

# **EXECUTIVE**

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

### **THURSDAY 25 JULY 2024**

**Councillors Present:** Jeff Brooks (Chairman), Patrick Clark, Heather Codling, Iain Cottingham, Nigel Foot, Denise Gaines (Vice-Chairman), Stuart Gourley, Louise Sturgess and Vicky Poole

**Also Present:** Councillors Ross Mackinnon, Dominic Boeck, Richard Somner, Jo Stewart, Howard Wollaston, David Marsh, Carolyn Culver and Clive Hooker

**Officers Present:** Melanie Booth (Group Executive), Sam Chiverton (Democratic Services Officer Apprentice), Sarah Clarke (Service Director – Strategy and Governance), Paul Coe (Executive Director – Adult Social Care), AnnMarie Dodds (Executive Director – Children and Family Services), Joseph Holmes (Executive Director - Resources), Clare Lawrence (Executive Director – Place), Nigel Lynn (Chief Executive), and Sadie Owen (Principal Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillors Lee Dillon and Adrian Abbs

## **PART I**

### **1. Opening Statement**

The Leader of the Council made an opening statement on the decision of the Schools Forum to pass back money from some of the maintained School's reserves to the Council.

Questions were then allowed from members of the Opposition. The full statement and question and answer session can be viewed on the meeting recording: <https://youtu.be/xizpFBLPu9Q?t=50>.

### **2. Minutes**

Councillor Justin Pemberton was welcomed as a new member of the Executive replacing Councillor Lee Dillon with the Portfolio for Public Safety and Community Engagement. Councillor Ross Mackinnon congratulated Councillor Pemberton on his appointment.

The Minutes of the meeting held on 25 July 2024 were approved as a true and correct record and signed by the Leader.

### **3. Declarations of Interest**

Councillors Jeff Brooks, Iain Cottingham and Justin Pemberton declared a non prejudicial interest in Agenda Item 12 as Thatcham Town Councillors.

### **4. Public Questions**

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

### **5. Petitions**

There were no petitions presented to the Executive.

### **6. Budgeting Approach - 2025 onwards (EX4561)**

Councillor Iain Cottingham introduced a report (Agenda Item 6), which set out to the Executive the process for the delivery of the 2025-26 budget papers.

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It was reported that the Council would be moving towards activity-based budgeting methodology. Councillor Cottingham suggested that such an approach was better for decision making, would review outputs to drive costs, would increase the ability for cross departmental budget collaboration and would allow improved data-based decisions in relation to the revenue budget.

Councillor Cottingham reported that from a Capital expenditure perspective the Council would move towards a zero-based budgeting approach.

Councillor Ross Mackinnon wished the Executive luck with the new approach.

Councillor David Marsh referred to section 5.3 (c) of the report and queried how concerned the Council should be in relation to the High Needs Block deficit. Councillor Cottingham speculated that on the balance of probabilities the new government may call in the debt which would lead to financial difficulties for the Council.

**RESOLVED that:** Executive noted the report

### 7. **Capital Financing Performance Report - Outturn Financial Year 2023/24 (EX4524)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 7), which updated on the under or overspends against the Council's approved capital budget and proposed reprofiling of planned expenditure into subsequent financial years.

Councillor Denise Gaines seconded the recommendations within the report.

**RESOLVED that:** Executive note

- The provisional outturn underspend against the 2023/24 capital programme of £47.7 million.
- The impact of required capital financing on the Council's Capital Financing Requirement (CFR) and liability benchmark which identifies the Council as a long-term borrower of funding. (Appendix C).
- £13.6 million of planned expenditure to be reprofiled into financial year 2024/25 (project details in Appendix B).
- £1.7 million of funding proposed to be brought forward from approved expenditure from financial year 2024/25 into financial year 2023/24 (project details in Appendix B).

### 8. **2023/24 Revenue Financial Performance: Provisional Outturn (EX4523)**

Councillor Iain Cottingham introduced a report (Agenda Item 8), which provided an update on the financial performance of the Council's revenue budgets.

It was noted that at the end of the financial year there was a reduced overspend of £3.1 million, with a provisional general fund reserve of £4 million, which equated to approximately eight days of spend. Councillor Cottingham acknowledged that this figure needed to be at least doubled in order to provide some level of financial security.

Councillor Cottingham thanked all of the budget holders within the organisation for working so hard to reach the current position.

Councillor Ross Mackinnon commended the reduced overspend but suggested that equating the amount of reserves to days did not work in the public sector, as there could always be reliance on payment of Council tax.

**RESOLVED that:** Executive

- Note the provisional management accounting outturn of £3.1m overspend, a reduction of £0.15m from Quarter Three.

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- Note the continuation of Financial Review Panel (FRP) meeting weekly to ensure the spending limits are being adhered to and to monitor the measures around recruitment, staffing and agency.

### 9. **Care Quality Commission Local Authority Assessment 2024 (EX4531)**

Councillor Patrick Clark introduced and proposed a report (Agenda item 9) which provided an update on the recent Care Quality Commission's (CQC) Local Authority Assessment in West Berkshire. The CQC had awarded the Council a rating of 'Good'.

