

Notice of Meeting



Scan here to access the public documents for this meeting

Executive

Thursday 19th October 2017 at 5.00pm

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

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

Date of despatch of Agenda: Wednesday, 11th October 2017

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

e-mail: executivecycle@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

To:	Councillors Dominic Boeck, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones
-----	--

Agenda

Part I

Pages

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 14
To approve as a correct record the Minutes of the meeting of Executive held on 07 September 2017 and the Special meeting held on the 28 September 2017.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Public Questions**
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.
 - (a) **Question submitted by Mrs Pearl Baker to the Portfolio Holder for Corporate Services**
"What formula does West Berkshire Council use when applying exempt status re Supported Accommodation and reclaiming a Housing Benefit Subsidy back from the DWP?"
 - (b) **Question submitted by Mrs Pearl Baker to the Portfolio Holder for Adult Social Care**
"Is the support to Garland Court in Newbury funded by the local authority in the form of Floating Support?"
 - (c) **Question submitted by Mrs Pearl Baker to the Portfolio Holder for Adult Social Care**
"How are residents living at Garland Court subject to Section 117 free aftercare identified and provided with free aftercare including accommodation as per the Care Act 2014?"



-
- (d) **Question submitted by Ms Elizabeth Nonweiler to the Portfolio Holder for Children, Education and Young People**

“Does the council have plans for improving the teaching of phonics in local authority schools in West Berkshire, following the poor results this year, when 22% of children in Year 1 failed to pass the threshold of the Phonics Screening Check?”

5. **Petitions**

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

Items as timetabled in the Forward Plan

	Page(s)
6. Leasing the Hungerford Library building to Hungerford Town Council to increase community benefit (EX3371) (CSP: BEC P&S HQL MEC BEC1 BEC2 HQL1 MEC1) Purpose: To consider Hungerford Town Council’s (HTC) proposal to lease the Hungerford library building so that HTC can develop a range of community activities and the council can maintain the Library Service there while meeting the savings target for the service.	15 - 28
<hr/>	
7. Members’ Questions Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council’s Constitution.	
(a) Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Councillor Alan Macro <i>“When will the Council use the powers it has to reduce loss of office space to residential space in the district?”</i>	
(b) Question submitted to the Portfolio Holder for Planning, Housing and Leisure by Councillor Alan Macro <i>“What is the council doing to protect rough sleepers this winter?”</i>	
(c) Question submitted to the Leader of the Council by Councillor Lee Dillon <i>“What analysis has the Council done on the impact of Brexit to the local economy?”</i>	
(d) Question submitted to the Leader of the Council by Councillor Lee Dillon <i>“What is the Council doing to mitigate the risks of Brexit?”</i>	



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

“Do the recently announced delays to the Stirling cable site put at jeopardy the external funding for this project?”

Andy Day
Head of Strategic Support

West Berkshire Council Strategy Aims and Priorities

Council Strategy Aims:

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

Council Strategy Priorities:

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

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



DRAFT

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

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 7 SEPTEMBER 2017

Councillors Present: Dominic Boeck, Keith Chopping, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Martin Dunscombe (Communications Manager), Melanie Ellis (Chief Accountant), Gabrielle Esplin (Finance Manager (Capital and Treasury Management)), Paul Hendry (Countryside Manager), Rachael Wardell (Corporate Director - Communities), Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Mollie Lock, Councillor Alan Macro and Gabrielle Mancini (Group Executive - Conservatives)

Apologies for inability to attend the meeting: Councillor Anthony Chadley

PART I

27. Minutes

The Minutes of the meeting held on 27 July 2017 were approved as a true and correct record and signed by the Leader, subject to the following amendments:

It was noted in two sections of the minutes that Councillor Lee Dillon was incorrectly assigned to comments made by Councillor Lynne Doherty. This was corrected in the following sections of the minutes:

- Item 17 – Key Accountable Performance 2016/17: Quarter Four – paragraph 9.
- Item 25 – Purchase of Accommodation for the purpose of providing temporary accommodation – paragraph 2.

28. Declarations of Interest

There were no declarations of interest received.

29. Public Questions

There were no public questions submitted.

30. Petitions

Councillor Alan Macro presented a petition containing 306 signatures which requested that the Council reverse its decision to charge residents to dispose of soil, DIY waste (rubble, ceramics, plasterboard) and tyres at recycling centres from 4 September 2017. This was a service valued by residents who felt that it should be provided from their Council Tax contributions. These charges were likely to cause a significant increase in fly tipping, which would be to the detriment of residents, wildlife and the environment. Clearing up the fly tipping would incur expenditure by the Council and by landowners.

