



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held at the Civic Offices, Shute End, Wokingham on **THURSDAY 30 MARCH 2017 AT 7.30 PM**

A handwritten signature in black ink, appearing to read 'Andy Couldrick', written in a cursive style.

Andy Couldrick
Chief Executive
Published on 22 March 2017

This meeting will be filmed for inclusion on the Council's website.

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE EXECUTIVE

Keith Baker	Leader of the Council
Julian McGhee-Sumner	Deputy Leader and Health and Wellbeing
Mark Ashwell	Planning and Regeneration
Charlotte Haitham Taylor	Children's Services
Pauline Jorgensen	Resident Services
Anthony Pollock	Economic Development and Finance
Malcolm Richards	Highways and Transport
Angus Ross	Environment

ITEM NO.	WARD	SUBJECT	PAGE NO.
125.		APOLOGIES To receive any apologies for absence	
126.		MINUTES OF PREVIOUS MEETINGS To confirm the Minutes of the Meeting held on 23 February 2017 and the Extraordinary Meeting held on 15 March 2017.	7 - 36
127.		DECLARATION OF INTEREST To receive any declarations of interest	
128.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of the Executive Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Council or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
128.1	None Specific	Guy Grandison has asked the Executive Member for Highways and Transport the following question: Question One of the major issues that has been raised with me again recently has been inconsiderate and sometimes illegal parking around our local schools such as Loddon and Hawkedon with yellow lines being ignored, could you explain how Civil Parking enforcement will	

help put a stop to inconsiderate parking around our local Schools?.

129.

MEMBER QUESTION TIME

To answer any member questions

A period of 20 minutes will be allowed for Members to ask questions submitted under Notice

Any questions not dealt with within the allotted time will be dealt with in a written reply

Matters for Consideration

130.	None Specific	COUNCIL OWNED COMPANIES' BUSINESS	37 - 44
131.	None Specific	UPDATE ON EXPANSION OF THE COUNCIL OWNED COMPANY OPTALIS	45 - 48
132.	None Specific	DISCRETIONARY LAND ACQUISITIONS POLICY	49 - 60
133.	None Specific	POLICY FOR REVISIONS/ADDITIONS TO THE LIST OF BUILDINGS OF TRADITIONAL LOCAL CHARACTER	61 - 68
134.	Wescott	RELOCATION OF WOKINGHAM LIBRARY	69 - 74
135.	Wescott	COMPULSORY PURCHASE ORDER (CPO) IN-PRINCIPLE DECISION	75 - 88
136.	None Specific	PUBLIC SECTOR EQUALITY DUTY	89 - 116
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138.	Finchampstead South	GORSE RIDE SOUTH	123 - 132

EXCLUSION OF THE PUBLIC

The Executive may exclude the public in order to discuss the Part 2 sheet above and to do so it must pass a resolution in the following terms:

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

A decision sheet will be available for inspection at the Council's offices (in Democratic Services and the General Office) and on the web site no later than two working days after the meeting.

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 23 FEBRUARY 2017 FROM 7.00 PM TO 7.45 PM**

Committee Members Present

Councillors: Julian McGhee-Sumner, Mark Ashwell, Pauline Jorgensen, Anthony Pollock, Malcolm Richards and Angus Ross

Other Councillors Present

Chris Bowring
Prue Bray
Gary Cowan
Lindsay Ferris
Clive Jones
Charles Margetts
Ian Pittock
ImogenShepherd-Dubey
Rachelle Shepherd-DuBey
Chris Smith
Rob Stanton
Alison Swaddle
Oliver Whittle

107. APOLOGIES

Apologies for absence were submitted from Councillors Keith Baker and Charlotte Haitham Taylor.

Councillor Richard Dolinski attended the meeting on behalf of Councillor Haitham Taylor. In accordance with legislation Councillor Dolinski could take part in any discussions but was not entitled to vote.

108. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 26 January 2017 were confirmed as a correct record and signed by the Chairman.

109. DECLARATION OF INTEREST

Councillor Pauline Jorgensen declared a personal interest in Agenda Item 116, Council Owned Companies Business, by virtue of the fact that her husband was a paid Non-Executive Director of WBC Holdings Ltd. Councillor Jorgensen remained in the meeting during discussions and voted on the matter.

Councillor Anthony Pollock declared a personal interest in Agenda Item 116, Council Owned Companies Business, by virtue of the fact that he was an unpaid Non-Executive Director of Optalis. Councillor Pollock remained in the meeting during discussions and voted on the matter.

110. PUBLIC QUESTION TIME

In accordance with the agreed procedure the Chairman invited members of the public to submit questions to the appropriate Members.

110.1 Laura Titchiner had asked the Executive Member for Environment the following question but as she was unable to attend the meeting the following written response was provided:

Question

What measures are being put in place to minimise noise and air pollution from the M4 specifically the elevated carriageway to the west of Junction 10? I am a resident of Winnersh and, since having my baby, have become increasingly concerned with the air and noise pollution coming from the M4 and A329. The M4 around here is on an elevated carriageway with no noise or pollution barriers in place. I believe this is very detrimental to the health and wellbeing of local residents. I would like to petition the Council and Highways Agency to implement acoustic barriers along the raised section of the M4. I'd like to propose that these barriers be coated in photocatalytic paint or concrete to assist in reduction of pollution. In my opinion this work should be carried out in a joint effort to manage the impact of the M4 Smart motorways scheme and the Air Quality Management Plan that Wokingham is required to undertake.

Answer

It is simplest to address this in three parts, the impact of the M4 Smart Motorway, noise impact of M4/A329 and air quality impact of M4/A329 as the legislation and areas of responsibility are different.

M4 SMART Motorway Project:

As a Council we raised concerns about traffic modelling and requested that Highway's England go above and beyond normal requirements for noise mitigation. The Secretary of State concluded in Sept 2016 that:

- The Enhanced Noise Mitigation Study had been applied consistently throughout the proposed development and an overall minor improvement in the noise environment would result from low noise surfacing and the provision of acoustic fencing, and
- There would be no significant effect on air quality and the development would be at low risk from non-compliance with the EU Air Quality Directive. However, it was accepted that there were uncertainties in precise traffic forecasting which may mean that the ability of local authorities to comply with EU air quality objectives may be impacted upon. In light of this, the Secretary of State imposed a requirement within the Development Consent Order to ensure that Highways England monitor actual concentrations of NO₂ and if there is a worsening of air quality then mitigation must be prepared in consultation with the relevant LPA.

Current Air Quality Monitoring:

The Environmental Health Team has responsibility for the monitoring of air quality. We monitor for Nitrogen Dioxide in over 50 locations across the Borough. Only one location in Winnersh has exceeded the Annual National Air Quality Objective since 2011.

Details are on the website.

<http://www.wokingham.gov.uk/business-and-licensing/health-and-safety/environmental-health/> and clicking on Air Quality.

The M4 itself is an air quality management area and measurements show compliance with the objective.

Noise:

The Council does not have the powers to deal with noise from road traffic under nuisance legislation. Noise is a consideration when assessing development control applications and there is a specific noise policy which developers should have regard to.

Noise maps of major transport sources (M4, A329(M) and A329) have, however, been created by independent consultants on behalf of DEFRA.

In locations with the highest noise levels nationally an action plan (produced by the noise making authority) is needed to address noise issues, and these are assessed by the Environmental Health Team. Seven action plans have been received by the Team relating to the M4 which include suggestions such as low noise road surfaces and new or extended barriers.

110.2 David Nader had asked the Executive Member for Children's Services the following question which was answered in her absence by the Deputy Executive Member for Children's Services:

Question

My question relates to traffic safety around Aldryngton Primary School and the proposal to expand the school by 105 places.

As you will be aware, the area immediately outside of the school is already extremely congested at pick-up and drop-off times. There are over 2,000 children from two schools (Aldryngton Primary School and Maiden Erlegh School), parents, siblings, shoppers, visitors to the library and community centre all converging on a small site at these times. A new Tesco Express is due to open within 50 metres of the school very soon. When the proposal to build a Tesco Express was discussed at the Planning Committee, two local Councillors, Ken Miall and David Chopping expressed concerns about the impact on congestion and traffic safety.

Both schools share a narrow access road between the Silverdale Parade shops. You will be aware that two primary school children were seriously injured on 17 January on the pavement of this narrow access road. One of the children needed to be airlifted to the John Radcliffe Hospital in Oxford.

In a feasibility report commissioned by WBC it is noted "the local highway network is very constrained during the start and end of the school day," it is further noted that pupil drop-off and pick up is a "key issue" which requires mitigation. It is strange that this report does not feature in the formal Planning Application to expand Aldryngton. In a Council meeting on the 21st of July 2016, this report was discussed and Judith Ramsden noted, "credible measures to manage school run traffic are required."

Respondents to the Planning Application are concerned that the Transport Statement that was published with the application is not based on the Council's own projection for surplus school places in Earley if Aldryngton is expanded and assumes that only 26 more children will be driven to school as a result of the expansion. The Council itself projects an 11% surplus of places in Earley with the expansion of Aldryngton and Loddon from 2018. The Transport Statement also fails to take into account the opening of Tesco.

The councillors of the Earley Town Council Planning Committee, who are residents of the local area themselves and have first hand experiences of how bad the existing situation outside of the school is, have voted unanimously to refuse the planning application of Aldrynton expansion as they found it extremely difficult to mitigate the impact of the expansion on local traffic situation.

To summarise, there is a commonly held view by local Councillors that even without expansion congestion and traffic safety are a concern around the school. This point is reinforced by a WBC feasibility report and the report's findings were highlighted by Judith Ramsden. WBC's own projections predict that with expansion many more pupils would travel from out of catchment.

Given these facts, how do you justify the statement you made on BBC Berkshire that congestion would be reduced by expanding Aldrynton.

Answer

Currently some Earley children are allocated school places outside their area, and these children are almost inevitably driven to school. Congestion can be reduced by additional capacity because it will mean that more children will be allocated schools within walking distance of their homes.

Looking at your list of specific issues I observe that some, such as the impact of the new Tesco Express are addressed in the planning application for the scheme. Without seeking to repeat the information provided to support the planning application I note that:

- after expansion I expect all children allocated a place at the school to live within walking distance of the site;
- that the incident on 17th January was not, as far as we know, related to congestion;
- that the two transport reports were for different purposes, both supported expansion but the second was written specifically to be part of the planning application;
- that I expect the planning consent, should it be granted, to condition traffic and transport management requirements, based on the Transport Statement recommendations; and
- that the views of Earley Town Council will be formally communicated to the Wokingham Planning Committee, who will give them proper and due weight when making their decisions.

More generally, I note that the Council's traffic study recommends that the proposals are manageable and without substantial impact on local traffic. We will continue to work with the school and the community to address the problems associated with parents who wish to drop and collect their children at the school gates.

Supplementary Question

On the feasibility study. It is very unfortunate that the feasibility study is not in the public domain, so we cannot test the statements which you have just made. On my reading, the feasibility study flags a number of points which are ignored in the published report. For example, the feasibility study acknowledges that most steps the school can take in the travel plan are already in place. Similarly, the feasibility report states that the parking assessment methodology used in the published report is unsuitable when applied to narrow residential roads as it is in Earley. WBC chose to ignore these points when instructing a different firm to run a second survey, something that Andy Couldrick, Chief Executive of WBC, has stated is, "far from standard practice".

Similarly WBC has chosen to ignore their own projections when running their assessment. A proper and robust traffic survey is key to ensuring the safety of our children. Do you understand that your actions look like the worst form of opinion shopping?

Supplementary Answer

I think your question deserves a considered reply. Obviously, I am answering on behalf of Charlotte. What I am going to do is go back and talk to her and we will provide you with a written response.

110.3 Toshiko Tani had asked the Executive Member for Children's Services the following question which in her absence was answered by the Deputy Executive Member for Children's Services:

Question

The Council is proposing to expand Aldryngton Primary School by 33% from 315 pupils to 410 pupils. Parents, local residents as well as the school itself have raised a number of questions and concerns, many of these have not yet been addressed by the Council.

For example, we continue to find it difficult to understand why a £4.8 million expansion is necessary despite the Council's own projection of 11% surplus school places from 2018 to 2021 in Earley if the expansion goes ahead.

No concrete measures have been presented by the Council to mitigate the impact of expansion on the already worrying congestion in the area surrounding the school. Furthermore, the Executive appears to have been misled by erroneous information at the time of approving Aldryngton Primary as a candidate for expansion in January 2016. For example, the findings of a WBC commissioned spatial study that found that Aldryngton is "the least attractive campus for investment" was misrepresented to the Executive.

We have been told by Children's Services that they are planning to have the Executive Meeting in February delegate their final decision making authority on the Aldryngton expansion to the Director of People Services, Judith Ramsden.

Considering how controversial the expansion proposal is, we do not see it as appropriate that the final decision is made in a forum not open to the public. We have serious concerns about whether our voices will be reflected at all in the decision making process and find it absolutely necessary to monitor reasoning applied for the Council to reach a decision.

Please confirm that you will not allow such delegation to happen and that the final decision on the expansion will be made in a forum open to the public such as at the Executive Meeting, for the sake of transparency and to allow proper democratic participation.

Answer

Thank you for your very detailed question and indeed for your correspondence to the Executive Member for Children Services regarding this matter.

Questions and concerns raised by parents have been addressed by Officers, local Members, myself, the Executive Member for Children Services, and I am not aware of any outstanding matters. I do appreciate that there are parents who wish for the proposal to be

withdrawn but it is important for the Executive, at all times, to consider this matter thoroughly and with due regard to all Wokingham residents.

It is a matter of record that the projections show a surplus from 2018 onwards. However, the projections are led by births in the area. While we have good reason to believe that the demand is fed by housing churn and so reflects the number of children who were born in other areas who are moving to Earley. It is because of these movements, that can take place shortly before an application is made for a school place, that we have looked at the number of applications for 2017 Reception places in March before making the decision for this year.

The Council's traffic study recommends that the proposal is manageable and without substantial impact on local traffic. Congestion caused by parents dropping their children at the school gates is a concern, as it is at many other schools, but I note that the vast majority of children choose other methods to travel to school.

Should this proposal go ahead we will continue to work with the school to ensure the local Travel Plan helps to mitigate impacts and will consider whether other measures such as Traffic Regulation Orders are appropriate.

In the proposal, additional staff car parking will be provided on site, with at least 12 spaces to meet the needs of the new staff required to support expansion and partly address an existing shortfall in parking spaces.

Lastly, I very much hope that you will find reassurance in our genuine wish for democratic transparency in actions taken by the Executive to agree that the school expansion proposals will not be delegated but will form the basis of a Special Executive to be held on 15th March.

Supplementary Question

Thank you, and I am happy to hear that you will be discussing the expansion at an extraordinary meeting, but the things you have just said still tells me that you have not heard all the points that the residents and parents are raising. Aldryngton has a very unique situation where it is next to a very big secondary school and with Tesco opening, pre-school students, public library all share a very narrow access road. The people have pointed out these things and also about the projections and the other concerns which, I think, were not included in what you just read. This makes me concerned that people have brought about all these points, which you don't seem to be listening to, and wrote in objections to the planning applications but somehow this doesn't seem to be reaching you.

I really appreciate that you are going to be discussing this in the extraordinary meeting but it still concerns me that we don't have any way of having a dialogue about our concerns. That has been the case with our communications with the Council, unfortunately, so I would like to ask that at the extraordinary meeting, not only one question and then answers given and then one supplementary question. Is it possible that there could be a dialogue, a more interactive forum or an interactive discussion to be had with the parents and the Executive Members? I would like to ask if this can be accommodated at the extraordinary meeting in March.

Supplementary Answer which was provided by the Deputy Leader, Councillor McGhee-Sumner:

Richard has taken notes of what you have just said. I think it is a fair point if we have not actually answered those questions so we will report back to Charlotte Haitham-Taylor, who is the Executive Member, and then we will draft and get a response back to you.

110.4 Lloyd Watkins asked the Executive Member for Highways and Transport the following question:

Question

The Capital Programme makes specific mention of tackling traffic congestion in specific areas. There is also specific funding in Year 1 of £214K of Service Development Capital which appears to be an allocation from the CIL levy for the Arborfield Development (which is further specified in the 10 year Capital Vision) as well as mention of Specified Section 106 allocations of a recurring £45k. In addition there is a specified £1.787k apportionment in the 10 Year Capital Vision for the Wokingham Borough Cycle Network.

The Capital Programme also contains a specific project relating to a Safe Route to Arborfield School. £214k is allocated to this project to progress the design and construction and to include all feasibility work. Could you therefore please tell me what options for the delivery of a cycle route were presented and considered by elected Members?

Answer

It remains the aim of the Council to provide a safe cycleway along Nine Mile Ride between California Crossroads and Bohunt School.

There was a planning commitment to provide a walking route to the new school, and it was also agreed that it was desirable to provide, in addition, a cycleway. Although not part of the planning requirement the Council felt it would be beneficial and they would fund it. The Council recognises that it has informed local parents that it intends to proceed with a cycleway and it regrets the delay.

A footpath takes up less space than a combined footpath and cycleway in terms of width. When Officers investigated the route they found major problems which were constraining what would happen quickly. The Council is committed to working with the local Members and parents to achieve a satisfactory and safe resolution for all parties at the earliest opportunity.

In order to have a safe route by the new term the decision to go ahead with just the footpath was made; which will be achieved by September 2017, ie this year. The Council is also committed to pushing ahead with a sufficiently lit greenway between the FBC and Bohunt School to ensure that this is also ready by September 2017.

However as I said right at the beginning, the opportunity to put in a cycleway in the future is still our aim. However, there are complex legal issues surrounding this matter that have prevented us from putting in the cycle route by this September.

However, we will be working closely with local Members, residents and parents in order to achieve the best result for the area and to resolve those issues. It has been agreed with local Members that free bus passes on the number 3 bus route serving the school will temporarily continue until an alternative safe cycleway route is implemented. In addition,

we have agreed to a request by local Members to undertake a feasibility study and find an alternative route for the cycleway and to consult with those Members prior to a decision being made.

Supplementary Question

Who, apart from you, were party to the decision to cancel the cycle element that was released last week?

Supplementary Answer

The various Officers and myself. The local Members will have known part of the issue, obviously, but it is basically the Officers and the Member that were in the meeting at the discussion.

110.5 Keith Malvern has asked the Executive Member for Highways and Transport the following question:

Question

I am disappointed that despite the Woodley trial starting in August you are not yet in a position to give details of the income generated compared to the proposals that have been implemented elsewhere in the Borough. We know from last month's Executive that the car park budget has been over achieved by £40K. Regardless of whether the Executive takes a sensible decision or not this evening can I ask you to consider what you can do to help retailers in Wokingham Town, two of whom have already left this year.

Answer

Regarding the Woodley trial that commenced in September 2016 we need to analyse a full year's car parking data across the Borough, including seasonal fluctuations, before making a permanent decision. However I am proposing that this data and a clear recommendation will be brought back to this Committee when it is available.

I have recently set up a cross party Member and Officer working group to review the Borough's approach to parking. The initial meeting was only this week however I am pleased to report that part of the group's wide remit will be to review town centre car parking, as well as Borough wide parking. When a new Wokingham Parking Policy is drafted later this year the Council will be engaging with stakeholders by consulting widely, before a new Wokingham Parking Plan is ultimately approved by the Committee. It would be unwise to make hasty decisions about anything based on incomplete data.

With regard to the retailers in the Wokingham Town, which you asked about, apart from the Rose Street car parking being recently removed to enable the new Peach Place development there is considerable parking around the town, both at daytime and evening (both chargeable and free parking) and the brand new Carnival Pool with parking will be opening shortly, and don't forget that the on-street parking is still operational and is free around various parts of the town centre. Finally, the feedback we are getting from retailers (both existing and potential new ones) is that they are very pleased with the regeneration and are keen for us to continue and we are receiving many enquiries about the new town centre premises including major sign ups.

Supplementary Question

You have made comments about a longer period. Obviously you are considering this evening that decision. You have not made that decision yet, so I don't know how you can say that. May I just say to you that obviously Woodley is another town to Wokingham

Town and obviously it, like Wokingham, is looking forward to regeneration. I wonder whether you have had any discussions with the Leader of Woodley Town Council with regards to the implication of the parking arrangements while regeneration in Woodley takes place?

Supplementary Answer

The system that we have in Wokingham Town is also Borough-wide apart from the car parks in Woodley. The purpose of doing this pilot system is in order to get comparisons of income and parking patterns and so on, and that is why we are going on for the year. We don't want to make any decisions and change halfway through until we've got the whole periods worth of data.

111. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members

111.1 Charles Margetts asked the Executive Member for Economic Development and Finance the following question:

Question

Some parts of Finchampstead have internet speeds only marginally faster than dial up. This lack of internet speed is a major constraint on the ability to work / shop from home and should not be accepted or tolerated. Can the Executive Member tell me what is being done to address the remaining internet blackspots in Finchampstead and across the Borough?

Answer

Superfast Berkshire has now instigated phase 3 of the programme which will address remaining gaps in coverage across Wokingham Borough. There are a number of steps in this process (e.g. State Aid approval and a full open procurement) before contracts can be awarded. The ITT process is currently underway with the evaluation scheduled to commence in March 2017. Contracts are expected to be awarded in July 2017.

The aim is to ensure that everyone in Wokingham Borough has access to superfast broadband by 2018 at the very latest. Finchampstead has been identified as one of the priority areas to be addressed as part of phase 3.

Superfast Berkshire is also in continuous dialogue with suppliers encouraging them to extend their networks across Berkshire as part of their commercial roll-out at no cost to the project. Virgin Media are currently exploring expanding their network to homes and businesses in the Finchampstead area and the Project Team will provide an update when they have more information.

Supplementary Question

I have been liaising with Superfast Broadband Berkshire for a little while on this. Thank you for your answer, which was also the information I've had from them. They are able to offer no guarantee in writing to me that the issues in Finchampstead and other parts of the Borough would be addressed. Following their advice to demonstrate demand, I've been encouraging local residents to sign up to Virgin Media's programme as well as the Superfast Broadband list and also started a local petition around six weeks ago to try and generate support. This now stands at 150 people and is increasing by about 25 per week.

I wonder if you would be able to meet with me privately to try and push this forward and I would have your support in pushing to get this commitment from them?

Supplementary Answer

I am wholly behind the principle of the Superfast Broadband around Berkshire. My deputy, Stuart Munro, leads on the economic development piece and has been involved with the Superfast Project because it is linked to the LEP, and we would both be very happy to meet you and to deal with any of your concerns.

111.2 Gary Cowan asked the Executive Member for Highways and Transport the following question:

Question

Deteriorating bus shelters in Arborfield and Barkham has been a big problem for residents for some years now but just going back to the 1st June 2015 as a start date for a series of emails referred to in this question the Head of Highways stated that “we are very keen to make sure that the bus shelters in Arborfield are attractive and well used. To this end replacing the existing “life expired” shelters would be a great idea and really worthwhile”.

He continued “however there are a number of issues in the offing at the moment that mean I would recommend we put this idea on hold – for no more than 6 months and if in 6 months we are no closer to knowing the outcome of any of these issues then at which point we will go ahead and replace the shelters anyway”.

A more recent email from the Head of Highways stated that the Borough has no money available to carry out these works in the next financial year yet I read in the Wokingham Paper that WBC were going to replace an old bus shelter in Woodley and also erect a second new one. Why does Woodley appear to get star treatment and Arborfield and Barkham do not?

Might residents of Wokingham Borough be forgiven if they thought it might have anything to do with the fact that the Leader of Wokingham Borough Council is also at the time of writing the Leader of Woodley Town Council.

Answer

Analysis of bus routes operating within the Borough is undertaken regularly to identify where the funding would be best targeted in terms of cost/benefit. The analysis takes account of the type of route operated, the days and times of operation, the annual passenger numbers and the type of vehicles operated on those routes.

An outcome of this process has identified Woodley Orange routes to be improved during 2017/18. Following that, the Leopard route, which serves Arborfield and Barkham would be the next route for consideration. The Woodley Orange routes score better than the Leopard as passenger numbers are higher, at over 1 million per year and the combined frequency of the Woodley Orange routes is higher than that of the combined Leopard service.

With regard to the shelters in Woodley one was formally supplied free of charge to the Borough by the bus shelter company Clear Channel. This shelter has recently been damaged by a vehicle; therefore this replacement is being undertaken now. The bus shelter on Beechwood Avenue has come to the end of its natural life and is due to be replaced by the Town Council using the Town Council’s own funding (ie Woodley Town

Council, not WBC's money) – once more a matter involving an Officer-only procedure. The Leader was not involved in any of these decisions.

111.3 Clive Jones had asked the Executive Member for Children's Services the following question which in her absence was answered by the Deputy Executive Member for Children's Services:

Question

Many residents living in Earley and parents of children who attend Aldryngton primary school have expressed concerns about the Council's expansion plans for Aldryngton. Will you confirm that the Council's Executive and Officers are taking their concerns seriously?

Answer

Concerns are, and without any doubt, being treated seriously on this matter which has received a great deal of attention from Members and Officers alike. There is an active and open consultation with parents with children attending Aldryngton Primary School. Indeed, you still have time to submit your views should you wish to. As you might expect, considering the concerns raised by existing parents at the school and the school itself, this has been a priority for Officers, who have ensured that issues raised have been dealt with thoroughly and promptly. In addition to this there has been: an open meeting with parents in January with the presentation on proposals and an extensive question and answer session, which I believe you attended as well; a detailed proposal was sent to the parents of the school including responses to issues raised by parents; a briefing for all local members (I know that you attended that as well); and a statutory school expansion consultation concluding on the 2nd of March.

I note that, whilst you are not a local Ward Member, you should be conversant on this topic as you have been invited, as I said, to the briefing of local Members as well and you also put an appearance in at the open meeting for parents and residents. I hope that you will agree with me that it is important to also consider the parents in Earley who are not actively engaged in the consultation but hope to send their children to a local school. When considering the Council's expansion plans for the school the Council is going to need to balance the concerns raised against the proposals with those factors favouring a school place strategy that enables greater capacity in Earley.

The Conservative-led Council is a leader in this region in delivering and investing in local schools for local families. We want to continue to avoid children unnecessarily travelling across the Borough to find a school placement. This is something that the parents have appealed for and this is imbued in the work that the Executive Member for Children Services has led for the last five years through the current and previous primary schools strategies. The Council's Executive will be holding a Special Executive on the 15th of March in order to ensure that the proposals are scrutinised by Members, as well as ensuring that the matter continues to be treated in an open and transparent matter.

Supplementary Question

The Council clearly has some money to spend. Costs for this expansion scheme now seem to be in the region of £5 million. Why don't you use this money to build a brand new school in the Hatch Farm development? You have already got land in that development that you can build on. There is easy access to the site and you can arrange for plenty of parking; which will be very different to Aldryngton School. The Council could also provide a disabled access bridge over Lower Earley Road so that children from Earley could use the new school in Hatch Farm Dairies. Would you seriously consider this option?

Supplementary Answer

I would welcome you writing in with your alternative proposal as part of the consultation. We haven't received anything from you as of yet, so that would be good. I will, with Charlotte, provide you with a full written response to that.

112. HOUSING REVENUE ACCOUNT BUDGET 2017/18

The Executive considered a report setting out the Housing Revenue Account Budget for 2017/18 which included proposed rent levels for council housing and council owned garages.

RESOLVED That Council be recommended to approve:

- 1) The Housing Revenue Account budget;
- 2) Council house dwelling rents be reduced by 1% effective from April 2017 in line with the Welfare Reform and Work Bill 2015;
- 3) Garage rents be increased by 1.9% effective from April 2017 in line with Council fees and charges;
- 4) Shared Equity Rents will be increased by 2% based on September RPI, effective from April 2017;
- 5) Tenant Service Charges are set in line with estimated costs;
- 6) The Housing Major Repairs (capital) programme for 2017/18 as set out in Appendix C;
- 7) Sheltered room guest charges increase from £8.20 per night to £9.00 effective from April 2017.

113. CAPITAL PROGRAMME AND STRATEGY 2017/20

The Executive considered a report setting out a proposed Capital Programme and Strategy for 2017/20.

