

# Notice of Meeting

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# Executive

**Thursday, 20th December, 2018 at 5.00 pm**

**in the Council Chamber, Council Offices,  
Market Street, Newbury**

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Thursday, 13 December 2018

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk)



**WestBerkshire**  
C O U N C I L

**Agenda - Executive to be held on Thursday, 20 December 2018 (continued)**

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



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

## Part I

Pages

1. **Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 11 - 16  
To approve as a correct record the Minutes of the meeting of the Committee held on 18 October 2018.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Public Questions**  
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.
  - (a) **Question submitted by Mr Steve Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**  
*"Do the Executive have a viable plan and target date to achieve net Zero Carbon status in West Berkshire?"*
  - (b) **Question submitted by Ms Susan Millington to the Portfolio Holder for Planning, Housing and Waste**  
*"In the light of the EU commitment to ban single-use plastics across the EU by 2021, can we ask West Berkshire Council to follow the lead of other councils around the country and bring forward a motion to confirm the phase out of their use as soon as possible (by 2021 at the latest), within WBC itself, to promote the banning of similar products in all businesses with which you work through procurement avenues and other networks, and to keeping residents informed of progress?"*
  - (c) **Question submitted by Ms Susan Millington to the Portfolio Holder for Planning, Housing and Waste**



**Agenda - Executive to be held on Thursday, 20 December 2018 (continued)**

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*“Now that so many people are concerned to reduce plastic pollution, and your neighbouring councils are collecting a wider range of plastics than in West Berkshire, can you please inform us about what efforts you are making to modify your present contract with Veolia so that a greater range of plastics can be collected and recycled?”*

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**(d) Question submitted by Ms Susan Millington to the Portfolio Holder for Planning, Housing and Waste**

*“When you are intending to provide recycling bins alongside the standard rubbish bins in public places in the local area?”*

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**(e) Question submitted by Mr David Marsh to the Portfolio Holder for Highways and Transport, Environment and Countryside**

*“The headteachers, governors and parents of Falkland and Park House schools believe that a reduction in the speed limit from 30mph to 20mph on Andover Road near the schools would greatly enhance their children's safety. Do you agree?”*

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**(f) Question submitted by Mr David Marsh to the Portfolio Holder for Highways and Transport, Environment and Countryside**

*“Will you consider improving safety for residents, pedestrians and road users by extending the 30mph speed limit zone along the A343 south in the direction of Wash Water so that it covers the whole residential area of Andover Road?”*

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**(g) Question submitted by Ms Moz Bulbeck Reynolds to the Portfolio Holder for Planning, Housing and Waste**

*“Which housing developers are the Council actively seeking out to encourage efficient, environmentally sound, and truly affordable home building on brown sites in the West Berkshire Council area?”*

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**(h) Question submitted by Ms Moz Bulbeck Reynolds to the Portfolio Holder for Corporate Services**

*“What additional support is the Council provisioning to give Council employees who are at the front line of managing the housing benefit roll over onto Universal Credit, to ensure they are fully supported to best assist clients affected?”*

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**(i) Question submitted by Mr John Stewart to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

*“Now that any redevelopment of the London Road Estate is not going to happen for some years, when will the council re-open the Faraday Road football stadium fit-for-purpose so that teams in the Newbury community can once again play their league matches?”*

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**(j) Question submitted by Dr Julie Wintrup to the Portfolio Holder for Corporate Services**

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**Agenda - Executive to be held on Thursday, 20 December 2018 (continued)**

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*“When will the Council disclose all relevant documents including but not limited to the decisions of committees and individual members, fiscal and legal advice and recommendations, and risk assessments related to the regeneration of the London Road Industrial Estate project since 2010, as it is obliged to do under its Duty of Candour?”*

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**(k) Question submitted by Dr Julie Wintrup to the Portfolio Holder for Planning, Housing and Waste**

*“Will the council supply details of all public consultation events and outcomes specific to the redevelopment of the London Road Industrial Estate regeneration project for the period between 2008 and 2018?”*

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**(l) Question submitted by Mr Paul Morgan to the Portfolio Holder for Corporate Services**

*“Given that the football stand is an Asset of Community Value, will the Council provide the necessary legal documentation, such as a bill of transfer to a 3<sup>rd</sup> party, to show that it has complied with the ACV requirements?”*

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**(m) Question submitted by Mr Lee McDougall to the Portfolio Holder for Planning, Housing and Waste**

*“Given that there has not been a section 80 Notice of Demolition issued, despite Gary Rayner confirming in writing that one was required, will the Council be reinstating the stand until the necessary approvals are in place?”*

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**(n) Question submitted by Mr Lee McDougall to the Portfolio Holder for Planning, Housing and Waste**

*“Can Councillor Hilary Cole please advise on the amount of money the Council intends to spend on re-opening the football ground which the Chief Executive has promised the Council will do?”*

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**(o) Question submitted by Mr Jack Harkness to the Leader of the Council**

*“Does the Council’s failure to consult the Newbury Ladies football team about the closure of the Faraday Road Football Stadium demonstrate a sexist mindset within the Council?”*

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**(p) Question submitted by Mr Jack Harkness to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

*“Will the Council now permit the ladies teams to play cup matches at Faraday Road?”*

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**(q) Question submitted by Mr Lee McDougall to the Portfolio Holder for Corporate Services**

*“Could you provide a detailed itemised list of all costs associated with the LRIE redevelopment incurred since 2010 to the present day?”*

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**(r) Question submitted by MsCarolyn Culver to the Portfolio Holder for**

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**Planning, Housing and Waste**

*“What happens to the contents of the green recycling bag if it is contaminated with plastics that cannot be recycled - e.g. bottle tops, margarine tubs etc?”*

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(s) **Question submitted by Mr Peter Norman to the Portfolio Holder for Corporate Services**

*“What actions are the Council taking in light of the Appeal Court ruling its development agreement with St Modwen being invalid due to not following the correct procurement process?”*

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(t) **Question submitted by Mr Peter Norman to the Portfolio Holder for Corporate Services**

*“Will the Council publish all minutes of the meetings it had with St Modwen prior to signing of the agreement along with any legal advice it received?”*

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(u) **Question submitted by Mr Peter Norman to the Portfolio Holder for Corporate Services**

*“What is the total amount spent on facilitating the St Modwen development agreement including the capital costs of the new road junction to the estate, the cost of officer’s time spent on the project and all legal fees spent in pursuing this development to date?”*

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**5. Petitions**

Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

**Items as timetabled in the Forward Plan**

	<b>Page(s)</b>
<b>6. Key Accountable Performance 2018/19: Quarter Two (EX3421)</b> (CSP: BEC, BEC1, BEC2, SLE, SLE1, SLE2, P&S, P&S1, HQL, HQL1, MEC, MEC1) Purpose: To report Q2 outturns for the Key Accountable Measures which monitor performance against the 2018/19 Council Performance Framework. To provide assurance that the objectives set out in the Council Strategy and other areas of significant activity are being managed effectively. To present, by exception, those measures that are predicted to be 'amber' or 'red' and provide information on any remedial action taken and the impact of that action. To recommend changes to measures/targets as requested by services.	17 - 26
<b>7. Capital Financial Performance Report - Q2 of 2018/19 (EX3592)</b> (CSP: MEC & MEC1) Purpose: To inform Members of the progress with major capital schemes,	27 - 34

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**Agenda - Executive to be held on Thursday, 20 December 2018 (continued)**

particularly those considered to be high risk, and forecast spend against the 2018/19 approved capital budget.

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8. **Revenue Financial Performance Report - Q2 of 2018/19 (EX3562)** 35 - 40  
(CSP: MEC & MEC1)  
Purpose: To inform Members of the latest revenue financial performance of the Council for 2018/19.
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9. **Funding arrangements for Newbury Railway Station Improvements (EX3673)** 41 - 50  
(CSP: SLE, SLE2, HQL)  
Purpose: To seek Executive approval for entering into a funding agreement with Great Western Railway (GWR) to facilitate the improvement works to Newbury Railway Station in accordance with the Thames Valley Berkshire Local Enterprise Partnership (TVB LEP) funding.
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10. **Devolution of Playgrounds to Thatcham Town Council (EX3649)** 51 - 54  
Purpose: To consider Thatcham Town Council's (TTC) devolution proposal for the freehold transfer, and all future maintenance, of the open space and associated playgrounds at Pound Lane and Mount Road, Thatcham. This report seeks approval to transfer the playgrounds and associated open space as a freehold from this Council to TTC.
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11. **Contract award (exception) for the Public Health Community Services Contract (EX3662)** 55 - 64  
(CSP: P&S, HQL & HQL1)  
Purpose: To seek approval from the Executive to an exception from the contract rules of procedure to award the Public Health Enhanced Services Contract to each of the 13 GP Practices across West Berkshire from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022. The exception will enable the Council to extend the current provision of the service fulfilling public health functions and mandatory directives guidance.
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12. **Supported Living Schemes and Floating Support for Adults with Learning Disabilities (EX3670)** 65 - 72  
(CSP: P&S, HQL & HQL1)  
Purpose: To inform Executive of the tender process and to seek delegated authority to award the contract.
- 
13. **Members' Questions**  
Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.
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- (a) **Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services**





