

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON

**THURSDAY, 13 JANUARY 2011**

**Councillors Present:** Barbara Alexander, Pamela Bale, David Betts, Keith Chopping, Hilary Cole, Graham Jones, Alan Law, Joe Mooney and Anthony Stansfeld

**Also Present:** John Ashworth (Corporate Director - Environment), Teresa Bell (Corporate Director - Community Services), Nick Carter (Chief Executive), Margaret Goldie (Corporate Director - Children and Young People), David Holling (Head of Legal & Electoral) and Keith Ulyatt (Press Team), Councillor Jeff Beck, Councillor Jeff Brooks, Councillor Paul Bryant, Councillor Adrian Edwards, Moira Fraser (Democratic Services Manager), Councillor Roger Hunneman, Councillor Alan Macro, Councillor Irene Neill, Councillor David Rendel, Councillor Julian Swift-Hook, Councillor Tony Vickers, Councillor Quentin Webb and Councillor Keith Woodhams

**Apologies for inability to attend the meeting:** Councillor Gordon Lundie

**Councillor(s) Absent:**

#### PART I

#### 2. Minutes

The Minutes of the meeting held on 14<sup>th</sup> October 2010 and the Special Executive held on 18<sup>th</sup> November 2010 were approved as a true and correct record and signed by the Leader.

#### 3. Declarations of Interest

Councillor Julian Swift-Hook declared an interest in Agenda Item 8 and any other applicable items, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate.

#### 4. Public Questions

(a) **Question submitted by Fiona Walker (Chairman of Friends of Victoria Park) to the Portfolio Holder for Partnerships, Equalities and The Visions**

A question standing in the name of Fiona Walker (Chairman of Friends of Victoria Park) on the subject of importance of public open spaces in towns and villages was answered by the Executive Member for Partnerships, Equalities and The Visions.

#### 5. Petitions

There were no petitions presented to the Executive.

#### 6. Council Taxbase (EX2177)

The Executive considered a report (Agenda Item 6) concerning consideration of the calculation of the Taxbase for 2011/12 and to formally set that Taxbase. Councillor Keith Chopping in introducing the report stated that the Council had a statutory duty to set its Taxbase by 31<sup>st</sup> January each year. The Taxbase identified the effective number of properties over which Council Tax would be collected, taking into account the effect of discounts, exemptions and other reductions and also the effect of new properties likely to be completed up to 31<sup>st</sup> March 2012. The recommended Taxbase for tax setting purposes for 2011/12 was 64,029.94 and this included an estimated 365 new properties.

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Councillor Tony Vickers noted that there was a total of 741 long term empty properties listed in the table and he wondered if there was any evidence that since the 50% discount was removed in 2008 there had been any incentive effect for landlords/developers to fill the properties. The number of empty properties was a fluid figure and Bill Blackett reported that there were about 300 properties which remained empty in the long term. Work was ongoing with colleagues in housing to fill the remaining properties as quickly as possible.

Councillor David Rendel noted that the estimate for the number of new properties in 2011/12 was 365 compared to 200 for 2010/11 and he was surprised that the figure had nearly doubled. However, this did not equate to paragraph 3.5 of the report which stated that due to the impact of the economic recession on the construction industry there had been a slow down in the rate at which properties were being completed and, in some cases, a cessation of building works. He also referred to page 12 of the report that set out that there was a provision for 403 new properties which after discounts and exemptions had been calculated to be 365 additional properties. Page 80 of the report showed the table for West Berkshire which on line 2 set out the number of additional properties and again totalled 365 properties with exemptions. Councillor Rendel queried how the figures on page 80 could be round numbers after taking account of discounts and exemptions. Bill Blackett responded that the reference to the slow down had been over the last couple of years compared to previous figures although he admitted that that had not been clear from within the report. Bill Blackett confirmed that he would take away Councillor Rendel's query in respect of numbers of new properties and would provide a written response to Councillor Rendel in due course.

