

# **DRAFT**

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

## **EXECUTIVE**

### **MINUTES OF THE MEETING HELD ON**

**THURSDAY, 19 DECEMBER 2013**

**Councillors Present:** Pamela Bale, Dominic Boeck, Hilary Cole, Roger Croft, Marcus Franks, Alan Law, Gordon Lundie, Joe Mooney, Irene Neill and Graham Pask

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Amanda Dennis (Asset Strategy Officer), Gary Lugg (Head of Planning & Countryside), Robert O'Reilly (Head of Human Resources), Keith Ulyatt (Public Relations Manager) and Rachael Wardell (Corporate Director - Communities), Councillor Jeff Brooks (Liberal Democrat Group Leader), Stephen Chard (Policy Officer), Councillor Roger Hunneman (Deputy Liberal Democrat Group Leader), Councillor Royce Longton, Linda Pye (Policy Officer), Robin Steel (Group Executive (Cons)), Councillor Tony Vickers and Councillor Keith Woodhams

**Apologies for inability to attend the meeting:**

**Councillor(s) Absent:**

#### **PART I**

##### **48. Minutes**

The Minutes of the meeting held on 28 November 2013 were approved as a true and correct record and signed by the Leader.

Councillor Irene Neill referred to the request made in page four of the minutes for Councillor Roger Hunneman to be provided with a more detailed written response with regard to where expenditure within Communities Services' budgets was being deliberately slowed in order to address the projected overspend within the Directorate. Councillor Neill confirmed that this would be provided by Rachael Wardell.

Councillor Tony Vickers advised that contact details of the South East Reserve Forces and Cadets Association had been provided as requested to Councillor Alan Law and queried whether they had been contacted with regard to discussing their potential involvement in the 'up skilling' work outlined in the Economic Strategy. Councillor Law advised that he would look to follow this up in the new year.

##### **49. Declarations of Interest**

There were no declarations of interest received.

##### **50. Public Questions**

There were no public questions submitted.

##### **51. Petitions**

There were no petitions presented to the Executive.

##### **52. West Berkshire Community Champion Award Scheme (EX2767)**

The Executive considered a report (Agenda Item 6) concerning the introduction of a Community Champion Award Scheme which recognised the contributions volunteers made to West Berkshire.

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Councillor Graham Pask raised the importance of recognising and rewarding the good work undertaken by volunteers in West Berkshire, be that by an individual or by voluntary groups. It was recommended to the Executive that the proposed Community Champion Award Scheme be approved. This would include an annual awards event with awards given as follows:

- (i) Volunteer of the Year
- (ii) Community Group of the Year
- (iii) Lifetime Achievement

It was suggested that the award would take the form of a certificate and medallion, and a Roll of Civic Award established to record award winners. The small cost to the Council would be met from the Chairman's budget.

Councillor Jeff Brooks queried who would sit on the Independent Panel which would assist in reviewing and making decisions on any nominations received. Councillor Pask responded that this was unconfirmed at this stage, but agreed to keep Members informed of developments.

**RESOLVED that** the proposed Community Champion Award Scheme be approved.

**Reason for the decision:** To ensure that the Council recognises the valuable contribution made by volunteers across the District.

**Other options considered:** N/A

### 53. **Memorandums of Understanding: Strategic Planning and Minerals and Waste Planning (EX2763)**

The Executive considered a report (Agenda Item 7) which set out that under the Localism Act 2011 (Regulation 110 Duty to Co-operate) that the unitary authorities in Berkshire had produced two Memorandums of Understanding to guide work on Strategic Planning and on Minerals and Waste Planning.

Councillor Hilary Cole stated that this was a statutory requirement which had been introduced under the Localism Act of 2011 which required local planning authorities to work with neighbouring authorities and other prescribed bodies in preparing their Development Plan Documents (DPDs). Previously this role had been undertaken at the regional level by the South East England Regional Assembly through the South East Plan and at a county level by the Joint Strategic Planning Unit through the Berkshire Structure Plan.

