



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held virtually on
THURSDAY 28 MAY 2020 AT 7.00 PM

A handwritten signature in black ink, appearing to read 'Susan Parsonage', with a long, sweeping flourish at the end.

Susan Parsonage
Chief Executive
Published on 19 May 2020

Note: The Council has made arrangements under the Coronavirus Act 2020 to hold this meeting virtually via Microsoft Teams. The meeting can be watched live using the following link: <https://youtu.be/Ewbae4LFMIE>

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, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

MEMBERSHIP OF THE EXECUTIVE

John Halsall	Leader of the Council
John Kaiser	Deputy Leader and Executive Member for Finance and Housing
Parry Batth	Environment and Leisure
UllaKarin Clark	Children's Services
Charlotte Haitham Taylor	Regeneration
Pauline Jorgensen	Highways and Transport
Charles Margetts	Health, Wellbeing and Adult Services
Stuart Munro	Business and Economic Development
Gregor Murray	Climate Emergency
Wayne Smith	Planning and Enforcement

ITEM NO.	WARD	SUBJECT	PAGE NO.
113.		APOLOGIES To receive any apologies for absence	
114.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Executive Meeting held on 22 April 2020.	9 - 26
115.		DECLARATION OF INTEREST To receive any declarations of interest	
116.		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	
116.1	Shinfield South	Simon Cooper has asked the Leader of the Council the following question: Question Following the fatal accident at my home in January and the one three years prior to that and the other five serious accidents outside my property in the last 7 years, please can the Council provide a thorough	

update as to the progress being made (please be very specific in your answer) and what timescales are being followed to resolve this matter, please also in your answer include the data gleaned from the speed surveys conducted in March (happy for the data to be anonymised to protect the innocent).

116.2 None Specific

Mike Smith has asked the Leader of the Council the following question:

Question

There has been no public, Full Council meeting since before Lockdown began on Monday 23rd March 2020. The website Meetings Calendar lists the Full Council meeting of the 19th March 2020 as POSTPONED.

The Agenda for that meeting lists 9 public questions, 3 Member questions and 5 Motions plus reports on both Audit and Overview and Scrutiny committees. These latter reports are extremely important for transparency and demonstration of democracy in action.

Regulations made under the Coronavirus Act 2020 enables all local authority meetings before 7 May 2021 to be held remotely and removes the requirement for the annual meeting this year as separate Regulations under the same Act have removed the need for elections. When will this Postponed meeting and/or the important Agenda items be rescheduled?

116.3 None Specific

Darryl Campbell has asked the Executive Member for Highways and Transport the following question:

Question

It was with great delight that I met the government's recent announcement that English authorities will receive advanced funding for walking and cycling to the tune of £250m. How does Wokingham Borough Council plan to spend this money?

116.4 None Specific

Sam Turvey has asked the Executive Member for Finance and Housing the following question:

Question

Given the recent spate of burglaries across the Borough, and rising crime rates more generally over the last year, is the Executive satisfied that recent increases in council tax bills for policing and crime prevention has been money well spent?

117.

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

117.1 None Specific

Imogen Shepherd-DuBey has asked the Executive Member for Finance and Housing the following question:

Question

We realise the Council Finances are being severely affected about the Coronavirus Crisis. Please can you detail what affect this will have on WBC's Capital Projects? Will any works be delayed or affected?

117.2 None Specific

Angus Ross has asked the Leader of the Council the following question:

Question

Please can you let me know the status of the Local Plan?

117.3 None Specific

UllaKarin Clark has asked the Leader of the Council the following question:

Question

Do you feel that the care homes in the Borough have done all they can to limit the spread of Coronavirus and is our statistical base now solid?

117.4 None Specific

Guy Grandison has asked the Executive Member for Children's Services the following question:

Question

How have Children's Services managed to continue to deliver services in these challenging times especially in respect to our most vulnerable families?

117.5 None Specific

Graham Howe has asked the Leader of the Council the following question:

Question

Whilst there is much to congratulate the Officers and participating Members for their dedication and action during the Covid emergency, it has invoked much change in priorities, operations and outcomes.

Can the Leader outline what the Council has done

well, not done well, that is within and outside the Council's control and as part of the answer, could the Leader outline lessons that have been learnt for the future operations of the Council?

117.6 None Specific

Dianne King has asked the Executive Member for Health, Wellbeing and Adult Services the following question:

Question

Please could you give us an update on Wokingham's community response to Covid 19?

117.7 None Specific

Abdul Loyes has asked the Executive Member for Health, Wellbeing and Adult Services the following question:

Question

It would appear on the face of it, the incidents of deaths in care homes from Covid 19 is higher in Wokingham than our neighbouring authorities. Can you please confirm if this is the case and if so, why?

117.8 None Specific

Rachelle Shepherd-DuBey has asked the Executive Member for Environment and Leisure the following question:

Question

How will you maintain social distancing with probable increased patronage if we re-open car parks at country parks?

117.9 None Specific

Andrew Mickleburgh has asked the Executive Member for Children's Services the following question:

Question

I have heard some very positive feedback from parents about the help provided by schools in our Borough to support continued studies during the lockdown. However, during lockdown, inevitably, for multiple reasons, potentially quite large numbers of pupils will have fallen behind their peers in terms of learning. In some cases this gap is likely to be significant, with the potential for a long-term negative impact in term of learning and self-confidence. Is WBC planning to offer any targeted support to schools that could help pupils who have fallen behind their peers during lockdown to quickly catch up again?

117.10 None Specific Sarah Kerr has asked the Executive Member for Children's Services the following question:

Question
Like many parents right now, I am feeling quite nervous about the prospect of sending my young children back to school. Socially distancing children is not easy, and many of us know from experience how easy it is for various illnesses to get transmitted. Many parents will not feel confident yet that the school environment is safe for them, their family and school staff. How is WBC planning to approach this issue?

117.11 None Specific Tahir Maher has asked the Executive Member for Finance and Housing the following question:

Question
Unfortunately, the proposed Revenue outturn for 2019/20 will be affected due to the current pandemic. The Council has had time to assess the impact from COVID-19 on the revenue outturn for 2019/20, consequently, what is the forecast and possible variance from the original outturn for 2019/20?

117.12 None Specific Pauline Helliard-Symons has asked the Executive Member for Environment and Leisure the following question:

Question
Can you tell me how Wokingham Borough Council has managed to maintain 100% waste collection when so many others did not?

118. **TO CONSIDER ANY REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEES**

118.1 None Specific **Officer Response to Adoption of Estate Infrastructure Review** **27 - 70**

Matters for Consideration

119.	None Specific	REVENUE MONITORING 2019/20 - OUTTURN	71 - 90
120.	None Specific	CAPITAL OUTTURN 2019/2020	91 - 108
121.	Norreys	TRANSFER OF LAND TO THE COUNCIL FOR COPPID BEECH PARK AND RIDE	109 - 112
122.	None Specific	SMALL BUSINESS DISCRETIONARY PAYMENT	113 - 120

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 22 APRIL 2020 FROM 7.00 PM TO 8.00 PM**

Committee Members Present

Councillors: John Halsall (Chairman), John Kaiser, Parry Batth, UllaKarin Clark, Charlotte Haitham Taylor, Pauline Jorgensen, Charles Margetts, Stuart Munro, Gregor Murray and Wayne Smith

Other Councillors Present

Rachel Bishop-Firth
Rachel Burgess
Andy Croy
Richard Dolinski
Lindsay Ferris
Paul Fishwick
Maria Gee
David Hare
Clive Jones
Sarah Kerr
Tahir Maher
Ian Pittock
Imogen Shepherd-DuBey
Rachelle Shepherd-DuBey
Caroline Smith

102. STATEMENTS BY THE LEADER AND DEPUTY LEADER OF COUNCIL

The Leader of Council made the following statement:

We have been in lockdown for 4 or 5 weeks now and I have been awestruck at the whole of the Council, Officers and Members, and the way they have put their all into the crisis. We have achieved a huge amount which I never, ever expected that we would achieve. I am really very, very, proud to be the Leader of the Council and very, very, proud of all of you and everything that has been achieved.

The Deputy Leader of the Council made the following statement:

I think it is important that I just say a few words which relates to Covid-19. As a Council we have always run our finances in a way that seeks to deliver the most cost effective services to residents. By working in accordance with the highest standards of financial management practice and ensuring that our overall financial standing is strong. With Covid-19 we now find ourselves in uncharted water as with all other councils; some of which we know are not run as well as WBC. However the challenges even for us are severe which means that we must continue to manage the Council's accounts with extreme rigour and ensure our limited resources are as secure as possible and are used wisely, targeted to those in most need in these times of emergency.

We will also be doing all we can to ensure that national Government provide the finance we need to help us through these very difficult times as we cannot manage our way through this with our current depleted income and resources. We best serve our residents by making sure that we support and aid goes where it is most needed and help protect the

residents whose need is greatest and this will be our objective throughout these dangerous and difficult times.

Please everyone keep safe and follow the Government guidelines.

103. APOLOGIES

There were no apologies for absence received.

104. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Executive held on 20 February 2020 were confirmed as a correct record and would be signed by the Leader of Council at a later date.

105. DECLARATION OF INTEREST

There were no declarations of interest received.

106. PUBLIC QUESTION TIME

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

106.1 Peter Dennis asked the Executive Member for Finance and Housing the following question:

Question

How many empty homes are there in Wokingham Borough at this time and can you break the information down into the following elements please?

- (a) No of Social Homes including WBC owned; and
- (b) Private

Answer

All the homes, if you just take homes which are owned not by the Council, there are 92 homes which are empty but are exempt from Council Tax. Examples of where exemptions may apply include where someone is permanently receiving care in a hospital or a nursing home, where the owner has died or gone to prison, or where property is owned by a charity.

There are a further 90 homes which have been empty for over 2 years of which 80 are currently liable for a 100% uplift in Council Tax.

There are 483 completed new builds in the Borough yet to be occupied and these are the ones that we know of that have been notified to us by builders.

In addition there are approximately 1,200 homes which have been empty for between one day and two years.

With regard to the Council's homes (the affordable homes) we currently have 29 WBC houses which are in the Housing Revenue Account that are empty and they are waiting for work to be done on them before they are allocated.

There are 24 WBC owned homes currently empty which are awaiting a decision on their further use and we have seven empty properties, some owned by housing associations, including Loddon Homes, which are extra care properties awaiting allocation.

Supplementary Question

So with that number of houses what impact does that have, or do they have, on both the Local Plan Update and the reduction in Council tax revenue?

Supplementary Answer

Well I mean to say first of all they don't, as I understand it, with the exception of the 483 homes standing empty which are the new builds which are yet to be sold or where the mortgage has fallen through or whatever I do not think that affects our housing numbers to be candid with you.

The other issue around the income. We collect income from all those homes except the 92 homes which are for people that are in some sort of distress situation and we collect normal council tax from the 1,200 which have been unoccupied from one day to two years and we collect twice as much from the 90 homes which have actually been empty for over two years so the impact really is not a lot I guess.

107. MEMBER QUESTION TIME

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

107.1 Ian Pittock asked the Executive Member for Highways and Transport the following question:

Question

When we built Bohunt School, we promised local residents that we would deliver a cycle path down the Nine Mile Ride from Gorse Ride South to Park Lane and thence into the school. The plan involved moving the road south by one metre and widening the existing footway, removing some obstacles. This was reneged upon, some months before the school opened, when Highways found some property owners had 'acquired' Highways land and that this would take time to correct. Members and officials agreed the FBC greenway would be built as a helpful measure but that we would still need to come back to build the NMR cycle path. Highways acquired software to properly record ownership of land and so should now be in a position to start recovering WBC land so that this project can proceed. Currently, Bohunt pupils cycle down the existing narrow and dangerous footway, an accident waiting to happen, whilst others are driven to school which is entirely against the ethos of building the school in the south in the first place. When will Highways re-commence this project as promised to local residents?

Answer

The Council provided both a safe lit cycling route from Finchampstead to Bohunt School via California Country Park which has proved very popular with local residents (known as the California Greenway), and constructed a new safe pedestrian route to Bohunt School using the existing footway on Nine Mile Ride and new footway and crossing on Park Lane. Whilst the Council considers that it has made adequate provision for this School at the current time, we will of course review whether any further cycling infrastructure is required once the Nine Mile Ride extension has been completed.

Supplementary Question

I accept everything you have said there but we agreed to come to this matter two years after we opened Bohunt and it has now been over three years. We are now in the process of getting ready to build the Nine Mile Ride extension (south) out of Arborfield to join the Nine Mile Ride at Park Way. The extension will have a cycle path which ends at Park Way

whilst the road continues onwards down the Nine Mile Ride. How are you going to explain why the cycle path ends at Park Way? Remember children are cycling down the footway down Nine Mile Ride now irrespective of the greenway.

Supplementary Answer

The information I have got is actually that the greenway is relatively well used. Obviously we have got an issue with the width of the footpath and the fact that originally there were various encroached walls and things onto the footpath which made extending it into a cycleway impossible. Given that I am always happy to look at routes and see if we can improve the usage of cycleways so that children actually use the safest route to school.

107.2 Sarah Kerr asked the Executive Member for Environment and Leisure the following question:

Question

I am delighted to see the first draft of the Arts and Culture Strategy being presented tonight. I would like to take the opportunity to thank Officers, and in particular Grant Thornton, for their commitment to this.

The current restrictions in place due to the Covid-19 pandemic have highlighted the importance of arts and culture to the health and wellbeing of people, and I believe the current circumstances add weight to the need for the development and adoption of this Strategy. When we were developing this Strategy prior to the lock-down, and as is still written in the proposal before you, the public consultation was set for May and June of this year. What plans are in place to mitigate any restrictions that may be faced by people or arts and cultural organisations that would want to participate in the consultation should the lockdown be extended to include part or all of the proposed consultation period?

Answer

I pleased to see that you are delighted and many thanks for your question. I fully concur with your sentiments with regard to the significance of arts and culture to health and wellbeing both generally and in particular during these exceptional and difficult times.

As you know this report was originally due to come to the meeting of the Executive in March, which unfortunately had to be cancelled because of the current situation, but I too am really pleased that we have now been able to reconvene and can consider this draft Arts and Culture Strategy. I believe that widespread engagement and feedback is essential to help us to further develop the Strategy and an associated action plan that fosters extensive collaboration to deliver on our ambitions for arts and culture right across the Borough.

In this context I am pleased to confirm that our newly appointed Cultural Development Officer, Jodie Sadler, started in the post this week and will have a key role in promoting the Strategy to arts and cultural organisations and working with them to develop more detailed delivery plans. Equally essential is wider public consultation and, in my view, this engagement needs to be more than virtual. Our initial consultation plans were looking to work with a range of partners to promote and get feedback on the Strategy at a number of key cultural events across the Borough as well as via social media and on-line channels. As this will now not be possible across the May/June period as originally planned, even if the lockdown is eased somewhat, I will be asking Officers to re-plan and extend the consultation period for as long as possible to facilitate the well-resourced active and face

to face engagement that I think is absolutely needed and that our residents deserve; so yes we will be extending as I have said.

Supplementary Question

Thank you that is the kind of answer I was after. Obviously we can start some of the consultation even if we are in lockdown looking at social media channels because a lot of people are on there a lot more frequently at present and an extended period would be great. I would be keen to know when the working group meetings can reconvene even in a virtual manner?

Supplementary Answer

I am looking into that now and I will get back to you very soon Sarah because we have started other consultations and other meetings using this facility called Teams and so I will get that information across to you very soon.

107.3 Tahir Maher asked the Executive Member for Environment and Leisure the following question:

Question

Residents are asking when RE3 in Smallmead, Reading will reopen? Their concern is founded on the increased occurrence of unwanted fly tipping in the Borough.

Answer

This is an important question Tahir and one that everyone is asking.

Re3 is a partnership between Bracknell Forest, Reading and Wokingham, as you know, and manages the Household Waste Recycling Centres in both Reading and Bracknell. These were shut in March in line with the Government lock down announcement about non-essential travel and given the inability to manage social distancing at these sites.

The partnership is working with the operator of the sites to review the situation to see if a workable solution can be found to address social distancing concerns to allow the tips to open safely whilst ensuring that staff and residents can be protected.

In relation to fly tipping, there is a risk that it could increase but we hope that residents will continue to ensure that their waste is disposed of appropriately until these centres can re-opened. We are pleased to confirm that all of our other waste collection services are operating normally and we are delivering garden waste bins and bags.

Supplementary Question

Thank you for highlighting effectively the concern and need to care, which we must adhere to for ourselves because of Covid 19. and I totally agree with you on that.

I know that supermarkets are providing a necessary service and managing distance. Can we not take their lead and apply similar discipline in order to maybe reconsider opening Re3 or do we need some sort of assistance from the Government to do something more countrywide as it were with any kind of operational guidelines or anything like that?

Supplementary Answer

As I said Tahir we are working on it as we speak to actually have these centres opened up again and we are working on various options to look at how we can improve the social

distancing and allow people to come to the sites in an orderly fashion. So the Officers are working on it at this very moment and we will hopefully announce the news very soon.

107.4 Paul Fishwick asked the Executive Member for Highways and Transport the following question:

Question

Re Agenda Item 110: Firstly, my appreciation to the Officer for forwarding the business case on request. I am slightly surprised it isn't attached to the report, as it surely ought to be in front of decision-makers as the basis on which they are making their decision.

On reading the business case it indicates that that there are potential forecast benefits in decongestion of traffic along the A4 corridor (within the Reading Borough Council area).

However, I cannot find anywhere the potential increase in traffic along the Wokingham Borough Council section of the A4 due to residents finding the new Park and Ride more attractive, some who currently travel by rail from Twyford and Maidenhead stations, (as per DfT TAG unit M5-1 modelling parking and park and ride). Nor the additional journeys made by drivers by-passing the Winnersh Park and Ride and using the Thames Valley Park and Ride.

These switching of modes and additional journeys would add to more traffic, increase air pollution, noise, accidents etc and wipe out many of the forecast benefits that this Business case shows.

Has this assessment been made and if so, what was it?

Answer

I think the issue here is that the decision to actually build the Park and Ride, which was the one that the business case was related to, was made about three years ago. So the reason the business case was not in the paperwork tonight is that the Executive paper is actually seeking to tender the bus service to service the park and ride because of some changes in circumstance. Originally we were hoping to use the Thames Valley Park bus but that has not been possible so the reason the business case is not in there is because that decision has already been made; the horse has already bolted in that it was made quite some time ago.

The business case itself was reviewed both by the Local Enterprise Partnership and the Berkshire Local Transport Body and they were satisfied that the business case was adequate at the time as well.

Supplementary Question

It does not actually answer my question because my question was: "where does that show it within the business case" because I cannot find it at all. To me that is still background papers.

However my supplementary is about the actual bus service itself because the business case on this project already has several major risks and one of these was the use of the current Thames Valley Park shuttle bus identified as ID 1.5 in the risk assessment with a risk assessment of very high and a cost impact of £250k-£500k.

The Borough Council have dismissed the Thames Valley Park management request for an additional sum of money over and above the 50% previously agreed and I do not know what that is as I cannot find that in the business case either. Now that the bus service is proposed in the report tonight to be put out to tender the Borough Council must have an estimated cost of running this service. What is it compared to, the 50% contribution previously offered by Thames Valley Park, and how will that be funded?

Supplementary Answer

It would be very unwise of me to share in a public meeting any estimates we might have over the cost of something that we were about to tender so I certainly would not do that otherwise you can more or less guarantee what the answer to the tender will be.

As I said before the reason the business case was not in this paperwork is that the decision was made long before my time, and indeed before your time, to actually build this park and ride and that was what the business case related to. The business case does not relate to the tendering of the bus service. I am hoping with the tender that we will actually get a good price from either alternative suppliers or indeed the Thames Valley Park buses.

107.5 Rachelle Shepherd-DuBey asked the Executive Member for Environment and Leisure the following question:

Question

What is the extent of the contingency plans for Building Control should one or both of the service partners (RBWM and West Berkshire) be unable or unwilling to engage fully in the shared service during the coming or future years?

Answer

The existing shared service agreement is between Wokingham Borough, The Royal Borough of Windsor and Maidenhead and West Berkshire and runs until 30 June next year. The Royal Borough has recently given notice that they will not be continuing within the shared service after this date; which is the June of next year.

Work is commencing on the drafting of a new agreement in time for prospective partners to agree and sign prior to the end of the current agreement. This will include Wokingham and West Berkshire Councils and the business will remain viable on this basis. We are investigating whether there are other new partners who may wish to have an interest in joining the shared service to achieve greater economies of scale which could deliver efficiencies.

Supplementary Question

It is disappointing that there is no financial information supporting the business case. It is difficult to assess the risks involved in taking the decision if we cannot see the total income and totals which WBC has committed to the Building Control Service as a whole. Will you commit to providing sufficient financial information after this meeting and in the future to underpin the business case with the aim of making transparent the context of this decision?

Supplementary Answer

I will look into that Rachelle and I will get back to you.

107.6 Rachel Bishop-Firth asked the Executive Member for Finance and Housing the following question:

Question

The health risks which asbestos poses to residents are, of course, well known and very serious. A friend of mine recently lost her husband, much too young, to a disease which was almost certainly caused by the fact that he had worked with asbestos in the past. He was just one of the 20 tradespeople who the Health and Safety Executive estimate lose their lives every week to asbestos-related illnesses. The organisation 'Asbestos Victim Support' says that the potential health risks for Council housing tenants 'cannot be underestimated. Especially for those who may have been living for many years in a Council property containing hidden asbestos'.

I am glad to see that the Council is tackling this issue to ensure the safety of residents living in homes owned by the Borough, and the tradespeople who undertake repairs.

We all fully appreciate the uncertainty which the current Covid-19 pandemic is causing to all our plans. What impact do you anticipate it having on the letting of this contract and the subsequent management and removal of asbestos?

Answer

As you know, like everybody else, we have a number of houses which were built at a time when asbestos was considered to be a perfectly acceptable building product but we do have an incumbent asbestos management contractor and they are able to manage the immediate service requirements during the Covid-19 outbreak, and for the period of the procurement for the new contract, which you will see if you hang around I will be presenting for approval tonight to the Executive.

We have researched the market and have identified an established framework provider to use for the procurement. The asbestos management framework has been awarded to a reputable contractor, and we do not anticipate that the Covid-19 outbreak will cause the procurement to be delayed or that it will impact the mobilisation of the new contract following an award. As I say I will be presenting that later on to the Executive for their approval.

Supplementary Question

Given the enormous risks of asbestos to health and the fact that many residents and tradespeople are not confident in recognising or safely handling asbestos what steps will the Council take to ensure that all residents living in Council owned properties containing asbestos, and all those involved in the repair and maintenance of those properties, have the full information that they need to keep themselves safe? Including the exact location of asbestos in these homes, the risks asbestos poses to health and the precautionary steps they need to take for their health and safety.

Supplementary Answer

The new contract that we will be letting tonight, if it is approved by the Executive, will be a management contract and their job will be actually to go round and manage asbestos and eradicate it as quickly as possible in the Council homes we have got where it is in there.

I would say that the amount of asbestos in our homes, as we are delivering newer homes, of course they will not have it so hopefully it will be something that will get eradicated relatively quickly. We are putting aside £500k for the management of this contract.

107.7 David Hare asked the Executive Member for Health and Wellbeing and Adult Services the following question:

Question

Thank you for the new Adult Social Care Strategy, I especially like the fact that it is focussed on individuals and preventative work, that I championed some 16 years ago. I agree with much of the report but am concerned that you seem to assume: 1) everyone has family and friends; 2) Everyone wants to be independent and help themselves. Some people come to a situation where they give up and need external support, through loneliness, illness or disability. I agree we desperately need to reduce isolation and loneliness, so people can live happier and more independently for longer, but some are beyond that. I applaud the work The LINK does, your case study of extra care for Margaret is heartening, but I know there are people who need residential support and are not meeting strict criteria. It seems that individuals have to get to a crisis point to qualify for anything. How, may I ask, are you going to provide for these people who seem not to be unwell enough to receive support and so make their lives worth living?

