

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY 21 DECEMBER 2017

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

**Also Present:** John Ashworth (Corporate Director - Environment), Iain Bell (Revenues and Benefits Manager), Nick Carter (Chief Executive), Paul Hendry (Countryside Manager), Ian Pearson (Head of Education Service), Juliet Penley (Service Manager - Children), Councillor Jeff Beck, Stephen Chard (Principal Policy Officer (Executive Support)), Councillor Alan Macro, Jo Reeves (Principal Policy Officer), Councillor Emma Webster and Pickle Cole.

**Apologies for inability to attend the meeting:** Rachael Wardell (Ian Pearson in attendance as substitute).

#### PART I

##### 52. Minutes

The Minutes of the meeting held on 23 November 2017 were approved as a true and correct record and signed by the Leader.

##### 53. Declarations of Interest

There were no declarations of interest received.

##### 54. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) **Question submitted by Mrs Moz Bulbeck Reynolds to the Leader of the Council**

A question standing in the name of Mrs Moz Bulbeck Reynolds on the subject of the Council's response to the findings of the Social Mobility Commission on social mobility in West Berkshire would receive a written answer from the Leader of the Council as Mrs Bulbeck Reynolds was unable to attend the meeting.

(b) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Leisure**

A question standing in the name of Mr Thomas Tunney on the subject of what action the Council was taking to reduce the number of homeless and offer shelter in times of extreme winter weather would receive a written answer from the Portfolio Holder for Planning, Housing and Leisure as Mr Tunney was unable to attend the meeting.

(c) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Leisure**

A question standing in the name of Mr Thomas Tunney on the subject of whether the Council was meeting its goals in terms of preventing homelessness would receive a written answer from the Portfolio Holder for Planning, Housing and Leisure as Mr Tunney was unable to attend the meeting.

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### (d) **Question submitted by Mr Mark Knight to the Portfolio Holder for Finance and Transformation, Economic Development**

A question standing in the name of Mr Mark Knight on the subject of whether the financial constraints imposed upon West Berkshire Council should also apply to West Berkshire's Town and Parish Councils was answered by the Portfolio Holder for Finance, Transformation and Economic Development.

### 55. **Petitions**

There were no petitions presented to the Executive.

### 56. **OSMC Response to the Executive - Performance Investigation (EX3407)**

The Executive considered a report (Agenda item 6) which provided the Overview and Scrutiny Management Commission's (OSMC's) response to the Executive following the request to investigate areas of poor performance in the 2016/17 Q4 and 2017/18 Q1 Key Accountable Performance Reports. Specifically, the collection of Council Tax and Business Rates, the timeliness of reviews for long term Adult Social Care (ASC) clients and decision making on benefit claims, provision of more affordable housing, and preventing homelessness.

Councillor Emma Webster, Chairman of the OSMC, gave thanks for the opportunity of presenting this report. The monitoring of the Council's performance had long been a significant aspect of the OSMC's Work Programme and the OSMC welcomed the request to review these particular areas of poor performance.

The OSMC's focus had been to assess the progress that had been made in these areas in the period since the exception reports were considered by the Executive. The OSMC had been pleased to note positive progress made to improve performance, in particular for vulnerable residents of the District.

A detailed discussion was held to help understand the actions being taken to improve the timeliness of decisions on benefit claims. The opportunity was also taken as part of this debate to seek to understand the impact that Universal Credit could have on both residents and the Council's services.

The frequency with which bed and breakfast (B&B) facilities were used to house homeless people in the district was a consideration. The 36 instances where this had proved necessary was significantly lower than neighbouring authorities and Members commended the work of Officers in taking all possible actions to avoid a greater use of this emergency accommodation. The fact that the Council had recently taken the step of becoming a Registered Provider was also felt to be positive in that it would help to minimise the use of emergency B&B provision.

Improvements had been made to the timeliness for conducting reviews for long term ASC clients. Greater efficiencies were being sought by the service and this included the potential to conduct reviews, in suitable instances, over the telephone. Members sought and received assurances that these reviews were sufficiently robust and face to face reviews conducted when appropriate. The ability to identify more efficient ways of conducting work was seen as positive for both residents and the Council.

Another particular area for improvement was with the collection of Council Tax and Business Rates.

Councillor Webster stated that while it had been reassuring to note these improvements, the OSMC would continue to monitor performance in these and other areas at every meeting.

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Some specific actions had also been identified by the OSMC and these would also be monitored over time. These included how the funding obtained from backdated Council Tax and Business Rates collection would be budgeted for, the number of affordable housing units that had been lost due to viability challenges by developers, identification of the geographical areas in which affordable homes were being built to help identify gaps in provision and a request made of the Head of Development and Planning to explore the potential to reduce the deadline for commencing developments from three to two years.