RESOLVED That Council be recommended to:

- 1) approve the Capital Programme and Strategy for 2017/20, as set out in Appendix A to the report;
- 2) note the draft vision for capital investment over the next 10 years, as set out in Appendix B to the report; and
- 3) approve the developer contribution S106 and CIL as set out in Appendix C to the report noting that the S106 and CIL values are estimated and approval is sought up to the scheme budget.

114. TREASURY MANAGEMENT STRATEGY 2017/18

The Executive considered a report setting out the proposed Treasury Management Strategy for 2017/18. The report outlined the expected treasury activity for the forthcoming

year and included prudential indicators relating specifically to Treasury Management for the next three years.

RESOLVED That Council be recommended to approve the following:

- 1) Capital Prudential Indicators, 2017/18;
- 2) Borrowing Strategy 2017/18;
- 3) Annual Investment Strategy 2017/18;
- 4) Flexible use of Capital Receipts Strategy;
- 5) Minimum Revenue Provision Policy; and
- 6) Treasury Indicators: limits to borrowing activity 2017/18.

115. MEDIUM TERM FINANCIAL PLAN 2017/20 - REVENUE BUDGET SUBMISSION 2017/18

The Executive considered a report setting out the proposed Medium Term Financial Plan (MTFP) for 2017/20, including the budget submission for 2017/18. The MTFP covers both the revenue and capital budgets required to deliver the priorities of the Council over the next three years.

RESOLVED: That Council be recommended to approve the Medium Term Financial Plan (MTFP) 2017/20, including the budget submission for 2017/18.

116. COUNCIL OWNED COMPANIES' BUSINESS

(Councillors Pauline Jorgensen and Anthony Pollock declared personal interests in this item)

The Executive considered a report setting out the budget monitoring position for the Council Owned Companies for the month ending 31 December 2016 and the operational update for the period to 31 January 2017.

RESOLVED That:

- 1) the budget monitoring position for the month ending 31 December 2016 be noted;
- 2) the operational update for the period to 31 January 2017 be noted.

117. SCHOOL ADMISSIONS ARRANGEMENTS 2018/19

The Executive considered a report setting out the proposed School Admission Arrangements for 2018/19 for all state funded schools, including academies and free schools which were reviewed annually.

The Deputy Executive Member for Children's Services highlighted that the proposed arrangements related to applications for primary, junior, secondary and in-year admissions as well Year 9 pupils moving to technical colleges. Councillor Dolinski went through the proposed changes as set out in the report, which included extending the Loddon and Whiteknights Primary Schools' designated areas which should enable Earley parents to have more opportunities to gain places at a local school. All the changes had been

consulted upon however it was noted that no responses had been received to the consultation.

The Executive Member for Resident Services stated that she welcomed the changes to catchment areas in Earley and was pleased to see the strengthening of the admission rules which should assist in ensuring that the people attending these schools were entitled to do so.

RESOLVED: That the 2018/19 admission arrangements for community and controlled schools and co-ordinated admission schemes be agreed as set out in the annexes to the report.

118. ONE PUBLIC ESTATE - AUTHORITY AND GOVERNANCE FOR PARTICIPATION IN THE BERKSHIRE PROPERTY PARTNERSHIP

The Executive considered a report relating to the Cabinet Office initiative, One Public Estate, and participation in the Berkshire Property Partnership.

The Executive Member for Planning and Regeneration informed the meeting that the One Public Estate programme was launched in 2013 and was currently in its fourth round of funding applications and with this in mind the Council had led a pan-Berkshire bid for £500k. The Berkshire Property Partnership comprises all the Berkshire unitary authorities, the NHS, Police, Fire and Rescue and the Local Enterprise Partnership. The Homes and Communities Agency were also fully engaged. The intention is to drive better use of public owned land and assets across Berkshire. Councillor Ashwell clarified that any additional budget requirements or capital commitments would be brought back to the Executive for approval.

RESOLVED That:

- 1) the Terms of Reference for the Berkshire Property Partnership, set out in Appendix A to the report to enable the allocation of the £500,000 grant, be approved;
- 2) authority be delegated to the Chief Executive to make decisions supporting the programme delivery in accordance with the Terms of Reference and;
- 3) it be noted that any additional budget requirements or capital commitments will not be entered into without further Executive approval.

119. WOODLEY CAR PARKING TRIAL EXTENSION

The Executive considered a report relating to an extension of the Woodley Car Parking Trial.

Members were reminded that at its meeting on 28 July 2016 the Executive had agreed, subject to a six month trial, to an alternative proposal put forward by the Woodley Town Centre Management Initiative which increased the one hour parking charge in the Woodley car parks instead of implementing evening and Sunday charges in those car parks. The Executive Member for Highways and Transport advised that the trial was due to finish on 31 March 2017 however in order to gather a year's worth of data to provide useful comparison it was proposed to extend the current trial until September 2017.

RESOLVED: That an extension of the current Woodley car parking trial until September 2017, including the increase of the one hour parking charge increase in the Woodley car

parks (Crockhamwell Road, Headley Road, Lytham Road East, and Lytham Road West) from 70p to 80p which have been operating as part of the trial, be approved.

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 15 MARCH 2017 FROM 7.00 PM TO 7.55 PM**

Committee Members Present

Councillors: Keith Baker (Chairman), Charlotte Haitham Taylor, Anthony Pollock, Malcolm Richards and Angus Ross

Other Councillors Present

Chris Bowring
Richard Dolinski
Lindsay Ferris
Clive Jones

120. APOLOGIES

Apologies for absence were submitted from Councillors Mark Ashwell, Pauline Jorgensen and Julian McGhee-Sumner.

Councillor Chris Bowring attended the meeting on behalf of Councillor Ashwell. In accordance with legislation Councillor Bowring could take part in any discussions but was not entitled to vote.

121. DECLARATION OF INTEREST

There were no declarations of interest received.

122. PUBLIC QUESTION TIME

In accordance with the agreed procedure the Chairman invited members of the public to submit questions to the appropriate Members.

122.1 Sabine Heine-Bickle asked the Executive Member for Children's Services the following question:

Question

Do you agree that any investment decision by the Council should only go ahead if it offers value for money against all other available options?

Answer

Thank you very much for your question Sabine and for meeting with me last week.

Investment decisions are made in the light of a business case that consider the costs of a proposal and the outcomes sought against established objectives.

Had the recommendation tonight been to approve the expansion of Aldryngton it would have taken account of a number of factors including:

- 1) the current construction costs which are markedly higher than when this Council invested in building the three new primary schools in 2013;
- 2) the long term value achieved by replacing part of a 50 year old building and aging temporary buildings with a modern energy efficient building with at least a 60 year life expectancy; and

3) the need for primary school places in Earley.

Supplementary Question

The other three school expansion schemes it is recommended that you approve tonight are estimated to cost £8.4m combined and will create 75 new places per year group across these schools. This is in comparison to an estimated cost of £4.8m for just 15 places per year group at Aldryngton. All these schemes involve an element of refurbishment of existing buildings as well as new buildings. Taking into account that each of these places will cost £16k how do you judge the cost of £48k for each Aldryngton place, 300% the cost of the spaces created across the other schemes, to be good value for money?

Supplementary Answer

There are a number of different factors that have to be considered when considering Aldryngton. As you know, as a parent there, there are a number of site constraints. We would be creating new car parking spaces, taking away existing buildings that are already there some of which as I have said are 50 years old, and building a two-storey building which is more expensive than building a one-storey building and putting in a new play area. So there are lots of different things that add up to a significant amount of money being spent at Aldryngton which in some of the other places are not necessary.

In Beechwood, for example, it is a one-storey building so that is much cheaper to construct and they have got a site which is easier to expand going into a one-storey building. So each site is always different whenever we do expansions. It has be done looking at what is existing and what will make a better school in the future for those existing places and for the places that are going forward to create the extra capacity.

122.2 Toshiko Tani asked the Executive Member for Children's Services the following question:

Question

Do you think it is important that your decision tonight is based on facts?

Answer

Thank you Toshiko and thank you for meeting with me last week.

Executive decisions are taken following consideration of Officer reports presenting national and local context (as appropriate), options, financial considerations and recommendations. Statements of facts are clear as part of these considerations.

The recommendation to consider the expansion of the school was based on evidenced demand for school places in Earley. In particular the position in 2015/16 when 30 Earley children had to be found places outside of the Earley area due to the lack of local school places;as you know and we have discussed several times.

In 2016, the following year, the facts were that despite offering 30 additional places at Loddon School in Earley all Earley school places were allocated and once again a number of children living in the Aldryngton primary school designated area could not be offered places at this local school and also we have expanded Hawkedon in 2012 as well and that was an extra 20 places within the Earley area as well.

So the recommendation not to proceed with the Aldryngton expansion project is based on the actual number of applicants; information that could only become available at this point in the admissions process. Again this is factual information.

Supplementary Question

At the Planning Committee we saw decisions being made based on misleading or at the very least inaccurate information about school placed demand. Unfortunately because the format of the Committee prohibits any interaction we could not point out the number of false statements that affected the Committee's decision. Basically they focussed, I think, on the last two years where there were unfortunately some pupils who couldn't be offered Aldryngton places, although they lived in the catchment area, but that doesn't mean that the situation will always be the same as the last two years.

In the public document pack for this meeting there are a number of notable errors and omissions eg on page 5 of the pack it is stated "the number of applications for reception places in Earley has not increased as projected". At no point has Wokingham Borough Council projected an increase in reception application numbers in Earley for 2017. In fact the Council projected that there would be a year on year fall in demand this year and a surplus of places in Earley. Similarly the summary of statutory consultation responses contained in the pack contains a number of significant omissions. In our view the information in the public document pack does not meet Department for Education requirements specified in a strategy consultation process. Do you agree that you are happy for us to raise hands and present facts when false or misleading information is presented to the Executive during the meeting tonight?

Supplementary Answer

Thank you for raising a number of issues. In terms of the planning consideration it was a full Planning Committee and I know that a number of people made representations on behalf of the School and also people made representations against the planning application and for the planning application and that was considered in the way that a normal planning application would be considered. I know that some members who represented themselves at that Planning Committee were unhappy with some of the things that were said there and they can make a complaint to the Council about that and I know that some people may wish to do so but there was evidence produced to support the application at that Committee.

The recommendation tonight is, as you know, not to go ahead with Aldryngton so that is the recommendation today and it also says in the recommendation it is "subject to further consultation". So you may think that the consultation has not been satisfactory but I would disagree but it is subject to further consultation and review of alternative options for growth as well.

In terms of the numbers of pupils coming through we have always said, and I want to reiterate that tonight, that this expansion would only go ahead if the numbers of admissions were sufficient to demonstrate that this expansion was needed. We have always been factual and honest in saying that school place planning was not an exact science but the figures we have used, and we have got a number of different sources of data and we have used all of those to the best of our ability to bring them together, to form a coherent strategy to try and project the numbers that we need in the whole of Earley and, indeed, throughout the whole of the Borough. If we do not plan ahead then we risk not meeting our statutory duty to provide enough school places. The reality for parents, when this actually happens in a specific area, is really heart wrenchingly gutting and highly

impractical on a daily basis. Whilst I am lead Member for Children's Service I will doggedly plan ahead to continue for school places in the right places at the right time so that we don't risk parents having the risk of not having enough places at the right places and at the right times.

So tonight I am satisfied that other Members of the Executive have all the information available and I am satisfied that members of the public and parents of the school have had an opportunity to enter this consultation. We have held a consultation meeting at Maiden Erlegh and I know that many of the faces that are out there tonight have taken part in that consultation process. All of the information has been available for Members to look at in terms of the responses back.

The recommendation tonight is for Members of this Committee not to approve the Aldryngton expansion this year. If the recommendation comes back to the Executive at a later date for expansion everyone will get the opportunity once again to review evidence and there will be further consultation. You will get another chance to put in comments and another chance to air your views about the expansion of this project and the data and the evidence supporting to go ahead with this. At this time, as I reiterate again, the recommendation is not to expand it this year.

The Leader of Council stated that unfortunately we have a formal process in our Constitution that does not allow us to have that interaction here. I know that is probably sad for you but it is just the way we operate.

122.3 David Nader asked the Executive Member for Children's Services the following question:

Question

Do you agree that a £5m investment in the expansion of a school should be based on a high level of confidence of long term local demand for school places rather than a single year's data?

Answer

Thank you Mr Nader for your question tonight and for your helpful questions and e-mails throughout this process and your other questions.

Our primary school strategy, including the investment decisions, is based on the knowledge that demand has risen across the Borough for much of the last decade.

Using Earley, as an example, the need for school places has risen over a number of years, not just over a single year, so when making long term decisions about any sum of investment of course we need to weigh up factors that support a recommendation and endorse a proposal being a sound investment.

Additional capacity both at Hawkedon and at Loddon primary schools has been created to meet this need so Hawkedon was 20 places and Loddon was 30.

However, even with this capacity, which has led to the 50 additional Reception class places in Earley all of the available Reception places were allocated in 2016; leaving no capacity for families moving into the area.

This year demand has not increased and this allows the Council the opportunity to pause and review options and future need in the Earley area.

Supplementary Question

The current primary places strategy is based on analysis carried out in 2015. Since then the central Government's policy on immigration has changed, economic forecasts have changed, and house sales in the Aldryngton and Loddon catchments have dropped by nearly 60% in volume terms. The forecast estimates whilst showing the correct trend of a spike in demand, but then reducing again from 2017 onwards for the last two years, has overestimated demand.

Do you agree that any decision on the school expansion in the future should be based on a revised forecast that takes into account the latest data and where the decision concerns Aldryngton that it should include some detailed analysis of the school's catchment?

Supplementary Answer

Of course any decision in the next year or two years will take into consideration any new and relevant data. I couldn't bring back a decision to the Executive recommending anything other than the use of new and up to date data. But what I think is interesting this year has been the fact that first preferences for Loddon have gone up 25% so that the 30 places that have been created there have obviously been used and the first preferences for Aldryngton have gone down by 22%. So overall in the whole of Earley, in the designated area which covers seven schools (so a lot of schools) there were only 13 less numbers applying in the normal application round so that is just under 3%. So it is not a significant swing downwards, it is not the 15 places upwards that we had anticipated but we have made the preparations in case the 15 extra places were needed at Aldryngton but tonight we have seen that we don't need them so we are recommending not to expand this year.

122.4 Jason Sutton asked the Executive Member for Children's Services the following question:

Question

Do you agree that the Council's statutory duty is to provide school places to every child in the Borough, but that this duty does not extend to: ensuring every child is allocated a place in the catchment it lives in every year, ensuring there is a place for every child at the school that its parents choose or providing places for children who live outside of the Borough?

Answer

The Council has a clear duty to ensure that every child living in the Borough has a school place under the Education Act 1996.

A range of other duties and responsibilities provide the context that explains how we set out to satisfy this core requirement.

- 1) The first being to satisfy a high proportion of parental preference is an important concern and one that is scrutinised closely every year when offers are made. A focus on expanding our popular schools is important if parental preference is to be satisfied.

- 2) We know that one of the key factors influencing the popularity of the school is proximity so it is important to consider expansion proposals that would create places that are closer to children's homes.
- 3) This also helps to reduce the number of children being delivered by car; something that contributes to the reduction in traffic congestion on key routes, another of the Council's objectives. This was top of the list of priorities for parents when we surveyed them creating the previous Primary School Strategy and they told us that they wanted a local school that they could walk to;
- 4) The Council also has duties under the admissions law to children living in other areas i.e. outside of the Borough. The Council cannot reserve places for Wokingham residents so if some schools are preferred by Reading for example and not Wokingham residents, the Council must allocate to Reading families even when this means that too few places are left for the local children of Wokingham.

Supplementary Question

Will you therefore commit to, as a first choice, utilising the places available in Earley schools to meet any demand increase in Earley before considering a local expansion and if you are able to answer this question with a yes or no if that is possible?

Supplementary Answer

Tonight the recommendation is to use the places that are available before doing any expansion so if there are surplus places, or if we are projecting that there would be surplus places, then we would not be doing an expansion leading to a huge surplus of places in one school or another leading then maybe to some inconsequent results where maybe one school has far too few pupils and another reaching their full capacity for example. So yes in short.

122.5 Hannah Selman asked the Executive Member for Children's Services the following question:

Question

The issue of funding in education is currently high on everyone's/ the political agenda at the moment, both nationally and within Wokingham Borough, with many schools facing the challenge of ever-tightening budgets. Do you agree that given the current financial situation in schools maintaining surplus places could be considered a considerable, and uneconomical, financial burden?

Answer

Schools funding is an issue that is very close to my heart and I continue to press central Government Ministers, the Secretary of State for Education and local MPs to listen to the local challenges and specific issues that our schools are facing with current funding levels and they will face under the Fairer Funding Formula if it is implemented in its current form. Indeed I will be meeting with the Secretary of State for Education very shortly to discuss this very subject and there will be a full debate on this topic next week at full Council so if you are available please come along.

One of the most pressing challenges in Wokingham that we have faced over the last decade has been to ensure that there are sufficient places to make sure that all of our children in this Borough can be allocated a local school place.

A small percentage of surplus capacity is necessary to ensure places are available for families moving into the Borough to allow parental preference and to have some real and practical effect.

Simplistically we cannot meet this statutory duty or family requirements without any surplus capacity; particularly given Infant Class Size legislation limiting infant class size to no more than 30 pupils.

Too high a level of surplus places can be difficult for schools to manage so the recommendation not to proceed with the Aldryngton expansion this year will help guard against the risk that the other six Earley schools might be placed in this situation in the future.

Supplementary Question

In the course of expansion discussions Children's Services and local Councillors have stated that the Aldryngton expansion is necessary in order to provide places for children who move into the catchment area during the school year. As funding is provided on a per pupil basis it is surely good financial management for schools to fill all available places at the start of the academic year in order to maximise their budgets. In addition to this Aldryngton is an outstanding school and has successfully offered places to out of catchment children in all but two of the last 30 years. As a result this has left no room for children who move into catchment mid-year. As a popular and extremely successful school this is always going to be the case regardless of how many additional places are created through expansion. As for example in April 2016 after the national offer day for primary school places 55 out of catchment children were placed on the waiting list for Aldryngton Primary School. Do you therefore agree that expanding the school will not address the issue of creating school places for children moving into catchment during the school year as any available spaces are likely to have already been filled by out of catchment children?

Supplementary Answer

We are by recommending for expansion, with all of these schools and four were within these proposals and three are recommended tonight for expansion, we not only look for the initial admissions round, which is in September, but also in-year places as well because the Government recommends that we have 5% surplus of places. We try to get them spread equally around the Borough because there is a lot of movement and particularly within Wokingham Borough there is a significant amount of movement in and out of the Borough.

This year there will be a very, very, small amount of surplus potentially at Aldryngton but if there are any children who qualify for places over the next few weeks, because they are children in care for example, then that very small headroom at the moment will be taken up straight away.

I would like to see an even spread of extra capacity so that when children and families move in it is not difficult to instantly get a school place locally so that they are not having to travel significant distances. Throughout the year I get a number of e-mails in particular hotspots throughout the Borough from families who may get one child into one school but they cannot get a child into another school and it means that perhaps one partner is having to think about changing their job or stopping work altogether. So whilst I understand that there is the wish perhaps not to have any headroom of space and therefore it is perhaps easier for schools to budget that way my recommendation, I think, is

to have a very small amount of headroom meeting the Government's recommendation of 5% throughout the whole Borough. But it is very hard to plan and get that evenly spread and at the moment with certain trends in certain areas we don't always meet it.

122.6 Martha Ahijado had asked the Executive Member for Children's Services the following question. The response which was given in her absence is as follows:

Question

Do you agree that the Council's decisions should be made following a transparent set of decision making criteria?

Answer

All of the Council's formal decisions are made transparently at Executive, following a report containing all the appropriate contextual information including the objectives and rationale behind the recommendations. Reports follow a defined template to ensure that all relevant information is captured in a systematic manner.

In the case of the matters being considered tonight, the report has also been guided by statutory guidance for decision makers.

So relevant elements include:

- the outcomes and benefits to the community;
- the financial implications of the proposals;
- the need for school places;
- the outcomes of consultation with key stakeholders;
- confirmation that the quality and diversity of local schools has been considered; and
- travel and accessibility issues and so on.

122.7 Ian Head asked the Executive Member for Children's Services the following question:

Question

Do you have faith in the Aldryngton Primary School governors to make the best possible choices and exercise sound judgement for the pupils of the school?

Answer

The Council has faith in the Aldryngton School to make appropriate choices and exercise sound judgement over the matters that it has responsibility for.

The Council should not expect or require the governing body to take responsibility for matters that are the Council's own responsibility; including the duty to ensure there are sufficient school places.

In considering the expansion of Aldryngton primary school, the Council has to consider the interests of the pupils attending the school as well as the needs of other Earley children who are prospective pupils at the school.

Without advance planning to ensure sufficient school places, some of these children might not secure a place at a local school, despite living within the school's designated area.

Supplementary Question

Therefore the governors' obligation, to make the best possible choices and exercise their best judgement, extends to future pupils as well. When considering the Council's proposed expansion of the school the governors considered the proposal in its entirety and concluded that they cannot support the plans for reasons of pupils' safety and because of site limitations and that they will adversely affect the wellbeing and experience of pupils not only of those already in the school but also for those of the additional intake. The selection of Aldryngton primary as a candidate for expansion was approved at the Executive meeting on 28 January 2016 yet the first time the school was consulted about the proposed expansion was in September 2016 and despite strong objections expressed by the school the Council proceeded with the plans. At the January Executive meeting approval was given subject to further evaluation and discussion with the school. Councillor Haitham Taylor was the Executive Member for Children's Services and also rightly stated that expansion was subject to the support of the school. Do you intend to honour this statement?

Supplementary Answer

I understand you are extremely worried about the issue of not only your pupils at the moment but also future pupils and we have discussed that earlier in the week. I think there have been disagreements about what we feel as a Council can be achieved by the expansion and what you feel are your views as a school about the expansion. I think that after today, and the recommendation, there needs to be some further work and much dialogue between yourselves and the Headteacher and we need to work through all of the issues that you have raised and the school have raised to work out if this plan is something that the school could be happy with in the future should the demand be needed.

The Leader of Council thanked Mr Head, the Headteacher and those who were also in attendance who he met with the other day which he found to be very useful and helpful and he felt had gone some way to start mending some of the bridges that we have to mend for the sake of the children.

122.8 Philip Martin Daniels asked the Executive Member for Children's Services the following question:

Question

Can you share the number of parents who attended the Council's pre-consultation meeting on the 16th of January?

Answer

The pre-consultation meeting was an open meeting where parents were not required to pre-register in order to attend or complete a register on the day; although I know that some parents did.

However, the meeting was successful in reaching out to a significant proportion of the school community who filled the Maiden Erlegh School hall and were able to express their views clearly. I was there and the hall was pretty jam packed with many people standing at the back as well and down the sides.

There were plans of the proposals available to view and a slide presentation and information on rationale for the proposals presented. There was an opportunity for a great number of questions to be asked from the floor and responded to by the number of Officers from the different departments represented as well. I am sorry that I don't have

the precise numbers for you but if you were there you will know that there was a significant number of people.

Supplementary Question

There was a significant lack of meaningful dialogue in the course of the Aldryngton expansion process. Many residents and parents felt that their voices were not heard although they have written numerous e-mails, submitted objections to the planning application and attended the pre-consultation meeting in January. The Council promised in the pre-consultation meeting to take note of the parents' and residents' comments and ensure that they were properly considered.

However according to the response to the Freedom of Information request No 8461 there has been no meeting which has taken place to discuss the concerns raised. By the time the pre-consultation meeting was held the statutory consultation was already scheduled to commence the following week and we did not see any change whatsoever made to the proposal based on the numerous concerns and questions raised during the meeting. Can we trust that you will engage the school, parents and residents at a more appropriate stage if the Council is to propose the expansion of Aldryngton again any time in the future?

Supplementary Answer

My commitment is that if this proposal goes ahead any time in the future we will have a meaningful consultation again and engage parents and, of course, the school and I have already promised that.

In terms of engagement over the consultation I would say there has been meaningful consultation and we have listened to the views of everyone. The majority of the views have obviously been against this proposal and a small number of views have come in, both via the consultation and e-mails, in favour of this proposal. We take consultation extremely seriously and I am somewhat amazed that you feel it has not been taken seriously and you feel there was a lack of meaningful dialogue. In terms of change from listening to the school and listening to parents there have been significant changes to even the proposals that went to the Planning Committee from the initial proposals of what the planning would look like to what was eventually taken through to the Planning Committee a couple of weeks back. So if this proposal does go through at any point in the future as a proposal and recommendation then, of course, we will be going back through this plan again and I am sure you will take part in the next round of consultation.

122.9 Carolyn Simpson had sked the Executive Member for Children's Services the following question. The response which was given in her absence is as follows:

Question

Aldryngton School and its PTA have for the last 9 months put their capital investment on hold, from repairing the climbing frame, adding the planned new playground markings, to needed repairs etc. in order to avoid investing funds into infrastructure about to be demolished again. Do you agree that it is unreasonable towards the school and unfair to its current pupils to expect this to continue for the next three years that the planning permission would be valid for?

Answer

Thank you very much for your question and please pass on my thanks to Carolyn for her question.

This is an issue that I am indeed keenly aware of and we discussed it earlier on in the week when we went to the school. I will commit tonight that the Council will work with the school to explore how the investment that you referenced tonight can be delivered in ways that would add a long term value, if the expansion were to be agreed at a later date. This might be, for example, through new equipment that can be relocated should the expansion at Aldryngton be recommended at a later date.

If the proposed review identifies a better option for creating additional capacity locally, then of course we will formally step away from the expansion proposals so the school and its PTA will have greater long term confidence in the investment decisions that they may wish to take.

122.10 Tahir Maher asked the Executive Member for Children's Services the following question:

Question

Now that a decision has been made not to expand Aldryngton school this year will the Council use some of the money that was set aside to finance the expansion to repair and refurbish parts of the school.

Answer

The funding for the Aldryngton project has been agreed to meet a key Council duty which is to ensure that there are sufficient school places, so in this instance it cannot be used for another purpose.

However, the Council does have a capital budget for ensuring that schools are kept safe and operational. Decisions on the use of this budget are made by Council Officers in the light of individual requests by schools and the Council's assessment of the condition of the school compared to other schools.

Officers and the school are already in discussion over this issue and I hope that this will bring you some reassurance.

Supplementary Question

Presumably these discussions that you have with the school also include the governors so that together there is a programme of change worked out?

Supplementary Answer

I hope that it will include both the Head, the Deputy, and the governors should they wish to take part in the discussions.

122.11 John Russell asked the Executive Member for Children's Services the following question:

Question

Do you agree that Aldryngton School has successfully accommodated all foundation applicants from within the catchment area from at least 1998 until 2014-15 and that the school has been unsuccessful in accommodating all foundation applicants only in the last two years 2015-16 and 2016-17?

Answer

Aldryngton School was proposed for the expansion to ensure that there were sufficient places in Earley; not exclusively on the basis of the increased local demand for that school just in 2015.

The growth in the number of children in the Aldryngton school designated area in 2015/16 and 2016/17 exceeded the number of places available at the school and was without precedent.

This needs to be seen against the backdrop of rising demand in Earley primary school places; fuelled by families moving into the area to take advantage of the excellent education offered by all of our schools. Rather than a temporary shift, we need to be prepared that this is signifying a significant change in the local community.

Supplementary Question

The first part of the question I felt wasn't answered actually. Moving from the past and the present and future I would like to ask a question about the demand that would trigger an expansion of the school in the future.

What is the level of long term demand increase that would lead you to decide to spend the £4.8m you need to expand the school?

Supplementary Answer

Going back to your first question first of all there has been significant long term growth in the Earley area over the last 10 years which has led us to expand, as I have mentioned earlier, Hawkedon and the places in Loddon as well by 30 which has led to 50 extra school places. In terms of the long term demand as I said we have seen a trend of needing to build extra capacity. This year we have seen an increase in demand in Woodley so the places that we are recommending for expansion in Highwood and also in Beechwood they have been totally justified by the projections that the Officers have made in the recommendations tonight.

