

# Notice of Meeting

---



Scan here to access the public documents for this meeting

# Executive

**Thursday 14th March 2024 at 5.00 pm**

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

**Note:** This meeting can be streamed live here: <https://www.westberks.gov.uk/executive/live>

Date of despatch of Agenda: Wednesday, 6 March 2024

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Sadie Owen (Principal Democratic Services Officer) on 01635 519052, e-mail: [sadie.owen1@westberks.gov.uk](mailto:sadie.owen1@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



## Agenda - Executive to be held on Thursday, 14 March 2024 (continued)

<b>To:</b>	Councillors Jeff Brooks (Vice-Chair, in the Chair), Heather Codling, Iain Cottingham, Lee Dillon (Chairman), Denise Gaines, Stuart Gourley, Janine Lewis, Alan Macro, Louise Sturges and Tony Vickers
------------	---

# Agenda

## Part I

	<b>Pages</b>
1. <b>Apologies for Absence</b> To receive apologies for inability to attend the meeting (if any).	7 - 8
2. <b>Minutes</b> To approve as a correct record the Minutes of the meeting of the Executive held on 8 February 2024.	9 - 14
3. <b>Declarations of Interest</b> 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' <a href="#">Code of Conduct</a> .	15 - 16
4. <b>Public Questions</b> 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.	17 - 18
5. <b>Petitions</b> 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.	19 - 20

## Items as timetabled in the Forward Plan

	<b>Pages</b>
6. <b>Capital Financing Report Financial Year 2023/24 Quarter Three (EX4502)</b> Purpose: the capital financing performance report provided to Members reports on the under or overspends against the Council's approved capital programme and associated capital financing implications. The report presents the provisional outturn position for financial year 2023/24 as forecast at quarter three, and future borrowing requirement for financial year 2024/25 which is funded from the Council's revenue budget.	21 - 36

**Agenda - Executive to be held on Thursday, 14 March 2024 (continued)**

- 
7. **Berkshire Prosperity Board (EX4499)** 37 - 58  
Purpose: the report seeks to establish a Joint (Prosperity) Committee (to be known as the Berkshire Prosperity Board).
- 
8. **Building Control Shared Service Agreement (EX4474)** 59 - 72  
Purpose: to agree the principle of entering into a new shared service agreement and continuation of the existing partnership with Wokingham Borough Council by the 1 April 2024 to deliver building control functions, ensuring that the service is delivered on a cost recovery basis to meet the statutory obligations of the Council.
- 
9. **Hackney Carriage Tariffs 2024 (EX4367)** 73 - 100  
Purpose: it is considered best practice that Hackney Carriage Tariffs are reviewed annually, and the trade are therefore invited to submit a proposal each year should they be minded to seek any modifications to the existing table of fares. The current tariffs were updated in June 2023.  
  
A request from one member of the trade for modifications to the existing tariffs and fouling charges was received in December 2023. Executive is asked to consider the request from the member of the trade, the outcome of an informal consultation and agree whether to proceed with the formal consultation as set out in the legislation.
- 
10. **Response to Garage Block Motion (EX4480)** 101 - 110  
Purpose: the report provides a response to the Motion that was proposed to Council on 17 March 2022 by Cllr Tony Vickers.
- 
11. **Contracts for Award Under Delegated Authority from Executive (EX4501)** 111 - 116  
Purpose: to provide details of forthcoming supply, service and works contract awards that will have a contract value in excess of £2.5m and as such will require approval from the Executive during the next quarter. This report provides the Executive with visibility of all high value contracting activity and the opportunity to request further information regarding any of the contracts identified.
- 
12. **Restrictive covenants and Restriction on Title - Windmill Court and Stafford House Mortimer (EX4204)** 117 - 140  
Purpose: to seek approval to enter into negotiations with Sovereign Housing Association following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer for the purpose of Sovereign's proposed redevelopment of the Site; and to reject the requests made in a petition presented to the Executive on 22 September 2022 on the basis of the content of this report.
- 



13. **Members' Questions** 141 - 142  
Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.
14. **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 3, 5 and 6 of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item.  
[Section 10 of Part 10 of the Constitution refers.](#)

## Part II

15. **Contracts for Award Under Delegated Authority from Executive (EX4501)** 143 - 146  
*(Paragraph 6 – information relating to proposed action to be taken by the Local Authority)*  
Purpose: to provide further details of forthcoming supply, service and works contract awards that will have a contract value in excess of £2.5m and as such will require approval from the Executive during the next quarter.
16. **Restrictive covenants and Restriction on Title - Windmill Court and Stafford House Mortimer (EX4204)** 147 - 176  
*(Paragraph 3 – information relating to financial/business affairs of particular person)*  
Purpose: to seek approval to enter into negotiations with Sovereign Housing Association following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer for the purpose of Sovereign's proposed redevelopment of the Site; and to reject the requests made in a petition presented to the Executive on 22 September 2022 on the basis of the content of this report.
17. **Asset Disposal - Sainsbury's (EX4509)** 177 - 192  
*(Paragraph 3 – information relating to financial/business affairs of particular person)*  
*(Paragraph 5 – information relating to legal privilege)*  
Purpose: at its meeting on 2 November 2023 the Executive approved a report for the disposal of the commercial asset Sainsbury's, Northallerton. The council has now received an offer for the asset and this report seeks the approval of the Executive to dispose of the asset on the basis of the



**Agenda - Executive to be held on Thursday, 14 March 2024 (continued)**

offer received; and enter into appropriate disposal documentation.

Sarah Clarke  
Service Director: Strategy and Governance

**West Berkshire Council Strategy Priorities**

**Council Strategy Priorities:**

**PC1: Ensure our vulnerable children and adults achieve better outcomes**

**PC2: Support everyone to reach their full potential**

**OFB1: Support businesses to start, develop and thrive in West Berkshire**

**GP1: Develop local infrastructure to support and grow the local economy**

**GP2: Maintain a green district**

**SIT1: Ensure sustainable services through innovation and partnerships**

If you require this information in a different format or translation, please contact  
Sadie Owen on telephone (01635) 519052.



This page is intentionally left blank

Executive – 14 March 2024

## **Item 1 – Apologies for absence**

Verbal Item

This page is intentionally left blank

## DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY 8 FEBRUARY 2024

**Councillors Present:** Jeff Brooks (Chairman), Heather Codling, Iain Cottingham, Denise Gaines, Stuart Gourley, Janine Lewis, Alan Macro and Louise Sturgess

**Also Present:** Ross Mackinnon, Dominic Boeck, Jo Stewart, Richard Somner, Howard Woollaston, David Marsh, Adrian Abbs and Carlyne Culver

**Officers Present:** Sarah Clarke (Service Director Strategy & Governance), Paul Coe (Executive Director – Adult Social Care), AnnMarie Dodds (Executive Director – Children and Family Services), Joseph Holmes (Executive Director – Resources), Clare Lawrence (Executive Director – Place), Nigel Lynn (Chief Executive), Sadie Owen (Principal Democratic Services Officer), and Benjamin Ryan (Democratic Services Officer)

**Also in attendance:** Justin Pemberton

**Apologies for inability to attend the meeting:** Councillor Lee Dillon and Councillor Tony Vickers

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 14 December 2023 were approved as a true and correct record and signed by the Deputy Leader.

##### 2. Declarations of Interest

There were no declarations of interest received.

##### 3. Public Questions

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

##### 4. Petitions

There were no petitions presented to the Executive.

##### 5. Medium Term Financial Strategy (C4442)

Councillor Jeff Brooks noted that the budget papers would be referred by Executive to Council without debate, as full debate would take place there. Members were however encouraged to raise matters of clarification or accuracy.

Councillor Brooks thanked Councillor Culver for chairing Scrutiny Commission earlier in the week which had reviewed and debated the budget papers.

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 6), noting that a robust debate had taken place at Scrutiny Commission and queried whether there were any further questions from Members.

Councillor Ross Mackinnon agreed that there would be no substantive debate at the current meeting and welcomed Councillor Louise Sturgess as the newest member of the Executive.

Councillor Brooks seconded the recommendation within the report.

## EXECUTIVE - 8 FEBRUARY 2024 - MINUTES

**RESOLVED that:** Executive referred the report to Council to consider the following recommendation:

- For members to approve the Medium Term Financial Strategy.

### 6. Investment and Borrowing Strategy Financial Year 2024-25 (C4444)

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 7), which detailed the Investment and Borrowing Strategy for the forthcoming year.

Councillor Carolyn Culver referred to the Scrutiny Commission meeting that had discussed the budget papers and suggested that in future years it would be beneficial to hold an earlier meeting that was not scheduled so closely to the Executive and Council meetings. Councillor Culver reported that Scrutiny Commission Members had urged that the Executive exercise caution in the divestment of its commercial property portfolio.

Councillor Adrian Abbs queried whether there had been any indication of the level of funding that would be received from Central Government. Joseph Holmes, Executive Director-Resources commented that an estimate had been included within the budget papers which had been close to the final Local Government finance settlement figure and that papers would be adjusted accordingly prior to Council. It was suggested that the difference was approximately £100,000 and so was unlikely to have a significant impact on the Investment and Borrowing Strategy.

Councillor Jeff Brooks seconded the recommendations within the report.

**RESOLVED that:** Executive referred the report to Council to consider the following recommendations:

That Council is requested to adopt the following recommendation:

- To agree and adopt the proposed Investment and Borrowing Strategy for 2024/25.
- That the Council agrees the revised Commercial Property strategy in appendix D.
- That the capital receipts generated from disinvestment are applied to offset potential future financing costs or are utilised as part of the flexible use of capital receipts policy.

### 7. Capital Strategy Financial Years 2024-2034 (C4443)

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 8) which detailed the Capital Strategy for the forthcoming ten years.

Councillor David Marsh referred to item 24 on the project list (the proposed classroom replacement at Falkland Primary School) and requested clarification as to when the design phase of the scheme would commence. Councillor Iain Cottingham confirmed that capital expenditure could be moved into the forthcoming financial year to allow for immediate action and progress with the project.

Councillor David Marsh requested clarification between item 29 (the Playing Pitch Action Plan), and item 250 (Newbury Sports Hub, Playing Pitch Strategy). Councillor Cottingham clarified that both formed part of the overall district wide Playing Pitch Consultation.

**RESOLVED that:** Executive referred the report to Council to consider the following recommendations:

That Council is requested to adopt the following recommendations:

- That the Capital Strategy and supporting Capital Programme for the period 2024 - 2034 is approved (appendix A).

## EXECUTIVE - 8 FEBRUARY 2024 - MINUTES

- That the Council approves the Minimum Revenue Provision (MRP) statement for 2024/25 and the revised MRP policy for 2023/24 (appendix C).
- That the Flexible Use of Capital Receipts Policy (appendix D) is approved.
- That the proposed CIL (Community Infrastructure Levy) Bids for inclusion in the Capital programme (appendix E) is approved.

### 8. **Revenue Budget: 2024-25 (C4441)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 9) which set out the Revenue Budget for the forthcoming financial year.

Councillor Carlyne Culver reported that Scrutiny Commission had held an interesting debate relating to the paper and noted that key themes had included the need for the Council to look at long term challenges within Adult Social Care; Special Educational Needs and the level of spending within that area; the idea of involving parish councils in the responsibility for bin maintenance and collection; and the fact that there were forty members of the public that were costing the Council approximately £10m per year. It was suggested that in relation to the latter subject it may prove useful to have some anonymised case studies to review and understand the needs.

Councillor Jeff Brooks commented that the most important responsibility that Councillors had was to keep people safe and support the vulnerable, and that both cost time and money. Councillor Brooks stated that it was not a lament that forty people cost that amount but that it was worth analysing why costs were so expensive.

Councillor Cottingham noted that he was hoping to produce some benchmarking figures later in the year which would compare the Council's financial resilience against other local authorities.

Councillor Brooks seconded the recommendations within the report.

**RESOLVED that:** Executive referred the report to Council to consider the recommendations and:

- Approved a further consultation on options for the opportunity for all WBC-run care homes to be run by external providers rather than through our in-house provision.
- Approved the fees and charges as set out in appendix G.

### 9. **2023/24 Revenue Financial Performance Quarter Three (EX4364)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 10), which outlined the Council's Revenue position as at Quarter Three of 2023/24. It was noted that the forecast overspend had reduced by £100,000 from Quarter Two to £3.2m.

Councillor Adrian Abbs queried how accurate the forecasts would have been without the Social Care variables. Councillor Cottingham responded that if finances had been in line with the original budget there would have been a £5m underspend. Councillor Abbs suggested that the Council lobby Central Government to be more accountable in relation to the costs of Social Care.

Councillor Ross Mackinnon queried whether Councillor Cottingham felt that the Council's performance against revenue budget should be externally audited. Councillor Cottingham clarified that the Council's formal accounts had not been externally audited for two years. Councillor Cottingham expressed confidence in the finance team but noted that the lack of audit may not have identified any deviation in interpretation from generally accepted accounting principles between revenue and capital expenditure. Councillor Cottingham did not feel that it was a substantive risk but noted that Members should be aware of it prior to new auditors KPMG commencing their review.



## EXECUTIVE - 8 FEBRUARY 2024 - MINUTES

Councillor Mackinnon referred to section 5.3 of the report and the table that detailed the 'review of the Council's Minimum Revenue Provision (MRP)' and queried whether text was missing for the 2024-25 benefit. Councillor Cottingham responded that the 2024-25 benefit would be £3m.

Councillor Mackinnon noted that the amendment to the policy generated a significant revenue benefit and queried why it had not been done before and whether there were any disadvantages to the revised policy. Councillor Cottingham commented that previously there had been a prudent approach to MRP, and that the amendment would bring the Council into line with other local authorities. Councillor Cottingham reported that he had requested that the new auditors look to ensure that the Council was not now being too aggressive in its approach.

Councillor Mackinnon again queried whether there was any downside to the scheme to which Councillor Cottingham responded that the Council would in effect be deferring payment of MRP to later years which would make it cheaper to repay.

Councillor Mackinnon referred to section 5.32 of the report which referred to an overspend of £195. Councillor Cottingham clarified that the amount should have been £195,000.

Councillor Mackinnon referred to the bar graph associated with the section and commented that the figures totalled £222,000 rather than £195,000. Councillor Cottingham explained that the Chief Executive data had been erroneously omitted from the graph.

Councillor Jeff Brooks seconded the recommendations within the report.

**RESOLVED that:** Executive

- Note the £3.2m forecast overspend, a reduction of £0.1m from Quarter Two.
- Note the implementation of measures included in the report around recruitment, staffing and agency.
- Note the continuation of Financial Review Panel (FRP) meeting weekly to ensure the spending limits are being adhered to.

### 10. **Direct Payment Policy (EX4495)**

Councillor Alan Macro introduced and proposed a report (Agenda Item 11) and referred to the Appendix which outlined that the purpose of the policy was to make clear the Council's approach to direct payments, and the responsibilities of the direct payment recipient. Councillor Macro also highlighted section 5.3 of the report which defined what was meant by a direct payment.

Councillor Denise Gaines seconded the recommendation within the report.

**RESOLVED that:** Executive adopt the policy.

### 11. **Members' Questions**

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

### 12. **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 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.

**EXECUTIVE - 8 FEBRUARY 2024 - MINUTES**

**13. Disposal of property known as West Street House, Newbury**

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

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

The Executive considered a report (Agenda Item 14) concerning the disposal of West Street House.

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

**Other options considered:** the Council could do nothing and reject the offer and wait for another offer. There is a risk that another offer would not be forthcoming, especially in the timescales set out for a swift asset sale by the end of March 2024. This would put pressure on the Council’s revenue budget, potentially, in year if no other asset sale was to occur. The Council is incurring costs of £16.3k per month.

*(The meeting commenced at 5.00 pm and closed at 6.45 pm)*

**CHAIRMAN** .....

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

This page is intentionally left blank

Executive – 14 March 2024

## **Item 3 – Declarations of Interest**

Verbal Item

This page is intentionally left blank

Executive – 14 March 2024

## **Item 4 – Public Questions**

To follow

This page is intentionally left blank



Executive – 14 March 2024

## **Item 5 – Petitions**

Verbal Item

This page is intentionally left blank

# Capital Financing Report Financial Year 2023/24 Quarter Three

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Iain Cottingham
<b>Report Author:</b>	Shannon Coleman-Slaughter
<b>Forward Plan Ref:</b>	EX4502

## 1 Purpose of the Report

The capital financing performance report provided to Members reports on the under or overspends against the Council's approved capital programme and associated capital financing implications. This report presents the provisional outturn position for financial year 2023/24 as forecast at quarter three, and future borrowing requirement for financial year 2024/25 which is funded from the Council's revenue budget.

## 2 Recommendations

2.1 Members are asked:

- (a) To note the quarter three underspend position of £12.9 million and reprofiling proposals of £3.2 million. Reprofiling proposals are included in appendix B.
- (b) To note the budget changes included in the quarter three position detailed in appendix A.
- (c) To note an increase in the grant funded element of the Disabled Facilities Grant of £345k due to increased grant funding secured.

## 3 Implications and Impact Assessment

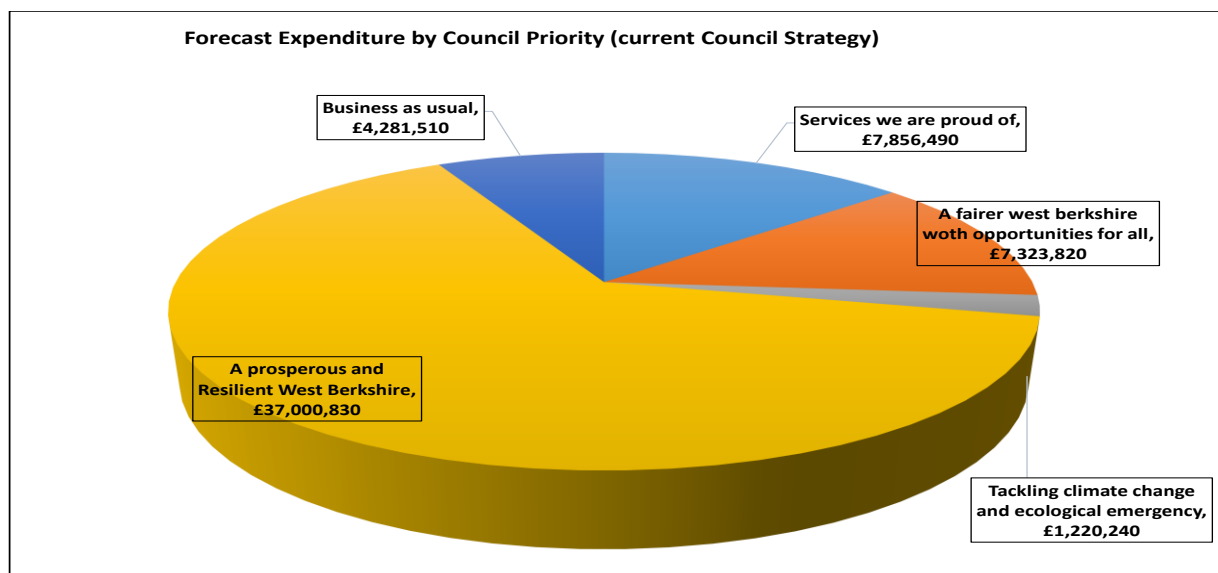
Implication	Commentary
<b>Financial:</b>	The forecast outturn position is expenditure of £57.7 million against a planned programme budget of £70.6 million, an overall forecast underspend of £12.9 million. £3.2 million of future expenditure is proposed to be reprofiled into financial year 2024/25.

	<p>Public Work Loan Board (PWLB) rates remain high compared to a recent historic borrowing average of 2 - 3%. In a rising interest environment, the Council will face risks of increased cost on any new external borrowing undertaken. The Council has sought to mitigate risk and keep interest costs low through a strategy of internal borrowing (utilisation of own resources and short-term borrowing). The Investment and Borrowing Strategy for financial year 2023/24 which supports delivery of the capital programme has been set with the same underlying principles.</p>			
<b>Human Resource:</b>	Not applicable			
<b>Legal:</b>	<p>The Prudential Code requires authorities to look at capital and investment plans in light of overall organisation strategy and resources to ensure that decisions are made with sufficient regard to the long-term financing implications and risks to the Council. To demonstrate that local authorities have fulfilled these objectives, the code sets out a number of indicators, although the Code does not include suggested indicative limits or ratios. Local Authorities are to set their own limits and ratios, subject to controls under section 4 of the Local Government Act 2003. The Council's capital programme is a key driver of the treasury management activity.</p>			
<b>Risk Management:</b>	<p>The Council is also exposed to inflationary cost pressures across the capital programme as a whole. Furthermore, any rise in PWLB borrowing rates resulting from increases in Bank rate will result in increased interest cost on any new borrowing undertaken. Both of these external risks are largely outside the Council's ability to control, although the Council will take appropriate advice from our external treasury consultants, to determine the optimum time and structure for any new borrowing to be undertaken.</p>			
<b>Property:</b>	Not applicable			
<b>Policy:</b>	Not applicable			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>

<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	Joseph Holmes – Executive Director for Resources and s151 Officer.  Capital Strategy Group (CSG).			

## 4 Executive Summary

- 4.1 The capital programme enables delivery of key Council schemes focused on supporting the approved Council Strategy. As at quarter three £57.7 million of expenditure has been forecast across capital schemes for financial year 2023/24.



- 4.2 As part of the forecast outturn position, £3.2 million of future planned expenditure is proposed to be reprofiled into financial year 2024/25, a detailed breakdown of which is included in Appendix B. In total £27.9 million of planned and approved expenditure has been proposed to be reprofiled into financial year 2024/25. £24.7 million of the reprofiled expenditure has been captured as part of the 2024/25 budgeting process and forms part of the 2024/25 capital programme.
- 4.3 In respect of financing the capital programme, as at 31<sup>st</sup> March 2023, the Council's total level of long-term borrowing to fund capital spend stood at £181.9 million. Whilst the Bank of England (BoE) kept Bank Rate unchanged at 5.25% following a period of consecutive rate increases, with rates increasing from a low of 0.25% in December 2021. Movement in Bank Rate has been driven by high levels of inflation and this has been reflected in increases in Local Government borrowing costs through increases in PWLB borrowing rates. At the time of writing, inflation has significantly lowered, however, rates for a 25-year annuity loan are approximately 5%, compared to a recent historic borrowing average of 2-3%.
- 4.4 The Council will face risks of increased cost on any new external borrowing undertaken to support delivery of planned capital works. The capital programme approved by Council Committee in March 2023 was set with the expectation to undertake new external borrowing to support delivery. Currently the Council has sought to mitigate risk through a strategy of not undertaking long-term borrowing in respect of PWLB financing and, instead focusing on supporting delivery of the capital programme through short-term borrowing and cash balances. The strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, has reduced risk and helps keep interest costs low. The Investment and Borrowing Strategy for financial year 2023/24 has been set with the same underlying principles. The Council's current

weighted average cost of borrowing is approximately 3.5% which is considerably lower than current borrowing rates.

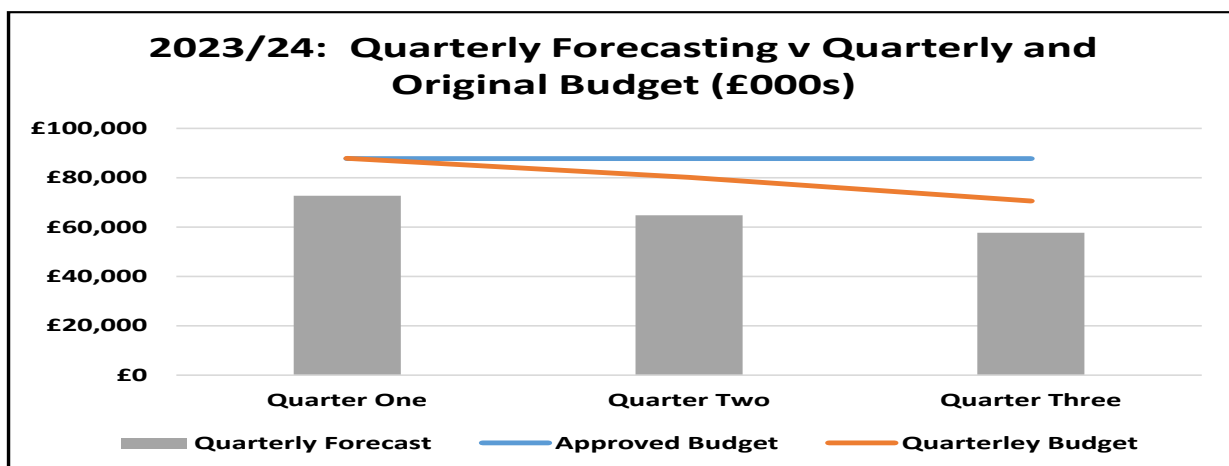
- 4.5 It should be noted that capital financing costs are incurred a year in arrears hence the cost of financing 2023/24 capital expenditure will fall into financial year 2024/25. Capital expenditure in the current financial year will result in an increased borrowing requirement of £27 million. This assumes a requirement to maintain minimum investment balances of £10 million.

