

# DRAFT

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

## EXECUTIVE MINUTES OF THE MEETING HELD ON THURSDAY, 25 JULY 2019

**Councillors Present:** Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, Lynne Doherty, Richard Somner and Howard Woollaston

**Also Present:** Robert Bradfield (Service Manager - Commissioning), Rebecca Braithwaite (Contracts & Commissioning Officer), Nick Carter (Chief Executive), Tess Ethelston (Group Executive (Cons)), Karen Felgate (Contracts and Commissioning Manager), Mark Lewis (Strategic Commissioning & Compliance Manager), Olivia Lewis (Group Executive (Lib Dem)), Ian Pearson (Head of Education Service), Shiraz Sheikh (Deputy Monitoring Officer), Andy Walker (Head of Finance and Property), Jon Winstanley (Head of Transport and Countryside), Councillor Adrian Abbs, Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Carolyn Culver, Councillor Owen Jeffery, Councillor Ross Mackinnon, Councillor Alan Macro, Councillor Steve Masters, Councillor Andy Moore, Councillor Erik Pattenden and Jo Reeves (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Lee Dillon, Councillor Rick Jones and Councillor David Marsh

### PART I

#### 17. Minutes

The Minutes of the meeting held on 13 June 2019 were approved as a true and correct record and signed by the Leader.

#### 18. Declarations of Interest

There were no declarations of interest received.

#### 19. 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 Jackie Paynter to the Portfolio Holder for Environment**

A question standing in the name of Mrs Jackie Paynter on the subject of whether the Council planned to increase its recycling rate to emulate that of neighbouring South Oxfordshire Council was answered by the Portfolio Holder for Environment.

(b) **Question submitted by Mrs Jackie Paynter to the Portfolio Holder for Environment**

A question standing in the name of Mrs Jackie Paynter on the subject of whether the Council planned to encourage residents to produce less waste, as councils like Stroud had done, was answered by the Portfolio Holder for Environment.

(c) **Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning**

A question standing in the name of Mr Lee McDougall querying the level of funding that the Council felt it would need to provide a replacement facility for the football ground at

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Faraday Road, that was of an equivalent or better quality, was answered by the Portfolio Holder for Economic Development and Planning.

**(d) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning**

A question standing in the name of Mr Lee McDougall on the subject of whether representatives of the children and women users of the community football ground had been invited to join the membership of the London Road Project Board was answered by the Portfolio Holder for Economic Development and Planning.

**(e) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning**

A question standing in the name of Mr Lee McDougall asking how the London Road Project Board intended to consult with the public about the potential impact to the community football ground to ensure all views were captured was answered by the Portfolio Holder for Economic Development and Planning.

**(f) Question submitted by Mr Lee McDougall to the Portfolio Holder for Economic Development and Planning**

A question standing in the name of Mr Lee McDougall, which sought confirmation of the terms of reference of the recently set up London Road Project Board, was answered by the Portfolio Holder for Economic Development and Planning.

### **20. Petitions**

There were no petitions presented to the Executive.

### **21. Key Accountable Performance 2018/19: Quarter Four (EX3423)**

The Executive considered a report (Agenda Item 6) concerning the Council's Key Accountable Performance 2018/19: Quarter Four. Councillor Howard Woollaston introduced the report which monitored performance against the 2018/19 Council Performance Framework; provided assurance that the objectives set out in the Council Strategy 2015-2019 and other areas of significant activity were being managed effectively; and presented, by exception, those measures which were reported 'red' at year end; and outlined remedial action taken/its impact.

Councillor Woollaston reported that the Council was performing well against many of its demanding targets and continually strived to improve standards. He proposed acceptance of the report's recommendations.

Councillor Lynne Doherty added that the Council had, in general, coped well in areas of high demand, in particular Adult Social Care (ASC) and Children and Family Services.

Councillor Doherty was disappointed that the very ambitious and challenging educational attainment targets had not been met. However, she was pleased that improvements had still been made. It was the case that school standards were improving nationally and this made the achievement of targets, that would place West Berkshire in the top quartile, even more challenging.

Turning to the strategic priority to close the educational attainment gap, Councillor Doherty stated that work to improve the attainment of pupils eligible for Free School Meals (FSM) and help them achieve their potential would continue to be a focus of the new Council Strategy. The responsibility for this did not solely fall to schools, partner organisations also had a key role to play. Early years settings in particular played a very important role in working with this cohort of pupils.

