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

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 2 NOVEMBER 2023

Councillors Present: Lee Dillon (Chairman), Jeff Brooks, Heather Codling, Martin Colston, Iain Cottingham, Denise Gaines, Stuart Gourley, Janine Lewis, Alan Macro and Tony Vickers

Also Present: Councillors Ross Mackinnon, Dominic Boeck, Howard Woollaston, David Marsh, Carlyne Culver, and Adrian Abbs

Officers Present: 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), Sadie Owen (Principal Democratic Services Officer), Benjamin Ryan (Democratic Services Officer) and Nicola Thomas (Service Lead – Legal & Democratic)

Also Present: Councillor Clive Hooker

Apologies for inability to attend the meeting: Councillors Richard Somner and Jo Stewart

PART I

1. **Apologies for Absence**

Councillor Lee Dillon welcomed the new Executive Director for Children and Family Services, AnnMarie Dodds to her first meeting of Executive.

A minute's silence was held in memory of David and Celia Barlow of Hampstead Norreys who had been murdered by terrorists whilst on honeymoon in Uganda.

Councillor Dillon noted that Councillor Adrian Abbs had become an independent councillor and thanked him for his efforts over the past four and a half years. Councillor Stuart Gourley was welcomed as a new member to the Executive.

Apologies were received from Councillors Richard Somner and Jo Stewart.

2. **Minutes**

The Minutes of the meeting held on 21 September 2023 were approved as a true and correct record and signed by the Leader.

3. **Declarations of Interest**

There were no declarations of interest received.

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. **New Procurement Strategy 2023 -2027 (EX4408)**

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 6) and commended it to the Executive.

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Councillor Lee Dillon noted that some case studies illustrating Social Value had been added to the Strategy.

Councillor Ross Mackinnon commented that the report was very high level and was unlikely to be understood by members of the public. Councillor Brooks responded that the Strategy would be brought to life and made accessible now that the high-level document had been written.

Councillor Mackinnon suggested that the content of the Strategy was light and lacked substance. Councillor Brooks commented that work was monitored at all times, with regular meetings of the Procurement Board and that the Procurement and Commissioning department continued to provide a good service, as had been acknowledged by Councillor Mackinnon when in Administration.

Councillor Adrian Abbs requested that biodiversity be reflected in the Social Value aspect of the Strategy. Councillor Brooks agreed to the request.

Councillor Carolyne Culver referred to the 'Category Management' section of the report and in particular the statement that 'good progress had been made in some of the high spending corporate areas' and requested an example. Councillor Culver further queried whether there was performance management of Council contracts as she was aware of some resident dissatisfaction with the waste and leisure contracts. Councillor Brooks responded that performance would be managed by relevant departments and fed back to the procurement team, and referred to the reduction in agency and temporary staff as an example of an area where progress was being made.

Councillor Dillon seconded the recommendations within the report and commented that where there was concern in relation to a specific contract the Administration would welcome Scrutiny Commission reviewing that contract.

RESOLVED that: Executive

- Review and approve the updated Procurement Strategy.

7. **Environment Strategy Annual Progress Report (EX4450)**

Councillor Lee Dillon clarified that the report had been incorrectly marked as 'to note' but would require a vote to approve the proposed actions detailed within the recommendations.

Councillor Stuart Gourley introduced and proposed a report (Agenda Item 6) and echoed the thanks of Councillor Dillon to Councillor Adrian Abbs. Councillor Gourley highlighted the fact that good progress was being made on the delivery plan and in reaching net zero as a Council by 2030. Councillor Gourley noted that the Climate Emergency Declaration had recently been enhanced, that a new sustainability impact tool would be introduced in the near future and that a new blue and green infrastructure framework was being developed. Councillor Gourley commented that he was keen to receive ideas and to engage with stakeholders across West Berkshire to continue to improve the district and make West Berkshire a cleaner and greener, more prosperous area to live and work.

Councillor Ross Mackinnon congratulated Councillor Gourley on his appointment and queried how many of the actions detailed under section 2(b) of the report were currently being undertaken and how many were new. Councillor Gourley responded that declaring an ecological emergency was new but that many of the others were already in place or being updated.