The petition was referred to the Portfolio Holder for Culture and Environment and the Head of Transport and Countryside.

31. Financial Performance Report 2017/18 - Quarter One (EX3303)

The Executive considered a report (Agenda Item 6) which informed Members of the latest financial performance of the Council for 2017/18.

EXECUTIVE - 7 SEPTEMBER 2017 - MINUTES

Councillor Graham Jones reported that the current financial forecast was an overspend of £870k against a net revenue budget of £117.4m. This overspend was solely attributable to the Communities Directorate (Adult Social Care). However, Councillor Graham Jones added that this was a very early stage of the financial year and the financial situation was likely to change during the course of 2017/18. The Adult Social Care budget was demand led but a number of remedial actions were being implemented to improve upon the position.

Councillor Graham Jones continued by stating that the Council had performed well in terms of managing its budget over a number of years despite the significant pressures that had been felt.

Councillor Rick Jones explained that pressures in Adult Social Care had proved considerably greater than originally budgeted. Contributing factors included inflationary cost increases and a greater level of complexity of clients needs, in particular clients with learning disabilities.

Councillor Rick Jones continued by reiterating that the service was working to reduce the overspend by year end, this included ways to best manage demand for services and a joint funding approach with health colleagues.

Councillor Lee Dillon gave thanks for these details. He referred to the point made in the report that Adult Social Care pressures were being reduced through one-off underspends against non-commissioning budgets and Councillor Dillon asked for further detail on these.

In response, Councillor Rick Jones explained that this formed part of the mitigation measures to improve the forecast. The non-commissioning budgets related to Continuing Healthcare funding, S106 monies and negotiations with acute hospitals around reducing costs associated with Delayed Transfers of Care (DToC).

Councillor Dillon noted that a payment from Kennet School for Kennet Leisure Centre of £43k was still in dispute and this pressure had been carried forward year on year since Kennet School became an Academy. He requested an update on resolving this dispute.

Councillor Hilary Cole acknowledged that this had been a frustrating long term issue. Officers continued to progress payment with the school, but it had proved a difficult issue to resolve. The fact that the use of the leisure centre was shared between school and public use had complicated the issue and added to delays in determining responsibility for costs.

However, the Council remained determined to recoup this cost and Officers were working hard to resolve the dispute.

Councillor Dillon further noted that the redevelopment of the London Road Industrial Estate (LRIE) had been delayed and the project was expected to restart later in 2017/18. He queried when work was expected to start and whether any in-year savings had been identified as a result of the delay.

Nick Carter explained that timescales for the LRIE could not be confirmed until the potential appeal against last year's legal judgement on the scheme had been resolved and advice on this was awaited from the courts. The capital funding for the project would be carried forward in full and utilised once the redevelopment was able to commence.

RESOLVED that the latest financial performance of the Council be noted.

Other options considered: n/a – factual report for information.

32. Key Accountable Performance 2017/18: Quarter One (EX3180)

The Executive considered a report (Agenda Item 7) which reported quarter one outturns for the Key Accountable Measures which monitored performance against the 2017/18 Council Performance Framework. The report provided assurance that the objectives set out in the Council Strategy and other areas of significant activity were being managed effectively. In addition the document set out, by exception, those measures that were predicted to be 'amber' (behind schedule) or 'red' (not achievable) and provided information on remedial action taken/its impact. Finally, the report recommended changes to measures/targets that had been requested by service areas.

Councillor Keith Chopping reported that despite the Council facing continued financial challenges, its overall performance was good. In particular he highlighted the Ofsted Inspection outcome of 'Good' for West Berkshire's services for children in need of help and protection, children looked after and care leavers. The Council's performance in this area had moved from 'Inadequate' to 'Good' and West Berkshire was the first unitary local authority to move up by these two ratings. He complimented all those involved in achieving this success.

Councillor Chopping added that more schools had been judged as good or better by Ofsted. The Council had further improved the timeliness of its assessments to help meet the Core Business area of 'Protecting our Children'. Performance in terms of collecting Council Tax and Business Rates had improved and end of year targets were expected to be achieved. The outcomes of reablement services (post discharge from hospital) had been maintained and good timeliness of financial assessments had been achieved to aid older people and vulnerable adults' wellbeing. The targets for determining planning applications were being exceeded as were the approval of Disabled Facilities Grant applications.

The report also proposed removal of the measure – '% of claims for Discretionary Housing Payment determined within 28 days following receipt of all relevant information' as the data could not be produced reliably on a quarterly basis, this was detailed further within Appendix G.

Appendix F contained exception reports for those measures reporting as 'amber' or 'red'. The following two areas had been identified for further scrutiny:

- The timeliness of decisions on Benefit Claims.
- The percentage of people presenting as homeless where the homelessness had been relieved or prevented.