## 5 Supporting Information

### Background

- 5.1 Capital expenditure and its supporting financing have financial consequences for the Council for many years into the future. Expenditure is therefore subject to both a national regulatory framework and to local policy framework.
- 5.2 The 2023/24 capital programme was agreed by Council in March 2023 with a gross expenditure budget of £69.5 million split between externally funded expenditure of £38.8 million and £30.7 million of Council funded expenditure (i.e. application of capital receipts and external borrowing). The repayment of principal sums and interest on loans used to fund capital expenditure are met from the revenue budget for capital financing and risk management. Included within the capital programme for 2023/24 was £22.8 million of expenditure reprofiled from the 2022/23 approved capital programme, with an additional £16.4 million of expenditure subsequently reprofiled into 2023/24 at the end of 2022/23. During the financial year budget changes may occur, mainly as a result of budgets brought forward from prior financial years, additional grants, s106 and Community Infrastructure Levy (CIL) allocations received in year or expenditure re-profiled in future financial years. As part of the budget monitoring process, the forecast year end position of the capital projects is reviewed and proposals for unutilised budgets to be re-profiled is reviewed by CSG. As at quarter three the revised capital programme budget pre-proposed reprofiling into financial year 2024/25 is £70.6 million. A detailed breakdown of budget changes is included in appendix A.
- 5.3 The capital programme is planned and mapped against the Council's approved Council Strategy. At quarter three, expenditure of £57.7 million has been forecast to be incurred against the revised capital programme of £70.6 million, generating a forecast underspend of £12.9 million. The graphic below shows the in-year forecasting by quarter against the original and revised budget position.





5.4 The Council finances capital a year in arrears in accordance with the approved Investment & Borrowing Strategy. Expenditure against the capital programme incurred in 2023/24 will be financed in financial year 2024/25 as part of the Financial Year 2024/25 Investment & Borrowing Strategy.

### Quarter Three Forecast Position

5.5 Quarter Three forecast expenditure indicates an overall delivery of planned expenditure of 82%. From a directorate and service level perspective the forecast position is as follows:

Directorate	Approved Programme (inc reprofiling from 2022/23)	Quarter Three Budget	Quarter Three Forecast Expenditure	Forecast (Under)/Over spend at Quarter Three	Proposed Expenditure Reprofiling at Quarter 3	Revised Budget	Adjusted Outturn Position
People	£31,283,590	£21,310,390	£14,009,200	(£7,301,190)	£2,093,440	£19,216,950	(£5,207,750)
Place	£45,653,680	£38,732,460	£34,491,300	(£4,241,160)	£491,540	£38,240,920	(£3,749,620)
Resources	£10,867,450	£10,583,960	£9,182,390	(£1,401,570)	£635,890	£9,948,070	(£765,680)
Total Council	£87,804,720	£70,626,810	£57,682,890	(£12,943,920)	£3,220,870	£67,405,940	(£9,723,050)

### The People Directorate

5.6 The Directorate is forecasting total expenditure of £14.0 million against a budget of £21.3 million, creating an underspend of £7.3 million at outturn, before adjustment for reprofiling. £2.0 million of future anticipated expenditure is proposed to be reprofiled into financial year 2024/25 which is all proposed funding through Council Borrowing.

People Directorate	Approved Programme (inc reprofiling from 2022/23)	Quarter Three Budget	Quarter Three Forecast Expenditure	Forecast (Under)/Over spend at Quarter Three	Proposed Expenditure Reprofiling at Quarter 3	Revised Budget	Adjusted Outturn Position
Adult Social Care	£5,117,630	£4,068,230	£2,184,000	(£1,884,230)	£387,660	£3,680,570	(£1,496,570)
Children's & Family Services	£30,000	£30,000	£	(£30,000)	£	£30,000	(£30,000)
Education	£14,224,770	£9,541,730	£7,627,810	(£1,913,920)	£147,540	£9,394,190	(£1,766,380)
Communities & Wellbeing	£11,911,190	£7,670,430	£4,197,390	(£3,473,040)	£1,558,240	£6,112,190	(£1,914,800)
Total Directorate	£31,283,590	£21,310,390	£14,009,200	(£7,301,190)	£2,093,440	£19,216,950	(£5,207,750)

- 5.7 In Adult Social Care has forecast an underspend of £1.9 million and proposed reprofiling of planned expenditure totalling £387k. Post reprofiling this projects an outturn underspend position of £1.5 million. The underspend is being driven by the refurbishment of care home projects which have been on hold, and the cessation of the care Director version 6 project. It should be noted as part of the outturn process costs incurred in the current financial year (£172k incurred at Q3 and committed sums of £55k) will be reversed out and reallocated to the Council's revenue budget.
- 5.8 Children & Family Services have in year provision of £30k budgeted for potential adaptations/building works to foster homes. This is a demand led budget and currently is forecast to not be spent in year and is proposed for reprofiling into 24/25.
- 5.9 Education services are forecasting variances across several schemes where spend has been delayed due to impact of internal staff shortages or contractor availability. Of these, key underspends include Highwood Copse (£251k) various works unlikely to be completed in 23/24, iCollege alternative education – East (£215k) due to project officer changes, SEMH/ASD provision primary ((£589k) due to property resource issues, Castle school Ways of Working (£456k) as the project has stopped. The total forecast underspend is £1.9 million, of which £147K of planned Council funded expenditure relating to the Speenhamland Land 2fte project is proposed for reprofiling.
- 5.10 The Communities & Wellbeing forecast underspend is primarily due to the Newbury Sports Hub scheme being halted (£1.8m). Northcroft dry side refurbishment has suffered delays (£735k) to be reprofiled and Hungerford leisure centre – modular exercise studio has been put on hold and is pending a decision to cease the project (£384k) to be reprofiled. A year end underspend of £3.5m has been forecast with £1.6 million of expenditure proposed for reprofiling. With the exception of £390k, all proposed reprofiling is Council funded expenditure. Further details are included in appendix B.

### The Place Directorate

- 5.11 The Directorate is forecasting total expenditure of £34.5 million, creating an underspend of £4.2 million. Of this, £0.5 million is proposed for reprofiling into financial year 2024/25, of which £56k is externally funded and £435k is due to be funded through Council borrowing.

Place Directorate	Approved Programme (inc reprofiling from 2022/23)	Quarter Three Budget	Quarter Three Forecast Expenditure	Forecast (Under)/Over spend at Quarter Three	Proposed Expenditure Reprofiling at Quarter 3	Revised Budget	Adjusted Outturn Position
Development & Regulation	£13,893,310	£12,658,240	£12,886,020	£227,780	£15,250	£12,642,990	£243,030
Environment	£31,760,370	£26,074,220	£21,605,280	(£4,468,940)	£476,290	£25,597,930	(£3,992,650)
<b>Directorate Totals</b>	<b>£45,653,680</b>	<b>£38,732,460</b>	<b>£34,491,300</b>	<b>(£4,241,160)</b>	<b>£491,540</b>	<b>£38,240,920</b>	<b>(£3,749,620)</b>

- 5.12 Development & Regulation are forecasting a net overspend for the year of £228k, this is resulting from an overspend of £243k on disabled facilities grant works, however a further £345k of grant funding has been secured which will offset the forecast overspend position once the budget uplift is applied. There is also a £15k underspend against the Council funded Home Assistance Repair Grant. The service has requested that the

underspend is reprofiled into financial year 2024/25. The net position for Development & Regulation as a whole should both requested changes be granted would online.

5.13 The Environment Service are projecting an in-year underspend of £4.5m across a number of projects, the largest of which is a (£2.3m) on Newbury Railway station road improvements as awaiting invoice from GWR. (£637k) underspend on the Solar PV initiative as tender is likely to be completed in the final quarter of the financial year. Expenditure reprofiling of £476k, (£420k of which is Council funded expenditure) has been requested by the service,

### The Resources Directorate

5.14 The Resources Directorate is forecasting total expenditure of £9.2 million against a budget of £10.6 million, generating a forecast underspend of £1.4 million. Reprofiling of budget to 2024/25 totalling £636k has been proposed, after which the Directorate would be underspent by £766k.

Resources Directorate	Approved Programme (inc reprofiling from 2022/23)	Quarter Three Budget	Quarter Three Forecast Expenditure	Forecast (Under)/Over spend at Quarter Three	Proposed Expenditure Reprofiling at Quarter 3	Revised Budget	Adjusted Outturn Position
ICT	£7,573,600	£7,194,060	£6,567,630	(£626,430)	£447,000	£6,747,060	(£179,430)
Finance & Property	£2,573,860	£1,897,620	£1,549,780	(£347,840)	£53,280	£1,844,340	(£294,560)
Strategy & Governance	£719,990	£1,492,280	£1,064,980	(£427,300)	£135,610	£1,356,670	(£291,690)
Directorate Totals	£10,867,450	£10,583,960	£9,182,390	(£1,401,570)	£635,890	£9,948,070	(£765,680)

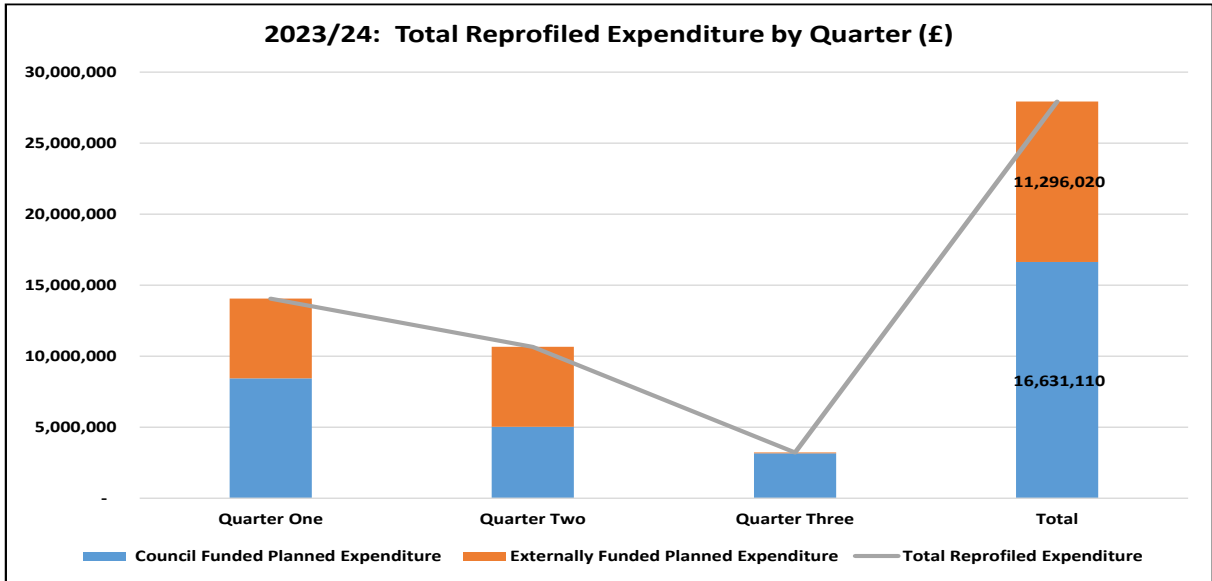
5.15 The ICT Service is projecting an underspend of £1.4 million. Variances are projected across several distinct project areas, however, the largest underspend stems from Telephony infrastructure (£370k) for which reprofiling has been requested, the project to build data warehouse capacity (£67k) and maintaining the disaster recovery facility (58k). the service has requested reprofiling of £635k, predominantly relating to the aforementioned projects. Further details of reprofiling are held in appendix B.

5.16 The Strategy & Governance Service is forecasting a £427k underspend across various projects. In year savings have been identified against Project management salaries due to posts currently being vacant (£133k), the Education Management System implementation (£138k), and the digitisation of infrastructure (£95k). £135k of planned expenditure (Council funded) is proposed to be reprofiled into financial year 2024/25 relating to digitisation of infrastructure and replacement of election polling booths.

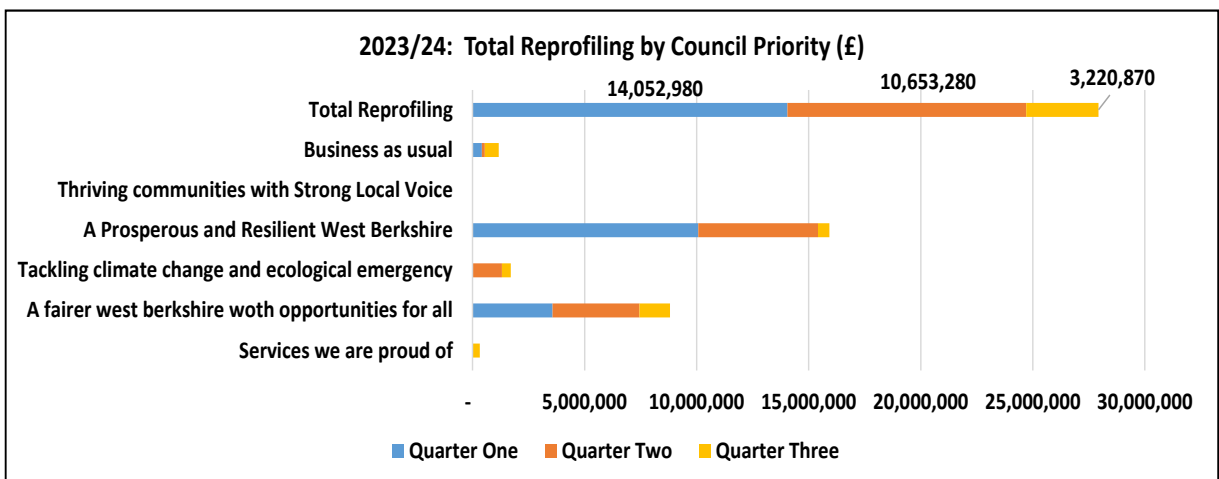
5.17 The Finance & Property Service is forecasting a £348k underspend. The underspend predominately relates to the Future of West Street House and West Point House project (£218k). Executive have agreed the disposal of West Street House which is currently under offer and West Point House is being converted into separate units as part of the Local Area Housing Fund project. Minor underspends are forecast against a number of projects, £53k of Council funded expenditure is proposed for reprofiling, details are included in appendix B.

**Proposals**

5.18 Appendix B details the reprofiling proposals as at quarter three. Total reprofiling proposals of £3.2 million will adjust the currently forecast underspend position from £12.9 million to a revised underspend of just over £9.7 million. Proposed reprofiling is detailed by service below. The graphic below details the total level of reprofiling during the current financial year on a quarterly and funding basis. As at quarter three, reprofiling totals £27.9 million split between externally financed planned expenditure of £11.3 million and £16.6 million of Council funded planned expenditure.



5.19 From a Council Strategy priority perspective, the majority of planned expenditure reprofiled into financial year 2024/25 relates to delivering a prosperous and resilient West Berkshire with £15.9 million of expenditure covering projects across the leisure offering, temporary accommodation and infrastructure. The graphic below details reprofiling by Council objective.



5.20 Reprofiling throughout the financial year is incorporated into the annual capital programme budget setting process to ensure all capital financing assumptions remain robust and sustainable.

## 6 Conclusion

- 6.1 The capital programme is subject to a number of financial risks. Construction inflation, potentially resulting in current contracts being subject to a reduction in scope to deliver within agreed financial terms and tender cost for new projects subject to significant increases. The scale of the programme itself is also dependant on sufficient resourcing both internally and externally being available to support delivery. At quarter three £24.7 million of reprofiling has already been processed and captured as part of the 2024/25 capital programme build process. A further £3.2 million of reprofiling has been identified and proposed.
- 6.2 All capital expenditure must be financed, the CIPFA Prudential Code requires authorities to look at capital and investment plans in light of overall organisation strategy and resources to ensure that decisions are made with sufficient regard to the long-term financing implications and risks to the Council. A key indicator is the Council's Authorised Limit for external for debt, which was approved at Council in March 2023, at £378.9 million for the current financial year. As well as the level of borrowing needed to fund capital expenditure, the Limit also allows for debt embedded in the Waste PFI contract and any temporary borrowing which is required for cash flow purposes during the year.
- 6.3 As at 31<sup>st</sup> March 2023, the Council's total level of long-term borrowing to fund capital spend stood at £181.9 million. During financial year 2022/23 a strategy of not undertaking long-term borrowing in respect of PWLB financing was pursued, (enabled by in year reprofiling of expenditure), instead focusing on supporting delivery of the capital programme through short-term borrowing and cash balances. The strategy of keeping borrowing and investments below their underlying levels, sometimes known as 'internal borrowing', in order to reduce risk and keep interest costs has minimised the impact of rising PWLB rates on the Council. This strategy has continued in the first three quarters of 2023/24.
- 6.4 In August 2021 HM Treasury significantly revised guidance for the PWLB lending facility and CIPFA published its revised Prudential Code for Capital Finance and Treasury Management Code on 20th December 2021. The Code also states that it is not prudent for local authorities to make investment or spending decision that will increase the Capital Financing Requirement – "CFR" - (which represents an authority's underlying need to borrow for capital purposes), unless directly and primarily related to the functions of the authority. The 2023/24 capital programme is expected to increase the Council's CFR to £293.3 million.

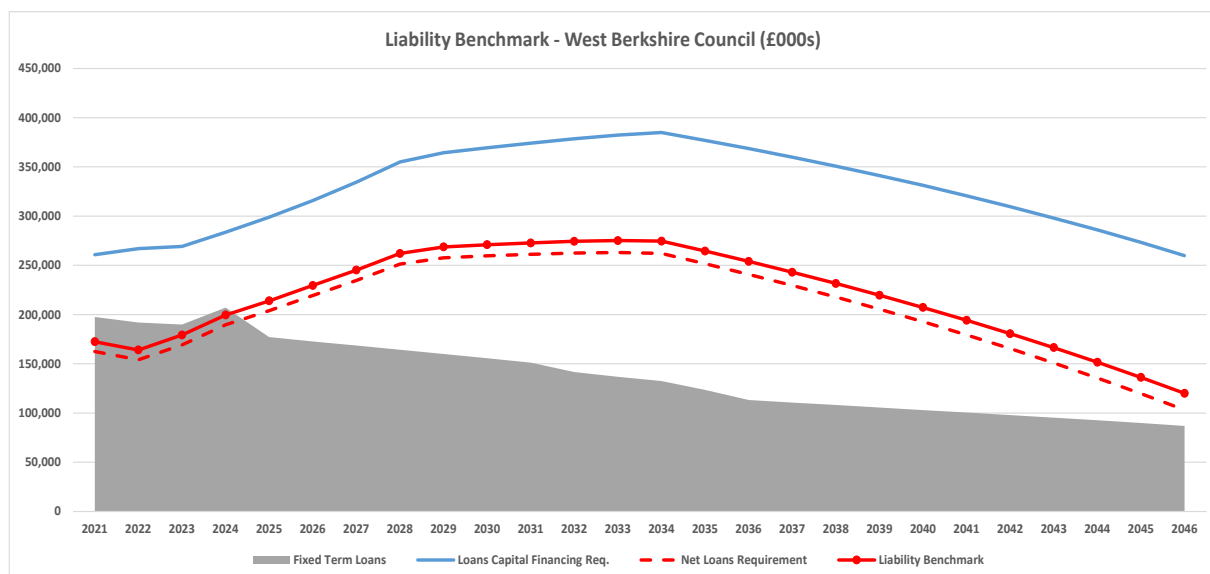
## Capital Financing Report 2023/24 Quarter Three

Financial Year ending	2023 Actual £'000	2024 Projection £'000	2025 Projection £'000	2026 Projection £'000
Capital Financing requirement	279,896	293,348	307,760	323,727
Less other debt liabilities	(10,670)	(9,807)	(8,892)	(7,920)
Loans Capital Financing Req.	269,226	283,541	298,868	315,806
Less: Existing External Borrowing	(189,890)	(206,973)	(177,241)	(172,732)
<b>Internal (Over) Borrowing</b>	<b>79,336</b>	<b>76,568</b>	<b>121,627</b>	<b>143,075</b>
Less: Balance Sheet Resources	(100,006)	(93,976)	(94,976)	(96,476)
<b>Investments / (New Borrowing)</b>	<b>20,670</b>	<b>17,408</b>	<b>(26,651)</b>	<b>(46,599)</b>

*Note: Above figures exclude a £10 million liquidity allowance*

- 6.5 Capital financing costs are incurred a year in arrears hence the cost of financing 2023/24 capital expenditure will fall into financial year 2024/25. Based on the outturn position, the Council's Balance Sheet forecast indicates that further borrowing will be required in financial year 2024/25. It should be noted that the Balance Sheet resources assumption are based on draft 2022/23 accounts, taking into consideration the current balances of usable reserves (£47.6 million) and working capital (debtors and creditors of £52.4 million). Until such time the accounts are finalised, and an audit opinion provided by the Council's external auditors, the figures remain draft and hence are subject to adjustment.
- 6.6 To compare the Council's actual borrowing against an alternative strategy, a liability benchmark has been calculated showing the lowest risk level of borrowing. This assumes the same forecasts as the table above, but that cash and investment balances are kept to a minimum level of £10 million at each year-end to maintain sufficient liquidity. The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow. Councils are now required as part of in year reporting to publish the liability benchmark.

Financial Year ending	2023 Actual £'000	2024 Projection £'000	2025 Projection £'000	2026 Projection £'000
Loans Capital Financing Req.	269,226	283,541	298,868	315,806
Less: Balance Sheet Resources	(100,006)	(93,976)	(94,976)	(96,476)
Net Loans Requirement	169,220	189,565	203,892	219,330
Preferred Year-end Position	10,000	10,000	10,000	10,250
<b>Liability Benchmark</b>	<b>179,220</b>	<b>199,565</b>	<b>213,892</b>	<b>229,580</b>



6.7 Based on the Council’s CFR and the liability benchmark, the Council is a long-term borrower. The Council is required to ensure that capital financing is reasonable and affordable in the long term. CIPFA recommends that the optimum position for external borrowing should be at the level of the Liability Benchmark (i.e., all balance sheet resources should be used to maximise internal borrowing). If the outputs show future periods where external loans are less than the Liability Benchmark, then this indicates a borrowing requirement thus identifying where the authority is exposed to interest rate, liquidity and refinancing risks. Conversely where external loans exceed the Liability Benchmark then this will highlight an over borrowed position which will result in excess cash in the organisation requiring investment thus exposing the authority to credit and reinvestment risks and a potential cost of carry. The table below sets out the Council’s borrowing position compared to its Liability Benchmark.

Financial Year ending	2023 Actual £'000	2024 Projection £'000	2025 Projection £'000	2026 Projection £'000
Existing External Borrowing	189,890	206,973	177,241	172,732
Liability Benchmark	179,220	199,565	213,892	229,580

6.8 Based on the outturn position, the Council, currently is in an over borrowed position. However, as set out in the Investment and Borrowing Strategy for 2023/24 (as approved by Council in March 2023), the Council is currently utilising cash flows to maintain an internally borrowed position, resulting in the external borrowing levels reducing against the Liability Benchmark. On this basis, alongside a position of borrowing remaining lower than the Council’s Capital Financing Requirement, the s151 Officer is confident that capital expenditure is affordable in the longer term.

