

# Notice of Meeting

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# Executive

**Thursday 29 April 2021 at 5.00pm**

This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

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Date of despatch of Agenda: Wednesday 21 April 2021

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

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

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



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

<b>To:</b>	Councillors Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Hilary Cole, Lynne Doherty, Ross Mackinnon, Richard Somner, Jo Stewart and Howard Woollaston
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# Agenda

## Part I

## Pages

- 1. Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any).
- 2. Minutes** 5 - 20  
To approve as a correct record the Minutes of the meeting of the Executive held on 25 March 2021.
- 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** 21 - 22  
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.  
  
Please note that the list of public questions is shown under item 4 in the agenda pack.
- 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

## Pages

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- |  |         |
|--|---------|
| <b>6. Devolution of Hermitage Green (EX4006)</b>   | 23 - 34 |
| Purpose: To consider Hermitage Parish Council's request for the leasehold transfer, and all future maintenance responsibility, of Hermitage Green open space including the playground. |         |
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7. **Risk Management Strategy 2021-2024 (EX3952)** 35 - 68  
Purpose: To set out the overarching framework for managing risk at the Council, the Council's risk appetite and the risk management objectives for the next three years.
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8. **Newbury Sports Ground - Joint Land Deal (EX4010)** 69 - 80  
Purpose: To provide a summary of the consultation and engagement process on the provision of a new sports ground at Newbury Rugby Club. To update the Executive on the outcome of the negotiations with Newbury Rugby Club and to enter into various land agreements with the Club.
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9. **Members' Questions** 81 - 82  
Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.  
  
Please note that the list of Member questions is shown under item 9 in the agenda pack.
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10. **Exclusion of Press and Public**  
RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. [Rule 8.10.4 of the Constitution refers.](#)
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## Part II

11. **Newbury Sports Ground - Joint Land Deal (EX4010)** 83 - 192  
(Paragraph 3 – information relating to financial/business affairs of a particular person)  
Purpose: To provide a summary of the consultation and engagement process on the provision of a new sports ground at Newbury Rugby Club. To update the Executive on the outcome of the negotiations with Newbury Rugby Club and to enter into various land agreements with the Club.

Sarah Clarke  
Service Director: Strategy and Governance

### West Berkshire Council Strategy Priorities

#### Council Strategy Priorities:

**PC1: Ensure our vulnerable children and adults achieve better outcomes**  
**PC2: Support everyone to reach their full potential**  
**OFB1: Support businesses to start, develop and thrive in West Berkshire**  
**GP1: Develop local infrastructure to support and grow the local economy**  
**GP2: Maintain a green district**



**Agenda - Executive to be held on Thursday, 29 April 2021 (*continued*)**

**SIT1: Ensure sustainable services through innovation and partnerships**

If you require this information in a different format or translation, please contact  
Stephen Chard on telephone (01635) 519462.



**West Berkshire**  
C O U N C I L

# Agenda Item 2.

## DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY, 25 MARCH 2021

**Councillors Present:** Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Hilary Cole, Lynne Doherty, Ross Mackinnon, Richard Somner, Joanne Stewart and Howard Woollaston

**Also Present:** Sarah Clarke (Service Director (Strategy and Governance)), Tess Ethelston (Group Executive (Cons)), Sue Halliwell (Executive Director - Place), Joseph Holmes (Executive Director - Resources), Bryan Lyttle (Planning & Transport Policy Manager), Susan Powell (Safer Communities Partnership Team Manager), Andy Sharp (Executive Director (People)), Janet Weekes (Housing Manager), Jade Wilder (Community Co-ordinator Prevention), Councillor Adrian Abbs, Councillor Phil Barnett, Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Carolyne Culver, Councillor Lee Dillon, Christine Elsasser (Democratic Services Officer), Councillor Owen Jeffery, Councillor Alan Macro, Councillor David Marsh, Councillor Steve Masters, Councillor Andy Moore, Councillor Erik Pattenden, Linda Pye (Principal Policy Officer), Councillor Martha Vickers and Councillor Tony Vickers

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

## PART I

### 91. Minutes

The Minutes of the meeting held on 11 February 2021 were approved as a true and correct record and signed by the Leader.

Councillor Lynne Doherty referred to the national day of reflection which took place on Tuesday 23 March 2021 and which marked one year since the first lockdown due to the Covid pandemic. For many people, that would have been a sad day where they remembered loved ones, and she wanted to pass on her condolences.

Looking towards the coming year, Covid would necessitate changes in focus and additional work in certain areas, and more about this would be forthcoming in May 2021 at Annual Council when she would be presenting the Council Strategy Refresh. However, this work did not wait for the governance timetable and what was very apparent with the NHS Reform White Paper 'Working together to improve Health and Social Care for all' was that this would be an area of greater focus for everyone. In order to achieve this, she announced a change to some of the roles of the Executive, which would come into effect following this meeting.

Councillor Graham Bridgman would move into the role of Health and Wellbeing Portfolio Holder. Councillor Jo Stewart would replace Councillor Bridgman as the Adult Social Care Portfolio Holder and Councillor Howard Woollaston would move into Internal Governance taking with him, for the time being, Leisure and Culture.

Councillor Doherty felt that these changes would enable West Berkshire Council to respond to the changing and demanding needs of the health agenda. She thanked all three for their contributions to date in their current roles, but in particular Councillor Bridgman, who had been Portfolio Holder for Adult Social Care since May 2018. In this time he had not only developed a detailed understanding of how Adult Social Care worked, but had also ensured investment into the service to meet modelled demand and advocated tirelessly for those most vulnerable members of the community. All of this had been done at the same time as acting as Deputy Leader and working directly on the

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Council's response to Covid. She thanked Councillor Bridgman for this work and for agreeing to take on what was going to be a very complex, but hopefully rewarding piece of work, and she wished all three every success with their new roles.

Councillor Lee Dillon welcomed the comments made on the day of reflection. It was right to reflect, but the day was also an opportunity to look forward following a very difficult year. Councillor Dillon gave thanks, on behalf of the Opposition, to Councillors Doherty and Bridgman for all their hard work in leading the Council over the past year.

### **92. Declarations of Interest**

Councillor Hilary Cole declared an interest in Agenda Item (4f) by virtue of the fact that she was a member of the Newbury and District Agricultural Society, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain for the item and answer the public question.

Councillor Lee Dillon declared an interest in Agenda Item (7) by virtue of the fact that he worked for a Registered Social Landlord, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

Councillor Howard Woollaston declared an interest in Agenda Item (8) having been heavily lobbied on the matter as Ward Member, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would not participate in the debate or vote on the item.

### **93. Notice of Motion - Safer Streets Champion**

The Leader of the Council moved the following Motion for the appointment of a Safer Streets Champion. This was seconded by Councillor Graham Bridgman.

"We are all conscious that, whilst extreme occurrences such as the recently reported murder of Sarah Everard in Clapham are thankfully rare, the issue of street harassment generally has been brought into sharp focus. Although West Berkshire has low violent crime rates, many residents may share the anxiety of not being able to walk alone without concern for their safety.

Whilst predominantly affecting women, many people will have experienced street harassment at some point in their lives and may have felt obliged to use avoidance tactics - such as crossing the road, circumventing public spaces, and even not going out alone.

The Government's Crime and Justice Taskforce has said it will take immediate steps following the recent high profile event to give further reassurance to women. Among the proposals is an additional £25m for better lighting, CCTV and a pilot-scheme which would see plain-clothes officers in pubs and clubs. This is to be welcomed.

The Executive recognises that:

- Street harassment is harassment in public areas such as streets, shopping centres, public open spaces and public transport.
- Street harassment may involve sexual harassment, including unwanted sexualised comments, provocative gestures, vehicle honking, being whistled at, stalking, persistent sexual advances, and even being subjected to indecent exposure or touching by strangers.
- Street harassment may also involve other actions or comments and can also frequently include homophobic and transphobic slurs, and verbal abuse referencing race, religion, class and disability.

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The Executive proposes that the Council creates the role of a Safer Streets Champion, to be notified annually (with other Champions) at the Annual Meeting of Council, and that the Safer Streets Champion should:

- work with our communities to understand their concerns and receive suggestions for how we want to address street harassment;
- work in partnership with Thames Valley Police to explore a potential bid for Safer Streets Fund funding;
- work closely with the Public Protection Partnership, Thames Valley Police, Town Centre managers and others to challenge and eradicate street harassment in our district;
- seek to develop better public awareness of what constitutes street harassment and unacceptable behaviours; and
- work with our three West Berkshire MPs to seek further powers for the Police to be able to take appropriate action where street harassment is witnessed or reported.”

Councillor Lee Dillon explained that he did not disagree with the Motion, but he questioned the mechanism which had been used to bring it forward by the Administration and whether a Special Council would have been a preferable route to approval by the Executive. He questioned whether Opposition Members would be granted the same flexibility with the Constitution.

Councillor Doherty explained that subject to Executive approval, a recommendation would be made to Annual Council to appoint a Safer Streets Champion alongside appointments to other Champion roles. It was felt timely to bring this forward at this time in advance of Annual Council and was a route permitted via the Council's Constitution.

Sarah Clarke confirmed that subject to Executive approval, this would form part of the appointments and allocations of seats report which included appointment of Council Champions.

Councillor Erik Pattenden queried how much resourcing would be put in place in relation to this role. Councillor Doherty responded that it was a Member Champion role. The Safer Communities Partnership would be involved working across the necessary partners. However, it was important to understand what was required at a community level before being able to answer that question more fully, and whether work would take place beyond the current remit of the Safer Communities Partnership.

Councillor Graham Bridgman stated that this work would also have linkages with the Building Communities Together Partnership. This was an area which would fall within his new Portfolio and therefore he would be taking a close interest in this. He considered the Member role to be around messaging and it was important to have a figurehead to do so.

He noted concerns raised in relation to the Constitution, but this was something he had looked into and this approach was felt to be the most appropriate way to progress this within a short timescale ahead of Annual Council.

**RESOLVED to** recommend to Annual Council the appointment of a Safer Streets Champion.

### 94. Public Questions

A full transcription of the public and Member question and answer sessions will be available from the Council's website in due course.

- (a) The question submitted by Mr Gareth Beard on the subject of trials of electric refuse collection vehicles would receive a written response from the Portfolio Holder for Environment.

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- (b) The question submitted by Mr John Gotelee on the subject of the Conservative ethos was answered by the Leader of the Council.
- (c) The question submitted by Mr John Gotelee on the subject of the number of two bedroom flats to rent in the area was answered by the Portfolio Holder for Planning and Housing.
- (d) The question submitted by Mr Stuart Gourley on the subject of Council income from CIL funds due to the redevelopment of the London Road Industrial Estate was answered by the Portfolio Holder for Finance and Economic Development.
- (e) The question submitted by Ms Alison May on the subject of Carbon Sequestration and Storage Performance Management Plans was answered by the Portfolio Holder for Environment.
- (f) The question submitted by Mr Ian Hall on the subject of the potential use of the Show Ground at Hermitage for housing would receive a written response from the Portfolio Holder for Planning and Housing.
- (g) The question submitted by Mr Ian Morrin on the subject of the budget assigned to the Education Team and how performance was measured would receive a written response from the Portfolio Holder for Children, Young People and Education.
- (h) The question submitted by Mr Graham Storey on the subject of the new housing register and what proportion of people of the old register had applied would receive a written response from the Portfolio Holder for Planning and Housing.
- (i) The question submitted by Mr Stuart Gourley on whether the planning application to demolish the clubhouse at Faraday Road would be withdrawn if the Rugby Club proposal was approved was answered by the Portfolio Holder for Finance and Economic Development.
- (m) The question submitted by Ms Alex Pulleyn on the subject of a moratorium on incineration would receive a written response from the Portfolio Holder for Environment.
- (n) The question submitted by Mr Vaughan Miller on the subject of the negative impact of opening up the Faraday Road football ground for youth football was answered by the Portfolio Holder for Finance and Economic Development.
- (o) The question submitted by Mr Gary Norman on the subject of the costs associated if the Motion to postpone the demolition of the football ground clubhouse was approved was answered by the Portfolio Holder for Finance and Economic Development.
- (p) The question submitted by Mr Jack Harkness on the subject of the serious financial implications of delaying the demolition of the clubhouse was answered by the Portfolio Holder for Finance and Economic Development.
- (q) The question submitted by Mr Paul Morgan on the subject of whether a decision to reject the motion to postpone the demolition of the clubhouse had left the Council open to a charge of predisposition, predetermination or bias was answered by the Portfolio Holder for Finance and Economic Development.

### 95. Petitions

There were no petitions presented to the Executive.

### 96. New Domestic Abuse and Safe Accommodation Duty (EX4022)

The Executive considered a report (Agenda Item 6) concerning New Domestic Abuse and Safe Accommodation Duty. The report informed the Executive of the new duty placed on local authorities as set out in the Domestic Abuse Bill, currently before Parliament, which included a new duty for the Council to assess the need for support and to prepare strategies to provide support for victims and their children who needed to



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reside in relevant accommodation (referred to as safe accommodation throughout the report).

Preparations had been undertaken in order to meet new legal requirements and the Executive were asked to agree how best the Council implemented the new duty from April 2021 provided the Bill received Royal Assent. Councillor Howard Woollaston understood that the Bill had its second reading in the House of Lords yesterday. It put a duty on tier one authorities from April 1 of this year to assess the needs and to provide support to the victims of domestic abuse and their children. Domestic abuse was an important issue and he was delighted that the Government had found parliamentary time for this piece key piece of legislation. It was one of the key performance indicators that he kept a close eye on.

One of the recommendations was the formation of the West Berkshire Domestic Abuse Board which would be chaired by Andy Sharp, Executive Director. This Board would report directly to the Health and Wellbeing Board. He proposed acceptance of the recommendations set out in the report.

Councillor Lynne Doherty stated that there were 2.4 million victims of domestic abuse per year which included people of all ages and therefore she was pleased to see this Domestic Abuse Bill coming through. She had been involved in the Domestic Abuse Forum in West Berkshire and she welcomed the duty on local authorities to provide safe accommodation for victims of domestic abuse.

Councillor Graham Bridgman also welcomed the prospective legislation. He noted that the Bill had not yet been passed into statute and there might therefore be some amendments required in the report in order to line up with the legislation. He therefore proposed that any changes to the Terms of Reference and everything that surrounded them should be considered in due course by the new West Berkshire Domestic Abuse Board and then the Health and Wellbeing Board.

Councillor Lee Dillon agreed with the comments made by Councillor Bridgman in that proposals made were based on a Bill, not on an Act of Parliament, and as long as it was subject to that final change then then his group would be supportive.

Councillor Carolyn Culver questioned to what extent the membership would change and how much of the overall funding figure would be spent on administration as opposed to delivery of the service. She also asked what the increase in the number of refuge places would be. Councillor Woollaston confirmed that the membership would consist of representatives from West Berkshire Council, victims and/or children of domestic abuse, Domestic Abuse Services, volunteers from Community Sector organisations, Healthcare Services, Police and Criminal Justice and Probation Services. At present in West Berkshire there were 4 units (6 bedrooms) available for refuge but Councillor Woollaston did not have the proposed number of increased refuge places and would therefore need to provide a written response to Councillor Culver.

Councillor Erik Pattenden queried the figures for domestic abuse. Nationally there had been a 7% increase in domestic abuse in April, May and June last year but that was not reflected locally and in Quarter 3 the performance report was showing a decrease. Councillor Woollaston responded that he had raised this issue as well and had been informed that it was a blip. In West Berkshire there had been little change in numbers throughout the pandemic.

### **RESOLVED that:**

- (1) The role of the Domestic Abuse Strategy Group would be revised to enable it to become the 'West Berkshire Domestic Abuse Board' in order to fulfil the new requirements as set out in the Domestic Abuse Bill and accompanying statutory

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guidance. Appendices B and C set out the draft Terms of Reference and Procedure note.

- (2) Once received, the additional burden funding would be used for two purposes; firstly to recruit administrative support within the Building Communities Together Team with responsibility for providing support to the West Berkshire Domestic Abuse Board and secondly commissioning additional services where gaps in support and safe accommodation had been identified through the required needs assessment.

### **Other options considered:**

- (1) Another option for consideration to enable the Council to meet the new Board requirement would be for the Homelessness Strategy Group to be revised (as suggested for the DA Strategy Group) to fulfil the role of the Domestic Abuse Board by continuing to meet quarterly but splitting into a two part meeting to take on the additional responsibilities and functions of the new Board.
- (2) This had not been recommended because although the group already had a focus on accommodation and homelessness, this new duty was passing through the Domestic Abuse Bill and the responsibility for domestic abuse currently sat with the Building Communities Together (BCT) Partnership. Therefore, it was felt that whilst this would be a viable option, the focus of domestic abuse should remain under the BCT Partnership.
- (3) There were no further options for consideration in regards to the additional burdens funding. Administration support was identified as a possible way to spend the money by the MHCLG due to how resource intensive the Board would be. It would also be required to commission services where appropriate to do so if the Needs Assessment identified any gaps.

