into a funding agreement with GWR to facilitate the improvement works to Newbury

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

Railway Station in accordance with the Thames Valley Berkshire Local Enterprise Partnership funding.

Councillor Jeanette Clifford explained that while this paper was essentially procedural, it gave her the opportunity to remind the Executive that Newbury Railway Station would shortly be transformed by a joint WBC and Railway Industry project as an interchange, as a building and in the facilities it offered to the growing number of passengers that used it every day, by the investment of more than £18m from:

- The railway industry;
- Grainger – the Council’s partners in the Market Street Development;
- A small input from this Council; and
- A major contribution of about £6m from the Growth Fund, administered on behalf of all the Berkshire Authorities by Thames Valley Berkshire Local Enterprise Partnership (LEP).

Under the current rules, the LEP could only award funding to a local authority. However, as the Council’s partners at Great Western Railway (GWR) would be responsible for work within the station itself, the proposal before the Executive allowed for the correct funding to be passed by the Council to GWR. Governance of this project was extremely rigorous and Councillor Clifford hoped there would be agreement to this arrangement.

In response to a query from Councillor Lee Dillon, Councillor Clifford confirmed that the process for the transfer of funding to GWR would be in stages.

Councillor Jeff Brooks welcomed this proposal. However, he felt the report was light on some of the details. For example, when plans would be made available. Councillor Clifford advised that the final, very detailed business case would be signed off before Christmas. She added that further information on how the funding would be expended was contained in the appendices to the report.

Councillor Clifford concluded by stating that the station would become an excellent gateway to Newbury.

RESOLVED that authority be delegated to:

- (a) the Head of Development and Planning (in consultation with the Head of Finance and the Portfolio Member for Transport) to award the funding in connection with improvement works at Newbury Station to GWR. The source of this funding is from the TVB LEP and will only be allocated once it is available.
- (b) the Head of Legal Services to enter into a funding agreement with GWR.

Other options considered:

- The consideration of various options for the improvement works at Newbury Station are dealt with in the Options Assessment Report (OAR) which forms part of the formal documentation in support of this scheme. The OAR can be found on the Council’s website at www.westberks.gov.uk/sep under Project 24: Newbury – Railway Station Improvements.
- Given the fact that a large proportion of the proposed improvement works will affect land and buildings on railway land (owned by Network Rail and leased to GWR), it is not considered an option for the Council to procure the work directly. The only realistic option for the delivery of the works is for GWR to procure the improvements works within the station lease area in accordance with their Procurement Strategy.
- An alternative option to the Council awarding funding to GWR would be for TVB LEP to fund GWR directly. The mechanisms in place do not currently allow for this

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

and so the strong preference is for the Council to receive funding from the TV LEP and to then award a portion of this to GWR for their elements of the scheme.

66. **Devolution of Playgrounds to Thatcham Town Council (EX3649)**

(Councillor Dominic Boeck declared an interest in Agenda Item 10 by virtue of the fact that he was a Member of Thatcham Town Council. As his interest was personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate but would abstain from voting on the matter.)

(Councillors Jeff Brooks and Lee Dillon declared an interest in Agenda Item 10 by virtue of the fact that they were Members of Thatcham Town Council. As their interest was personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate.)

The Executive considered a report (Agenda Item 10) concerning Thatcham Town Council's (TTC) devolution proposal for the freehold transfer, and all future maintenance, of the open space and associated playgrounds at Pound Lane and Mount Road, Thatcham. The precise locations of the open space were shown in Appendix 1.

The current sites were under the management of TTC by virtue of a lease dated 28 April 2003. The lease period was for 99 years. This report sought approval to transfer the playgrounds and associated open space as a freehold from West Berkshire Council to TTC.

Councillor Jeanette Clifford stated that West Berkshire Council firmly believed in devolution and proposed the report's recommendation. TTC already had a good track record in managing these sites under the current lease agreement.

Councillor Lee Dillon noted this support to devolution but he queried if there would also be support to devolve other assets, i.e. a car park, to a parish. He voiced a concern should West Berkshire Council only devolve in cases where it would achieve cost savings, but not if an asset generated income. Councillor Clifford explained that consideration would be given to any proposal regardless of the asset and/or service concerned. A proposal for a car park had not come forward.

Councillor Marcus Franks added that he had no awareness of a devolution request being made for a car park and repeated that West Berkshire Council would look at all requests received. He added that conversations were ongoing in relation to devolving community buildings and they could generate income. This proposal for devolving playgrounds was positive.

Councillor Graham Jones also reiterated that the Council would look at requests based on their own merits, he gave the devolution of Lambourn Library as another positive example of this. This was a positive proposal that should not be viewed negatively.

Councillor Boeck added that the devolution proposal from TTC was beneficial to both parties.

RESOLVED that officers be permitted to enter into discussions with TTC as to the heads of terms for the freehold transfer.

Other options considered: None.

67. **Contract award (exception) for the Public Health Community Services Contract (EX3662)**

(Councillor Graham Jones declared an interest in Agenda Items 11 and 15 by virtue of the fact that he was a pharmacist and provider of public health services, and reported

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter).

(Councillor Graham Jones left the meeting at 6.15pm).

(Councillor Hilary Cole in the Chair).

The Executive considered a report (Agenda Item 11) which sought approval for an exception from the Contract Rules of Procedure to award the Public Health Enhanced Services Contract to each of the 13 GP Practices across West Berkshire from 1 April 2019 to 31 March 2022. It was proposed that the 3 year contract (2+1) would be delivered by 13 GP Practices across West Berkshire. The exception would enable the Council to extend the current provision of the service fulfilling public health functions and mandatory directives guidance. The exception was being sought as this was the only viable option for this contract.

Councillor Rick Jones explained that this Part I version of the report enabled public notification of this proposed contract exception award from April 2019. Approval of the item would come within Part II of the meeting.

RESOLVED that the Public Health Enhanced Services contract 19-22 be awarded to all (13) GP Practices across West Berkshire, subject to the consideration of the item in Part II of the meeting.

Other options considered: Re-tender the service across West Berkshire ASAP.

