

DRAFT

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

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 24 NOVEMBER 2016

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

Also Present: John Ashworth (Corporate Director - Environment), Mel Brain (Housing Strategy and Operations Manager), Nick Carter (Chief Executive), Sarah Clarke (Legal Services Manager), Martin Dunscombe (Communications Manager), June Graves (Head of Care Commissioning, Housing & Safeguarding), Sean Murphy (Trading Standards Manager), Rachael Wardell (Corporate Director - Communities), Robert Alexander (Group Executive (Conservatives)), Steve Broughton (Head of Culture & Environmental Protection), Stephen Chard (Policy Officer), Councillor Lee Dillon and Councillor Alan Macro

Apologies for inability to attend the meeting: Councillor Lynne Doherty

PART I

65. Minutes

Councillor Roger Croft opened the meeting by congratulating Councillor Lee Dillon on his recent appointment as Leader of the Liberal Democrat Group. Councillor Croft stated that he looked forward to working with Councillor Dillon in his new role as well as with Councillor Alan Macro, now fulfilling the role of Deputy Leader of the Liberal Democrat Group.

The Minutes of the meeting held on 20 October 2016 were approved as a true and correct record and signed by the Leader.

66. Declarations of Interest

Councillor Marcus Franks declared an interest in Agenda Items 7 and 10 (Registering West Berkshire Council as a Registered Provider) by virtue of the fact that he was an employee of Sovereign Housing Association, but reported that, as his interest was a personal or 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 Lee Dillon declared an interest in Agenda Items 7 and 10 (Registering West Berkshire Council as a Registered Provider) by virtue of the fact that he was an employee of Sovereign Housing Association, but reported that, as his interest was a personal or other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

67. Public Questions

There were no public questions submitted.

68. Petitions

There were no petitions presented to the Executive.

69. Joint Public Protection Partnership (C3158)

The Executive considered a report (Agenda Item 6) which proposed the creation of a Joint Committee to deliver a shared service arrangement between West Berkshire,

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Wokingham and Bracknell Forest Councils. The new arrangement would be known as the Joint Public Protection Partnership (PPP).

Councillor Marcus Franks explained that the current shared service in operation between West Berkshire Council and Wokingham Borough Council for the delivery of the Trading Standards Service had run successfully since 2010. This shared service was due to expire in January 2017 and thanks to its success, Bracknell Forest Council had approached West Berkshire Council asking to join a new shared service arrangement covering the three areas. Detailed discussions had followed, resulting in this proposal.

Councillor Franks advised that the proposal would deliver a recurring saving from 2017/18 of £120k for the Council.

As stated, a Joint Committee would need to be formed to deliver the proposed shared service arrangement and this would provide scope to introduce new partners into the arrangement or the potential to charge others for the use of the service.

Councillor Franks expressed his thanks to Officers for their work in progressing the shared service and proposed acceptance of the report's recommendations.

Councillor Lee Dillon pointed out that the 2015 Liberal Democrat Manifesto highlighted the importance of forming new shared services and he therefore welcomed the proposed expansion of this shared service. However, he raised a number of concerns/queries.

He queried the ability to scrutinise the performance of the Joint PPP and the decision making of the Joint Committee, including the potential to call-in decisions. This was an area needing greater clarity in the Full Council report on 8 December 2016. Councillor Franks commented that a level of delegation was needed to enable the shared service to operate successfully, however the Overview and Scrutiny Management Commission or the relevant Select Committee could request and scrutinise information/reports.

Sean Murphy added that the work of the Joint PPP and the Joint Committee would be subject to West Berkshire Council's scrutiny arrangements. He also confirmed that this would encompass scrutiny of policy set by the Joint Committee. Sarah Clarke confirmed this point and explained that as the Joint Committee was exercising Executive functions, it would be subject to West Berkshire's scrutiny arrangements. She acknowledged this was an area requiring greater clarity in the report.

Councillor Dillon made reference to the Key Performance Indicators (KPIs) and requested that these be defined in greater detail in the Full Council version of the report.

A degree of service reduction was mentioned within the report, this related to the service being aligned with a National Intelligence Model which prioritised matters of high risk or impact. However, Councillor Dillon sought to understand whether West Berkshire Council would retain the ability to focus on areas of high risk in the West Berkshire area or whether work would need to focus on shared priorities across the three areas.

