

# **EXECUTIVE**

(Note: These Minutes have been amended.  
Please see Minutes of meeting on 9 February 2012)

## **MINUTES OF THE MEETING HELD ON THURSDAY, 15 DECEMBER 2011**

**Councillors Present:** Pamela Bale, David Betts, Keith Chopping, Hilary Cole, Graham Jones, Alan Law, Gordon Lundie, Joe Mooney, Irene Neill and Anthony Stansfeld

**Also Present:** John Ashworth (Corporate Director - Environment), Mel Brain (Housing Strategy Manager), Nick Carter (Chief Executive), David Holling (Head of Legal & Electoral), Keith Ulyatt (Public Relations Manager) and Andy Walker (Head of Finance), Councillor Jeff Brooks, Councillor Paul Bryant, Stephen Chard (Policy Officer), Councillor Adrian Edwards, Councillor Roger Hunneman, Councillor Royce Longton, Councillor Gwen Mason, Linda Pye (Policy Officer), Councillor David Rendel, Robin Steel (Group Executive (Cons)), Councillor Tony Vickers, Councillor Quentin Webb and Councillor Keith Woodhams

### **PART I**

#### **46. Minutes**

The Minutes of the meeting held on 25 October 2011 were approved as a true and correct record and signed by the Leader.

#### **47. Declarations of Interest**

Councillor Keith Woodhams declared an interest in Agenda Item 20, and reported that, as his interest was personal and prejudicial, he would be leaving the meeting during the course of consideration of the matter.

Councillors David Rendel, Graham Jones, Alan Law and Joe Mooney declared an interest in Agenda Item 7, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

#### **48. Public Questions**

##### **(a) Question submitted by Mr Richard Garvie to the Leader of the Council**

Question (a) was withdrawn by Mr. Richard Garvie subsequent to the publication of the agenda and was therefore not considered at the meeting.

##### **(b) Question submitted by Mr Richard Garvie to Leader of the Council**

Question (b) was withdrawn by Mr. Richard Garvie subsequent to the publication of the agenda and was therefore not considered at the meeting.

##### **(c) Question submitted by Mr Richard Garvie to Leader of the Council**

Question (c) was withdrawn by Mr. Richard Garvie subsequent to the publication of the agenda and was therefore not considered at the meeting.

##### **(d) Question submitted by Mr Richard Garvie to Leader of the Council**

A question standing in the name of Mr. Richard Garvie on the subject of how much debt the Council had at this moment in time would receive a written response from the Leader of the Council as Mr Garvie was not present at the meeting.

##### **(e) Question submitted by Mr Richard Garvie to Leader of the Council**

A question standing in the name of Mr. Richard Garvie on the subject of ensuring service users were consulted on any future proposed budget cuts would receive a written response from the Leader of the Council as Mr Garvie was not present at the meeting.

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(f) **Question submitted by Mr Richard Garvie to Leader of the Council**

A question standing in the name of Mr. Richard Garvie on the subject of ensuring that consultation forms were delivered to service users would receive a written response from the Leader of the Council as Mr Garvie was not present at the meeting.

(g) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Strategy, Performance and Community Safety**

A question standing in the name of Mr. Richard Garvie on the subject of the undisclosed cuts being made next year and whether the people who used those services were currently being consulted and why it was “inappropriate” to tell the public where spending cuts would be made, would receive a written response from the Portfolio Holder for Strategy, Performance and Community Safety as Mr Garvie was not present at the meeting.

(h) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Highways, Transport (Operational), ICT and Customer Services**

A question standing in the name of Mr. Richard Garvie on the subject of what actions the Council had taken to try and prevent the removal of the Heavy Rescue Unit from Newbury Fire Station would receive a written response from the Portfolio Holder for Highways, Transport (Operational), ICT and Customer Services as Mr Garvie was not present at the meeting.

(i) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Highways, Transport (Operational), ICT and Customer Services**

A question standing in the name of Mr. Richard Garvie on the subject of how much the Council spent in total when it came to funding local bus services would receive a written response from the Portfolio Holder for Highways, Transport (Operational), ICT and Customer Services as Mr Garvie was not present at the meeting.

### 49. **Petitions**

There were no petitions presented to the Executive.

### 50. **Public Sector Equality Duty (EX2284)**

The Executive considered a report (Agenda Item 6) which provided information on the new Public Sector Equality Duty and made recommendations on actions to be taken by the Council to ensure compliance with the general and specific public sector duties under the Equality Act 2010.