Section 110 of the Localism Act placed a legal duty on local authorities and prescribed bodies to co-operate when preparing DPDs in order to address strategic planning issues relevant to their areas. This duty to co-operate:

- related to development or use of land that would have a significant impact on at least two local planning areas;
- required that councils set out planning policies to address such issues;
- required that councils and other bodies 'engaged constructively, actively and on an ongoing basis' to develop strategic policies; and
- required councils to consider joint approaches to plan making.

The duty to co-operate would now be tested at examination whenever the Council prepared or reviewed a DPD as part of the Local Plan. A Plan would be found unsound if the duty had not been complied with.

Councillor Cole advised that in terms of progress with the implementation of the duty to co-operate the Executive had already agreed to sign up to the South East Waste

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Planning Advisory Group Memorandum of Understanding in May 2013 and this committed the Council to undertake joint working on waste related matters across the south east.

Additional Memorandums of Understanding had now been prepared to form an ongoing basis for implementing the duty for both strategic planning and minerals and waste planning across the former County of Berkshire. These were not intended to be legally binding but to set out how joint working on these issues would proceed.

Councillor Royce Longton stated that he supported the proposals but queried whether this duty to co-operate related specifically to the Berkshire authorities or whether there was more flexibility to include other neighbouring authorities such as Wiltshire and Hampshire. Councillor Cole responded that it would apply to any neighbouring authority but would principally relate to Berkshire. Councillor Jeff Brooks agreed that there would be other adjacent authorities which would be impacted by this and he asked for assurance that this could be taken into account. Councillor Cole confirmed that this had been discussed at the Planning Policy Task Group and it had been agreed that any plans from adjacent authorities would be taken into account.

**RESOLVED that** the Executive enter into the Memorandums of Understanding.

**Reason for the decision:** The Duty to Co-operate is a statutory requirement.

**Other options considered:** None.

### 54. Quarter 2 Council Performance Report (EX2647)

The Executive considered a report (Agenda Item 8) concerning Quarter 2 outturns against the key accountable measures and activities contained in the Council's performance framework and which reported, by exception, those measures/activities not achieved or behind schedule and cited remedial action being taken and the impact it had had.

In introducing the report, Councillor Roger Croft explained that across this reporting framework as a whole, 48 key accountable measures were captured. Of these, 11 were annual measures – reported once a year. Therefore, the Council was able to report against 37 outturns.

Of these 37, 30 were reported as green – on track for meeting target by year end and 7 were reported as amber – behind schedule but still intended to reach intended outturn by year end.

The report began with contextual measures concerning the State of the District and Councillor Croft made particular reference to:

- the fall in domestic burglaries of 32%
- a 24% drop in the number of 'working age' Job Seekers Allowance (JSA) claimants compared to Quarter 2 last year
- the fact that unemployment in West Berkshire was 1.3%, which was an indicator of the vibrant economy in West Berkshire
- a 39% drop in youth unemployment bringing it down to 264 people or 2.5% compared to a South East claimant rate of 3.6%.

The report then considered measures of volume indicators for Council services and some changes had been made to the report to illustrate volume indicators in a graphical format. Councillor Croft highlighted the following points from this section of the report:

- A 22% drop in clients aged over 65 in receipt of a community based service.
- A 19% drop in safeguarding referrals received.

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- A 21% increase in Looked After Children cases going up from 127 in the same quarter last year to 154 this year.
- A 32% increase in Freedom of Information requests.

Councillor Croft then turned to the section which considered performance against the Council's main strategic priorities and highlighted the following points:

- Caring for and protecting the vulnerable had 23 reported measures, 17 green and 6 amber.
- Promoting a Vibrant District had 7 reported measures, 6 green and 1 amber.
- Improving Education had 3 reported measures, all reporting green.
- Protecting the Environment had 3 measures, all reporting green.

Councillor Croft commended the report and asked the Executive to note the report and the explanatory notes.

Councillor Alan Law referred to the low number of JSA claimants which he believed demonstrated his view that while West Berkshire had been affected by the economic downturn, it was now leading the country in improved employment figures. He also pointed out that during the course of the last year, the number of young people claiming JSA was down by 39%.