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Councillor Doherty commended the work of schools, officers and partner organisations for all their efforts in this difficult area. Councillor Dominic Boeck did likewise and also highlighted the fact that many of these pupils had complex educational needs.

Councillor Doherty concluded her comments by pointing out that alongside the Council's new strategic priorities, its core business/business as usual would continue. She highlighted improvements to the timeliness of processing benefit claims and for determining planning applications. These were two areas which highlighted the importance given to a positive customer focus.

Councillor Graham Bridgman spoke on the three recommendations relating to ASC. He firstly confirmed that actions continued to be taken to decrease the number of bed days due to a Delayed Transfer of Care (DToC). As discussed many times previously, this was a complex area and there were a number of different elements which could contribute to delays in transferring a patient from hospital to a home care package/alternative care. Councillor Bridgman stated that the issue was more predominant on the healthcare side. Work continued between Health and ASC colleagues to manage this on an ongoing basis.

Councillor Bridgman was satisfied that this area was being given sufficient focus.

Secondly, Councillor Bridgman referred to the proposal for the Overview and Scrutiny Management Commission (OSMC) to further analyse the timeliness of reviews of ASC clients with Long Term Support to ensure this had happened within the past 12 months. Councillor Bridgman welcomed the OSMC's involvement. He described work being undertaken to understand how these reviews were being conducted by other local authorities to establish whether changes could be made to the Council's processes, i.e. could some reviews be brought forward and were there cases where a delay was more acceptable.

Finally, the Executive was asked to note the increasing concern in 2018/19 regarding safeguarding and quality relating to some external ASC providers which had arisen following CQC inspections. Councillor Bridgman confirmed that ASC Safeguarding Officers had been closely involved in responding to these concerns.

Councillor Hilary Cole referred to the 'red' indicator for determining planning applications. She pointed out that revised targets were adopted in Quarter Two and it had not been possible to achieve the new higher performance target for the full year. The targets were however achieved within Quarter Four and there was therefore confidence that the targets would be met in 2019/20.

Councillor Alan Macro referred to the project to establish the Joint Venture with Sovereign Housing and queried when this would begin to provide homes. Councillor Cole explained that the Joint Venture was nearing its conclusion. Subject to the receipt of legal advice, it could be signed off by the Chief Executive under delegated powers. Once this had happened, the plan to deliver new homes could progress relatively quickly.

Councillor Macro noted that a review of the Housing Service was being undertaken and asked when the review was due for completion and when the implementation of any recommendations would therefore commence. Councillor Cole explained that a peer review was held in early July 2019. The report was received on 24 July 2019 and consideration of the findings of this report and the implementation of its recommendations would therefore commence. This was being led by the recently appointed Housing Service Manager.

Councillor Macro drew attention to the exception report for relieving or preventing homelessness. The Quarter Four performance of 41% was some way short of the 75% target. Recruitment difficulties were highlighted and Councillor Macro queried plans to

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resolve these. Councillor Cole acknowledged that performance in assessing the increased number of people presenting as homeless, following the introduction of the Homelessness Reduction Act, and requiring a Personal Housing Plan had decreased due to staff sickness and problems recruiting. Efforts were ongoing to resolve these.

Councillor Macro felt there was an inconsistency in the report that needed to be clarified. Paragraph 2.3 (6) (c) stated that work was on track in relation to submitting a new Local Plan and a Minerals and Waste Plan for Examination. However, page 40 of the agenda pack stated that the submission of both these documents was behind schedule. Councillor Cole acknowledged that work on the new Local Plan was currently behind schedule, however it was still anticipated that the consultation, which would incorporate the Minerals and Waste Plan, would take place as per the timetable.

Councillor Owen Jeffery voiced a concern at required timeframes for reviews for ASC clients with long term support not being met. This meant there were instances where an individual was not receiving the required level of care until the review was held, impacting on the individual. It was also the case that timely reviews could identify a reduced level of need and the potential to reduce the care package and its cost. Councillor Jeffery sought reassurance that both these instances were being avoided.

Councillor Jeffery questioned the point made that DToC was more of an issue within hospitals on the healthcare side. If clear care pathways had not been established by the Council then this could result in patients having to remain in hospital or swiftly return to hospital.

Councillor Bridgman responded to these two points. Evidence from reviews of long term care packages highlighted that the level of need would more likely increase rather than decrease and thereby increase costs. However, regardless of this point, he acknowledged that reviews, which were a duty of the Care Act, should be conducted in a timely manner.

