

DRAFT

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

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 14 DECEMBER 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, Richard Somner, Jo Stewart, Howard Woollaston, David Marsh, Carlyne Culver, and Adrian Abbs

Officers Present: Melanie Booth (Group Executive), Sarah Clarke (Service Director – Strategy & Governance), AnnMarie Dodds (Executive Director – Children and Family Services), Melanie Ellis (Acting Head of Finance & Property), 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)

Apologies for inability to attend the meeting: Paul Coe and Joseph Holmes

PART I

1. Minutes

Councillor Carlyne Culver referred to item 7 of the minutes and stated that her comments had been more nuanced than the minutes recorded. Councillor Culver requested that the minutes reflect that she had urged the Administration to be more ambitious than the 'Draught Busters' programme which had resulted in the installation of only two loft hatches.

Further in relation to item 8 of the minutes Councillor Culver noted that she had referred to a range of issues other than planning decisions which caused concern in relation to the Sports Hub development, including the High Court decision, value for money and whether lessons had been learned from the LRIE task and finish group of 2020.

Subject to the above amendments, the Minutes of the meeting held on 2 November 2023 were approved as a true and correct record and signed by the Leader.

The Minutes of the meeting held on 23 November 2023 were approved as a true and correct record and signed by the Leader.

2. Declarations of Interest

There were no declarations of interest received.

3. Public Questions

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

4. Petitions

There were no petitions presented to the Executive.

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5. **Capital Financing Report Financial Year 2023/24 Quarter Two (EX4363)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 6) highlighting the quarter two underspend position of £15.4 million and reprofiling proposals of £10.7 million. Councillor Cottingham noted that the Executive continued to have an ambitious capital programme but currently lacked the resources for full delivery.

Councillor Lee Dillon noted that the report had been thoroughly debated recently by Scrutiny Commission.

In response to a query from Councillor Adrian Abbs, Councillor Cottingham agreed to identify and revert with details of the specific Microsoft core licences referenced within the report.

Councillor Lee Dillon seconded the recommendations within the report.

RESOLVED that:

Members:

- Note the quarter two underspend position of £15.4 million and reprofiling proposals of £10.7 million. Reprofiling proposals are included in appendix C.
- Note the budget changes included in the quarter two position detailed in appendix A, which include revisions for schemes approved by Executive at quarter one as well as other variation to grant funded schemes. The changes result in a net increase in expenditure budgets of £4.4 million and an increase in the Council funded element of the programme of £2.2m million.

Approve the following recommendation:

- The transfer of £164k of software licence costs from the ICT revenue budgets to be added to the cost of the 2023/24 council funded ICT capital programme:

The Council already capitalise core Microsoft licence costs and the recommendation is to adopt a consistent approach for other similar system licence costs. This would require an uplift in council funded capital expenditure in the current financial year of £164k, with ongoing capitalisation to apply in subsequent financial years, as appropriate (appendix B).

6. **2023/24 Revenue Financial Performance Quarter Two (EX4362)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 7) and highlighted that at the end of Quarter Two there had been a reduction in the forecast overspend of £3 million reducing it to £3.3 million. Councillor Cottingham noted that the main pressures were Adult Social Care and Children and Family Services but reported that the recruitment of Executive Director for Children and Family Services, AnnMarie Dodds, had already resulted in increased forensic analysis of the Children and Family Services directorate and improved efficiencies.

It was noted that the report had previously been debated by Scrutiny Commission.

Councillor Ross Mackinnon agreed that it was good to see that the overspend was reducing and queried whether there had been any significant developments since the end of Quarter Two which may impact the forecast. Councillor Cottingham responded that he was not aware of any such developments to which Councillor Mackinnon expressed surprise and referred to the Administration's forthcoming meeting to approve withdrawal of the Local Plan. Councillor Cottingham explained that any impact from the decision would not affect the finances until the 2024/25 financial year.

Councillor Lee Dillon seconded the recommendations within the report.