Answer

I am pleased that you have recognised personalisation and prevention as key principles of our Strategy. This will drive our work for the next five years and beyond. I would say that this document is of course a strategy and as part of a process, should this be approved tonight, we will now move onto designing the layer of services that fit beneath it.

We recognise fully that not everyone has family or friends that they can rely on. Our Strategy refers to a community led model of support where we, as a collective community, take responsibility and focus on people's situations and try to design services to match needs. No one should feel that their life is not worth living and we acknowledge there is much work to do to enable some of our residents to develop and build the skills and friendships to sustain themselves. This Strategy articulates how vitally important it is to understand people's needs and aspirations and to provide targeted support. This is also about designing services to match needs. This will deliver improvement in life chances and opportunities to become more active and engaged residents, with a lifestyle that is their choice and is meaningful and provides purpose. We appreciate that this is a process that is going to take time.

We acknowledge some people, as in your question, may not meet the criteria in place for support and therefore it is essential that there is a wide range of community based provision that can support them beyond this. You were present at our first 'Designing our Neighbourhoods' meeting, as was John Halsall, and know that this part of the process is about advertising, promoting and encouraging the full range of services in the Borough. Also the Voluntary Strategy, which is on the agenda tonight, is part of developing the level of services beyond that; encouraging the voluntary sector to step forward and do all the things they do well to help in this situation.

So where people stay at home we will support them to live independently as well as promoting a full range of day opportunities and activities to provide physical as well as mental stimulation as well as befriending and network opportunities. All of our services will be designed to be available to people before they get to a crisis point and the emphasis will be at all times to work with the community and our partners in the voluntary sector to advertise and promote the full range of what can be offered across the Borough so that everybody is aware of this well before they get to crisis point.

Supplementary Question

I was wondering has the Council, during the Covid crisis, brought to the attention of the Council more people who need the support that you are offering and even residential care at this time?

Supplementary Answer

As you stated in your introduction the Covid crisis has obviously been a big challenge to the Department and yes I recognise the work of the Officers and all the people in the voluntary sector who have worked alongside them basically in providing services.

The answer is basically many of the most vulnerable we knew of before and we have been ringing them regularly to check on how they are and what services they need. It has brought forward other people and I think obviously the range of voluntary services in the community were put together very, very quickly; which is a credit to everybody who was involved with them. But now we are in the process where the systems are in place and we can begin to take stock a little bit and listen and learn from what has been going on and make sure that is incorporated in what we do medium to longer term. One day this will be over.

107.8 Maria Gee had asked the Executive Member for Environment and Leisure the following question but due to time constraints the following written answer was provided:

Question

Re Agenda Item 111: The fees charged are made on a cost recovery basis. This must be predicated on an assumed level of activity, for example, number of applications by type. Given the expected contraction in the construction sector caused by Covid 19, what is the likely excess of expenses over income (if any) to be borne by WBC should activity drop to (a) 80% or (b) 50% of the activity levels used to underpin the setting of charges in the current document?

Answer

Building Control does not have any control on the nature of the projects submitted to it and the progress of projects to commencement on site. Hence as a result; income levels inevitably vary month by month depending on the nature of the work being submitted and commencing on site across the shared service at a particular point in time. Comparison with historical information should therefore be treated with some caution.

However, based on the activity levels for 2019/20; during quarter 1 (April to June 2019) total income across the Shared Service was approximately £325k. Based on the income and workload levels across each of the three authority areas during 2019/20; this would equate to a contribution to costs by WBC of approximately 40%.

Based on the Shared Service's workload during this period; this would equate to a potential cost to WBC of approximately £130k; assuming that no income was received.

If the recommended increase in charges is adopted; this would help to offset the above cost to WBC by approximately £11k to £119k.

Based on the above assumptions in respect of a reduction in income levels; these would equate to a cost to WBC of approximately £24k (drop to 80% of activity level) and £60k (drop to 50% of activity level) respectively.

The figures given above will however be subject to the extent of the potential implications of COVID 19 on the construction industry over the coming months.

107.9 Imogen Shepherd-DuBey had asked the Executive Member for Environment and Leisure the following question but due to time constraints the following written answer was provided:

Question

Re Agenda item 104: Reading this report, it seems to be all about building 'greenways' but offers little investment or improvements for our existing and well-trod rights of way.

Many of our existing urban Rights of Way are used by our children to walk to school and by others to commute to work. Compared to most pavements, they are in poor condition and are not maintained to a similar safe and lighted standard that we would expect of urban footpaths and cycle-ways.

Please can you advise on how much funding will be available for updating and improving the existing paths to a decent standard so that they are safe for public use in all weathers and at all times of the day?

Answer

Our Greenway Strategy is funded by and designed as part of the mitigation of the impact of our four strategic development locations; they are mentioned as part of our Rights of Way Improvement Plan for completeness. The Rights of Way Improvement Plan (RoWIP) also offers much investment and improvement to the wider network. Indeed the focus of the plan extends far beyond the Greenway Strategy and is primarily about the extent to which the existing PROW network meets the needs of the public over the next 10 years and how efforts can be directed towards improving any gaps in meeting these needs.

The RoWIP includes 6 Statements of Action about how the various gaps identified in the report will be addressed, one of which is "Action 5: Looking after the Network". This includes objectives such as improving the surfacing of existing paths and seeking to install street lighting or illumination on urban paths. This will be done, as the report mentions, using existing funding sources/budgets where possible however additional funding sources will also need to be identified through additional capital bids or from developer contributions.

The Council has a set amount of revenue funding each year which is used to inspect and maintain existing PROWs. This will include maintenance such as filling potholes, cutting hedges back, improving drainage, and repairing gates and stiles. However, since the Borough has over 233km of PROW network, works have to be prioritised based on priority and the popularity of the PROW.

The Council has capital funding set aside to fund the implementation of the Greenways and the Loddon Long Distance Footpath projects. In addition to this, the Council has capital funding to undertake path improvement works, particularly where paths have been affected by developments. Further funding is also allocated for the Byway Resurfacing

Programme. This programme seeks to upgrade the surface of byways where the predominant use of the byway is by vehicles, to a sealed tarmac surface.

We spend approximately £75,000 on maintaining our rights of way network each year. Over the next 3 years, we also have an additional £4,512,000 of capital funding to spend on delivering Greenways, the Loddon Long Distance Path, and byway resurfacing works – all of which contribute towards improving the wider network in the Borough.

107.10 Caroline Smith had asked the Executive Member for Health, Wellbeing and Adult Services the following question but due to time constraints the following written answer was provided:

Question

From the onset of the pandemic it has been clear that the volunteers and various charities are helping enormously in providing support and help to the vulnerable in the community and as such should be applauded by everyone. During this time there has been a massive drop of donations to the entire charity sector. Going forward, how will this affect the implementation of the Strategy and WBC's ability to work alongside charities and will financial support be increased from £1.25 million to cover the VCS donation shortfall?

Answer

Wokingham Borough Council recognises the extreme pressure that the voluntary sector is under to maintain vital services to vulnerable people during the current extraordinary circumstances. The Covid-19 outbreak has placed significant pressure on the whole Adult Social Care system and we are committed to working together to ensure the best possible outcomes for our local residents.

To support the sector, Adults Social Care will provide a financial uplift to commissioned services in Wokingham. It is expected that this uplift will be in the region of 3% for the current financial year.

Central government is also acting to support the voluntary sector and the Chancellor has announced a £750 million package of support for frontline charities.

[HM Treasury announcement of coronavirus funding for frontline charities](#)

The Government has also said that charities can access many of the measures the Chancellor previously announced for businesses.

[Coronavirus \(COVID-19\) support for businesses](#)

108. RIGHTS OF WAY IMPROVEMENT PLAN 2020-2030

The Executive considered a report relating to a proposed Rights of Way Improvement Plan for 2020-2030 which would guide the approach towards improvement of the public rights of way network, including the creation of new routes for both utilitarian use, sustainable transport and leisure.

When introducing the report the Executive Member for Environment and Leisure highlighted that the revised Improvement Plan proposes changes to alter a number of approaches set out in the previous Plan; including the fact that there would be greater emphasis on creating multi-use routes instead of cycle routes which would cater for horse riding as well as cycling, delivering improvements for motor vehicle users were appropriate. In addition proposals to restrict existing vehicle access would be considered along with other options in order to balance the needs of all the users.

It was noted that implementation of the Improvement Plan's proposals were not binding and any actions within the Plan would only be undertaken when the opportunity, funds and resources became available.

RESOLVED: That the Rights of Way Improvement Plan 2020-2030 be approved and adopted.

109. FLY-TIPPING STRATEGY

The Executive considered a report relating to a proposed Fly-Tipping Strategy which sets out the Council's approach and response to dealing with fly-tipping in order to protect the Borough, keep it clean and enhance its green areas for people to enjoy.

The Executive Member for Environment and Leisure informed the meeting that a new Strategy had been developed in order to combat the increase in the amount of fly-tipping in the Borough. It was noted that the Strategy was based primarily on prevention which included a strong emphasis on communication and reporting of incidents as well as responding to incidents, enforcement and placing CCTV cameras. Councillor Batth also advised that the Council was working with all its partners in order to make everyone aware of their responsibilities in order to combat the increase in fly-tipping.

In response to Councillor Kaiser's query about whether offenders would be pursued within the extent of the law Councillor Batth reiterated his determination that the Council would do everything it could to bring any offenders to account and ensure they were punished.

Councillor Haitham Taylor voiced her support for the Strategy and stated that she was pleased that CCTV cameras were being deployed as fly-tipping was a real blight on the countryside.

RESOLVED: That the Fly-Tipping Strategy for Wokingham Borough be approved.

110. ADULT SOCIAL CARE STRATEGY

The Executive considered a proposed Adult Social Care Strategy which sets out the Council's strategic priorities for residents, care partners and providers and how improved outcomes would be delivered to residents.

The Executive Member for Health, Wellbeing and Adult Services advised that the Strategy set out the key aims of the Adult Services' Department for the next five years with the intention of raising the performance of the Department into the top 10% in the country on every measure. The Department was already regarded as "good" but wanted to improve. The Strategy also set out how the Council would work with its partners to deliver its priorities including keeping people safe, preventing and delaying the need for care and support, involving people in their own care and working to deliver quality services whilst delivering the best value for money.

Councillor Margetts highlighted that the Council received 4,345 requests for its services per annum and spent £49.6m per year on support and care; most of which was spent on older people and learning disability support.

Councillor Jorgensen thanked the Executive Member for all the recent efforts of the Adult Social Care Team and acknowledged the great work they had done. In response Councillor Margetts stated that over the last couple of weeks the Adult Social Department

had gone above and beyond the call of duty and their achievements, in collaboration with the voluntary sector, and the amount of support that had been provided across the Borough was really phenomenal.

RESOLVED: That Wokingham Borough Council's Adult Social Care Strategy, as set out in Appendix 1 to the report, be approved.

111. VOLUNTARY AND COMMUNITY SECTOR STRATEGY

The Executive considered a report relating to a proposed Voluntary and Community Sector Strategy which sets out how the Council wish to deliver services, and the role of the voluntary and community sector in improving the quality of life for the Borough's communities.

The Executive Member for Health, Wellbeing and Adult Services went through the report and acknowledged the importance of the voluntary sector in the response to Covid-19 where, at very short notice, groups of charities and voluntary groups had assisted in the delivery of crucial services for the Borough's residents.

Councillor Margetts stated that the Strategy, which had been designed with Involve, had been produced before the recent crisis when, even then, it had been acknowledged that the Council did not have the resources to meet all the needs. Therefore the purpose of the Strategy was to work with the voluntary sector to encourage and incentivise it to assist in those areas which the Council did not have the resources to cover. Previously the voluntary sector had been funded to deliver a block of services but this emphasis had changed to one where individual services would be commissioned, targets set and outcomes monitored. It was noted that the available budget was £1.25m per annum which was currently provided to 22 voluntary sector bodies through 27 contracts.

In addition Councillor Margetts drew Members' attention to the aspiration and aim of creating a new hub for the voluntary sector in central Wokingham, which would be based upon the successful model in Bracknell, and also the fact that a 3% increase in funding was being proposed for all the voluntary groups that were currently supported by the Council.

RESOLVED: That Wokingham Borough Council's Voluntary and Community Sector Strategy, as set out in Appendix 1 to the report, be approved.

112. ARTS AND CULTURE STRATEGY 2020-2030

The Executive considered a report setting out a draft Arts and Culture Strategy for 2020-2030 and associated draft statement of intent.

The Executive Member for Environment and Leisure advised the meeting that the Council did not currently have an Arts and Culture Strategy. However the aspiration was for the Borough's cultural offer to grow and develop over time in order to significantly enhance the cultural and leisure offers in the Borough for the benefit of the vast majority of residents thereby improving their quality of life and enhancing their wellbeing.

It was noted that a cross party working group had endorsed the Strategy and the intention was that it would be consulted upon extensively with residents and stakeholders and the subsequent results would be considered by the Executive at a future meeting.

Councillor Haitham Taylor stated that she felt that the lack of arts and culture in the Borough was one of the reasons that many employees were leaving the area and moving to London or university cities. She felt that the Strategy was key in drawing together everything that was available in one place so that people can find out exactly what was being offered and where, which would assist with participation and engagement. Offering more arts and culture opportunities would create a more vibrant and much better community and would also assist the economy following Covid-19 by bringing more people into the Borough. In addition delivering a good arts and cultural would provide educational opportunities for children and young people.

RESOLVED that:

- 1) the principles and content of the draft Arts and Culture Strategy be endorsed;
- 2) the draft Strategy and statement of intent be approved for consultation with residents and stakeholders;
- 3) the results of the consultation and any resulting changes to the draft Strategy be considered at a future meeting of the Executive.

113. ARBORFIELD AND BARKHAM NEIGHBOURHOOD PLAN

The Executive considered a report relating to the adoption of the Arborfield and Barkham Neighbourhood Plan following the referendum which was held on 6 February 2020. Of those who voted, 94% voted yes to the question of whether they wished the plan to be used to help determine planning applications within the parishes of Arborfield and Newland and Barkham.

The Executive Member for Planning and Enforcement confirmed that the next step was to adopt the Plan in order that it could become part of the Council's planning policy.

Councillor Kaiser congratulated the parish councils on having such a well written plan which he felt was a good template for any other parish council who wished to put a plan together.

RESOLVED that:

- 1) Council be recommended to agree that the Arborfield and Barkham Neighbourhood Plan be "made" (be adopted) to form part of the statutory Development Plan pursuant to Section 38A(4) of The Planning and Compulsory Purchase Act 2004; and
- 2) that the form, content and publication of the Decision Statement (set out in supporting document Appendix A) be agreed pursuant to Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations") in order to give effect to the above recommendation.

114. THAMES VALLEY PARK - PARK AND RIDE BUS SERVICE

The Executive considered a report relating to the Thames Valley Park, Park and Ride Bus Service.

Whilst introducing the report the Executive Member for Highways and Transport clarified why there was a need to tender the Park and Ride bus service. When the bus service

had achieved planning permission, and as stated in the Heads of Terms document, the plan was to give half of the income from the car park to Thames Valley Park themselves in recognition of them diverting their shuttle bus to serve the car park. Unfortunately Thames Valley Park were now reluctant to divert their shuttle bus without a significantly higher financial contribution from the Council. It was noted that if there were any financial implications arising from the tender process then these would be brought back to the Executive.

RESOLVED that:

- 1) the tender process be commenced in accordance with the Business Case; and
- 2) it be noted that any further financial implications arising from the tender process will be brought back to Executive for consideration.

115. SHARED SERVICE BUILDING CONTROL CHARGES

The Executive considered a report setting out revised Shared Service Building Control Charges in order to ensure that the service, between Wokingham, the Royal Borough of Windsor and Maidenhead and West Berkshire, was delivered on a cost recovery basis to meet the statutory responsibilities of the Council.

The Executive Member for Environment and Leisure explained that the intention had been to consider the charges at the March Executive and increase them from 1 April, which was in line with previous years. Due to Covid-19 the report was delayed and therefore it was proposed that the increased charges, which were agreed by the shared service's Building Control Board, would take effect from 1 May 2020.

RESOLVED: That the setting of Building Control Charges from 1st May 2020, as set out in the report, be agreed.

116. CONTRACT FOR ASBESTOS REMOVALS

The Executive considered a report relating to a procurement business case for a new contract for Asbestos Management and Abatement Services for the Council's housing stock in compliance with its statutory duties.

The Executive Member for Finance and Housing informed the meeting that a number of Council houses had, when asbestos was an acceptable building material, previously been built using materials that contained asbestos. As a landlord the Council had a legal duty to manage the asbestos within its buildings and manage the health and safety risks where there was any possibility of tenants or contractors being exposed to fibres of asbestos containing materials. As a result of this duty the Council needs to appoint a suitably qualified, experienced and competent contractor to undertake the controlled removal and disposal of all forms of asbestos containing materials.

The cost was likely to be in excess of £500k and it was noted that this would come from the Housing Revenue Account which was a ring-fenced fund designed to maintain and service the Council's social housing.

RESOLVED: That the Business Case be approved to enable the Housing Service to procure a suitably qualified, experienced and competent contractor for the delivery of Asbestos Management for the Council's housing stock.

117. RECOGNITION OF WORK UNDERTAKEN AND ONE MINUTE SILENCE

The Leader of Council thanked all Councillors, Officers, residents and the voluntary sector for the awesome support and work they had carried out during the Covid-19 emergency. Councillor Halsall also congratulated Susan Parsonage (Chief Executive) and Matt Pope (Director of Adult Services) and his Team for all their hard work in what had been a very difficult period.

One minute silence was then held in recognition of all those who had tragically died during the Covid-19 crisis. Councillor Halsall stated that the Council's thoughts were with them and their families.

Councillor Halsall also thanked all of those who were keeping everyone safe particularly those working in the NHS and the care sector.

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TITLE	Officer Response to Adoption of Estate Infrastructure Review
FOR CONSIDERATION BY	The Executive on Thursday, 28 May 2020
WARD	None Specific;
LEAD OFFICER	Director, Place and Growth - Sarah Hollamby
LEAD MEMBER	Executive Member for Environment and Leisure - Parry Batth, Executive Member for Highways and Transport - Pauline Jorgensen

<p>PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)</p> <p>This report sets out the Officer Response to the 12 Recommendations set out in 5.4 to 5.19 of (Attachment 1) Adoption of Estate Infrastructure Task & Finish Group</p>
<p>RECOMMENDATION</p> <p>That the Executive approve the Officers' responses contained within this Report.</p>
<p>EXECUTIVE SUMMARY</p> <p>The Overview and Scrutiny Management Committee established a Task and Finish Group to review the adoption of estate infrastructure within the Borough. The primary objective of the Group was to make recommendations for improvement which could further enhance the delivery of high quality infrastructure and positive outcomes for new and existing residents living within new development sites.</p> <p>Following the completion of the Task and Finish Groups review of the processes, legislation, and input from Officers, Developers, Town and Parish Councils, and professional bodies, they formed 12 recommendations.</p> <p>On the whole the recommendations were accepted subject to a few which require the development of the Council's mapping and data technology facilities.</p> <p>It is considered that the recommendations could provide added assistance in improving the awareness residents and other stakeholders have when it comes to new developments and the processes involved in adoption of them.</p>

BACKGROUND

Wokingham Borough Council secures the adoption of estate infrastructure, which is voluntarily promoted by developers for adoption, including some roads and paths, and open spaces and play parks within new developments. Areas to be adopted as Highway are undertaken through Section 38 of the Highways Act 1980, whereas open space & play parks are adopted under the S106 of the Town and Country Planning Act.

Highways Adoption - developers enter into a voluntary agreement with the Council which sets out their obligations to construct the highway infrastructure to an agreed standard, maintain them for an agreed maintenance period, and provide a bond to cover the cost of the works should the developer become unable to complete them. Once these obligations have been checked and discharged, the Council will adopt the roads as publicly maintainable highway.

Open Space Adoption – open spaces can be adopted by the Council where this is promoted as an option by the developer and in this case delivery would be secured through terms set out in S106 agreements, as part of the Town and Country Planning Act 1990, agreed voluntarily between a developer and the Council. This ensures that the scheme is constructed to WBC adoptable standards and it sets out the terms and procedure for adoption. Once works are completed, the Council inspects the site to ensure that the design drawings have been adhered to. This is followed by a 12 month maintenance period before it is formally adopted by the Council. Commuted Sums are also obtained from the developer as part of the S106 agreement and this provides for the ongoing maintenance of the open spaces moving forward. Adoption is however not the only route available to secure the proper maintenance of the land and a developer is entitled to demonstrate other means such as a management company for example and in planning perms provided maintenance is secured, then the planning requirement would be satisfied.

Further to the processes which are followed by the Highway Adoption Team, and given the number of sites (currently over 80) which the Council oversees for potential adoption, Council Members have raised concerns. They are aware of both local and national situations when, for various reasons, estate infrastructure has not been delivered to the correct standard and/or within the agreed timeframe, thereby causing anger and frustration for residents. As a result, the Overview and Scrutiny Management Committee decided to set up the Task and Finish Group to review these situations and processes followed for adoption.

The primary objective of the Task and Finish Group was to produce recommendations for improving where possible, and if necessary, the adoption of high quality estate infrastructure, resulting in positive outcomes for residents across the Borough. In so doing, Members have met with officers, Developers, and Parish Council's as well as visiting several development sites to obtain insight and a greater understanding of the often complex work and negotiations involved in infrastructure adoptions. The report makes reference to the excellent work which already takes place and the high level of expertise and commitment demonstrated by Council staff. However, as always, there may be scope for further improvements.

A final report (Attachment 1) was prepared and considered by the Overview & Scrutiny Committee on 22nd January 2020. This made a number of recommendations to be

presented to the Council's Executive to be implemented where possible in 2020 and subsequent years. These recommendations and the responses are set out below.

