

# DRAFT

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

## EXECUTIVE MINUTES OF THE MEETING HELD ON THURSDAY, 3 NOVEMBER 2022

**Councillors Present:** Lynne Doherty (Chairman), Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Thomas Marino, Richard Somner, Joanne Stewart and Howard Woollaston

**Also Present:** Councillors Adrian Abbs, Jeff Brooks, Gareth Hurley, Alan Macro and Tony Linden

**Members and Officers Present Remotely:** Councillors Carolyn Culver, Steve Masters and Joseph Holmes (Executive Director – Resources)

**Apologies for inability to attend the meeting:** Councillor Ross Mackinnon and Andy Sharp (Executive Director - People)

**Officers Present:** Sarah Clarke (Service Director Strategy & Governance), Leigh Hogan (Interim Service Lead, Legal & Democratic), Nigel Lynn (Chief Executive), Eric Owens (Interim Executive Director – Place), Sadie Owen (Principal Democratic Services Officer) and Steve Welch (Service Director, Community and Wellbeing)

### PART I

#### 39. Minutes

The Minutes of the meeting held on 22 September 2022 were approved as a true and correct record and signed by the Leader.

#### 40. Declarations of Interest

Councillor Richard Somner declared an interest in Agenda Item 9 as an NHS employee, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Jo Stewart declared a personal interest in Agenda Item 9, as someone who lived with an employee of the NHS but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Graham Bridgman declared a personal interest in Agenda Item 9, as a Governor of two NHS Trusts, but reported that as his interest was personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### 41. Public Questions

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

#### 42. Petitions

There were no petitions presented to the Executive.

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### 43. **Environment Strategy Annual Progress Report (EX4242)**

Councillor Steve Ardagh-Walter introduced the Environment Strategy Annual Progress Report (Agenda Item 6), which covered the second year of the delivery of the Strategy from July 2021 to July 2022.

Councillor Ardagh-Walter highlighted page 43 of the agenda pack, and in particular the Council's progress to carbon neutrality.

Councillor Ardagh-Walter further emphasised the Council's response to feedback received from the Local Plan Review Regulation 18 where there had emerged a strong theme around carbon emissions within buildings and improving energy efficiency. Councillor Ardagh-Walter commented that this had been noted and the Council had responded by undertaking work with consultants to review policies within the draft Local Plan Review relating to energy efficiency and carbon emissions within new and existing buildings.

Councillor Dominic Boeck praised the paper noting that work had started prior to the period covered by the report. Councillor Ardagh-Walter agreed acknowledging that the Council had not started from zero in 2019 and thanking Officers for all of the work that was done prior to that date.

Councillor Lynne Doherty noted that West Berkshire was the seventh local authority in the country in relation to being Electric Vehicle (EV), ready. Councillor Doherty praised the report and drew particular attention to page 32 and the colourful infographic, suggesting that each year the report should compare and contrast the progress made with the previous years graphic.

Councillor Richard Somner thanked Officers for their work but noted that there was still work to do. He drew attention to page 40 of the Agenda Pack which highlighted the breadth of engagement that the Council had with residents. Councillor Somner hoped that residents would take the time to read the report, and recognise that the Council had listened and was acting.

Councillor Adrian Abbs referred to a 2019 motion to Council which had declared a unanimous climate emergency, and led to the creation of a Strategic Plan to deliver a carbon neutral West Berkshire by 2030. Councillor Abbs drew attention to section 1.2 of the report which he suggested referred to a West Berkshire Council target rather than a West Berkshire target.

Councillor Abbs also commented that he was worried in relation to sewage numbers, commenting that the figures did not signify a drop.

Councillor Ardagh-Walter responded that he did not believe that a carbon neutral district was feasible by 2030, and clarified that there had always been two parts to the Strategy; namely the carbon neutrality of the Council and then the drive to improve the District.

Councillor Tony Vickers commented that he was pleased to see the LRIE mentioned and was fully in support of the vision for a zero carbon development. Councillor Vickers queried the current status of the Car Club.

Councillor Ardagh-Walter responded that he was eager to see the Car Club progress and there had been a delay due to a contractual issue, but that EVs had already been provided by Enterprise and were available in central Newbury.