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RESOLVED that: Executive

- Note the £3.3m forecast overspend, a reduction of £3m from Quarter One.
- Note the implementation of measures included in the report around recruitment, staffing and agency.
- Note the continuation of Financial Review Panel (FRP) meeting weekly to ensure the spending limits are being adhered to.

7. **2023/24 Performance Report Quarter Two (EX4351)**

Councillor Jeff Brooks introduced a report (Agenda Item 8) and commented that he was particularly impressed by Chart 1 which displayed the Overall RAG Ratio of Priorities (inner circle) and associated Goals (outer circle). Councillor Brooks further drew attention to page 79 and highlighted some of the successful performance results detailed there, and the challenges detailed within section 4.6.

Councillor Heather Codling noted that by end of October the Council had successfully recruited thirteen foster carers, and that the recent campaign promoting foster caring was having an impact.

Councillor Martin Colston referred to the success of the recent Rural Business Forum and progress that was being made by the town centre steering groups.

Councillor Denise Gaines referred to the demand responsive bus and acknowledged that whilst there had been a slight delay it would be launched on 15 January.

Councillor Ross Mackinnon lamented the lack of a comprehensive list of key performance indicators (KPI's) within the report which he suggested made it difficult to scrutinise. Councillor Brooks responded that the amber and red KPI's were easily identifiable at section 4.6 of the report, recording management by exception.

Councillor Mackinnon suggested that section 4.6 did not detail all the measures but provided a selected list. Councillor Brooks responded that there was a link within the report to the In-Phase database which would provide all the information Councillor Mackinnon wished to see. Councillor Mackinnon commented that of the 167 KPIs listed on the portal, 73 were currently blank and missing data which meant that scrutiny was impossible. Councillor Brooks acknowledged that he was not comfortable with the missing data and would work to reduce the level.

In response to a further query from Councillor Mackinnon, Councillor Lee Dillon agreed that in future an explanation would be provided for each indicator where data was missing.

Councillor Mackinnon queried the reason for the red RAG rating for the '% of parents receiving support from the Early Response Hub reporting that their concerns had reduced', which had a target of 65% but was currently at 46.9%. Councillor Codling agreed to revert with a response.

Councillor Adrian Abbs referred to section 5.31 of the report which started that '36% of suitable WBC public car parks now had EV charging available', and queried whether all EV charging points were fully functional. Councillor Stuart Gourley agreed to revert with an answer.

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 performance is below target.

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8. **Newbury Town Centre Pedestrianisation Extension Trial (EX4416)**

Councillor Denise Gaines introduced and proposed a report (Agenda Item 9), which recommended a trial extension to the pedestrianisation timings of Newbury Town Centre. Councillor Gaines explained that there were two options under consideration; an Experimental Traffic Regulation Order (ETRO), which would last for a minimum of six months with consultation of stakeholders and the community being undertaken during the trial period, or a Traffic Regulation Order (TRO) which would require formal consultation prior to implementation, but if implemented would be permanent.

Councillor Jeff Brooks commented that in 1998 when Northbrook Street had initially been pedestrianised there had been significant opposition, yet the scheme was now perceived to be a success.

Councillor Martin Colston commented that the preference would be for an ETRO so that feedback was based on real experience rather than pre-conceptions.

Councillor Tomy Vickers noted that response to the Newbury Town Masterplan consultation had been overwhelmingly in favour of pedestrianisation. Councillor Gaines agreed and noted that there had been over three thousand responses to the Masterplan consultation and the top requirements had been for more local shops, cafes and restaurants, and more street furniture and planting.

Councillor Ross Mackinnon commented that whilst he was not against pedestrianisation he felt that residents and businesses should be consulted before implementing changes. Councillor Mackinnon commented that he had concerns relating to the impact on disabled residents, the effect on businesses and their ability to take deliveries and requested that Councillor Colston query feedback from the BID in relation to the town centre's appetite to proceed. Councillor Colston responded that the BID were broadly supportive and were planning to consult with their members prior to any ETRO or TRO.

