

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 JUNE 2012

Councillors Present: Pamela Bale, Keith Chopping, Hilary Cole, Roger Croft, Alan Law, Irene Neill and Anthony Stansfeld

Also Present: John Ashworth (Corporate Director - Environment), Bill Bagnell (Manager - Special Projects), Nick Carter (Chief Executive), Sarah Clarke (Team Leader - Solicitor), Amanda Dennis (Asset Strategy Officer), Jane Milone (Human Resources Manager), Ian Pearson (Deputy Corporate Director (Communities) & Head of Education Service), Keith Ulyatt (Public Relations Manager) and Andy Walker (Head of Finance), Councillor Jeff Brooks, Councillor Paul Bryant, Stephen Chard (Policy Officer), Councillor Alan Macro, Councillor Gwen Mason, Linda Pye (Policy Officer), Councillor David Rendel, Councillor Julian Swift-Hook, Councillor Tony Vickers, Councillor Quentin Webb and Councillor Keith Woodhams

Apologies for inability to attend the meeting: Councillor David Betts, Councillor Graham Jones and Councillor Joe Mooney

PART I

1. Minutes

(Councillor Pamela Bale, Deputy Leader, in the Chair for the duration of the meeting).

The Minutes of the meeting held on 29 March 2012 were approved as a true and correct record and signed by the Deputy Leader subject to the following amendments:

Item 92 – Key Accountable Measures and Activities 2011/12 Update on Progress: Q3 Outturns (EX2395) – third paragraph, first sentence:

Councillor Tony Vickers noted that he did not agree with the comments in respect of the housing target 'people presenting as homeless who are **prevented** from being homeless' and requested that this area be subjected to greater scrutiny.

Same paragraph, final sentence:

By way of illustration Councillor Law noted that as at the end of quarter three the Council had prevented **almost** as many cases of homelessness as it had in the whole of the previous year.

The Minutes of the extraordinary meeting held on 12 April 2012 were approved as a true and correct record and signed by the Deputy Leader.

Councillor Bale drew Members attention to the information that had been circulated in response to an action in paragraph six of page eight of these minutes under the item 'Funding Arrangements Framework for Domiciliary Care and Non Residential Services (EX2320).'

2. Declarations of Interest

Councillor Julian Swift-Hook declared an interest in any agenda items during which issues were discussed that concerned his role as Chairman of West Berkshire Mencap, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in any relevant debate.

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Councillor Jeff Brooks, on behalf of all Liberal Democratic Members present, declared an interest in Agenda Item 12, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate.

3. Public Questions

(a) **Question submitted by Mr Peter Norman to the Portfolio Holder for Planning, Transport Policy and Property:**

A question standing in the name of Mr. Peter Norman on the subject of the Rugby Club not being a designated Sports Facility was answered by the Executive Member for Planning, Transport Policy and Property.

(b) **Question submitted by Mr Peter Norman to the Portfolio Holder for Planning, Transport Policy and Property:**

A question standing in the name of Mr. Peter Norman on the subject of Sports England and the protection of playing fields was answered by the Executive Member for Planning, Transport Policy and Property.

(c) **Question submitted by Mr Peter Norman to the Portfolio Holder for Planning, Transport Policy and Property:**

A question standing in the name of Mr. Peter Norman on the subject of the 2009 Options for the Future paper was answered by the Executive Member for Planning, Transport Policy and Property.

(d) **Question submitted by Mr Laurence Fisher to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services:**

A question standing in the name of Mr. Laurence Fisher on the subject of cyclists riding on footways would receive a written answer from the Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services as Mr Fisher was not present at the meeting.

4. Petitions

Councillor Keith Woodhams presented a petition, on behalf of Ms Lisa Burgess, containing 424 signatures objecting to planning application number 12/00279/OUTMAJ proposing the outline application for residential development (90 homes) including proposed access off Tull Way. Land East of Tull Way, Thatcham, Berkshire. The petition was referred to the Planning Department and would be considered alongside the planning application.

Mr Peter Norman presented a petition containing 1382 signatures requesting the removal of Sandleford from the list of designated strategic housing sites proposed in the West Berkshire Council Core Strategy and for brownfield sites to be closely considered as alternatives. This was in addition to the petition containing 9709 signatures e-mailed on the afternoon of 14 June 2012. The petition was referred to the Planning Department and would be considered by the Council as part of the final decision making process for the Core Strategy should it be approved by the Planning Inspector.

5. Provisional Financial Outturn Report: 2011/12 Financial Year (EX2464)

The Executive considered a report (Agenda Item 6) concerning the provisional financial outturn for the Council for the financial year 2011/12.