Councillor Roger Hunneman made reference to the 4 measures reported as amber which related to vulnerable older people and adults, and stated that he would like to see more action being taken to improve performance in this area. This was an area he would continue to monitor.

Councillor Hunneman also referred to the 15% reduction in the number of social care assessments and reviews completed in the last 12 months, and queried what action was being taken to improve performance in this area. Councillor Joe Mooney responded by pointing out that the situation was unchanged from when he last updated Councillor Hunneman on this point only recently. He did however confirm that additional resource was being assigned to this work and the need to increase resource on a permanent basis would be reviewed in March 2014. Councillor Mooney assured Councillor Hunneman that he too would closely monitor performance in these areas.

Councillor Jeff Brooks questioned the reasons behind the downward trend in the number of unique visitors to the Council's website. Councillor Hilary Cole responded to this point by advising that there was no single answer to this question. She acknowledged that there was currently a lack of central content management which made the website difficult to navigate, but this was being addressed and the website was being brought up to date as part of the Choose Digital programme. This involved the launch of 2 Council websites which aimed to improve the website experience of its visitors and was scheduled for May 2015. It was hoped that this would result in an increased number of unique visitors.

Councillor Brooks queried if a user panel would be formed in order to consider the feedback of website users on the new design of the Council's websites. Councillor Cole confirmed that this would be taken forward by the Customer Focus Programme Board. Nick Carter added that the new websites were in the process of being tested and a group of members of the public, regularly consulted with by Strategic Support, were involved in this.

Councillor Gordon Lundie gave his agreement to the concerns raised about the current website and added that it was an important area to improve upon. Councillor Cole gave her view that people would be delighted with the new websites.

Councillor Brooks then asked for confirmation of the process for reviewing the Council's measures and whether these were the most appropriate etc. Councillor Croft explained

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that the process for setting the measures was due to commence between Heads of Service and Officers in Strategic Support who, in consultation with Portfolio Holders, would propose measures for 2014/15. The next stage of the process would be to share these measures with a scrutiny task group for comment. Targets would be set once outcomes for the current year were known.

Councillor Tony Vickers expressed concern at the steady increase in the number of Looked After Children cases and the number of young people subject to a Child Protection Plan. Rachael Wardell acknowledged that these were not good outcomes for young people, but the view had been taken that they were in need of protection and would be safer away from home, although it was the preference to keep children in their own home wherever possible. There had been an increase in the number of Looked After Children and Rachael Wardell explained that this was partly due to more focused Child Protection practices being put in place since the Children's Services Inspection in the Summer of 2012. It was also the case that the most significant increase was due to the number of unaccompanied asylum seekers residing in West Berkshire. This area of activity was continually monitored to ensure actions taken were the most appropriate.

Rachael Wardell then referred to the measure which reported the number of children becoming the subject of a Child Protection Plan for a second or subsequent time. This area was monitored particularly closely and performance, which was currently at a very low level and was lower than in previous years, did not suggest that children were removed from their families and then returned unsafely. However, children were returned to their families and removed from plans when it was considered appropriate to do so.

Councillor Vickers queried whether there was felt to be any link between the stress being felt by some low income families and the increase in Looked After Children. Rachael Wardell confirmed that close attention was given to the pressures that could be felt by families and the impact this could have, i.e. in terms of domestic abuse. However, it was unclear if there was a correlation between debt/unemployment issues for families and increased numbers of Looked After Children.

Councillor Dominic Boeck highlighted the good performance in maintaining the proportion of household waste recycled/composted/reused and in the percentage of household waste sent to landfill. This was evidence of the good work undertaken with Veolia and the willingness of residents to recycle their waste.

**RESOLVED that** progress against the key accountable measures and activities contained in the Council's performance framework be noted and those areas reporting as "amber" be reviewed to ensure that appropriate corrective or remedial action had been put in place.

