

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON

**TUESDAY, 25 OCTOBER 2011**

**Councillors Present:** Pamela Bale, David Betts, Keith Chopping, Hilary Cole, Graham Jones, Alan Law, Irene Neill and Anthony Stansfeld

**Also Present:** John Ashworth (Corporate Director - Environment), Andy Day (Head of Policy and Communication), Margaret Goldie (Corporate Director - Children and Young People), Robert O'Reilly (Head of Human Resources) and Keith Ulyatt (Public Relations Manager), Councillor Jeff Beck, Councillor Paul Bryant, Councillor Adrian Edwards, Moira Fraser (Democratic Services Manager), Councillor Roger Hunneman, Councillor Royce Longton, Councillor Alan Macro, Linda Pye (Policy Officer), Councillor David Rendel, Councillor Garth Simpson, Robin Steel (Group Executive (Cons)), Councillor Julian Swift-Hook and Councillor Tony Vickers

**Apologies for inability to attend the meeting:** Councillor Jeff Brooks, Nick Carter, Councillor Gordon Lundie, Councillor Joe Mooney and Andy Walker

**Councillor(s) Absent:**

#### PART I

#### 37. Minutes

The Minutes of the meeting held on 8 September 2011 were approved as a true and correct record and signed by the Leader.

**Item 26 – Minutes of the meeting held on 21 July 2011** - Councillor Tony Vickers noted the amendment to the answer given in response to the question from Mr. Dibas and asked for an assurance that the transcript of the questions and answers of 21<sup>st</sup> July 2011 would remain unchanged. This was confirmed.

#### 38. Declarations of Interest

Councillor Tony Vickers declared an interest in Agenda Item 8(a) in respect of his question on the Newbury Flood Alleviation Scheme, but reported that, as his interest was personal and not prejudicial, he determined to remain in the meeting.

#### 39. Public Questions

(a) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Highways, Transport (Operational), ICT, Customer Services**

A question standing in the name of Mr Richard Garvie on the subject of a serious accident on the B4000 near Boxford was answered by the Executive Member for Highways, Transport (Operational), ICT and Customer Services.

(b) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Finance, Property, Health and Safety**

Question (b) standing in the name of Mr Richard Garvie was withdrawn.

(c) **Question submitted by Mr Richard Garvie to the Leader of the Council**

Question (b) standing in the name of Mr Richard Garvie was withdrawn.

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(d) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Environment, "Cleaner Greener", Public Protection, Culture and Leisure**

A question standing in the name of Mr Richard Garvie on the subject of meetings where the changes to bin collections were discussed, debated and decided upon and where the information relating to the impact/risk assessments could be found was answered by the Executive Member for Environment, 'Cleaner Greener', Public Protection, Culture and Leisure.

(e) **Question submitted by Mr Richard Garvie to the Portfolio Holder for Partnerships, Equality, The Visions, Communities**

A question standing in the name of Mr Richard Garvie on the subject of the previous bid for Heritage Lottery Funding by Newbury Town Council for Victoria Park and the implications to that funding by the on going plans to build the Pavilion of Doom was answered by the Partnerships, Equality, The Visions and Communities.

(f) **Question submitted by Mr Richard Garvie to the Leader of the Council**

A question standing in the name of Mr Richard Garvie on the subject of the reduction of overhead costs by the town council sharing contractors for certain services was answered by the Leader of the Council.

### 40. **Petitions**

Councillor Hilary Cole presented a petition containing in excess of 2,000 signatures on behalf of the West Berkshire Against Grundon Incinerator Action Group. The petition was referred to the Head of Planning and Countryside to be considered in relation to the Planning Application.

### 41. **Response to the Scrutiny Review into the Project to Transfer the Council's CCTV (EX2331)**

The Executive considered a report (Agenda item 6) on the Scrutiny Review into the project to transfer the monitoring function of the CCTV Service to the Royal Borough of Windsor and Maidenhead.