Councillor Mackinnon queried whether there had been any negative comments from individual businesses to which Councillor Colston replied that there had been one or two.

Councillor Gaines clarified that the American Bridge would not be opened to accommodate town centre traffic and that there was unlikely to be significant change to the traffic as residents would adapt to the revision.

In response to a query from Councillor Mackinnon, Councillor Gaines confirmed that a traffic modelling survey would not be undertaken to date until it was decided whether to pursue an ETRO or a TRO.

Councillor Colston clarified that the date noted in Table 2 on page 93 of the Agenda Pack for 'Prepare PR and consultation material' should have read as January 2024 rather than January 2023.

date preparing PR and consultation on page 93 of the Agenda Pack should have read as January 2024 rather than January 2023.

Councillor Mackinnon queried what would happen when town centre businesses were unable to re-arrange their deliveries to before 10.00 am. Councillor Gaines responded that businesses would be consulted throughout the imposition of the ETRO, and that it was not possible to address such a problem before it arose. Councillor Lee Dillon further added that businesses would adapt.

Councillor David Marsh voiced his support of the scheme and urged the Executive to promote more extensively on social media. Councillor Dillon agreed that the scheme would be promoted through the Council's social media channels.

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In response to a suggestion from Councillor Adrian Abbs to narrowing the road rather than fully closing, Councillor Gaines responded that half measures were not appealing and would lead to general confusion.

Councillor Richard Somner reminded Members that consultations undertaken in the past relating to the proposal had been approximately 50% in favour and 50% opposed and requested that Members be mindful of that. Councillor Somner suggested that the Executive clarify to residents that any opinions previously expressed in relation to the scheme, either on social media or local sites, would not be recognised as part of the future consultation and evidence base. Councillor Somner further added that rules for cyclists and scooter users be included within the scheme, and that taxi companies be specifically targeted by the consultation. Councillor Somner further noted the impact that the scheme would have on the traffic using the Robin Hood roundabout and hoped it had been taken into account, particularly given the planned re-development of the roundabout. Councillor Gaines acknowledged that the works to the roundabout had been delayed until the permanent future of Newbury Town centre was known. Councillor Gaines confirmed that every stakeholder would be consulted.

Councillor Howard Woollaston acknowledged that pedestrianisation of Market Square made sense however was unconvinced that any resident visiting Northbrook Street or Bartholomew Street desired al fresco dining. Councillor Woollaston suggested that Councillor Gaines had categorically promised previously in the year to undertake a formal consultation prior to any change to the pedestrianisation of the town centre. Councillor Gaines clarified she had promised that the Council would talk to residents, not to consult.

Councillor Colston seconded the recommendations within the report.

RESOLVED that: Executive approves

- the making of an Experimental Traffic Regulation Order to extend the hours of pedestrianisation in Newbury Town Centre, subject to any required Secretary of State approval.
- in principle the making of a Traffic Regulation Order to extend the hours of pedestrianisation in Newbury Town Centre subject to formal consultation, should the SoS not give consent to the use of an ETRO.

9. **Equality, Diversity and Inclusion Framework (EX4354)**

Councillor Lee Dillon introduced and proposed a report (Agenda Item 10) noting that the report had previously been fully debated at Scrutiny Commission.

It was noted that there was a minor error in section 8.6 of the report which referred to Stonewall. At Scrutiny Commission it had been queried whether it was the most appropriate body and Councillor Dillon clarified that it would be investigated and brought back to Executive in due course once determined. Councillor Ross Mackinnon commented that he was pleased that comments made at Scrutiny Commission were being listened to and taken into account.

Councillor Jo Stewart commented that she was happy with the report and noted a minor error on page 114 of the Agenda Pack which referred to an officer who had since left the Council.

Councillor Martin Colston seconded the recommendations within the report.