Councillor Graham Bridgman welcomed the receipt of this report which was an important element of the OSMC's role.

Councillor Hilary Cole was present at the OSMC meeting in October as areas of her Portfolio were some of those subject to scrutiny. She thanked Members for their in depth questions and challenge. Officers would act on and report back on the action points identified.

Councillor Alan Macro was pleased that the use of B&B was minimal in comparison to other areas, however the issue remained even if the number of residents affected was relatively small. Councillor Webster agreed that the Council needed to continue to take all possible steps to limit the use of B&B and, where this step did become necessary, to carefully select the location of such placements.

In terms of planning commencements, Councillor Macro pointed out that while developments did commence the issue was around the time taken for completions. In response, Councillor Webster felt that the commencement date could become the trigger for payments/contributions to be made by developers.

**RESOLVED that** the responses of the OSMC be noted.

**Other options considered:** n/a

### 57. **Key Accountable Performance 2017/18: Quarter Two (EX3247)**

The Executive considered a report (Agenda Item 7) which provided Quarter Two (Q2) outturns for the Key Accountable Measures which monitored performance against the 2017/18 Council Performance Framework. The report also sought to provide assurance that the objectives set out in the Council Strategy and other areas of significant activity were being managed effectively; to consider, by exception, those measures that were predicted to be 'amber' or 'red' and consider information on any remedial actions taken/the impact; and to consider changes recommended to measures/targets.

Overall, performance had improved from that reported at Q1.

Councillor Lynne Doherty reported that indicators pertaining to educational attainment were showing as amber, however there would be an updated position in quarter three as updated results were published. She was also pleased to report that 95% of schools, PRUs and nursery schools subject to OFSTED inspections were now deemed to be 'good' or 'outstanding'.

Councillor Rick Jones stated that he was pleased to note that all five West Berkshire Council run care homes were assessed as 'good', including Willows Edge which had seen considerable improvements.

Councillor Jeanette Clifford advised that she had recently visited the Flood Alleviation Scheme being built at Tull Way and she was pleased to see the progress being made.

**RESOLVED that** the Executive:

Note progress against the Key Accountable Measures and the key achievements in all services.

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Review those areas reported as 'amber' or 'red' to ensure that appropriate action is in place. In particular, to consider the results and improvement actions for:

- the milestones for the key infrastructure projects: London Road Industrial Estate and Sterling Cables;
- timeliness to respond to Adult Social Care safeguarding concerns;
- % of people presented homeless where the homelessness has been relieved or prevented.

Agree an additional measure, proposed to be reported at the Executive Board starting at Q3, to be included as part of the performance framework in order to give an indication of the outcomes of the community conversations, namely: '*% of identified communities that have agreed what actions will be undertaken to address locally identified issues*'.

Agree a change in target from 'March 2018' to 'July 2018' for the Market Street Redevelopment's second milestone of 'starting on site' due to dependency on developer to complete their viability related processes and hand over the contribution of £500k (see Appendix F exception reports).

**Other options considered:** None

### 58. **Transferring the freehold of children's playgrounds and associated public space to Thatcham Town Council (EX3384)**

The Executive considered a report (Agenda Item 8) which considered Thatcham Town Council's devolution proposal, received in June 2017, for the freehold transfer, and all future maintenance, of the open space and associated playgrounds at Crowfield Drive, Dunstan Park, and Kennet Heath.

Councillor Dominic Boeck explained that Thatcham Town Council already owned public open space and playgrounds in Thatcham, and approval of this proposal would enable the consolidation of all such assets in the area under one authority and one ownership.

Subject to approval of the proposal, the Council's Transport and Countryside Service expected to realise a saving of approximately £4,500 on routine annual maintenance, approximately £9,000 on one off repairs and maintenance of play areas, as well as saving all future capital expenditure on equipment replacement costs. Risk management would transfer to the Town Council.

Councillor Boeck felt that this was a sensible proposal, Executive approval would allow for negotiations to continue and be concluded with the Town Council.

Councillor Marcus Franks commented that subject to approval, this would be another success for the devolution agenda. He thanked Thatcham Town Council, Council Officers and fellow Executive Members for taking this forward and for willing to be flexible in their approach. The Building Communities Together Team and the Town Council had worked closely to bring work to this point, together with colleagues in other Council service areas.

Councillor Franks encouraged all Members to pursue other opportunities with parishes in their wards and for parishes to be invited to come forward with proposals for devolution.