**Resolved that** pursuant to the Head of Finance's report and in accordance with the Local Authorities (Calculation of Taxbase) Regulations 1992, the amount calculated by West Berkshire Council as its Council Taxbase for each parish for the year 2011/2012 be the amount shown in Appendix B.

**Reason for the decision:** The Council has a statutory duty to set its Taxbase by 31<sup>st</sup> January 2011.

**Other options considered:** None as this is a statutory function.

*This decision is not subject to call in as a delay in implementing the decision this would cause the Council serious financial implications or could compromise the Council's position and therefore it will be implemented immediately.*

### 7. **Treasury Management Annual Report 2009/10 (EX2190)**

The Executive considered a report (Agenda Item 7) concerning the Annual Report on the Treasury Management Function, reviewing the previous year's activities and performance of the fund for the year.

Councillor Keith Chopping in introducing the item noted that the Council's cash balance fluctuated on a daily basis and the Treasury Team were responsible for constant reviewing of the fund. During 2009/10 the base rate was set at 0.5% and the interest earned on the cash fund was significantly higher (1.7%). He therefore felt that the Treasury Team should be congratulated on this performance.

**Resolved that** the previous year's treasury management activities and performance of the fund be noted.

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**Reason for the decision to be taken:** To ensure compliance with the updated CIPFA Code of Practice for Treasury Management in the Public Services 2009 and in accordance with Best Practice.

**Other options considered:** None.

*This decision is eligible to be 'called-in'. However, if the decision has not been 'called-in' by 5.00pm on 21 January 2011, then it will be implemented.*

### 8. **Care Quality Commission Annual Rating for Adult Social Care 2009-10 (EX2183)**

*Councillor Julian Swift-Hook declared a personal interest in agenda item 8 by virtue of the fact that he was Chairman of West Berkshire Mencap. As his interest was personal and not prejudicial he determined to take part in the debate on this item.)*

The Executive considered a report (Agenda Item 8) concerning the Care Quality Commission (CQC) grading for Adult Social Care for 2009-10. Councillor Joe Mooney in introducing the report noted that paragraph 1.2 of the Executive Summary required amendment as the rating had been made public on 25<sup>th</sup> November 2010.

The 2009-10 assessment had encompassed year two of Putting People First – the transformation of Adult Social Care. Within the Annual Performance Letter CQC had acknowledged that West Berkshire Council had made significant progress in its implementation. Efficiency targets had been achieved and in some cases exceeded.

Councillor Mooney highlighted that West Berkshire's overall rating of 'Performing Well' comprised two scores of 'Excellent' and five of 'Performing Well'. Councillor Mooney expressed his thanks to all those staff who had contributed to such an excellent result in 2009/10 particularly during such a difficult period of change. Councillor Graham Jones echoed Councillor Mooney's thanks on behalf of the Executive and also thanked the Portfolio Holder for his support.

Councillor Julian Swift-Hook congratulated staff within Adult Social Care on behalf of the Executive and also commended the leadership of the Director in that particularly difficult area. Councillor Swift-Hook referred to the outcomes listed on pages 107-114 of the report and noted that six of the seven outcomes were self assessed. In making a self assessment it was important to note the key achievements and areas for improvement in order that they could be followed up. Councillor Mooney responded that although many of the outcomes were self assessed they had been subject to external scrutiny. Councillor Mooney also confirmed that he would let Councillor Swift Hook have more detailed information in respect of key achievements and areas for improvement.

**Resolved that** the findings of the Care Quality Commission be noted.

**Reason for the decision to be taken:** N/A.

**Other options considered:** None.

*This decision is not subject to call in as a delay in implementing the decision this would cause the Council serious financial implications or could compromise the Council's position and therefore it will be implemented immediately.*

### 9. **Local Investment Planning (EX2043)**

The Executive considered a report (Agenda Item 9) concerning approval of the Berkshire Local Investment Plan.

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Councillor Alan Law in introducing the item reported that Local Investment Plans (LIP) had been introduced by the Homes & Communities Agency (HCA) and these documents set out the agency's central business approach to communicating with local authorities. While it had originally been conceived that Berkshire would produce two plans, one for the east and one for the west it had subsequently been decided to have a consolidated Berkshire wide approach.