Going away from this evening and looking forward to the next year we will be looking at the data about what has been going on locally in Aldryngton but also in Earley and looking at the trends over the last number of years but also this year in terms of first, second, third and fourth preferences and the movements. There are lots of different data that informs our projections and before a decision is made for next year we will be needing to look really closely at the data but also we will have to wait, unfortunately, for next year's admission round when we get the numbers in then. Over the Borough we have seen an increase of demand in the admissions of over 100 places so we have seen the numbers going up so we do need more school places and will be taking a closer look at it again. It is not an exact science as we have said but we have to be there ready with new school places when they are needed otherwise we will be diverting more school children out of their areas and, as I have spoken before, for me that is not acceptable.

123. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members

123.1 Clive Jones asked the Executive Member for Children's Services the following question:

Question

You have advised me that you don't think that a new school in the Hatch Farm Dairies development, as an alternative to the expansion of Aldryngton School, is not a good idea.

Could you explain in detail why you have come to this conclusion?

Answer

You asked this question as a supplementary at the last Executive so for transparency and clarity I am going to read out the answer I sent out to you first of all and then carry on. I wrote back to you:

“Thank you for your suggestion for building a whole new school in Winnersh. Regrettably, £4.8m would not cover the expense of building a new school. The concept of a school at Hatch Farm Dairies is, of course, not a new one and has been on the table for some years now, but local need and land availability has meant that it has not been a front-runner to date.

Should the Officers recommend not to expand Aldryngton primary school in 2017 and it is anticipated that expansion is required in the future, then I would be happy to ask Officers to review all options. This would include reviewing the Hatch Farm Dairies site in Winnersh.”

Moving on to your question above. The Hatch Farm Dairies site in Winnersh will be considered as part of the review of options for Earley that will be implemented if the recommendation for Aldryngton primary school is approved. However, the site could not be considered in the development of the Primary School Strategy Implementation Plan because it was not available for development to enable a school to open in 2017.

Supplementary Question

Could you confirm that you have not spoken to developers about selling off the land that is designated for a primary school in Hatch Farm Dairies?

Supplementary Answer

Personally I have not spoken to any developers in the Hatch Farm Dairy area so I am very happy to confirm that. I will pass on your query to Officers in the Council. I, myself, have had no conversations with any developers about that whatsoever.

124. PRIMARY STRATEGY SCHOOL ORGANISATION APPROVALS

The Executive considered a report relating to Primary Strategy School Organisation Approvals which set out progress to date with the previously considered expansion schemes, the associated consultation, and the future timetable necessary to deliver school places in 2017.

The Executive Member for Children's Services reminded the meeting about the previous relevant reports that had been considered and agreed by the Executive; which included one on shared catchment areas for 2018/19. This item agreed a shared catchment area for Whiteknights expanding to Radstock and the designated area of Loddon to include Aldryngton; the purpose of which was to help mitigate some of the growth within these areas.

Councillor Haitham Taylor advised the meeting that extensive consultation had taken place on the proposals for Loddon, Beechwood, Highwood and Aldryngton primary schools. These proposals included:

- Permanent expansion of Loddon Primary School from September 2018 offering an extra 30 places per year group making it a three-form entry school taking it up to 630 places;
- Permanent expansion of Beechwood Primary School from September 2018 for 15 extra places per year group taking it up to a two-form entry school;
- Permanent expansion of Highwood Primary School from September 2018 for 30 extra places per year group taking it up to a two-form entry school;
- Not progressing with the expansion of Aldryngton Primary School for 2017 which would mean that the school would stay as a 1.5-form entry school i.e. 45 places per year group. It was noted that the proposal would be subject to further consultation including the consideration of alternative options for growth.

Members pointed that over time the demographics of particular areas changed which the Council had to respond to. Councillor Haitham Taylor stated that demographics actually change year on year in different areas of the Borough. This year had seen significant growth in Woodley and the north and a reduction in numbers in the south west of the Borough. As an example Beechwood primary school had previously reduced its planned admission number but the proposal was now to increase it. Over the last 10 years it had found that there was a need to grow school places over the whole of the Wokingham Borough area to meet the increasing numbers of people moving into the area which was due in part to the number of houses being built.

RESOLVED That, to ensure there are sufficient primary school places in Wokingham, the Executive agreed:

- 1) to the permanent expansion of Loddon Primary School from September 2018 to offer 90 places per year and for the school to grow annually to offer 630 places, this agreement being conditional on the grant of planning consent for the scheme by 01/09/17;
- 2) to the permanent expansion of Beechwood Primary School from September 2018 to offer 60 places per year and for the school to grow annually to offer 420 places;
- 3) to the permanent expansion of Highwood Primary School from September 2018 to offer 60 places per year and for the school to grow annually to offer 420 places, this agreement being conditional on the grant of planning consent for the scheme by 01/09/17;
- 4) to not progress with the expansion of Aldryngton Primary School for 2017 as the number of applications for Reception places in Earley has not increased as projected, and agree that the proposal will be:
 - Subject to further consultation including the consideration of alternative options for growth;
 - Returned for further consideration by Executive in the event of an increase in demand for school places in the period 2018 to 2020.

TITLE	Council Owned Companies Business
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	None specific
DIRECTOR	Graham Ebers, Director of Corporate Services
LEAD MEMBER	Keith Baker, Leader of The Council

OUTCOME / BENEFITS TO THE COMMUNITY

Transparency in respect of Council Owned Companies

RECOMMENDATION

The Executive is asked to note:

- 1) the budget monitoring position for the month ending 31 January 2017;
- 2) the operational update for the period to 28 February 2017;
- 3) the recommendation of WBC Holdings Board that the company and reporting structure for the Optalis group will be the same for both Councils with Optalis Holdings reporting directly to the Council Executives;
- 4) approve the operational funding facility for Wokingham Housing Limited of £500k, charged at an interest rate of base plus 5.5%.

SUMMARY OF REPORT

Strategy and Objectives of the Council's Subsidiary Companies

There has been no change to the Strategy and Objectives of the Council's Subsidiary Companies since the last report to Executive in February 2017.

Financial Report

A budget monitoring report is provided for each of the companies for January 2017; the position for each of the companies is explained in paragraphs 1.1, 2.1 and 3.1 below.

Operational Update

An operational update is provided from each of the companies as at 28 February 2017 in paragraphs 1.2, 2.2 and 3.2.

Changes to Directors

Directors' resignations, appointments and other changes to the Companies' Boards as at 28 February 2017 are reported in paragraphs 1.3, 2.3 and 3.3.

Optalis Group Reporting Structure Following Merger

BACKGROUND

It is the recommendation of the WBC Holdings Board that the company and reporting structure for the Optalis Holdings company will be the same for both WBC and Royal Borough of Windsor and Maidenhead (RBWM) with Optalis Holdings reporting directly to the Council Executives as shareholders and the commissioner in accordance with contract for service. This is as per the governance model in the updated Business Case presented to the Executive in January.

The reasons for this structure are transparency, simplicity and certainty of finance and decision making. There were no tax benefits in Optalis Holdings reporting to WBC Holdings.

Wokingham Housing Funding Facility

BACKGROUND

To enable WHL to fund their day to day operational costs until the company is generating profits WBC provides a funding facility. This facility is to cover non-capital expenditure including payroll, premises and other overheads for the next financial year. Holding Company support working capital funding up to a maximum of £500,000.

BACKGROUND

1. **WBC (Holdings) Group Consolidated** (i.e. comprising WBC (Holdings) Ltd, Wokingham Housing Group (including Loddon Homes Ltd), and Optalis Group.)

- 1.1. **Financial Report**

At the operational level, the net profit for the consolidated Group for January was £122k. The net deficit after interest and tax was £40k.

An overall budget for the Group is not available at this point so it is not possible to comment on the results versus budget.

WBC (Holdings) Ltd: A year-to-date deficit of £260k after interest and tax is reported for January.

- 1.2. **Operational Report**

WBC (Holdings) Ltd does not undertake any operations as it is a holding company.

- 1.3. **Changes to Directors**

There have been no changes to the Directorship of WBC (Holdings) Ltd since the last report to Executive.

2. **Optalis Group** (i.e. comprising Optalis Ltd, Optalis Wokingham Ltd and Optalis Holdings Ltd.)

2.1. Financial Report

January results

- The Company is reporting a £130k profit for January 2017 and breakeven is projected at year end.

Overview of Actual and Forecast Outturn:

<u>Total Optalis</u>	Actual Jan-17 Current Mth (£000)	Forecast Mar-17 YTD Full Year (£000)
Turnover	1,136	12,503
Costs	(1,006)	(12,503)
YTD Profit/(Loss)	130	0

Risk/Mitigation:

- Agency spend remains high and weekly management reviews chaired by the Managing Director continue; progress is being made and the four weekly average continues to reduce.
- Recruitment continues to be challenging and remains Optalis' greatest corporate risk as previously reported. Regular recruitment events are taking place with the addition of targeted use of social media and there is no let-up on the effort.

2.2. Operational Report

General:

- CQC compliance – there are no outstanding CQC compliance matters.
 - The START service is expecting an inspection imminently.
 - The manager for Care at Home Berkshire and Care at Home Oxfordshire has been successful in his application as Registered Manager.
- Care Governance: Suffolk Lodge was reviewed by the commissioner on 22 February and we are pleased to report that the service has been removed from the Care Governance Framework due to the extensive improvements that have been achieved.
- The START service is facing a higher than usual level of staff turnover which is reducing the capacity to meet the contractual obligation.
- Start and Finish working groups have commenced around both START and Suffolk Lodge; the former to examine the care pathway for effectiveness and to address blockages in the integrated system, and the latter to design the planned Step Up Step Down facility.
- Sickness absence continued to be high; absence remains within industry norms but the trend is upwards and is therefore receiving a high level of management focus.
- The Optalis Care Governance Committee was replaced in February by a Business Continuity workshop.

- The Customer Experience Champion has led projects including: supporting the Lifelong Learning tutor offering reminiscence courses in older people's services, and progressing a programme of work for World Autism Awareness Week.

Progress on Major Corporate Projects:

- February payroll was provided by RBWM; the process of transition has been complex but ultimately successfully delivered.
- The transition project toward the RBWM merger is underway with most work streams set up and progressing well. The planned go-live date is 3 April 2016.

Business Development:

Wokingham Borough Council

- Optalis has been engaged by WBC commissioners as the provider of choice for a new extra care scheme in Woodley (The Birches), scheduled to open Jun-17.
- We continue to work with WBC and WHL on the redevelopment of the Fosters site, where a new ECH scheme is due to launch in September 2017.

Supported Employment

- We are currently exploring partnership opportunities with prime providers PLUSS and Prospects who are on an Umbrella Agreement for the provision of Employment and Health Related Services (UAEHRS) through which DWP which will procure the Work and Health Programme. The next stage is for those providers to make decisions on who they would like their partners to be within their bids.
- In addition the service is exploring opportunities with the National Grid in Wokingham. The organisation works with Addington School providing internships to disabled students; there is a possibility that Optalis could provide specialist employment group work and 1-1 to add value to the programme.

Nottingham Rehab Services (NRS)

- The contract for OT assessments of double handed care calls is progressing to plan. The contract is for 65 assessments of which 47 referrals have been received and progressed.

2.3. Changes to Directors

After a successful probationary period the Board resolved to appoint Alan Rawlings to the role of Finance Director and Executive Company Director.

3. Wokingham Housing Group (i.e. comprising Wokingham Housing Ltd (WHL) and Loddon Homes Ltd (LHL))

- 3.1. **Financial Report Income & Expense:** Income for January 2017 is £68.5k (with year to date income of £251.5k). £62k of this income was recognised in the month for planned development work on Vauxhall Drive to improve that property for the current special needs of residents. This was not originally budgeted but as the property is owned by WBC, the cost would be picked up by the owner (hence the recharge).

Operating expenditure is overspent from budget by £46.5k in month and £168.9k year to date. These variances relate directly to the unbudgeted income as above and earlier recharges of clearance costs and additional consulting on Tape Lane. There have also been some savings in month including release of accruals for professional fees and very little of the budgeted expenditure in this area. This is offset by the recognition of bad debts in the month of £5.7k. All other costs have broadly been on budget. Overspend on interest costs is likely to remain over-budget due to higher drawdown in early 2016 (although loan drawdown in recent months has recovered some of this variance).

The Net Loss of £33k in month is £14.9k better than expected while the year to date net loss of £446.0k is £5.8k higher than budgeted loss.

Balance Sheet: Capital expenditure in January was £989k including construction contractor payments for Phoenix of £530k, Fosters of £251k and Grovelands of £76k.

Net Assets for the Wokingham Housing Group were £10k at the end of January. The investment of £1,900,000 of £1 ordinary share capital invested in Wokingham Housing Limited remains unchanged.

Overview of Year to Date Income & Expenditure compared to Budget:

Wokingham Housing Limited (Consolidated)			
P10: January / Year To Date			
Profit and Loss Account for the period to 31st January 2017	Actual	Budget	Variance
	£	£	£
Income	251,478	88,364	163,113
Operating Expenditure	(697,520)	(528,580)	(168,940)
Operating Loss	<u>(446,042)</u>	<u>(440,215)</u>	<u>(5,827)</u>

Overview of January Income & Expenditure compared to Budget:

Total Sub Group	Jan	Jan	Budget	Prior Mth	
JANUARY	Actual	Budget	Variance	Actual	Variance
	(£000)	(£000)	(£000)	(£000)	(£000)
Income	68.51	7.12	61.39	4.27	64.24
Costs	<u>(99.72)</u>	<u>(53.21)</u>	<u>(46.51)</u>	<u>(76.12)</u>	<u>(23.60)</u>
Operating Loss	(31.21)	(46.09)	14.88	(71.86)	40.64
Non Trading costs	-	-	-	-	-
Depreciation	(2.13)	(2.13)	(0.00)	(2.13)	-

Loss before Tax	(33.34)	(48.22)	14.88	(73.98)	40.64
Taxation	-	-	-	-	-
Net Loss	(33.34)	(48.22)	14.88	(73.98)	40.64

3.2. Operational Report

WHL Completed Schemes:

There are no operational changes at Hillside and Vauxhall Drive since our last report.

WHL Schemes In Progress/Under Development:

Phoenix Avenue: While solid progress is being made and the scheme continues to be on budget with the January valuations equating to 64% of the contract sum completed, the project is behind the original, and now revised schedules.

Phases 1 and 2 will be delivered in line with the revised timeframes in May. However, on phases 3, 4 and 5, which are yet to be made weather-tight, we have arrived at the final expected delay period as a result of the poor January weather, anticipating that these phases will be completed by the end of August, and that no further delays should be required. We are currently in negotiations with the contractor in relation to their Extension of Time (EOT) claim.

Fosters Extra Care Home: Progress at Fosters independent living scheme continues to be on time and to budget.

Pipeline Sites: Progress at 52 Reading Road to build a replacement facility for young care leavers is on track. The build contract has been awarded following a competitive tendering exercise; to secure the Government grant a build contract needs to be in place and demolition work commenced by the end of March 2017.

The joint venture on Finch Road with Burwood Developments has been submitted for planning with the application expecting to be heard in May 2017. London Road is currently in pre-app discussions with Planning.

The business cases for Wellington Road (private rented scheme) and Woodley Age Concern were presented to the Asset Review Programme Board (ARPB) who has asked WHL to continue to progress both schemes, working up the detail of the two schemes to enable an Executive report to be written by the Commissioner.

Future Housing Company arrangements: As well as Loddon Homes, the Council's For-Profit Housing Association, a second wholly-owned Council housing company is being set up to own and manage affordable homes that are funded purely from Commuted Sums and Council loans. This provides the Council with maximum flexibility in how it owns and manages the new housing it is building through WHL. Getting the arrangements in place for the new housing company is now a priority with the first Phoenix homes due to be handed over in May.

3.3. Changes to Directors

Phone interviews have been undertaken for the recruitment of two new Loddon Homes independent Non-Executive Directors (NED) having received a very good response to our adverts through Altair. Final interviews are being held at the end of April before seeking WBC Holdco approval for the two new NEDs.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	See other financial implications below	Yes	Revenue
Next Financial Year (Year 2)	See other financial implications below	Yes	Revenue
Following Financial Year (Year 3)	See other financial implications below	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

The Council will benefit from reduced costs in commissioning services, the interest and management charges to WBC (Holdings) Ltd and future profits paid out as dividend. These will be factored into the Medium Term Financial Plan under the appropriate service.

Cross-Council Implications

No Cross-Council Implications

List of Background Papers

None

Contact Emma Lyons	Service Resources
Telephone No 07769957900	Email Emma.Lyons@wokingham.gov.uk
Date 20 March 2017	

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TITLE	Update on Expansion of the Council Owned Company Optalis
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	None specific
LEAD OFFICER	Andy Couldrick, Chief Executive
LEAD MEMBER	Keith Baker, Leader of Council Julian McGhee-Sumner, Executive Member for Health and Wellbeing

OUTCOME / BENEFITS TO THE COMMUNITY

This report is to update the Executive on progress of the merger with the Royal Borough of Windsor and Maidenhead that accommodates RBWM's Adult Social Care services within Optalis Ltd.

RECOMMENDATIONS

The Executive is recommended to note:

- 1) the update report and the progress made;
- 2) the appointment of Councillors Anthony Pollock, Simon Weeks and David Lee to the Shareholder Reference Group that will exercise governance over the Optalis Board.

SUMMARY OF REPORT

Progress continues on the service, financial and legal preparation to enable the merger of Optalis between the two councils and the delivery through the company of RBWM's adult social care services and its service commissioning.

New governance structures are agreed and in place in shadow form. An independent chair for the Optalis board has been recruited

Governance documents are being prepared and will be approved by the accountable members

Partners are working towards a 'go-live' on 3 April.

Background

The work on the merger with RBWM, in line with the business case approved by Executive in January, has continued to progress, with the two councils establishing an impressive partnership to make this ambitious plan a reality. The anticipated 'go-live' date continues to be 3 April 2017.

All of the necessary governance documents are being drawn up for approval by members (shareholder agreement, reserved matters document, pre-emption rights paper etc).

Officers in the councils and in Optalis have worked hard to prepare for the services to transition into the company, and the Optalis executives have worked with senior managers in the Royal Borough to support readiness for a smooth transition, aimed at not impacting on service delivery to RBWM's residents

The governance of the new, expanded Optalis Ltd will be through an Operational Board, chaired by an independent chair, accountable to Optalis Holdings Ltd, formed of three elected members from each council. This group has had its first meeting in shadow form. Councillors Anthony Pollock, Simon Weeks and David Lee are WBC's representatives on this group, which serves to sign off the company's business plan and to hold the company to account against the delivery of the objectives and targets in the business plan, and for its ongoing service and financial performance. Optalis Holdings Ltd is accountable then to the Executive of WBC and the Cabinet of RBWM.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

The financial benefits of the merger have been previously reported to Executive

Cross-Council Implications
None

Contact Andy Couldrick	Service Chief Executive
Telephone No 0118 974 6001	
Date 16 March 2017	Version No. 1.0

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TITLE	Discretionary Land Acquisitions Policy
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	None specific
DIRECTORS	Josie Wragg, Interim Director of Environment
LEAD MEMBER	Malcolm Richards, Executive Member for Highways and Transport

OUTCOME / BENEFITS TO THE COMMUNITY

A number of new road schemes will be delivered across the Borough in the coming years. This policy will ensure that there is a clear, fair and consistent approach to considering requests to purchase property that is significantly impacted by these projects. This will avoid any significant hardship being faced by affected property owners as a result of major highways works.

RECOMMENDATION

That the Executive approve the Discretionary Land Acquisition Policy for Highways Works.

SUMMARY OF REPORT

Wokingham Borough Council's Core Strategy sets out the Council's ambitious growth plan, including a number of major transport schemes across the Borough. The Council will buy property that is needed for these projects, either by negotiation, compulsory purchase or following the acceptance of a "blight" notice. However, there may be occasions when a property will be affected by a road scheme, even though no part of it needs to be taken for the scheme (an "offline" property).

Under Part I of the Land Compensation Act 1973, a property owner is able to claim compensation from the Council as a result of certain "public works," such as highways projects. However, the claim cannot be submitted until one year after the opening of the new road. Section 246 of the Highways Act 1980 provides a discretionary power for local authorities to purchase property indirectly affected by proposed highways schemes to avoid significant hardship.

This policy therefore sets out the proposed approach by which Wokingham Borough Council will determine applications to purchase property under these discretionary powers to ensure this is fair, consistent and transparent. It closely follows guidance produced by Highways England in October 2016.

Background

Wokingham Borough Council's Core Strategy (adopted in 2010) sets out a clear commitment to deliver over 13,000 new homes by 2026 and to ensure that the new development is carefully planned, well designed and has the appropriate infrastructure to deliver high quality places for people to live and work. In order to deliver development on this scale, a number of major transport schemes are planned across the Borough. Current projects to support delivery of the Strategic Development Locations (SDLs) include:

- Arborfield Cross Relief Road
- South Wokingham Distributor Road
- North Wokingham Distributor Road
- Nine Mile Ride Extension (South)
- Winnersh Relief Road

In order to deliver these projects, the Council will buy land and properties that are needed, either by negotiation, compulsory purchase or following the acceptance of a "blight" notice. However, there may be occasions when a property will be affected by a road scheme, even though no part of it needs to be taken for the scheme (an "offline" property). The Council is under no obligation to purchase a property affected in this way. However, the Council acknowledges that there may be exceptional circumstances whereby owners might have an urgent need to move but cannot sell their property except at a significant loss because of the effects of the scheme. Section 246 of the Highways Act 1980 provides a discretionary power for the Council to purchase such property. This policy therefore sets out the proposed approach by which Wokingham Borough Council will determine applications to purchase property under these discretionary powers to ensure this is fair, consistent and transparent.

Analysis of Issues

Under Part I of the Land Compensation Act 1973, a property owner is able to claim compensation from the Council as a result of certain "public works," such as highways projects. However, the claim cannot be submitted until one year after the opening of the new road. Section 246 of the Highways Act 1980 provides a discretionary power for local authorities to purchase property indirectly affected by proposed highways schemes to avoid significant hardship. Section 246 covers three specific situations:

- Section 246(2A) – the discretion to buy land/property, which will be seriously affected by a future scheme, before construction works begin;
- Section 246(2)(a) – the discretion to buy land/property that is seriously affected by works during the period of construction; and
- Section 246(2)(b) – the discretion to buy land/property that is seriously affected during the first year after the new/improved road has opened.

Section 246 includes two important conditions which have to be met before a discretionary purchase can be considered. These are:

- The applicant must have a 'qualifying interest' in the land; and

- It is proposed to carry out work on land blighted by a road scheme.

Where these two pre-conditions have been met, the Council will consider applications for discretionary purchases of seriously affected property. The Council's approach closely follows guidance produced by Highways England in October 2016 as the highways authority for the strategic road network in England.

Under the proposed policy, the Council will consider applications in two stages. Firstly, the Council will consider whether the owner's enjoyment of their property will be seriously affected by either the construction of the road proposals or the use of the new road. The criteria set out in the policy relates to diminution of the property's value, noise and aggravation of medical conditions, resulting from the road scheme.

If the Council decides that there would be no serious effect, an application for a discretionary purchase under Section 246 will not be considered further. If the Council is satisfied that there would be a serious effect, it will then consider whether the owner's situation justifies offering to purchase their property. The policy proposes that this will be based on the following factors:

- 1) Foreknowledge - If the property was acquired after the publication of the preferred route or its safeguarding, the Council may consider that that purchase had been with 'foreknowledge'. The Council's discretion to purchase a property in these circumstances would not normally be exercised.
- 2) Efforts to sell the property – The owner must have made reasonable efforts to sell the affected property before the Council will consider an application for discretionary purchase.
- 3) Pressing need to sell - If it is concluded that the property would be seriously affected by a road scheme, that it was not purchased with foreknowledge and that genuine attempts have been made to sell it on the open market, the Council must then be satisfied that the owner has pressing reasons for selling and that severe hardship would occur if they were unable to do so. Reasons could include the need to relocate for a new job or to move to accommodate a growing family.

Where the Council decides to exercise its discretionary powers, it will be based on the principle of 'equivalence' (i.e. the applicant should not be placed in a worse or better position to that which existed before the road scheme was announced). In these circumstances, the Council will offer to buy the affected property at a price, assessed at the time of the offer, which disregards the scheme proposals (i.e. the unaffected market price).

If approved, the Council will assess any application made under Section 246 to purchase property affected by new roads based on the criteria set out in the policy.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Capital
Next Financial Year (Year 2)	£0	Yes	Capital
Following Financial Year (Year 3)	£0	Yes	Capital

Other financial information relevant to the Recommendation/Decision

The Council will be required to compensate owners under Part I of the Land Compensation Act 1973 and this is factored into the capital programme. This compensation will be payable 1 year after the road scheme opens. This policy will mean that the cost is incurred earlier in the project, but it is likely to be cost neutral.

Cross-Council Implications

This policy impacts on highways and planning services mostly, but there will also be implications for strategic assets.

List of Background Papers

Appendix 1 - Wokingham Borough Council - Discretionary Land Acquisition Policy for Highways Works (S.246, Highways Act 1980)

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Date 9 February 2017	Version No. 0.2

**WOKINGHAM BOROUGH COUNCIL - DISCRETIONARY LAND ACQUISITION
POLICY FOR HIGHWAYS WORKS (S.246, HIGHWAYS ACT 1980)
(DRAFT V0.3)**

1. Introduction

Wokingham Borough Council's Core Strategy (adopted in 2010) sets out a clear commitment to deliver over 13,000 new homes by 2026 and to ensure that the new development is carefully planned, well designed and has the appropriate infrastructure to deliver high quality places for people to live and work. The Core Strategy identified four Strategic Development Locations (SDLs) within the Borough, representing a major and unprecedented opportunity to plan for new development in a comprehensive manner. The objective is not simply to meet housing targets, but to plan for the long-term delivery of sustainable communities. The four SDLs are:

- Arborfield Garrison – 3,500 homes;
- South of the M4 Motorway – 2,500 homes;
- South Wokingham – 2,500 homes; and
- North Wokingham – 1,500 homes.

In order to deliver development on this scale, a number of major transport schemes are planned across the Borough. Current projects to support delivery of the Strategic Development Locations (SDLs) include:

- Arborfield Cross Relief Road
- South Wokingham Distributor Road
- North Wokingham Distributor Road
- Nine Mile Ride Extension (South)
- Winnersh Relief Road

In order to deliver these projects, the Council will buy land and properties that are needed, either by negotiation, compulsory purchase or following the acceptance of a blight notice.

However, there may be occasions when a property will be affected by a road scheme, even though no part of it needs to be taken for the scheme (an "offline" property). The Council is under no obligation to purchase a property affected in this way. However, the Council acknowledges that there may be exceptional circumstances whereby owners might have an urgent need to move but cannot sell their property except at a significant loss because of the effects of the scheme. Section 246 of the Highways Act 1980 provides a discretionary power for the Council to purchase such property.

This policy sets out Wokingham Borough's Council approach to discretionary land acquisitions where property is impacted by proposed highways works.

2. Legislative Framework

a. Statutory Provisions

Under the Town and Country Planning Act 1990, properties which are required, or parts of which are required, for road schemes are said to be statutorily blighted, and the Council is empowered to purchase the property. The Council will usually seek to negotiate the acquisition of such properties, but will use Compulsory Purchase Orders (CPO) where necessary. Where a property is directly affected by a road scheme, the owner can serve a Blight Notice on the Council which obliges it to purchase their home at a valuation which did not take into account the diminution in value caused by the road scheme. Where a blight notice is accepted, the owner also receives a home loss payment, surveyors fees and removal costs.

Under Part 1 of the Land Compensation Act 1973, a person can claim compensation for the depreciation in value of their property caused by public works, including work on highways. Claims are only considered one year after the first opening of the highway to public traffic. There is no power under this Act to pay compensation to owners of affected properties before this date.

b. Discretionary Provisions

Section 246 of the Highways Act 1980 provides a discretionary power for local authorities to purchase property indirectly affected by proposed highways schemes. Section 246 covers three specific situations:

- Section 246(2A) – the discretion to buy land/property, which will be seriously affected by a future scheme, before construction works begin;
- Section 246(2)(a) – the discretion to buy land/property that is seriously affected by works during the period of construction; and
- Section 246(2)(b) – the discretion to buy land/property that is seriously affected during the first year after the new/improved road has opened.

