

## DRAFT

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

## EXECUTIVE MINUTES OF THE MEETING HELD ON THURSDAY, 16 DECEMBER 2021

**Members of the Executive present:** Councillor Graham Bridgman, Councillor Hilary Cole, Councillor Lynne Doherty, Councillor Ross Mackinnon and Councillor Howard Woollaston

**Also in attendance was:** Councillor Jeff Brooks

**Councillors present remotely:** Councillor Adrian Abbs, Councillor Steve Ardagh-Walter, Councillor James Cole, Councillor Carolynne Culver, Councillor Jeremy Cottam, Councillor Lee Dillon, Councillor Alan Macro, Councillor David Marsh, Councillor Steve Masters, Councillor Erik Pattenden and Councillor Tony Vickers

**Also Present:** Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director – Resources), Andy Sharp (Executive Director – People) Shiraz Sheikh (Service Lead – Legal and Democratic), Sadie Owen (Principal Democratic Services Officer) and Jake Thurman (Group Executive)

**Apologies for inability to attend the meeting:** Councillor Dominic Boeck, Councillor Richard Somner and Councillor Joanne Stewart

### PART I

#### 53. Minutes

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

#### 54. Declarations of Interest

There were no declarations of interest received.

#### 55. Public Questions

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

- A) A question standing in the name of Mr Steve Webb on the subject of the footway along the A340 between Tidmarsh and Pangbourne was answered by the Leader of the Council on behalf of the Portfolio Holder for Planning, Transport and Countryside.
- B) A question standing in the name of Ms Alison May on the subject of the future of Windmill Court was answered by the Portfolio Holder for Housing, Strategic Partnerships and Transformation.
- C) A question standing in the name of Mr Gareth Beard on the subject of electric vehicles was answered by the Portfolio Holder for Environment and Waste.
- D) A question standing in the name of Mr Gareth Beard on the subject of waste and incinerators was answered by the Portfolio Holder for Environment and Waste.
- E) A question standing in the name of Mr Nigel Foot on the subject of the West Berkshire Council's role as lead Local Flood Authority was answered the Portfolio Holder for Internal Governance, Leisure and Culture.

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Further to the general questions from members of the public there were a number of questions answered by the Portfolio Holder for Internal Governance, Leisure and Culture relating to Agenda Item 6. A full transcription of the public and Member question and answer session are available from the following link: [Transcription of Q&As](#).

- A question standing in the name of Mr Paul Morgan.
- A question standing in the name of Mr John Gotelee.
- A question standing in the name of Mr Vaughan Miller.
- A question standing in the name of Mr Lee McDougall.
- A question standing in the name of Mr John Gotelee.
- A question standing in the name of Mr Alan Pearce
- A question standing in the name of Mr Paul Morgan.
- A question standing in the name of Mr Vaughan Miller.

### 56. Petitions

There were no petitions presented to the Executive.

### 57. Award of Contract to Build Newbury Sports Hub (EX 4149)

The Portfolio Holder for Internal Governance, Leisure and Culture introduced the report (Agenda item 6).

In response to a query, the Portfolio Holder for Internal Governance, Leisure and Culture stated that officers could perceive no logical grounds for legal challenge of the scheme.

In response to a suggestion to delay the scheme it was clarified that the Hellenic League in which Newbury Football Club played, had agreed that a pitch would be required for July 2022.

In response to a query regarding Sport England's requirement for a replacement grass pitch at the rugby club, it was clarified that current costings for such a pitch were less than £100,000, but that there may also be a requirement for some additional facilities.

Members made the following comments and observations:

- Concerns were expressed at the scheme's perceived low contingency fund of £100,000, bearing in mind the proposed cost of £3.351M;
- Concerns were expressed that there had been insufficient opportunity for member debate of the proposal; and
- Concerns were expressed at the legitimacy of a planning decision made in connection with the proposal at the Western Area Planning meeting the preceding evening.

In seconding the report recommendations the Portfolio Holder for Finance and Economic Development commented that it was important to note that Newbury Football Club were in full support of the plan.

#### **RESOLVED that:**

- 1a) The contract for the provision of development management services (which includes construction) be awarded to Alliance Leisure Management Services.