68. **Supported Living Schemes and Floating Support for Adults with Learning Disabilities (EX3670)**

(Councillor Graham Jones rejoined the meeting at 6.17pm and resumed in the Chair).

(Councillors Lee Dillon and Marcus Franks declared an interest in Agenda Items 12 and 16 by virtue of the fact that they were employed by Sovereign Housing Association. As their interest was a disclosable pecuniary interest or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter).

(Councillors Dillon and Franks left the meeting at 6.17pm).

The Executive considered a report (Agenda Item 12) which informed the Executive of the tender process and sought delegated authority to award the contract. The existing contract was due to end on 25 February 2019 and was currently made up of three separate contracts. The recommendation of Procurement Board was to combine the re-tender of the current service into one lot due to economies of scale indicated by providers that would be the most cost effective route to market. The tender submissions had now been received.

RESOLVED that the recommendation to re-tender the Supported Living Schemes and Floating Support for Adults with Learning Disabilities services into one lot be approved, subject to the consideration of the item in Part II of the meeting.

Other options considered:

- Do nothing – this would leave over 100 adults with learning disabilities at risk of being made homeless and or/without the necessary care and support that they need to go about their everyday life.
- Contract extension – contract extensions for the three contracts have been considered and the existing providers were willing to extend. However, both providers requested an increase which became non-compliant with procurement legislation and WBC contracts rules and procedures. To ensure that there is

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

sufficient time to re-tender and bring all of the contract end dates in-line, all three contracts have been extended until 25th February 2018.

- Two-stage tender – we want to encourage as many providers in and reduce the administrative burden for the providers tendering.
- Two lots – the decision was made at Procurement Board to re-tender the three existing contracts into one lot due to indicative savings that would be made due to larger economies of scale. Procurement Board asked Commissioning to undertake a desktop exercise with providers to understand the effects of tendering in a single lot or multiple lots. The providers response demonstrated that tendering in a single lot would be cheaper tendering in multiple lots due to the economies of scale they may achieve. No prices were given by either provider or WBC at this stage, this was an exercise in the most cost effective route to market.

69. **Members' Questions**

(Councillors Lee Dillon and Marcus Franks rejoined the meeting at 6.18pm).

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 estimated cost of officer time spent on the LRIE 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 the estimated internal and external costs for re-procuring a London Road preferred partner was answered by the Portfolio Holder for Corporate Services.

(c) **Question submitted by Councillor Lee Dillon to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

A question standing in the name of Councillor Lee Dillon asking why the Council did not consult on closing the Newbury Football Ground was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture.

(d) **Question submitted by Councillor Lee Dillon to the Portfolio Holder for Finance, Transformation and Property**

A question standing in the name of Councillor Lee Dillon asking how much income the Council had forgone since it evicted its tenants from the football ground was answered by the Portfolio Holder for Finance, Transformation and Property.

70. **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 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

71. **Contract award (exception) for the Public Health Enhanced Services Contract (EX3662)**

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

EXECUTIVE - 20 DECEMBER 2018 - MINUTES

(Councillor Graham Jones declared an interest in Agenda Items 11 and 15 by virtue of the fact that he was a pharmacist and provider of public health services, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter).

(Councillor Graham Jones left the meeting at 6.28pm).

(Councillor Hilary Cole in the Chair).

The Executive considered a report (Agenda Item 15) which sought approval for an exception from the Contract Rules of Procedure to award the Public Health Enhanced Services Contract to each of the 13 GP Practices across West Berkshire from 1 April 2019 to 31 March 2022. It was proposed that the 3 year contract (2+1) would be delivered by 13 GP Practices across West Berkshire. The exception would enable the Council to extend the current provision of the service fulfilling public health functions and mandatory directives guidance.

RESOLVED that the recommendations in the exempt report be agreed.

Other options considered: as outlined in the exempt report.

72. Supported Living Schemes and Floating Support for Adults with Learning Disabilities (EX3670)

(Paragraph 5 – information relating to legal privilege)

(Councillor Graham Jones rejoined the meeting at 6.32pm and resumed in the Chair).

(Councillors Lee Dillon and Marcus Franks declared an interest in Agenda Items 12 and 16 by virtue of the fact that they were employed by Sovereign Housing Association. As their interest was a disclosable pecuniary interest or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter).

(Councillors Dillon and Franks left the meeting at 6.32pm).

The Executive considered a report (Agenda Item 16) which informed the Executive of the tender process and sought delegated authority to award the contract. The existing contract was due to end on 25 February 2019 and was currently made up of three separate contracts. The recommendation of Procurement Board was to combine the re-tender of the current service into one lot due to economies of scale indicated by providers that would be the most cost effective route to market. The tender submissions had now been received.

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 6.37pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

Devolution of Moorside Community Centre

Committee considering report:	Executive on 17 January 2019
Portfolio Member:	Councillor Anthony Chadley
Date Portfolio Member agreed report:	6 December 2018
Report Author:	Richard Turner
Forward Plan Ref:	EX3608

1. Purpose of the Report

- 1.1 To resolve to approve the transfer of the freehold of Moorside Community Centre, Urquhart Road, Thatcham RG19 4RE and adjacent playing field, by way of devolution to Thatcham Town Council (TTC).

2. Recommendation

- 2.1 It is recommended to transfer by way of devolution (for the nominal consideration of £1), the freehold of the Moorside Community Centre building, its associated land including car park, playground and multi use games area (muga) as well as the adjacent playing field (all edged in red on plan in appendix D)

3. Implications

- 3.1 **Financial:** The transfer will remove the ongoing operational costs of Moorside from WBC budgets, of circa net revenue annual running costs of £10,000 (based on a partially vacant building) a further £88,000 of revenue maintenance over ten years and £106,000 of capital maintenance over ten years. A payment to TTC of £7,345 of revenue and £7,650 of capital is proposed to enable TTC to carry out the condition works for 2018 and 2019 (works scheduled in the transfer terms).
- Further financial benefit may be derived from the transfer of the playing field in terms of the grounds maintenance costs for the playing field, but the full extent is linked with contractual commitments for grounds maintenance and subject to wider negotiations with the supplier.
- 3.2 **Policy:** This proposal is being conducted through the Devolution initiative.
- 3.3 **Personnel:** No implications
- 3.4 **Legal:** The proposal is subject to and to be in accordance with the Localism Act 2011 and the council's power to dispose of land pursuant to s123 of the Local Government Act 1972 and General Disposal Consent 2003. This is covered in more detail within Appendix C – Supporting Information,

section 2.14 (1) to (6)

In accordance with s123 of Local Government Act 1972, a valuation has been carried out, based on the community use restrictions placed upon the asset which identifies the capitalised value as being £300,000 for the community centre and £95,000 for the playing field.

