

Supplemental Items for Council

Thursday, 16th March, 2023 at 7.00 pm
in Council Chamber Council Offices
Market Street Newbury

Part I

Page No.

6. **Public Questions** 3 - 16

Members of the Executive to answer questions submitted by members of the public in accordance with the Council Procedure Rules contained in the [Council's Constitution](#).

Please note that the list of public questions is shown under Item 6 in the agenda pack.



Sarah Clarke

Service Director (Strategy & Governance)

For further information about this/these item(s), or to inspect any background documents referred to in Part I reports, please contact Stephen Chard (Democratic Services Manager) on 01635 519462

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Agenda Item 6.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Public Questions to the Council

16 March 2023

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Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (A)	Council Meeting on 16 March 2023
Relevant Officer(s):	Kofi Adu-Gyamfi

(A) Question not related to an item of business submitted to the Portfolio Holder for Environment and Transformation by Kathryn Hodgson:

“What steps are the council taking to deal with the horrendous litter problem on our roadsides which are a blight on all our lives and reflect badly to visitors to our area?”

Kathryn Hodgson could not attend so a written answer was provided.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (B)	Council Meeting on 16 March 2023
Relevant Officer(s):	April Peberdy

(B) Question not related to an item of business submitted to the Portfolio Holder for Health and Wellbeing by Vaughan Miller:

"Given that West Berkshire Council is planning to cease funding and delivery of the "Community Based Support & Community Building" service on 31st March this year, a service targeting people with a long term conditions, mental ill health, people with a physical or learning disability and people at risk of being lonely or socially isolated. This service has benefitted more than a hundred people with mental health issues in smaller West Berkshire communities, can the council confirm the reasons for discontinuing this vital service for these communities"

The Portfolio Holder for Health and Wellbeing answered:

Thank you again.

First, I have to disagree with your statement that the service has benefitted more than a hundred people. The data from the provider indicates that, whilst there have been more than a hundred signposting interactions made over the last three years, the core service providing Community Navigator support was delivered to just over 50 distinct individuals.

That needs to be compared to the contract, which was entered into on the basis that there would be at least 60 Community Navigator interactions a quarter, so that's 720 interactions over the three year life of the agreement.

Now - that's what was anticipated, but it was fully recognised that performance in the first year was affected by the pandemic. There was extensive additional support given to the provider by council officers in recognition of the impact of Covid. This including regular contact and specific officer support, over and above the quarterly contract management meetings in line with the contract specification.

There was then a series of meetings with the provider and an action plan was drawn up to address the underperformance of the contract.

Revised and lowered targets were set but they were still not met. The conclusion was the two year extension should not be triggered and that the needs of the community should be addressed in other ways.

Public Questions as specified in the Council's Procedure Rules of the Constitution

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Vaughan Miller asked the following supplementary question:

Are there plans to replace this service with the equivalent or better?

The Portfolio Holder for Health and Wellbeing answered:

The administration look at contracts that provide benefits to the community and hasn't worked out. This contract costed £42k per year for three years. We would expect 360 people to benefit from this interaction, but we got just 100. No one is forced to enter into a contract with the council, there is negotiation and a tender process. So if a charity bids for a contract then performance was expected. We would be looking into other ways of delivery for the benefit of the community. The pandemic has changed the landscape considerably and there are a number of things occurring that will cover the type of things the contract tried to achieve.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (D)	Council Meeting on 16 March 2023
Relevant Officer(s):	April Peberdy / Paul Coe

(D) Question not related to an item of business submitted to the Portfolio Holder for Health and Wellbeing by Vaughan Miller:

“Can the Council confirm which of the nine services in the Voluntary Sector Prospectus are to be discontinued”

The Portfolio Holder for Health and Wellbeing answered:

Thank you.

Well, let's start by pointing out that all of the nine, fixed term, contracts relevant to the Voluntary Sector Prospectus will run for their full term to the end of this month and that none of them have been discontinued.

Having said this, the Council had the option to extend each contract for a further two years, where both the Council and the provider wanted to continue.

So, eight of the nine services will be extended for two years, by agreement between the council and the provider. The Community Based Support & Community Building Service hasn't been extended and will be concluded at the end of the contract period (ie on 31 March).