Recommendation	Officer Response
1 That the Council considers measures to increase public awareness about the adoption of new infrastructure, for example through the provision of general advice and Frequently Asked Questions on the New Residents section of the Council website.	Agreed - A short note on adoptions has been added to the Council's website already and shared with Members (following the initial discussion at the O&S Management Committee on 17 July 2019). Further developments and FAQ will be added 2020.
2 That the Council considers measures to improve and expand the current interactive maps on its website, for example by including more details on S38 roads and roads not due to be adopted	We have already produced interactive maps to enable town and parish councils to check the status of open space related requirements on new developments and are now reviewing this in relation to highways adoptions. The data is compiled and tests are taking place for mapping it. We currently anticipate this will be available in later in 2020.
3 That the Council considers measures to provide more regular briefings for Town and Parish Councils, especially in relation to new housing developments in their areas and the rights and responsibilities of different stakeholders.	We are developing a self-serve digital mapping system as above in question 2 and this will therefore address this suggestion in due course.
4 That WBC Officers provide regular updates to the Borough Parish Liaison Forum on the process for adopting new estate infrastructure and the impact of new development arising out of the Local Plan Update.	Once we have implemented the information online referred to above, Town and Parishes would be able to have an informed dialogue with colleagues in localities when they respond to individual queries as they arise using up to date information.
5 That the Council considers the resources available for managing the adoption process in non-SDL areas in order to ensure a consistency of outcomes for residents across the Borough.	The same teams manage adoptions for large and small sites, however we recognised the need for resource and have already recruited 2 more compliance officers for the delivery and infrastructure team. The recruitment was cost neutral as the charges for this service have been used to absorb the cost.
6 That the Council reviews the process for developing and agreeing S106	Agreed: within the context that S106 agreements are voluntary and may be entered into by a developer where

<p>agreements relating to the adoption of open space, specifically to:</p> <ul style="list-style-type: none"> a) ensure that agreements are more detailed, specific and rigorous; b) explore the potential for including financial penalty clauses linked to key milestones, with any penalties being added to agreed commuted sums; c) encourage high quality design for new play facilities. 	<p>they agree for their land to be adopted by the council</p> <ul style="list-style-type: none"> c) There is a time lag over implementation of schemes; however new development will now be the subject of our new play area design guide which we are now using to good effect to improve outcomes
<p>7 That Officers consider potential improvements to secure earlier engagement from Highways at the initial planning or pre-application stages of the process.</p>	<p>Whilst early engagement continues to take place, the issues referenced here relate to compliance and enforcement as this is largely where the issues occur, as with the long standing Sibley Hall case. The experience of Sibley Hall has been used to improve compliance and we will continue to monitor and refine this process</p>
<p>8 That the Council works with developers to build on the proactive work of Officers in improving the level of tree survival rates on new housing developments.</p>	<p>Agreed – conditions are already applied to planning consents managing tree retention and/or replacements, and the compliance team is now fully resourced and able to undertake further site inspections / monitoring.</p>
<p>9 That the residents and Town and Parish Councils who responded to the Call for Evidence (Annex B) receive feedback and responses to the issues raised.</p>	<p>Agreed</p>
<p>10 That the Council considers measures to ensure the recruitment and retention of key staff working on the adoption process, with appropriate succession planning.</p>	<p>Agreed</p>
<p>11 That WBC Members receive annual training on the adoption process for new roads and open space linked to updates on the emerging Local Plan.</p>	<p>Agreed</p>
<p>12 That an annual update on the adoption process be submitted to the Overview and Scrutiny Management Committee.</p>	<p>Agreed</p>

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £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	
Next Financial Year (Year 2)	£0	Yes	
Following Financial Year (Year 3)	£0	Yes	

Other Financial Information

Within existing budgets / self-funding

Stakeholder Considerations and Consultation

Stakeholder consultation will continue as we refine our procedures and information systems.

Public Sector Equality Duty

This report relates to adoption processes which in themselves have no particular equalities implications. Due regard to Public Sector Equality Duty and equalities assessments are taken into account in the context of each scheme.

Climate Emergency – ***This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

This decision has no impact on the Council's carbon neutral objective as it relates to the long term management of land; the climate change considerations are taken into account in the design of the particular schemes prior to adoption.

List of Background Papers

1. O&S Management Committee on 17 July 2019
2. A final report (Attachment 1) Overview & Scrutiny Committee on 22nd January 2020

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WOKINGHAM BOROUGH COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

ADOPTION OF ESTATE INFRASTRUCTURE TASK & FINISH GROUP

REPORT AND RECOMMENDATIONS

JANUARY 2020

Task & Finish Group Members:

Councillor Andy Croy (Chair)

Councillors Paul Fishwick, Sarah Kerr and Abdul Loyes

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ADOPTION OF ESTATE INFRASTRUCTURE

Foreword by Councillor Andy Croy

Buying a new home is one of the most important decisions that many people have to make in a lifetime. This is especially true in areas like Wokingham Borough where the average house price is currently around £440,000. The Borough is delivering a large amount of new homes, especially in the four Strategic Development Locations – North and South Wokingham, Arborfield Garrison and South of the M4 (Shinfield). Further sites will also be identified in the ongoing Local Plan Update.

In addition to building new homes, housing developers are also responsible for delivering new infrastructure such as roads, drains, landscaping, open space, SANGs (natural green space) and play areas as conditioned in the planning permission and associated Section 106 planning legal agreements. Each type of infrastructure is delivered in the context of different legislation, statutory guidance and local standards.

Members were aware of both local and national situations when, for various reasons, estate infrastructure was not delivered to the correct standard and/or within the agreed timeframe, thereby causing anger and frustration for residents. As a result, the Overview and Scrutiny Management Committee decided to set up the Task and Finish Group.

The primary objective of the Task and Finish Group was to produce recommendations for improvement which resulted in the adoption of high quality estate infrastructure and positive outcomes for residents across the Borough. In so doing, Members were informed of the excellent work which already took place and the high level of expertise and commitment demonstrated by Council staff. However, as always, there may be scope for further improvements.

The Task and Finish Group received evidence from a wide range of stakeholders including residents, Town and Parish Councils, Borough Council Officers and Members, housing developers, Thames Water and national housing and engineering bodies.

In preparing the report, the Task and Finish Group sought to understand the adoption process and the roles and responsibilities of the key players. Our recommendations aim to bring greater transparency and ensure that each individual or group can access accurate information and advice in a timely manner.

Finally, I would like to thank the residents, Officers, Members, housing developers and outside bodies who gave up their time and contributed to the Task and Finish Group's work in such a positive and constructive manner.

Andy Croy,
January 2020

Section 1 - Executive Summary

- 1.1 In recent years the Wokingham Borough has seen a significant amount of new housing development, much of it contained in the four Strategic Development Locations – North and South Wokingham, Arborfield Garrison and South of the M4 (Shinfield). The ongoing Local Plan Update will identify more sites for housing as the Council seeks to deliver on the Government requirement for over 800 new homes each year.
- 1.2 Much of the new housing is being delivered by housing developers, ranging from major FTSE companies to smaller local businesses. In addition to building new homes the developers are required to deliver new estate infrastructure such as roads, drainage, open space, landscaping, play areas and SANG (suitable alternative natural greenspace), as set out in the relevant planning permission. The process for delivering the new infrastructure is governed by legislation, statutory guidance and legal agreements between the Council and housing developers. Developers have a choice between handing the new infrastructure over to the Council for future management and maintenance (adoption) and managing it themselves, typically by establishing a management company.
- 1.3 If the developer decides not to have infrastructure adopted the Council has only limited powers to intervene if things go wrong, for example delays or sub-standard work. It is important, therefore, that homebuyers have a clear understanding of the adoption process and any potential legal and financial issues which may arise following their purchase. It is apparent, however, that some residents are not fully aware of the potential risks.
- 1.4 In order to look at the process for adopting new infrastructure, the Overview and Scrutiny Management Committee established the Task and Finish Group. The primary objective of the Group was to make recommendations for improvement which delivered high quality infrastructure and positive outcomes for new and existing residents.
- 1.5 In order to understand the local and national picture, the Task and Finish Group received evidence from residents, Town and Parish Councils, housing developers, Thames Water and a number of professional bodies. The evidence highlighted a number of themes including:
 - Could the Council provide better information and guidance to help new and existing residents to understand the adoption process, including their own rights and responsibilities?
 - Were there opportunities for improved communication and more joined up working between the Borough Council, Town and Parish Councils, housing developers and other local stakeholders?

- Were there opportunities to strengthen the Council's resources available for addressing issues with smaller developers in non-SDL areas, to deliver a consistent approach across the Borough?
 - Could financial incentives or penalty clauses be introduced into S106 agreements for open space to align more with the process for highways adoption?
 - Was it possible to improve the Planning process to ensure that approved plans and drawings could be translated to buildings and infrastructure on the ground with less technical changes?
 - In light of the negative visual impact and growing awareness of Climate Emergency issues, were there any potential measures which could reduce the number of trees and shrubs which had to be replaced on new housing developments?
 - What steps could be taken to improve WBC Members' understanding of the key issues surrounding the adoption of roads and open space, to enable them to support residents in their wards?
- 1.6 The Task and Finish Group also carried out a site visit to look at a number of adoption sites across the Borough. The sites visited demonstrated a range of outcomes from high quality design with good communication to poor design linked to delays and poor communication with residents and Town and Parish Councils.
- 1.7 Discussions with housing developers indicated that the majority were committed to partnership working and engagement with local communities. Developers working on SDL sites were likely to be present for a number of years as their developments went through a number of phases. As a result they were able to commit resources for engagement and community development. Conversely, smaller developers, typically building less than 100 homes did not have the same resources or motivation. It was felt that the actions of a minority of developers (including some of the big players) damaged the reputation of all housing developers across the industry.
- 1.8 Overall, we were impressed by the knowledge, experience and commitment of Council staff working on the adoption process. We recognised that the ongoing financial pressures placed on the Council made it harder to maintain high standards, especially in services facing increasing demand and high levels of public scrutiny. We also welcomed the initiative shown by staff in delivering service improvements that brought greater clarity, rigour and accountability to the process.
- 1.9 We hope that the recommendations in the report will help to drive further improvements and increase awareness amongst residents and other stakeholders. The report will be submitted to the Overview and Scrutiny Management Committee for approval and will then be submitted to the Council's Executive for consideration of the recommendations.

Section 2 - Recommendations

- 2.1 That the Council considers measures to increase public awareness about the adoption of new estate infrastructure, for example through the provision of general advice and Frequently Asked Questions on the New Residents section of the Council website. It also underlines the onus on homeowners to take expert legal advice to ensure that they are aware of the risks and responsibilities involved.
- 2.2 That the Council considers measures to improve and expand the current interactive maps on its website, for example by including more details on S38 roads and roads not due to be adopted.
- 2.3 That the Council considers measures to provide more regular briefings for Town and Parish Councils, especially in relation to new housing developments in their areas and the rights and responsibilities of different stakeholders.
- 2.4 That WBC Officers provide regular updates to the Borough Parish Liaison Forum on the process for adopting new estate infrastructure and the impact of new development arising out of the Local Plan Update.
- 2.5 That the Council considers the resources available for managing the adoption process in non-SDL areas in order to ensure a consistency of outcomes for residents across the Borough.
- 2.6 That the Council reviews the process for developing and agreeing S106 agreements relating to the adoption of open space, specifically to:
 - ensure that agreements are more detailed, specific and rigorous;
 - explore the potential for including financial penalty clauses linked to key milestones, with any penalties being added to agreed commuted sums;
 - encourage high quality design for new play facilities.
- 2.7 That Officers consider potential improvements to secure earlier engagement from Highways at the initial planning or pre-application stages of the process.
- 2.8 That the Council works with developers to build on the proactive work of Officers in improving the level of tree survival rates on new housing developments.
- 2.9 That the residents and Town and Parish Councils who responded to the Call for Evidence (Annex B) receive feedback and responses to the issues raised.
- 2.10 That the Council consider measures to ensure the recruitment and retention of key staff working on the adoption process, with appropriate succession planning.
- 2.11 That WBC Members receive annual training on the adoption process for new roads and open space linked to updates on the emerging Local Plan.
- 2.12 That an annual update on the adoption process be submitted to the Overview and Scrutiny Management Committee.

3. Section 3 - Background

- 3.1 The Task and Finish Group was established at the meeting of the Overview and Scrutiny Management Committee on 17 July 2019. This followed feedback provided to Members from residents about a number of delays and frustrations relating to the adoption of new roads and open space. The Task and Finish Group's Terms of Reference are set out at Annex A. The prime objective of the Group was defined as:
- “To review existing policies and procedures and develop recommendations for improvement which result in the adoption of high quality estate infrastructure and positive outcomes for residents across the Borough”.
- 3.2 The Task and Finish Group received feedback about a number of local developments including Sibly Hall, Folly Court and Montague Park. Members were also aware of national media coverage, typically about new homeowners who were living on unfinished housing developments. Many local residents had expressed surprise and frustration at the process involved in finishing new roads and open spaces.
- 3.3 Estimates assess the number of new homes needed in England at between 240,000 and 340,000 per annum, accounting for new household formation and the backlog of existing need. In 2017/18, the total housing stock in England increased by 222,000 homes. Clearly, the Government's priority is to deliver new homes as quickly as possible, especially in areas of high demand such as Wokingham Borough.
- 3.4 The contribution to the housing supply made by housebuilding companies is illustrated in the table below. This shows the number of completions reported by each of the Financial Times Stock Exchange (FTSE) 350 housebuilding companies in 2018.

Table: 2018 Housing Completions by FTSE 350 Housebuilders

Housing Developer	Total Housing Completions	Affordable Completions	Average Private Selling Price £
Barratt Developments	17,579	3,241	328,800
Persimmon	16,449	3,333	238,800
Taylor Wimpey	14,933	3,416	301,800
Bellway	10,307	NA	323,400
Galliford Try (Linden Homes)	6,193	NA	367,000
Redrow	5,913	1,102	NA
Countryside Properties	4,295	1,491	402,000
Bovis Homes Group	3,759	1,192	337,400
Berkeley Group Holdings	3,698	NA	NA
Crest Nicholson Holdings	3,020	637	393,000

Source: House of Commons Library – calculations from data in company annual reports and accounts.

- 3.5 Wokingham Borough has seen a significant impact arising out of the Government's plans for additional housing. The Council has responded strategically to the demand for new housing by promoting Strategic Development Locations for North Wokingham (1,500 homes), South Wokingham (2,500 homes), Arborfield Garrison (3,500 homes) and South of the M4 (Shinfield) (2,500 homes). The emerging Local Plan Update will also identify a number of new sites for development up to 2036. To date, over 260 potential sites have been submitted for consideration by landowners. The Government's assessment of the housing need for the Borough is currently 864 dwellings per annum. This will be recalculated each year as new data on house prices, incomes and household growth is published.
- 3.6 As developers build new homes they are also required to build new infrastructure (roads, open space and play areas, etc.) to support the new communities. For example, estate roads are constructed and then linked to the existing highway to enable access to new estates. Each type of infrastructure is controlled by different legal and contractual frameworks and local/national standards. The process for each type of infrastructure is set out below.

Adoption of Roads

- 3.7 New roads are adopted under Section 38 of the Highways Act 1980. Under S38 developers enter into a voluntary agreement with the Council which sets out their obligations to construct roads to an agreed standard, maintain the roads for an agreed maintenance period and provide a financial bond to cover the cost of the works in the event that the developer goes bust. Once these obligations are discharged, the Council adopts the road as publicly maintained highway. It must be stressed that the 1980 Act does not give Councils any power to compel developers to enter into adoption agreements.
- 3.8 The Council aims to adopt new roads fronting more than five housing units. Planning approval is required prior to entering into a S38 agreement. The requirement for adoptable road construction details is secured by a planning condition. The S38 process involves checks, inspections and road safety audits to ensure that each stage of construction meets the Council's standards. Technical acceptance, based on submitted plans which can be revised in discussion with the S38 Officer, must also be given by the Council before an agreement application can be progressed.
- 3.9 Once satisfied that a new road and associated features, including footpaths and verges, are constructed to an acceptable standard, the Council issues a Provisional Certificate of Completion which triggers a reduction in the financial bond and initiates the maintenance period (a minimum of 12 months). During this period, the developer retains responsibility for maintaining the highway and carrying out remedial works identified by the S38 Officer. Once the maintenance period is completed satisfactorily, a Final Certificate of Completion is issued confirming adoption and the remaining bond value is released.

- 3.10 For some items, a commuted sum may be required from the developer. This is a one-off payment towards the maintenance of assets such as traffic signals, culverts and other items. Where a commuted sum is deemed necessary, it is discussed with the developer and set out in the S38 agreement.
- 3.11 The construction of new estate infrastructure may also involve works on the existing highway, for example creating accesses into new developments or works on public highway to mitigate the impact during or after construction. In these cases, developers may enter into a separate Section 278 agreement or a combined S38/S278 agreement. The process for these agreements is similar to that for S38 agreements in terms of technical checks and inspections, the provision of a bond, and payment of commuted sums where necessary. The requirement to undergo a maintenance period before adoption by the Council also applies. However, no S278 works on public highway may commence until the agreement is signed and the necessary Streetworks Licence is applied for and approved. Some minor highway works may instead be covered by a Minor Works Agreement or licence arrangement, if acceptable to WBC. The maintenance period for Minor Works Agreements is a minimum of 24 months rather than 12.
- 3.12 In the event that a developer does not wish to enter into a Section 38 agreement, the Council secures the completion of an agreement under Section 106 of the Town and Country Planning Act 1990. This obliges the developer to construct the road to a satisfactory standard, pay for the Council to inspect the site and provide for a Management Company to be set up to manage the ongoing maintenance of the estate roads, footways and verges to an agreed maintenance regime once complete.
- 3.13 The Council also operates the Advance Payments Code (APC) under S219-225 of the Highways Act 1980. The APC applies if the developer requests “building regulation approval” and the plans are passed for the buildings on the development prior to the signing of the S38 agreement for adoption of new roads. Within six weeks of a developer submitting a building regulations application, the Council serves notice requesting a bond to cover the cost of the new road works in the event that the developer cannot complete the works. This protects property purchasers from incurring costs in such a scenario, and applies to sites of more than five units regardless of whether the developer intends to enter into a S38 agreement or not. The obligation to secure the bond is triggered by the commencement of works to the buildings fronted by the highway. Failing to provide a bond at this point constitutes a criminal offence. The completion of a S38 agreement discharges the obligation to secure an APC bond. For roads intended to remain private, the obligation can be discharged under Section 219(4) of the Act once the Council is satisfied that the road has been constructed to the required standard.
- 3.14 In July 2019 the Council was managing 79 ongoing S38 agreement applications. Some of these were for individual land parcels within the same development, for example Shinfield West and Arborfield Garrison. The status of these 79 agreements was:

- 17 Not Instructed – a Section 38 application had been submitted, but the plans had not yet achieved technical acceptance and Legal Services had not been instructed to take any action.
 - 32 Instructed – Legal Services had been instructed to progress with drafting the agreement and preparing engrossments (final version of the legal agreement) in communication with the developers' solicitors.
 - 9 Signed – the S38 agreement had been signed by all parties and sealed by the Council. The works had not yet been completed to the point where a Provisional Certificate of Completion could be issued.
 - 21 On Maintenance – a Provisional Certificate had been issued. The minimum twelve-month maintenance period during which the developer retained responsibility for the site was underway, or the Council was awaiting the completion of remedial works/sewer adoption/other outstanding issues requiring attention ahead of adoption.
- 3.15 From September 2018 to March 2019, an Officer Taskforce was set up with a specific focus to progress outstanding S38 agreements towards highways adoption by identifying actions that needed to be taken. As a result, three of these sites, with S38 agreements dating from 2004, 2009 and 2013, had now been adopted, and progress was continuing to be made with others. Issues preventing adoption had included delays to the adoption of the sewers and outstanding street lighting and remedial works.
- 3.16 A number of measures and improvements have recently been implemented with a view to streamlining the adoption process for new roads:
- An upfront deposit of £20,000 or 2% of the overall fee, whichever is higher, has been introduced for applicants to enter into S38 and S278 agreements, ahead of any technical review. This ensures that Officer time taken to conduct these reviews has been paid for even if the agreement is later abandoned. This acts as an incentive for developers to complete agreements.
 - The application form has been updated and continues to be reviewed to request more details from developers. This will result in higher quality applications at the outset and save time through removing the need to go back and forth with the developer for further drawings and information.
 - All agreement applications are monitored and tracked. This has recently been revised to include target dates to flag where parts of the process are stalling and require attention. Agreement progress is also reviewed in monthly team meetings where any issues are highlighted, discussed, and escalated as appropriate.

- A formalised APC policy with input from Legal Services has also been included in the updated Highways Design Guide. The updated design guide is due to be the subject of public consultation and adoption as part of the Local Plan Update. Increased emphasis on the code has already led to bonds being secured for two developments. Implementing the code also acts as leverage where Section 38 agreements have stalled, as the completion of a S38 agreement discharges the obligation to provide an APC bond.

Adoption of Drains and Sewers

- 3.17 WBC policy states that drains and sewers must also be adopted by the local Water Authority (usually Thames Water) before or at the same time as the road adoption. Sewers are adopted under S104 of the Water Industry Act 1991. This involves an initial flood risk assessment and takes account of the drainage requirements for the entire site to ensure that local sewerage and surface water drainage systems are considered and not overwhelmed.
- 3.18 Thames Water encourages developers to make a pre-planning enquiry setting out their requirements for clean, foul and surface water infrastructure. On receipt of the enquiry, Thames Water carries out a capacity check. If there are no concerns, Thames Water confirms the position to the Council as part of the planning process. If there are concerns, Thames Water will confirm this as part of the planning process. Once outline or full planning permission is granted Thames Water then carries out modelling and designs and implements appropriate reinforcements to the system. Any works are funded by the infrastructure charges which all customers pay.
- 3.19 In line with other aspects of the process, Thames Water told us that a key issue was the lack of awareness amongst homebuyers about the adoption of drains and sewers adjacent to their property and the potential financial risk they faced if problems arose in future years. Thames Water felt that greater certainty would be provided if plot sale transfers for new homes stated that the housing developer “would adopt” new sewers rather than “would seek to adopt” new sewers. Thames Water also confirmed that each Council held public data on the state of local sewers. This data could be inspected on request by residents or conveyancers.

Adoption of Open Space and Play Areas

- 3.20 Open spaces within new housing developments are adopted under the terms of an agreement made under S106 of the Town and Country Planning Act 1990. This provides for the construction of the scheme to WBC specification and sets out the procedure for adoption. The developer notifies the Council when the works are completed. The Council then inspects to confirm that construction has followed planning approval and meets the obligations of the S106 agreement. If the scheme has not been built in line with planning approval or if remedial work is required, this can delay the adoption process significantly.

- 3.21 Once the Council is satisfied that there are no outstanding issues, an independent safety audit for play areas is required from the developer, and, where necessary, a water safety risk assessment for Sustainable Drainage Systems (SuDS) within the public open space. SuDS encompass a range of techniques which manage water run-off in order to reduce the quantity and increase the quality of surface water that drains into sewers. Any items flagged up by these audits and assessments then need to be addressed. At this stage, allotments are normally transferred to the relevant Town or Parish Council.
- 3.22 Once open space schemes are deemed complete, the commencement of a twelve-month maintenance period is agreed, during which time the developer remains responsible for maintaining the scheme in accordance with a planning approved Landscape Management Plan and carrying out any necessary remedial work. At the end of the twelve months the Council inspects again to confirm that the scheme has been adequately maintained and that no further remedial work is needed. A further safety audit is required for play areas at the end of the maintenance period. Once satisfied the Council commences the legal transfer. At this point, a final commuted sum figure for ongoing maintenance is also confirmed. A back-to-back 12 month maintenance phase is standard practice in landscaping contracts.
- 3.23 In order to strengthen the process for adopting open space and play areas, an Adoption Checklist has been developed based on industry best practice. The checklist sets out the different stages of the adoption process and the steps to be taken to monitor progress. The aim is to ensure that, in liaison with other services, the completed scheme is handed over to the Council with the following agreed features:
- A land transfer map;
 - A Maintenance and Management Plan;
 - A Health and Safety File (including as-built drawings);
 - A Playground Inspection Report (if applicable);
 - A commuted sum figure covering a minimum of 20 years.

Adoption of SANG (Suitable Alternative Natural Greenspace)

- 3.24 SANGs are areas of open space identified for developer-funded enhancement, in order to make them more accessible and attractive for residents to use. By enhancing local areas it is hoped to lessen the impact of new housing developments on the Thames Basin Heaths and its protected bird species.
- 3.25 Mitigation zones for the Thames Basin Heaths cover areas in the south of the Borough. SANGs are negotiated through S106 agreements. As an example, the Council negotiated the Rooks Nest Farm SANG (18.5 hectares) in order to mitigate the impact of 964 dwellings. The legal framework for SANGs is much stronger than other open space in that SANGs have to be approved and adopted before the commencement of house building on any new development.