This proposal by way of devolution is for the transfer of the freehold for the consideration of £1.

Under the provisions of the Local Government Act, notice of the proposed transfer was published in the Newbury Weekly News on 13 and 20 December 2018, and supporting information held in the Market Street office reception over this two week period for the public to view. By the closing date the council had received no comments on the proposal.

- 3.5 **Risk Management:** Transfer of responsibility for the management of Moorside.
The asset is to be transferred on the basis of its ongoing use as a community centre.
The Heads of Terms which form the basis of the transfer (attached in appendix F) convey this condition, with the asset being returned to WBC if the use changes.
- 3.6 **Property:** This will remove both cost and management responsibilities from the WBC Property Services team for this property.
- 3.7 **Other:** None identified

4. Other options considered

- 4.1 Following the departure of the Pupil Referral Unit, no operational team is allocated to the Moorside Building and the site is managed by the Property Services Team. It is an option to retain the site in WBC ownership. This is not the preferred option.

Executive Summary

5. Introduction / Background

- 5.1 The Moorside Community Centre is located on Urquhart Road, Thatcham RG19 4RE and was transferred to West Berkshire Council (WBC) from Redrow Homes in October 2004 as part of the section 106 agreement related to the Kennet Heath housing development.
- 5.2 Historically the building has been both used as a traditional community centre on the ground floor, managed through Thatcham Youth and occupied on the first floor by WBC Education Service and used as a pupil referral unit (PRU). The PRU vacated the site in September 2017 and the first floor remains vacant.
- 5.3 An application has been received by WBC from Thatcham Town Council (TTC) for the transfer of the freehold ownership of Moorside Community Centre and the adjacent playing field (see appendix D – site & location plan).
- 5.4 Currently WBC has responsibility for the budget management of the building and the annual revenue costs historically totalling £34,000 but reduced in 18/19 to £20,000 due to the vacant first floor. The council receives approximately £10,000 per year of the income generated from fees for hiring out the halls.
- 5.5 Additionally a 2018 condition survey shows the need for £88,000 of planned revenue maintenance and £106,000 of capital maintenance over the next ten years.

6. Proposal

- 6.1 The proposal is to devolve the freehold of Moorside Community Centre and its associated land (car park, playground and MUGA), with the adjacent playing field, including for the following provisions (see attached Heads of Terms in appendix F):
 - (1) Spurcroft Primary School retain its current right to access and use the playing field for physical education as part of its delivery of the curriculum;
 - (2) WBC Education Service be offered occupation of the first floor of the building over an agreed short term period at an agreed rent to enable the temporary decant of staff and pupils from the Badgers Hill I-College site during its reconstruction.
 - (3) WBC transfer to TTC on final transfer of the asset a total of £14,995 (£7650 of capital and £7345 of revenue) to cover the in-year revenue maintenance and the capital maintenance for year one (2018) and year two (2019).
 - (4) That the transfer is on the basis of continued use as a community centre and that pre-emption clause be included to ensure that should the premises cease to be viable as a community centre and TTC benefit in the future from any change of use, that the asset be returned to WBC.

7. Conclusion

- 7.1 The asset is well suited to be transferred to TTC for the long term management for community use in Thatcham.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Site and Location plan
- 8.5 Appendix E – Ground and first floor plans
- 8.6 Appendix F – Heads of Terms

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

Directorate:	Resources
Service:	Finance and Property
Team:	Property Services
Lead Officer:	Richard Turner
Title of Project/System:	Devolution of Moorside Community Centre
Date of Assessment:	12 November 2018

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>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>Will you be processing data on a large scale?</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>Will your project or system have a “social media” dimension?</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>Will any decisions be automated?</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>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>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.

What is the proposed decision that you are asking the Executive to make:	To resolve to transfer the freehold of Moorside Community Centre and adjacent playing field
Summary of relevant legislation:	Localism Act 2011, Local Government Act 1972 and General Disposal Consent 2003.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Richard Turner
Date of assessment:	12 November 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		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To transfer the freehold of an asset
Objectives:	To offer devolved and improved local management of the site for community benefit.
Outcomes:	To release an asset and associated ongoing costs.
Benefits:	Improved community use of Moorside for Thatcham residents and cost saving to WBC.

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	None	
Disability	None	

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
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?	Yes/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?	Yes/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	n/a
Owner of Stage Two assessment:	n/a
Timescale for Stage Two assessment:	n/a

Name: Richard Turner

Date: 12 November 2018

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.

This page is intentionally left blank

Devolution of Moorside Community Centre – Supporting Information

1. Introduction/Background

- 1.1 The Moorside Community Centre is located on Urquhart Road, Thatcham RG19 4RE and was transferred to West Berkshire Council (WBC) from Redrow Homes in October 2004 as part of the section 106 agreement related to the Kennet Heath housing development.
- 1.2 Historically the building has been both used as a traditional community centre on the ground floor, managed through Thatcham Youth and occupied on the first floor by WBC Education Service and used as a pupil referral unit (PRU).
- 1.3 As part of a review of the PRU service, the first floor was vacated in September 2017 and responsibility for the building was transferred from WBC Education Service to WBC Property Services.
- 1.4 An application was received by WBC from Thatcham Town Council (TTC) for the transfer of the freehold ownership of Moorside Community Centre and the adjacent playing field (see appendix D – site & location plan). This application has been considered by the WBC Devolution Officer Group and recommendation is now brought to the Executive.

