

# 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 SEPTEMBER 2016

**Councillors Present:** Dominic Boeck, Jeanette Clifford, Hilary Cole, Roger Croft, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones

**Also Present:** Andy Day (Head of Strategic Support), Martin Dunscombe (Communications Manager), Melanie Ellis (Chief Accountant), Gary Lugg (Head of Planning & Countryside), Rachael Wardell (Corporate Director - Communities), Robert Alexander (Group Executive (Conservatives)), Stephen Chard (Policy Officer), Councillor Lee Dillon, Councillor Billy Drummond and Councillor Alan Macro

**Apologies for inability to attend the meeting:** Councillor Anthony Chadley

#### PART I

Councillor Roger Croft took the opportunity of welcoming two new Members to the Executive: Councillor Jeanette Clifford (new Portfolio Holder for Highways and Transport) and Councillor Rick Jones (new Portfolio Holder for Adult Social Care). The Portfolios of some of the other Executive Members had also been amended as recently publicised.

#### 37. Minutes

Councillor Roger Croft took the opportunity of welcoming two new Members to the Executive: Councillor Jeanette Clifford (new Portfolio Holder for Highways and Transport) and Councillor Rick Jones (new Portfolio Holder for Adult Social Care). The Portfolios of some of the other Executive Members had also been amended as recently publicised.

The Minutes of the meetings held on 28 July 2016 were approved as a true and correct record and signed by the Leader, subject to the following amendment to the Minutes of the Special Executive:

**Item 28 – Declarations of Interest – second paragraph** - Councillor Lee Dillon declared an interest at this special meeting by virtue of the fact that he worked for Sovereign Housing Association. He determined to remain to take part in the debate on the matter but no mention should have been made to him voting on the matter as he was not eligible to vote. Reference to Councillor Dillon voting would therefore be removed.

#### 38. Declarations of Interest

Councillor Marcus Franks declared an interest should Sovereign Housing Association be referred to during debate on any of the agenda items by virtue of the fact that he was an employee of Sovereign, 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 Lee Dillon declared an interest should Sovereign Housing Association be referred to during debate on any of the agenda items by virtue of the fact that he was an employee of Sovereign, 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.

#### 39. Public Questions

There were no public questions submitted.

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### 40. Petitions

There were no petitions presented to the Executive.

### 41. Council Performance Report 2016/17: Q1 (Key Accountable Measures and Activities) (EX3109)

The Executive considered a report (Agenda Item 6) concerning the quarter one outturns for the Key Accountable Measures which monitored performance against the 2016/17 Council Performance Framework. The report sought to provide assurance that the objectives laid out in the Council Strategy and other areas of significance/importance across the Council were being delivered. The report also presented, by exception, those measures that were currently 'amber' and the remedial action being taken/its impact.

Councillor Roger Croft reported that 80% of reported measures were rated 'green' (16 measures) and were therefore on target to be achieved. The remaining 20% (4 measures) were rated 'amber' and therefore required further work.

Councillor Croft highlighted that the number of Jobseekers Allowance claimants aged between 16 and 24 was at its lowest point for a number of years with only 45 people in this age range claiming Jobseekers Allowance. Councillor Croft was hopeful that this level could be maintained.

Members then commented on the measure to increase the number of West Berkshire premises able to receive Superfast Broadband services which was currently reporting 'amber'. Councillor Hilary Cole reported on the ongoing work in Chieveley by the contractor, Gigaclear, to deliver Superfast Broadband to residents and Councillor Dominic Boeck added his pleasure with the progress being made in the west of the District.

Councillor Billy Drummond highlighted that improvement was needed in Greenham and Councillor Boeck confirmed that improvements in Greenham were part of Gigaclear's programme. Councillor Croft added that Gigaclear's programme was due to conclude within 2017.

Councillor Lynne Doherty congratulated West Berkshire's schools and pupils for the improvement made in educational attainment. West Berkshire's GCSE and A Level results were above the national average.

*(Councillor Marcus Franks joined the meeting at 5.08pm).*

Councillor Alan Macro commended Officers in Housing Operations after their work had led to them being awarded the Silver Standard.