**Reason for the decision:** This framework compiles and monitors progress in relation to the objectives laid out in the Council Strategy distilled from the Council's individual service plans. In doing so, it expresses the purpose and ambition of the Council and by extension the Council's main focus of activities and key measures of success against which we can assess ourselves and publicly report progress.

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

### 55. **Delegation of Procurement Functions for Public Health (EX2769)**

The Executive considered a report (Agenda Item 9) concerning the delegation of procurement functions in respect of public health contracts to the Director of Public Health to facilitate the joint procurement of such contracts by the six Berkshire unitary authorities. It was also recommended that authority be delegated for the amendment of the inter-authority agreement entered into by the Berkshire authorities put in place upon

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the transfer of the public health function to local authorities, to provide for the management, administration and operation of contracts to be jointly procured.

Bracknell Forest Borough Council would act as the host authority with the Director of Public Health being available to each of the unitary authorities so that she could discharge the functions of the Director of Public Health on behalf of each of them.

The joint agreement entered into on 31<sup>st</sup> March 2013 had not included the future procurement of renewal or replacement public health contracts but it was felt that the joint procurement of such contracts would be in the interests of all Berkshire unitaries through the achievement of economies of scale. In order to put in place such an arrangement the joint agreement would need to be amended largely due to the fact that the existing agreement could be terminated on notice expiring on 31<sup>st</sup> March 2016 whilst future jointly procured contracts were likely to extend beyond that date.

### **RESOLVED that:**

- (1) The Executive delegates to the Director of Public Health Authority to jointly procure with the other Berkshire unitary authorities contracts for the future provision of public health services, subject to consultation on each such procurement with the Joint Public Health Advisory Board.**
- (2) The Executive waives the use of its Contract Rules of Procedure relating to these joint procurements and that the contract standing orders of Bracknell Forest Borough Council apply in accordance with the Joint Agreement and following consultation with the Joint Public Health Advisory Board.**
- (3) Authority be delegated to the Head of Public Health and Wellbeing (in consultation with the Portfolio Holder and Head of Legal Services) to negotiate and conclude an amendment to the inter-authority Public Health agreement, to provide for the administration, management and operation of future jointly procured Public Health contracts.**

**Reason for the decision:** To enable shared procurements of public health contracts to be undertaken by the Berkshire unitary authorities economically, efficiently and effectively.

**Other options considered:** The Council could carry out its own individual procurement of public health contracts but at increased cost both financially and in terms of staff resources.

## **56. The Former Control Tower, Greenham Common (EX2732)**

The Executive considered a report (Agenda Item 10) concerning the sale of the former Control Tower at Greenham Common.

Councillor Alan Law outlined the process that had been undertaken for the consideration of selling the Control Tower. As the Control Tower was listed as a property of community value the Community Right to Bid process outlined in the Localism Act had to be followed.

The property was put on the open market in the Spring of 2013 and seven offers were received. Following consideration of these offers by the Asset Management Group, a shortlist of three offers was formed. All three shortlisted candidates were invited to provide a presentation of their schemes which was followed by a question and answer session. The information obtained from the presentations and that previously supplied was then assessed on the following basis:

- (1) Capital receipt offered.

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- (2) Capital funding secured.
- (3) Funding to run the community offering and strength of business plan.
- (4) Financial covenant strength and track record of applicant.
- (5) Contribution to local economy – e.g. which groups would benefit, use of building by local interest groups, availability of public access.
- (6) Interaction/consideration with adjoining use of Greenham Common.

There was also a need to take account of additional factors such as the petition submitted, signed by 1,292 signatories, which requested that the Control Tower should be in the hands of the community, for the benefit of the community; and the fact that the Community Right to Bid process had to be followed for the first time.

Councillor Law considered that the community benefit of the Greenham Parish Council bid outweighed the difference between their offer and that of the other shortlisted candidates and he therefore endorsed the recommended action outlined in the report for the Control Tower and associated land to be offered to Greenham Parish Council. However, this was subject to confirmation and acceptance of the funding package detailed in the Part II report by 24 January 2014. In the absence of this confirmation by 24 January 2014, the Control Tower would be offered to one of the other bidders.