*“What is the estimated cost of officer time spent on the LRIE to date?”*

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**(b) Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services**

*“What are the estimated internal and external costs for re-procuring a London Road preferred partner?”*

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**(c) Question submitted by Councillor Lee Dillon to the Portfolio Holder for Health and Wellbeing, Leisure and Culture**

*“Why did the council not consult on closing the football ground which has seen men’s, women’s and children’s football displaced across the district?”*

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**(d) Question submitted by Councillor Lee Dillon to the Portfolio Holder for Finance, Transformation and Property**

*“How much income has the council forgone since it evicted its tenants from the football ground?”*

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**14. Exclusion of Press and Public**

RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 8.10.4 of the Constitution refers.](#)

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## **Part II**

**15. Contract award (exception) for the Public Health Enhanced Services Contract (EX3662) 73 - 82**

*(Paragraph 6 - information relating to proposed action to be taken by the Local Authority)*

(CSP: P&S, HQL & HQL1)

Purpose: To seek approval from the Executive to an exception from the contract rules of procedure to award the Public Health Enhanced Services Contract to each of the 13 GP Practices across West Berkshire from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022. The exception will enable the Council to extend the current provision of the service fulfilling public health functions and mandatory directives guidance.

**16. Supported Living Schemes and Floating Support for Adults with Learning Disabilities (EX3670) 83 - 92**

*(Paragraph 5 - information relating to legal privilege)*

(CSP: P&S, HQL & HQL1)

Purpose: To inform Executive of the tender process and to seek delegated authority to award the contract.

Andy Day



Head of Strategic Support

### West Berkshire Council Strategy Aims and Priorities

#### Council Strategy Aims:

- BEC** – Better educated communities
- SLE** – A stronger local economy
- P&S** – Protect and support those who need it
- HQL** – Maintain a high quality of life within our communities
- MEC** – Become an even more effective Council

#### Council Strategy Priorities:

- BEC1** – Improve educational attainment
- BEC2** – Close the educational attainment gap
- SLE1** – Enable the completion of more affordable housing
- SLE2** – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy
- P&S1** – Good at safeguarding children and vulnerable adults
- HQL1** – Support communities to do more to help themselves
- MEC1** – Become an even more effective Council

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## DRAFT

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

### EXECUTIVE

## MINUTES OF THE MEETING HELD ON THURSDAY, 18 OCTOBER 2018

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

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Edward Clintworth (Public Health Programme Officer), Robert O'Reilly (Head of Human Resources), Ian Pearson (Head of Education Service), Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Mollie Lock, Councillor Alan Macro and Councillor Quentin Webb

**Apologies for inability to attend the meeting:** Councillor Jeanette Clifford and Councillor Marcus Franks

### PART I

#### 49. Minutes

The Executive meeting commenced with all present observing a one minute silence. This followed the tragic accident involving friends and colleagues from Priors Court School on 11 October 2018. Three members of the school's staff lost their lives as a result of the accident, with others sustaining serious injuries. Members' thoughts were with all those involved at the school and their families.

The Minutes of the two Special Executive meetings held on 12 July 2018 and the Executive meeting on 6 September 2018 were approved as true and correct records and signed by the Leader.

#### 50. Declarations of Interest

There were no declarations of interest received.

#### 51. Petitions

Councillor Graham Jones stated that petitions would be received in advance of responding to public questions on this occasion due to the high number of public questions.

Councillor Graham Jones presented a petition containing 231 signatures relating to the application for a 20mph speed limit and the re-designation of Back Street as 'access only' in the village of Eastbury. Councillor Graham Jones commented that the petition had received almost total support from Eastbury villagers. The petition would be referred to the Head of Transport and Countryside and the Portfolio Holder for Highways and Transport, Environment and Countryside.

Councillor Alan Macro presented two petitions, one containing 666 signatures and one containing 6,960 signatures, both requesting that the Council abolish the £50 green bin tax. The petition stated that recycling was an essential service and should not be subject to an additional charge which could result in less economically fortunate residents recycling their garden waste. There were also concerns that disabled and elderly residents would be unable to take their recycling to a Household Waste Recycling Centre as an alternative.

## EXECUTIVE - 18 OCTOBER 2018 - MINUTES

Councillor Hilary Cole questioned the presentation of the green waste petitions by Councillor Macro when she recalled that Liberal Democrat Members supported the introduction of this charge at the Council meeting in March 2018. Councillor Lee Dillon stated that Liberal Democrat Members voted against this proposal and against the budget. Councillor Graham Jones pointed out that Councillor Dillon had proposed a Motion at Council to reduce but not remove the green waste charge.

As the number of signatories to the green waste petitions exceeded the threshold of 1500 signatures which could allow a Council debate, discussions would be held as to whether the petition would be debated at a Full Council meeting. This was a matter to be determined by the two Group Leaders.

### 52. 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 Ms Carlyne Culver to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Ms Carlyne Culver on the subject of not cutting verges so often to allow wild flowers to grow for the benefit of pollinators was answered by the Portfolio Holder for Corporate Services in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

(b) **Question submitted by Ms Carlyne Culver to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Ms Carlyne Culver on the subject of the amount spent by the Council during this financial year on collecting fly tipped waste, in comparison with the 2017/18 financial year, was answered by the Portfolio Holder for Planning, Housing and Waste.

(c) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of the employment of a Conservative Group Support Officer was answered by the Leader of the Council.

(d) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of why budget cuts and belt tightening did not apply to the activity of Councillors was answered by the Leader of the Council.

(e) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of social media activity by an Executive Member was answered by the Leader of the Council.

(f) **Question submitted by Mr Thomas Tunney to the Leader of the Council**

A question standing in the name of Mr Thomas Tunney on the subject of the provision of social media training for all Council Members was answered by the Leader of the Council.

(g) **Question submitted by Mr Peter Carline to the Portfolio Holder for Economic Development and Communications**

A question standing in the name of Mr Peter Carline on the subject of supporting a second Brexit referendum would receive a written response from the Portfolio Holder for Economic Development and Communications.

## EXECUTIVE - 18 OCTOBER 2018 - MINUTES

### (h) **Question submitted by Mr Paul Morgan to the Portfolio Holder for Economic Development and Communications**

A question standing in the name of Mr Paul Morgan on the subject of what evidence and consultation had taken place to support the decision relating to Newbury Football Club, as outlined in a Council press release in June 2018, was answered by the Portfolio Holder for Economic Development and Communications.

Mr Morgan expressed concern that the Portfolio Holder's response did not address the question as originally submitted. It was therefore agreed that, post complete clarification, a full written answer would be provided by the Portfolio Holder for Economic Development and Communications. Mr Morgan would then be given the opportunity to ask a supplementary question. Mr Morgan stated that he would also appreciate a conversation on the matter.

The full response would be detailed in the publically available Question and Answer document (available as a link in these minutes).

### (i) **Question submitted by Ms Susan Millington to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Ms Susan Millington on the subject of why the option to pay £25 for six months' of green bin collections had not been publicised was answered by the Portfolio Holder for Planning, Housing and Waste.

### (j) **Question submitted by Mr Lee McDougal to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr Lee McDougal on the subject of when the Playing Pitch Strategy (PPS) would be available to the public to read and whether the Council was committed to adhering to any recommendations made from the PPS was answered by the Portfolio Holder for Economic Development and Communications in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

### (k) **Question submitted by Mr Stephen Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr Stephen Masters on the subject of improving air quality in West Berkshire was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

Mr Masters' supplementary question would receive a written response.

### (l) **Question submitted by Mr Stephen Masters to the Portfolio Holder for Highways and Transport, Environment and Countryside**

A question standing in the name of Mr Stephen Masters on the subject of whether cuts to rural bus services had helped to reduce car use and improve air quality was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture in the absence of the Portfolio Holder for Highways and Transport, Environment and Countryside.

## 53. **Procurement of Investment Portfolio Services (EX3642)**

The Executive considered a report (Agenda Item 6) which sought approval to delegate authority to (a) the Head of Finance to award the call off contract to Montagu Evans following a mini competition dated 31 August 2018 under the terms of the Crown Commercial Services Framework (ref: RM3816 dated 12 April 2017) and (b) the Head of Legal Services to enter into a call off contract. This was in respect of the appointment of the Council's Property Investment and Management Advisor.

## EXECUTIVE - 18 OCTOBER 2018 - MINUTES

Councillor Anthony Chadley advised that Montagu Evans had already been appointed to this role, following an appropriate procurement exercise in August 2017, to manage the original sum of £50m to be invested in commercial property. To date, £48m of this sum had been invested and the income target for the Council of £500k per annum was already being exceeded. Councillor Chadley added that the Property Investment Board was in place to oversee this expenditure.