Councillor Macro expressed disappointment that measures for Children and Family Services were not as yet available when this was an area of high priority. He noted that this was due to the focus given to supporting the safeguarding peer review, but this was conducted in mid July 2016. Councillor Macro requested that this information be provided as soon as it had been finalised, rather than waiting until the Quarter Two report was provided to the Executive. Councillor Doherty advised that Quarter One performance in Children and Family Services would be reported to the Corporate Parenting Panel and agreed that this information would be made public/available to Members at that time.

Councillor Macro then pointed out that data was not available for another area of challenge, the measure for Delayed Transfers of Care (DTOC). Councillor Rick Jones responded by explaining that performance data in this area would be available prior to the Quarter Two report and agreed that this information would be shared as soon as possible. Councillor Graham Jones added that performance in this area fluctuated but was being managed with the NHS.

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Councillor Macro referred to the point made in the report that the additional work required on the Housing Site Allocations Development Plan Document (DPD) would delay its adoption by approximately six months. He therefore echoed the concern noted in the report that this delay could create problems achieving the five year land supply and potentially the risk of planning by appeal. Councillor Macro questioned therefore whether the adoption of the DPD could be considered as a 'green' indicator.

In response, Councillor Hilary Cole explained that the 'homework' required on the DPD by the Planning Inspector had been completed. This would reduce the delay in adopting the DPD. In terms of the five year land supply, Councillor Cole confirmed that this supply was assured at the present time following the recent decision of the District Planning Committee to approve two outline planning applications for preferred sites in the DPD.

Councillor Croft added the view that while the target date to adopt the DPD of December 2016 was tight, it could still be achieved as the Planning Inspector was due to report back to the Council in November 2016.

Councillor Lee Dillon was pleased to note the many areas of progress within the report. He did however have some queries to raise.

The average number of days to make a full decision on new benefit claims and on changes in a benefit claimant's circumstances had increased and Councillor Dillon was concerned at the impact this delay could have on the lives of residents. The indicator that sought to maintain the time within which Discretionary Housing Payment (DHP) claims were determined was also reported as 'amber'. The exception reports for these measures highlighted that reducing resources were a contributing factor with staff sickness and vacancies during the first quarter, and that work would take place to review these targets and potentially propose alternatives. Councillor Dillon noted these points but queried what action could be taken to ensure claims were assessed more quickly.

Councillor James Fredrickson advised that the delays to assessing benefit claims were minimal, but agreed that any delay was a matter of importance for the residents concerned. The 'amber' performance was a combination of increased demand and, as mentioned, sickness absence/vacancies, but Councillor Fredrickson provided assurance that recruitment in this area was at an advanced stage. The review of targets would involve a comparison with the thresholds set by other local authorities for their performance measures in this area of activity.

Councillor Fredrickson continued by explaining that delays in assessing DHP claims, another area where it was vital to minimise waiting times, was also due to reducing hours of a team member and sickness absence. However, recruitment was in process and this was seen as a short term 'blip'.

Councillor Dillon was also disappointed to note that the completion of affordable housing was below an average annual or quarterly level required to deliver 1000 affordable homes by 2020. Councillor Dillon noted that an action plan would be developed to focus on ways to enable this target to be achieved and asked when this would be completed. In response, Councillor Cole was pleased to report that 30 affordable homes would soon be occupied within Parkway and added that the action plan was being progressed/implemented.

Councillor Dillon referred to the 'homework' set by the Planning Inspector for the DPD and queried what further work could have been done prior to submitting the DPD to lessen the amount of 'homework'. Councillor Cole explained that much of the 'homework' involved signposting the Planning Inspector through the detailed and high level documents provided to support the DPD. The requirement for public consultation referred

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to in the report, on the back of the 'homework' information provided, would be conducted by the Planning Inspector.

Councillor Dillon concluded his points by praising the activity of the Corporate Programme Board. The activity of this Board would look to progress the Council Strategy aim to become a more effective Council and Councillor Dillon felt this was a positive approach.

Councillor Graham Jones made the point that the Council set itself ambitious targets, but the fact that these targets were stretching meant that not all targets would be achieved. An example of this was provision of affordable homes and further work was taking place to improve performance in this area of high importance.

Councillor Fredrickson highlighted that record numbers were accessing services via the Council's website and he gave thanks to Officers in Communications, Customer Services and ICT for their help in achieving this and making key services easy to access.