The Berkshire LIP identified four overarching objectives that underpinned the scheme, identified seven priority themes and seven priority places. Councillor Law reported that Officers had worked very hard to ensure the inclusion of two themes that would be particularly pertinent to West Berkshire namely 'extra care and specialist housing' and 'rural sites'. He noted that Newbury had been identified as one of the seven priority places. To date 62 schemes had been identified to go into the selection process. Councillor Law was pleased to note that not all funding would be set aside for large projects and that funding would be available for smaller schemes that met the criteria. Councillor Law cautioned that no funding had been received from Central Government as yet.

**Resolved that** the Berkshire Local Investment Plan be approved.

**Reason for the decision to be taken:** The Homes & Communities Agency introduced local investment planning as their new business approach to join up decision making across the range of housing and regeneration activities and investment programmes. The Local Investment Plan sets out a shared vision and objectives for Berkshire West and identifies priorities for investments.

**Other options considered:** N/A.

*This decision is eligible to be 'called-in'. However, if the decision has not been 'called-in' by 5.00pm on 21 January 2011, then it will be implemented.*

### 10. **Corporate Property Asset Management Plan (EX2017)**

The Executive considered a report (Agenda Item 10) concerning approval to the Corporate Property Asset Management Plan. Councillor Keith Chopping confirmed that the Corporate Property Asset Management Plan had been considered by the Resource Management Select Committee. The Plan was split into four sections – existing arrangements; asset strategy; performance and delivery and review and action plan. This was a high level strategic document which did not include highways. The Education Service Asset Management Team managed the school buildings portfolio and was the subject of a separate plan.

Councillor Roger Hunneman referred to page 212 of the agenda in respect of public conveniences and asked for reassurance that it was not proposed to close any public conveniences in the area. Councillor Keith Chopping confirmed that there were no plans at present to close any of the public conveniences.

Councillor Alan Macro referred to the property known as Venture Fair which was adjacent to the proposed Waste Disposal site at Padworth and queried when this was purchased and the reason for disposal as he could not recall any paperwork coming to the Executive on this issue. Councillor Chopping confirmed that Venture Fair had been purchased to enable the water main to be connected into the Waste site. John Ashworth confirmed that he would check whether the request to purchase the site had been discussed at a previous Executive meeting and would report back to Councillor Macro under separate cover.

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Councillor Julian Swift-Hook referred to item 9 on page 211 and was pleased to note that the Greenham Community Centre would be transferred to Greenham Common Trust who would invest in the property to improve community use in the area. Reference was also made to the Control Tower on Greenham Common. Councillor Chopping stated that perhaps Greenham Parish Council might be interested in purchasing the Control Tower. He confirmed that all possibilities were being considered to enable the Control Tower to be brought into beneficial use.

Councillor Tony Vickers referred to the asterisk underneath the table on page 203 of the report and queried whether the Council should not be reviewing the market value of all property holdings on a regular basis. Councillor Chopping responded that the main reasons for valuations was to ensure that there was sufficient insurance in place to rebuild if necessary. Market value would vary at any one time and was only reviewed if the use of the building ceased and/or was being disposed of.

**Resolved that** the report and Corporate Property Asset Management Plan be approved.

**Reason for the decision to be taken:** To assist in the strategic management of the Council's property holdings.

**Other options considered:** None.

*This decision is eligible to be 'called-in'. However, if the decision has not been 'called-in' by 5.00pm on 21 January 2011, then it will be implemented.*

### 11. Council Plan Outcomes 2010/11 Q2: Update on Achievement (EX2107)

The Executive considered a report (Agenda Item 11) concerning Quarter 2 performance against each of the outcomes identified in the 2010/11 Council Plan and any remedial action that would be or had been taken, where achievement would not be met.

Councillor Anthony Stansfeld noted that as at the end of quarter two of 2010/11 79% of the targets were on track to be met, 12% were reporting as amber (targets not currently been met but expected to be on target by year end) and 9% were being reported as red (targets would not be achieved by year end). Information was not available in respect of 12 of the 109 targets at this time.