## 7 Appendices

7.1 Appendix A – Quarter Three Budget Reconciliation

7.2 Appendix B – Proposed Refinancing for outturn 2023/24



**Subject to Call-In:**

Yes:  No: X

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only X

**Officer details:**

Name: Shannon Coleman-Slaughter  
Job Title: Acting Head of Finance & Property  
Tel No: 01635 503225  
E-mail: Shannon.colemanslaughter@westberks.gov.uk

---

## Quarter Three Budget Reconciliation

By service						
	Original Programme	Reprofiling from 2022/23	New Projects in 2023/24	Approved in year Budget Changes	Reprofiling agreed	Revised Service Budget
Adult Social Care	£3,227,530	£1,890,100	£223,590	£0	-£1,272,990	£4,068,230
Childrens & Family Services	£30,000	£0	£0	£0	£0	£30,000
Education	£11,966,010	£2,258,760	£197,300	£210,730	-£5,091,070	£9,541,730
Communities & Wellbeing	£9,085,160	£2,826,030	£140,000	£1,029,860	-£5,410,620	£7,670,430
Development & Regulation	£11,867,160	£2,026,150	£0	£4,001,220	-£5,236,290	£12,658,240
Environment	£27,162,380	£4,597,990	£275,000	£1,105,600	-£7,066,750	£26,074,220
ICT	£3,415,630	£4,157,970	£164,000	£0	-£543,540	£7,194,060
Finance & Property	£2,255,850	£318,010	£140,500	-£731,740	-£85,000	£1,897,620
Strategy & Governance	£438,320	£281,670	£40,550	£731,740	£0	£1,492,280
<b>Total Council</b>	<b>£69,448,040</b>	<b>£18,356,680</b>	<b>£1,180,940</b>	<b>£6,347,410</b>	<b>-£24,706,260</b>	<b>£70,626,810</b>

Proposed Reprofileing for Outturn 2023/24

Directorate	Service	Project Title	Priority	Gross Expenditure Budget	Forecast Outturn at Q3	Underspend at Q3	Re-profiling Request	Externally Funded Re-profiling	Council Funded Value
People	Adult Social Care	TeleCare	1	75,000	15,000	(60,000)	60,000	0	(60,000)
People	Adult Social Care	Social Care Case Management System Replacement	2	223,590	0	(223,590)	223,590	0	(223,590)
People	Adult Social Care	Social Services - Pmp	1	354,070	250,000	(104,070)	104,070	0	(104,070)
<b>Adult Social Care Total</b>				<b>652,660</b>	<b>265,000</b>	<b>(387,660)</b>	<b>387,660</b>	<b>0</b>	<b>(387,660)</b>
People	Children's & Family Services	Building Work :Fostering	1	30,000	0	(30,000)	0	0	0
<b>Children and Family services</b>				<b>30,000</b>	<b>0</b>	<b>(30,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>
People	Education	Speenhamland Outdoor Area	1	147,540	0	(147,540)	147,540	0	(147,540)
<b>Education Total</b>				<b>147,540</b>	<b>0</b>	<b>(147,540)</b>	<b>147,540</b>	<b>0</b>	<b>(147,540)</b>
People	Communities & Wellbeing	Berkshire Records Office Maintenance	4	7,060	4,390	(2,670)	2,670	0	(2,670)
People	Communities & Wellbeing	Libraries Public PC Replacement	4	2,080	1,690	(390)	390	(390)	0
People	Communities & Wellbeing	Expansion of Berkshire Records Office. Reading	4	5,000	0	(5,000)	5,000	0	(5,000)
People	Communities & Wellbeing	Leisure Centre Compliance & Modernisation	4	130,000	40,520	(89,480)	89,480	0	(89,480)
People	Communities & Wellbeing	Hungerford LC - Modular exercise studio	2	388,560	5,000	(383,560)	383,560	0	(383,560)
People	Communities & Wellbeing	Playing Pitch Action Plan	4	208,000	0	(208,000)	208,000	0	(208,000)
People	Communities & Wellbeing	Northcroft Leisure Centre (Dryside Refurbishment)	2	1,135,490	400,000	(735,490)	735,490	0	(735,490)
People	Communities & Wellbeing	Leisure Centres Planned Improvements	4	173,650	40,000	(133,650)	133,650	0	(133,650)
<b>Communities &amp; Wellbeing Total</b>				<b>2,049,840</b>	<b>491,600</b>	<b>(1,558,240)</b>	<b>1,558,240</b>	<b>(390)</b>	<b>(1,557,850)</b>
<b>People Total</b>				<b>2,880,040</b>	<b>756,600</b>	<b>(2,123,440)</b>	<b>2,093,440</b>	<b>(390)</b>	<b>(2,093,050)</b>
Place	Development & Regulation	Home Repair Assist Grt	1	31,250	16,000	(15,250)	15,250	0	(15,250)
<b>Development &amp; Regulation</b>				<b>31,250</b>	<b>16,000</b>	<b>(15,250)</b>	<b>15,250</b>	<b>0</b>	<b>(15,250)</b>
Place	Environment	Newbury Town Centre Paving	4	56,290	0	(56,290)	56,290	(56,290)	0
Place	Environment	Solar PV Initiative	3	737,190	100,000	(637,190)	400,000	0	(400,000)
Place	Environment	Car Park Maintenance	4	43,520	21,920	(21,600)	20,000	0	(20,000)
<b>Environment Total</b>				<b>837,000</b>	<b>121,920</b>	<b>(715,080)</b>	<b>476,290</b>	<b>(56,290)</b>	<b>(420,000)</b>
<b>Place Total</b>				<b>868,250</b>	<b>137,920</b>	<b>(730,330)</b>	<b>491,540</b>	<b>(56,290)</b>	<b>(435,250)</b>
Resources	Finance & Property	118 Bartholomew Street	6	25,000	9,220	(15,780)	15,780	0	(15,780)
Resources	Finance & Property	Moorside Community Centre Sports Hall	2	15,000	0	(15,000)	15,000	0	(15,000)
Resources	Finance & Property	IFRS16 Software	6	22,500	0	(22,500)	22,500	0	(22,500)
<b>Finance &amp; Property Total</b>				<b>62,500</b>	<b>9,220</b>	<b>(53,280)</b>	<b>53,280</b>	<b>0</b>	<b>(53,280)</b>
Resources	Strategy & Governance	Election Polling Booth Replacement	6	40,550	0	(40,550)	40,550	0	(40,550)
Resources	Strategy & Governance	Digitalisation Infrastructure/ ICT Allocation	6	205,940	110,880	(95,060)	95,060	0	(95,060)
<b>Strategy and Governance Total</b>				<b>246,490</b>	<b>110,880</b>	<b>(135,610)</b>	<b>135,610</b>	<b>0</b>	<b>(135,610)</b>
Resources	ICT	Refresh MFD Fleet	6	30,000	0	(30,000)	30,000	0	(30,000)
Resources	ICT	Telephony Infrastructure	6	450,000	80,000	(370,000)	370,000	0	(370,000)
Resources	ICT	Building Data Warehouse Capability	6	100,000	33,000	(67,000)	47,000	0	(47,000)
<b>ICT Total</b>				<b>580,000</b>	<b>113,000</b>	<b>(467,000)</b>	<b>447,000</b>	<b>0</b>	<b>(447,000)</b>
<b>Resources Directorate Total</b>				<b>888,990</b>	<b>233,100</b>	<b>(655,890)</b>	<b>635,890</b>	<b>0</b>	<b>(635,890)</b>
<b>Q3 - Council Total</b>				<b>4,637,280</b>	<b>1,127,620</b>	<b>(3,509,660)</b>	<b>3,220,870</b>	<b>(56,680)</b>	<b>(3,164,190)</b>

This page is intentionally left blank

---

## Establishment of Joint Committee – Berkshire Prosperity Board

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Louise Sturgess
<b>Date Portfolio Member agreed report:</b>	19 February 2024
<b>Report Author:</b>	Sam Robins / Clare Lawrence
<b>Forward Plan Ref:</b>	EX4499

---

### 1 Purpose of the Report

- 1.1 This report seeks to establish a Joint (Prosperity) Committee (to be known as the Berkshire Prosperity Board) to enable Berkshire Authorities, through collaboration, to benefit from:
- Working to a shared vision of inclusive, green, and sustainable economic prosperity through working together collaboratively to address challenges and meet opportunities.
  - Present a strengthened case to Government and private investors for greater investment into strategic projects, service delivery and initiatives across Berkshire.
  - Act as a vehicle to commission the Thames Valley Berkshire Local Enterprise Partnership (LEP) Core functions and others in response to the Government's review of Local Economic Partnerships.
  - Have a stronger, collective voice in lobbying Government and other agencies.
  - Advantageously position Berkshire in readiness for potential devolution proposals to benefit from additional responsibilities and funding opportunities.

### 2 Recommendations

- 2.1 That Executive approves the establishment of a Joint Committee (to be known as the Berkshire Prosperity Board) from March 2024 to deliver a Berkshire-wide vision for inclusive green and sustainable economic prosperity.
- 2.2 The Executive approves delegated authority for the Chief Executive, in consultation with the Leader of the Council, Executive Director of Finance and the Monitoring Officer to agree and enter into an inter-authority agreement between the six Berkshire Local Authorities to facilitate decision-making by the Berkshire Prosperity Board (BPB)

- 2.3 That Executive approves the re-allocation of £10,000 of Council revenue funding and £20,000 UK Shared Prosperity Fund (UKSPF) funding in 2024/25, along with the collective allocation of £80,000 out of the shared £240,000 pot of grant funding that will be given to the 6 Berkshire Authorities from Government to replace LEP funding.
- 2.4 Executive delegates authority to the Monitoring Officer, in consultation with the Leader of the Council, to amend the Constitution to make minor amendments to the terms of reference for the BPB and to amend Part 3 (meeting procedure Rules) and Part 6 (Council Bodies) to take account of the existence of the BPB.

### 3 Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>Government funding for Local Enterprise Partnerships (LEPs) ends from April 2024, and instead £240,000 in total of funding will be paid collectively to the 6 Berkshire Authorities. This report proposes for the 6 Authorities to commit £80,000 (in total) of that collective grant funding for the programme management of the Prosperity Board.</p> <p>Each Authority has been asked to re-allocate £10,000 of revenue funding in 2024/25, which was previously paid to the LEP, to the Prosperity Board to make progress against the 6 key themes. Previously £10,000 per year was added to the Economic Development Team revenue budget (13804 E086W) to be paid as an annual contribution to the LEP – the Prosperity Board is proposing that this contribution be re-allocated to the Prosperity Board.</p> <p>A further request is that £20,000 of UKSPF funding is allocated to support the administration and project management of the Prosperity Board in 2024/25. This will be a one-off payment making use of grant funding; it is not proposed at this stage that it be replaced by a revenue pressure in future years when the UKSPF is no longer in place. The £20,000 of one-off UKSPF funding will need to come from a corresponding reduction in budget for another UKSPF project. A separate paper is being drafted to confirm changes to the UKSPF investment plan which includes the above funding.</p> <p>Details are provided in paragraphs 6.7 – 6.10.</p> <p>It is proposed that the Prosperity Board be set up with funding agreed for one year and reviewed prior to 2025/26.</p>

**Establishment of Joint Committee – Berkshire Prosperity Board**

<b>Human Resource:</b>	<p>The proposed Berkshire Prosperity Board will be programme-managed by consultants recruited for this purpose using the previously mentioned funding, therefore there are not significant Human Resource implications at this stage.</p> <p>Time will be required from the Executive Director – Place and the Economy Manager to attend the Prosperity Board. There will also be Resource implications in the delivery of projects / outcomes from the Board but this is not defined at this time.</p>			
<b>Legal:</b>	<p>The Executive has the power to enter a Joint Committee arrangement; Local Government Act 1972 s101/102. The Joint Committee will require a partnership agreement. It has been agreed that an independent firm of solicitors will be appointed to draft this on behalf of the Committee. This agreement will bind the Local Authorities in the decision making of the Joint Committee subject to the Governance of the individual Local Authority. Further details are provided in Paragraphs 6.2 – 6.6.</p>			
<b>Risk Management:</b>	<p>No risks identified in the setting up of a joint committee.</p>			
<b>Property:</b>	<p>There are no property related issues in the proposals in this report.</p>			
<b>Policy:</b>	<p>The Berkshire Prosperity Board is being set up in response to a change in Government policy on financial support for Local Enterprise Partnerships (LEPs), which has now been withdrawn and passed to Local Authorities to address local priorities for economic growth.</p>			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>		X		

**Establishment of Joint Committee – Berkshire Prosperity Board**

<p><b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		X		<p>The Board proposes to look at inequalities as one of its themes, however the setting up of a joint Committee is not considered to require an impact assessment at this time.</p>
<p><b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		X		<p>The setting up of a joint Committee is not considered to require an impact assessment at this time.</p>
<p><b>Environmental Impact:</b></p>	X			<p>While there will be no immediate impact from the creation of the Prosperity Board, it will work towards having a positive impact on climate change.</p>
<p><b>Health Impact:</b></p>	X			<p>Health and Inequalities form none of the themes to be covered by the Prosperity Board, these will be considered at a strategic Berkshire level.</p>
<p><b>ICT Impact:</b></p>		X		<p>The setting up of a joint Committee is not considered to require an impact assessment at this time.</p>
<p><b>Digital Services Impact:</b></p>		X		<p>The setting up of a joint Committee is not considered to require an impact assessment at this time.</p>



<b>Council Strategy Priorities:</b>	X			<p>The work of the Prosperity Board will contribute positively across the Council Strategy priorities, but particularly towards:</p> <ul style="list-style-type: none"> <li>- Tackling the Climate and Ecological Emergency</li> <li>- A Prosperous and Resilient West Berkshire</li> <li>- Thriving Communities with a Strong Local Voice</li> </ul>
<b>Core Business:</b>		X		Potential for collaboration between Authorities to improve services but this is not known or definable at this time.
<b>Data Impact:</b>		X		There may be impactions for data sharing, but this is not known at this time.
<b>Consultation and Engagement:</b>	Berkshire Leaders, Chief Executives and Thames Valley LEP have been involved in the creation of the Prosperity Board.			

## 4 Executive Summary

- 4.1 This report proposes that a joint Committee is set up between the 6 Berkshire Local Authorities, to be known as the Berkshire Prosperity Board, and seeks to confirm how the Committee will be resourced and funded, along with defining its purpose and scope.
- 4.2 Berkshire Leaders and Chief Executives have collectively agreed to establish a Berkshire Prosperity Board to work collaboratively towards economic development, prosperity, health, and net-zero goals and provide a unified voice for Berkshire. The key specific proposals are:
- All 6 Berkshire Local Authorities will participate in the Prosperity Board.
  - It will focus across 6 priority subjects.
  - It will be a decision-making body, but decisions will be formally approved—by each Authority’s internal decision-making processes.
  - Wokingham Council will take on the function of accountable body.
  - Funding will be provided by Government funding, which was formally provided to the LEP, along with £10,000 of revenue from each Authority and £20,000 UKSPF funding in 2024/25 which was also previously provided to the LEP.

## 5 Supporting Information

### Background

- 5.1 Collectively Berkshire Leaders and Chief Executives have been meeting to review the challenges and opportunities faced by the Berkshire economy. Leaders recognised that although, the Berkshire Economy is comparatively strong it faces several threats and has been experiencing declining productivity for several years. To respond to these challenges work has been undertaken by Berkshire Place Directors to explore options to create a vehicle to drive and deliver economic prosperity for Berkshire.
- 5.2 Initial discussions explored the option of a devolution deal with Government and how Berkshire might benefit from the financial and decision-making powers a deal might bring. Early in the process it was recognised that Berkshire's chance of securing a significant devolution deal was limited. Berkshire is disadvantaged by both the Government's Levelling Up agenda and because of priority being given to Local Authority areas with a Combined Authority and/or a directly elected mayor. The latter being something that Berkshire Leaders did not wish to pursue.
- 5.3 At the same time as this conversation began the Government announced that it would be ending Local Enterprise Partnership (LEP) funding from the end of March 2024, therefore discussions have been ongoing as to the future of the Berkshire LEP as part of this process. Berkshire authorities also discussed the future partnership arrangements with the LEP, in light of Government plans to transfer local economic leadership and budgets back to local authorities.
- 5.4 As discussions progressed leaders recognised that the structure of six unitary authorities, which has provided so much benefit to the Berkshire area, could be harnessed to promote Berkshire collectively and overcome the disadvantage Berkshire has in comparison with other larger counties and metropolitan areas, that speak with a single voice. It was acknowledged that by working together Berkshire Authorities can benefit from greater scale, and with that, more influence and greater ability to develop solutions through collaboration.
- 5.5 Berkshire Leaders have stated their intention to develop a Joint Committee to help deliver this economic ambition.
- 5.6 Collectively the Leaders have identified a programme that will focus on six thematic workstreams deemed key to the local economy. Including, health and inequalities, education and skills, affordable housing, sector development, strategic infrastructure, and net zero.

### Berkshire's Economy

- 5.7 To date Berkshire is an economic success story – no other region in the UK has played a bigger role in driving the UK economy in recent decades. As the UK's Silicon Valley, nowhere has the potential to add more value to UK plc. We have three diverse sub-regional economies and strengths in growth sectors of the future, innovative and international businesses, a highly skilled workforce, and are well connected to London and other highly productive markets.

## Establishment of Joint Committee – Berkshire Prosperity Board

- 5.8 Since 2008, our economy has experienced a financial crisis, the Covid-19 pandemic, and the impacts of the war in Ukraine and the Israel-Hamas war. We are facing economic headwinds linked to changing trading relationships with Europe, labour market shortages and high inflation. Furthermore, as a region, we are disadvantaged when competing for Government's Levelling -Up Investment programme. We therefore cannot be complacent – our economy is mature, but growth is slower than in the past, and we are moving into a period of further economic uncertainty.
- 5.9 Some of our communities, however, have not been able to contribute to and benefit from Berkshire's economic success, and wage growth has not kept up with economic growth. Despite Berkshire's overall economic success, communities in West Berkshire face significant challenges. Wage growth lags behind inflation, leading to financial constraints, and deteriorating health outcomes are evident; West Berkshire's health index value for "economic and working conditions" has fallen from 119.2 in 2015 to 116.0 in 2021. The local labour market has tightened since December 2021, with job vacancies rising by 26% and the economic activity rate declining by 1.6%. Housing affordability remains a major issue, with median house prices 10.5 times higher than median earnings, impacting the recruitment and retention of skilled individuals. These complex challenges underscore the need for a comprehensive approach to address issues related to wages, living costs, health outcomes, economic inactivity, and housing constraints in West Berkshire.
- 5.10 The Berkshire economy is mature, but the strains of growth are showing. Many of the companies headquartered in Berkshire face re-investment decisions post Covid-19 and Brexit. It is clear that some of them are not as committed to a future in the UK as the six Unitary Councils would want.
- 5.11 There are many opportunities with growing industries such as the film industry in and around Reading University and Bray, but the need to act to secure Berkshire's long-term future is clearly evident. The development of the Joint Committee will allow the Berkshire Unitary Authorities to share and effect an economic vision to collectively address challenges and seize opportunities, providing a greater voice than each Council would have individually, helping to lobby Government and secure more finance from both public and private investors, and to be an attractive location for inward investment.

## Responding to changes to the Thames Valley LEP

- 5.12 Government will cease funding Local Economic Partnerships from April 2024. The Government requires that the core functions currently carried out by LEPs to be transferred to Local Authorities in a bid to empower local leaders and communities. Local Authorities will receive the funding for, and core responsibilities for, delivering these functions from April 2024. These core functions are as follows:
- Economic Strategy and Planning: This function is needed in the future to continue to provide evidence bases, data, and a Berkshire-wide economic strategy so that collective action can be prioritised and needs-led.
  - Business Voice: This is a core function required by Government going forward in each functional economic area. This function is needed in the future to provide representation to embed a strong, independent, and diverse local business voice

## Establishment of Joint Committee – Berkshire Prosperity Board

into local decision-making on economic development issues. New guidance on how to set up a Business Board is due to be released by Government.

- Government Programme Delivery: This function is needed in the future to continue to monitor the final stages of government programmes at the Berkshire level and ensure compliance with programme guidelines.

5.13 Local Authorities will also be expected to take responsibility for commissioning the existing Growth Hubs and Skills Hubs.

5.14 Berkshire Leaders and the LEP have agreed that they want to continue working in partnership to support the Berkshire economy. The LEP will remain an independent company. Berkshire Leaders have agreed that funding received from Government for the core functions will be used to commission specialist organisations (such as TVB LEP) to deliver outcomes.

5.15 The development of a Berkshire Joint Committee with a nominated accountable body will allow Berkshire to accept funds from Government and together commission the core functions to address collective priorities.

## Devolution

5.16 In the 2022 Levelling Up White Paper the government set out plans for encouraging local areas to apply for a devolution deal – called ‘County Deals’. These agreements devolve funding, additional responsibilities and decision making with a view to stimulating local economic growth.

5.17 Prior to the May 2023 local Elections, Berkshire Leaders submitted to Government an expression of interest in becoming a devolved Deal area, setting out the opportunities that Berkshire offers the national economy given the right support and investment.

5.18 Having a fully operational Joint Committee will strengthen Berkshire’s chances of being offered a Deal if Government decides to accelerate the devolution process in advance of the General Election. Although, as things currently stand, Berkshire will need to become a Combined Authority with limited concessions or a Mayoral Combined Authority to receive any significant investment from Government. However, with the likelihood of a General Election Government may change its approach, therefore at this stage Devolution is not the driver to move forward with a Joint Prosperity Board.

## 6 Proposals and reasons for recommendation

6.1 It is proposed that a Joint Committee is established, known as Berkshire Prosperity Board, between West Berkshire and all 5 other local authorities in Berkshire, for the purpose of delivering a common vision for inclusive green and sustainable economic prosperity.

### Constitution, Secretarial and Accountable body

6.2 The Joint Committee’s role and purpose on behalf of the Partner Local Authorities relates to ensuring appropriate, effective, and formal governance is in place for the

## Establishment of Joint Committee – Berkshire Prosperity Board

purposes of delivering a Berkshire wide Vision for economic growth and advancing partner Local Authorities aspirations for greater economic prosperity.

- 6.3 Core members of the Committee include, Bracknell Forest Council, Reading Borough Council, Slough Borough Council, The Royal Borough of Windsor and Maidenhead, West Berkshire Council and Wokingham Borough Council.
- 6.4 The Joint Committee will be a decision-making body which will discharge the decisions made by the Berkshire Leaders (in respect of those decisions delegated to the Board) and will be binding on the participating boroughs. Authorities will not, however, be prevented from discharging any functions on their own account as well.
- 6.5 The structure and constitution of the Joint Committee will need a decision to be approved through each of the participating Local Authority Democratic decision-making groups. Details of the function and procedure rules of the Joint Committee is contained in (Appendix A) along with the governance structure (Appendix B).
- 6.6 Wokingham Council has offered to take on the function of the Accountable Body. Bracknell Forest is likely to undertake the secretariate role, which is an extension of existing arrangements supporting Berkshire Leaders and Chief Executive meetings.

### Funding

- 6.7 The proposal is for the 6 Authorities to jointly fund the establishment and the running of the Berkshire Prosperity Board. All Authorities currently contribute £10,000 per year to the LEP – it is proposed that this funding be re-allocated to the Prosperity Board in 2024/25 and used collectively to progress work on the 6 themes. As with any revenue payment this will need to be approved by the Financial Review Panel. Other costs are not yet known, with authorities providing “in-kind” support to the project. Bracknell Forest will initially provide the Secretariat function, and this will be provided on an open book basis, so that actual costs can be recovered at the end of year one.
- 6.8 Collectively the six Unitary Councils are due to receive £240,000 per year from Government, which was previously paid to the LEP. It is proposed that £80,000 of this collective funding will be allocated to the programme management elements of the prosperity board, with the Accountable Body employing relevant staff for this purpose. This will be supplemented by each authority contributing £20,000 UKSPF funding in 2024/25.
- 6.9 This paper is therefore proposing that West Berkshire agree to the allocation of £80,000 of the collective grant budget, along with £20,000 UKSPF funding in 2024/25 to this purpose.
- 6.10 Total funding for the Prosperity Board will therefore be £260,000 in 2024/25 – which is split equally among all 6 Berkshire Authorities, as shown in the below table (the £13,333 figure is simply to demonstrate that the collective allocation of £80,000 of former LEP grant funding will be made equitably):

Authority	Central Government Funding (previously LEP funding)	Revenue Contribution	UKSPF Funding	Total
West Berkshire	13,333	10,000	20,000	43,333
Reading	13,333	10,000	20,000	43,333
Windsor & Maidenhead	13,333	10,000	20,000	43,333
Bracknell Forest	13,333	10,000	20,000	43,333
Wokingham	13,333	10,000	20,000	43,333
Slough	13,333	10,000	20,000	43,333
<b>Total</b>	<b>80,000</b>	<b>60,000</b>	<b>120,000</b>	<b>260,000</b>

6.11 It has not yet been decided how to use the remaining £160,000 of central Government grant funding that the Berkshire Authorities are due to collectively receive, in place of the LEP funding (£240,000, less then £80,000 provided to the Prosperity Board).

### Reasons for the Recommendation

6.12 Developing a Joint Committee and sharing common goals across a functional economic area will provide Berkshire Authorities with exciting new opportunities for collaboration on economic development, providing more flexibility and influence than a single council would have on its own, helping local authorities speak with one voice to secure more funding from Government and other agencies and sources to help get key projects and initiatives off the ground.

6.13 Berkshire Authorities, through collaboration, will benefit from:

- Working to a shared vision of inclusive and sustainable economic prosperity through working together to address challenges and meet opportunities.
- Having a strengthened case to Government and private investors for greater investment into strategic projects across Berkshire.
- Acting as a vehicle to commission the Thames Valley Berkshire Local Enterprise Partnership (LEP) and others in response to the Government’s review of Local Economic Partnerships.
- Having a stronger, collective voice in lobbying Government and other agencies.
- Advantageously positioning Berkshire in readiness for potential devolution proposals to benefit from additional responsibilities and funding opportunities.
- Working on six shared themes: Including, health and inequalities, education and skills, affordable housing, sector development, strategic infrastructure, and net zero.

6.14 The first official board would take place in April 2024 following the decision making for each of the six local authorities to establish the Board. The Board would meet four times a year. Each Council would lead on one of the six themes, with West Berkshire

Leader and Chief Executive leading on the sector development theme, and officers assisting Reading Borough Council's Leader and Chief Executive to support the infrastructure theme.