Councillor Mackinnon suggested that former Councillors Steve Ardagh-Walter and Lynne Doherty should have also been recognised for their work and progress made in relation

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to the Environment Strategy. Councillor Mackinnon referred to page 9 of the annual progress report and noted that 16% and 88% when added together equated to more than 100% and requested an explanation. Councillor Gourley agreed to investigate and revert to Councillor Mackinnon.

Councillor Dominic Boeck congratulated Councillor Gourley on his appointment and noted that there were a number of errors throughout the report, and agenda, noting section 5.5 which had omitted the word 'centre'.

In response to a query from Councillor Boeck, Councillor Gourley explained that green and blue infrastructure referred to rivers and green open spaces and that a framework was being developed to help manage and maintain them as assets for the district.

Councillor David Marsh welcomed Councillor Gourley to his role and commented that there did not appear to be any mention of traffic free zones as had been outlined in the Administration's manifesto. Councillor Gourley assured Councillor Marsh that the Administration was still committed to the pledge but that it was likely that it would appear in a Transport Strategy.

Councillor Adrian Abbs requested that the Progress Report contain some illustrative graphs.

Councillor Carlyne Culver congratulated Councillor Gourley on his appointment and thanked Councillor Abbs and officers for all their work. Councillor Culver referred to Steve Ardagh-Walter's previous 'Draft Busters' initiative and urged the Administration to also support the scheme. Referring to the ten sites identified to receive solar PV, Councillor Culver requested that care homes also be included within the scheme.

In response to a query, Councillor Gourley reported that the Rural England Prosperity Fund Business Grant Scheme would be decided by an Individual Executive Member Decision the following month.

Councillor Gourley agreed to revert to Councillor Culver in relation to the number of successful applicants that would be proceeding with the Solar Together initiative.

Councillor Martin Colston seconded the recommendations within the report.

RESOLVED that: Executive

- Note the Annual Progress Report on the Environment Strategy (as included in Appendix C) and agree its publication on the Council's website, and
- Consider and agree the following actions which were set out in support of the declaration of an ecological emergency (at the Full Council meeting held on 5th October 2023):
 - Ensure the Environment Strategy and the Environment Strategy Delivery Plan emphasise the importance of ecological protection alongside Net Zero. *This will be achieved through an update of the Environment Strategy and associated Delivery Plan as set out in the new Council Strategy.*
 - Work with local authorities and other partners in the development of a Local Nature Recovery Strategy for Berkshire ensuring the opportunities for biodiversity protection and recovery in West Berkshire are maximised.
 - Introduce a 'Sustainability impact assessment tool'. This will ensure ecological, climate and other sustainability priorities such as health and wellbeing are at the forefront of the decision making and project planning processes within the Council.
 - Develop a Green and Blue Infrastructure framework for the Council to highlight our priorities for ensuring the environment is managed for biodiversity and our residents.

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- Work with residents and campaign groups to encourage action for nature, by promoting relevant initiatives using council communication channels and public education opportunities.

The above actions will form part of the Environment Strategy Delivery Plan. Monitoring of progress will be included in the Annual Progress Reports published each autumn.

8. **Review of the Newbury Sports Hub Development (EX4449)**

Councillor Janine Lewis introduced and proposed a report (Agenda Item 8), noting that the Sports Hub project was closed but that an annual Stage E Review of the Playing Pitch Strategy would be undertaken and that its findings would be used to inform the future provision of playing pitches in West Berkshire, including potential pitch provision at the identified Sports Hub site.

Councillor Iain Cottingham seconded the recommendations within the report.

Councillor Ross Mackinnon suggested that residents could have been using a great facility at the Sports Hub had it not been for a failed judicial review funded and encouraged by Liberal Democrat members, and suggested that the Administration was wasting money by installing a grass pitch at Faraday Road which was likely to be ripped up and replaced with a 3G stadium at a later date.

Councillor Lee Dillon explained that the costs of the new sports facility would be funded through grants, there would be no rental fee payable to a third party and that there were ambitious plans for Bond Riverside to deliver economic and residential benefits.

Councillor David Marsh noted the huge amount of time and money that had been wasted on the project and commented that he strongly supported the report. Councillor Marsh suggested that the Administration would need to undo the reputational damage caused to the Council by the decisions made by the Western Area Planning Committee and District Planning Committee which had been unconstitutional.