Section 246 includes two important conditions which have to be met before a discretionary purchase can be considered. These are:

- The applicant must have a 'qualifying interest' in the land; and
- It is proposed to carry out work on land blighted by a road scheme.

These are defined in the section below.

3. Pre-Conditions for Discretionary Purchases

In line with Section 246, the Council will only consider applications for discretionary land acquisitions where the pre-conditions of "qualifying interest" and "blighted" land have been met.

a. The qualifying interest

The definition of "qualifying interest" covers:

- a) owner-occupiers of private residential properties;

b) owner-occupiers of business premises with a net annual value that does not exceed the amount prescribed for the purposes of Section 149 (3)(a) of the Town and Planning Country Act 1990 by an order made by the Secretary of State (currently £34,800); and

c) owner-occupiers of agricultural units.

In addition, mortgagees with a right to sell a property who can give immediate vacant possession and personal representatives of a deceased person may also have a qualifying interest.

Owner-occupiers must either:

a) be living in the property on the date on which the purchase agreement is made and must have owned it and lived there for at least six months before that date; or

b) if the property is empty, have lived there during the six months prior to its becoming empty, so long as it has not been empty for more than 12 months.

If the affected property has been let out, the “qualifying interest” condition will not have been met and a discretionary purchase application will not be considered.

b. Blighted land

It is essential before a Section 246(2A) application can be considered that a proposal is in place to carry out work on land blighted by a road scheme. A proposal is considered to be in place when the Council has:

a) announced the “preferred route” for a road scheme;

b) resolved to take action to safeguard the “preferred route” for a road scheme; or

c) published, or made, compulsory purchase orders for the road scheme.

This pre-condition will already have been met for applications made under Section 246 (2)(a) and (2)(b).

4. Wokingham Borough Council’s Discretionary Policy

Wokingham Borough Council is under no obligation to purchase property affected by a road scheme, where no part of it is required for the scheme itself (an “offline” property). However, the Council acknowledges that there may be exceptional circumstances where this may cause owners significant hardship.

Where the two pre-conditions outlined above have been met, the Council will consider applications for discretionary purchases of seriously affected property. The Council’s approach closely follows guidance produced by Highways England in October 2016 as the highways authority for the strategic road network in England.

The Council will consider applications in two stages. Firstly, the Council will consider whether the owner's enjoyment of their property will be seriously affected by either the construction of the road proposals or the use of the new road. If the Council decides that there would be no serious effect, an application for a discretionary purchase under Section 246 will not be considered further. If, on the other hand, the Council is satisfied that there would be a serious effect, it will then consider whether the owner's situation justifies offering to purchase their property. The factors the Council will take into account when considering applications are set out below.

Stage One - Assessment of Serious Effect

The four main effects are:

- 1) Diminution in value - This is the amount, either actual or predicted, by which the value of a property will have been reduced due to a road scheme. It is expressed as a percentage of the unaffected market value¹. The Council will appoint an independent, contracted professional valuer (normally DVS) to assess the diminution (if any). Applicants may also submit any valuation advice they have obtained. As a guide, the Council will not consider diminution in value of less than 15% to have seriously affected enjoyment of the property.
- 2) Predicted noise from construction - If, over at least three months, the predicted noise levels at the affected property are well in excess of 70 dB(A) (12 hour Leq) for a substantial period of the day or it is considered that the property will be eligible for noise insulation, the Council will normally consider that the enjoyment of the property will have been seriously affected by construction noise. In assessing the predicted noise level, the Council will take into account the benefits of mitigation measures, such as fencing and earth mounds, which would lessen the effects of noise.
- 3) Predicted noise from the road in use - If predicted noise levels from the road in use rise by 1 dB(A) to a level of 68 dB(A) (18 hour L10) during the first year after opening, the Council will normally consider that the enjoyment of the property will have been seriously affected by noise. The Council will again take into account the benefits of mitigation measures, such as fencing and earth mounds, and, if measurable, quieter road surfaces, that would lessen the effects of noise.
- 4) Aggravation of a medical condition caused by physical effects - If the owners have a medical condition, which is likely to be 'severely aggravated' by the physical effects from either the construction of the road or its use, the Council is likely to consider that the enjoyment of the property will be severely affected. The medical conditions likely to be relevant include respiratory conditions and tinnitus. They do not normally include stress and anxiety. The physical effects would include dust, noise and pollution. This consideration can apply to a dependant of the owner living in the property. A case based on a medical condition should be supported by a statement from a GP or specialist.

The above list is not exhaustive and other factors or combinations of factors may also cause serious effect. If applicants consider that the enjoyment of their property is seriously affected by other factors (e.g. visual impact or artificial lighting), details should

¹ 'Unaffected market value' means the value the property would have been given had the road scheme not been proposed.

be included with their application. The Council will then consider those factors, or combinations of factors, when considering any application.

A Glossary of Terms related to noise measurement is included in Appendix 1 to this policy.

Stage Two - The Exercise of Discretion

Where the Council is satisfied that there would be a serious effect, it will then consider whether or not it should exercise its discretion to purchase the property.

Discretionary purchase is targeted at the most extreme situations where it has been clearly shown that a property cannot be sold at a reasonable price and where severe hardship will result if the property is not sold rapidly. The Council will not normally exercise its S.246(2A) discretionary purchase powers unless it is satisfied that the owner's enjoyment of their property will be seriously affected by **both** diminution in value **and** noise arising during construction or during the first year after opening. An exception is where the accepted reason for moving is based upon medical grounds as set out above. In those cases, as the reason is linked to the construction or use of the road, the Council will not normally offer to buy the property earlier than nine months in advance of the start of the road construction or the opening of the road (as applicable).

When deciding whether a property should be purchased, the Council will consider the following factors:

- 4) Foreknowledge - In respect of road schemes, statutory blight is normally triggered when the preferred route for the scheme has been published or the route has been safeguarded. If the property was acquired after the publication of the preferred route or its safeguarding, the Council may consider that that purchase had been with 'foreknowledge'. The Council's discretion to purchase a property in these circumstances would not be exercised if it considers that the amount of information available to the public about the scheme, at the time of purchase, was such, that a reasonable person could have foreseen its likely general effects on the owner's enjoyment of the property.
- 5) Efforts to sell the property – The owner must have made reasonable efforts to sell the affected property before the Council will consider an application for discretionary purchase. The owner must submit evidence that the property has been on the market for not less than three months at what is a realistic market price (- the Council will verify this with an independent, professional valuer). The sale should also have been advertised at least twice in the press, online or placed with an estate agent. The owner must also show that no offer within 15% of the unaffected market value has been received or, if one has been received, that it has been subsequently withdrawn due to the presence of the road scheme. The owner must submit with the application evidence of all offers received, together with an endorsement from an estate agent, if used.
- 6) Pressing need to sell - If it is concluded that the property would be seriously affected by a road scheme, that it was not purchased with foreknowledge and that genuine attempts have been made to sell it on the open market, the Council must then be satisfied that the owner has pressing reasons for selling and that severe hardship would occur if they were unable to do so. In most cases, the

reasons for selling must be unrelated to the road scheme. The only exception would be where serious effect is caused by a 'severe aggravation' of medical conditions arising from physical effects. As a guide, at least one of the following situations would be regarded as a pressing reason to sell:

- **Domestic** – There is a need to move to a larger or different house due to the need to accommodate a growing family;
- **Employment** – There is a need to relocate to take up a new or different job, outside reasonable commuting distance;
- **Financial** – There are external financial pressures that necessitate a sale, for example, the need to realise assets in conjunction with a divorce; to release capital in connection with a business, or to avoid threatened re-possession;
- **Medical condition unrelated to the road scheme** – Where the applicant, or a dependant living in the affected property, has developed a medical condition, which necessitates selling. Examples would include (i) a severe disability causing inability to negotiate stairs; (ii) loss of mobility due to arthritis; (iii) a requirement to go into sheltered accommodation or a long-term nursing home due to infirmity or ill health.

The following two circumstances are normally regarded as giving sufficient reason for an immediate sale: (i) the winding-up of the estate of a deceased person and (ii) a disposal by a mortgagee.

Where the Council decides to exercise its discretionary powers, it will be based on the principle of 'equivalence', which is in line with statute and case law (i.e. the applicant should not be placed in a worse or better position to that which existed before the road scheme was announced). In these circumstances, the Council will offer to buy the affected property at a price, assessed at the time of the offer, which disregards the scheme proposals (i.e. the unaffected market price). The acquisition price will be determined by the Council's appointed professional, independent valuer. If the owner disagrees with the valuation, and negotiation with the Council's appointed valuer cannot resolve the dispute, the Council would have no objection to the owner seeking independent arbitration from the Upper Tribunal (Lands Chamber), under Part 5 of The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010.

When selling to the Council under discretionary purchase, the owner will have to pay their own surveyor's and legal fees, and moving expenses. Home Loss Payments will not be met by the Council. An exception to this would be if the reason for selling is related to the proposed scheme (i.e. the "severe aggravation" of an existing medical condition). In those circumstances, surveyor's and legal fees will be paid by the Council, along with payments for disturbance, but Home Loss Payments would not be made.

When exercising its discretionary powers, the Council may commission one of its trading companies to acquire the affected property on its behalf (where it deems this to be appropriate). Where this is the case, the application process and property acquisition will be dealt with in the same way as set out in this policy.

5. Application Process

Applications for S.246 Discretionary Purchases should be submitted in writing to the Council. The application should include the following details:

- Name, address and contact details of the applicant;
- The address, description and site plan of the affected property;
- Proof of qualifying interest in the affected property;
- Name of the road scheme affecting the property;
- Description, and supporting evidence, of the serious effect of the road scheme on the property;
- Evidence that the property has been on the market for not less than three months at what is a realistic market price and evidence of any offers received, together with an endorsement from an estate agent (if used).
- A statement, and any supporting evidence, setting out the circumstances necessitating an urgent sale of the affected property.
- Contact details for any external advisers acting for the Owner.
- Any other relevant information supporting the application.

The Council will aim to make a decision on properly completed applications within three months of receipt. Sometimes, however, a longer period may be needed in which to consider an application (for example, where a Committee resolution is required). If that happens, the Council will notify applicants of a revised timescale.

Offers to buy the affected property will be open for one month. They will be subject to agreement on price and exchange of contracts within six months of the date of the offer. If the owner does not meet these timescales, the offer to purchase may be withdrawn.

APPENDIX 1

Glossary of Terms related to Noise Measurement

dB(A):

dB, or decibel, is the unit used for the measurement of sound on a logarithmic scale. (A) is the weighting applied to the decibel unit to represent the frequency response of the human ear.

L10 (18 hour):

This is the arithmetic mean of the hourly L10 noise between 0600 and 2400 hours on a normal working day. L10 is the noise level exceeded for one tenth of a period of one hour.

Leq: This is the equivalent continuous sound level in dB(A). It is the sound level, which, if maintained continuously for a stated period, would give the equivalent amount of noise energy as the varying levels would over the same period.

Typical Noise Levels

0 dB(A)	Threshold of hearing
35 dB(A)	Quiet Bedroom
40 dB(A)	Library
50 dB(A)	Ordinary Conversation
60 dB(A)	Office Environment
62.5 dB(A)	Communication starts becoming difficult
70 dB(A)	Passenger car (60 km/h at 7 metres distance)
81 dB(A)	Modern Twin-engined Jet
83 dB(A)	Heavy diesel lorry (40 km/h at 7 metres distance)
90 dB(A)	Hazard to hearing from continuous exposure
95 dB(A)	Pneumatic Drill (unsilenced) at 7 metres
120 dB(A)	Threshold of Pain

TITLE	Policy for Revisions/Additions to the List of Buildings of Traditional Local Character
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	None Specific
DIRECTOR	Josie Wragg, Interim Director of Environment
LEAD MEMBER	Mark Ashwell, Executive Member for Planning and Regeneration

OUTCOME / BENEFITS TO THE COMMUNITY
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Identifying and protecting local distinctiveness of the Borough's built heritage
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RECOMMENDATION

The Executive is asked to agree that:

- | |
|--|
| <ol style="list-style-type: none"> 1) the procedure detailed in Appendix 2 and 3 is adopted for determining a Building of Traditional Local Character; 2) the Interim Director of Environment together with the Executive Member for Planning and Regeneration are delegated to designate and de-designate Buildings of Traditional Local Character in line with the adopted procedure; 3) the Interim Director of Environment together with the Executive Member for Planning and Regeneration are delegated to make changes to the procedure for determining a Building of Traditional Local Character in line with national and local policy and guidance. |
|--|

SUMMARY OF REPORT

<p>Managing Development Delivery Local Plan Policy TB26 seeks to protect the quality of Buildings of Traditional Local Character (BTLC) which are buildings that do not quite meet the requirements for designation as a nationally listed building but are of exceptional local heritage value. Whilst this policy and the list of 46 buildings have been brought forward from the previous plan, there is currently no formal procedure for reviewing or adding to it although the Council has received a number of requests from the community to do this.</p>

<p>This paper proposes a procedure that allows the Council to review the existing list and designate new buildings of Traditional Local Character. Generally, it is not felt that this will result in significant additional listings as to meet the criteria set out, the asset will need to be of exceptional local value and the procedure sets out a number of requirements that need to be met before any designation submission will be considered.</p>

<p>Appendix 2 and 3 of this report sets out the procedure for nomination. This will require a change to Section 8 of the Council's Constitution to allow the Planning Committee to consider any objection to a designation decision. This constitutional change will be considered by Full Council if the Executive agrees to the recommendation above.</p>

BACKGROUND

Buildings of Traditional Local Character as Heritage Assets

Listing a building or structure as a Building of Traditional local Character should apply to only those buildings of considerable local heritage value that do not *quite* meet the requirements for national listing. The Council recognises the importance of designating buildings for inclusion on the list through Policy TB26 - *Buildings of Traditional Local Character and Areas of Special Character (Appendix 1)* of the Adopted Managing Development Delivery Local Plan. Whilst this policy and the list of 46 buildings have been brought forward from the previous plan, there is currently no formal procedure for reviewing or adding to this when requests from the community have been received.

ANALYSIS OF ISSUES

Implications of Inclusion on 'The List' as a BTLC

Adding a building to the list of BTLC's can be a legitimate response to a threat to a heritage asset, including the threat of demolition. However, it does not result in itself result in any additional planning controls but it is a material consideration in assessing any planning application for demolition, alteration or extension of an asset.

Procedure for Adding or Updating a Building on 'The List'

The procedure for adding or updating a building on 'The List' is detailed in Appendix 2. The selection criteria for designation accords with the advice set out by Historic England. While any person or body can nominate a building to be added to 'The List', most of the requests received by the Council to date have been from Town and Parish Councils.

It is not expected that there will be a significant number of additional local assets listed as to meet the criteria set out, the asset will need to be of *exceptional* local value. Also, the person or body nominating the building must submit a full justification against the designation criteria which if insufficient, will be automatically rejected. Only one nomination per asset can be considered in any five year period.

It is expected that dealing with requests for designation can be met within existing staff resources given that a nomination will only be assessed if accompanied by a full justification. Nominations will be considered in the following priority order:-

High Priority	Assets at significant risk of demolition or removal	Urgent attention
Medium Priority	Assets subject to a planning application for alteration, extension or redevelopment	Attention within the timescale of the planning application
Low Priority	All nominations that do not relate to the above	As staff resources allow

Decisions to nominate a building for inclusion on 'The List' will be delegated to the Interim Director of Environment together with the Executive Member for Planning and Regeneration which is similar to the procedure in place to nominate buildings as 'Assets of Community Value'. Appendix 3 sets out the procedure to challenge any decision made in respect of a nomination which would be through the Planning Committee. There is no external right of appeal against a designation decision but as explained above, the designation itself does not afford the asset additional protection but it is a material consideration in respect of any planning application against which there is a right of appeal to the Planning Inspectorate.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Met within existing resource	Yes	Revenue
Next Financial Year (Year 2)	Met within existing resource	Yes	Revenue
Following Financial Year (Year 3)	Met within existing resource	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

N/A

Cross-Council Implications

None

List of Background Papers

Historic England – Good Practice Guide for Local Heritage Listing

Contact Clare Lawrence	Service Development Management and Regulation
Telephone No 01189746444	Email clare.lawrence@wokingham.gov.uk
Date 20 March 2017	Version No. 4

Wokingham Borough Council – Buildings of Traditional Local Character Policy

The Council policy and supporting text covering locally important buildings within the adopted MDD (Local Plan) is set out below:

Policy TB26: Buildings of Traditional Local Character and Areas of Special Character

- 1. Areas of Special Character are shown on the Policies Map.**
- 2. Planning permission will only be granted for proposals to or affecting Buildings of Traditional Local Character and Areas of Special Character where they demonstrate that they retain and enhance the traditional, historical, local and special character of the building or area and its setting.**
- 3. Proposals that involve the demolition of a Building of Traditional Local Character will require strong justification.**

3.126 There are areas or groups of buildings where there is a consistent period or character reflecting the areas past but where a Conservation Area designation may not be justified. These are known as Areas of Special Character.

3.127 There are also some buildings which, whilst not meeting the standards for statutory listing, are nonetheless of considerable local importance to the Borough's built heritage. These are Buildings of Traditional Local Character, where the preference is to retain the original use.

3.128 Where development affecting either an Area of Special Character or a Building of Traditional Local Character is proposed, this should protect the architectural integrity of the building and its setting or the special character of the area. Special regard should be given to the historical context, outbuildings, scale, form, massing and materials together with retaining key architectural features or detailing which contribute to the character of the building or the area.

Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character

Criteria

The criteria against which nominations should be considered are summarised in the table below. These are broad in their nature, demonstrating that the local significance of a building can result from a wide set of values.

Criterion	Description
Age	The age of a building may be an important criterion and the age range can be adjusted to take into account distinctive local characteristics
Rarity	Appropriate for all buildings, as judged against local characteristics
Aesthetic value	The intrinsic design value of a building relating to local styles, materials or any other distinctive local characteristics
Group value	Groupings of buildings with a clear visual, design or historic relationship
Evidential value	The significance of a local building of any kind may be enhanced by a significant contemporary or historic written record
Historic association	The significance of a local building of any kind may be enhanced by a significant historical association of local or national note, including links to important local figures
Archaeological interest	This may be an appropriate reason to designate a locally significant building on the grounds of archaeological interest if the evidence base is sufficiently compelling and if a distinct area can be identified
Designed landscapes	Relating to the interest attached to locally important designed landscapes, parks and gardens
Landmark status	A building with strong communal or historical associations, or because it has especially striking aesthetic value, may be singled out as a landmark within the local scene
Social and communal value	Relating to places perceived as a source of local identity, distinctiveness, social interaction and coherence; often residing in intangible aspects of heritage contributing to the “collective memory” of a place

The same principles applied to assessing nationally designated buildings can be adapted and used in a local context for assessing locally important buildings. Further guidance on assessing the significance of a building can therefore be found in the 20 Selection Guides for nationally designated buildings (i.e. Listed Buildings), published by Historic England: <https://historicengland.org.uk/listing/selection-criteria/listing-selection/>

Each nomination should demonstrate the buildings’ suitability to be added to ‘The List’ through an assessment against the above criteria, using the relevant guidance as appropriate. The local importance of the building should be expressed within a Statement of Significance accompanying the nomination.

Procedure for Adding or Updating a Building on ‘The List’

1. A Building of Traditional Local Character can be nominated to be added to ‘The List’ by the Council by any person or body.

2. No more than one listing request per asset will be considered by the Council within any 5 year period.
3. Any person or body may request an appeal against the inclusion of any existing building that appears on 'The List' or against a nomination. The procedure for this is set out in Appendix 3.
4. Nominations should include the following as a minimum and any submission that does not include this will be rejected:
 - a. A full Statement of Significance – identifying the significance of the building in the local context, using the above criteria and guides as appropriate;
 - b. Location Details - Ordnance Survey grid reference(s), full street address and a suitably scaled map showing the extent of the building being nominated;
 - c. Photographs – visual recording of the building from the public realm, concentrating on significant elements.
5. The Director of Environment together with the Executive Member for Planning and Regeneration has delegated responsibility:
 - a. to designate and de-designate Buildings of Traditional Local Character;
 - b. to determine whether a building is added to 'The List' following a period of public consultation. This consultation shall include publishing the nominated building and supporting information on the Council website.
6. When considering whether to add a building to 'The List', the Council will inform and consult with the owner of the building. The Ward Member(s) and Town/Parish Council will also be consulted.
7. In deciding whether a nominated building should be included on 'The List', the Council will assess the building against the criteria set out in the published Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character
8. A decision should be made following consultation but within 12 weeks of receiving a nomination. This period can be extended if more time to consider the nomination is required by the Council or if this is listed for review by the Planning Committee. Decisions relating to Buildings of Traditional Local Character shall be formally recorded within the Council's Record of Decisions.
9. Once a decision is made on whether to include a building on 'The List', the Council will inform the owner in writing. In doing so the Council will set out the implications of the inclusion and the right to request a review against the inclusion on 'The List' .
10. The current list, together with supporting information, is published on the Council website and will also be available on the publically accessible Local Historic Environment Record, currently managed by Berkshire Archaeology and available

at: <http://www.readingmuseum.org.uk/get-involved/berks-archaeology/berkshire-archaeology/>.

11. Buildings on 'The List' shall be identified on the external-facing version of the Council GIS. They shall also be identified within the planning constraint layer of the internal-facing Council GIS.

Implications of adding a building to 'The List'

The List of BTLC's is primarily a means of positively identifying buildings as locally significant. It does not place additional requirements for obtaining planning permission and has no impact on permitted development. The inclusion of a building on 'The List' indicates that it is of local significance and is a material planning consideration in the assessment of any application for development that will have an impact on the local asset.

Procedure for Appeals

1. Requests for an appeal against the original decision of the Council in respect of a request to designate an asset as a Building of Traditional Local Character can be made by any person or body.
2. The request for the review must be made to the Council in writing by any person. This must be received within eight weeks beginning with the day on which written confirmation of the decision was issued to the relevant parties listed above. The Council is able to allow longer periods for submitting a review.
3. In considering the request for a review an original decision about whether to include an asset on 'The List', the Council will take into account the following factors:-
 - a. The eligibility of the building against the Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character (as set out in The Procedure for Adding or Updating a Building on 'The List')
 - b. Any new factors that have come to light since the original decision was made. For example, removal of a building from 'The List' may be appropriate in circumstances where it no longer meets the criteria for selection, has been demolished, or has undergone development changes that have negatively impacted on its significance.
 - c. Any matter put forward that the Council cannot consider in assessing whether the asset should be designated (i.e. Matters not included in the Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character)
4. The Council will not take any financial or commercial issues into account in the decision to include a building on 'The List'.
5. All valid review requests that meet the requirement set out in this procedure will be assessed by the Planning Committee which will have the final decision on whether the asset will be included on "The List".
6. The Council will maintain a list of unsuccessful nominations, including the reasons why nominations were not approved.

TITLE	Relocation of Wokingham Library
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	Wescott
DIRECTOR	Josie Wragg, Interim Director of Environment
LEAD MEMBER	Pauline Jorgensen, Executive Member for Resident Services

OUTCOME / BENEFITS TO THE COMMUNITY

The relocation of Wokingham Library to the Carnival Pool site will provide the Library Service with greater flexibility and adaptability in its service delivery. Residents will be able to combine visits to the library with a range of other activities. The Carnival Pool site offers better access and parking.

RECOMMENDATION

That the Executive agree:

- 1) in principle to relocate Wokingham Library to a new building on the Carnival Phase II site;
- 2) that the approval to relocate is subject to full impact assessment and detailed business case being agreed by the Executive Member for Resident Services.

SUMMARY OF REPORT

There is an opportunity for the Council to relocate Wokingham Library to a new site within the Carnival development. The new site will offer greater flexibility for the delivery of library services and provide improved access to other leisure and cultural activities. Opportunities for the redevelopment of the existing library site consistent with the vision for the town centre mean that the move could also deliver a financial benefit for the Council.

Background

In June 2016, the Council agreed the Library Offer for the borough. The Library Offer was developed to establish and promote the activities that our residents can expect when visiting or using our libraries, including a clear understanding of their contribution to the borough and how they will evolve within the future means of the Council.

The ambition is that libraries are welcoming and vibrant places that people are drawn to. They will protect the clearly valued heritage of our library services whilst evolving naturally to offer more and more opportunity for residents of all ages to engage in activities and access services. The libraries themselves will be flexible and adaptable in terms of their space and their uses, aligning seamlessly with other provision in their area.

Within the Library Offer there are specific statements about promoting and improving the access to library services and what our residents can expect when visiting our libraries. These are summarised as:

Access to Services

- The Library Service will adapt to meet the growing population and changing behaviours of our residents.
- The Library Service will utilise opportunities to provide residents with a flexible mix of physical and virtual options for accessing all services
- Improve access to other Wokingham Borough Council services in line with Customer Services vision
- Strong partnership working to ensure flexibility of delivery and access to library Services

Visiting and Using Library Buildings

- The environment within libraries will be welcoming and enjoyable
- Buildings will be flexible and adaptable to changing demands for their use
- Enable access to other types of services including other council services, health services and local community and voluntary services
- They will provide space for locally focused events and activities that develop a sense of community
- Actively identify events and services that support the broader Council vision

It is within this context that the Library Service is continually open to assessing its effectiveness in delivering the Library Offer and exploring new opportunities to improve its services for our residents. This includes considering alternative locations for the libraries across the borough.

Analysis of Issues

- **Wokingham Library**

The current library is a purpose built two storey library building built by Berkshire County Council in 1996. Based upon a standard of 28 sq. m per 1000 head of population, at 1324m² it is suitably sized to serve a population of 47,000 residents. The current space allows for different zoned areas to meet different library user's needs, such as children's

areas, space for events, computer usage areas and quiet study areas.

Broadly speaking the current building is in a good state of repair and is fit for usage for the foreseeable future. Overall, visits to Wokingham Borough libraries have been increasing in recent years; however, visits to the main Wokingham Library have reduced slightly over the past three years from 146,448 in 2013/14 to 142,900 visits during 2015/16.

It is currently located at the outer edge of Wokingham town centre, next to a Council car park with 46 spaces.

- **Carnival Phase II**

One of the objectives of the Carnival Phase II development is to support the arts and cultural activities in Wokingham, which complements the function and activities of the library service. The proposed design seeks to co-locate flexible spaces which support these cultural/arts activities. The proposed sports hall will have fold-out seating to enable performances to take place in the sports hall and there are two studio spaces which could be utilised for evening classes. The reception area has also been design to have some exhibition space within it.

The library could be located on the main pedestrianised route through the site, which links the new multi-storey car park in the south to the Elms Field development and the wider town centre. The current design for the library assumes a floor area of 1000m², which is similar to the floor area of the current facility on Denmark Street, on a single floor/storey.

- **Relocation**

It is clear that in its current location, Wokingham Library has been successful and continues to provide a range of well-used services and activities for people of all ages. However, the current library site does have its challenges and there are areas where improvements could be made.

A key limitation to the current site is the two storey layout and the location of the library meeting rooms. This necessitates additional staffing and reduces options for utilising the library space in different ways. Of the library's 1324m² of space, 170m² is taken up with stairs and entrance lobbies, the café area takes up 133m² and the Elevate Hub takes up 180m² of space. In total this comes to 483m² of space, leaving 841m² for library services. Therefore, the floor area of 1000m² available on the Carnival Phase II site represents a similar or possibly slightly larger amount of available flexible space.

Having the library on one floor will benefit the staffing and operation of the facility, with a clearer line of site across all the activities taking place. The proposed library would share a reception area and café with the leisure centre, which could result in economics of scale relating to staff.

The current library site is somewhat isolated from the rest of the town centre and has limited ability to align itself directly with other activities, or to utilise any extra space for larger events.

Within the Carnival Phase II site, high levels of footfall are expected along the main

pedestrian route giving the library an increased presence in the heart of the development. It would also increase the opportunity for “linked trips”, with visitors to the leisure centre or the other commercial use on the site, also combining this with a visit to the library. The proximity to substantial amounts of public parking close to the library and proximity to public transport will also improve access for visitors.