## 7 Other options considered

- 7.1 The main alternative approach is to continue to work on economic development in each unitary area as exists at the moment. This no change approach does not resolve matters relating to the functions passing to Local Authorities with the end of government LEP funding which takes place in April 2024. It also does not build a stronger voice for Berkshire and does not enable streamlined collective decision making.
- 7.2 The other main alternative option considered was to develop a Combined Authority/Mayoral Combined Authority and seek a formal Devolution Deal. At this stage the Berkshire Leaders did not wish to pursue this option.

## 8 Conclusion

- 8.1 Creation of a Berkshire Prosperity Board Joint Committee will create opportunities for collaboration between the 6 Authorities in Berkshire to work towards economic development, prosperity, health, and net zero goals, along with ensuring a single influential voice for Berkshire is maintained. It will be achieved primarily by utilising Government funding that the Authorities are due to receive, which was previously provided directly to the Thames Valley LEP.

## 9 Appendices

- 9.1 Appendix A – Functions and Procedure Rules for a Joint Committee
- 9.2 Appendix B – Governance Structure

---

### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

**Wards affected:** All of West Berkshire

**Officer details:**

Name: Clare Lawrence  
Job Title: Executive Director - Place  
E-mail: Clare.Lawrence1@westberks.gov.uk

---



## Appendix A – Functions and Procedure Rules for a Joint Committee

### 1. Functions

The Joint Committee will discharge on behalf of the Participating Local Authorities the functions listed below related to promoting economic prosperity in Berkshire:

- 1.1 Develop a shared, Berkshire-wide vision for inclusive and sustainable economic prosperity, together with a set of practical thematic priorities, that addresses the strategic challenges and opportunities that the area faces.
- 1.2 Agreeing to and making funding applications and/or investment bids to external bodies, in relation to economic prosperity for the benefit of the Berkshire.
- 1.3 Providing direction to the nominated Accountable Body Local Authority on the allocation of any funding awards to appropriate projects for the benefit of the geographical area of the participating local authorities, including, where applicable, approving the approach to the procurement to be undertaken by Accountable Body Local Authority.
- 1.4 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies, central government inward investors and others on matters relating to investment and funding for the benefit of Berkshire.
- 1.5 Co-ordinate work across the six participating authorities and other Berkshire Committees, networks, and other statutory providers where this can help to promote inclusive and sustainable prosperity and the delivery of priorities across the six programme themes.
- 1.6 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- 1.7 Provide the appropriate governance, accountability, and delivery mechanisms for any future Government funding and programme support, that could arise from the integration of the LEP, from future growth funding, from UKSPF Berkshire Wide programmes and from any subsequent devolution funding.
- 1.8 Seeking to influence and align government investment in Berkshire in order to boost economic growth within the local government areas of the participating authorities.
- 1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-Committees formed by the Joint Committee.
- 1.10 Inviting special representatives of stakeholders such as business associations, government agencies, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the Joint Committee including by attending meetings and commenting on proposals and documents.

### 2. Membership and Quorum

- 2.1 The membership will comprise of 6 members with each participating Local authority appointing one person to sit on the Joint Committee as a voting member.

## **Establishment of Joint Committee – Berkshire Prosperity Board**

- 2.2 Each participating local authority will make a suitable appointment in accordance with its own constitutional requirements. It is anticipated that, where practicable, the leader of each participating local authority will be appointed to the Joint Committee.
- 2.3 Where a Participating Local authority does not operate executive arrangements, the appointment of a voting member will be in accordance with the local authority's own procedures. It is envisaged that this will usually be one of its senior councillors.
- 2.4 In all cases, the appointed person must be an elected member of the council of the appointing Participating Local authority. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Local authority.
- 2.5 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.
- 2.6 Each participating local authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.
- 2.7 Where a participating local authority wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the Committee members. A six month notice period must be provided.
- 2.8 The quorum for the Joint Committee is six members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the Committee secretary will advise those present that no business can be transacted, and the meeting will be cancelled.

### **3. Chair and Vice-Chair**

- 3.1 The Chair of the Joint Committee will be appointed for 12 months and will rotate amongst the participating local authorities.
- 3.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Local authority's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant local authority as a replacement will serve as Chair for the remainder of the 12 months as chair.
- 3.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chairman. This appointment will also rotate in a similar manner to the Chair.
- 3.4 At its first meeting, the Joint Committee will draw up the rotas for Chair and Vice-Chair respectively as well as the rota for the meeting schedule for the year.
- 3.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting where they are quorate.

## **Establishment of Joint Committee – Berkshire Prosperity Board**

3.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

### **4. Sub-Committees**

4.1 The Joint Committee may establish working-groups to undertake elements of its work if required

### **5. Delegation to officers**

5.1 The Joint Committee may delegate specific functions to officers of any of the participating local authorities.

5.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other local authorities.

5.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more participating local authorities before exercising their delegated authority.

### **6. Administration**

6.1 Secretariate support for the Joint Committee, and accommodation for meetings, will be provided by the participating local authority whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other participating local authorities as approved by the Joint Committee.

6.2 At its first meeting as Chair, the Joint Committee will agree the rotas for Chair and Vice-Chair respectively as well as the rota for the meeting schedule for the year.

### **7. Financial matters**

7.1 The Joint Committee will not have a pre-allocated budget.

7.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of the Accountable Body Local Authority.

### **8. Agenda management**

8.1 Subject to 8.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the participating local authorities or their representatives.

8.2 It will be the responsibility of each report author to ensure that the impacts on all participating local authorities are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each participating local authority or by some other appropriate method.

8.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the participating local authorities may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.

## **Establishment of Joint Committee – Berkshire Prosperity Board**

8.4 Each participating local authority operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as ‘key- decisions’ and/or have them included in the Forward Plan. Each participating local authority operating a Committee system will apply its local non statutory procedures.

### **9. Meetings**

9.1 The Joint Committee will meet quarterly and as required to fulfil its functions.

9.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all participating local authorities.

9.3 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the Committee has any members who are not members of an executive of a participating local authority.

### **10. Notice of meetings**

10.1 On behalf of the Joint Committee, a Committee secretary will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

10.2 At least five clear working days in advance of a meeting the secretariate to the Joint Committee will publish the agenda via the website of secretariate’s authority and provide the documentation and website link to the participating local authorities to enable the information to be published on each Participating Local authority’s website. “Five Clear Days” does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

10.3 The secretary to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

### **11. Public participation**

11.1 Unless considering information classified as ‘exempt’ or ‘confidential’ under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

11.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.

11.3 The maximum number of speakers allowed per agenda item is 6.

11.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

## **Establishment of Joint Committee – Berkshire Prosperity Board**

11.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the Committee including by attending meetings and commenting on proposals and documents.

11.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

### **12. Member participation**

12.1 Any elected member of the council of any of the participating local authorities who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

### **13. Business to be transacted**

13.1 Standing items for each meeting of the Joint Committee will include the following:

- Minutes of the Last Meeting
- Apologies for absence
- Declarations of Interest
- Provision for public participation
- Substantive items for consideration

13.2 The Chair may vary the order of business and take urgent items their discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

13.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

13.4 “Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

### **14. Extraordinary meetings**

14.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

14.2 The business of an extraordinary meeting shall be only that specified on the agenda.

### **15. Cancellation of meetings**

15.1 Meetings of the Joint Committee may, after consultation with the Chairman, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chairman and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

## **Establishment of Joint Committee – Berkshire Prosperity Board**

### **16. Rules of debate**

16.1 The rules of debate in operation in the Chair's authority shall apply.

### **17. Request for determination of business**

17.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the participating local authorities for further consideration
- The meeting be adjourned.

17.2 The Joint Committee will then vote on the request.

### **18. Urgency procedure**

18.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each participating local authority (in line with pre-existing delegations in each local authority's Constitution) to take urgent action as is required within each of the constituent local authorities.

### **19. Voting**

19.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

19.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

19.3 Any matter (save for a decision under Rule 2.8 above) shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

19.4 Any two members can request that a recorded vote be taken.

19.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his / her vote for or against the matter or whether he/ she abstained from voting.

### **20. Minutes**

20.1 At the next suitable meeting of the Joint Committee, the Chairman will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

## **Establishment of Joint Committee – Berkshire Prosperity Board**

20.2 Once agreed, the Chairman will sign them.

20.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

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

21.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

22.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

22.3 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks is necessary.

22.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

### **23. Overview and Scrutiny**

23.1 Decisions of the Joint Committee which relate to the executive functions of a participating local authority will need to be in accordance with each of the six local authority's own democratic scrutiny procedures for agreement before implementation.

23.2 Decisions of the Joint Committee which relate to the executive functions of a participating local authority will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Local authority operating a Committee system may have) as would apply locally to a decision made by that participating local authority acting alone

23.3 No decision should be implemented until such time as the call-in period has expired across all of the participating local authorities.

23.4 Where a decision is called in, arrangements will be made at the earliest opportunity within the participating local authority where the Call-In had taken place for it to be heard.

23.5 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Local authority concerned have been concluded.

### **24. Access to minutes and papers after the meeting**

24.1 On behalf of the Joint Committee, the secretariate will make available copies of the following for six years after the meeting:

## Establishment of Joint Committee – Berkshire Prosperity Board

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

### 25. Amendment of these Rules

25.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the participating local authorities. Note that Rule 1 (Functions) may only be amended following a formal delegation from each of the participating local authorities.

### 26. Special Representatives

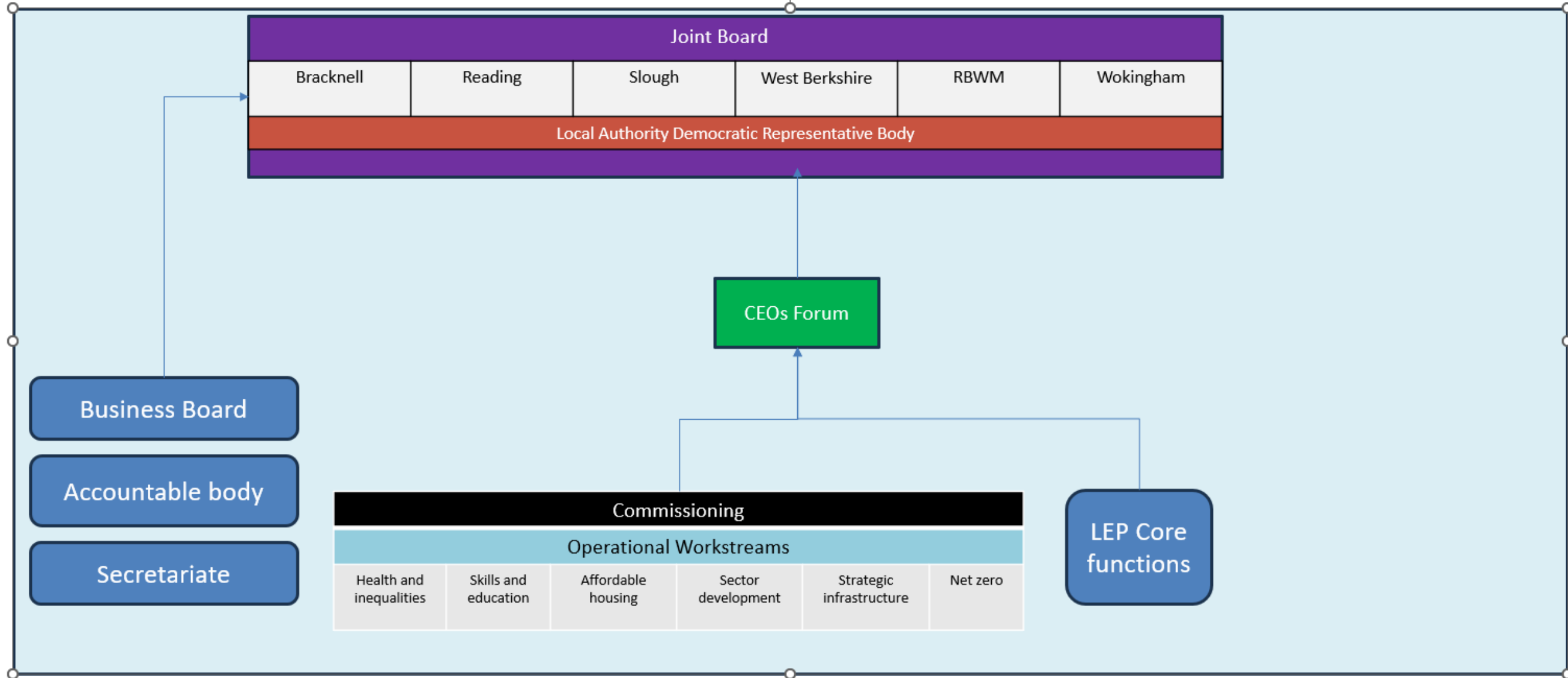
The Functions and Procedure Rules for the Joint Economic Committee set out that there will be a select number of ‘Special Representatives’ invited to attend meetings to ‘influence’ the work of the Committee as and when appropriate. These will be drawn from the following sectors and institutions:

Sector	
Higher Education Institutes	
Further Education	
Business (large)	
Business Support	
Business (small/medium-sized)	
Voluntary & Community Sector	
DWP	
Health	



Appendix B – Governance Structure

Proposed initial structure – Berkshire Prosperity Board



- 1.1 The joint board decision making is subject to section 23 (Overview and Scrutiny) of the *DRAFT Functions and Procedure Rules for a Joint Board*.
- 1.2 The role of the secretariate is subject to section 6 (Administration) of the *DRAFT Functions and Procedure Rules for a Joint Board*.
- 1.3 The operational workstreams will report into each CEO lead and the contribution to the Joint Board will be subject to section 8 (Agenda management) and section 9 (Meetings) of the *DRAFT Functions and Procedure Rules for a Joint Board*.

This page is intentionally left blank

---

# Building Control Shared Service Agreement

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Date Portfolio Member agreed report:</b>	1 March 2024
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	EX4474

---

## 1 Purpose of the Report

- 1.1 To agree the principle of entering into a new shared service agreement and continuation of the existing partnership with Wokingham Borough Council by the 1<sup>st</sup> April 2024 to deliver building control functions, ensuring that the service is delivered on a cost recovery basis to meet the statutory obligations of the Council.
- 1.2 Significant changes come into effect from April 2024 with the implementation of the Building Safety Act and the introduction of the Building Safety Regulator's powers requiring all practising Building Control Surveyors to become Registered Building Inspectors. The implications of these changes require Building Control services operating as a shared service to formalise their arrangements through an agreement under the Local Government Act 1972 and other relevant provisions by 1<sup>st</sup> April 2024.

## 2 Recommendations

- 2.1 That the Executive approves the Council entering into new shared service agreement for a five year period (with an option to extend) for building control services under Section 101 of the Local Government Act 1972 and other relevant provisions with Wokingham Borough Council to come into effect from 1st April 2024.
- 2.2 That delegated authority be given to the Executive Director: Place to finalise and sign the new agreement in consultation with the Service Director (Strategy & Governance), Service Lead (Legal & Democratic Services) and Executive Member for Public Safety.
- 2.3 That an Annual Report be prepared for West Berkshire Council.

### 3 Implications and Impact Assessment

Implication	Commentary
<p><b>Financial:</b></p>	<p>Funding for the Service is split into two parts, the first being a ringfenced fee earning element which accounts for 83% of the budget and a separate non-fee earning element for the non-chargeable work which comprises 17% of the budget. More information about the activity associated with each element is set out in paragraph 5.8 of the report.</p> <p>Both partner authorities contribute towards the non-chargeable costs of running the Team (17%). The level of funding is split based on the activity (and therefore income generated) within each authority area. The split is currently 33% for West Berkshire and 67% for Wokingham. The total cost to West Berkshire is therefore £80k per annum with the remaining balance being funded by Wokingham. The percentage splits will be reviewed on an annual basis to ensure that they reflect the activity being undertaken in each partner area.</p> <p>Prior to West Berkshire entering the partnership in 2016, the budget outturn totalled £141k against a budget of £131k.</p> <p>In addition, West Berkshire Council receives a £30k re-charge from Wokingham towards their management costs and other overheads.</p> <p>In terms of the fee earning ringfenced element (83%) of the budget there is a legal requirement for the ringfence element of the service to operate on a cost neutral basis over a three year cycle. Any increases in costs will therefore need to be offset by increases in income. This significantly mitigates any financial risks to the partner authorities. Currently the service has a reserve of £92K. The shared service has had a positive reserve position since it has been in existence. This has also funded systems development etc.</p> <p>In summary, all income and expenditure remain within the ringfence and do not have any financial impact on either authority in the partnership. This includes an allocation of corporate recharges from both authorities and all other costs associated with operating the service are included and recovered. Finally, the agreement will specify the means of disaggregating this fund at the point the contract is dissolved.</p>
<p><b>Human Resource:</b></p>	<p>All employees employed in the provision of a West Berkshire Building Control Consultancy service on 30th June 2016 were</p>

	<p>transferred to Wokingham Borough Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006. Staff within the Building Control team are employed by Wokingham Borough Council who act as the lead authority for the provision of this service. This proposal does not seek to amend this arrangement.</p> <p>It has been historically difficult to recruit to this sector nationally which was one of the main drivers for West Berkshire Council entering into the agreement in the first instance. The Service is currently operating with more surveyor vacancies than staff that would be required to provide a stand-alone service in West Berkshire. Recruitment and retention require significant market supplements to compete with the private sector and even then recruitment is very difficult.</p> <p>The development and delivery of an annual training and development strategy to be agreed by the parties will form part of the service specification.</p>
<p><b>Legal:</b></p>	<p>The arrangement for the discharge of function was made under the provisions of Section 101 of the Local Government Act 1972, Section 9EA of the Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 when the partnership was first set up.</p> <p>The delivery of a building control service is a statutory obligation placed upon local authorities, under Section 91 of the Building Act 1984.</p> <p>The Building (Local Authority Charges) Regulations 2010 govern how building control services operate, in terms of setting and collecting fees for a specific range of activities (chargeable functions), the overriding objective being to ensure that, as near as possible, the income derived from undertaking the chargeable functions covers the costs associated with providing them.</p> <p>The new arrangements must accord with the Building Safety Act and the introduction of the Building Safety Regulator’s powers.</p> <p>The parties will enter into a bespoke legal Agreement documenting terms, finance arrangements and exit provisions.</p>
<p><b>Risk Management:</b></p>	<p>There is a significant risk to the authority that it will not be complying with the requirements of the Building Safety Act if an agreement is not in place by April 2024. Post the Grenfell tragedy there has been a raft of new legislation and training /</p>

	<p>competence requirements. The service has worked to meet these requirements by the deadline and will do so. There is also a legal requirement for registration of services and for that an agreement delegating this requirement will need to be in place by 1<sup>st</sup> April 2024.</p> <p>Risks exist around the service failing to generate sufficient income to cover the cost of the service. If this were to happen charges would need to be increased or costs reviewed to bring income and expenditure back in line with one another. This risk exists under the current arrangement and will be no different under the new one. This risk would apply to any arrangement, but the proposed shared service mitigates this risk as it is more efficient to run and the fees are therefore more competitive in the market.</p> <p>There are significant benefits in a wider client base for West Berkshire. Another aspect of this is the need to 'grow the business' and business development will be part of the annual business planning cycle. This however needs to be balanced with available resource for delivery and a robust training and development strategy.</p> <p>One of the most significant risks to the Service is around staffing and the ability to recruit to vacant posts in a market that competes with the private sector. It is anticipated that this risk would be exacerbated if the Council was to withdraw from the partnership in the current market potentially leaving West Berkshire unable to deliver a statutory service.</p>			
<b>Property:</b>	None associated with this proposal.			
<b>Policy:</b>	There are no policy changes associated with this decision.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				

**Building Control Shared Service Agreement**

<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			Building Regulations address accessibility and the arrangement will enable the Council to deliver this service.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			Building Regulations require that public buildings incorporate measures to enable them to be accessible to some groups of people with protected characteristics and the arrangement will enable the Council to deliver this service.
<b>Environmental Impact:</b>	x			Continued ability of the service to secure national sustainability requirements on a cost neutral basis and the arrangement will enable the Council to deliver this service.
<b>Health Impact:</b>	x			Building Regulations address health and safety in the public interest. The arrangement will enable the Council to deliver this service
<b>ICT Impact:</b>		x		None specifically associated with this proposed decision.
<b>Digital Services Impact:</b>		x		None specifically associated with this proposed decision.
<b>Council Strategy Priorities:</b>		x		Ensure West Berkshire Council offers good customer service to our residents and businesses.  Tackling the Climate and Ecological Emergency.  Services We Are Proud of.
<b>Core Business:</b>		x		Business as Usual Activity.

<b>Data Impact:</b>		x		A Data Sharing agreement will be included as part of the shared service agreement.
<b>Consultation and Engagement:</b>	None			

## 4 Executive Summary

- 4.1 Building Control Solutions (BCS) was originally established in April 2015, as a two-way shared service between the Royal Borough of Windsor & Maidenhead (RBWM) and Wokingham Borough Council (WBC) to deliver the building control function across those two authorities.
- 4.2 In July 2016 West Berkshire District Council (WBDC) joined the shared service, under a new agreement. This resulted in an annual saving of £51,000 against the budgeted cost for the service. In September 2019, RBWM announced its intention to leave the shared service on the expiry of the original agreement. Since then, BCS has continued to operate the shared service (between WBC and WBDC) under interim arrangements, whilst officers investigated the options for moving forward. This included a full service review of all options.
- 4.3 Wokingham Borough Council are the host authority for the shared service and when West Berkshire Council joined the shared service, West Berkshire staff were transferred under the TUPE process to them.
- 4.4 A third Council approached the shared service in April 2022 with a request to consider joining the partnership. It was agreed by the three authorities' lead officers that it would be advantageous to undertake a peer review of both services with a view to considering available options.
- 4.5 LABC (Local Authority Building Control) the national body representing all local authority building control teams was requested to undertake a peer review of both the Building Control Solutions team and the options for a three authority service. Terms of Reference for the peer review were drawn up and agreed by all parties. The review has now been completed.
- 4.6 Following lengthy discussions between West Berkshire Council and Wokingham Borough Council, it has been proposed that a new shared service agreement be entered into under Section 101 of the Local Government Act 1972 and other relevant provisions for a period of five years commencing on 1st April 2024. The proposal is not to include the third-party Council into the shared agreement at the present time. Although options for expansion of the service will always be kept under review should they provide benefits for existing partners.
- 4.7 Reports recommending support for each of the partners to enter into a new agreement for continued delivery of a shared building control service are therefore being presented to the Executives of Wokingham Borough and West Berkshire Councils respectively, during March 2024.



## 5 Supporting Information

### Background

- 5.1 Building Control Solutions (BCS) was established in April 2015, as a two-way shared service between Wokingham Borough Council (WBC) and the Royal Borough of Windsor & Maidenhead (RBWM). In July 2016 West Berkshire District Council (WBDC) joined the shared service. This resulted in an annual saving of £51,000 against the budgeted cost for the service. In September 2019, RBWM announced its intention to leave the shared service on the expiry of the original agreement. Since that time, BCS has continued to operate the shared service (between WBC and WBDC) under interim arrangements, whilst officers investigated options for moving forward.
- 5.2 The original agreement for the shared service was made under Section 101 of the Local Government Act 1972 and ran for a five-year period. Since then, the partners have worked together under interim arrangements. Wokingham Borough Council are the host authority for the shared service with staff having previously transferred under the TUPE process to them.
- 5.3 Whilst officers considered renewal of the agreement, a third Council approached the shared service in April 2022 with a request to consider joining the partnership. It was agreed by the three authorities' lead officers that it would be advantageous to undertake a peer review of both services with a view to considering available options.
- 5.4 LABC (Local Authority Building Control) the national body representing all local authority building control teams was engaged to undertake a peer review of both the Building Control Solutions team and the third-party team and consider a case for business change. Terms of Reference for the peer review were drawn up and agreed by all parties.
- 5.5 LABC completed this work and produced two reports on the existing BCS service and a case for business change. These have been presented to both authorities' lead officers for their consideration. Following lengthy discussions between the two partner authorities, it has been proposed that a new two authority shared service agreement be entered into under Section 101 of the Local Government Act 1972 and other relevant provisions for a period of five years with an option to renew for five years commencing on 1st April 2024.
- 5.6 There is an imperative to have the new agreement in place by the 01 April in order to comply with the requirements of the Building Safety Act. In addition, as of the 06<sup>th</sup> April 2024 all practising Building Control Surveyors have to become Registered Building Inspectors. Local Authorities as Building Control Authorities will need to ensure that they have adequate resources and the legal arrangements in place.
- 5.7 The Building Safety Regulator has written to LABC the national body for local authority building control regarding the position in respect of shared services and delivery models away from single services. The letter was received on the 08 February 2024 and as a result of the letter Officers are of the opinion that a new agreement under Section 101 of the LG Act 1972 would need to be in place for the Building Control Solutions team to operate across both Wokingham and West Berkshire. The new agreement would outline how the registration provisions would be managed.