Councillor Pamela Bale introduced the report which detailed the simplified process which was required following the introduction of the Public Sector Equality Duty and detailed the processes the Council was required to adopt. The need to respect all characteristics of the Equality Act 2010, which replaced the previous six strands of equality legislation, remained.

The requirement to produce Equality Impact Assessments was well embedded across the Council. An Officer had been nominated in each service area to provide a lead on equalities and it was their responsibility to ensure that their service adhered to the Act.

Councillor Jeff Brooks fully understood the reasoning for the proposals outlined in the report. He did however seek some assurance that residents would be made aware that they could opt out of providing equality based information to the Council. Councillor Bale agreed this was important and would be the case.

**RESOLVED that** the recommended actions to comply with the general duty, the specific duties to set and publish equality objectives, and publish data on employees and service users be approved.

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**Reason for the decision:** To comply with the law on equality.

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

### 51. **Financial Performance Report (Quarter 2 of 2011/12) (EX2289)**

*(Councillor David Rendel declared a personal interest in Agenda Item 7 by virtue of the fact that his mother resided in a NHS care home and health/social care costs might be raised as part of this item. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

*(Councillor Graham Jones declared a personal interest in Agenda Item 7 by virtue of the fact that his business was a contractor to the NHS and health/social care costs might be raised as part of this item. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

*(Councillor Alan Law declared a personal interest in Agenda Item 7 by virtue of the fact that he was a Governor of the Royal Berkshire NHS Foundation Trust and health/social care costs might be raised as part of this item. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

*(Councillor Joe Mooney declared a personal interest in Agenda Item 7 by virtue of the fact that he was a Governor of Berkshire Healthcare Foundation Trust and health/social care costs might be raised as part of this item. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

The Executive considered a report (Agenda Item 7) concerning the latest financial position of the Council as at Quarter 2 of 2011/12. Councillor Keith Chopping in introducing the report stated that the forecast revenue overspend for the 2011/12 financial year was £443k. This was one third of one percent of the net budget. There were significant pressures in Adult Social Care and this service was currently forecasting an overspend of £1,705k. The other Council services, and respective directorates, were all forecasting close to, or below, a breakeven position for the end of the financial year. This, together with a recruitment freeze, had kept the forecast overspend to a minimum level.

This report would be considered by the Resource Management Working Group and Councillor Chopping confirmed that the Council was working diligently to address the overspend and was on track to deliver a balanced budget.

The Council's Capital Programme had 18% of the remaining budget to be committed as at Month 6.

Councillor David Rendel noted that the level of overspend reported seemed to be moving up and down at a rapid rate and therefore it was difficult to ascertain whether the budgets had been well managed. However, Councillor Rendel stated that the report presented to the Executive was in respect of Month 6 figures and he felt that it would be helpful to have an update on the Month 7 or 8 position. Councillor Keith Chopping responded that he had been required to report the Month 6 position and that was what he had done.

Councillor Rendel asked what the level of reserves was expected to be as there appeared to be some inaccuracies in the figures. Councillor Chopping confirmed that there had been an error in the report and if the Council achieved a balanced budget at year end then the reserves would increase to £7.3m.

It was queried why the Discretionary Housing Payments (DHP) figure had not been budgeted for at the beginning of the year along with the non-achievement of income in Youth Services. Andy Walker confirmed that an assessment on the budget which would be required had been based on historical data and it was necessary at times to revisit assumptions which had been made. Andy Walker confirmed that he would provide a

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written answer for Councillor Rendel on the non-achievement of income in Youth Services.

It was noted that the Council was cutting back on the Connexions Service which Councillor Rendel was sorry to see as he felt that the service they provided in getting young people into work was particularly important. It was confirmed that the Connexions Service would be retained to deal with vulnerable young people, however, it was now the responsibility of schools to provide careers advice.

Councillor Rendel referred to page 40 of the agenda and noted that Older Persons and Physical Disability budgets were forecast to be £400k overspent as a result of changes in service delivery to meet the Day Centre closures and the increased use of Personal Budgets. Councillor Rendel thought that the Day Centre closures and the introduction of Personal Budgets had been expected to achieve savings rather than produce an overspend. Again Andy Walker explained that a number of assumptions had been made in respect of the closure of the Day Centres and the move to Personal Budgets. This issue was currently being revisited and estimates would need to be revised in that area. Councillor Rendel also queried whether the Council were going to take up the capitalisation option on redundancy costs. Councillor Chopping confirmed that the Council had not yet made a decision on whether or not it would take advantage of the capitalisation of redundancy costs. However, this option would only be possible for 20-25% of the costs.

