

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY, 28 JULY 2016

**Councillors Present:** Anthony Chadley, Hilary Cole, Roger Croft, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones, Alan Law and Garth Simpson

**Also Present:** John Ashworth (Corporate Director - Environment), Gabrielle Esplin (Finance Manager (Capital and Treasury Management)), June Graves (Head of Care Commissioning, Housing & Safeguarding), David Holling (Head of Legal Services), Peta Stoddart-Crompton (Public Relations Officer), Andy Walker (Head of Finance), Rachael Wardell (Corporate Director - Communities), Robert Alexander (Group Executive (Conservatives)), Stephen Chard (Policy Officer), Councillor Lee Dillon and Councillor Alan Macro

**Apologies for inability to attend the meeting:** Councillor Dominic Boeck

#### PART I

##### 19. Minutes

The Minutes of the meeting held on 30 June 2016 were approved as a true and correct record and signed by the Deputy Leader.

##### 20. Declarations of Interest

There were no declarations of interest received.

##### 21. Public Questions

There were no public questions submitted.

##### 22. Petitions

There were no petitions presented to the Executive.

##### 23. Council Performance Report 2015/16: Year End (Key Accountable Measures and Activities) (EX2964)

The Executive considered a report (Agenda Item 6) which outlined year end outturns against the Key Accountable Measures (KAMs) contained in the 2015/16 Council Performance Framework and any additional performance intelligence; provided assurance to Members that the objectives laid out in the Council Strategy and other areas of significance/importance across the Council were being delivered; and which presented, by exception, those measures/milestones behind schedule or not achieved and the remedial action taken/its impact.

Councillor Roger Croft explained that this report marked the end of the first year of the four year Council Strategy and reported that progress was being made in all priority areas. This was despite the financial pressures faced by the Council and increases in demand in some areas of activity. Councillor Croft added that a near to balanced budget had been achieved for 2015/16.

A key area of activity over the past year had been within Children and Family Services with significant effort being made to move from the 'inadequate' Ofsted judgement to 'Good'. It was also the case that the outcome of the recently undertaken LGA Peer

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Review would soon be published and it was hoped that this would also show that the service was moving towards 'Good'.

Councillor Croft also highlighted that an action plan would be developed to enable the Council to focus on enabling the delivery of 1000 affordable homes by 2020.

81% of the reported KAMs had been achieved for 2015/16 and were therefore 'Green', this compared to 78% achieved for 2014/15.

Five KAMS had been reported as 'Red' and Councillor Croft explained that plans were in place at service area level to address these.

Councillor Alan Law made reference to the Measures of Volume section of the report which highlighted that Business Rate growth was at an all time high and that the number of Jobseekers Allowance claimants in West Berkshire amounted to the second lowest unemployment rate in southern England.

Continuing with Measures of Volume, Councillor Hilary Cole pointed out the significant rise in the number of transactions made through the Council's website. This demonstrated that a high number of transactions could be easily accessed and achieved online by residents. Councillor James Fredrickson added to this point by advising that the Council's website received an overhaul around two months ago and this helped to enable the achievement of tasks online.

Councillor Marcus Franks advised that the number of crimes reported to Thames Valley Police (for West Berkshire) continued to reduce and the figure for Quarter Four 2015/16 was at the lowest point of the last three years.

Councillor Alan Macro noted that 158 affordable housing units had been completed during 2015/16, this was down from a figure of over 200 in 2014/15 and Councillor Macro queried whether the target of delivering 1000 affordable homes by 2020 was in jeopardy. This was particularly concerning when considering that the viability of affordable housing was reported as an issue for housing developers. In response, Councillor Croft reiterated his earlier point that an action plan would be developed to help enable the achievement of this target. He did however acknowledge the changing environment in terms of viability challenges for developers.

Councillor Macro then turned to the core business measure of the proportion of older people who were still at home 91 days after discharge from hospital. Year end performance of 79% was achieved against the target of 92% and Councillor Macro queried the reasons for this. Councillor Cole explained that this concerned a small cohort of people. Therefore, this measure not being achieved for one individual could alter the percentage achieved quite significantly.

Councillor Macro referred to the 'Red' measure to reduce the attainment gap at GCSE between disadvantaged and other pupils. For the 2014/15 Academic Year, this gap was at 34.7 percentage points and this was significantly higher than the national average. Councillor Macro sought assurance that efforts would be made to achieve improvement in this area. Councillor Croft advised that Councillor Dominic Boeck, Portfolio Holder for Education, would provide a written response on that point.