The proximity to other leisure and cultural activities also presents a positive opportunity to further enhance the usage of library services by children and young people.

The location of the library on the same site as the leisure centre and sharing facilities supports the wider principle of the co-location of Council services and the creation of flexible, multi-functional facilities. Co-location will enable residents to access more than one Council service on a single visit. There may also be opportunities to locate other Council services or advice points within the building which share similar facility specifications and/or there may be opportunities for the location of self-service machines for paying Council tax or collection of blue bags as an example.

The co-location of the library and leisure centre could result in longer operating hours for the library. The current leisure centre operates from Mon-Fri 06:20-22:30 and Saturday and Sunday 07:30-19:30 and it is likely that the new centre will operate similar hours. In this scenario, customers may be able to access library services for longer hours than is currently, including use of automated systems if implemented.

The Carnival Phase II development will also include provision for a café on site, meaning that people will still be able to enjoy drinks and snacks when visiting the library. The current café within Wokingham Library only provides a negligible amount of income for the Council each year; although this may be able to improve if a stronger commercial approach was adopted.

- **Costs of Relocating**

The capital costs of building the new library space are factored into the existing Medium Term Financial Plan allocation for the Carnival Pool Phase II scheme.

If the space within the development is used by the library service it is assumed that no rental income will be accrued as the building will be owned by Wokingham Borough Council and a Council service will operate from it.

As the building will be a new build, with a life span of circa 30 years and built to the latest energy efficiency standards, we would expect some reduction in running and maintenance costs than the existing Denmark Street facility, although costs such as business rates will be similar.

The relocation of the library to the Carnival site or an alternative site in the town centre would release the existing library site for an alternative use and/or redevelopment.

The following options have been identified:

- Reuse the existing building
- Redevelopment by WBC (knock down & rebuild)
- Sell site to private developer

Appraisals of the development value that could be generated from the existing site show that this value would be higher than the costs of building the new facility, and thus deliver a positive return to the Council overall.

- Other sites for Wokingham Library

An initial assessment of any other potential sites to locate Wokingham Library has been conducted using the following criteria:

- Within Wokingham town centre boundary
- Circa 1000m² floor area (ideally over one floor)
- Adjacent / close to public car parking
- Proximity to public transport links
- It is also advantageous that the site is within WBC ownership

A desktop assessment has identified that there are no suitable alternative sites within Wokingham town centre to accommodate a relocated library.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other financial information relevant to the Recommendation/Decision
<p>The capital costs of building the new library space are factored into the existing Medium Term Financial Plan allocation for the Carnival Pool Phase II scheme.</p> <p>Construction of the Carnival Phase II development is expected to start in mid-late 2019 so construction expenditure will come through from financial year 2019/20 (year 4). It is expected that a relocated library would open in early 2021.</p>

Cross-Council Implications
<p>The opportunity to relocate the library to the Carnival Phase II site enables the co-location of Council services in one location, delivering service and cost efficiencies and a positive customer experience.</p>

List of Background Papers
Library Offer 2016

Contact Mark Redfearn	Service Environment
Telephone No (0118) 9746012	Email mark.redfearn@wokingham.gov.uk
Date 20 March 2017	Version No. 1

TITLE	Compulsory Purchase Order (CPO) – In-Principle Resolution
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	Wescott
LEAD OFFICER	Andy Couldrick, Chief Executive
LEAD MEMBER	Mark Ashwell, Executive Member for Planning and Regeneration

OUTCOME / BENEFITS TO THE COMMUNITY

- Enables the necessary steps to be taken to secure the acquisition of all necessary land interests to deliver the regeneration of the Carnival site as shown on the map at appendix A ("the Site"). In particular it:
 - Gives officers specific authority to begin the process of making the CPO
 - Indicates to third party landowners that the Council intends to take all necessary steps to acquire the necessary land interests to enable regeneration of the Site to proceed
 - Secures the appropriate authority for land requisition notices to be served on third party landowners

- Focuses the Council's resources on achieving the desired outcome, often enabling the programme to be driven forward. This is a plan-led regeneration project which is supported by the planning and corporate policies of the Council and is a key part of the regeneration of Wokingham Town Centre.

Secures the delivery of the regeneration of the Site and the consequential benefits to the local community which will be delivered in consequence of it.

RECOMMENDATION

That the Executive:

- 1) agrees to authorise in-principle the making of a compulsory purchase order ("CPO") to acquire the necessary interests in the land shown indicatively by the hatched area on the annexed plan required to deliver the proposed regeneration of the Site pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and, in the case of any new rights, pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976, because it considers that:
 - (a) the acquisition will facilitate the carrying out of the development, redevelopment or improvement of land; and
 - (b) the development, redevelopment or improvement of the land is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of Wokingham.

- 2) agrees to authorise the Chief Executive, in conjunction with the Leader and Executive Member for Planning and Regeneration, to take all necessary steps to commence the process for the making, confirmation and implementation of the

CPO, including securing the appointment of suitable external advisors and preparing all necessary CPO documentation;

- 3) notes that a further report will be put before the Executive to approve the final extent of the land to be acquired following the finalisation of the necessary preparatory work.

SUMMARY OF REPORT

The purpose of this report is to consider the making of a CPO to achieve the regeneration of the Site (see map at Appendix A).

The regeneration of the Site has been a corporate and planning objective of the Council for many years. The Council has previously referred to the use of compulsory purchase powers to assemble the Site in the Wokingham Core Strategy 2010, and it has subsequently demonstrated its intent to deliver town centre wide regeneration on other sites within the town by acquiring various land holdings by private treaty arrangements and, where necessary, through the use of Compulsory Purchase Orders.

A hybrid planning application for the development of land known as Carnival Pool, which includes the Site, was approved by the Council as Local Planning Authority in August 2015 (reference O/2015/1056). The hybrid planning application was split into two phases. The detailed consent was for Phase 1 of the development (a new multi-storey car park and bowling alley) and is currently being constructed. Outline consent was granted for Phase II of the development (comprising the Site) (leisure-led mixed use development), with all matters except land use and quantum of land use reserved (O/2015/1056). A detailed planning application for Phase II is expected to be submitted to the Local Planning Authority in early summer 2017.

The Council has endeavoured to acquire all necessary land interests within the Site by negotiation. This has not however been possible, at this stage. The Council considers that the failure to assemble all necessary land interests could delay delivery of the regeneration of the Site. It is therefore appropriate for the Council to now consider use of its compulsory purchase powers. The Council considers that the use of such powers is in accordance with national and local policy.

Background

The Site currently includes a swimming pool with ancillary uses, a dated bowling alley facility, an office building (constructed 2001) with ancillary parking and a public Right of Way on the western edge of the Site. The buildings on the Site have a poor relationship with the surrounding area; being inward facing from the highway and pedestrian routes; and having a negative impact on the public realm and environmental quality of the area. The buildings are poor quality and disparate in their design, having been constructed at different times and they do not relate to each other or the surrounding environment. The regeneration of the Site has been a longstanding corporate and planning policy objective of the Council.

In 2010, the Core Strategy for Wokingham identified one of the aspirations and spatial issues that needed to be addressed by the Council as the "*renaissance of Wokingham and other town centres*" (paragraph 2.68). More particularly at paragraph 2.84 it stated:

"[Wokingham] town centre is the largest retail centre in the borough and its range of facilities and services is recognised in both LPS2 and appendix 3 [of the Core Strategy]. The sustainability of the town may be undermined unless schemes are developed which support its vitality and viability, particularly so it can retain trade that might otherwise leak to the centres of Reading or an improved Bracknell. During the plan period there are likely to be opportunities for a number of significant developments within the town centre. The Council recognises that development around Wokingham could help reduce traffic flows through the town and would support the vitality and viability of the centre through increasing its population".

Core Policy 14 expressly deals with the growth and renaissance of Wokingham Town Centre:

"Wokingham, as a major town centre in Berkshire is considered suitable for growth. Proposals should retain and enhance the historic market town character of Wokingham and maintain its position in the Berkshire retail hierarchy by:

1. *Strengthening shopping in the retail core to reduce leakage of expenditure;*
2. *Conserving and enhancing historic quality and interest;*
3. *Improving existing public space;*
4. *Ensuring development cumulatively provides and maintains:*
 - a) *A wide range of services, learning opportunities, community facilities and tourist facilities that complement existing provision;*
 - b) *Housing;*
 - c) *Office accommodation;*
 - d) *Public open space providing for a range of activities;*
 - e) *Leisure and entertainment;*
 - f) *Improved pedestrian links between the station and the shopping streets;*
 - g) *Improved pedestrian and cycle links between the centre and other parts of the town;*
 - h) *Appropriate car parking to facilitate a viable and sustainable town centre;*
 - i) *Enhanced environmental and design quality.*

The use of compulsory purchase powers to facilitate site assembly and the

delivery of renewal and regeneration schemes”.

Paragraph 4.69 of the Core Strategy explains that:

“Improving the centre means that it can better meet the needs of residents and prevent decline associated with loss of expenditure following expansion in nearby larger centres. The Retail Study indicates proposals within the town centre should contribute towards lengthening the time visitors stay (including into the evenings), as this will contribute towards the vitality and viability of the centre. The Retail Study (see table 4.1 earlier) indicates that there is scope for additional comparison floorspace in the centre to help reduce the current leakage....”

In the same year, the Wokingham Town Centre Masterplan was adopted by the Council. It describes the Council's key objective for the Site as:

- The town centre leisure offer and evening economy will be enhanced through the redevelopment of the Carnival Pool area to provide a mixed leisure quarter, with sports and cinema uses integrated to improve and extend the existing swimming pool at Carnival Pool.

In addition the Masterplan identified the area adjacent to the Site for “Enhanced provision of at least 300 car parking spaces, supplementing provision around the leisure quarter, contributing to capturing principal routes into the town centre.” This enhanced car parking provision is currently under construction.

And more recently, in February 2014, the Managing Development Delivery Local Plan was adopted by the Council which sets out how the vision in the Core Strategy will be delivered. Policy SAL08 allocates the Site and the area adjacent to the Site as suitable for mixed use redevelopment:

“Land at Carnival Pool, Wokingham, for the delivery of D1 (community uses), D2 (leisure uses) flexibility for A3 (restaurants & cafes), A4 (drinking establishments) and C3 (residential) development”

Further to the adoption of the Town Centre Masterplan and Managing Development Delivery Plan planning consent was granted for a three-screen “boutique” cinema and 95-bed hotel within the Elms Field scheme to the north of the Site (planning reference 153125) in April 2016. Therefore these uses are no longer being pursued on the Site.

The Council has and continues to remain committed to securing regeneration of the Site in accordance with the above policy. The vision for the town centre sees Wokingham as:

- The number one place for people to live in the UK.
- A town centre that is home to a thriving retail and business economy with a diverse leisure and recreation offer, and which provides high quality living at the heart of the Borough.
- A town centre that not only builds on the existing strengths and unique character of the Town, but also forms the heart of the surrounding community with a high quality and active public realm that attracts and promotes the well-being of its

residents, working population and visitors alike.

The Council further considers that the Site represents a significant opportunity to improve the leisure facilities in Wokingham. Regeneration of the Site will further deliver significant environmental improvements by replacing tired poorly designed buildings with high quality well designed buildings which are complementary and in keeping with the surrounding townscape.

The Scheme

In April 2015, a hybrid planning application (reference number O/2015/1056) for the regeneration of the Site and adjacent land was submitted to the Local Planning Authority. The proposal for which planning permission was sought comprised:

"Part redevelopment and part retention and refurbishment of existing buildings to provide a mixed use leisure led development at the Carnival Pool and adjoining land, including Class D2 Assembly and Leisure, B1 Business, C3 Residential and complimentary Retail (Class A1, A2, A3, A4, A5), and construction of a new multi-storey car park and new public spaces, as part of the regeneration of Wokingham Town Centre."

The hybrid planning application was approved by the Council as Local Planning Authority and planning permission was granted in August 2015 ("the Planning Permission"). The hybrid planning application was split into two phases. The detailed consent was for Phase 1 of the development (a new multi-storey car park and bowling alley) and is currently being constructed on Site. Outline consent was granted for Phase II of the development (comprising the Site) (leisure-led mixed use development), with all matters except land use and quantum of land use reserved.

A detailed planning application for Phase II is expected to be submitted to the Local Planning Authority in early summer 2017. This will include the enhancement of leisure facilities on the Site as envisaged by the Planning Permission, as well as complimentary D1 and A-uses and C3 residential uses ("the Scheme").

The proposed Scheme is in line with the Development Plan for the Site and is supported by national planning policy and guidance. It will deliver regenerative benefits to the town centre of Wokingham and will make a significant contribution to the improvement of the economic, social and environmental well-being of the town. In summary, it is considered that the Scheme will deliver the following public benefits:

Economic Benefits

The Scheme will deliver new and enhanced leisure facilities on the Site, which will form part of the new leisure operating contract for Council facilities across the Borough and attract other new operators into the town centre. New facilities and operators will add to the vitality and economic performance of the centre in line with approved planning policy. In turn, this will assist in increasing footfall and dwell-time to the benefit of the town.

The Scheme will create new jobs and valuable investment into the local area. It is predicted to create in the region of 60 (net) new jobs, with a further circa 110 jobs per annum during the construction phase. In gross value added (GVA) terms, once the

Scheme is operational, approximately £2.64M per annum will be secured for the local economy.

Environmental Benefits

The Scheme will make much more efficient use of prime town centre land and will deliver significantly improved public realm within the town centre. It will provide a high-quality environment both within the Site but also along a key pedestrian desire line from the new multi-storey car park in the southern part of the Site north across Wellington Road into the new Elms Field development and on into the heart of the town centre and vice versa. The Elms Field development has been designed in parallel with the Scheme to ensure good pedestrian connectivity and the provision of a high quality public realm.

The Scheme will also improve the visibility of the Site which currently has a poor frontage relationship along Wellington Road and the Carnival Pool roundabout (Wellington Road, Denmark Street, Finchampstead Road junction) with the existing buildings either presenting their rear frontage to Wellington Road or hidden behind poor quality green landscaping.

The Scheme will meet appropriate sustainability objectives in line with recently approved planning policies and will thereby ensure that climate change considerations are secured.

Social Benefits

The proposed Scheme will enhance the leisure offer in order to better cater for the needs of the existing and future residents. The proposed leisure facilities will form part of the wider Council strategy for leisure facility provision across the Borough. Town centres are increasingly becoming places to meet and socialise, as well as to shop and access services, and improved leisure facilities in this location will provide additional opportunities for residents and visitors to visit the town centre and increase their dwell time within it.

The proposed residential provision and mix of units will also add to the stock of housing in a highly sustainable location and help meet wider planning objectives in terms of housing land supply.

The opportunity to target newly created jobs to local people via an employment and skills plan will also be implemented by the Council.

Proposal

The Council has sought for some time to assemble land ownership of the Site and adjacent land (required for the Phase 1 development). A significant part of the Site is already in the ownership of the Council but it is not been possible to secure every interest in third party ownership. The Council considers that the failure to acquire all necessary land interests by agreement has the potential to delay regeneration of the Site.

Having regard to the advice in 'Compulsory purchase process and the Crichel Down Rules: guidance' (October 2015) ("the Guidance"), the Council considers it appropriate to seek an early in-principle resolution to commence preparation for the making of a

CPO to acquire any outstanding land interests. In particular, the Guidance recognises that compulsory purchase is an important tool to use as a means of assembling the land needed to help deliver social and economic change and encourages local authorities to consider using their compulsory purchase powers in a proactive way to ensure that benefits are secured for residents and the business community without delay.

The Council considers that the benefits of such a resolution are:

- It gives officers specific authority to begin the process of making the CPO, including authorising officers to incur CPO costs and enter into any necessary agreements, for instance in respect of the appointment of external advisors or the acquisition of third party interests by agreement.
- It indicates to third party landowners that the Council intends to take all necessary steps to acquire the necessary land interests to enable regeneration of the Site to proceed. Third parties who have been reluctant to engage with the Council are often more willing to negotiate a deal once they become aware that the Council is willing to use its compulsory purchase powers.
- It focuses the Council's resources on achieving the desired outcome, often enabling the programme to be driven forward.
- It secures the appropriate authority for land requisition notices to be served on third party landowners.

If the Executive endorses the recommendation set out in this report then the Council proposes to:

- Continue to seek to acquire all necessary land interests by agreement.
- Commence preparation of the compulsory purchase process by securing the appointment of relevant external advisors and beginning preparation of the relevant CPO documentation.
- Consider the need for any other orders or consents to facilitate the Scheme, including for instance any stopping-up of any highway.
- Enable the Council to deal with any outstanding lease interests required for the regeneration of the Site.

Recommendation

The Council has previously advised publicly that it would be willing to use its compulsory purchase powers, if necessary, to enable the regeneration of the Site. An 'in-principle' resolution at this stage is considered appropriate and in accordance with national and local policy.

Analysis of Issues

Use of Compulsory Purchase Powers

The Council has the power in section 226 of the Town and Country Planning Act 1990 (as amended) to make a CPO for any land within the Borough if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

Pursuant to section 226, the Council may not exercise this power unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to acquire any new rights.

The Guidance provides updated and revised guidance to acquiring authorities in England on the use of CPO powers. It states:

"Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life"

Particular guidance on orders made by local authorities under section 226 is contained in the Guidance. It states:

"This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no other single specific compulsory purchase power would be appropriate"

Importantly the Guidance requires that a CPO should only be made where there is a compelling case in the public interest.

The Guidance also recognises that it is not always feasible or sensible to wait until the full details of a scheme have been worked up and planning permission has been obtained before proceeding to prepare a CPO. An acquiring authority will however have to demonstrate that there are no reasons why any required planning permission for the scheme should not be secured.

A compulsory purchase order to which there are objections will require confirmation by

the Secretary of State to become effective. The Guidance provides that any decision by the Secretary of State about whether to confirm a CPO made under section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:

- *"whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area....."*
- *the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area...*
- *whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired"*

The Guidance also requires the Council to have regard to the following when considering making a CPO:

- *"that the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected"*
- *"the degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme"*
- whether it is likely that the Scheme will be blocked by any physical or legal impediments to implementation.

The Guidance looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Guidance recognises that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The Guidance notes that this has the advantage of making the seriousness of the acquiring authority's intentions clear from the outset which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

In the making of the CPO, the Guidance encourages acquiring authorities to offer those concerned about a CPO access to alternative dispute resolution techniques where appropriate.

Notice of the making of the order is given to categories of "qualifying persons", namely owners, lessees and occupiers (other than monthly or shorter tenants) and publicised in the local newspaper. Objections from such persons will lead to a public inquiry.

Land Proposed for Compulsory Acquisition

The land required for regeneration of the Site and proposed for compulsory acquisition is identified as the hatched area on the plan annexed. It can be generally described as the entire Site granted outline planning consent within application O/2015/1056.

The extent of the land shown as the hatched area on the plan may be subject to

amendment before any CPO is made and the Executive will be asked to approve the final extent of the land to be acquired following conclusion of that exercise and finalisation of the CPO plan

The Council will continue to engage actively with landowners, with a view to acquiring as much of the land interest by agreement as possible. This may further reduce the extent of the land to be compulsorily acquired.

Case for Compulsory Acquisition

As set out above, regeneration of the Site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the Site by delivery of the Scheme for which planning permission is sought will bring economic, social and environmental benefits to Wokingham.

When masterplanning for the Scheme began the majority of the Site was already in the freehold ownership of Wokingham Borough Council albeit subject to several key leasehold interests and occupations. The Council has sought over the last three years (since early 2014) to assemble the remaining land ownership and align the leasehold interests to enable the Scheme to progress.

Through negotiation the Council has negotiated the relocation of one of the existing tenants from the Site by mutual consent.

Wokingham Superbowl owned by American Amusements Ltd (“AAL”) has signed an Agreement to Lease in respect of the new leisure unit in the ground floor of the multi-storey car park building which is currently under construction, as part of Phase 1. Once AAL relocate to this new facility from their existing building on the Site, the lease on the existing property will end and the old premises will revert to the Council.

The last of the identified third party interests that the Council needs to acquire is the freehold interest in Southgate House owned and occupied by BJP Insurance.

The Council opened a very constructive dialogue with directors of BJP Insurance in January 2014 prior to public consultation on the Scheme. Initially there was agreement in principle that the Council might acquire subject to providing a suitable alternative property package – based on similar successful relocations at Peach Place.

The Council and BJP have maintained a close dialogue over the last three years and progressed several lines of enquiry. The Council has entered into detailed negotiations to acquire potential relocation properties that meet BJP’s evolving search criteria. However, so far we have been unable to agree terms on any of their preferred buildings. It is fair to say that BJP’s requirements are unusual and specific and the chances of finding a property swap that will fully meet all their preferences are not high.

The Council is currently progressing a renewed phase of discussions with BJP around a further specific relocation possibility. These negotiations are complex and require significant further time and effort which is being fully invested via senior officers supported by external consultants. The Council will continue to explore other means of settlement by negotiation even after the CPO process has been formally commenced.

The Council proposes to continue to try to acquire or secure control of such interests following any resolution to make a CPO.

In taking the initial steps towards a CPO, the Council will undertake further land ownership investigation. It may be that other third party land interests are identified as part of that process which then need to be included in the CPO.

In determining whether to proceed with compulsory acquisition the Executive is reminded that for those directly affected there will be interference with convention rights incorporated into law by the Human Rights Act 1998. The Council would take all necessary steps to minimise the effect of such interference so that it is proportionate and necessary for the implementation of any authorised compulsory acquisition.

The Council considers that the inability of the Council to secure the outstanding land interests in the Site will have the effect of delaying the regeneration of the Site and delivery of the consequential benefits to the community.

The Council accordingly considers that there is a compelling case in the public interest for the Council to exercise compulsory purchase powers as proposed in this report.

Financial Implications

The Council has already identified in the Wokingham Town Centre Masterplan 2010 that the use of CPO powers may be necessary to assemble land to deliver regeneration of the Site and appropriate costs have been included within its budgets. The Council's Corporate Plan confirms that it intends to use its resources to deliver the regeneration of the Site.

Human Rights Implications

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.

In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:

- Article 1 - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- Article 14 - This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit which would arise from the regeneration of the Site, it is considered appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual

property rights.

Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected will be entitled to compensation (in accordance with the statutory code) proportionate to the loss which they incur as a result of the acquisition of their interests.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Nil	
Next Financial Year (Year 2)	Nil	Nil	
Following Financial Year (Year 3)	Nil	Nil	

Other financial information relevant to the Recommendation/Decision

Funding for this process is included within the WTCR budget currently approved.

Cross-Council Implications

The project is in line with the Council Vision and forms one of the top Priorities
There is no impact on other services.

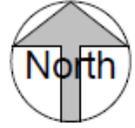
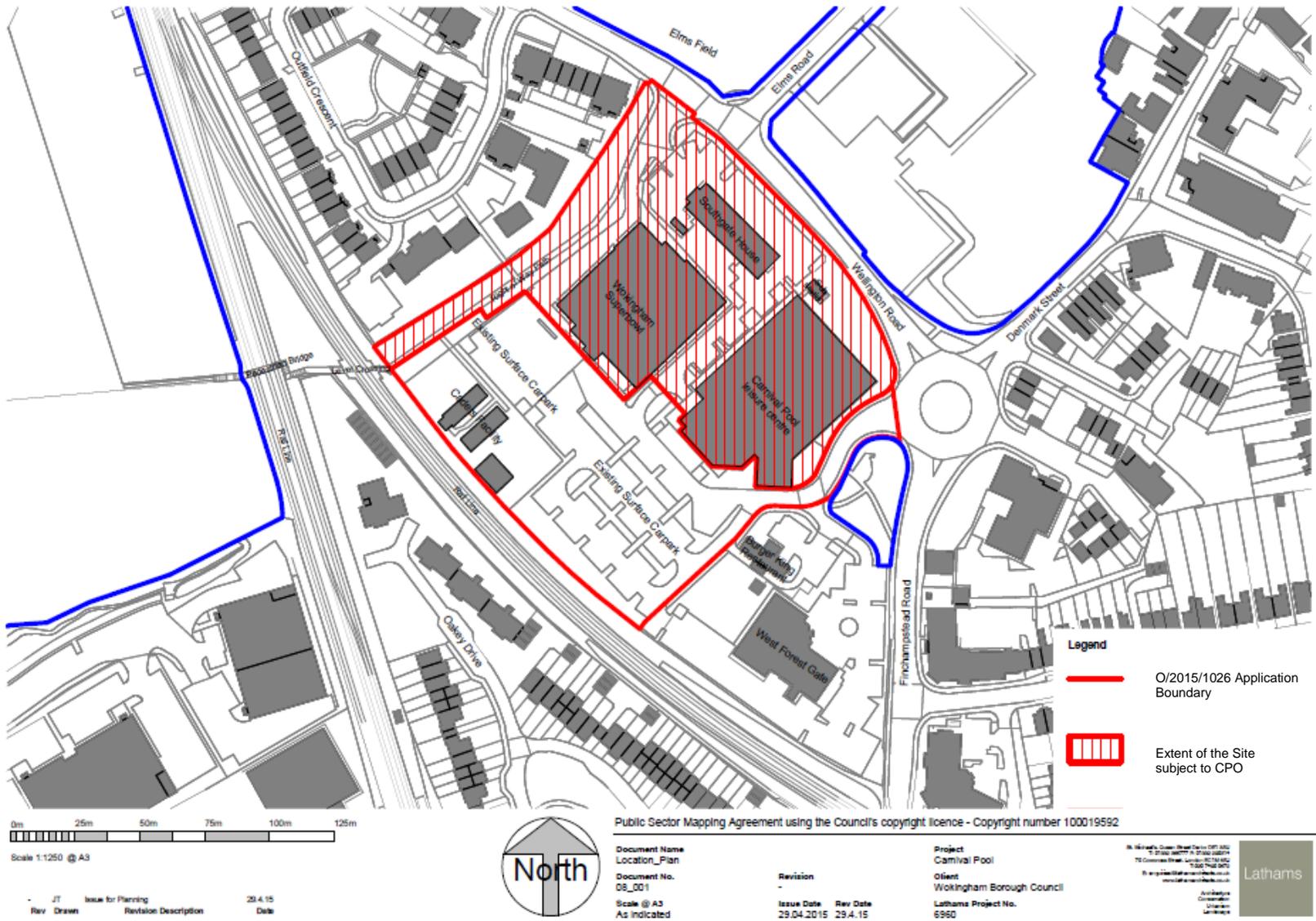
List of Background Papers

None

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Date 17 March 2017	Version No. 5

Appendix A

87



Public Sector Mapping Agreement using the Council's copyright licence - Copyright number 100019592

Document Name Location_Plan	Project Carnival Pool
Document No. DS_001	Client Wokingham Borough Council
Scale @ A3 As indicated	Lathams Project No. 6960
Revision	
Issue Date 29.04.2015	Rev Date 29.4.15

- Legend**
- O/2015/1026 Application Boundary
 - Extent of the Site subject to CPO

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Rev	Drawn	Issue for Planning	Revision Description	Date
-	JT	Issue for Planning		29.4.15

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TITLE:	Public Sector Equality Duty
FOR CONSIDERATION BY:	The Executive on 30 March 2017
WARD:	None specific
LEAD OFFICER:	Andrew Moulton, Head of Governance and Improvement Services
LEAD MEMBER:	Pauline Jorgensen, Executive Member for Resident Services

OUTCOME / BENEFITS TO THE COMMUNITY

A strong commitment to equality and the ongoing achievement of the Council's Equality Objectives will:

- improve the quality of life for our residents through better access to services and the development of more sustainable local communities;
- enhance social cohesion through positive relationships and a sense of civic responsibility;
- promote the rights and responsibilities of our residents and staff through leadership and effective partnership working;
- enable the most vulnerable members of our communities to be more independent through training, employment opportunities and support for independent living.

RECOMMENDATION

The Executive is recommended to:

- 1) note progress in relation to the Council's duties under the Equality Act 2010;
- 2) approve the proposed Equality Objectives set out in Section 9 of the report;
- 3) note the findings of the Equality Monitoring Workforce Report;
- 4) agree to receive an annual update report on achievement against the Equality Objectives and the Council's statutory Equality duties.