As a result of this success, approval was then given by Council in July 2018 to increase the sum for property investment to £100m and thereby increase the Council's potential income. Advice from the Council's Legal Team was to carry out a procurement process for the additional £50m investment and as this could create two parallel contracts it was agreed that the existing contract with Montagu Evans would be cancelled and a procurement process undertaken to cover the additional investment and the management of the entire £100m portfolio.

Montagu Evans was the only bidder, they were considered suitable and met the required criteria. Montagu Evans was therefore recommended as the Council's Property Investment and Management Advisor.

Councillor Dominic Boeck added to the points made by Councillor Chadley. The Council had worked with Montagu Evans since 2016 and in Councillor Boeck's view they had done an excellent job. While the Council's in house expertise was good, Montagu Evans had provided an extra depth in that expertise. He was delighted to support the recommendation.

Councillor Jeff Brooks felt it was disappointing that only one bid had been submitted and questioned whether the reasons for this had been investigated. He accepted that Montagu Evans had met the required quality criteria, but he was concerned that there was no competitor with which to compare the bid from Montagu Evans and he queried if any lessons had been learned from this process.

Councillor Chadley advised that he had asked the very same questions. It was however very difficult to investigate why no further bids had been submitted. Some assumptions had been made, it was felt that the involvement of Montagu Evans in the first tranche could have resulted in other property firms deciding not to bid. Councillor Chadley did make the point that the bid for the £100m portfolio from Montagu Evans was an improvement upon their original successful bid for the £50m. He also explained that Montagu Evans scored more highly and was a substantially cheaper alternative to its competitors for the original tendering process for the £50m portfolio.

Councillor Boeck added that the sums of £50m and £100m were not considered substantial in the market and there was therefore only a small pool of potential bidders. He went on to explain that Montagu Evans had gained much experience in property investment and would have been challenging competition if any other bids had been forthcoming.

Councillor Brooks accepted that the incumbent provider would have been seen by its competitors as having the fast track for this contract, however he felt it was invaluable to identify lessons learned from the process.

Councillor Brooks noted from the report that fees for a single provider for a £100m portfolio would potentially be in the region of £2.5m for a five year contract and felt that a greater awareness was needed of how the portfolio was structured, i.e. whether bonuses were paid and penalties issued, to help ensure that value for money was being achieved. Councillor Graham Jones noted that a response to this point could involve commercially sensitive information and it was agreed that this would be followed up with Councillor Brooks outside of the meeting.

## EXECUTIVE - 18 OCTOBER 2018 - MINUTES

Councillor Alan Macro questioned the difference between the fees potentially paid to Montagu Evans and the level of income expected to be received by the Council. His expectation was that the Council's income should, in comparison, be higher than the amount paid to Montagu Evans.

Councillor Chadley explained that he could not answer that point in full due to commercial sensitivities, but did point out that Montagu Evans was responsible for the ongoing management and maintenance of properties and therefore the £2.5m was not a profit for them. The income obtained by the Council was a profit.

**RESOLVED** that following the conclusion of a further competition process within the Crown Commercial Services framework, it was agreed that the Council should appoint Montagu Evans as its Property Investment and Management Advisor.

**Other options considered:** None identified.

### 54. 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 Corporate Services**

A question standing in the name of Councillor Jeff Brooks on the subject of the average margin paid to temporary worker agencies on top of the agency workers cost was answered by the Portfolio Holder for Corporate Services.

(b) **Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Corporate Services**

A question standing in the name of Councillor Jeff Brooks on the subject of whether agency workers were paid the National Living Wage was answered by the Portfolio Holder for Corporate Services.

(c) **Question submitted by Councillor Alan Macro to the Portfolio Holder for Planning, Housing and Waste**

A question standing in the name of Councillor Alan Macro on the subject of how the part year payment for the green waste bin charge was publicised was answered by the Portfolio Holder for Planning, Housing and Waste.

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

A question standing in the name of Councillor Lee Dillon on the subject of how residents were expected to attend the Newbury Vision 2026 Conference when it was being held during the working day was answered by the Leader of the Council in the absence of the Portfolio Holder for Community Resilience and Partnerships.

### 55. 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 they involved the likely disclosure of exempt information as contained in Paragraphs 4 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.



EXECUTIVE - 18 OCTOBER 2018 - MINUTES

**56. Contract extension (exception) for the Public Health School Nursing and Health Visiting Service: 0-19 (up to 25 for young people with special educational needs and disabilities) (EX3643)**

*(Paragraph 6 – information relating to proposed action to be taken by the Local Authority)*

The Executive considered an exempt report (Agenda Item 9) requesting an exception from the Contract Rules of Procedure to extend the current contract for the Public Health School Nursing and Health Visiting Service 0-19 (up to 25 for young people with special educational needs and disabilities). The exception would enable the Council to extend the current provision of the service by an additional 12 months.

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

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

**57. Approval for an exit payment over £10,000 (Urgent item)**

*(Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)*

The Executive considered an exempt report (Agenda Item 10) which sought approval to make an exit payment in excess of £10,000.

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

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

*(The meeting commenced at 5.00pm and closed at 6.07pm)*

**CHAIRMAN** .....

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

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## Key Accountable Performance 2018/19: Quarter Two - Summary Report

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Dominic Boeck
<b>Date Portfolio Member agreed report:</b>	6 December 2018
<b>Report Author:</b>	Jenny Legge/Catalin Bogos
<b>Forward Plan Ref:</b>	EX3421

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### 1. Purpose of the Report

- 1.1 To report quarter two outturns for the Key Accountable Measures (KAMs) which monitor performance against the 2018/19 Council Performance Framework.
- 1.2 To provide assurance that the objectives set out in the [Council Strategy 2015-2019](#) and other areas of significant activity are being managed effectively.
- 1.3 To present, by exception, those measures which are predicted to be 'amber' (behind schedule) or 'red' (not achievable) at year end, and provide information on any remedial action taken and the impact of that action.
- 1.4 To recommend changes to measures/targets, as requested by services.

### 2. Recommendations

- 2.1 To note progress against the KAMs and key achievements in all services.
- 2.2 To review those areas reported as 'amber' and 'red' to ensure that appropriate actions are in place:

#### **Amber:**

- 1) (LRIER) London Road Industrial Estate redevelopment 2018/19 milestone: Create and gain approval for the business plan (CEO)
- 2) Increase number of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above
- 3) Average number of days taken to make a full decision on new Benefits claims (F&P)
- 4) % of people presenting as homeless where the homelessness has been relieved or prevented (D&P)

#### **Red**

- 1) % of WBC provider services inspected by Care Quality Commission (CQC) that are rated good or better by CQC in the area of "safe" (ASC)

- 2) % of clients with Long Term Service (LTS) receiving a review in the past 12 months (ASC)
- 3) % of 'major' planning applications determined within 13 weeks or the agreed extended time (D&P)
- 4) % of 'minor' planning applications determined within 8 weeks or the agreed extended time (D&P)

2.3 To note that the D&P Service are considering an alternative KPI for “% of high priority Disabled Facilities Grants approved within 9 weeks of receipt of full grant applications”.

### 3. Implications

- 3.1 **Financial:** To be highlighted and managed by individual services.
- 3.2 **Policy:** To be highlighted and managed by individual services.
- 3.3 **Personnel:** To be highlighted and managed by individual services.
- 3.4 **Legal:** To be highlighted and managed by individual services.
- 3.5 **Risk Management:** To be highlighted and managed by individual services.
- 3.6 **Property:** To be highlighted and managed by individual services.
- 3.7 **Other:** There are no other know direct implications.

### 4. Other options considered

- 4.1 None

# Council Strategy 2015-19: Key Accountable Performance Scorecard

## Summary of Performance for 2018/19: Quarter 2

### Council Strategy

Priorities for Improvement

\*RAG status

Core Business

Educational Attainment **R**

**G** Protecting our Children

Close the Attainment Gap **R**

**G** Bin Collection & Street Cleaning

More Affordable Housing **R**

**G/A** Providing Benefits

Key Infrastructure Improvements **G/A**

**G** Council Tax & Business rates collection

Safeguarding Children & Adults **G/R**

**G/R** Older & Vulnerable Adults Wellbeing

Communities Help Themselves **G**

**G/A** Planning and Housing

More Effective Council **G/A**



### Corporate Programme

New Legislation Preparation **G**

**G** Strategy Development

Strategic Transformation **G**

**G** Service Transformation

### Corporate Health

Net budget for 2018/19: **£119.4m**

Staff turnover (of 1,566 FTE)  
rolling 12 months

2018/19 Q1 forecast overspend **£1.3m**

**14.5%** 2018/19 Q1 staff turnover

2018/19 Q2 forecast overspend **£1.3m**

**13.7%** 2018/19 Q2 staff turnover



\*Red, Amber, Green (RAG). For Strategic Priorities, this is measured over the life of the Council strategy (2015-2019). For Core Business and the Corporate Programme, the RAG relates to year end targets



## Executive Summary

### 5. Introduction / Background

5.1 This report provides the Executive with a summary of the council performance during quarter two 2018/19. Performance is shown against the priorities for improvement (Council Strategy 2015-19), core business activity, the Corporate Programme and Corporate Health Indicators. The overall position is summarised in the Key Accountable Performance Scorecard.