Councillor Lee Dillon noted the measure proposed for removal and the reasons for this. However, in the past, performance in this area had often been below target and he questioned how Members would be informed of performance in this area.

Councillor Hilary Cole acknowledged that data collection/capture was the issue. Officers did not feel that the data collection for this measure was sufficiently robust, however work was ongoing to consider alternative ways to present and report this data. Councillor Cole agreed to provide a written answer once this had been established.

Councillor Dillon next referred to the exception report for '% of clients with Long Term Service (LTS) receiving a review in the past 12 months' which was reporting 'amber'. He noted from the narrative that additional capacity had been put in place at the end of the 2015/16 financial year to ensure reviews were completed to meet the requirements of the Care Act and to improve performance at that time. It had however not been possible to maintain this capacity and performance level. During Quarter One of this financial year, the team had temporarily been increased to focus on completing overdue reviews, and

EXECUTIVE - 7 SEPTEMBER 2017 - MINUTES

Councillor Dillon questioned whether a more permanent recruitment solution was needed in this area in order to maintain performance. The exception report for this target also stated that there would be a focus on overdue reviews for clients whose primary support reasons were learning disability and mental health. Councillor Dillon suggested that the priority should be based on those most in need.

The measure ‘% of Adult Social Care safeguarding concerns responded to within 24 hours’ was reported as ‘amber’ when it had been a ‘green’ measure in the last two financial years. Councillor Dillon noted from the exception report that recording practices had impacted on this measure and queried whether this was the sole reason for the decrease in performance and whether this could be mitigated by staff training.

Councillor Rick Jones explained that there had been workload pressures in Adult Social Care in both of these cases and recruitment had proved to be a difficulty. However, significant levels of effort continued to improve performance. In addition, recruitment remained an area of focus as did training of new staff members. However, workload pressures had a negative impact on waiting lists and the ability to conduct reviews.

On the matter of prioritising clients, Councillor Rick Jones explained that this was a judgement made by the service. He pointed out that clients with learning disabilities or mental health issues were often those with the most complex needs. Councillor Rick Jones agreed to provide further clarity on this point in writing.

Turning to the exception report for ‘Number of weeks taken to conclude care proceedings (Children’s Social Care)’, Quarter One performance was 35 weeks against a target of less than or equal to 26 weeks and was above the national average. Councillor Dillon questioned how this target could be brought back on track and felt that this measure should be rated ‘red’ rather than ‘amber’.

Councillor Lynne Doherty agreed this measure should be rated ‘red’ and believed that the exception report was wrongly titled as ‘amber’. She did however add that delays were not attributable to the local authority, rather court capacity had contributed to delayed timescales.

Councillor Dillon gave his support to the additional measures included as part of the Performance Framework, listed in paragraph 2.3 of the summary report.

Councillor Alan Macro referred to the core business measure to decrease the number of bed days due to delayed transfers of care (DToC) from hospital. Quarter One data was not provided in the report as data had not been available, however the report indicated that this data would be published by NHS England in August 2017 and Councillor Macro queried the Q1 performance level.

Councillor Rick Jones stated that Q1 DToC data had been received and would form part of the Q2 performance report. He agreed to share this with Councillor Macro and Executive Members once this had been processed. Councillor Rick Jones clarified that the data was provided by both the Council and the NHS.

Councillor Mollie Lock advised that a scrutiny report had been drafted following the task group review of DToC and this would be presented in due course.

Continuing with core business measures, this time in Planning and Housing, this gave a measure for ‘major’ planning applications to be determined within four weeks and Councillor Macro questioned the accuracy of that timeframe. Councillor Cole clarified that the correct timeframe was 13 weeks.

The exception report for the ‘percentage of people presenting as homeless where the homelessness had been relieved or prevented’ showed that performance was 50% (red) against a target of 75% with a reduction in funding given as a reason for prevention

EXECUTIVE - 7 SEPTEMBER 2017 - MINUTES

activities being reduced. Councillor Macro agreed with the point made in the report that prevention was a cheaper alternative to a homelessness application and added that prevention provided a better outcome for those concerned and their families.

Councillor Cole clarified that the funding in this area had not reduced, the Preventing Homelessness Grant had been absorbed into the base budget. She explained that there had been severe staffing pressures in the team and this had resulted in the accumulation of a backlog. Councillor Cole had recently given approval for additional recruitment to the team to help alleviate pressures and improve performance levels.

Councillor Cole added that a new Prevention Duty was due to be implemented under the Homelessness Reduction Act. This was expected to place additional responsibilities on the Council to take all reasonable prevention actions and a paper would be brought before Members which outlined how the requirements of this duty would be implemented in West Berkshire.