Councillor Pamela Bale, who was Portfolio Holder for this area of activity when the Control Tower was listed as an asset of community value under the Community Right to Bid, was pleased that the stage had been reached where an acceptable offer had been received.

Councillor Hilary Cole, Portfolio Holder for Countryside, looked forward to the time when the Control Tower would be developed as this would enhance Greenham Common and make it more attractive for the community.

Councillor Gordon Lundie commented that he had watched with interest the developments of this site for some time. Members were of the view that it should be developed for the benefit of the community, which would allow for the reflection of the important role of the Greenham Common Base and that played by peace groups on the site. He was delighted with the proposal being recommended to the Executive.

Councillor Lundie was also pleased to note that Greenham Parish Council and Greenham Common Trust would work together in bringing the development of the Control Tower to its completion and work through any challenges that were presented.

Finally, Councillor Lundie pointed out that West Berkshire Council had foregone achieving the maximum financial gain from selling the property to the highest bidder, with a view to maximising benefits to the community which included enabling public access to the Control Tower.

**RESOLVED that**, following consideration of the offers as discussed in the Part II section of this report; and

- subject to confirmation of the funding package detailed in Part II, that the Control Tower and associated land be offered to Greenham Parish Council, but
- in the absence of such confirmation by 24 January 2014 then the Control Tower would be offered to one of the other bidders,

Officers, in consultation with the Portfolio Holder, be given delegated authority to agree the terms of the sale to the purchaser and to exchange contracts by 31 March 2014.

**Reason for the decision:** To progress the disposal of the Control Tower and to bring a redundant property back into use.

**Other options considered:** That the property be sold to one of the other bidders.

**57. Members' Questions**

- (a) **Question to be answered by Portfolio Holder for Highways, Transport (Operational), Emergency Planning and Newbury Vision submitted by Councillor Keith Woodhams**

A question standing in the name of Councillor Keith Woodhams on the subject of diverting heavy lorries via Newtown Straight to the A34 to avoid using Newbury Town Centre was answered by the Portfolio Holder for Highways, Transport (Operational), Emergency Planning and Newbury Vision.

- (b) **Question to be answered by the Portfolio Holder for Strategy & Performance, Housing, ICT & Corporate Support, Legal and Strategic Support submitted by Councillor Tony Vickers**

A question standing in the name of Councillor Tony Vickers on the subject of the withdrawal of the extended Severe Weather Emergency Protocol (SWEP) was answered by the Portfolio Holder for Strategy & Performance, Housing, ICT & Corporate Support, Legal and Strategic Support.

**58. Exclusion of Press and Public**

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in the Paragraphs 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 4.2 of the Constitution](#) also refers.

**59. The Former Control Tower, Greenham Common (EX2732)**

*(Paragraph 3 – information relating to financial/business affairs of a particular person)*  
*(Paragraph 5 – information relating to legal privilege)*

The Executive considered an exempt report (Agenda Item 13) concerning the sale of the Control Tower, Greenham Common.

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

**Reason for the decision:** To progress the disposal of the Control Tower and bring a redundant property back into use.

**Other options considered:** That the property be sold to one of the other bidders.

**60. Staffing implications associated with savings put forward to deliver the 2014/15 revenue budget: approval to pay redundancy payments (EX2706)**

*(Paragraph 1 – information relating to an individual)*  
*(Paragraph 2 – information identifying an individual)*

The Executive considered an exempt report (Agenda Item 14) concerning the staffing implications which were likely to result from the setting of the Council's 2014/15 revenue budget and to seek approval to make the redundancy payments associated with the required staffing implications.

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

**Reason for the decision:** The Council needs to make savings from its revenue budget in 2014/15. These savings include the need to reduce staffing levels. Given the time required to manage staffing reductions this paper is having to be brought to the Executive ahead of the formal budget paper which will come through the Executive on its way to Council during February and March next year. This report only covers revenue savings for 2014/15 that require staff reductions to be made.



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

*(The meeting commenced at 5.00 pm and closed at 5.55 pm)*

**CHAIRMAN** .....

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