Council Powers and Sanctions

- 3.26 As outlined above, the adoption process for new estate infrastructure is governed by statute, statutory guidance and legal agreements. Housing development is usually undertaken on private land and as the developers are private organisations, there is no obligation for them to seek that the Council adopt new roads and open spaces. If, for example, a road is not adopted then the Council has no powers to undertake works on the road itself.
- 3.27 The law sets out that it is the responsibility of homebuyers to ensure they take the necessary steps when purchasing and fully understand the risks involved. Many developers devote resources to build trust and ensure good communication channels with existing and potential homeowners. However, there are numerous examples where this does not happen.
- 3.28 As the adoption process is controlled by legal agreements, the Council has the power to pursue enforcement action when breaches of planning conditions occur. However, this can be a lengthy legal process with the maximum penalty being a fine of £2.5k. It is usually more effective to work with developers to exert pressure on them to meet their agreed commitments rather than undertaking formal enforcement proceedings.

Section 4 – Evidence and Issues

- 4.1 The Task and Finish Group met between August and November 2019. It set out to identify a wide range of stakeholders who could contribute to its work. In order to gather evidence the Task and Finish Group used a range of measures, set out below:

Call for Evidence – a notice in local print and social media setting out the aims of the Task and Finish Group, encouraging residents to share their views and submit evidence, comments and questions. The submissions received are set out at Annex B.

Site Visits – the Task and Finish Group spent an afternoon visiting a number of sites across the Borough, with the aim of seeing both positive and negative examples and outcomes. The sites included:

- Folly Court, off Blagrove Lane – highways and open space. Highways issues relating to delays in the adoption of drainage by Thames Water. Also, street lighting issues still unresolved. Open space issues relating to poorly designed SuDS scheme – waterlogged ground conditions. Also, poor quality implementation/maintenance of hard and soft landscape works and poor customer service from the developer.
- Hazebrouck Meadows, Pear Tree Close off Biggs Lane – open space. Well-designed open space and SuDS scheme. Good standard of implementation and maintenance. Effective communication and relationship building between the developer and residents.
- Arborfield Parcels F and G, Ambler Drive off Weavers Avenue. A 60 unit development forming part of the Arborfield Garrison SDL - highways. S38 process worked well (bond value £600,000). Good working relationship between the developer and stakeholders. High quality design.
- Ladbrooke Close, off Vauxhall Drive – highways. Extension of existing road to front five houses and four apartments. Bond value £49,000. Thames Water had approved the drainage. High quality site with positive relationship between the developer and local residents.
- Parklands, Faringdon Road, off Woodlands Avenue – open space. Conflicting proposals approved at planning stage. Poor quality proposals prepared by the developer's planning technician rather than a suitably qualified designer. Poor customer service and outcomes for residents.

Meeting with Housing Developers – the Task and Finish Group met with representatives of Bovis Homes, Crest Nicholson, Legal and General Homes and Taylor Wimpey. Members agreed Key Lines of Enquiry in order to structure the debate.

Thames Water – the Task and Finish Group received evidence from Thames Water’s Technical and Regulatory Advisor. This included an update on the new Ofwat regulated Code for Sewer Adoptions, which was due to be implemented in April 2020. Under the new Code, all water companies will have to follow a consistent process with standardised documentation and technical advice.

Specialist Organisations – the Task and Finish Group requested written evidence from:

- The National House Building Council (NHBC).
- The Home Builders Federation (HBF).
- The Chartered Institute of Highways and Transportation (CIHT).

Officers and Members – the Task and Finish Group produced a draft report which was discussed with WBC Officers (Assistant Directors for Planning, Highways, Green Infrastructure and Localities) and the Director of Locality and Customer Services. A draft of the report was also shared with the relevant Executive Members for comment.

4.2 Call for Evidence – the Call for Evidence generated a number of responses from residents and Town and Parish Councils. These included the following issues:

- Enforcement of planning conditions prior to occupation – it was harder to enforce when the developers had moved off site.
- Tree planting – a major concern that trees and shrubs were planted at the wrong time of year and were not maintained properly.
- Unforeseen consequences – issues relating to roads and/or open space arose after residents had moved in – it was then hard to challenge/enforce.
- Need for better liaison and early communication with Town and Parish Councils – especially when the Town or Parish would be taking over control/maintenance of the site.
- Frequently, homebuyers were not aware of additional charges relating to their new property – who was responsible for informing residents?
- Could communication be improved – for example, about the process for adoption in different phases of large developments?
- Management companies – WBC had no legal control – so how could residents and the Council influence their governance and work?

- The situation changed from the planning stage to completion of new homes and infrastructure on the ground. How could WBC ensure that stakeholders were kept up to date about changes?

More details of the Call for Evidence responses are set out at Annex B.

- 4.3 In preparation for the meeting with housing developers, the Task and Finish Group developed Key Lines of Enquiry (KLOEs) in order to frame the discussion. The KLOEs, together with the housing developers' responses are set out below.

KLOE 1: How can the Council and developers support and motivate new house buyers to carry out the appropriate checks prior to purchasing a property.

Response: It is the developer's responsibility to provide information to a purchaser about their specific plot as well as the development in general. Ideally, this will include adoption agreements being in place but unfortunately, it is more common for these to follow on later. Sales Teams have a process that guides purchasers through all the relevant details. So they should be fully informed. This includes information on street lighting, roads, drainage, planting, open space, play areas and waste collection rounds.

Some of the new developments were very large and would be implemented over a number of years. For example, the development at Finchwood Park (Hogwood Lane) had 15 phases. The developer would have received detailed planning permission (including S38, S106 and SANG) for the first phase only. So at that stage it would not be possible to give detailed assurances about the shape and timing of later phases. Details of adoptable and managed areas were provided as each phase came on stream. It was likely that roads on the site would not be adopted for a number of years.

There were particular issues with single access sites, such as Woodley Airfield, where roads could not be adopted until construction traffic had ceased on site.

It was very important for new homebuyers to use an experienced solicitor, preferably with local knowledge. This always resulted in better outcomes for residents. There was a significant amount of information to take on board as part of a new home purchase. However, new purchasers were strongly advised to take expert advice and to understand the detail in order to minimise later disputes.

KLOE 2: The legislation sets out the framework for attaching bonds to highway infrastructure. Is there scope for attaching bonds or penalty clauses to open space/play area schemes.

Response: Through the S106 process, developers were tasked with providing open spaces, play areas and SANGS by a certain number of

occupations. This usually allowed at least one season so works could be programmed to align with the better weather/planting seasons, so should be achievable.

There were mixed views on the potential for adding bonds/penalty clauses to open space adoptions. Developers felt the S106 process already provided a mechanism for tackling developers who failed to deliver on time. Each development project had a fixed budget, so adding additional bond/financial penalties could lead to other outcomes such as greater use of management companies and/or passing on additional costs to new homebuyers.

It was recognised that a small number of developers failed to meet their obligations in relation to open space adoptions, which caused frustration for residents and negative publicity for the whole housebuilding industry.

When problems arose, responsible developers were happy to take a pragmatic approach, for example by renegotiating S106 agreements and agreeing to more suitable timelines.

KLOE 3: What steps could be taken to ensure that plans/drawings agreed at the planning stage are consistent with plans/drawings used on development sites.

Response: During the Reserved Matters or Full Planning Application process, the developer would ideally have engaged with both the Highways Planning/Highways Adoptions Teams to ensure there is a unified approach from the Council as to the highways layout.

Developers felt that, during that process, there was potential for greater buy in from the Landscaping Team/Tree Officer in regards to trees and general planting within the proposed highways offering.

There is often a conflict between the Planning Team request and what the Highways Adoption Team will allow at the S38 technical appraisal stage, usually on the grounds of maintenance issues and highways safety. Developers believed that a more unified approach from the Council, with buy in from all parties at the planning or pre-application stage, would ensure an improvement on what is finally delivered on the ground.

There were often issues relating to proposed trees adjacent to new roads and/or adjacent to new buildings. Again, earlier involvement from the Highways team would help to clarify what was realistic and develop pragmatic solutions.

Developers recognised the benefit of working with Unitary Authorities in that all the key Officers were under one roof. Working with County and District Councils was often more problematic. The importance of early contact with the relevant Water Company (Thames Water) was also stressed.

KLOE 4: Are there any potential measures for increasing public influence over management companies and contractors.

Response: Management Companies are set up initially by developers but, over time, the aim is to bring residents onto the company board. New residents are made aware of the existence of the management company as part of their introductory information pack. Management fees for early homebuyers are held in an account until the management company is up and running.

KLOE 5: Is there scope for greater use of social media to highlight changes and upcoming events.

Response: In principle yes, this was a good idea but it was important to ensure buy in and transparency for all stakeholders. There was a risk, for example, that posting on social media would only reach a limited number of local stakeholders who had access to a particular platform. It was, therefore, important to use social media carefully.

Developers were keen to contact new/potential homebuyers. Their websites contained a large amount of information and they sought to raise awareness through leafletting, public meetings and social events. There was also a question of scale. The big developers on large sites were able to deploy PR staff and create visitor centres which made it easier to communicate with local stakeholders. There was clearly a critical mass in respect of the size of housing developments in terms of generating interest and involvement from residents.

KLOE 6: Linked to Climate Emergency, what could be done to reduce the loss of newly planted trees and shrubs on development sites?

Response: With the benefit of a Landscape Management Plan being in place, high quality planting should be installed at the best time in the year to ensure survival. More attention to watering at the earlier stages, following planting, would help.

WBC Officers told us that developers used Landscape Architects at the planning stage, but some then relied on the site manager to supervise the landscape contractor who planted the trees. Site managers were often not up to speed on the detailed Landscape Management Plan.

It was recognised that a proportion of new trees/planting would fail and would need to be replaced. The more responsible developers factored this into their plans and arranged for replacement. Developers felt that a more pragmatic approach, for example in relation to trigger points, would help to deliver better outcomes.

We noted that WBC encouraged developers to carry out landscape audits using landscape architects to ensure that planting was consistent with the original approvals. The Council also included the requirement to replace

trees that fall within five years of the grant of planning permission. This was secured by conditions relating to planning consents.

KLOE 7: WBC has recently published an updated Highways Design Guide and also publishes standards for open space and play areas. Could the Council do more to clarify its approach and the relevant standards required?

Response: There was some concern that the Highways Design Guide had not been the subject of public consultation and was not yet an adopted document. It was subsequently confirmed that the document was the result of internal work and consultation over the last couple of years. Its status was draft policy, or emerging guidance, and the Council intended for it to be consulted upon and adopted as formal policy through the ongoing Local Plan Update process. In the meantime, developers may challenge some of the proposed standards, for example in relation to the provision of electric vehicle charging points.

KLOE 8: Overall, which elements of the adoption process work well and which elements could be improved – are there any ideas for improvement.

Response: In working with WBC, there has always been a pragmatic approach in dealing with design/site issues in a timely fashion. It is very important that good working relationships are developed and maintained. With reference to earlier comments, developers would welcome a more aligned approach from the Council to avoid the developers being unable to satisfy all parties. This would require compromise and a pragmatic approach from the relevant parties. Early dialogue at the planning stage with all stakeholders should achieve proposals that all parties could work towards.

As discussed earlier the experience of working with a Unitary Authority was a positive. WBC Officers were felt to be approachable, knowledgeable and experienced. Ongoing discussions with Officers, Borough Members and Town and Parish Councils were felt to be generally positive and more frequent dialogue would be welcomed.

It was felt that the adoption process for highways was clear and effective. The adoption of open space was less formulaic and affected by issues such as growing seasons and changing weather patterns. As a result, compliance could be more challenging and timelines could be stretched.

Overall, compared to working with other authorities, the developer experience at WBC was positive. However, it was recognised that smaller developers did not have the same resources to put into communication, public relations and trouble shooting. As a result, the experience of WBC and local stakeholders in working with these developers may well be different.

- 4.4 In relation to a review of road adoption procedures, being undertaken by Lancashire County Council, the National Homebuilders Federation made the following comments:

“Developers securing highway approvals to commence works is a key to the whole delivery process – therefore a significant amount of resource is generally expended via professional consulting engineers and specialists at pre-application stage to ensure that submissions are correct and in the form they should be, in an attempt to speed up and smooth the highway approval process.

What is experienced more often than not is poorly resourced and inexperienced highway authority teams, inundated with applications and, as a result, failing to deliver. There are also common scenarios with inconsistency of staff within some County Councils and also contradictions in requirements for the highway design from members of the same highway authority teams which stalls the process significantly”.

Section 5 - What Does the Evidence Tell Us?

- 5.1 Wokingham Borough is regularly reported as being one of the best places to live in the country. The combination of a strong local economy, low crime, good schools and access to London and the motorway network result in a strong demand for housing. At the same time, the Government is determined to increase house building, currently requiring the Borough to accommodate 864 new homes each year. The emerging Local Plan Update will set out proposals for further new housing development with over 260 sites under consideration.
- 5.2 As we have seen, a large proportion of new housing across the Borough is provided by major housing developers. Housing developers are profit making organisations. The largest developer, Barratts, built over 17,500 new homes in 2018 and made a record annual profit of £910m. The second largest housebuilder, Persimmon, announced profits of £1.096bn, with nearly half its sales coming from the Help to Buy scheme. It is important to note that housing developers are not philanthropic organisations. They are profit making bodies, often with large legal and technical teams. This means that legal agreements relating to the adoption process must be as watertight as possible.
- 5.3 As set out in the report, housing developers, in addition to building new homes are also responsible for the provision of infrastructure to support new developments. The provision of new roads, drains, open space, SANGs and play areas is governed by statute, statutory guidance and legal agreements. This means that the Council's powers to act when something goes wrong are limited. We heard that new homebuyers receive a large amount of information from developers and that much of this information is technical and legalistic. It is vital, therefore, that they take appropriate legal advice before completing the purchase. However, in relation to their potential responsibilities relating to new infrastructure, it is clear that many homebuyers are not aware of the potential risks involved.
- 5.4 Some Councils provide assistance through guidance and frequently asked questions on websites (see Annex C). We concluded that a similar approach would assist residents of the Borough. The Council already has a section on the website providing information for new residents. We felt that this may be a useful webpage for the inclusion of guidance on adoption issues.

Recommendation 1 - That the Council considers measures to increase public awareness about the adoption of new infrastructure, for example through the provision of general advice and Frequently Asked Questions on the New Residents section of the Council website.

- 5.5 We heard that the Council already provides interactive maps on the website relating to the four SDL locations. These maps show what is happening on each of the sites and the site plans for each phase of the developments as they are approved. In addition Officers were currently looking at ways to improve the range of information available, for example in relation to the progress of new roads and details of roads which were not earmarked for adoption. We felt that

further improvements to the interactive maps would be useful for new and existing residents.

Recommendation 2 - That the Council considers measures to improve and expand the current interactive maps on its website, for example by including more details on S38 roads and roads not due to be adopted.

- 5.6 We received feedback from Town and Parish Councils (Annex B) which indicated a lack of clarity and effective communication about the adoption process, especially when the Town or Parish was expecting to take over the management of a new asset such as Sibly Park. In order to deliver more joined up working, we concluded that WBC should seek to provide more information and guidance to the 17 Town and Parish Councils. This could be delivered through more regular general briefings and specific discussions on local issues. We felt that the newly formed Localities team may be able to play a role in greater networking and joining up on infrastructure adoption issues.

Recommendation 3 - That the Council considers measures to provide more regular briefings for Town and Parish Councils, especially in relation to new housing developments in their areas and the rights and responsibilities of different stakeholders.

- 5.7 We also noted the role of the Borough Parish Liaison Forum. The Forum was established as a quarterly meeting involving representatives from the Borough and Town/Parish Councils. Its purpose was to share knowledge and promote improved joint working. As such, we felt that the Forum could provide a useful sounding board for discussion on infrastructure adoption issues and new housing development, including new sites arising out of the Local Plan Update.

Recommendation 4 - That WBC Officers provide regular updates to the Borough Parish Liaison Forum on the process for adopting new estate infrastructure and the impact of new development arising out of the Local Plan Update.

- 5.8 In relation to the resourcing of teams involved in the management of the adoption process, we heard that the Council had a strong team focussing on the four SDLs. This included Enforcement and Compliance Officers who carried out unannounced visits to development sites in order to check on the works being carried out. Similarly, we heard about the work carried out by the corporate Communications team who had a dedicated Officer working on SDL issues, often in liaison with Town and Parish Councils.
- 5.9 We were also informed that the bigger developers working on the SDL sites had the resources and long-term commitment to ensure that there was strong communication and engagement with local stakeholders. Conversely, smaller developers working on non-SDL sites had fewer resources and less capacity/motivation to engage effectively. We concluded that WBC should give further consideration to the resourcing for non-SDL sites to ensure a consistency of outcomes for residents across the Borough. Obviously, we were aware that

this had to be seen in the context of the significant ongoing financial challenges facing the Council.

Recommendation 5 – That the Council considers the resources available for managing the adoption process in non-SDL areas in order to ensure a consistency of outcomes for residents across the Borough.

- 5.10 In relation to the compliance and enforcement sanctions open to the Council, we heard that there was a different framework for highways (S38, S278, etc.) compared to open space (S106). It was felt that the process for highways was more formulaic with the use of financial bonds providing more certainty that developers would meet their obligations. Sanctions relating to the adoption of open space appeared to be less robust. Although S106 agreements were formal legal agreements, enforcement action for non-compliance could result in a lengthy process and a maximum fine of £2.5k. There were also examples of poorly drafted legal agreements with inconsistent clauses which made enforcement more challenging.
- 5.11 We also heard that open space adoptions often happened at the end of the building process and were affected by changing ground and weather conditions. We discussed the potential for introducing bonds or penalty clauses (potentially added to commuted sum payments) in relation to open space adoptions with housing developers. Their feedback was that such measures would be resisted as they would add financial pressures as each development site was managed within a set budget. However, on balance, we felt that there was scope for further consideration of penalty clauses within open space S106 agreements.
- 5.12 In relation to the development of new play areas within open space provision, our site visits demonstrated the difference between high quality facilities created by qualified designers and lower quality play areas often designed by planning technicians. We felt that the Council should seek to use any powers at its disposal to ensure that, wherever possible, new play areas benefitted from high quality design.

Recommendation 6 – That the Council reviews the process for developing and agreeing S106 agreements relating to the adoption of open space, specifically to:

- **ensure that agreements are more detailed, specific and rigorous;**
 - **explore the potential for including financial penalty clauses linked to key milestones, with any penalties being added to agreed commuted sums;**
 - **encourage high quality design for new play facilities.**
- 5.13 In our discussions with housing developers we heard positive feedback about Council Officers and their pragmatic, positive approach to negotiations. One issue raised by developers related to the different phases of the development process. They reported frequent differences between the requirements of Planning Officers at the planning stage and the requirements of Highways Officers at the S38 technical appraisal stage. They suggested that greater

technical input earlier in the planning process would benefit both the Council and developers. WBC Officers told us that joined up working was key but, in some instances, the level of technical detail submitted at the planning stage was not sufficient to support a S38 technical review. Having noted that viewpoint, we felt that the feedback from developers was still worthy of further consideration.

Recommendation 7 - That Officers consider potential improvements to secure earlier engagement from Highways at the initial planning or pre-application stages of the process.

- 5.14 We heard evidence about the significant amount of newly planted trees and shrubs which had to be replaced during the development process. As the Borough Council has declared a Climate Emergency we considered possible measures to minimise the loss of, often expensive, trees and shrubs. Housing developers told us that they recognised this issue and referred to the use of Landscape Management Plans and landscape audits to demonstrate best practice. Again the question arose of the motivation and resources available to smaller developers to employ qualified landscape architects. There were also occasions when planting took place at unsuitable times in order to comply with trigger points in S106 agreements. We also heard about the work of Officers, in liaison with developers, to identify potential issues relating to the conflict between trigger points and the most effective tree planting season.
- 5.15 We were informed that developers were responsible for replacing dead trees and shrubs for a five year period after adoption. Understandably perhaps, it could be difficult to get developers to carry out this work long after they had left the site and it was local residents who felt the negative impact on the local area. We discussed the possibility of increasing commuted sums in order to fund the anticipated future cost of replacing trees and shrubs on new developments.

Recommendation 8 – That the Council works with developers to build on the proactive work of Officers in improving the level of tree survival rates on new housing developments.

- 5.16 As stated in the report, we issued a Call for Evidence which generated a number of responses from residents and several Town and Parish Councils. The detailed submissions are set out in Annex B. We suggest that each of the individuals and Town and Parish Councils receive a response to the issues raised in their submissions. This will a) provide feedback on their specific concerns and b) demonstrate the value of the Call for Evidence process.

Recommendation 9 - That the residents and Town and Parish Councils who responded to the Call for Evidence (Annex B) receive feedback and responses to the issues raised.

- 5.17 We recognised the hard work and commitment displayed by Council Officers in the context of severe funding restrictions over a number of years. We hope that the report provides reassurance that much of what the Council does is effective and in line with best practice. We also heard about the challenges of recruiting to

key posts and the need for effective succession planning to ensure the future development of the service.

Recommendation 10 – That the Council considers measures to ensure the recruitment and retention of key staff working on the adoption process, with appropriate succession planning.

- 5.18 In order to ensure that WBC Members are able to assist the Officers and provide effective support for residents in their wards, we believe that appropriate training should be provided. We felt that the training should also be made available to Town and Parish Council Members.

Recommendation 11 - That WBC Members receive annual training on the adoption process for new roads and open space linked to updates on the emerging Local Plan.

- 5.19 Finally, in line with best practice, we suggest that the Overview and Scrutiny Management Committee receives an annual update report, commencing in 2020/21, setting out progress and any outstanding issues following the implementation of the Task and Finish Group's recommendations.

Recommendation 12 – That an annual update on the adoption process be submitted to the Overview and Scrutiny Management Committee.

Section 6 - Conclusions and Next Steps

- 6.1 The Task and Finish Group report will be submitted to the Overview and Scrutiny Management Committee for discussion and approval. Subject to any amendments it will then be submitted to the Council's Executive for consideration. We hope that the report will help to demonstrate the value of the Scrutiny process in providing a voice for local communities.
- 6.2 The role of Scrutiny is to make recommendations to the Executive based on the evidence received and considered. The Council's Constitution requires the Executive to agree which recommendations are acceptable (with a timeframe for implementation) and which ones are not (with reasons).
- 6.3 We hope that the report's recommendations will be accepted and will lead to improvements in the adoption process for new roads and open space. We also believe that implementation of the recommendations will lead to more effective working between the key stakeholders outlined in the report and more positive outcomes for residents across the Borough.

Wokingham Borough Council - Overview and Scrutiny

Adoption of Estate Infrastructure Task and Finish Group

Terms of Reference

To review existing policies and procedures and develop recommendations for improvement which result in the adoption of high quality estate infrastructure and positive outcomes for residents across the Borough.

1. To consider the Council's current approach to the adoption of estate infrastructure (new and historic).
2. To consider the legal framework and planning process within which the Council operates.
3. To consider the views of local stakeholders – residents, community groups and Town and Parish Councils.
4. To consider the views of housing developers.
5. To consider examples of best practice across the country.
6. To consider how progress on adoption is monitored, reported and communicated to Members and local stakeholders (including new residents).
7. To produce a final report to the Executive with recommendations for improvement.