### 6. Synopsis

6.1 Notable this quarter is the number of measures of volume that reached significantly higher levels compared to the previous 2.5 years for most of them. These suggest increased demand and pressure on Adult Social Care (ASC) service (new requests for services, long term service clients, safeguarding enquiries opened), on Children and Family Services (number of Looked after Children) and other services (number of reported crimes, house price, FOI requests etc.).

6.2 Reduction/downward trend is evident relating to: planning applications received and people killed or seriously injured on West Berkshire's roads.

6.3 In terms of priorities for improvement, most areas are performing well. Milestones for this year for key infrastructure projects (Market Street and Sterling Cables) have been completed but the Superfast Broadband Programme is impacted by further delays. Birchwood Nursing home improved its Care Quality Commission (CQC) rating to "Requires Improvement" and further improvement actions continue. The end of year target for the number of community engagements facilitated by the Building Communities Together Team has already been exceeded.

6.4 Under the 'More effective council' aim, a minority of measures/milestones have not achieved their targets (see exception reports Appendix E).

6.5 For core business areas: Good performance continued this quarter for the Key Accountable Measures (KAMs) relating to children's social care.

6.6 The measure relating to waste recycling is an estimated 7% better than the target. Street cleanliness measure is on target but has declined compared to last year. The ASC Reablement / rehabilitation (still at home 91 days after hospital discharge) measure has further improved. Reviews of ASC long term clients is now rated Red, due to staff deployment solutions not being possible over the summer. In planning, local target setting towards the end of Q1 has meant that adjustments to how applications are processed have only recently been made, but performance declined for major and minor applications (RAG Red) and improved for 'other' (householder applications etc.). The homelessness prevention measure has declined, but more work is needed to ensure the reporting methodology is correct following the Homelessness Reduction Act implementation.

6.7 Corporate Health: Revenue budget forecast overspend is £1.3m (including a number of mitigation strategies). Since Q1, staff turnover has reduced by approximately 1% to 13.7%.

## 7. Conclusion

- 7.1 Significant increases on a number of measures of volume suggest increasing pressure on Council's services.
- 7.2 The Council continues to perform well in most areas. Improvements have been achieved in some activity domains (e.g. key infrastructure projects, community engagement, some ASC). The Corporate Programme is reporting good progress across all areas of work.
- 7.3 Most of the measures RAG rated Amber or Red have achieved results only slightly below targets, and are not of significant concern at this stage. Performance of a small number of measures is impacted by factors outside the Council's control. In addition, based on the analysis of the available information at Corporate Board:
- (1) Four measures (ASC long term cases review, Homelessness prevention and minor/major planning applications' determination) are proposed for the Executive to monitor closely.

## 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – District Wide Health Check Dashboard
- 8.5 Appendix E – Key Accountable Measures of Volume (Dashboard and by Service)
- 8.6 Appendix F – Key Accountable Measures by Strategic Priority
- 8.7 Appendix G - Exception Reports
- 8.8 Appendix H – Quarterly Service Requests
- 8.9 Appendix I – Technical Background and Conventions
-

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Resources
Service:	Strategic Support
Team:	Performance, Research and Consultation
Lead Officer:	Catalin Bogos
Title of Project/System:	n/a
Date of Assessment:	n/a



## Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be personal processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using the personal data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

<b>What is the proposed decision that you are asking the Executive to make:</b>	To note performance outturns and to review any remedial actions proposed.
<b>Summary of relevant legislation:</b>	n/a
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Catalin Bogos
<b>Date of assessment:</b>	24/07/2018

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	No	<b>New or proposed</b>	No
<b>Strategy</b>	No	<b>Already exists and is being reviewed</b>	No
<b>Function</b>	Yes	<b>Is changing</b>	Yes
<b>Service</b>	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To report on progress on delivering the Council Strategy Priorities and Core Business objectives.
<b>Objectives:</b>	To ensure decision making bodies are informed of the progress made with delivering the Council Strategy Priorities and Core Business objectives.
<b>Outcomes:</b>	Corporate Board and the Executive Committee are informed of performance levels and have reviewed any actions proposed to improve performance.
<b>Benefits:</b>	All beneficiaries of the council's services should benefit, either directly or indirectly, from the delivery of better outcomes.

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age		
Disability		

Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Catalin Bogos

Date: 24/07/2018

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## 2018/19 Capital Financial Performance: Quarter Two

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	6 December 2018
<b>Report Author:</b>	Shannon Coleman-Slaughter
<b>Forward Plan Ref:</b>	EX3592

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### 1. Purpose of the Report

- 1.1 To inform Members of the progress with major capital schemes, particularly those considered to be high risk, and forecast spend against the 2018/19 approved capital budget.

### 2. Recommendations

- 2.1 That Members should note progress against the Council's capital programme and forecast expenditure against the approved capital budget.

### 3. Implications

- 3.1 **Financial:**  
Any potential capital slippage will be monitored in year and any impact on the 2019/20 capital programme reviewed by the Capital Strategy Group (CSG).
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** n/a
- 3.4 **Legal:** n/a
- 3.5 **Risk Management:** n/a
- 3.6 **Property:** n/a
- 3.7 **Other:** n/a

### 4. Other options considered

- 4.1 N/a – factual report for information.

## 5. Executive Summary

- 5.1 The Council set an original capital budget for 2018/19 of £72.8million, with funding of £25.5million from external grants, £4.5million section 106 contributions and Community Infrastructure Levy and with £42.8million planned to be funded from borrowing. In-year changes to the capital budget may occur as a result of budgets brought forward from the previous financial year, additional grants and section 106 allocations received in year and spend re-profiled into 2019/20.
- 5.2 The current capital budget has increased to £83.7million, mainly as a result of £12.7million programme slippage from the financial year 2017/18 and the re-profiling of £2 million highways spend to 2019/20, agreed by Capital Strategy Group in May and July 2018.
- 5.3 At the end of Quarter Two, total spend of £80million is forecast against the revised capital budget of £83.7million and 69% (£58million), of the revised budget has been committed. The Communities Directorate is forecasting an under spend of £937k mainly on Education schemes, the Economy and Environment Directorate is forecasting an under spend of £2.9million on Highways schemes and the Resources Directorate is forecasting a net overspend of £24k mainly relating to property schemes.

Directorate Summary	Current Budget	Quarter One		Quarter Two		Change in Forecast from Last Quarter
		Forecast Spend in Year	Forecast (under)/Over Spend	Forecast Spend in Year	Forecast (under)/Over Spend	
	£'000	£'000	£'000	£'000	£'000	£'000
Communities	12,715	12,061	(654)	11,778	(937)	(283)
Economy & Environment	28,825	26,825	(2,000)	25,947	(2,878)	(878)
Resources	42,125	42,149	24	42,149	24	0
Totals	83,665	81,035	(2,630)	79,874	(3,791)	(1,161)

- 5.4 At the end of Quarter Two the Communities directorate is forecasting capital spend of £11.7 million, or 93% of the revised capital budget of £12.7 million.
- 5.5 Education Services is forecasting an under spend of £944k against the current year's capital budget of £10.9million. The forecast under spend of £944k is net of £1.16million of spend on a number of schools schemes which is planned to be re-profiled to 2019/20. An additional saving of £174k achieved relating to the expansion of the Castle School which was completed in August. Additional in year savings forecast on the expansion of Compton and Fir Tree primary schools giving totalling £284k. The reduction in spend in the current year due to re-profiling and savings is offset by pressures of £502k, relating to planned maintenance of schools, the expansion of Theale and Winchcombe Primary Schools and the proposal to treat expenditure on aids and adaptations for disabled children as capital expenditure.
- 5.6 In respect of other major projects, construction of the new Highwood Copse School started in July and the school is planned to be completed in July 2019. Theale Parish Council has now agreed in principle to relinquish the lease on the land required for the relocation of Theale Primary school. Subject to finalising the new lease with the Englefield Estate and confirmation of the contract price, it is currently expected that construction will commence in February 2019 with completion

scheduled for April 2020. Agreement about the design of the replacement of the East of Area PRU with Tilehurst Parish Council, who own the site, is yet to be resolved.

- 5.7 Children & Family Services are forecasting a £7k pressure as a result of works to a foster carer's home estimated at £7k above the current year budget of £18k. Adult Social Care is forecasting on line.
- 5.8 At the end of Quarter Two the Economy & Environment Directorate is forecasting capital spend of £25.9million, or 90% of the capital budget of £28.8million. At Quarter Two £2.9million of spend has been identified for re-profiling into 2019/20. This includes £1.2million for the A339/Bear Lane junction improvements. The scheme is now scheduled for January 2019, so the majority of the cost will now be incurred in 2019/20. £980k spend on improvements to Station Road will be delayed to 2019/20, as this scheme is dependent on completion of the Station redevelopment by Great Western Rail. £350k Local Economic Plan (LEP) funding for the A4 cycleway improvements will also be delayed to tie in with the new racecourse junction which is scheduled for summer 2019.
- 5.9 The Development and Planning Service and the Public Protection and Culture Service are forecasting on line positions.
- 5.10 The Resources Directorate at the end of Quarter Two is forecasting capital spend of £42.15million, or 100.1% of the capital budget of £42.13million. The Finance and Property Service is forecasting an over spend of £39k, relating to pressures on maintenance of non-corporate buildings and to facilitate future developments of Council land. Human Resources is forecasting a £15k underspend relating to the new HR/Payroll system, it is anticipated that this sum will be re-profiled to 2019/20. Legal Services and Strategic Support are forecasting on line positions. Customer Services and ICT are also forecasting on line. However it should be noted that the three current Superfast Broadband contracts are still subject to delay, and the impact on spending in the current year will be reported at Quarter Three.

