

These Minutes have been amended. Please see Minutes of 9 June 2022 for amendments.

EXECUTIVE MINUTES OF THE MEETING HELD ON THURSDAY, 24 MARCH 2022

Members of the Executive present: Councillors Lynne Doherty (Chairman), Steve Ardagh-Walter, Dominic Boeck, Ross Mackinnon, Richard Somner, Joanne Stewart and Howard Woollaston

Also Present: Councillors Lee Dillon, Adrian Abbs, Jeff Brooks, Alan Macro

Councillors present remotely: Councillors Graham Bridgman, Hilary Cole, Carlyne Culver, Tony Vickers

Officers: Sarah Clarke (Service Director, Strategy & Governance), Nigel Lynn (Chief Executive), Susan Halliwell (Executive Director – People), Joseph Holmes (Executive Director – Resources), Sadie Owen (Principal Democratic Services Officer), Andy Sharp (Executive Director – People)

PART I

78. Minutes

The Minutes of the meeting held on 10 February 2022 were approved as a true and correct record and signed by the Leader.

79. Declarations of Interest

There were no declarations of interest received.

80. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As.](#)

- A) A question standing in the name of Mr Vaughan Miller on the subject of the Sports Hub was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- B) A question standing in the name of Mr Nigel Foot on the subject of the Newbury football teams was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- C) A question standing in the name of Mr John Gotelee on the subject of the LRIE development site was answered by the Portfolio Holder for Finance and Economic Development.
- D) A question standing in the name of Ms Paula Saunderson on the subject of the Leisure Strategy was answered by the Portfolio Holder for Planning, Transport and Countryside.
- E) A question standing in the name of Mr Stuart Gourley on the subject of the Leisure Strategy was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- F) A question standing in the name of Mr Vaughan Miller on the subject of the LRIE development site was answered by the Portfolio Holder for Finance & Economic Development.

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- G) A question standing in the name of Mr John Gotelee on the subject of the effects of levelling up and housing targets was answered by the Portfolio Holder for Planning, Transport and Countryside.
- H) A question standing in the name of Ms Paula Saunderson on the subject of the Leisure Strategy was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- I) A question standing in the name of Ms Paula Saunderson on the subject of the Leisure Strategy was answered by the Portfolio Holder for Planning, Transport and Countryside.
- J) A question standing in the name of Ms Paula Saunderson on the subject of the Leisure Strategy was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- K) A question standing in the name of Ms Paula Saunderson on the subject of the Leisure Strategy was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.

81. Petitions

There were no petitions presented to the Executive.

82. West Berkshire Enhanced Partnership Plan and Scheme (for buses) (EX4164)

Councillor Richard Somner introduced and proposed the report (Agenda Item 6), which sought approval of the West Berkshire Enhanced Partnership Plan and Scheme in accordance with the National Bus Strategy. He thanked officers for the hard work undertaken to improve transport opportunities for local residents and visitors.

It was acknowledged that the public transport industry had suffered during the pandemic and that getting footfall back would be challenging and key to success.

Councillor Lee Dillon commented that whilst he and his colleagues supported the improvement plan, services needed to be regular as well as reliable. Thatcham Town Council's response was particularly welcomed and it was hoped that the connectivity between Thatcham and Newbury would benefit from the plan.

Councillor Somner agreed to identify the reference point from where the proposed improvement plan was actually improving from.

Councillor Steve Ardagh-Walter agreed that it would be good to maintain the services in Thatcham. In seconding the proposal he noted that during the previous Christmas, free bus travel into Newbury had been offered which had been highly successful and a good model for improving the use and raising the profile of bus travel.

RESOLVED that: Executive

- Approve the prepared Enhanced Partnership Plan and Scheme as set out in Appendix C.
- Agree to 'making' the Enhanced Partnership with local bus operators by 01 April 2022.