RESOLVED that:

(1) Progress against the Key Accountable Measures and the key achievements in all service areas be noted, in particular the Ofsted inspection outcome of 'Good' for West Berkshire's services for children in need of help and protection, children looked after and care leavers.

(2) Those areas reported as 'amber' or 'red' be reviewed to ensure that appropriate action is in place. In particular, to consider the results and improvement actions for:

- (a) the timeliness of decisions on Benefit Claims, and
- (b) the % of people presenting as homeless where the homelessness has been relieved or prevented.

(3) The additional measures requested by Portfolio Holders to be included as part of the performance framework be noted as follows:

- (a) % of schools judged good or better by Ofsted under the new framework
- (b) % of pupils achieving a good level of development at Foundation Stage
- (c) % of pupils eligible for Free School Meals (FSM) achieving a good level of development at Foundation Stage
- (d) Monitor uptake of Identification & Brief Advice (IBA) training

(4) The removal of the '% of claims for Discretionary Housing Payment determined within 28 days following receipt of all relevant information' be agreed as the data cannot be produced reliably on a quarterly basis.

Other options considered: None.

33. Treasury Management Annual Report 2016-17 (EX3358)

The Executive considered a report (Agenda Item 8) which informed Members of the treasury management activity and performance of the Council's investments for the financial year 2016/17.

Councillor Graham Jones explained that the cross party Treasury Management Group would continue to scrutinise and review the Council's investments and borrowing during 2017/18, to ensure that treasury activities continued in line with the approved Treasury Management Strategy. The group was represented by the Portfolio Holder and Shadow Portfolio Holder for Finance.

EXECUTIVE - 7 SEPTEMBER 2017 - MINUTES

Councillor Lee Dillon added that the Treasury Management Group enabled discussion on investments and borrowing. It served as a useful opportunity to think creatively and ask Officers to explore different avenues for investment.

RESOLVED that the report be noted.

Other options considered: Not applicable.

34. **Grounds Maintenance Services Tender Award (EX3376)**

The Executive considered a report (Agenda Item 9) which informed Members of the tender process to procure a new joint grounds maintenance contract with Newbury Town Council and Thatcham Town Council, and which sought delegated authority from the Executive to the Head of Transport and Countryside to award and enter into the contract.

Councillor Dominic Boeck explained that the current contract had been extended for a three year period in 2014 and was due to expire on 30 September 2017. The new service was planned to commence from 8 January 2018 and the current contractor would continue to operate until that date.

Pre-procurement consultation, undertaken last year, with suppliers of grounds maintenance services, generally indicated that a larger contract, over a longer period, could achieve more favourable contract rates. Therefore, it had been agreed with the Town Councils to extend the scope of the contract over a longer term period.

Councillor Lee Dillon queried whether feedback had been sought from service users on the quality of the service. Paul Hendry confirmed this took place, the contractor had worked with Council Officers to identify performance indicators and service user feedback informed these.

Councillor Alan Macro was concerned that this report had been brought to the Executive at an unnecessarily late stage when the contract was due to expire at the end of September 2017. He felt that the Council should have acted earlier when there was awareness of this date. Councillor Macro then queried how the current arrangement would be monitored to ensure quality was maintained through to January 2018. Councillor Boeck gave an assurance that the current contract would continue to operate on the same terms until it ended.

Councillor Graham Jones added that both Members and parishes had a duty to report any concerns with the contract and its quality to the Council.

RESOLVED that authority be delegated to the Head of Transport and Countryside, in consultation with the Head of Legal Services and the Head of Finance and Property, to award and enter into a contract with the successful bidder.

Other options considered:

(1) Officers considered bringing the grounds maintenance contract in-house, however this was dismissed. There would be greater overhead costs related to this option and there is too much uncertainty around the Council's budget for this to be a viable option.

(2) Officers also discussed with Highways colleagues about the possibility of combining the grounds maintenance contract with the highways contract but again this was dismissed as an option. Grounds maintenance is not a core function of highways contractors and the contract would most likely have to be sub let with the associated loss of control and greater management and supervision costs.

(3) Officers considered the Eastern Shires Purchasing Organisation (ESPO) Framework but this was considered to be restrictive, as this Framework does not include a number of

EXECUTIVE - 7 SEPTEMBER 2017 - MINUTES

significant grounds maintenance contractors. The two current grounds maintenance contractors are not part of this Framework in any case.

35. Members' Questions

There were no Member questions submitted.