## **6. Proposal**

- 6.1 To note the forecast position.

## **7. Conclusion**

- 7.1 The level of expenditure against the agreed Capital Programme will continue to be monitored by CSG and a further report will be made to the Executive at the end of Quarter Three.

## **8. Appendices**

Appendix A - Data Protection Impact Assessment  
Appendix B - Equalities Impact Assessment  
Appendix C - Supporting Information



## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Resources
Service:	Finance and Property
Team:	Accountancy
Lead Officer:	Shannon Coleman-Slaughter
Title of Project/System:	Q2 Capital Financial Performance
Date of Assessment:	23/8/18

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favorably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	No decision.
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	
<b>Name of assessor:</b>	Shannon Coleman-Slaughter
<b>Date of assessment:</b>	23/8/18

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	
<b>Objectives:</b>	
<b>Outcomes:</b>	
<b>Benefits:</b>	

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>  (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age		
Disability		
Gender Reassignment		
Marriage and Civil		

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>Yes/No</b>
Please provide an explanation for your answer:	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes/No</b>
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name:

Date:

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## 2018/19 Revenue Financial Performance: Quarter Two

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Anthony Chadley
<b>Date Portfolio Member agreed report:</b>	6 December 2018
<b>Report Author:</b>	Melanie Ellis
<b>Forward Plan Ref:</b>	EX3562

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### 1. Purpose of the Report

- 1.1 To inform Members of the latest revenue financial performance for 2018/19.

### 2. Recommendations

- 2.1 To note the report, and in particular the continued challenge of managing pressures in adult social care, which are shared nationally, and the mitigation that is proposed in year to reduce the current end of year projection.

### 3. Implications

#### 3.1 Financial:

The current financial forecast is an overspend of £1.3m against a net revenue budget £119.4m. This figure includes a number of mitigation strategies, notably the in year reduction of expenditure, where appropriate, across the Council, and in particular in Adult Social Care. Members will be aware that risk reserves were agreed for a number of Services, including Adult Social Care, as part of this year's Budget setting. £1.3m of these risk reserves could be used to mitigate further the forecast overspend but this has not yet been deployed and is not included in the forecast. At the same time there is a £768k risk management budget which could be utilised to help mitigate further the current forecast overspend. This has also not been deployed at this time. Taken together both would have a significant mitigating effect.

#### 3.2 Policy: n/a

#### 3.3 Personnel: n/a

#### 3.4 Legal: n/a

#### 3.5 Risk Management: n/a

#### 3.6 Property: n/a

#### 3.7 Other: n/a

**4. Other options considered**

4.1 N/a – factual report for information.

## 5. Executive Summary

- 5.1 The financial performance reports provided to Members throughout the financial year report the forecast under or over spend against the Council's 2018/19 approved revenue budget of £119.4m. The Quarter Two forecast is an overspend of £1.3m, which is 1.1% of the net budget. The forecast overspend has increased by £12k from last quarter.

Directorate Summary	Current Net Budget	Forecast (under)/over spend		Change from Last Quarter
		Quarter One	Quarter Two	
	£000	£000	£000	£000
<b>Communities</b>	<b>67,709</b>	<b>2,768</b>	<b>2,803</b>	<b>36</b>
<b>Economy and Environment</b>	<b>30,909</b>	<b>3</b>	<b>(333)</b>	<b>(336)</b>
<b>Resources</b>	<b>12,827</b>	<b>(280)</b>	<b>(667)</b>	<b>(387)</b>
<b>Capital Financing &amp; Risk Management</b>	<b>7,982</b>	<b>(1,200)</b>	<b>(500)</b>	<b>700</b>
<b>Total</b>	<b>119,427</b>	<b>1,291</b>	<b>1,303</b>	<b>12</b>

NB. Rounding differences may apply to nearest £k.

- 5.2 The forecast overspend of £1.3m takes into account £2m of mitigating action to be delivered by services during the remainder of the current financial year. Prior to any mitigation, the Council would be forecasting an overspend position of £3.3m.
- 5.3 The main driver of the forecast overspend position is the Communities Directorate which is forecasting an overspend of £2.8m (4%) against a net budget of £67.7m. £2.1m of this sum relates to Adult Social Care which is facing increasing financial pressures on demand led, externally commissioned, placement budgets, over and above the modelled assumptions that formed the basis of budget setting. In addition, a number of risks, which are provided for in the service specific risk reserve, have materialised. Local Authorities nationally are facing significant financial challenges relating to the funding of Adult Social Care budgets, increasing demand on services and rising costs of commissioning care. Our position, as with other Local Authorities across the country, highlights the urgent need for a national review of funding for Adult Social Care. A further £650k relates to Children and Family Services where £500k of the forecast overspend is due to pressure in Child Care Lawyers. This is in part attributable to an unmet savings target and in part to an increase in complex cases since last quarter. The demand led placement budgets are reporting an overspend of £173k mainly in Independent Fostering Agencies' and Special Guardianship cost centres.
- 5.4 A decision has been taken corporately to slow expenditure in the remainder of the current financial year as a corporate response to the Adult Social Care overspend. Adult Social Care has been tasked with identifying £500k mitigation strategies. Children & Family Services and the Education Service, have been tasked with identifying mitigation strategies of £200k each. A further £500k mitigation target was allocated to corporate services. £2m has now been identified and reported within the Directorates forecasts. £987k mitigation has been found within services with the remaining £1039k forecast to be achieved by year end.



- 5.5 A £500k underspend has been forecast in Risk Management in response to the Adult Social Care grant that has been announced. The news of this meant it was too early to include in the service forecast for Quarter Two, but will be included in Adult Social Care from Month Seven.
- 5.6 In response to the volatility of some of the Council's budgets, service specific risk reserves have been established. The levels of these reserves are informed by the level of risks in the service risk registers. Named risks that have arisen so far in 2018/19 amount to £1.3m and could be used to support the financial position. The forecast is before any use of the risk reserves.
- 5.7 The 2018/19 budget was set with a risk management budget of £768k. As per the Medium Term Financial Strategy and Revenue Budget approved by Council, this budget was built because the Council was facing a number of risks that could arise in 2018/19 but could not be quantified at the time of budget setting. These included increase in demand for services over and above budget assumptions, inflationary pressures, income risks and risk to delivery of savings plans. This budget could be released to support the financial position. The forecast is before any use of this budget provision.
- 5.8 The Council's Quarter Two forecast position of £1.3m overspend, is after forecasting the impact of a corporate mitigation measures to stop non-essential spend, but before release of the risk management budget (£768k) and before use of available risk reserves (£1.3m). Deployment of these options would bring the year in under budget.
- 5.9 The budget for 2018/19 was set with a savings and income generation programme of £5.2m. The programme is monitored on a monthly basis using the RAG system. The Council set a revenue budget of £119.4m for 2018/19. At Quarter Two £372k of risks are Red (7%), £777k Amber (15%) and £4.1m Green (78%).
- 5.10 The Council created a Transformation Reserve of £1m in order to ensure that the Council has the resources to pursue transformation plans outlined in the MTFS and to invest in strategies that will bring future benefits to the organisation. £566k was allocated in 2017/18 and £567k in 2018/19. Council approval was given to increase the Transformation Reserve in 2018/19 by £561k, as part of the Strategy for use of Capital Receipts. The reserve currently stands at £428k.

## 6. Proposal

- 6.1 To note the forecast position.

## 7. Conclusion

- 7.1 The Council is facing an in year overspend of £1.3m against a net revenue budget of £119.4 m, which is 1.1% of the net budget. The main driver of this is a £2.1m overspend in Adult Social Care and a £650k overspend in Children and Family Services. The Council has responded to the financial position and has put in place measures to mitigate the overspend, and identified budgets that could be released to bring the forecast overspend down further. These measures will be monitored through the remainder of the year. The Council has an excellent track record of managing the savings programme and minimising budget over spends, but if the forecast over spend remains at year end, it will impact on our reserves.

