

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY, 18 DECEMBER 2014

**Councillors Present:** Pamela Bale, Dominic Boeck, Hilary Cole, Roger Croft, Marcus Franks, Alan Law and Gordon Lundie

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Cathy Dodson (Housing Options Team Leader), Melanie Ellis (Chief Accountant), Gabrielle Esplin (Finance Manager (Capital and Treasury Management)), David Holling (Head of Legal Services), Robert O'Reilly (Head of Human Resources), Carolyn Richardson (Civil Contingencies Manager), Keith Ulyatt (Public Relations Manager), Rachael Wardell (Corporate Director - Communities), Stephen Chard (Policy Officer), Councillor Roger Hunneman, Councillor Royce Longton, Councillor Alan Macro, Councillor Gwen Mason, Linda Pye (Policy Officer), Robin Steel (Group Executive (Cons)) and Councillor Keith Woodhams

**Apologies for inability to attend the meeting:** Councillor Keith Chopping, Councillor Irene Neill and Councillor Graham Pask

#### PART I

##### 49. Minutes

The Minutes of the meeting held on 20 November 2014 were approved as a true and correct record and signed by the Leader.

##### 50. Declarations of Interest

Councillor Keith Woodhams declared an interest in Agenda Item 7, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate.

Councillor Marcus Franks declared an interest in Agenda Item 9, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Gwen Mason declared an interest in Agenda Item 15, but reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate.

##### 51. Public Questions

###### (a) Question submitted by Mrs Judith Bunting to the Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision

A question standing in the name of Mrs Judith Bunting on the subject of applying for European Union Regional Development Funding to develop flood prevention infrastructure to alleviate the risk of flood damage in the future was answered by the Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision.

##### 52. Petitions

Mr Bob Morgan presented a petition containing 150 signatures relating to the community use of Moorside Community Centre. The petition was referred to the Head of Children's Services for a response.

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Councillor Alan Macro presented a petition containing 138 signatures which sought safety improvements for Theale Primary school children crossing roads to get to school. The petition was referred to the Head of Highways and Transport and Head of Education Services for a response.

### 53. **Adverse Weather Debrief Report (EX2897)**

The Executive considered a report (Agenda Item 6) concerning the debrief process and lessons identified following the adverse weather of the Winter of 2013/14 highlighting the conclusions and recommendations.

Following any major incident a debriefing exercise should be carried out in order to identify any lessons learnt for the future. These debriefs could be undertaken at a local Council level, Thames Valley wide or even at a National level depending on the severity and impact of the incident. As a result of the floods and storms at the end of December 2013 and the beginning of 2014, when a Major Incident had been declared in the West Berkshire area, a full debrief had been undertaken by the Civil Contingencies Manager. The aim of the debrief was to look at what could be done differently if a major incident happened again (not just flooding).

In order to achieve a thorough review a number of review/debrief methods had been used in an attempt to capture as much information as possible and the final report had been attached as an appendix to the report. Whilst the debrief process had been taking place a number of the actions had already been initiated.

It was felt that the debrief process had been comprehensive and had highlighted some very good practice and actions undertaken by the Council, other agencies and communities. It had also drawn out some areas for improvement which would need to be developed over the coming weeks, months or years. However, overall it was considered that the Council had done an excellent job during the flooding incident.

Councillor Pamela Bale hoped that this was not an annual event and she thanked all those who had been involved in the debrief process and in particular she thanked Carolyn Richardson and Charlene Myers who had managed the process. Flood Wardens were now in place and supported by the Council, Thames Water and the Environment Agency and colleagues had been encouraged to become involved within their regions. A flood newsletter had been produced which updated on the actions and a considerable amount of work had been undertaken in order to reduce the impact of any future heavy rainfall and further schemes were proposed. The aim was to ensure that as many recommendations as possible were implemented.

Councillor Roger Hunneman also thanked Carolyn Richardson and Stuart Clark in bringing together such a long and detailed report and he hoped that the Executive agreed the recommendations as set out in Appendix A.

Councillor Alan Macro stated that one key issue had been in relation to road closures and the fact that motorists had physically moved barriers. He suggested that a sign should be included which stated that it was an offence to remove barriers/road signs. He felt that Officers had worked well during the period of the flooding but had been let down by some of the utility companies. Sewage had been rising out of the drains but Thames Water had blamed it on the flooding. He queried whether pressure could be put upon Thames Water to improve the infrastructure and to improve the way calls from members of the public would be handled in any future event. Councillor Macro felt that a management plan was required for the Lower Kennet as it was often down to landowners to open sluices which was totally ineffective. The sandbag policy should also be reviewed as this was one area which had not worked as well. Councillor Gordon Lundie responded that in respect of road closures and the movement of signs/barriers this would be difficult to police and he

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was not sure that a warning sign would be effective in deterring such behaviour. He agreed that there had been a gap in relation to the support provided from the utility companies and Councillor Lundie agreed that he would be taking that up with Richard Benyon MP. The work which had been undertaken locally was good but it had often been too little too late. It would be the responsibility of the Environment Agency to provide a management plan for the Lower Kennet and Councillor Pamela Bale confirmed that this was in hand. The debate around the sandbag policy would continue.