Councillor Carlyne Culver congratulated Members of the Environment Advisory Group, Officers and people across the district who were all working so hard to cut carbon emissions.

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Councillor Culver queried whether more could be done to reach out to local community groups that were not connected with parish councils.

Councillor Culver further queried when she would receive a formal response to the COP26 in Glasgow Motion raised at Council on 18 January 2022.

Councillor Culver lastly congratulated Officers on the food waste collection initiative, but also requested that feedback be passed on to the contractors that a number of residents in her ward had not received their bins on time.

Councillor Ardagh-Walter agreed to discuss with Officers methods for engaging and reaching more groups.

Councillor Ardagh-Walter agreed to remind Officers in relation to a response to the motion and acknowledged that there had been delays in responding in the past.

Councillor Ardagh-Walter further acknowledged that there had been some issues in delivering the food waste bins but commented that he had assurances that all houses would be in receipt by the following day. He further commented that it was important to engage as many residents as possible in the initiative and saw it as an opportunity to significantly improve the carbon emission numbers.

Councillor Steve Masters thanked Officers for the report and queried, other than changing supplier, what other projects the Council had received a significant return on.

Councillor Ardagh-Walter responded that a large quantity of preparatory work had been undertaken which would not result in significant reductions in numbers but would provide a strong baseline to ensure that future work was verifiable and correct. He reported that the Council was starting to roll out energy efficient infrastructure in schools and that progress would be gradual, slow and cumulative, but that he was confident that the target of 2030 would be reached.

**RESOLVED that:** Executive note the Annual Progress Report on the Environment Strategy (as included in Appendix A), which is published on the Council's website.

### **Other options considered:**

- There is a commitment to report on an annual basis on progress delivering the Environment Strategy. The pattern of reporting is to look at achievements and actions from July one year through to the end of June the following year. This aligns with the approval of the Environment Strategy in July 2020. Within this the actual carbon footprint data is captured for each financial year with the most relevant period being reported in the Annual Progress Report. The District's data which comes from BEIS is based on a calendar year and, again, the most up to date published position is included in the APR. It is an option to look at different approaches to the timing of reporting but there seems to be some logic in having a baseline that corresponds to the initial approval of the Environment Strategy.
- It is not an option not to report on such an important area as carbon reduction. The Council is seeking to always improve on how it reports information. In line with this continuous improvement, a project to assess the carbon impacts of each relevant action or project in the Delivery Plan has been progressed this year. Further work needs to be done on how this can be incorporated into the presentation of results and a forecast of impacts going forward. Each year as our understanding of impacts and data improves we will endeavour to improve the quality and accuracy of our reporting.

## **44. MTFS Planning (EX4257)**

Councillor Lynne Doherty introduced the report (Agenda Item 7), which provided Members with an update on the MTFS and had been requested as a result of the current

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volatility in the existing financial planning assumptions. Councillor Doherty commented that rises in inflation and demand had resulted in the Council being faced with a gap in the 2023/24 budget and a saving requirement of £15.8m.

Councillor Jeff Brooks agreed that it was sensible to bring forward the paper and requested assurances that there would be no cuts to front line services.

Councillor Doherty commented that she had been a councillor for seven years and had never seen an MTFS like it. Councillor Doherty commented that it was a unique situation but provided assurances that Members were doing everything possible to address the situation and to ensure that front line services and those services most relied upon by residents were protected.

Councillor Jo Stewart commented that there were a number of challenges, particularly in Adult Social Care where client numbers were up by 40%, and that costs and savings were at the core of every decision discussed. Councillor Stewart cautioned that such pressures should not lead the Council to treat service providers unfairly. Councillor Stewart suggested that there would be some tough and challenging decisions to make at Budget Board but welcomed the recommendation and further proposals.

**RESOLVED that:** Executive request further proposals from officers to close the gap in the 2023/24 budget.

### 45. **Co-Production Framework for West Berkshire (EX4263)**

Councillor Graham Bridgman introduced the report (Agenda Item 8), which provided a summary of the work carried out to develop an approach to working co-productively in West Berkshire. Councillor Bridgman commented that prior to publication of the Co-Production in West Berkshire: The Essentials document, clarification was required in relation to the Service Improvements section on page 3.