On the request of Councillor Dillon, Councillor Marsh withdrew this comment.

Councillor Howard Woollaston expressed disappointment that a scheme which would have allowed for up to eighty hours of community sport a week was being stopped, particularly when compared with the facility at Faraday Road which only allowed for six hours of play a week, had no facilities and only minimal parking. He commented that demand for pitches was at an all-time high and urged the Executive to reject the report and proceed with the scheme.

Councillor Adrian Abbs acknowledged that he had made a donation to help fund football in general rather than a specific court case but noted that the money had not been used.

Councillor Abbs commented that very few residents within his ward had wanted the Sports Hub, however recognised that the Rugby Club was a benefit to the community and that the possibility of an all-weather pitch there would be desirable.

As Chair of Scrutiny Commission, Councillor Carlyne Culver thanked officers for providing the information requested at the Scrutiny Commission meeting and noted that the Scrutiny Commission would be reviewing the current report at its meeting on 28 November. Councillor Culver commented that she had grave concerns about the decisions made by previous planning committees and suggested that lessons should be learned as there were a number of contradictions and inconsistencies in past papers relating to the Sports Hub.

Nicola Thomas, Service Lead (Legal and Democratic) clarified that the process adopted by Western Area Planning Committee had been in no way unconstitutional and that the planning approval had been approved in accordance with legislation.

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RESOLVED that: Executive

- Considers the evidence provided in answer to the questions of the Scrutiny Commission.
- Notes the financial implications associated with progressing or not progressing the project, with particular reference to the impact on the revenue account.
- Notes that it is proposed that a new annual Stage E review of the Playing Pitch Strategy (PPS) will be undertaken imminently, and this will provide up-to-date data, with regard to the supply and demand of playing pitches in West Berkshire. This review will inform the refresh of the PPS Action Plan.
- In line with the Council Strategy, created by the new administration, and the changing financial environment, it is recommended that the Sports Hub project is closed, in its current proposed form. Pitch provision at the identified site could remain under consideration as part of the refresh of the PPS Action Plan, following the Stage E Review, and the findings of the review will be used to inform the future provision of playing pitches in West Berkshire.

9. Response to Council Motion on 20mph Speed Limits (EX4435)

Councillor Denise Gaines introduced and proposed a report (Agenda Item 9), which had been written in response to a motion proposed by Councillor Adrian Abbs at Council on 23 March 2023. It was noted that the motion was not approved in its original form but with some amendments due to resourcing issues.

Councillor Alan Macro welcomed the selection of Theale as a pilot scheme but noted that it was a village and not a town.

Councillor Adrian Abbs commented that residents wanted control and that if over 50% of a street wanted a reduced speed limit, then it should be granted. Councillor Gaines responded that speed limits would not be imposed without consultation and would always be based on the agreement of more than 50% of the local residents. It was noted that it was not always possible to impose 20mph limits outside schools due to the type of road in which they were located.

Councillor Ross Mackinnon commended the report and recommendations as set out.

Councillor Dominic Boeck observed that there needed to be pragmatism and that expectations should not be that speed limits of 20 mph would provide a blanket solution. He suggested that there should be general encouragement of all motorists to abide by the existing speed limits.

Councillor David Marsh commended the author of the report but suggested that roads outside schools should be a priority, regardless of their type and appealed for consistency.

Councillor Howard Woollaston welcomed the report and asked that Lambourn be considered for a scheme.

Councillor Carolyn Culver noted that a large number of complaints received from residents related to speeding and welcomed the report, requesting more urgency in implementing the recommendations. Councillor Gaines noted that whilst it would be desirable to impose limits to a variety of areas, there were financial implications that would affect the process.

Councillor Tony Vickers seconded the recommendations within the report.

Councillor Lee Dillon encouraged all members that were interested in 20mph zones to contact the Transport Advisory Group.

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RESOLVED that:

- New criteria for 20mph speed limits or 20mph zones are agreed with members over the course of the current financial year.
- Following an initial pilot scheme in Theale and adoption of the new criteria, Officers produce a detailed cost estimate for rolling out 20mph speed limits as described in paragraphs 5.18 to 5.22 and prepare a capital funding bid accordingly, with a view to implementing 20mph speed limits on roads which meet the new criteria over the course of the following 3-4 years, or as finances allow;
- The Executive considers the future role of the Speed Limit Task Group;
- The Executive and the Senior Leadership Team support a Constitutional change to remove the requirement for a formal Councillor resolution in order for Officers to be permitted to advertise Traffic Regulation Orders.