Councillor Gordon Lundie agreed that this was an excellent report which reflected the hard work undertaken by Officers. The lessons learnt from the severe weather event provided an opportunity for the Council to improve the service provided to the residents of West Berkshire.

### **RESOLVED that:**

- The content of the debrief report be noted;
- The recommendations in Appendix A of the report be agreed;
- Officers to be supported in progressing the actions;
- The timescale and process for reporting on the actions progress be agreed.

**Reason for the decision:** To ensure improvement of the Council, other agencies and the communities in responding to a major incident, particularly flooding.

### **54. Financial Performance Report 2014/15 - Quarter Two (EX2830)**

*(Councillor Keith Woodhams declared a personal interest in Agenda Item 7 should the Newbury Racecourse development be discussed as his daughter worked for a developer. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate if the Racecourse development was discussed).*

The Executive considered a report (Agenda Item 7) concerning the latest financial performance of the Council as at quarter two of 2014/15.

Councillor Alan Law reported that at quarter two, the forecast revenue position was an overspend of £503k and this constituted approximately 0.35% of the Council's total budget. This was an increased overspend of close to £300k since quarter one. The reasons for the increase were detailed in the report, but the largest pressure was being felt in Children's Services as a result of child placement costs.

Of the total capital programme of £37.9m, 57.5% had been committed at the end of quarter two. Forecast capital spend for the year was currently £35.2m (approximately 93% of the total budget). Councillor Law commented that the Council was a major investor in West Berkshire. He also highlighted that the West Berkshire Museum project had been successfully completed on budget. Also, a figure of close to £600k had been committed within quarter two as part of the planned roll out of Superfast Broadband across West Berkshire.

Councillor Woodhams noted from the report that an underspend was being forecast in Highways and Transport and this was mainly due to increased income in car parking and a lower payment of concessionary fares to transport operators. Councillor Woodhams queried whether the increased car parking income was as a result of an increase in charges or usage, and whether the lower payment of concessionary fares was due to rural bus routes being cancelled.

In response, Councillor Pamela Bale reported that additional car park income had been generated and this did relate to increases in charges.

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In terms of concessionary fares, Councillor Bale advised that the Government had changed its regulations in this area in relation to the way in which fares were refunded. This had benefited the Council.

Councillor Woodhams then referred to a payment which had yet to be agreed in relation to the Kennet Leisure Centre and queried how this was progressing with Kennet School. Councillor Hilary Cole advised that discussions were ongoing with the School, but a timetable to resolve this matter could not be confirmed at this stage.

Councillor Roger Hunneman noted that the forecast overspend was worse than at this point in the last financial year and queried why this was the case. Councillor Law accepted that the forecast overspend was marginally higher when compared to a year ago and repeated that pressures were due to child placement costs in what was a demand led service. However, Councillor Law also explained that Officers had been tasked with producing a plan to at least reduce the overspend by year end or ideally to achieve a break even position.

Councillor Hunneman also referred to the forecast underspend in the Resources Directorate and asked the Chief Executive to comment on this position. Nick Carter responded by advising that the underspend could increase during the course of the year for a variety of reasons.

Councillor Hunneman then sought further detail on the risk identified due to the costs associated with a high profile legal case. Nick Carter explained that this was a confidential matter and offered to provide further detail as part of the Part II debate or separate to the meeting.

Councillor Gwen Mason queried what was contained within S278 income. Councillor Bale confirmed that this was income from fees paid by developers for major highway works.

**RESOLVED that** the report be noted.

**Reason for the decision:** To ensure that Members are fully aware of the latest financial position of the Council.

**Other options considered:** None.

### 55. **Approval of Delegated Authority in Relation to Environmental Health Services (EX2917)**

The Executive considered a report (Agenda Item 8) which sought delegated authority for the Head of Culture and Environmental Protection to sign an agreement to make arrangements with South Buckinghamshire District Council (SBDC) for the discharge of function by another local authority under s101 of the Local Government Act 1972.

15 local authorities, led by SBDC, were awarded circa £2.5m Department of Energy and Climate Change (DECC) Green Deal Communities funding to help residents install insulation in hard to treat properties. This included solid wall, hard to treat cavities and system built walls.

The programme aimed to work in areas across the 15 local authorities to install internal or external wall insulation in over 700 homes. The funding would provide grants of up to £3,000 per household towards the costs of installing hard to treat wall insulation in their property.

In order to participate, the Council was required to agree that SBDC be authorised to administer the grant on West Berkshire's behalf.

Councillor Royce Longton welcomed this funding but queried why this was only being actioned now when the programme had commenced in July 2014 with funding to be

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committed by 31<sup>st</sup> March 2015. It was confirmed that the letter of authorisation had only been sent out in October 2014. Councillor Longton also asked for clarification on the number of homes in West Berkshire that would benefit from this scheme and how could the Council ensure that it got its fair share of the funding. Councillor Boeck confirmed that the scheme would be well publicised within West Berkshire. There had been rapid take up of the scheme in other areas and he had no concerns that there would not be sufficient time. Three areas would be targeted in West Berkshire – Westfield, Eastfield and Hungerford – as they were seen as the areas which would be in most need. Active groups would ensure that funds were distributed as quickly as possible.