## 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Summary Revenue Forecast 2018/19
- 8.5 Appendix E – Savings and Income Generation Programme Risk Items
- 8.6 Appendix F – Budget Changes
- 8.7 Appendix G – Employee Costs

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## Funding arrangements for Newbury Railway Station Improvements

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Jeanette Clifford
<b>Date Portfolio Member agreed report:</b>	29 November 2018
<b>Report Author:</b>	Jenny Graham
<b>Forward Plan Ref:</b>	EX3673

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### 1. Purpose of the Report

- 1.1 To seek Executive approval for entering into a funding agreement with GWR to facilitate the improvement works to Newbury Railway Station in accordance with the Thames Valley Berkshire Local Enterprise Partnership (TVB LEP) funding.

### 2. Recommendations

- 2.1 The Executive resolves to delegate authority to:
- (a) the Head of Development and Planning (in consultation with the Head of Finance and the Portfolio Member for Transport) to award the funding in connection with improvement works at Newbury Station to GWR. The source of this funding is from the TVB LEP and will only be allocated once it is available.
  - (b) the Head of Legal Services to enter into a funding agreement with GWR.

### 3. Implications

- 3.1 **Financial:** The full financial implications are discussed within the body of the report. The scheme does not require any additional Council funding.
- 3.2 **Policy:** There are no policy implications in connection with this decision. The scheme the funding will deliver has been planned to comply with local policies.
- 3.3 **Personnel:** No implications - this project can be delivered with existing personnel.
- 3.4 **Legal:** Prior to the award of grant there needs to be in place a funding agreement with GWR and TVB LEP
- 3.5 **Risk Management:** A risk register has been prepared to support the business case for this scheme. It can be found in Appendix D of the business case which is available online at [www.westberks.gov.uk/sep](http://www.westberks.gov.uk/sep) under Project 24: Newbury – Railway Station Improvements. The business case also includes details GWR's Procurement and Contract

Management Strategies (contained in Chapter 6 of the business case).

3.6 **Property:** None

3.7 **Other:** None

#### 4. Other options considered

4.1 The consideration of various options for the improvement works at Newbury Station are dealt with in the Options Assessment Report (OAR) which forms part of the formal documentation in support of this scheme. The OAR can be found on the Council's website at [www.westberks.gov.uk/sep](http://www.westberks.gov.uk/sep) under Project 24: Newbury – Railway Station Improvements.

4.2 Given the fact that a large proportion of the proposed improvement works will affect land and buildings on railway land (owned by Network Rail and leased to GWR), it is not considered an option for the Council to procure the work directly. The only realistic option for the delivery of the works is for GWR to procure the improvements works within the station lease area in accordance with their Procurement Strategy.

4.3 An alternative option to the Council awarding funding to GWR would be for TVB LEP to fund GWR directly. The mechanisms in place do not currently allow for this and so the strong preference is for the Council to receive funding from the TV LEP and to then award a portion of this to GWR for their elements of the scheme.

## Executive Summary

### 5. Introduction / Background

- 5.1 The Council and GWR have jointly developed and promoted a scheme of improvements to Newbury Railway Station. This scheme will link with the Market Street development and will deliver significant enhancements to the buildings and facilities at the station alongside work on the highway to the south of the station to improve the transport interchange facilities. Full details of what is proposed to be delivered are listed in Appendix D.
- 5.2 The works outlined in Appendix D have attracted £6.051m of Growth Deal Funding from TVB LEP (this is based on a full business case prepared for the scheme by the Council and GWR available on the Council's website). Conditional approval for this funding was granted in July 2018 by the Berkshire Local Transport Body (BLTB). Full approval should be achieved in December 2018 once the conditions have been met.

### 6. Proposals

- 6.1 The funding from TVB LEP will be confirmed to the Council through a Capital Grant Letter. A draft of this letter is included at Appendix E. The detailed wording will be finalised and agreed between TVB LEP and the Council during December.
- 6.2 The rules around the establishment of the BLTB and the way in which Growth Deal funding is granted for transport schemes means that the full funding will be paid to the Council (in instalments). The split of the Growth Deal Funding in order to deliver the proposed scheme is: GWR £4.734m and WBC £1.317m
- 6.3 To ensure appropriate financial and procedural controls, the Council will enter into a legal agreement with GWR. This will ensure that the GWR elements of the scheme are delivered in accordance with the business case and the conditions contained in the Capital Grant Letter from TVB LEP.

### 7. Conclusion

- 7.1 The proposed scheme at Newbury Railway Station is in the Capital Programme and has been through the BLTB process to attract funding. A resolution from the Executive is required for the Council to provide funding to GWR as described above. The Executive is therefore asked to approve the recommendations as set out in Section 2.

### 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Summary of proposed scheme
- 8.5 Appendix E – DRAFT Capital Grant Letter from TVB LEP

8.6 Appendix F – Initial document outlining improvements to Newbury Railway Station

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Economy and Environment
Service:	Development & Planning
Team:	Transport Policy
Lead Officer:	Jenny Graham
Title of Project/System:	Funding for Newbury Railway Station Improvements
Date of Assessment:	14.11.2018



**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To grant delegated authority for an award of funding to GWR for improvements to Newbury Railway Station and to enter into a funding agreement with GWR to govern the award of this money which is being provided via the local growth fund deal between TVB LEP and Government.
<b>Summary of relevant legislation:</b>	n/a
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No
<b>Name of assessor:</b>	Jenny Graham
<b>Date of assessment:</b>	14.11.2018

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	<b>Yes/No</b>	<b>New or proposed</b>	<b>Yes/No</b>
<b>Strategy</b>	<b>Yes/No</b>	<b>Already exists and is being reviewed</b>	<b>Yes/No</b>
<b>Function</b>	<b>Yes/No</b>	<b>Is changing</b>	<b>Yes/No</b>
<b>Service</b>	<b>Yes/No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To receive delegated authority to award funding and enter into a funding agreement with GWR.
<b>Objectives:</b>	To deliver the project in line with the business case and agreement with the TVB LEP
<b>Outcomes:</b>	To have a significantly improved environment with better facilities at Newbury Railway Station.
<b>Benefits:</b>	Passengers will benefit from the improved facilities and a more pleasant journey experience. The public as a whole will benefit through the facilitation of more people using rail travel.

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race,

Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Disability	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Gender Reassignment	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Marriage and Civil Partnership	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Pregnancy and Maternity	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Race	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Religion or Belief	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Sex	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
Sexual Orientation	Not affected by the decision	The decision is one relating to funding and not the delivery of the scheme itself.
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Jenny Graham

Date: 14.11.2018

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Devolution of Playgrounds to Thatcham Town Council

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Jeanette Clifford
<b>Date Portfolio Member agreed report:</b>	6 December 2018
<b>Report Author:</b>	Paul Hendry, Countryside Manager
<b>Forward Plan Ref:</b>	EX3649

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### 1. Purpose of the Report

- 1.1 To consider Thatcham Town Council's (TTC) devolution proposal for the freehold transfer, and all future maintenance, of the open space and associated playgrounds at Pound Lane and Mount Road, Thatcham.
- 1.2 The locations of the open space are shown at Appendix 1.
- 1.3 The current sites are under the management of TTC by virtue of a lease dated 28 April 2003. The lease period is for 99 years. This report seeks approval to transfer the playgrounds and associated open space as a freehold from this Council to TTC.

### 2. Recommendation

- 2.1 That Corporate Board agree that officers can enter into discussions with TTC as to the heads of terms for the freehold transfer.

### 3. Implications

- 3.1 **Financial:** There are no financial implications. All costs relating to the management of these sites, both revenue and capital, currently sits with the Town Council.
- 3.2 **Policy:** The proposal supports the Council's new policy Devolution in West Berkshire  
<http://info.westberks.gov.uk/index.aspx?articleid=34205>
- 3.3 **Personnel:** There are no staffing implications.
- 3.4 **Legal:** This disposal complies with the European Commission's State aid rules. As the land is open space the potential disposal of the land is consequently being advertised in accordance with legislation. If objections to the disposal are received the objections will have to be considered. Based on the merits of these a decision will have to be made as to whether to proceed with the freehold disposal.

3.5 **Risk Management:** There are no implications.

3.6 **Property:** The assets are shown at Appendix 1.

3.7 **Other:** None.

#### 4. **Other options considered**

4.1 None.

## Executive Summary

### 5. Introduction / Background

- 5.1 Thatcham Town Council (TTC) submitted an asset transfer proposal through the Devolution Portal at the end of June 2017. This requested the freehold transfer, from this Council to TTC, of a number of playgrounds. The freehold of 3 playgrounds at Crowfield Drive, Dunstan Park and Kennet Heath are currently in the process of being transferred. TTC meanwhile made a further request for the freehold transfer of the Pound Lane and Mount Road facilities.
- 5.2 TTC already maintain a number of large open spaces and other playgrounds under their own contract arrangements and they view this proposal as a means to amalgamate all Thatcham assets under the ownership of one authority.
- 5.3 The playgrounds and open spaces subject of this report are already managed by TTC under a lease for 99 years dated 23 April 2003. What officers are seeking is approval to transfer the freehold to TTC as requested.
- 5.4 TTC already maintain a number of large open spaces and other playgrounds under their own contract arrangements and they view this proposal as a means to amalgamate all Thatcham assets under the ownership of one authority. In response to concerns raised by officers as to why a freehold transfer is now being requested TTC responded as follows:
- “The Town Council does not think that Thatcham tax payers should fund the provision of assets that the Town Council doesn’t own”.*
- 5.5 TTC have expressed an interest in other playgrounds and open spaces being devolved to them and as above would seek to have them transferred by freehold rather than leasehold. This request addresses a future anomaly whereby some assets are leased whilst others are have been/are being, transferred by leasehold.
- 5.6 The locations of these playgrounds are shown on the map attached as Appendix 1.