RESOLVED that: Executive

- a) Note the evidence base contained within Appendix C and D for the Equality, Diversity and Inclusion Framework, including the changes within West Berkshire which requires a new approach.

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- b) Agree the Equality, Diversity and Inclusion Framework, as contained within Appendix E, which includes a draft EDI Action Plan for the next 12 months.
- c) Agree the new Equality Impact Assessment in Appendix F for use in assessing the impact of decisions and changes on diverse groups within our communities.
- d) Agree the updated Action Plan (separate updated document Sept 2023) additional Appendix G.

10. **Contract Award for the Provision of Bus Service Network Contract (EX4398)**

Councillor Denise Gaines introduced and proposed a report (Agenda Item 11), which sought to award a Bus Services Network Contract covering the period from 2 September 2024 to 1 September 2029, with the option to agree a further three-year extension to 1 September 2032. Councillor Gaines noted that the successful contract winning bus operator had not yet been informed of the decision, which would occur following the meeting.

Councillor Lee Dillon noted that regardless of which contractor was successful, the service would remain the same.

Councillor Carlyne Culver queried whether there would be flexibility within the contract should there be a desire to change bus times in the future, particularly for the rural areas. Councillor Gaines commented that a demand response bus would be operating from 5 January 2024 on a Monday to Friday basis. In relation to the contract Councillor Gaines responded that the timetable would remain the same.

Councillor Howard Woollaston expressed his support for the paper and noted an amendment to a bus stop from 'The Bell Public House' to 'The Boxford'.

Councillor Alan Macro seconded the recommendation within the report.

Recommendation (Vote to be taken in Part II):

To award the contract for the Bus Services Network Contract for the initial period covering 2 September 2024 to 1 September 2029 (with a further three-year extension clause).

11. **Rural England Prosperity Fund Business Grant Scheme (EX4467)**

Councillor Martin Colston introduced and proposed a report (Agenda Item 12), which set out proposals for the design and administration of the rural business grant scheme which formed part of the West Berkshire Rural England Prosperity Fund investment plan. Councillor Colston explained that it would be a rolling scheme with applications accepted on an ongoing basis either until the fund was fully exhausted or until March 2025.

Councillor Ross Mackinnon expressed his support for the scheme and urged Portfolio Holders that when reviewing schemes for rural diversification and any ensuing planning applications not to reject on the grounds of sustainability due to increased traffic to the site. Councillor Mackinnon noted that planning officers had rejected such applications in the past as unsustainable due to the need to drive to the site. Councillor Mackinnon suggested that alternative interpretations were possible and more sensible given that a great extent of West Berkshire's rural communities were only accessible by car.

Councillor Carlyne Culver requested that section 6.18 and the requirement that 'Businesses should have been trading since August 2020 in order to apply for the scheme, to represent that businesses were at least 2 years old and were trading prior to the announcement that funding had been secured for the scheme' be amended to January 2022 given that the scheme was not commencing until January 2024. Councillor

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Culver noted that August 2020 was in the middle of the Covid pandemic and so would potentially prohibit a number of businesses from qualifying for the scheme. Councillor Colston agreed to review the request.

Councillor Lee Dillon noted that the report recommendations would be voted on as written with the proviso that Councillor Culver's suggested amendment would be actioned if permitted.

Councillor Iain Cottingham seconded the recommendations within the report.

RESOLVED that:

- The proposals for the design of the business grant scheme which are set out in Section 6 are approved; and that the scheme is launched in line with the delivery programme set out in paragraph 6.22.
- If approved by Executive, then the scheme will be launched immediately.

12. Senior Management Restructure (Resources) (EX4471)

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 13), noting that the proposed re-structure would see the removal of three substantive existing Heads of Service posts, the creation of a Service Director post and a potential redundancy.

Councillor Carlyne Culver declared a personal interest as a member of Unison. Councillor Culver suggested that the consultation period appeared to have been very quick, and further suggested that the output from the Service Director (Transformation) post be reviewed prior to making the position permanent. Councillor Culver further noted that the paper suggested that the changes would 'reduce strategic capacity but increase resilience', and queried why the creation of a more senior role would not increase strategic capacity. Councillor Culver further queried whether the senior management re-structure that had commenced in 2019 remained cost neutral.