Proposed Witnesses

- WBC Members and Officers;
- Residents and community groups;
- Town and Parish Councils;
- Best practice examples from other local authorities;
- Housing Developers
- Thames Water
- Specialist Bodies: the Home Builders Federation, National House Building Council and the Chartered Institute of Highways and Transportation

Table: Call for Evidence Submissions

Evidence from	Evidence submitted
Councillor Jim Frewin Shinfield South	<p>Enforcement – through the planning process, conditions are often applied. These conditions are only any good if enforced and are deemed to be of a suitable quality. For example:</p> <ul style="list-style-type: none"> • Flats Basingstoke Road Spencers Wood – condition that prior to occupation a communal garden be provided. This has not been done yet flats are up for sale. • Shinfield Eastern Relief Road (not yet adopted) Condition significant tree planting. This condition was ‘satisfied’ by putting in place a number of trees that were left lying on the ground and subsequently died. If landscaping is a condition it must be a proven to be a long term solution not a quick fix and dies later solution. • Traffic conditions – Weight limit access, speed limits conditions if not enforced are seen as meaningless by residents. <p>After build experiences - if during the after-build period, prior to adoption, it becomes apparent that there are issues and concerns these should be investigated and remedied prior to adoption. E.g. Blackboy roundabout (not yet adopted), significant resident feedback on safety and traffic flow issues. Council are restricted to stating it is in line with design. It is true that reported accidents are few but residents’ feedback is not counted after build. Issues:</p> <ul style="list-style-type: none"> • Leaving concerns to after adoption results in costs to WBC. Example Blackboy roundabout lane lineage. • Footpath Hyde End Road was found to be needed due to user safety issues post build. After Officer, Cllr, Parish Council and developer collaboration this was provided. The point is it should have been picked up by the adoption process. <p>Quality - there are examples where build quality is not as good as it should be. We should not adopt until quality has been assured by experience. E.g. ground water issues Shinfield Meadows, Shinfield Langley Mead SANG regularly floods making it unusable and multiple examples relating to trees.</p> <p>General observations:</p> <ul style="list-style-type: none"> • Seek local stakeholder feedback prior to adoption – user experience is more powerful feedback than a simple ‘does it meet design’ review. • Parking – again user feedback prior to adoption. • Could we consult prior to adoption? • Post build traffic and other planning criteria should be checked against application assumptions, i.e. if application states additional 50 journeys per day we should verify this before adoption. Air quality impacts, ecology assumptions etc. should be verified post build.
Councillor Shirley Boyt Bulmershe and Whitegates	<p>An issue in my ward has highlighted some areas for concern around issues of road adoption in relation to developments which include ‘affordable housing’ in the form of shared ownership or social rent. These are:</p> <ul style="list-style-type: none"> • Maintenance charges payable to the freeholder (in addition to council tax) for upkeep of roads, verges, refuse collection etc. places an additional burden on those who can least afford it.

	<ul style="list-style-type: none"> • Future maintenance issues in respect of road surfacing, drain maintenance etc. could place an intolerable burden on a low income family. • Sometimes developers know at an early stage that the Council will not adopt due to road or drain construction but do not advise prospective purchasers / tenants. • In some instances, the Council may choose not to adopt some years after the sale of the properties. Residents are stuck in a property with higher outgoings and which may be more difficult to sell. • My concern is that prospective purchasers/tenants are not being made fully aware of the implications that non-adoption can bring about. I believe the Council has a duty to highlight the issues arising from non-adoption or put pressure on developers to do so.
Councillor Richard Dolinski Loddon	<p>In Loddon Ward we have a large development, Loddon Park. The main developer is Taylor Wimpey with Antler Homes who are building houses on two smaller sites within the Park.</p> <p>My understanding is that WBC is or has adopted roads in Phases 1 and 2. If so this has not been communicated effectively to residents. This has caused confusion as to who is responsible for the maintenance of the roads. Residents are also asking if some roads will have yellow lines added and speeding restrictions, once adopted.</p> <p>The other potential problem is that the residents pay Chamonix, a service company to maintain the green spaces, ponds and play areas. Recently there have been a number of complaints regarding lack of maintenance work. There is also confusion amongst residents as to the green boundary between the Airfield and the Loddon development, namely who is responsible for maintaining the green corridor along Beggars Hill Road and the Perimeter Road.</p> <p>In addition, there is some confusion as to who is responsible for the newly established adjoining country park including, the access bridges over the River Loddon.</p>
Earley Town Council	<p>The one recent, and ongoing, adoption experience has been the Sibly Park development by Persimmon Homes. Associated with these planning approvals are four S106 agreements, see below, two dealing with affordable housing, one dealing with the provision of a telecoms mast and the main agreement dealing with items such as the adoption of open space.</p> <p>The Town Council is aware that there can also be problems with time taken for the adoption of highways within developments, but we have had no direct experience of this in recent years, although Sibly Park will presumably present some.</p> <p>Earley Town Council are particularly interested in the main agreement at Sibly Park as the intention was for the open space to be transferred to the Borough Council who would then transfer it to the Town Council, along with the commuted sums, for long term management. The open space includes Redhatch Copse with a Conservation Margin, a kick about area, a play area, an Ecological Area and a Green Link.</p> <p>The Town Council has been frustrated in its attempts to take transfer of the open spaces, due to a number of factors. Firstly, it is felt that the S106 was poorly drafted with ambiguity as to the limits of each area designated, with the developer's layout not following any defined limits and no mechanism for agreeing the final boundaries.</p> <p>Secondly, the developer has consistently been unable to deliver an acceptable level of finish to the open space for adoption, such that they have now agreed the payment of additional funds for the Town Council to complete the works to a satisfactory standard. Earley Town Council is in an advantageous position when compared to other Councils in that it has the resources to carry out such remedial works, unlike many other smaller councils.</p>

	<p>Thirdly, there appears to be a lack of understanding of the principles of development on the part of both the developer and the Borough Council, such that we believe a robust S106 has not been delivered, as detailed below:</p> <p>The developer has sought to include private paths serving individual groups of dwellings within the open space transfer, even though they serve no purpose as part of that open space. The paths not being constructed to an adoptable standard, nor offered with a commuted sum. As a result, the transfer of such paths has been, not unreasonably, resisted by the Town Council. On other developments such paths have normally been conveyed in short lengths to the adjoining dwellings with cross rights of access and cross maintenance obligations.</p> <p>There are four footpath links shown crossing the Ecological Area, also referred to as the Linear Park, to provide pedestrian links from the footpath/cyclepath running parallel with the watercourse along the eastern boundary of the development into the housing area. However, these footpath links do not appear to connect to any form of adopted pedestrian access within the development and would appear to be at risk of closure by the owners of the dwellings over whose land the pedestrians would have to pass.</p> <p>The kick about area and play area in the Green Link appear to have been poorly designed and yet approved by the Borough Council. The play area has equipment with what appears to be inadequate safety zones, inappropriate landscaping and an inadequate enclosing fence. Whilst the fence could contain children it fails in the other purpose of such fences of keeping out dogs. The RoSPA report for this play area does raise concerns and yet the area is open to the public. Whilst the developer has carried out some stone picking of the kickabout area they have failed to clear many stones, leaving a safety hazard for children playing on this area, a fact highlighted by a number of residents</p> <p>With regards to the landscaping of the open areas, the developer appears to have used inappropriate planting such as rose bushes, particularly in the play area, and has failed to maintain the planting in an adequate condition prior to adoption. Instead of completing the works to an acceptable standard, the Town Council has negotiated payments from the developer to carry out a number of remediation works itself.</p> <p>The concern is that the Borough Council appear to have approved some details that the Town Council consider as inappropriate and whilst the Town Council has raised concerns about the quality of the product the developer is actually in compliance with these approved details.</p> <p>In seeking to address the shortcomings of the developer in terms of the delivery of the open space, the Town Council believe that the Borough Council have failed to use the sanctions that were available to it whilst the developer was still selling properties, only apparently deciding to act once the developer had completed their sales.</p> <p>In conclusion, the Town Council believe that there are a number of problems that have manifested themselves on this development:</p> <ol style="list-style-type: none"> 1) The management practices of the developer, who appears to be only fixed on maximising their profit margin and minimising their obligations. The suggestion is that S106 agreements should be more tightly written to hold developers to specific timetable with sanctions to prevent them completing a site before the majority of their obligations are delivered. 2) A lack of understanding of the principles of development in detail, by both the developer, in this case, and by Planning and Highways officers at the Borough Council. It will be difficult to address a developer's shortcomings but Officers could be offered some additional training to ensure that what they are seeking to be adopted can be, without the minutiae causing difficulties.
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	<p>3) Whilst the transfer of an asset as large as Sibly Park to a Parish or Town Council is quite unusual it may become more common in the future as Borough Councils focus on other service areas. To assist Parish and Town Councils address such a move it is felt that there should be more support and advice available to them during negotiations, and it would be helpful if Parish and Towns Councils were able to rely on the knowledge and experience of Borough Councils. In addition, the relevant Town or Parish Council should be involved in the negotiations of the relevant part of the agreement. Also, Borough Councils expect their reasonable legal expenses arising from the drafting an agreement to be covered by the applicant, it is felt that the legal expenses of a Town or Parish in regard to a S106 should also be covered.</p> <p>4) The Borough needs to develop a more robust approach to enforcing delivery of developments as approved using their powers in a more timely manner.</p> <p>5) A developer's main purpose is to make a profit, they are not a philanthropic business. This fact should be at the forefront of all agreements, they need to be watertight as developers have access to a full range of legal and planning advisors and have the resources to fund any challenge to the interpretation of agreements</p>
Finchampstead Parish Council	<p>We feel that much of the issue here is about communication, coupled with understanding about responsibilities. It is imperative that it is clear which body is responsible for a new facility or feature, and for how long, and that appropriate maintenance is undertaken so that the feature or facility is in good condition when it comes to the responsibility being passed to another body. Checks need to be undertaken at appropriate stages and follow up action taken if required.</p> <p>Arborfield Green (the SDL) is an example of where the process has not worked well with the landscaping, including tree planting. It is clear that some of the planting on this very new development has not been maintained, evidenced by weedy beds and dead trees and shrubs.</p> <p>I happened to be at Kingsley Park (Redrow) last week on another matter and took the opportunity to ask a representative of the Property Management Company about the responsibility for some of the landscaped areas. I was told they were the responsibility of the residents, which I do not believe is correct and we plan to arrange a separate meeting with the Company about this. As a Parish Council we would welcome clarification of the responsibilities here, the last thing anyone wants is a new development devoid of planting. I know you are already aware of the dead trees alongside the new Winnersh Relief Road.</p>
Swallowfield Parish Council	<p>Swallowfield Parish Council has experience of a site which has not been adopted by the Borough Council, The Pippins (37 homes) developed by Bellway Homes. Residents and non-residents of such sites are often confused about what rights each has.</p> <ul style="list-style-type: none"> • Open Space: who has a right to walk on the open space? In this instance Bellway confirmed that a condition of planning permission was public access to the open space, however, the residents are not aware and given that they are paying for its maintenance feel they have a right to ask non-residents to leave. We have had instances of residents of the development shouting at other local residents, telling them to "get off, we pay for this". This causes bad feeling and splits the community. • Management Fee: Residents pay an annual management fee, but many are not clear what that covers or that they may be responsible for damage to any facilities on the site. • Flood attenuation features: At The Pippins maintenance of flood attenuation features is critical for the village, e.g. balancing pond and filter drains which run across the end of some gardens, these must be cleared periodically, as a Parish Council it is not easy for us to establish what is being done. This issue has been raised recently

	<p>as residents living behind the new development can see that a ditch/drain which should be cleared regularly has not been touched. It is believed that the drain is on land which belongs to each of the new houses whose gardens back onto it, but do the new residents know that? Who is responsible for liaising with the management company to ensure that this critical drain is clear periodically?</p> <ul style="list-style-type: none"> • Affordable Housing: the council also understands that the affordable houses built on this site, a few houses on a cul-de-sac called Scarlet Mews, are not part of the management agreement, again this causes confusion and bad feeling, e.g. who maintains the road outside those houses, can those residents park on The Pippins. At the time the roads were named Swallowfield Council was only told there would be one road, not two. • Road condition: it is the council's understanding that the roads on unadopted sites may not be laid to such a high standard as required by the local authority. What happens when these deteriorate? • Parking: there are arguments about who can park where, again residents shouting at each other and getting annoyed. • Swallowfield Parish Council would like to understand how decisions are made regarding adoption, does the borough council have any influence or is the decision down to developer preference. What mitigation is in place if the management company appointed to look after the site does not fulfil its obligations, ceases to trade or does not have the funds to effect necessary repairs? Who monitors the effectiveness of those management companies? • Swallowfield Council would ask that Wokingham Borough Council adopts the appropriate infrastructure on all sites to avoid creating split communities and a two-tiered system.
Winnersh Parish Council	<p>Green Lane Winnersh - this site was intended to be adopted under section 38 of the Highways Act but it took the developer many years to bring the road and drainage up to a satisfactory standard for adoption. Residents raised their concerns over this difficult period. We are aware that Officers continued to put pressure on the developer and the road was adopted in March 2019.</p> <p>Alder Mews - we understand that this site has a long history of issues, ranging from works that do not come up to specification, built incorrectly and a drainage system that cannot be taken over by Thames Water and, therefore, the road has not been adopted. The developer (Hodson Developments) has now disappeared together with the supposedly secure bond.</p> <p>When residents originally purchased their homes in Alder Mews they expected the road and drainage system to be adopted. At present they are in 'limbo' with no official Street Manager and are expecting the Borough Council and Thames Water to take over responsibility for these assets. With this in mind the Borough Council together with Thames Water will need to find a way for adoption.</p> <p>Hatchwood Mill Development - this development is being carried out in phases and the site is still under construction by developers Bovis Homes and Persimmons. Not all the roads will be adopted but they include Hatch Farm Way (Winnersh Relief Road Phase 1) and the main internal roads through the development.</p> <p>There are large parts of the development that will NOT be adopted but handed over to a Managing Agent at some time in the future. Residents, some of whom have lived on the estate for over 2 years, were not made aware of this until very recently and it has raised many concerns about how it will operate, and how maintenance of the asset will be funded. The present condition of the roads that will not be adopted are NOT</p>

	<p>currently at a suitable standard to be taken over by the Managing Agent. The Parish Council have been represented at recent meetings with the developers, ward Borough Councillors and representatives of the residents and there has been and continue to be some major issues with both the roads and open spaces. However, there are some improvements now taking place.</p> <p>It is quite clear that there has been a lack of communication with residents and ward Borough Councillors/Parish Council as well as prospective buyers of homes on the estate, with false information being presented for example about a Primary School being constructed within the development.</p> <p>As recently as July 2019, the developers' goal appeared to be to place all available resources into building more homes and not completing the infrastructure, whether intended for adoption or not in the areas that had already been constructed. Some examples of these were lack of Street Name Plates, street lighting, unfinished footways, verges, kerbing and the clearance of surplus materials. It is unknown what the condition of the drainage systems were like as these are hidden underground. Many trees were planted on the development including the area of Open Space, of which around 80% have died. These will require re-planting and looking after properly especially in the first two years after planting. In addition, some trees are in small front gardens but planted close to the back footway edging where there are likely to cause issues in the future as the tree grows. There is an access point off Hatch Farm Way into the Open Space where a gate has been missing for several months. This has been reported to the developers but with no action.</p> <p>The developers have had little control over their contractors who have broken the planning conditions on many occasions working outside of regulated hours. The persistence of the ward Borough Councillors / Parish Council and residents in reporting these incidents seems to have brought this issue to a close. Several homes have been built at the wrong level with air bricks too low and back of footway edgings 'cut around' them into the footway to allow these to function. Other similar cases are in front gardens.</p> <p>The Sustainable Urban Drainage System on the north side of Hatch Farm Way and between Glasspool Road and Potter Way where the wet 'ditch' is quite deep and requires life buoys was not fenced and the developer had no intention of fencing it. The developer finally agreed to fence it following pressure from the ward Borough Councillors/Parish Council and the residents' group.</p> <p>There are still several phases of the development to be constructed and more roads to be adopted or handed over to the Managing Agent. Overall, the development does not give the appearance of a high standard.</p> <p>Summary - although some of the issues raised above are around the quality and timing of the road / open space construction and tree planting, the common error is the lack of communication by the developer and the Borough Council. What would be helpful going forward is an agreed Communications Management Plan between the developer and the Borough Council that is updated on a regular basis setting out for example who is constructing the roads and open spaces / play parks and indicating what roads are intended to be adopted and which are not together with open spaces / play parks and how these will be managed in the future. Bonds must be paid into a secure system to avoid a repeat of the Alder Mews situation and bonds must also be collected for Open Spaces/play parks along with commuted sums.</p>
Wokingham Town Council	<p>The Town Council would like clarification on the relevant standards and process for adoption of new roads and open space. When does the Council (WBC) take on responsibility from developer and what is the adoption timeframe?</p>

	Also, on sites where there is public access, for example a need for School crossing at Montague Park development, when is this adopted by the Council (WBC)?
A resident of Woosehill	<p>Although not new housing there is an issue on Woosehill re footpaths which were constructed in the 1980's by developers.</p> <p>There are four entrances to Fox Hill woods that no-one wants to take ownership of. We have been told by WBC that they are not public footpaths (even though one has a Council refuse bin and signage on). Some years ago two properties in Tiffany Close were allowed to extend their properties over footpaths via approved planning applications.</p> <p>This is a classic example of the full process of handover from developers not being followed and I would recommend you include footpaths in your review for the future</p>
A resident	<p>I don't think it is clear to residents why some estates are adopted by the Council whereas others aren't. For example, The Brumbles and Mitford Fields estates (off Basingstoke Road - RG7 1W...) both have a management charge. For a three bedroom house on The Brambles this comes to £200 per year in addition to the normal Council Tax fees. In comparison, the estates off Hyde End Road were adopted, look cleaner, and have a regular bus route.</p> <p>How is it fair that I pay the same Council Tax as those three beds that were adopted, but also have to pay an additional amount on top? I feel like I am double paying and not getting any additional benefit.</p>
A resident of Montague Park	<p>We received a copy of the proposed parking restrictions for Montague Park in the post and only have one main comment.</p> <p>The original Barratts/David Wilson plans, and the subsequent plans we've received from the Council all indicate far more visitor bays than have actually been put in. For example we are down in the apartments directly opposite the parking for the school and on all the plans it shows 3 bays outside our building – however, only one has been put in.</p> <p>While we appreciate the need for parking restrictions, many of the properties on the estate already come with not enough spaces for all the occupants (we only have one for two doubled bedroomed property) so people rely on the additional bays – the least we should expect is for Barratts/David Wilson to have put in the right amount as shown on their plans.</p>
A resident of Montague Park - Council Question	<p>Question:</p> <p>This question concerns road safety issues for children attending Floreat Montague Park School. Prior to August 2018, parents were told that a work plan had been agreed between Wokingham Borough Council and the builder, David Wilson Homes to install zebra, toucan or pelican crossings in place for September 2018 to enable children to cross William Heelas Way on the way to and from school. None of these crossings have been installed and despite numerous requests to both WBC and the builder, no satisfactory responses have been given.</p> <p>We understand that the road is un-adopted, which appears to have put us in a 'It's not my responsibility zone', however this is in essence a public road being used by young school children to cross from the houses to their school and their safety must be paramount. Therefore could WBC confirm what action is being taken and give a definitive timescale for a resolution?</p> <p>Answer:</p> <p>Many areas of the Montague Park site will be adopted by the Council in line with legal agreements (Section 38 of the Highways Act) that have been entered into by David</p>

	<p>Wilson Homes for various phases of the development. The site currently remains in private ownership as David Wilson Homes has not completed all of the approved works to an adoptable standard. As the Council is not physically delivering the planned works, we cannot commit to any dates for works to be completed, but continue to push the developer to conclude the necessary works, and commit to sign these off in good time when the details are submitted to the Council for review, which we have done. We have endeavoured to facilitate David Wilson's programme for these works and remain as frustrated as you with the progress that has been made to date. The Council is continuing to work With David Wilson Homes to progress these matters as soon as possible.</p>
A resident of Arborfield Green	<p>Re Waterman's View, Arborfield Green. The Council has adopted a fraction of the estate and residents pay £500 a year forever to a private company to supposedly maintain the rest. Meanwhile, residents pay WBC the highest Council Tax rates I have ever known.</p>
A resident	<p>I have concerns about the use of barbed wire. There is barbed wire at Montague Park SANG. There is barbed wire in Shinfield and along the perimeter Road on Woodley Airfield. I hope that this can be investigated. I suggest a policy to remove all barbed wire unless is required for livestock control.</p>
A resident	<p>I want to raise the issue of car park associated with the Stokes Farm Nature Park (SANG) which was constructed to offset the loss of green space due to the development of the North Wokingham Distributor Road. The park was constructed a while ago and is now declared to be open on the North Wokingham major development website. However, the car park associated with the park is not open. Despite my best efforts to move it along with the Countryside Department, it remains closed. Apparently the lock on the gate needs fixing! But it doesn't get done. It seems as if someone has ticked it off as complete, when it is not, and it has now been forgotten about.</p> <p>This park is mostly only accessible by car (certainly that is the case for me) and it is becoming increasingly popular. The result of this is that people have to park in front of the gates (which need the lock fixing) or between the pinch points that have been put in the road to slow down traffic for people exiting the car park. This means that this section of road is more dangerous than it would have been without the pinches as traffic has to weave in and out between pinch points and parked cars! The park has a 'made' path which means that as we approach winter it will become more popular to walk in and the problem will get worse unless the car park is opened.</p> <p>It seems like it fits the bill for your enquiry because no one seems to care that this facility is 99% complete but the vital 1% is missing. I am sure that if the Council put appropriate pressure on the developers they would make sure the lock was fixed and the car park would be operational.</p>

Examples of Frequently Asked Questions

Homebuyers

Q: What checks should a homebuyer expect to be carried out by their solicitor?

A: The Local Government Ombudsman has advised that a solicitor should:

- Check that the relevant planning conditions have been discharged.
- Check that there is a S38 agreement or a private road management scheme in place.
- If the S38 agreement is not completed, check if there is an APC payment in place.
- If there is no APC payment, negotiate a covenant with the vendor requiring them to have the road adopted or withhold a sufficient sum to meet the client's potential costs.

Adoption of Roads

Q: Why do housing developers build new roads?

A: Housing developers build roads to enable new homeowners to gain access to the existing public highway.

Q: What is road adoption?

A: It is the process where a road in private ownership becomes a public road, which is then managed and maintained by the Council.

Q: Does the Council adopt all new roads built by housing developers?

A: No, housing developers may choose to keep their new roads private and some roads do not meet the Council's adoption standards.

Q: Who looks after private and unadopted roads?

A: Resident groups and management companies usually maintain private roads not scheduled to be adopted by the Council.

Q: What is the advantage of having a new road adopted?

A: Adopted roads become part of the public highway. Following adoption, the Council manages and maintains the road at public expense. Residents do not have to pay additional sums for the maintenance of adopted roads.

Q: What is the process for developers to get new roads adopted?

A: New roads are usually adopted under legal agreements called Section 38 agreements (Section 38 of the Highways Act 1980).

Q: What is involved in a S38 Agreement?

A: The S38 agreement is agreed between the Council and the developer. It normally includes a financial bond to ensure that the works can be completed if the developer goes bust. Essentially the agreement states that if the developer builds the road to the agreed standards and maintains it for a year the Council will then adopt it.

Q: Who is responsible for the new road prior to adoption?

A: The developer is responsible for maintenance and repair of the new road prior to adoption. As the road is unadopted the Council has no powers to undertake works on it.

Q: Why does the adoption of a new road sometimes take longer than agreed?

A: There may be a number of causes, including:

- The developer commences building the road before entering into the S38 agreement.
- The developer tries to vary the standard terms of the S38 agreement.
- The developer, or contractor, builds the road slowly and does not finish it.
- The developer does not build the road in line with the agreed standards.
- The relevant Water Company (Thames Water) does not adopt the sewers under the new road.
- The road is almost complete but there are outstanding “snagging” items such as defective street lights, potholes, broken drain covers and overgrown verges.