2. Supporting Information

- 2.1 Moorside Community Centre offers 757 sq.m. (8146 sq. ft.) of accommodation over two floors (see appendix E – floor plans). The ground floor layout is suited to traditional community centre activities with general hall and sports hall accommodation as well as changing/toilet and storage space. The first floor is more cellular in layout with the space more suited to classroom or office use.
- 2.2 The community building also has an area of hard surface car parking, playground, multi use games area (MUGA) and adjacent 3.8 acre playing field. The playing field is used for formal football fixtures and. See appendix D – Site & Location Plan.
- 2.3 Spurcroft Primary School currently relies upon the playing field as part of its statutory responsibility to deliver physical education as part of its curriculum. The devolution of this space to TTC will require this facility to be retained for Spurcroft Primary School use.
- 2.4 There is established site management of all of the community activities on the ground floor through Thatcham Youth, with the first floor remaining vacant. WBC has some use of a small area on the ground floor to deliver music sessions as part of the I-College education provision.

- 2.5 There is an anticipated future requirement of the Education Service for temporary accommodation, during the construction of a replacement PRU building on the Badgers Hill site in Calcot. It is anticipated that the first floor of Moorside be used for this purpose and that this be agreed as part of the transfer to TTC.
- 2.6 The use of the building is restricted to that of community use and the land transfer to WBC states, *'not to use the property except as a Youth and Community Centre and Pupil Referred Unit or for other public or community purposes associated with the functions of local government'*.
- 2.7 Currently WBC has responsibility for the budget management of the building and the historic annual revenue costs totalling £34,000 can be summarised as:
- | | | |
|-----|-------------------------------|--------|
| (1) | Rates | £9,000 |
| (2) | Planned maintenance/servicing | £8,000 |
| (3) | Cleaning | £9,000 |
| (4) | Energy & water | £8,000 |
- 2.8 Community hire of the ground floor space generates annual income for WBC of approximately £9,000.
- 2.9 Due to the reduced occupation of the building, an expenditure budget of £20,000 has been set for financial year 2018/19 with expected income for 18/19 of £10,000.
- 2.10 WBC Property Services has received a new condition survey of the building offering a prioritised schedule of both revenue and capital maintenance works over a ten year period from 2018. This presents a total planned maintenance requirement of £195,000.

TTC expressed particular interest in the maintenance costs in the current year and next year. Years one and two (2018 and 2019) present the following:

	totals	yr1 2018	yr2 2019
Total estimated 10 year cost:	£31,315	£10,120	£21,195
as % of total:	100.0%	32.3%	67.7%
Total estimated <u>capital</u> cost:	£7,650	£2,775	£4,875
as % of total:	24.4%	36.3%	63.7%
Total estimated <u>revenue</u> cost:	£23,665	£7,345	£16,320
as % of total:	75.6%	31.0%	69.0%

- 2.11 It is proposed that West Berkshire Council offer financial contribution to Thatcham Town Council to enable the town council upon completion of the transfer of Moorside, to carry out the works listed for 2018 revenue costs of £7,345 and capital costs for both 2018 of £2,775 and 2019 of £4,875. This offers a total contribution of £14,995.

A schedule of the associated condition works forms part of the Heads of Terms of the transfer.

There is difficulty in offering a contribution for revenue based costs for future years. Discussion between WBC and TTC officers has suggested the potential for a bid from TTC to the Community Solutions pot to a maximum bid of £12,000 to assist with the costs of the first full year of revenue based works for 2019.

- 2.12 The transfer also includes the adjacent playing field which currently is included within WBC Grounds Maintenance contracts as a cost to the council and also receives some income for the bookings received from football fixtures.
- 2.13 The full extent of the impact on the current grounds maintenance contract by withdrawing a number of playground sites through devolution (including Moorside) is subject to negotiations and the reduction in actual activity will be monitored by both the council's grounds maintenance team and the supplier.
- 2.14 Legal implications of the asset transfer by way of devolution:
- (1) The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous wellbeing powers, however, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles;
 - (2) The Council has the power to dispose of land pursuant to s123 of The Local Government Act 1972 subject to it being at the best consideration that can reasonably be obtained. The Freehold transfer to Thatcham Town Council is a disposal for the purposes of s123 Local Government Act 1972;
 - (3) The General Disposal Consent 2003 authorises the disposal of land for 7 years or more at less than best consideration if the undervalue is £2 million or less, as in this case, and subject to those powers being exercised in line with public law principles;
 - (4) The Council has a fiduciary duty at all times to the taxpayers and must fulfil this duty in a way which is accountable to local people;
 - (5) All disposals must comply with the European Commission's State Aid rules. When disposing of land at less than best consideration the Council is providing a subsidy to the occupier of the land. In such cases the Council must ensure that the nature and the amount of the subsidy complies with State Aid rules. Failure to comply means that the aid is unlawful and may result in the benefit being recovered with interest from the recipient. If the occupier receives less than approximately £155,000 (200,000 Euros) in state aid over a 3 year period then the De Minimis Regulation will apply (small amounts of aid are unlikely to distort competition)

State Aid does not apply in this instance because this is a transaction between statutory bodies where there is no distortion of the market or competition.

- (6) As the land is (or includes) open space then it will be necessary to advertise the potential disposal of the land under the provision of the Local Government Act. If objections to the disposal are made, the objections have to be considered and on the merits of the objections a decision will have to be made as to whether to proceed with the freehold disposal.
- 2.15 In accordance with s123 of The Local Government Act 1972, described in section 2.14 (2) of this report, an independent valuation has been carried out. This valuation is formed on the basis that the transfer is restricted to the continued use of the asset for purposes of community use. For the purposes of best consideration the value of the asset is £300,000 for Moorside Community Centre and £95,000 for the playing field.
- 2.16 This valuation is based on the capitalised value of the assets formed from a rental value for a building of this nature based on transactional data for buildings of a similar nature. The restrictive use of the site does limit the prospective tenants and would impact the opportunity for disposal and prolong the operational cost to WBC.
- 2.17 In accordance with section 2.14 (6) of this report the proposal to transfer the asset to TTC was expressed in public notice published in the Newbury Weekly News on 13th and 20th December 2018 with supporting documents held over this two week period in WBC Market Street office reception for the public to view. By the closing date no comments had been received from the public on the proposals.