Councillor Lee Dillon commented that there were multiple cases where Quarter Four data was not included within graphs, where exception reports were not up to date and where reference was made to actions to be completed when in fact they had been undertaken, i.e. the Peer Review within Children and Family Services. Councillor Dillon highlighted the importance of ensuring this report was up to date to enable effective scrutiny to take place. If it was the case that data was awaited from an external source then this should be explained in the report.

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Councillor Fredrickson responded to these comments by firstly stating that the content of the report was as up to date as possible at the time of issue and Officers worked hard to produce this report within a tight timeframe. He added that it was published in advance of the meeting and there was therefore scope to rectify any inaccuracies prior to the meeting if they were made known and were of significance. Councillor Dillon stated that in some cases points of inaccuracy etc had already been raised and he would therefore have expected these to be rectified.

Councillor Lynne Doherty commented on the specific reference made to the Children and Family Services Peer Review and explained that this took place within 2016/17. It was therefore not referenced in this 2015/16 Year End report.

Councillor Dillon then returned Members to performance against Priority B – Enable the Completion of more Affordable Housing. This noted that the Sandford Planning Application had been received and this development had the potential to provide 40% affordable housing units from the up to 2000 home development. However, Councillor Dillon queried whether there was confidence that this would be achieved when considering concerns of viability. Councillor Law confirmed that there was no threat to 40% of the Sandford application being for affordable housing. This was part of the Sandford Master Plan against which all planning applications for the site would be judged.

Councillor Law also took the opportunity to comment on the concerns raised regarding viability. The Government criteria for viability rules had changed and this recommended the inclusion of starter homes as affordable. These homes were not as yet included in West Berkshire's affordable housing figures and doing so could improve the Council's performance in this area.

Mention was also made in this section of the report to the activity of Strategy Board in relation to affordable housing and Councillor Dillon questioned whether this reference should be amended to the work of Executive Members. Councillor Croft acknowledged this point and explained that Strategy Board was indeed a private meeting. He did however clarify that Strategy Board was not a decision making body.

Finally, in terms of affordable housing, Councillor Dillon noted from the report that due to the Council's difficult financial position the service responsible for bringing empty property back into use would cease. This could have a further negative impact on the ability to achieve the affordable housing target with empty homes not being returned to use. June Graves explained that work to bring empty properties back into use had achieved varied degrees of success. Support had been given to landlords to help achieve this, but properties brought back into use did not necessarily become new homes and did not necessarily contribute towards the affordable housing target.

Councillor Dillon welcomed the work undertaken to date to improve Children and Family Services to 'Good' performance. He also commended the excellent Member briefing received on this subject recently. Councillor Dillon looked forward to a new Inspection of the service. Councillor Croft gave thanks for these comments and added that social work teams worked tirelessly in helping to achieve this crucial priority.

Councillor Dillon then turned to the priority to 'Become a more effective Council'. He questioned the Council's effectiveness when considering issues which had arisen as part of/following recent decisions. Councillor Dillon specifically named the mistakes made surrounding the London Road Industrial Estate (LRIE) report and the loss of the Judicial Review (JR) of Short Breaks on a technicality following the Council's decision on this matter.

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Councillor Fredrickson responded to these points. In terms of the JR, this was indeed lost on a procedural matter. The Judge had commented on the significant efforts made by Officers to inform Members in advance of this decision, but the overview given of relevant regulations was not considered sufficient and this was needed in full. This was the technicality on which the case was lost. The Judge had acknowledged the difficult financial position faced by the Council and the associated reasons for the decision. The Council's process had also been accepted.

Plans for the LRIE would help to achieve the Council's affordable housing commitment and it was important that projects of this type were proceeded with to aid the delivery of this target. The potential for legal challenge had to be accepted when considering the number of parties affected by the plans for the LRIE.

Councillor Dillon then turned to the Measure of Volume which captured the number of alcohol related admissions to hospital. This showed a rising trend and Councillor Dillon queried plans to address this. Councillor Graham Jones noted that the trend was moving upwards, but pointed out that alcohol related admissions for West Berkshire was well below the national average. He did however offer a fuller answer in writing to explain the rising trend, alternatively Councillor Dillon could query this point directly with the Public Health and Wellbeing Service.