**Resolved that:**

- (1) the performance against each of the outcomes identified in the 2010/11 Council Plan be noted;
- (2) the remedial action being taken, where achievements will not be met by the end of the Municipal Year, be noted and approved.

**Reason for the decision to be taken:** The Council Plan sets out the purpose and ambition of West Berkshire Council. It defines the Council's main focus of activities and the measures of performance against which it will assess itself.

Monitoring and managing performance within each of these main areas of work is key in making sure the Council delivers what it has set out to achieve – and where this has not happened, in ensuring that appropriate action is taken to mitigate the impact of the target not being met.

**Other options considered:** Not to report progress against the Council's stated aims and ambitions.

*This decision is eligible to be 'called-in'. However, if the decision has not been 'called-in' by 5.00pm on 21 January 2011, then it will be implemented.*

**12. Establishment Report Quarter Two 2010/11 (EX2119)**

The Executive considered a report (Agenda Item 12) concerning changes to the Council's Establishment over the second quarter of 2010/11. Councillor Anthony Stansfeld stated that over the last three years the Establishment report had changed and had become more detailed. All grants had had the ring fencing removed and therefore all posts which had originally been grant funded now had to be brought into the West Berkshire Council funded establishment. It was therefore difficult to compare like figures with like. The number of West Berkshire Council funded posts had therefore risen and it would take another six months or so to settle back down again. However, consequently there would be a decrease in the number of Externally funded posts which was a good result.

Councillor Jeff Brooks confirmed his agreement with the statement made by Councillor Stansfeld in respect of Externally Funded posts and that if they were required in the future then the authority should fund them. However, he felt that the numbers in the table on page 261 was confusing as there appeared to be a spike in Education in Quarter 1 in the Joint Funded Establishment and he asked for an explanation for that. The total difference over the year figures in the Executive Summary also appeared to be different than those quoted in the main report.

Robert O'Reilly apologised and stated that the figures in the main report were the correct ones. The figures in the Executive Summary were left over from a previous report and had not been changed. Robert confirmed that the increase in the Q1 Joint Funded Establishment was a result of the apprentices from the Future Jobs Fund. Councillor Brooks noted that even without the spike the figures were up 60 year on year and Robert O'Reilly confirmed that he would look at those with Councillor Brooks in further detail outside the meeting.

**Resolved that** the report be noted.

**Reason for the decision to be taken:** This report is for information only and forms part of the Council's Corporate Governance arrangements.

**Other options considered:** Not applicable.

*This decision is eligible to be 'called-in'. However, if the decision has not been 'called-in' by 5.00pm on 21 January 2011, then it will be implemented.*

**13. Response to the Scrutiny Review into the Performance of Schools in West Berkshire (EX2157)**

The Executive considered a report (Agenda Item 13) concerning actions taken and responses made to the Scrutiny report on the performance of West Berkshire schools.

Councillor Irene Neill, as Chairman of the Stronger Communities Select Committee, explained that the scrutiny had been undertaken following concern that some of the districts' schools were not performing well. A thorough piece of work had been undertaken and a number of School Improvement Advisors and Head Teachers had assisted with the process. Councillor Neill thanked all those that had participated in the process. Following the scrutiny exercise sixteen recommendations were produced for the Executive to consider.

Councillor Barbara Alexander in responding to the recommendations reported that at the time the scrutiny was being undertaken measures were already being put in place to improve performance. A more robust process was put in place (following changes to

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government guidelines) to allow earlier intervention where a school was seen to be failing. In addition improved training programmes were being put in place for Head Teachers and prospective leaders.

Councillor Alexander noted that changes to legislation and government guidance meant that some of the recommendations would no longer be feasible but that where they were she was happy to propose acceptance. Members noted that due to a loss of funding it might not be possible to retain the present number of School Improvement Advisors. Methods of income generation, including buy back schemes from schools, were being used to generate funding to ensure that the maximum number of SIAs the Council could afford would be retained..