### 6. Opportunity

- 6.1 This proposal offers an opportunity for West Berkshire Council to support the devolution agenda and permanently place local playgrounds and open space assets at the appropriate level of government to ensure that they are maintained appropriately and continue to meet the requirements of the local community into the future.
- 6.2 TTC will have greater access to the necessary funding required, specifically capital funding to ensure these play assets remain available to the public.

### 7. Considerations

- 7.1 The Council has the power to dispose of the land pursuant to s123 of The Local Government Act 1972 subject to it being at the best consideration that can reasonably be obtained. The Freehold transfer to TTC is a disposal for the purposes of s123 Local Government Act 1972



- 7.2 All disposals must comply with the European Commission's State aid rules. When disposing of land at less than best consideration the Council is providing a subsidy to the occupier of the land. In such cases the Council must ensure that the nature and the amount of the subsidy complies with State aid rules, failure to comply means that the aid is unlawful. State Aid does not apply in this instance because this is a transaction between statutory bodies where there is no distortion of the market or competition.
- 7.3 Heads of terms and the transfer deed will include appropriate provisions restricting the site for the purposes of open space recreation and play. This means that the restrictions imposed on the sites will continue to bind the land forever.
- 7.4 Should TTC want to install additional facilities and buildings on the site they will need to obtain the consent of West Berkshire Council first, who may or may not consent, although the deed will include a clause to confirm that they will not unreasonably withhold their consent provided that the additional facilities do not go against aims of providing and promoting open spaces.
- 7.5 As the land is open space the disposal is being advertised locally under provisions set out in the Local Government Act. If objections to the disposal are received these will have to be considered. Based on the merits of any objections received a decision will then have to be made as to whether to proceed with the freehold disposal.

## 8. Conclusion

- (1) This proposal supports West Berkshire Council's commitment to helping devolution happen by supporting locally-led service delivery.
- (2) Playground assets are placed at the appropriate level of government to ensure that they are maintained appropriately.
- (3) TTC are better placed and have the necessary experience to continue to manage these assets into the future.

## 9. Appendices

- 9.1 Appendix 1 – Map of locations
- 9.2 Appendix 2 – Equality Impact Assessment

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## Contract award (exception) for the Public Health Enhanced Services Contract (Services include NHS Health Checks, Long Acting Reversible Contraceptions Service and Shared Care Opiate Substitute Prescribing Programme)

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Rick Jones
<b>Date Portfolio Member agreed report:</b>	6 December 2018
<b>Report Author:</b>	Edward Clintworth
<b>Forward Plan Ref:</b>	EX3662

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### 1. Purpose of the Report

- 1.1 To seek approval from Executive for an exception from the contract rules of procurement to award the Public Health Enhanced Services Contract to each of the 13 GP Practices across West Berkshire from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2022.
- 1.2 The 3 year contract (2+1) will be delivered by 13 GP Practices across West Berkshire. The exception will enable the Council to extend the current provision of the service fulfilling public health functions and mandatory directives guidance.

### 2. Recommendation

- 2.1 To seek approval from Executive to award the Public Health Enhanced Services contract 19-22 to all (13) GP Practices across West Berkshire.

### 3. Implications

- 3.1 **Financial:** The existing funding for these services derives from the annual Public Health grant, designated to West Berkshire Council from Central Government for the purpose to improve health and reduce health inequalities across West Berkshire.
- 3.2 **Policy:** None of the services outlined in this report are subject to the West Berkshire District Council's Public Consultation exercise on the 2019/20 budget proposals.
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** N/A
- 3.5 **Risk Management:** The Public Health Enhanced Services Contract consists of 3 Public Health services, 2 of which must be delivered locally under statutory local authority regulations\*. These are:

**Contract award (exception) for the Public Health Enhanced Services Contract (Services include NHS Health Checks, Long Acting Reversible Contraceptions Service and Shared Care Opiate Substitute Prescribing Programme)**

- The NHS Health Checks Programme\*
- The Long Acting Reversible Contraceptions Service\*
- The Shared Care Opiate Substitute Prescribing Programme

If this contract is to be re-tendered, there is a risk that the process may deter and weaken relationships with GP practices.

3.6 **Property:** N/A

3.7 **Other:** N/A

**4. Other options considered**

4.1 Re-tender the service across West Berkshire ASAP

## Executive Summary

### 5. Introduction / Background

- 5.1 The Public Health Enhanced Services Contract consists of 3 Public Health services, 2 of which must be delivered locally under statutory local authority regulations\*. These are the NHS Health Checks Programme\*, The Long Acting Reversible Contraceptions Service\* and the Shared Care Opiate Substitute Prescribing Programme. These services have been delivered by West Berkshire GP Practices across West Berkshire since 2009. Previously under the umbrella of NHS Berkshire West Primary Care Trust, GP Practices agreed to deliver these services under a Locally Enhanced Service Agreement (LES) as a bolt on to existing General Medical Services (GMS) and Personal Medical Services (PMS). Since 1st April 2013, these services were delivered under a contractual agreement between West Berkshire Council and each GP Practice across West Berkshire.

### 6. Proposals

- 6.1 The new 3 year contract will provide stability to the continued commitment and delivery of key health and wellbeing outcomes across West Berkshire at a quality and price which is unmatched in today's economic environment. The length of the contract will allow flexibility and an opportunity to vary if required. Whilst there are very few providers in the market who can effectively deliver this contract, GP Practices currently deliver this service at optimum value for money. The criteria is tailored to specific need and requires a specialist service to deliver the key service outcomes. A potential provider would need existing infrastructures, facilities and equipment in place within various venues across West Berkshire to deliver these services effectively. This has acted as a barrier to the wider market.

### 7. Conclusion

- 7.1 Executive agrees to the exception to award the Public Health Enhanced Services contract 19-22 to all (13) GP Practices across West Berkshire.

### 8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Resources
Service:	Contracts and Commissioning
Team:	Commissioning
Lead Officer:	Edward Clintworth
Title of Project/System:	N/A
Date of Assessment:	N/A

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will you be processing data on a large scale?</b></p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will any decisions be automated?</b></p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>	<b>X</b>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<b>X</b>

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	Executive agrees to award the Public Health Enhanced Services contract 19-22 to all (13) GP Practices across West Berkshire.
<b>Summary of relevant legislation:</b>	Public Contract Regulations 2015
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	N/A
<b>Name of assessor:</b>	Edward Clintworth
<b>Date of assessment:</b>	05.11.18

Is this a:		Is this:	
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>Yes</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	<p>The overarching aims of these services are;</p> <p><u>NHS Health Checks Services</u></p> <p>The aim of this service is to provide support to service users through joint participation of healthcare professionals in the planned delivery of care for service users at risk of developing CVD. The service aims to develop and provide information and support for patients identified at moderate to high risk of CVD and offer a behavioural lifestyle intervention with the aim of further informing service users of the risk of CVD in the future.</p> <p><u>Long Acting Reversible Contraception Service</u></p> <p>The Long Acting Reversible Contraception Service (LARC) aims to contribute to reductions in unplanned pregnancies, teenage pregnancy rates, repeat abortions and use of emergency hormonal contraception.</p>



	<p><u>Shared Care Service</u></p> <p>The aim of this service is to provide support to service users through joint participation of specialists and GPs in the planned delivery of care for service users with drug problems, informed by an exchange of information beyond routine referral and discharge letters. The service aims to develop and coordinate the care of opiate drug users that have been assessed as stable and therefore suitable for management in primary care with the aim of freeing time and resources in secondary care to work with patients with complex needs.</p>
<p><b>Objectives:</b></p>	<p><u>NHS Health Checks Services</u></p> <ul style="list-style-type: none"> <li>• Provide support and information to service users of the risks associated with CVD.</li> <li>• Provide on-going review of a patient's development of care where appropriate.</li> <li>• Encourage behavioural lifestyle changes by addressing the patient's wider physical, mental and social health and wellbeing.</li> <li>• Promote continuity of care.</li> <li>• Promote access to additional lifestyle services or input where required</li> <li>• Actively promote healthy lifestyle behaviour change.</li> </ul> <p><u>Long Acting Reversible Contraception Service (LARC)</u></p> <ul style="list-style-type: none"> <li>• Ensure that a range of LARC methods (sub dermal Nexplanon™ implants (Nexplanon implant), coils (IUD) or hormonal coils (IUS)) are provided by practices to women of reproductive age, for contraceptive purposes only, in line with national standards and guidance, including safeguarding practice.</li> <li>• Increase availability of post-coital fitting of IUD for emergency contraception as an additional means of reducing unwanted pregnancies.</li> </ul> <p><u>Shared Care Service</u></p> <ul style="list-style-type: none"> <li>• Provide care closer to patients.</li> <li>• Improve access to primary care based treatment for patients who meet the locally agreed criteria.</li> <li>• Normalise the drug treatment process.</li> <li>• Encourage a holistic approach by addressing the patient's wider physical, mental and social health and wellbeing.</li> <li>• Promote continuity of care.</li> </ul>