3. Options for Consideration

- 3.1 The preferred option is to devolve the freehold of Moorside Community Centre, its associated land (car park, MUGA) and the adjacent playing field to Thatcham Town Council.
- 3.2 An alternative option is for West Berkshire Council to retain the asset and continue to manage its ownership and associated costs and income.

4. Proposals

- 4.1 It is proposed to transfer by way of devolution, the freehold of the Moorside Community Centre building, its associated land including car park, playground and muga as well as the adjacent playing field (all edged in red on plan in appendix D)
- 4.2 This proposal will include for the following provisions:
- (1) Spurcroft Primary School retains its current right to access and use the playing field for physical education as part of its delivery of the curriculum;
 - (2) WBC Education Service be offered occupation of the first floor of the building over an agreed short term period at an agreed rent to enable the temporary decant of staff and pupils from the Badgers Hill I-College site during its reconstruction.
 - (3) WBC transfer to TTC on final transfer of the asset a total of £14,995 (£7650 of capital and £7345 of revenue) to cover the in-year revenue maintenance and the capital maintenance for year one (2018) and year two (2019).

- (4) Pre-emption clause be included to ensure that should the premises cease to be viable as a community centre and TTC benefit in the future from any change of use, that the asset will be returned to WBC.

5. Conclusion

- 5.1 To enable the best use of the Moorside Centre for the benefit of the local community, it is proposed to transfer the freehold ownership to Thatcham Town Council.

6. Consultation and Engagement

- 6.1 There has been good dialogue with representatives of Thatcham Town Council.

Background Papers:

Land Registry – Transfer of Registered Title

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input checked="" type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected:

Thatcham South & Crookham

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- 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:

- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

Officer details:

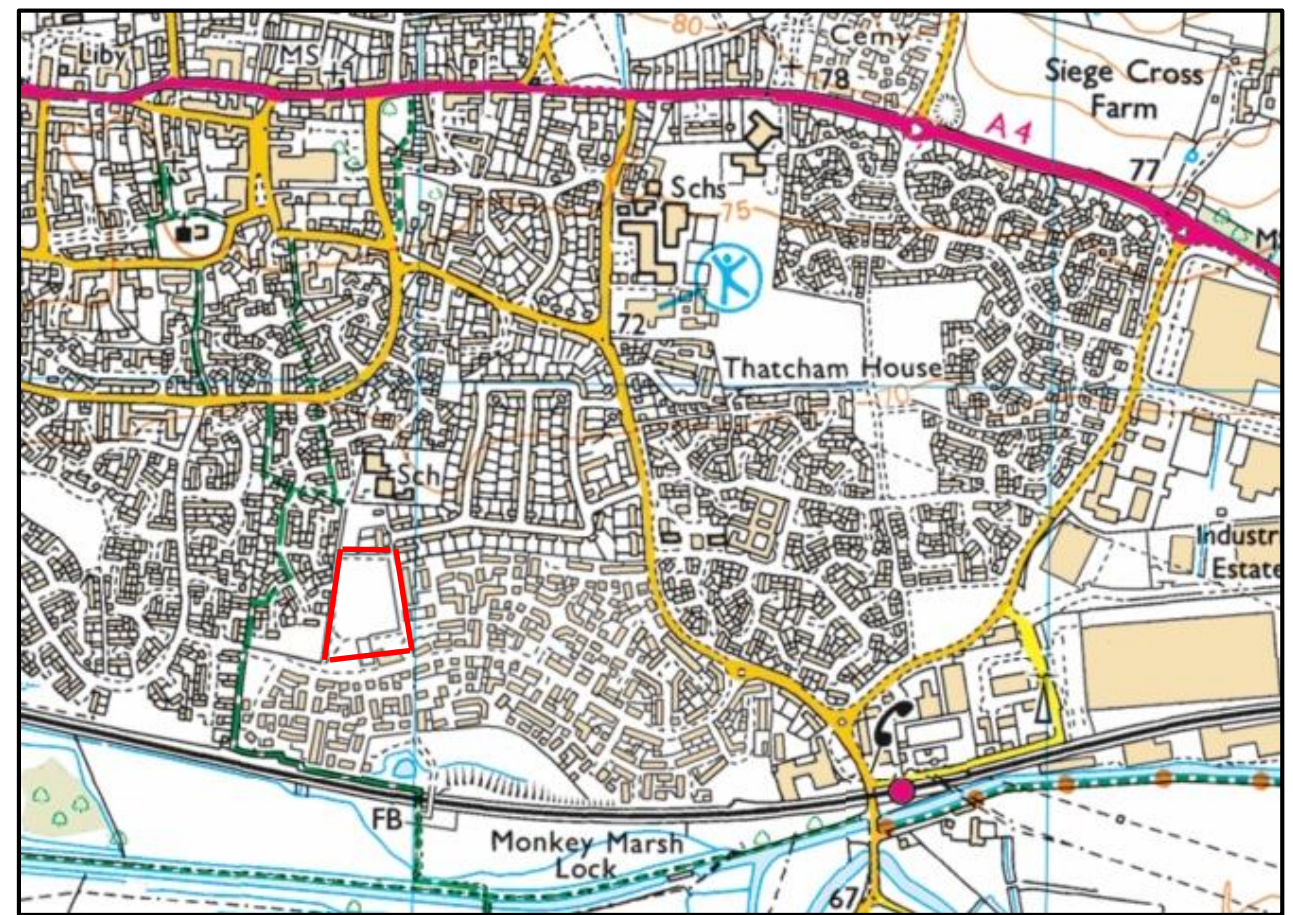
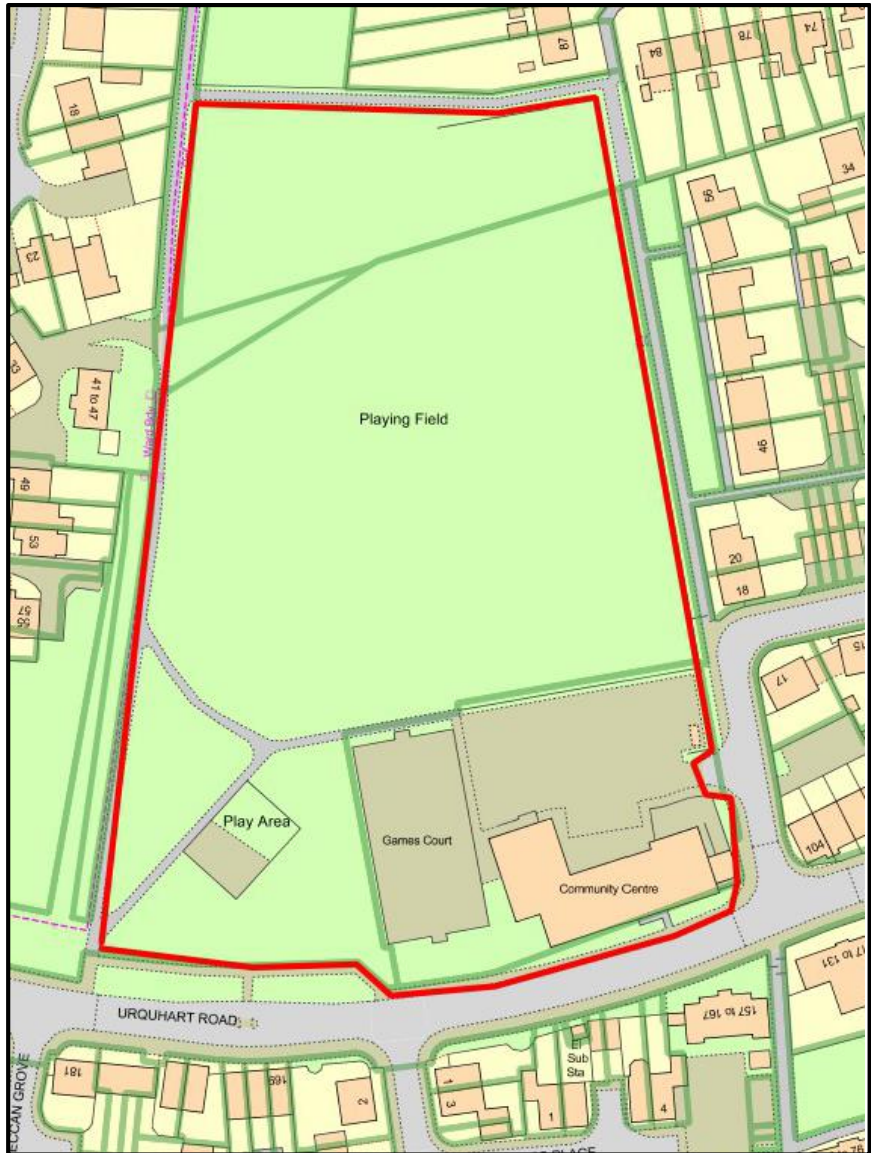
Name: Richard Turner
Job Title: Property Services Manager
Tel No: 01635 503653
E-mail Address: richard.turner@westberks.gov.uk