The Executive extended congratulations to the Head Teachers of John O' Gaunt, Trinity and Denefield Schools for the improvements they and their teams had made.

**Resolved that** the proposed responses and action to be taken be approved.

**Reason for the decision to be taken:** None.

**Other options considered:** None.

*This decision is not subject to call in as the item has been considered by the Overview and Scrutiny Management Commission, or has been the subject of a review undertaken by another body within the preceding six months and therefore it will be implemented immediately.*

### 14. **Scrutiny Review into the Installation of Automatic Fire Suppression Systems in Council Building (EX2194)**

The Executive considered a report (Agenda Item 14) concerning the results of the investigation into the need for a policy for the installation of automatic fire suppression systems in Council buildings. Councillor Keith Chopping stated that the Safer Select Committee had undertaken a review and a number of recommendations had been made as a result of that review. It was noted that St. Barts School was the only school in the district which had a fully operational sprinkler system in place. Councillor Chopping stated that the benefits of an automatic fire suppression system outweighed other fire detection and suppression systems in the preservation of life and property, and the reduced the resultant disruption after a fire. However, the cost of installation was significant and whilst it should be the presumed course of action, it should also be viewed in conjunction with the risk and effect of a fire occurring. It was also noted that the installation of such a system did not attract any discount on fire insurance premiums.

Councillor Quentin Webb thanked all those members of the Select Committee which had undertaken the review.

Councillor Paul Bryant confirmed that the authority had been working towards this direction for a long period of time and he also thanked Councillor Quentin Webb for undertaking the review and he was pleased to note that there would be an assumption that sprinklers would be fitted in new buildings.

Councillor Jeff Brooks hoped that the risk assessment undertaken on new buildings or major refurbishment projects would be rigorous and robust and taken seriously and he also welcomed the assumption that sprinklers would be fitted unless the cost and/or risk prohibited it. Councillor Brooks suggested that the wording in recommendation 3 should be amended to indicate that it was a presumption.

**Resolved that** the Safer Select Committee recommendations be endorsed:

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- (1) The Head of Property and Public Protection develop a policy in relation to the installation of automatic fire suppression systems in all new buildings and buildings undergoing major refurbishment within the Council's property portfolio.
- (2) The basis of establishing the need to install automatic fire suppression systems is to be a fire risk assessment, the same or similar to that currently used for school projects. The risk assessment process should include the ability to recognise the comparative savings that would be achievable with the installation of such a system, for example through altered building design or the use of different materials.
- (3) The policy is to indicate an assumption that automatic fire suppression systems will be installed unless the completed risk assessment provides sufficient argument against.
- (4) The policy is to state that consideration be given early in the design stages of a project as to where the components of an automatic fire suppression system would be located in order to reduce installation costs.
- (5) Further discussion be held with the Council's property insurers with the aim of achieving further savings.

**Reason for the decision to be taken:** None.

**Other options considered:** None.

*This decision is not subject to call in as the item has been considered by the Overview and Scrutiny Commission, or has been the subject of a review undertaken by another body within the preceding six months and therefore it will be implemented immediately.*

### 15. **Newbury Town Centre Traffic Management Issues - Second Report (EX2170)**

The Executive considered a report (Agenda Item 15) concerning the feedback received from the various interest groups and organisations consulted on the Council's proposals for revised traffic management in the Town Centre and were seeking authority to proceed as recommended.

Councillor David Betts in introducing this item noted that this was the second iteration of this report to be considered by the Executive. The original proposals had been subject to extensive consultation and he thanked all those bodies and individuals that had participated in the consultation exercise. A meeting had taken place that afternoon with representatives of the taxi trade and as a consequence recommendation 12 of the report would require a minor alteration.

A number of changes had already been made to the to the original plans in light of comments that had been received in particular from the disabled community and taxi drivers. Councillor Betts noted however that it was not possible to please all respondents but that he was confident that this was the best scheme for the town centre.