(The meeting commenced at 5.00pm and closed at 5.30pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

DRAFT

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

SPECIAL EXECUTIVE MINUTES OF THE MEETING HELD ON THURSDAY, 28 SEPTEMBER 2017

Councillors Present: Dominic Boeck, Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson and Graham Jones

Also Present: John Ashworth (Corporate Director - Environment), Sarah Clarke (Acting Head of Legal Services), Andrew Low (Temporary Assets Officer), Richard Turner (Property Service Manager), Councillor Jeff Beck, Councillor Paul Bryant, Councillor Lee Dillon, Councillor Billy Drummond, Moira Fraser (Democratic and Electoral Services Manager), Councillor Mollie Lock, Councillor Alan Macro, Gabrielle Mancini (Group Executive - Conservatives) and Councillor Quentin Webb

Apologies for inability to attend the meeting: Nick Carter, Councillor Keith Chopping, Councillor Rick Jones and Rachael Wardell

PART I

36. Declarations of Interest

Councillor Jeanette Clifford declared an interest in Agenda Item 4, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

37. 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 Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

38. Property Purchase - Summary Report

(Councillor Jeanette Clifford declared an interest in Agenda Item 4, due to the fact that her husband's employer owned a business on one of the industrial areas referred to on page 20 of the documentation. As her interest was a personal or an other registrable interest but not a disclosable pecuniary interest, she took part in the discussion and voted on the matter).

(Paragraph 3 - Information relating to the financial or business affairs of any particular person)

The Executive considered an exempt report (Agenda Item 4) which sought approval to deviate from the Council's Property Investment Strategy in order to submit an offer to purchase a property.

RESOLVED that the recommendations in the exempt report be agreed.

Reason for the decision: as outlined in the exempt report.

Other options considered: as outlined in the exempt report.

EXECUTIVE - 28 SEPTEMBER 2017 - MINUTES

(The meeting commenced at 12.00pm and closed at 12.10pm)

CHAIRMAN

Date of Signature

Leasing the Hungerford Library building to Hungerford Town Council to increase community benefit

Committee considering report:	Executive on 19 October 2017
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	26 September 2017
Report Author:	Paul James, Culture & Libraries Manager
Forward Plan Ref:	EX3371

1. Purpose of the Report

- 1.1 To consider Hungerford Town Council's (HTC) proposal to lease the Hungerford library building so that HTC can develop a range of community activities and the council can maintain the Library Service there while meeting the savings target for the service.

2. Recommendations

- 2.1 That the Executive agree to grant the leasehold of the Hungerford Library building on a 99 year lease at a peppercorn rent for the purposes of library and other community uses subject to:
- a short period of public consultation in the Hungerford area followed by a Stage 2 Equalities Impact Assessment to assess whether the proposal has any negative impacts for the public.
 - agreements on the Heads of Terms of the freehold transfer to ensure that the arrangement meets the saving in the libraries budget while facilitating greater community use of the building..
 - final approval by the Council's Executive – or by a delegated decision (as required).
- 2.2 That the Executive make a decision in principal so that HTC can progress their proposal and the council can make the budget saving required for the Library Service.

3. Implications

- 3.1 **Financial:** Hungerford Library was valued in 2013 at £656,800 using the Depreciated Replacement Cost method which calculates the depreciation of the original cost of the building over time. This is not a true value in terms of the confidence or otherwise of the current property market. The proposal delivers the required saving in the library budget.

HTC will grant fund the CIO (community organisation) which will operate the building on its behalf while it develops income from events, activities, other fundraising and grants.

- 3.2 **Policy:** The proposal supports the council's new policy Devolution in West Berkshire
<http://info.westberks.gov.uk/index.aspx?articleid=34205>
- 3.3 **Personnel:** The staffing at Hungerford Library shall increase by 1 member of staff working 25.5 hours each week. The expenditure is factored into the financial saving (above).
- 3.4 **Legal:** The proposal requires a leasehold agreement with HTC based on 99 years at a peppercorn rent. HTC become responsible for the costs and maintenance of the building. The Library Service is a statutory service. The Council's needs assessment (Red Quadrant 2016) determined that a Library Service is required in Hungerford to meet community need. A Joint User Agreement with HTC is required to specify the council's Library Service in the building
- 3.5 **Risk Management:** The library transformation project requires that we find new solutions to make the Library Service more sustainable. The costs of the library building are fully funded by the service budget but the building is under-used (open 26 hours a week out of a possible 84+). HTC has a population of 5700 (2014), raises a precept annually of £224k and has assets and investments valued at £856k (2015-16). HTC are committed to this project as there are obvious community benefits for residents in Hungerford and neighbouring parishes.
- 3.6 **Property:** Hungerford Library is situated at 2 Church St, Hungerford RG17 0JG. The building and land are wholly owned by West Berkshire Council.
- 3.7 **Other:** None.