Councillor Jeff Brooks commented that whilst he was in favour of talking to external groups and representative bodies, there was no methodology outlined in relation to selection of contributors and projects. Councillor Brooks requested assurances in relation to the fairness of the Co-Production Framework (the Framework), and queried the cost involved.

Councillor Bridgman commented that delivery of the Framework would be within existing financial resources, however would be interrogated as part of the ongoing MTFS and cost saving review.

Councillor Bridgman reported that the Framework had been tested on the Environment Strategy and had engaged with a number of different groups. Councillor Bridgman suggested that it was a process that the Council needed to engage with and would be tested as it proceeded.

Councillor Bridgman highlighted paragraphs 5.1 and 5.2 of the covering report which detailed the different groups of local residents that had been involved and how the Framework had been tested.

Councillor Tony Vickers suggested that contributors would be a self-selecting group. Councillor Vickers queried where the idea for the Framework had originated and how it would be funded.

Councillor Bridgman commented that consultations took place on a number of issues and suggested that the Framework was a development of the engagement process, involving residents to a greater extent. Councillor Bridgman further clarified that the Framework had been developed as a deliverable of the Communications and Engagement Strategy.

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Councillor Carolyn Culver expressed support for the Framework and queried when it would be possible to see the guide produced by the group. Councillor Bridgman agreed to respond following the meeting.

Councillor Bridgman encouraged all Members to attend a breakfast zoom briefing on the Framework on 24 November.

Councillor Alan Macro shared the concerns of Councillors Brooks and Vickers and requested assurance that Opposition and Ward Members would be involved in future work of the Framework. Councillor Bridgman provided assurances on that point.

Councillor Steve Ardagh-Walter commented that he had been involved at the start of the project due to the Environment Strategy trial group. Councillor Ardagh-Walter commented that the Framework assisted in harnessing expertise within the district to assist as a tool for delivery rather than governance. In seconding the recommendation, Councillor Ardagh-Walter reiterated that the Framework was a trial and that he looked forward to it producing a completed project.

**RESOLVED that:** Subject to the clarification that the Portfolio Holder for Health and Wellbeing will seek from Officers, Executive agree the document in Appendix A “Working Together: Co-Production in West Berkshire: The Essentials” which summarises the local Co-Production Framework.

### 46. **Buckinghamshire Oxfordshire & Berkshire West Integrated Care Partnership (EX4268)**

Councillor Bridgman introduced the report (Agenda Item 9), which outlined the requirement to establish the Buckinghamshire Oxfordshire and Berkshire West Integrated Care Partnership (ICP) as a joint committee.

Councillor Alan Macro expressed concern that the County Councils involved in the partnership might be able to dominate the committee and requested assurances that there would be co-operation with the West Berkshire representatives.

Councillor Bridgman understood the concern raised but assured Councillor Macro that the terms of reference once published would assuage any doubt.

Councillor Bridgman explained that were a decision to be made by the ICP it would require a vote of the majority of the whole body plus a majority of the six founding members and so would be very much a collaborative approach, and Councillor Bridgman did not anticipate any discord.

Councillor Carolyn Culver queried whether Councillor Bridgman was hopeful that the revised structure would result in good outcomes for residents compared with the existing structure of the NHS.

Councillor Bridgman responded that he had held conversations with the Health and Wellbeing Boards of the five participating local authorities and felt that all were united to work to deliver health at the right level for the population.

Councillor Dominic Boeck thanked Councillor Bridgman for his leadership in the project and seconded the recommendation.

**RESOLVED that:** Executive

- Approve the creation of a joint committee to act as the Integrated Care Partnership covering the Buckinghamshire Oxfordshire and Berkshire West area;
- Note the appointment by the Leader of the Executive Portfolio Holder for Health and Wellbeing as the West Berkshire Council representative on the Integrated Care Partnership joint committee;

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- Note the appointment by the Leader of all remaining Executive Portfolio Holders as substitutes on the Integrated Care Partnership; and
- Note that the Portfolio Holder for Health and Wellbeing will be given delegated powers by the Leader to agree the final version of the Terms of Reference for the Integrated Care Partnership, in collaboration with other Members of the Integrated Care Partnership.