On DToC, Councillor Bridgman agreed to provide a chart to Councillor Jeffery which gave a breakdown of the number of delayed days and their causes. This demonstrated that causes were more often health related.

Councillor Carolyn Culver noted that the performance of pupils eligible for FSM at the Early Years Foundation Stage and the support they could be provided with to improve was impacted by the very small number of pupils in this cohort. She questioned if the same issues would apply to a larger group. Councillor Lynne Doherty advised that it was more straightforward to deliver support to a larger cohort as an intervention could be delivered to an entire class. This was much more difficult to provide for a small cohort within a class as they would need to be taught in a different way to the rest of the pupils. This would often have to be delivered to the small group outside of their classroom.

In response to a question from Councillor Culver in relation to the target and performance in completing affordable homes, Councillor Cole explained that the target for 1,000 completions for the period covering 2015 to 2019 was a commitment within the Conservative Manifesto of 2015. In total, 615 affordable homes had been built in West Berkshire in that timeframe. There was also extant planning permission for a further 800 units which had yet to be built out.

Councillor Erik Pattenden queried the absence of a responsible officer against seven of the indicators which fell within the strategic priorities of improving educational attainment and closing the educational attainment gap. The Council was ranked in the fourth quartile for some of these indicators. Councillor Boeck explained that the post had been vacant, but it had been filled and the appointee would soon commence in the role.

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Councillor Pattenden acknowledged that ambitious targets had been set. However, he questioned the Council's low national ranking against some indicators and whether a shortage of resource was a contributing factor in the ranking. Councillor Pattenden particularly highlighted '% of pupils eligible for FSM achieving a Good Level of Development (GLD) at Foundation Stage' where the Council was ranked 150/152. Councillor Boeck stated that performance against this indicator had been acutely observed, but a number of measures were in place to address this and improve performance. This was part of a long term programme.

Councillor Doherty added that this was of particular concern and, as already referenced, this was a continued focus of the new Council Strategy. As indicated by Councillor Boeck, a number of approaches were being taken as there was not a one size fits all solution. It was also the case that performance fluctuated in this area through the year and time needed to be taken to assess a child's needs when they were new to the Foundation Stage. This was an area of focus for schools, but there were wider societal issues to address for what was a national issue.

Councillor Pattenden sought assurance that additional focus to improve performance in one area would not result in a decrease in performance elsewhere. Councillor Boeck advised that all possible efforts would always be made to improve performance and improvements in one area would not be at the expense of another area.

### **RESOLVED that:**

- Progress against the KAMs and key achievements in all services be noted.
- Those areas reported as 'red', as detailed in Appendix F, had been reviewed to ensure that appropriate actions were in place, especially for the measures relating to the Superfast Broadband Project for West Berkshire and the number of bed days due to DToC.
- The following areas be referred for further analysis at the Overview and Scrutiny Management Commission (OSMC). Namely, the results and improvement actions for:
  - (a) the education attainment for Free School Meals cohorts,
  - (b) the timeliness of reviews of ASC clients with Long Term Support,
  - (c) the homelessness prevention and alleviation, and
  - (d) a number of measures reported under the Protecting Children core business.
- The increasing concern in 2018/19 regarding safeguarding and quality relating to some Adult Social Care providers be noted.

**Reason for the decision:** report quarter four outturns for the Key Accountable Measures (KAMs) which monitor performance against the 2018/19 Council Performance Framework.

**Other options considered:** n/a

## **22. Final Schools Funding Formula 2019/20 (EX3783)**

The Executive considered a report (Agenda Item 7) concerning the Final Schools Funding Formula 2019/20. Councillor Jeff Cant introduced the report which explained that the Council's Executive was required to agree, on an annual basis, the school funding formula for primary and secondary schools. The report was approved by Executive in February 2019, but due to a calculation error the formula needed to be approved again. It became apparent after sending out the final allocations to schools on 1 March 2019 that there had been a significant change in the total allocation. Schools

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had received a detailed explanation as to what had happened and this was covered in the report. The corrected formula was approved by the Schools Forum on 17th June 2019.

Councillor Owen Jeffery asked how the error occurred and stated he hoped that an apology had been made to schools. Councillor Cant advised that a spreadsheet formula was incorrect and further training had been provided to staff.

**RESOLVED that** the funding formula be approved.

**Reason for the decision:** the Council's Executive must agree on an annual basis the school funding formula for primary and secondary schools.