## **97. Housing Strategy and Delivery Plan (EX3833)**

The Executive considered a report (Agenda Item 7) which sought approval of the Housing Strategy and Delivery Plan 2020-2036.

Councillor Hilary Cole introduced the report and explained that this document would replace the previous Housing Strategy which was adopted in 2010 and expired in 2015.

A six week consultation period was held in the Autumn of 2020 to inform the Strategy. It would be a high level strategic document which linked to other key strategies and plans. The Strategy set out the vision and key priorities for housing in the District through to 2036. Councillor Cole took the opportunity to highlight two key priorities. For all residents to have access to a home that met their needs and to reduce homelessness.

The Strategy made reference to impacts from Covid-19 and a review mechanism would be in place if it was necessary to respond to emerging needs relating to Covid. However, the pandemic was clearly still ongoing and impacts would continue to be assessed.

Councillor Cole explained that plans were in place to respond, with partner organisations, to live impacts including capacity of mental health services, accommodation solutions for young people and rough sleepers, impacts on the economy, and the sustainability of registered social landlords. The Housing Team would lobby for additional funds as they became available and there had been some recent successes in this respect.

Councillor Steve Ardagh-Walter was pleased to second the report. He was particularly pleased to note the strong focus on the environmental impact of housing and the desire to raise standards. It was also the case that the District was in a period of demographic change with an older population and smaller households and this Strategy provided a good high level response to that.

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Councillor Tony Vickers had commented extensively at the drafting stage and he was pleased to note that some of his points had been accepted into the Strategy. He was however concerned at the resource level to implement the action plan. He was aware that additional external funds had been secured as well as internal funding, but this was an area of risk that needed to be monitored.

Returning to demographic change, this could result in the under occupation of larger homes which was a nationwide issue. Councillor Tony Vickers felt that action in this area would greatly assist with housing issues, and this was referenced in the action plan, but he queried what could be done when acknowledging this would be a difficult area to progress.

Councillor Cole agreed this was a very difficult area to take action on and people could only be encouraged to downsize. Separately, she referred to a good scheme in place which aimed to bring empty homes back into use.

Councillor Tony Vickers noted the Public Protection role highlighted in the action plan and questioned the liaison between Public Protection and Housing. Councillor Cole advised that Public Protection had always held the statutory duty to inspect homes of multiple occupancy. Both services were within her Portfolio and she was aware that they worked very closely together.

Councillor Carolyn Culver highlighted the need to build smaller (one and two bedroom) homes. This would aid the ability for people to downsize if they wished to and offer more affordable homes. Councillor Cole agreed there was this need and efforts were made to encourage developers to build out smaller dwellings. However, developers, in following market forces, saw a greater need for larger properties.

Councillor Culver was concerned at the rise in the number of people on the Common Housing Register (CHR) and queried what action would be taken to build more social housing in West Berkshire. Councillor Cole explained that the CHR had recently been updated and this would result in an adjustment to the numbers referred to.

In terms of affordability, Councillor Cole explained that the Council was looking at the feasibility of developing a housing company. This would give the Council a greater ability for developing affordable homes. However, she made the point that the Council's housing stock had been with Sovereign Housing since 1998.

Finally, Councillor Culver noted that a report was due, in March 2022, relating to affordable housing for younger people and queried the timing of bringing forward the Housing Strategy when this report was due in a year's time. Councillor Cole was aware of the March 2022 report, but the work to meet the demand for housing for younger people was ongoing.

Councillor Lee Dillon made reference to private landlords. He noted that the Council would seek to bring private housing up to standard where required and he questioned whether the Council would form a good landlords register or rogue landlords register to help advise residents.

Councillor Cole explained that the Private Landlords Forum had recently been reinstated and funding had been secured to conduct a survey on housing conditions in the private rented sector. Councillor Dillon queried if a register would be formed if particular concerns were highlighted from this survey. Councillor Cole felt that this was a potential option to progress which she would discuss further with Housing Officers.

In terms of the potential register, Councillor Jeff Brooks pointed out that many landlords operated via letting agencies and these agencies should also be included on the register.

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Councillor Adrian Abbs referred to the retirement sector. Retirement homes fell in value which offered less incentive for people to downsize to them. He queried what action could be taken in this area. He was particularly concerned at the charges set by those organisations who serviced such homes. Councillor Cole did not disagree with these points but she questioned the powers available to local authorities. This was an area on which to lobby Members of Parliament.

**RESOLVED** that the Housing Strategy and Delivery Plan 2020-2036 be approved.

**Other options considered:** The option not to review and develop a new draft Housing Strategy was dismissed due to changes nationally and locally, and due to changes in legislation.

### 98. **Response to Council Motion - Scrutiny of Community Infrastructure Levy Payments (EX4004)**

The Executive considered a report (Agenda Item 8) concerning the Motion – Scrutiny of Community Infrastructure Levy Payments.

At the 3rd December 2020 Council meeting the following motion 18 (b) was submitted in the name of Councillor Jeff Brooks:

*'We call upon the Council to urgently engage external expertise to undertake an independent review of the management of CIL payments from local developers. This is in light of two cases – that Members are aware of – where the sums paid by the applicants have been contested as they maintain they have been penalised by many thousands of pounds for incorrect paperwork submissions. These were able to be corrected rapidly when pointed out to the Applicant, but the Council pressed on in charging the applicant based on the original assessment.'*

*Therefore:*

*'The Council resolves to engage with an independent scrutineer – potentially from an adjacent Local Authority – to undertake an external review of its method of handling CIL payments from developers – including the processing of them, the interface with developers on the amounts due and the paperwork being submitted accurately.'*

The Chairman had informed the Council that, in accordance with Procedural Rule 4.9.8 the Motion if seconded, would be referred to the Executive for consideration.

Councillor Hilary Cole stated that much had been made in respect of the two cases mentioned in the Motion, particularly in the local press, however, in both cases the Local government Ombudsman had found in the Council's favour. Councillor Brooks mentioned that incorrect submissions were corrected rapidly when pointed out by the applicant, and this was correct. However, planning permissions lasted for three years. Although checks were carried out on an annual basis it would be impossible to check every planning application as these could commence at any time over the three year period.

In the instances mentioned in the report, both of the applicants had appointed agents who had submitted the paperwork on their behalf. The error had clearly sat with the applicants' agents who were, along with the applicants, given several opportunities to get things corrected. She therefore suggested that the agents should be the ones from whom the applicants should seek redress and she understood that this might have happened in one of the cases. All of the paperwork sent out to applicants clearly stated that it was the responsibility of the applicant to submit the correct information in the correct manner and the Council's website also had comprehensive and clear guidance regarding CIL submissions. Councillor Cole stated that she had found Councillor Brooks' comments in the press distasteful and untrue. CIL legislation was prescriptive and the Council's CIL

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process had been audited twice internally which was an independent operation. She did not agree that the Council should appoint an independent scrutineer as it would incur unnecessary cost to the Council and local taxpayers. The Local Government Ombudsman had also acted as a scrutineer and therefore she proposed that the Motion should be rejected.

Councillor Jo Stewart asked if there would be any benefit of another independent scrutineer. Councillor Hilary Cole replied that there would not be any benefit at all and any further scrutiny would incur additional costs.

Councillor Lynne Doherty referred to the two cases in question and that there seemed to have been numerous attempts at getting information but she asked for clarification as to what the actual process was. Councillor Hilary Cole responded that once a planning application had been approved then a CIL Liability Notice would be issued and at that point the applicant could query or challenge that CIL liability. People were not allowed to start development until the CIL papers were completed, and if an exemption was agreed the applicant could not commence work prior to notifying the Council. In the cases referred to in the report that notification had not been carried out. She stressed that the CIL team were incredibly helpful and there was a lot of information available on the website.

Councillor Jeff Brooks confirmed that he was hearing of more of these cases and he would raise those separately. He asked if both of the applicants had filled in all their paperwork correctly would those properties have been zero rated according to CIL. Councillor Hilary Cole said that the simple answer was yes, they would not have been charged CIL but they had not filled in the paperwork correctly. Councillor Brooks reiterated the fact that just because the applicants or their agents had not filled in the forms correctly then it had cost them thousands of pounds. Councillor Cole replied that two specific cases had been highlighted but there were many other people who had filled in the forms correctly and had not had to pay CIL. The Council had to be fair and abide by the legislation which was extremely prescriptive with little room for manoeuvre.

Councillor Carolyne Culver said that she was also aware of cases where people had been charged because loft space had been added to the new build, even though the loft space was not to be habitable and also an incident where the calculation had not taken into account that some of the existing building was knocked down when the new build was put up and therefore it was not a net calculation. That had led to people being charged when they should not have been. Paragraph 5.6 made reference to four cases and then the report detailed two cases and she asked what the conclusion of the Ombudsman had been with regard to the other two cases that had not been mentioned in detail. The report also identified 11 weaknesses and she asked if Councillor Cole could expand upon that. Councillor Cole advised that she was not aware of the other cases mentioned but would enquire and get back to Councillor Culver. She confirmed that she would provide a written response to all the questions that had been raised.

Councillor Graham Bridgman referred to the two cases and stated that many people had maintained that they were correct and that the actions of someone else had materially affected them. The applicants had two opportunities to challenge the decision before going to Court – one being by planning appeal and secondly to the Local Government and Social Care Ombudsman. The Motion was seeking external expertise to undertake an independent review but the internal audit process was independent and it was not unusual for Internal Audit to identify some issues within a service. The weaknesses identified in the report were moderate and five of them were minor. Both the Planning Inspectorate and the Local Government and Social Care Ombudsman were independent external reviewers and had found in favour of the Council. If an agent was employed and

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failed to submit the paperwork correctly then the applicants should look to the agent to recompense. If the Council was losing a lot of cases then of course it would call in an independent investigator but that was not the current situation.

**RESOLVED** that the Executive resolved to reject the Motion contained in paragraph 1.1 of the report. The Community Infrastructure Levy (CIL) Regulations clearly set out the procedures that could be taken to dispute a CIL charge by the Charging Authority. The complaints relating to the two cases referred to in the Motion were not upheld by the Local Government Ombudsman. Furthermore the cases dated back to 2015 and 2017, since then changes had been made to both the Regulations and the Council's CIL processes. In addition, the CIL team had been audited twice and found to be 'Satisfactory'.

### **Other options considered:**

- (1) Option A - The motion requests that the Council invites another Charging Authority in to check its processes so such issues do not arise in the future.
- (2) All the Berkshire authorities charge CIL and follow the same processes as West Berkshire Council, in line with the latest regulations. The only differences between the authorities is the amount charged and the type of development that incurs the charge. If an external audit team was to be appointed it could cost between £7,000 and £20,000 based on a 15 day process.
- (3) Option B – The Council is a member of the Planning Advisory Service CIL and Section 106 advisory group which also includes representatives from the Ministry of Housing Communities and Local Government. PAS do offer an advisory service which could be retained to check Council processes, however there would still be a fee associated with undertaking this review.
- (4) Option C – Reject the motion.

### **99. Response to the Council Motion relating to the demolition of the former Newbury Football Ground Clubhouse (EX4005)**

The Executive considered a report (Agenda Item 9) concerning the response to the Motion submitted by Councillor Lee Dillon at the Council meeting on 3 December 2020:

'We propose the Council postpones their application for demolition of the Faraday Road Football Ground facilities at least until the equivalent, or better, alternative site is confirmed and approved by the football community.'

Furthermore, we propose that the Council now engage with the local football community and interested parties (e.g. Newbury Community Football Group and Newbury Town Council) to explore options that make the Faraday Road Football Ground available for Men's, Ladies and youth clubs in Newbury to book for football training and matches in the meantime.'

Councillor Ross Mackinnon presented the report which proposed that the Motion be rejected. He raised the importance of remembering the positive reasons on why the Council was seeking to redevelop the London Road Industrial Estate (LRIE). Redevelopment would provide employment opportunities for local residents to help ensure high employment, it would attract inward investment and support existing businesses to thrive and to grow. It was a commitment of the Conservative Manifesto for West Berkshire to be attractive to the business community and to prioritise having a strong local economy.

Following the impact of Covid-19 it had become even more important to actively stimulate the economy. The regeneration of the LRIE was a key aspect in ensuring that West Berkshire was open and welcoming for businesses.

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Councillor Mackinnon referred to the wording of the Motion and reference to the football community. He questioned the suggestion that the Council should need the consent of the football community to proceed. The football community was broad and went beyond the Community Football Group.

The structure on the old football ground was unsafe and the site could not be used until this was demolished. Alternative provision had been identified in accordance with the Playing Pitch Strategy and was within the Newbury area. The proposal was for the previous grass pitch to be made available for general recreation until the land was redeveloped. The Council was committed to regenerating and redeveloping the LRIE for the reasons explained and did not want to postpone this.

Councillor Dillon clarified that the Motion requested that the football pitch be reopened until another site had been identified. No such alternative was identified at the time when he submitted the Motion and had not been identified for some time. Newbury Football Club had been evicted without first securing additional sites. The Rugby Club had since been identified as an alternative facility, but if this option did not transpire then, in his view, there was no other viable alternative.

Councillor Dillon continued by pointing out the health and safety concerns and the fact that the pitch had not been available for use were as a result of inaction by the Administration. Approval of the Motion would not have tied the Council and would not have delayed redevelopment at the appropriate time.

Many questions had been submitted by members of the public and Councillor Dillon referred to one which questioned the investment for a car park and grassed area when it would be located adjacent to Victoria Park. Councillor Dillon felt that action could and should have been taken at a much earlier stage by the Council to keep the pitch in use, at a similar level of expense to what was proposed.

Councillor Mackinnon reiterated that there were very good reasons for the decisions that had been made. The Executive, at its meeting in December 2020, had made a decision with regard to redevelopment. This had been called-in to the Overview and Scrutiny Management Commission who found that the Executive had acted appropriately.

Councillor Mackinnon felt that it was time to move forward with redevelopment and look to the good alternative provision that had been identified. It was time to move away from going over the history of the site.

Councillor Dillon responded by advising that he tabled the Motion in December 2020 and it had taken until this meeting to receive the response.

Councillor Tony Vickers agreed that plans for the site should be progressed and this would be at the Area Planning Committee.

Councillor Richard Somner seconded the proposal to reject the Motion. It was the case that the current structure was unsafe and this was the major factor in rejecting the Motion and proceeding with demolition. He too would like to see the project move forward and avoid further delays.

Councillor Somner felt that the redevelopment of the site could result in the provision of smaller properties in the area which, as already referred to in this meeting, was a recognised need.

**RESOLVED** that the Motion be rejected. The planning application was being considered by Planning amongst other things for the demolition of an unsafe club house and introduced measures that allowed the old grass pitch to be brought into general public use. Whilst this was underway it was not proposed that the site would be used for football training and matches.

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**Other options considered:** None.

### 100. **Capital Financial Performance Report - Q3 of 2020/21 (EX3912)**

The Executive considered a report (Agenda Item 10) concerning the Capital Financial Performance Report Quarter Three 2020/21.

Councillor Ross Mackinnon stated that at the end of Quarter Three, expenditure of £42.9 million had been forecast against a revised budget of £48.3 million, an overall forecast underspend of £5.4 million which was an improved position from Quarter Two due to £7m of projects being reprofiled into the next financial year. This did not mean that the projects would not be going ahead but they had been delayed mainly due to the Covid pandemic. Of the reprofiled projects £4m were environmental projects and £2.5m were around education.

Councillor Richard Somner agreed that in his portfolio, Transport and Countryside, the past year had been challenging. He gave his thanks to both Officers and contractors who had achieved a great deal. There had been some excellent work going on and the Council had managed to move timelines to accommodate the continuation of that work.

Councillor Jeff Brooks noted the difficult circumstances of the last year but he again highlighted the movement of forecasts. In the last three months there had been a £7m movement in the underspend position. Getting a forecast as accurate as possible was important along with not having big movements. Decisions were made on forecasts and if they were way out as had been the case in the current year and in previous years then bad decisions could be made. The position could change even further in the next three months with a larger underspend at year end. Councillor Mackinnon did not completely disagree with Councillor Brooks but the Capital Programme had been set in March 2020 and therefore it would be odd not to see large fluctuations in the programme being spent out throughout the financial year. He agreed that budget holders needed to be accountable and forecasting needed to be good but if there was a clear logic for the variance then he was less concerned particular in such a difficult year.

Councillor Erik Pattenden referred to section 5.5 which mentioned that there would be a £1.4m in Education Services due to delayed projects and which would be carried forward into the next financial year. He was concerned that this would be on top of the £8m of capital projects scheduled for 2021/22 and he queried what was being done to ensure that all of these projects would be completed particularly as there had been questions about the project management capability. Councillor Mackinnon was hopeful that after the Covid pandemic things would bounce back very quickly. He stated that there might be potential project management issues but he had faith in those in charge of the capital programme and their ability to manage those issues.