Councillor Keith Woodhams asked how the savings on Home to School transport had been achieved. It was confirmed that demand for Home to School Transport had fallen and contracts had been renegotiated, particularly in the SEN area.

**RESOLVED that** the report be noted.

**Reason for the decision:** To ensure that Members are fully aware of the latest financial position for the Council.

**Other options considered:** None.

### 52. Council Taxbase 2012/13 (EX2392)

The Executive considered a report (Agenda Item 8) which considered the calculation of the Taxbase for 2012/2013 and sought approval to formally set that Taxbase.

Councillor Keith Chopping advised that it was a statutory duty to set the Taxbase on an annual basis and was required by 31 January 2012. This helped inform the Council's processes for collecting Council Tax and that of the Police and Fire Authorities. It was also necessary to produce the Taxbase for each individual parish and this was detailed in Appendix C to the report which had been made available electronically.

The Taxbase gave a statement on the number of properties currently in the Council Tax lists and this was based on the position as at November 2011. The statement also took into account the properties that were in the course of construction and due for completion/potential charging in the 2012/2013 financial year.

**RESOLVED that** pursuant to the Revenue and Benefits Manager's report, and in accordance with the Local Authorities (Calculation of Taxbase) Regulations 1992, the amount calculated by West Berkshire Council as its Council Taxbase for each parish for the year 2012/2013 should be approved in line with the amount shown in the statement attached at Appendix C.

**Reason for the decision:** The Council had a statutory duty to set its Taxbase by 31 January 2012.

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

**53. Establishment Report Q2 2011/12 (EX2329)**

*(Councillor Gordon Lundie joined the meeting at 6.22pm).*

The Executive considered a report (Agenda Item 9) concerning changes to the West Berkshire Council Establishment as at Quarter 2 of 2011/12.

Councillor Anthony Stansfeld advised that the total Establishment now stood at 1547.40 FTE which was 200 lower than the previous year. The West Berkshire Council funded Establishment had decreased by 44.29 FTE in Quarter Two and now totalled 1449.18 FTE. The overall vacancy rate was 9.6%, down from 11.39% at the end of Quarter One. The rolling voluntary turnover (excluding redundancies) for 2010/11 was 6.31% and for comparison the rate at Quarter Two of 2010/11 was 6.89%.

Councillor Jeff Brooks was concerned to note that the rolling annual turnover rate was 18%, 23% in Community Services, and he felt that this figure was high. Councillor Brooks questioned how service provision could be measured given the reduction in the number of staff. If service provision could be maintained with a reduction of 255 staff then it was questioned why this had not been done earlier. Councillor Stansfeld responded that a reduction in staffing levels might mean that there would be a consequent reduction in service provision. The Council had been reducing the level of staffing ever since it had been in a position to do so. The previous Labour Government had created a number of jobs within local authorities which had been grant funded but this had created problems when the grant funding was no longer available. Councillor Brooks suggested that this could be the subject of a Scrutiny Review to ascertain whether the level of service provision had reduced or not.

Councillor David Rendel noted that each one of the four Directorates kept posts vacant for a period of time in order to meet the Managed Vacancy Factor. However, vacancy rates had decreased and this appeared to be a contradiction. Councillor Stansfeld confirmed that there was a Managed Vacancy Factor but that did not account for all vacancies. The level of vacancy rates had been lowered considerably over the last six years as at one stage it had been as high as 15%. Vacant posts were often kept open for a period of time in order to achieve savings but the level had reduced considerably. Councillor Joe Mooney confirmed that some posts in Community Services had been kept vacant for those at risk of redundancy as this would hopefully avoid loss of jobs and the resultant redundancy payments.

**RESOLVED that** the report be noted.

**Reason for the decision:** Not applicable.

**Other options considered:** None.

**54. Environmental Health and Licensing Joint Service Delivery (EX2353)**

The Executive considered a report (Agenda Item 10) which outlined the potential of creating a new Environmental Health and Licensing Service with Wokingham Borough Council. Appendix two (legal advice) to the report was exempt and was considered as part of the confidential information in Part II of the agenda.

Councillor Hilary Cole explained that the joint service delivery would involve the creation of a joint service with Wokingham Borough Council and the start date was scheduled for 4 January 2012. This would follow the success of the joint arrangement with Wokingham Borough Council for providing Trading Standards. The service would be delivered in line with the schedule detailed within the report and would provide an enhanced degree of resilience for this front line service. The initial agreement, if approved, would be for a period of five years with the potential to extend it for a further five years.