Councillor Jo Stewart thanked officers for their work to achieve such a rating.

Referring to action 12 of the action plan, Councillor Stewart queried how the service aimed to manage the balance to be more innovative, against the ongoing budget pressures. Councillor Clark acknowledged that innovation could be costly but hoped that it would also save money in the long term. It was reported that a variety of different measures were being investigated, including improved IT equipment for frontline staff and implementing AI.

Councillor Nigel Foot added that there were innovative ideas stemming from the libraries service, including home deliveries and library hubs.

Councillor Stewart referred to action 17 and the emphasis on co-production, which Councillor Stewart suggested had been de-valued by the Council in recent years. Councillor Clark acknowledged the value of co-production and felt that it was an area that required greater investigation and energy in the future.

Councillor Stewart referred to action 18 and the requirement to enhance data relating to smaller communities and isolated groups and queried the optimistic target date of January 2025. Councillor Clark clarified that the target date was optimistic, and it was not anticipated that all the data deficiencies would be resolved by that date.

#### **RESOLVED that:**

Adult Social Care (ASC) leads work to deliver the following actions:

- Develop and implement an action plan to progress issues identified through the assurance process. The plan will include engagement with relevant colleagues including Commissioning & Procurement, Human Resources, Digital and the Equality, Diversity and Inclusion Lead.
- Incorporate CQC feedback into the updated ASC Strategy

### 10. **Contracts for Award under Delegated Authority from Executive (EX4562)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 10), which provided details of forthcoming supply, service and works contract awards that would have a contract value in excess of £2.5m and as such would require approval from Executive during the next quarter.

Councillor Richard Sumner was pleased to see the progress of the Grazeley Solar Farm but requested that the name be changed to reflect its location in Bloomfield Hatch.

Councillor Jeff Brooks seconded the recommendation within the report.

#### **Recommendation (Vote to be taken in Part II):**

- Executive delegate authority to an individual (Service Director) to proceed with the award of the contracts in table 4.5 in consultation with the Portfolio Holder, following the completion of the appropriate procurement process and Procurement Board approval of a Contract Award report.

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### 11. **Local Government Association Corporate Peer Challenge 2024 - West Berkshire (EX4568)**

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 11), which presented the action plan in response to the recommendations from the Local Government Association (LGA) Corporate Peer Challenge for West Berkshire Council.

Councillor Heather Codling noted that an aspect of item 11 on the Action Plan and co-production of a SEND and Inclusion Strategy had already been completed and was present on the meeting's agenda as item 15.

Councillor Dominic Boeck noted that there had been a significant churn of Executive members and suggested that stability would be an advantage. Councillor Brooks responded that he was very happy and proud of his professional team which would be undertaking ongoing training.

Councillor Denise Gaines agreed with Councillor Brooks and expressed her pride at being a member of the Executive. Councillor Gaines reported that Portfolio Holders were working very closely with the senior leadership team and working well as an organisation and seconded the recommendation within the report.

**RESOLVED that:** Executive

- Approve the actions that are being taken to address the recommendations within the LGA Corporate Peer Challenge Report.

### 12. **Dunstan Park - Land clawback (EX4550)**

Councillor Iain Cottingham acknowledged his interest as a member of Thatcham Town Council and resident living close to Dunstan Park and introduced and proposed a report (Agenda Item 12), which sought approval for West Berkshire Council (foregoing its clawback right), to agree the disposal of part of Dunstan Park site by Thatcham Town Council to West Berkshire Therapy Centre.

Councillor Richard Sumner referred to covenant 4.2(a) of the report and sought assurance that the facility would be available to all West Berkshire residents and not just Thatcham Town. Councillor Jeff Brooks provided an assurance that the facility would be available to all members of the district, with a fee for wider area use.

Councillor Ross Mackinnon queried the value of the financial income of the clawback that the Council was proposing to forego. Councillor Cottingham agreed to respond in Part II of the meeting due to the disclosure of commercially sensitive information. Councillor Mackinnon queried how the Council waiving clawback, could be justified to schools facing clawback. Councillor Brooks commented that the Council needed to provide health and support across the entire district.

Councillor Jeff Brooks seconded the recommendation within the report.

**RESOLVED that:**

- Executive resolves to grant delegate authority to the Service Lead for Legal and Democratic Services having consulted with the Service Director Finance to agree the disposal between TTC and WBTC and to forego its clawback right contained within the land transfer linked specifically to the disposal to the West Berkshire Therapy Centre (WBTC) for the purposes of the development of a new hydrotherapy centre on the site.

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### 13. Home to School Transport Policy 2025/26 (EX4528)

Councillor Heather Codling introduced and proposed a report (Agenda Item 13), which introduced the proposed Home to School Transport policy for the academic year 2025/26. It was reported that it was the firstly time that the Policy had been reviewed since 2018, and amendments related to simplification and accessibility.