### **Other options considered:**

None - the formation of an ICP is a statutory requirement. If the Executive does not approve the formation of the joint committee then the ICP would be established without West Berkshire Council as a member.

#### **47. Motion to Council - Sprinklers (EX4235)**

Councillor Tony Linden welcomed the report and urged all Members of the Executive to support it. Councillor Linden stressed the value of sprinkler systems and their importance in terms of safety, particularly following the Grenfell disaster.

Councillor Richard Somner introduced the report (Agenda Item 10), and thanked Councillor Linden for raising the important matter for consideration, and apologised for the time taken to formally respond to the motion. Councillor Somner commented that the matter had been debated at the Planning Advisory Group and that he was happy to propose the recommendation.

Councillor Jeff Brooks, whilst happy with the recommendation, commented that it was unacceptable that it had taken fifteen months to respond to the motion. Councillor Brooks suggested that he would have created a presumption to install sprinkler systems unless advised that there was a good reason not to, rather than creating a risk based assessment with the onus on Officer judgement.

Councillor Somner noted the comments and responded that a number of other local authorities had also chosen to follow a risk based approach.

Councillor Tony Vickers requested that the letter to the Minister be copied to former Member, Paul Bryant, who had regularly championed the installation of sprinkler systems. Councillor Somner agreed to the request.

Councillor Jo Stewart seconded the recommendations.

### **RESOLVED that:**

- Members agree the proposed letter be sent to the Minister.
- Members agree the introduction of AFSS to its own new building stock and existing buildings as part of a major refurbishment on a risk based approach.

#### **48. Contract Award for the Provision of Grounds Maintenance (EX4208)**

Councillor Richard Somner introduced the report (Agenda Item 11), which concerned the award of the Grounds Maintenance Contract following a tender process. Councillor Somner thanked Officers for their continued work throughout the life of the contract and through the tender process.

Councillor Carolyn Culver commented that it would be good to have access to the schedule of works in terms of responding to ward queries relating to grass cutting. Councillor Culver queried whether the contractor would be adhering to the Council's policy of cutting verges less and whether there would be more resources dedicated to emptying dog waste bins. Councillor Somner agreed in relation to the schedule of works and provided assurances that policies would be followed and that there would be

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increased resource to manage the dog waste. Councillor Somner urged residents to continue to take dog waste home if a dog bin was full.

Councillor Adrian Abbs queried whether dog bins would be emptied more frequently in accordance with use. Councillor Somner responded that it was very much a working contract, that the issue had been recognised and that there was greater flexibility to manage the contract.

Councillor Alan Macro commented that there had been numerous problems with the current contract particularly with relation to a lack of grass cutting, and to machines dropping grass cuttings on footpaths. Councillor Macro queried whether there would be increased supervision under the new contract.

Councillor Somner commented that there were areas of the district where grass had deliberately been left long, however acknowledged that leaving cuttings on footpaths was not satisfactory and would be supervised going forward.

**Recommendation** (Vote to be taken in Part II). That Executive:

- Award the contract for the provision of Ground Maintenance Services to the successful bidder; and
- Delegate authority to the Service Lead Legal & Democratic Services in consultation to finalise the terms of the agreement as set out in the tender documents and to make any necessary drafting or other amendments to the terms of the agreement which are necessary to reach final agreement but do not materially affect the intent and substance of the agreement.

**Other options considered:**

- Officers considered procurement options for grounds maintenance prior to the commencement of the current contract in 2018. Particular consideration was given to an in-house option as well as procurement through an existing framework. Both were dismissed for reasons which are still relevant in the current climate. An in-house service isn't appropriate for a contract of this size given the capital investment required and the lean client structure which exists, whilst frameworks often apply a 'one size fits all' approach which are unresponsive to change.
- Another approach officers considered briefly was to break down the various contract elements into lots. This approach had its own advantages and disadvantages.
- Overall officers considered that in practice breaking the contract up and employing multiple companies was more likely to increase the risk of failure of the contract as they may, in fact, have less resilience given the current economic uncertainties, Brexit concerns and Covid 19 impacts. Greater certainty over contract size has inherent value in itself making the tender more attractive to bidders.