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The project would deliver a £130k ongoing saving for the Council from April 2013. The worse case scenario for the Council in terms of redundancy payments was estimated at £157.5k with a maximum number of six FTE's made redundant across the two unitary authorities.

Governance would be conducted through a joint service review panel that already existed for the joint Trading Standards service and was represented by Portfolio Holders from both unitary authorities.

This joint arrangement would be one of the first across the country for Environmental Health and Licensing.

Councillor Tony Vickers noted that the report was not subject to call-in with the reason given that delays in implementation could have serious financial implications for the Council. He questioned whether this was accurate as the financial risk did not appear to be significant and felt that it was more appropriate for the report to not be eligible for call-in as delays could compromise the Council's position. David Holling agreed that this call-in reason would be more appropriate and he was asked by Councillor Graham Jones to investigate whether this should have been the case.

Councillor Jeff Brooks felt this was the right way forward, but he did have some concerns. He questioned whether the business case was sufficiently detailed as it only provided an overview. In addition an implementation plan, risk analysis and the cost of implementation had not been included. This would help to give an explanation for the recommended action. There was also a risk of losing good members of staff.

Councillor Cole gave an assurance that a robust project implementation plan had been produced. Negotiations had been ongoing for some months and she had been regularly briefed during the process. Councillor Cole was confident that the service could be delivered efficiently and effectively across the two unitary authorities. She also advised that the costs had been considered in detail and apologised that this detail had been omitted from the report. Councillor Cole offered to provide this separately.

Councillor Cole commented that this item needed to be considered urgently due to the timescales involved and the fact that the decision needed to be taken at the Executive of both West Berkshire Council and Wokingham Borough Council.

### **RESOLVED that:**

1. The implementation of the proposed Joint Service Delivery of Environmental Health and Licensing with Wokingham Borough Council as set out in the report be supported.
2. It be agreed that the Environmental Health and Licensing functions of Wokingham Borough Council would be discharged.
3. The authority to enter into a Shared Services Agreement with Wokingham Borough Council for the joint service delivery of Environmental Health and Licensing functions be delegated to the Corporate Director for Environment. This would be in accordance with the terms of the draft agreement and delegated authority should be provided to the Corporate Director for Environment in consultation with the Head of Legal and Electoral Services to make any necessary drafting or other amendments to the terms of the agreement which were necessary to reach final agreement but which did not materially affect the intent and substance of the agreement.

**Reason for the decision:** Protect existing frontline service standards for the public and businesses, and contribute to the Property and Public Protection savings targets.

**Other options considered:**

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1. A joint service which stopped short of a full delegation of functions under the Local Government Act 1972 was considered but failed to meet the objectives of both parties so was ruled out.
2. Carry out an internal review of services and structure to deliver any identified savings requirement.

### 55. **West Berkshire/Reading/Wokingham Joint Local Strategic Transport Fund Large Scheme Bid (EX2386)**

The Executive considered a report (Agenda Item 11) concerning a joint bid proposal to secure grant funding of up to £2.46m from the Department of Transport for sustainable non-car transport measures within West Berkshire, and approval was therefore sought for the bid in so far as it related to West Berkshire.

Councillor Alan Law reported that in June 2011 Reading Borough Council had submitted an initial proposal for a £24.2m Local Sustainable Transport Fund large bid. This bid aimed to address sustainable non-car transport issues throughout the Reading functional economic area, which included the Eastern Urban Area of West Berkshire. The proposal had been shortlisted by the Department for Transport in August 2011 and a full business case was currently being developed for submission to the DfT by no later than 20<sup>th</sup> December 2011. West Berkshire as a named delivery partner would benefit from up to £2.46m in grant funding for sustainable transport measures in the authority.

Councillor Law advised that details in respect of park and rail had been circulated. The bid would also be used to improve and integrate cycle links and for the creation of a cycle hire project. Councillor Law confirmed that the bid did not propose congestion charges for the East of the District.

Councillor David Betts confirmed his support for the bid as it was consistent with and would help to deliver the aims and objectives of the West Berkshire Local Transport Plan 3.

Councillor Keith Woodhams queried whether funding would be available to reinstate the role of a Travel Plan Officer. Councillor Law confirmed that there would be some element of funding for aspects of travel planning but this would only be applicable for Reading and the East of the District.

**RESOLVED that** the joint bid be supported.

**Reason for the decision:** Acceptance of the joint bid by Ministers would depend upon Member support and a demonstration of strong corporate governance.