Councillor Adrian Abbs asked for clarifications on the £4m of environmental projects which would be reprofiled into the following year as this was particularly concerning considering that the country was in a climate emergency. Councillor Mackinnon confirmed that there were a lot of small projects which cumulatively added up to £4m and therefore he would not read them all out but referred Councillor Abbs to the Executive agenda pack from 17 December 2020 – page 279 where they were listed.

Councillor Dominic Boeck felt that the Capital Programme was one of the most exciting aspects of the Council's work. The fact that it is spending this money meant that it was improving things for local residents. It was disappointing that at Quarter Three it was behind with the programme but as mentioned there had been a good reason for this. He was particularly pleased to note that two new schools had been delivered. Councillor Boeck had confidence that the Council had the project management capacity and



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capacity within the industry to ensure that the money was spend through to the end of this year and into the next financial year.

**RESOLVED** that the report be noted.

**Other options considered:** No other options were considered.

### 101. **Key Accountable Performance Report 2020/21: Quarter Three (EX3885)**

The Executive considered the Quarter Three 2020/21 Performance Report (Agenda Item 11). The report sought to provide assurance that the core business and Council priorities for improvement measures (Council Strategy 2019-2023) were being managed effectively.

The report also highlighted successes and, where performance had fallen below the expected level, presented information on the remedial action taken, and the impact of that action.

Councillor Jo Stewart introduced the report and made points relevant to her Internal Governance Portfolio. It remained the case that collection of Business Rates and Council Tax was below target but this was to be expected following payment holidays. There had however been a degree of catch up within Quarter Three.

Over 70 placements had been created for young people as part of the Kickstart initiative, including 13 within the Council. A challenge encountered during lockdown was with placing disadvantaged young people into apprenticeships. As a result the Council had agreed to part fund eight job coaches to work with disadvantaged youngsters in schools to assist with gaining apprenticeships. Efforts continued to identify apprenticeships.

The health and wellbeing of staff was being closely monitored, particularly during present challenging times. Sickness absence was lower than the position of a year ago but it would continue to be monitored. Councillor Stewart highlighted the free Berkshire wide challenge available to staff (Get Berkshire Active) as a way of enhancing physical and mental wellbeing.

Councillor Graham Bridgman clarified points in relation to Adult Social Care. The Care Quality Commission (CQC) ratings of the Council's care homes had been discussed on many occasions. The CQC had suspended its inspections but it appeared, based on a Willows Edge report, that they were returning to business as usual and he was hopeful that Birchwood Nursing Home would be re-inspected and would move to a more positive rating. It was also the case that Walnut Close remained on this look back report but it had recently closed.

Councillor Bridgman also highlighted a discrepancy in the information contained in the report on adult safeguarding enquiries. He clarified that the Quarter Three position was higher than that reported at Quarters One and Two of this financial year, but the position was lower than that reported at this time last year. Therefore, overall there was a lowering trend in the number of these enquiries. Councillor Bridgman made the point that a safeguarding enquiry did not equate to a safeguarding issue. Safeguarding enquiries were welcomed so that potential issues could be investigated.

Councillor Lee Dillon noted that 22% of performance indicators were reporting as 'red'. He accepted the points made around the collection of Business Rates and Council Tax, and where CQC inspections were awaited, but he queried the percentage of 'red' indicators beyond those areas.

Councillor Dillon then raised the difficulty of considering this report for Quarter Three on 25 March. Many areas that could be questioned from the report might well have progressed by this stage and he hoped the process for considering these reports could

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be looked at. He felt that the approach to be taken by the Overview and Scrutiny Management Commission in considering performance reports would assist.

Councillor Alan Macro referred to the exception reports. When Birchwood Nursing Home was last inspected it received the rating of Requires Improvement. He sought assurance that sufficient improvements would be made for the re-inspection.

Councillor Bridgman stated that while he could not predict the outcome of the CQC inspection, he did make the point that much work had been undertaken on the home and investment made. He believed that substantial improvements had been made and he was hopeful of the home achieving a rating of at least Good.

Councillor Macro also referred to the exception report relating to the number of financial assessments that had been actioned which was currently 'amber'. He noted that a role had been recruited to in this area in January 2021 and he was hopeful that improvements would therefore be seen by year end. Councillor Bridgman shared this view.

Councillor Lynne Doherty stated that in general she was very impressed at the level of performance over what had been a tremendously difficult year. She felt that this report was a testament to the good work of the Council to still achieve its targets and beyond in some areas during a pandemic. Councillor Doherty took the opportunity to thank officers for their continued efforts either in maintaining business as usual or in picking up Covid-19 related duties. She asked Executive Directors to pass on her thanks to officers.

There were some 'red' indicators. Councillor Doherty did not have a particular view on what would be an appropriate percentage of 'reds'. She felt it was more important to understand the reasons for the 'red' indicators and the particulars of the measures.

Councillor Doherty understood the frustrations relating to this look back report but the report would always have to be at a point in time in the reporting cycle. She would however prioritise actual activity over having a more up to date report.

Councillor Doherty felt this solid performance report showed a Council that was working well despite the challenges of the past year. This was positive for the recovery from Covid-19 and in continuing to deliver the Council Strategy, the refresh of which was due to Council in May 2021.

**RESOLVED that** the progress made in delivering the Council Strategy, on maintaining strong performance for the core business areas and on achieving good results for the majority of the measures in relation to the Council's priorities for improvement be noted. The remedial actions taken where performance was below target (which was mostly due to Covid-19) would also be noted.

**Other options considered:** None.

### 102. Members' Questions

A full transcription of the public and Member question and answer sessions will be available from the Council's website in due course.

- (a) The question submitted by Councillor David Marsh on the subject of the vision for the town centre and the risks that vehicle access brought was answered by the Portfolio Holder for Finance and Economic Development.
- (b) The question submitted by Councillor David Marsh on the subject of who had visited the site of the proposed sports ground was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (c) The question submitted by Councillor David Marsh on the subject of the estimated running costs of the proposed sports ground was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.

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- (d) The question submitted by Councillor David Marsh on the subject of a potential increase in traffic and parking in neighbouring residential areas near the new sports ground was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (e) The question submitted by Councillor David Marsh on the subject of impact of the proposed floodlighting in Monks Lane was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (f) The question submitted by Councillor David Marsh on the subject of the location of the proposed sports ground and the consistency with the Council's active travel strategy was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (g) The question submitted by Councillor David Marsh on the subject of whether the proposals for Monks Lane had factored in the prospect of future successes in terms of football and/or rugby was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (h) The question submitted by Councillor David Marsh on the subject of what safeguards had been put in place should the rugby club decide it no longer wished to rent its land in Monks Lane was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (i) The question submitted by Councillor David Marsh on the subject of increasing the acreage devoted to community sport in Newbury was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (j) The question submitted by Councillor Adrian Abbs on the subject of the carbon footprint impact of cancelled bus services was answered by the Portfolio Holder for Environment.
- (k) The question submitted by Councillor Adrian Abbs on the subject of investigation of the carbon footprint implications of home to school journeys was answered by the Portfolio Holder for Environment.
- (l) The question submitted by Councillor Alan Macro on the subject of support to Alice Bye Court Extra Care Sheltered Housing to improve its CQC rating was answered by the Portfolio Holder for Adult Social Care.
- (m) The question submitted by Councillor Andy Moore on the subject of response from the requests made by Newbury BID around town centre recovery was answered by the Portfolio Holder for Finance and Economic Development.
- (n) The question submitted by Councillor Erik Pattenden on the subject of the number of children no longer eligible for Pupil Premium was answered by the Portfolio Holder for Children, Young People and Education.
- (o) The question submitted by Councillor Erik Pattenden on the subject of when secondary school catchment areas had last been reviewed was answered by the Portfolio Holder for Children, Young People and Education.
- (p) The question submitted by Councillor Lee Dillon on the subject of the number of hospital referrals to West Berkshire located care homes which were refused due to appropriate medical care not being provided was answered by the Portfolio Holder for Adult Social Care.
- (q) The question submitted by Councillor Martha Vickers on the subject of the attitude and behaviour of some men towards women was answered by the Portfolio Holder for Children, Young People and Education.
- (r) The question submitted by Councillor Martha Vickers on the subject of access to the means of travel to school which was linked to educational, health or income inequalities was answered by the Portfolio Holder for Children, Young People and Education.

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- (s) The question submitted by Councillor Phil Barnett on the subject of how much had been received from Section 106 and CIL receipts since 2016 in the Greenham Ward was answered by the Portfolio Holder for Planning and Housing.
- (t) The question submitted by Councillor Phil Barnett on the subject of whether West Berkshire would be making a bid for 'Changing places toilet fund' was answered by the Portfolio Holder for Planning and Housing.
- (u) The question submitted by Councillor Tony Vickers on the subject of the use of 'as the crow flies' distances for determining entitlement to free school travel was answered by the Portfolio Holder for Children, Young People and Education.
- (v) The question submitted by Councillor Tony Vickers on the subject of the publication of draft minutes in a timely manner was answered by the Portfolio Holder for Internal Governance.

*(The meeting commenced at 5.00pm and closed at 8.10pm)*

**CHAIRMAN** .....

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

## Item 4:

### **Public Questions to be answered at the Executive meeting on «Date\_of\_Meeting».**

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 Paul Morgan to the Portfolio Holder for Planning and Housing:**

*“Could Councillor Hilary Cole provide the details, rationale, objectives and timescales behind her statement (made at the last Executive meeting) that West Berkshire Council will be “developing our own housing company”?”*

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## Devolution of Hermitage Green

<b>Committee considering report:</b>	Executive on 29 April 2021
<b>Portfolio Member:</b>	Councillor Richard Somner
<b>Date Portfolio Member agreed report:</b>	1 April 2021
<b>Report Author:</b>	Paul Hendry
<b>Forward Plan Ref:</b>	EX4006

### 1 Purpose of the Report

- 1.1 To consider Hermitage Parish Council's (HPC) request for the leasehold transfer, and all future maintenance responsibility, of Hermitage Green open space including the playground.

### 2 Recommendation

- 2.1 It is recommended that the land is transferred to Hermitage Parish Council (HPC) on a long lease of at least 75 years.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There will be a future saving to West Berkshire Council as HPC will take on all future maintenance of the site both in terms of revenue and capital. There is a commuted sum balance to be transferred to HPC with the land.
<b>Human Resource:</b>	None
<b>Legal:</b>	<p>Heads of Terms have been agreed in principle between both parties. The disposal of Hermitage Green has been advertised in accordance section 123 of the Local Government Act 1972.</p> <p>The usual covenants preventing disposal or development form part of the heads of terms and will also be included in the lease.</p> <p>Discussions will have to take place with the grounds maintenance contractor as this land, alongside other devolved assets, will be removed from the Grounds Maintenance</p>

	Contract. Depending on the potential cumulative ongoing saving, there may be implications in terms of the Contract as its overall value to the contractor is diminished.			
<b>Risk Management:</b>	There is a minimal reduction in risk to West Berkshire Council as HPC become responsible for the open space and playground. All liabilities for the land pass to the Parish.			
<b>Property:</b>	Property colleagues have confirmed that as an open space open space this site has no real value.			
<b>Policy:</b>	This proposal supports the council's commitment to locally-led service delivery.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		The parish may need to take their own advice on equalities provision when the playground has to be upgraded. This advice is however available from suppliers. HPC will know their local community requirements better than WBC.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		As above there may be some positive outcomes in this respect.
<b>Environmental Impact:</b>		✓		No negative environmental impacts.
<b>Health Impact:</b>	✓			Children's play has undoubted mental and physical health benefits.



<b>ICT Impact:</b>		✓		None
<b>Digital Services Impact:</b>		✓		None
<b>Council Strategy Priorities:</b>	✓			Ensures sustainable play and open space provision through innovation and partnerships
<b>Core Business:</b>	✓			As above this proposal ensures sustainable play and open space provision through innovation and partnerships. Play provision is core business within Environment.
<b>Data Impact:</b>		✓		None
<b>Consultation and Engagement:</b>	Hermitage Parish Council, Devolution Working Group, which includes Legal and Property Service representatives.			

## 4 Executive Summary

- 4.1 Hermitage Parish Council (HPC) submitted an Asset Transfer Proposal through the Devolution Portal earlier this year. HPC, at its meeting on 19th March 2020, agreed to adopt the open space and playground on a 75 year lease with the remaining commuted sum currently allocated to it. HPC will thereafter undertake and fund all maintenance costs and capital investment in the open space and playground from the point of transfer.
- 4.2 The open space at Hermitage Green comprises a grassed area of approximately 2200 square metres with trees, shrubs and a children's play area which is in good condition.
- 4.3 Routine annual maintenance costs for Hermitage Green are approximately £1600. One off repairs and maintenance costs are approximately £500/annum. Note that there is a planned capital cost of £8000 required to deal with safety surface defects prior to transfer.
- 4.4 The routine annual maintenance of Hermitage Green is at least partly covered by a sum which the Countryside Service received from the developer at the time of adoption. Currently there is a sum of £11359 available for ongoing maintenance. The remaining recalculated commuted sum will be transferred to HPC as part of the transfer agreement.
- 4.5 The council is contractually obliged to notify the current grounds maintenance contractor, Continental Landscapes Ltd, of this variation to the Contract. The possible

implications of the devolution process and this specific transfer on the current Contract will have to be discussed with CLL. Any reduction in the Contract value will have to be agreed by both parties.

- 4.6 This land can be devolved to the Parish on a long lease on terms to be determined in line with other lease arrangements. Future use of the land as a recreational open space, protected from development, can be ensured by a simple clause inserted in the lease which restricts its use for purposes other than open space and children's play.
- 4.7 This proposal offers an opportunity for West Berkshire Council to support the devolution agenda and place this open space and playground asset at the appropriate level of government to ensure that they are maintained appropriately and continue to meet the requirements of the local community into the future.
- 4.8 Hermitage Parish Council will have greater access to the necessary CIL funding required, specifically capital funding, to ensure these play assets remain available to the public. HPC are best placed to manage Hermitage Green in perpetuity.

## **5 Supporting Information**

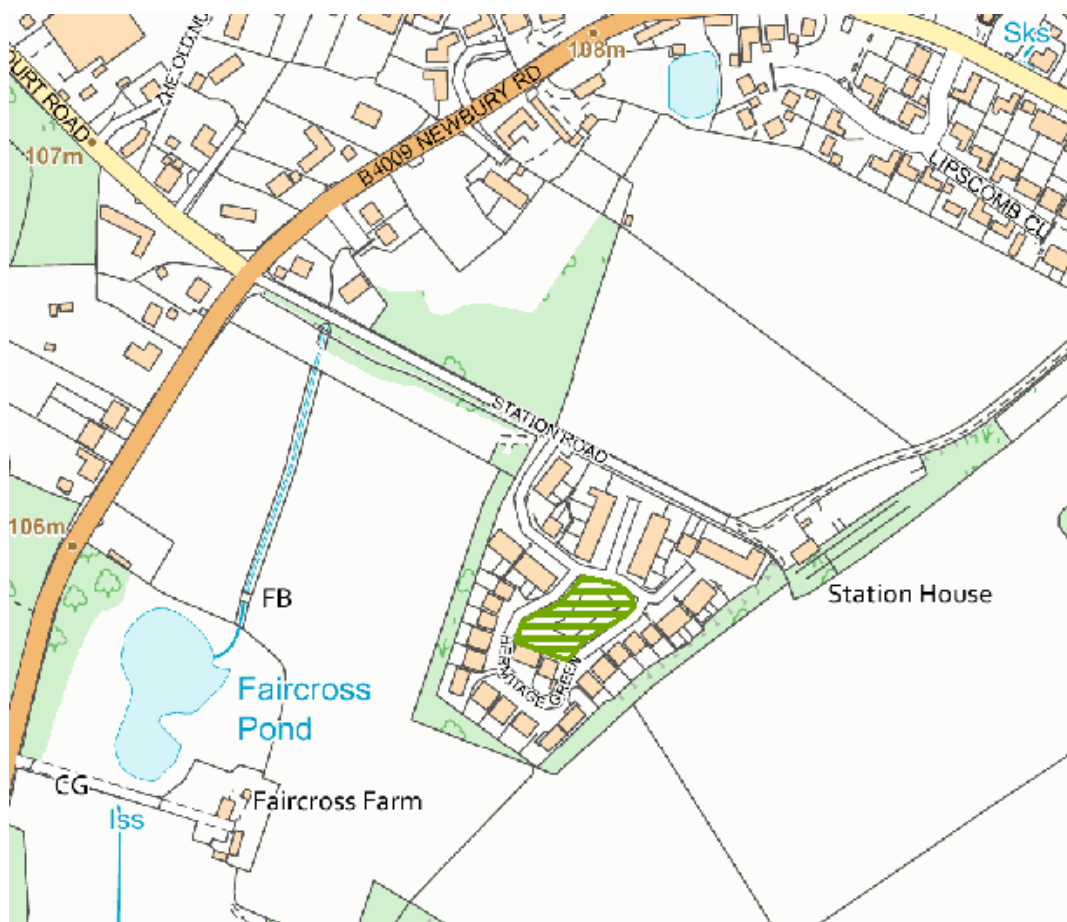
### **Introduction**

- 5.1 Hermitage Parish Council (HPC) submitted an Asset Transfer Proposal through the Devolution Portal earlier in 2020. This requested the freehold transfer of the open space and playground to HPC. This request was declined but as an alternative option, the land was offered on a long lease with specific clauses in order to protect the land from future development.
- 5.2 Hermitage Parish Council agreed, at its meeting on 19th March 2020 to adopt Hermitage Green open space on a 75 year lease. In return HPC requested any remaining commuted sum funding relating to its maintenance.
- 5.3 Some capital expenditure is required to bring the play area safety surface up to current standards and therefore this will be carried out prior to transfer. HPC will be provided with the most up to date RoSPA (Royal Society for the Prevention of Accidents) report prior to transfer. This report will confirm the condition of the play equipment at that stage.
- 5.4 If this proposal is agreed by this council then HPC will undertake and fund all ongoing maintenance costs and capital investment in the open space from the point of transfer.
- 5.5 A final decision on this proposal needs to be taken by the Executive.