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- b) Authority be delegated to the Service Lead Legal & Democratic Services to finalise the terms of the agreement and to make any necessary drafting or other amendments as permitted under the framework agreement which are necessary to reach final agreement, but do not materially affect the intent and substance of the agreement.
- 2) The allocation of £3.351m to complete the development of Newbury Sports Hub and thereby achieve the delivery of the number one priority in Playing Pitch Strategy (PPS) be approved.
- 3) Agreement be granted that any additional costs arising in relation to planning conditions be approved as per the Council's Constitution which may require further Executive approval if over £250,000. Otherwise the Executive Director of Resources in consultation with the Portfolio Member for Finance and Economic Development can approve.
- 4) In light of the increased capital cost for the Artificial Turf Pitch (ATP) the increase of the annual Sinking Fund allocation from £25,000 to £35,000 per annum be approved, in order to ensure sufficient funds are available to preplace the pitch surface at the end of its projected 10 year lifecycle.

**Other options considered:** The Council can select not to progress any further with the development. However, selecting this option will mean that the significant under-supply of artificial pitches remains and no alternative replacement exists for the Faraday Road Stadium. This will further delay the redevelopment of the London Road Industrial Estate (LRIE).

### 58. 4 The Sector - New Lease (EX 4157)

The Portfolio Holder for Finance and Economic Development introduced the report (Agenda item 7), and welcomed the lease which would lead to whole building occupancy.

In response to a member's query relating to differing terminology as to whether the proposed tenant 'may' or 'would' like to extend the lease in 5 years' time, it was stated that it was always better to err on the side of prudence when predicting a company's future intentions.

Recommendations (Vote to be taken in Part 2):

To grant the lease on the remaining parts of the property known as 4 The Sector Newbury on the terms outlined in the report provided that the:

- a) Head of Finance and Property, in consultation with the Portfolio Member for Finance and Property will have delegated authority for the form of lease and associated agreements; and
- b) Service Lead for Legal and Democratic Services shall have the delegated authority to enter into the lease and associated agreements in this connection.

**Other options considered:** To decline the proposed lease and continue to market the vacant property on the basis of letting the space at a higher rent in the future and with an Open Market Review at the end of year 5. Officers considered leaving the building part vacant was too high a risk to the council. The office market is challenging at present

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given the fall-out from Covid and so it is difficult to predict how long the building would remain partially vacant.

To dispose of the freehold, removing the property from the portfolio. This option is available but the council will find itself in a similar situation to the previous vendor in needing to offer incentive through escrow rent repayments of a reduced value. The market has also been impacted since the purchase in 2018 by both Brexit and more recently Covid 19.

### **59. Capital Financial Performance Report Quarter Two 2021/22 (EX 4015)**

The Portfolio Holder for Finance and Economic Development introduced the report (Agenda item 8).

In response to a query as to when the report had been written and whether it took into account any potential impact from Omicron, the Portfolio Holder for Finance and Economic Development commented that it had been written in mid-November and it was hoped that there would not be a significant impact at Q3.

The Portfolio Holder agreed to take under consideration, a suggestion to report to the Executive on a monthly basis with a snapshot on any capital performance developments.

In seconding the recommendations, the Deputy Leader cautioned and reminded all members that the report related to Q2 figures and so, as with all financial reporting, was already out of date at the point of review.

#### **RESOLVED that:**

- 1) The proposed re-profiling of £3m of future expenditure from 2021/22 into financial year 2022/23 be approved;
- 2) The additional expenditure budget request of £159k in support of the Four Houses Corner project be agreed;
- 3) The additional expense budget request of £13.5k in support of the Public Protection Partnership new One System Implementation project be agreed; and
- 4) The additional expenditure budget request of £200k in support of the Newbury Lido project be agreed.

**Other options considered:** None

### **60. 2021/22 Revenue Financial Performance Quarter Two (EX 4014)**

The Portfolio Holder for Internal Governance, Leisure and Culture introduced the report (Agenda item 9).

It was agreed that there was a need for accurate forecasting and reporting throughout the year, but also acknowledged that there were still unpredictable events that may affect future figures.

It was explained that the lower than modelled occupancy in council owned care homes was due to clients being discharged from hospital earlier with needs that were often too high for the provision available leading to external placements.

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In response to a query relating to the table on page 124 of the agenda pack (Adult Social Care annualised client numbers for long term services), it was agreed that the Portfolio Holder for Adult Social Care would respond directly to explain the cause of the large jump in client numbers between March and June 2021.