**Other options considered:** Not supporting the Reading Large Scheme Bid. However, the LSTF funding was an opportunity to deliver additional measures over and above those already planned that would otherwise require funding from the Council's own resources, or at the expense of other programmed capital/resource expenditure.

### 56. **Learning from Complaints - Annual Report on Complaints Activity - Children and Young People (Social Care) 2010-11 (EX2398)**

The Executive considered a report (Agenda Item 12) which reported on the statutory complaints process for Children and Young People (Social Care) for the year 1 April 2010 to 31 March 2011.

Councillor Irene Neill informed the Executive that local authorities were required to publish an annual report which detailed this complaints activity. Complaints in 2010/2011 had increased by 48% and this upward trend was also reflected nationally. This was due to an increase in Stage 1 complaints. The small number of Stage 2 complaints had reduced and, as in previous years, no Stage 3 complaints had been received.

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The Council's performance in providing responses to the complaints was above the national average and largely in line with the requirements set under legislation and guidance. The number of complaints received from children had decreased from nine to seven and this reflected the good work undertaken by Social Workers.

Outcomes and findings from complaints provided an essential learning tool and this contributed to improvements in areas such as communications and record keeping. In addition, a number of policies and procedures had been reviewed to ensure they reflected learning from complaints.

Also detailed within the report were the compliments received by the service.

The report highlighted recommendations and areas for development arising from the annual report. These included additional training and continuing briefing sessions at fortnightly team meetings.

**RESOLVED that** the report and its recommendations would be agreed in preparation for public presentation.

**Reason for the decision:** Local authorities must, each financial year, publish an annual report in order to keep the local authority informed about the operation of its complaints procedure. The report should be 'presented to staff, the relevant local authority committee, and to the regulator and general public.'

**Other options considered:** None.

### 57. **Key Accountable Measures and Activities 2011/12: Update on Progress: Q2 Outturns (EX2394)**

The Executive considered a report (Agenda Item 13) concerning Quarter Two progress against the key accountable measures and activities for West Berkshire Council for 2011/12. and to report by exception those measures/activities which had not been achieved or were not expected to be achieved and to set out any remedial action that was being taken.

Councillor Anthony Stansfeld stated that in total there were 39 key measures or activities monitored and reported. Of these 8 had been classified as annual measures and 2 of those annual measures (relating to key stage results) were reported in Quarter Two.

Of the 33 reported measures and activities, 23 were reported as green for Quarter 2. Seven key measures had been signposted as amber i.e. behind anticipated performance but which were expected to achieve the target by the year end. Three reds were being reported for Quarter 2, i.e. would not be achieved by year end. These were in respect of:

- The proportion of adult social care users receiving self directed support;
- Pupils gaining 5+ high grades at GCSE;
- The adoption of the Local Development Framework by March 2012.

Exception reports had been provided to explain the "red" measures/activities.

Councillor David Rendel referred to page 193 of the agenda and in particular the measure/activity in respect of the percentage of Contact Centre calls answered within 30 seconds. The Q2 outturn figure was 77% whereas the target was 80%. If that figure of 77% was cumulative then the Quarter 2 outturn would be around 74% which meant to achieve the target of 80% by year end the outturn figure would need to be 86% in Quarter 3 which would be extremely difficult to achieve. The same also applied to the Planning targets. Councillor Anthony Stansfeld noted the comments made in respect of the Contact Centre and felt that it would be necessary to see where the figure ended up at the end of the year. Staff cuts had taken place within the Contact Centre whereas

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demand and the number of services accommodated had increased. Councillor David Betts confirmed that he had discussed this issue with the Head of Service who had confirmed that this target was expected to come back on track in the second half of the year.

Councillor Alan Law confirmed that there had been an issue in Development Control earlier in the year as the Council had received an increased level of planning applications with a reduced number of staff. An Action Plan had been put in place to address the issues which included overtime, employing temporary staff and moving staff around in-house. Targets had been set in order to get back to normality and Councillor Law felt that this had almost been achieved. Registration had been back on track for the last couple of months. This was the reason that the targets had been graduated and it was hoped that the Service would be back to normal by the end of 2011.

Councillor Roger Hunneman had concerns that the target in respect of increasing the number of service users and carers receiving Self Directed Support (including Personal Budgets) was too high (50%). He queried whether this target was robust and hoped that people would not be forced to have Personal Budgets if they did not want them. Councillor Joe Mooney advised that all clients would have to have a Personal Budget by March 2013. Savings would be achieved as a deflator had been built in. Councillor Mooney confirmed that the target would not be too high in normal times. However, due to the high number of changes as a result of the closure of the Day Centres and high levels of staff sickness the target was currently tracking as red.