Other options considered:

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- Council could withdraw from their plans to make an Enhanced Partnership. This would, however, result in the ending of all Government funding towards our bus services and other transport and highways services (including existing funding streams). As explored in DOD4110, this is not a plausible option given the level of funding (capital and revenue) the Council receive from the Government. The development of an Enhanced Partnership for West Berkshire has also been widely supported by local operators.
- Council could amend the prepared Enhanced Partnership Plan and Scheme, however, this will re-start the operator objection period as detailed in (5.18) and would delay any potential making of the Enhanced Partnership.
- Transport Authorities are given the choice of how they improve their bus services – via an Enhanced Partnership or via Franchising as currently occurs in London. As explored in DOD4110 legislation does not currently allow West Berkshire Council to follow the Franchising model, and in any case, the DfT recommend establishing an Enhanced Partnership first.
- Council could postpone ‘making’ the Enhanced Partnership to a later date (ie beyond 01 April 2022), however, local operators and partners are fully engaged with the process and a delay to establishing the formal partnership would only delay in being able to progress some of the proposed bus service improvements for residents and add to a potential delay in recovery from the pandemic.

83. **Contract Award for Pelham House - Supported Living Service for Adults with a Learning Disability (EX4169)**

Councillor Jo Stewart proposed and introduced the report (Agenda Item 7) which informed the Executive of the tender process and sought authority to award the contract.

Councillor Alan Macro expressed disappointment that the tender criteria for quality was 40% as opposed to the 50% criteria for price. It was noted that the contract award was proposed to the existing provider and assurances as to their quality were requested.

Councillor Stewart understood the premise for the query but reported that the current provider had supplied an excellent service, especially to residents, and that she was fully supportive of the tender outcome.

Councillor Ross Mackinnon commented that he was pleased that the tender process had included a social value criteria, which allowed for the consideration of local economic, social and environmental issues to the process.

Recommendation (Vote to be taken in Part II):

- That Executive resolves to award this contract to the successful bidder as per the agreed process for the procurement of a contract of this value.

Other options considered:

- Do nothing: this would leave multiple vulnerable adults without the care and support they require and would also put them at risk of being homeless. This is a statutory provision.
- Contract extension: the current contract has already been extended so there is no provision to extend the contract further.
- Re-tender a block contract: this would be a bigger financial risk to WBC as we would be liable for a set number of hours which might not always be used.

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- In-house provision: this service would not fit with an existing in-house service provision. External providers should have greater resources to call on to provide flexibility should sickness/leave/demand require this.

84. **Draft Leisure Strategy (EX3888)**

Councillor Howard Woollaston proposed and introduced the Leisure Strategy (Agenda Item 8), thanking Get Berkshire Active and congratulating officers on an excellent piece of work.

It was noted that the report had been reviewed in parallel by the Overview and Scrutiny Management Commission which had submitted its findings two days prior. The recommendations had been included within the supplementary agenda pack, but none were deemed major enough to prevent the Strategy from progressing.

Councillor Somner commented that the proposed new 3G Artificial Grass Pitch (AGP) football pitch at Denefield School was a particular bonus to the area, especially to those in the eastern area of the district.

Councillor Adrian Abbs expressed concern at the 505 consultation response rate from a population of 160,000. He further commented that the Strategy required a lot more detail.

Councillor Woollaston responded that further additional work would be undertaken when creating a delivery plan in the forthcoming months.

In response to a comment that it was hoped that low usage and activity statistics for Theale, Pangbourne and Bradfield would be addressed, Councillor Woollaston agreed that there needed to be more leisure opportunities to the east of the district, but that given the size of the team this would be addressed incrementally and likely towards the middle/end of the decade.

It was acknowledged that whilst there was local objection to the Henwick Worthy site, there were plans for a masterplan to look at the overall use of the site and maximise its benefits. Further there were plans to enhance Thatcham Leisure Centre.

Councillor Dominic Boeck seconded the proposal and welcomed improvements to leisure facilities given how important health and sports activities were to young people.

RESOLVED that: Executive award this contract to the successful bidder as per the agreed process for the procurement of a contract of this value.