This page is intentionally left blank

Location and site plan

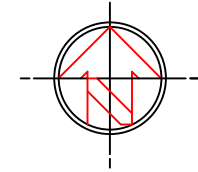
Attached plan showing the location and also site plan indicating the extent of the land transfer.

Appendix D – Moorside Community Centre Location and Site Plan



Floor plans

Plans of both the ground and first floor accommodation of Moorside Community Centre.



INDICATIVE ONLY

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
2. NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ASSOCIATED DRAWINGS.

INDEX

This drawing is the property of West Berkshire Council. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. West Berkshire Council LA09072L



Property Services
Council Offices
Market Street
Newbury
RG14 5LD

REVISIONS

REV	DESCRIPTION	BY	DATE

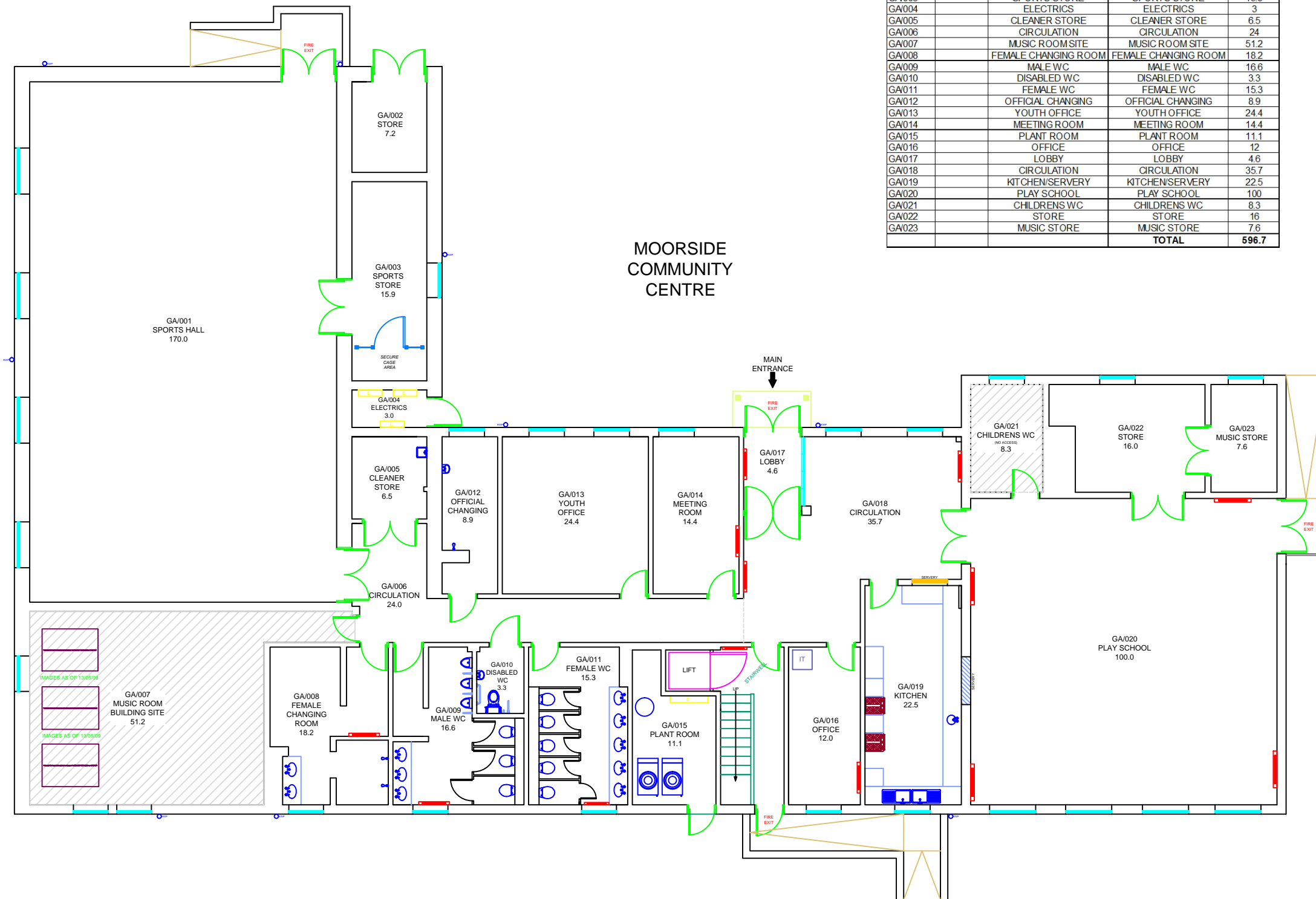
DRAWING TITLE:	AS BUILT
FILE NAME:	Moorside-Kingfisher PRU AS BUILT MAY2009.dwg
FILE PATH:	Properties\Cultural Services\Moorside Youth Centre-Kingfisher PRU
DRAWING No:	1.0
DATE:	26/05/2009
DRAWN BY:	WBC (AB)
DRAWING SIZE:	A1
SCALE:	1:75
REVISION:	1.1