### **49. York House - Freehold disposal (EX4279)**

Councillor Howard Woollaston introduced the report (Agenda Item 12), which provided options and made a recommendation for the freehold disposal of York House

Councillor Adrian Abbs commented that there did not appear to be any justification or reasoning to dispose of the property and expressed concern at disposing of an asset at a time when property was not likely to obtain its best value. Councillor Woollaston responded that the property team had consulted all services within the Council and that nobody wished to occupy the building.

Councillor Tony Vickers noted that a feasibility study for use of the building was still awaited and queried whether it was the correct time for disposal.

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Councillor Carolyn Culver commented that it was a shame that the social housing option could not be pursued and queried the size of site required to be viable for social housing. Councillor Woollaston responded that the size required was approximately half an acre, and that York House was only one third of an acre.

Councillor Alan Macro noted that the property had been used as a 'touchpoint' for the Rough Sleeping Team, and queried what alternative arrangement was now in place. Councillor Woollaston agreed to discuss further under Part II.

**Recommendation** (Vote to be taken in Part II). That Executive:

Resolve to delegate to the Executive Director Resources and the Executive Portfolio Holder for Finance and Economic Development, the disposal of the freehold of York House on the open market (either through a marketing agent or auction).

**Other options considered:**

- Do nothing. The property is currently vacant, has no current operational need and costing WBC revenue funding to maintain the vacant property. Not recommended.
- There remains the opportunity to progress the proposal from the WBC Education Service for the purposes of education for young people with SEN & SEND, specifically young people of secondary age who are emotionally based school avoiders (EBSA). This option is not yet certain and more detailed feasibility work is required to offer certainty to progress. This will prolong the period of vacancy for the site.
- Option has already been pursued in 2018 for the purposes of the redevelopment for ASC respite care. This was withdrawn by the service.
- Option has already been pursued in 2018 for the potential disposal of the site to the West Berkshire Council and Sovereign Housing Association, Joint venture. Feedback was that the site was too small for viable redevelopment.
- Option has already been pursued in 2020/21 for the leasing out of the site to a local GP Practice which has expressed an interest. The GP practice withdrew following a site visit.
- Option has already been pursued in 2021/22 following expression of interest from St. Barts School. Following numerous communications St. Barts has not progressed this any further.
- During 2018, the WBC Housing Team expressed an interest in development of the site for emergency accommodation for the homeless. This proposal was withdrawn by the service.
- Further interest was expressed in 2020 by the WBC Housing Team for the development of the site for affordable housing through a procurement process with local Registered Providers. Following a procurement process there was insufficient interest to progress.
- To retain the vacant property pending yet to be identified service need to come forward.

### **50. Extension of existing leisure management contract from January 2023 to June 2023 (EX4267)**

Councillor Howard Woollaston introduced the report (Agenda Item 13), which proposed the extension of the current leisure management contract to June 2023 to allow for the conclusion of the leisure management procurement process.

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Councillor Adrian Abbs commented that he felt that it was a pragmatic approach to extend the contract for a short period and was generally in support of the recommendation.

**Recommendation** (Vote to be taken in Part II). That Executive:

Resolve to approve the forecasted costs relating to the extension of the Leisure Contract, as detailed in the Part II report, until the conclusion of the tender process due to be completed by June 2023 and that the Service Director for Communities and Wellbeing approves the variation agreement in consultation with Legal Services and Finance.

### 51. **Members' Questions**

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

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

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned items of business on the grounds that they involve the likely disclosure of exempt information as contained in Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

### 53. **Contract Award for the Provision of Grounds Maintenance (EX4208)**

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

The Executive considered an exempt report (Agenda Item 16), concerning the contract award for the Grounds Maintenance Contract following a tender process.

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

### 54. **York House - Freehold disposal (EX4279)**

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

The Executive considered an exempt report (Agenda Item 17), concerning the recommendation for the freehold disposal of York House.

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

### 55. **Extension of existing leisure management contract from January 2023 to June 2023 (EX4267)**

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

The Executive considered an exempt report (Agenda Item 18), concerning the recommendation to extend the existing contract from January 2023 until June 2023.

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

*(The meeting commenced at 5.00pm and closed at 7.25pm)*

**CHAIRMAN** .....

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