### **RESOLVED that:**

- progress made against the Council Strategy Priorities for improvement be noted and achievements celebrated.
- those areas reporting as 'amber' were reviewed to ensure that appropriate action was in place.

**Reason for the decision:** To note quarter one outturns against the Key Accountable Measures contained in the 2016/17 Council Performance Framework and any additional performance intelligence.

To provide assurance to Members that the Strategic Priorities laid out in the Council Strategy and other areas of significance / importance across the council (core business) are being delivered.

To note those measures/milestones behind schedule or not achieved and remedial action taken/its impact, to allow the scrutiny and approval of the corrective or remedial action put in place.

**Other options considered:** None

## **42. Financial Performance Report 2016/17 - Quarter One (EX3135)**

The Executive considered a report (Agenda Item 7) concerning the latest financial performance of the Council.

Councillor Roger Croft presented the report and firstly highlighted the recommendation for the Executive to transfer, in line with Financial Regulations, £657k from Care Commissioning, Housing and Safeguarding to Adult Social Care (ASC).

At Quarter One, the forecast revenue position was an overspend of £1.28m against a net budget of £116.8m. This was a matter of some concern and significant effort would be given to reducing this deficit during the course of the financial year.

The majority of the overspend was attributed to the Communities Directorate which was forecasting an overspend of £1.033m. £996k of this related to ASC and was as a result of an increase in client numbers and the complexity of their needs, together with an upward trend in the cost of commissioning nursing and residential care services. Councillor Croft pointed out that a risk reserve of £1.1m had been set aside at the start of the financial year to allow for unforeseen pressures such as these on the ASC budget. It might therefore prove necessary for this risk reserve to be utilised, but Councillor Croft reiterated that efforts would firstly be made to reduce the deficit.

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Children and Family Services (CFS) were forecasting an overspend of £37k due to pressure on the Adoption Panel Joint Arrangement. This pressure could be met from the £500k risk reserve set up for unforeseen costs in CFS.

An overspend of £259k was also being forecast in Legal Services due to cost pressures as a result of the London Road Industrial Estate (LRIE) procurement challenge and pressure on fee income. The Legal Services risk reserve of £50k could be used to help offset this pressure, but the Council was also looking to reclaim its costs from the LRIE judicial review.

Councillor Croft also took the opportunity to highlight that the Council's 2015/16 financial statements had been approved with no significant issues raised by the Council's external auditors (KPMG).

Councillor Alan Macro referred to the point made that the ASC overspend was partly due to an increase in client numbers. However, Councillor Macro pointed out that increases had occurred on many occasions in recent years and queried whether more accurate forecasting was needed. He also made the point that the ASC risk reserve had been used to support CFS budgets in recent years and this could not be the case in 2016/17 due to the ASC pressures.

Rachael Wardell explained that the ASC risk reserve had been formed to help manage volatile areas and the majority of items contributing to the overspend were of that type. Therefore the risk reserve could be used for this purpose if necessary.

Councillor Lynne Doherty acknowledged that pressures in CFS had been offset in previous years by the ASC risk reserve, but CFS had its own reserve making this action unnecessary. She did however add that areas of pressure previously experienced, i.e. agency spend, was being well managed.

Councillor Macro then queried the level of confidence in reclaiming the costs incurred from defending the LRIE judicial review. Councillor James Fredrickson explained that a timeframe had been established for recouping costs and the first instalment of £70k had been received.

Councillor Macro's final query related to the £44k pressure in Culture and Environmental Protection and whether this was accurate when considering that the savings identified for the Library Service for 2016/17 could not be realised when the service was continuing pending the outcome of the needs assessment. Councillor Dominic Boeck pointed out that transitional funding had been allocated to the Library Service for 2016/17.

Councillor Lee Dillon noted that £6.6m of capital expenditure would be re-profiled into 2017/18 and queried whether this could relieve in year revenue budget pressures from reduced revenue contributions to capital. Councillor Croft felt that the impact of this re-profiling on the revenue budget would be minimal, but agreed to provide a written answer on this point.

Councillor Macro pointed out a typographical error in the supporting information (within paragraph 1.19(4)). 'Theale Green Primary School' needed to be amended to 'Theale Church of England Primary School'.

**RESOLVED** that the transfer of £657k from Care Commissioning, Housing and Safeguarding to Adult Social Care be approved, as detailed in paragraph 5.8 of the report and in line with Financial Regulations.