Q: How can I find out more about the adoption of new roads?

A: Contact the Highways Team on 0118 974 6000.

Local Plan Update

Q: Will there be new infrastructure such as roads and open space to support new housing development?

A: Yes. When the Council has a better understanding of where and when new development is going to take place, a detailed infrastructure strategy can be prepared. This will set out what infrastructure is needed and how it will be funded.

Q: Will access to open space and our parks be lost due to new development?

A: Open space is an important feature of the Borough and it is important that residents have suitable access. Through the Local Plan Update, new open space will be delivered on housing sites in line with the requirements of the Borough's Open Space Strategy.

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TITLE	Revenue Monitoring 2019/20 - Outturn
FOR CONSIDERATION BY	The Executive on Thursday, 28 May 2020
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

Report the revenue outturn position of the Council for 2019/20 financial year highlighting the effective management of the Council's finances to ensure value for money for council tax payers, housing tenants and schools.

RECOMMENDATION

The Executive is asked to:

- 1) note the outturn position of the revenue budget and the level of balances in respect of the General Fund, Housing Revenue Account, Schools Block and the Authority's investment portfolio;
- 2) agree the General Fund carry forward requests of £2,734,399, as set out in Appendix B to the report;
- 3) note the significant reduction in the overspend on the general fund revenue account achieved since the last report; substantially this is a result of the continuous improvement work in the Adults Social Care and Customer and Localities directorates.

EXECUTIVE SUMMARY

This report is to allow the Executive to note and consider the financial outturn for 2019/20 for the Council's net revenue expenditure, its General Fund Balance (GFB), the Housing Revenue Account (HRA), and the Schools' Block funding. The Executive has agreed to consider Revenue Monitoring Reports on a quarterly basis.

At the end of the financial year 2019/20, the General Fund (Revenue) is reporting a total spend of £124.7 million (excluding depreciation charges) against planned spend (budget) of £124.3 million (excluding depreciation charges) resulting in an adverse variance of £0.47 million (0.38%); the Housing Revenue Account has net spend of £0.62 million against a net planned spend of £0.96 million and Schools Block an in year adverse variance of £1.78 million (1.24%) against a net income of £142.9 million.

The following table shows the breakdown by directorate:

Directorate	2019/20 - End of Year Position		
	Approved Budget	Actual Spend	(Favourable) / Adverse Variance
	£,000	£,000	£,000
Adult Social Care	£49,994	£49,553	(£441)
Chief Executive	£6,234	£6,354	£120
Children's Services	£26,384	£28,483	£2,099
Corporate Service	£13,443	£12,609	(£834)
Customer and Localities	£28,209	£27,735	(£474)
Net Expenditure Total	£124,264	£124,734	£470

Although reporting an adverse variance of just under £0.5 million, this represents a significant improvement on the position forecast at the mid-year point (which was predicting an adverse variance of under £1 million. The movement is due to the continued work of the improvement boards in both Adults' and Children's services and the delivery of favourable variances across Customer and Localities. Corporate services achieved an underspend on its debt financing due to prudent treasury management and optimising the debt drawdown points. In addition, greater returns than budgeted from the Council's investment property portfolio have contributed to a reduced overspend.

Details of the outturn position and variances are in the main body of the report and also shown at Appendix A. Both the social services directorates are experiencing demand led pressures although it is considered the recent growth provided in the 2020/21 budgets will have addressed these issues.

Following the year-end closing process, the Council's General Fund Balance (GFB) is £9.1 million which has improved by £0.3m from last year, and also represents a prudent level above the CIPFA recommended minimum. The 2020/21 MTFP plans to restore this balance to over £10 million which is considered the appropriate level for this reserve.

Through prudent financial planning and though additional returns from the business rate pilot the Council has been able to increase its earmarked reserves to a level that will ensure the Council has sufficient capacity to cope with some of the uncertainties over future funding levels from central government.

Shortfalls in the level of the Dedicated Schools Grant funding from central government will cause a pressure for both the Council and its educational settings. Particular concern is the High Needs Block, and the Council will be carrying forward a deficit on this area, which is permitted and ringfenced. The deficit recovery plan in place focuses

on firstly establishing in-year balance to prevent the cumulative deficit from increasing annually, while also seeking to eventually reduce the overall position. Underfunding in this area by DfE is a national issue and Wokingham BC is not alone in facing a deficit.

The Council's ambitious property investment portfolio has successfully increased throughout the year, and although this is a capital programme, it is generating gross revenue income across the portfolio of 5.1 per cent return on investment.

The Council's treasury portfolio has investment balances of £123 million at year-end, generating interest returns of just under £1 million. This is invested (in order of priority) with consideration for the security of funds, the liquidity of the cash and to provide a return on investment. Thus security and liquidity outweigh the need to make a return.

BACKGROUND

General Fund

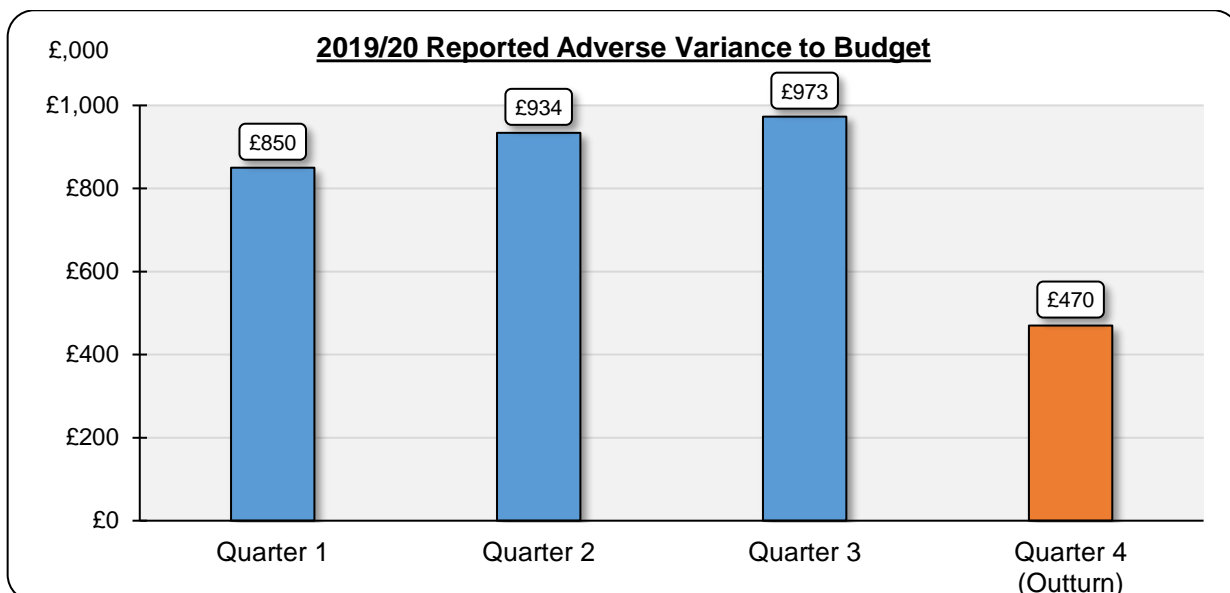
Comparing the actual spend vs the approved budget, the table below shows the outturn position for 2019/20 by Directorate. Further details are shown in Appendix A.

Directorate	2019/20 - End of Year Position		
	Approved Budget	Actual Spend	(Favourable) / Adverse Variance
	£,000	£,000	£,000
Adult Social Care	£49,994	£49,553	(£441)
Chief Executive	£6,234	£6,354	£120
Children's Services	£26,384	£28,483	£2,099
Corporate Service	£13,443	£12,609	(£834)
Customer and Localities	£28,209	£27,735	(£474)
Net Expenditure Total*	£124,264	£124,734	£470

* The figures above exclude depreciation budget and actuals; these will have no impact on the variance figure.

The end of year position represents an adverse variance of £470k on the General Fund. This will be funded from the general fund reserve. A summary of the General Fund reserve for 2019/20 is shown in Appendix C.

2019/20 has been another challenging year financially, it was recognised in quarter one, Children's Services were facing pressures on social care staffing and home to school transport. Cost pressures driven by demand have increased during the year in Children's Services however the leadership team have been successful in mitigating the extra cost pressures during the final quarter of the year. Favourable variances have been delivered across other Directorates which has helped reduced the reported position across the year. This is highlighted below in the improved financial position for outturn compared to previous reported positions.



Material areas of favourable / adverse variances include;

Adult Social Care – net favourable variance of £441k. Most of the underspend consists of one-off benefit, including backdated income from health and one-off income from Optalis. Through 2019/20 the service has enhanced the financial monitoring and control of budgets. This has contributed to the containment of the increasing cost of care and numbers of clients entering the service. Improvements made through the Adult Social Care transformation programme together with achieving savings has enabled delivery of better outcomes for clients whilst staying within the overall budget.

Chief Executives – net adverse variance of £120k. Unbudgeted one off costs due to redundancy pay and other specialist / consultancy services spend.

Children's Services – net adverse variance of £2.099m. This reflects demand led pressures in Children's social care staffing budgets (£0.8m), and significant pressures in both placements (£1.3m) and legal costs (£0.6m). In addition, the Service has experienced significant pressures on Home to School Transport budgets, particularly in relation to children and young people with special educational needs and disabilities (SEND) (£0.6m). Pressures have in part been offset through mitigating actions taken by Children's Leadership Team (£1.2m), through a combination of dragging vacancies not related to case holding social workers, slowing spend in non-statutory areas, and utilising non-recurring budget opportunities.

Significant work done during the year has continued to improve the level of scrutiny and understanding on the complex areas of pressure experienced, to ensure that the work plan underpinning the Continuous Improvement Programme is targeted at key priorities and fully exploiting opportunities for the most effective use of resources in the face of continuing demand pressures.

Corporate Services – net favourable variance of £834k due to additional income from commercial properties and savings in debt management costs due to delayed external borrowing costs. One off costs in relation to decanting tenant for Toutley site masterplan.

Customer and Localities – net favourable variance of £474k. The management team have worked in conjunction with the finance specialists to tighten up budgetary spend, delivering cost reductions where possible and increasing income targets in order to keep within overall budget. Furthermore, efficiencies have been derived from the delivery of the new waste management contract, particularly with regard to the introduction of food waste collection, and the resulting reduction in residual waste.

General Fund Balance

General Fund balances as at 31 March 2020 are £9.077m after including carry forwards of £2.734m.

During the year, the general fund balance was increased due to a one off rebate from the business rates money paid to the LEP as part of the business rate pilot scheme for 18/19 where rather than paying a Levy to central government, the Council under the pilot scheme were required to passport some of this to the LEP.

In February, 2020 the Government announced £47k of additional income for Wokingham as part of the “Levy Account Surplus” redistribution. This has also been added to the general fund balance.

The General Fund balance is held to provide a general contingency for unavoidable or unforeseen expenditure as well as providing some stability for longer term planning particularly in uncertain economic times. Professional guidance from the Chartered Institute of Public Finance and Accountancy recommends a minimum general fund reserve of 5% of net expenditure. This equates to a recommended level of £6.1m at 31st March 2020, within our current general fund balance.

The Statement of General Fund balance is shown in Appendix C.

Housing Revenue Account (HRA)

The Housing Revenue Account (HRA) had budgeted to use £962k of reserves to fund expenditure in light of the estimated rent reduction impact. Through service efficiencies on day to day running costs, a reduction in debt costs and combined with rent collection above target including previous years arrears, less voids and right to buy sales than budgeted, the HRA will require £618k of reserves to cover expenditure for 2019/20.

The HRA reserve balance as at the 31st March 2020 is £2.17m, shown in Appendix D.

Schools Block (Dedicated Schools Grant ‘DSG’)

Schools are funded through a direct grant from Central Government known as the Dedicated Schools Grant (DSG). This is used to fund individual schools through an agreed formula, costs associated with Early Years Services, support for children with Special Educational Needs & Disabilities (SEND), and to fund relevant support services. This year the Schools Block reports an in year adverse variance of £1.78m against a net income of £142.9m – this represents 1.2% of the total income. Shown in Appendix E.

The overspend on the DSG relates to ongoing pressure on the High Needs Block, in particular in relation to placements made out of borough and with independent and non-maintained special schools, although pressure for all services funded in this way

continues to grow. The number of children & young people within Wokingham with an Education Health & Care Plan (EHCP) has risen by around 45% since 2015 and continues to rise, with the proportion of those with Social, Emotional and Mental Health or Autistic Spectrum Disorder increasing beyond that seen both nationally and across South East local authorities. Demand for suitable placements has outstripped that available locally, resulting in an increasing reliance on costly independent and out of borough provision. This in turn has increased pressure on Council funded home to school transport budgets.

As at 31st March 2020, the DSG balance will be a deficit of £3.3m made up of the in year deficit of £1.78m and the brought forward deficit of £1.57m. Work continues on the deficit recovery plan around the High Needs Block, working in conjunction with partners and the Department for Education (DfE). The strategic focus remains on increasing local provision, and inclusion within all local settings.

Investment Portfolio

The authority's cash investment portfolio shows current investments of £123m being invested by the Council. This is made up of £108m invested with approved institutions (e.g. banks, building societies, councils, etc.) and £15m invested in daily money market funds.

In total, during 2019/2020, the Council received £0.98 million in interest across these investments. Additionally, during the year, the Council acquired investment properties outside of the borough funded from internal borrowing (use of long-term cash balances). This investment now totals £68m and generates an annual income yield of nearly 5.1%.

Council Wide Continuous Improvement Plan (CIP)

The Council wide continuous improvement plan has been established to capture the various improvement workstreams under the governance of Joint Board. CIP currently covers Adult Social Care improvement board, Children Services (including High Needs Block) improvement board and business services. The Executive are asked to note the following updates.

Adult Social Care Continuous Improvement Programme

The Adult Social Care continuous improvement programme has successfully delivered its efficiency targets and a number of key development projects for 2019/20.

These projects include: -

- Establishing the Adult Safeguarding Hub
- Transitions staff and services transferred safely from Children's Services
- Delivery of the ASC, Learning Disability and Voluntary Sector strategies
- Successful transfer of the Brokerage and Support function back from Optalis

We will build on this foundation and continue the transformation journey with Impower on our wider transformation of Adult Social Care in 20/21 once the COVID-19 situation has stabilised.

Children's Services Continuous Improvement Programme

A Children's Services Continuous Improvement Programme, across both social care and education, is working in conjunction with the wider Council Transformation Programme to take forward identified opportunities for aligning strategic priorities within available resources.

As part of this, a multi-year plan supporting action on the High Needs Block deficit is being developed and will inform the deficit recovery plan reporting required by the Department for Education by the summer.

The improvement board follows the corporate principles of good governance, assurance and a focus on finance and commissioning.

Other Continuous Improvement Programme Work

The business change team have also created and are delivering a programme of improvements across Business Services to focus on key areas of improvement, targeted at supporting our workforces to self-serve, becoming more efficient and enhancing the customer experience.

The team also delivered a programme of improvement across Customer and Localities to support the new Directorate to embed the changes delivered as part of the 21st Council programme.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £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)	General Fund - £124.7m	Yes	Revenue
Next Financial Year (Year 2)	As per MTFP	Yes	Revenue
Following Financial Year (Year 3)	As per MTFP	Yes	Revenue

Other Financial Information

Effective monitoring of budgets is an essential element of providing cost effective services and enables any corrective action to be undertaken, if required. Many of the budgets are activity driven and can be volatile in nature.

Stakeholder Considerations and Consultation

None

Public Sector Equality Duty
Public Sector Equality is considered during the business cases before spend is committed.

Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i>
No impact

List of Background Papers
Appendix A – Revenue summary Appendix B – List of carry forwards Appendix C – General fund balance Appendix D – HRA summary Appendix E – Schools block summary

Contact Mark Thompson	Service Business Services
Telephone Tel: 0118 974 6555	Email mark.thompson@wokingham.gov.uk

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REVENUE MONITORING REPORT Outturn 2020

GENERAL FUND SUMMARY

Directorate	End of Year Position					Comment on major areas of estimated over / (underspend)
	Current Approved Budget	Actuals	Overspend / (Underspend) before Carry Forwards	Carry Forwards	Overspend / (Underspend) after Carry Forwards	
	Note 1 £,000	£,000	£,000	Note 2 £,000	£,000	
Corporate Services	13,443	10,895	(2,548)	1,714	(834)	Favourable variances due additional income from commercial properties and savings in debt management costs due to delayed external borrowing costs. One off costs in relation to decanting tenant for Toutley site masterplan.
Chief Executive	6,234	6,354	120	0	120	One off redundancy costs and commercialisation strategy costs.
Children's Services	26,384	28,483	2,099	0	2,099	The outturn position for Children's Services is in line with that anticipated. Significant pressures in complex placements for children in care; higher than budgeted frontline staffing costs to meet levels of demand, and the corresponding use of agency staff; pressures stemming from the number and complexity of cases going through the legal system; and home to school transport for those children and young people with SEND.
Adult Social Care	49,994	49,173	(821)	380	(441)	Adult Social Care report a favourable variance of £441k. The majority of this is made up of one-off benefit, including backdated income from health and one-off income from Optalis.
Customer and Localities Services	28,209	27,094	(1,115)	640	(474)	The overall underspend reflects favourable variances from overachievement of garden waste income, wedding income and efficiencies in cost of collection and court awards for business rates and council tax. These were offset by significant pressures in loss of income in car parking and Country Services and higher than anticipated costs relating to reactive maintenance.
Revenue Expenditure Total	124,263	121,999	(2,264)	2,734	470	

Notes

Note 1 - Depreciation budgets have been removed whilst final charges are calculated. Budgets will be adjusted to match actuals. No impact on overspend / (underspend) position.

Note 2 - Carry forwards subject to approval at May Exec.

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GENERAL FUND SUMMARY - 2019/20 CARRY FORWARDS

Directorate	Budget Description	Reason for Carry Forward	Amount £
Adult Social Care	Service Improvement Projects	Specific programmes, funded from one off special item funding were delayed and will require funding into 20/21 financial year. The will assist the conclusion of our strategy work, improving our information network and development of process within commissioning to support the service.	£380,000
Adult Social Care Total			£380,000
Corporate Services	Continuous Improvement Programme (CIP)	Resources required to continue and deliver CIP programme.	£886,590
	Local Plan	The programme for the Local Plan Update was been revised to accommodate an additional stage of engagement and evidence. The spend envisaged in individual years when the project was established has not therefore occurred and budget will be needed for future costs.	£614,091
	Joint Central and Eastern Berkshire Minerals and Waste Plan	The programme for the Joint Central and East Berkshire Minerals and Waste Local Plan has been revised to accommodate additional stages of engagement and evidence. The spend envisaged in individual years when the project was established has not therefore occurred.	£213,398
Corporate Services Total			£1,714,079
Customer and Localities Services	Development Management	Remainder of supplementary estimate funding agreed by Executive in Oct '19. In relation to increased pressure for legal support and additional workload from planning appeals. Inquires due to take place in 20/21.	£416,000
	Traffic Congestion	Remainder of supplementary estimate funding agreed by Executive in Feb '20. Preparatory works to address traffic congestion within the borough.	£144,360
	Asset Management	Specific works related to design and delivery of works related to asset management and housing department, work underway but to continue in 20/21.	£59,960
	Highways	Site work due in March delayed due to Covid 19.	£20,000
Customer and Localities Services Total			£640,320
2019/20 Carry Forward Requests Total			£2,734,399

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Estimated General Fund Balance - 31st March '20

Note	£,000	£,000
General Fund Balance (as at 31/3/2019)		(£8,828)
Budgeted contributions to general fund	(£3,351)	
Feb'20 - Levy Account Surplus Grant	(£47)	
18/19 rebate on NNDR LEP payments	(£400)	
		(£3,799)
<u>Supplementary Estimates</u>		
1 New assistant director for Highways and Transport (Jul'19 Exec)	£70	
One off costs for interim assistant director for Education (Jul'19 Exec)	£75	
Future housing consultation (May'19 Exec)	£80	
Planning appeal consultancy costs (Oct'19 Exec)	£630	
Congestion project (Feb'20 Exec)	£180	
		£1,035
<u>Carry Forwards from 2018/19</u>		
Adult Social Care	£300	
Chief Executive	£724	
Children's Services	£0	
Corporate Services	£891	
Customer and Localities Services	£129	
		£2,044
<u>Service Variance (excluding 20/21 carry forwards requests)</u>		
Adult Social Care	(£821)	
Chief Executive	£120	
Children's Services	£2,099	
Corporate Services	(£2,548)	
Customer and Localities Services	(£1,114)	
		(£2,264)
Estimated General Fund Balance 31/3/2020		(£11,812)

20/21 Carry Forward requests

£2,734

General Fund Balance 31/3/2020 - After Carry Forward**(£9,077)**

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HOUSING REVENUE ACCOUNT Outturn 2020

Director: S Hollamby
Lead Member, Housing Services: John Kaiser

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		Year End Position			Details of Year End Variance
Service		Budget £,000	Actuals £,000	Variance £,000	
Rents	Expenditure	250	268	18	Rent collection above target including previous years arrears, less voids and less right to buy sales than budgeted.
	Income	(13,872)	(14,106)	(234)	
	Net	(13,622)	(13,838)	(217)	
Fees & Charges / Capital Finance Charges	Expenditure	97	105	8	
	Income	(125)	(113)	12	
	Net	(28)	(8)	20	
Housing Repairs	Expenditure	3,056	3,153	97	
	Income	(30)	(120)	(90)	
	Net	3,026	3,032	6	
General Management	Expenditure	943	750	(193)	Favourable variance on general management due to efficiencies on project costs, procurement of insurance and salary savings managed through staff vacancies.
	Income	(31)	(3)	29	
	Net	912	747	(165)	
Sheltered Accommodation	Expenditure	267	293	26	
	Income	(409)	(452)	(43)	
	Net	(142)	(159)	(17)	
Capital Finance	Expenditure	5,476	5,479	3	One off savings made through reduced debt costs offset by revenue contribution to capital to cover capital spend pressures on Gorse Ride.
	Income	(59)	(34)	25	
	Net	5,417	5,445	28	
Subtotal Excluding Internal and Capital Charges		(4,436)	(4,781)	(344)	
Internal and Capital Charges		4,436	4,436	0	
Total		0	(344)	(344)	

Housing Revenue Account Reserve		£,000	£,000
HRA reserves as at 31st March 2019			(2,783)
- Planned Spend		962	
- Net Variance (Total)		(344)	
2019/20 - Net Spend against reserves			618
HRA reserves as at 31st March 2020			(2,165)

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REVENUE MONITORING REPORT Outturn 2020

SCHOOLS BLOCK MONITORING REPORT

	End of Year Position			Comment on major areas of estimated over / (underspend)
	Current Approved Budget	Actuals	Variance	
	£000	£000	£000	
Schools Block including academies (excluding De-delegation)	102,109	102,137	28	Small variance due to academy recoupment.
Early years	10,235	10,611	376	Additional EY payments, reflecting increased block allocation as below.
High needs block	18,861	20,688	1,827	Recovery plan submitted to the DfE, action plan being delivered in conjunction with SEND improvements. Mainly independent special schools and top ups due to increases in the number of children, not matched by increasing grant.
Central Schools Services Block (includes Growth Fund)	1,746	1,746	0	No material variance identified.
De-delegation	1,313	1,278	(35)	Small variance due to academy recoupment.
Other schools grant	7,204	8,271	1,067	Additional expenditure as a result of additional grant income.
Total Expenditure	141,468	144,731	3,263	
Dedicated School Grant (DSG)	(134,264)	(134,676)	(412)	Additional EY block grant, reflecting updated census info.
Other school Grants	(7,204)	(8,271)	(1,067)	New Pension Grant to fund the increase in Teacher's pension contribution from approx. 16% to 23% from Sept 19.
Total Income	(141,469)	(142,947)	(1,478)	
Total in-year (surplus) / deficit	0	1,784	1,784	
Brought Forward (surplus) / deficit balance	0	1,572	1,572	Deficit brought forward from previous years
Total Year End (Surplus) / Deficit	0	3,356	3,356	

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TITLE	Capital Outturn 2019/2020
FOR CONSIDERATION BY	The Executive on Thursday, 28 May 2020
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To inform members of the capital programme outturn for 2019/2020, seek approval for the relevant budget carry forwards and demonstrate effective and safe use of our resources to deliver service improvements and service continuity through capital investments

RECOMMENDATION

That the Executive is asked to:

- 1) note the Quarter 4 adjustments to the capital programme being the release of budgets in 2020/21, into the 2019/20 capital programme, to cover projects expenditure acceleration ahead of the original profile for:-

£198k Winnersh Triangle Parkway

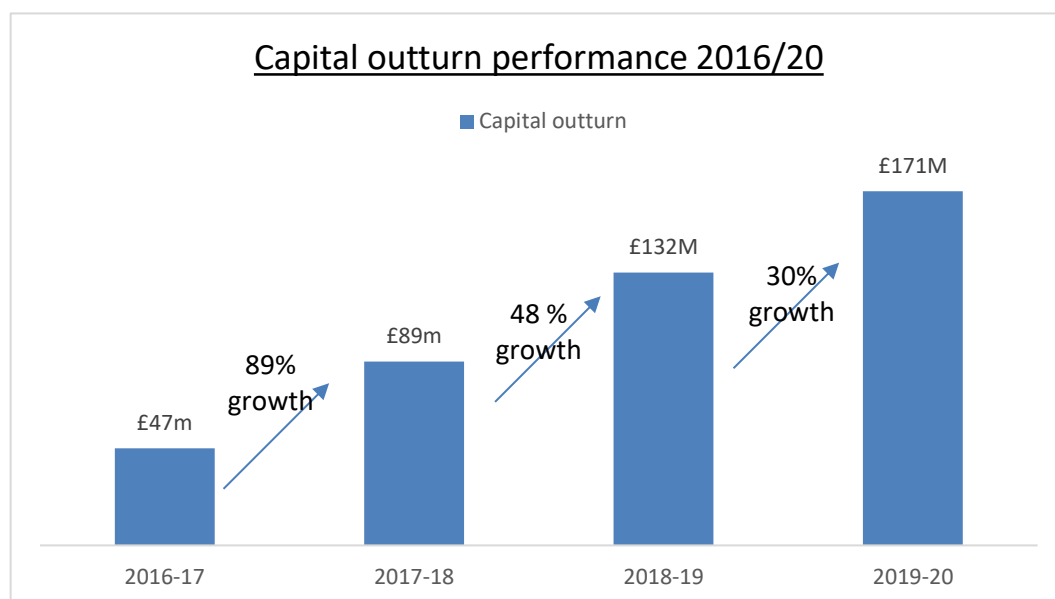
£180k Dinton Activity Centre
- 2) note that the funding of the Foundry (Pupil Referral Unit) will be utilising S106 and CIL contributions up to the value of £892k originally allocated to general Special Education Needs (SEN) projects;
- 3) note the 2019/2020 Capital Outturn, as set out in Appendix A to the report;
- 4) approve the re-profiling of budgets into future financial years, as set out in Appendix B to the report.