### **Background**

- 5.6 A plan of Hermitage Green is provided within the supporting information below. Hermitage Green is an area of open space which transferred to West Berkshire Council after the area was developed for housing in approximately 2010. The land comprises a grassed area of approximately 2200 m2 with trees, shrubs and a children's play area which is in good condition apart from the current safety surface which is due to be replaced.

## 5.7 Location Plan:



- 5.8 The routine annual maintenance of Hermitage Green is at least partly covered by a sum which the Countryside Service received as part of a commuted sum from the developer. Currently there is a sum of £11359 available for ongoing maintenance, a proportion of this is drawn down on an annual basis to cover the ongoing maintenance obligations. The remaining funds will be transferred to HPC as part of the transfer agreement.
- 5.9 Included within Hermitage Green open space is a children's playground comprising the more common play equipment features. This equipment is now more than 9 years old and will need to be replaced at some time in the future, perhaps well before the average lifespan of 20-25 years. Ongoing maintenance costs generally increase as the equipment ages. The responsibility for maintaining children's play equipment is therefore a significant undertaking.
- 5.10 This Council has a legal responsibility to ensure children's play areas under our control are maintained in as safe a condition as reasonably practicable. In addition play provision also has to meet the requirements of the Disability Discrimination Act 1995 and other directives such as the Disability Equality Duty 2006. This requires significant management time and financial investment over time.
- 5.11 Although no playgrounds have had to close in West Berkshire, as budget pressures become more acute the responsibility for maintenance and investment in playgrounds and play equipment becomes more difficult to fulfil. According to the Association of Play

Industries (API) between 2014/15 and 2015/16 local councils in England closed 214 children's playgrounds.

5.12 Current annual maintenance costs are set out below:

- i. Routine Annual Maintenance Costs. Total costs are £1600/pa. These costs are however partially offset by the commuted sum maintenance contribution which, until exhausted, reduce the true costs to the local taxpayer.
- ii. One off Repairs and Maintenance. These costs, mostly relating to the playground (replacement of worn/damaged equipment) are approximately £500 per year. Note however this figure can go up or down each year depending on the findings of the quarterly Royal Society for the Prevention of Accidents (RoSPA) inspections.
- iii. Work is planned to repair the safety surface at this playground, these costs will cost up to £8000 and will need to be completed prior to transfer.

5.13 Current CIL arrangements have an implication for the future maintenance of playgrounds. It is increasingly likely that there will be less capital funding available to the Environment Department in order to manage these assets as they near end of life, or when equipment needs to be replaced. As local councils have a greater CIL allocation, then the likelihood is that this Council will have to approach the relevant parish council for a contribution towards the cost of replacement playground equipment. It makes sense therefore to transfer these assets to the local parish or town council who are better placed to manage the assets into the future.

## 6 Other options considered

6.1 None. The principle of devolution of open space and built assets to local councils has already been established, most notably the arrangements currently in place with Thatcham Town Council. This proposal, alongside other devolution projects, supports West Berkshire Council's commitment to locally-led service delivery.

## 7 Conclusion

- 7.1 Hermitage Parish Council are best placed to manage Hermitage Green in perpetuity as they can engage with a local contractor to provide more tailored maintenance which better meets the needs of the local community. HPC are closer to the local community, have greater understanding of their leisure needs and can draw on CIL reserves so as to ensure the future ongoing maintenance and development of the open space.
- 7.2 This proposal offers an opportunity for West Berkshire Council to support the devolution agenda and place this open space and playground asset at the appropriate level of government to ensure that they are maintained appropriately and continue to meet the requirements of the local community into the future.
- 7.3 This land should therefore be devolved to the Parish on a long lease on terms to be determined in line with other lease arrangements.

## 8 Appendices

### 8.1 Appendix A – Equalities Impact Assessment

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#### Background Papers:

Lease, Heads of Terms

#### 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 Committee or associated Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

**Wards affected:** Hermitage

#### Officer details:

Name: Paul Hendry  
Job Title: Countryside Manager  
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#### Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

#### Change History

Version	Date	Description	Change ID
1			
2			

# Appendix A

## Equality Impact Assessment (EqIA) - Stage One

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

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

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

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

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



<b>What is the proposed decision that you are asking the Executive to make:</b>	Devolve Hermitage Green to Hermitage Parish Council on a long lease. They will manage the land thereafter.
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b> <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	<b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b> <b>If yes, please indicate which priority and provide an explanation</b>
<b>Name of Budget Holder:</b>	<b>Paul Hendry</b>
<b>Name of Service/Directorate:</b>	<b>Environment</b>
<b>Name of assessor:</b>	Paul Hendry
<b>Date of assessment:</b>	30/12/2020
<b>Version and release date (if applicable):</b>	

Is this a .... ?		Is this policy, strategy, function or service ... ?	
<b>Policy</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>New or proposed</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Strategy</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Already exists and is being reviewed</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Function</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Is changing</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Service</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>		

<b>(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	Devolve assets and respective costs
<b>Objectives:</b>	Transfer to the Parish
<b>Outcomes:</b>	Reduced costs

<b>Benefits:</b>	Management thereafter at the appropriate level of government
------------------	--

**(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?**

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

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	None	Service remains the same only the responsible body changes
Disability	None	Service remains the same only the responsible body changes
Gender Reassignment	None	Service remains the same only the responsible body changes
Marriage and Civil Partnership	None	Service remains the same only the responsible body changes
Pregnancy and Maternity	None	Service remains the same only the responsible body changes
Race	None	Service remains the same only the responsible body changes
Religion or Belief	None	Service remains the same only the responsible body changes
Sex	None	Service remains the same only the responsible body changes



Sexual Orientation	None	Service remains the same only the responsible body changes
<b>Further Comments:</b>		

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

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

If an EqlA 2 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 EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

<b>(4) Identify next steps as appropriate:</b>	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name:

Date:

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

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# Risk Management Strategy 2021-2024

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	29 April 2021
<b>Portfolio Member:</b>	Councillor Howard Woollaston
<b>Date Portfolio Member agreed report:</b>	8 April 2021
<b>Report Author:</b>	Joseph Holmes / Catalin Bogos
<b>Forward Plan Ref:</b>	EX3952

## 1 Purpose of the Report

It is very important for the Council to ensure that it manages risk effectively and that it is risk aware, so it knows when to accept a greater or lesser amount of risk in its activities. The attached Risk Management Strategy sets out the overarching framework for managing risk at the Council, the Council's risk appetite and the risk management objectives for the next three years.

## 2 Recommendations

- 2.1 The Executive approves the Risk Management Strategy and the associated risk appetite.
- 2.2 That Governance Boards approve the risk appetite on new projects within their remit and Corporate Programme Board have oversight of this.
- 2.3 Note that at the meeting on the 19<sup>th</sup> of April 2021, the Governance and Ethic Committee resolved that the Committee endorses this Risk Management Strategy and the associated risk appetite.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	None directly from this report, though the risk appetite highlights the level of risk that the Council will tolerate.
<b>Human Resource:</b>	None directly

<b>Legal:</b>	None directly from this report, though the risk appetite highlights the level of risk that the Council will tolerate.			
<b>Risk Management:</b>	This strategy provides the details for ensuring a sound risk management approach and sets objectives for further improvements where relevant. The detailing of the risk appetite and risk tolerance provides clarity to decision makers in terms of the risks that they are expected to take in delivering services and contributes to a stronger risk aware culture.			
<b>Property:</b>	None			
<b>Policy:</b>	None directly			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		

<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		x		
<b>Council Strategy Priorities:</b>	X			The risk management framework should support improved outcomes through effective risk management.
<b>Core Business:</b>	X			The risk management framework should support improved outcomes through effective risk management.
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	Portfolio holder, Corporate Board, Governance and Ethics Committee.			

## 4 Executive Summary

- 4.1 The risk management strategy is an integral part of the Council's overall governance, and forms part of the supporting evidence for the Annual Governance Statement. This risk management strategy includes, alongside how we manage risk at the Council, a risk appetite. The risk appetite sets out the tolerance of risk across some key areas and will help to guide officers in their approach to delivering services and key projects.
- 4.2 The core of the risk management strategy is:
- A Risk Assessment
  - Details of how risk management supports corporate planning and operational management
  - Risk appetite statement
- 4.3 The risk management strategy is based on a three year period from 2021-24 and the risk appetite will be kept under regular review to reflect the Executive's appetite to risk and how this might change due to a variety of internal and external factors.
- 4.4 A significant development included in the strategy is to slightly increase the risk appetite by amending the thresholds for different levels of impact rating (see para 7.3 and 8.8 of the strategy) and including the risks rating 8 in the Amber (medium risks) instead of Red (high risk) category, especially for transformation type activities rather than business as usual ones.

- 4.5 In order to further support a risk aware culture within the Council, details are included to define the risk appetite and also risk tolerance thresholds in terms of financial, legal, reputation and innovation related risks.
- 4.6 The strategy includes a number of objectives planned for delivery over the three years lifespan of the strategy.
- 4.7 At the meeting on the 19th of April 2021, Governance and Ethics Committee resolved that the Committee endorses this Risk Management Strategy.

## **5 Supporting Information**

### **Introduction**

- 5.1 The risk management strategy is seeking to define the Council's approach to risk management as well as the risk appetite under which officers are guided to work and approach key projects.

### **Background**

- 5.2 The strategy is being brought to Executive for approval so that there is clarity on the Council's approach to risk management and its appetite for risk. This is important as it provides a key part of the formulation of the Annual Governance Statement (AGS). The AGS is approved annually by the Chief Executive and the Leader, and is concerned with how the Council is governed and how appropriate the governance framework is.
- 5.3 Having an approved risk management strategy is a key part of this AGS framework, as it sets out clear parameters under which the Council approaches risk, and to what level it is prepared to be risk aware. It is important to ensure that, as part of the AGS, there is a consistency in the Council's approach to projects and the delivery of core business and the risk management approach that has been set by members of the Executive.

### **Proposals**

- 5.4 The report proposes the approach to risk management in the strategy itself as well as a risk appetite.
- 5.5 This strategy is important for the Council to consider its risk management approach. All new projects should undertake a review of the risk appetite and state where it is assessed for the project and ask the respective Governance Board to approve it.

## **6 Other options considered**

The Council could operate without a defined risk management strategy or appetite, though this could lead to a less strategic approach to how the Council manages risk.

## **7 Conclusion**

This report seeks the approval of the new Risk Management Strategy. This strategy will form a key part of the Governance and Ethics committee work; the remit of the

committee is to consider strategic risks to the delivery of the Council's objectives and whether the management of those risks is effective.

## 8 Appendices

### Appendix A – Risk Management Strategy

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#### Background Papers:

None

#### 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 Committee or associated Task Groups within preceding six months ☐
- Item is Urgent Key Decision ☐
- Report is to note only ☐

**Wards affected:** All

#### Officer details:

Name: Joseph Holmes  
Job Title: Executive Director (Resources)  
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#### Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

#### Change History

Version	Date	Description	Change ID
1	29.7.20	Original version for CB	

## Risk Management Strategy 2021-2024

Version	Date	Description	Change ID
2	30.1.21	Amended version to incorporate CB and Ops Board feedback	



## **Appendix A – Risk Management Strategy 2021-24**

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**Appendix 1** Definitions of key terminology that is part of West Berkshire Council's risk management framework

**Appendix 2** The Risk Register template

# Risk Management Strategy

## 2021-2024

### 1. Introduction

- 1.1 This Risk Management Strategy is part of the Council's risk management framework and provides the details in which the risk management activities are aligned with other activities in the Council and the value that they are expected to bring.
- 1.2 **Mandate and commitment** - This Risk Management Strategy was produced following consultation with Corporate Board, Portfolio Holder for Strategy and Governance, Councillors and approved by the Executive. It was also submitted to the Governance and Ethics Committee for endorsement.
- 1.3 The management of the Council and the Executive are committed to ensure that the risk management is an intrinsic part of the governance arrangements and that the risk management process adds value by informing decision making processes to ensure the delivery of the Council's objectives.
- 1.4 **Applicability** - This policy applies to the whole of West Berkshire Council core functions, covering both business as usual and improvement/transformation.

- 1.5 The risk management strategy for the Council is set out in the following risk management policy statement:

### **Risk Management Policy Statement for West Berkshire Council**

As part of West Berkshire Council's arrangements to ensure good governance, the purpose of effective risk management is to provide assurance that the Council is 'risk aware'. This entails being able to identify risks associated with the Council's objectives, evaluate their potential consequences and determine the most effective methods of controlling or responding to them.

The Council believes that risk needs to be managed rather than avoided and that consideration of risk should not stifle innovation and creativity but encourage and support them.

This Policy outlines the approach the Council takes with regard to its responsibility to manage risks and opportunities using a structured, focused and proportional methodology. Risk management is integral to all policy planning and operational management throughout the Council. It integrates with our corporate governance and performance management process and supports the Annual Governance Statement.

This approach to risk management actively supports the achievement of the agreed actions, projects and programmes as set out in the Council Strategy, including the delivery of the core business and priorities for improvement, but also the objectives set out in service plans.

#### **Objectives:**

Based on the information detailed in this document, the objectives of this risk management strategy are to:

- Implement the new risk matrix reflecting an increased risk appetite and the tolerances set in this risk strategy.
- Continue a systematic process of risk identification, analysis, assessment, treatment and reporting, based on a quarterly cycle.
- Further integrate risk management and performance management processes with particular focus on project management integration and identification of Key Risk Indicators (KRI) and Key Control Indicators (KCI).
- Maintain a risk aware culture through a common language, training and engagement, with a particular focus on the involvement of Councillors through more in depth training.
- Increase communication regarding risk exposure and the actions being taken to mitigate risks.
- Further develop actions to ensure that the cumulative risk exposure is appropriately identified and managed.
- Re-assess risks, giving particular regard to any adjustments required to previously considered, traditional controls, in light of the significant changes in working practices (e.g. remote working) in response to Covid-19.
- Support the introduction of a controls assurance process.

## 2. Definitions

- 2.1 There are numerous definitions for risk, all of them including reference to event, probability and impact on objectives. The Council adopts the definition of risk used by the ISO 31000 Guide 73:

***Risk is the effect (a positive or negative deviation from the expected) of uncertainty on objectives. Risk is often expressed as a combination of the consequences of an event and the associated likelihood.***

- 2.2 Risk management is defined as the rigorous and coordinated process of identifying significant risks relevant to the achievement of the Council's strategic and operational objectives, evaluating their individual and combined likelihood and potential consequences, and implementing the most effective way of managing and monitoring them.
- 2.3 The definitions for the other key risk management terminology used in this document are listed as part of Appendix 1.

## 3. Context

- 3.1 The internal and external context within which the Council delivers its objectives must be considered in order to ensure that the management of risk is effective.

- **Internal context**

- 3.2 The significant points relating to the internal organisational context of risk management are the continuation of ***the three line of defence arrangements: the streamlined internal governance arrangements, the implementation of the organisational restructure*** Senior Management Review 2019 and a **relative reduction of the financial pressures** experienced before 2019/2020.