Councillor Brooks responded that the consultation undertaken had been in line with standard procedure. He noted that transformation was already taking place and there had been small but early wins. Councillor Brooks noted that there were approximately fifty-two Council strategies that Councillor Colston was reviewing with an aim of reducing, however noted that there would be plenty of strategic capability. Councillor Brooks commented that the proposals would provide a saving of £96,000 annually, and so were better than cost neutral.

Councillor Culver responded that she had referred to the re-structure that had been taking place since 2019, and Councillor Lee Dillon suggested that it may be a topic for Scrutiny Commission review.

Councillor Iain Cottingham seconded the recommendations within the report.

Recommendation (Vote to be taken in Part II):

- Executive to authorise the potential redundancy payments detailed in the Part II Report.

13. Response to Council Motion on the 'Rwanda Scheme' (EX4466)

Councillor Denise Gaines introduced and proposed a report (Agenda Item 14), noting that it provided the Executive with further information to enable it to consider a motion relating to the plans to send asylum seekers to Rwanda for claims to be processed. Councillor Gaines noted that it was a particularly live subject, and that the Government was still making regular announcements in relation to it.

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Councillor David Marsh queried why it had taken so long to respond to the motion. Councillor Lee Dillon commented that the Executive had focused on all outstanding motions and petitions since taking control of the Council and that the backlog, with the exception of one had now been fully addressed. Councillor Dillon committed to respond to all future motions in a timely manner.

Councillor Marsh urged a more democratic approach to the receipt and processing of future motions. Councillor Dillon commented that Councillor Brooks would be re-establishing the Constitution Review Task Group which would look and review the matter but supported the concept of wider Council debates on motions.

Councillor Carlyne Culver welcomed the compassionate respond to the motion.

Councillor Tony Vickers seconded the recommendations within the report.

RESOLVED that: Executive

- Write to the Government to request an end to the proposed offshoring of people seeking refuge to third countries and to demand an end to the deal with Rwanda, and
- Offer support where we can to ensure that all refugees are treated with dignity and given the opportunity to make a positive contribution to the economy and cultural life of West Berkshire, and
- Council be updated on the decision of the Executive.

14. **Awareness Days (EX4458)**

Councillor Lee Dillon introduced and proposed a report (Agenda Item 15), which provided an overview of the programme of Awareness Days which it was proposed that West Berkshire Council would support in 2024. Councillor Dillon noted that the report had been requested following Councillor Jo Stewart noting a day that had not been supported and it was reported that all Members had now had an opportunity to review and contribute to the proposed list.

Councillor Jeff Brooks seconded the recommendation within the report.

RESOLVED that: Executive

- Review and approve the programme of Awareness Days which will be supported in 2024.

15. **Members' Questions - REPORT TO FOLLOW**

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

16. **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.

17. **Contract Award for the Provision of Bus Service Network Contract (EX4398)**

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

The Executive considered an exempt report (Agenda Item 17) seeking approval to award a Bus Services Network Contract covering the period from 2 September 2024 for a

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period of five years to 1 September 2029, with the option to agree a further three-year extension to 1st September 2032.

RESOLVED that the recommendation in the exempt report be agreed.

Other options considered: as detailed in the exempt report.

18. Senior Management Restructure (Resources) Potential Redundancy (EX4471)

(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)

(Paragraph 4 – information relating to terms proposed in negotiations in labour relation matters)

The Executive considered an exempt report (Agenda Item 18), which detailed the implication for the Executive of the consultation proposals for the Resources Management team restructure.

RESOLVED that the recommendation in the exempt report be agreed.

Other options considered: as detailed in the consultation, including the ‘do nothing’ option exempt report.

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

CHAIRMAN

Date of Signature