EXECUTIVE SUMMARY

In 2019-20 the Council, against a working budget of £230.5 million, made a total capital investment in services of £171.3 million representing a spend of 74%.

Original capital budget	£323.4 m
Less re-profiles in year	<u>£(92.9) m</u>
Working capital budget	£230.5 m
2019-20 expenditure	£(171.3) m
Re-profiling (Carry forwards)	<u>£(59.1) m</u>
Net Underspend	£(0.1) m

The Council continues to deliver more capital investment than in any other year in the Council's history. 2019/2020 expenditure of £171.3m represents an increase of £39 million from 2018/2019 expenditure, which is a 30% year-on-year increase.



BACKGROUND

Expenditure

During 2019-20 the council has continued to deliver its ambitious capital programme, which has enabled the council to meet its key priorities, these are:-

- Affordable Housing
- Clean, green and enjoyable spaces
- Economic prosperity
- Encouraging physical and mental wellbeing
- Ensuring opportunity for all children
- Promoting quality of life for vulnerable adults
- Provide affordable homes;
- Sustainable towns and parishes
- Traffic congestion

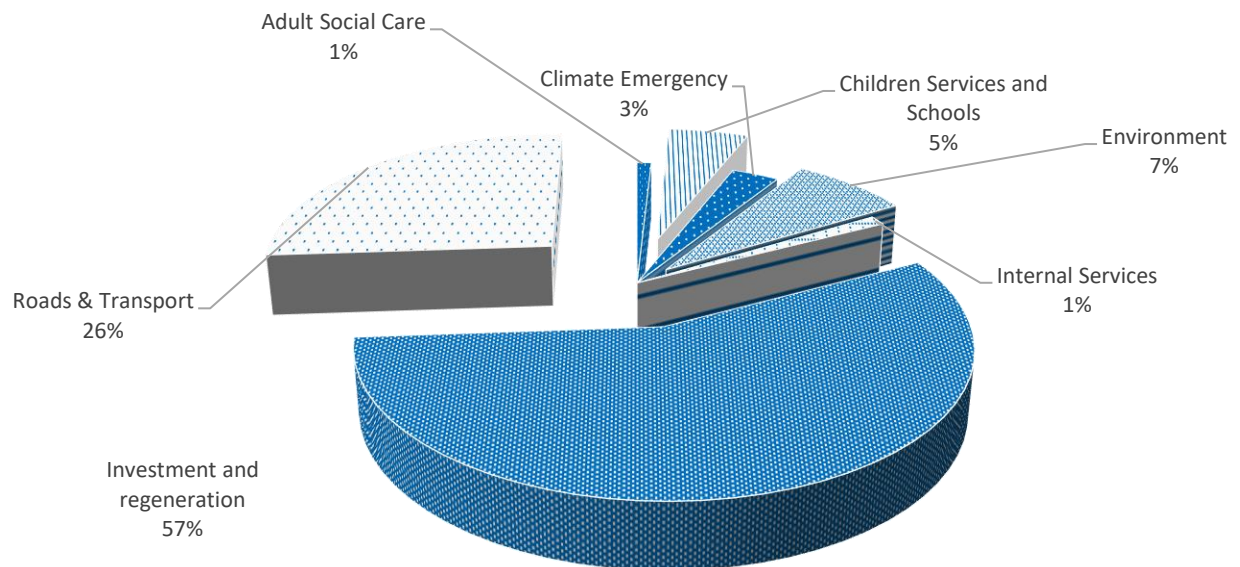
(as reported in the MTFP, Capital Programme 2019/20 and Prudential Indicators)

The main areas of capital project expenditure are:

Asset Types	Expenditure 2019/20 £'000	Performance* %
Roads and Highways	40,894	73%
Investment Properties	43,116	86%
Residential Real Estate	25,678	68%
Town Centre Regeneration	27,375	87%
School	7,366	48%
Leisure Facilities	11,205	88%
Non-Residential Real Estate	4,085	49%
Plant and Equipment	3,973	50%
Information Technology	3,475	75%
Bridges	2,782	71%
Sport / Play Area	1,056	56%
Street Furniture including Street Lighting	250	49%
Furniture, Fixtures and Equipment	47	23%
Land	20	44%
Total	171,320	74%

* Performance being measured as the expenditure in year as a percentage of the Working budget.

Asset Investment by Medium Term Financial Plan category 2019/20

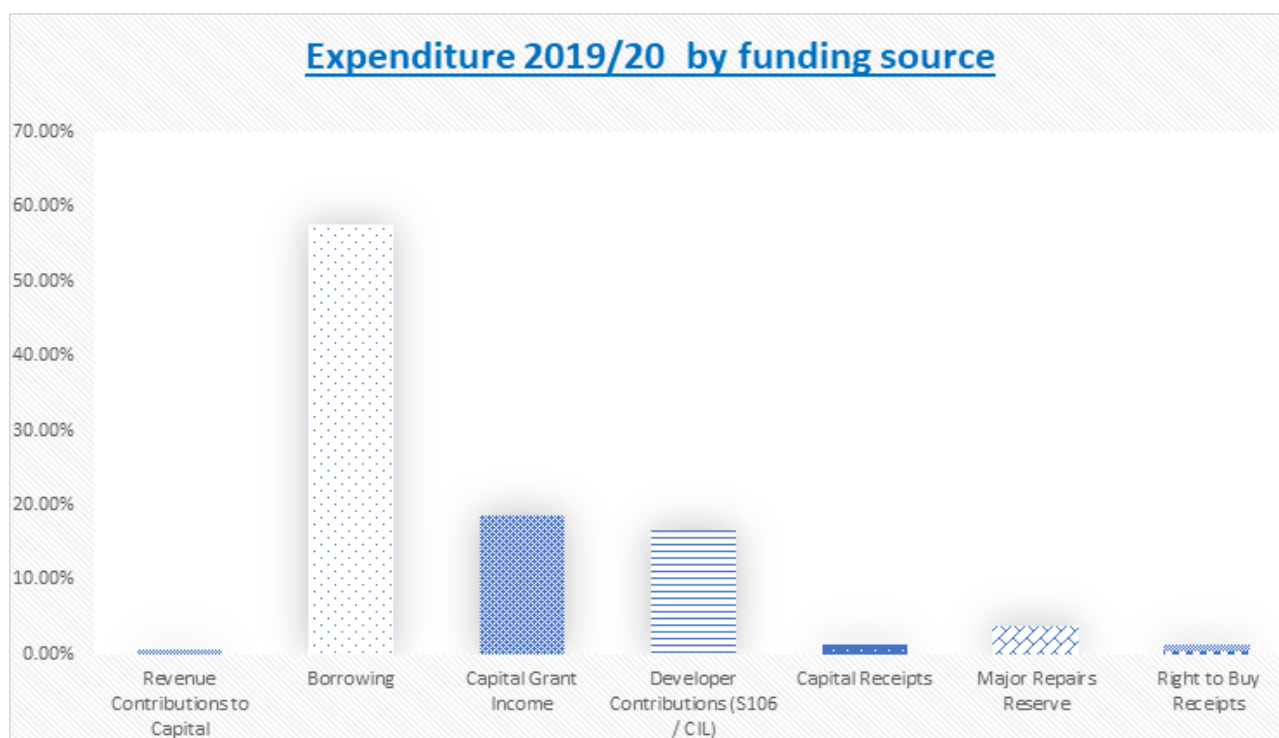


Further detail on can be found in appendix A

How the capital programme is funded?

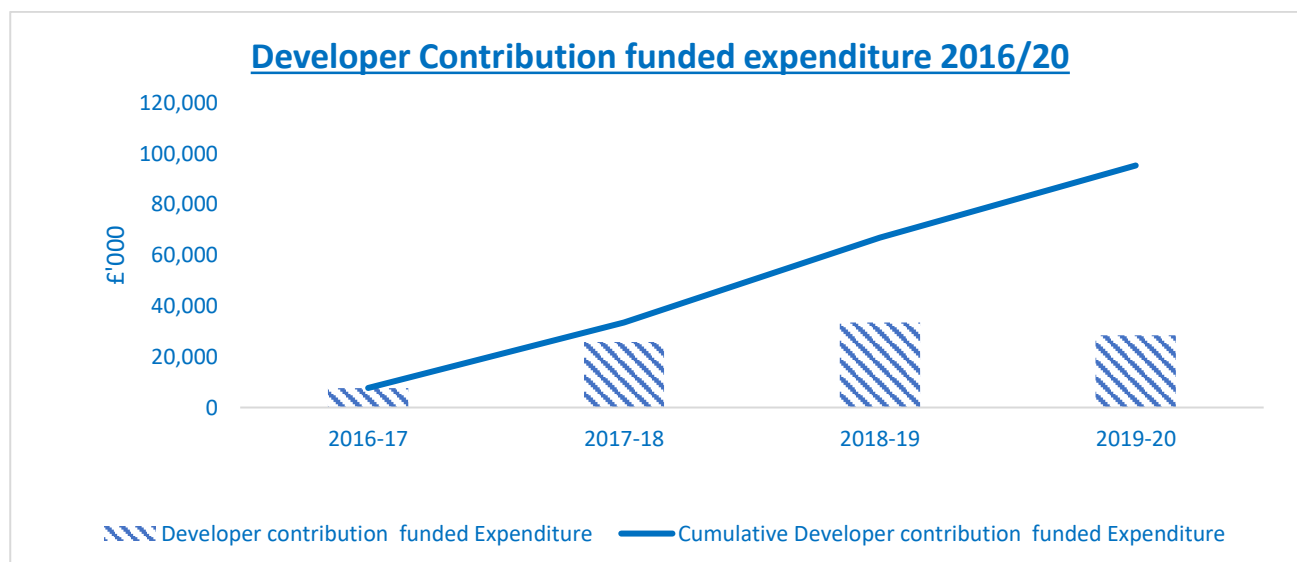
The Council funds its capital expenditure from government grants, developer contributions, capital receipts and borrowing.

It is a key requirement that all capital expenditure needs to be funded. Availability of resources to fund this expenditure continues to be in short supply and (as with expenditure) it is essential that these resources are recorded, monitored and allocated to achieve best value for the council and its local tax payers. This includes maximising the use of developer contributions and capital grant funding to reduce the need to borrow, and thus the cost of such borrowing, which will fall upon the local taxation requirement. All borrowing is sustainable, prudent and affordable.



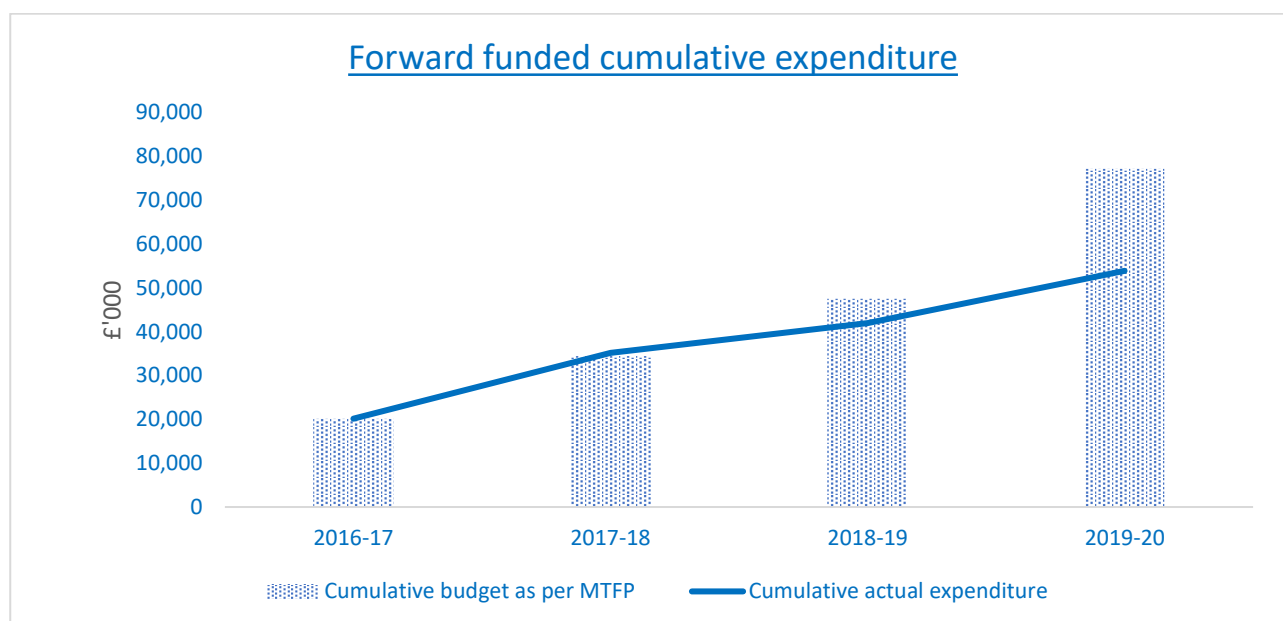
The Council seeks to maximise the use of developer contributions from Community Infrastructure Levy (CIL) and 'planning gain' (s.106) arrangements to fund capital projects. Developer contributions continue to be an important source of funding for the capital programme and will do going forward. These contributions are needed to fund infrastructure created by new development in the borough.

The amounts applied against the programme over the last three years are shown below:-



Developer contributions have been used to fund in year project and to repay forward funded schemes where internal reserves were used to bring forward infrastructure (e.g. strategic roads, schools, etc.) to facilitate growth and development in the borough in advance of contributions to be received from developer. This is demonstrated in the graph below where actual borrowing significantly less than the MTFP budget. This is due to more

funding being allocated to fund projects through good financial management, this has led to savings in borrowing costs reported in the revenue outturn report.



Performance

Complex capital build budgets that span a number of years can be difficult to profile accurately and in order to ensure smooth delivery of projects, profiles are generally weighted towards the fastest possible delivery timeline; in practice, these are not always achievable. Appendix B is a list of those schemes which require agreement from the Executive to be re-profiled into future years. It should be noted that the budget for these schemes has already been approved at full Council, and it is the movement of budget between years that is being agreed. Those schemes to which the Council is already contractually committed and/or those for which the majority of funding is by ring-fenced or returnable grant or contributions are automatically carried forward of £102 million as per the Council's finance regulations.

For 2019/20, there was an under spend of £0.1 million, due mostly to the following items (all in Customers and Localities):-

General Fund:-

Underspends:-

- £(257)k Northern Relief Road (Bell Foundry Lane) due to lower than budgeted management fees and contingency costs

Overspends:-

- 267k Housing Repairs to vacant premises (Tenant Services) - Due to large and sustained increase in activity mostly due to Gorse Ride South redevelopment (HRA funded),
- 61k California Country Park, Car park & Infrastructure - drainage and additional volumes of excavation work above original plan,

Housing Revenue Account:-

Underspends –

- £(97)k reduced requirement for Gorse Ride tenant's compensation scheme payments

The unused funding resource will be returned to capital reserves and then recycled to support new projects in future years (subject to Council approval) or used to reduce the underlying need to borrow

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £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)	£171.3 m	Yes	Capital
Next Financial Year (Year 2)	As per MTFP	Yes	Capital
Following Financial Year (Year 3)	As per MTFP	Yes	Capital

Other Financial Information

Robust monitoring is carried out on a monthly basis and reported to CLT. Quarterly monitoring reports are also reported to the Executive

Stakeholder Considerations and Consultation

None

Public Sector Equality Duty

An Equality Impact Assessment is not required for this item

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

None

List of Background Papers

Appendix A- Capital outturn report
Appendix B- Approval of re-profile of budgets into 2020/2021.

Contact James Sandford	Service Business Services
Telephone Tel: 0118 974 6577	Email james.sandford@wokingham.gov.uk

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Capital Outturn 2019/20



WOKINGHAM
BOROUGH COUNCIL

Contents

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1	Capital Budget	2
2	Capital Investments in the borough	2
2.1	Capital Investments by asset type	4
3	Funding	5
3.1	Forward funding planning	5
4	Performance	6

Appendices

Appendix B Carry forwards

Appendix C adjustments to the capital programme

1 Capital Budget

In February 2019, the Council approved the Capital Programme of £237.2m for 2019/20. During 2019-20 a further £86.2m was added to the programme through a mixture of carry forwards from 2018/19 and in year additions.

During the year, officers' profile a working (deliverable) budget. As of 31 March 2020, the working budget was set at £230.5m; this is the budget that the Council monitors to and records against. The surplus above the working budget is reprofiled to later years and agreed by Executive.

2 Capital Investments in the borough

During 2019-20 the council has invested in the following key areas:

MTFP category	Expenditure 2019/20 £'000
Investment and Regeneration	96,759
Roads & Transport	44,726
Environment	12,719
Children Services and Schools	8,770
Climate Emergency	5,026
Internal Services	1,803
Adult Social Care	1,517
Total	171,320



The following table is a breakdown of each MTFP category

Investment and regeneration

Delivering sustainability, a strong, robust and successful economy that stimulates opportunities for all who work and live in

Income generation	43,238
Regeneration of towns	27,374
Housing delivery	26,142
New facilities	5
Total	96,759

Roads & Transport

Continuous investment in highways infrastructure to meet the needs of current and future users of the network

Roads & Transport

New roads	31,876
Improvement to existing roads /facilities	7,731
Service improvements	5,061
Road Improvements	58
Total	44,726

Environment

Investment and enhancement of facilities across the borough benefiting communities and resident's wellbeing

Environment

New facilities	10,867
Improvement to existing facilities	1,846
Service Improvements	6
Total	12,719

Children Services and Schools

Dedicated in providing services and schools which ensure all children have the opportunity to achieve their goals potential

Children Services and Schools

New facilities	5,625
Improvement to existing facilities	2,175
Service improvements	970
Total	8,770

Climate Emergency

Commitment to reduce carbon emissions and working towards becoming a carbon neutral Council

Climate Emergency

Alternative transport	4,188
Co2 reduction	596
Clean energy generation	242
Total	5,026

Internal Services

Investment in Council assets and technology to continue to support all Council services and priorities

Internal Services

New facilities	47
Improvement to existing facilities	549
Service improvements	1,207
Total	1,803

Adult Social Care

An effective, high-quality care and support service to providing a quality of life which residents deserve

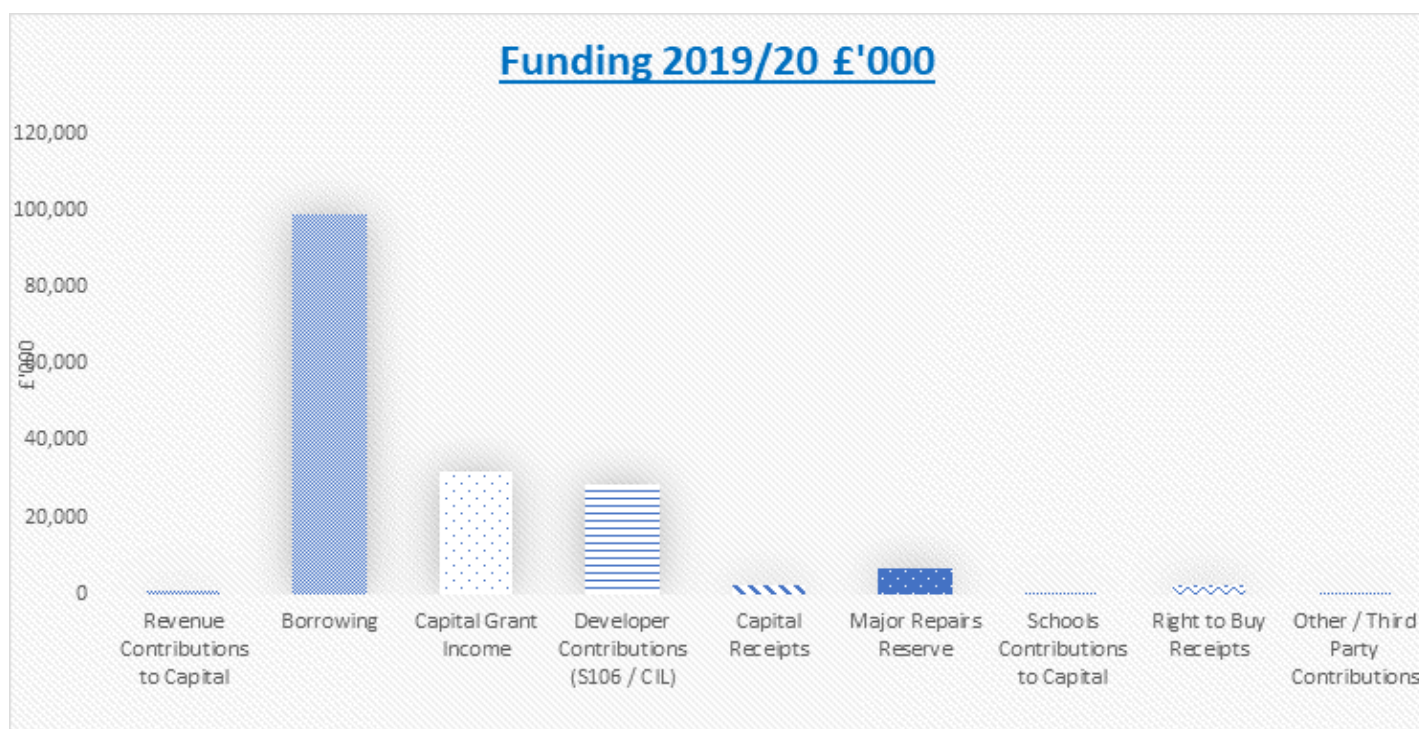
Adult Social Care

Improvement to existing facilities	651
Service improvements	866
Total	1,517

2.1 Capital Investments by asset type

MTFP category	Budget 2019/20 £'000	Expenditure 2019/20 £'000
Roads and Highways	55,903	40,892
Investment Properties	49,954	43,116
Residential Real Estate	37,661	25,678
Town Centre Regeneration	31,413	27,375
School	15,295	7,366
Leisure Facilities	12,691	11,205
Non-Residential Real Estate	8,421	4,085
Plant and Equipment	7,934	3,973
Information Technology	4,620	3,475
Bridges	3,918	2,782
Sport / Play Area	1,901	1,056
Street Furniture including Street Lighting	512	250
Furniture, Fixtures and Equipment	199	47
Land	45	20
Total	230,467	171,320