Councillor Franks explained that generic KPIs would be in place to cover the three councils, but there was also the ability to set specific localised KPIs for areas of risk etc. He added that a KPI proposed for 2017/18 was to prevent residents from harm through expanding the use of social media and key communication channels.

Councillor Dillon noted that West Berkshire's Democratic Services Team would service the Joint Committee and queried the resource implication of this, i.e. would this require additional resource? Councillor Dillon highlighted the importance of ensuring that this requirement would not have a negative impact on the delivery of West Berkshire's Democratic functions. Councillor Franks reported his understanding that the Democratic Services Team would service the Joint Committee from existing resources.

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Turning to the draft agreement, Councillor Dillon noted that there was a particular focus on the requirements for Bracknell Forest Council as the new partner. He assumed that this was due to the fact that the existing arrangement with Wokingham Borough Council would carry forward, but asked that this be clarified. Councillor Franks confirmed that the existing arrangement with Wokingham was largely proposed to carry forward and changes to the draft agreement were primarily in relation to the formation of the three way arrangement. In terms of service delivery, Councillor Franks added that this would operate on a triage/risk based system.

Councillor Roger Croft asked that the report be amended as appropriate to help inform the Council debate.

Councillor Alan Macro noted that representation on the Joint Committee would include two Members from each Council. The Councils concerned were all Conservative controlled and he queried whether the membership of the Joint Committee would include opposition Members. Councillor Franks advised that the Joint Committee was not subject to West Berkshire Council's proportionality rules, however if the number of opposition Members was to increase across the three areas then the potential to include them on the Joint Committee could be reconsidered.

RESOLVED that

Insofar as the functions and arrangements are for the Executive:

- the arrangements set out in this report including the creation of a Joint Committee with Wokingham Borough Council and Bracknell Forest Council through the Public Protection Partnership (PPP) with effect from January 2017 be authorised.
- authority be delegated to the Head of Legal Services, in consultation with the Head of Finance and Head of Culture and Environmental Protection, to finalise the terms of the PPP as set out in the draft Inter Authority Agreement (IAA) between the three Councils and to make any necessary drafting or other amendments to the terms of the draft Agreement which are necessary to reach final agreement but do not materially affect the intent and substance of the Agreement.
- the Joint Committee be authorised to determine policy, strategy and oversee the performance monitoring and management of the new PPP and have the powers set out in the terms of reference contained in Schedule 1 of the draft Inter Authority Agreement.
- the Head of Culture and Environmental Protection and Public Protection Service Managers (Currently known as Trading Standards and Building Control Manager and Environmental Health and Licensing Manager) be authorised to receive a delegation of Trading Standards, Environmental Health and Licensing functions from Bracknell Forest Council and Wokingham Borough Council and to exercise those functions jointly with West Berkshire District Council functions under the strategy direction and oversight of the Joint Committee.
- The proposed agreement authorises West Berkshire District Council to institute and defend proceedings on behalf of Wokingham and Bracknell. This does not preclude the other authorities from taking their own legal actions.
- To receive a TUPE transfer of the staff of Bracknell Forest Council currently providing the Trading Standards, Environmental Health and Licensing functions on the terms set out in the draft Inter Authority Agreement and authorise any relevant pensions and employment implications.
- The Head of Culture and Environmental Protection be appointed as the Council's Lead Officer to manage the Councils arrangements under the Agreement on the Council's behalf and to authorise the Monitoring Officer to make any necessary

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variations to the Agreement as may be required from time to time in consultation with the Leader of the Council.

- the appointment to the Joint Committee of the Executive Member with responsibility for the relevant functions (currently Councillor Marcus Franks) along with Substitute Member from the Executive namely Councillor Dominic Boeck be authorised.
- To authorise entering into arrangements with other local authorities, shared services or other bodies for the provision of Trading Standards, Licensing or Environmental Health Services in accordance with the provision in the IAA.
- Insofar as the foregoing provisions also relate to the exercise of non Executive functions to recommend to the Council to authorise the same.