## Building Control Shared Service Agreement

5.8 The Building Control service operates primarily within two main activity areas, trading, and non-trading:

- The trading activity is a statutory one assessing development proposals against the Building Regulations. All applications are subject to fees and charges, and the trading activity must be implemented on a legally self-financing basis. This element of the business currently accounts for about 83% of the total service output.
- The non-trading is also a statutory activity and relates to the application of the Building Act and includes work to make safe dangerous structures, the consideration of demolitions, Competent Person Schemes and Approved Inspector Registers along with other activities which are statutory but cannot be charged for which currently accounts for the other 17% of the service.

## Business Case

5.9 The local authority building control service is in direct competition with private sector building control bodies (Approved Inspectors) offering similar services. Maintaining a sufficient market share to retain its self-financing status as well as the ongoing difficulty with the recruitment and retention of staff makes the operation of small, single authority team difficult. The primary benefit of a shared service is that it helps to safeguard the future resilience of the statutory service by maintaining the skill and capacity of the team to discharge all its statutory requirements. A larger team also has a stronger basis from which to maintain market share, in an increasingly competitive market.

5.10 The formation of the shared service in 2015 delivered savings to each partner authority in respect of management posts through the creation of one team with a single Building Control Manager post and a single Support Team Manager post. At the point at which West Berkshire Council entered into the agreement in 2016 the budget for the service was £131k and the outturn was £141k. The non-trading cost to the Council in 2024 would be £80k under this contract. The costs have remained at around this level for the past five years. The Council also receives a re-charge of £30k which covers its management costs and overheads.

5.11 In addition, there continues to be savings from efficiency within the surveying and support teams through economies of scale and efficiency delivered by flexibility within a larger team dealing with workload. This has been hindered by a difficult recruitment and retention market in recent years, but overall, the shared service remains cost-effective with some 83% of costs covered by commercial revenue earned from delivering commercial building control services. In addition, the shared service has managed to build up a small, ring-fenced reserve to help with business improvement and managing ongoing income fluctuation. The non-trading activities account for 17% and are apportioned appropriately to each Council based on workload. The benefits of the arrangements are equally shared in respect of service lead and support management costs.

5.12 The shared service since its inception in 2016 has regularly delivered a self-financing service on a consistent annual basis achieving small surpluses where possible. These surpluses have accumulated into a Building Control Reserve currently standing at £92k. In addition to this figure, it should also be acknowledged that the service has delivered a comprehensive Transformation Project including a new single IT system across the

partnership along with its hardware at no-cost to the partner authorities. The cost of this project was also financed fully by the Building Control Reserve. The agreement will include a mechanism of disaggregating the reserve fund should the partnership be dissolved.

- 5.13 The BCS shared service has developed itself well into a single team since its inception and all staff operate flexibly across the two authority areas. The shared service also continues to operate a successful Quality Management System, which is externally audited to ISO:9001 standard every year.
- 5.14 The LABC service review concluded that the shared service was operating well and was well-regarded.
- 5.15 Since its inception, the shared service has implemented a commitment to continuous business improvement, has implemented a single IT system across the partnership allowing mobile working and continues to identify both business opportunities to maintain market share along with customer service improvements.
- 5.16 In its review findings, LABC reflected and commented “Mystery shopping exercises showed a good level of customer service across both the support and surveying teams. This is encouraging and will continue to be built up in response to the intensive competitive environment that the service operates within”.
- 5.17 Increased local competition for experienced building surveyors locally has unfortunately resulted in several experienced team members leaving the shared service for increased salary and benefits in the past few years as well as taking valuable business contacts with them. The LABC review acknowledged this however, despite the intense competition for skilled resource and the effects of the ‘cost of living’ crisis, the service has increased its market share from 48% to 52% during 2023 with an increased focus on marketing. It aims to maintain this success during 2024.
- 5.18 In recognition of the staff recruitment and retention difficulties, the service has maintained an ongoing commitment to ‘grow its own’ with a training commitment through apprenticeships, staff development and securing government funding for a Trainee Building Control Surveyor post. It is hoped that the shared service will secure the opportunity for a further trainee through government funding for 2024. This commitment will remain moving forward; along with the training commitment to maintain the Registered Building Inspector status for all our surveyors.
- 5.19 The strong effort made by the shared service to prepare for the incoming changes resulting from implementation of the Building Safety Act in April 2024 were also recognised by the LABC Review.
- 5.20 The success of the shared service in service delivery was similarly recognised by the LABC Review noting that “BCS is delivering a good service for the partner authorities, performing well compared to other local authority services, whilst its processes and procedures are good” and helpfully advising that some further work on branding may be advantageous and its governance and identity as a local authority service could be sharpened.

5.21 In conclusion, the LABC team indicated their opinion that the shared service delivered by BCS was a top-quartile performing service nationally.

5.22 In this context, the LABC Review highlights a strong basis for continued delivery of the shared service.

5.23 Several of the recommendations and opportunities for improvement highlighted in the LABC review have already been implemented and addressed; whilst others will be addressed over the coming months once the long-term future of the service is secured through a new agreement.

5.24 Following the conclusion of the LABC peer review, the case for business change undertaken by LABC considered several aspects within its terms of reference: -

- Future operating models, including the continuation of the current shared service model under the Local Government Act 1972 or other models that may be appropriate and associated governance structures.
- Financial and operational viability of a three-way service with a third local authority.
- Branding and positioning.
- Recommendations on next steps

5.25 The case for business change identified several key findings: -

- The current governance model is considered acceptable, but the current arrangements need to be reinvigorated to ensure both parties feel fully invested in the partnership.
- It was not possible to provide an opinion on the financial viability of a three-way shared service due to a lack of financial data.
- While increasing the number of authorities included in the partnership would usually be considered a sensible approach, to increase capacity and resilience, the situation at the Council that approached the Service in terms of establishment staff means this would not currently be the case and the associated agency costs could adversely impact on financial viability of the existing shared service.
- Branding is not considered a significant issue; however, it is recommended that further work is done around clear messaging that BCS is a local authority building control partnership.
- The balance between commerciality and public protection should continue to be kept under review to ensure all parties involved in the partnership are happy with how the service positions itself.
- In the short term the costs to include a third-party in the partnership may well outweigh the benefits, however a future merger should not be dismissed. The door is not closed to extending the partnership and we continue to work with a potential partner whilst providing guidance and advice in conjunction with undertaking further work on extending the partnership.

- 5.26 The review endorsed the continuation of a shared Building Control Service. However, recognised that this should be amended so all parties were invested in the service. Discussions have continued with officers at Wokingham Borough Council over the last year and agreement has been reached in principle to maintain the existing partnership and it is proposed that a new shared service agreement be put in place from 1st April 2024 under Section 101 of the Local Government Act 1972 which would ensure that the service would continue to work equally for both partners in the public interest. However, in line with the review, it is not recommended that the third interested Berkshire Council join the arrangement at this time.
- 5.27 It is proposed that this period will be for a further five years with an opportunity for either partner to give adequate notice of no-fault termination of the agreement. This period will provide a secure future for the shared service and the ability to prepare a longer-term business plan. The proposed agreement will also allow for the possibility of a five-year extension period. A review would be undertaken before the initial agreement expired. This review would decide if the partnership was working well or whether it is best for WBDC to consider further options. Legal advisers Bevan Brittan have been engaged to develop the draft agreement on behalf of both authorities with input from both legal services teams. This work is continuing to take place to meet the 1<sup>st</sup> April deadline and the cost of this work will be met within the Building Control Reserve.
- 5.28 Significant changes come into effect from April 2024 with the implementation of the Building Safety Act and the introduction of the Building Safety Regulator's powers requiring all practising Building Control Surveyors to become Registered Building Inspectors. The implications of these changes require Building Control services operating as a shared service to formalise their arrangements through an agreement under the Local Government Act 1972 and other relevant provisions by 1<sup>st</sup> April 2024.
- 5.29 The key principles of the new agreement will be based upon the main principles in the original agreement, but noting the findings of the LABC Peer Review, will ensure:
- An improvement in governance and reporting to the two shared service partners monthly.
  - Clarity on the calculation of respective partner contributions to the non-trading account.
  - Clarity of partners' internal re-charging arrangements to the shared service budget.
  - Finance lead officer roles are designated within both partner authorities.

## 6 Other options considered

- 6.1 The Council has no other options to deliver the service outside of extending the current arrangement or bringing this back in house as a single West Berkshire Service.
- 6.2 Not to renew the shared arrangement. This is not the favoured approach as it would increase the management costs to both Councils and result in less resilient service than at present. It is highly likely that a single West Berkshire Council Building Control Service would be unable to attract staff and would be less able to offer the necessary training to grow our own surveyors and meet the requirement of the Building Safety Act.

There would also be potential costs resulting from separation of IT systems and resourcing implications for HR.

- 6.3 Extending the partnership to include the third local authority. This is not the recommended approach for the reasons set out above.

## 7 Conclusion

- 7.1 The entering into of a renewed five year shared service agreement (with the possibility of extension) with Wokingham Borough Council for the reasons set out in the report, and in the report produced by LABC, provides the best option for the future delivery of the Building Control functions for West Berkshire Council and its residents and businesses.
- 7.2 Once the agreement is in place, it is the intention of the service to fully consider any new business opportunities emanating from the changes brought in by the Building Safety Act. The Building Safety Regulator's view of the future role of Building Control is one of enforcement activity, which may limit opportunities to offer additional services, but this will be considered in due course.
- 7.3 The new arrangement will deliver improved governance and reporting to the two shared service partners monthly and the ability of both partners to become invested in the service in the public interest and financial oversight by both partner councils. It will be more cost effective than the delivery of a single West Berkshire Building Control Service and more resilient in attracting and developing staff. The Council has no other options to deliver the service outside of extending the current arrangement or bringing this back in house as a single West Berkshire Service.
- 7.4 Long-term service planning will focus on continuing to deliver an upturn in market share whilst also developing staffing skillsets to offer additional services to our customers where opportunity allows.
- 7.5 Wokingham Borough Council will be considering this proposal at their Executive meeting on the 14 March 2024.

## 8 Appendices

- 8.1 None

---

### Background Papers:

[Executive Report 28 May 2016](#)

LABC Consultative Peer Review Report – October 2022 and LABC Business Case Change Report – April 2023

---

**Subject to Call-In:**

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All

**Officer details:**

Name: Sean Murphy  
Job Title: Service Lead Public Protection  
Tel No: 01635 519840  
E-mail: sean.murphy@westberks.gov.uk

---

This page is intentionally left blank



---

## Hackney Carriage Tariffs 2024

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	EX4367

---

### 1 Purpose of the Report

- 1.1 It is considered best practice that Hackney Carriage Tariffs are reviewed annually, and the trade are therefore invited to submit a proposal each year should they be minded to seek any modifications to the existing table of fares. The current tariffs were updated in June 2023.
- 1.2 A request from one member of the trade for modifications to the existing tariffs and fouling charges was received in December 2023.
- 1.3 The Licensing Committee at the January 2024 meeting requested that an informal consultation take place with the trade to establish if there was wider support for the proposal which had been submitted by one local company.
- 1.4 The Executive is asked to consider the request from the member of the trade and the outcome of the informal consultation and agree whether to proceed with the formal consultation as set out in the legislation or not.

### 2 Recommendations

That the Executive

- 2.1 Considers the proposed modifications from the Taxi Trade (Appendix B) in light of the existing fares (Appendix A) and the outcome of the recent non-statutory consultation undertaken with the Taxi Trade as set out in Appendix C.
- 2.2 Decides whether or not to make variations to the current table of fares for hackney carriage tariffs based on the proposals set out in Appendix B this report.

If the Executive decides not to make any changes to the current table of fares at this stage they may:

- 2.3 RESOLVE to delay the decision to make any variation until later in the year; or

If the Executive decides to make any changes to the current table of fares they are asked to:

- 2.4 RESOLVE that the statutory consultation be undertaken between the 21 March 2024 and the 11 April 2024, or a longer period determined at the meeting.
- 2.5 RESOLVE that a public notice be placed in the Newbury Weekly News on the 21 March 2024, a notice be displayed at the Market Street Offices and the consultation be promoted on the website.
- 2.6 RESOLVE that a copy of the notice be emailed individually to all West Berkshire licensed Hackney Carriage Proprietors for their comments.
- 2.7 NOTE that if objections are received, and not withdrawn, the Executive at the 16 May 2024 meeting will consider the objections and determine whether the varied table of fares shall be modified or not and set a date when the varied table of fares, with or without modification, will come into operation. The implementation date must be no later than two months after the period for objections closes.
- 2.8 NOTE that if no objections are received, or if the objections are withdrawn, the varied table of fares will come into effect on the day after the statutory consultation closes.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	Other than the cost of placing an advert in a local newspaper (in 2023 the cost was circa £500) all other costs will be met from within existing resources.
<b>Human Resource:</b>	Any actions will be met from within existing resources
<b>Legal:</b>	<p>The procedure for setting fares and public notice requirements is stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The procedure is prescriptive and requires that a decision to make/vary a table of fares is made first. Following this, there is a statutory consultation requirement, to allow for any objections to the new table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn).</p> <p>There is no right of appeal so any legal challenge to the decision(s) made in relation to a new/varied table of fares would be by way of judicial review.</p> <p>The function of making/varying the table of fares for hackney carriages is a function of the Executive (which could be</p>

	exercised in accordance with the Council's Scheme of Delegation).			
	Beth Varcoe and Thea Noli have been consulted.			
<b>Risk Management:</b>	None			
<b>Property:</b>	None			
<b>Policy:</b>	Any consultation will be undertaken having regard to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				

<p><b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		<p>X</p>	<p>Taxis and private hire vehicles are one of the most popular modes of transport for people with mobility difficulties. The national figures set out in the <a href="#">Taxi and private hire vehicle statistics, England: 2023</a> show that those with mobility difficulties on average undertake 10 taxi trips per person per year compared with those with no mobility difficulties who on average undertake 6 trips per person per year.</p> <p>This data also shows that on average, there was little difference in the number of trips made by taxi or PHV between men (7 trips per person per year) and women (6 trips per person per year). However, there was some variation by age, with women aged 17 to 30 taking more trips on average than men in the same age group.</p> <p>There was little difference in the overall average distance travelled by taxi and PHV between men (35 miles) and women (33 miles).</p> <p>People who are at the age of retirement are more likely to be on fixed incomes such as pensions so would be likely to be affected by any changes to the taxi fares if they rely on taxis for transport.</p> <p>The DfT data also shows that people aged 17 to 29 made the most taxi journeys compared with other age groups. Younger people may be affected by any proposed changes in fares due to the lower minimum wage for people under 23.</p> <p>Any change to fares suggested could impact young women, younger and older people and those with mobility difficulties financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to West Berkshire.</p>
---	--	----------	---

				<p>Changes to fares could also impact those on lower or fixed incomes and those living in the rural parts of the district.</p> <p>While it is accepted that any changes to the tariffs might have a disproportionate impact on some of the protected groups any consultation agreed will seek observations on the impact of those changes.</p> <p>Any statutory consultation, as a result of a proposal to change the current fares, will be conducted in accordance with statutory requirements and provide an opportunity for protected groups to comment on impact.</p> <p>Any review of the current fares will seek to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.</p> <p>Any objections, including those relating to equalities, will be reported back to the Executive.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		See above
<b>Environmental Impact:</b>		X		None
<b>Health Impact:</b>		X		None
<b>ICT Impact:</b>		X		None

<b>Digital Services Impact:</b>		X		None
<b>Council Strategy Priorities:</b>	X			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy, in particular they are associated with a prosperous and resilient West Berkshire and thriving communities with a strong local voice
<b>Core Business:</b>		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
<b>Data Impact:</b>				All information collected as part of the consultation will be handled in accordance with the Public Protection Partnership’s <a href="#">Privacy Notice for Consultation and Engagement</a> .
<b>Consultation and Engagement:</b>	<p>The procedure for setting fares and public notice requirements is stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>An informal non-statutory consultation was undertaken with the trade as set out in Appendix C.</p> <p>The Licensing Committee will be consulted on the proposals in this report.</p>			

## 4 Introduction

- 4.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 4.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to “...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.”
- 4.3 This legislation does not specify any restrictions on the number of, or timings for subsequent changes/variations to the table of fares; a local authority can exercise their

power whenever they deem reasonable and appropriate. There is also flexibility in terms of whether the power is exercised to increase or decrease existing rates, or to devise a new table of fares altogether. The process for any statutory consultation on tariff modifications is however very prescriptive.

- 4.4 The trade is not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set.
- 4.5 A proposal to modify the current table of fares for 2024 was submitted in December 2023 by a member of the taxi trade. The Licensing Committee considered this proposal at their January 2024 meeting and requested that an informal (non-statutory) consultation be undertaken with the trade to establish if there was wider support for the proposal.
- 4.6 The Executive are asked to consider the outcome of the non-statutory consultation in light of the need to balance the profitability of the trade, retaining the local trade and protecting the users of the service. Any changes to the current tariffs would need to be subjected to a statutory consultation process.

## 5 Background

- 5.1 The current tariff scale set out in Appendix A was approved by the [Executive at the meeting of the 08 June 2023](#) and came into effect on the 19 June 2023. A stated aim is to have any modifications in place as close to the start of the financial year as possible to assist the trade with their financial planning. Due to the timing of the submissions from the trade for the 2023 tariffs this was not possible.
- 5.2 It has also previously been agreed by the Licensing Committee that the tariffs should be reviewed annually provided that a written submission was received from the trade and that any modifications should be in line with the Consumer Price Index (CPI).

### Modifications Requested by the Trade for the 2024 Table of Fares

- 5.3 On the 30 November 2023 an email was received from a member of the trade requesting *“I just wanted to touch base with you in regards to the annual tariff increase I believe should be in place for April 24. The current rate CPI is 4.6% so I would suggest a 5% increase across all tariffs. We would also be looking for a variable fouling charge in line with the tariff. We also asked to protect the public for locked time & calendar control on the meters.”* The proposed revised table of fares, as set out in Appendix B, was then submitted to the Licensing Team on the 26 December 2023.
- 5.4 In summary, for 2024, the submission from one member of the trade has suggested that:
  - they would like to see an uplift of the maximum tariffs by about 3.02% for a two-mile journey at tariff 1 rates i.e. from £8.60 to £8.86.
  - the initial flag rate remain as is, and the increase to the tariffs be achieved by reducing the yardage (mileage per unit) for tariffs 1, 2 and 3.
  - separate tariffs for saloon and multi seater vehicles carrying five or more passengers be retained i.e. tariffs 1b, 2b and 3b.

- no increases be included for multi seater vehicles carrying five or more passengers (tariffs 1b, 2b and 3b).
- the maximum fouling charges be revisited and a variable fouling charge in line with the tariff to be introduced. This proposal is designed to take into consideration that it may be more difficult to get vehicles cleaned at certain times of the day and that fouling could result in greater loss of earnings to the owner and driver.
- It become mandatory to install calendar controlled meters to improve consumer confidence in the trade and prevent unscrupulous operators from selecting the wrong tariff.

5.5 The proposals for 2024 were discussed at the [08 January 2024 Licensing Committee](#) meeting. At the November 2023 Licensing and Committee meeting it was reported that in terms of tariffs over the past three years the fares have increased as follows:

	2021	2022	2023
West Berkshire	5%	8%	7.5%

5.6 The Licensing Committee noted that the current cost of a two-mile journey, during tariff 1 operating hours, in a saloon vehicle costs £8.60. The proposal as set out in Appendix B would result in the same journey costing £8.86 (an increase of 3.02%). Based on the current data on taxi fares published by the [Private Hire Taxi Magazine](#) this would place West Berkshire in 12<sup>th</sup> place nationally on the table of fares league just below the tariff currently in operation in Reading. A small number of Councils have already increased their tariffs in 2024 and it is likely that more will follow suit during the year.

5.7 The Licensing Committee also noted that following the consultation on taxi tariffs which came into effect in June 2023 it was agreed that a sliding scale of charges associated with fouling should be considered in respect of modifications to the 2024 tariffs. The proposal submitted in December 2023 (which would come into effect in 2024) therefore refers to that suggestion. The sliding scale is designed to take into consideration the fact that it may be more difficult to get vehicles cleaned at certain times of the day and that could result in greater loss of earnings to the owner and driver.

5.8 The December 2023 proposal includes a request to look “for a variable fouling charge in line with the tariff”. Fouling is currently charged at a maximum of (£100 interior) (£25 Exterior) for all tariffs. The trade’s proposal for 2024 is set out below.

	Tariff 1	Tariff 1b	Tariff 2	Tariff 2b	Tariff 3	Tariff 3b
Interior	£150	£150	£225	£225	£300	£300
Exterior	£50	£50	£75	£75	£100	£100

5.9 In the December 2023 submission the trade member also suggested that in order to improve consumer confidence in the trade and prevent unscrupulous operators from selecting the wrong tariff they would like to have calendar controlled meters mandated. They would also like to ensure that meters are locked. The submission opined that the vast majority of meters used in the district were capable of being calendar controlled. There might be a handful of operators using older meters that would not have this capability.



- 5.10 The Licensing Committee, in discussing the December 2023 proposal, at the January 2024 meeting agreed that the mandatory use of calendar controlled meters should be discussed as part of the ongoing work on the Hackney Carriage and Private Hire Licensing Policy. It is not a matter to be included on the table of fares.
- 5.11 In terms of the consultation methodology, they agreed to propose to the Executive that, in light of the costs, a public notice should be placed in only one newspaper and that other avenues should be used to ensure that the consultation was publicised across the district.
- 5.12 The Licensing Committee resolved that in order to ascertain the level of support for the proposed modifications to the tariffs an informal, non-statutory, consultation be undertaken with the trade to establish the level of support for the changes prior to the matter being discussed by the Executive.

### Responses to the Informal Consultation

- 5.13 We received only nine responses to the informal consultation which is the same as the number received for the 2023 survey. Of those respondents six identified themselves as WBC Licensed Hackney Carriage Drivers, two as WBC Licensed Operators and one Meter Agent. Of those responses three completed the online survey and six emailed responses were received.
- 5.14 The detailed outcome of the survey is set out in Appendix C to the report. When asked about preferences for tariffs in 2024 100% (eight) of the respondents indicated that they did not want the tariffs to increase in 2024. As of the 21 February 2024 there are 167 Dual Drivers licensed in West Berkshire and 111 Hackney Carriage Vehicles.
- 5.15 In terms of the fouling charges only four respondents answered question 3: “To what extent do you agree with the proposed maximum tariffs set out in the submission for the trade in relation to fouling charges?” Two respondents (50%) agreed or strongly agreed with the proposed maximum tariffs for fouling charges. Both respondents were drivers. Two operators responded. One disagreed with the proposal and one stated that they neither agreed nor disagreed with it albeit that they commented that ‘I believe £150 should be the interior fee in line with loss of earnings and cost of cleaning.’
- 5.16 Some comparator data (as of 08 January 2024) is set out in the table below.

Licensing Authority	Fouling/Soiling Charge
Reading	Interior - £70 Exterior - £25
Wokingham	Interior - £75 Exterior - £15
Royal Borough of Windsor and Maidenhead	Interior - £80 Exterior - £20
Slough	T1 and 2 £50, T3 £75
Basingstoke & Deane	T1 £50, T2 £75, T3 £100

South Oxfordshire	£150 maximum
Swindon	£75 if has to be taken off the road
Wiltshire	Minimum Fouling charge all five tariffs £100
Oxford City	£50 interior
Hart	Up to a maximum of £100
Test Valley	T1 £50, T2 £75, T3 £100
Winchester	Maximum of £75

- 5.17 One response to the informal consultation was received from one of the meter companies who commented that “Taximeters generally have 1 numeric digit for the tariff indicator, so the tariffs should be numbered 1 to 6”.
- 5.18 “The first mile calculations are incorrect, the meter starts at £5.00 and increases in 40p units therefore it’s impossible for the meter to read £5.83. For T1 the fare will be a minimum of £6.20 at the mile. The initial waiting time is not on the sheet. In T1 the initial time would be 231 seconds for £5.00 then 40p for 42 secs ( $1276.5/232.1 =$  a ratio of 5.5 therefore there must be 5.5 units of time for the initial fare).”
- 5.19 The way it should be laid out is: T1 1276.5 yards or 231 seconds £5.00. Then 232.1 yards or 42 seconds 40p.” If the Executive agrees with these comments, we will amend the consultation notices to reflect this position.