**Other options considered:** n/a

### 23. **Framework Agreement for the provision of Community Home Care Services (EX3748)**

The Executive considered a report (Agenda Item 8) concerning the framework agreement for the provision of Community Home Care Services. Councillor Graham Bridgman introduced the report which sought to inform the Executive of the tender process and sought delegated authority for the Head of Adult Social Care, in consultation with the Head of Finance and Property and Head of Legal and Strategic Support, to award each of the lot, block and spot contracts that made up the Framework Agreement to the successful bidders.

Councillor Owen Jeffery queried the risks of moving from the current 30 providers on the framework to the seven proposed. In response, Councillor Bridgman explained that having an arrangement with 30 providers could add complexities. A smaller number would enable officers to have a more direct relationship with providers and achieve good rates. The Council commissioned an average of 10,000 home care hours per week for 894 clients.

Councillor Alan Macro referred to the lot and block areas listed in the report and queried whether Tilehurst, Purley and Theale, which were not specifically listed, would be included. Councillor Bridgman agreed to respond to this point in writing.

**RESOLVED that** authority be delegated to the Head of Adult Social Care, in consultation with Head of Finance and Property and Head of Legal and Strategic Support, to award each of the lot, block and spot contracts that made up the framework to the successful bidders.

**Reason for the decision:** The current framework will expire in October 2019.

**Other options considered:**

Do nothing – costs would increase due to having to spot purchase without a framework. Workloads would also increase due to quality of care needing to be monitored.

Contract extension – this is a framework so there is no scope to extend past four years, the current framework ends in October 2019.

Re-tender a spot purchase only framework – we want to encourage as many providers in and increase efficiencies within the sector. There are often not enough providers who are on the current framework to manage the demand so this is not a viable option to continue in the same way as the current agreement.

### 24. **WBC Catering - Care Homes and Resource Centre Catering (EX3752)**

The Executive considered a report (Agenda Item 9) concerning a contract for Care Homes and Resource Centre Catering. Councillor Graham Bridgman introduced the

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report which proposed the urgent award of a contract for the provision of Care Homes and Resource Centre Catering with a start date of 1st September 2019.

Councillor Owen Jeffery asked why the contract was not proposed to include school meals. Councillor Bridgman advised that he would answer in Part II.

**RESOLVED that** the Part I report, which sought delegated authority for the Head of Adult Social Care to award the contract to the successful bidder for the Care Homes and Resource Centre Catering contract (following the evaluation process) in consultation with the Head of Finance and the Portfolio Holder for Adult Social Care, would be noted prior to consideration within Part II of the meeting.

### 25. Newbury College (Urgent Item)

The Executive considered a report (Agenda Item 10) concerning a proposed loan to Newbury College. Councillor Jeff Cant introduced the report which sought to support the University Centre development at the Newbury College campus by providing a loan to the College to help fund its construction.

Councillor Cant explained that the College had requested a loan of £3.5 million from the Council to be drawn down on the 1 September 2019 at the earliest to enable the completion of the building by September 2020. The College proposed that the loan be secured by a legal charge on the eight acres of land to the east of the campus which they intended to sell and they would repay the loan on completion of the sale of this land.

Additional funding had also been secured by the College from the Thames Valley Berkshire Local Enterprise Partnership, dependant on the facility being open to students from September 2020.

Councillor Cant was supportive of the recommendation, subject to Part II discussions. The University Centre development was excellent news for the town and the district.

Councillor Dominic Boeck added his support to this bold and forward thinking concept which would benefit residents and businesses. The recommendation for approval made clear the Council's high ambitions for all young people and aligned with West Berkshire's continued Vision for the district to be a fantastic place to live, work and learn.

Councillor Carolyne Culver queried whether graduates from the University Centre would have a link to local apprenticeships with local businesses. Councillor Lynne Doherty advised that this was detailed within the appendices to the report.

**RESOLVED that** the Part I report, which sought delegated authority for the Head of Finance & Property, in consultation with the Head of Legal & Strategic Support, to enter into facility agreement and associated legal charge and agreements with Newbury College to provide a loan to the College, would be noted prior to consideration within Part II of the meeting.

### 26. Members' 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 Councillor Jeff Brooks to the Portfolio Holder for Internal Governance

*(Councillor Jeff Brooks joined the meeting at 6.01pm)*

A question standing in the name of Councillor Jeff Brooks on the subject of whether the Council was considering becoming involved in the 5G testbeds and trials projects, recently announced by the Department of Culture, Media and Sport, was answered by the Portfolio Holder for Internal Governance.