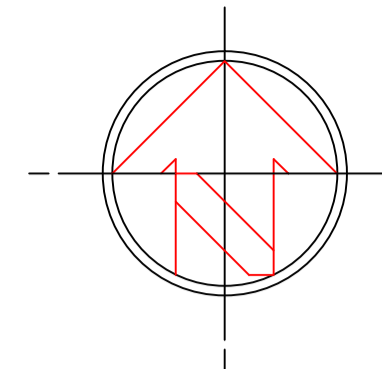
PROPERTY:
Moorside Community Centre

ADDRESS:
Urquart Rd, Thatcham RG19 4RE

Room Ref	Room Type	Room Sub Type	Room Name	Areas (m2)
GA/001	SPORTS HALL	SPORTS HALL	SPORTS HALL	170
GA/002	STORE	STORE	STORE	7.2
GA/003	SPORTS STORE	SPORTS STORE	SPORTS STORE	15.9
GA/004	ELECTRICS	ELECTRICS	ELECTRICS	3
GA/005	CLEANER STORE	CLEANER STORE	CLEANER STORE	6.5
GA/006	CIRCULATION	CIRCULATION	CIRCULATION	24
GA/007	MUSIC ROOM SITE	MUSIC ROOM SITE	MUSIC ROOM SITE	51.2
GA/008	FEMALE CHANGING ROOM	FEMALE CHANGING ROOM	FEMALE CHANGING ROOM	18.2
GA/009	MALE WC	MALE WC	MALE WC	16.6
GA/010	DISABLED WC	DISABLED WC	DISABLED WC	3.3
GA/011	FEMALE WC	FEMALE WC	FEMALE WC	15.3
GA/012	OFFICIAL CHANGING	OFFICIAL CHANGING	OFFICIAL CHANGING	8.9
GA/013	YOUTH OFFICE	YOUTH OFFICE	YOUTH OFFICE	24.4
GA/014	MEETING ROOM	MEETING ROOM	MEETING ROOM	14.4
GA/015	PLANT ROOM	PLANT ROOM	PLANT ROOM	11.1
GA/016	OFFICE	OFFICE	OFFICE	12
GA/017	LOBBY	LOBBY	LOBBY	4.6
GA/018	CIRCULATION	CIRCULATION	CIRCULATION	35.7
GA/019	KITCHEN/SERVERY	KITCHEN/SERVERY	KITCHEN/SERVERY	22.5
GA/020	PLAY SCHOOL	PLAY SCHOOL	PLAY SCHOOL	100
GA/021	CHILDRENS WC	CHILDRENS WC	CHILDRENS WC	8.3
GA/022	STORE	STORE	STORE	16
GA/023	MUSIC STORE	MUSIC STORE	MUSIC STORE	7.6
TOTAL				596.7

MOORSIDE COMMUNITY CENTRE





INDICATIVE ONLY

- 1. ALL DIMENSIONS ARE IN MILLETTRES UNLESS OTHERWISE STATED.
- 2. NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING.
- 3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ASSOCIATED DRAWINGS.

INDEX

This drawing is the property of West Berkshire Council. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. West Berkshire Council LA09072L



Property Services
Council Offices
Market Street
Newbury
RG14 5LD

REVISIONS

REV	DESCRIPTION	BY	DATE
1.0	Name update	AB	06/11/2015

DRAWING TITLE: AS BUILT

FILE NAME:

FILE PATH:

DRAWING No: 1.0

DATE: 20/05/2009

DRAWN BY: WBC (AB)