***a. The three lines of defence***

- 3.3 The risk management function is an integral part of the Council's governance arrangements. The three lines of defence concept is widely known among the insurance, audit and banking sectors as a risk governance framework. The concept can be used as the primary means to demonstrate and structure roles, responsibilities and accountabilities for decision making, risk and control to achieve effective risk management, governance and assurance.
- 3.4 The following diagram is an example of the three lines of defence concept:

## The three lines of defence:

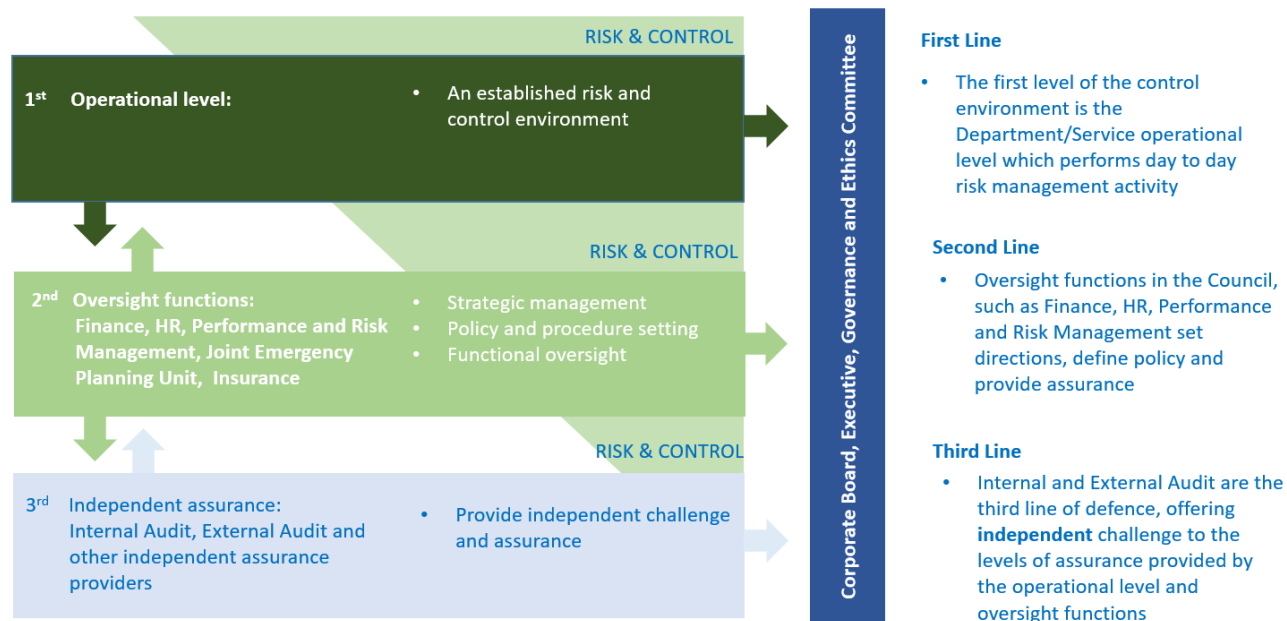


Chart 1. Three lines of defence

- 3.5 **First line of defence** - As the first line of defence, Service Directors / Heads of Service own and manage risks within their service area with the assistance of their Service Leads and Service Managers. They are also responsible for implementing appropriate corrective actions to address, process and control weaknesses. Service Directors / Heads of Service are also responsible for **maintaining effective internal controls** and managing risk on a day to day basis. They identify, assess and manage risks ensuring that their services are delivered in accordance with the Council's policies in order to achieve the agreed aims and objectives.
- 3.6 **Second line of defence** - The second line of defence relates to the strategic direction, policies and procedures provided by the Council's oversight functions (e.g. Finance, Legal Services, Performance and Risk Management, HR, Joint Emergency Planning and Insurance). These teams are responsible for designing policies, setting direction, ensuring compliance and providing assurance, including with regard to the existing controls put in place to mitigate risks. Included within the Anti-Fraud and Corruption Policy is the Council's Whistleblowing Policy which encourages staff to report concerns which may expose the Council to risk.
- 3.7 **Third line of defence** - Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve the organisations' operations. It helps the organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.
- 3.8 The aim of internal audit's work programme is to provide assurance to management, in relation to the business activities, systems or processes under review, that the framework of internal control, risk management and governance is appropriate and operating effectively; and risks to the achievement of the Council's objectives are identified, assessed and managed to a defined acceptable level.

- 3.9 Such risks are identified through senior management liaison and internal audits own assessment of risk. External audit, inspectors and regulators also provide assurance on the management of risk and delivery of objectives.

***b. The streamlined internal governance arrangements***

- 3.10 During 2019, the organisation re-assessed and streamlined the internal governance arrangements to ensure clarity of decision making, coordination and oversight of business as usual but also transformational activities. This ensures a positive impact on the decision making process across the organisation, including regarding risk management activities.

***c. Implementation of the organisational restructure – Senior Management Review 2019***

- 3.11 The restructure of the organisation following the Senior Management Review 2019 is progressing. As Executive Directors and Service Directors are being appointed, some of the previous Service Risk Registers are amalgamated into Department Risk Registers. Whilst the areas of responsibility for the Department Risk Registers' owners is expanding, positive benefits are expected in terms of further identifying and managing the cumulative effect of risks.

***d. Relative reduction of the financial pressure on the Council***

- 3.12 The financial challenges experienced by the Council during the lifetime of the previous Council Strategy (the Medium Term Financial Strategy MTFS 2017/18 showed a funding gap of £23.3m over 3 years) have significantly reduced (MTFS 2020/21 reported a funding gap £12m over 3 years). The MTFS highlights that the Council has a track record of strong financial management and ability to manage within significant challenge, which are vital to successfully deliver the Council Strategy. This is an important factor considered in defining the Council's risk management approach, including the risk appetite.

• **External context**

- 3.13 The external context for the organisation is dominated by the materialisation of one of the highest risks on the National Risk Register – an influenza type pandemic. The long term nature of the international crisis means that the response period is overlapping with the recovery stage. The response activities translated into immediate changes in working practices (e.g. significant levels of remote working). As more information emerges about the impact, it will inform the risk identification and assessment activities. In particular, special attention will be given to requirements to re-consider the existing/traditional controls and make any relevant re-adjustments.
- 3.14 Council Strategy 2019 – 2023, highlights the strong social, economic and environmental features of the District. The focus of the Strategy is to build on these strengths and achieve further improvements. This is another important factor considered in defining the Council's risk management approach, including the risk appetite.

- 3.13 It is expected that any amendments to the Council's Strategy, associated strategies and delivery plans to be robustly reflected in the risk management process.

#### 4. Our corporate approach to risk management

- 4.1 Risk management is about providing assurance by being 'risk aware'. Risk is ever present in everything that we do and some risk taking is inevitable if the Council is to achieve its objectives. Risk management is about making the most of opportunities when they arise and achieving objectives once those decisions are made. By being 'risk aware' the Council is better placed to avoid threats and take advantage of opportunities. Proper project management and service planning processes and principles will identify potential risks early in the process and set out how these can be avoided or mitigated. Staff training in project management principles is essential to embed these good practices.
- 4.2 By embedding a culture of risk management into the Council, Members and officers are able to make effective decisions about services and the use of financial resources to ensure that the Council's objectives are met.
- 4.3 The assessment that the culture of the organisation is 'risk aware' is based on the following:
- **Leadership** – there is strong leadership within the organisation in relation to strategy, policy and operations as evidenced by the drive to ensure a strong approach regarding the Council Strategy, additional supporting strategies and associated delivery plans, all backed up by a strong service planning approach.
  - **Involvement** – all stakeholders are involved in all stages of the risk management process. This is evidenced by the continuous activity at service/department level, directorate level, Corporate Board, Operations Board and the Governance and Ethics Committee. In addition, the involvement of all three lines of defence in risk management is also evident.
  - **Learning** – training on risk management and learning from events are covered through formal training sessions for Councillors and specific advice, support and 'critical friend' challenge to risk owners and strategic decision makers.
  - **Accountability** – the approach of the Council is not an automatic blame culture but is based on encouragement to identify and address issues, report likely underperformance at the earliest stages and agree corrective actions, on a background of clear accountability for objectives and actions.
  - **Communication** – the approach to accountability is supplemented by an openness on all risk management issues, reporting of causes of underperformance and actions implemented to address them (up to the public arena at the Executive and scrutinised by the Overview and Scrutiny Management Commission – see performance framework). Risk information is also reported to Corporate Management Team, Directorate Management Meetings, Corporate Board and Operations Board. In terms of public meetings, risk is reported as a Part II (confidential information) report to the Governance and Ethics Committee.
- 4.3 An effective corporate approach to risk management will:

- Make it more likely that the Council's objectives will be achieved,
- Safeguard the organisation and provide assurance to Members and officers,
- Become part of every manager's competency framework, job description and performance appraisal,
- Provide support to the overall governance of the organisation,
- Improve decision making,
- Identify issues early on,
- Provide a greater risk awareness and reduce surprises or unexpected events,
- Develop a framework for structured thinking,
- Ensure better use of finances as risks are managed and exposure to risk is reduced,
- Facilitate achievement of long-term objectives and
- Ensure a consistent understanding of and approach to risks.

### **The principles**

4.4 It is important to maintain a sense of proportionality with day to day risk and the following principles will be applied:

- Managers have a good understanding of their services and service developments, and are able to adequately identify the risks involved.
- Managers understand the limits that the organisation places on the action that can be taken by any individual officer. There is a general awareness of what management action is appropriate and where further consultation and approval are required with colleagues and more senior managers. The organisation therefore recognises its risk appetite in relation to the decisions it takes.
- There is a good level of understanding, of what risk it is acceptable to take, during the normal course of work and the organisation recognises its risk appetite in relation to its ongoing activities.
- Unnecessary bureaucracy should be avoided, in particular by preparing documentation solely to demonstrate (rather than support or enhance) effective management. The cost (in terms of the time involved) relative to the benefit gained by defining every possible risk in detail and assigning impact and likelihood scores to each risk associated with every planned or current activity is deemed too great to be generally worthwhile. However, where there are known concentrations of risk, such as in new service developments or relating to our programme of projects, managers understand that they should document, monitor and manage these risks using the Council's scoring framework. Similarly, the corporate management team (or specific services that deliver specific corporate functions) should seek to identify, assess and manage those risks that seem likely to cause problems or bring benefits at a corporate level.



- The internal audit team works with the Executive Director (Resources) and Service Director (Strategy & Governance) and Corporate Board to consider the Council's assurance needs, and makes its own assessment of the internal audit work required to provide this assurance. This is presented to the Governance & Ethics committee annually.
- Managers are encouraged and supported to consider the potential threats and opportunities, involved in any new service developments and improvements, and to monitor ongoing performance. Documentation of risks, related controls and mitigating action plans should be considered where this is helpful and appropriate and, where this is the case, risk registers should be prepared. This is likely to be appropriate for specific service development projects, when project risk registers should be monitored closely by the lead project manager and sponsor. Individual teams should also consider risk, specifically when updating annual service plans.
- Partnership risks are managed and owned by the Council's service that has entered into such a partnership with the aim to achieve specific service objectives. Risks are identified in relation to these objectives in the service risk register.

## 5. Our risk management process

5.1 The Process arrangements that support risk management at the Council include the following components:

- Risk Assessment:
  - Risk identification and the Council's strategic and operational planning processes (see Section 6)
  - Risk analysis and Risk evaluation (see Section 7)
- Risk response/treatment, including the Risk Appetite (see Section 8 and Section 9)
- Risk recording and reporting (see Section 10)

5.2 The diagram below shows the Risk Management process and the systematic approach to the identification, evaluation, prioritisation and control of risks and opportunities facing the Council.



Graph 2 Risk Management process

**Objective resulting from the section above:**

*Continue a systematic process of risk identification, analysis, assessment, treatment and reporting, based on a quarterly cycle.*

## **6. How do we assess risks?**

- **Risk Assessment - Risk identification and the Council's strategic and operational planning processes**

- 6.1 A Council Strategy is produced every four years and refreshed every two years and is accompanied by a Strategy Delivery Plan which is reviewed annually. Additional supporting strategies are developed with supplementary delivery plans. Annual Service/Department Plans are produced to detail the delivery of the Council's objectives by its services/departments.
- 6.2 The report templates for the approval of strategies, delivery plans and the associated specific decisions with actions from the service plans, require authors to consider and comment on risks. This translates into a risk identification process, with significant risks being reflected in the Service/Department Risk Registers and in Project Risk Registers.
- 6.3 A significant aspect of the Council's performance management framework, with implications for this risk management strategy, is that the strategic goals of the organisation are grouped in two main categories:
- Core business – reflecting the 'business as usual', highly visible functions of the Council for residents and stakeholders. These include typically objectives for maintaining/continuing the delivery of high performing activities.
  - Priorities for improvement – more transformational type objectives, which are aiming to improve outcomes, either where they are judged below expected levels or where they are already strong (compared with similar local authorities) but, given the importance at local level, the decision is to improve even more.
- 6.4 The efforts made by the performance management function to ensure the planning approach is non-silo working, together with centralised governance arrangements for approval of strategies and plans (including risk implications) are factors that contribute to creating an overall picture of risk exposure.
- 6.5 The Council is using a sophisticated approach to performance management, monitoring contextual intelligence (measures of volume), performance measures (targeted KPIs) and measures of corporate health. Many of these measures are also Key Risk Indicators that inform the risk assessment process.
- 6.5 Similarly, the developments relating to the Corporate Programme Office enhance the governance arrangements and ensure that the corporate project management approach is followed by all projects. As part of the corporate approach all projects are required to ensure they identify, assess, manage and report risk and performance.

**Objective resulting from the section above:**

***Further integrate risk management and performance management processes with particular focus on project management integration and identification of Key Risk Indicators (KRI) and Key Control Indicators (KCI).***

- 6.6 When identifying risks, it can be helpful to use the following sources of risk as prompts to ensure that all areas of risk are considered:

Sources of Risk	Risk Examples
Infrastructure	Functioning of transport, communications and utilities infrastructure. The impact of storms, floods and pollution.
Politics & Law	Effects of change of government policy, UK or movement from EU legislation, national or local political or control, meeting the administration's manifesto commitments. Issues of timing. Following the organisation's stated/agreed policy. Legality of operations. Includes regulatory issues, Ofsted or Care Quality Commission's inspection outcomes, and Ombudsmen's decisions.
Social Factors	Effects of changes in demographic, residential and social trends on ability to deliver objectives.
Technology	Capacity to deal with obsolescence and innovation, product reliability, development and adaptability or ability to use technology to address changing demands.
Competition & Markets	Affecting the competitiveness (cost and quality) of the service and/or ability to deliver value for money and general market effectiveness.
Customer & Stakeholder – related	Satisfaction of: citizens, users, central and regional government and other stakeholders. Managing expectations – consulting & communication on difficult issues
Sustainability / Environmental	Environmental consequences arising from option (e.g. in terms of energy efficiency, pollution, recycling emissions etc.)
Finance	Costs, long term financial sustainability/ reliance on finite or vulnerable funding streams. Financial control, fraud and corruption.

Contracts & Partnerships	Dependency on, or failure of, contractors to deliver services or products to the agreed cost and specification. Procurement contract and relationship management. Overall partnership arrangements, e.g. for pooled budgets or community safety. PFI, LSVT and regeneration.
Tangible Assets	Security of land and buildings, safety of plant and equipment, control of IT hardware.
Reputation	Affecting the public standing of the Council, partnerships, or individuals in it (affecting you). Management of issues that may be contentious with the public or the media.
Professional Judgement & Activities	Risks inherent in professional work such as assessing clients' welfare or planning or response to the Human Rights Act.
People Management Human resources	Managing changes to services that may affect staff and/or ways of working. Resourcing the implementation of the option. Employment Issues (TUPE etc.). Maintaining effective health & safety of staff and users.

## 7. How do we evaluate risks?

- **Risk analysis and Risk evaluation**

7.1 Risks are evaluated each time at the following levels:

- **Gross level** – likelihood and impact without additional, specific mitigation action.
- **Actual level** - this is the current likelihood and impact, based on mitigation action already put in place but excluding further mitigation action planned.
- **Expected level** – this is a future level of likelihood and impact based on any additional mitigation action (if any) planned to further address the triggers and the consequences of risks. The additional actions and the associated deadlines are listed on the risk register.

7.2 The Council evaluates its identified risks on a four-point scale on the likelihood or probability of the risk occurring and the impact caused should the risk occur, being rated between low and significant.

## Impact Rating

7.3 The following table provides the definitions which should be used when determining whether a risk would have a Low (1), Moderate (2), Major (3), or Significant impact (4):

Impact Rating	Financial loss to Council	Personal / Staff or Customers	Assets / Physical / Information	Reputation	Legal (litigation, regulatory, contract)
4	£1m +	Death	Loss of main building / Loss of main ICT system – e.g. Email / Payroll / network	Adverse publicity nationally HSE / Fire Authority prosecution	Losing regulatory related legal challenge
3	£500k - £1m (was £250k - £1m)	Major injury / hospitalisation	Partial loss off main building or total loss of minor building. Temporary loss of major ICT system – up to one week, total loss of minor ICT system	External agency criticism – EG Auditor, Ofsted etc. HSE / Fire Authority enforcement action	Being challenged and unable to defend it robustly; Losing
2	£100k - £500k (was £50k - £250k)	Major financial loss £1,000+ Illness e.g. stress / minor accident / RIDDOR	Partial loss of minor building. Temporary loss of minor ICT system – up to one week. Loss of Major system – up to one day	Ombudsman complaint upheld	Being challenged but with certainty that the Council will win it.
1	Less than £100k (was Less than £50k)	Minor Financial loss up to £1,000 / complaint / Grievance	Loss of minor ICT system - up to one day	Adverse publicity locally	No risk of legal challenge

Note: Text on grey background relates to the levels used before the approval of this strategy.