I will be dealing with the specifics of that decision in answer to your question B on the agenda, but do you have any other supplementary question arising out of this answer?

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Vaughan Miller asked the following supplementary question:

No supplementary.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (C)	Council Meeting on 16 March 2023
Relevant Officer(s):	Sarah Clark

(C) Question not related to an item of business submitted to the Portfolio Holder for Internal Governance and Strategic Partnerships by Paul Morgan:

“The Constitution states that “Strategic and key operational decision making at an officer level is undertaken through Corporate Board which meets fortnightly” - Is there any reason why the agenda items and minutes of these Corporate Board meetings are not available to the public and members”

The Portfolio Holder for Internal Governance and Strategic Partnerships answered:

Thank you for your question.

Corporate Board is an officer board which is comprised of the Chief Executive, Executive Directors, and the Monitoring Officer. This Board considers reports that are due to be considered at public meetings such as Council or Executive. This Board is not in those circumstances making the decisions, as the decision itself is reserved to Council or Executive. Corporate Board does perform a critical role in effective governance, providing decision makers with assurance regarding the key implications of proposed decisions.

The agenda items and minutes of this board are not therefore published as Corporate Board is a gateway board, and reports are published when proposals are considered by the relevant decision maker.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Paul Morgan asked the following supplementary question:

He had noticed that on a few FOI requests that decisions did go to this strategic Board making key operational decisions so it was strange that they were not agenda items or minutes, is this something you would re consider in the future.

Public Questions as specified in the Council's Procedure Rules of the Constitution

The Portfolio Holder for Internal Governance and Strategic Partnerships answered:

No the Board operates as it is and any member of the public could submit a FOI request.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (E)	Council Meeting on 16 March 2023
Relevant Officer(s):	Joseph Holmes

(E) Question not related to an item of business submitted to the Portfolio Holder for Finance and Economic Development by Paul Morgan:

"I wrote to the CEO and Executive Director (Resources), copying all members on 22 February 2023 regarding serious concerns with respect to the Medium-Term Financial Strategy (MTFS) especially as it relates (or not) to the Monks Lane Sports Hub. How long do you think is reasonable to wait for a response"

The Portfolio Holder for Finance and Economic Development answered:

Thank you for your question.

The CEO responded on 10 March 2023.

The Chairman asked: *"Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?"*

Paul Morgan asked the following supplementary question:

I copied in all councillors and I presume by your answer you have not read the response. If you had read the letter he has confused capital with revenue which is a amazing mistake to make. Have you read the response?

The Portfolio Holder for Finance and Economic Development answered:

Yes.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (F)	Council Meeting on 16 March 2023
Relevant Officer(s):	Jude Thomas

(F) Question not related to an item of business submitted to the Portfolio Holder for Housing Leisure and Culture by Vaughan Miller:

“Has the council revised its business case for the operation of the Sports Hub, given the impact of inflation and the increases in energy costs since this was first published and what is now expected to be the ongoing subsidy the council is committing future administrations to over the next 20 to 40 years”

The Portfolio Holder for Housing Leisure and Culture answered:

The Sports Hub was included as a core leisure facility in the tender documents for the new Leisure Management contract due to commence this summer. As part of the process six major leisure operators, each with experience of operating facilities similar to the proposed Sports Hub submitted bids. Each operator included their outline business case for the next ten years as part of their submission.

These submissions have undergone a full evaluation and the outcome will be presented to Executive for approval on March 23rd. However, as part of the procurement process, the bids themselves are regarded as commercially sensitive. I hope to be able to release information after the award of the contract, but this is subject to the agreement of the successful contractor and may be delayed until after the election for obvious reasons. What I can say is that 5 out of the 6 bids were more optimistic financially than was assumed by the Council on its initial assumptions and the 6th has already been informed that they have been unsuccessful.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Vaughan Miller asked the following supplementary question:

The answer seems strange as he asked about the Business case of the sports hub and you have given another answer about leisure services tendering. In the original planning for the sports hub it was intended to be £90k per year subsidised by the council as it was not a profitable solution. The question I asked has not been answered so I ask has that been revised. The Council spends £200k on the sports hub that is a standalone 3G facility.