Councillor Hunneman also referred to page 189 of the agenda - "People presenting as homeless who are prevented from being homeless" – he had concerns in respect of the commentary and felt that targets would not be achieved as it was not in the Council's interests to do so. Councillor Alan Law stated that the issue within Housing Services was a national one. People presented themselves as homeless to the Council and the Council then had to assess whether it had a duty to house them. 127 people had presented themselves as homeless so far this year but the Council had only accepted 45 of those people as being statutorily homeless. The process for checking whether a person was statutorily homeless or not was a complex one. However, the service was currently working well above the levels it was expected to work.

**RESOLVED** that progress against the key accountable measures and activities be noted together with those areas reporting as either 'amber' or 'red' and any corrective or remedial action which had been or would be put in place.

**Reason for the decision:** Service Plans set out the purpose and ambition of the individual service units and collectively, they defined the Council's main focus of activities and the measures of performance against which it would assess itself.

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

**Other options considered:** Not applicable.

### 58. **Charging Policy for Bed and Breakfast Temporary Accommodation (EX2383)**

The Executive considered a report (Agenda Item 14) which set out a proposed charging policy for applicants placed in Bed and Breakfast as temporary accommodation under the Council's homelessness duties.

Councillor Alan Law introduced the report by advising that people who presented and were assessed as homeless often required temporary accommodation. The need to use

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Bed and Breakfast as temporary accommodation had recently become necessary for the first time in some years. There were currently two households using Bed and Breakfast as temporary accommodation at the present time.

Currently the Council charged applicants who were placed in the Council's accommodation on a temporary basis, whereas no charge was levied for those placed in Bed and Breakfast. Approval of the proposal to charge those placed in Bed and Breakfast would make for a more equitable system for all applicants.

In addition, applicants since 1 September 2011 had been advised that a charge would be introduced and that they would be invoiced retrospectively. The Executive was asked to approve this proposal.

Councillor Tony Vickers was saddened that it had again become necessary for Bed and Breakfast to be used as temporary accommodation, but was content with the proposals being made. He noted that it was possible at present to recover some costs of Bed and Breakfast accommodation through housing benefit, but questioned the ability to do so under universal benefit once this replaced benefits including housing benefit. He felt that the changes to the benefits system was a potential future topic for a scrutiny review. Councillor Law commented that the implications of universal benefit would be closely considered once guidance had been received.

### **RESOLVED that:**

1. The proposed charging policy for applicants placed in Bed and Breakfast as temporary accommodation under the Council's homelessness duties, as set out at section 3 of the report, be approved.
2. The application of retrospective charging for those applicants who had been advised, since 1 September 2011, that a charge would be made and that they would be invoiced be approved.

**Reason for the decision:** The Council had previously operated a charging policy for Bed and Breakfast, however, for a number of years, the Council had not used Bed and Breakfast accommodation so the policy had become outdated. Due to national trends in homelessness, the Council was resorting to use of Bed and Breakfast accommodation as emergency temporary accommodation. Currently, the Council charged applicants placed in our own accommodation but no charge was levied for applicants placed in Bed and Breakfast. The proposal sought to introduce equity to ensure that all applicants were treated and charged fairly, regardless of where their temporary accommodation placement was.

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

### **59. Change to the Bedroom Allocation in the Council's Adopted Housing Allocation Policy (EX2384)**

The Executive considered a report (Agenda Item 15) concerning amendment of the Council's Allocation Policy in respect of bedroom allocations to bring social housing and private rented housing into line, reflecting the proposed changes in Local Housing Allowance and to ensure equity across housing tenures.

Councillor Alan Law stated that from April 2013 it was intended to introduce size criteria for new and existing working-age Housing Benefit claimants living in the social rented sector. The size criteria would replicate the size criteria that applied to Housing Benefit claimants in the private rented sector whose claims were assessed using the local housing allowance rules. The Government had estimated that 26% of tenants were likely to be affected by this change in the South East, with an average loss of housing benefit

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of £15 per week. There was also potential for the measure to have a greater impact in rural areas and areas with lower concentrations of social rented housing.

Councillor Law reported that given the high level of demand on the Housing Service at the current time and having regard to the proposed future benefit changes, it was considered appropriate to implement the change in the Allocation Policy at this stage in order to bring it in line with the private rented sector.