3 Funding

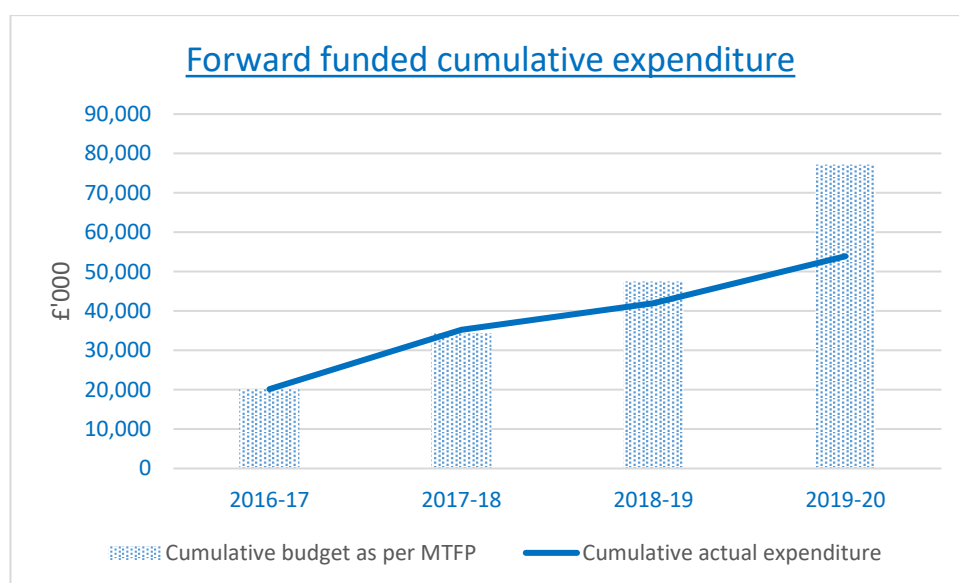


The capital expenditure is 2019/20 of £171.3m, is funded as per the table above.

3.1 Forward funding

To progress with the required infrastructure in the Borough, the council has forward funded some capital projects using borrowing, these will be replaced with developer contributions received in future years.

The council in recent years has planned to fund several large infrastructure schemes with borrowing. As the following graph shows the actual borrowing was less than originally forecast, this is due to developer contributions replacing borrowing once received. The council budgeted to spend £78m from 2016 to 2020, currently actual borrowing for forward funded schemes is only £52m.



4 Performance

Complex capital build budgets that span a number of years can be difficult to profile accurately and in order to ensure smooth delivery of projects, profiles are generally weighted towards the fastest possible delivery timeline; in practice, these are not always achievable. This budget is then re-profiled into future years, and often later expenditure also slips back to match the expected project delivery timescales.

2019/20 Capital investments has increased by 30% to £171m from 2018/19 outturn

Creation of the working budget is broken down below:

Budget timeline

£237.2m February 2019 MTFP approved budget.

£80.3m 18-19 approved carry forwards

£5.9m net movement (additional budget added) during 19-20

(£93.0m) re-phasing of capital budgets to future years

Total working budget for 19-20 of £230.5m

	Budget 2019/20 £'000	re-phasing of capital budgets to future years £'000	Working Budget 2019/20 £'000
Corporate Services	152,269	(51,027)	101,242
Customer Localities	136,913	(24,993)	111,920
Children's Services	32,330	(16,408)	15,922
Adult Social Care & Health	1,918	(535)	1,383
Total	323,430	(92,963)	230,467

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The executive are asked to approve the reprofiling of uncommitted capital projects at year end 31.03.2020 into the 2020/2021 Capital Programme, (It should be noted that the budget for these schemes has already been approved at full Council, and it is the movement of budgets between years that is being agreed). The full list is as follows below:

<u>work order</u>	<u>Scheme</u>	<u>£'000</u>
P1821-100/ C2710-109	Strategic Property and Commercial Assets	28,297
P1831-100	GCN District Level Licence	4,800
P1732-100	Town Centre Regeneration - Strategic Acquisition Sites	4,714
P1604-100	Basic Needs Primary Programme	2,977
C2433-102	Peach Place New Development - Incentives	893
C2877-100	Temporary Accommodation Improvement Works at Grovelands Park (Non HRA assets)	875
P1790-100	Denmark Street Environmental Improvements	801
P1723-100	Highway Infrastructure Flood Alleviation Schemes	750
C2897-100	Bulmershe Campus Access Improvement Works	735
P1791-100	Wokingham Town Centre Regeneration Environmental Improvements	380
P1504-100	Day service provision for the physically disabled	335
C2759-116	Gorse Ride Affordable Housing phase 2 - 9 Dart Close	325
P1503-100	Extra Care/Enhanced Sheltered Housing	250
P1857-100	Older People's Dementia Home	250
P1786-100	Library Offer	237
P1842-100	Wescott Resource Base Expansion	225
P1600-100	Commercial Portfolio - Improvement to WBC Commercial Properties	203
P1766-102	Primary strategy - Spencer's Wood Primary School Furniture Fixtures & Equipment	200
P1756-100	Southfield School Expansion	200
P1603-100	Schools Access	183
P1775-100	Connected Care	181
P1629-100	Safety / Crash Barriers	175
C2829-100	Eversley Road/Church Lane	172
P1850-100	Feasibility Case for Developing New Crematorium	160
P1781-100	Primary strategy - Highwood Primary School	134
C3043-100	Children with Disabilities - Equipment	116
P1779-101	Primary strategy - Beechwood Primary School Furniture Fixtures & Equipment	110
P1826-100	Gypsy, Roma, Traveller (GRT) Additional Pitches	100
C2559-100	Replacement for day services for adults	99
C2869-100	Connected Care	96
C2924-100	Assistive Technology & Manual Handling Equipment	94
P1781-101	Primary strategy - Highwood Primary School Furniture Fixtures & Equipment	87
C2710-100	Investment Fund - General project costs	85

P1597-100	Strategic Capital Reserve	81
C2616-100	Commercial Portfolio - Toutley Depot	66
C2879-100	Environmental Improvement Works at Carters Hill	63
P1827-100	Gorse Ride Regeneration Project Management	60
C2950-100	Re-organisation of the Shared Public Protection Partnership	55
P1625-100	Traffic Signal Upgrade Programme	49
C2834-100	Shute End Accommodation Moves & Refurbishment	45
P1780-100	Primary strategy - Loddon Primary School	39
P1793-100	Health & Wellbeing urgent maintenance & refurbishment	36
C2978-100	Children in Care Website Upgrade	30
C2976-100	Special Educational Needs Website Development	30
C2999-101	Wellington Road Demolition	30
C3018-100	Shute End Cycle Shelter	25
P1692-100	Bridge Strengthening	22
C2893-100	Addington School - Review fire strategy for evacuation lifts and sprinkler system, provide backup power supply as required	20
C2747-100	Emmbrook Junior - Electrical supply upgrade	20
C2561-100	Suffolk Lodge - Structural Improvements	17
C2807-100	Basingstoke Rd Cameras & Traffic Infrastructure Equipment	15
C2941-100	Healthy Pupil Capital Fund 19/20 - Lambs Lane School	13
C3037-100	New Kiosk in Shute End main reception	11
P1864-100	Microasphalt fund	10
P1605-100	Schools Urgent Maintenance	10
P1853-100	Communications and Engagement	10
C3035-100	Resilience, emergency planning equipment & storage	10
C2717-100	Westende Junior - Replacement Boiler and Radiators	10
C3020-100	Wokingham Youth & Community Centre - Height Barrier installation	10
C2940-100	Healthy Pupil Capital Fund 19/20 - Gorse Ride Infants School	10
C3028-100	Hawthorns Primary School Meals Kitchen – Project	10
C2662-100	School Fencing Upgrades - Various locations	7
C2633-100	Westende Junior - Drainage works	6
P1606-100	School Kitchens	6
C2535-100	Wescott Infant - Roof improvements - skylight & valleys, gutter outlets	3
C2322-100	Wokingham Town Centre Environmental Improvements (Highways Works) Phase 1 Town Square	2
C2725-100	Hawkedon Primary School - School roofing	2
C2955-100	Loddon Valley Leisure Centre - New Bleacher Seating	2
C2577-100	Live Well Rehab Gym - Equipment	1
	REQUEST TO APPROVE CARRY FORWARDS - TOTAL	50,077

TITLE	Transfer of Land to the Council for Coppid Beech Park and Ride
FOR CONSIDERATION BY	The Executive on Thursday, 28 May 2020
WARD	Norreys;
LEAD OFFICER	Director, Place and Growth - Sarah Hollamby
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The proposed Park and Ride site at Coppid Beech contributes to the Council's Climate Emergency agenda through a reduction of carbon emissions through reducing total mileage driven in private cars.

The Coppid Beech Park and Ride is located on land west of the A329(M) and allocated within the North Wokingham Strategic Development Location (NWSDL) Keephatch Beech development and was reserved in the Planning Permission for the Keephatch housing sites.

This paper is required to ensure that the Executive makes the necessary resolution as per the S106 agreement for the development of the park and ride to take place in order to transfer the Land into Council Ownership.

RECOMMENDATION

That the Executive resolves to procure provision of the Coppid Beech Park and Ride site. This will enable the transfer of land from the land owner in accordance with the Outline Application s106 agreement in relation to development at land at Keephatch Beech, Wokingham.

EXECUTIVE SUMMARY

This proposed Park and Ride site contributes to the Council's Climate Emergency agenda through a reduction of carbon emissions through reducing total mileage driven in private cars.

The Coppid Beech Park and Ride is located on land west of the A329(M) and allocated within the North Wokingham Strategic Development Location (NWSDL) Keephatch Beech development and was reserved in the Planning Permission for the Keephatch housing sites. The scheme will provide around 250 car parking spaces and provide an alternative travel choice along the A329 corridor (in particular to Wokingham and Bracknell) to reduce the congestion experienced along the corridor and in the town centres during peak hours. There are currently also plans being investigated to run a new bus service through the South Wokingham SDL terminating at the new Park and Ride site.

There will also be potential in future to provide a shuttle bus from the park and ride site to Twyford Station, to provide a connection to planned enhanced rail services from that station, though this currently remains a long-term aspiration.

The site is currently under the ownership of the developers. This will only be transferred to WBC if a Park and Ride site is constructed as per the S106 agreement for the development; this agreement requires that:

“...the Council first makes a resolution (or such other determination as may be appropriate) through its Executive (or such other decision maker or decision making body as may be appropriate) that it will procure provision of the Coppid Beech Park and Ride and notifies Ashdale Land and Property Company Limited or its successor in title...”

BACKGROUND

The Coppid Beech Park and Ride scheme has been identified by WBC as a measure to help reduce congestion and manage climate emergency impacts and congestion on the A329 corridor. The Park and Ride has been a long term objective of the Council and is set out as a policy objective within the Core Strategy, North Wokingham SDL Supplementary Planning Documents and the Local Transport Plan 3.

The objectives of the scheme are:

- To support the forecast housing growth of 13,000 units by 2026 in Wokingham Borough;
- To reduce congestion on the A329 corridor;
- To encourage car drivers to access Wokingham, Reading and Bracknell town centres using public transport;
- Climate change mitigation as part of the wider programme; and
- To support other Park and Rides.

Outline planning permission (O/2014/24305 refers) was granted in November 2014, which reserves land for the provision of a Park and Ride at the area of Keephatch Beech Land, London Road. Securing the land for the Park and Ride was one of key objectives of the Keephatch planning consent. The land has therefore effectively been “gifted” to Wokingham Borough Council at zero cost to the council as long as it is used as a park and ride site. If this doesn’t go ahead, the land ownership would revert to the developer so an opportunity of securing park and ride land for free would be lost and this might later lead to future building on the site by the developer. S106 commitments from developers of the surrounding sites will fund much of the project.

The scheme is funded by the Local Growth Fund which has been allocated by the Thames Valley Berkshire LEP (£2.4M) and by S106 contributions (£652k).

The Outline Application S106 agreement for development at land at Keephatch Beech is included as an attachment; this details the procedure for the land transfer (page 28).

BUSINESS CASE

Coppid Beech Park and Ride is a project which has been a long term commitment of the council and the land for the site is set aside in the S106 agreement for use for this purpose only.

The Thames Valley Berkshire LEP has approved the funding through the Local Growth Fund and the remaining funding is available from S106 contributions and the scheme is already included in the MTFP for this financial year. In order to progress, all that is required is approval to proceed with the S106 agreement by agreeing that it will procure provision of the Park and Ride site in order for the developer to transfer the land to Wokingham Borough Council ownership.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £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	Yes	
Next Financial Year (Year 2)	nil	Yes	
Following Financial Year (Year 3)	nil	Yes	

Other Financial Information

The transfer of the land will not have any implications in terms of capital or revenue. The Thames Valley Berkshire LEP has approved £2.4M funding through the Local Growth Fund and the remaining funding (£652k) is available from S106 contributions. The scheme is included in the MTFP for 2019/20 (when design and investigations commenced) and 2020/21.

Stakeholder Considerations and Consultation

Stakeholders have been consulted through the Local Plan/Core Strategy and Planning processes for the development and will be further consulted when planning permission for the park and ride site is sought.

Public Sector Equality Duty

This is not applicable to the transfer of the land. However, as the Park and Ride site design is developed due regard will be given to the Equality Act to ensure that there are protected characteristics are considered in the final layout including particularly provision of disabled bays and accessibility to the bus stops and services.

Climate Emergency – ***This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

The project supports the climate emergency by reducing the number of vehicles making trips into the Town Centres.

List of Background Papers

Appendix 1 - Outline Application S106 agreement for development at land at Keeppatch Beech (*Due to the size of this document it is not included in the agenda but is available on the Council's website or on request from Democratic Services*)

Contact Robert Curtis	Service Place
Telephone Tel: 0118 974 6489	Email robert.curtis@wokingham.gov.uk

TITLE	Small Business Discretionary Payment
FOR CONSIDERATION BY	The Executive on Thursday, 28 May 2020
WARD	None specific
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To seek approval from the Executive to adopt the Discretionary Grants policy.

RECOMMENDATION

That the Executive approves the Wokingham Borough Council's Discretionary Grants Policy, relating to the Covid 19 pandemic as set out in Appendix 1 of the report *(to follow)*.

EXECUTIVE SUMMARY

In response to COVID-19, in Budget 2020, the government announced that it would provide additional business rate support to some small businesses.

The Chancellor announced, as a temporary measure for 2020/21 that he would;-

- Increase the level of the retail discount to 100% for eligible retail businesses occupying a property with a rateable value of less than £51,000;
- Expand the retail discount to include hospitality and leisure properties, with a rateable value of less than £51,000 (such as museums, theatres, gyms and hotels);

The Chancellor then announced on 17 March 2020 further business rates support to help the most-affected firms by;

- giving all retail, hospitality, leisure businesses & nurseries in England a 100% business rates holiday for the next 12 months

A further announcement was made on 25 March 2020 that further business rates support would be provided to affected firms by;

- giving Employment Agencies, Estate Agents and Letting Agents, and Betting shops a 100% business rates holiday for the next 12 months

In addition on 1st May, the Government announced that it would provide Local Authorities with additional funding to target small businesses with high fixed property-related costs but were not eligible for the current grant schemes as highlighted above.

The Government want Local Authorities to exercise their local knowledge and discretion and they recognise that economic need will vary across the country, so they are setting some national criteria for the funds, but allowing Local Authorities to determine which cases to support within those criteria.

The Government are asking Local Authorities to prioritise the following types of businesses for grants from within their funding pot:

- Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;
- Regular market traders who do not have their own business rates assessment;
- Bed & Breakfasts which pay Council Tax instead of business rates; and
- Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

The list set out above is not intended to be exhaustive, but is intended to guide Local Authorities as to the types of business that the Government considers should be a priority for the scheme.

BACKGROUND

The UK Government has announced a range of measures to support businesses during the Covid-19 (Coronavirus) pandemic.

BUSINESS CASE

On 1st May, the Government announced that it would provide Local Authorities with additional funding to target small businesses with high fixed property-related costs but that are not eligible for the current grant schemes.

The Government are making an additional 5% uplift to the £12.33 billion previously announced for the Small Business Grants Fund and the Retail, Hospitality and Leisure Grants Fund, or up to £617 million, available to Local Authorities.

They will confirm the exact amount for each local authority in due course. Where Local Authorities anticipate having remaining funding from their initial allocations, having made payments to all eligible businesses, we are required to use these remaining funding first. Additional funding will only be made available where a Local Authority does not have sufficient remaining funds to meet the costs of this additional 5% discretionary grant fund.

The Government want Local Authorities to exercise their local knowledge and discretion and they recognise that economic need will vary across the country, so they are setting some national criteria for the funds, but allowing Local Authorities to determine which cases to support within those criteria.

These grants are primarily and predominantly aimed at:

- Small and micro businesses, as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.
- Businesses with relatively high ongoing fixed property-related costs
- Businesses which can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis
- Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000.

The Government want Local Authorities to exercise their local knowledge and discretion and they recognise that economic need will vary across the country, so they are setting some national criteria for the funds, but allowing Local Authorities to determine which cases to support within those criteria.

The Government are asking Local Authorities to prioritise the following types of businesses for grants from within their funding pot:

- Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;
- Regular market traders who do not have their own business rates assessment;
- Bed & Breakfasts which pay Council Tax instead of business rates; and
- Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

The list set out above is not intended to be exhaustive, but is intended to guide Local Authorities as to the types of business that the Government considers should be a priority for their individual discretionary schemes.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £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)	Funding to be made available from Central Government. For WBC this will be in the region of £1m	Yes	Revenue – grant funded
Next Financial Year (Year 2)		Yes or No	
Following Financial Year (Year 3)		Yes or No	

Other Financial Information

None

Stakeholder Considerations and Consultation

Internal key stakeholder contributed to the creation of the policy

Public Sector Equality Duty

Having reviewed the equality requirements this discretionary policy relates to individual businesses and not individuals. Therefore Equality Impact Assessment is required.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

No impact on the Council's carbon neutral objective.

List of Background Papers

Joint Ministerial Letter – Covid 19 discretionary fund
Local Authority discretionary grant fund guidance (to follow)

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6 May 2020

To Leaders of Councils and Local Authority Chief Executives

Covid-19 Business Support Grants: Local Authority Discretionary Grant Fund

Last week, the Government announced that it would provide Local Authorities with additional funding to target small businesses with high fixed property-related costs but that are not eligible for the current grant schemes.

We are making an additional 5% uplift to the £12.33 billion previously announced for the Small Business Grants Fund and the Retail, Hospitality and Leisure Grants Fund, or up to £617 million, available to Local Authorities. We will confirm the exact amount for each local authority in due course. Where Local Authorities anticipate having remaining funding from their initial allocations, having made payments to all eligible businesses, we require them to use this remaining funding first. Additional funding will only be made available where a Local Authority does not have sufficient remaining funds to meet the costs of this additional 5% discretionary grant fund.

We want Local Authorities to exercise their local knowledge and discretion and we recognise that economic need will vary across the country, so we are setting some national criteria for the funds, but allowing Local Authorities to determine which cases to support within those criteria.

We are asking Local Authorities to prioritise the following types of businesses for grants from within this funding pot:

1. Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;
2. Regular market traders who do not have their own business rates assessment;
3. Bed & Breakfasts which pay Council Tax instead of business rates; and
4. Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

The list set out above is not intended to be exhaustive, but is intended to guide Local Authorities as to the types of business that the Government considers should be a priority for the scheme. Authorities should determine for themselves whether particular situations not listed are broadly similar in nature to those above and, if so, whether they should be eligible for grants from this discretionary fund. The precise design of the discretionary fund will be up to each Local Authority.

We are setting some national criteria for the funds which must apply to all grants made from this Fund. These grants can only go to:

- Businesses with ongoing fixed building-related costs
- Businesses which can demonstrate that they have suffered a significant fall in income due to the Covid-19 crisis
- Business with fewer than 50 employees
- Businesses that were trading on 11th March.

In addition, businesses which are eligible for the existing grant schemes or Self-employed Income Support Scheme are not eligible.

Grants are capped at £25,000. The next level of grants is £10,000. Local Authorities have discretion to make payments of any amount under £10,000. It will be for Local Authorities to adapt this approach to local circumstances. We would expect decisions on the appropriate level of funding to reflect the relative costs borne by businesses and to align with the Small Business Grants and Retail, Hospitality and Leisure Grants Funds.

As this is a discretionary fund, we expect Local Authorities will want to use an application process and that it may take some time for this to be established. At the same time, we know that there are businesses that need this funding and that Local Authorities understand this and will make every effort to make this process effective and quick.

We will provide Local Authorities with guidance on this new approach next week and alongside this we will update information for businesses. Of course, we expect local authorities to continue to do everything they can to ensure local small businesses receive their eligible funding for the Small Business Grants, and the Retail, Hospitality and Leisure Grants Funds. We welcome the fact that this week's data return shows that Local Authorities have now allocated over £8.6 billion to 697,515 business properties. However, while some councils have paid out to over 90% of eligible businesses, some remain below the 40% mark. Maintaining this progress is vital.

In taking this step, we have listened to feedback from many groups and recognised the opportunity to keep developing our business support at this critical time. Most importantly, this is an approach that has been suggested to us by local authorities and we hope that this step demonstrates that we have listened, and will continue to listen, to both business and our vital delivery partners.

A stylized, handwritten signature in black ink, consisting of a series of connected loops and curves.

THE RT HON ALOK SHARMA MP
Secretary of State for Business,
Energy & Industrial Strategy

A handwritten signature in black ink, written in a cursive style, with a horizontal line underneath.

THE RT HON ROBERT JENRICK MP
Secretary of State for Housing,
Communities and Local Government

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