Councillor Alan Law commended the report which set out a provisional underspend position of £491k following adjustments for items in respect of 2012/13. The Council was

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utilising some of the underspend which had been delivered through effective financial management in year to cover off some items within the 2012/13 budget as follows:

- Applying £279k to remove the planning fee income saving;
- Applying £150k to the corporate bad debt provision – this was due to the increased risk of further bad debt as a result of the economy going back into recession;
- Applying £64k to the highways budget in respect of the delay in implementing new car parking fees;
- Applying £13k to Council business rate budgets as a result of the successful Newbury BID vote;
- Applying £20k to fund costs associated with the arrangements for the Olympic Torch to travel through West Berkshire.

Councillor Keith Woodhams referred to page 36 of the report where it mentioned that there had been a reduction in the highways maintenance budget to offset other pressures. He felt that this was a false economy as any decrease in highways maintenance expenditure would cause damage to vehicles using these roads.

Councillor Julian Swift-Hook noted that in order to reduce the large overspend in Adult Social Care Cultural Services had had to delay and reduce spend on library stocks. He suggested that this would not be a long term saving as stocks would have to be replaced at some stage. Councillor Swift-Hook queried what the sum total reduction in spend had been on library stocks. Councillor Hilary Cole stated that she did not have that information to hand and would therefore provide Councillor Swift-Hook with a written response on that issue.

Councillor Alan Macro noted that spend had been slowed in Children's Services and again he felt that this was a false economy as early intervention often prevented higher spend at a later stage. Councillor Irene Neill responded that the main savings had been in respect of early intervention set up costs and there had been no decrease in performance in Children's Centres.

Councillor David Rendel queried what the actual underspend was. He was of the opinion that any underspend should be accounted for in the period it had occurred and he referred in particular to the items which would be covered off from the 2012/13 budget. Councillor Rendel felt that as the Council had ended up in an underspend position the cuts which had been made out of the 2011/12 budget had been unnecessary particularly as many of them had affected the most vulnerable in the community. Councillor Alan Law responded that making provision was a good accounting practice. Many of the savings made were not one-off and it had been a case of achieving a reduction in the cost base rather than individual savings.

Councillor Tony Vickers noted that pages 21 and 33 of the agenda made reference to underspends in Housing – both capital and revenue – and he considered that this underspend was surprising as Housing tended to be under a considerable amount of pressure. He asked what the cause of the underspend was and what the impact was. Councillor Alan Law felt that the underspend in capital was well explained within the report. In respect of revenue a major reason for the underspend was the low take up of discretionary grants/loans.

Councillor Vickers also referred to paragraph 6.12 which stated that £93k of the carbon management budget would need to be re-profiled into 2012/13. He was concerned to see this slippage and queried why that was the case. Councillor Hilary Cole advised that the programme of Carbon Management schemes expected a return on investment within 5

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years. Many of the schemes had had to be extended as they involved working with various partners and the Council only acted in a facilitating role.

Councillor Jeff Brooks noted that a further £150k had been made for bad debt provision and he questioned what level of bad debt the Council had experienced in the past. Councillor Alan Law was of the opinion that provisioning for bad debt was good practice but he was unsure whether that level would be appropriate. Andy Walker confirmed that he would provide a written response to Councillor Brooks with a more detailed explanation.

Councillor Anthony Stansfeld referred to the fact that around £250k of savings had been made in respect of agency spend. The Council was currently facing difficult times and it was therefore important to save money wherever possible in order to meet future demands.

Councillor Keith Chopping stated that £400k had been taken from reserves in the previous year and that sum was being replaced in the 2011/12 financial year. The Council's reserves currently stood at close to the minimum level and it was felt that it was prudent to utilise some of the underspend which had been delivered through effective financial management into the Economic Downturn Provision in order to provide contingency within the 2012/13 budget. Staff should be complimented in keeping spend to a minimum.

RESOLVED that the Executive noted the report.

Reason for the decision: Not applicable.

Other options considered: Not applicable.

6. **Annual Employment Report Q4 2011/12 (EX2472)**

The Executive considered a report (Agenda Item 7) concerning the Council workforce trends for the year ending 31st March 2012.

Councillor Anthony Stansfeld introduced the report which summarised the changes to the Council's workforce on 31 March 2012 compared with 31 March 2011.

The report was mainly numerical with an analysis included in instances where the figures were significantly different. There were 74 fewer full time equivalents (FTE) working for the Council compared to last year. A 4.24% reduction in the FTE.