SUMMARY OF REPORT

The Equality Act 2010 placed a general duty on public bodies to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The protected characteristics are age, sex, race, disability, gender reassignment; pregnancy and maternity, marriage and civil partnership, religion or belief, and sexual orientation. In order to demonstrate compliance with the Equality Duty public bodies have a further specific duty to publish supporting information and set and monitor Equality Objectives. The report provides demographic information about the Borough and gives examples of steps taken by the Council to comply with the statutory duty. It refers to the accompanying Equality Monitoring Workforce Report and proposes five Equality Objectives relating to access to services, support for vulnerable people,

effective consultation and engagement, workforce development and embedding equality and inclusion within the Council following the 21st Century Council programme.

1 Background

The Equality Act 2010 came into force in April 2011. The Act replaced previous anti-discrimination laws relating to race, disability and gender equality. It created a new Public Sector Equality Duty. The Act requires public authorities to publish relevant information to demonstrate compliance with the Equality Duty and to report progress on locally agreed, specific, measurable equality objectives.

This report sets out the Council's equality objectives and gives details of progress made on equalities issues in relation to service delivery and work with our partners across the Borough. A separate report by the Council's Human Resources team gives details of progress made in developing a high performing and innovative workforce which reflects our local communities.

Finally, the report highlights how the Council's major organisational change programme – 21st Century Council – will seek to embed the principles of equality, diversity and inclusion into all aspects of the programme.

2 Public Sector Equality Duty

The public sector Equality Duty is made up of a **general duty** which is supported by specific duties. The general duty requires public organisations to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (the protected characteristics relate to all aspects of a person's identity: age, sex, race, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, religion or belief, and sexual orientation);
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity is defined further in the Equality Act as having due regard to the need to:

- Remove or minimise disadvantages;
- Take steps to meet different needs;
- Encourage participation where it is disproportionately low.

The **specific duties** require public bodies (including local authorities and schools) to:

- Publish information to show their compliance with the Equality Duty, at least annually. The information published must include information relating to employees who share protected characteristics and information relating to people who are affected by the organisation's policies and practices (e.g. service users);
- Set and publish equality objectives, at least every four years. The objectives should take into account evidence of the equality issues across the organisation's functions and consider issues affecting people who share the protected characteristics.

3 Wokingham Borough – Demography

Demographic information, collected through the Census, is analysed to produce the Wokingham Borough Joint Strategic Needs Assessment (JSNA). The information is used to identify local needs and the demand for public services. It also provides data to improve the understanding of local communities and emerging equality and diversity issues. The most recent Census took place in 2011. In addition to the Census data, the ongoing work of the Council's Public Health team and the local Clinical Commissioning Group (CCG) has delivered further updated information on local needs and priorities.

4 Population Profile

The most recent population estimates indicate a local population of 159,097 for 2014. The Borough's population profile differs from the national population profile in a number of ways:

- A larger proportion of children aged 5 to 19;
- A smaller proportion of younger adults aged 20 to 34;
- A larger proportion of adults aged 35 to 54.

The 2011 Census data indicated a number of key facts which are set out below:

- The Borough's population in 2011 (154,380) was made up of 76,464 men (49.5%) and 77,916 women (50.5%);
- 11.6% of the local population were from a Black and Minority Ethnic (BME) background (up from 6.1% in 2001);
- 4.8% of the local population were from a White non-British background;
- Religious beliefs included Christian (59.5%); Muslim (2.8%); Hindu (2.1%); Buddhist (0.4%); and Jewish (0.3%);
- 26% of the population indicated that they had no religious beliefs;
- 9% of the population were carers (13,900 people);
- 1.5% of the population provided over 50 hours of unpaid care each week;
- 857 people could not speak English well or at all;
- 4.9% of the population (7,325 people) stated that their day to day activities were limited by their health;
- There were 60,332 households within the Borough boundary with 23% occupied by people who lived alone;
- 26% of people aged 65 and over lived on their own;
- 70% of the population were in employment (aged 16 to 74);
- 35% of unemployed people were long-term unemployed;
- 1.6% of the population were not in employment due to being long-term sick or disabled (1,742 people).

Other key facts include:

- Within the Borough's state-funded schools 26% of children were from minority ethnic backgrounds (Schools census 2014);
- Life expectancy for men is 81.8 years compared to 79.5 years nationally (CCG);
- Life expectancy for women is 84.7 years compared to 83.2 years nationally (CCG);
- Wokingham Borough Council is the least deprived unitary local authority in the country (Government Indices of Multiple Deprivation – IMD - 2015);

- Pockets of relative deprivation are found in some Wards: e.g. Shinfield North, Arborfield, Bulmershe and Whitegates, Norreys and Finchampstead South (IMD);
- An estimated 22,000 people living in the Borough were born outside the UK – 14% of the population (JSNA 2015).

5 Emerging Priorities

The Borough's Joint Strategic Needs Assessment has identified key emerging trends and priorities, as follows:

Sustainable Development Locations and Housing Growth – with new housing development there is some uncertainty over the shape of the associated population growth in terms of age mix and population profile. There is a projected increase in the number of families which will result in an increased number of births.

Number of Older People – there is a projected increase in the number of older people (over 65s and over 85s). This is likely to increase demand for health and social care services as residents live with one or more long-term health conditions. This trend highlights the need for effective prevention services to reduce dependency and maximise independent living.

Early Years – a focus on prevention in early years helps to ensure that every child gets a good start in life, including a focus on improved readiness for school. The Council is committed to supporting schools in closing the gap for educational attainment for disadvantaged pupils.

Health and Inequality – residents living in some of the less affluent wards in the Borough have significantly shorter lifespans than residents living in more affluent wards. Life expectancy is affected by all aspects of health and lifestyles and the Health and Wellbeing Board is committed to delivering positive changes which will reduce this health inequality.

6 Complying with the Equality Duty

The Council's Vision for the Borough is "A great place to live, an even better place to do business". The Borough is recognised as one of the most desirable places to live in the country. We aim to maintain this position whilst improving our residents' quality of life and providing opportunities for individuals, groups and businesses to engage in the achievement of the Vision. We recognise that strong communities will grow and prosper if everyone is treated fairly and all our residents are treated with respect.

The Council is committed to the principle of equality of opportunity and to the delivery of high quality services which meet the needs of all our residents. We seek to ensure compliance with the Public Sector Equality Duty through our policy development, staff training, service delivery and work with our partners and stakeholders. Set out below are examples of our ongoing achievements which are underpinned by the Equality Duty:

- The Borough has the lowest premature mortality rate of all local authorities in the country. This follows extensive work to manage and reduce the number of people with long term conditions and the provision of high quality care for people who need support.

- Housing Services have improved the quality of temporary and permanent housing which means that fewer families have to be placed outside the Borough in crisis situations.
- We have developed a policy on personal budgets and established joint planning and delivery arrangements with Health services.
- We have set up the Elevate Wokingham careers information and advice hub (supported by the European Union Social Fund) which delivers a supported employment service offering work experience and apprenticeships to vulnerable young people aged 16 to 24. The project aims to reduce the number of young people who are not in employment, education or training (NEETs), disadvantaged young people and those who are underemployed and to support those most vulnerable young people to achieve effective pathways to work.
- Major developments across the Borough are required to provide employment skills plans as part of the planning process. These plans provide additional work experience, employment and apprenticeship opportunities for our most vulnerable young people.
- The Council continues to use Equality Impact Assessments (EIAs) in order to improve services and policy development. EIAs help us to consider policies or services in terms of their impact on different groups, including groups with protected characteristics. They help to remove barriers and open up services to new groups.
- A number of the Borough's schools have adopted the Young Interpreters Scheme. The scheme involves training children as mentors for their peers who are learning English as an additional language.
- The Council's Children's Services Overview and Scrutiny Committee has looked at the way in which local schools handle transgender issues. Members have sought reassurance that procedures were in place to ensure that gender-variant young people and their families received appropriate support, and that schools were aware of their duties under the Equality Act.
- The Council continues to support the "Two Ticks" positive about disability recruitment initiative which guarantees an interview for disabled applicants who meet the minimum criteria for a job vacancy and seeks to ensure that employees who become disabled stay in employment.
- We have established a Staff Employment Equalities Group with representatives from across the organisation in order to ensure that our workforce reflects our community and that we develop a working environment which is free from harassment, bullying and intimidation.
- The Council has achieved Dementia Friendly status and is working with partners, community groups, schools and local businesses to empower people with dementia and their carers. We aim to make services and facilities more dementia friendly and to increase dementia-friendliness and awareness across the Borough.
- The Borough has an active Learning Disability Partnership Board which was established in 2001 and has continued to meet even though it is no longer deemed

a statutory service. The Board works with the learning disability community to break down barriers and enable positive outcomes.

- The Borough's BME Forum is in its twelfth year and continues to meet every three months. The Forum considers a range of issues such as educational attainment, the Care Act, Healthwatch and briefings from the police.

7 Workforce

A separate document (see Annex) has been published setting out details of the Council's achievements relating to its employees: Equality Monitoring Workforce Report 2016/17. The Council's non-schools workforce is around 1,000. We monitor the composition of the workforce along with those applying for jobs across a range of factors which involve several of the protected characteristics (age, gender, disability, ethnicity, religion and sexual orientation).

The 2016/17 monitoring report indicates that the current workforce is broadly representative of the local community. It also sets out a number of initiatives aimed at improving the Council's performance in relation to the Equality Duty. These include:

- Ensuring that all staff are trained in equalities and diversity when they start working for the Council, with a periodic refresh to ensure that local context is maintained;
- Continuing to utilise vacancy advertisement routes that promote the widest possible audience;
- Enhancing the collection, monitoring and reporting of equality data across the workforce to reflect the range of protected characteristics;
- Increasing staff confidence in disclosing personal information to increase the accuracy of workforce monitoring by ensuring confidentiality and anonymity (particularly in relation to sexual orientation);
- Introducing monitoring of job applicants in order to identify if there are any equality issues in the recruitment process;
- Increasing the take up of Apprenticeships in order to encourage younger people to work for the Council;
- Investigating the development of internal support groups for different cohorts of employees with a protected characteristic in order to share experiences and help inform further action and improvements.

8 21st Century Council

The Council has responded effectively to significant funding reductions in recent years, delivering £30m in efficiency savings whilst maintaining high quality front line services. Further dramatic funding reductions over the next four years have resulted in the decision to implement a radical, whole-Council approach to transformation. This transformation programme, 21st Century Council, involves major organisational changes alongside a fundamental review of priorities, income generation opportunities, service delivery options and asset disposals.

The organisational change programme will deliver service improvements through greater self-service, improved customer service and case management and greater alignment with key partners such as the police, health services, the voluntary and community sector and Town and Parish Councils. The programme involves a reduction

of up to 150 posts and an investment of £6.2m to fund improved IT capacity and training for staff and managers.

Compliance with the Equality Duty will be built into the 21st Century Council programme through the:

- Development of Equality Impact Assessments to ensure that new service delivery models and customer services are focussed on fairness, access and inclusion;
- Embedding awareness of and training relating to the Equality Duty into the new organisational structure;
- Investment in IT systems which improve the capability to monitor and report on issues relating to the Equality Duty, covering both service delivery and workforce improvements.

9 Equality Objectives

As part of the Equality Duty the Council is required to publish measurable objectives which demonstrate how the duty will be met. The Council's proposed objectives are to ensure that:

Objective 1 - Services are easily accessible for all our residents and are capable of responding to the changing needs of our communities.

This objective will be met through:

- Using Census, JSNA and other data sources to map future trends and demand for services;
- Developing our presence within local communities to provide more joined up service delivery with key partners, local intelligence and early intervention;
- Developing the Council's website and use of social media to improve 24/7 access to services and information and greater capacity for self-service;
- Ensuring that residents who are less comfortable with new technologies have alternative methods of contacting and interacting with the Council.

Objective 2 - Vulnerable individuals and groups are supported and looked after.

This objective will be met through:

- Utilising the ongoing review of community and voluntary activity to develop more joined-up working with Town and Parish Councils and community groups to promote resilience and self-help for local communities;
- Developing more joined-up prevention services to promote healthier lifestyles and more independent living;
- Working with parents and schools to close the educational attainment gap for disadvantaged pupils;
- Providing targeted support for vulnerable younger people to increase opportunities for employment and self-help;
- Implementing the practice framework "signs of safety and wellbeing" across Children's Services to support and enable resilient family networks.

Objective 3 - Consultation and engagement are effective and inclusive for all our communities:

This objective will be met through:

- Ensuring that all our residents are able to input into key decisions facing the Council, e.g. through our public Budget engagement exercise and consultation on the updated Local Plan;
- Providing targeted information and briefings to specific groups, e.g. our ongoing work with the BME Forum;
- Strengthening our links with the voluntary and community sector and Town/Parish Councils to improve local intelligence and the Council's presence within local communities;
- Refreshing our approach to Overview and Scrutiny to ensure that our services are meeting local needs and delivering value for money;
- Investing in and utilising co-production methods in partnership with parents and communities to underpin our service developments.

Objective 4 - The Council's workforce is committed to equality and reflects the communities it serves.

This objective will be met through:

- Utilising staff communications, surveys and team meetings to raise awareness of the Equality Duty and the Council's equality objectives;
- Ensuring that equality and diversity training is provided for new starters and is followed up by appropriate refresher training and support;
- Harnessing improved IT systems to improve the collection, monitoring and reporting of data relating to job applicants, new starters and established staff.

Objective 5 - The Strategy and Commissioning team will lead on the Council's commitment to equality through service commissioning and delivery, improved procurement and partnership working.

This objective will be met through:

- Developing Equality Impact Assessments for service changes, customer contact improvements and new ways of working;
- Working with contractors and suppliers to ensure that their approach to equality issues is documented and reported and is consistent with the Council's approach, as detailed in this report;
- Working with our partners to improve understanding of the needs of our local communities and developing a more joined-up approach to meet those needs.

10 Performance Management and Scrutiny

Delivery against the Council's Equality Objectives will be monitored through the quarterly Council Plan Monitoring Report. The Council's Overview and Scrutiny Committees and the Employment Equalities Group will also review specific issues during the year.

11 Risks

The Council's commitment to equality underpins its Vision for the Borough and its plans to become a high performing 21st Century Council. Failure to comply with the relevant general and specific duties carries the risk of damage to our communities, reputational damage to the Council and enforcement action by the Equality and Human Rights Commission which is the regulator with responsibility for the Equality Duty.

12 Overview and Scrutiny

The proposals in the report were considered by the Overview and Scrutiny Management Committee at its meeting on 24 January 2017. The Committee welcomed the progress made in relation to service delivery, staff recruitment and retention and the proposed Equality Objectives. The Committee resolved that:

- 1) the Public Sector Equality Duty report be supported for submission to the Council's Executive;
- 2) the five Equality Objectives, set out in the report, be endorsed;
- 3) annual monitoring reports be submitted to the Committee to demonstrate the Council's compliance with its duties under the Equality Act 2010.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next four years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Yes	N/A
Next Financial Year (Year 2)	Nil	Yes	N/A
Following Financial Year (Year 3)	Nil	Yes	N/A

Other financial information relevant to the Recommendation/Decision

Any financial implications arising out of meeting the proposed Equality Objectives will be met from existing budgets.

Cross-Council Implications

The Equality Duty impacts on public bodies which includes the Council and local schools. The Council's obligations relate to the ways in which we recruit and train staff, deliver services and work with partners across the Borough.

List of Background Papers
Equality Act 2010 – Briefing Papers

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Date 20 March 2017	Version No. 2.0

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Wokingham Borough Council Equality Monitoring Workforce Report 2016-2017

Purpose

The Equality Act 2010 introduced a new General Equality Duty which requires organisations to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

In addition to this there is a Specific Equality Duty which requires organisations to:

- Publish information which demonstrates compliance with the Equality Duty
- Set and publish equality objective

This annual report demonstrates the Council's compliance with the Public Sector Equality Duty in relation to its workforce. It captures data about Wokingham Borough Council employees (excluding Schools) and relates this to the protected characteristics and other relevant indicators along with actions taken to address any gaps.

Version	Date	Description
1	12/10/16	1 st report
Document Approvals		
Author: Employment Equality Steering Group		
Approval: CLT		

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Introduction

Under the Equality Act 2010 Wokingham Borough Council (WBC) has a legal duty to advance equality of opportunity for people with protected characteristics, eliminate unlawful discrimination and promote good relations between people. We also have a responsibility to promote equality and recognise diversity; understanding our own workforce and how it relates to the community we serve.

To assist us in undertaking these duties, we review relevant information and data to recognise areas of strength and identify areas for improvement. We then work with relevant groups to develop necessary actions and monitor performance.

It is important that the Council's workforce reflects the composition of the local population to ensure it is representative of the community we serve, thereby helping to ensure that appropriate services are provided to all citizens.

This annual report provides information on employees obtained from our monitoring processes and procedures, which allows us to meet the reporting requirements outlined in the Equality Act 2010. Using this data we can understand the composition of our people, help identify areas for action, and publish the information required to show compliance with the duty.

Borough Demographic

The Borough has a population of around 160,000 with a demographic composition that has changed markedly over the course of the past 15 years. For example, the 2001 census showed that 6.1% of the population were classified as Black or Minority Ethnic (BME), while in 2011 this had risen to 11.75%.

Council Information

Wokingham is a small unitary authority that employs just over 1000 staff, with 54 Councillors, 8 of whom sit on the Executive. We are one of 6 Unitary Authorities in Berkshire and work in a complex multi-agency context, in close partnership with the other unitary authorities.

Budgetary pressures on local authorities are severe. Added to which Wokingham Borough Council is the worst funded unitary authority in England. We rely on council tax as our main income source and, therefore, the accountability relationship with our residents is very strong and real. There have also been changes to national legislation that directly impact the way we deliver our services. Therefore it is very important that we, as an organisation, are prepared for these challenges to ensure the ongoing success of our Borough. We decided the best way to do this was to ensure we had a clear vision with meaningful and realistic priorities, focusing on the needs of our residents. Over the last 6 years we have delivered £36.5million pounds of savings and are forecast to save £20million over the next 4 years. We are about to embark on a major change programme which will deliver £4million savings per annum which will have a direct impact on our workforce and the way in which we work.

When we monitor the composition of the workforce we consider a variety of factors (e.g. starters, leavers and salary) across several protected characteristics (i.e. age, gender, disability, ethnicity, religion and sexual orientation). The data used in this report was drawn on 26th July 2016.

The majority of the information collected is through self-declaration and is reliant on the provision of this data from the workforce.

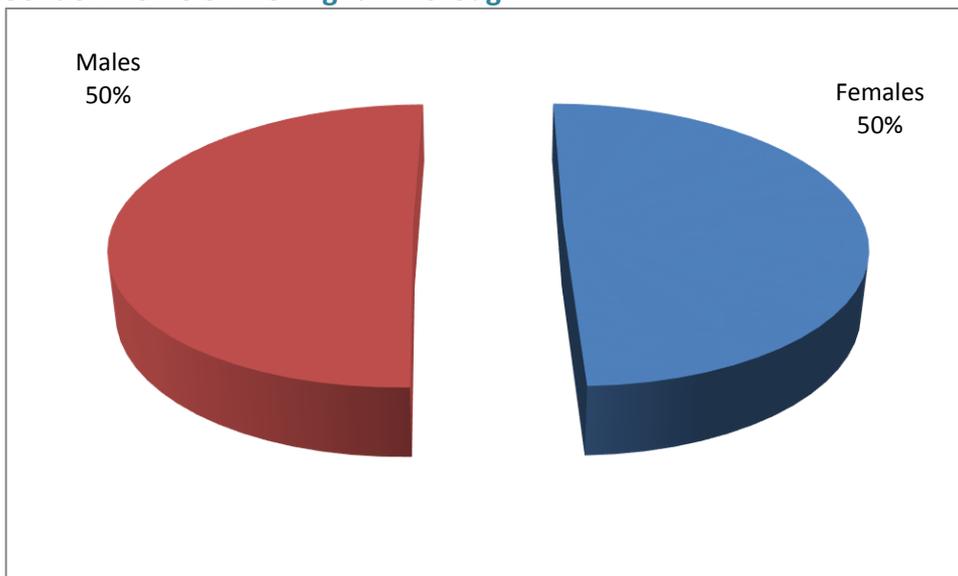
As this is the first report there is no trend data available. However, this will be reported in further years in order to determine whether recommended interventions have made an impact.

Gender

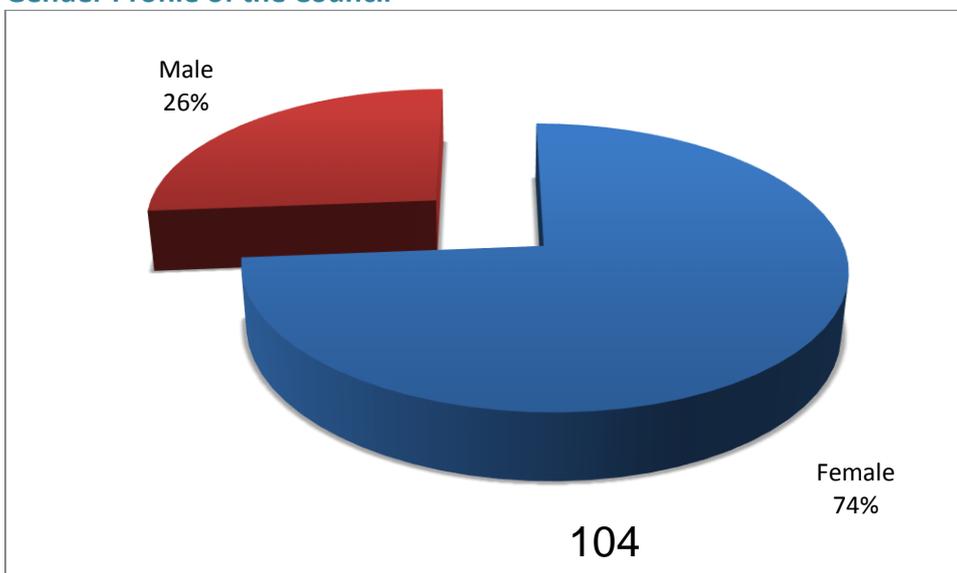
While the Borough has an equal split of men and women, the Council has a gender profile where over 74% of the workforce is women and 26% men, something that appears to be changing with slightly higher numbers of women leaving and men starting.

The salary profile appears to show a fairly consistent level of men achieving each salary range, while there is a skew for women to occupy lower salary ranges. This must consider the distribution of women in specific lower paying roles. 42% of those earning £50,000 or more are female, against a national average of 32% (Source: CMI: Women in Leadership White Paper). However, it cannot be ignored when almost three quarters of the total workforce are women.

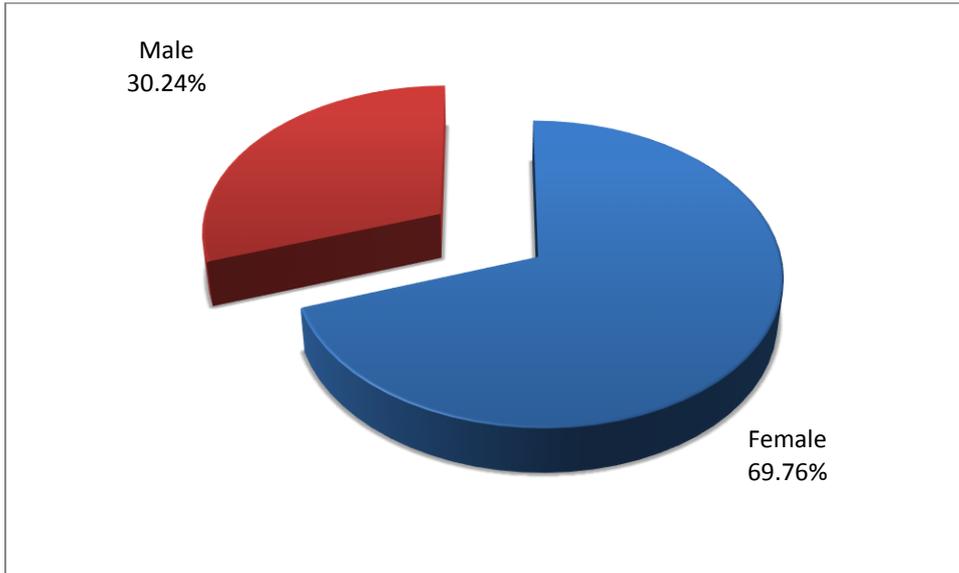
Gender Profile of Wokingham Borough



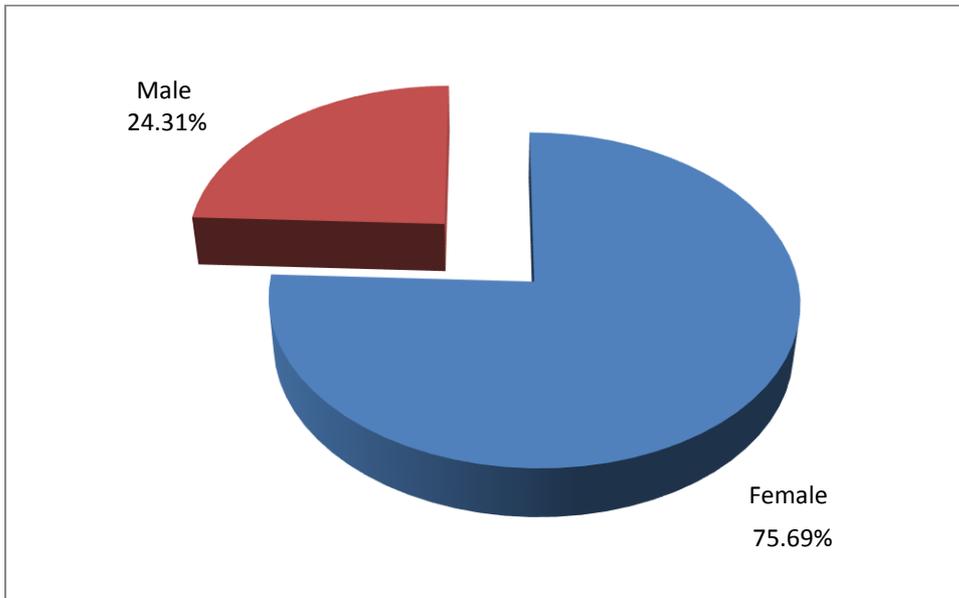
Gender Profile of the Council



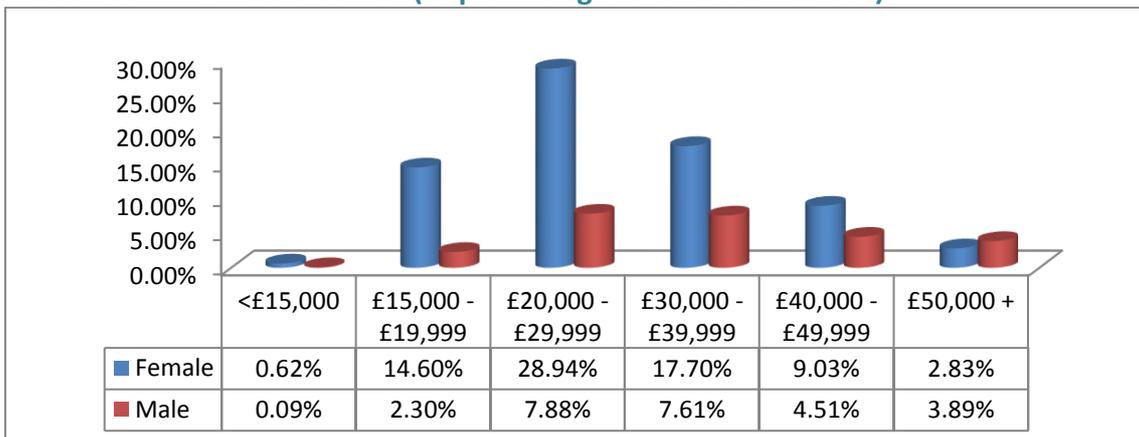
Gender Profile of Starters



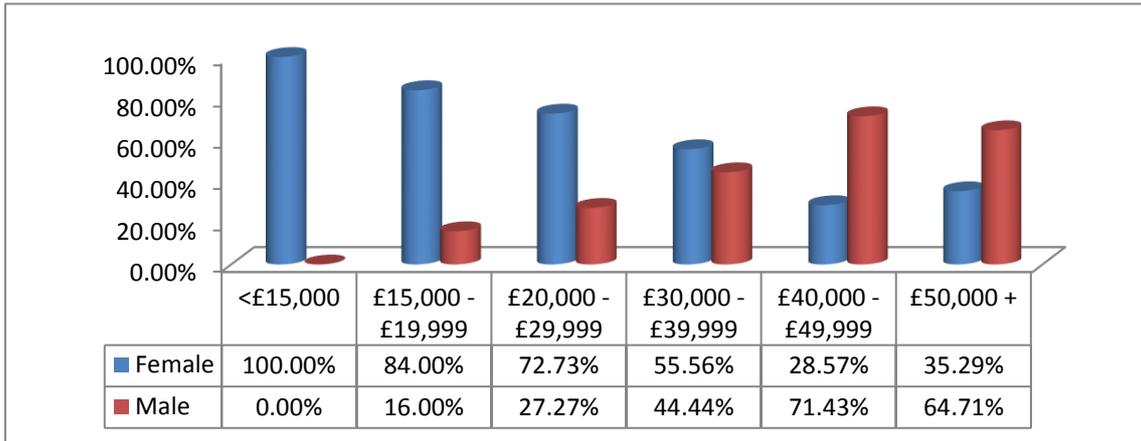
Gender Profile of Leavers



Salaries Across Gender Profile (as percentage of entire workforce)



Salaries Across Gender Profile (as percentage of gender within each salary band)



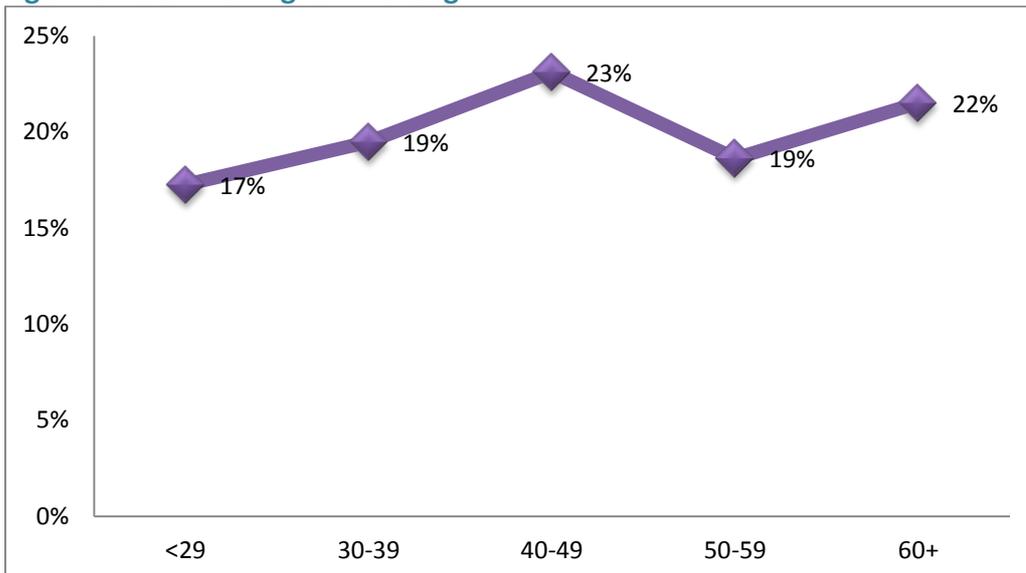
Age

While the age profile is not representative of the Borough its workforce serves, the Council's age profile is not unlike that of other local authorities nationally with a higher proportion (42%) of workers being above 50 years of age, and only 12% under 30 years of age.