Councillor Anthony Stansfeld stated that this had been a successful project which had improved the service by producing higher definition images. The review had, however, identified a number of areas where lessons could be learnt. One of the main issues had been the delay to the project which was a result of the failure of the main contractor, BT, to deliver their CCTV camera data circuits within the system in the agreed format. This problem was compounded by BT's inability to remedy their failure in a reasonable time.

Councillor Stansfeld accepted the recommendations made by the Overview and Scrutiny Management Commission.

Councillor Julian Swift-Hook commended Officers on producing such a full and thorough report. He noted that in nearly every recommendation the service response referred to Project Management Methodology Project Plan documentation. In particular he referred to Recommendation 4 and the statement in the Service response which said "... it's rare for a West Berkshire project to complete every single aspect of the supporting documentation." Members of the Executive seemed to be accepting the fact that not all documentation was completed and Councillor Swift-Hook asked for an assurance that this would be looked into to ensure that in future all documentation would be completed.

Councillor Swift-Hook also referred to Recommendation 2 which made reference to a Liquidated Damages clause which could be included within a Contract's Terms and Conditions. He asked if action could be taken to ensure that a Liquidated Damages clause was included in all contracts in future. Councillor Anthony Stansfeld responded

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that in project management it was essential that the critical path was followed. However, it would be very difficult to complete every single aspect of the supporting documentation for each project as the resources were not in place. Councillor Stansfeld agreed with Councillor Swift-Hook's comments in respect of a Liquidated Damages clause but this had not been possible with BT. Councillor David Rendel proposed a minor change in respect of Recommendation 2 as follows – the words “through Liquidated Damages where possible” should be inserted after the words “... Council's position”. Following consultation with the Monitoring Officer this minor amendment was agreed.

Councillor Roger Hunneman felt that the recommendations in general were fine. He referred to the fact that there should be a Project Support Officer to assist with the detailed administration of project management and he would like to see that put in place in future. Councillor Hunneman confirmed that he would be happy to sit on the CCTV Working Group but he was unclear how cameras could be moved around and whether there were mobile cameras which could be used in hotspot areas and for specific purposes. He also asked how effective the new system had been. Councillor Stansfeld stated that the effectiveness of the new system was difficult to determine. However, with digital images the definition was higher which made it easier to identify people and would therefore result in more convictions. Councillor Stansfeld confirmed that the Police did not contribute towards West Berkshire's CCTV system. They did have a mobile camera which could be used to monitor hotspots or incidents. In response to Councillor Hunneman's query about a Project Support Officer Councillor Stansfeld advised that on major projects the Council did try to ensure that a Project Officer was allocated but this was not possible for smaller projects.

Councillor David Rendel referred to Recommendation 1 where the Service response stated that the delay of 4 weeks was minimal within the context of the project. However, he stated that this had meant that the project had overrun over the Christmas period and was therefore critical in terms of things that had gone wrong.

Councillor Paul Bryant felt that it would be useful to have some figures at some stage in the future to ascertain how effective the new system was. Councillor Stansfeld suggested that he could ask Robin Rickard to give a briefing to Members on the effectiveness of the system.

Councillor Graham Jones echoed Councillor Swift-Hook's comments in respect of the clarity of the report. The changeover to the new system had taken place in extreme weather conditions and the fact that BT had the market dominance had not helped the situation.

**RESOLVED that** the Executive endorsed the Officer's response to the Scrutiny recommendations apart from the small amendment to Recommendation 2 as mentioned above. .

**Reason for the decision:** To provide a response to the actions (recommendations) of the Overview and Scrutiny Management Commission.

**Other options considered:** None.

### 42. **Response to the Scrutiny Review into the Effect of Schools Becoming Academies on the Capacity of the Local Education Authority (EX2366)**

The Executive considered a report (Agenda item 7) on the Scrutiny Review into the effect of Schools becoming Academies on the capacity of the Local Education Authority.