**Reason for the decision:** To inform Members of the latest financial performance of the Council.

**Other options considered:** None.

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### 43. Treasury Management Annual Report 2015/16 (EX3160)

The Executive considered a report (Agenda Item 8) which provided information on treasury management activity and performance of the Council's investments for the 2015/16 financial year.

Councillor Roger Croft referred to the good work conducted by the cross party Treasury Management Group to scrutinise and review the Council's investments and borrowing, and to ensure that treasury activities continued in line with the approved Treasury Management Strategy.

The average level of funds invested by the Council in 2015/16 (net of short term borrowing) was £12.3m. The Council earned total interest on its investments of around 0.9%.

Councillor Croft added that a discount of £293k had been achieved on West Berkshire's contributions to the Berkshire Pension Fund by paying contributions in advance.

Councillor Lee Dillon formed part of the cross party group and commented that the report gave a true reflection of treasury management activity for 2015/16. He felt that an area of work for the Treasury Management Group moving forward was the action that could be taken forward in terms of investment etc on a Berkshire wide basis. Councillor Croft agreed this would be a sensible approach.

Councillor Alan Macro referred to the fact that in general Council Tax was paid over ten months of the year, however residents had the option to spread payments over the full year and Councillor Macro queried whether this would aid cash flow and, if so, take up should be encouraged. Councillor Croft felt that the impact of this would be minimal but agreed that the Portfolio Holder for Finance would be asked to take this forward via the Treasury Management Group.

**RESOLVED** that the report be noted.

**Reason for the decision:** To inform Members of the treasury management activity and performance of the Council's investments for the 2015/16 financial year.

**Other options considered:** None

### 44. 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 Corporate Services and External Affairs submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the legal and professional fees incurred to date on the project to develop the London Road Industrial Estate was answered by the Portfolio Holder for Corporate Services and External Affairs.

(b) **Question to be answered by the Portfolio Holder for Highways and Transport submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of how often the number plate recognition camera monitoring the Parkway Bridge had not been working was answered by the Portfolio Holder for Highways and Transport.

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(c) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of the anticipated percentage of affordable housing units at the Market Street redevelopment was answered by the Portfolio Holder for Planning and Housing.

(d) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of the acceptable level of profit for developers when considering viability assessments was answered by the Portfolio Holder for Planning and Housing.

(e) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of whether sites had been secured for additional temporary accommodation units was answered by the Portfolio Holder for Planning and Housing.

(f) **Question to be answered by the Portfolio Holder for Community Resilience and Partnerships submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of plans to support smaller towns in the District was answered by the Portfolio Holder for Community Resilience and Partnerships.

### 45. **Approved Provider List (APL) Intention to Award Contract**

Prior to excluding the press and public and entering into the Part II debate on this item, Councillor Roger Croft explained that he had asked Officers in future to split exempt reports to enable public debate in Part I where possible prior to commencing private discussions in Part II. Councillor Alan Macro welcomed this approach.

Councillor Croft then presented information which related to the Part II item on the agenda (Agenda Item 11) but which could be made public.

West Berkshire Council currently operated an Approved Provider List (APL) for Domiciliary Care Services for adults either delivered to people in their own home or accompanying people to other locations as specified in the Service User's Care Plan. The full scope of the required care was defined in the Service User's Care Plan but might include the following elements:

- Domiciliary/Home care
- Personal care
- Live in care
- End of life care
- Reablement/Enablement

There was a requirement to renew the APL as the old one was due to expire in March 2017. The Council, like many other councils, was finding it difficult to recruit and retain carers, and it was hoped therefore that the new APL would enable new providers to come forward to provide services in what was a challenging market.

Councillor Croft added that he wanted to share the basis of the report in public so as to be open and transparent but given that there were commercially sensitive matters set out in the report these would be considered by the Executive this evening in Part II.

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### 46. 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 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.

### 47. Approved Provider List (APL) Intention to Award Contract

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

The Executive considered an exempt report (Agenda Item 11) which outlined the intention to award a framework contract for the Adult Social Care Domiciliary Care Approved Provider Framework. It was proposed that a three year framework agreement would commence in autumn 2016.

**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 5.55pm)*

**CHAIRMAN** .....

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