## Likelihood Rating

7.4 It is unlikely that in many cases the probability of a risk occurring can be calculated in a statistically robust fashion, as we do not have the data to do so. However, as an indicator, the likelihood is defined by the following probability of a risk occurring:

Likelihood Rating	Incidents	Probability
4	Very Likely – This risk is presently affecting the Council	81% - 100%
3	Likely – This risk is very likely to affect the Council	51 - 80%
2	Possible – This risk is will possibly affect the Council	21% - 50%

1	Unlikely – This risk is unlikely to affect the Council	0 - 20%
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- 7.5 Over the short and medium term, due to the ongoing international crisis as a result of the coronavirus pandemic, risk management and in particular risk assessment, need to consider this external context factor.

**Objective resulting from the section above:**

*Re-assess risks giving particular regard to any adjustments required to previously considered traditional controls in light of the significant changes in working practices (e.g. remote working) in response to Covid-19*

## 8. How we respond to risks – risk appetite / risk criteria

- Risk response/treatment

- 8.1 The response to the identified risks is guided by the risk appetite and risk criteria.

### Risk Appetite

- 8.2 The HM Treasury and the Government Finance Function define risk appetite as “*The level of risk with which an organisation aims to operate*” (Source: [Government Finance Function – Risk Appetite Guidance note V1.0, October 2020](#)). A clearly understood and articulated risk appetite statement assists with the risk awareness for the Council and supports decision making in pursuit of its priority outcomes and objectives.
- 8.3 The Council’s Risk Appetite Statement is an integral part of the Council’s Risk Management Policy and ensures that the opportunities the Council is willing to take to achieve its strategic outcomes and objectives are measured, consistent and compatible with the Council’s capacity to accept and manage risk and do not expose the Council to unknown, unmanaged or unacceptable risks.
- 8.4 This statement will be reviewed during the period of the strategy. The Council may decide to move the line up or down based on a number of influencing factors including financial and capacity, and the Council may have a higher ‘aspirational’ risk appetite once sufficient assurance is gained and processes put in place to manage the higher levels of risk.

### The Council’s Risk Appetite 2021/23 – 2023/24

- 8.5 The Council, during the course of a year, will take fair, measured and targeted levels of risk to achieve the priority objectives included in the Council Strategy. There will be opportunities for the Council to be innovative or work differently and any identified risks will need to be considered against the anticipated cost and efficiency benefits.
- 8.6 The Risk Appetite Statement supports Members and officers in decision making, by setting out where the Council is comfortable taking different levels of risk, and which

levels of risk are unacceptable. The Council's Risk Appetite should be considered in conjunction with the risk section of all committee reports when decisions are made.

- 8.7 Risks that fall above the risk appetite 'line' may still happen and should still be managed effectively and transparently.
- 8.8 The potential range of the Council's appetite for its significant risks included in the Corporate Risk Register is shown in the diagram below:

<b>Risk levels</b>	<b>Minimal</b>	<b>Cautious</b>	<b>Open</b>	<b>Seek</b>
<b>Risk description</b>				
<b>Financial</b> – amount of financial loss prepared to put at risk through lost investment / <b>financial loss</b>	Up to £100k	£100k -£500k	£500k - £1m (Possible)	£1m+
Exposure to <b>legal</b> challenge  Avoid risk of challenge to open to challenge	Play safe and avoid anything which could be challenged, even unsuccessfully	Limited appetite but sure would win challenge  (Likely)	Challenge is problematic but gain would outweigh any negative outcome	Likely to be challenged but benefits worth any risk
<b>Reputation</b>  No reputational risk through to experimental schemes	No chance of any repercussions / negative comments	Little chance of significant repercussions and mitigation in place beforehand	Exposure of greater scrutiny and public interest. Management through listening and active engagement. Risk of reputational damage.	Experimental project – risk of significant reputational damage or enhancement
<b>Innovation</b> to deliver Council Strategy	Essential development of core business only	Maintain status quo; new schemes are tried and tested only by others	Encourage innovation through new schemes offered to the Council	Proactive pursuit of innovation and crafting solutions that have not been attempted before



Note: Shaded areas illustrate the risk appetite levels and are described in the paragraphs below.

- 8.9 An additional concept, important in defining and understanding the Council's risk framework, is the risk tolerance. The HM Treasury and the Government Finance Function define risk tolerance as "*The level of risk with which an organisation is willing to operate*" (Source: [Government Finance Function – Risk Appetite Guidance note V1.0, October 2020](#))
- 8.10 This Strategy reflects the Executive's risk appetite and provides clarity about risk tolerance levels as follows:

**Financial Risk appetite – Open £500k - £1m**

- The Council aims to operate with a financial risk between £500k – £1m. This relates primarily to the transformation activities rather than the core business areas in order to stimulate the initiatives to digitise service delivery or to achieve better, faster and cheaper service delivery more effectively delivered in partnership.

**Financial Risk tolerance – up to £3m**

- The Council is not willing to operate with risks that expose the organisation to an estimated current/actual financial Loss or cost of above £3m for any individual risk.

**Legal Risk appetite – Cautious**

- The Council aims to operate with a legal risk that is limited and, when the risk materialises, there is certainty that it would win the challenge. This relates primarily to the core business activities rather than the transformation type activities.

**Legal Risk tolerance**

- The financial and reputational risk tolerances provide the details that define the Legal risk tolerance.

**Reputation Risk appetite – Cautious / Open**

- The Council's reputation is one of the most important assets which employees and Councillors aim to protect to ensure there is little chance of significant repercussions. This relates primarily to the core business areas. As custodians of the public's trust and public's funds, even the transformational activities are delivered with sound governance arrangements in place and follow a strong and consistent corporate project management methodology. However, in the process of seeking the benefits of new ways of achieving or improving outcomes for the residents the Council is seeking an Open reputational risk, proactively involving greater scrutiny but also public



interest and engagement which should mitigate reputational damage. This aims to prevent situations of working to protect the reputation to the detriment of the needs of the residents.

### Reputation Risk tolerance

- Primarily for core business, but also relating to transformation initiatives, the Council is not willing to operate with risks that expose the organisation to external agency criticism (e.g. Auditor, Ofsted, Care Quality Commission etc.) or to Health and Safety Executive/ Fire Authority enforcement action.

### Innovation to deliver the Council Strategy Risk appetite – Open

- The Council aims to operate with an appetite for innovation and for crafting service delivery models and initiatives that redefine the ways in which residents and stakeholders are enabled to achieve their outcomes.

### Innovation to deliver the Council Strategy Risk tolerance

- The Council is not willing to operate with risks that expose the organisation to lack of innovation. To deliver its corporate priorities, the Council recognises that there will be risks that **will be deemed intolerable**. These include those that negatively affect the safety of employees or its customers/clients and those that endanger the future operation of the Council.

### Risk criteria and response

8.11 The Council has chosen to divide the rating into bands as shown on the example risk matrix below, defining the criteria used to manage the risk exposure and reflecting the risk appetite and risk tolerance levels described above.

### Objective resulting from the section above:



*Implement the new risk matrix reflecting an increased risk appetite and the tolerances set in this risk strategy*

		IMPACT			
		Low (1)	Moderate (2)	Major (3)	Significant (4)
LIKELIHOOD	Very Likely (4)	4	8	12	16
	Likely (3)	3	6	9	12
	Possible (2)	2	4	6	8
	Unlikely (1)	1	2	3	4

- 8.12 The risk score, as illustrated by the risk matrix, triggers a particular type of response for risks relating to the council's objectives.
- 8.13 Once a risk has been identified, the Council needs to decide and agree what it is going to do about it as described in the following table:

Risk Level (RAG)	Current Score	Escalation	Response
High (Red)	9 -16	Add to Corporate Risk Register and mitigation action.	Allocate to Executive Director to oversee and Service Director / Head of Service implement agreed actions.
Medium (Amber)	4-8	Seek assurance that identified controls are effective	Allocate to Service Director / Head of Service to put in place Controls Assurance.
Low (Green)	1-3	None	Consider at next annual review

- 8.14 Positive and Negative amendments are made regularly to risks in light of the above to respond to the risk and continually update risk registers.

The general impression of risks is that it is a negative event; however it is also possible that positive events and opportunities can arise and the risk score then becomes the reverse of the rating for a negative risk, e.g. an opportunity with a high rating could deliver a good return for little effort.	In managing a negative risk (Threat), we are aiming to see the risk rating decrease so that the likelihood and consequence of the risk decreases should it materialise.		A positive event or opportunity is measured in a similar way to a negative risk but the desired direction of travel is reversed.	
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- 8.15 The recognised approaches to controlling risks are described as the five key elements or 5 T's; tolerate, treat, transfer, terminate and take the opportunity. These are described in more detail below. It is generally accepted that where a risk can be

reduced through some form of treatment or mitigation in a cost effective fashion then it is good to do so.

8.16 As a general principle once a risk has been identified, consideration needs to be given to the five T's and that the chosen approach is seen as being cost-effective so that the control of the risk is not disproportionate to the expected benefits.

8.17 The five T's are:

**Treatment** By far the greatest number of risks will be addressed in this way by using appropriate control countermeasures to constrain the risk or reduce the impact or likelihood to acceptable levels.

**Transfer** For some risks the best response may be to transfer them and might be done by transferring the risk to another party to bear or share the risk; e.g. through insurance or partnership. Reputation risk can never be transferred.

**Tolerate** Where it is not possible to transfer or treat the risk, consideration needs to be given to how the consequences are managed should they occur. This may require having contingency plans in place, for example, Business Continuity Plan which creates capacity to tolerate risk to a certain degree.

**Terminate** Some risks will only be treatable, or containable to acceptable levels by terminating the activity that created them. It should be noted that the option of termination of activities may be severely limited in government when compared to the private sector; a number of activities are conducted in the government sector because the associated risks are so great that there is no other way in which the output or outcome, which is required for the public benefit, can be achieved. This option can be particularly important in project management if it becomes clear that the projected cost / benefit relationship is in jeopardy.

### **Take the opportunity**

This option is not an alternative to those above; rather it is an option which should be considered whenever tolerating, transferring or treating a risk. There are two aspects to this. The first is whether or not at the same time as mitigating threats; an opportunity arises to exploit positive impact. For example, if a large sum of capital funding is to be put at risk in a major project, are the relevant controls judged to be good enough to justify increasing the sum of money at stake to gain even greater advantages? The second is whether or not circumstances arise which, whilst not generating threats, offer positive opportunities. For example, a drop in the cost of goods or services frees up resources which can be re-deployed.

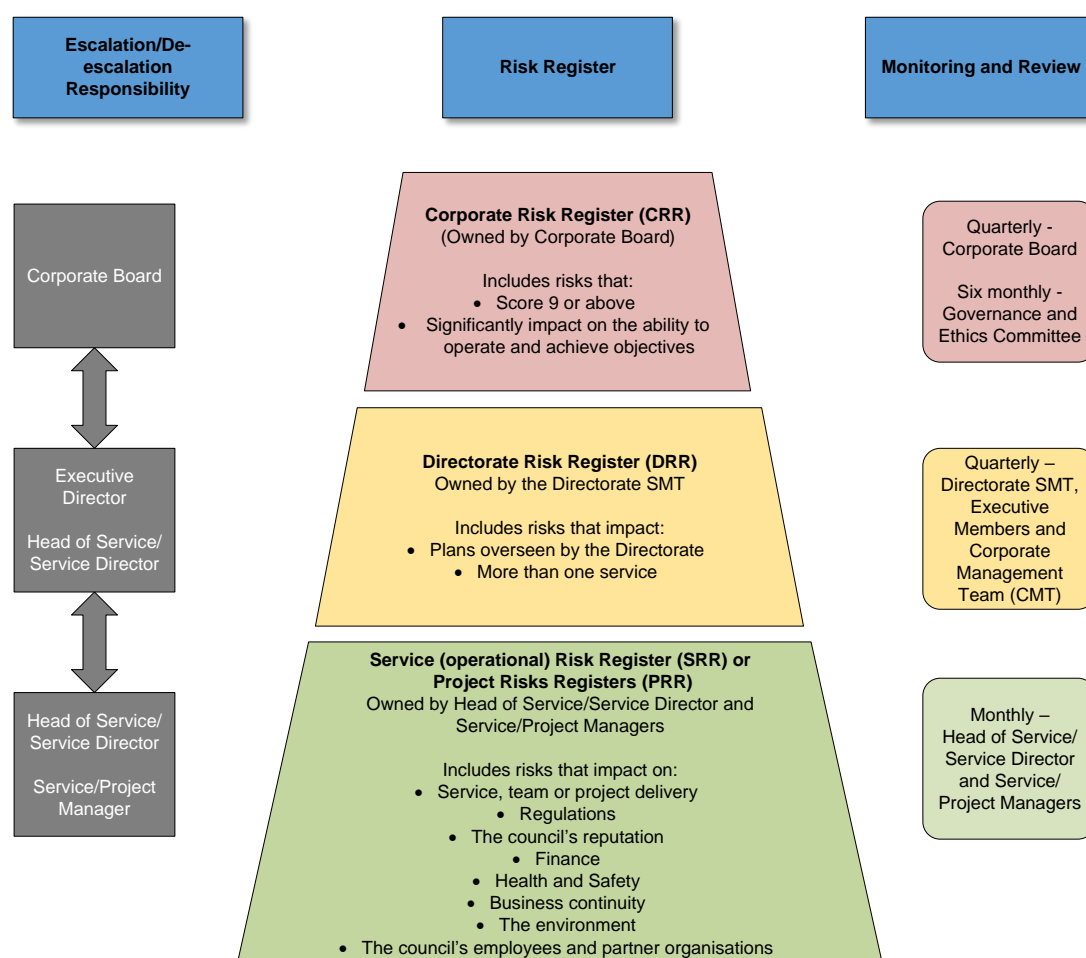
8.18 The delivery of controls to mitigate risks' likelihood and/or impact is the responsibility of the Heads of Service/Service Directors.

### **Objective resulting from the section above:**

***Support the introduction of a controls assurance process***

## 9. Risk recording and reporting

- 9.1 It is the responsibility of all staff to assess risks associated with their work and projects and to escalate any potential risks which they feel cannot be managed within sensible parameters to their Directorate Management Team. These risks may then be escalated further as part of the quarterly review of the Corporate Risk Register at Corporate Board.
- 9.2 The Council's risk management framework is built on the basis of risks being escalated from a service/department level through to a corporate level. As part of risk being managed the framework requires consideration of the mitigation measures being suggested and whether the tolerance level is appropriate.
- 9.3 Where risk levels are considered to be high (Red) on the risk matrix, the appropriate Head of Service / Service Director must escalate the risk to the Executive Director for a discussion at Directorate level so that consideration can be given as to whether the risk should be moved to the Directorate Risk Register or the Corporate Risk Register. Risk escalation to the Corporate Risk Register is the responsibility of the Head of Service / Service Director and Executive Director.



**Objective resulting from the section above:**

***Increase communication regarding risk exposure and the actions being taken to mitigate risks***

- 9.4 Effective Risk Management requires that there is clarity of the responsibilities for risk and ownership of those risks identified. This policy identifies where the responsibility lies for identifying, considering and controlling risk and opportunities.