Other options considered:

- At the outset, consideration was given to a broader definition of leisure, beyond physical activity but it felt this was addressed by other strategies such as the Cultural Heritage Strategy.
- The production of a broader Physical Activity Strategy, including journey to work/school and school curriculum was also considered but it was felt that this perspective was more appropriately covered at a Berkshire West level through a systems analysis of physical activity, which is currently underway and is anticipated to be completed in early 2023.

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85. **Re-development of Northcroft Lido (EX4159)**

Councillor Woollaston introduced and proposed the report (Agenda Item 9), which presented the results of the public consultation undertaken between July and September 2021 and which sought delegated authority to award the contract for the redevelopment of the Lido at Northcroft Leisure Centre.

Councillor Woollaston noted that without significant investment, the Lido was currently at the end of its economic life. It was hoped that the newly developed Lido would be open for swimming in July 2023 offering a longer swimming season from Easter to September with estimated increased usage from 20,000 to 50,000 visitors a year.

In response to a query relating to inflationary implications, Councillor Woollaston commented that repayments over the 40 year period, including the repayment of capital would be just over £200,000 a year. It was hoped that the increased usage would cover the cost.

Councillor Dillon voiced his group's full support for the re-development scheme.

In seconding the proposals, Councillor Lynne Doherty expressed hope that the Lido would attract visitors from all over the country. It was noted that of the 715 responses to the consultation, 675 had been positive and supportive of the proposed investment. Councillor Doherty acknowledged disappointment that the Lido would not be open this summer but noted that there had been no investment in the pool since 1960, and that the proposed work was investing for long term future usage.

RESOLVED that: Executive

- Delegate authority to the Executive Director – People, in consultation with the Portfolio Holder for Internal Governance, Culture and Leisure to award the call off contract for the redevelopment of the Lido at Northcroft Leisure Centre (to include Access Agreement and Development Management Agreement) under the UK Leisure Framework to Alliance Leisure Services Ltd; and
- Delegate authority to the Service Lead Legal & Democratic Services to enter into Call off contract (to include Access Agreement, Development Management Agreement, and associated agreements) with Alliance Leisure Services Ltd to finalise the terms of the agreement.

Other options considered:

- Continue lido operation as is – from the feedback provided in the technical surveys this would mean a continuation of patch and repair for a period until the lido became inoperable. No timescale can be given for this as it would be dependent upon ground conditions each year. This provides a high risk strategy as the current tank is at the end of its lifecycle.
- To undertake a different procurement strategy. It is likely that alternative procurement routes will require a longer time period and in light of current cost inflation this could significantly increase costs.
- An alternative development strategy could be undertaken that removes the lido completely and replaces this with new outdoor sports facilities or new indoor sports facilities. Potential outdoor facilities could include courts for tennis, netball, basketball and football. Indoor facilities could include provision for table tennis, martial

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arts/combat sports, weightlifting, or a range of disability sports. (e.g. Boccia, Power Chair Football, archery).

86. **Update on Future Working Arrangements for the Public Protection Partnership (EX4174)**

Councillor Hilary Cole introduced the report (Agenda Item 10) which asked the Executive to consider the resourcing, branding and governance arrangements for the new bilateral partnership between Bracknell Forest Council and West Berkshire Council following the successful conclusion of the negotiations with Wokingham Borough Council who were exiting the Public Protection Partnership (PPP). The report also informed members about the mechanism, funding and management of the services that Wokingham BC would be commissioning from the PPP.

Approval was also being sought from the Executive of the settlement sum payable by Wokingham BC due to their early termination of the Inter Authority Agreement as detailed within Part II report.

In proposing the report Councillor Ross Mackinnon also proposed an amendment to the recommendation before Executive, to 'APPROVE the proposed governance arrangements for the new bilateral service. NOTE that Full Council will also be asked to approve at the Annual Meeting'.

Cllr Doherty seconded the report and amendment.

Cllr Abbs commented that he felt Wokingham BC were making a mistake and requested assurance that their departure would not cost West Berkshire Council anything.