4. Other options considered

- 4.1 Continuing with the current arrangements. This would not deliver the increase in usage for community activities and not engage with HTC is a long-term and sustainable solution for the Library Service and the building.
- 4.2 Selling the building on the open market would reduce community amenity for residents. The site is centrally located off the centre of the High Street and therefore accessible to all residents.

Executive Summary

5. Introduction / Background

- 5.1 The council conducted a review of the library service in 2016 which resulted in a 44% / £690,000 reduction in budget and staffing in 2017-18.
- 5.2 The new library service began on 3rd July with 1 member of staff supported by volunteers in the 7 branch libraries - Hungerford, Lambourn, Thatcham, Pangbourne, Mortimer, Burghfield, Theale. Previously there were 2 members of staff during opening hours with some volunteers whose roles were not crucial to the delivery of the service on a day to day basis.
- 5.3 The new service is highly reliant on volunteering and between April and early October we have recruited and trained nearly 200 volunteers.
- 5.4 The principles of the new library service are as follows:
- The Council provides the statutory library service as required under the [Public Libraries and Museums Act 1964](#).
 - Partnerships with town and parish councils, library support groups and library volunteers are vital to increase community involvement and tune the service to better meet local needs.
 - The service is, and will continue to be, based upon an assessment of community needs.
 - The extent of the service is limited by the resources available.
 - Library services can be delivered in a number of ways and locations – council buildings, a range of other venues, mobile and at home services, online.
 - New ideas and the flexibility to do things differently are key to making libraries more sustainable.
 - The service needs to deliver core services consistently while branch libraries can develop differently from each other to reflect the communities they serve.
- 5.5 Parishes are key to increasing library usage because of their knowledge of, and contacts within, local communities. All the town and parish councils where there is a library have been keen to engage with the service and make better use of library buildings.
- 5.6 Parishes were asked to consider providing a total of £150k a year (about £1 per resident) towards the cost of the service and to make any proposals of their own which would increase community benefit, maintain the Library Service and meet the savings target. On that basis we requested that Hungerford Town Council (HTC) consider providing £5520 each year.
- 5.7 The Hungerford Library building is under used. Assuming that many community centre buildings can be open at least 12 hours a day and 7 days a week, the library is open 25 hours a week and closed 59 hours a week out of a potential 84 hours a week.
- 5.8 In response HTC and the Friends of Hungerford Library proposed that they take on the leasehold and maintenance costs of the Hungerford Library building and in return the council maintain the library service there at the level of library staffing

prior to the reduction in July - 2 members of staff during opening hours rather than the current 1.

- 5.9 HTC has submitted a proposal to that effect through the council's new Parish Portal process for applications to transfer community assets *Devolution to Town and Parish Councils*. This includes consideration by members of the Asset Management Group and a final decision by the Executive.
<http://info.westberks.gov.uk/index.aspx?articleid=34205>
- 5.10 HTC's proposal is intended to meet our need to achieve the library service savings target while giving HTC the scope to develop the building as a community hub. Their town council office is also located in the building.
- 5.11 In 2013 the library building was valued for asset purposes using the Depreciated Replacement cost methodology, an accountancy tool where the cost of the building is depreciated over time. Using that methodology the value was given as £686,800 but this does not reflect the potential market value for an alternative use. If the council chose to sell the building then a prospective buyer may look at alternative uses such as a doctor or vet surgery, residential or office uses provided planning consent could be obtained.
- 5.12 The council currently bears the full cost of the maintenance and repairs of the Hungerford library building and charges Hungerford Town Council (HTC) rent for their parish office.
- 5.13 The Asset Management Group (AMG) considered HTC's request to grant the leasehold of Hungerford Library on Friday 23rd June. The AMG recommended that the council does so, subject to agreement of the Heads of Terms of the lease and further consideration of HTC's proposal for operating the building and meeting the saving required for the Library Service budget.

6. Proposal

- 6.1 HTC propose leasing the building from the council for 99 years for a peppercorn rent and setting up a Charitable Incorporated Organisation (CIO) to manage the building day to day.
- 6.2 HTC will be responsible for the maintenance and running costs in return for the council restoring the staffing levels as they were in March 2017 (2 members of staff during opening hours). HTC would maintain their parish office in the building but not pay us the rent. The cost of this to HTC, in effect, cancels out the loss of income and makes the required saving in the Library Service budget. **SEE APPENDIX A.**
- 6.3 Charitable Incorporated Organisations (CIOs) are a new type of body corporate, brought into being by the [Charities Act 2006](#). Detailed regulations are in the [Charitable Incorporated Organisations \(General\) Regulations 2012 SI 3012](#).
- 6.4 The purpose of the CIO is to develop events and activities, income from those activities and other fundraising and grants to meet the costs of maintaining the building.
- 6.5 HTC propose sub-letting the building to the CIO in order that a saving can be made on the rates. The CIO would be eligible for the mandatory 80% rate reduction and

are likely to also be eligible for the extra 20% discretionary rate relief under the current policy criteria.