Sickness absence was slightly higher this year, however this was minimal and only amounted to an increase to the second decimal. This rise in sickness absence was caused by one particular department and the reasons for this were being closely investigated.

Councillor Jeff Brooks noted from the report that there had been a 50% increase, over the last two years, in the proportion of sickness absence that was due to stress, depression or anxiety related (the figures were 18.4% in 2009/10 compared to 26.65% in 2011/12). The report stated that HR and Health and Safety were working on a revision to the Stress Management Policy to address this issue. Councillor Brooks did not feel a revision to the Policy was a sufficient enough response and felt that it was up to Members and Senior Officers to do more to support staff during what were difficult times when staff had been made redundant. Councillor Stansfeld gave an assurance that this issue was being looked into. It concerned one particular department of the Council and a meeting with relevant managers from this department had recently been held with each manager required to give a personal report in relation to this area of sickness absence. In many cases there were genuine reasons for this absence, but some less so. Following this meeting, each manager had been tasked with looking into the reasons for this sickness absence in more detail and in finding ways to improve the situation.

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Councillor Julian Swift-Hook referred to the section detailing the number of employees subject to disciplinary action and was concerned to note that 14.29% of these involved employees whose ethnic origin was BME (Black or Minority Ethnic). This was particularly concerning when only 3.23% of the Council's workforce had a status recorded of BME. He therefore requested a comment on this as he felt the number of BME employees being subject to disciplinary action was disproportionately high.

Continuing the issue of employees subject to disciplinary action, Councillor Swift-Hook then raised a concern that 21.43% of disciplinary action involved employees over the age of 65 and again asked for an explanation on this. He did however accept that in both instances it might only involve a small number of employees which meant percentages could change significantly.

Councillor Stansfeld responded to the issues raised in relation to disciplinary action by advising that the extraordinarily small numbers of BME employees and employees over the age of 65 meant that these figures created significant swings in terms of percentages. He did however agree to look into these points and Jane Milone offered to provide detail to Councillor Swift-Hook on the actual numbers involved outside of the meeting.

Councillor Tony Vickers referred to the significant drop in the number of employees who lived in the RG14 postcode area (Newbury) and asked whether this was a reflection of the difficulty school leavers had nationally in finding employment. Councillor Stansfeld responded by saying that the Council was going to considerable effort in recruiting young people as apprentices. Nick Carter added that the Council had been successful in this regard. Nick Carter then gave his view that the reduced number of employees who lived in the RG14 postcode area was not wholly attributable to young people, but agreed to look into the matter to better understand why there had been a reduction.

RESOLVED that the Executive noted the report.

Reason for the decision: To update Members and Officers on the West Berkshire Council workforce and its trends.

Other options considered: None.

7. **Establishment Report Quarter Four 2011/12 (EX2330)**

The Executive considered a report (Agenda Item 8) concerning changes to the West Berkshire Council Establishment.

Councillor Anthony Stansfeld reported that during Quarter 4 the WBC funded Establishment decreased by around 40 FTE and the total Establishment now totalled 1504.511 FTE. There had been an increase in the number of staff in the Chief Executive's Directorate and this was a result of Customer Services being transferred from Children and Young People in January 2012.

RESOLVED that the Executive noted the report.

Reason for the decision: No decision to be taken.

Other options considered: None.

8. **Greenham House and Winchcombe School Appropriations (EX2497)**

The Executive considered a report (Agenda Item 9) concerning appropriation of part of the Winchcombe School site and Greenham House to planning purposes.

Councillor Keith Chopping advised that appropriation was a legal process under which a Local Authority sought to change its statutory purpose for owning a property. Approval of this would allow for part of the Winchcombe School site and Greenham House to be sold. This would be in line with Section 237 of the Town and Country Planning Act 1990.

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The appropriations would have the effect of extinguishing any private rights in association with the properties. Purchasers of the properties would be required to indemnify the Council.

As part of the appropriation process it was necessary to advertise the Council's intention to appropriate for two weeks in a local newspaper and the appropriation of Greenham House had been advertised in the Newbury Weekly News. One representation had been received to date and this was detailed in paragraph 1.9 of the report.

One of the adjoining land users of Greenham House was Newbury Town Council and their existing right of way would be preserved.

The school element of the Winchcombe School site would not be affected.

Councillor Alan Macro queried whether the appropriation of part of the Winchcombe School site had been advertised. Amanda Dennis advised that this was not the case as this was only a requirement when it related to areas of open space, which was not the case for the Winchcombe School site.