Other options considered:

- Alternatives considered would be to revert to West Berkshire only provision or retain the current combination of authorities i.e. West Berkshire and Wokingham. Neither option would deliver the savings identified above without further cuts to service provision which in turn would have the effect of reducing resilience which is one of the strengths in the proposal. The currently proposal allows for the management of potential further saving through providing services to others or developing the shared service through the admission of further Councils.
- Another option taken by handful of Councils has been outsourcing to the private sector. There significant complexities around this arrangement not least of which are the fact that many of the functions can only be delegated to 'officers' of local authorities and certain functions such as decisions on legal actions can only be made by the authority. These services are very much in their infancy and time will tell whether this is an effective way of delivering enforcement services. It is certainly clear that the current legislative framework with respect to the statutory duties of a local authority do not lend themselves easily to this model. For this reason it has not been explored further at this stage. It is of course something the joint committee could consider in due course.
- In the final instance this proposed approach builds on the experience drawn from our own shared service and that of others. The proposal for a combined single service involves joining these service areas into one large unit with the licensing function. It is believed that the joining of these three service areas in this way provides the greatest opportunity to improve efficiencies, maintain service standards and further reduce costs. The model proposed allows for further expansion, income generation and should it ever be considered a better option, outsourcing to the benefit of the partner organisations.

70. Registering West Berkshire Council as a Registered Provider (EX3205)

The Executive considered a report (Agenda Item 7) which sought approval for the Council to register as a Registered Provider (RP) with the Homes & Communities Agency (HCA) to facilitate the purchase of additional property for the purposes of providing temporary accommodation to meet statutory homeless duties.

Councillor Hilary Cole explained that in July 2016 the Executive granted approval to utilise capital funding for the purchase of temporary accommodation. Since that time potential purchases had been considered as had the most effective way of managing this accommodation, and an application to the HCA for the Council to become a RP was the proposed way forward. The level of risk of this approach was considered to be relatively low and benefits had been identified, including financial benefits.

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Councillor Alan Macro queried how the Council would engage with its tenants if the Council become a RP. Councillor Cole explained that this was a new process for the Council, but gave an assurance that the Council would engage with tenants once they had become residents in the properties concerned.

Councillor Macro then referred to the financial benefits to the Council of this approach (which had been suggested by the HCA) and asked why this had not been taken forward by the Council at an earlier stage. He queried whether this was due to a lack of resource. In response, Councillor Cole explained that the Council was only proposing to be a RP for a particular market and recent evidence had pointed to this approach being the most appropriate way forward.

RESOLVED that the Council applies to become a Registered Provider.

Other options considered: detailed in the exempt report.

71. **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 Highways and Transport submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the number of hours car club vehicles had been hired for in the last three months was answered by the Portfolio Holder for Highways and Transport.

(b) **Question to be answered by the Portfolio Holder for Community Resilience and Partnerships submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the number of graffiti related complaints received by the Council in the three months proceeding and the three months post the termination of the neighbourhood warden service was answered by the Portfolio Holder for Community Resilience and Partnerships.

(c) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the number of fly tipping related complaints received by the Council in the three months proceeding and the three months post the termination of the neighbourhood warden service was answered by the Portfolio Holder for Culture and Environment.

(d) **Question to be answered by the Deputy Leader and Portfolio Holder for Health and Wellbeing submitted by Councillor Alan Macro**

In line with paragraph 5.12.2 of Part 5 of the Council's Constitution (Executive Rules of Procedure – Members' Written Questions), Councillor Roger Croft, Leader of the Council, gave consent for an urgent question to be answered by the Executive based on the level of public interest in the issue.

An urgent question submitted by Councillor Alan Macro asking when West Berkshire Council was first aware of the "Buckinghamshire, Oxfordshire and Berkshire West Sustainability and Transformation Plan" proposed by NHS England South was answered by the Deputy Leader and Portfolio Holder for Health and Wellbeing.

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72. 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.

73. Registering West Berkshire Council as a Registered Provider (EX3205)

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

The Executive considered the exempt report (Agenda Item 10) which sought approval for the Council to register as a Registered Provider with the Homes and Communities Agency.

RESOLVED that the recommendations in the exempt report be agreed.

Other options considered: as detailed in the exempt report.

(The meeting commenced at 5.00pm and closed at 5.35pm)

CHAIRMAN

Date of Signature