- 6.6 HTC and the Hungerford Library Working Group have applied for CIO status and have recruited sufficient volunteers with the skills and experience they require to act as trustees.
- 6.7 HTC will develop a Joint User Agreement with the CIO to ensure that it is delivering what is required. This will include a requirement to support the delivery of the library service.
- 6.8 HTC propose grant funding the CIO to help them set up and develop their capacity as a sustainable community organisation.
- 6.9 HTC have also made a grant application for £12,000 under the Council's new community asset transfer/devolution scheme to help with the transition costs to the new service model. The grant application is due to be considered by the Officer Liaison Group that supports the scheme on 7th August.
- 6.10 HTC's proposal meets our saving requirement, has advantages for the Library Service and generally increases community benefit for residents.
- 6.11 For HTC to progress their proposal they require a decision in principal as soon as possible so that their elected members can take the necessary decisions and they can complete the setting up of a Community Incorporates Organisation Company.

7. Conclusion

- The proposal meets the saving required for Hungerford Library. It is the 3rd busiest library in West Berkshire and HTC's proposal makes it possible to meet the saving while having 2 rather than 1 members of staff to deliver the service.
- The proposal, although not without some risks, has the capability of delivering more community use of the library building while involving local people directly in making it a success.
- The current situation whereby the council funds a community building to be open 25 hours a week does not represent good value for the council or local people.
- The council retains the freehold of the asset.

8. Appendices

- 8.1 Appendix A – Hungerford Town Council's proposal and impact on Hungerford Library Budget.
- 8.2 Appendix B – Equalities Impact Assessment

This page is intentionally left blank

Leasing the Hungerford Library building to Hungerford Town Council to increase community benefit

1. Proposal

- 1.1 The net cost of Hungerford Library in 2016-17 was £62.5k.
- 1.2 The council's proposal for the new library service in Hungerford is to maintain the opening hours of 25 hours a week, reduce the staff from 2 to 1 during opening hours and recruit volunteers to support the service. The building is closed the rest of the time.
- 1.3 The net cost in 2017-18 is £33k – a saving of £28.5k - provided that
 - (1) HTC make an annual contribution based upon population of £5250 a year.
 - (2) HTC continue to rent an office in the building for £5000 a year.
- 1.4 HTC have considered our request and instead propose that:
 - (1) they assume the responsibility of the building to make better use of it for community purposes. This includes paying the premises costs incurred by the library service and not paying rent for their office in the building and not making the £5250 contribution we have requested.
 - (2) we restore the staffing level to how it was last year – 2 members of staff rather than the current 1. It is the 3rd busiest library in West Berkshire and they believe that warrants a higher level of paid staffing than. The cost of restoring the staffing levels is an extra £16,670 including (NI, LGPS), although we would reduce the casual staff and overtime budgets as there would be less need to cover staff holiday/other absence than in a single staffed library.
 - (3) They set up a CIO (charity) to operate the building which would be entitled to relief on the business rates (currently £15.3k a year). This is a saving for them which does not affect our base budgets, as we do not benefit directly from the rates – see 1.6 below.
- 1.5 HTC's proposal brings the net cost incurred by the council to £31k – a saving of £30.8k on 2016-17 - and has the potential to greatly increase community access for a wider range of events and activities.
- 1.6 The business rates for Hungerford Library are currently £15,300 a year. The library budget, in effect, transfers this amount from its budget to the council's Exchequer Services. 49% is due to the council, 1% (£153) is paid to the Fire Authority and 50% is paid to the Government. If the CIO set up to operate the building receives 100%

relief on the business rates, this will reduce the operating costs of the building while saving the council £7.6k portion of the rates we pay to the Government. However, the Fire Authority would no longer benefit from the 1% (£153) from the business rates.

- 1.7 Hungerford Library was valued in 2013 at £656,800 using the Depreciated Replacement Cost method which calculates the depreciation of the original cost of the building over time. This is not a true value in terms of the confidence or otherwise of the current property market.