**RESOLVED** that authority be delegated to the Head of Culture and Environmental Protection in consultation with the Head of Legal to authorise South Bucks District Council to administer Green Deal Communities Funding on behalf of West Berkshire Council under s101 of the Local Government Act 1972.

**Reason for the decision:** A £2.5m bid was won by a group of local authorities (including West Berkshire). The lead authority, South Bucks District Council, requires permission from all authorities involved to control and distribute the funding on their behalf.

**Other options considered:** Amending the Private Sector Housing policies to include the DECC fund and confirm agreement for South Bucks to administer the grant on WBC's behalf. West Berkshire could withdraw from the DECC Communities Fund and no energy efficiency measures would be carried out in West Berkshire under this grant.

### 56. **Amendments to the Adopted Housing Allocations Policy (EX2899)**

*(Councillor Marcus Franks declared a personal interest in Agenda Item 9 by virtue of the fact that he worked for Sovereign Housing Association. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter).*

The Executive considered a report (Agenda Item 9) concerning amendments to the Council's policy for assessment and allocation of applicants seeking social housing.

Councillor Roger Croft explained that the Council's current Housing Allocations Policy was adopted in October 2013. However, in December 2013, the Government published new statutory guidance – 'Providing Social Housing for Local People' and this placed a requirement on the Council to review its policy. This involved an eight week public consultation which was undertaken during September and October 2014.

There were four key changes to the proposed policy compared to the current policy:

- (a) Qualification - amend local connection qualifying criteria to residency or meaningful paid employment of at least 16 hours a week for two consecutive years. (Other aspects of local connection criteria remained the same).
- (b) Social tenants and labour mobility – to allow for exceptions to local connection qualifying criteria to be applied to certain social tenants who needed to move in order to sustain or take up employment.
- (c) Foster carers – inclusion in the policy to award an additional bedroom for approved foster carers.
- (d) Homeless Households – new wording inserted to allow deferral of a Common Housing Register (CHR) application for a minimum period of four months when a

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household was placed into temporary accommodation following acceptance of a full homelessness duty.

The proposed amendments to the Housing Allocations Policy were also presented at the Overview and Scrutiny Management Commission (OSMC) on 2 December 2014 and a recommendation was proposed that the wording relating to the deferral of homeless households be amended to allow flexibility in the policy for households presenting in exceptional circumstances. This recommendation had been accepted and as a result an amendment was proposed to be made to the relevant section of the Policy.

Councillor Alan Macro was pleased to note that the OSMC's recommendation had been accepted

**RESOLVED** that the amendments to the Housing Allocations Policy be approved and adopted.

**Reason for the decision:** The Council has a statutory duty, under the Housing Act 1996, to set out a Housing Allocations scheme that determines the Council's priorities and procedures to be followed in the allocation of affordable housing.

**Other options considered:** N/A

### 57. **Members' Questions**

- (a) **Question submitted to the Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision by Councillor Jeff Brooks:**

A question standing in the name of Councillor Jeff Brooks on the subject of the income received to date from the new on street parking charges implemented in the summer in locations around Newbury would receive a written response from the Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision as Councillor Brooks was not present at the meeting.

### 58. **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 it involves the likely disclosure of exempt information as contained in Paragraphs 1, 2 and 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](#).

### 59. **Royal Berkshire Fire and Rescue Service - Provision of Committee Service (EX2910)**

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

The Executive considered an exempt report (Agenda Item 12) concerning a proposal to enter into an agreement with the Royal Berkshire Fire and Rescue Service to provide their 'Committee Service' for the next three years.

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

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

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

### 60. **Progress on Sexual Health Procurement and request for Delegated Authority to the Strategic Director of Public Health for approving final provider of services (EX2918)**

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

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The Executive considered an exempt report (Agenda Item 13) which provided an update of the sexual health procurement process and which sought delegated authority for final provider recommendation by the Strategic Director of Public Health.

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

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

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

**61. Alcohol and Drug Recovery Service - Tender (EX2924)**

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

The Executive considered an exempt report (Agenda Item 14) which provided an update of the Adult Alcohol and Drug Recovery procurement process and which sought delegated authority for the Head of Public Health and Wellbeing to enter into a contract with the successful bidder.

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

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

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

**62. Staffing implications associated with savings put forward to deliver the 2015/16 Revenue Budget: Approval to Pay Redundancy Payments (EX2883)**

*(Councillor Gwen Mason declared a personal interest in Agenda Item 15 by virtue of the fact that she was a Governor of Victoria Park Nursery School and Children’s Centre. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate if the Nursery School and/or Children’s Centre was mentioned during the discussion).*

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

*(Paragraph 2 – information identifying an individual)*

The Executive considered an exempt report (Agenda Item 15) which sought approval to make the redundancy payments associated with the required staffing implications associated with savings to deliver the 2015/16 revenue budget.

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

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

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

*(The meeting commenced at 5.00pm and closed at 5.47pm)*

**CHAIRMAN** .....

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