## 6 Proposed Timetable and Consultation Methodology

- 6.1 In order to set maximum fares, the 1976 Act prescribes a statutory consultation process and a means of dealing with objections in relation to a local authority’s proposal to adopt or vary fares. The consultation must run for a minimum of 14 days. If no objections are received the decision will be implemented the day after the consultation closes. If objections are received the matter will return to the Executive for a decision which will include a date any modifications would be come into effect. This must be within two months of the consultation closing.
- 6.2 The proposed timetable for the 2024 process is set out below should the Executive be minded to consult on the revised table of fares or any elements of the proposal:

Activity/ Decision making body	Date
Initial Discussion at Licensing Committee	08 January 2024
Informal (non-statutory) consultation with the trade	15 January to 29 January 2024
Outcome of the informal consultation discussion at the Licensing Committee	13 March 2024

Pre consultation item at Executive (after going through the Council's internal governance cycle)	14 March 2024
Consultation	21 March – 04 April 2024 (must be a minimum of 14 days) Or 21 March 2024 – 11 April 2024 (as the consultation covers the Easter weekend it is proposed that it is extended by a week)
Implementation if no objections	05 <sup>th</sup> April Or if extended 12 April 2024
If objections are received Executive (after going through the Council's internal governance cycle)	16 May 2024
Implementation	17 May 2024
Report back to Licensing Committee on Outcome	July 2024

- 6.3 If the Executive are minded to consult on any modifications the Council must publish a notice setting out the proposed changes in at least one local newspaper. The Licensing Committee, following a discussion at the 08 January 2024 meeting, recommended placing a public notice in only one local newspaper. This was based on the fact that the public notices tend not to generate many responses, if any at all. Other avenues for promoting the consultation would be used including a press release, use of social media, publication on both the West Berkshire and Public Protection Partnership websites etc.
- 6.4 The notice must specify the period that readers will have to object to the change set out in the notice (the period must be at least fourteen days from the date of the first publication of the notice). As the consultation period straddles the Easter weekend it is proposed that it is extended by a week. The notice should also set out how the objections should be made. It is proposed that the notice is placed in the newspaper on the 21 March 2024 and that the consultation period run from this date until the 11 April 2024.
- 6.5 A copy of the notice must be displayed at the Council's Office and in addition a copy will also be placed on the Public Protection Partnership's website. The consultation will also be placed on the Council's consultation portal. The Licensing Council also agreed to suggest that a copy of the notice be emailed to individual members of the trade.
- 6.6 If no objection to the variation is received within the consultation period or if all objections are withdrawn, the revised fares will come into operation on the date of the expiration of the consultation period specified in the notice or the date of withdrawal of the last objection whichever date is the later.
- 6.7 If objections are received the matter will be discussed by Members at the 16 May 2024 Executive meeting. A further date would need to be set to determine when the new table of fares, with or without modifications following consideration of the objections, would

come into force. This date is required to be no later than two months after the consultation period closes (i.e. 11 June 2024).

- 6.8 A report would be taken to the July 2024 Licensing Committee meeting to inform that Committee of the outcome of the consultation and any further decision taken by the Executive, if they are required to make a further decision.
- 6.9 Comments from the Licensing Committee will be circulated under separate cover due to the timings of the meetings.
- 6.10 Having reviewed the current fares and taken into consideration the outcome of the informal non-statutory consultation the Executive may determine that they do not wish to vary or modify the fares at the present time. There would then be no need to undertake any of the statutory consultation activity as set out above.

## 7 Other options considered

- 7.1 Not to consider or make any variations to the tariffs.
- 7.2 To delay the decision to make any variations until later in the year.

## 8 Conclusion

- 8.1 Taxis play a significant role in our communities. They provide a means of mobility for many elderly and disabled residents, support those that work unsocial hours, are engaged to transport (often vulnerable) children to school and are critical to the nighttime economy. They are highly regulated for reasons of public safety and public confidence. Running costs can be high due to insurance, fuel, repairs, maintenance, and regulatory costs.
- 8.2 The issue of setting of maximum fares for hackney carriage drivers is an important one primarily for two reasons. The maximum fares set by local authorities largely determine the ability of drivers to earn a living but also functions to ensure that passengers receive a fair deal when taking a journey in a licensed hackney carriage. The Council will continue to work with the trade and consult customers and residents with a view to striking the right balance.
- 8.3 This is the first time that the informal consultation has not indicated support for amending the table of fares and Members may therefore be minded not to undertake a consultation this year or to delay it until later in the year.

## 9 Appendices

- 9.1 Appendix A – Existing Tariffs (saloon and Multi Seater Vehicles)
- 9.2 Appendix B – Proposed Tariffs (Table of Fares)
- 9.3 Appendix C – Outcome of the informal (non-statutory) consultation on the proposed tariffs 2024

**Background Papers:**

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976

Report and Minutes of the 08 January 2024 Licensing Committee Meeting

**Subject to Call-In:**

Yes:  No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

**Wards affected:** All

**Officer details:**

Name: Moira Fraser  
Job Title: Policy and Governance Principal Officer  
Tel No: 01635 519045  
E-mail: moira.fraser@westberks.gov.uk

---

This page is intentionally left blank

# Hackney Carriages Table of Fares With Effect From 19 June 2023

**MAXIMUM** fare for any part of a journey dependant on Time, Day and Date:

A lesser fare can be agreed prior to commencement of the journey.

<p>Taxi Plate Number</p> <p><b>???</b></p> <p>Licensed to Carry ? Passengers</p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 2AF</p> <p>Or via email to <a href="mailto:licencing@westberks.gov.uk">licencing@westberks.gov.uk</a> Quoting the above Taxi Plate number or drivers badge number</p>	<p><b>Tariff 1</b></p> <p>(Standard Time Saloon) Indicated by a “<b>T1</b>” on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December and 1<sup>st</sup> January)</p>	<p><b>Tariff 2</b></p> <p>(Time and 1/2 Saloon) Indicated by a “<b>T2</b>” on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 00:00 and 06.00 Monday to Sunday.</p> <p>2. 22:00 and 23:59 Monday to Sunday.</p> <p>3. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3</b></p> <p>(Double Time Saloon) Indicated by a “<b>T3</b>” on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 00.00 and 23.59 on 25<sup>th</sup> December</p> <p>2. 00.00 and 05:59 on 26<sup>th</sup> December.</p> <p>3. 00.00 and 05:59 on 1<sup>st</sup> January.</p>
<p><b>Initial Flag</b> The first 1340.307 yards (1225.576 meters)</p>	<p><b>£5.00</b> (First mile =£5.80)</p>	<p><b>£7.50</b> (First mile =£8.70)</p>	<p><b>£10.00</b> (First mile =£11.60)</p>
<p><b>For each subsequent 243.692 yards</b> (222.831 meters) completed or part thereof</p>	<p><b>40p</b> (£2.89 running mile)</p>	<p><b>60p</b> (£4.33 running mile)</p>	<p><b>80p</b> (£5.77 running mile)</p>
<p><b>Waiting time: for every period of 43.636 seconds or part thereof</b></p>	<p><b>40p</b> £5.50 per 10 mins, £33.00 per hour</p>	<p><b>60p</b> £8.25 per 10 mins, £49.50 per hour</p>	<p><b>80p</b> £11.00 per 10 mins, £66.00 per hour</p>

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)  
If a Hackney Carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only  
Congestion Zone Charges, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

**Fouling will be charged at £100 interior and £25 exterior**

This page is intentionally left blank



# Hackney Carriages Table of Fares With Effect from 19 June 2023

**MAXIMUM** fare for any part of a journey dependant on Time, Day and Date:

A lesser fare can be agreed prior to commencement of the journey.

<p><b>Taxi Plate Number</b></p> <p><b>???</b></p> <p><b>Licensed to Carry ? Passengers</b></p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 2AF</p> <p>Or via email to <a href="mailto:licencing@westberks.gov.uk">licencing@westberks.gov.uk</a> Quoting the above Taxi Plate number or drivers badge number</p>	<p><b>Tariff 1</b> (Standard Time Saloon) Indicated by a "T1" on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December and 1<sup>st</sup> January)</p>	<p><b>Tariff 2</b> (Time and 1/2 Saloon) Indicated by a "T2" on the taxi meter</p> <p>Any journey with 1-4 passengers</p> <p>1. 00:00 and 06.00 Monday to Sunday. 2. 22:00 and 23:59 Monday to Sunday. 3. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3</b> (Double Time Saloon) Indicated by a "T3" on the taxi meter</p> <p>Any journey with 1-4 passengers.</p> <p>1. 00.00 and 23.59 on 25<sup>th</sup> December 2. 00.00 and 05:59 on 26<sup>th</sup> December. 3. 00.00 and 05:59 on 1<sup>st</sup> January.</p>
	<p><b>Tariff 1 Multi</b> (Standard Time Multi) Indicated by a "T1 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> 31<sup>st</sup> December and 1<sup>st</sup> January)</p>	<p><b>Tariff 2 Multi</b> (Time and a ½ Multi) Indicated by a "T2 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 00:00 and 06.00 Monday to Sunday. 2. 22:00 and 23:59 Monday to Sunday. 3. 06.00 and 21.59 Sundays, Bank Holidays, Public Holidays, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3 Multi</b> (Double Time Multi) Indicated by a "T3 b" on the taxi meter</p> <p>Any journey with 5 or more passengers</p> <p>1. 00.00 and 23.59 on 25<sup>th</sup> December 2. 00.00 and 05:59 on 26<sup>th</sup> December. 3. 00.00 and 05:59 on 1<sup>st</sup> January</p>
<p><b>Initial Flag</b> The first 1340.307 yards (1225.576 meters)</p>	<p><b>T1 £5.00 / T1b £7.50</b> (First mile =£5.80) / (First mile =£8.70)</p>	<p><b>T2 £7.50 / T2b £11.25</b> (First mile =£8.70) / (First mile =£13.05)</p>	<p><b>T3 £10.00 / T3b £15.00</b> (First mile =£11.60) / (First mile =£17.40)</p>
<p><b>For each subsequent 243.692 yards</b> (222.831 meters) completed or part thereof</p>	<p><b>T1 40p / T1b 60p</b> (£2.89 running mile) / (£4.33 running mile)</p>	<p><b>T2 60p / T2b 90p</b> (£4.33 running mile) / (£6.50 running mile)</p>	<p><b>T3 80p / T3b 120p</b> (£5.77 running mile) / (£8.66 running mile)</p>
<p><b>Waiting time: for every period of 43.636 seconds or part thereof</b></p>	<p><b>T1 40p / T1b 60p</b> T1 (£5.50 per 10 mins, £33.00 per hour) T1b (£8.25 per 10 mins, £49.50 per hour)</p>	<p><b>T2 60p / T1b 90p</b> T2 (£8.25 per 10 mins, £49.50 per hour) T2b (£12.37 per 10 mins, £74.25 per hour)</p>	<p><b>T3 80p / T3b 120p</b> T3 (£11.00 per 10 mins, £66.00 per hour) T3b (£16.50 per 10 mins, £99.00 per hour)</p>

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)  
If a Hackney Carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only.  
Congestion Zone Charges, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

**Fouling will be charged at £100 Interior and £25 Exterior**

This page is intentionally left blank

# Hackney Carriages Table of Fares With Effect From XXX

**MAXIMUM** fare for any part of a journey dependent on Time, Day and Date:

A lesser fare can be agreed prior to commencement of the journey.

<p><b>Taxi Plate Number</b></p> <p><b>???</b></p> <p><b>Licenced to Carry ? Passengers</b></p> <p>Any comments regarding this vehicle or driver should be made to:</p> <p>West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD</p> <p>Or via email to <a href="mailto:licencing@westberks.gov.uk">licencing@westberks.gov.uk</a> Quoting the above Taxi Plate number or drivers badge number</p>	<p><b>Tariff 1</b> (Standard Time Saloon) Indicated by a <b>"T1"</b> on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January)</p>	<p><b>Tariff 2</b> (Time and 1/2 Saloon) Indicated by a <b>"T2"</b> on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers</p> <p>1. 22:00 and 05:59 Monday to Sunday.</p> <p>2. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3</b> (Double Time Saloon) Indicated by a <b>"T3"</b> on the taxi meter</p> <p>Any journey with <b>1-4</b> passengers.</p> <p>1. 00:00 and 23:59 on 25<sup>th</sup> December</p> <p>2. 00:00 and 05:59 on 26<sup>th</sup> December.</p> <p>3. 00:00 and 05:59 on 1<sup>st</sup> January.</p>
	<p><b>Tariff 1 Bus</b> (Standard Time Multi) Indicated by a <b>"T1 b"</b> on the taxi meter</p> <p>Any journey with <b>5</b> or more passengers</p> <p>1. 06:00 and 21:59 Monday to Saturday</p> <p>(Excluding Bank Holidays, Public Holidays, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January)</p>	<p><b>Tariff 2 Bus</b> (Time and 1/2 Multi) Indicated by a <b>"T2 b"</b> on the taxi meter</p> <p>Any journey with <b>5</b> or more passengers</p> <p>1. 22:00 and 05:59 Monday to Sunday.</p> <p>2. 06:00 and 21:59 Sundays, Bank Holidays, Public Holidays, 24<sup>th</sup>, 26<sup>th</sup>, 31<sup>st</sup> December &amp; 1<sup>st</sup> January.</p>	<p><b>Tariff 3 Bus</b> (Double Time Multi) Indicated by a <b>"T3 b"</b> on the taxi meter</p> <p>Any journey with <b>5</b> or more passengers</p> <p>1. 00:00 and 23:59 on 25<sup>th</sup> December</p> <p>2. 00:00 and 05:59 on 26<sup>th</sup> December.</p> <p>3. 00:00 and 05:59 on 1<sup>st</sup> January</p>
<p><b>Initial Flag</b> T1,T2,T3, The first 1276.483 yards (1167.216 meters) T1B,T2B,T3B, The first 1340.307 yards (1225.576 meters)</p>	<p><b>T1 £5.00 / T1b £7.50</b> (First mile =£5.83) / (First mile =£8.53)</p>	<p><b>T2 £7.50 / T2b £11.25</b> (First mile =£8.75) / (First mile =£12.80)</p>	<p><b>T3 £10.00 / T3b £15.00</b> (First mile =£11.66) / (First mile =£17.06)</p>
<p><b>For each subsequent</b> 232.088 yards(212.221 meters) or part thereof T1,T2,T3 243.692 yards(222.831 meters) or part thereof T1B,T2B,T3B</p>	<p><b>T1 40p / T1b 60p</b> (£3.03 running mile) / / (£4.33 running mile)</p>	<p><b>T2 60p / T2b 90p</b> (£4.55 running mile / / (£6.50 running mile)</p>	<p><b>T3 80p / T3b 120p</b> (£6.06 running mile) / / (£8.66 running mile)</p>
<p><b>Waiting time: for every period of (42 seconds T1,T2,T3) (44 seconds T1b,T2b,T3b) or part thereof.</b></p>	<p><b>T1 40p / T1b 60p</b> T1 (£5.78 per 10 mins, £34.65 per hour) T1b (£8.25 per 10 mins, £49.50 per hour)</p>	<p><b>T2 60p / T2b 90p</b> T2 (£8.66 per 10 mins, £51.98 per hour) T2b (£12.37 per 10 mins, £74.25 per hour)</p>	<p><b>T3 80p / T3b 120p</b> T3 (£11.55 per 10 mins, £69.30 per hour) T3b (£16.50 per 10 mins, £99.00 per hour)</p>

Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey. (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

If a Hackney Carriage is booked by telephone, e-mail, **app or other electronic means** a booking fee may be charged.  
Congestion Zone Charges, Ulez, Tolls or similar will be applied for any journey where such charges or tolls are incurred.

**Fouling will be charged at a maximum of (Interior T1/T1B £150, T2/T2B £225, T3/T3B £300)  
(Exterior T1/T1B £50, T2/T2B £75, T3/T3B £100) Payable to driver immediately.**

This page is intentionally left blank

## Outcome of the Non-Statutory Hackney Carriage Tariffs Consultation with the Taxi Trade - 2024

### **Background**

West Berkshire Council is committed to balancing the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares. The current hackney carriage fare scale came into effect on the 19 June 2023.

A proposed revised tariff scheme was submitted by the trade on the 26 December 2023. The proposal was considered by the Licensing Committee at the meeting on the 08 January 2024 and you can read more about it [here](#). [ [West Berkshire Council - Agenda for Licensing Committee on Monday, 8th January, 2024, 4.30 pm](#) ]

The procedure for setting fares and public notice requirements is stipulated within section 65 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#). The procedure is prescriptive and requires that a decision to make/vary a table of fares is made first. Following this, there is a statutory consultation requirement, to allow for any objections to the new table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn).

### **What Was Proposed**

In summary the trade has suggested that:

- For 2024 they would like to see an uplift of the maximum tariffs by about 3.02% for a two mile journey at tariff 1 rates i.e. from £8.60 to £8.68.
- They proposed that the initial flag rate is not changed, and the increase be achieved by reducing the yardage (mileage per unit) for tariffs 1, 2 and 3.
- The separate tariffs for saloon and multi seater vehicles carrying five or more passengers be retained i.e. tariffs 1b, 2b and 3b.
- They did not propose increasing the tariffs for multi seater vehicles carrying five or more passengers (tariffs 1b, 2b and 3b)
- They would like the maximum fouling charges to be revisited and a variable fouling charge in line with the tariff to be introduced This proposal is designed to take into consideration that it may be more difficult to get vehicles cleaned at certain times of the day and that fouling could result in greater loss of earnings to the owner and driver.

The Licensing Committee agreed that, although not a statutory requirement, prior to any modifications being taken to the Executive for determination an informal consultation should be undertaken with the trade to establish the level of support for the proposed changes.

The Licensing Committee proposed the following timetable for considering any modifications to the tariffs in 2024:

Activity/ Decision making body	Date
Initial Discussion at Licensing Committee	08 January 2024
Informal (non-statutory) consultation with the trade	15 January to 29 January 2024
Pre consultation item at Executive (after going through the Council's internal governance cycle)	14 March 2024
<b>If the Executive is minded to approve the Consultation it is proposed that</b>	
Consultation	21 March – 04 April 2024 (must be a minimum of 14 days)
Implementation if no objections	05 April 2024
If objections are received Executive (after going through the Council's internal governance cycle)	16 May 2024
Implementation	17 May 2024
Report back to Licensing Committee on Outcome	July 2024

### ***Who and How we Consulted***

The Licensing Committee requested that an informal (non-statutory) consultation be undertaken with the trade to ascertain the level of support for the trade's proposal. A consultation document was emailed to all Operators and Drivers of Hackney Carriages on the 15 January 2024. The trade was invited to respond to an online questionnaire or to email or write to PPP Consultations directly if they found that easier. The two-week informal consultation ran until the 29 January 2024.

### ***What You Told Us***

The Council received nine responses to the survey which is the same as the number received to the 2023 survey. Of those respondents six identified themselves as WBC Licensed Hackney Carriage Drivers, two as WBC Licensed Operators and one Meter Agent. Of those responses three completed the online survey and six emailed responses were received.

### **Question 2: To what extent do you agree with the proposal to introduce a variable fouling charge in line with the tariff?**

*Response:*

- Four respondents answered this question.
- Two respondents (50%) agreed or strongly agreed with this suggestion. Both are drivers.

- Two respondents (50%), both operators disagreed with the proposal.

Comments

None received

**Question 3: To what extent do you agree with the proposed maximum tariffs set out in the submission for the trade in relation to fouling charges? Currently they are charged at a maximum of £100 interior and £25 Exterior for all tariffs. The proposal is that:**

	Tariff 1	Tariff 1b	Tariff 2	Tariff 2b	Tariff 3	Tariff 3b
Exterior	£150	£150	£225	£225	£300	£300
Interior	£50	£50	£75	£75	£100	£100

Response:

- Four respondents answered this question.
- Two respondents (50%) agreed or strongly agreed with the proposed maximum tariffs for fouling charges. Both respondents were drivers.
- Two operators responded. One disagreed with the proposal and one stated that they neither agreed nor disagreed with it albeit that they commented that 'I believe £150 should be the interior fee in line with loss of earnings and cost of cleaning.'

In 2023 the Trade commented:

<p><b>Interior:</b>            4 respondents stated that £100 would be more appropriate;            1 respondent stated that £150 would be more appropriate;            2 respondent stated that £200 would be more appropriate;            1 respondent stated that £250 would be more appropriate;            1 person did not respond to this question</p>
<p><b>Exterior:</b>            5 respondents stated that £25 was acceptable;            2 respondents did not respond to this question;            1 respondent stated that £50 was more appropriate;            1 respondent stated that £75 was more appropriate.</p>

Comments

I believe £150 should be the interior fee in line with loss of earnings and cost of cleaning

Shocking charges !!

**Question 4: To what extent do you agree with the request that all meters must be capable of being time and date controlled?**

*Response:*

- Four respondents opted to answer this question.
- One driver and one operator (50%) strongly agreed with the request that all meters should be capable of being time and date controlled.
- One driver neither agreed nor disagreed.
- One operator strongly disagreed with the proposal.
- In 2023 78% respondents strongly agreed with the statement and 22% respondents strongly disagreed with the proposal.

*Comments*

Makes an equal playing field
As a paying. Customer it will be great to see the right information

**Question 5: If the tariffs are to be modified in 2024 what would be your preference?**

*Response:*

- We received eight responses to this question (six from drivers and two from operators)
- 100% of the respondents indicated that they did not want the tariffs to increase in 2024.

*Comments*

high enough
I recently received an email regarding fare increase in my opinion this is unacceptable because we are living in a crisis at the moment and in last one year our fare increased by around 16% so if we increase the fare more that's like losing more customers also killing our taxi trade so I would highly suggest the council not to increase the fare anymore
I disagree, I don't want any tariff increase at the moment

**Question 6: The submission from the trade sets out an uplift of the tariffs of 3.02% for a 2 mile journey during tariff 1 operating hours. To what extent would you support this proposal?**

*Response:*

- We received five responses to this question. Two from operators and three from drivers.
- All somewhat or strongly opposed this proposal.



*Comments*

We have had enough rate rises in past couple of years.
We get enough stick now fuel has dropped a lot over the last few months I believe with the increases we have had and the drop in fuel postpone increase this year
It's already high enough and customers are moaning and complaining each time - this will see us back in the press soon if charges go up.
I like to confirm you that I strongly disagree on any further fare increase this year. The fare is already high and it will be really unfair for the customers if we try make any further increase at this time.

**Question 7: The submission from the trade does not propose any changes to the tariffs for multi seater vehicles carrying five or more passengers (see tariffs 1b, 2b and 3b). To what extent would you support this proposal?**

*Response:*

- Three respondents opted to answer this question, one driver and two operators.
- The driver strongly opposed this proposal albeit that they did not wish to see the overall tariffs increased this year.
- One of the operators did not oppose or support this suggestion.
- One operator somewhat supported the proposal.

*Comments*

Again current charges are crazy - the trade need to be careful as to what they see fit to charge
--

**Question 8: If the Executive is minded to amend the tariffs to what extent do you agree with the suggestion that the flag rate should not be changed?**

*Response:*

- Three respondents (two operators and one driver) answered this question.
- They all agreed or strongly agreed that the flag rate should not be changed.
- In 2023 5 respondents strongly agreed with this suggestion; 1 respondent agreed with retaining the current flag rate; 3 respondents neither agreed nor disagreed with the proposal; None of the respondents objected to the suggestion.

*Comments*

No comments were received.
----------------------------

**Question 9: Do you have any further comments you would like to make:**

*Comments*

<p>Taximeters generally have 1 numeric digit for the tariff indicator, so the tariffs should be numbered 1 to 6.</p> <p>The first mile calculations are incorrect, the meter starts at £5.00 and increases in 40p units therefore it's impossible for the meter to read £5.83. For T1 the fare will be a minimum of £6.20 at the mile.</p> <p>The initial waiting time is not on the sheet. In T1 the initial time would be 231 seconds for £5.00 then 40p for 42 secs (<math>1276.5/232.1 =</math> a ratio of 5.5 therefore there must be 5.5 units of time for the initial fare).</p> <p>The way it should be laid out is:  T1 1276.5 yards or 231 seconds £5.00  Then 232.1 yards or 42 seconds 40p</p>
<p>Fuel prices are more at less back to normal now -even though inflation has gone wild but relatively I think the current tariffs are high enough when our neighbouring counties are a lot less expensive than west berks</p>
<p>We had a fare increase last year and people already not happy with our new tariff as it's too much. Therefore I'm strongly disagree to increase fare and scare away our customers from using taxi services.</p>

***What We Are Proposing To Do***

The outcome of the non-statutory consultation will be sent to all members of the West Berkshire Taxi Trade and will be published on the Public Protection Partnership website. It will also be circulated to Members of the Licensing Committee and the Portfolio Holder. It will help to inform the report to the Executive and will be included as an attachment to that report.

The outcome of this initial consultation will be taken to a Special Licensing Committee meeting on the 04 March 2024 where Members will be asked to discuss the outcome of the non-statutory consultation.

The outcome of the non-statutory informal consultation and the comments from the Special Licensing Committee will be fed into the report which will be taken to the Executive meeting on the **14 March 2024**. The Executive will make a decision about any proposed modifications and the methodology for undertaking the required statutory consultation and timetabling if the Executive is minded to consult. These decisions will be undertaken in accordance with the procedure for setting fares and public notice requirements as stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

If changes are proposed to be made the Council would need to publish a notice setting out the proposed changes in at least one local newspaper which will explain that readers will have at least fourteen days from the date of the first publication of the notice to object to the change. Notices would also be displayed at the Council Offices and will be placed on the Public Protection Partnership and Council's website and information will be emailed to the Trade.

The remainder of the process is dependent on whether any objections are received (and not withdrawn). The Trade will be updated on the process following the March Executive meeting.