Councillor Dillon noted that the number of bus passenger journeys commencing in West Berkshire was increasing year on year and queried whether this was expected to continue. Councillor Garth Simpson explained that as part of the necessity to reduce bus subsidies in response to the Council's financial challenges, the volume was projected to reduce, but by no more than 15%. However, should the economy continue to grow then the number of bus journeys commencing in West Berkshire could see an increase.

Councillor Dillon returned to the point made earlier on the number of transactions made through the Council's website and queried whether the number and the 'most requested tasks' themselves changed as a result of Council consultations. He also queried the particularly high increase at Quarter Four. Councillor Fredrickson agreed to confirm these points after liaising with Councillor Dominic Boeck, Portfolio Holder for ICT.

### **RESOLVED that:**

- (1) the progress made against the Council Strategy priorities for improvement would be noted.
- (2) those areas reporting as 'red' were reviewed to ensure that appropriate action was in place.

**Reason for the decision:** to note the year end performance of the Council against the Key Accountable Measures.

**Other options considered:** None.

## **24. Superfast Berkshire Phase 3 (EX3159)**

The Executive considered a report (Agenda Item 7) which outlined the progress made by the Superfast Berkshire project and which made a recommendation for a new phase of the project (Intervention Phase 3).

Councillor Roger Croft explained that this pan-Berkshire project, which commenced in 2011, was designed to fill the gaps in superfast broadband coverage across Berkshire. At the start of the project superfast coverage in West Berkshire was 65%. However, the Superfast Berkshire Project, under West Berkshire Council's stewardship, would achieve 95.6% of superfast broadband coverage across Berkshire by 2017 and close to 100% in West Berkshire (Phase 2).

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Investment funds available for Phase 3 improvements amounted to £2.5m. This comprised Gainshare funding of £816k, project underspend of £1m and unused basic broadband funding of £623k. It was proposed that West Berkshire Council would continue to oversee Phase 3 of the project and this expenditure.

Councillor Croft concluded his introduction by remarking that this project was a good example of the Berkshire unitary authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP) working together to the benefit of residents across Berkshire.

Councillor Alan Macro noted that the LEP had offered to provide this project with an interest free loan of up to £1.8m which would allow the project to be funded in advance of British Telecom (BT) repaying the Gainshare and project underspend. He queried whether this was necessary if the tender for Phase 3 was awarded to BT. Councillor Croft responded that the view had been taken by the Superfast Berkshire Project Board that it would be preferable to engage in a competitive tender process with a view to achieving the best outcome for Berkshire residents.

Councillor Macro commended the work of the Council's Officers on this project and suggested that the Council's expertise/service could be sold to other local authorities. Councillor Croft added his praise for the efforts of Officers and explained that while the delivery of Phase 2 and the proposed Phase 3 were the first priority, the potential to sell the Council's capability in this area/its service could then be considered. This was a valuable skill set held by West Berkshire Council.

### **RESOLVED that:**

(1) The circa £2.5m of underspend and gainshare funding from intervention phase 1 of the Superfast Berkshire project and the unspent phase 2 funds from Reading and Wokingham (including LEP contribution) be invested into a procurement for a Superfast Berkshire Phase 3.

The objective of this new phase is to get all Berkshire unitary districts to as close to 100% superfast broadband coverage as possible by the end of 2018. At the very least we should assist all districts in getting to 97% superfast broadband coverage.

(2) West Berkshire Council continues to act as the lead authority for this successful project, both for this new procurement and for overseeing delivery of the existing and new phases of the project.

(3) The governance arrangements, which were set up for phase 1 of the project, continue to be used. (Subject to the proposed updates to the Collaboration Agreement being completed).

(4) Project resource costs be divided equally across all 7 project participants.

**Reason for the decision:** To outline the progress made by the Superfast Berkshire project and to make a recommendation for a new phase of the project (Intervention Phase 3).

**Other options considered:** To accept an "Accelerated Gainshare" offer from BT whereby the £2.5m project underspend and gainshare is reinvested with BT under project change control. The Superfast Berkshire Project Board believes that procuring phase 3 in the open market will provide better technical solutions and better value-for-money than accepting BT's offer (Of course BT is free to bid competitively for this work).