Assurances were provided that there were ongoing efforts to recruit permanent staff where possible to the ICT function.

In seconding the recommendations, the Deputy Leader praised the work of officers amidst the difficulties that had arisen throughout the Covid pandemic.

### **RESOLVED to: Note**

- 1) The year-end forecast £0.3m underspend, after taking account of provision that was made in reserves for specific risks at the time of budget setting. Without this provision, the forecast would be an over spend of £0.9m. If the over spend remains at year end and if the reserves were utilised, the resulting £0.3m under spend would be returned to reserves; and
- 2) The ongoing impact Covid will have on the 2021/22 budget as the Council sees increased demand for some services, but continues to be supported by external funding.

**Other options considered:** None

### **61. 2021/22 Performance Report Quarter Two (EX 4001)**

In introducing the report (Agenda item 10), the Portfolio Holder for Internal Governance, Leisure and Culture congratulated officers on the number of positive indicators.

In response to a query from the Deputy Leader, it was agreed that in relation to the table displayed on p140 of the agenda pack, the figure suggested for 'Number of Covid-19 Targeted Community Testing Assisted tests given' would be discussed with officers. It was suggested that a specific number was not appropriate for the KPI, but should instead relate proportionally to the number of Covid-19 cases within the area.

Disappointment was expressed at the lack of timely update reports. In response, the Deputy Leader accepted an element of the criticism and acknowledged that progress had been made since the Q2 position which potentially should have been reported, however emphasised that the report reflected data compiled for Q2 and so needed to be viewed in that light.

Disappointment was expressed that neither the Portfolio Holder for Children, Young People and Education, nor Planning, Transport and Countryside were present at the meeting, given the number of Red RAG ratings attributed to their respective portfolio KPIs.

In seconding the recommendations, the Leader of the Council called for recognition that whilst reporting on the standard KPIs, there would always be additional untargeted influences requiring response. In particular, the lack of data relating to education attainment outcomes for 2019/20 in the light of exams not having taken place due to Covid 19 was highlighted.

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The Leader of the Council commented on the positive economic development element of the report which evidenced a strong resilience and local economy and thanked officers for their work in obtaining such good indicators.

**RESOLVED to:** Note

The progress made in delivering the Council Strategy Delivery Plan 2019-2023, a maintained strong performance for the core business areas, good results for the majority of the measures relating to the council's priorities for improvement, and remedial actions taken where performance is below target.

**Other options considered:** None

### 62. **Members' Question(s)**

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

- A) A question standing in the name of Councillor Alan Macro on the subject of free parking for volunteers at the Kennet centre vaccination centre was answered by the Leader of the Council.
- B) A question standing in the name of Councillor Adrian Abbs on the subject of opening EAG meeting to the public was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- C) A question standing in the name of Councillor Tony Vickers on the subject of Sandleford ward was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- D) A question standing in the name of Councillor Jeff Brooks on the subject of succession planning was answered by the Leader of the Council.
- E) A question standing in the name of Councillor Alan Macro on the subject of the Adult Social Care reform White Paper was answered by the Deputy Leader on behalf of the Portfolio Holder for Adult Social Care.
- F) A question standing in the name of Councillor Erik Pattenden relating to the Sports Hub was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- G) A question standing in the name of Councillor James Cole relating to the installation of ground source heating at Chestnut Walk was answered by the Portfolio Holder for Housing, Strategic Partnerships and Transformation.

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

64.

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

### 64. **4 The Sector - New Lease (EX 4157)**

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

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The Executive considered an exempt report (Agenda Item 13) concerning the grant of a lease for 4 The Sector.

**RESOLVED that:** the recommendations) in the exempt report be agreed (as detailed at item 58).

**Other options considered:** To decline the proposed lease and continue to market the vacant property on the basis of letting the space at a higher rent in the future and with an Open Market Review at the end of year 5. Officers considered leaving the building part vacant was too high a risk to the council. The office market is challenging at present given the fall-out from Covid and so it is difficult to predict how long the building would remain partially vacant.

To dispose of the freehold, removing the property from the portfolio. This option is available but the council will find itself in a similar situation to the previous vendor in needing to offer incentive through escrow rent repayments of a reduced value. The market has also been impacted since the purchase in 2018 by both Brexit and more recently Covid 19.

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

**CHAIRMAN** .....

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

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