Councillor Macro then referred to paragraph 1.4 of the report which stated that the appropriation must be by way of a formal resolution of the Council and queried whether this was therefore a matter for Full Council. Councillor Chopping informed Members that he had been advised by Officers that appropriation could be approved by the Executive.

RESOLVED that the part of Winchcombe School which was to be sold and Greenham House, plus ancillary land, were appropriated to Planning Purposes under Section 237 of the Town and Country Planning Act 1990.

Reason for the decision: To assist in the disposal of the properties.

Other options considered: Not to appropriate/Developer to take out insurance against possible claims.

9. **Members' Question(s)**

(a) **Question submitted to the Leader of the Council by Councillor David Rendel:**

A question standing in the name of Councillor David Rendel on the subject of the number of employees who had received training in giving a presentation or running a workshop was answered by the Deputy Leader of the Council.

(b) **Question submitted to the Portfolio Holder for Finance, Economic Development, Health & Safety, Pensions by Councillor David Rendel:**

A question standing in the name of Councillor David Rendel on the subject of errors in the expected car park income spreadsheet was answered by the Executive Member for Finance, Economic Development, Health & Safety and Pensions.

(c) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of the traffic junctions at Hambridge Road and West Berkshire Hospital would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

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- (d) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of the increase of vehicle speeds on Bowling Green Road would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

- (e) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of when the Road Safety Constable would commence speed enforcement duties with a laser gun would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

- (f) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of CCTV cameras at the junctions of Hambridge Road.A4 – Robin Hood Roundabout and Sainsbury's Roundabout would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

- (g) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of open gully's leading from Tull Way to Florence Gardens and subsequent flooding risk would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

- (h) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of why the closure of the A340 bridge for works had been extended to September 2012 would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

- (i) **Question submitted to the Portfolio Holder for Highways, Transport (Operational), ICT & Corporate Services, Customer Services by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of diversion signs on the A339/Thornford Road roundabout would receive a written answer from Councillor David Betts, Executive Member for Highways, Transport (Operational), ICT & Corporate Services and Customer Services, as Councillor Betts had given his apologies to the meeting because of illness.

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(j) **Question submitted to the Portfolio Holder for Planning, Transport Policy, Property by Councillor Tony Vickers:**

A question standing in the name of Councillor Tony Vickers on the subject of how the development of new housing associated with rural activities in the countryside would be managed going forward was answered by the Executive Member for Finance, Economic Development, Health & Safety and Pensions.

(k) **Question submitted to the Portfolio Holder for Strategy, Council Plan, Housing by Councillor Tony Vickers:**

A question standing in the name of Councillor Tony Vickers on the subject of long term empty properties was answered by the Executive Member for Strategy, Council Plan and Housing.

(l) **Question submitted to the Portfolio Holder for Strategy, Council Plan, Housing by Councillor Tony Vickers:**

A question standing in the name of Councillor Tony Vickers on the subject of rising homelessness was answered by the Executive Member for Strategy, Council Plan and Housing.

(m) **Question submitted to the Portfolio Holder for Planning, Transport Policy, Property by Councillor Tony Vickers:**

A question standing in the name of Councillor Tony Vickers on the subject of lobbying of Government on the full cost recovery on planning fees was answered by the Executive Member for Planning, Transport Policy and Property.

10. **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 3 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.

11. **Market Street Redevelopment (EX2496)**

(Councillor Jeff Brooks, on behalf of all Liberal Democrat Members present, declared a personal interest in Agenda Item 12 by virtue of the fact that a landowner who would be affected by the Market Street redevelopment was a member of the Newbury Liberal Democrat Association. As their interest was personal and not prejudicial they determined to take part in the debate.)

The Executive considered a confidential report (Agenda Item 12) concerning the approval of the Conditional Development Agreement (CDA) for the Market Street Regeneration Scheme at the Executive meeting on 15th December 2011. Members were requested to consider and approve the external valuation prior to the CDA being signed with Grainger (Newbury) Limited. The valuation had not been available at the time of the Executive meeting in December 2011.

RESOLVED that the exempt report be agreed.

Reason for the decision: Under terms agreed with Grainger, the Council's legal costs are covered by Grainger. If the CDA is fully agreed to the satisfaction of both parties, but at that point the Council refuse to sign the agreement, the council could become liable for not only their legal costs but also Grainger's since the Council would be viewed as having acted in bad faith.

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Other options considered: Delay signing the Conditional Development Agreement between Grainger and the Council.

(The meeting commenced at 6.30 pm and closed at 8.00 pm)

CHAIRMAN

Date of Signature