#### **RESOLVED that:**

- The Executive approve the freehold transfer of the assets to Thatcham Town Council subject to appropriate heads of terms being agreed.
- Subject to Thatcham Town Council agreeing the proposed freehold transfer of the three playgrounds, Officers would liaise with the new grounds maintenance

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contractor regarding the removal of the above assets from the grounds maintenance contract, and Officers would also enter into discussions with TTC as to the heads of terms for the transfers.

**Other options considered:** None.

### 59. **Transfer of half share of the legal interest in the Waterside Centre (EX3393)**

The Executive considered a report (Agenda Item 9) which contained a proposal to work collaboratively with Berkshire Youth to refurbish the Waterside Centre, Waldegrave Place, Northbrook Street, Newbury and allow it to provide a universal offer to the young people of West Berkshire.

Councillor Doherty was pleased to introduce the report which delivered on one of the Conservative Manifesto pledges. She stated that there would be a wider offer to the children and young people of West Berkshire, while retaining a targeted service. In addition to the benefit to young people, the Council would receive £370k.

Councillor Jeff Beck expressed support for the proposal and acknowledged that it had taken a long time to get to this point and there would be a benefit to the young people of Newbury for years to come.

**RESOLVED to:**

- (1) delegate to the Corporate Director (Communities) in consultation with the Portfolio Holders for Children & Young People and Finance & Property to transfer half share of the freehold of the Waterside Centre to BBY Waterside Ltd; and
- (2) delegate to the Head of Legal Services to enter into and complete various legal agreements in relation to the future ownership and operation of the Waterside Centre in line with the proposals set out in paragraph 5.4 of the report

**Reason for the decision:** To set out a proposal to work collaboratively with Berkshire Youth to refurbish the Waterside Centre, Waldegrave Place, Northbrook Street, Newbury and allow it to provide a universal offer to the young people of West Berkshire.

**Other options considered:** A number of options were considered some of which were outlined in the report.

### 60. **Short Breaks Services Statement (EX3397)**

The Executive considered a report (Agenda Item 10) which sought approval of the updated Short Breaks Services Statement 2017. This was in line with the statutory requirement to update and review the Statement annually.

As part of the response to the Judicial Review of the decision to reduce the funding for short breaks in July 2016, the Council undertook to hold a public consultation, before reviewing and publishing the Statement this year. This was alongside continued monitoring of take up of services and levels of need.

By way of background, Councillor Lynne Doherty explained that short breaks were services which provided disabled children and young people with an opportunity to spend time away from their families and to socialise with other youngsters, gain independence and have fun. Short breaks also provided respite to families from their caring responsibilities, giving parents a chance to relax or spend time with their other children.

The key changes to the 2017 Statement were the summary and analysis of the results of the public consultation which ran in June 2017; information about the Council's transition funding for short breaks and future plans; and the developments made with short breaks

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providers and services. The Statement demonstrated the work that had been undertaken to ensure that a wide breadth of provision was in place.

Councillor Doherty drew particular attention to the formation of the SEND Providers Forum which had proved beneficial in ensuring that providers were working closely together to sustain and improve services within West Berkshire.

The response to the consultation was minimal and as a result it was considered that the Statement and the short breaks provision in West Berkshire were largely supported. It was however acknowledged that there was a need for a greater geographical spread of initiatives across West Berkshire and one way in which this would be progressed was through community conversations.

Councillor Doherty proposed acceptance of the Statement alongside recognising a continued need to monitor and review the provision.

Councillor James Fredrickson encouraged Members to get involved in community conversations held in their wards. These provided a useful mechanism to involve local communities in areas of importance to them and to generate ways forward for the benefit of local residents.

Councillor Alan Macro queried what more could be done to ensure that service users were aware of the provision on offer. Councillor Doherty acknowledged that work on the local offer needed to be more widely publicised. The local offer would be publicised through the local media as well as considering alternative routes for publicity.

**RESOLVED that** the Short Breaks Services Statement 2017 be approved.

**Other options considered:** To be legally compliant the Council needs to have an approved and up to date Short Breaks Services Statement which is published.

### 61. **Business Rates Discretionary Rate Relief Policy Review Report (EX3403)**

The Executive considered a report (Agenda Item 11) the Business Rates Discretionary Rate Relief Policy Review. The Policy required updating as some forms of rate relief no longer existed. Members were asked to consider the proposed changes to the Policy to ensure consistency and relevance, and to agree the approach/criteria on how a new form of Discretionary Relief, introduced by Government in April 2017, would be administered.

Councillor Bridgman particularly highlighted that the automatic charitable relief given to scout groups and girl guide groups would be removed, which would make their status more equitable with other charitable organisations.

Further work was required to improve the formatting of the policy before publication.

Councillor Cole expressed the view that it would be good to have a formal policy in place.