Councillor Roger Hunneman queried whether it would be possible to locate an additional bus stop outside the library and Councillor Betts agreed to look into this request

**Resolved that** the following recommendations be approved:

- (1) To provide a new drop off and pick up facility in the Northcroft Lane car park adjacent to the Northbrook multi-storey car park and its facilities for use by Handybuses, Readibuses and other Community Transport and Taxis only.



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- (2) To retain the existing bus stop on the east side at the northern end of Northbrook Street for use by Handybuses, Readibuses and other Community Transport.
- (3) To remove buses from all areas of the pedestrianisation zone (ie Bartholomew Street north, Mansion House Street, Market Place and Northbrook Street).
- (4) To convert Park Way Bridge to a two-way shuttle working traffic signal controlled route for buses, taxis and cycles only with advanced cycle stop lines and a bus / taxi / cycle lane.
- (5) To introduce additional full time taxi rank spaces on the west side at the northern end of Northbrook Street in the current bus stop.
- (6) To introduce part time taxi rank spaces in Bartholomew Street near Iceland at the existing bus stop operational from 5.00pm until 10.00 am.
- (7) To retain the existing raised platform, kassel kerbs and, if possible, the bus shelter at the proposed taxi rank near Iceland.
- (8) To introduce night time only taxi rank spaces in Bartholomew Street immediately south of the Iceland bus stop operational from 10.00 pm until 6.00 am.
- (9) To introduce night time only taxi rank spaces in Bartholomew Street near the Dolphin Public House on the west side operational from 6.00 pm until 8.00 am.
- (10) To introduce a night time only taxi rank in Cheap Street outside the main post office at the bus stop operational from 12.00 midnight until 6.00 am.
- (11) To convert the feeder taxi rank in Wharf Street to a formal rank where customers would be able to get a taxi.
- (12) To carry out the engineering improvements at the Wharf Street taxi rank as generally indicated on drawing number 81493/WTR/001 in Appendix D to make it more accessible to wheelchair users.
- (13) To permanently remove the taxi rank from Market Place, to prevent taxis from driving though Market Place during pedestrianisation hours and to advise the petition organisers accordingly.
- (14) To introduce a ban on loading at all times in Wharf Street between its junction with Wharf Road and the point where the block paving commences immediately west of the Museum, except for a short length on the south side between Wharf Road and the turning head, where loading would be permitted outside of the operational times of the pedestrianisation zone.
- (15) To change the pedestrianisation zone end time from 6.00 pm to 5.00 pm.
- (16) To retain the current traffic management arrangements for West Street and to keep the West Street junction with Northbrook Street open to traffic.
- (17) To authorise officers to carry out statutory advertisements and consultations on all of the Traffic Regulation Orders that will be necessary to introduce the proposed traffic management changes and complement the Parkway development.
- (18) Subject to there being no objections to the statutory advertisements and consultations on these Traffic Regulation Orders that cannot be overcome, to authorise officers to carry out all work necessary to implement all of the proposed changes in time for the opening of the Parkway development.

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- (19) To authorise officers to refer any objections on these Traffic Regulation Orders that cannot be overcome to the Portfolio Member for Highways, Transport (Operational) and ICT for consideration by means of an Individual Decision report.

**Reason for the decision to be taken:** (1) To introduce traffic management measures within the town centre to complement the Parkway development; (2) to enhance the town centre shopping experience for visitors; (3) to cater for the changes in traffic patterns that would result from the Parkway development.

**Other options considered:** Options considered in the two reports to Executive.

*This decision is eligible to be 'called-in'. However, if the decision has not been 'called-in' by 5.00pm on 21 January 2011, then it will be implemented.*

**16. Members' Question(s)**

- (a) **Question to be answered by the Executive Member for Finance, Economic Development, Property and Health & Safety submitted by Councillor Keith Woodhams**

A question standing in the name of Councillor Keith Woodhams on the subject of utilisation of funding in the income account to provide a right hand turn for buses only into the hospital at the A4/Lower Way junction was answered by the Executive Member for Finance, Economic Development, Property and Health and Safety.

*(The meeting commenced at 6.30 pm and closed at 8.05 pm)*

**CHAIRMAN** .....

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