Recommendation (Vote to be taken in Part II):

- APPROVE the settlement sum of £416,681, payable by Wokingham Borough Council associated with the termination of the Inter Authority Agreement and to delegate authority to Service Lead – Legal & Democratic Services to enter into a settlement agreement with Wokingham Borough Council in this connection.
- DELEGATE authority to the Public Protection Manager to conclude negotiations on the future arrangement with Wokingham Borough Council for the provision of trading standards and other services and delegate authority to the Service Lead Legal & Democratic Services to finalise and enter into an Inter-Authority Agreement (IAA).
- DELEGATE authority to Executive Director – Place to conclude negotiations on the revised form of Inter Authority Agreement (IAA) with Bracknell Forest Council reflecting the Agreed Percentages of 60% West Berkshire and 40% Bracknell Forest and to delegate authority to the Service Lead Legal & Democratic Services to finalise and enter into an amended IAA on similar terms to the existing IAA.
- APPROVE the revised branding for inclusion in the amended Inter Authority Agreement.
- APPROVE the proposed governance arrangements for the new bilateral service.
- NOTE that Full Council will also be asked to approve at the Annual meeting.

87. **Capital Financial Performance Report Quarter Three 2021/22 (EX4017)**

Councillor Mackinnon proposed and introduced the report (Agenda Item 11), which presented the forecast outturn position for the 2021/22 financial year as at Quarter Three. He highlighted a projected capital expenditure for the year of £42.3M, with a forecast underspend of £11.7M against a revised capital budget.

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In response to requests for further detail, Councillor Mackinnon agreed to seek specific details as to how much of the £54M capital programme budget would be actually allocated at the year end, and to seek further details in relation to the commuted spend and commentary in relation to an impact assessment on residents of not spending.

Cllr Macro noted that a proposed noise investigation of Theale bypass had been reprofiled for the second year in a row. It was requested that the funds not be reprofiled again and that the work be actioned.

Cllr Boeck seconded the report and assured members that the underspend in Education Services would not impact places being provided for children.

RESOLVED that: Executive note the report and approve the proposed reprofiling of £10.9 million of future expenditure from 2021/22 into financial year 2022/23.

No other options were considered.

88. **2021/22 Performance Report Quarter Three (EX4002)**

Councillor Woollaston proposed and introduced the report (Agenda Item 12), which sought to provide assurance that the core business and Council priorities for improvement measures in the Council Strategy were being managed effectively. The report highlighted successes relating to the delivery of core business areas and priorities for improvement. The report also highlighted the small number of cases where performance had fallen below the expected level, the remedial action taken as a result of that action and the impact of that action.

Councillor Woollaston reminded members that the figures related to Q3 and consequently did not reflect the war in Ukraine and ensuing impact on energy costs.

Councillor Stewart commented that in relation to Adult Social Care, the charts were marked 'provisional' as they required Department of Health and Social Care validation. Further, the care home measure that was rated 'Good' in the report would be downgraded in Q4 to reflect the recent CQC inspection of Birchwood care home.

Councillor Dillon congratulated officers for getting so close to target in relation to processing benefit payments.

In response to concerns raised in relation to the rise in domestic abuse incidents from Q2 to Q3, Councillor Bridgman responded that a lot of work was being undertaken to support victims.

Further, Councillor Doherty added that an increase in referrals could sometimes be regarded as positive as it reflected that more people were reporting on the basis of higher profile and publicity.

Councillor Mackinnon clarified that in relation to the 2021/22 Performance Report Quarter Three chart, the 'Council Tax collected' rating, would remain Red until Q4 as it reflected the cumulative amount collected throughout the year. He expressed confidence that the target would be met in Q4.

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RESOLVED that: Executive note the progress made in delivering the Council Strategy Delivery Plan 2019-2023, maintained strong performance for the core business areas, good results for the majority of the measures relating to the council's priorities for improvement, and remedial actions taken where performance is below target.

No other options were considered.