That West Berkshire Council hand over responsibility to another Berkshire authority after completion of phase 2 of the project since it does not benefit directly in terms of increased broadband coverage from phase 3. However this project is an excellent

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example of how the 6 Berkshire authorities can work together and it is considered that West Berkshire Council should continue to use the knowledge and expertise it has built up to lead this project to its conclusion. The collaborative working and the infrastructure improvements brought by this project will continue to bring benefit to all project participants.

### 25. **Approval to Consult on the Draft Temporary Accommodation Policy (EX3165)**

The Executive considered a report (Agenda Item 8) which sought approval to proceed with a consultation on the draft Temporary Accommodation Policy.

Councillor Hilary Cole explained that this draft Policy had been developed to order to meet the requirements set out by the Court of Appeal. The Policy sought to provide a strategy for procuring new temporary accommodation to meet demand, as part of meeting the Council's statutory housing duties.

Subject to approval, the draft Temporary Accommodation Policy would be published for a six week period of consultation. A consultation process was necessary as the introduced Policy would have a likely impact on service users. All residents currently in temporary accommodation would be contacted asking them for their views, as would all statutory and voluntary stakeholders who had an interest in, or worked with households affected by, homelessness.

Councillor Alan Macro referred to the prioritisation given to housing homeless households outlined in the report. He queried whether this prioritisation would include families with very young children or with more than two children as these families were less suitable for bed and breakfast accommodation. Councillor Roger Croft suggested that this was a comment to make in response to the consultation (subject to its approval).

**RESOLVED** that the publication of the draft Temporary Accommodation Policy be approved for consultation.

**Reason for the decision:** to proceed with a consultation on the draft Temporary Accommodation Policy.

**Other options considered:** The Council could decide not to implement a Temporary Accommodation Policy. This could give rise to legal challenge if households are not allocated suitable accommodation under statutory homelessness duties.

### 26. **Approval to Consult on the Draft Decant Policy (EX3167)**

The Executive considered a report (Agenda Item 9) which sought approval to proceed with a consultation on the draft Decant Policy.

Councillor Hilary Cole explained that the Council had a small number of secure tenants who were afforded security of tenure. This Policy had been drafted to set out how the Council would manage decant of these tenants or licensees on a temporary basis in the event that major works or refurbishment works were required to the properties.

Subject to approval, the draft Decant Policy would be published for a six week period of consultation.

Councillor Alan Macro queried whether a six week consultation was sufficient when considering that this would take place over the school summer holidays. Councillor Cole explained that very few households would be effected by this Policy. All residents currently in accommodation to which the Decant Policy would apply would be contacted asking for their views, this included face to face meetings, and there was therefore felt to be no need to extend the consultation period.

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**RESOLVED** that the publication of the draft Decant Policy be approved for consultation.

**Reason for the decision:** to proceed with a consultation on the draft Decant Policy.

**Other options considered:** None.

### 27. **Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#). *(right click on link and 'Edit Hyperlink'. Insert URL to pdf on website in 'address' field)*

(a) **Question to be answered by the Portfolio Holder for Communities and Public Protection submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the number of vehicles which had been turned away from the Smallmead waste site in Reading since the re3 consortium stopped West Berkshire residents from using it was answered by the Portfolio Holder for Communities and Public Protection.

(b) **Question to be answered by the Portfolio Holder for Adults, Care and Culture submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the number of people who had attended the Library Needs Assessment drop-in sessions was answered by the Portfolio Holder for Adults, Care and Culture.

(c) **Question to be answered by the Portfolio Holder for Education and Corporate Infrastructure submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of the number of primary and secondary schools who were forecasting deficit budgets was answered by the Leader of the Council in the absence of the Portfolio Holder for Education and Corporate Infrastructure.

(d) **Question to be answered by the Portfolio Holder for Education and Corporate Infrastructure submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of the support and resources the Council would provide to improve the overall effectiveness rating of Thatcham Park Church of England Primary School following its recent inspection was answered by the Leader of the Council in the absence of the Portfolio Holder for Education and Corporate Infrastructure.

(e) **Question to be answered by the Portfolio Holder for Education and Corporate Infrastructure submitted by Councillor Mollie Lock**

A question standing in the name of Councillor Mollie Lock, asked by Councillor Alan Macro, on the subject of the percentage and number of children, by school, who were offered their first choice of secondary school for this September's intake was answered by the Leader of the Council in the absence of the Portfolio Holder for Education and Corporate Infrastructure.

*(The meeting commenced at 5.00pm and closed at 5.45pm)*

**CHAIRMAN** .....

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