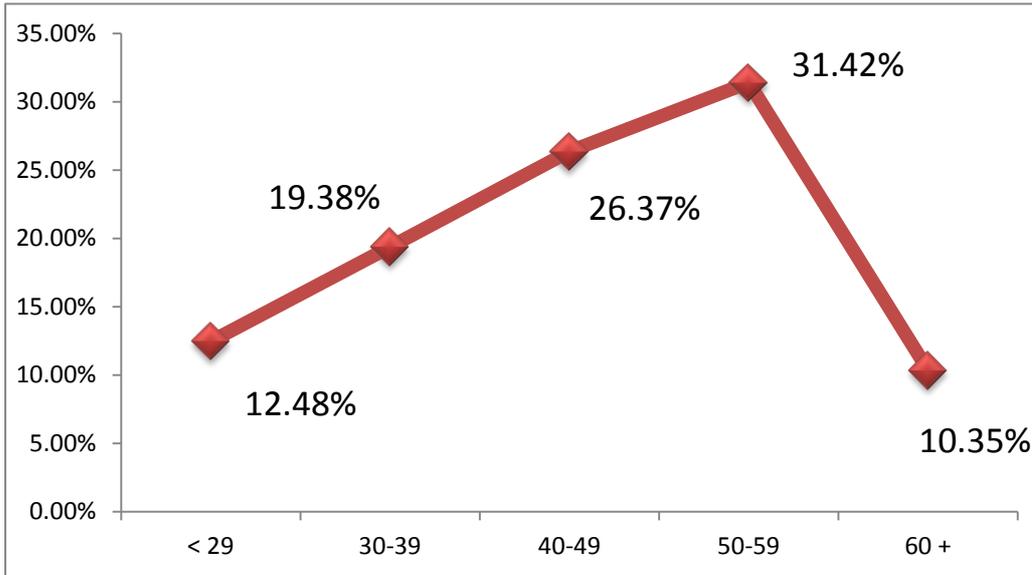
The number of people starting roles within the Council is fairly consistent across all age ranges, while there is a higher proportion of the older workforce leaving.

This is also the case when considering salaries across age ranges, with a slight skew towards lower salaries for those below 30 years of age, but this skew moving slightly for each of the following ranges, translating in to older members of the workforce generally commanding higher salaries.

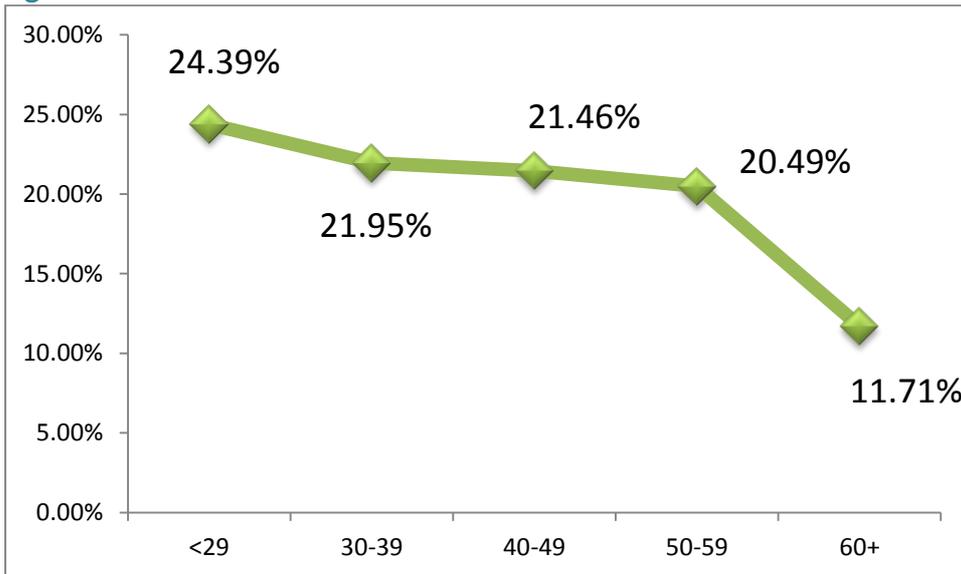
Age Profile of Wokingham Borough



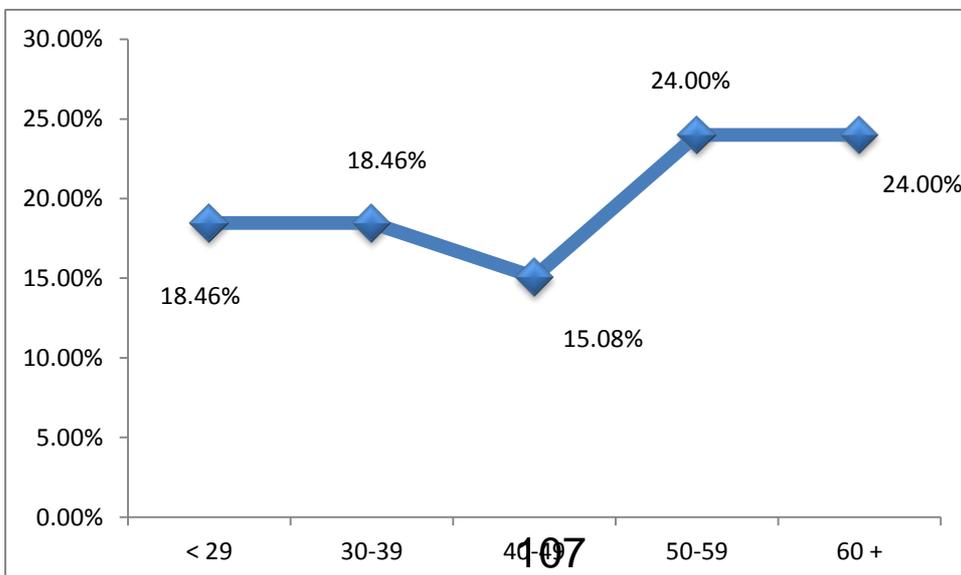
Age Profile of the Council



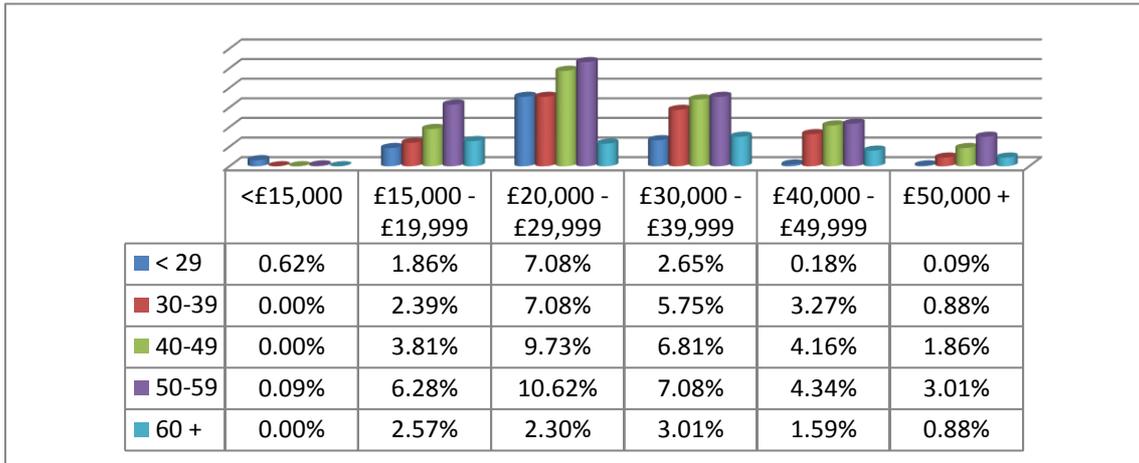
Age Profile of Starters



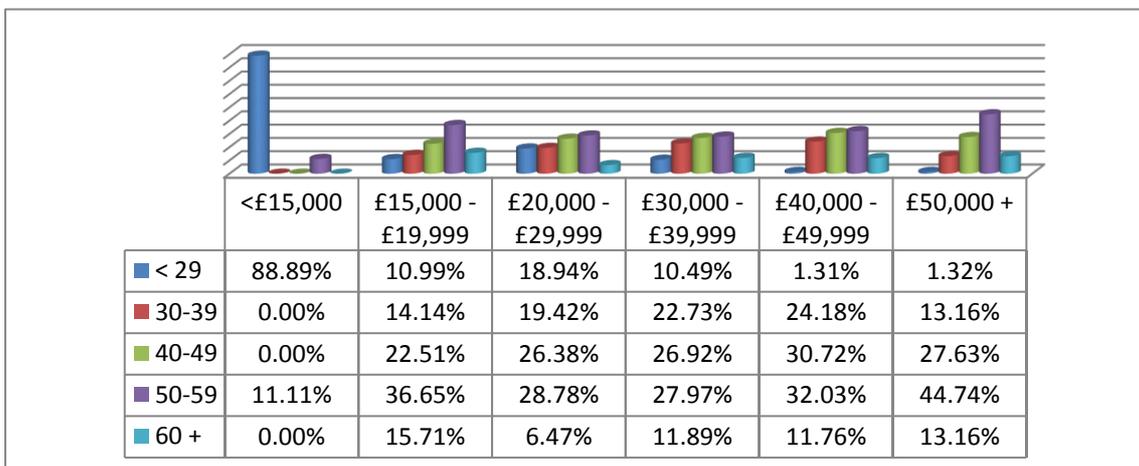
Age Profile of Leavers



Salaries Across Age Ranges (as percentage of entire workforce)



Salaries Across Age Ranges (as percentage of age within each salary band)



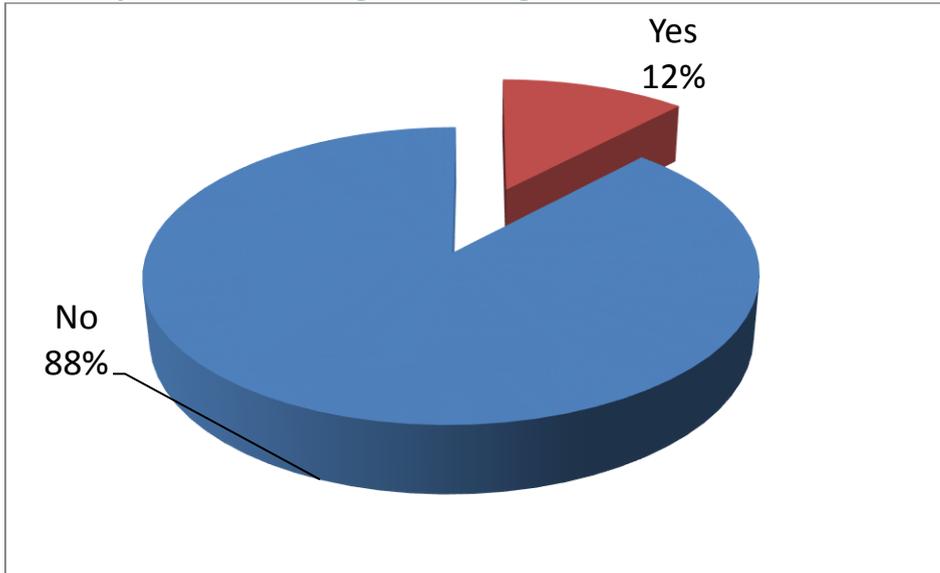
Disability

From the information provided, it appears only 5% of the workforce have a disability, but this could be higher as 34% of the workforce have not declared their status. This data is consistent with other local government organisations where 30% of respondents report that they have 5% or more workers with a disability but 31.4% don't know (source XPerHR "Disability 2014: What Percentage of your organisation's workforce has a disability"). Even without complete data our overall workforce is more than reflective of the community we serve where on 2.84% have a declared long term health problem or disability (source Office of National Statistics 2011 census).

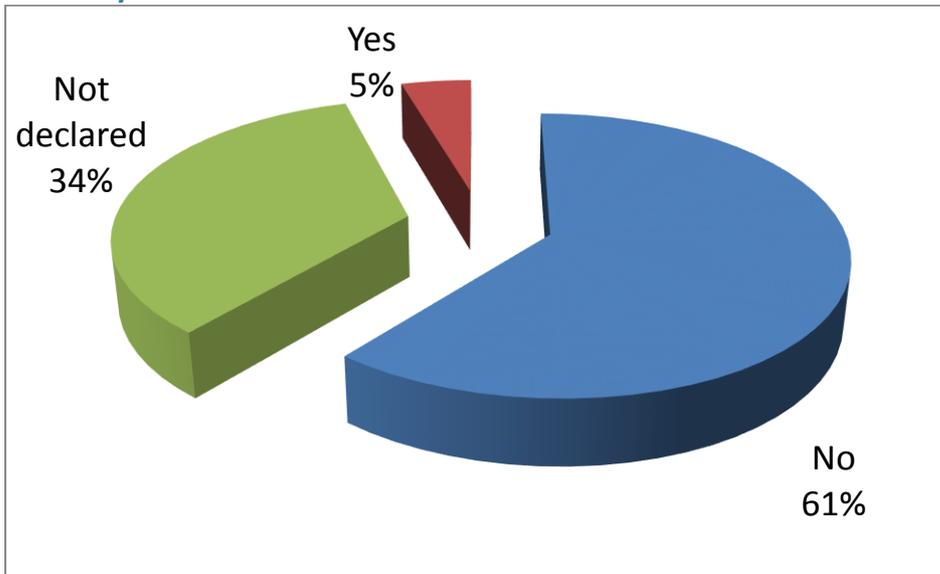
The percentage of leavers and starters who declared a disability are almost identical thereby suggesting a maintenance of the current composition, and an ability to attract those with disability to roles in the Council. The Council currently holds the 'double tick' disability status and is currently working towards obtaining 'Disability Confident' status, the new Government Scheme.

The profile of those with a disability across pay ranges appears to indicate no issues in this area.

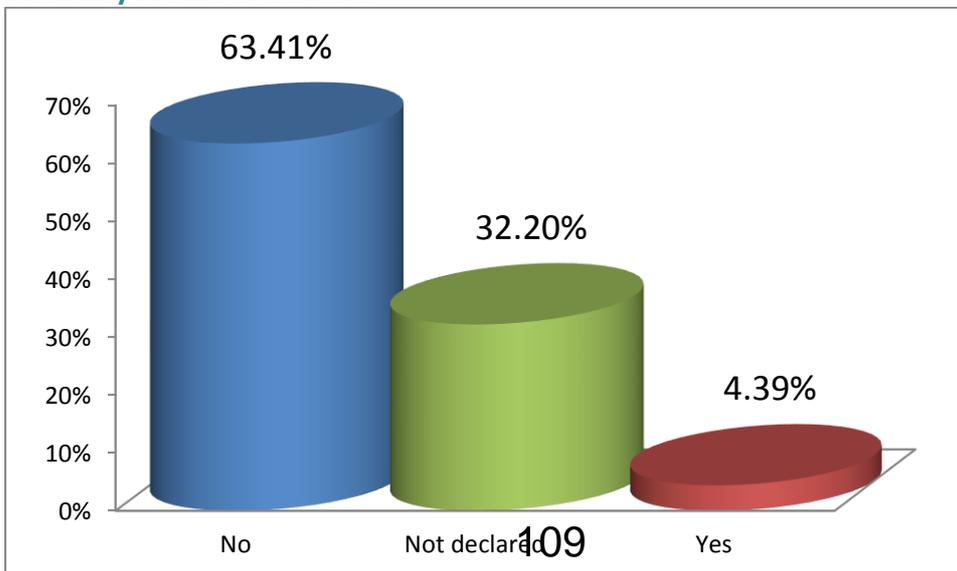
Disability Profile of Wokingham Borough



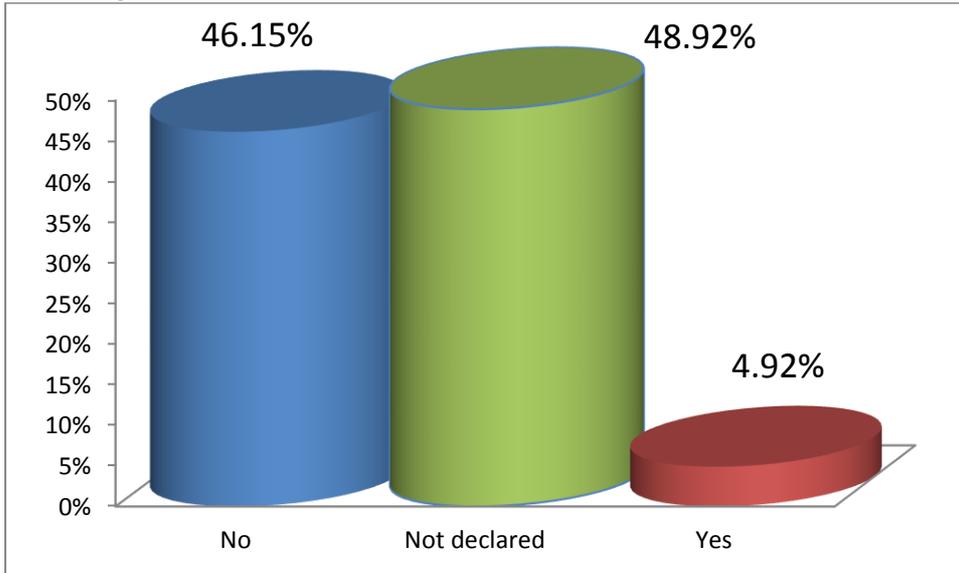
Disability Profile of the Council



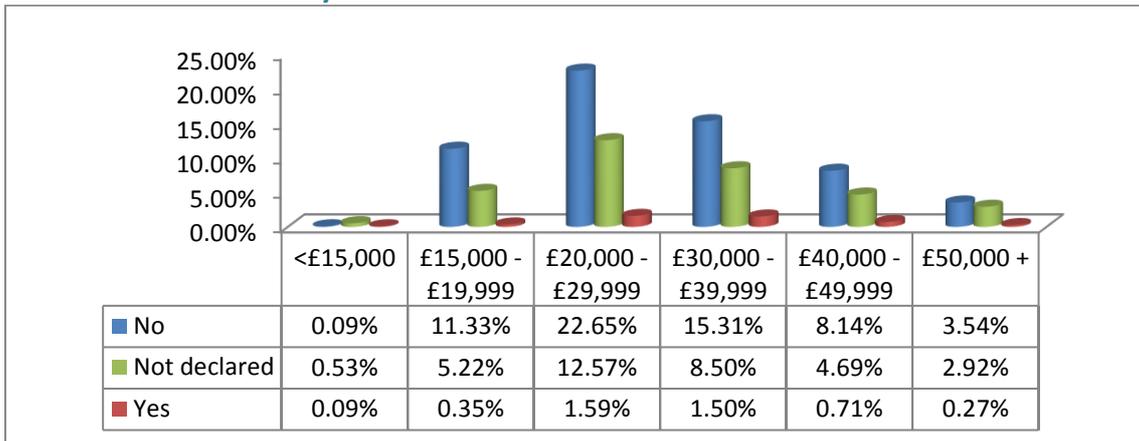
Disability Profile of Starters



Disability Profile of Leavers



Salaries Across Disability Profile

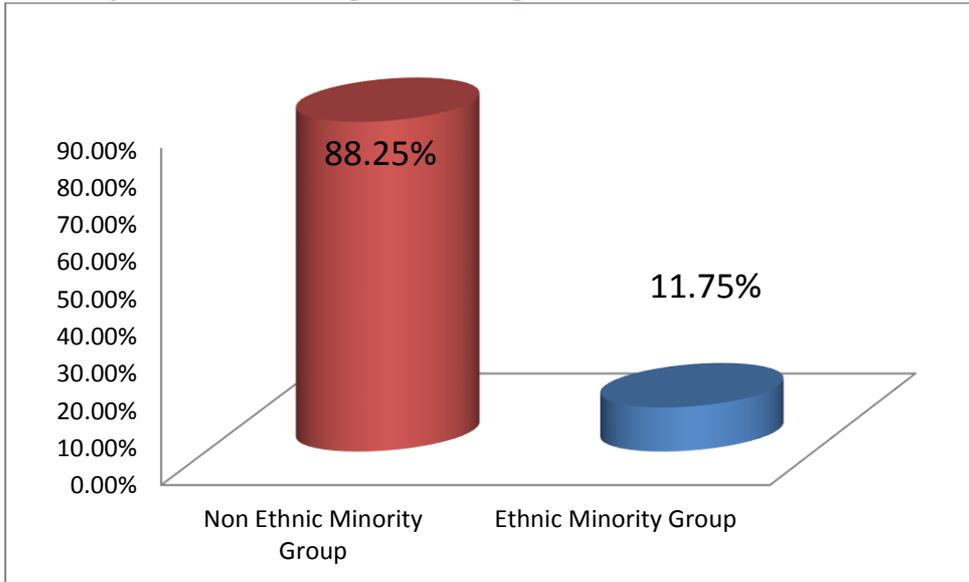


Ethnicity

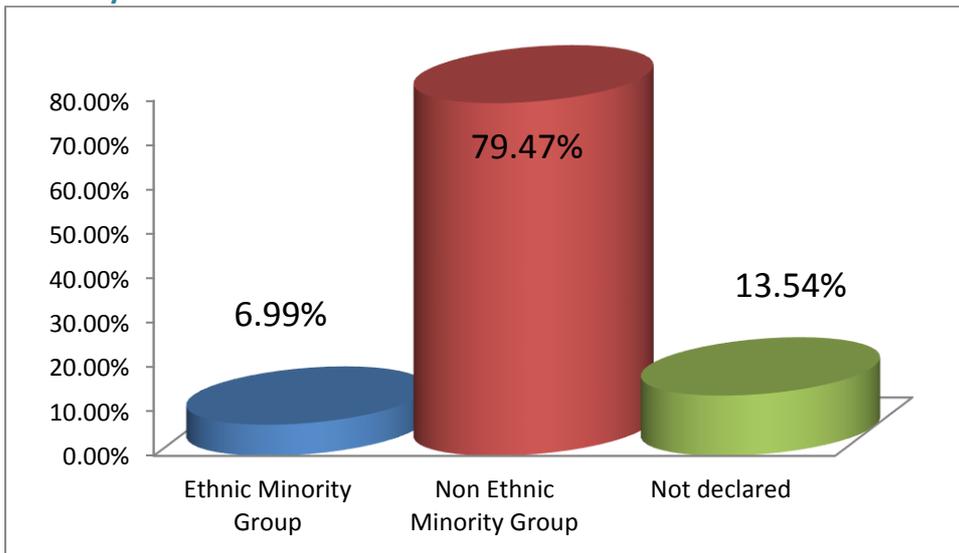
Ethnicity reporting is well established and it is clear that the workforce is actually more diverse than the population it serves, with only 79% of the workforce being White British. There appears to be a trend in increasing the level of diversity with more than a third of starters being from ethnic minority groups.

The salary profile for those from ethnic minority groups appears to be representative of the general distribution.