10. **Contracts for Award Under Delegated Authority from Executive (EX4407)**

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 10), which related to only one contract, for Supported Living Schemes and Floating Support Services for Adults with Learning Disabilities and/or Autism and noted that whilst authority for the decision was being delegated, there would be thorough scrutiny throughout the tender and procurement process.

Councillor Alan Macro seconded the recommendations within the report.

Nicola Thomas clarified that the recommendation being considered should read: 'Executive to delegate authority to an individual (Service Lead or Service Director) to proceed with the award of the contract in table [4.7] in consultation with the relevant Portfolio Holders, the s.151 Officer and Monitoring Officer following the completion of the appropriate tender process and Procurement Board approval of a Contract Award report'.

Councillor Ross Mackinnon commented that the level of detail available to opposition Members and the public was limited and so that he hoped that the Executive had scrutinised the contract appropriately.

Recommendation (Vote to be taken in Part II):

Executive to delegate authority to an individual (Service Lead or Service Director) to proceed with the award of the contract in table [4.7] in consultation with the relevant Portfolio Holders, the s.151 Officer and Monitoring Officer following the completion of the appropriate tender process and Procurement Board approval of a Contract Award report.

11. **Night Warden Service (EX4456)**

Councillor Alan Macro introduced and proposed a report (Agenda Item 11), noting that whilst it was not pleasant to have to propose the closure of a service, the Night Warden Service was expensive and supported only very few residents. It was highlighted that there were no clients currently using the service as they were all being supported in alternative, more cost-effective manners.

Councillor Ross Mackinnon commented that the report suggested that there were still some clients using the service. Councillor Macro clarified that information received that day confirmed that there were no longer any clients.

Councillor Mackinnon queried whether there should have been a more widespread consultation. Councillor Macro responded that he was happy with the level of consultation that had been undertaken.

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Councillor Dominic Boeck queried what would happen if there were future clients whose needs could not be met by alternative options. Councillor Macro responded that the report outlined several alternative options to cater for their needs.

Recommendation (Vote to be taken in Part II):

- To proceed with de-commissioning the service to achieve in year financial savings and financial savings in 2024/25.
- To authorise the payment of redundancy costs, in the event that it is not possible to redeploy staff.

12. **Property Investment Strategy Review (EX4402)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 12), which recommended disinvestment from the commercial property portfolio over the medium financial term in order to generate capital receipts, due to the financial difficulties facing the Council. Councillor Cottingham referred to the Government urging local authorities not to take excessive risk with taxpayers' money and commented that this was such a risk and hence the proposal to disinvest.

Whilst Councillor Ross Mackinnon recognised the logic of the proposal, he suggested that capital values were currently at their lowest since the commercial property portfolio had been established and suggested that it was madness to consider selling at the bottom of the market. Further Councillor Mackinnon suggested that the numbers detailed within the table at section 7.3 of the report appeared to be incorrect, as they suggested annual savings of £6.9m, which did not seem feasible given current interest rates.

Councillor Cottingham clarified that the Executive was not proposing a 'fire sale' but would be following a phased approach and utilising some of the capital towards transformation.

Joseph Holmes, Executive Director (Resources), clarified that the Minimum Revenue Provision (MRP) amount represented the cumulative amount over three years and that the table detailed the net value of £1.3m per annum. It was explained that it was a cumulative amount rather than annual sum. Councillor Mackinnon suggested that the table was incorrect as it was not possible to save £6.9m annually when the balance was only £51m, and further suggested that without clarification the Executive should not vote on the paper.

Councillor Cottingham commented that the Executive were voting on the strategy to divest in principle with particular reference to one asset rather than to all of the assets.

Councillor Mackinnon commented that the Executive had been commercially inept in publishing the value of the assets and should have retained the information as confidential. Councillor Cottingham commented that the valuations had been produced by third party consultants, provided only an indication and a book value estimate and would be easily accessible on the internet anyway.