<b>Members</b>	<b>Responsibilities</b>
<b>Operations Board</b>	<ul style="list-style-type: none"> <li>• Determine overall risk appetite and tolerance for the Council and for each corporate risk.</li> <li>• Ensure consideration of risk in decision making.</li> <li>• Quarterly review the Corporate Risk Register.</li> </ul>
<b>Executive Member</b>	<ul style="list-style-type: none"> <li>• Oversee risks relating to their portfolio, including projects in the corporate programme.</li> </ul>
<b>Governance and Ethics Committee</b>	<p>Provide independent assurance to the Council on the effectiveness of risk management and internal control by:</p> <ul style="list-style-type: none"> <li>• Review the Corporate Risk Register to ensure it is reflective of the strategic risks to the delivery of the Council's objectives and management of risks is effective.</li> <li>• Scrutinise the Annual Governance Statement to ensure that it is a correct reflection of internal control, risk management and governance.</li> <li>• Receive reports from Internal Audit, External Audit and other inspection bodies indicating strengths and weakness in internal control, risk management or governance.</li> <li>• Participate in training and development sessions.</li> </ul>
<b>Officers</b>	<b>Responsibilities</b>
<b>Head of Paid Service</b>	<p>Overall responsibility to:</p> <ul style="list-style-type: none"> <li>• Ensure the Annual Governance Statement is an accurate reflection of internal control risk management and governance.</li> <li>• Oversee corporate and cross cutting risks, and resolve conflicts and competing demands for resources.</li> </ul>

	<ul style="list-style-type: none"> <li>• Lead the quarterly review of corporate risks with Corporate Board.</li> <li>• Arrange the review of the Risk Management Policy.</li> </ul>
<b>Executive Directors</b>	<ul style="list-style-type: none"> <li>• Ensure that there is effective risk management in their Directorates in line with this policy.</li> <li>• Maintain the Directorate Risk Register, ensure that it is reviewed at least quarterly by the DMT and that risks are escalated or de-escalated to/from the Corporate Risk Register where appropriate.</li> <li>• Approve action plans with residually high risk (i.e. those outside of the Council's risk tolerance).</li> </ul>
<b>Service Directors / Heads of Service/Service Managers</b>	<p>Ensure that risks to services are properly managed and that:</p> <ul style="list-style-type: none"> <li>• Service Team Risk registers are maintained and regularly reviewed.</li> <li>• Any significant new risk identified to be fed up to the Head of Service/Service Director and/or Directorate SMT. If required the risk could then be escalated to Corporate Board.</li> <li>• The Risk Management Framework is embedded in their service areas and that staff are aware of the underlying risk management principles.</li> <li>• Ensure that the controls put in place to mitigate risks are adequately deployed and maintained when necessary.</li> <li>• Ensure awareness of risk impacting other areas than the one they manage (e.g. through the CMT meetings) and highlight cumulative effect of risks.</li> <li>• Support the identification of strategic risks, including strategic governance risks relevant for the Annual Governance Statement (AGS) (R3)</li> </ul>
<b>Second Line of Defence Officers</b>	<ul style="list-style-type: none"> <li>• The Risk Manager - develops and updates the risk management policy/strategy, facilitates a risk aware culture, establishes internal risk management processes and procedures, provides advice, guidance and support in relation to risk management, coordinates the risk management activities, compiles risk management information and prepares reports.</li> <li>• Other officers in Finance, Legal Services, Performance and Risk Management, HR, Joint Emergency Planning and Insurance – see paragraph 3.6.</li> </ul>
<b>Internal Audit</b>	<ul style="list-style-type: none"> <li>• Plan audit work to take into account key risks and how effectively they are managed providing assurances for the Annual Governance Statement, the Corporate Risk Register and Governance and Ethics Committee.</li> </ul>

	<ul style="list-style-type: none"> <li>• Undertake periodic reviews of the effectiveness of risk.</li> <li>• Prepare, on behalf of the Head of Paid Service, the Annual Governance Statement.</li> </ul>
<b>All Staff</b>	<ul style="list-style-type: none"> <li>• Be familiar with the Risk Management Policy.</li> <li>• Maintain an awareness of risks, and feed into the formal process, alerting management to: <ul style="list-style-type: none"> <li>○ Risks which are effectively managed, or the level of current risk is unacceptably high (red).</li> <li>○ Issues that arise or near misses.</li> </ul> </li> </ul>

**Objectives resulting from the section above:**

*Maintain a risk aware culture through a common language, training and engagement, with a particular focus on the involvement of Councillors through more in depth training*

*Further develop actions to ensure that the cumulative risk exposure is appropriately identified and managed*

## 10. Risk Registers

10.1 The risk registers are reference documents that summarise the different risks that might occur and impact the Council. Just because a risk is included on a risk register, does not mean that the Council thinks it will happen, but it does mean that the Council thinks it is worth seeking to manage. The risk score is, therefore, based on a 'reasonable worst case scenario'. The methodology for the scoring of risks is included in section 7 above.

10.2 The Council maintains several risk registers and these are:

- **Corporate Risk Register** – this register records the most significant risks for the Council or those risks which may prevent the Council from achieving its strategic objectives as set out in the Council Strategy. This is considered by the Corporate Management Team, Corporate Board, Operations Boards and the Governance and Ethics committee.  
The Council's Risk Register template is included at Appendix 2.
- **Directorate Risk Registers** – include the risks from the Corporate Risk Register but also risks that might affect the delivery of individual directorates, but would not in isolation threaten the Council's overall objectives.
- **Service Risk Registers** – include the risks from the Corporate Risk Register and the Directorate Risk Registers but also risks that might affect the delivery of individual services, but would not in isolation threaten the Council's overall objectives. Operational risks are managed by Heads of Service/Service Directors or service managers.
- **Project Risk Registers** – provide a register of the risks that, if occur, will have a positive or negative effect on the achievement of the project's objectives. Significant

risks from project risk registers are escalated by the Service Director/Head of Service to their Service Risk Registers and follow the normal procedure for further escalation if necessary.

## 11. Project Risk Management

- 11.1 The Council's approach to risk management from a project and programme perspective has improved through increased training on the Project Management Methodology (PMM) based on PRINCE 2 principles.
- 11.2 At the inception of each new project, the project board should review and approve the risk appetite or, where they are not the Governance Board, present to their overarching Governance Board for approval.
- 11.3 All projects should have a risk register which is regularly reviewed at project board meetings and adjusted accordingly once mitigating action is taken. The stakeholders should be regularly briefed on any changes in risk. The chart below shows the scale of risk used to assess the risk impact. A risk, in terms of project delivery, is defined as anything which could be potentially harmful to the delivery of the project detrimentally affecting budget, delivery timescales or the project outcome.

### 4x4 Risk Matrix Assessments

Impact ↑	Extreme Impact - Rarely 4	Extreme Impact - Moderate 8	Extreme Impact - Likely 12	Extreme Impact - Almost certain 16
	High Impact - Rarely 3	High Impact - Moderate 6	High Impact - Likely 9	High Impact - Almost certain 12
	Medium Impact - Rarely 2	Medium Impact - Moderate 4	Medium Impact - Likely 6	Medium Impact - Almost certain 8
	Low Impact - Rarely 1	Low Impact - Moderate 2	Low Impact - Likely 3	Low Impact - Almost certain 4
	Likelihood →			



## Appendix 1 Definitions of key terminology that is part of West Berkshire Council's risk management framework

**Risk** - is the effect (a positive or negative deviation from the expected) of uncertainty on objectives. Risk is often expressed as a combination of the consequences of an event and the associated likelihood.

**Risk management** - is defined as the rigorous and coordinated process of identifying significant risks relevant to the achievement of the Council's strategic and operational objectives, evaluating their individual and combined likelihood and potential consequences, and implementing the most effective way of managing and monitoring them.

**Risk aware** – term relating to the risk culture within the organisation and denoting a higher maturity level of the risk management processes.

**Risk response** - once a risk has been identified, assessed and analysed actions are put in place to respond/manage the risk. British Standard 31100 and ISO 31000 use the term 'Risk treatment' as 'the process of developing, selecting and implementing controls' or 'the process to modify risk' respectively.

**Gross risk rating** - likelihood and impact without additional, specific mitigation action. Size of the event when a risk materialises and representing the inherent level of risk.

**Current risk rating** - this is the likelihood and impact at the time of assessment and each re-assessment, based on mitigation action already put in place but excluding further mitigation action planned.

**Expected Net risk rating** - this is a future level of likelihood and impact based on any additional mitigation action (if any) planned to further address the triggers and the consequences of risks

**Risk appetite** - the level of risk with which an organisation aims to operate (Source: [Government Finance Function – Risk Appetite Guidance note V1.0, October 2020](#)), similar definitions are:

The amount of risk that an organisation is willing to seek or accept in the pursuit of long-term objectives. (IRM 2011)

The amount and the type of risk that an organisation is willing to pursue or retain (ISO Guide 73 (2009)

**Risk tolerance** - The level of risk with which an organisation is willing to operate (HM Treasury and the Government Finance Function) (Source: [Government Finance Function – Risk Appetite Guidance note V1.0, October 2020](#))

**Risk Control / Mitigation** – Actions to reduce the likelihood and/or the magnitude of a risk, being owned by a Head of Service/Service Director.

**Impact** – the effect on the finances, infrastructure, reputation and marketplace when a risk materialises at a particular likelihood level.

**Likelihood** – evaluation or judgement regarding the chances of a risk materialising, sometimes established as a ‘probability’ or ‘frequency’.

**Risk Owner** - The individual officer stated to be responsible for "day-to-day" management of a risk, in effect the person accountable for this risk. The risks are owned by Heads of Service / Service Directors and, for risks on the project risk registers, by Project Managers. Even cross-cutting risks are allocated each to a specific Head of Service/Service Director to own.

**Cross-cutting risks** - West Berkshire Council defines cross-cut risks as those that affect more than one Service/Department.

**Key Risk Indicators (KRI)** - A key risk indicator (KRI) is a metric for measuring the likelihood that the combined probability of an event and its consequence will exceed the organization's risk appetite and have a profoundly negative impact on an organization's ability to be successful. West Berkshire Council is using an extensive number of performance indicators, many of them acting as the organisation's KRIs.

**Key Control Indicators (KCI)** - A Key Control Indicator (KCI) is a metric that provides information on the extent to which a given control is meeting its intended objectives in terms of loss prevention, reduction, etc. In so doing KCIs can be used to measure the effectiveness of particular operational risk controls at a particular point in time.

**Appendix 2 – Corporate Risk Register TEMPLATE**  
**Corporate Risk Register**

Quarter / Year:	2021/22	Corporate Board Date:	
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# Newbury Sports Ground – Joint Land Deal

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	29 April 2021
<b>Portfolio Member:</b>	Councillor Howard Woollaston
<b>Date Portfolio Member agreed report:</b>	20 April 2021
<b>Report Author:</b>	Paul Anstey and Matt Pearce
<b>Forward Plan Ref:</b>	EX4010

## 1 Purpose of the Report

- 1.1 To provide a summary of the consultation and engagement process on the provision of a new sports ground at Newbury Rugby Club (NRC).
- 1.2 To update the Executive on the outcome of the negotiations with NRC and to enter into various land agreements with the Club.

## 2 Recommendations

- 2.1 That the Executive resolves to:
  - (1) Approve the draft Agreement for Lease and its appendices including the draft Lease and associated draft agreement with the Newbury Rugby Club in relation the Sports Ground provision at the site (as detailed in the Part 2 Report);
  - (2) Delegate authority to the Service Director of Strategy & Governance in consultation with the Service Director of Communities and Wellbeing to enter into agreement for lease and any other agreements including any such amendments that are necessary and in line with the agreed Heads of Terms; and
  - (3) Approve the allocation of funds (as detailed in the Part 2 Report)

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are both capital and revenue implications as a result of this report. The details of which are laid out in the Part 2 report. These will be dependent on the future negotiations with NRC.

<b>Human Resource:</b>	There are HR implications as a result of this report. These will be dependent on the future negotiations with Newbury Rugby Club.
<b>Legal:</b>	Subject to approval from the Executive, the Council will enter into various legal agreements with NRC which are detailed in the Part 2 report. This includes the Heads of Terms, draft agreement for lease and draft joint use agreement.
<b>Risk Management:</b>	<p>The project is being overseen by the Newbury Sports Ground Project Board, which reports into the Culture and Leisure Programme Board (CLPB). With the negotiations concluded the following key risks remain:</p> <ul style="list-style-type: none"> <li>- Failure to deliver a sports ground in Newbury i.e. doing nothing has significant strategic and reputational risks i.e. we have committed to a project by virtue of the approved Playing Pitch Strategy (jointly with Sport England (SE) and sport governing bodies);</li> <li>- Financial overspend (as detailed above with mitigation to include in both the capital programme and MTFS);</li> <li>- Failure to get planning permission;</li> <li>- Inability to generate estimated levels of income from the site</li> <li>- Unresolvable surface water sewer problems;</li> <li>- Failure to get support for the project from either or all of SE, Rugby Football Union (RFU) or the Football Association (FA); and</li> <li>- Completion of all appropriate site surveys and legal searches on the land in question</li> </ul>
<b>Property:</b>	<p>The overall negotiation for the preferred option includes a parcel of land on the NRC site, agreed with them as the best option for a new sports ground. This would work alongside their existing rugby operations and have the Council operate as a tenant on their land. The summary details are:</p> <ul style="list-style-type: none"> <li>- Lease of land;</li> <li>- Specific site area includes a pitch, car parking and space for ancillary buildings as required by the sport's governing bodies; and</li> <li>- All the land is within the current footprint of NRC of which they own the freehold.</li> </ul>
<b>Policy:</b>	<ul style="list-style-type: none"> <li>- This project is pursuant to the objectives laid out in the Executive approved Playing Pitch Strategy.</li> <li>- Key element of the draft Leisure Strategy.</li> </ul>

	Positive	Neutral	Negative	Commentary
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	✓			A well designed sports ground in Newbury will improve the sport and leisure opportunities for residents with disabilities. The previous report had a completed impact assessment with the intended benefits.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		None
<b>Environmental Impact:</b>			✓	This is a construction project so there will be some carbon emissions as a result. This will be minimised through appropriate construction methods and the project will seek to reduce life time carbon footprint. Options for solar PV will be explored.
<b>Health Impact:</b>	✓			There will be more year round sport and leisure opportunity for the community that will provide a range of health and wellbeing benefits.
<b>ICT Impact:</b>		✓		None
<b>Digital Services Impact:</b>		✓		None
<b>Council Strategy Priorities:</b>	✓			This is a key piece of local infrastructure and delivers against the Council Strategy, Health and Wellbeing Strategy and the Leisure Strategy.
<b>Core Business:</b>	✓			This project will improve the overall sport and leisure offer and build community relations with key sport partners.

<b>Data Impact:</b>		✓		None
<b>Consultation and Engagement:</b>	<p>Cllr Woollaston, Cllr Mackinnon</p> <p>Nick Carter, Joseph Holmes, Andy Walker, Andy Sharp, Matt Pearce, Sarah Clarke, Shiraz Sheikh, Sarah House, Susan Halliwell, Jim Sweeting, Karen Felgate, Jon Winstanley and Paul Hendry.</p>			

## 4 Executive Summary

- 4.1 This report follows the Newbury Sports Ground Update paper that was considered and approved by the Executive on 14 January 2021. It summarises the Council position following conclusion of negotiations with NRC and identifies the latest financial implications.
- 4.2 The process has focussed on meeting the requirements of the Playing Pitch Strategy, maximising the opportunity for long term financial sustainability and community accessible high quality facilities.
- 4.3 These will be important factors for SE and the relevant sport governing bodies to consider during the planning process. The views of the football community have also been at the heart of the finalised deal, looking to future proof the site and enable a team to play in higher divisions than previously targeted
- 4.4 The public consultation and engagement which has taken place shows a broadly positive response to the proposal.

## 5 Supporting Information

### Introduction

- 5.1 The Council has continued to develop its approach to meeting the objectives of the Playing Pitch Strategy that was approved by the Executive in February 2020. This paper follows the reports considered and approved by the Executive on 14 January 2021 to proceed negotiations with NRC.
- 5.2 The project to construct a Sports Ground in Newbury is planned to be delivered by the end of March 2022. There are notable risks to this schedule and mitigation measures are in place.

### Background

- 5.3 A report was commissioned to establish whether it was feasible to construct a Step 6 Community Ground and 3G playing Pitch on NRC's site. The findings of the report suggested it was and the Council have worked with club representatives to establish whether heads of terms could be agreed upon.



- 5.4 NRC engaged their membership and the Council asked for feedback through an online survey and a series of online meetings with interested parties. Given the confidential nature of the negotiations the engagement focussed on the general principles of the proposals.

### **Consultation and Engagement**

- 5.5 The Council conducted a survey, there were 349 responses and the full results of which are at **Appendix D**.

- 5.6 The results are seen as broadly supportive and if results are collated on a supportive vs not supportive principle (excluding the neutral responses) the summary is as follows:

- (a) How far do you agree with our proposal to provide a new sports ground at NRC?

Supportive 53.1% Not Supportive 35.4%

- (b) How far do you agree with our proposal that the new sports ground be a Step 6 facility?

Supportive 46.1% Not Supportive 27.4%

- (c) How far do you agree that different sports sharing a facility is a good idea?

Supportive 64.1% Not Supportive 21.7%

- 5.7 The Council also engaged with the public through a webinar, held on 16 March, which presented the survey responses and gave people an opportunity to ask questions about the proposals. This was well received and a helpful range of topics were discussed. Officers have compiled all the questions and a set of FAQ's will be published on the Council website. This process will inform how a planning application is compiled and presented to reflect the issues that are important to the community and those neighbouring residents.

- 5.8 It was clear from the football community that they were aiming for a more ambitious site plan which would be able to expand a rapidly promoted senior team in the Newbury area. The feedback was used to shape negotiations and the revised site plan provides greater potential in future for higher level football. The aim is now to ensure that the newly built facility has the ability to achieve a Step 4 facility in the future which would mean being able to play in the Southern Football League (Thatcham FC for example).