Councillor Irene Neill noted that this scrutiny had been undertaken by the Stronger Communities Select Committee which she had previously chaired. The final meeting of to consider this issue had been chaired by Councillor Alan Macro as Councillor Neill had taken up the role of Portfolio Holder following the elections.

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Councillor Neill commented that this was a good piece of scrutiny. She also updated the Executive that recommendation 10 had been completed as a letter had been sent to the Secretary of State and the local Members of Parliament albeit that to date no response had been received. She would ensure that this matter was followed up on.

Councillor Neill commented that in respect of recommendation 1 currently all of the converters were buying back a range of services. Initial contracts had been for short periods and it was hoped that they would be negotiated for longer periods in due course to provide certainty.

Councillor Alan Macro was pleased to note that the recommendations of the Scrutiny Committee had been accepted by the Executive.

**RESOLVED** that the Executive endorsed the recommendations of the Overview and Scrutiny Management Commission.

**Reason for the decision:** To provide a response to the recommendations of the Overview and Scrutiny Management Commission.

**Other options considered:** None.

### 43. **Members' Question(s)**

(a) **Question to be answered by the Portfolio Holder for Strategy, Performance and Community Safety submitted by Councillor Tony Vickers**

*(Councillor Tony Vickers declared an interest in agenda item 8(a) in respect of his question on the Newbury Flood Alleviation Scheme. As his interest was personal and not prejudicial he remained in the meeting to listen to the response to his question).*

A question standing in the name of Councillor Tony Vickers on the subject of EA's Newbury Flood Alleviation Scheme was answered by the Executive Member for Strategy, Performance and Community Safety.

(b) **Question to be answered by the Portfolio Holder for Environment, "Cleaner Greener", Public Protection, Culture and Leisure submitted by Councillor Tony Vickers**

A question standing in the name of Councillor Tony Vickers on the subject of the narrow towpath west of Newbury – between the Monkey Bridge and Bone Mill Lane was answered by the Executive Member for Environment, 'Cleaner Greener', Public Protection, Culture and Leisure.

(c) **Question to be answered by the Portfolio Holder for Strategy, Performance and Community Safety submitted by Councillor David Rendel**

A question standing in the name of Councillor David Rendel on the subject of evidence relating to the Chief Constable's briefing to Councillors being given in secret was answered by the Executive Member for Strategy, Performance and Community Safety.

(d) **Question to be answered by the Portfolio Holder for Strategy, Performance and Community Safety submitted by Councillor David Rendel**

A question standing in the name of Councillor David Rendel on the subject of full and part time posts left unfilled since the start of this year was answered by the Executive Member for Strategy, Performance and Community Safety.

(e) **Question to be answered by the Portfolio Holder for Children and Young People and the Youth Service submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of prosecution policy for parents whose children miss school was answered by the Executive Member for Children and Young People and the Youth Service.

**44. 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 and 4 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 4.2 of the Constitution](#) also refers.

**45. Transfer of the Council's contract with the Skills Funding Agency for Adult and Community Learning to an Alternative Provider (EX2315)**

*(Paragraph 1 – information relating to an individual)*

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

The Executive considered a confidential report (Agenda Item 10) concerning the transfer of the Council's contract with the Skills Funding Agency for Adult and Community Learning to an alternative provider.

**RESOLVED that:**

- (1) the Council's contract with the Skills Funding Agency for Adult and Community Learning be transferred to the alternate provider from 1<sup>st</sup> August 2012;
- (2) the new provider should be strongly urged to take on West Berkshire staff through TUPE arrangements;
- (3) a Memorandum of Understanding to be agreed between the Council and the new provider to ensure West Berkshire adult learners were offered the best possible provision of learning opportunities, as far as possible, in their own community areas;
- (4) the proposed West Berkshire Council Exit from Adult and Community Learning Action Plan was put in place.

**Reason for decision to be taken:** as set out on the confidential report.

**Other Options considered:** as set out on the confidential report.

*(The meeting commenced at 6.30 pm and closed at 7.35 pm)*

**CHAIRMAN** .....

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