Councillor Macro asked for clarification on whether scout groups etc would not have to pay business rates. He also asked whether West Berkshire's participation in the Business Rates retention pilot would have any bearing on the discretionary rates offered. Councillor Bridgman responded that scout groups would now be on the same playing field as other charities and could apply for discretionary relief of 20% discount, rather than having this discount applied automatically. The impact of the Business Rates retention pilot was not yet fully known.

Councillor Macro asked whether the Council had communicated the change in policy to the effected organisations. Councillor Bridgman advised that the Council had actively sought out applications.

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Councillor Anthony Chadley reported that the six unitary authorities in Berkshire had been selected to pilot the government's Business Rates retention programme and he thanked the MPs and officers for their support. The full details were not yet known but it was expected that there would be a Berkshire wide benefit up to £35m in capital and revenue.

**RESOLVED** that the amended Discretionary Rate Relief Policy shown at Appendix B is adopted.

**Other options considered: None**

**Reason for the decision:** The policy for discretionary rate relief required updating – some forms of rate relief no longer exist.

To review and consider changes to the policy to ensure consistency and relevance.

To agree approach/criteria to how a new form of Discretionary Relief scheme introduced by government in April 2017 is to be administered.

### 62. **Amendments to the Adult Social Care Charging Policy (EX3402)**

The Executive considered this urgent report (Agenda Item 12) which sought approval to amend the current Adult Social Care (ASC) Policy to reflect the Care and Support (Charging and Assessment of Resources) Regulations 2014, a step already taken in the majority of other local authorities.

Councillor Rick Jones explained that in the Council's current charging policy, the Council did not include the full amount of benefit income in financial assessments in cases where the Council did not provide an element of night time care. However, under the relevant legislation and guidance, it was permissible for the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, to be taken into account when assessing what a person could afford to pay towards the cost of their care. This report proposed to make this change to the Council's Charging Policy.

However, the assessment would continue to establish whether residents could afford to pay a contribution. Some residents already made a contribution and this could see an increase if affordable. For others, they paid no contribution and this would not change if they remained below the threshold. In such cases, the cost would continue to be met by the Council.

Councillor Rick Jones confirmed that the additional income from this proposed approach was estimated at £270k per annum and this would be retained within ASC. This would be extremely beneficial when considering the pressures that the ASC budget was currently under.

Councillor Alan Macro noted that a large number of existing clients would need to be reassessed and he questioned the resource implications of doing so. Councillor Macro also voiced concern for affected residents and sought assurance that they were being made aware of the potential financial impact on them.

Councillor Rick Jones explained that subject to Executive approval of the recommendations, the Client Financial Services Team would assess all residents in receipt of financial support from the Council for ASC. This process would commence in January 2018, with the outcomes beginning to be identified from March 2018. Councillor Rick Jones gave an assurance that residents would receive sufficient warning of any potential financial impact upon them.

Councillor Macro noted that the potential financial impact would be felt by residents from the start of the 2018/19 financial year but queried whether charges would be backdated.

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Councillor Rick Jones clarified that potential new charges would only apply post the reassessments described and not be backdated.

### **RESOLVED to:**

Delegate to the Head of Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care, as follows:

- (1) To consider the consultation responses received in respect of the proposal to amend the Adult Social Care Charging Policy.
- (2) If appropriate, having regard to the consultation responses, to make the amendments to the Adult Social Care Charging Policy to include the full element of Disability Living Allowance or Attendance Allowance that is in payment to individuals where the Council are not providing night time care.

If the proposed amendments to the Scheme are approved, the Council will monitor and review the impact of this proposal on equalities.

**Other options considered:** Leave the Charging Policy as it is. This would mean that there was no additional income into the Adult Social Care budget.

Implement the change for new clients only. There would be a small amount of additional income but it is hard to quantify as we don't know who the new clients will be.

The Council considered whether funding for long-term support and prevention services could be reduced as an alternative to this proposal. However, such a proposal would impact on a greater number of individuals and may further increase demand on Adult Social Care services.

### **63. Members' Questions**

There were no Member questions submitted.

### **64. 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 Paragraphs 1 and 2 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.

### **65. Staffing implications associated with savings put forward to deliver the 2018/19 Revenue Budget: Approval to pay redundancy payments (EX3369)**

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

*(Paragraph 2 – information identifying an individual)*

The Executive considered an exempt report (Agenda Item 14) which sought approval to make the redundancy payments set out in the report associated with savings to deliver the 2018/19 Revenue Budget.

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

**Reason for the decision:** As outlined in the exempt report.

**Other options considered:** As outlined in the exempt report.

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



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**CHAIRMAN**

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**Date of Signature**

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