**RESOLVED that** the amendment of the Council's Housing Allocation Policy to bring the bedroom allocation for social housing into line with the LHA regulations of the private rented sector, as set out in the report, be approved.

**Reason for the decision:** From April 2013 it was intended to introduce size criteria for new and existing working age Housing Benefit claimants living in the social rented sector. The Council was currently assisting housing applicants into social rented accommodation that would be impacted by this change and therefore into accommodation that would potentially be unaffordable in the future. By taking the decision to amend the allocation policy now, the Council could reduce the number of social housing tenants who would be impacted by this future benefit change.

**Other options considered:** The Council could wait until the benefit change is implemented: however, this would result in a higher number of social housing tenants being impacted by the changes.

### 60. **Superfast Broadband for Berkshire (EX2356)**

The Executive considered a report (Agenda Item 16) which provided an overview of the Superfast Berkshire initiative and how it would be funded and delivered. Appendices A and B to the report were exempt and were considered as part of the confidential information in Part II of the agenda.

Councillor David Betts was pleased to report that the Council was taking the lead on behalf of the Local Enterprise Partnership in bringing improvements to broadband coverage, which was a key social and economic opportunity for Berkshire.

Berkshire had been allocated £1.43 million by Broadband Delivery UK (BDUK). In order to receive this funding, the Berkshire unitary authorities would need to match fund this figure. Should this be achieved then Berkshire could expect to secure an additional £2.86 million from communications providers and this would achieve the total required budget.

West Berkshire Council's contribution was £456k over three financial years (2012/13, 2013/14 and 2014/15). £225k of this funding was already committed from the Council's Capital Programme, leaving £231k to be found for the three year period. It was hoped that this investment could be achieved from local communities and local businesses, alongside investment from the other Berkshire Unitaries.

Approval of the recommended actions would help to fill the existing market gap. It would enable the delivery of superfast broadband to 90% of premises across Berkshire which would be of particular benefit to small rural communities. The remaining 10% would receive a standard level of coverage.

Councillor Alan Law raised a question on behalf of parishes as to what would happen in the event that a parish was unable to make their contribution in part or in full – would the project only be rolled out to those who were able to contribute? Councillor Betts responded by saying that there had already been strong support from the parishes with some already confirming that they would be making a contribution. He was confident that the funding gap could be met.

Councillor Paul Bryant queried what monitoring arrangements were in place to ensure that the work was conducted by the appointed contractor. Councillor Betts explained that

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this was a national scheme with investment from Government and the appointed contractor. As a result the appointed contractor would be committed to the project. However, monitoring would still take place.

Councillor Stansfeld questioned the security of the system being installed following the loss of broadband experienced in Kintbury. Councillor Betts advised that copper wiring would not be used and would instead be delivered by the use of fibre optic cables.

**RESOLVED that** West Berkshire Council's financial commitment to this programme would be underwritten, subject to:

- securing at least £230k of investment from West Berkshire Parishes and businesses; and
- securing necessary investment from other Berkshire Unitaries.

**Reason for the decision:** Improving broadband across Berkshire represents a key social and economic development opportunity for all of the Berkshire Unitaries. By securing a £1.43 million contribution to the programme across Berkshire we could expect an inward investment of £4.29 million from Government grant funding and communications provider investment. (Total improvement budget £5.72 million).

**Other options considered:** Decline the BDUK grant and leave broadband improvement to normal market forces.

### 61. Members' Question(s)

#### (a) Question to be answered by Portfolio Holder for Finance submitted by Councillor David Rendel

A question standing in the name of Councillor David Rendel on the subject of the total cost of relaying the paving around the Council's Market Street Offices, and the budget it came from was answered by the Portfolio Holder for Finance.

#### (b) Question to be answered by Portfolio Holder for Strategy, Performance and Community Safety submitted by Councillor Roger Hunneman

A question standing in the name of Councillor Roger Hunneman on the subject of how the funds needed to ensure the implementation of the Newbury Flood Alleviation Scheme would be found was answered by the Portfolio Holder for Strategy, Performance and Community Safety.

### 62. 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 involve the likely disclosure of exempt information as contained in the relevant paragraphs of Parts 1, 2, 3, 4, 5 and 6 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 4.2 of the Constitution](#) also refers.

### 63. Superfast Broadband for Berkshire (EX2356)

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

The exempt appendices in respect of the report on Superfast Broadband for Berkshire were noted.