Councillor David Marsh commented that he had always opposed the concept of the commercial property portfolio and felt that it was the wrong way to invest money, and that there was no social value to West Berkshire to continue with the investment.

Councillor Howard Woollaston commented that he understood the rationale of disposing of assets to fund the Council's capital account however questioned the timing given the particularly poor market. Councillor Woollaston requested that there be clear timescales as to when capital was specifically required, with an appropriate schedule to sell accordingly. Councillor Cottingham repeated that the process would not be a 'fire sale' and that the Executive were aware of the need to obtain the best possible value for the

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residents of West Berkshire, however noted that sale of the property was one of the few levers available to the Executive to balance the budget.

Councillor Boeck reminded Members that the Liberal Democrats had supported the strategy to invest in commercial property throughout. Councillor Dillon clarified that he had also requested that there be investment in Social Housing, but that he was now in favour of disinvesting in order to minimise the risks to the Council.

Councillor Jeff Brooks seconded the recommendations within the report and commented that there would not be an actual loss in the sale of the property and that it was the best option to minimise the financial risk to the Council.

Recommendation (Vote to be taken in Part II):

- The Council disinvests from the commercial property portfolio over the medium financial term (MTFS) in order to generate capital receipts.
- Resulting capital receipts should be applied to future capital financing of the approved capital programme and agreed transformation projects with a view to generating longer term revenue savings.
- Approve the proposed disposal in the Part Two appendix E.

13. **The future of West Street House (EX4319)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 13) which outlined the options available for the future of the West Street House site.

Councillor Howard Woollaston suggested that it would be a waste of taxpayers money to attempt to improve the EPC rating sufficiently to enable a commercial lease of the property. Councillor Woollaston suggested that the best value for money would be obtained by submitting a pre-application to indicate the demolition and redevelopment of the property.

Councillor Adrian Abbs suggested that the option to convert the property into residential units and then use as affordable housing appeared to be missing from the options outlined.

Councillor Jeff Brooks seconded the recommendations within the report noting the level of flexibility available within the options outlined.

Recommendation (Vote to be taken in Part II):

To resolve to delegate to the Executive Director of Resources, having consulted the Executive Portfolio Holder for Finance and Corporate Services:

- (a) Place WSH on the open market for the sale of the freehold of the asset, in its current condition, use (office) and with vacant possession;
- (b) To run in parallel an exercise to submit a pre-application to offer a strong indication of the potential for the demolition of WSH and redevelopment;
- (c) In circumstances where the freehold sale is proving to be prolonged, and the pre-application offers positive outcome, WBC to:
 - obtain planning consent for demolition and redevelopment for residential use;
 - then proceed with the demolition of WSH;
 - then place WSH on the open market as a vacant brownfield development site with consent attached for residential development.

14. **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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15. 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 1, 2,3, 4 and 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.

16. Contracts for Award Under Delegated Authority from Executive Board (EX4407)

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

The Executive considered an exempt report (Agenda Item 16) 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 the Executive during the next quarter.

RESOLVED that the recommendations in the exempt report be agreed.

Other options considered: the 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.

17. Night Warden Service (EX4456)

(Paragraph 1 – information relating to an individual, Paragraph 2 – information identifying an individual, Paragraph 3– information relating to financial/business affairs of a particular person and Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)

The Executive considered an exempt report (Agenda Item 17) concerning the proposed de-commissioning of the Night Warden Service, noting potential staff redundancy costs associated with ceasing the service and the responses from the consultation exercise with staff and service users.

RESOLVED that the recommendations in the exempt report be agreed.

Other options considered: to continue as we are and do nothing.

18. Property Investment Strategy (EX4402)

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

The Executive considered an exempt report (Agenda Item 18) seeking approval to dispose of a specific property purchased in 2018 as part of the Property Investment Strategy.

RESOLVED that the recommendation in the exempt report be agreed.

Other options considered: to do nothing. For the reasons detailed within the report this is not recommended.

19. The future of West Street House (EX4319)

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

The Executive considered an exempt report (Agenda Item 19) which outlined the options available for the future of the West Street House site.

RESOLVED that the recommendations in the exempt report be agreed.

Other options considered: as detailed in the exempt report.

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(The meeting commenced at 5.00 pm and closed at 8.00 pm)

CHAIRMAN

Date of Signature