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**(b) Question submitted by Councillor Martha Vickers to the Portfolio Holder for Transport and Countryside**

A question standing in the name of Councillor Martha Vickers, asked on her behalf by Councillor Andy Moore, questioning what the Council intended to do to mitigate the issue of disruption in Newbury Town Centre, created by poorly managed building works and uncoordinated utility works, was answered by the Portfolio Holder for Transport and Countryside.

**(c) Question submitted by Councillor Adrian Abbs to the Portfolio Holder for Environment**

A question standing in the name of Councillor Adrian Abbs asking what data was available to the Council showing usage of electric vehicle points in West Berkshire, to help plans for locations and quantity, was answered by the Portfolio Holder for Environment.

**(d) Question submitted by Councillor Erik Pattenden to the Portfolio Holder for Children, Young People and Education**

A question standing in the name of Councillor Erik Pattenden on the subject of the environmental and economic impact of primary and secondary school pupils not being given places at their nearest school was answered by the Portfolio Holder for Children, Young People and Education.

**(e) Question submitted by Councillor Erik Pattenden to the Portfolio Holder for Children, Education and Young People**

A question standing in the name of Councillor Erik Pattenden querying the number of schools in West Berkshire who were continuing to buy into the school meals service from the central contract was answered by the Portfolio Holder for Children, Young People and Education.

**(f) Question submitted by Councillor Erik Pattenden for the Portfolio Holder for Children, Education and Young People**

A question standing in the name of Councillor Erik Pattenden on the subject of whether the Department of Education grant funding for improvement activities that led to improvements in phonics and maths at a group of schools in West Berkshire was going to be renewed, was answered by the Portfolio Holder for Children, Young People and Education.

**(g) Question submitted by Councillor Erik Pattenden to the Portfolio Holder for Children, Education and Young People**

A question standing in the name of Councillor Erik Pattenden asking how and by when teacher assessments of reading, writing and mathematics for pupils aged seven would be improved was answered by the Portfolio Holder for Children, Young People and Education.

**(h) Question submitted by Councillor Erik Pattenden for the Portfolio Holder for Children, Education and Young People**

A question standing in the name of Councillor Erik Pattenden querying the price per meal for a school meal provided under the current school meals service from the central contract was answered by the Portfolio Holder for Children, Young People and Education.



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### (i) **Question submitted by Councillor Owen Jeffery to the Leader of the Council**

A question standing in the name of Councillor Owen Jeffery asking how the Executive intended to reduce the ten year life expectancy gap between the better off and least well off parts of the District was answered by the Leader of the Council.

### (j) **Question submitted by Councillor Owen Jeffery to the Portfolio Holder for Adult Social Care**

A question standing in the name of Councillor Owen Jeffery asking what steps the Executive had taken and would take to ensure the continuation of domiciliary care services across the District, should increasing numbers of European Union (EU) citizens leave the country (assuming the UK left the EU on 31 October 2019) was answered by the Portfolio Holder for Adult Social Care.

### (k) **Question submitted by Councillor Adrian Abbs for the Portfolio Holder for Environment**

A question standing in the name of Councillor Adrian Abbs, which asked the Executive to confirm that it would end the green bin charge to help encourage more recycling and help to reduce society's carbon footprint, was answered by the Portfolio Holder for Environment.

## **27. Exclusion of Press and Public**

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned items of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3 and 6 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.

## **28. WBC Catering - Care Homes and Resource Centre Catering (EX3752)**

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

The Executive considered an exempt report (Agenda Item 13) concerning a contract for care homes and resource centre catering.

**RESOLVED** to delegate authority to the Head of Adult Social Care to award the contract to the successful bidder following the evaluation process, in consultation with the Head of Finance and the Portfolio Holder for Adult Social Care.

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

## **29. Nursery Site Acquisition (EX3749)**

The Executive considered an exempt report (Agenda Item 14) concerning the acquisition of a nursery site.

**RESOLVED** that the recommendation in the exempt report be approved.

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

## **30. Newbury College Loan (Urgent Item)**

The Executive considered an exempt report (Agenda Item 15) concerning a proposed loan to Newbury College.

**RESOLVED** to delegate authority to the Head of Finance and Property, in consultation with the Head of Legal and Strategic Support, to enter into a facility agreement and associated legal charge and agreements with Newbury College to provide a loan to the College.

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

*(The meeting commenced at 5.00pm and closed at 6.52pm)*

**CHAIRMAN** .....

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