**Contract award (exception) for the Public Health Enhanced Services Contract (Services include NHS Health Checks, Long Acting Reversible Contraceptions Service and Shared Care Opiate Substitute Prescribing Programme)**

	<ul style="list-style-type: none"> <li>Promote access to additional specialist clinical treatment or input where required</li> <li>Actively promote recovery from drug misuse.</li> </ul>
<b>Outcomes:</b>	The public health outcomes framework includes a range of health and wellbeing outcomes which these services are measured. The framework focuses on high level outcomes we want to achieve. The outcome measures are continuously monitored for marked improvements and are embedded into the KPIs of each service.
<b>Benefits:</b>	The Physical and Mental Health and Wellbeing of eligible Men and Women aged 40-74 (NHS Health Checks), eligible Women over the age of 25 (LARC) and eligible Men and Women aged 16+ (Shared Care). Key performance indicators and quality outcomes are available on request.

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

**(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)**

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	The decision to award the existing Public Health Enhanced Services Contract directly to GP Practices across West Berkshire will not affect people with particular characteristics. The exception will not include a major change to an existing policy or not significantly affect how functions are delivered. The existing service will operate as normal and within the current parameters of best practice, governance and clinical standards. The decision will not have an impact on how other organisations operate in terms of equality.	The Public Health Enhanced Services Contract is managed by the Public Health and Wellbeing Team which continuously reviews supporting guidance to maintain effective local delivery of the services. These are in the form of national policy, NICE guidance, and evidence/research publications.
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		

**Further Comments relating to the item:**

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
Please provide an explanation for your answer:	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Edward Clintworth

Date: 11.12.18

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Supported Living Schemes and Floating Support for Adults with Learning Disabilities

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<b>Committee considering report:</b>	Executive on 20 December 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	6 December 2018
<b>Report Author:</b>	Rebecca Braithwaite
<b>Forward Plan Ref:</b>	EX3670

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### 1. Purpose of the Report

This paper seeks to inform Executive of the tender process and seeks delegated authority to award the contract from Executive. The existing contract is due to end 25<sup>th</sup> February 2019 and is currently made up of three separate contracts. The decision by Procurement Board was to combine the re-tender of the current service into one lot due to economies of scale indicated by providers that would be the most cost effective route to market. The tender submissions have now been received.

### 2. Recommendation

Executive approves the recommendation from Procurement Board to re-tender the service as one lot.

### 3. Implications

#### 3.1 Financial:

The tender submissions have now been received. The new rates are higher than those originally tendered, resulting in a financial pressure. This increase is consistent with an adjustment for inflation experience over the previous 3 years.

Whilst the rates have increased compared to the original tendered rates, the new rates have reduced when compared to the interim arrangement. There has been a significant reduction in the rates that have been tendered compared to the prices that are currently being paid to the providers in the interim arrangements.

#### 3.2 Policy: N/A

#### 3.3 Personnel: TUPE implications for incumbent provider. It is known that there are challenges around recruitment in this sector however, there does not seem to be as many vacancies in supported living as there are in older peoples care.

#### 3.4 Legal: Tender in line with OJEU regulations. Legal have advised that it would not be appropriate to extend the contract, as the existing providers requested

an increased hourly rate. Extending the contract on this basis could have given rise to legal challenge.

- 3.5 **Risk Management:** The existing providers were willing to extend, but requested an increase which became non-compliant with procurement legislation and WBC contracts rules and procedures. There is a risk of using one sole provider however the market has been tested and combining the three lots into one will benefit from higher economies of scale.
- 3.6 **Property:** Ongoing use of the properties at each scheme provided by registered social landlords and client tenanted properties.
- 3.7 **Other:** N/A

#### 4. **Other options considered**

- 4.1 Do nothing – this would leave over 100 adults with learning disabilities at risk of being made homeless and or/without the necessary care and support that they need to go about their everyday life.
- 4.2 Contract extension – contract extensions for the three contracts have been considered and the existing providers were willing to extend. However, both providers requested an increase which became non-compliant with procurement legislation and WBC contracts rules and procedures. To ensure that there is sufficient time to re-tender and bring all of the contract end dates in-line, all three contracts have been extended until 25<sup>th</sup> February 2018.
- 4.3 Two-stage tender – we want to encourage as many providers in and reduce the administrative burden for the providers tendering.
- 4.4 Two lots – the decision was made at Procurement Board to re-tender the three existing contracts into one lot due to indicative savings that would be made due to larger economies of scale. Procurement Board asked Commissioning to undertake a desktop exercise with providers to understand the effects of tendering in a single lot or multiple lots. The providers response demonstrated that tendering in a single lot would be cheaper tendering in multiple lots due to the economies of scale they may achieve. No prices were given by either provider or WBC at this stage, this was an exercise in the most cost effective route to market.

## Executive Summary

### 5. Introduction / Background

- 5.1 There are currently three contracts being delivered by two providers. The providers are providing a total of 221,004 hours for 102 Service Users. Service Users are being supported in a range of properties across West Berkshire, including supported living shared housing schemes as well as support in clients own homes. All three contracts are due to expire in February 2019 and so in order for this service to continue, the contract needs to be re-tendered.
- 5.2 This service is for people with learning disabilities and is provided at various different properties across West Berkshire. The clients living in these properties are supported with a wide range of needs, in all aspects of their daily living. This ranges from managing their homes, personal care and engaging in the community.
- 5.3 Previous tender for supported living services was in 2015. Towards the end of the 3<sup>rd</sup> year of operation WBC had contractual facility to extend the contracts by a further 2 years. All providers were approached individually to question their intention to extend by 2 years on existing rates and terms, which was rejected due to requirement for increases in rates – a number of reasons were cited, including inflation and national living wage expenses (case law at the time required an increase in the rates paid for sleeping night cover where the average rate paid for the member of staff for all their hours worked was below the national living wage. A subsequent higher court decision overturned the need to apply National Living Wage to sleeping night cover). No additional budget was created to cover this cost. This delay in negotiation with the providers around terms for continuation on existing terms necessitated an interim position with the providers.

### 6. Proposals

This paper seeks to inform Executive of the tender process and seek delegated authority to award the contract from Executive. The decision to re-tender the three existing contracts into one single lot was made by Procurement Board on 26 July 2018 as a result of a market engagement exercise.

### 7. Conclusions

The Executive resolves to award the contract for the provision of Supported Living Schemes and Floating Support for Adults with Learning Disabilities services on the form approved by the Head of Legal Services whom shall have delegated authority to enter into the contract.

The tender submissions have now been received.

### 8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information

## Appendix A

### Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	This paper seeks to inform Corporate Board and Operations Board of the tender process and seek delegated authority to award the contract from Executive Board.
<b>Summary of relevant legislation:</b>	The Care Act 2014
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Rebecca Braithwaite
<b>Date of assessment:</b>	25/09/2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	Yes		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	This aim of the service will provide care and housing related support to adults with learning disabilities within supported living schemes and service users own tenanted homes. The provider will work co-operatively with the housing provider, with a housing management agreement where relevant.
<b>Objectives:</b>	<ul style="list-style-type: none"> <li>• Provide person-centred care and support, which takes full account of diverse needs and lifestyle choice</li> <li>• Promote people's independence by focusing on abilities and encouraging people to be as self-directing as possible.</li> <li>• Encourage access to employment/education.</li> <li>• Support Service Users with personal care.</li> <li>• Reduce health inequalities by:- maximising access to health services, income, learning and work.</li> <li>• Support Service Users be as independent as possible and to help them avoid loneliness and isolation.</li> <li>• Support Service Users to maintain tenancies</li> </ul>



	Establish and sustain effective social support.
<b>Outcomes:</b>	Supplier award
<b>Benefits:</b>	Care delivered in line with expectations

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	There is no change to the proposed service model	
Disability	There is no change to the proposed service model	
Gender Reassignment	There is no change to the proposed service model	
Marriage and Civil Partnership	There is no change to the proposed service model	
Pregnancy and Maternity	There is no change to the proposed service model	
Race	There is no change to the proposed service model	
Religion or Belief	There is no change to the proposed service model	
Sex	There is no change to the proposed service model	
Sexual Orientation	There is no change to the proposed service model	
<b>Further Comments relating to the item:</b>		

**3 Result**

<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
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**Please provide an explanation for your answer:**

<b>Will the proposed decision have an adverse impact upon the lives of</b>	<b>No</b>
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<b>people, including employees and service users?</b>	
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

**Name: Rebecca Braithwaite**

**Date: 01/11/2018**

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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# Agenda Item 15.

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