This page is intentionally left blank

---

## Response to Garage Block Motion

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Tony Vickers
<b>Report Author:</b>	Laura Callan
<b>Forward Plan Ref:</b>	EX4480

---

### 1 Purpose of the Report

- 1.1 This report provides a response to the Motion that was proposed to Council on 17 March 2022 by Cllr Tony Vickers detailing the following;
- 1.2 The Motion requested that Council noted;
- 1.3 (1) Standard size garages are too small for modern cars and therefore no longer count as parking spaces in new housing developments or in calculations on the need for Residents Parking Zones;
- 1.4 (2) The District has many older post-WWII housing developments which include significant areas of garage blocks that are no longer fit for their original purpose of providing secure parking for local residents' cars and are used – if at all – for general storage, while many homes have no street frontage and no parking spaces because these garage blocks were built for them;
- 1.5 (3) There is no 'use class' in planning law for residential parking;
- 1.6 (4) Car ownership is much greater now than when these estates were built and that many of them, in all parts of the District, have problems with on-street parking and access for emergency and other larger vehicles;
- 1.7 (5) Some garage blocks have been attracting anti-social behaviour, have no overall management structure and their appearance has a negative impact on the amenity of residents;
- 1.8 (6) Others have been bought up by local housing developers resulting in permanent loss of a potential parking area for residents and visitors.
- 1.9 The Council therefore calls for:
- 1.10 (1) Planning and transport policies to be discussed at the appropriate forums, aimed at achieving:-

## Response to Garage Block Motion

- (a) First call on future redevelopment of garage blocks to be for parking for local residents, as was their original purpose;
- (b) Dedicated Car Club spaces (and EV charging points) within any redeveloped garage blocks;
- (c) Spaces reserved on-street, where this proves impossible, for properties with no road frontage.

1.11 (2) Investigation into the ownership of these areas, including approach roads that are not public highways, with a view to pursuing compulsory purchase to bring some of them back into use primarily for parking; and

1.12 Furthermore, if current legislation does not allow such policies to be adopted locally through our emerging Local Plan and Transport Plans, the Council will lobby our MPs and the LGA to change the law so that it can happen.

## 2 Recommendation

2.1 It is recommended that the principle of the Motion is supported. The motion can be delivered through the case by case assessment of forthcoming planning applications to re-develop garage blocks through the application of existing and emerging Local Plan Policies and through Council led highway schemes as appropriate. The Council will lobby the MP's and the Local Government Association for a change to legislation where necessary to facilitate the requirements of the motion.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	The motion will not have direct financial impacts.
<b>Human Resource:</b>	The motion will not have direct Human Resource impacts.
<b>Legal:</b>	The motion will not have direct legal impacts.
<b>Risk Management:</b>	The motion will not create new risk or increase risks.
<b>Property:</b>	The motion will not result in direct impacts upon Council owned property.
<b>Policy:</b>	The proposal relates to both national planning policy, NPPF and Local Planning Policy Core Strategy Development Plan

Response to Garage Block Motion

	Document (2006-2026), Local Plan DPD (2017), Saved Policies of the West Berkshire District Local Plan 1991-2006 (saved policies 2007) and the emerging Local Plan Review (currently at examination Reg 19 stage).			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		

<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	The matter was discussed at the Planning Advisory Group 21 April 2022.			

## 4 Executive Summary

- 4.1 A Motion was proposed to Council on 17<sup>th</sup> March 2022, proposing that a planning policy concerning the redevelopment of redundant garage blocks was necessary to bring such blocks back into use as parking, for car clubs or EV charging points and to secure on-street parking where necessary. The Motion also requested exploration of the use of compulsory purchase orders to facilitate such redevelopment.
- 4.2 Planning Policies must be created or amended based on district wide need and supported by robust evidence. The evidence is not available at this time to justify the introduction of specific planning policies to address this issue. The Local Plan Review is at a late stage of development and this issue cannot reasonably be introduced into the current process. Should redundant garage sites come forward for development through the planning application process, a number of the aims of the Motion can be addressed on a site-by-site basis, having regard to the particular circumstances of the site and existing and emerging planning policies concerning redevelopment of brownfield/previously developed land, parking, sustainable transport and EV charging.
- 4.3 With regard to part (2) of the proposal and the recommendation to pursue compulsory purchase orders, such orders should only be made where there is a compelling case in the public interest and used only as a last resort where it has not been possible to secure acquisition through an agreement with the landowner.
- 4.4 The Council can Lobby MP’s and Local Government Association for changes to legislation where necessary to facilitate the aims of this motion.
- 4.5 As such, it is considered that whilst the aims of making the best use of redundant garage blocks can be supported, this can be addressed on a site-by-site basis utilising existing and emerging planning policy or progressed separately by Town and Parish Councils through the Neighbourhood Planning Process where specific sites are identified and where it can be justified to do so.

## 5 Supporting Information

### Introduction

- 5.1 Councillor Tony Vickers tabled a motion at Full Council on 17 March 2022 which called on West Berkshire Council to develop planning and transport policies that addressed the redevelopment of redundant garage blocks to bring such blocks back into use as parking, for car clubs or EV charging points and to secure on-street parking where necessary. The Motion also requested exploration of the use of compulsory purchase orders to facilitate such redevelopment.



5.2 The then Chairman informed the Council that under Procedural Rule 4.9.8 the motion would not be debated and instead be referred to Planning Advisory Group for consideration with a report to Executive. The outcome of that would be reported to Council.

### Background

5.3 The Planning Advisory Group considered the matter at their meeting of Thursday 21 April 2022. Whilst there was a general agreement with the objective of the motion, concern was expressed that a district wide policy should not be created on the basis of individual sites or issues, but as a result of district wide need. It was suggested that there needed to be further evidence of the scale of the problem to establish the best approach. The Group were informed that it was too late to include the matter within the Local Plan Review. It was accepted that further evidence should be gathered by Cllr Vickers identifying the scale of the problem and this would then inform the most appropriate approach to address the issues raised.

5.4 It was acknowledged that should redundant garage sites come forward for development through the planning application process, a number of the aims of the proposed Motion can be addressed on a site-by-site basis, having regard to the particular circumstances of the site and area and existing and emerging planning policies that address the redevelopment of brownfield/previously developed land, parking, sustainable transport and EV charging.

5.5 To deliver part (2) of this proposal through a Council led scheme to investigate available garage blocks would require initiation and delivery of a project to establish full details of the issues and develop solutions/development options for each individual site identified. This would require significant officer resource and could not be addressed at this time utilising existing resources but may be considered at a future date.

5.6 With regard to the recommendation to pursue compulsory purchase orders, such orders should only be made where there is a compelling case in the public interest and used only as a last resort where it has not been possible to secure acquisition through an agreement with the landowner. Compulsory purchase is often therefore only appropriate where there are strategic benefits to the local area. The proposal to research and assemble land for the purposes identified would be unlikely to meet the threshold for utilising compulsory purchase as it would only have a very localised impact.

5.7 It is agreed that the Council will lobby the MP's and Local Government Association for a change to the legislation where necessary to facilitate the aims of the motion.

5.8 It is considered that whilst the aims of making the best use of redundant garage blocks is supported and this can be addressed on a site-by-site basis should planning applications come forward for development, having regard to existing and emerging planning and transport policy. It may also be a local matter that can be further addressed by Town and Parish Council's through the neighbourhood planning process.

### Proposals

5.9 It is proposed that the principle of the Motion to make the best use of redundant garage blocks is supported. The aims of the motion can be addressed in part through the

planning process and local highway schemes, on a site-by-site basis should applications come forward for development. The Council will lobby the MP's and the Local Government Association for a change to legislation where necessary to facilitate the requirements of the motion.

## 6 Other options considered

- 6.1 The option of addressing specific sites through the neighbourhood planning process was considered and communicated to Cllr Vickers at Planning Advisory Group. Neighbourhood planning provides for locally specific issues to be more readily addressed and allows for the allocation of sites for redevelopment and specific neighbourhood plan policies where they are robustly justified. Neighbourhood Planning is supported by the Council but is instigated and led by Town and Parish Councils and residents/community groups. As such, where garage blocks are identified as a local issue, the matters could be investigated through the Neighbourhood Plan Process.

## 7 Conclusion

- 7.1 The overall objective of the Motion to make the best use of redundant garage blocks is supported. The aims of the motion can be addressed in part through the planning process and local highway schemes, on a site-by-site basis should applications come forward for development. Existing national, local and emerging planning policy encourages the efficient use of land and impact upon parking, sustainable transport options and the provision of EV charging can be given appropriate consideration through existing and emerging planning policy. There is also the option to consider the matter in more detail through the neighbourhood planning process where garage blocks are identified as a local issue. The Council will lobby the MP's and the Local Government Association for a change to legislation where necessary to facilitate the requirements of the motion.

## 8 Appendices

- 8.1 Appendix A – Equality Impact Assessment

---

### Background Papers:

None

### Subject to Call-In:

Yes:  No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>

---

## Response to Garage Block Motion

---

Considered or reviewed by Scrutiny Commission or associated Committees,  
Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

### Officer details:

Name: Laura Callan  
Job Title: Planning Policy, Infrastructure and Place Manager  
Tel No: 01635 519910  
E-mail: [laura.callan1@westberks.gov.uk](mailto:laura.callan1@westberks.gov.uk)

---

## Appendix A

### Equality Impact Assessment (EqIA) - Stage One

<b>What is the proposed decision that you are asking the Executive to make:</b>	To change planning policy concerning the redevelopment of redundant garage blocks to bring such blocks back into use as parking, for car clubs or EV charging points and to secure on-street parking where necessary. The Motion also requested exploration of the use of compulsory purchase orders to facilitate such redevelopment.
<b>Summary of relevant legislation:</b>	None directly related.
<b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b> <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>If yes, please indicate which priority and provide an explanation</b>
<b>Name of Budget Holder:</b>	Laura Callan
<b>Name of Service/Directorate:</b>	Place, Development and Regulation
<b>Name of assessor:</b>	Laura Callan
<b>Date of assessment:</b>	05.03.2024
<b>Version and release date (if applicable):</b>	

Is this a .... ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>Service</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
----------------	--

<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 bring redundant parking/garage blocks back into use.
<b>Objectives:</b>	To maintain the current situation whereby redevelopment of garage blocks will proceed based on market demand or locally led schemes.
<b>Outcomes:</b>	Redevelopment of redundant garage blocks will continue to come forward on a site by site basis. Should planning applications come forward for development, these will be considered on their own merits, having regard to existing and emerging planning and transport policy. It may also be a local matter that can be further addressed by Town and Parish Council's through the neighbourhood planning process. The Council will Lobby Government for a change to the legislation where necessary to facilitate the aims of the motion.
<b>Benefits:</b>	This allows schemes to be demand led without the resource implications associated direct intervention by the Council.

<b>(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?</b>		
<i>(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)</i>		
Group Affected	What might be the effect?	Information to support this
Age	Neutral	To maintain the current situation of a demand led approach to redevelopment of garage blocks, would result in a neutral impact upon people with protected characteristics. There is no national planning policy approach or evidence of direct impacts of redundant garage blocks
Disability	Neutral	
Gender Reassignment	Neutral	
Marriage and Civil Partnership	Neutral	

Response to Garage Block Motion

Pregnancy and Maternity	Neutral	upon people with protected characteristics. Should planning applications come forward, these would be considered on their merits and the impacts upon people with protected characteristics considered and address specifically on a site/project basis.
Race	Neutral	
Religion or Belief	Neutral	
Sex	Neutral	
Sexual Orientation	Neutral	
<b>Further Comments:</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>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer: The impact of this motion has been identified as neutral.	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide an explanation for your answer: The impact of this motion has been identified as neutral.	

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 EqlA 2.

If an EqlA 2 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 EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

<b>(4) Identify next steps as appropriate:</b>	
<b>EqlA Stage 2 required</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Owner of EqlA Stage Two:</b>	
<b>Timescale for EqlA Stage Two:</b>	

Name: Laura Callan

Date: 5.03.24

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website

---

# Contracts for Award Under Delegated Authority from Executive

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Jeff Brooks
<b>Date Portfolio Member agreed report:</b>	12 February 2024
<b>Report Author:</b>	Kate Pearson
<b>Forward Plan Ref:</b>	EX4501

---

## 1 Purpose of the Report

- 1.1 To provide details of forthcoming supply, service and works contract awards that will have a contract value in excess of £2.5m and as such will require approval from the Executive during the next quarter. This report provides the Executive with visibility of all high value contracting activity and the opportunity to request further information regarding any of the contracts identified.
- 1.2 To gain approval from the Executive to delegate authority to an individual (Service Director) to proceed with the contract awards provided in this report, on the condition that a Procurement Strategy and a Contract Award report is granted approval by Procurement Board.
- 1.3 A consolidated report is considered the most effective way of complying with the Council's Contract Rules, whilst providing the Executive with visibility of forthcoming high value contracts requiring approval. This in turn will help minimise any delays that may impact the procurement timetable for contract award and service mobilisation.
- 1.4 In addition, to provide an overview of contracts with a value in excess of £2.5M which are anticipated to be awarded during the following quarter, further details of which will be subject to inclusion in a future report.

## 2 Recommendation

- 2.1 Executive to delegate authority to an individual (Service Director) to proceed with the award of the contract in table 4.7 in consultation with the Portfolio Holder, following the completion of the appropriate procurement process and Procurement Board approval of a Contract Award report.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>Contracts will be procured in line with the Council’s Contract Rules. All contracts with a value in excess of £100k require approval of a Procurement Strategy before procurement is commenced and the award is subject to the approval of a Contract Award report by Procurement Board prior to the formal award of the contract.</p> <p>All contracts over £500k in value are considered key decisions and will be placed on the forward plan at point of Procurement Strategy.</p>
<b>Human Resource:</b>	N/A
<b>Legal:</b>	<p>Contracts will be procured in line with the Council’s Contract Rules and the Public Contracts Regulations 2015.</p> <p>All contracts with a value in excess of £2.5m will have a procurement strategy and contract award report which has been approved by Procurement Board, Corporate Board and Operations Board. The Service Director shall have delegated authority to award the contract subject to such approval and in consultation with the Portfolio Holder, S.151 officer and Monitoring Officer.</p>
<b>Risk Management:</b>	<p>As part of each procurement process, supplier due diligence is carried out to include: review and verification of financial health, confirmation of insurances held, credit report, references and reassurance around the ability to evidence and deliver public sector contracts.</p>
<b>Property:</b>	N/A
<b>Policy:</b>	<p>Contracts will be procured in line with the Council’s Contract Rules. All contracts with a value in excess of £100k require approval of a Procurement Strategy before procurement is commenced and the award is subject to the approval of a Contract Award report by Procurement Board prior to the formal award of the contract.</p>



Contracts for Award Under Delegated Authority from Executive

	All contracts over £500k in value are considered key decisions and will be placed on the forward plan at point of Procurement Strategy.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>		X		
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>				Business as usual
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		

<b>Consultation and Engagement:</b>	N/A
-------------------------------------	-----

## 4 Executive Summary

- 4.1 To gain approval from Executive on forthcoming contract awards due to take place during the next quarter of the financial year.
- 4.2 We currently have one contract with a value of £2.5m+ which is planned to be awarded during the next quarter for the main construction at Four Houses Corner Traveller Site.
- 4.3 The procurement process relating to this contract was a restricted tender which was advertised on the Council’s e-tendering portal, Contracts Finder and Find a Tender Service.
- 4.4 Following the completion of the tender process, the service area will be required to submit a Contract Award report to Procurement Board for approval prior to awarding the contract. The Service Director will consult with Portfolio Holders, the s.151 officer and Monitoring Officer prior to contract award to ensure necessary consultation has been completed.
- 4.5 There are a number of projects listed on the Council’s Capital programme where it is not known at this stage if the delivery of these projects will require tendering for supply contracts. Whilst every effort has been made to include all contracts which are likely to arise, it is possible that other, urgent requirements may emerge. Such cases will need to be reported separately to the board as individual contract award reports for approval. It is acknowledged that there will also remain the need for some contracts to follow the standard governance process rather than be included in this report.
- 4.6 The contract award summary table (4.7) provides an overview of the contract which is being tendered following approval of a Procurement Strategy by the Procurement Board. This contract is expected to have a contract value of over £2.5m based on the available budget.
- 4.7 Forthcoming Contract Award Summary Table – subject to approval within this report

Contract Title	Service Area	Budget (inc. tolerance)	Contract planned start date	Procurement Process	Evaluation weightings	Proposed Contract Term (years)	Estimated contract term award value	Tender Status
Four Houses Corner Traveller Site – Main Construction	Housing	£2.8m	April 2024	Restricted tender	70% cost 30% quality	8 months	£2.8m	ITT stage published 16/01/24

- 4.8 In addition, it is anticipated that the following contracts are likely to be awarded within the next six months and these will be presented to Executive for approval in the report next quarter, if applicable:

- Grazeley solar farm construction – anticipated award in August / September 2024

- Castle School expansion – anticipated award in August / September 2024

## 5 Supporting Information

### 5.1 Introduction

The contract presented in this report has an estimated value in excess of £2.5m for the whole life of the contract term, including any optional extensions. The budget information is currently provided by the service area leading the procurement strategy.

### 5.2 Background

Procurement Board has the overall responsibility for monitoring contractual spend within the Council. The Procurement Board scrutinise both the strategy and award reports to ensure the procurement is compliant with the Council's constitution, relevant legislation, the Public Contracts Regulations 2015 and that the award of the contract demonstrates value for money. All contracts with a value in excess of £100,000 require an individual Procurement Strategy to be submitted to Procurement Board for scrutiny and approval prior to the service area conducting a procurement process. Following the completion of the procurement process, a contract award report detailing the outcome of the procurement is submitted to Procurement Board for approval prior to awarding the contract.

5.3 The Contract Rules state that for supply contracts with a value of in excess of £2.5m, a Contract Award report must be approved by Procurement Board, Corporate Board, Operations Board and Executive, before the contract can be awarded.

5.4 Further detail regarding the contract set out in 4.7 is included as a Part II report for the Executive meeting.

## 6 Other options considered

6.1 The approval of a consolidated contract award report is considered the most efficient way of meeting the governance requirements of the Constitution, therefore no alternative proposals are being made.

## 7 Conclusion

7.1 This report provides details of the contract which has been registered with Commissioning & Procurement and scheduled for award during the next quarter. Whilst every effort has been made to capture and include all the forthcoming contracts, there may be other projects which Commissioning & Procurement have not yet been involved in or the service area have not yet submitted a strategy to the Procurement Board for approval. Should the Commissioning and Procurement team become aware of contracts with a value of over £2.5m that need approval during the next quarter, then these will be submitted separately to Corporate Board, Operations Board and Executive as individual Contract Award reports for approval.

7.2 The Executive resolves to:

## Contracts for Award Under Delegated Authority from Executive

- (1) delegate authority to the relevant Service Director in consultation with the relevant portfolio holder, s.151 officer and Monitoring Officer to proceed with award of the forthcoming contract that has been identified in this report for award approval during the next quarter of the financial year.
- (2) delegate authority to the Service Lead Legal and Democratic in consultation with the relevant Executive Director to finalise the terms of any agreement as set out in the procurement documents and make any necessary drafting or other amendments (such amendments not to be substantia or material) to the terms of the agreement necessary to produce a final agreement for execution and to enter into that agreement; and where relevant.

## 8 Appendices

None.

---

### 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 Scrutiny Commission or associated Committees, 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:** The named contracts above related to services for West Berkshire as a whole authority rather than specific areas.

### Officer details:

Name: Kate Pearson  
Job Title: Service Manager – Commissioning and Procurement, Resources and Place  
Tel No: 07827 958350  
E-mail: kate.pearson1@westberks.gov.uk

---

---

## Restrictive covenants and Restriction on Title – Windmill Court and Stafford House Mortimer

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 March 2024
<b>Portfolio Member:</b>	Councillor Iain Cottingham
<b>Date Portfolio Member agreed report:</b>	13 February 2024
<b>Report Author:</b>	Martin Syrett
<b>Forward Plan Ref:</b>	EX4204

---

### 1 Purpose of the Report

- 1.1 To seek approval to enter into negotiations with Sovereign Housing Association (“Sovereign”) following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council (“the Council”) relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer (“the Site”) for the purpose of Sovereign’s proposed redevelopment of the Site; and
- 1.2 To reject the requests made in a petition presented to the Executive on 22<sup>nd</sup> September 2022 on the basis of the content of this report.

### 2 Recommendations

- 2.1 That the Executive resolves:
  - To delegate authority to the Head of Finance and Property (Shannon Coleman-Slaughter), in consultation with Housing Services (Nick Caprara - Service Lead Housing) and Adult Social Care (Jo England – Service Lead Adult Social Care) to enter into negotiations with Sovereign to agree heads of terms for the release of the covenants and restrictions in favour of the Council for the purpose of Sovereign’s re-development of the Site and the negotiation of new nomination rights and covenants in favour of the Council relating to the redeveloped scheme.
  - To delegate authority to the Service Director of Strategy & Governance (Sarah Clarke) in consultation with the Head of Finance and Property, to enter into such agreements as are appropriate and necessary and in line with the negotiated heads of terms.

- To reject the requests detailed in the petition for the reasons set out in this report.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	The Council has no property interest in the Site but derives value from nomination rights and the restrictions imposed on the title to the Site.
<b>Human Resource:</b>	No implications identified.
<b>Legal:</b>	<p>As described in the body of this report, the Site is subject to various covenants and restrictions in favour of the Council which restrict Sovereign’s use of, and its ability, to dispose of the Site, some of which are limited in time.</p> <p>In addition, the Site is subject to extra care sheltered housing nomination rights, and affordable housing nomination rights in favour of the Council which are also limited in time.</p> <p>If the covenants, restrictions and nomination rights were released without negotiation the Council would lose:</p> <p>For the period up to the 20th of February 2036</p> <ul style="list-style-type: none"> <li>• The affordable housing accommodation (ie one two-bed flat and the property known as Stafford House at the site) and the associated nomination rights,</li> <li>• Sovereign’s obligation to re-provide those affordable housing nomination rights elsewhere in the district if the affordable housing accommodation is demolished or otherwise disposed of.</li> <li>• Control over the disposal of the affordable housing accommodation.</li> </ul> <p>For the period up to 20<sup>th</sup> February 2026</p> <ul style="list-style-type: none"> <li>• Control over disposal(s) of the Site, including methods of disposal and ensuring disposals are at market value.</li> <li>• Any net sale proceeds from any disposal of the affordable housing accommodation being recycled into other affordable housing in the West Berkshire district.</li> </ul>

<b>Risk Management:</b>	<p>If the Council is minded to agree Sovereign's request for the release of the restrictions, heads of terms should be agreed for any such release as soon as possible in view of the time limited nature of the Deed of Covenant and the Affordable Housing Nominations Agreement.</p>
<b>Property:</b>	<p>The Site comprises 35no. flats which Sovereign is covenanted to use for the provision of extra care sheltered housing. Six of those flats are the subject of an extra care nominations agreement made in favour of the Council.</p> <p>On part of the Site is a detached 3 bed house known as Stafford House which is the subject of an affordable housing nominations agreement. It is currently let on an AST.</p> <p>The current mix of properties at the Site is: -</p> <ul style="list-style-type: none"> <li>22no. x 1 bed flats</li> <li>7no. x 2 bed flats</li> <li>5no. bedsits</li> <li>8no. void units (included in the above).</li> <li>1 guest flat</li> </ul> <p>The 8 void units comprise</p> <ul style="list-style-type: none"> <li>6no. x 1 Bed flats</li> <li>1no. Bedsit</li> <li>1no. 2 bed property.</li> </ul> <p>Sovereign is the freehold owner of the Site subject to the covenants and restrictions on the title to the Site in favour of the Council. The administration and operation of the affordable housing nominations agreement and the extra care nominations agreement are the responsibility of Sovereign with the Council nominating suitable nominees who fit the criteria set out in the nomination agreements.</p> <p>The Council currently has 100% nomination rights in respect of the 6 flats for extra care sheltered housing for the over 55s and 100% nomination rights in respect of Stafford House and a 1 x 2 bed flat. Stafford House is currently being used as a single family dwelling let on an AST</p>

Policy:				
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	N	N	Y	Detrimental effect on those who currently benefit from nomination rights under the affordable housing nominations agreement and the sheltered housing (Extra Care) nominations agreement. These nomination rights are not regularly exercised due to lack of demand for the accommodation offered by Windmill Court.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	N	N	Y	Yes, see above
Environmental Impact:	N	N	Y	Short term effect whilst demolition and construction take place.
Health Impact:	N	Y	N	
ICT Impact:	N	Y	N	
Digital Services Impact:	N	Y	N	
Council Strategy Priorities:	N	Y	N	
Core Business:	N	Y	N	



<b>Data Impact:</b>	N	Y	N	
<b>Consultation and Engagement:</b>	The decision to refer this matter to the Executive has been brought to the Council's Asset Management Group, where it received support to progress.			