Public Questions as specified in the Council's Procedure Rules of the Constitution

The Portfolio Holder for Housing Leisure and Culture answered:

I have answered the question as the figures can't be released until a contractor has been appointed. We don't know what they are but as soon as they can be released he would.



Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (G)	Council Meeting on 16 March 2023
Relevant Officer(s):	Jude Thomas

(G) Question not related to an item of business submitted to the Portfolio Holder for Housing Leisure and Culture by Vaughan Miller:

“It has been 3 years since the Playing Pitch Strategy was published. Why has the Council not yet published the Schedule E review that was due last year”

The Portfolio Holder for Housing Leisure and Culture answered:

The Stage E review has been completed and the report will be considered by Operations Board once the final outcome of the Judicial Review for Monks Lane is clear, as this is a key component of the Playing Pitch Strategy Delivery Plan.

It was never our intention to delay the release of the review, but Officer's advice was that it was inappropriate whilst the Judicial Review was underway and now until any remote possibility of a continued appeal remains. I can confirm that the Review will be released in its entirety at that stage.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Vaughan Miller asked the following supplementary question:

I believe that the Board reviewed stage E back in September and I also believe that it is referenced in the papers for Executive next week. Why is this not in the public domain?

The Portfolio Holder for Housing Leisure and Culture answered:

I have already answered that question.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (J)	Council Meeting on 16 March 2023
Relevant Officer(s):	Nigel Lynn

(J) Question related to an item of business submitted to the Internal Governance and Strategic Partnerships by Paul Morgan:

“Why is it anticipated that the SD (Transformation) post will temporary (2 years) and be filled internally? Surely recruitment from external and / or non-governmental organisations would provide the chance to deliver real and sustained transformation?”

The Portfolio Holder for Internal Governance and Strategic Partnerships answered:

This post will support a significant Transformation Programme, and the process of appointing to this role will follow the same rigorous recruitment process as other senior officer appointments.

The post-holder will need to have a sound understanding of the operation of local government, and it would also be of benefit to all parties if the post-holder also had a sound understanding of the Council. Therefore, it is intended to seek to recruit internally first.

West Berkshire Council has an outstanding workforce, and it is right that we seek to recruit initially from within our existing talent. If there are no internal candidates who meet the criteria for the role, we will advertise externally.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Paul Morgan asked the following supplementary question:

The Council's desperately needs transformation but not going externally was like turkeys voting for Christmas. Why are you not going out for external recruitment for this post?

The Portfolio Holder for Internal Governance and Strategic Partnerships answered:

We will go externally if necessary.

Public Questions as specified in the Council's Procedure Rules of the Constitution

Question (I)	Council Meeting on 16 March 2023
Relevant Officer(s):	Sarah Clark / Nigel Lynn

(I) Question related to an item of business submitted to the Internal Governance and Strategic Partnerships by Alan Pearce:

Please would the Council confirm this is a key decision resulting in the Council incurring significant costs, which has not been published on the forward plan with 28 days' notice, and as it's not an urgent item decision it will not be voted on tonight?

The Portfolio Holder for Internal Governance and Strategic Partnerships:

The legal obligations regarding the publication on a forward plan of details of proposed key decisions, relate to executive decisions only. This will apply to any key decision of the Executive, whether that is taken at a meeting of Executive, by an Individual Member of the Executive, or an officer under delegated powers.

This duty does not apply to non-executive decisions, such as those which are reserved by law to Council. The proposal referred to in your question, which relates to the creation of senior officer posts which will each incur costs on an annual basis in excess of £100k, is a matter reserved to Council.

The Council will always endeavour to be as transparent as possible, and does therefore provide as much notice as possible for all significant decisions that it is proposed will be taken by Council or Executive. It is for that reason that prior notice of this proposal was published on the Forward Plan on the 23rd February 2023.

The agenda and reports for Council are required to be published one week prior to the meeting taking place, and the Council complied with that obligation.

The Chairman asked: *"Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?"*

No supplement question was asked.

Public Questions as specified in the Council's Procedure Rules of the Constitution