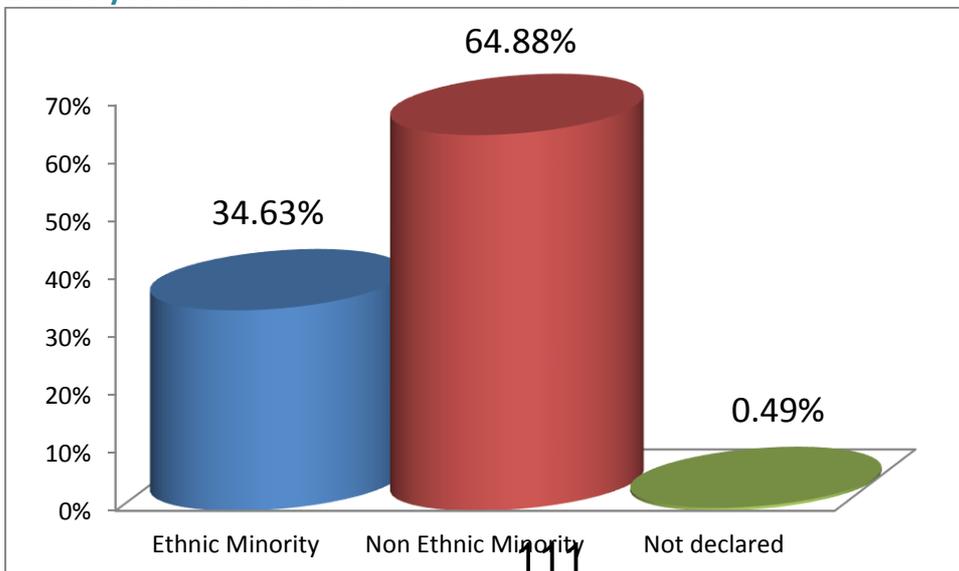
Ethnicity Profile of Wokingham Borough



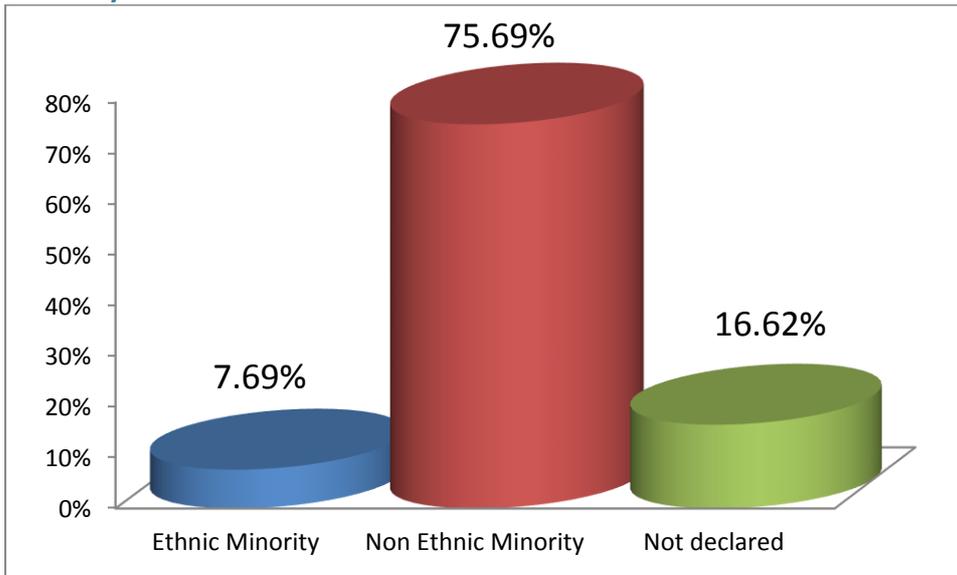
Ethnicity Profile of the Council



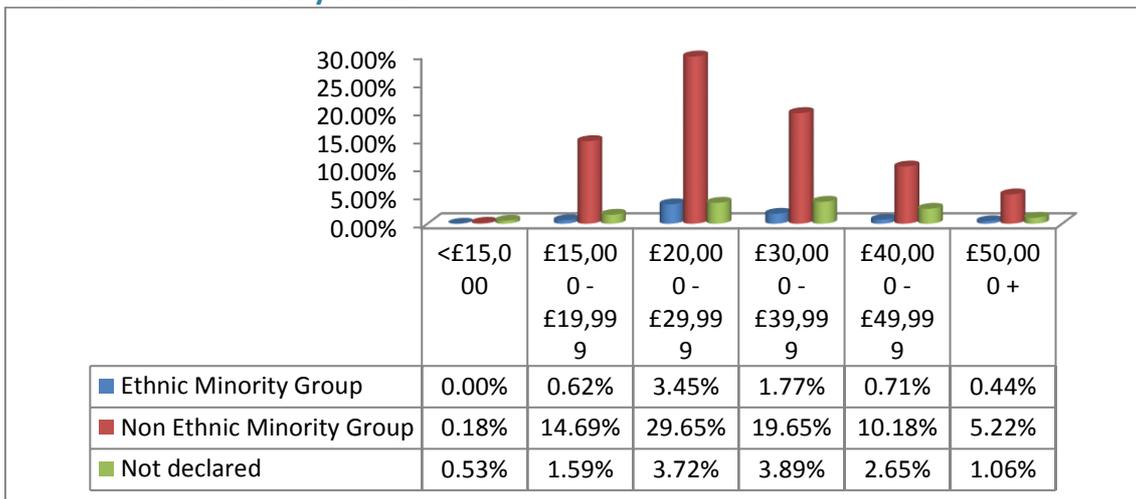
Ethnicity Profile of Starters



Ethnicity Profile of Leavers



Salaries Across Ethnicity Profile



Religion and Sexual Orientation

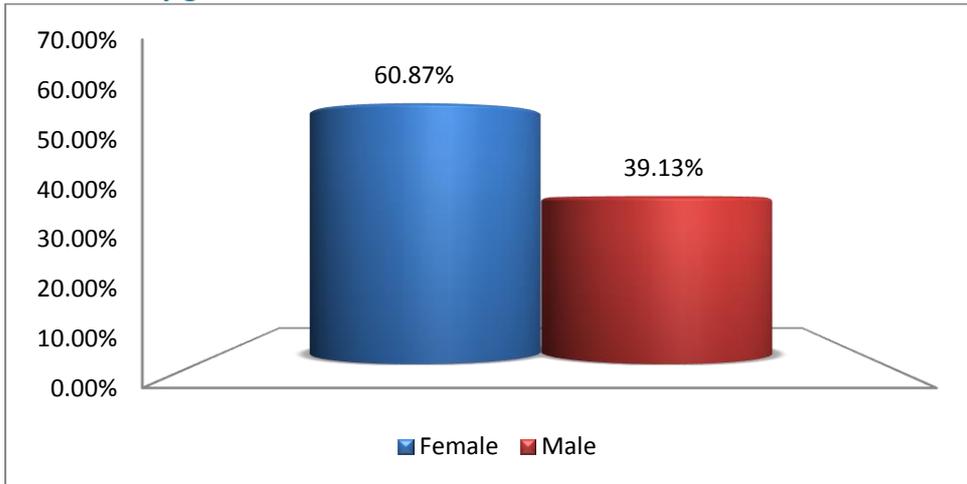
The Council provides an opportunity for its employees to provide information on their religion or belief and sexual orientation; however the confidence to do so does not appear to be sufficient as there is limited information available to provide any analysis.

Grievance, Capability and Disciplinary Action

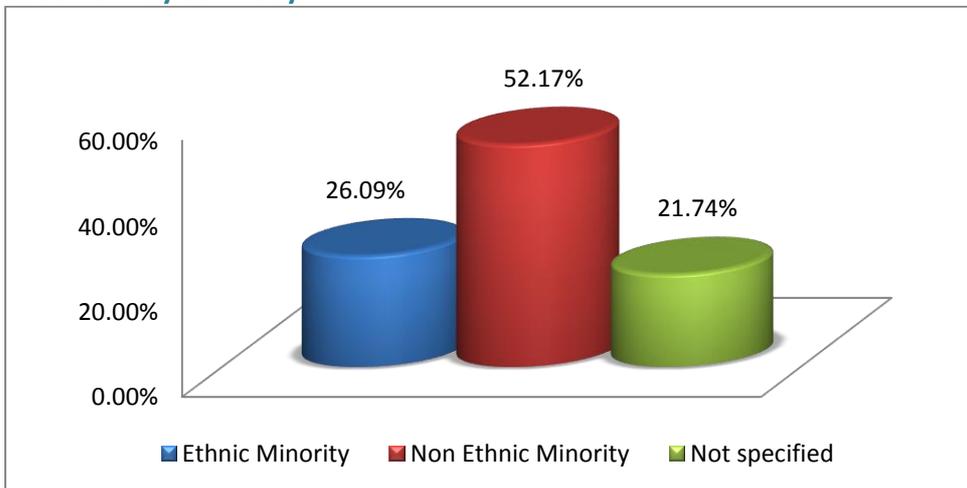
A total of 23 workers went through a formal casework process during the reporting period including capability, disciplinary, probation and grievance cases.

There appears to be a disproportion of workers of an ethnic minority background going through formal casework. Those from a BME group account for 26.09% of those going through casework compared to 7.07% of the entire workforce being from a BME background. Further exploration of the data shows that the cases were split equally across all Directorates so this would suggest that the skew is as a result of low level of activity. This will be closely monitored.

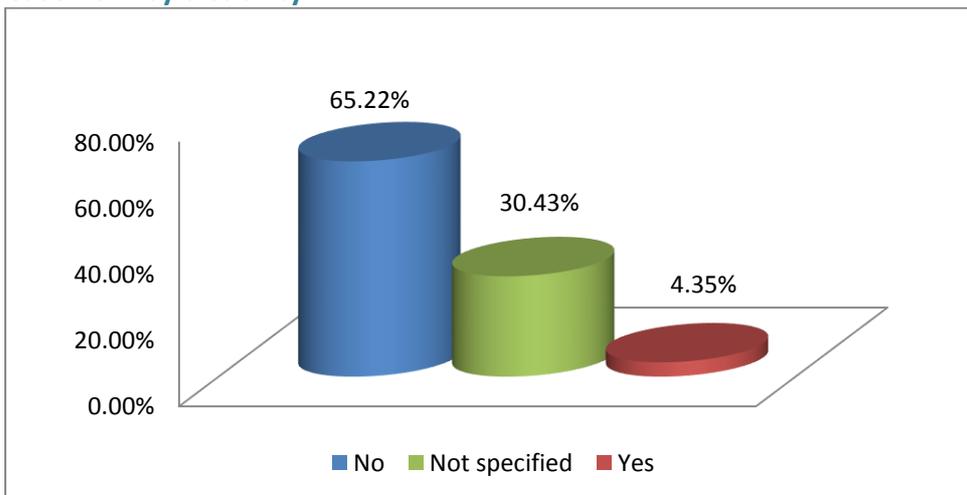
Casework by gender



Casework by ethnicity



Casework by disability



How we meet the Equality Duty

There are several practices already in place, and work already started that demonstrates our commitment to Equality. These are:

- Guaranteed Interview Scheme for any candidate who declares a disability and meets the essential criteria of the role
- All roles are advertised on our website and are accessible to all employees unless there is someone who meets the requirements of the role and is awaiting redeployment
- The creation of the Employment Equality Steering Group whose purpose is to ensure that no potential or existing member of staff is excluded from career or training opportunities due to their age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.
- Equal Opportunity training is already in place
- Recruitment training includes learning in relation to equality and diversity and unconscious bias
- Full Equality Impact Assessments take place whenever there is a major change that affects employees
- Reasonable building and equipment adjustments to make offices accessible to all
- Enhanced maternity pay by offering 12 weeks' half pay on the condition that the employee returns to work for at least 3 months' upon completion of their maternity leave
- Meeting our statutory duties with regard to leave for family care
- Elevate Wokingham who seek Apprenticeships and Work Experience for 16-19 year olds not in education, employment or training. Wokingham Borough Council has taken on 6 Apprentices in the last financial year
- Our dormant staff café 'Shuters' has been opened up to provide work experience and for vulnerable and disadvantaged young people from Addington School to enable the young people to acquire catering skills

Future Activity

The data and information we hold appears to demonstrate no significant issues face us at this point, but there remain areas where we can continue to improve. Therefore, the action plan for 15-16 is as follows:

Subject	Action	Target
Recruitment	Introduce monitoring of job applicants in order to identify if there are any equality issues in the recruitment process	Applicant Tracking System launched
	Increase take up of Apprenticeships in order to encourage younger people into the Council. No target set due to 21 st century restructure but commitment to move in positive direction	n/a
Training	Introduce a biennial Equal Opportunities refresh to ensure that employees are up to date and aware of their legal duties and requirements	All staff have refresher training
Career opportunities	Ensure EIA are completed at each stage of the 21 st century council restructure programme to review that there is equality in opportunities for the new roles	100% completion of EIA
	HR continue to closely monitor and review BME data in relation to Capability, Disciplinary and Grievance	n/a

Data Collection	Increase staff confidence in disclosing their personal information to increase the accuracy of workforce monitoring by ensuring confidentiality and anonymity (particularly sexual orientation, religious beliefs & disability)	75% of workforce disclosed (Currently 60% for Disability and less than 10% for Religious Beliefs and Sexual Orientation)
	Consider the effective recording of, and response to the needs of any transgender staff	Decision made and implemented
Accreditations	Review the new 'Disability Confident' accreditation levels and work towards the most appropriate level	Revised accreditation obtained, if appropriate
Governance	Embed equalities groups and reporting within the organisation, to deliver effective governance and accountability	n/a
	Consider developing internal support groups for different cohorts of employees with that protected characteristic to share experience and help inform further action required	n/a

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TITLE	Strategic Review of Voluntary Sector Services
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	None specific
DIRECTOR	Judith Ramsden, Director of People Services
LEAD MEMBER	Keith Baker, Leader of Council

OUTCOME / BENEFITS TO THE COMMUNITY

- Ongoing investment in the voluntary sector will be more clearly linked to the achievement of outcomes for Wokingham's residents.
- The review intends to deliver a clear and improved 'offer' from the voluntary and community sector that delivers against a range of priorities and outcomes which have been jointly developed by the Council and the sector.
- Currently many Providers are struggling with annual grant funding, making it difficult to plan for the future. This review will provide the opportunity for a longer term contractual arrangement, supporting sustainability and market development within the sector

RECOMMENDATIONS

The Executive is recommended to:

- 1) approve a strategic review of Voluntary and Community Sector services funded by Wokingham Council which will be founded on the following principles:
 - The development of measurable outcomes for each voluntary sector provider to achieve which will focus on the difference made to the service user
 - The formation of a clear relationship between the council's contracting and/or grant funding of voluntary sector services and the achievement of measurable outcomes
 - The increased use of longer term contracts rather than annual grants for voluntary sector services in order to provide longer term stability for funded organisations;
- 2) delegate authority to the relevant Director and Lead Member to approve outcomes from individual voluntary sector reviews.

SUMMARY OF REPORT

Project Overview

Wokingham Borough Council is committed to a council-wide approach to a partnership with voluntary and community organisations that measures and secures the value the

sector brings to the residents of Wokingham as well as offering sustainable support to individual organisations within the sector.

This report recommends the following approach to future investment in voluntary sector services:

- The introduction of measurable outcomes for each commissioned or grant funded voluntary sector service
- The establishment of a clear relationship between the council's continued grant funding of a voluntary sector service and the achievement of measurable outcomes
- A programme of outcome focussed reviews of current investments in the voluntary sector (where an appropriate set of measurable outcomes will be determined for each service)
- Transitional support arrangements for any current service which is recommended for decommissioning or where grant funding will not be renewed
- The increased use of contracts rather than grants for voluntary sector services
- The development of investment priorities to help shape future commissioning of voluntary sector services

BACKGROUND

This report recommends undertaking a strategic review of the voluntary and community sector. It will be a council wide endeavour to ensure there is a more effective and joined up approach to investment in the voluntary and community sector, focusing on outcomes, avoiding duplication and providing clarity on accountability both for the Council as commissioner and for service providers.

The proposals provide opportunities for the council to build a stronger strategic partnership with providers, as well as share and discuss its overall direction of travel for services. It is vital that Wokingham's voluntary sector is clear about the council's commissioning intentions so that they are able to develop and adapt in order to respond to the identified needs of our service users.

The council will therefore strengthen the work and engagement with the voluntary and community sector in order to ensure the sector is

- aware of the council's key priorities and outcomes
- aware of how the council intends to commission against these outcomes
- supported through periods of change, in order to build capacity and sustainability.

This is also an opportunity for the council to collate intelligence about the services it commissions to inform not only funding decisions but also future service design and explore opportunities for joint commissioning with other local authorities and CCG's.

Funding the achievement of outcomes

Wokingham's voluntary sector provides a range of valued services to the residents of the borough, either grant funded or formally contracted by the council.

During a period of reducing public expenditure, it is critical that the council's investment is focused upon services that:

- Deliver upon the strategic priorities determined by the council and
- Successfully deliver a positive impact upon the lives of Wokingham's residents.

All future commissioning or grant funding of voluntary sector services will establish measurable outcomes that the provider is required to achieve in order to be deemed successful in achieving service objectives.

The appropriate measurable outcomes for each service will be determined as part of a phased series of reviews, each focused on a particular contracted or grant funded voluntary sector service.

Reviews of services

The reviews proposed within this report will be focused on determining (a) the core priorities and outcomes that services need to deliver in order to be effective, (b) whether the services we commission and grant fund are successful in delivering these and (c) feedback from service users and stakeholders.

In advance of the reviews commencing, existing arrangements (including grant funded services) will be extended to enable the reviews to take place during 17/18. Extensions of contracts or grants will be made up to a period of one year, as appropriate.

Each individual service review will lead to recommendations covering a wide spectrum of options including:

- No change – continue with existing arrangements
- Reduce/increase the scope of the service
- Identification of performance issues that need to be resolved via an improvement plan
- Move from grant funded arrangements to contracted arrangements (see *Approach to future commissioning and procurement*)
- Increased or reduced grant funding
- Expose the service to external competition
- Decommission the service

The impact on the provider, customers and stakeholders will be carefully considered and, where changes are proposed, officers will recommend a transitional arrangement pertinent to the particular nature of the service. Recommendations will be focused on the appropriate service future for the next 2-3 year period, with transitional steps therefore where appropriate e.g. transitional contract for year one, market procurement in year 2. In the case of service decommissioning, providers will be given notice between 3-6 months as well as support in finding alternative funding sources.

Approach to future commissioning and procurement

Where individual service review recommendations include commissioning and procurement activity, officers will ensure that:

- The commissioning approach is proportionate to the cost, volume and nature of the service being commissioned e.g. small scale services will have simple contracts as well as appropriate requirements for performance monitoring
- Any recommended procurement is phased following the review outcome so that the procurement activity can be managed effectively and efficiently.
- Voluntary sector organisations are supported to competitively bid for contracts, thereby promoting sustainability, capacity and ensuring that we protect our local specialist provision under our duties outlined in the Care Act. To aid this, there will be a series of 'how to bid' workshops running from April – July 2017 for providers.

Decision-making and oversight

For all contracts over the EU threshold, (£589,000) approval for individual service review recommendations will be sought from the Executive in accordance with the Procurement and Contract Procedure rules. For contracts below this threshold, the Executive are asked to delegate this decision to the relevant Director and Lead Member.

The Leader of the Council, as voluntary sector champion, will be provided with regular briefings on the progress of the Strategic Review including a detailed implementation plan following the Executive meeting in March.

An annual report will be produced detailing the deliverables achieved from these new commissioned arrangements.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

N/A

Cross-Council Implications

This will be a council wide approach to ensure that there is a more effective and joined up corporate approach to the voluntary and community sector investment which avoids duplication and provides clarity on accountability.

Contact: Paul Feven, Interim Head of Strategic Commissioning.	Service People
Telephone No 0118 974 6188	
Date 17 March 2017	Version No. 2.0

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TITLE	Gorse Ride South
FOR CONSIDERATION BY	The Executive on 30 March 2017
WARD	Finchampstead South
DIRECTORS	Graham Ebers, Director of Corporate Services
LEAD MEMBER	Julian McGhee-Sumner, Executive Member for Health and Wellbeing

OUTCOME / BENEFITS TO THE COMMUNITY

The proposed regeneration will transform the estate through the provision of new, high quality, mixed tenure homes.

RECOMMENDATION

That the Executive supports the feasibility work on the Gorse Ride South estate (the outcome of which will be presented to a future Executive) and approves:

- 1) the rehousing of tenants and the subsequent demolition and redevelopment of Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Ride, Finchampstead as Phase 1 of the wider regeneration project;
- 2) the selection of Wokingham Housing Limited (WHL), or another Council owned Local Housing Company, as the development partner for Phase 1;
- 3) that the Council transfers the Phase 1 site to Wokingham Housing Limited (WHL), or another Council owned Local Housing Company, on terms to be agreed by the Director of Corporate Services in consultation with the Leader of the Council;
- 4) that the Phase 1 site is appropriated for planning purposes under Section 227 of the Town and Country Planning Act 1990 and Section 122 of the Local Government Act 1972;
- 5) the proposed funding model, including the allocation of Section 106 receipts for the provision of affordable housing towards Phase 1, in accordance with Part 2 Report;
- 6) the indicative development brief for Phase 1;
- 7) that the transfer of land and funding for Phase 1 will be subject to WHL securing a planning consent for the scheme.

SUMMARY OF REPORT

Gorse Road South is a residential area of Finchampstead, Wokingham. There are a number of maintenance issues relating to the non-traditional homes, including poor thermal insulation, structural defects, and drainage issues. In May 2015, the Executive resolved to serve demolition notices to the tenants living in council owned homes on the

estate and to carry out a public consultation around options for the future of Gorse Ride South. This consultation took place over the summer of 2015. With the exception of the bungalow tenants, there was generally support for the concept of redeveloping the estate. However, the project has stalled since then due to various Government announcements impacting on the financial viability of the scheme.

The Council is aware that the lack of progress is creating uncertainty for the residents of the estate and therefore, this report sets out a clear aspiration of the Council to regenerate the Gorse Ride South estate. It is proposed that feasibility work is commissioned on the main estate and that the local community is actively involved in looking at design options.

It is proposed that tenants of Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Ride, Finchampstead are rehoused and the properties demolished and redeveloped as Phase 1 of a wider regeneration project, with new homes being prioritised for residents on the wider estate.

The report proposes that WHL (or another Council-owned company) be selected as the development partner for Phase 1 and that the priority will be to provide replacement affordable housing. It is proposed that funding for Phase 1 is provided through the use of Section 106 commuted sums for affordable housing.

Background

Gorse Road South is a residential area of Finchampstead, Wokingham. Like many other council owned estates, it has suffered under investment over time under the previous housing finance regime. There are a number of maintenance issues relating to the non-traditional homes, including poor thermal insulation, some structural defects, and above and below ground drainage issues, which lead to high maintenance liabilities compared with other homes in council ownership. The non-traditional stock condition report carried out by Rand Associates in 2011 identified the Gorse Ride South as requiring £6,945,270 of repairs over the next 30 years. The report identified that circa £3 million of capital repairs would be needed in the short-term to deal with drainage problems and other immediate issues. An updated stock condition survey has been commissioned and is expected over the next month.

In May 2015, the Executive resolved to serve demolition notices to the tenants living in council owned homes on the estate in order to suspend any further Right to Buy and to form a project group to undertake feasibility work and carry out a public consultation around options for the future of Gorse Ride South.

Consultation with tenants and owner occupiers on the estate, as well as residents from the surrounding area, took place over the summer of 2015. With the exception of the bungalow tenants, there was generally support for the concept of redeveloping the estate. The most commonly identified positive features of the estate across all respondents were friends and neighbours, proximity to local facilities (shops, schools, bus routes) and green spaces. The areas where respondents generally believed improvements could be made were in the appearance of the estate and the condition of the homes. Over half of those living on the estate had lived there for more than 10 years, with many indicating that they would wish to be re-housed in the locality if the redevelopment went ahead.

Whilst the consultation was being undertaken, various Government announcements impacted on the delivery of the potential regeneration project. It had been intended that the project would predominantly be taken forward within the Council's Housing Revenue Account (HRA) (i.e. replacement Council housing). However, in July 2015, it was announced by Government that all housing associations and councils would be required to cut their rents by 1% per annum for four years in an attempt to reduce the country's housing benefit bill. Furthermore, the Housing and Planning Bill, introduced in October 2015 and enacted in May 2016, introduced a new levy for stock-retaining councils based on assumption that high value void properties would be sold. Whilst the detail of the levy is still unknown, these announcements will adversely impact on the HRA Business Plan and its capacity to finance a large scale regeneration project.

As a result of this financial uncertainty, the project has been stalled with the only progress being the Council proactively purchasing properties (previously sold under Right to Buy) on the estate when they have come onto the market.

Analysis of Issues

The lack of progress with the project is creating uncertainty for the residents of the estate, whilst the condition of properties is continuing to worsen. A decision is needed on whether to proceed with regeneration of the estate or whether to invest in the repair and upgrading of existing properties.

This report sets out a clear aspiration of the Council to regenerate the Gorse Ride South estate. It is proposed that feasibility work is commissioned on the main estate and that the local community is actively involved in looking at design options. This work will then inform the future business case for the regeneration to be reported back to the Executive by March 2018.

Whilst this work is ongoing, it is proposed that tenants of Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Ride, Finchampstead are rehoused and the properties demolished and redeveloped as Phase 1 of a wider regeneration project. The facility at Cockayne Court does not meet modern day standards or space requirements for enhanced sheltered /extra care housing. Two new extra care housing schemes are due to open in the Borough this year (The Birches and Fosters in Woodley) providing a greater choice of affordable homes for older residents (and for staff within the enhanced sheltered facility) to relocate to.

During the 2015 consultation, many residents on the estate expressed a strong desire to remain in the neighbourhood. Therefore, it is envisaged that the new homes built on Phase 1 will be prioritised for rehousing both tenants, and potentially owner occupiers (through house exchanges), living on the main Gorse Ride South estate, in order to unlock the wider regeneration.

Land Transfer

The Gorse Ride South estate (including Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Road) is currently held for housing purposes under Part II of the 1985 Act (i.e. within the Housing Revenue Account). All of the properties on Phase 1 are owned by the Council.

The Council is fortunate in having its own housing company, Wokingham Housing Limited (WHL) and its Registered Provider (RP) subsidiary, Loddon Homes Limited (LHL). These companies provide the Council with more flexibility and choice in how new affordable housing is delivered locally. The proposal is that the Council transfers the site of Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Road to Wokingham Housing Limited (WHL), or another Council-owned housing company, on terms to be agreed by the Director of Corporate Services in consultation with the Leader of the Council. The Phase 1 site has been valued (see Part 2 Schedule).

It is necessary to appropriate the Phase 1 site from the Housing Revenue Account for planning purposes under Section 227 of the Town and Country Planning Act 1990 and Section 122 of the Local Government Act 1972, in order to extinguish any rights which may exist over the same and enable the development proposed by WHL.

The relevant powers to dispose of HRA land are contained in Section 32 of the Housing Act 1985 and Section 25 of the Local Government Act 1988. General Consents under Section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) were published in April 2014. General Consent AA allows a council to dispose of vacant HRA land to any organisation at less than market value for housing development, subject to certain conditions, without the need for Secretary of State consent.

No decision is sought at this stage on the long-term delivery and ownership of the wider

estate.

Proposed Funding Model

It is intended that Section 106 affordable housing commuted sums will be used to fund the delivery of affordable housing on Phase 1. Full details of the business model and funding are included in the Part 2 Schedule.

An Expression of Interest has also been submitted for Enabling and Capacity grant funding under the Homes and Communities Agency (HCA) Estate Regeneration Programme. If successful, the funding would be committed to delivering this Project.

Development Brief

Early feasibility work on the site of Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Road has shown that between 40 and 46 homes could be developed. This is likely to comprise of a mix of 1 and 2-bedroom apartments and 2, 3 and 4-bedroom houses.

The new development will mostly comprise of affordable housing of the following tenures:

- Social rent (at target rents)
- Intermediate/Affordable rent (up to 80% of market rent, capped at the Local Housing Allowance level)
- Shared ownership, at 35% equity share and rent on unsold equity capped at 1.5% per annum

However, there are over 40 owner occupiers on the wider Gorse Ride South estate and therefore it is possible that some may wish to exchange their current homes for new ones on Phase 1. The exact tenure mix will need to be agreed at a later date following discussions with affected residents.

Further feasibility work will be undertaken on the site of Cockayne Court, 97-107 (odd numbers) Arnett Avenue and 154 Barkham Road and the wider Gorse Ride South estate and will be subject to consultation with the community.

The Council will have full nomination rights to all of the affordable homes.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Part 2 Report	Yes	Capital

Next Financial Year (Year 2)	Part 2 Report	Yes	Capital
Following Financial Year (Year 3)	Part 2 Report	Yes	Capital

Other financial information relevant to the Recommendation/Decision

Funding is likely to come from a number of different Section 106 agreements for affordable housing. The matching of new affordable housing projects to specific Section 106 agreements will occur before start-on-site to ensure that we optimise the use of available receipts. Short-term loan funding may be required initially until sufficient commuted sums are accrued.

There will be a reduction in revenue to the Housing Revenue Account (HRA) from removing 30 units on Phase 1 from the Council's housing stock. However, the capital liability for these will also reduce.

Cross-Council Implications

Affordable housing is a priority for the Council. Access to good quality, affordable housing is key to residents' health and wellbeing, education, employment, etc.

Reasons for considering the report in Part 2

Commercially sensitive information, relating to the funding and contract sums, is included on the Agenda as a separate Part 2 Report.

List of Background Papers

None

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Date 17 March 2017	Version No. 0.5

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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