### **Key elements of the negotiations included**

- 5.9 NRC highlighted three key elements for them to proceed:

- (a) The Annual Rent;

- (b) The Lease Premium payable to the Landlord (the Rugby Club). This will be used by the Rugby Club to carry out projects of improvement and repair to enhance the overall site and maximise the benefit to the community which includes floodlight upgrades (reducing light pollution) and new seating for the Rugby Club; and

- (c) Newbury Club Membership – benefits (Playing time on Sundays, weekday training, improved youth and mini rugby provision, revenue opportunities through the clubhouse).

5.10 The Council had to evaluate the Rugby Clubs key elements against its own objectives:

- (a) Playing Pitch Strategy compliance i.e. Step 6 facility with potential to grow to Step 5;
- (b) Net revenue cost of the lease and operations (income potential to offset costs and sharing staff costs);
- (c) Total capital cost of development and any premium;
- (d) Feedback from public consultation and engagement e.g. football community aspirations to see rapid promotion for senior teams and youth football provision;
- (e) Likely feedback from SE and wider sports governing bodies as part of the planning process;
- (f) Planning application requirements and risks associated with consultation, decision making process e.g. conditions; and
- (g) Awareness of alternative locations for sports ground to be located should negotiations fail

## **Finance**

5.11 Over the course of negotiations and public engagement there was clear feedback that if the site plan could be reconfigured and enlarged in specific locations, it may be possible to enhance the sports ground capacity. This is a key feature of the ground grading system that the Council was keen to maximise, in order to future proof the site should a football team be promoted several times through the leagues and bring additional benefits to the community.

5.12 The investment of capital will provide for one-off construction costs and improving the sport infrastructure on the site. It will also provide opportunities for the progression through to Step 4 (two tiers higher than originally proposed).

5.13 The Sports Ground construction estimates have grown to allow for a larger club house to accommodate a 30 person capacity function room which was not in the original specification. Any investment in the clubhouse size/capacity will have a positive effect on the running costs.

## **Priority Use**

5.14 Agreement has been reached with NRC on providing a proportion of peak hours for priority use that will align with their planning season of September to April and provide sufficient availability for other sports and clubs to utilise the site.

5.15 It would be part of the discussions with SE and the RFU to show that rugby playing time was suitably protected (given the previous use of the playing pitch was exclusively

for rugby). This left the whole off-peak booking season for holiday clubs and other sports which have different playing seasons.

### **Heads of Terms, the Agreement for Lease and the Joint Use Agreement**

- 5.16 The agreed version of the Heads of Terms and the draft Agreement for Lease are included with Part 2.
- 5.17 The Joint Use Agreement will form the basis of a more detailed understanding of the operational requirements and shape the long term relationship between the Council and the Club. This will include a fully worked usage schedule that details how the available time will be split amongst the sports teams and community use. SE, FA and the RFU will all be engaged in the completion of this process.

### **Preparations for the Planning Application**

- 5.18 The Consultants (SSL) are preparing a package of documents to enable a planning application in May.
- 5.19 A finalised site plan, surveys, traffic management plan and layout of buildings and equipment will be agreed as part of agreements with the Rugby Club.
- 5.20 This process has identified a series of risks and these are all considered to be manageable:
- (a) Environmental impact on neighbouring properties (sensitive design, build and planting will address the majority of these);
  - (b) Cars, traffic and parking (the site plan enables sufficient parking and a comprehensive traffic management plan will address all these issues); and
  - (c) The build process environmental considerations (on-site solar provision, low carbon options for the design and build process will help reduce the overall carbon footprint).

### **Proposals**

- 5.21 To approve as per the Recommendations.

## **6 Other options considered**

- 6.1 As detailed in the previous report, the Council has reviewed options for development of a Sports Ground at different sites. Each were deliverable to a varying degree but have been discounted.
- 6.2 Doing nothing at this stage is not considered a viable option due to the Council's ongoing commitment to deliver the objectives of the Playing Pitch Strategy.

## 7 Conclusion

- 7.1 The Council has concluded the process and engaged with a range of interested parties to produce this set of proposals. The proposals meet the Councils objectives and strike a balance between financial implications and overall community benefit.

## 8 Appendices

- (a) Sports Ground Consultation Results

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### 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 Committee or associated Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

### Officer details:

Name: Matt Pearce  
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Tel No: 01635 503434  
E-mail: [matthew.pearce1@westberks.gov.uk](mailto:matthew.pearce1@westberks.gov.uk)

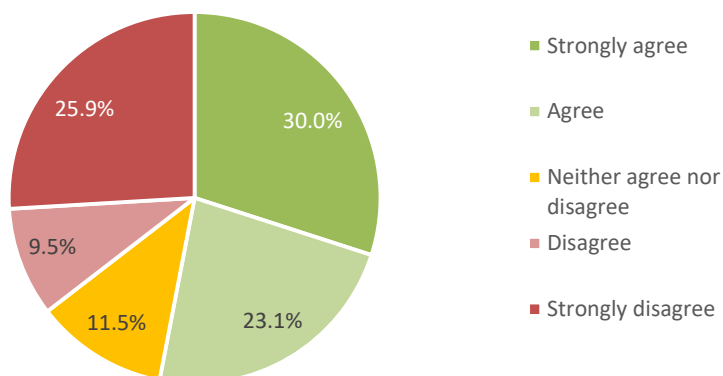
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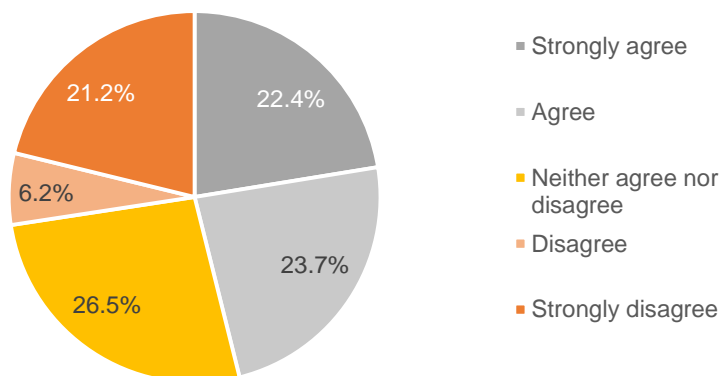
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Author:			
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## Appendix - Responses from community survey

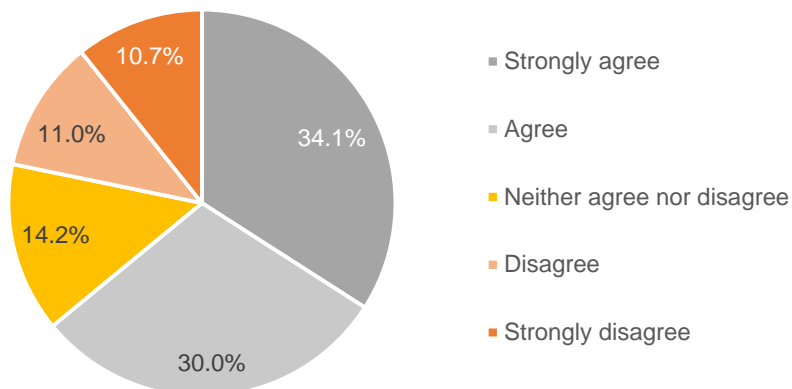
1. How far do you agree with our proposal to provide a new sports ground at Newbury Rugby Club? [Responses only](#)



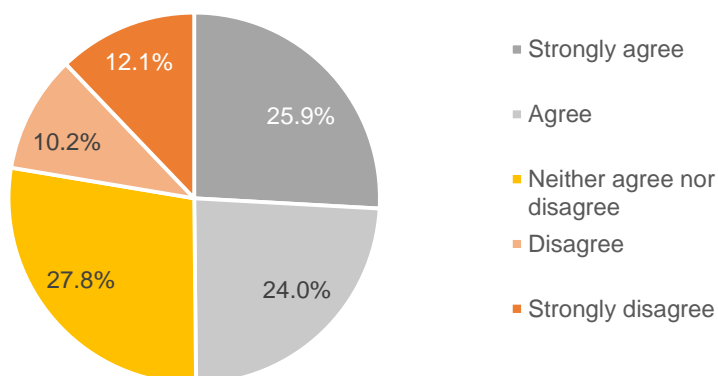
2. How far do you agree with our proposal that the new sports ground be a Step 6 facility? [Responses only](#)

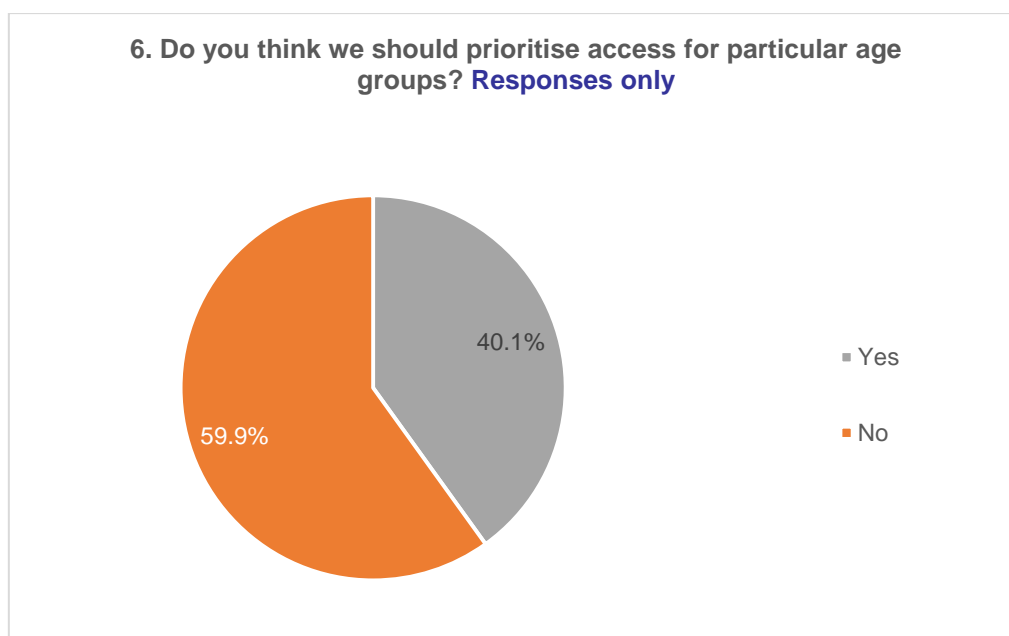
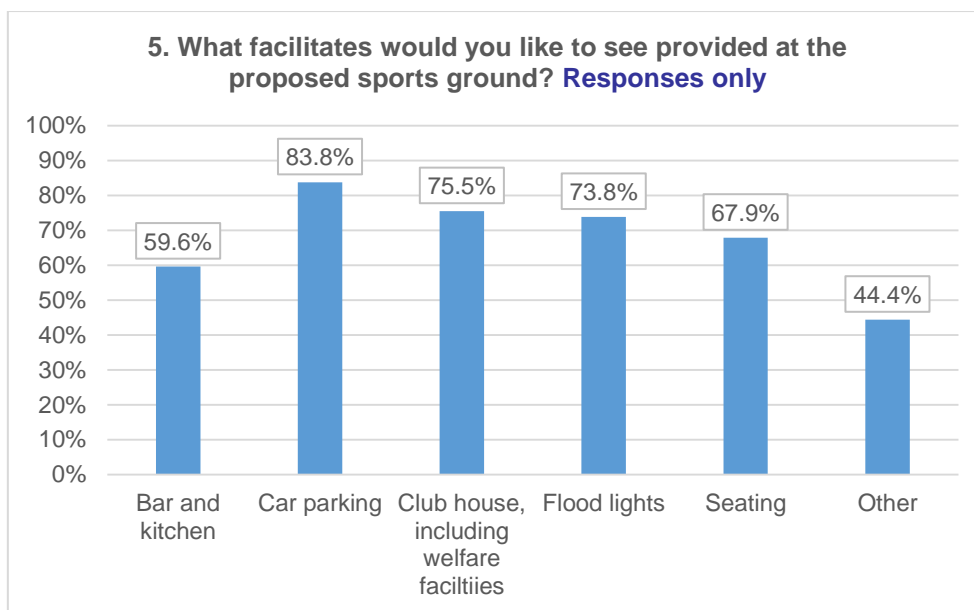


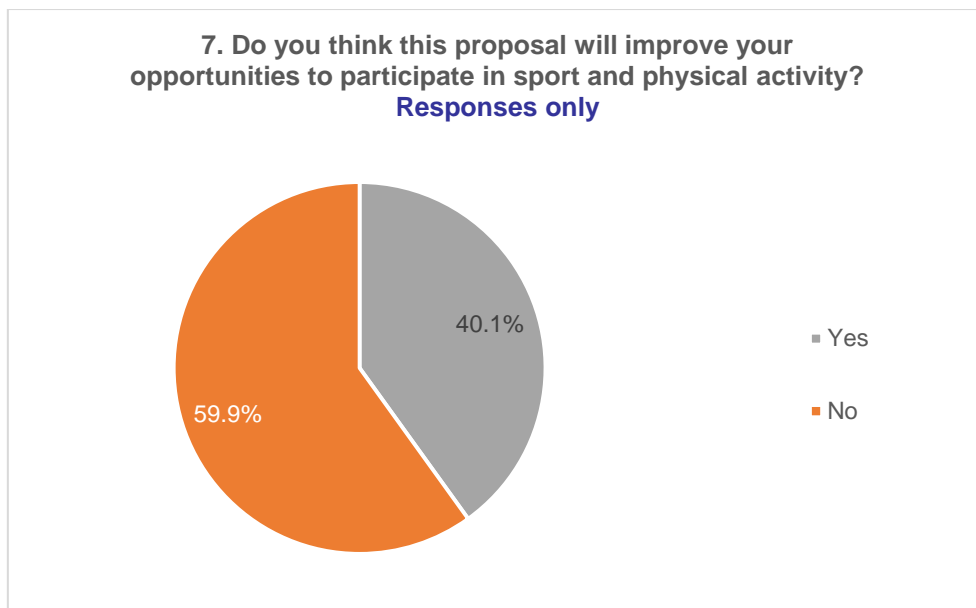
**3. How far do you agree that different sports sharing a facility is a good idea? Responses only**



**4. How far do you agree with our proposal that the playing pitch constructed at the sports ground is artificial? Responses only**









## Item 9:

### **Member Questions to be answered at the Executive meeting on 29 April 2021.**

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 submitted by Councillor Steve Masters to the Portfolio Holder for Transport and Countryside:**

*"Can you confirm that there will be no overall cuts to community transport services across West Berkshire in terms of both financial and service levels?"*

(b) **Question submitted by Councillor Adrian Abbs to the Portfolio Holder for Environment:**

*"By what date does the administration anticipate reaching net carbon zero across West Berkshire as a whole?"*

(c) **Question submitted by Councillor Jeff Brooks to the Portfolio Holder for Transport and Countryside:**

*"By how much has West Berkshire Council reduced the funding of Readibus services since 2015 including the schedule of cuts year by year?"*

(d) **Question submitted by Councillor Lee Dillon to the Portfolio Holder for Transport and Countryside:**

*"What provision has been made by WBC for alternative services for disabled residents to cover the loss of the 25,000 journeys previously provided by Readibus?"*

(e) **Question submitted by Councillor Alan Macro to the Portfolio Holder for Transport and Countryside:**

*"Why were the drastic cuts in West Berkshire Council funding of Readibus since 2015 not consulted on?"*

(f) **Question submitted by Councillor Phil Barnett to the Portfolio Holder for Transport and Countryside:**

*"Can I urge the Executive member for Highways and the Environment to visit the road and establish whether a footpath can be extended alongside Stroud Green into the new Racecourse development before any serious injury occurs to walkers?"*

(g) **Question submitted by Councillor Steve Masters to the Portfolio Holder for Transport and Countryside:**

*"Does the executive feel that the termination of the Readibus contract was handled well?"*

(h) **Question submitted by Councillor Adrian Abbs to the Portfolio Holder for Transport and Countryside:**

*"Given my previous question to Executive regarding the cancellation of bus services, why did the Executive not reveal the situation with Readibus, as the council must already have been aware of this?"*

## Item 9:

### **Member Questions to be answered at the Executive meeting on 29 April 2021.**

Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.

(i) **Question submitted by Councillor Alan Macro to the Portfolio Holder for Planning and Housing:**

*"What is likely to be the effect on adoption of the new Minerals and Waste Local Plan by Oxfordshire County Council's consultation response that it is unsound because "...West Berkshire is unable to deliver sufficient mineral requirements over [the] Plan Period, both in terms of reserves and production capacity and also the lack of identification of waste management facilities for non-hazardous residual waste for the whole Plan Period..."?"*

(j) **Question submitted by Councillor Phil Barnett to the Portfolio Holder for Transport and Countryside:**

*"Can the Executive member for Highways and the Environment identify whether extra funds have been set aside for the influx of road repairs required in the forthcoming months?"*

(k) **Question submitted by Councillor Adrian Abbs to the Portfolio Holder for Transport and Countryside:**

*"Could WBC roll out QR codes on dog-waste bins to automatically notify the council for collection when full?"*

# Agenda Item 11.

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