Councillor Dominic Boeck referred to section 5.7 of the report which noted that the Council was making a number of provisions outside its policy and urged for caution in communicating any changes to eligibility to residents and requested that it be significantly in advance of parents making any decisions about choice of schools. Councillor Codling acknowledged that communication would be key.

Councillor Howard Woollaston referred to Lambourn which he suggested was subject to an inequitable application of the policy being located directly in the middle of two separate schools. Councillor Codling responded that it was the Policy that the Council had to work to, and that it was parental choice that if the further school was chosen, then transport would need to be paid.

Councillor Denise Gaines seconded the recommendation within the report

**RESOLVED that:** the Home to School Transport policy for 2025/26 was approved for publication.

### 14. 2023/24 Performance Report - Quarter Four (EX4352)

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 14), which provided assurance that the priority areas in the Council Strategy 2023-2027 were being managed effectively, and where performance had fallen below the expected level, provided information on the remedial action taken and the impact of that action. It was noted that the report had previously been discussed at Scrutiny Commission.

Councillor Brooks commended the report but noted that there were a number of improvements that could be made to the presentation and clarity of information.

Councillor Ross Mackinnon referred to the KPI under the 'Tackling the Climate and Ecological Emergency' priority which stated, 'Confirm plan to phase out the charge on garden waste collection' and commented that the information provided within the public portal was confusing and required far greater clarity.

Councillor Mackinnon further commented that Councillor Stuart Gourley had stated at Scrutiny Commission that 'nobody from the Administration had ever said that the garden waste collection would be phased out by 2027 and that it was an open-ended commitment'. Councillor Brooks agreed with the statement and refused to make a commitment to phase the collection out by 2027.

Councillor Mackinnon referred to the delay to the pedestrianisation of Newbury Town Centre and queried whether the Administration regretted not having undertaken a full consultation in 2023. Councillor Brooks commented that Councillor Gourley would be answering a Member question on the same subject later in the meeting.

Councillor Iain Cottingham seconded the recommendation within the report.

**RESOLVED that:** Executive

- Note the progress made in delivering the Council Strategy Delivery Plan 2023-2027, maintaining a strong outcome for the majority of the measures, and remedial actions taken, where appropriate, where performance is below target.
- In line with the performance management policy, to approve remedial actions, including requests to update/reprofile measures and targets agreed by the Council, to

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help assess performance, pending the Council's approval of the annual refresh of the Delivery Plan.

### 15. **Special Educational Needs & Disability (SEND) and Inclusion Strategy for West Berkshire (EX4565)**

Councillor Heather Codling introduced and proposed a report (Agenda Item 15), which presented a revised SEND and Inclusion Strategy 2024-29. It was accompanied by a detailed Delivery plan addressing the priorities contained in the strategy.

Councillor Codling reported that the Strategy had been produced further to significant co-production and had been developed with six key priorities.

Councillor Dominic Boeck agreed that a lot of good work had been undertaken but noted that the delivery plan still appeared to be in draft format even though a number of target dates were imminent. Councillor Codling responded that it was still in draft form as some further data was required.

Further to a query from Councillor Boeck, it was clarified that those tasks and actions colour coded pink in the delivery plan related to DBV as opposed to the original SEND strategy.

Councillor David Marsh welcomed the report and thanked staff for the SEND work being undertaken across the district. Councillor Marsh referred to a report issued that day by the Local Government Association and County Councils Network which stated that SEND services were overwhelmed and dysfunctional and queried in such an environment how the Strategy would be delivered. Councillor Codling acknowledged that the system was dysfunctional, but that the Council was doing its absolute best to help those affected.

Councillor Richard Somner requested that the delivery plan be properly RAG rated with no inclusion of blue colour coding.

Councillor Denise Gaines seconded the recommendation within the report.

**RESOLVED that:** Executive consider and approve the SEND and Inclusion Strategy 2024-29.

### 16. **Response to the Council Motion on the Bond Riverside Culvert (EX4575)**

Councillor Stuart Gourley introduced and proposed a report (Agenda Item 16), which provided the Executive with further information to allow consideration of a motion presented to Council at its meeting of 26 March in respect of the Bond Riverside culvert.

Councillor Gourley noted that elements of the motion had already been acted upon. He commented that he had given serious consideration to the motion, however noted that there were many residents across West Berkshire that had been affected by flooding in 2023/24 and that all residents should be treated equitably.

Councillor Denise Gaines seconded the recommendation within the report.

**RESOLVED that:** the motion is not taken forward but that some of the principals and aims of the motion be incorporated into the Drainage and Flood Risk capital programme and managed through the Council's existing governance structure.

### 17. **Members' Questions**

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

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**18. Exclusion of Press and Public**

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 6 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.

**19. Contracts for Award under Delegated Authority from Executive (EX4562)**

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

The Executive considered an exempt report (Agenda Item 19) which provided an update to contracts included and referenced in the Agenda Item 10 report.

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

**Other options considered:** approval of a consolidated contract award report is considered the most efficient way of meeting the governance requirements of the Constitution, therefore no alternative proposals are being made.

*(The meeting commenced at 6.00 pm and closed at 8.40 pm)*

**CHAIRMAN** .....

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