DRAWING SIZE: A1

SCALE: 1:50

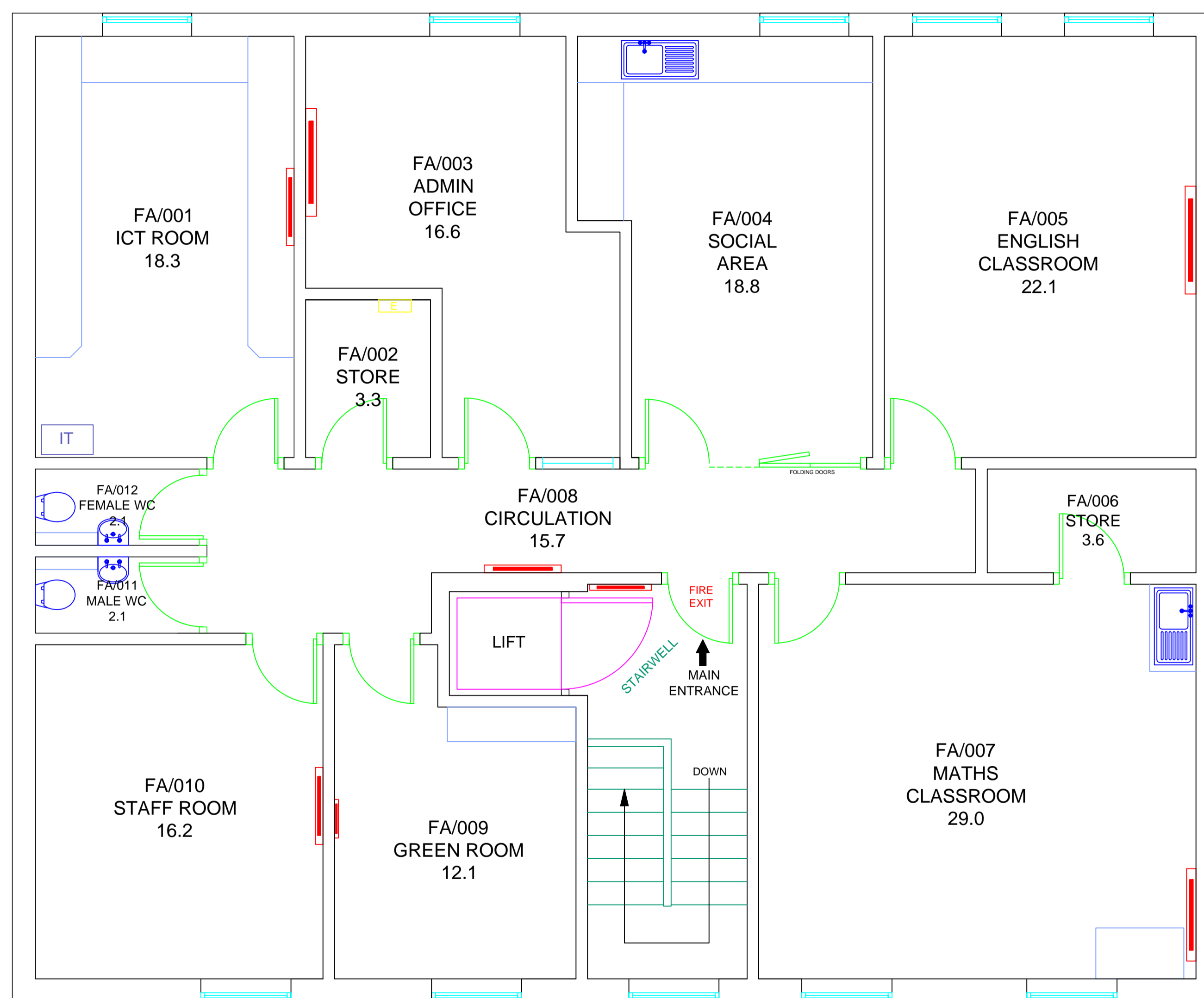
REVISION: 1.1

PROPERTY:

~~The Key PRU~~

ADDRESS:
Urquart Rd, Thatcham RG19 4RE

~~THE KEY PRU~~
FIRST FLOOR



THE KEY PRU FIRST FLOOR

Room Ref	Room Type	Room Sub Type	Room Name	Areas (m2)
FA/001		ICT ROOM	ICT ROOM	18.3
FA/002		STORE	STORE	3.3
FA/003		ADMIN OFFICE	ADMIN OFFICE	16.6
FA/004		SOCIAL AREA	SOCIAL AREA	18.8
FA/005		ENGLISH CLASSROOM	ENGLISH CLASSROOM	22.1
FA/006		STORE	STORE	3.6
FA/007		MATHS CLASSROOM	MATHS CLASSROOM	29
FA/008		CIRCULATION	CIRCULATION	15.7
FA/009		GREEN ROOM	GREEN ROOM	12.1
FA/010		STAFF ROOM	STAFF ROOM	16.2
FA/011		MALE WC	MALE WC	2.1
FA/012		FEMALE WC	FEMALE WC	2.1
			TOTAL	159.9

This page is intentionally left blank

Heads of Terms

Copy of the Heads of Terms for the agreement between WBC and TTC for the transfer of Moorside Community Centre.

Terms for the Transfer of the freehold of Moorside Community Centre to Thatcham Town Council.
Subject to contract and Council approval.

TransferorWest Berkshire Council, Council Offices , Market Street, Newbury.

TransfereeThatcham Town Council.

PropertyMoorside Community Centre, Urquhart Road, Thatcham as outlined red on
plan attached.

Tenure Freehold.

Consideration £1.

RestrictionsTo be used only as a community centre or such other community use as
shall comply with the transfer dated 21 October 2004.

The property is transferred subject to the covenants and restrictions
contained or referred to in the titles to which the land is comprised.

Pre-emption In the event of the Town Council ceasing to be able to operate the premises
as a viable community facility, then upon giving the Council 3 months prior
written notice, it will transfer the freehold of the property with vacant
possession back to West Berkshire Council in a condition commensurate
to that which it acquired the premises at the date of this transfer for £1.

Conditions In consideration of Thatcham Town Council fulfilling the scheduled repair
and maintenance works that would have been undertaken by WBC during
2018/19, shown in the schedule attached, WBC will transfer £14,995 to
TTC upon completion of this transfer.

Thatcham Town Council is to grant an option to WBC to take a short term
lease of the first floor of the premises and associated parking for use as a
PRU, the lease to be for a term of up to 12 months at a rental of £19,000
p.a. plus an apportionment of the rates of the whole building or the
actual rates if the rating assessment is split. A separate charge is to be
made for utilities if the services are not split or separately metered.

The option is to be exercised by WBC within a period of (24) months of
completion of this Transfer upon WBC serving (3) months notice on TTC
of its wish to occupy the first floor accommodation. If notice is not served

by WBC expressing its wish to exercise the option within the (24) month period the option will lapse.

The use of the playing field shown within the area edged in red by Spurcroft Primary School to enable the school to deliver its statutory duty to deliver physical education as part of its curriculum and the provision of school sporting activities both during and outside of school hours.

This page is intentionally left blank