89. **Berkshire Digital Infrastructure Group - Collaboration Agreement**

Councillor Woollaston introduced and proposed the report (Agenda Item 13), which sought delegated authority for the Chief Executive to enter into a Collaboration Agreement to forward the objectives of the Berkshire Digital Infrastructure Group (DIG). The DIG held responsibility for improving access to digital infrastructure across Berkshire, including the Superfast Berkshire project. The Collaboration Agreement was required in order to draw down funding recently awarded via a successful bid to the Department of Culture, Media and Sports (DCMS).

Councillor Woollaston further proposed an amendment to the recommendation to remove reference to the Thames Valley Berkshire Local Enterprise Partnership.

Councillor Somner seconded the amendment.

Councillor Ardagh-Walter fully endorsed the paper, commenting that the scheme was a good thing for WBC to be participating in and offered huge opportunities in reducing bureaucracy and improving the digital environment.

Councillor Abbs referred to the small percentage of homes that still had very low broadband capacity. Councillor Woollaston responded that West Berkshire was currently at 99% superfast broadband coverage and that teams were constantly working to improve this.

It was clarified that the work on the agreement had already commenced.

Councillor Somner seconded the report and added that in a fast moving industry it was important to allow for swift movement wherever possible.

RESOLVED that: Executive delegate authority to the Chief Executive to enter into a Collaboration Agreement with the other five Berkshire Authorities to forward the objectives of the Berkshire Digital Infrastructure Group and further associated agreements as appropriate.

Other options considered: Executive could decide not to enter into the Collaboration Agreement. However, the signing of the Collaboration Agreement by all parties is the only way to unlock the £500,000 allocated by DCMS for the DCIA Pilot Project and enable the project to proceed. Without this in place, the grant funding will be lost and the project will not proceed. In addition, the lack of a Collaboration Agreement is likely to have an adverse impact on future funding bids.

90. **Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

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- L) A question standing in the name of Councillor Carlyne Culver on the subject of the Household Support grant was answered by the Portfolio Holder for Housing, Strategic Partnerships and Transformation.
- M) A question standing in the name of Councillor Tony Vickers on the subject of the 2020 Housing Strategy was answered by the Portfolio Holder for Housing, Strategic Partnerships and Transformation.
- N) A question standing in the name of Councillor Lee Dillon on the subject of the government backed Council tax grant was answered by the Portfolio Holder for Finance and Economic Development.
- O) A question standing in the name of Councillor Alan Macro on the subject of the Council's care homes was answered by the Portfolio Holder for Adult Social Care.
- P) A question standing in the name of Councillor Adrian Abbs on the subject of the Leisure Strategy was answered by the Portfolio Holder for Planning, Transport and Countryside.
- Q) A question standing in the name of Councillor Erik Pattenden on the subject of electively home educated children was answered by the Portfolio Holder for Children, Young People and Education.

91. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

92. Contract Award for Pelham House - Supported Living Service for Adults with a Learning Disability (EX4169)

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

(Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

The Executive considered an exempt report (Agenda Item 16), concerning the contract award for Pelham House.

RESOLVED that: the recommendations in the exempt report be agreed.

Other options considered:

- Do nothing – this would leave multiple vulnerable adults without the care and support they require and would also put them at risk of being homeless. This is a statutory provision.
- Contract extension – the current contract has already been extended so there is no provision to extend the contract further.
- Re-tender a block contract – this would be a bigger financial risk to WBC as we would be liable for a set number of hours which might not always be used.
- In-house provision – this service would not fit with an existing in-house service provision. External providers should have greater resources to call on to provide flexibility should sickness/leave/demand require this.

93. Update on Future Working Arrangements for the Public Protection Partnership (EX4174)

(Paragraph 3 – Information relating to financial/business affairs of particular person.)

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The Executive considered an exempt report (Agenda Item 17), concerning the future working arrangements for the Public Protection Partnership.

RESOLVED that: the recommendations in the exempt report be agreed.

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

(The meeting commenced at 5.00 pm and closed at 7.15 pm)

A handwritten signature in black ink, appearing to be 'M. D.', is centered in the document.

CHAIRMAN

Date of Signature

9 June 2022