### 64. Newbury Racecourse Railway Bridge (EX2397)

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

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

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*(Councillor Keith Woodhams declared a personal and prejudicial interest in Agenda Item 20 by virtue of the fact that he worked for the contractor and his daughter worked for the developer. As his interest was personal and prejudicial he left the meeting at 7.20pm and took no part in the debate or voting on the matter).*

The Executive considered an exempt report (Agenda Item 20) concerning the proposed bridge over the railway at Newbury Racecourse, the potential liabilities which might arise to the Council and the proposed Section 38 agreement.

**RESOLVED** that the recommended action as set out within the exempt report be approved.

**Reason for the decision:** As set out in the exempt report.

**Other options considered:** To reject the recommendation, but this was not pursued subject to the reasons set out in the exempt report.

### 65. **The Winchcombe School Remodelling Project - Land Sale (EX2399)**

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

*(Councillor Keith Woodhams rejoined the meeting at 7.24pm)*

The Executive considered an exempt report (Agenda Item 21) concerning approval for the sale of the surplus land at The Winchcombe School site.

**RESOLVED** that the recommended action as set out within the exempt report be approved.

**Reason for the decision:** To enable realisation of a capital receipt to fund the remodelling/rebuild project.

**Other options considered:** A significant proportion of WBC capital resources was being invested in the remodelling/rebuild project, namely: PCP Grant, WBC funding, Modernisation Grant, S106 and EY Grant. With limited resources available the balance of the cost of the project could only be met through the sale of the surplus land.

### 66. **Options for Delivering Private Sector Renewal (EX2351)**

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

The Executive considered an exempt report (Agenda Item 22) concerning the options available to the Council for delivering the home improvement service and the implications this might have for staffing.

**RESOLVED** that the recommended action as set out within the exempt report be approved.

**Reason for the decision:** The service was currently run under a joint contract between West Berkshire, Reading and Wokingham Councils. The contract was let for three years with the option to extend for two years. The contract was currently in year four and a decision on future delivery of the service was required.

**Other options considered:** Options were as set out in the exempt report.

### 67. **Support in Sheltered Accommodation (EX2364)**

This exempt report was withdrawn subsequent to publication of the agenda and was therefore not considered at the meeting.

### 68. **Market Street Redevelopment - Draft Conditional Development Agreement (EX2352)**

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

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The Executive considered an exempt report (Agenda Item 24) concerning recent progress in connection with the Market Street development and sought approval of various agreements which had been in discussion between the parties who sought to bring the scheme forward.

**RESOLVED** that the recommended actions as set out within the exempt report be approved.

**Reason for the decision:** To enable the redevelopment of land between Market Street and the Railway Station in order to achieve the aims of Newbury Vision 2025.

**Other options considered:** As set out in the exempt report.

### 69. **Staffing Implications of the Budget Proposals (EX2357)**

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

*(Paragraph 2 – information identifying an individual)*

The Executive considered an exempt report (Agenda Item 25) concerning the staffing implications which were likely to result from the setting of the Council's 2012/13 revenue budget and sought approval to make the redundancy payments associated with the required staffing implications.

**RESOLVED** that the recommended actions as set out within the exempt report be approved.

**Reason for the decision:** The Council needed to make significant savings from its revenue budget in 2012/13. These savings included the need to reduce staffing costs.

Given the time required to manage staffing reductions this paper was having to be brought to the Executive ahead of the formal budget paper which would come through the Executive on its way to Council during February and March next year. This report only covered revenue savings for 2012/13 that required staff reductions to be made.

**Other options considered:** None. It was Council practice to manage staff reductions in the manner outlined in this paper.

### 70. **Environmental Health and Licensing Joint Service Delivery App B (EX2353)**

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

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

The exempt appendix in respect of the report on the Environmental Health and Licensing Joint Service Delivery was noted.

### 71. **Senior Management Review 2011- Final Proposals**

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

*(Paragraph 2 – information identifying an individual)*

*(Councillor Tony Vickers left the meeting at 7.53pm)*

The Executive considered an exempt report (Agenda Item 27) concerning the final set of proposals in relation to the Council's future senior management structure following internal consultation during the summer of 2011.

**RESOLVED** that the recommendations set out in Section 7 of the exempt report be approved.

**Reason for the decision:** It was necessary to consider the senior management structure given both the financial pressures facing the Council and the need to react to emerging policy developments at a national level.

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**Other options considered:** These were set out within the main body of the exempt report as appropriate and highlighted in the consultation response.

*(The meeting commenced at 6.00 pm and closed at 8.00 pm)*

**CHAIRMAN** .....

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