Hungerford Library	2016-2017 ACTUALS	2017-2018 BUDGET	Working with HTC		Notes
			WBC	HTC	
Expenditure					
Employees	44339	23560	45000	0	Restoring staff levels from 1 to 2 library staff
Premises / Supplies & Services					
Maint contractors	4973	5,350	0	5000	
Energy costs	2132	2,040	0	2500	
Rates	17147	15,300		3200	80% rate relief.
Cleaning	3468	3,260		850	
Waste	847	820	0	500	
Minor repairs	1143	1,120	0	2500	
Insurance	0	0	0	300	
Professional fees	0	0	0	300	
Training	0	0	0	300	
Catering	0	50	200	500	
Equipment	150	160	300	200	
Phones / Broadband	201	300	0	1500	
Advertising	9	150	170	300	
Print & stationary	321	170			
Total expenditure	74730	52,280	45670	17950	
Income					
Library fees, charges	-7200	-13,220	-14000		
HTC office rent	-5000	-5200	0		
Total income	-12200	-18,420	-14000		
Net cost to Council	£62,500	33,860	31,670		
net saving on 2016-17 budget		28640			
net saving working with HTC			30830		

2. Options for Consideration

- 2.1 To accept the proposal and work with HTC to develop library and community activities in Hungerford Library building.
- 2.2 Not to lease the building and continue with current arrangements and seek alternative ways of meeting the library service savings target with the risk that we may lose HTC's co-operation in helping to increase community involvement in the library service and the library building.

- 2.3 Disposal of the asset at a commercial value. This would require planning permission for a change of use. The library and HTC's office would have to be relocated in alternative premises, we would have to seek alternative ways of meeting the library service savings target with the risk that we would lose HTC's co-operation in helping to increase community involvement in the library service and the library building.

3. Conclusions

- 3.1 HTC's proposal meets the required saving while having the potential for more community benefit.
- 3.2 The Asset Management Group (AMG) considered HTC's request to grant the leasehold of Hungerford Library on Friday 23rd June. The AMG recommended that the council does so, subject to agreement of the Heads of Terms of the lease and further consideration of HTC's proposal for operating the building and meeting the saving required for the Library Service budget.
- The proposal meets the saving required for Hungerford Library. It is the 3rd busiest library in West Berkshire and HTC's proposal makes it possible to meet the saving while having 2 rather than 1 members of staff to deliver the service.
 - The proposal, although not without some risks, has the capability of delivering more community use of the library building while involving local people directly in making it a success.
 - The current situation whereby the council funds a community building to be open 25 hours a week does not represent good value for the council or local people.
 - The council retains the freehold of the asset.
 - The statutory library service will continue to be the responsibility of the council and will be delivered in the library building.

4. Consultation and Engagement

- 4.1 Hungerford Town Council members and the Friends of Hungerford Library.
- 4.2 All parish councils have received updates on the library review including the proposals for Hungerford.
- 4.3 WBC members for the Hungerford ward.
- 4.4 WBC Executive portfolio member for culture.
- 4.5 WBC Property and Legal Services.
- 4.6 WBC Officer Liaison Group for community asset transfer applications.
- 4.7 Asset Management Group (24 June 2017).

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

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

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

Officer details:

Name: Paul James
Job Title: Culture & Libraries Manager
Tel No: 01635 519 075
E-mail Address: paul.james@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

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

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

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

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

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

What is the proposed decision that you are asking the Executive to make:	To agree to the transfer of the freehold of Hungerford library to Hungerford Town Council.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Paul James
Date of assessment:	26/06/2017

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

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To transfer the freehold of Hungerford Library to Hungerford Town Council
Objectives:	To secure a partnership with HTC whereby the council provide the statutory library service in Hungerford and HTC are able to increase usage of the building for community purposes. To meet the council's savings target in respect of the library service. To increase community involvement in libraries. To increase the hours the building is open for community events and activities.
Outcomes:	The Hungerford library building is owned by the local community and has a sustainable future for a variety of community uses including a library.
Benefits:	Increased library usage. More community use of a public building. More community involvement in how community services such as libraries are run and are responsive to local needs

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

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

Group Affected	What might be the effect?	Information to support this
Age	The proposal has the potential to increase access to library and other community services, events and activities for this group.	HTC's proposal aims to increase local community involvement and usage of an important community asset.
Disability	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Gender Reassignment	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Marriage and Civil Partnership	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Pregnancy and Maternity	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Race	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Religion or Belief	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Sex	The proposal has the potential to increase access to library and other community services, events	

	and activities for this group.	
Sexual Orientation	The proposal has the potential to increase access to library and other community services, events and activities for this group.	
Further Comments relating to the item:		

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: the proposal is most likely to reduce inequality by greatly increasing access to community events and activities.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: the proposal is most likely to reduce inequality by greatly increasing access to community events and activities.	

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

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

4. Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Paul James
Timescale for Stage Two assessment:	July 2017

Name: Paul James

Date: 27 June 2017

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