## 4 Executive Summary

- 4.1 The Council has no property interest in the Site, but it benefits from the covenants and restrictions relating to the use and disposal of the Site which were imposed by the Council on the disposal of its 50% interest in the Site in 2006.
- 4.2 Sovereign has made a planning application to redevelop the Site as 100% affordable housing to provide 13 new homes for general needs as social rent and 11 shared ownership.
- 4.3 The covenants and restrictions restrict Sovereign's proposed redevelopment of the Site and Sovereign is seeking the release of the covenants and restrictions, in particular the covenant in the Transfer restricting the use of the Site to extra care sheltered housing and the provisions in the Deed of Covenant on the grounds that it considers there is no demand for such accommodation and that the covenants and restrictions are incompatible with its proposed redevelopment.
- 4.4 The release of all or some of the covenants and restrictions carries implications and would result in those time limited covenants and restrictions being lifted earlier than was originally envisaged and agreed.
- 4.5 The terms of the new covenants and restrictions should be such that the Site can only be used for 100% affordable housing and that the development cannot be for market value properties.
- 4.6 The effect of releasing the current covenants and restrictions would mean Sovereign could carry out the proposed redevelopment of the Site for the provision of 13 new homes for general needs as social rent and 11 shared ownership homes.
- 4.7 A report to the Executive was to be considered at a meeting on the 26<sup>th</sup> May 2022. Following receipt of a petition the report was put on hold whilst further discussions took place.
- 4.8 The petition was worded to the effect the Executive should reject any request from Sovereign to lift the restrictive covenants which would allow for the eviction of residents from Windmill Court.
- 4.9 The wording of the petition is set out below under the heading **Previous Scheme Petition.**

- 4.10 It is proposed that negotiations take place between the Council and Sovereign:
- (a) for the release of the covenant restricting the use of the Site to extra care sheltered housing and for the imposition of a new covenant restricting the use of the Site to affordable housing only and subject where required to a s106 agreement.
  - (b) for the renegotiation of the existing affordable housing nominations agreement in respect of the current affordable housing accommodation on Site so that the new agreement extends to the whole of the Site.
  - (c) for appropriate nomination rights elsewhere in the east of the district to compensate for those extra care sheltered housing nomination rights that would be lost
  - (d) where applicable, for a new deed of covenant and associated title restriction(s).
  - (e) that any such negotiated release of the covenants would be subject to the relocation of the residents currently occupying accommodation on the Site to homes of their choice elsewhere.
  - (f) The Executive to be appraised on a regular basis on the progress of relocating the remaining 5 residents of Windmill Court.

## 5 Supporting Information

### Introduction

- 5.1 The Site is in the sole freehold ownership of Sovereign and is subject to various covenants and restrictions in favour of the Council which restrict Sovereign's use of the Site to that of extra care sheltered housing and affordable housing. The restrictions also limit and restrict Sovereign's ability to re-develop or dispose of the Site, or any part of it, within specified periods of time.
- 5.2 The Site currently comprises 35 units of studio/flat accommodation for the over 55s together with a house (formerly known as Stafford House which is shown coloured blue on the plan attached to this report) ("Stafford House") and one two bedroom flat, the use of which are restricted to affordable housing.
- 5.3 Sovereign proposes to redevelop the Site, as detailed in paragraphs 5.21 and 5.22 of this report, and has approached the Council seeking the removal of the covenants and restrictions registered against the title to the Site on the basis Sovereign consider those covenants and conditions are incompatible with and restrict the use proposed under the redevelopment scheme.

### Background

- 5.4 Prior to 2006 the Council and Sovereign jointly owned the Site.
- 5.5 At that time, the Site comprised a 16no. bed registered care home which the Council managed and 28no. category 2.5 sheltered housing units which Sovereign managed. The use of those areas by the Council and Sovereign,

including use of the common areas, were regulated by leases made between the Council and Sovereign.

- 5.6 Following a review in 2000, the Council established that the registered care home at the Site was no longer cost effective or efficient and a decision was taken to close it as no provider could be found to take it on. As a result, the 16no. bed registered care home was vacated and left empty in 2004.
- 5.7 Proposals were discussed for the redevelopment of the Site by Sovereign and for the transfer to Sovereign of the Council's 50% interest in the Site.
- 5.8 A report was taken to the Executive on 9<sup>th</sup> December 2004 ("Windmill Court – Developing Services for Older People") and the recommendations approved for the development of sheltered housing for older people with higher needs on the Site in partnership with Sovereign, for the conversion of the registered care home part of the Site by Sovereign into six two bed bungalows/flats for the provision of that extra care sheltered housing and for the transfer of the Council's 50% interest in the Site to Sovereign.
- 5.9 Consequently, the Site was transferred to the sole ownership of Sovereign by a Transfer dated 20<sup>th</sup> February 2006 ("the Transfer"), and the lease arrangements were surrendered. On the same date Sovereign also entered into the following agreements with the Council:
- (a) An agreement for the provision of an integrated extra care scheme which included provisions relating to sheltered housing nominations ("the Sheltered Housing Nominations Agreement"),
  - (b) An affordable housing nominations agreement ("the Affordable Housing Nominations Agreement"),
  - (c) A development agreement ("the Development Agreement"),
  - (d) A deed of covenant ("the Deed of Covenant") and,
  - (e) A Day Care Facilities Agreement.

### The Transfer

- 5.10 Under the Transfer, Sovereign covenanted:
- (a) To observe the obligations and conditions contained in the Development Agreement relating to the conversion of the registered care home into the extra care sheltered housing bungalows/flats.
  - (b) To use the Site for the provision of extra care sheltered housing with the exception of Stafford House the use of which is restricted to affordable housing in accordance with the Affordable Housing Nominations Agreement.

### The Affordable Housing Nominations Agreement

- 5.11 This agreement operates for a period of 30 years from 20<sup>th</sup> February 2006 to 19<sup>th</sup> February 2036 and includes terms under which Sovereign:
- (a) is required to provide a two-bedroom flat and Stafford House as accommodation (“the affordable housing accommodation”) for households in need (as defined in the Affordable Nominations Agreement) who have been nominated to Sovereign by the Council.
  - (b) Must not sell or dispose of the affordable housing accommodation (except in accordance with the provisions of the Affordable Housing Nominations Agreement).
  - (c) Must make provision for the affordable housing accommodation to be replaced within the West Berkshire district if the affordable housing accommodation is demolished or otherwise disposed of, and that the terms of the Affordable Housing Nominations Agreement transfers to that new accommodation.

### The Sheltered Housing Nominations Agreement

- 5.12 Amongst the terms and conditions agreed between the Council and Sovereign relating to the provision of the integrated extra care scheme at the Site, the management of the scheme and the operation of the nominations under the terms of this agreement Sovereign granted the Council 100% nomination rights in respect of the six two-bed bungalows/flats for nominees who satisfy the agreed criteria for admission as set out in the Sheltered Housing Nominations Agreement.

### Deed of Covenant

- 5.13 The provisions of the Deed of Covenant operate until 20<sup>th</sup> February 2026 and contains details of the terms under which Sovereign may dispose (includes sale, transfers, and leases) of the Site or any part of it including obligations that Sovereign must:
- (a) notify the Council and obtain the Council’s written consent regarding the proposed method of sale and the terms of the disposal.
  - (b) ensure the disposal is at market value, must obtain the Council’s written consent before agreeing the sale proceeds of any disposal to be completed before 20<sup>th</sup> February 2026, or any other monies payable to Sovereign, such as clawback, overage and profit sharing, following any disposition falling due before 20<sup>th</sup> February 2026
  - (c) prior to a disposal, provide the Council with details of its proposals to use the net capital receipt (as defined in the Deed of Covenant) to provide affordable housing in West Berkshire (in particular funding of social rented housing rather than shared ownership).

## Restriction on Title

5.14 In addition to the various covenants and restrictions contained in the Transfer, the Affordable Housing Nomination Agreement, the Sheltered Housing Nominations Agreement and the Deed of Covenant, Sovereign's ability to dispose of the entire Site is restricted by restrictions entered against their title to the Site.

The two restrictions are in favour of the Council:

- The first specifies that Sovereign cannot dispose of the Site unless they have a certificate from the Council that they have complied with the provisions of the Development Agreement, and
- The second specifies that Sovereign cannot dispose of the Site unless they have a certificate from the Council that they have complied with the provisions of the Deed of Covenant.

## **Previous Scheme Petition**

5.15 The petition was worded as follows:

- *We, the undersigned, petition the Council to ensure its Executive REJECT any request(s) they receive from Sovereign Housing Association to lift restrictive covenant(s) or any other restrictions in respect of Windmill Court, the lifting of which would allow the eviction of residents from Windmill Court.*
- *Sovereign Housing Association's proposal to evict the residents of Windmill Court from their homes, without suitable alternative accommodation being available within the village that would allow them to retain family and/or personal ties, is not reasonable.*
- *All current restrictive covenant(s) or other restrictions, the existence of which currently prevent the Association's plans that may lead to eviction from Windmill Court, should remain in place.*

5.16 The Petition ran from 29/07/2022 to 05/09/2022 and a total of 393 people signed it.

5.17 The residents who currently occupy the accommodation on the Site are tenants of Sovereign, not of the Council. The existence of the current covenants and restrictions and any release or lifting (if agreed) of them would not preclude or prevent Sovereign from terminating any of those tenancies within terms and conditions of those tenancies.

5.18 At the date of writing this report there are five residents remaining on site.

5.19 Negotiations for the release of the covenants and restrictions would be subject to Sovereign relocating those residents who are in current occupation of the site to homes of their choice within a reasonable distance of Windmill Court, including where possible re-provision back on Site. Sovereign acknowledge

however that they are struggling to find alternative accommodation for the five remaining residents due to the lack of available suitable accommodation in the area.

## Proposed Scheme

5.20 Since the presentation of the petition, Sovereign has submitted a revised development plan and now wish to develop the Site to comprise a mix of Social Rented and Shared Ownership home as follows:

Plot No	Property Type	Bedrooms / Bedspaces	Tenure	Form of Structure - HOUSES
1	House	3 bed, 5 person	Social Rent	Semi Detached
2	House	3 bed, 5 person	Social Rent	Semi Detached
3	House	4 bed, 6 person	Social Rent	Detached
4	House	3 bed, 5 person	Social Rent	Semi Detached
5	House	3 bed, 5 person	Social Rent	Semi Detached
9	Maisonette	1 bed, 2 person	Social Rent	Semi Detached
10	Maisonette	1 bed, 2 person	Social Rent	Semi Detached
11	Maisonette	1 bed, 2 person	Social Rent	Semi Detached
12	Maisonette	1 bed, 2 person	Social Rent	Semi Detached
16	Maisonette	1 bed, 2 person	Social Rent	Semi Detached
17	Maisonette	1 bed, 2 person	Social Rent	Semi Detached
18	House	2 bed, 4 person	Social Rent	Semi Detached
19	House	2 bed, 4 person	Social Rent	Semi Detached
6	House	3 bed, 5 person	Shared Ownership	Detached
7	House	3 bed, 5 person	Shared Ownership	Semi Detached
8	House	3 bed, 5 person	Shared Ownership	Semi Detached
13	House	3 bed, 5 person	Shared Ownership	Detached
14	House	1 bed, 2 person	Shared Ownership	Semi Detached
15	House	1 bed, 2 person	Shared Ownership	Semi Detached
20	House	3 bed, 5 person	Shared Ownership	Semi Detached
21	House	3 bed, 5 person	Shared Ownership	Semi Detached
22	House	2 bed, 4 person	Shared Ownership	Semi Detached
23	House	2 bed, 4 person	Shared Ownership	Semi Detached
24	House	2 bed, 4 person	Shared Ownership	Detached

5.21 In summary the intention is to develop 13 General Needs Social units as follows

- 1no. x 4 bed house
- 4no.x 3 bed houses
- 6no.x 1 bed maisonettes.
- 2no. x 3 bed house.

and 11no. Shared ownership as follows.

- 6no. x 3 bed houses
- 3no. x 2 bed houses
- 2no. x 1 bed houses.

5.22 It is proposed that seven of the homes will be secured under a s106 agreement. The remaining 17 homes will be provided by Sovereign as affordable housing in its capacity as a registered provider. The units to be secured under the s106 agreement have yet to be identified.

5.23 In terms of proposed new nominations, Sovereign are proposing:

- 1 bed maisonettes only; First Priority / First cascade - Returning Windmill Residents.
- Second cascade (should all the homes not be occupied by returning Windmill Residents)– Older Persons from Mortimer / Potential connection to Mortimer.
- Third and Final cascade – General Needs Housing to anyone on the housing register in West Berkshire.

5.24 A Planning Application (23/01859) for the redevelopment of the site as set out above excluding Stafford House has been submitted.

## **Incompatibility**

5.25 The proposed redevelopment is incompatible with the covenants and restrictions contained in the Transfer, the Sheltered Housing Nominations Agreement, the Deed of Covenant and the Restrictions on title.

5.26 Sovereign maintain the provision of extra care sheltered housing is no longer required due to lack of demand for such accommodation, and as such it should be permitted to go ahead with its proposed affordable housing redevelopment scheme,

5.27 They put forward as evidence of the lack of demand for extra care sheltered housing a report prepared by Icen Projects Limited entitled Windmill Court, Mortimer – Housing Need Report. Whilst this report covers the demand for

Older Persons Need it does not deal with demand for Extra Care accommodation.

They also refer to the history of the site.

- 5.28 Originally, after the conversion of the Site, Windmill Court was a sheltered housing scheme where there was a warden on site to respond, but no carers.
- 5.29 Sovereign maintain there have never been any on site carers, and that lettings not complying with the provisions of the Transfer and the Sheltered Housing Nominations Agreement, have gone unchallenged by the Council.
- 5.30 From enquiries made of Adult Social Care it is evident that if the Site was refurbished or redeveloped to what is considered Extra Care Housing standard then there would be demand for it as the Council has nothing similar in the east of the District.
- 5.31 Adult Social Care are currently preparing their Market Positioning Statement (MSP) for the period 2024 to 2028 which will be published shortly. During the course of its preparation, it has been established there is a need for extra care sheltered housing in the east of the district.
- 5.32 Sovereign also consider that as it is their intention to develop the site as 100% affordable housing and that they intend to retain Stafford House, the covenants relating to affordable housing have been complied with and that only those relating to the provision and use as extra sheltered housing are preventing implementation of their proposed redevelopment scheme.
- 5.33 Sovereign has therefore approached the Council to request the release of all covenants and restrictions associated with the Site to allow it to proceed, subject to planning permission, with its proposed redevelopment plans.

## Implications

- 5.34 Unless new terms are negotiated with Sovereign, if all the covenants and restrictions are released as Sovereign has requested the implications would be:

In respect of the extra care sheltered housing accommodation:

- (a) The loss of the 100% nomination rights over six of the two bed flats, meaning the loss of the extra care sheltered housing accommodation for nominees of the Council.

In respect of the affordable housing accommodation:

Until 20<sup>th</sup> February 2036:

- (b) The loss of the affordable housing nomination rights over Stafford House and over one of the two-bed bungalow/flats, and therefore the loss of the affordable housing accommodation for nominees of the Council;



- (c) The loss of the requirement to re-provide such nomination rights elsewhere in the district.
- (d) The loss of control over the disposal of the affordable housing accommodation.

In respect of the Site as a whole:

Until 20<sup>th</sup> February 2026:

- (e) The loss of control over any disposal(s) of the Site, including methods of disposal and ensuring disposals are at market value.
- (f) The loss of any net sale proceeds being recycled into other affordable housing in the West Berkshire district.

## Proposals

5.35 It is proposed that any release of the current covenants and restrictions should be subject to negotiations between the Council and Sovereign of new terms and conditions relating to use of the Site solely for affordable housing, including new nomination rights and in relation to disposal(s) of the Site or any part of it. Such negotiations to include:

- (a) the release of the covenant restricting the use of the Site to extra care sheltered housing and the imposition of a new covenant restricting the use of the Site to affordable housing only and subject where required to a s106 agreement.
- (b) the renegotiation of the existing affordable housing nominations agreement in respect of the current affordable housing accommodation on Site so that the new agreement extends to the whole of the Site.
- (c) negotiation of appropriate nomination rights elsewhere in the east of the district to compensate for those extra care sheltered housing nomination rights that would be lost.
- (d) where applicable, for a new deed of covenant and associated title restriction(s).
- (e) Provision is made that the Site cannot be redeveloped without existing residents being re-located to homes of their choice, including reprovision back on Site.

5.36 The negotiation of a new affordable housing nomination agreement is considered to be a priority in the negotiations.

5.37 The Housing Team has indicated that its objection to the previous scheme was because it did not include 3 and 4 bed social rent properties. This objection is overcome by the new scheme and as a result the new scheme is one which Housing could support from an affordable housing perspective.

5.38 Adult Social Care maintain that there is demand for extra care accommodation in the east of the district particularly, but that the accommodation currently provided at the Site is outmoded and unable to provide accommodation to meet the requirements of a modern extra care facility. ASC indicate that the level of

demand for extra care homes at the Site is not an indication of demand for extra care homes in the district.

5.39 Whilst the present covenants and restrictions would not preclude Sovereign from terminating the tenancy agreements of those residents who still remain on the Site, to address the concerns raised in the petition, any agreed release of the covenants would be subject where possible to the re-provision of suitable accommodation for those remaining residents.

## 6 Other options considered.

- 6.1 Do nothing and let the terms of the Deed of Covenant expire in 2026 resulting in the loss of control over any disposal(s) of the Site, including methods of disposal and ensuring disposals are at market value. There will also be a loss of any net sale proceeds being recycled into other affordable housing in the West Berkshire.
- 6.1 Refuse the request for the release of any or all of the covenants and restrictions. Rejected on the grounds that the Deed of Covenant will expire on the 20th February 2026 and WBC will lose all benefits arising from the Deed after that date.
- 6.2 Agree to a partial release of the covenants and restrictions so far as they relate to the extra care sheltered housing use to enable the redevelopment of the Site for affordable housing. On the basis the provisions of the other agreements are time limited and reflect the use of the Site as was developed almost twenty years ago, it is recommended that the covenants and restrictions for the whole Site are revisited in the context of the proposed new development.

## 7 Conclusion

- 7.1 The Council has no property interest in the Site but it benefits from the various covenants and restrictions relating to the use and disposal of the Site which were imposed by the Council on the disposal of its 50% interest in the Site in 2006.
- 7.2 Sovereign has made a planning application to redevelop the site as 100% affordable housing to provide 13 new homes for General Needs as Social Rent and 11 shared ownership.
- 7.3 Sovereign has requested that the covenant in the Transfer restricting the use of the Site to extra care sheltered housing and the provisions in the Deed of Covenant are lifted on the grounds that there is no demand for such accommodation.
- 7.4 Adult Social Care maintain that there is demand but the accommodation provided by the Site is outmoded, and that the low level of demand for homes at the Site is not an indication of demand for extra care homes in the district.
- 7.5 The request to lift the restrictive covenants for the purpose of the proposed redevelopment enables negotiation and/or reconsideration of the terms of the

restrictive covenants and associated nominations provisions including those provisions that are currently time limited.

- 7.6 As stated in this report, negotiations would deal with new terms and conditions relating to the use of the Site solely for affordable housing, including new nomination rights in relation to disposal(s) of the Site or any part of it.
- 7.7 With regard to the petition, negotiations would be undertaken such that release of the covenants and restrictions would not be agreed for redevelopment of the Site and such redevelopment could not be implemented until all existing residents of the Site were relocated to homes of their choice.
- 7.8 The Executive to be appraised on a regular basis on the progress of relocating the remaining 5 residents of Windmill Court.

## 8 Appendices

- 8.1 Appendix A – Equality Impact Assessment
- 8.2 Appendix B – Data Protection Impact Assessment
- 8.3 Appendix C - Site Plan of Windmill Court and Stafford House.

---

### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees or Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** Burghfield and Mortimer

### Officer details:

Name: Martin Syrett  
Job Title: Property Asset Officer  
Tel No: 01635519833  
E-mail: martin.syrett1@westberks.gov.uk

# Appendix A

## Equality Impact Assessment (EqIA) - Stage One

<p><b>What is the proposed decision that you are asking the Executive to make:</b></p>	<ul style="list-style-type: none"><li>• To delegate authority to the Head of Finance and Property (Shannon Coleman Slaughter), in consultation with Housing Services (Nick Caprara – Service Lead Housing) and Adult Social Care (Jo England – Service Lead Adult Social Care), to enter into negotiations with Sovereign to agree heads of terms for the release of the covenants and restrictions in favour of the Council for the purpose of Sovereign’s re-development of the Site, and the negotiation of new nomination rights and covenants in favour of the Council relating to the redeveloped scheme.</li><li>• To delegate authority to the Service Director of Strategy &amp; Governance,(Sarah Clarke) in consultation with the Head of Finance and Property, to enter into such agreements as are appropriate and necessary and in line with the negotiated heads of terms.</li><li>• To reject the requests detailed in the petition for the reasons set out in this report.</li></ul>
<p><b>Summary of relevant legislation:</b></p>	

<p><b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b></p> <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>If yes, please indicate which priority and provide an explanation</b></p>
<b>Name of Budget Holder:</b>	Richard Turner
<b>Name of Service/Directorate:</b>	Finance and Property
<b>Name of assessor:</b>	Richard Turner
<b>Date of assessment:</b>	29/09/2023
<b>Version and release date (if applicable):</b>	n/a

Is this a .... ?		Is this policy, strategy, function or service ... ?	
<b>Policy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>New or proposed</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Strategy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Already exists and is being reviewed</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Function</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Is changing</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Service</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

<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>	<p>To obtain authority to enter negotiations with Sovereign Housing Association to lift the restriction on Title restricting the use of the property to extra care sheltered housing and imposing a new covenant to the effect that the property can be used only for affordable housing subject to a s106 agreement.</p> <p>That the existing affordable housing nominations agreement in respect of Stafford House is</p>

	renegotiated so that the new agreement extends to the whole site.
<b>Objectives:</b>	To secure the best possible outcome for WBC in terms of securing benefits from the redevelopment.
<b>Outcomes:</b>	To replace the existing outmoded accommodation at Windmill Court and to secure nomination rights on the new development.
<b>Benefits:</b>	The redevelopment will provide modern Social Rent units at the site. WBC will have 100% Nomination Rights across the Social Rent units and if WBC are minded and it is possible the taking of a capital sum for the release of the covenants providing monies to invest in housing elsewhere in the district.

**(2) Which groups might be affected and how? Is it 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)*

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	Loss of an extra care property and associated nomination rights albeit for a property which is outmoded and where there is little demand for the accommodation as an Extra Care facility  Given the low numbers involved (5 Residents at the date of this report), Sovereign's assurance of no evictions and offers of suitable alternative housing impact is considered low	Details of the proposed scheme submitted by the developer, the Deed of Covenant and Extra care and Affordable Housing nominations agreements all dated 20 <sup>th</sup> February 2006
Disability	As for age	As for age.
Gender Reassignment		
Marriage and Civil Partnership		

Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments:</b>		
At present there are five residents who may be affected by the proposals. Sovereign have met and discussed the proposals with the affected residents and assurances have been given that no evictions will take place as a result of the proposals.		

<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>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The lifting of the various restrictions across the site will enable redevelopment. Existing Residents will have to be re-housed possibly outside the geographical area of the existing property. There is no demand for sheltered housing as provided by the property for the elderly or disabled in this location.	

<b>(4) Identify next steps as appropriate:</b>	
<b>EqlA Stage 2 required</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Owner of EqlA Stage Two:</b>	
<b>Timescale for EqlA Stage Two:</b>	

Name: Martin Syrett

Date: 13 February 2024

now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

## Appendix B

### 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:	Martin Syrett
Title of Project/System:	Restrictive Covenants and Restriction on Title – Windmill Court and Stafford House, Mortimer.
Date of Assessment:	16 <sup>th</sup> January 2024.

#### 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><small>Note – sensitive personal data is described as “ data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**Restrictive covenants and Restriction on Title – Windmill Court and Stafford House Mortimer**

	<b>Yes</b>	<b>No</b>
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?		
<b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Will you be using any novel, or technologically advanced systems or processes?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note – this could include biometrics, "internet of things" connectivity or anything that is currently not widely utilised		

**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.**

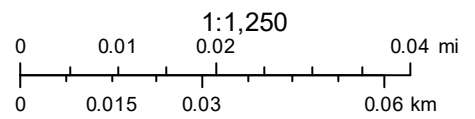
This page is intentionally left blank



29/03/2022, 13:34:40

**Lines**

- Override 1
- Override 2
- - - DISTRICT BOUNDARY



© Natural England copyright. Contains Ordnance Survey data © Crown copyright and database right 2020 | © TVERC | © Historic England 2020. Contains Ordnance Survey data © Crown copyright and database right 2020 | © Environment Agency copyright and/or database right 2018 © NERC 2018

This page is intentionally left blank

Executive – 14 March 2024

## **Item 13 – Members’ Questions**

To follow

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



# Agenda Item 16.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank