



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held in the Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 27 JANUARY 2022 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', with a long, sweeping tail.

Susan Parsonage
Chief Executive
Published on 19 January 2022

Note: Although non-Committee Members and members of the public are entitled to attend the meeting in person, space is very limited due to the ongoing Coronavirus pandemic. You can however participate in this meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:
<https://youtu.be/gaLWPuz55gw>

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 Bath	Environment and Leisure
Graham Howe	Children's Services
Pauline Jorgensen	Highways and Transport
Charles Margetts	Health, Wellbeing and Adult Services
Stuart Munro	Business and Economic Development
Gregor Murray	Resident Services, Communications and Emissions
Wayne Smith	Planning and Enforcement
Bill Soane	Neighbourhoods and Communities

ITEM NO.	WARD	SUBJECT	PAGE NO.
80.		APOLOGIES To receive any apologies for absence	
81.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Executive Meeting held on 25 November 2021 and the Extraordinary Executive Meeting held on 15 December 2021.	7 - 26
82.		DECLARATION OF INTEREST To receive any declarations of interest	
83.		STATEMENT BY THE LEADER OF COUNCIL To receive a statement from the Leader of Council.	
84.		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	

85.

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

85.1 None Specific

Gary Cowan has asked the Executive Member for Planning and Enforcement the following question:

Question

Approximately 8 months ago, supported by a big fanfare of publicity, Cllr Smith announced a Carbon capture plan, thanks to a £300,000 contribution from the Woodland Trust and an injection of £350,000 of Council capital borrowing.

The plan requires 250Ha of green space and phase 1 was to set up a project team including a paid manager, develop a tree strategy, work with landowners, Parish and Town Councils.

Since the schemes inception in which there seems to be no plan for replacement trees that die, no real update on progress in any of the plans initial intention yet at the same time the Council's own Planning Department continues to recommend the removal of TPO trees to facilitate development.

My question is simply how many of the 250,000 trees have been planted or agreements made to plant to date?

Matters for Consideration

86.	None Specific	REVENUE BUDGET MONITORING REPORT FY2021/22 - QUARTER THREE	27 - 42
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91.	None Specific	LEISURE STRATEGY	187 - 224

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93.	None Specific	CENTRAL AND EASTERN BERKSHIRE JOINT MINERALS AND WASTE PLAN: MAIN MODIFICATIONS CONSULTATION	277 - 344

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 25 NOVEMBER 2021 FROM 7.00 PM TO 7.40 PM**

Committee Members Present

Councillors: John Halsall (Chairman), John Kaiser, Graham Howe, Charles Margetts, Stuart Munro, Wayne Smith and Bill Soane

Other Councillors Present

Pauline Jorgensen, Highways and Transport
Rachel Bishop-Firth
Laura Blumenthal
Gary Cowan
Jim Frewin
Morag Malvern

65. APOLOGIES

An apology for absence was submitted from Councillor Gregor Murray.

Councillor Pauline Jorgensen was unable to attend the meeting in person but took part virtually.

Councillor Laura Blumenthal, Deputy Executive Member for Equalities, Poverty, the Arts and Climate Emergency, attended on behalf of Councillor Murray. In accordance with legislation Councillor Blumenthal could speak on any item but was not allowed to vote.

66. MINUTES OF PREVIOUS MEETINGS

The Minutes of the meetings of the Executive held on 28 October 2021 and the Extraordinary Executive held on 12 November 2021 were confirmed as correct records and signed by the Leader.

67. DECLARATION OF INTEREST

The following Executive Members declared general personal interests in the items on the agenda:

- Councillors John Halsall and John Kaiser on the grounds that they were Non-Executive Directors of Optalis Holdings Ltd;
- Councillors John Kaiser, Stuart Munro and Wayne Smith on the grounds that they were Non-Executive Directors of WBC Holdings Ltd.

68. LEADER'S STATEMENT

The Leader of Council made the following statement:

Covid is still prevalent amongst our community and although its serious impact on individuals has considerably been reduced because of vaccinations and boosters.

It is still life threatening to some, and illnesses from the virus compounds the severe pressures faced by our hospitals and care facilities particularly at this time of the year. I continue to urge you to take the usual careful measures to minimise the spread of the virus. Please take up your vaccinations and boosters and encourage others to do as well.

Whilst continuing to deal with the Covid response we are also working hard on our recovery, focusing on those things we need to build upon to be a better Council and enable a more thriving community. Two key themes of work in this regard are equalities and anti-poverty.

We already have an Equalities Strategy with a cross-party working group in place to drive this forward. We are developing a Residents' Equalities Forum as a key part of this ongoing work and want this Forum to represent all protected characteristics. This includes: gender, race and disability, amongst the others.

At Council last Thursday we were clear in our position that we fully support the principles and messages conveyed by the White Ribbon movement. We are, in fact, pursuing what could be called 'White Ribbon Plus' in that we are committed to creating a community where everybody is safe and to promoting equality, inclusion, and a safe community for all. So, whilst today's focus is about tackling violence against women and girls, and that is absolutely right, as the authority responsible for all community safety, our overarching focus must be wider.

Our work on anti-poverty is equally important and also driven by a cross-party working group. We have already established a Hardship Alliance and a broader Voluntary Community Sector Consultation Group led by our extremely capable Chief Executive at the Wokingham CAB, Jake Morrison.

In collaboration with the VCS, and in consultation more broadly with the public, we will create an initial Anti-Poverty Strategy for consideration by the Executive in March and we will seek to develop our actions following this.

We are not, of course, waiting for a strategy before acting as we know there are issues of financial hardship that require an urgent response.

We have enacted numerous schemes and interventions in this regard over the past 18 months, the most recent being the allocation of the Household Support Scheme. This will focus on the continued provision on free school meals as well as targeted contributions to those most in need, utilising the intelligence of our highly valued VCS.

I would like to take this opportunity to thank the voluntary and community sector for the great work that you do and reinforce my commitment to keep working with you in a genuinely collaborative way.

Last week we brought forward the Local Plan Update Consultation. It will run until 24th January 2022. We would like as many of our residents to reply to the consultation as possible. Please use one of the accredited methods. Online at engage.wokingham.gov.uk, email LPU@wokingham.gov.uk or just send a letter to the Growth and Delivery Team at Shute End. Petitions and Facebook posts cannot be considered but every reply in one of the three channels will be taken into account and published.

Please respond to what is in the plan not what you read or hear elsewhere.

I would happily not build in Wokingham anywhere as I believe that Wokingham has taken its fair share. However, all the political parties nationally agree that 300,000 plus, in both the Lib Dem and Tory manifestos, should be built. There are very, very, few brownfield sites in this Borough.

Wokingham Borough is bounded by areas of natural beauty, green belt and royal lands. Practically the whole of the undeveloped Borough is optioned by some developer. If we do not have a Local Plan which has been subject to inspection, any developer can gain planning permission. The net result would be several times the development required by the housing numbers and the planning in the Borough would be directed by central Government. South Oxfordshire has found this to its cost.

The housing numbers were not “derived in February 2016 by a group of people none of us know who”. They are derived from the National Planning Policy framework and guidance from published statistics. We have taken advice from the best to ensure that these figures are at a minimum. Whilst we cannot justify “exceptional circumstances”, it is pleasing that the campaign I led to change the proposals, which would have taken our housing numbers to over 1,635, was successful.

We have the opportunity of knitting this Local Plan to our climate change and biodiversity agenda. It is dependent on central Government bringing building regulations into line with its climate change and biodiversity objectives.

The Council’s objective is to square the circle between development, climate change and biodiversity. It is a tough objective, but it must be doable.

There has been a lot of scaremongering regarding Pinewood. To be clear we are not proposing to remove any of the valued community groups from the site. The consultation does not plan any development in Pinewood, notwithstanding the claim that it plans to concrete it over. The consultation asks what the organisations within it would consider to fund these organisations’ stated need for considerable investment.

The winter is now upon us. Due to the old and poor state of repair of the utilities and the pressure placed upon them, we will unfortunately see more failures. This will bring more problems on the roads. The demand for broadband with people working from home has exacerbated the issues on the roads. The Council will do all in its power to ensure that the disruption is kept to a minimum, but we can’t have people without lights, gas, water and Internet connections. They are now all essential to our way of life. Utility companies must deal with emergencies. The Council cannot intervene. We can delay maintenance to ease problems. We all use the roads and understand the frustration and delays caused on the Borough roads. We will do all we can to keep them to the minimum.

69. PUBLIC QUESTION TIME

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

70. MEMBER QUESTION TIME

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

70.1 Gary Cowan asked the Executive Member for Planning and Enforcement the following question:

Question

As part of Wokingham’s planning process, statutory conditions are placed on approved development to plant trees and the usual intention of the condition is that should any trees that did not survive within, I believe five years must be replaced. Wokingham BC Planning

Department will have a full record of the numbers of trees approved by planning conditions.

Professional experts indicate that 25% of new trees planted die and those that survive need attention. As monitoring conditions is a statutory function, I assume the Planning Department have a record of how many of the new planted trees by condition did not survive.

My question is; can the Council provide a complete written record of how many new trees approved by planning conditions over the past five years that have not survived and have they all been replaced?

Answer

Planning enforcement is entirely a discretionary activity for local government. However, the Council's Compliance Team Officers and the landscape architects do carry out regular landscape audits of new developments to check the survival of the newly planted trees. Those that have not survived are referred to the developers whose responsibility it is to replace any failed trees as you indicate, and we will follow up on that request to ensure replacement planting is carried out.

The landscape audits are a useful activity to identify trees on new developments that require replacing. However, Officers are always grateful to the public where they can report any dead or dying trees that they notice, so that we can then report those back to the developer for replacement. Officers also work very closely with the Wokingham District Veteran Tree Association volunteers who are extremely helpful in reporting problems with trees on new developments. Whilst we do not maintain a record of the number of trees concerned the compliance activity is a discretionary activity which we recognise as extremely important from a placemaking and ecological perspective.

I hope that helps?

Supplementary Question

Not really. If the experts say 25% are lost, then we should have records that 25% have been replaced.

Research does show that hundreds of imposed planning conditions are not followed up which undermines the Planning Committee's best intentions and although it may not be a statutory role would the Executive Member agree with me that Wokingham Borough Council's Planning Department has serious problems in following up on conditions?

What I would ask is that the excellent work akin to that commissioned by Councillor John Kaiser on enforcement, which was a big success some years ago, could a similar one now not be carried out on the Planning Department?

Supplementary Answer

Gary, I do not agree with you because when I first took over the Executive role I increased the number of Enforcement Officers. I am also doing the same in Fran Hopson's area and I have brought an extra revenue bid forward for more staff. So, I think that is absolutely rubbish and I am absolutely committed to Planning and if you have got any examples, please let me have them and I will get the Compliance Team round to have a look.

70.2 Jim Frewin asked the Executive Member for Planning and Enforcement the following question:

Question

Over the past few years Shinfield has been subjected to significant development and a large number of associated planning conditions. Can you please provide a full list of these conditions for the past four years that shows signed off compliance status?

Answer

Shinfield Parish has received 805 planning applications over the past four years, all of which have been subject to numerous planning conditions, the decisions for which are recorded on the Council's website. We do not hold records in the form you request, however the information is available for you to access should you wish to check for yourself. Should you wish to discuss any particular cases please make these known to me and I will ensure, like I did a few weeks ago when I was out with Connor and Fran and we went round most of the sites in your Ward, that they come back with the information you need.

Supplementary Question

Most of the compliance issues I raise I go to Connor with anyway. It is just that it takes so long to actually find an answer that by the time we get there the compliance is not visible. The most annoying one for residents is the working hours compliance which seems to be abused until we give them a reminder. It is then adhered to for at least a week and then it goes back to being abused again. There seems to be no consistency with actually ensuring working hours.

Supplementary Answer

I did see some at the weekend where I know you were copied into some of the pictures that Jackie sent me. I would be quite happy with Connor and myself if you would come along with us and let us go along and see the developers and let us have a joint approach to it.

70.3 Rachel Bishop-Firth asked the Executive Member for Neighbourhood and Communities the following question:

Question

Residents are delighted to see that the building of the Carnival Hub is on track for opening in late summer 2022. Our understanding is that the Carnival Hub facilities will be open on Saturdays, Sundays and evenings, to fit in with the times that residents with weekday work or education commitments will be looking to use them. Can the Council confirm please that the new library will be open on Sundays and also on weekday evenings in line with the opening times for other facilities?

Answer

Usage and opening hours within the library service are reviewed regularly to ensure that services are focussed around the hours where there is most demand, whilst also ensuring we are mindful of adjusting service levels where there is less demand. Overall, this approach has ensured that the service has been in growth against a national back drop of decline, whilst also delivering the service in a financially sustainable way.

To ensure that the library service continues to deliver on its existing success it was reviewed at the Overview and Scrutiny Committee meeting in September 2021. This included a commitment to develop a new Library Strategy in 2022. Part of this process will be reviewing options to ensure that the service is delivered at places and times when there

is most need within the local community. This review is an important element in ensuring that the Council continues to meet its statutory obligation of providing a comprehensive and efficient library service.

In conclusion we will wait until the revised Strategy is complete before determining whether the Sunday and evening openings are required. But that is not to say that we are not open to any suggestions that would improve the service to our residents.

Supplementary Question

I do hope that it can be open evenings and weekends because there are a lot of young people living in flats around that area that could really do with that as a peaceful place to study.

My supplementary is: when the new hub opens there is great concern in the community that we are going to lose an asset in the old library building because that is going to be developed into flats. Are there any plans to replace that if it is going to be lost as an asset with, for example, youth clubs for young people in the community?

Supplementary Answer

You say we are losing an asset, in fact we are gaining an asset. The library service that we are going to be introducing into the Hub is far superior to the library service that we can offer where we are at the moment. So I do not think that to say we are reducing our facilities is true. I think it is far from it.

No decision has been made as yet as to what will happen with the existing library but I can assure you that the best possible use will be made of it.

70.4 Morag Malvern asked the Executive Member for Children's Services the following question:

Question

There is a purpose-built youth centre in Wokingham, on Reading Road, which does not seem to offer any regular youth club sessions. Why not?

Answer

The building known as the Wokingham Youth Centre houses the Integrated Early Help Service, the Council's Early Help offer for children which goes up to the age of 18. This service is responsible for the delivery of a variety of targeted group and 1:1 direct work interventions, aimed at supporting children and families in need of additional help. The work and delivery takes place both on site and in the community and includes: 1:1 sessions with children and parents, parenting programmes and family and network meetings. The service is also responsible for the delivery of the Duke of Edinburgh and Explorers Extreme programmes, where there are groups of youths who undertake their gold, silver and bronze awards. Training sessions take place on site three nights per week.

The Integrated Early Help Service share the site with ARC, the Youth Counselling Service, which your colleague and our colleague Councillor David Hare is well aware of as he has attended the ARC Management Board meetings together with me. ARC is a Council commissioned service, SENDIASS and NEET, all of whom support vulnerable children and youths.

When the building is not being used for the above services, there are a variety of community groups that hire the place. This activity was significantly reduced, as you would

expect due to Covid, however has recently commenced again in line with the updated building risk assessment that is in place.

Given the current use of the site by the Integrated Early Help Service, Council partners and community groups, there is limited capacity to house additional services and activities.

Supplementary Question

How do you feel about providing some outdoor equipment for the older child so that they have got somewhere healthy to hang out and exercise? I do have in mind a recent refurbishment where the new play equipment, although lovely, would appear to be aimed at infant school children. I just wondered how you felt about the older child because some year 6s are really quite hefty?

Supplementary Answer

I don't know the answer to that question, but I am prepared to look at it and certainly happy to talk to you offline.

I have just been reminded that we expect the town councils to do much of that and actually I have to say that also reminds me that in my neck of the woods, in Wargrave, it is Wargrave Parish Council that has put that kit in on the Recreation Ground. Nevertheless, we will take a look at what provision there is and whose responsibility it is. I will do that together with you.

71. INSTALLATION OF ON-STREET RESIDENTIAL AND COUNCIL-OWNED CAR PARK CHARGEPOINTS

The Executive considered a report relating to the installation of EV chargepoints for on-street residential and Council-owned car parks.

The report was introduced by the Deputy Executive Member for Equalities, Poverty, the Arts and Climate Emergency who went through the recommendations as set out in the report. Councillor Blumenthal highlighted that information obtained from the Department for Transport stated that 80% of all EV charging happened at home. Following a survey of Wokingham residents it was found that 83% of residents, who responded, expressed their preference for charging their EVs most of the time at home where they park overnight. The proposal was all about increasing accessibility and being more inclusive, especially as not everyone had access to off street parking, by increasing the number of public chargepoints in the Borough. It was noted that 75% of the funding would be coming from central Government.

The Executive Member for Highways and Transport explained that there were some limitations as to where EV chargepoints could be positioned on streets as they were dependent on the location of streetlamps for power. If the project was successful it was hoped to instal more in the future.

Councillor Kaiser stated that there was often confusion around plug-in sites and therefore he wanted to ensure that the chargepoints would be easy to use with payment by credit card. Councillor Jorgensen confirmed that the Government had recently announced legislation that would make every EV chargepoint contact-less, force developers to put EV chargers in new homes and also force industrial sites, where major redevelopments had taken place with more than 10 parking spaces, to include EV chargepoints.

Councillor Margetts stated that it was often difficult to find where charging points were located and wanted to ensure that these new chargepoints would be widely publicised.

RESOLVED that:

- 1) the initial small-scale rollout of approximately 36 on-street residential EV chargepoints be approved, subject to a local engagement exercise once preferred sites have been identified;
- 2) the provision of EV chargepoints in Council-owned car parks be approved;
- 3) £66,000 of capital borrowing be approved to fund the Council's 25% investment subject to securing the remaining 75% through Government funding; this borrowing will be recovered through revenues generated by the project;
- 4) it be noted that Wokingham Borough Council would be the owner and operator of the EV chargepoints but the maintenance would be undertaken by an external supplier with expertise in this sector. All costs related to maintenance and management will be covered by the external supplier following a procurement exercise;
- 5) it be noted that the award of the contract for supplier will be dependent on achieving the financial estimations detailed within this report, ensuring zero net cost to the Council;
- 6) it be noted that a further report will be presented to the Executive for approval following an initial 18-month period of operation of the on-street chargepoints to review effectiveness and summarise lessons learned to inform into the future EV strategy.

72. RENT SETTING POLICY

The Executive considered a report setting out a proposed Rent Setting Policy that would ensure that the current annual rent setting process was regularised.

The Executive Member for Finance and Housing explained that the Rent Setting Policy will ensure that the Council regularises the current rent setting process and reconfirms that rent setting is part of the annual Housing Revenue Account budget setting process. It was noted that although this was a new policy, that was required in order to adhere to the Rent Standard 2020, it did not involve any changes to the Council's current approach to how rent was charged.

Councillor Kaiser confirmed that the Tenant and Landlord Improvement Panel had been consulted and they were in support of the policy.

RESOLVED: That the Rent Setting Policy, as set out in Appendix 1 to the report, for which the 'Rent Setting Policy' primarily relates to the Housing Revenue Account (2552 properties) plus includes a small number (18 properties) of General Fund properties be approved.

73. THERAPY SERVICES FOR CHILDREN AND YOUNG PEOPLE

The Executive considered a report setting out proposals for a joint procurement of an Integrated Children's Therapy Service for Wokingham, in partnership with West Berkshire and Reading local authorities.

The Executive Member for Children's Services highlighted that the Council currently commissioned Occupational Therapy, Speech and Language Therapy and Physiotherapy for children and young people with Education Care and Health Plans. In addition, the Council had been exploring opportunities to work collaboratively with Brighter Futures for Children, Reading and West Berkshire Councils to explore a joint commissioning approach for future provision of these services for their local populations. Councillor Howe confirmed that this strategic approach to planning and procuring services in a joined way was a means for local authority partners to deliver value for money, positive outcomes for children and young people with special educational needs and disabilities.

Following a query by Councillor Kaiser it was confirmed that what was being proposed was not a joint service and Wokingham would be leading on the procurement of the service.

Councillor Blumenthal queried why the Council was going down the joint procurement route and not on its own? Councillor Howe explained that a large number of specialists were involved in the provision of these services, and it would be expensive for the Council to set up and manage the provision on its own. In addition, there was the chance that the Council would end up competing with neighbouring authorities for the services of those specialists. It therefore made sense to collaborate on these specialisms.

RESOLVED that:

- 1) a joint procurement exercise for an Integrated Children's Therapy Service for Wokingham be undertaken with West Berkshire and Reading local authorities;
- 2) the three local authorities jointly procure as a single lot resulting in a single contract signed by the supplier and the three local authorities;
- 3) the Director of Children's Services, in consultation with the Lead Member for Children's Services, be delegated authority to award the contract to the successful bidder following completion of the evaluation process. The estimated WBC budget is £389,520 per annum.

74. FARLEY HILL PRIMARY SCHOOL ORGANISATION CHANGES

The Executive considered a report relating to proposed organisational changes to Farley Hill Primary School.

The Executive Member for Children's Services reminded Members that at the start of this academic year the school had been moved to a new site in Arborfield Green. Unfortunately, some parents living near the school had not been able to meet the school's catchment policy and gain a place for their child. The proposal was to expand the school to 420 places plus a nursery and expand the catchment area so that children living in homes in the immediate proximity of Arborfield Garrison SDL were included. Councillor Howe highlighted the map appended to the report which set out the new catchment area.

Councillor Howe confirmed that the plan was that the former school site in Farley Hill Village would be closed. He also confirmed that it was believed that The Coombes School would not be impacted by the change in the PAN number of Farley Hill Primary School.

Councillor Kaiser, in his role as Ward Member, welcomed this change as he had parents who could see the school but could not secure a place for their children.

RESOLVED that:

- 1) formal consultation be approved on the proposal that the proposals agreed by Executive on 30th January 2020 for the expansion of the Farley Hill Primary School in stages on two sites be replaced by a new proposal that Farley Hill Primary School expands to 420 places (plus a nursery) from September 2022, and that the former school site in Farley Hill Village be formally closed;
- 2) proposed changes to 2022/23 School Admission arrangements to ensure that all children living in homes on or in immediate proximity to the Arborfield Garrison Strategic Development Location are within the Farley Hill Primary School Designated Area be endorsed;
- 3) authority be delegated to the Director of Children's Services, in consultation with the Executive Member for Children's Services, to determine the proposal.

**MINUTES OF AN EXTRAORDINARY MEETING OF
THE EXECUTIVE
HELD ON 15 DECEMBER 2021 FROM 7.00 PM TO 7.40 PM**

Committee Members Present

Councillors: John Halsall (Chairman), Parry Batth, Graham Howe, Charles Margetts and Bill Soane

Other Councillors In Attendance

John Kaiser, Deputy Leader and Executive Member for Finance and Housing
Pauline Jorgensen, Highways and Transport
Stuart Munro, Business and Economic Development
Wayne Smith, Planning and Enforcement
Laura Blumenthal
Gary Cowan
Sarah Kerr

75. APOLOGIES

An apology for absence was submitted from Councillor Gregor Murray.

Councillors Pauline Jorgensen, John Kaiser, Stuart Munro and Wayne Smith did not attend the meeting in person but took part virtually.

Councillor Laura Blumenthal, Deputy Executive Member for Equalities, Poverty, the Arts and Climate Emergency, attended on behalf of Councillor Murray. In accordance with legislation Councillor Blumenthal could speak on any item but was not allowed to vote.

76. DECLARATION OF INTEREST

There were no declarations of interest received.

77. STATEMENT BY THE LEADER OF COUNCIL

The Leader of Council made the following statement:

Last month we were seeing Covid numbers going down very favourably and there were grounds for belief that the pandemic was being contained. This was true for Delta but sadly we have now seen the emergence of Omicron; which presupposes that we had ten variants in between which did not bear mentioning.

Currently, the rate of new Covid cases within the Borough remains high. The current rate is 610 per 100,000. This rate is slightly below the rates across the South-East; 649 per 100,000. Most cases continue to occur within our school age population and their parents as we reach the end of the school term this week.

The current rate reflects the cases across the week 1-6 December, and does not begin to reflect any potential impact of the new Omicron variant in Wokingham. UK Chief Medical Officers, earlier this week, increased the UK Covid Alert from Level 3 to Level 4 due to a rapid increase in cases of the Omicron variant. There is much still to learn about the new variant but what is known is that it is extremely transmissible, cases are doubling every 2-3 days, which means that cases will rise exponentially across the coming weeks.

It is too early to draw firm conclusions about the severity of the disease that Omicron causes. However, even if it is a milder illness in an individual, the sheer volume of cases that are expected, coupled with a slight drop in vaccine effectiveness would lead to a substantial increase in hospitalisation. Hospitalisations are expected to rise in the UK over the next two weeks.

Data published last Friday suggests that vaccine effectiveness against symptomatic infection is substantially reduced against Omicron where a person has had two doses, but that a third dose boosts protection back up to over 70%. There is an urgent national Omicron appeal for the public to 'Get Boosted Now', we need to call upon all our residents to come forward for their booster; indeed, if they haven't their first or second doses. We are working tirelessly to support health partners on the delivery of the vaccination programme across the Borough, offering our local buildings and staff to facilitate vaccine delivery and advocating for our residents to maximise their opportunity to access their vaccine or booster.

Officers across the Council are working to maximise the effectiveness of the Government's Plan B implemented over the past week. For residents this means wearing masks where it is appropriate for them to do so, working from home where possible and accessing their Covid passports where necessary. We also continue to work tirelessly to ensure people are getting tested when it is right for them to do so (rapid lateral flow testing before socialising where someone has no symptoms, or regularly across seven days as a contact of a case; and PCR testing when someone has symptoms) and encouraging subsequent isolation when required.

The coming weeks will see many occasions and celebrations bringing people together in the run up to Christmas. Please remember that we are now within ten days of Christmas so anyone testing positive from now will be isolating across the Christmas period. We must remain cautious and continue to employ all measures we can to make these occasions as safe as possible and reduce transmission as much as we can.

So, the message remains please get your jabs and booster and encourage everybody else to do so as well.

My Administration commissioned a LGA Peer Review as part of our aspiration "to be the best we can be". We know that we are a good organisation; we want to be the best. The acid test is the service we provide for our residents. This is one of the strategic priorities contained within our Community Vision. My Administration is committed to continuously learning and continuously improving, and the peer review makes an important contribution to that process.

My Administration has reviewed the impact of the pandemic on our local priorities and has identified emerging areas of need for example, equalities and deprivation.

As the Council is about to enter the next phase of development it is a good time to receive independent feedback of our progress, how we are perceived by our stakeholders, and how well placed we are to meet the challenges and opportunities of the future.

I am delighted to report that the feedback from the Peer Review was very positive. We are a very good Council, which is very well run in their opinion. We are addressing tonight their initial criticism in that we could do better in our community engagement and digital communications.

Last month we launched the Local Plan consultation. Numerous drop-in sessions have been held together with additional consultations at Shute End. Several local groups have emerged to oppose parts of the consultation.

We have no wish to extinguish one square inch of greenfields and have opposed housing numbers vigorously. We, a Conservative administration, we, as a Council, and in particular I, both as a Councillor and a resident, will continue to do so. We are emotionally and intellectually against more development in the Borough.

However, there are councils who have refused the Local Plan process and have had one imposed by the Ministry of Housing who can in extreme cases of non-cooperation result in the loss of the local authority right to determine planning applications.

Again, I stress this is a consultation and there is a long way to go before it emerges as a Local Plan, if indeed it ever does. Please respond to the consultation either on-line, by email or by post. We are seeking all your views and want to hear what all our residents want to say.

Whilst the housing number is greater than I would wish, the Government proposed a revision to their standard method which would have more than doubled our annual requirement to over 1,600 dwellings a year. We campaigned hard and submitted robust technical challenges against the proposal which was subsequently abandoned by the Government. We led the cause.

Local Plans are key documents which set out the strategy and associated policies for managing development. Not having a current Local Plan means that developers can successfully apply for planning permission. This speculative development occurs with little infrastructure and more housing. There is hardly a square inch of the Borough which is not optioned by a developer. Not having a Plan could result in several times more homes being built.

Our current Local Plan, the Core Strategy, has worked well, with most of the development occurring in places where planned, supported by huge investment in infrastructure including new schools, roads, and green spaces, more importantly it has allowed the Council to refuse and win at appeals against developers proposing unsuitable sites.

Refreshing our Local Plan will mean our planning policies continue to be effective and will be difficult for developers to challenge with inappropriate alternative sites. Without a new Plan, there will be less control over where development happens, and it will be much harder to try and improve infrastructure alongside.

For housing, the Government introduced a standard method which calculates the housing need for local authorities. For Wokingham Borough the housing need currently calculates as 768 homes each year.

My Administration has engaged the leading planning barrister and statistician to help understand whether we could progress a case for exceptional circumstances. Disappointingly the outcome was that there were no compelling reasons under the current Government framework to do so.

To be clear, if we progress a Local Plan which does not enable this amount of housing expected by the Government, it will not pass examination in public, bringing all the

negatives of loss of control. I am however continuing to lobby the Government at every level to see what we can do to reduce the housing numbers.

To summarise this is a consultation. We would like as many residents as possible to respond to this consultation so that we can get the next iteration right. Please respond either on-line, by email or by letter.

Today's main item of business is to agree my Administration's approach to Domestic Abuse, detailed plans about how this will be achieved are set out in the new Domestic Abuse Strategy 2021-2024. However, with the importance of this subject, I spent some time reflecting on the journey that we have embarked upon to get us to this point.

Over the past three years, through the width and breadth of the work of the Community Safety Partnership, we have been driving and embedding continuous improvements across the whole organisation including, Housing Services and Children and Adults' Social Care and Place and Growth. We have prioritised our corporate commitment to further raise the skills and expertise and embed good practice across the whole organisation.

We have put in place an Anti-Social Behaviour Officer, to ensure that our multi-agency work with our partners including Thames Valley Police and housing associations, victims of anti-social behaviour are safeguarded and helped. This has ensured that complex issues affecting residents, often interlinked with domestic abuse are resolved expediently.

To improve our service offer for residents, we are bringing the Public Protection Partnership back in-house, under the Safety and Enforcement Service. With the direction of a newly appointed service manager, this team will ensure that residents receive a comprehensive out of hours response to a wide range of anti-social behaviour and noise nuisance complaints; something which has not currently existed within the PPP. We have also put in place a newly appointed Emergency Planning Manager, to further bolster my Administration's civil contingencies resilience response.

More than a year before the introduction of the Domestic Abuse Act 2021, we recognised that the demand from victims of domestic abuse had increased dramatically locally. To ensure the right level of safe provision was in place we acted by increasing our investment in funding for our local commissioned service by 55%. We also, took the key decision to recruit, a subject matter expert on domestic abuse. The Domestic Abuse Co-ordinator post has been pivotal in helping us navigate and embed this vital work. We fully recognised that this would be the foundation upon which we would build our wider response to the violence against women and girls' agenda.

Since then, we have engaged and regularly facilitate the bringing together of 43 domestic abuse stakeholders. Many of which are local organisations such as Kaleidoscopic UK, a peer support service for victims and SupportU, a service offering support for LGBT+ victims, and amongst others, Cranston our local commissioned domestic abuse service provider. These 43 stakeholders share key service information and work hand in hand to help victims of domestic abuse.

Furthermore, we have set up a strong Local Domestic Abuse Partnership Board which has made considerable amounts of progress on delivering our Domestic Abuse Duty which came into force on 29th April 2021. The local Board has attendance and expert input from the National Domestic Abuse Commissioners Office as well as the Department for Levelling Up Housing and Communities.

We have taken the opportunity to talk and consult with victims and survivors of domestic abuse, including children, who must be recognised as victims of domestic abuse. We have asked them what they would like to see implemented in local services. This information has formed the basis of our local approach.

We have started work to secure Domestic Abuse Housing Accreditation for our Council Housing Services. This will ensure that we have clear actions focused steps, in both our policies and practice to deliver the safest and most effective response for domestic abuse victims seeking help from the Council.

My Council has one of the most comprehensive Home Security Schemes, often referred to as a Sanctuary Scheme, which offers practical home security adaptations to secure properties for victims. The offer of help is for all residents, in privately owned, rented, Council or housing association properties. The Scheme provides an essential and practical offer of help for victims of domestic abuse and assists them to stay in their own homes. Something victims have told us they would prefer to do, where safe and possible.

Furthermore, in recent months we have undertaken a comprehensive audit and review of training for Officers and frontline staff to ensure that they are fully equipped to help victims. We have put in place Workplace Domestic Abuse Guidance to ensure that managers can recognise and spot the signs to help support staff members that maybe victims and in need of help.

A communications strategy together with regular press and social media posts has been rolled out. Together with information and ways to access help, which has been provided at Covid clinics and testing locations.

Building on my Administration's wider Equalities Strategy, this Domestic Abuse Strategy will further assist and drive my Administration's ambition and vision to embed a White Ribbon Plus approach. The Domestic Abuse Strategy recognises that whilst women are most likely to be the victims of domestic abuse 1 in 3 victims are male and therefore equality and access to services for all sections of our communities is vital. To build safer communities, services that meet the needs of male victims, LGBTQ+ victims and victims from a range of other protected characteristics is essential.

In addition to all this good work, we are active members of several national accredited programmes including the Employers Initiative on Domestic Abuse (EIDA).

We are working towards DAHA (Domestic Abuse Housing Alliance) accreditation: which is the UK benchmark for how housing providers should respond to domestic abuse.

We are exploring several other good practice and inclusive accreditation schemes including, UK Safe Spaces and Call for Action on Perpetrators. A workstream which shares research findings, best practice and drives national policy work on perpetrators. We are in talks with Ask for ANI which allows the use of nationally recognised stickers on office buildings to signal staff are aware of domestic abuse and can provide a room where victims can call helplines for support.

Whilst we are proud to say that our efforts have been commended by the National Domestic Abuse Commissioners Office, who have recognised the level of commitment and good practice being undertaken locally we still have more to achieve, we are not

complacent, to ensure we make the Borough a safe place for all victims. A vision underpinned by this Domestic Abuse Strategy, which will be presented tonight.

Last, but not least, in what has been a very difficult year I would like to thank each and every one of our staff, Councillors and residents for your incredible efforts and forbearance during this last year. I know it has been an incredible strain for now two years. Notwithstanding the pandemic we as a Council have achieved some remarkable outcomes of which we are rightly proud. It is an enormous privilege to be Leader of Council and I thank everyone for their support.

Lastly, Happy Christmas and a very prosperous, merry, healthy and successful New Year to everyone.

78. PUBLIC QUESTION TIME

There were no public questions received.

79. MEMBER QUESTION TIME

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

79.1 Sarah Kerr asked the Executive Member for Neighbourhood and Communities the following question:

Question

How was a contract awarded for a domestic abuse refuge service to a provider that doesn't have any domestic abuse provision?

Answer

Following a robust tender process, the contract for Wokingham Domestic Abuse was awarded to Cranstoun and commenced on 1st July 2021.

Domestic abuse is a priority area for the Borough and in recognition of this and increased demands on services in this area, Council funding for this contract has been significantly increased.

The provision of support for victims of domestic abuse is in place as required as part of the commissioned service.

Prior to launching the domestic abuse arm of the Cranstoun service Cranstoun committed 10 years to developing their current domestic abuse model. To do this cohesively they worked with Respect, Safelives, Domestic Violence Intervention Programme, Women's Aid, to name a few all of whom are key stakeholders within domestic abuse.

Cranstoun offer a fully integrated domestic abuse service in Barking and Dagenham, the County of Sussex, and Sutton all of which are well established. They also deliver victim and survivor work in the following areas, Gloucestershire, Herefordshire, Worcestershire, Birmingham, West Midlands, West Mercia Police Force and 11 Boroughs and Sussex County. They have also won a fully integrated domestic abuse service in South Yorkshire.

This is a considerable reach across the country and one which demonstrates their capability to deliver a comprehensive domestic abuse service to Wokingham residents.

Supplementary Question

You sort of really did not answer my question and I am not sure that they actually have refuge places.

What I also wanted to know is that I understand that Cranstoun is supposed to be attending the Domestic Abuse Partnership Board meetings and the Executive meetings and it is my understanding that they have so far only attended one of these. So how is Cranstoun actually being held accountable?

Supplementary Answer

If I can just come to your first point about having a refuge within the Borough. What I can say is that no one will be left without support and a safe refuge in our Borough should they require it. We do have facilities to be able to house people who are in need of that refuge.

Let me just say that since 21st July, when Cranstoun took over, we have had no demand for a refuge place but that is not to say that there would not be in the future.

Also, I would like to say that when a company takes on a new contract you can hardly expect them to have a house in place ready to house people should they need one and we are actively looking for our own refuge rather than having to rely on outside bodies. But to actually do this I think you have got to also remember that domestic abuse unfortunately is not only about women it is about men and children as well. Therefore to find a suitable property to be able to house a mixed group is very difficult but we are working very hard to do that. Let me go back and say that yes there is availability for anybody who needs refuge, and they would not be denied in our Borough.

As for the meetings I will have to check on that for you as I have got no figures here as to whether they have attended the meetings or not and I will have to come back to you on that particular point.

79.2 Gary Cowan asked the Leader of Council the following question:

Question

The Local Government Association Corporate Peer Challenge Update states that the CPC at Wokingham took place between 9th and 17th November during which the Peer Team met with over 100 people comprising approximately 200 hours.

How many members of the public, parish and town councils were met and how many were staff/Members in this 200 hours?

Answer

During their visit the Peer Challenge Team held a wide range of meetings with residents, Members, staff, trade union representatives, partners, and town and parish councils. It is important to emphasise that the Peer Challenge Team itself led this review, independently and objectively, choosing which individuals and groups it wished to speak with in order to gain a rounded perspective of the Council.

In their feedback meeting to us on 17th November, the Peer Challenge Team reported that they had met 100 people over approximately 200 hours of work. The majority of the people the Team met were staff, as the Team asked to speak to a wide range from across the Council. Of course, many of our staff are also residents of the Borough.

There were eight, approximately one hour, meetings with Member groups, including a specific meeting with your Group Leader, Councillor Frewin, who also attended the feedback session on the 17th. Specific focus groups were also held with residents and town and parish clerks.

Supplementary Question

The report states that “the peer challenge approach involves a team of experienced officers and members from other local authorities”, etc, etc and it did go on to add that “the approach is valuable in identifying and addressing issues and challenges”, which I would recognise to be a good idea. “Local priorities and outcomes and how to make our overview and scrutiny function more meaningful and effective”.

This still gets back to my original question which was that I actually asked for specific numbers of how many opposition Councillors, parish and town councils, were included, as I was really interested in the number? Anyway, I welcome your answer

Supplementary Answer

I would just like to add that what I said before that the Peer Challenge Team made their own decisions on who they were going to meet. We do not have the full report yet so we do not know who they specifically met, and we may not know after the report because that was at their own discretion.

80. DOMESTIC ABUSE STRATEGY 2021 - 2024

The Executive considered a report relating to a proposed Domestic Abuse Strategy covering the period 2021-2024.

During his introduction the Executive Member for Neighbourhood and Communities informed Members that the Strategy had been delayed in order that the relevant parts of the Domestic Abuse Act 2021 could be included within the Strategy. Councillor Soane thanked Karen Evans, the Domestic Abuse Co-Ordinator, for all her hard work in putting the Strategy together.

Laura Blumenthal highlighted the awareness training that was being made available to Council staff and stated that she was impressed that every month a training session, often delivered by specialist charities and groups, was set up covering domestic violence against various groups including, older people, LGBT victims and men. Councillor Blumenthal thanked Officers for establishing this learning culture about domestic violence and empowering front line staff to support domestic abuse victims. In addition, trauma training would be offered to staff in the new year which would assist them in spotting the signs of victim behaviours in relation to domestic violence so that victims could be provided with the support they needed.

Councillor Howe stated his surprise that 1 in 3 victims of domestic abuse were men. He highlighted the figures in the Foreword of the Strategy which stated that in the year ending 31st March 2021 1,479 women and 568 men in the Wokingham area had reported domestic abuse incidents to the police. Councillor Howe believed that the true number was actually 2,700 women and 1,500 men. This showed that the number of male victims was increasing and queried if it was known why this was? Councillor Soane responded that believed that the increase in the number of men coming forward to report domestic abuse may have always been the true figure but because the matter was now more openly discussed and the stigma of being a victim had gone away more men now felt able to report the fact that they had been victims of domestic abuse.

RESOLVED: That the Domestic Abuse Strategy 2021-2024 be approved so that it can be released for publication.

81. LOCAL GOVERNMENT ASSOCIATION CORPORATE PEER CHALLENGE UPDATE

The Executive considered a report relating to an update on the initial findings of the recent Local Government Association (LGA) Corporate Peer Challenge.

The Leader of Council advised that the intention of bringing the report to the Executive at this stage was to appraise Members of the initial findings of the Peer Challenge, which had been a lot of work with the Team meeting over 100 people with 200 hours of discussion. Headlines from the feedback session highlighted that the Council delivered valuable, well-performing services that produced good outcomes for its residents. One of the issues highlighted by the Peer Challenge was the Council's engagement with the public, both by digital and physical means. The Council wished to work on this area at the earliest opportunity therefore a supplementary estimate of £150,000 was being requested. Councillor Halsall stated that the LGA's final report was due early in the new year.

RESOLVED that:

- 1) the initial high level findings from the LGA Corporate Peer Challenge that took place in November 2021 be noted;
- 2) a supplementary estimate of £150,000 to support the delivery of key actions arising from the review be agreed; and
- 3) it be noted that the finalised LGA CPC report and associated action plan will be reported to the January 2022 meeting of the Executive.

82. CROWN HOUSE LEASE

The Executive considered a report relating to a proposal to acquire a 5-year lease on the Crown House building situated on the Toutley Industrial Estate, Toutley Road, Wokingham.

The Executive Member for Finance and Resources went through the report and advised the meeting that during Covid the Council had seen a large increase in homelessness in the Borough. This coupled with the Council's commitment to remove all the rough sleepers from the streets and to allocate suitable accommodation had put considerable strain on the Council's resources and assets. Councillor Kaiser reported that it was planned to meet this need by delivering over 20 units of modular temporary accommodation, similar to those planned in Reading, and this would allow short term housing until permanent homes could be found. This was however not enough and therefore it was proposed to enter into a 5-year lease for 24 units at Crown House which would enable the Council to reduce expenditure by £163k per annum. which over the 5-year lease was a saving £815k. Currently the Council pays £436,800 per annum to use the same facilities and this would mean that the current nightly rate of £50 a night would be reduced to £32 a night, a 37% reduction. This would also enable the Council to ensure that there would be sufficient provision for urgent use and thereby reduce the need for expensive hotels. In addition this would also support the wider work to reduce the level of temporary accommodation.

RESOLVED that:

- 1) the acquisition of a 5-year lease of the Crown House building, Toutley Road, Wokingham, at a cost of £275,000 per annum for the use as long-term temporary accommodation, be approved; and
- 2) it be noted that there is an option to renew the lease in WBC's favour for a further 5 years, at the passing rent at the end of the initial term.

TITLE	Revenue Budget Monitoring Report FY2021/22 - Quarter Three
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
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 deliver the Council Priorities for the Community, ensuring the efficient effective and safe use of resources.

The Council agrees and sets its budget in the February preceding the current financial year and this report seeks to update Executive on the budget position throughout the year and provide an estimate of the outturn position and impact on balances at year-end (31 March 2022).

RECOMMENDATION

That the Executive is asked to:

- 1) note the financial impact of the COVID-19 crisis as illustrated in the Executive Summary;
- 2) note the overall forecast of the current position of the General Fund revenue budget, Housing Revenue Account (HRA) and Dedicated Schools Grant (DSG) illustrated in the Executive Summary and appendices attached to the report;
- 3) approve a supplementary estimate for £110,000 (c£55,000 per year) for additional capacity to support the Arts and Culture Strategy over the next two years.

EXECUTIVE SUMMARY

This report is to allow the Executive to note the current expenditure to date (as at 31 December 2021) for the third quarter of the current financial year and to inform the Executive of the forecast outturn positions for 2021/22 for the Council's net revenue expenditure, its General Fund Balance (GFB), the Housing Revenue Account (HRA), and the Schools' Block funding.

Recommendation 1 – Financial Impact of Covid-19

The financial impact from Covid-19 continues to be present as highlighted in the table below. 2020/21 was a challenging year financially, with a full year impact of £0.4m reported in the Outturn Report to June 2021 Executive. For 2021/22, we are estimating

a full year impact of £0.4m. This relates largely to areas which had significant pressures in 2020/21 and includes loss of income across many services and the impact on costs of the leisure services the Council provide. In addition, the emergency grant support from central government has reduced for this year, adding to the pressure.

Although we are forecasting a net impact from Covid-19 of £0.4m, this has improved from the £0.6m forecast in quarter one. This is due to favourable movements which include an improved position on the impact on leisure services, a reduction in the impact from lost car parking income and an improved position on delivery of saving plans. These have been offset in part by some additional cost pressures around Children Services legal costs and further emergency temporary accommodation costs. The financial impact of the COVID-19 Omicron variant is not yet known and not included in any forecasts, it is likely to impact on income streams and will be included in future updates where applicable.

Throughout the year, the financial impact from Covid-19 will continue to be monitored closely and reported to government monthly and reported quarterly to Executive. As government funding support reduces, it is likely that some covid costs will naturally start to become business as usual. Any impact from this will help inform future budget setting and financial monitoring reports.

Back in December 2021 and January 2021, the Executive agreed £1.7m of additional budget to support the Covid recovery. The majority of this budget was approved to be carried forward in the Outturn report at June Executive. This money will continue to support the recovery from Covid 19 throughout 2021/22. This budget is ringfenced to Covid-19 recovery and has been excluded from the table below.

	£,000
Additional Expenditure	£7,135
Lost Income	£2,588
Delayed Saving Plans	£250
3rd Party Income (CCG, Income compensation)	(£6,398)
Impact from Covid-19	£3,575
Less: Emergency Government Funding	(£3,187)
Net Impact from Covid-19	£388

Recommendation 2 – Current Position

The Executive has agreed to consider Revenue Monitoring Reports on a quarterly basis. In February 2021, the Council agreed and set its net General Fund (Revenue) budget at £147.763 million; following year end, this is to be further adjusted to account for agreed carry forward of budget and movements between directorates. This gives a working budget for each of the Councils Directorates. The working budgets and forecast outturn are shown in the table below.

Directorate*	2021/22 – End of December Position				
	Approved Budget	Forecast Spend	(Favourable) / Adverse Variance (Forecast Less Budget) £,000	(Favourable) / Adverse Variance split into:	
				Business as Usual (BAU) £,000	Covid Impact £,000
£,000	£,000	£,000	£,000	£,000	£,000
Adult Social Care	£56,106	£56,186	£80	£0	£80
Chief Executive	£11,561	£11,749	£188	£0	£188
Children's Services	£36,623	£37,174	£551	£90	£461
Place & Growth	£42,759	£44,355	£1,596	£0	£1,596
Resources & Assets	£907	£2,502	£1,595	£45	£1,550
COVID - Other	£0	(£300)	(£300)	£0	(£300)
COVID – Government Grant Funding	£0	(£3,187)	(£3,187)	£0	(£3,187)
Net Expenditure Total	£147,956	£148,479	£523	£135	£388

Further details of the outturn forecast position and variances are also shown in Appendix A. The main items of the variances identified to date are:

* Note – Following a recent restructure, the Communities, Insight and Change directorate, has been absorbed into the Chief Executive and Place and Growth directorates. Budgets have been realigned in the table above.

Adult Social Care & Health - BAU - No material variances identified.

Covid - The covid costs of £80k show the impact of early indications of increasing demand from the hospital discharge programme. The delay in the expected delivery of savings has been removed as the service is making significant progress towards achieving targets.

Children's Services - BAU - an overspend of £90k is forecast for the year. This is largely driven by an increase in the number of looked after children and pupils entitled to home to school transport, partly offset against cost savings in other areas as the Directorate drives forward the transformation programme.

Covid - The £461k covid pressure reflects the ongoing financial impact on the service of supporting and safeguarding vulnerable children and families during the pandemic.

Place and Growth - BAU - No material variances identified.

Covid - c£0.9m Covid pressures consists mainly of lost income across car parking which will be compensated for in part from income claims to government. The compensating

income is shown within the line called "other" on the table above. c£570k of additional costs for emergency accommodation and homelessness B&B costs.

Resources and Assets - BAU - £45k from budget risk due to lower number of schools signing up to managed services.

Covid - c£0.5m Leisure Contract Impact. Working closely on a regular basis with Leisure partner to review the full year impact. c£0.8m relating to our property portfolio, primarily operational property. c£0.2m lost income from activity and prevention programmes and c£0.1m lost income through digital solutions.

Emerging Pressures

The following items have been identified as emerging pressures which are being closely monitored. These include dual fuel prices rises, the Council is currently protected against energy price changes until April 2022 through our energy contracts. The current estimates for 2022/23 suggest an increase of c60% which would equate to c£600k. impact.

The NJC pay award for 2021/22 has still not been resolved, a supplementary estimate will be brought forward once agreed. The current estimate is an impact is c£960k.

The Adult Social Care reform impact is expected from October 2023 with a full year effect expected from 2024/25 financial year. The impact is unknown at this stage.

UASC National Transfer Scheme - mandatory from December 2021 will increase the number of young people and therefore placement costs within Children's Social Care, circa £300k impact for 2023/24 likely.

Home to School Transport - increasing number of families moving into the borough from overseas is further increasing pressure on school places and therefore need for home to school transport.

Further information on these emerging pressures will be presented at later Executive meetings when required.

General Fund

Taking account of the net overspends above and the effect of Covid-19 pressures (if assuming no further government funding), the balance on the General Fund reserve as at 31 March 2022 is estimated to be c£9.9m. This remains a prudent level of reserves and above the minimum recommended reserve balance of £6.6m set out in the Medium Term Financial Plan. See Appendix B for further details.

Housing Revenue Account (HRA)

The Housing Revenue Account is currently expecting to be on budget with no material variances. Some additional costs are expected around specialist cleaning due to Covid-19 however these are planned to be met within existing budgets. HRA reserves are estimated to be c£1.3m on 31 March 2022. This remains a prudent level of reserves and above the minimum recommended reserve balance of £0.9m set out in the Medium Term Financial Plan. See Appendix C for further details.

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, education and support for children with Special Educational Needs & Disabilities (SEND), and to fund relevant support services.

The DSG is forecasting an in-year adverse variance of £2.9m against a total budget of £162m – this represents 1.8% of total income. This position has improved slightly on the £3.1m variance reported in quarter two.

As is the case with the vast majority of authorities across the country, the overspend on the DSG relates to ongoing pressure on the High Needs Block (HNB), driven largely by continuing increases in the number of children and young people with Education Health and Care Plans (EHCPs) and their related needs resulting in demand for specialist placements.

SEND Innovation & Improvement Programme / HNB Deficit Management Plan

The purpose of the SEND Innovation and Improvement Programme (SEND IIP) is to deliver the SEND Strategy (0-25). It has 5 priority aims:

- 1) To strengthen local provision and quality of local practice
- 2) To improve the efficiency of processes (including timeliness and quality of EHCPs and the Annual Review process)
- 3) To ensure effective Transitions at all ages and stages
- 4) To strengthen sufficiency of local provision, more effective strategic commissioning and Value for Money, and greater impact on outcomes
- 5) All of the above enabled through effective and meaningful coproduction

The SEND IIP is a large, ambitious programme of improvement and innovation, which currently runs until December 2022.

In addition to improving outcomes for children and young people with SEND, the IIP is also designed to ensure that Wokingham gets the best value for money from its allocation of resources to support delivery of services for children and young people with SEND, and their families.

In order to achieve this, deliverables within the programme are being reviewed for their impact on Value for Money, particularly in terms of their contribution to containment of pressures on the High Needs Block (HNB) and ensuring that the full range of resources across the local area are used in an intelligence-led, smart and strategic way.

Some examples of projects and activities within the SEND IIP which will help to achieve this include:

- Strengthening SEND Team operations to monitor and manage every child and young person with SEND currently in the system and coming through, with details of needs, costs and likely future costs
- Develop new models of delivery to meet needs more cost effectively (including the Ordinarily Available project, Outreach support, training, and development for professionals)

- Restructuring services to ensure efficient permanent teams are in place
- Redesign of Local Offer and IAG platforms for parents, carers, and professionals to help make support, information advice and guidance easier to access
- Transform model of working with VCS providers to support fundraising & target their support around priority issues
- Strengthen arrangements around contracts, Service Level Agreements
- Work strategically with partners across the landscape of SEND provision, and national agencies, to develop the most robust and sustainable approach to the High Needs Block
- Sharpen the focus of multiagency work on strategic commissioning, addressing Wokingham budget and resource challenges
- Ensure through the Sufficiency Planning (see section below) that Wokingham builds and makes best use of local provision, and dependency on Out-of-Borough provision is addressed in a sustainable way

Addressing the challenges on the High Needs Block in the short term is complex, particularly in light of the continuing significant rise in the number of children and young people with an EHCP.

The significant work being taken forward under the governance of the SEND IIP provides a platform for a longer-term reduction of out of borough placements, the key to unlocking financial sustainability. Work continues across a range of actions in support of that overall objective.

The Council are working closely with the Department for Education on the deficit management plan, with a meeting held in recent weeks to review with them the challenges faced locally and the ongoing significant programme of work being undertaken by WBC.

Future funding levels across local government finance are uncertain. The government has been clear they would keep plans under review given the unprecedented uncertainty of Covid-19, and as such a one-year Spending Review was announced by the Chancellor last November. While schools were identified as one of the 'cornerstone(s) of society', funding levels beyond next financial year are unclear. A major national review into support for children and young people with SEND was announced in 2019 by central government and it is therefore likely that future activity locally will be influenced by outcomes from that.

Appendix D provides a financial summary for the DSG

Recommendation 3 – Supplementary Estimate

The executive are asked to approve a supplementary estimate of £110,000 for additional resource to support the Arts and Culture strategy for the next two years.

In its Corporate Delivery plan the Council commits to 'enrich lives' through 'working with partners to engage and empower our communities through arts and culture and create a sense of identity for the Borough which people feel part of'. The Council adopted an ambitious Arts & Culture Strategy in September 2020. It has also established the Cultural Alliance as the key partnership vehicle for delivering against this strategy and the Alliance has similarly high ambition. However, without additional capacity the council cannot provide the leadership, co-ordination and relationship building required to

take this agenda forward. This role will both build external stakeholder relationships and enhance existing council work streams through embedding arts and culture as a theme to help us meet our key priorities. In particular, through working with schools and young people, economic development, and health and wellbeing.

It is proposed that the Council recruits an Arts and Culture development officer on a two-year fixed term contract. With a view that this could become permanent at the end of this period. It is proposed that the post would sit in the Place and Growth directorate within Housing and Place. The indicative grade would be a nine to reflect the strategic nature of the post and extensive skill set required to focus on internal and external stakeholders, partnership development, project and programme management and fundraising.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0.5m	No, shortfall of £0.5m	Revenue
Next Financial Year (Year 2)			
Following Financial Year (Year 3)			

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 Duty assessment are undertaken during individual business cases.

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 – this is only a report on the financial position for quarter three.

List of Background Papers

Appendix A – Revenue Monitoring Summary
 Appendix B – General Fund Balance
 Appendix C – Housing Revenue Monitoring Summary
 Appendix D – DSG Monitoring Summary

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

REVENUE MONITORING REPORT December 2021

GENERAL FUND SUMMARY

Directorate	End of Year Position					Comment on major areas of estimated over / (underspend) including impact from Covid 19
	Current Approved Budget	BAU Forecast (i.e. excluding Covid Impact)	Excl. Covid Net over / (under) spend	Covid Forecast	Incl. Covid Net over / (under) spend	
	£,000	£,000	£,000	£,000	£,000	
Resources and Assets	907	952	45	1,550	1,595	<p>BAU - £45k from budget risk due to lower number of schools signing up to managed services.</p> <p>Covid - c£510k Leisure Contract Impact. Working closely on a regular basis with Leisure partner to review the full year impact, c£750k relating to our property portfolio, primarily operational property, c£150k lost income from Leisure activity and prevention programmes and c£140k lost income from digital solutions.</p>
Chief Executive	11,561	11,561	0	188	188	<p>BAU - No material variances identified.</p> <p>Covid - Previously reported under CIC, The covid costs of £188k show the additional costs relating to communications and IT in responding to pandemic.</p>
Children's Services	36,623	36,713	90	461	551	<p>BAU -an overspend of £90k is forecast for the year. This is largely driven by an increase in the number of looked after children and pupils statutorily entitled to home to school transport, partly offset against cost savings in other areas as the Directorate drives forward the transformation programme.</p> <p>Covid - The £461k covid pressure reflects the ongoing financial impact on the service of supporting and safeguarding vulnerable children and families during the pandemic</p>
Adult Social Care & Health	56,106	56,106	0	80	80	<p>BAU - No material variances identified.</p> <p>Covid - The covid costs of £80k show the impact of increasing demand from the hospital discharge programme. The delay in the expected delivery of savings has been removed as the service is making significant progress towards achieving targets.</p>
Place and Growth	42,759	42,759	0	1,596	1,596	<p>BAU - No material variances identified.</p> <p>Covid - c£900k Covid pressures consists mainly of lost income across car parking which will be compensated for in part from income claims to government. The compensating income is shown within the line called "other" on the table below. c£570k of additional costs for emergency accommodation and homelessness B&B costs.</p>
COVID - Other	0	0	0	(300)	(300)	£300k income expected from Sales, Fees and Charge compensation scheme
COVID - Grant funding from Government	0	0	0	(3,187)	(3,187)	
Revenue Expenditure Total	147,956	148,091	135	388	523	

Notes

- The financial impact of the COVID-19 Omicron variant is not yet known but it is likely to impact on income streams and will be included in future updates where applicable.
- Communities, Insight and Change, following the recent restructure has been absorbed into the Chief Executive and Place and Growth directorates.

Emerging Pressures

- Duel Fuel Prices - currently protected against energy price changes until April 2022. Best estimates for 2022/23 suggest an increase of c60% which would equate to c£600k impact.
- Pay award - not yet resolved, supplementary estimate will be brought forward once agreed, likely impact is c£960k.
- ASC Reform - impact expected from October 2023
- UASC National Transfer Scheme - mandatory from December 2021 will increase the number of young people and therefore placement costs within Children's Social Care, circa £300k impact for 2023/24 likely
- Home to School Transport - increasing number of families moving into the borough from overseas is further increasing pressure on school places and therefore need for HTST

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Estimated General Fund Balance - 31st December '21

Note	£,000	£,000
1 Estimated General Fund Balance (as at 31/3/2021)		(£12,467)
Budgeted drawdown from general fund (as per MTFP)	£1,207	
		£1,207
<u>Supplementary Estimates</u>		
Mar 21 - Employment Hub	£10	
Mar 21 - Covid Winter Grant Scheme	£100	
Jun 21 - Digital Infrastructure Group	£16	
Jul 21 - Tone of Voice	£32	
Oct 21 - Equalities and Diversity programme	£151	
Oct 21 - Re-integration of Trading Standards and Environmental Health	£250	
Oct 21 - Deliberative Process Climate Emergency	£46	
Dec'21 - Peer Review Actions	£150	
Jan 22 - Arts and Culture Post	£110	
		£865
<u>Service Variance (excluding COVID-19 Impact)</u>		
Adult Social Care & Health	£0	
Chief Executive	£0	
Children's Services	£90	
Resources and Assets	£45	
Place and Growth	£0	
		£135
2 Estimated net impact from Covid - 19		£388
Estimated General Fund Balance 31/3/2022		(£9,873)

Notes

1. General balance as at 31/03/21 is estimated pending completion on the 2020/21 statement of accounts.

2. Based on assumption that no further funding comes from central government. The Council will continue to lobby for additional funding to cover the impact from Covid-19.

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REVENUE MONITORING REPORT December 2021

HOUSING REVENUE ACCOUNT

Director: Steve Moore

Lead Member, Housing Services: John Kaiser

Service	Position at End of September			
	Full Year Budget	Full Year Forecast	Full Year Variance	
	£,000	£,000	£,000	
Rents	Expenditure	342	342	0
	Income	(15,006)	(15,006)	0
	Net	(14,663)	(14,663)	0
Fees & Charges / Capital Finance Charge	Expenditure	97	97	0
	Income	(125)	(125)	0
	Net	(28)	(28)	0
Housing Repairs	Expenditure	3,236	3,236	0
	Income	(30)	(30)	0
	Net	3,206	3,206	0
General Management	Expenditure	2,061	2,061	0
	Income	(110)	(110)	0
	Net	1,951	1,951	0
Sheltered Accommodation	Expenditure	266	266	0
	Income	(476)	(476)	0
	Net	(210)	(210)	0
Capital Finance	Expenditure	5,267	5,267	0
	Income	(59)	(59)	0
	Net	5,208	5,208	0
Subtotal Excluding Internal and Capital Charges		(4,535)	(4,535)	0
Internal and Capital Charges		4,535	4,535	0
Total		0	0	0

Housing Revenue Account Reserve	£,000	£,000
HRA Reserves as at 31st March 2021		(1,268)
- Planned contribution to reserves	(12)	
- Net Variance (Total)	0	
2021/22 - Net Spend against reserves		(12)
HRA reserves as at 31st March 2022		(1,280)

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REVENUE MONITORING REPORT December 2021
DEDICATED SCHOOLS GRANT MONITORING REPORT

	Position at end of December			Comment on major areas of estimated over / (underspend)
	Full Year Budget	Full Year Forecast	Full Year Variance	
	£000	£000	£000	
Schools Block including academies (excluding De-delegation)	120,919	120,919	0	No material variances identified
Early years	11,302	11,204	(98)	Early Years funding adjustment in respect of 2020/21
High Needs Block	23,390	26,466	3,076	Continuing increase in the number of children and young people with EHCPs and demand for specialist placements. Movement in forecast reflects movements and additional placements for the new academic year.
4 Central Schools Services Block (includes Growth Fund)	1,745	1,961	216	£200k in-year pressure on Growth Fund being funded from planned reserves
De-delegation	773	828	55	£55k funded from planned reserves
Other schools grant	3,828	4,825	997	Offset by increased grants income below
Total expenditure	161,956	166,202	4,246	
Dedicated School Grant (DSG)	(158,128)	(158,549)	(421)	Drawdown of planned reserves
Other School Grants	(3,828)	(4,825)	(997)	Increased grants passported to schools
Total income	(161,956)	(163,374)	(1,418)	
Total in-year (surplus) / deficit	0	2,828	2,828	In Year expenditure less income
Brought Forward (surplus) / deficit balance	0	5,826	5,826	Deficit brought forward from previous years
Total year end (surplus) / deficit	0	8,654	8,654	

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TITLE	Capital Monitoring 2021-22 - Quarter 3
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
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)

Effective use of our capital resources to meet the Council Plan investment priorities and delivering value for money for residents.

RECOMMENDATION

The Executive is asked to:

- 1) approve and note the proposed rephasing to the Capital Programme following the 'in-year' review, as set out in paragraph 3 and Appendix B. There is no financial / service impact from the reprofiling of budgets into 2022/2023;
- 2) note the position of the capital programme at the end of Quarter 3 (to 31st December 2021) as summarised in the report below and set out in detail in Appendix A;
- 3) approve and note the removal of the new Crematorium scheme from the capital programme. This will removal £3.7m of budget from the 2021/22 capital programme.

EXECUTIVE SUMMARY

1. This report informs the Executive of the progress of the Council in delivering its capital programme for the financial year 2021/2022. The Executive have previously agreed to consider Capital Monitoring Reports on a quarterly basis and this report highlights the capital monitoring as at the end of the third quarter of the financial year (31 December 2021).
2. The COVID 19 pandemic continues to have a financial impact on the Council's finances, in terms of both its revenue and capital resources. It is therefore essential that the capital programme is closely reviewed to assess the assuredness of funding sources and if there have been any changes in service requirements. The Council on the other hand must recognise that capital investment will play an important role in local and regional recovery from the impact of the crisis.
3. The Council's finance team working with services across the council have conducted a review of the programme to identify rephasing of projects to match

expected delivery, taking account of the impact on the service delivery and project cost. The review originally has identified £152.7 million of rephasing, in the third quarter of the year, this was adjusted to **£244.3 million**, and this is summarised below; a full list of the adjusted projects is at 'Appendix B - List of proposed rephasing of projects in Quarter 3' and Executive is asked to approve the updated rephasing of these projects.

- The programme will continue to be monitored and reviewed throughout the financial year and any further rephasing will be notified to Executive for approval. Review of capital projects has identified a **£10.9m** savings (further detail in note 5 and on Appendix A).

Capital Monitoring Forecast Outturn Position for 2021/2022 (as at 31 December 2021):-

	£'million
Capital Programme approved at Council (Feb 2021)	204.4
Budget rephased from prior years (existing projects)	209.2
Budgets movements in year (including removal of new Crematorium project)	(4.2)
Capital Approved Budget	409.4
Budget rephased to later years	(244.3)
Working Capital Programme	165.1
Forecast variances to the programme – savings	(10.9)
Forecast Capital Outturn	154.2

- As at 31 December 2021, there are £(10.9)m savings variances to the capital programme identified. This are made up as follows:

<u>Analysis of material budget savings identified as at 31 December 2021</u>	£'million
<u>Place & Growth</u>	
GCN (Great Crested Newt) District Level Licence - External organisation to deliver requirements	(4.8)
<u>Community Insight and Change</u>	
Temporary Accommodation Improvement Works at Grovelands Park - Phase 2 being transferred to HRA and funding within existing HRA budget	(2.7)
<u>Adult Social Care</u>	
ASC and Optalis Transformation Programme through utilisation of revenue budget to free up capital funding	(0.85)
Learning Disability Outreach and Overnight Respite Centre - Reduced scope of works via refurbishment rather than new build.	(0.7)
Following savings identified and projects to be considered as part of future MTFP projects	
Investment in Manual Handling Equipment to Reduce Domiciliary Care costs	(0.25)

Connected Care	(0.09)
Resources & Assets –	
Bulmershe Swimming Pool / Leisure Centre (new build) - Savings reflect efficiency achieved through streamlined procurement and design development, now operational post Covid	(0.77)
Town Centre Regeneration (Strategic acquisitions) – No further acquisitions expected	(0.71)
Total	(10.9)

The savings identified are self – funded schemes, except for all of the Adult Social Care projects where the savings can be reinvested to fund other schemes in the capital programme.

6. All projects that have been rephased have been made in consultation with the project / programme managers and they confirm there is a nil or negligible impact of the re-phased programme on service delivery and the rephasing does not increase the cost of the project or have a revenue impact on the service area.
7. The new Crematorium scheme has been removed from the capital programme, this has resulted in a reduction in budget of £3.7m in 2021/22.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£154.2m	Yes	Capital
Next Financial Year (Year 2)	£244.3m	Yes	Capital
Following Financial Year (Year 3)	tbc when 2022/23 budget set	Yes	Capital

Other Financial Information

None

Stakeholder Considerations and Consultation

Stakeholders should be reassured of the effective management of the Council's resources.

Public Sector Equality Duty

Equality assessments are carried out as part of each capital project

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 capital programme includes projects which help achieve our priorities in relation to climate change.

List of Background Papers

Appendix A: Capital Monitoring Summary Report for Quarter 3 (2021-2022)

Appendix B: List of proposed rephrasing of projects in Quarter 3 to 2022-2023

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

CAPITAL MONITORING REPORT December 2021

Directorate	Current Approved Budget £,000	Current Approved Budget is split into:		Analysis of Current Year (Yr 1)		Comments on material variance (Under) / Overspend:
		Current Year (Yr 1) £,000	Next Year (Yr 2) £,000	Current Forecast £,000	(Under) / Overspend £,000	
<i>Notes</i>	1	2	2	3		
Adult Social Care & Health	16,783	5,793	10,991	3,903	(1,890)	£(851k) saving - ASC and Optalis Transformation Programme through utilisation of revenue budget to free up capital funding. £(700k) saving - Learning Disability Outreach and Overnight Respite Centre - reduced scope of works via refurbishment rather than new build. The following in year savings identified and projects to be considered as part of future MTFP projects; - £(252k) saving - Investment in Manual Handling Equipment to Reduce Domiciliary Care Costs - £(87k) saving - Connected care.
Chief Executive's Office	3,454	1,879	1,575	1,879	0	No material variances identified at this stage
47 Children's Services	23,001	13,822	9,180	13,828	7	No material variances identified at this stage
Housing Revenue Account (HRA)	12,350	9,350	3,000	9,350	0	No material variances identified at this stage
Place & Growth	182,988	93,404	89,584	85,905	(7,499)	£(4.8m) Saving - GCN (Great Crested Newt) District Level Licence - External organisation to deliver requirements. £(2.7m) underspend Temporary Accommodation Improvement Works at Grovelands Park - Phase 2 being transferred to HRA and funded within existing HRA budgets.
Resources & Assets	170,786	40,777	130,009	39,297	(1,480)	£(766k) Saving - Bulmershe swimming pool / leisure centre (new build) - savings reflect efficiency achieved through streamlined procurement and design development, now operational post Covid £(714k) Saving - Town centre regeneration (strategic acquisitions) - no further acquisitions expected
Total	409,362	165,024	244,338	154,161	(10,863)	

Notes

- 1) Current approved budget is made up of approved budget through the MTFP plus additional budget approved in year.
- 2) Current approved budget is split at the start of the year into budgeted spend in current year and spend in next year.
- 3) Current forecast is estimated spend for the year.

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Appendix B - List of proposed rephasing of projects in Quarter 3 into Year 2 (2022/23)

Working closely with the services across the Council, the following table highlights the changes to the rephasing of the capital programme since Quarter 2. There is no material impact on service delivery or project cost.

Project	Amount £
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Previous Quarter 2 Reprofitting into 2022/23	181,308,092
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Since Q2, the following projects have been identified to be reprofiled to spent in 2022/23.

Adult Social Care & Health

Mosaic Modernisation Reimplementation	95,750
Initial options works – Loddon Court provisions	9,150
Total - Adult Social Care & Health	104,900

Chief Executive's Office

Maintaining enhanced level of IT infrastructure	388,022
IMT Security & Infrastructure/Networking/Licences	262,000
IT Network capability & resilience improvement	131,073
Network Hardware Replacement	100,000
PCI Payment Scheme compliance	80,000
Laptop Refresh	79,714
Optalis IT Kit Windows 10 upgrade	47,094
BWO upgrade and improvement	36,706
Replace wireless access points	20,000
Total - Chief Executive's Office	1,144,609

Children's Services

School Kitchens	87,999
Investment in Special Education Needs Provision	125,000
School LED Enhancements - Devolved Capital Schemes	131,183
Total - Children's Services	344,182

Place & Growth

Managing Congestion	2,500,000
Twyford Library Enhancement project	633,594
Strengthening Approach Embankments to Bridges	446,549
Mandatory disabled facility grants	370,901
Montague Park Community Facility	230,000
A327 Cycleway	200,000
Dinton Storage Barn	179,375
Integrated Transport Schemes	158,596
Woodley/ Reading Active Travel Route	150,000
Library Offer	60,000
Berkshire Record Office	20,000
California Country Park - Scout Hut	12,450
Total - Place & Growth	4,961,465

Resources & Assets

Community Investment	27,900,000
Strategic Property and Commercial Assets	13,586,416
WBC (Holdings) Ltd Loan	10,000,000
Strategic residential portfolio	4,376,000
Carnival II - Residential Build	2,000,000
14-28 Denmark St, Wokingham - improvements work	887,387

Energy Reduction Schemes	830,867
Mulberry Business Park Wokingham - improvements work	481,468
Improvement to WBC commercial properties	159,217
Marks & Spencer's Site - Construction & refurbishment	51,955
Toutley Depot	32,967
Investment Fund - project costs	20,514
Emmbrook Junior School - replacement of single glazed windows & doors	5,650
Hillside School design & construction of solar shelter	5,000
Total Resources & Assets	60,337,441

Further Reprofiling into 2022/23	66,892,596
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Since Q2, the following projects reprofiling has been identified to be brought forward from 22/23 into 21/22.

Children's Services

Feasibility work in preparation for the Secondary Basic Need programme	(100,000)
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Place & Growth

SCAPE - Major Road infrastructure (distribution roads etc.)	(3,720,000)
Denmark Street Environmental Improvements	(20,000)

Resources & Assets

Peach Place New Development - Completion works & Incentives	(22,798)
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Project Spend Reprofiled Back to into 2021/22	(3,862,798)
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Total Reprofiling into 2022/23	244,337,890
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TITLE	Chief Finance Officer's Report
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
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)

The Local Government Act 2003 requires the Chief Finance Officer (Deputy Chief Executive and CFO) to report to Members, when setting the level of Council Tax, on the robustness of the budget presented and adequacy of reserves. The CFO report highlights the strong financial management the Council. It also outlines the major financial issues facing the Council in the medium-term period, which without the Council taking a commercial approach could increase the reliance on council tax income as well as impact on the future delivery of Council services.

RECOMMENDATION

The Executive is asked to:

- 1) note the Chief Finance Officer (CFO) report and the issues contained within, including the local government finance settlement and the sections on key risks, and that they consider these when setting the council tax for 2022/23 and agreeing the Council's medium term financial plan (MTFP);
- 2) support the Council's response to the local government finance settlement as set out in Appendix two to the report.
- 3) support the Council's ongoing representations for fairer funding for the residents of Wokingham Borough Council.

EXECUTIVE SUMMARY

The Local Government Act 2003 requires the Chief Financial Officer (Deputy Chief Executive) to report to Members as part of the budget setting process. A major influence on the budget is the local government finance settlement. It is important to note that the current finance settlement is for **one year only**. A 3 year funding settlement was expected but only a 1 year settlement was announced, leaving considerable uncertainty over the Council's funding from 2023/24 onwards. Wokingham still face major uncertainty on future funding levels and await the outcome from the delayed Government's comprehensive spending review.

The report identifies some of the most significant financial risks faced by the Council. These include increases in clients' care costs, increasing demand in children services,

forward funding of the Council's investment ambitions (particularly the Strategic Development Locations (SDLs), and Town Centre Regeneration (investment in property assets for regeneration) and supporting the economic recovery from Covid-19.

Impact of Covid -19

The financial impact of Covid-19 has been felt significantly over the past two financial years but its effects will undoubtedly flow into future years. All areas of the Council's finances (Revenue, Capital, DSG, HRA) are impacted by the pandemic, some to a greater extent than others. The Council's Revenue Account has been most significantly impacted but, with careful budget management and Government support the Revenue Monitoring indicates that the Council will close down with only a small net expenditure variance to budget. Although there is provision for the financial effects of Covid-19 in 2022/23, a close monitoring of the position will continue in the same way as 2021/22.

BACKGROUND

The Local Government Act 2003 requires the Chief Finance Officer (Deputy Chief Executive and CFO) to report to Members, when setting the level of Council Tax, on the robustness of the budget presented and adequacy of reserves. The report outlines the major financial issues facing the Council.

The Chief Financial Officer's report contains issues, risks and strategic considerations in respect of revenue and capital. Key issues are also highlighted in the report.

The provisional local government finance settlement was released on 16 December 2021, outlining Wokingham's funding levels for 2022/23. A response to the consultation on the settlement has been prepared and is attached as appendix two. The final settlement will be ratified by Parliament in February.

Corporate Implications

The Medium Term Financial Plan covers both the revenue and capital budgets required to deliver the priorities of the Council over the next three years. The proposed net revenue budget for 2022/23 is approximately £145m (excluding depreciation) (£132m in 2021/22).

The Council needs to set a balanced budget in the context of this. The budget requirements for 2023/24 and 2024/25 are also shown in the plan as indicative figures only.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

Other Financial Information

Included in the MTFP

Stakeholder Considerations and Consultation

The budget setting process starts early in the previous financial year with a focus on areas which require budget growth to meet growing demands and areas which can deliver savings through efficiencies and additional income generation. A budget submission process is undertaken to ensure budget bids can be challenged in the context of the Council's aims and objectives. To enhance transparency and budget setting engagement this year's process (similar to last year) has included consultation

with the Community and Corporate Overview and Scrutiny Committee (CCOSC). Information provided at CCOSC is also available to the Public.

Public Sector Equality Duty
Public Sector Equality Duty was considered throughout the budget bid process.

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 MTFP sets out the Councils planned investment to support Climate Change.

List of Background Papers
CFO Section for Medium Term Financial Plan
Appendix Two – WBC Consultation response letter to draft settlement

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

CHIEF FINANCE OFFICER'S STATUTORY REPORT

1. Introduction

The Local Government Act 2003 requires the Chief Finance Officer (CFO) to report to Members, when setting the level of council tax, on the robustness of the budget presented and adequacy of reserves. The report is intended to discharge this responsibility and provides a strategic overview of the Council's financial position as a context before making specific considerations on the 2022/23 budget.

The budget setting process starts early in the previous financial year with a focus on areas which require budget growth to meet growing demands and areas which can deliver savings through efficiencies and additional income generation. A budget submission process is undertaken to ensure budget bids can be challenged in the context of the Council's aims and objectives. To enhance transparency and budget setting engagement, this year's process has again included consultation with the Community & Corporate Overview & Scrutiny Committee (CCOSC). Information provided at CCOSC is also available to the Public.

A robust budget must be a balanced budget whereby total expenditure and total income match. Any change in the annual budget in relation to spend pressures must be balanced by service efficiencies and where appropriate council tax increases.

2. The financial standing of the Council

Heading into the 2022/23 financial year, the financial standing of the Council remains robust. Achieved through good financial management, the Council has built up financial resilience and sustainability, despite years of austerity from Central Government funding.

Following the start of the Covid-19 pandemic, the Council have reacted quickly to enhance financial management during the crisis. The Council's finance staff are working closely with Directors to challenge and update forecasts based on a continually changing rationale.

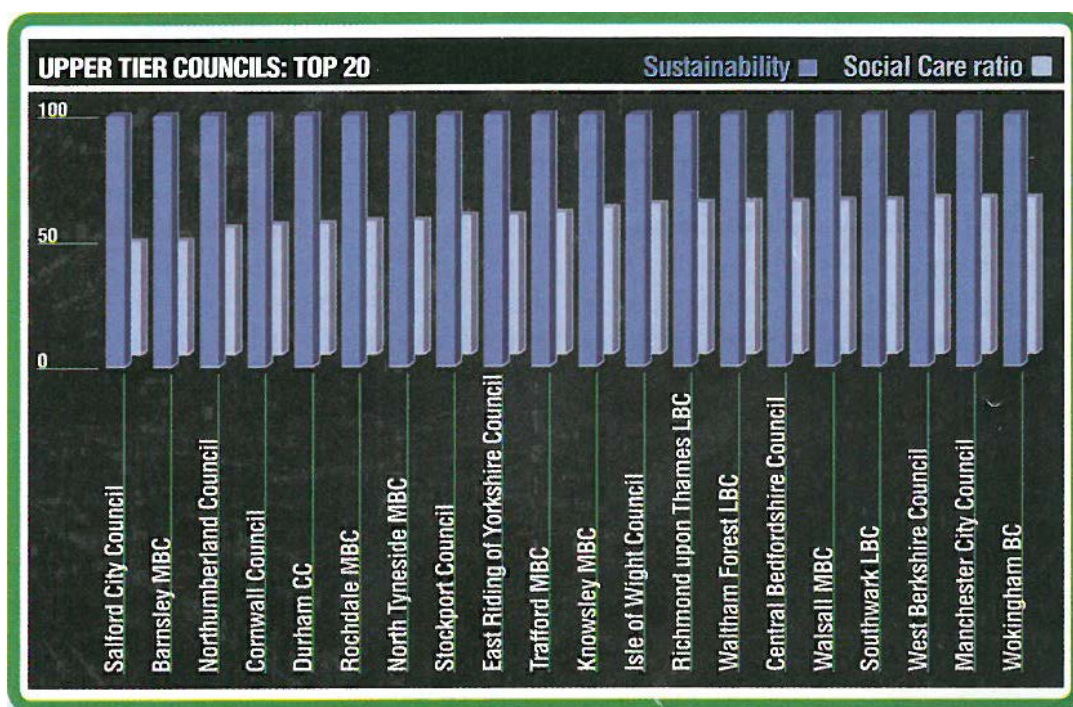
This includes;

- Ensure there is clarity with regards to genuine expenditure decisions with regard to Covid 19 related spend (as opposed to the necessity to discharge our statutory responsibilities).
- Seek to maximise opportunities to deliver on MTFP savings plans, recognising that staff remain significantly diverted to the Response phase.
- Explore reduced expenditure opportunities arising as a result of Covid-19 or otherwise, including a review of Special Items.
- Maintain a weekly financial review of the Covid-19 impact including collection rates and Direct Debit failure rates on major income streams.
- Initiate an early MTFP review process tailored to identify areas of relative financial certainty and high-risk areas of greater ambiguity.
- Review non-General Fund balances to assess risks and potential options to transfer balances to the General Fund reserve (if the General Fund position becomes perilously low).
- Continue to make representations for additional funding through Government Returns, Regional Conference calls and MPs.

CIPFA Resilience Index

In December 2019, CIPFA published their first financial resilience tool which highlighted key financial indicators such as reserves sustainability, external debt and social care ratios based on the 2018/2019 financial year. The index shows a council's position on a range of measures associated with financial risk and financial stress. The selection of indicators has been informed by the extensive financial resilience work undertaken by CIPFA over a number of years, public consultation and technical stakeholder engagement. Wokingham have been rated in the top 20 of upper tier councils for financial sustainability (source: 9th Jan – The Management Journal). Although Wokingham have been rated highly for financial sustainability (measured by ability to maintain reserve balances), the Council still face significant challenges and risks in the future which are outlined in this report and throughout the Medium Term Financial Plan (MTFP). Also included in the graph is the social care ratio which shows how much of the annual spend is linked to social care which is seen by CIPFA as an area of financial risk for all local authorities.

The latest resilience index published (based on 2019/20 data) showed an improved position on indicators of financial stress. These included improved indicators around maintaining or improving earmarked reserves and the cost of social care as a proportion of total expenditure compared to other local authorities.



Source – The MJ – 9th January 2020

3. How Council services are funded?

Council services can be broken down across 4 key financial areas known as;

- Revenue (also known as General Fund) – expenditure in providing day to day services.
- Capital – expenditure in assets that generate economic benefits greater than one year.
- Housing Revenue Account (HRA) – ringfenced expenditure across the local authority housing stock.
- Dedicated Schools Grant (DSG) – ringfenced expenditure across maintained schools, early years and high needs services.

Revenue (General Fund)

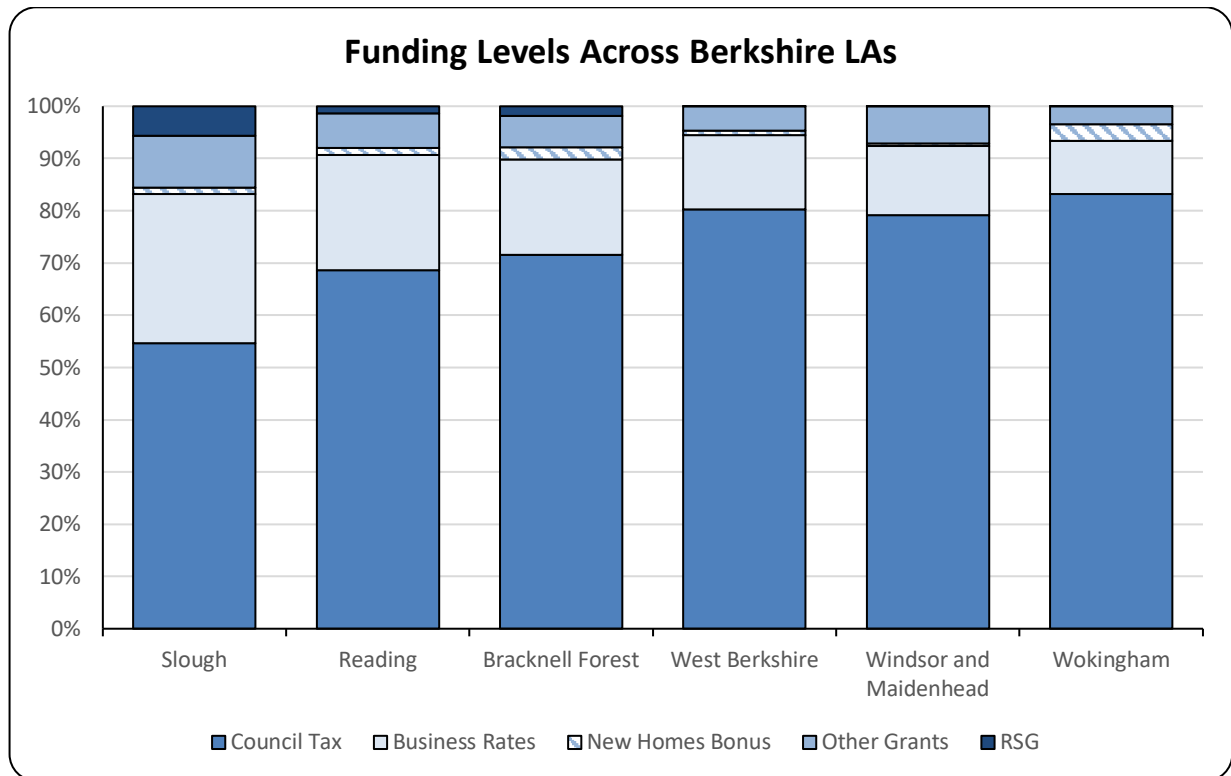
Expenditure in relation to providing the day to day services of the Council is referred to as revenue spend. Further information on where this money is spent is highlighted throughout the Medium Term Financial Plan. Funding of this revenue expenditure is determined through the local government finance settlement and consists of;

- Settlement Funding Assessment (SFA);
 - Revenue Support Grant (RSG)
 - Retained Business Rates
- Council Tax
- New Homes Bonus

Local authorities up and down the country have continued to push for a fairer funding review and long-term finance settlements to provide sustainable long term funding. The intention from the government announced in the Autumn Spending Review was to set a three year finance settlement however this funding review has been delayed again meaning the local government finance settlement for 2022/23 is for one year only as opposed to a three year funding settlement. This means that there is still much uncertainty around future settlements in terms of duration and the actual amount of funding Wokingham will receive. Consequently, it has been difficult to make definite determinations about budgets in 2023/24 and 2024/25. This context means it is extremely important the Council takes a prudent approach in its budget setting proposals for the 2022-2025 medium term financial plan.

As a result of numerous years of local government funding driven by a formula that is skewed toward deprivation factors (as opposed to recognising the basic cost of providing services) and reductions in centrally funded grants based on percentage reductions to previous years, Wokingham Borough Council has been for many years the lowest funded unitary authority (per head of population) in the country. A consequence of this is that Wokingham Borough Council's local services are deemed in the finance settlement to have the majority funded by its council taxpayers. Whilst the average unitary authorities receive revenue support grant and retained business rates to fund around 30% of their service costs, Wokingham receive only 9%.

The graph below highlights the imbalance of funding requirements across the 6 Berkshire authorities. Based on the core spending assumptions from central government in the finance settlement, Wokingham has the majority of funding expected to come from council tax as opposed to Slough for example, who receive more revenue support grant and can retain more business rates funding.

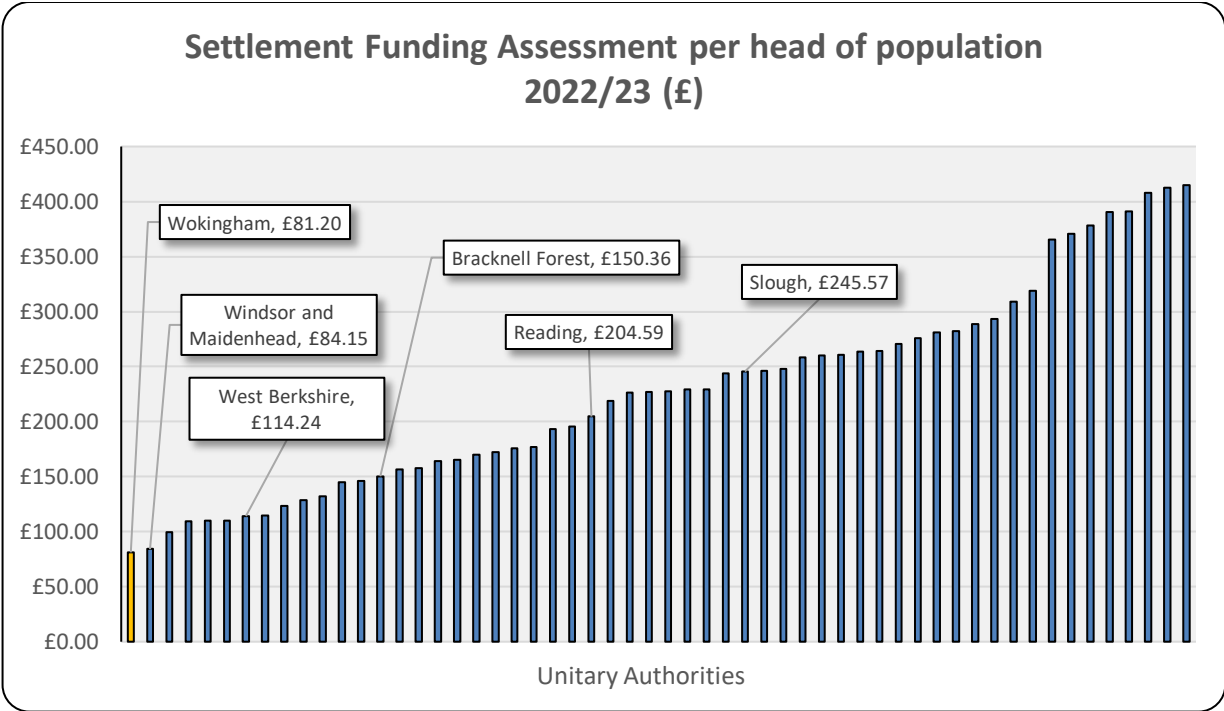


Settlement Funding Assessment (SFA)

The SFA is a calculation consisting of the sum of baseline funding level (BFL) and the revenue support grant (RSG). The BFL represents Wokingham’s share of business rates retained income (£14.1m) and the RSG represents a grant from government to help fund services within Wokingham (£Nil).

Wokingham’s total SFA will remain at £14.1m in 2022/23, compared to £19.1m in 2016/17, a reduction of 26.2%, or £5.0m. Wokingham’s SFA has remained close to £14.1m since 2017/18 after the reduction in 2016/17. This means our baseline funding level and therefore retained business rates have not seen any inflationary increases.

The graph below shows the position for 2022/23 in terms of SFA funding per head of population and confirms that Wokingham is the lowest funded unitary authorities, well below the unitary average, and less than 18% of the highest funded unitary authority:



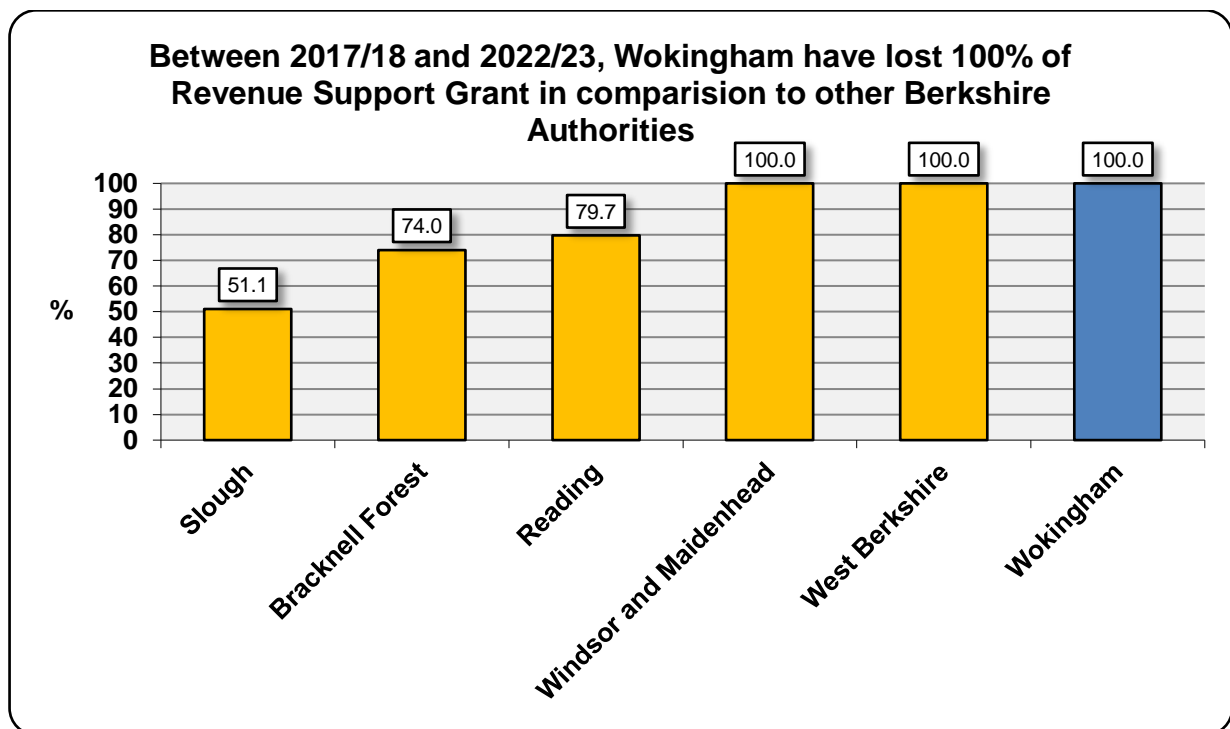
Wokingham will receive the SFA per head of £81.20, which is significantly lower than the unitary authorities’ average. It is also less than half the funding of two of the Berkshire authorities.

Revenue Support Grant (RSG)

RSG was previously the significant unringfenced grant that supported the Council’s ongoing revenue expenditure. From 2013/14 it has been incorporated within the settlement funding assessment (SFA) with Wokingham faces reductions in grant yearly and the complete removal of this grant since 2018/19.

The percentage changes in Government Funding since 2012/13 are shown below. Following the December 2010 Local Government Finance Settlement, Wokingham suffered a reduction in RSG for the first time in 2011/12, that is followed by reductions cumulatively as shown in the graph below. In 2018/19 and 2019/20 RSG had reduced to zero. It was expected that by 2019/20 the grant would be cut still further with some authorities required to pay a ‘negative RSG’. However, following consistent representations made by this authority, we have been informed again through the finance settlement that negative RSG will not be enacted in 2022/23 (similar to 2021/22). The funding position is unclear from 2023/24 onwards and Wokingham will need to continue to make representations regarding the new methodology for financing local authorities to ensure we secure a fair and viable ongoing funding settlement from the Government.

The graph below compares the RSG reductions by 2022/23 across Berkshire Councils.



A growing number of councils now no longer receive RSG. Wokingham was one of the first to lose all its RSG funding in 2018/19.

Retained Business Rates

As mentioned above, the other element of the SFA is business rates. The SFA sets a baseline funding level for retained business rates (£14.1m for 2022/23). For 2022/23, similar to 2021/22, Wokingham will be able to retain 49% of business rates with the Government receiving 50% and Berkshire Fire Authority 1%. Due to the governments assessment of what funding the Council needs to deliver services, a tariff payment is then applied against the 49% business rate income we receive thus bringing retained business rates to approx. 20% of what we collect. Due to the continued delays from Central Government, the future arrangements of business rates funding beyond 22/23 create a degree of uncertainty and risk, making longer term financial planning more difficult.

Council Tax

Funding is fixed by the Government and therefore increases in service funding affects the level of council tax that must be levied. This is a major area of tension in every budget setting year, the increase in council tax versus the quality and level of service delivery. This is a particularly difficult tension in the context of public affordability (e.g. those on a fixed income) and because a high proportion of the Council's services are statutory with escalating costs driven by increasing client needs and numbers.

In recent years, the government has capped council tax increases to under 2% (excluding the adult social care precept) and any increase above this would require a local referendum funded by the local taxpayer. For 2018/19 and 2019/20 an exception was given where the referendum cap was increased to under 3%. Since 2020/21, this additional flexibility has been removed with increases reducing back to the 2% cap before a local referendum is required.

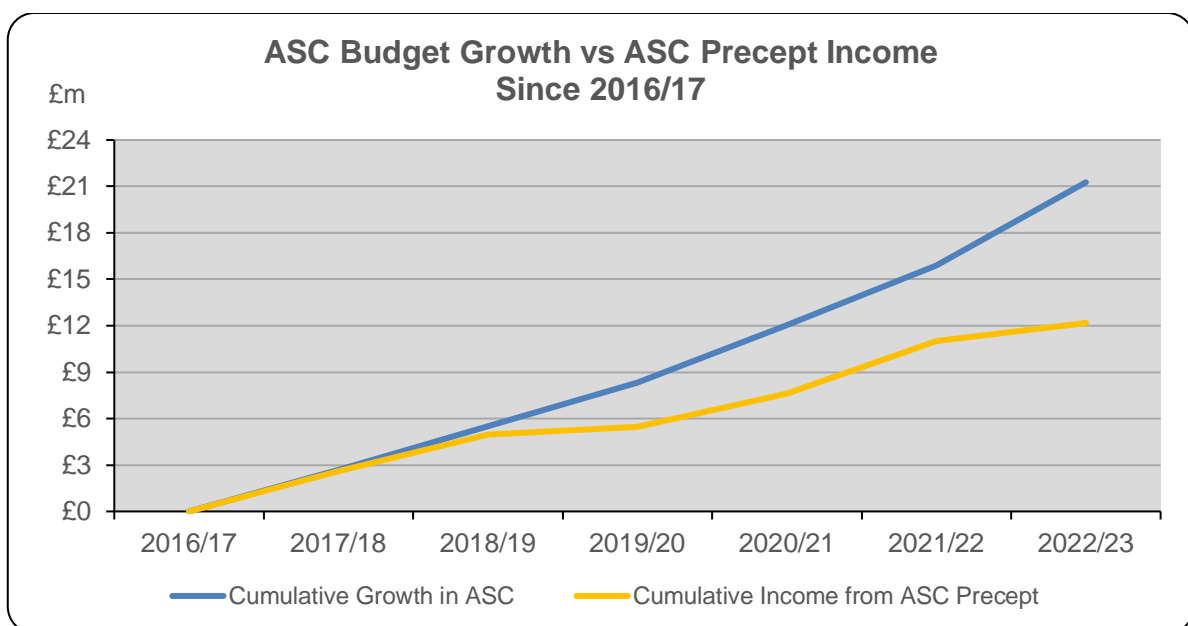
The expenditure pressures for council tax increases above inflation are similar each year: client increases (particularly in social care); increase in statutory requirements (e.g. recycling, standards of care); unavoidable expenditure increases above inflation (e.g. maintenance contracts, social care contracts, etc.) and pressures to improve services from both the public and the Government. Since 2016/17 the increases have exceeded the inflation level, but this is due to the government’s calculations which assume both inflationary increases to council tax and an additional adult social care increase to council tax.

Adult Social Care (ASC) Council Tax Precept

The Government’s continued aim in health and social care will be integrated across England, with joined up services between social care providers and hospitals, and that it should feel like a single service for patients.

In recognition of the continually increasing statutory care costs faced by local authorities, an ASC council tax precept of up to 1% has been introduced for 2022/23 replacing the previous schemes that permitted a total 3% increase in 2021/22, a 2% increase in 2020/21 and prior to this a 6% increase over a 3-year period. It is unknown what will be in place beyond 2022/23 but this will no doubt be a key consideration in any future sustainable Local Government funding system.

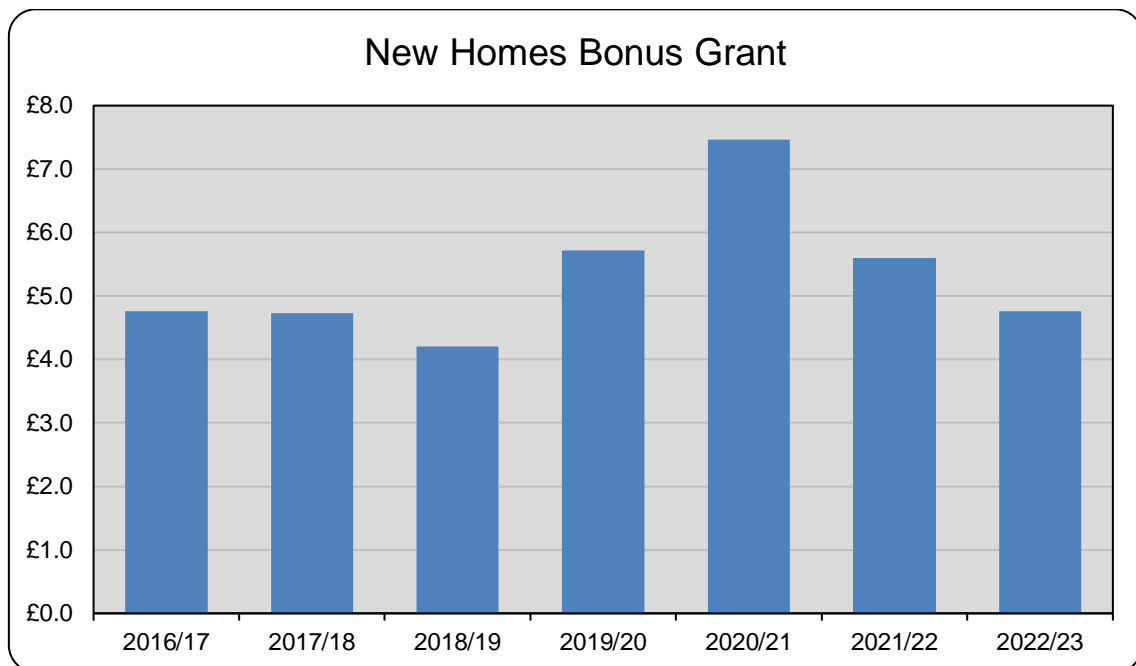
The graph below compares the annual budget growth and inflation demands in adult social care services and the additional funding that is raised through the adult social care council tax precept. Adult social care growth continues to increase above inflation due to an increasing ageing population, more complex care requirements and unit cost increases driven by national living wage increases for example. The difference is funded through service efficiencies and general council tax increases.



New Homes Bonus (NHB)

New homes bonus (NHB) is a unringfenced grant awarded to local authorities based on how many new homes have been delivered. The intention of the grant was to encourage housing growth across the country. The calculation mechanism has changed over the years since it was introduced with much less reward for additional house building now. The Autumn Statement 2015 proposed changes to the NHB which made the scheme less attractive for Wokingham by reducing the length of payments from six years to four. From 2021/22, Wokingham will be rewarded for 1 year only with legacy payments also being honoured, compared to six years in 2016/17, as well as not rewarding authorities for the first portion of growth they enable. Furthermore the NHB has been included in the Council's core spending power calculation. These developments appear to fundamentally undermine the initial intention behind the NHB scheme: to incentivise housing growth and reinvest in regeneration. Although the Council's previous approach has been to use NHB to fund special items, most notably for regeneration and resources to deliver future efficiencies, the sustainability of such an approach has been brought into question due to its impact on the funding of essential Council services. The graph below shows the new homes bonus grant over the years including the impact of the changes to the methodology.

The Council is now set to receive £4.8m in NHB in 2022/23, down from £5.6m NHB in 2021/22. The reduction is a result of the legacy payments reducing as they come to the end of the four year period. The graph below shows the amount of new homes bonus received.

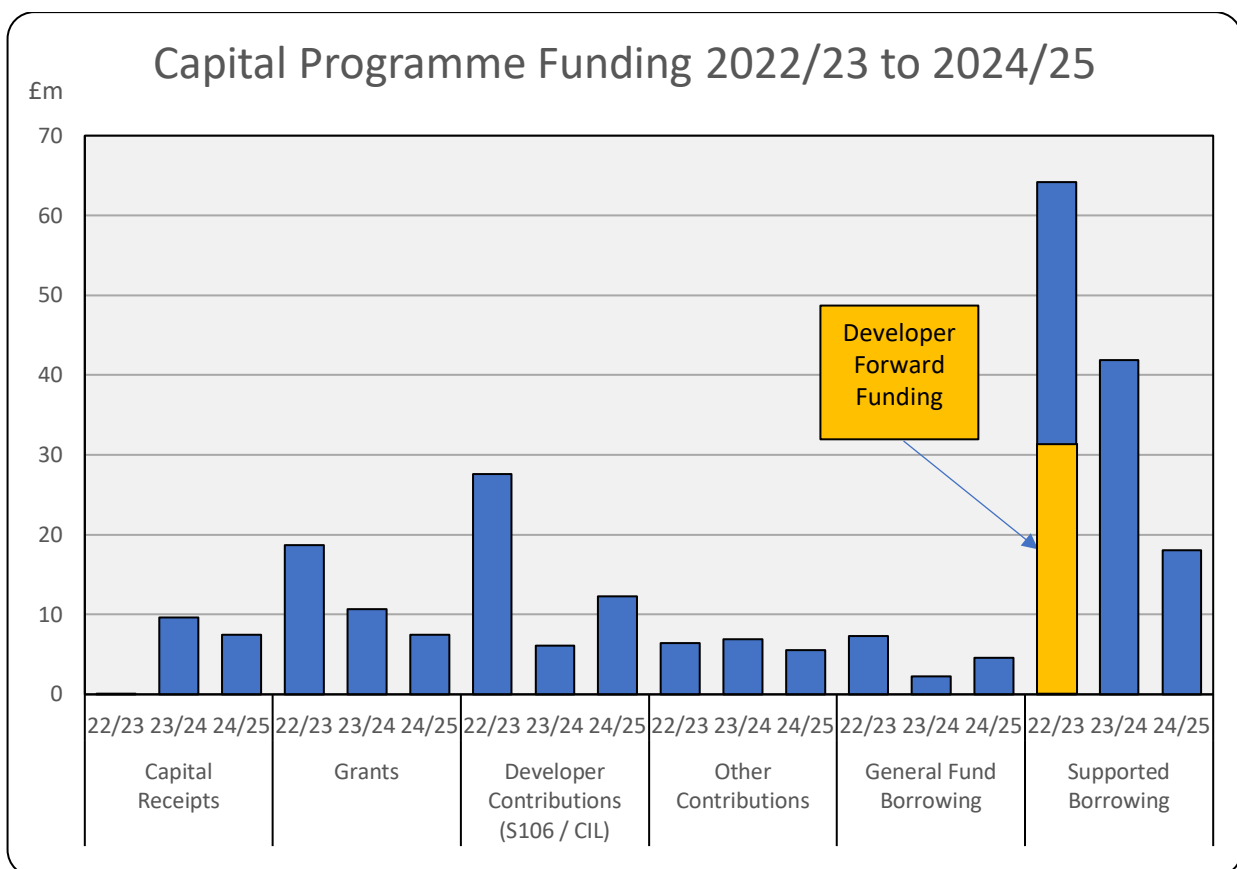


Capital

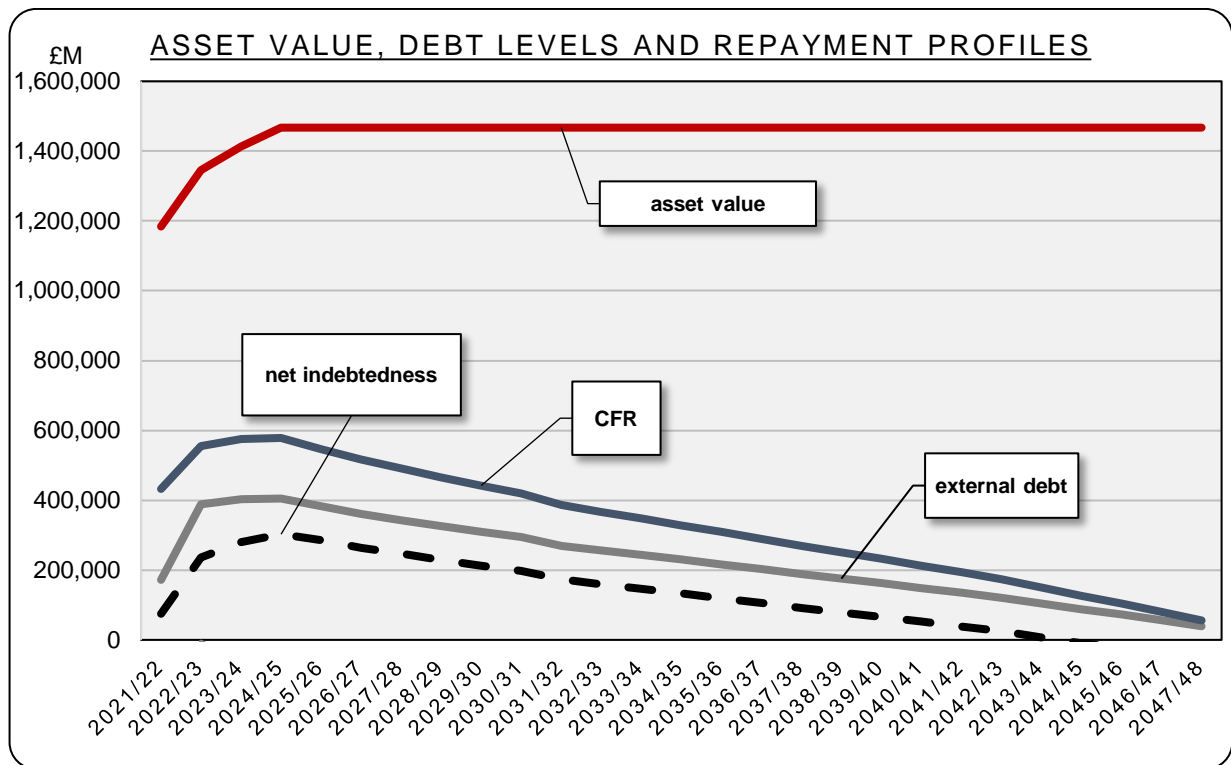
To finance the capital strategy, an approach to funding has been taken that: optimises assets; seeks flexible use of future section 106 contributions and Community Infrastructure Levy (CIL); and attracts new funding sources where available (particularly through the bidding for Government grants).

Under the prudential code, all authorities can borrow as much as they require to fund their capital programme provided it is affordable, prudent, and sustainable. A large proportion of Council borrowing is deemed as “supported” borrowing which means there is a direct repayment method identified meaning the cost of borrowing does not impact on the council taxpayer. These include investment to generate future cost reductions / income generation and forward funded investment to be recovered from developer contributions. Much of the supported borrowing in year 1 is from developer contributions where the Council have agreed to front fund investment ahead of developer contributions being received on the strategic development locations.

There is currently a budget gap over the MTFP period of c£14m which includes a balanced budget in year 1. The current budget gap will be addressed through a combination of expenditure reductions, reprofiling of projects and seeking to maximise funding resources. The major funding source for the capital programme will be supported borrowing which relates to borrowing upfront where a direct repayment source has been identified whereas general fund borrowing is funded through existing revenue base budget. The graph below shows how the capital programme will be funded over the next 3 years (assuming the funding gap in year 2 is met through reducing / rephasing capital expenditure).



As the Council continues to borrow over the short to medium term period, debt levels will increase. The level of debt is considered affordable and sustainable as required by the CIPFA prudential code. All capital projects are supported by detailed business cases which include where appropriate how supported borrowing will be repaid. The following graph shows the estimated general fund debt levels (excludes Housing Revenue Account due to ringfenced nature) for the Council over the medium to long period. The initial increase in debt is driven by the Council's capital programme but then debt is repaid over the next 20 to 25 years to bring debt levels back to a funded baseline level of approx. £100m (pre 2011/12 debt levels).



As shown in the graph above, from 2022/23 external debt is based on 70% of the CFR inline with the guideline across the industry of 65% - 75% external debt to CFR ratio. A significant part of the CFR is supported borrowing expenditure and assumes expenditure in relation to the remaining c£113m of the borrowing approved for community investment is utilised however the likelihood that this will only be used in 2022/23 if further renewable energy schemes are enacted. External borrowing will therefore only be undertaken when needed.

It is important to note that the CFR balance does not reflect the level of debt the Council holds. Where the Council hold surplus balances such as reserves, unspent grants and working capital, this avoids the need to borrow externally saving on interest costs. This is known as internal borrowing. Furthermore, it is important to take into account any treasury investment balances when looking at external debt to understand a more accurate debt figure.

The table below sets out the annual cost of serving this borrowing and the income generated through the assets which have been borrowed for. Over the next three years, the income generated from these assets will give an increasing net benefit to the taxpayer.

	2022/23	2023/24	2024/25
Net Annual Benefit £m	£3.2m	£4.2m	£4.8m
Divide by Council Tax Base (no. of band D equivalent properties)	74,946.30	76,070.50	76,831.20
Benefit per band D property - £	£42.70	£55.21	£62.47

Further information on the funding of the capital programme is set out in the Capital Strategy and the Treasury Management Strategy.

Housing Revenue Account (HRA)

Under the Localism Act the Council took control of its housing rental income thus enabling more effective planning for the long-term management of these key assets. In return Wokingham took on its share of the £28bn national housing debt as part of the self-financing settlement. Although the Council took on significant debt to do this, the scheme should be beneficial to the Council and its tenants in the longer term both regarding retaining income and generating capacity to invest in the housing stock.

In line with the Government's 2016 budget, housing rents must be reduced by 1% each year on a cumulative basis for the four years from 2016/17 to 2019/20. From 2020/21, rent increases will be in line with CPI + 1%. The real terms reduction in the HRA forecast rental income over the past 4 years will be greater than 1% annually as HRA rents were based on increasing them as part of the convergence policy whenever new tenancies were commenced; the Government policy no longer permits a convergence policy of increasing rents when tenancies are re-let.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Annual rent change (%)	-1%	-1%	-1%	-1%	2.7%	1.5%	4.1%

The main funding sources for the HRA revenue is rental income and is expected to be in the region of £15m is for 2022/23.

For capital spend, this is funded from the major repairs reserve, right to buy receipts and borrowing. Under accounting rules, an amount equal to the depreciation charge is transferred from the HRA revenue reserve into the major repairs reserve to contribute towards capital expenditure.

Dedicated Schools Grant (DSG)

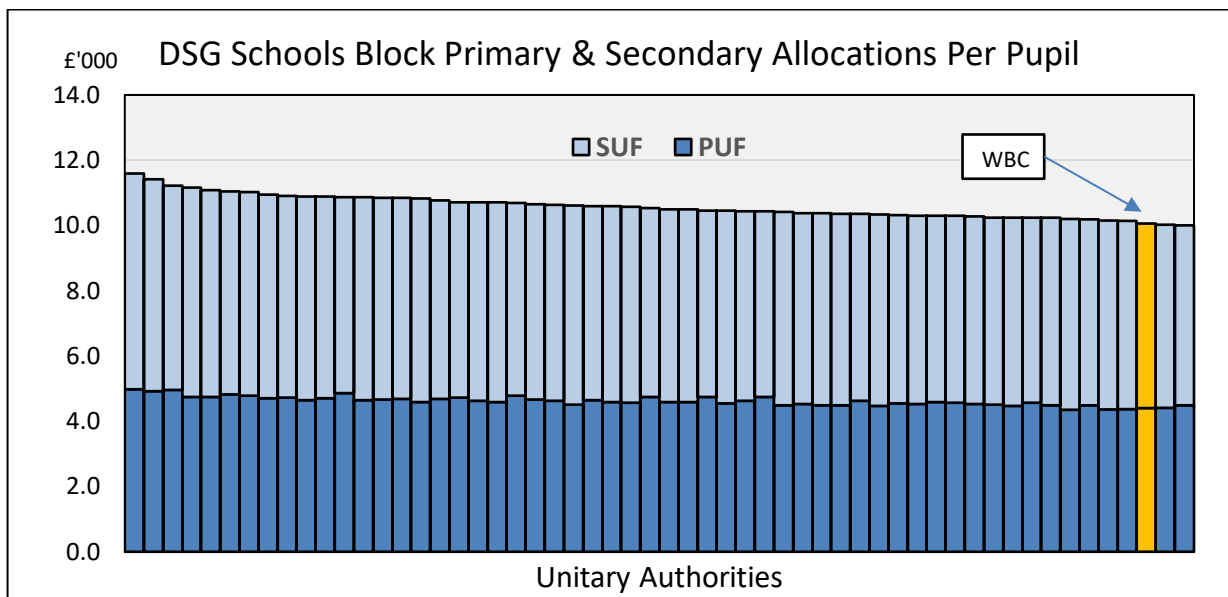
The Council receives DSG annually from the DfE and it must be used in support of the schools' budget as defined in the School and Early Years Finance (England) Regulations 2022. The purpose of the schools' budget is defined in legislation as the provision of primary and secondary education.

The amount for 2022/23 was notified to the authority by the Department for Education (DfE) in December 2021. However, a proportion of this amount is in respect of free schools and must be paid to them. The actual DSG allocation available to the Council for 2022/23 is £167.16m, compared to £158.13m in 2021/22. The increase to 2022/23 is accounted for by increased funding on both two-unit costs, one for primary unit cost (PUF) and one for secondary unit cost (SUF). The DfE created a centrally retained schools block for the Council to carry out its statutory duties which includes an element of the old education support grant.

DSG funding has increased for 2022/23 for 3 of the 4 blocks. This much needed funding increase is welcomed by the Council and all of our schools and will help contribute to the day-to-day funding of services. The Early Years Block funding has reduced slightly and reflects the impact of Covid-19 with the reduction of free entitlement hours taken in our nursery settings over the past year.

Block	2021/22 £,000	2022/23 £,000	Change £,000	Change %
Schools Block	123,079	129,842	6,763	5.5
High Needs Block	22,802	25,031	2,229	9.8
Early Years Block	11,302	11,289	(13)	(0.1)
Central School Services Block	945	995	50	5.3

The actual 2022/23 PUF is £4,404 and SUF is £5,656 per pupil compared to £4,306 (PUF) and £5,512 (SUF) in 2021/22. Wokingham continues to receive one of the lowest funding amounts of all unitary authorities.



DSG and the national funding formula

The Government's long-term intention has been to move school funding to a national funding formula. The over-arching objective is to have a simpler, transparent, and more equitable approach to funding pupils irrespective of where they live in the country.

The implications for Wokingham schools are that a number of them may lose out as there is less ability for the Council to target funding to any school. This will have the effect of compounding the financial challenge already being faced by schools across the borough resulting in an increased need for effective school financial management in order to help them manage their finances.

In summary, the DSG changes mean that schools' block money is much more aligned to pupil numbers but there is no growth mechanism in the High Needs Block (HNB) and schools have less ability to incorporate fixed budget allocations. Schools with falling pupil numbers will therefore be more affected than others. Furthermore there are growing SEND pressures on the overall budget which may reduce the money available for allocation. For the 2020/21 and 2021/22 financial years, schools will continue to be funded through the local authority funding formula. From 2022/23, the Government proposes to introduce the National Fair Funding formula and the DfE have confirmed they will consult on national funding formula during 2021.

4. Council Expenditure

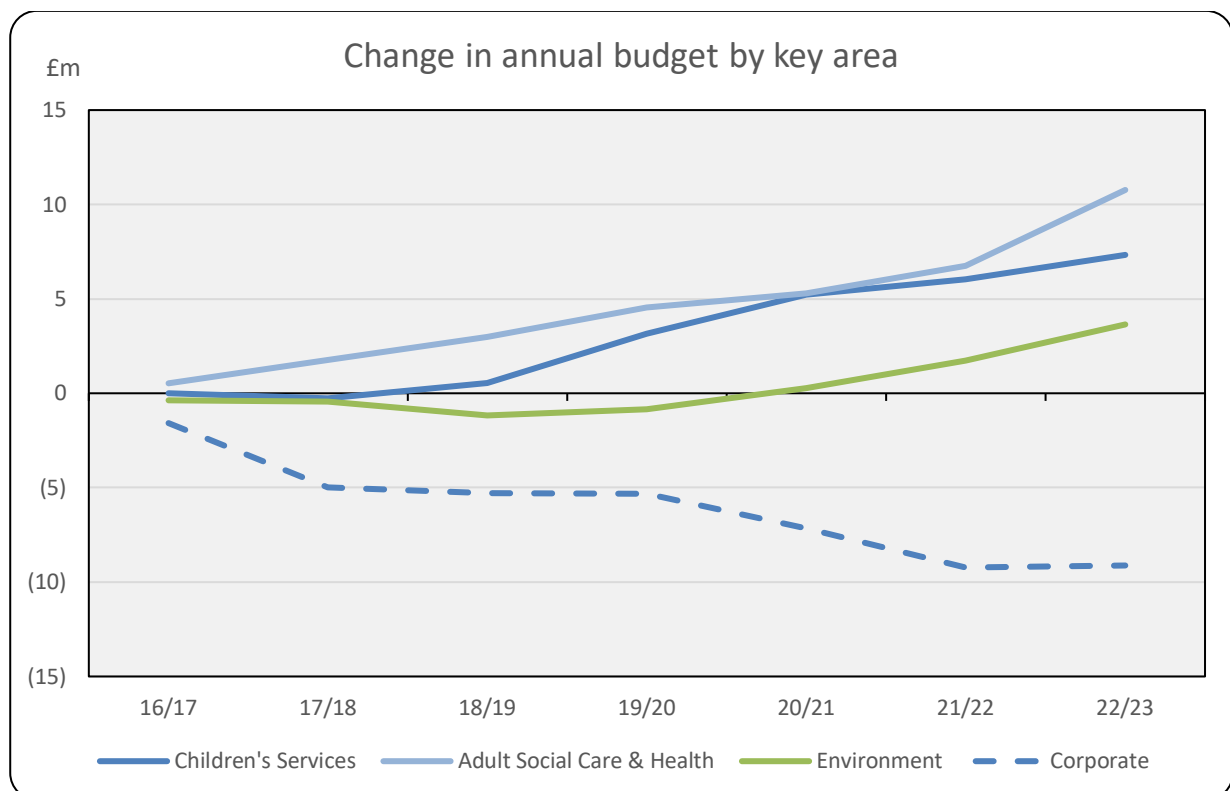
For 2022/23, the Council are planning to spend in the region of £630 million across revenue, capital, housing revenue account and dedicated school grants services.

Revenue

Revenue expenditure covers the day to day running of services across the Council. For 2022/23, the Council will spend approximately £218m across these services. This is known as gross expenditure. Service specific grants and income will reduce this spend to a net expenditure in the region of £144m.

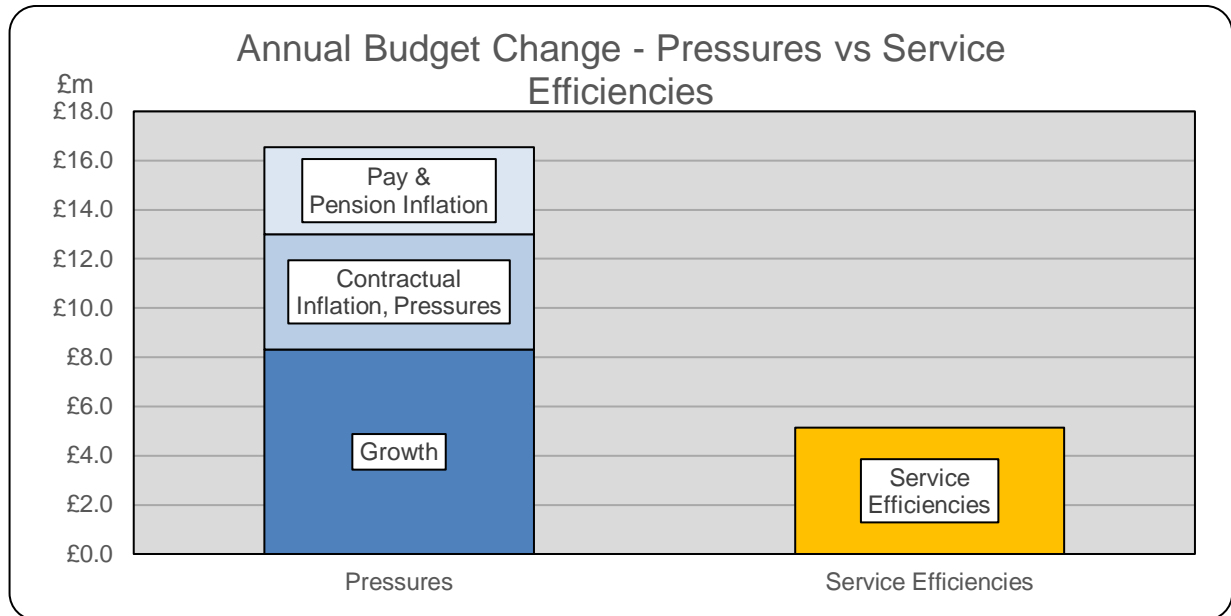
Across the many varied and complex services the Council provide, there will be pressures and risks aswell as efficiencies and opportunities. The budget process aims to capture these to ensure the budget set is prudent and robust.

The graph below shows the cumulative change in annual budget across four key areas of Children's Services, Adult Social Care & Health, Environment (known as place & growth directorate), Corporate services (known as resources & assets directorate). Whilst the graph shows cost pressures across the social care areas, the Council have managed to offset many of these through efficiencies and income generation within Corporate services.



A robust budget must be a balanced budget whereby total expenditure and total income match. Any change in the annual budget in relation to spend pressures must be balanced by service efficiencies and where appropriate council tax increases.

The annual change in budget is shown below. For 2022/23, the total pressures outweigh the service efficiencies. The difference will be required to be funded via council tax rises. The detail budget changes have formed part of the information provided to CCOSC throughout the budget process.

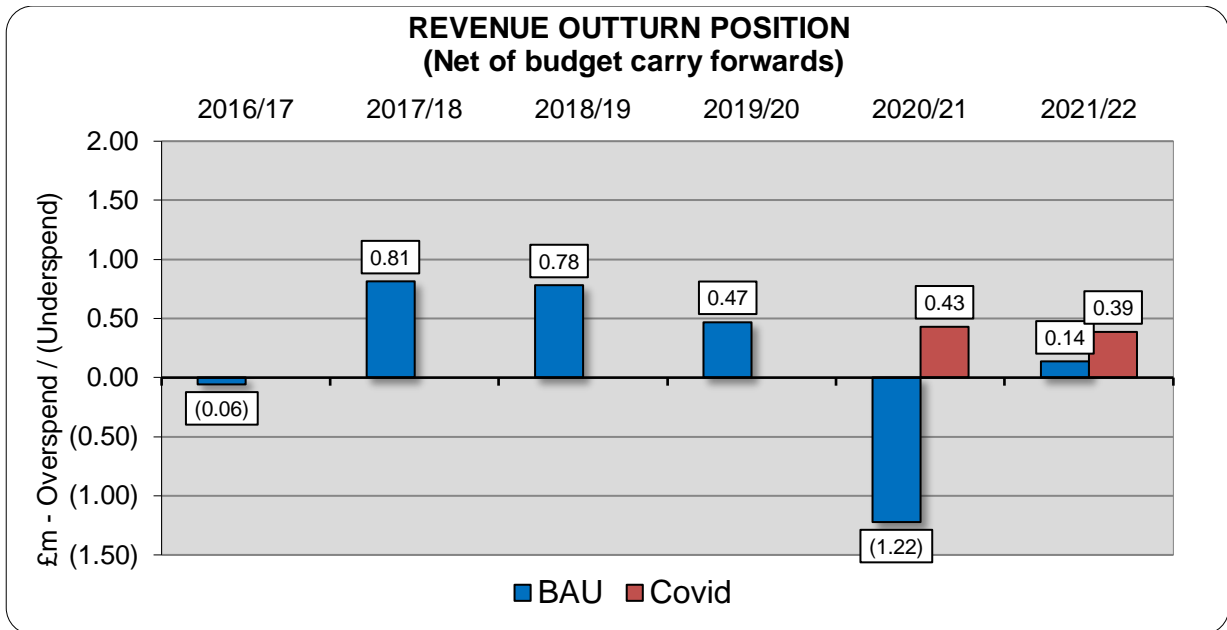


* Service Efficiencies are designed to reduce costs whilst maintaining services to the public.

Revenue monitoring position

Over the past number of financial years, the Council have faced a number of demand led pressures in year and more recently, the financial impact from Covid-19. These underlying pressures are considered as part of the budget process. The forecast budget variance in 2022/23 currently shows a combined overspend of £0.52m from business as usual (BAU) budgets (£0.14m pressure) and impact of Covid-19 (£0.39m pressure) compared to the budget approved in February 2021, based on December 2021 monitoring.

The graph below shows an improving trend in reducing the demand led pressures through in year management action plans aswell as addressing pressures when setting the following year budget. This strong financial management has allowed the Council to meet demands whilst maintain prudent reserve balances. 2021/22 has been a unique year in which Covid-19 has brought upon extra pressure not expected. The Council continues to lobby for additional funding to cover the financial impact from Covid-19.

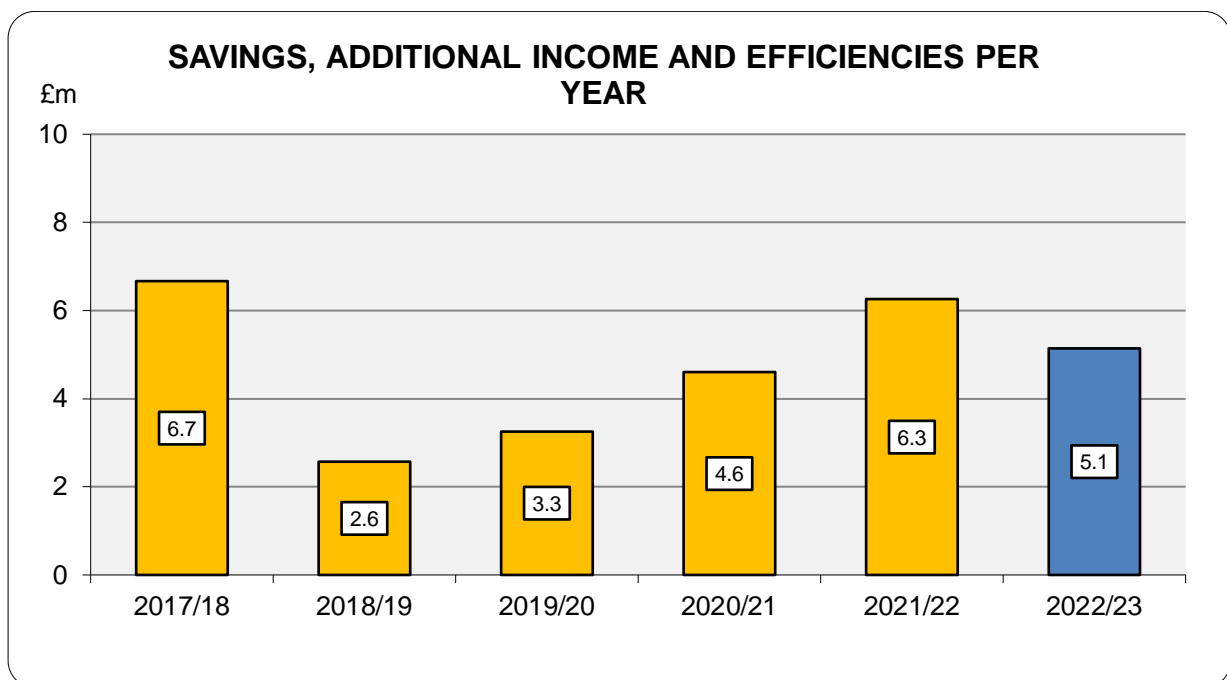


Further information is available in the quarterly revenue monitoring reports reported to Executive and available on the Councils website.

Service Efficiencies

As highlighted in the graph in the introduction of this report, efficiencies and income generation are required to meet the changing pressures in growth, inflation, and demand for services.

The total savings, efficiencies and income generation that have been identified in setting the council tax in previous years are shown below. It equates to £28.5m over the six years. Efficiencies are used to fund growth, inflation and reductions in Government grants whilst allowing the Council to maintain frontline services.



The savings shown above reflect the budgeted savings made for each financial year (or planned savings in the case of 2022/23).

Net Expenditure over time

The reductions in Government grants highlighted above have had a major impact on the Council's finances and budgets since 2010/11. The Council's net expenditure budget has been reduced each year since 2010/11 as shown in the table below, which indicates that the net expenditure budget has been reduced by £36m (34%) between 2010/11 and 2022/23 meaning the Council are delivering services more cost effectively.

	£m
WBC 2022/23 net expenditure budget	144.4
Less reduction in grants for services now part of formula grant	(12.5)
Less discount re inflation since 2010/11 (based on CPI)	(43.3)
Less discount re growth in council tax base since 2010/11	(19.6)
Net expenditure budget 2022/23 discounted to 2010/11 Prices (a)	69.0
WBC 2010/11 net expenditure budget (b)	105.2
Estimated reduction in expenditure since 2010/11 (b – a)	£36.2m (34%)

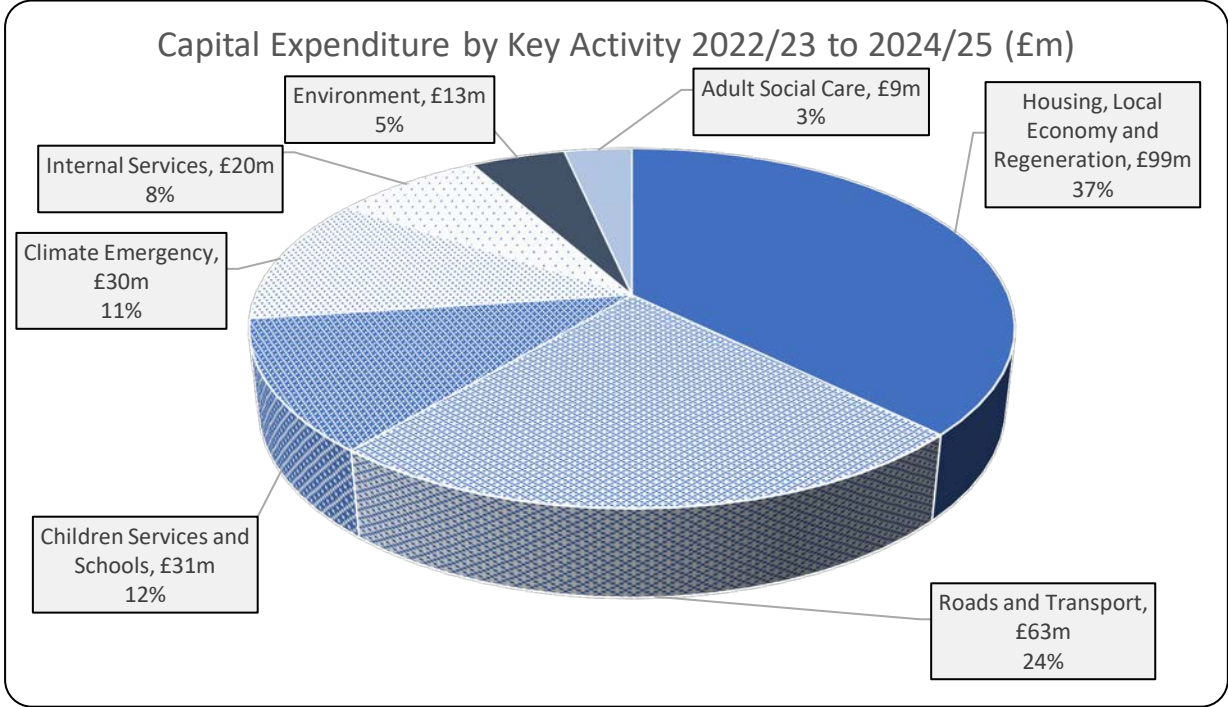
Capital

A five-year capital strategy has been developed with the aims of realising the Council's vision, raising the quality of life of residents and improving medium to long term planning.

The first three years of the capital vision is effectively the capital programme. This has been developed following an assessment against key Council priorities, including a value for money and risk analysis.

The capital programme over the next three years will include existing asset investment (predominantly school buildings and infrastructure assets) and schemes that seek to deliver the Council's vision.

The graph below shows the capital expenditure planned for the next 3 years by key activity area. This excludes any previously approved budget that has will be carried forward into future years. In total the Council plan to invest a further £245m (£264m including HRA) over the next 3 years.



As highlighted above, significant investment is planned across roads and transport, housing, local economy, and regeneration.

The capital programme is funded from a variety of sources: capital receipts, borrowing, grants and other contributions. The relative reliance on each funding source is set out below and shows a greater dependency on borrowing and developer contributions as the Council embarks on its ambition to develop its four strategic development locations, regenerate the borough, and reduce our impact on the climate.

Housing Revenue Account

The HRA is a ring-fenced account and as such has no impact on the level of council tax. The money spent maintaining the Council's housing stock (valued at approximately £235m) and providing a service to Council tenants is mainly funded by housing rents paid by Council tenants. Gross revenue expenditure on the HRA is in the region of £16m per year and is predominately in the areas of;

- capital financing - £4.8m
- investment in capital works - £4.5m
- housing and general management - £2.9m
- repairs and maintenance - £3.5m

Capital expenditure for 2022/23 on the HRA is focused on the following areas;

- planned improvements & cyclical works - £4.3m
- managing void properties - £0.8m
- adaptations for the disabled - £0.6m

Dedicated Schools Grant (DSG)

As outlined in the previous section, the DSG funding is based on 4 blocks and therefore expenditure mirrors these 4 blocks and includes;

- Schools Block – expenditure on day to day running of schools.
- High Needs Block – expenditure on high needs including independent special schools. This area has seen significant financial pressures due to growing demand and complexity in cases.
- Early Years Block – expenditure in relation to providing to early year settings including funding for free entitlement for 2, 3 and 4 years old.
- Central Schools Services Block – expenditure in relation to statutory services such as school admissions and education support services.

Of the £129.8m in the Schools Block, £1.5m is proposed to be retained for the Growth Fund, funding new and growing schools. The remaining £128.3m is allocated to individual school budgets based on the local funding formula, which all schools have been consulted on, and will be presented to Schools Forum for final approval on the 12th January.

All schools are funded using the same formula regardless of whether they are maintained or an academy, with the formula taking account of a large number of variables including pupil numbers and other factors such as deprivation.

The current school profile is as follows:

	Number of Schools	Total Number on Roll	Draft Budget 2022/23 £,000
Maintained Schools	31	10,390	48,108
Academies	33	15,459	80,145
TOTAL	64	25,849	128,253

The High Needs Block is separate block of funding to support those young people with SEND requirements. This has been underfunded by central government for the past few years and, when combined with the increased demand and out-of-borough placements this has meant that the account has operated in a deficit position since 2017/18. Whilst this is permitted under regulation in the short term, it is not an ideal scenario nor sustainable in the medium to long term; the Council is now taking significant steps to reduce this deficit going forward, although this will take some capital investment to reduce the future revenue pressures.

5. Reserves

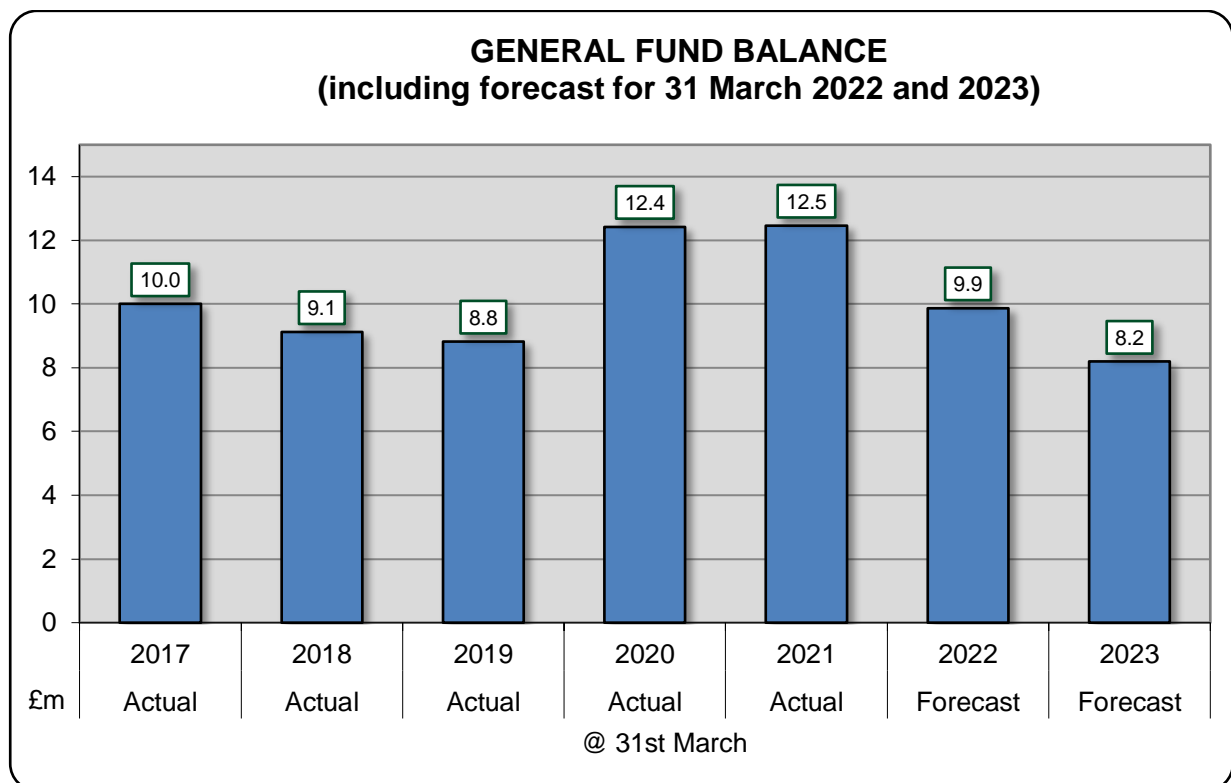
Reserves are required as a contingency to meet unforeseen spending requirements and to provide stability in medium term financial planning (e.g. by using balances to contain growth in future years).

- General Fund Balance (Revenue)
- Capital
- HRA
- DSG

General Fund Balance

The level of general fund balances is informed by a budget risk analysis. This approach was introduced in 2003/04 when the Council agreed the policy on reserves and balances. The budget risk analysis is included annually in the medium-term financial plan. The graph below shows actual GFBs at 31 March 2021 and a forecast for 31 March 2022 and 31 March 2023. The expected reduction for 31 March 2022 is as a result of in year supplementary estimates and carry forwards across directorates.

The risks facing the Council's finances have increased significantly, they include the implication of future years of austerity; further grant reductions; additional service pressures; substantial regeneration programmes requiring forward funding; dependency on future commercial income and capital contributions; risks around business rate receipts, and the level of retained business rates.



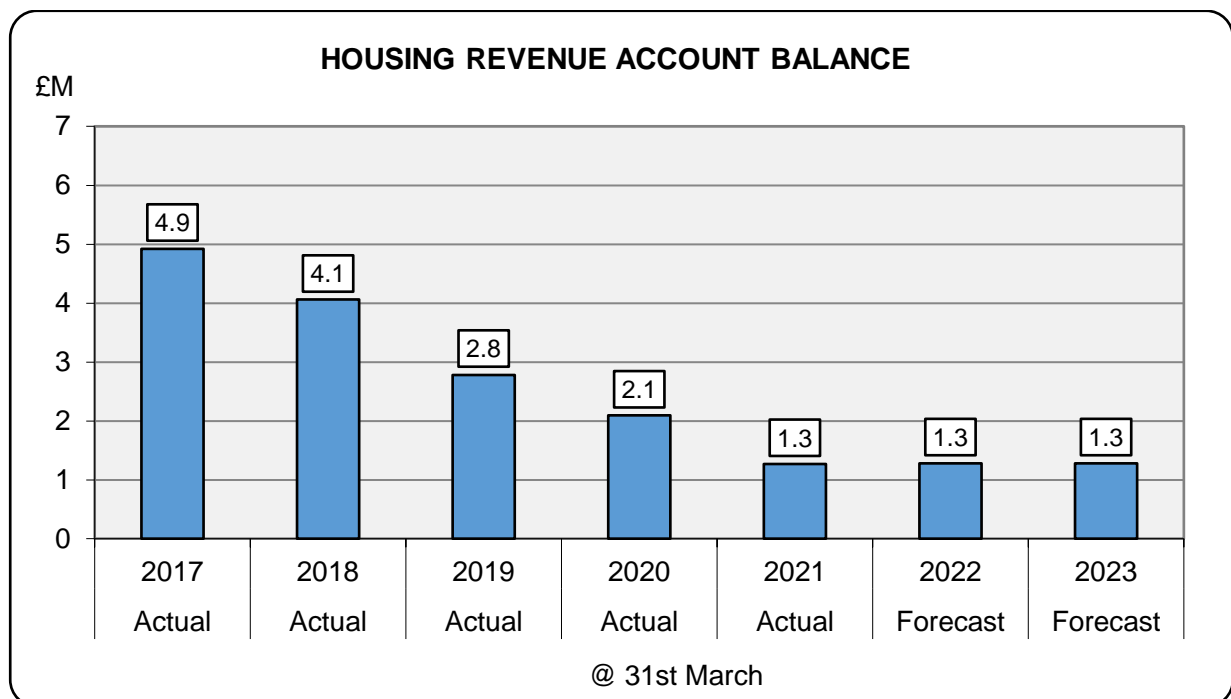
Capital

The Council hold various reserves for capital spend in the form of capital grants and contributions. Due to the nature of capital spend and multi-year projects, some reserves will be held but will be allocated to funding future year capital projects. The Council continuously review all capital funding each financial year to ensure grants are used where possible ahead of borrowing to reduce the capital financing costs (e.g. principal repayment + interest).

Housing Revenue Account (HRA)

Similar to the general fund balance, the level of HRA balance is informed by a budget risk analysis. Due to nature of the HRA being a ringfenced account where the main source of income is tenant's rental income, holding prudent reserves remain important to act as a contingency to meet unforeseen spending requirements or income reductions and to provide stability in medium term financial planning.

HRA balances are forecast to remain at prudent levels. The reducing balances seen below since 2017 have been driven by the impact of reducing rent levels and additional investment in the capital programme. Reserves have remained stable for the past two years and in line with our estimate of a prudent reserve limit to meet unforeseen risks and cost pressures.



Dedicated Schools Grant (DSG)

As highlighted earlier, the Council have faced significant pressures over the past 4 years in relation to the High Needs Block, combined with under funding from the government the Council are now estimating a deficit reserve at 31st March 2023 of £13.1m in this area. For 2022/23 the mitigations are largely due to be delivered from actions and provision already planned for in the budget. From 2023/24 onwards successful delivery of the mitigations are predicated on increased local provision and are likely to require additional capital investment options currently being developed. We are currently working with the DfE to form a recovery plan for this. Recent accounting guidance published by CIPFA confirmed that this deficit reserve should be held as an unusable reserve and therefore not the responsibility of the council taxpayer to fund.

The Council also hold approximately c£5m in school reserves which are held to act as a contingency to offset future pressures and or put towards capital investment within schools.

Other Balances

The Council holds other earmarked balances in addition to the general fund balance. These should be reviewed as part of the budget submission and in the context of their benefit and opportunity cost.

Many of the earmarked reserves are held for specific purposes such as developer funding for future maintenance of assets, grants received in advance and equalisation funds to smooth annual changes on demand led areas such as waste and recycling. Other reserves include interest equalisation and forward funding which are linked to the capital programme where infrastructure is delivered ahead of receipt of developer funding.

Further information is available in section 2 of the medium-term financial plan under reserves and balances.

6. Major Financial Risks – Forward Look

Although the Council has worked over many years on the highest standards of financial management, including a strong track record of delivery of significant savings, the financial future looks both extremely challenging and uncertain. The degree of uncertainty is at a level seldom, if ever, previously experienced by the Council.

The financial impact of the ASC and NHS reform is potentially the greatest concern given its magnitude. Additional expenditure of between £20m to £30m p.a. are anticipated when the impact of the reform is fully felt. Whilst the ongoing grant funding of this is unclear, it would appear that the current levels of financial support suggested will fall well short of that needed by Wokingham and other authorities with a high proportion of self-funders.

A three-year funding settlement was expected for the financial year 2022/23 and beyond, but unfortunately only a one-year settlement was announced. This leaves considerable uncertainty over the Council's funding after 2022/23. A major review of local government funding in the context of a 'levelling up' agenda is expected to be announced for 2023/24 and this settlement is expected to cover several years. Wokingham will need to continue to make its case for a fair deal for its residents in the formulation of a new national funding system as it is currently perceived to require the lowest level of support per head of population out of all Unitary Authorities in the country. A further particular concern within a future funding settlement, is the continuation or otherwise of the New Homes Bonus introduced to incentivise the delivery of new housing. As a Council that has previously embraced this national agenda through the development of a Core Strategy and Strategic Development Locations, Wokingham has become dependent over the years on sizeable annual New Homes Bonus payments.

Inflationary pressures on both Revenue and Capital expenditure have become both severe and unpredictable, primarily as a result of COVID-19 and Brexit. Although the impact of inflation has been carefully considered within the overall budget submission, they can only be best estimates at the time given reasonable endeavours to contain cost, in the recognition that much of the impact will be outside of the direct control of the Council.

A consultation on the requirements to make a minimum revenue provision for the repayment of debt closes in early 2022. It is difficult to know what the outcome of this consultation will be but there is an expectation that changes will be enacted from April 2023. Wokingham has embarked on a responsible but ambitious Capital Programme over its recent past to enable the strategic delivery of housing, the regeneration of Wokingham Town and the development of much needed affordable housing. As such, it could be significantly impacted by a mandated requirement to repay debt ahead of that currently programmed. If the most draconian measures are enacted, the Council will have to seriously review its approach to Housing Delivery, Regeneration, the provision of affordable housing and holding assets for the purpose of income generation.

The Dedicated Schools Grant (DSG) budget area is highly regulated which means the opportunity to address the growing demand led statutory pressures relating to SEND is limited. The deficit on DSG is estimated to be in the region of £13m by 31st March 23 and likely to increase significantly in future years. Options to mitigate the deficit are currently being developed and some may require additional capital investment to deliver on increased local provision. Furthermore, it is anticipated that regulations strictly ring-fencing this deficit to the DSG accounts will be lifted. This does not necessarily mean that the deficit will fall on the

General Fund Balance, but it does take away some assurance that it won't. A fundamental review of this national issue of concern is required.

The budget proposals put forward for 2022-2025 are considered to be responsible and affordable, leaving a safe level of General Fund Balances. However this MTFP is being put forward in an unprecedented landscape of uncertainty and risk. The Council's financial position will require continual review and there may be a need to undertake some form of mid-year budget review.

A handwritten signature in cursive script that reads "Graham Ebers".

Graham Ebers
Deputy Chief Executive
(and Chief Financial Officer)

7. Glossary

Abbreviation	Description
ASC	Adult social care
CCOSC	Community & Corporate Overview & Scrutiny
CIPFA	Chartered Institute of Public Finance & Accountancy
CFO	Chief Finance Officer
CPI	Consumer Price Index
DSG	Dedicated Schools Grant
DFE	Department for Education
DoHSC	Department of Health and Social Care
ESG	Education services grant
GFB	General fund balances
HND	High Needs Block
HRA	Housing revenue account
MOD	Ministry of Defence
MTFP	Medium term financial plan
NDR	Non-domestic (business) rates
NHB	New homes bonus
PUF	Primary unit cost
RPI	Retail Price Index
RSG	Revenue support grant
SDL	Strategic development locations
SEND	Special Educational Needs and Disability
SFA	Settlement funding assessment
SoBM	Summary of budget movements
SUF	Secondary unit cost
TCR	Town centre regeneration
WHL	Wokingham Housing Limited

Question 1: Do you agree with the government's proposed methodology for the distribution of Revenue Support Grant in 2022/23, including the rolling in of two New Burdens grants?

The current distribution methodology for Revenue Support Grant does not reflect the local demands and costs of the Borough and therefore means local taxpayers are required to fund a far greater percentage of costs than any other unitary authority. It remains critical that authorities are funded for the basic cost of providing local authority services regardless of the perceived level of deprivation or other awarding factors.

More generally we must strongly demand that Local Authorities are given surety of the longer-term grant and funding arrangements. Without that understanding it is impossible to effectively plan its future financial strategy, service approach/impacts and to invest key resources appropriately.

Question 2: Do you agree with the proposed package of council tax referendum principles for 2022/23?

The centrally controlled ceiling on council tax does not allow for local circumstances and limits the options for the management of expected challenges such as inflation, social care demand or continuing impacts from the pandemic.

Question 3: Do you agree with the government's proposals for the Social Care Grant in 2022/23?

Wokingham are extremely concerned about the overall impact of social care funding and the grant proposals. It does not come close to meeting the expected increase in demand and costs for what is the council's largest area of expenditure. There is also a consequence for those local authorities with a larger than average level of self-funders within their council areas who will have to take on new levels of responsibilities for residents that we have to date not had any interaction with. This must be recognised, in full, in future year settlements and there should be grant funding that reflects that a significant proportion of the lead in work for this will be during 2022/23 in preparation for arrangements in 2023/24 onwards.

Question 4: Do you agree with the government's proposals for iBCF in 2022/23?

Its important that any allocation recognises the basic costs of providing adult social care services and that funding is not disproportionately skewed to areas of perceived deprivation

Question 5: Do you agree with the government's proposals for distributing the Market Sustainability and Fair Cost of Care Fund in 2022/23?

The distribution should better reflect local pressures in the social care market and recognise that places like Wokingham are being disproportionately affected as a result of high private sector charges

Question 6: Do you agree with the government's proposals for a one-off 2022/23 Services Grant distributed using 2013/14 shares of the Settlement Funding Assessment?

We are concerned that the Services grant is considered to be one-off and also will be excluded from any future calculations around transitional protections. Given this grant is supposed to cover many issues that are not one-off in nature including NIC rises, inflation etc. our concern is that by not forming part of transitional protections in future years, local authorities may be unfairly treated and penalised in future financial years with a deflated baseline.

Question 7: Do you agree with the government's proposals for New Homes Bonus in 2022/23?

We strongly feel that the new homes bonus scheme should continue as an incentive for housing delivery as originally intended.

Question 8: Do you agree with the government's proposals for Rural Services Delivery Grant in 2022/23?

We are neutral on the proposals for Rural services delivery grant.

Question 9: Do you agree with the government's proposal for the Lower Tier Services Grant, with a new minimum funding floor in

2022/23 so that no authority sees an annual reduction in Core Spending Power?

We are pleased that there is a new minimum funding floor so no authority sees an annual reduction in Core spending power.

Question 10: Do you have any comments on the impact of the proposals for the 2022/23 settlement outlined in this consultation document on persons who share a protected characteristic, and on the draft policy impact statement published alongside the consultation document? Please provide evidence to support your comments.

We have no specific comments.

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TITLE	Optalis Contract Renewal 2022
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
WARD	None Specific;
LEAD OFFICER	Director, Adult Social Care and Health - Matt Pope
LEAD MEMBER	Executive Member for Health, Wellbeing and Adult Services - Charles Margetts

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

Optalis have been the Council's Local Authority Trading Company (LATCo), delivering Adult Social Care Services in the borough for the last 10 years. Optalis is jointly owned by the Council and the Royal Borough of Windsor and Maidenhead (RBWM), who took the decision to join Optalis in 2017. Our intention for the partnership is to continue to develop a social care company of choice, securing continuous improvement in the delivery of services and maximise the retention and stability of the workforce.

To support this direction, we have renegotiated a new shareholder agreement for the company that brings significant benefits to the Council. Because of these benefits and the success of the company we wish to renew our contract with Optalis.

Continuing the contractual arrangement with Optalis Ltd will enable the Council to embed success and deliver more positive changes, led by the development of the new Optalis Ltd Board. New governance arrangements will include the Directors for Adult Social Services for Wokingham Borough Council and the Royal Borough of Windsor and Maidenhead, with the Executive Lead Members for both councils who oversee adult social care, and the Chief Executive Officer (CEO) of Optalis Ltd all appointed as board members.

The main policy driver for the work of Adult Social Care is The Care Act (2014). The Care Act (2014) is the legislative framework providing Duties and Powers that all Local Authorities must adhere to. The key emphasis of The Care Act (2014) is to support prevention; to promote well-being; and to offer choice and control.

In December 2021 the government released People at the Heart of Care. This sets out the governments ambition over the next 10 years and how it intends to transform support and care in England from October 2023. The new relationship set out in the Shareholders Agreement will enable WBC to work more closely with Optalis and manage the future challenges with the reform.

Our ambition is for Wokingham Borough to be one of the best boroughs for adults and carers in need of support to live, where they feel safe, included and a key part of our community. Our Adult Social Care Strategy 2020-25 sets out the approach to successfully achieve this aim whilst making sure people realise the desired outcomes that are important and personal to them. The priorities set out in the strategy contribute to the Vision of the Wokingham Borough Corporate Delivery Plan 2020-24 to make the borough a better place to live, learn, work, and grow and a great place to do business, and more specifically the priority 'Safe, Strong Communities'.

The Executive is asked to approve the Procurement Business Case for a re-award of contract for Adult Care Services to Optalis Ltd.

The Council wishes to continue the benefits of the arrangement with Optalis, and it is in the residents' interest to work with them to grow and develop new services in the local area. The renewed contract is planned to commence 3rd April 2022 for an initial period of 24 months. Thereafter, the contract continues until 2nd April 2027 unless the Council terminates the contract on 12 months' notice. Further, this report details the future joint ownership arrangements between the joint shareholders which will be in effect during the period of the contract for services.

The contract annual value exceeds £5 million requiring approval from Full Council, as stated in our Procurement and Contracts Rules and Procedures.

The direct award to Optalis is in accordance with the requirements of Regulation 12 of the Public Contract Regulations 2015 ("PCRs 2015") regarding Teckal arrangements.

RECOMMENDATION

That the Executive recommends Council to:

- 1) approve the attached procurement business case to renew the contract to Optalis;
- 2) delegate authority to the Director of Adult Services, in consultation with the Lead Member for Adult Services to:
 - a) approve and complete the contract with Optalis for £7.3mil – 2022-23; and
 - b) undertake all activities required to complete the joint ownership arrangements between RBWM and the Council as set out under the heading 'Future Arrangements' below.
- 3) delegates jointly to the Director of Adult Services and the Director of Resources and Assets authority to add to and remove services within Optalis during the term of the contract provided that in each case, up to the total value of £500k:
 - a) the budget for the costs of the services has already been approved as part of the agreed Council Budget;
 - b) the business case has been approved by both Directors;
 - c) the Executive Member with responsibility for Adult Services and the Executive Member with responsibility for Finance have been consulted.
- 4) to note the shareholders agreement.

EXECUTIVE SUMMARY

Optalis deliver four CQC-regulated services in the borough which are all rated as 'good' and three unregulated services, including the Supported Employment Service which is currently ranked as 2nd in the country for supporting people in receipt of care services with a Learning Disability to gain and maintain employment.

Optalis is the 'provider of choice' and the 'provider of last resort' to the Council, meaning if an independent sector provider fails, Optalis will be able to support the Council by stabilising the situation and ensuring the customers are safe. The current contract with Optalis is due to expire 2nd April 2022.

Further details for the services delivered under the current contract and to the additional services are as follows:

Current Services:

- Four Extra Care Schemes:
 - Accommodation that provides enhanced care and support for older people and vulnerable adults who have increased care needs
- Independent Supported Living for people with Learning Disabilities:
 - The Services provide tenancy-based 'background support' (i.e. domestic services, catering, emergency call-out support) and a sleep-in night service to customers within self-contained flats/bungalows at both sites. Some properties also provided regulated care services for residents with higher level needs.
- START reablement service:
 - Short-term care at home, to aid recovery after discharge from hospital
- Supported Employment Service
 - The Service will provide personalised Supported Employment support to adults living in Wokingham with a mental health need, a learning disability, physical disability, substance misuse issues or caring responsibilities.
- Suffolk Lodge Care Home:
 - Accommodation and 24-hour care for people living with dementia who cannot be cared for in their own home.
 - The Service also offers respite and emergency respite services, subject to a managers assessment, to assist carers in their caring role for a period of up to 6 weeks
- Day Services for people:
 - Activity opportunities for people with physical and learning disabilities.

The renewed Optalis contract will also include additional services:

- Two houses for young people with a Learning Disability transitioning to adulthood
- A supported living accommodation service for people with Learning Disabilities
- Learning Disability Respite unit

Further, this report details the revised ownership arrangements between the joint shareholders which will be in effect during the period of the contract for services. The key elements of these arrangements are

- Simplified governance
- Continuity and stability of services to our residents
- Greater control the Director of Adult Services and Executive Member becoming members of the Optalis Board
- Fairer and more transparent split in central costs
- Coterminous contract length
- Agreed exit arrangements
- Equal ownership
- Shared strategic direction

- Separation of operations with the ability to join with RBWM if beneficial

BACKGROUND

Wokingham Borough Council has statutory duties under The Care Act 2014 to support prevention; to promote well-being and independence; and to offer choice and control to adults entitled to statutory social care services and support.

The Adult Social Care Strategy 2020-25 details that the Council will:

- Prevent, reduce and delay the need for formal care and support
- Improve people's health and wellbeing, focusing on prevention and self-help whenever possible
- Use a Community-led model of support, which focuses on people's strengths and community networks
- Reduce isolation and loneliness, so people can live happier and more independently for longer
- Support carers to enable them to continue in their much valued role
- Maximise independence and support people to learn the skills they need for daily living
- Increase use of technology and adaptations to support greater independence, for example alarms and sensors and smart technology

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. Optalis provide excellent quality services for our residents, whilst playing a key role in developing and improving our approach to shaping the care services available in the borough. The successes we have jointly achieved with Optalis over the last 10 years have set us on a strong path to meet our priorities set out in our Adult Social Care Strategy and to achieve our aim to be one of the best boroughs for adults and carers in need of support to live, where they feel safe, included and a key part of our community.

The Council wishes to continue the benefits of the arrangement with Optalis, and it is in the Council's interest to work with them to continue to grow and develop new services in the local area.

Optalis is jointly owned by the Council and the Royal Borough of Windsor and Maidenhead (RBWM). This ownership gives the Councils control over quality, delivery, and the strategic direction of the services. The key objective of the partnership is to protect and develop high quality services for our vulnerable residents.

The Shareholders Agreement, originally created in 2017, details how the governance and financial arrangements work, how decisions are made and how the impacts of changes are shared between the Councils. The Agreement sets out the shared intention to develop a social care company of choice, secure continuous improvement in the delivery of services and maximise the retention and stability of the workforce, however, both councils consider the 2017 agreement to be, in part, unrepresentative of the respective focus, commitment, and aspirations for the company. Therefore, a new shareholder agreement has been produced.

The contract for services will be in place for a minimum of 2 years (£7.3mil for year 1 and £7.2mil for year 2). After that date the Term can continue until 02 April 2027 and each council has a right to terminate on 12 months' notice after the initial 2-year period.

BUSINESS CASE

The Business Case is provided as a standalone document supporting this paper.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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)	£7.3mil. plus inflation, as agreed through the MTFP process	Yes	Revenue
Following Financial Year (Year 3)	£7.2mil. plus inflation, as agreed through the MTFP process	Yes	Revenue

Other Financial Information

Optalis is the Local Authority Trading Company jointly owned by Wokingham Borough Council (WBC) and Royal Borough of Windsor and Maidenhead (RBWM). This means that any financial surplus generated through operations is returned to the Councils as shareholders for further investment in local services.

Stakeholder Considerations and Consultation

None required

Public Sector Equality Duty

Equalities Impact Assessment completed and enclosed.

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

There will be no negative impact on the Council's carbon neutral objective.

List of Background Papers

- Procurement Business Case
- EQIA
- [Adult Social Care Strategy 2020-2025](#)
- Optalis Shareholders Agreement

Contact Sarah Sesay	Service Adult Social Care
Telephone Tel: 0118 974 6586	Email sarah.sesay@wokingham.gov.uk



In accordance with the Procurement and Contracts Rules and Procedures (PCRP) (see section 3.1.1): a formal business case is required for any procurement with a total value above £50,000. The level of approval required for the Business Case depends on the type of procurement and total ascertainable value of the contract, as indicated in the table below:

1. Level of Approval

State “YES” in the applicable box at either Level 1, Level 2 or Level 3:

Type of Procurement	Level 1		Level 2		Level 3	
	Assistant Director & Director Approval		Executive Approval		Full Council Approval	
Goods and Services	£50k – £500k		> £500k		Annual Value >£5m or TAV >£25m (if capital >£15m)	YES
Schedule 3 Services	£50k – £663k		> £663k			
Works	£50k – £4,733k		> £4,733k			

NOTE:

Executive meetings (Level 2) are held each month but the submission of papers is strictly controlled, resulting in a cycle of at least 6-weeks – speak to Democratic Services for assistance.

Full Council meetings (Level 3) are held every second month and submission of papers is controlled as per Executive meetings – speak to Democratic Services for assistance.

2. Project Information

Project / Contract Title	Optalis Contract and Shareholder Agreement Renewal
Project / Contract Description	Renewal of contract for Adult Provider Services with Optalis Ltd.
Expected Start Date & Duration (months)	Initial term 03/04/2022 - 24 months
Any Extension/s Allowed (months) <i>(e.g.: 1 x 24m / 1 x 12m + 1 x 12m)</i>	Continues after 02/04/24 unless 12 months notice to terminate has been served. The absolute end of the contract is 02 April 2027 (co-terminus with the RBWM contract for services)
Total Ascertainable Value	<p>Contract value for 2021-22 is £7.5 million.</p> <p>Inflation will be awarded in line with the MTFP.</p> <p>In addition to the current contract value there are future plans for enhancements to the contract:</p> <ul style="list-style-type: none"> Two houses for young people with a Learning Disability transitioning to adulthood

	<ul style="list-style-type: none"> • A supported living accommodation service for people with Learning Disabilities • Learning Disability Respite unit
<p>Procurement Advice <i>Provide a short summary of the advice or attach/append any written advice you have obtained, including the type of procedure, Brexit considerations and if the BC is for setting up of DPS or framework agreement.</i></p>	<p>The contract will be awarded in accordance with the requirements of Regulation 12 of the Public Contract Regulations 2015 ("PCRs 2015"). This Regulation codified 'Teckal arrangements' which had been established previously by case law. Regulation 12(1) provides an exception to the requirement that a contracting authority (i.e. the Council or Councils) complies with the PCRs 2015 when awarding a public contract.</p> <p>Optalis exists as a Local Authority Trading Company (LATCo) and therefore the 'Teckal exemption' applies.</p> <p>This allows us to directly award business without the need of carrying out a full tender process. However, the Council must throughout the duration of the Council exert sufficient control and influence over Optalis to comply with the conditions to the 'teckal exemption'.</p> <p>The Council has maintained this exemption throughout the current contract but has made recent changes to ensure that this control and influence is directly applied to the company.</p>
<p>Finance Advice <i>Confirm budget availability and add any comments relevant to the budget.</i></p>	<p>To provide statutory Adult Social Care Services budgeted through the Medium-Term Financial Plan (MTFP) process.</p>
<p>Source of Funding <i>(revenue or capital or specified other)</i></p>	<p>Revenue</p>
<p>If procurement is for software, specify outcome of your consultation with IMT and/or Business Change</p>	<p>NA</p>

3. Project Justification

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. Optalis has the benefits associated with being independent from the Council but simultaneously give the Council the same protections as if the service was directly employed. For example, the Council has joint controlling influence over the decisions made within the company and Optalis acts as the provider of last resort. The Council wishes to continue the benefits of the arrangement we currently have with Optalis and work with them to grow and develop new services in the local area.

Optalis is 100% publicly owned by the Council and the Royal Borough of Windsor and Maidenhead Council, who took the decision to move adult statutory services to Optalis 4 years ago. This ownership gives the Councils complete control over quality, delivery, and the strategic direction of the services. The key objective of the partnership is to protect and develop high quality services for our vulnerable residents.

The Shareholders Agreement sets out the relationship between the Council and the Royal Borough will participate in the company as shareholders. The contract, expiring 2nd April 2022, specifies the terms of the services delivered by Optalis for Wokingham Borough Council.

Optalis deliver four CQC-regulated services in the borough which are all rated as 'good' and three unregulated services, which includes the Supported Employment Service which is currently ranked as 2nd in the country for supporting people in receipt of care services with a Learning Disability to gain and maintain employment. Optalis is the 'provider of choice' and the 'provider of last resort' to the Council, meaning if an independent sector provider fails, Optalis will be able to support the Council by stabilising the situation and ensuring the customers are safe.

The services managed by Optalis for Wokingham Borough Council are:

- Four Extra Care Schemes
- Independent Supported Living for people with Learning Disabilities
- START reablement service
- Supported Employment Service
- Suffolk Lodge Care Home
- Day Services for people with physical and learning disabilities.

Other initiatives include the specialist Peripatetic Team, created this year working in partnership with WBC to support local providers to deliver safe and effective care by trained and experienced staff. The team have the flexibility to stay involved for as long as required, meaning they can respond to local needs and demands in an agile and effective way.

Future Arrangements

The decision to renew our contract to Optalis is linked to changes within the company and the Council's relationship with the joint owner, the Royal Borough of Windsor & Maidenhead ('RBWM'). The changes are beneficial to both parties and secure financial and governance benefits to the Council.

Link to Service or Corporate Objectives:

The current and planned future arrangements support us in achieving the priorities set out in the Adult Social Care Strategy 2020-25, which details the council will:

- Prevent, reduce and delay the need for formal care and support
- Improve people's health and wellbeing, focusing on prevention and self-help whenever possible
- Use a Community-led model of support, which focuses on people's strengths and community networks
- Reduce isolation and loneliness, so people can live happier and more independently for longer
- Support carers to enable them to continue in their much valued role
- Maximise independence and support people to learn the skills they need for daily living
- Increase use of technology and adaptations to support greater independence, for example alarms and sensors and smart technology

The services delivered by Optalis contribute to the Vision of the Wokingham Borough Corporate Delivery Plan 2020 – 2024 to make the borough a better place to live, learn, work, and grow and a great place to do business, and more specifically the priority ‘Safe, Strong Communities’, which details:

We will work with our partners to:

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to reduce the need for long term care.
- Nurture our communities; enabling them to thrive and families to flourish.
- Ensure our Borough and communities remain safe for all.

Our current agreement with Optalis supports Wokingham Borough Council’s aim to be more commercially minded and to achieve Value for Money in our contractual arrangements.

Further, Optalis supports the Council in meeting and delivering our statutory obligations as stated in the Care Act 2014.

Project Specific Objectives, Appraisal of Options and Project Timetable:

Options appraisal

Recommended option - Option 1: Award contract to Optalis.

Contract will continue with its current arrangement which includes the option of requesting further services are delivered by Optalis to the Council.

This allow Optalis the opportunity to continue to grow and develop services in response to current and future demand. From its inception, there has always been an ambition for Optalis to pursue sustainable growth, this growth provides resilience to the company, enhances its’ reputation and influence in the market and allows flexibility to respond to current and future customers growing and changing needs. However, growth needs to be carefully managed so that there is no impact on the quality of the service or other services within Optalis. Taking on new services will spread the overhead cost and return better value for money.

Option 2: Go to full tender for each service.

This is not considered to be an option as the Council will lose control over how the delivery of care is discharged if the services were delivered by other providers. In addition, changes to services are more difficult to manage and often involve a commercial charge. The Council would not benefit from the competitive rates offered by Optalis and would lose any financial surplus including the opportunity of lower associated centralised or management costs. Changing of providers would pose a risk to the individuals in receipt of these services currently, especially as the alternative options are not known. The Council is reliant on Optalis for large parts of the care market for older people and those with learning disabilities. The Council would need to re-provision this with alternative providers. Residents are happy with the service from Optalis and the loss of a large local provider would cause distress to vulnerable people and their families/carers

Cost Benefit Analysis:

Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. Optalis has the benefits associated with being independent from the

Council but simultaneously gives the Council the same protections as if the service was directly employed. For example, the Council has joint controlling influence over the decisions made within the company and Optalis acts as the provider of last resort. The Council wishes to continue the benefits of the arrangement with Optalis, and it is in the Council's interest to work with them to grow and develop new services in the local area.

From 2021 to date we achieved savings of £1.5 million through the MTFP. By 2023-24 future savings of over £4.2 million have been identified through the MTFP process. There are potential future opportunities to achieve cost benefits with the delivery of new services and due to benefitting from economies of scale.

Contract Management:

The current contract management arrangements will continue with the new contract, which includes key performance indicator reporting and a partnership meeting taking place on a monthly basis.

The Council has allocated resource within the Strategy and Commissioning Service to carry out commissioning and contract management responsibilities.

The Council and Optalis work closely on development projects and Optalis representatives regularly attend working groups, projects board meetings and are a member of our Adult Social Care Leadership Team.

4. Approval

Please fill in the applicable fields according to the level of approval required.

Note: If Level-2 or 3 approval is required, the document should be signed by Assistant Director and Director at Level-1 first, and then presented to the Executive (and Full Council where appropriate) for final approval.

Level 1

Position	Name	Department	Signature
Assistant Director	Wesley Hedger	Strategy and Commissioning	
Director	Matt Pope	Adult Services	

Level 2

NOTE: Level 1 approval must be completed first.

Please state the date of the relevant Executive meeting or Individual Executive Member Decision at which the Business Case has been approved.

	<i>Date of Executive meeting / approval</i>	<i>Item No</i>
Executive Approval	On agenda for 27th January 2022	

Level 3

NOTE: Level 1 and 2 approval must be completed first.

Please state the date of the relevant Full Council meeting at which the Business Case has been approved.

	<i>Date of Full Council meeting / approval</i>	<i>Item No</i>
Full Council Approval	On agenda for 17th February 2022	

Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	16/11/2021
Service:	Adult Services
Project, policy or service EQIA relates to:	Direct award of contract for statutory adult services to Optalis Ltd.
Completed by:	Sarah Sesay
Has the EQIA been discussed at services team meeting:	Yes
Signed off by:	Wesley Hedger
Sign off date:	

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1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

<p>What is the purpose of the project, policy change or service change, its expected outcomes and how does it relate to your services corporate plan:</p> <p>To agree a new 24-month contract for Adult Statutory Services directly awarded to Optalis Ltd.</p> <p>Optalis has been our Local Authority Trading Company (LATCo), delivering our Adult Social Care Services in the borough for the last 10 years. We want to continue the benefits of the arrangement we currently have with Optalis and work with them to grow and develop new services in the local area.</p> <p>The statutory services delivered by Optalis contribute to the Vision of the Wokingham Borough Corporate Delivery Plan 2020 – 2024 to make the borough a better place to live, learn, work, and grow and a great place to do business, and more specifically the priority ‘Safe, Strong Communities’ and support the priorities set out in the Adult Social Care Strategy 2020-25.</p>
--

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members etc.) have/will be consulted and informed about the project or changes:

How we are delivering the project:

Optalis in partnership with WBC are committed to transforming local services available to vulnerable adults aged 18-and over with learning disabilities, mental health, complex needs and associated physical disabilities, to improve services that can support them to lead full and rewarding lives with better outcomes in the community.

Optalis in partnership with WBC will engage with a wide range of community organisations and developing natural support networks. This will include supporting people to identify risks and develop strategies that help them to keep safe in the community.

Governance arrangements in place:

Full Council approval is required due to the value of the contract. The approval process, prior to the Council meeting, includes agreement by other stakeholders including Optalis, WBC commissioners, Adult Social Care Leadership Team.

Outline who are the main beneficiaries of the Project, policy change or service change?

Main beneficiaries of the Project:

The customers: Sustainable services with the right level of care and support to meet their needs.

WBC: Sustainable care provision delivered by a provider with experience of delivering high quality service owned by the council.

The local community: No impact

Optalis: No impact

By ensuring we undertake a review and needs assessment, and we can ensure that what we commission in the future is evidence based. It is essential that we engage key partners and customers to gather intelligence about the current service and assess whether it meets the needs of our population with care and accommodation needs, whilst at the same time identify gaps in our existing provision and reviewing the use of community assets.

<p>Outline any associated aims attached to the project, policy change or service change:</p> <p>We aim to commission a service that meets customer need and is the best use of limited resources. To deliver personalised quality, care and support arrangements which is sustained and continue to be an essential part of the overall support provided to the customers and their carers.</p>
--

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:	Reason for Impact Score
Race:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Gender:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Disabilities:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s). Vulnerable individuals and groups are supported and looked after as the reduction still has staff and back up support available 24/7	This is no change to the current contract terms.
Age:	No impact	Vulnerable individuals and groups are supported and looked after as the reduction still has staff and back up support available 24/7	This is no change to the current contract terms.
Sexual orientation:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Religion/belief:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Gender re-assignment:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.

Pregnancy and Maternity:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.
Marriage and civil partnership:	No impact	The project, policy or service change or redesign will have no impact, positive or negative, on the protected group (s).	This is no change to the current contract terms.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment, and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by.... Wesley Hedger

Date:....

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DATED

2022

(1) WOKINGHAM BOROUGH COUNCIL

and

(2) ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

and

(3) OPTALIS LIMITED

SHAREHOLDERS AGREEMENT

RELATING TO OPTALIS LIMITED



BDB PITMANS

Registered Office

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London
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50/60 Station Road
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CB1 2JH
DX 339601 Cambridge

103

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Parties

- (1) **Wokingham Borough Council** whose principal office is at Shute End, Wokingham, Berkshire RG40 1BN (**Wokingham**);
- (2) **Royal Borough of Windsor & Maidenhead** whose principal office is at Town Hall, St Ives Road, Maidenhead SL6 1RF (**RBWM**); and
- (3) **Optalis Limited** a company incorporated and registered in England and Wales with registered number 07630156 whose registered office is at Trinity Court, Molly Millers Lane, Wokingham, Berkshire RG41 2PY (the **Company**).

BACKGROUND

- (A) The Company was incorporated under the Companies Act 2006 on 11 May 2011 as a private company limited by shares. At the date of this Agreement the Company has an issued share capital of 50,100 ordinary shares of £1.00 each (as to which 25,050 A ordinary shares of £1.00 are held by RBWM and 25,050 B ordinary shares of £1.00 each are held by Wokingham).
- (B) The parties (together with Optalis Holdings Limited (Co. No. 08671532)) entered into a shareholders agreement dated 30 May 2017 relating to the Company. Optalis Holdings Limited has ceased to be a shareholder of the Company and the parties wish to record the new terms on which they will participate in the Company as its shareholders.

Agreed terms

1 Definitions and interpretation

- 1.1 The following definitions and rules of interpretation apply in this Agreement.

2017 Shareholder Agreement: means the shareholders agreement referred to in Recital B.

Annual Accounts Date: means the accounting reference date of the Company from time to time.

Annual Contract Price: means the annual Contract Price (as defined in Schedule 2) paid or payable by a Council to the Company under a Care Services Contract in a financial year (such amount does not include any payment for commissioned adult social care services instructed by the Company as agent for the Councils).

Asset Purchase Agreement: means the agreement dated on or around 30 March 2017 between RBWM and Optalis Limited.

Authorised Representatives: means the authorised representatives referred to in clause **Error! Reference source not found.**

Board or Board of Directors: means the board of directors of the Company;

Board Meeting: means a meeting of the Board of Directors.

Business: means the business of the Company described in clause 2 and the Business Plan and such other business as the Shareholders may agree from time to time in writing should be carried on by the Company.

Business Plan: means the business plan adopted in accordance with clause 2.3 from time to time which shall include details of the Operating Budget and the Savings.

Business Day: means a day other than a Saturday or Sunday or public holiday in England and Wales.

Care Services: means the services of adult social care and such other care-related services as any Council may from time to time agree to commission from the Company.

Care Services Contract: means a contract for the provision of any Care Services by the Company to the Shareholders.

CEDR: means the Centre for Effective Dispute Resolution.

Chairman of the Board: means the person appointed in accordance with clause 4.5.

Chief Executive Officer or CEO: means the person appointed as chief executive officer of the Company in accordance with clause 4.4.

Confidential Information: means any information or matter which is not in the public domain and relates to either of the Shareholders or the Company.

Costs: means any liabilities fees costs damages expenses and losses (not including indirect or consequential losses, loss of profit or reputation) and any reasonable professional costs, interest and expenses (such Costs subject always to that they must be foreseeable or in the reasonable contemplation of the parties and the obligation at law to mitigate).

Council Directors: means the RBWM Directors and the Wokingham Directors.

Councils: means Wokingham and RBWM,

Current Business Plan: means the Business Plan of the Company in effect at the date of this Agreement.

Deed of Adherence: means a deed of adherence in substantially the same form as set out in Schedule 1.

Director: means any director for the time being of the Company, including where applicable any alternate director.

Environmental Information Regulations: means the Environmental Information Regulations 2004.

Existing Commissioning Contracts: means contracts for Care Services entered into between either of the Councils and a third party before Completion.

FOIA: means the Freedom of Information Act 2000.

Group: means, in relation to the Company, the Company itself; and the expression **Group Member** shall be construed accordingly.

Information: has the meaning given to it under section 84 of the FOIA.

Intellectual Property Rights: means copyright and related rights, trademarks, business names and domain names, goodwill and the right to sue for passing off, rights in designs, rights in computer software, database rights, rights to use, and protect the confidentiality of, confidential information (including knowhow) and all other intellectual property rights, in each case whether registered or unregistered and including all applications and rights to apply for and be granted, renewals or extensions of, and rights to claim [priority from, such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future.

LCIA: means the London Court of International Arbitration.

Lead Member: means the member of the executive/cabinet at the Councils whose responsibility includes adult services

LGPS: means a Local Government Pension Scheme established pursuant to regulations made by the Secretary of State in exercise of the powers under Sections 7 and 12 of the Superannuation Act 1972 as amended from time to time.

LGPS Regulations: means the Local Government Pension Scheme Regulations 2013 as amended from time to time.

New Articles: means the new articles of association of the Company in the agreed form to be adopted on or about the date of execution of this Agreement.

Operating Budget: means the annual sum of monies required by the Company to deliver the Care Services to the Shareholders and as determined in accordance with and as set out in Schedule 2.

Prudential Code for Local Authorities: means the Chartered Institute of Public Finance and Accountancy (**CIPFA**) Prudential Code for Capital Finance in Local Authorities 2011 and accompanying Guidance Notes for Practitioners 2013 (as updated or revised from time to time).

RBWM Admission Agreement: means the agreement set out in Schedule 5 of the Asset Purchase Agreement and made pursuant to Schedule 2 of the LGPS Regulations where Optalis Limited becomes an admission body to the Royal County of Berkshire LGPS in respect of the Eligible Employees (as defined in the Asset Purchase Agreement) or, as the case may be, any subsequent admission agreement made pursuant to Schedule 2 of the LGPS Regulations where a subcontractor of Optalis Limited becomes an admission body to the Royal County of Berkshire LGPS in respect of the Eligible Employees (as defined in the Asset Purchase Agreement).

RBWM Directors: the Directors appointed by RBWM in accordance with clause 4.1.

Request for Information: has the meaning set out in the FOIA or any apparent request for information made under the FOIA or **the** Environment Information Regulations.

Savings: means the cost savings and financial efficiencies identified for each financial year that the Shareholders agree to make to reduce the Operating Budget or generate income and as documented and agreed in the Business Plan.

Shareholder: means each of the Councils and/or any person to whom it may properly transfer any Shares in accordance with this Agreement and who enters into a Deed of Adherence agreeing to be bound by the terms of this Agreement.

Shareholding Proportion: means the proportion of the issued share capital of the Company held by the Shareholders.

Shares: means the ordinary shares of £1.00 in the Company from time to time.

Trinity Court: means office at Trinity Court, Molly Millars Lane, Wokingham, Berkshire leased to Optalis under a lease dated 10th December 2018.

Wokingham Admission Agreement: means the agreement dated 14 June 2011 made pursuant to Schedule 2 of the LGPS Regulations where Optalis Limited became an admission body to the Royal County of Berkshire LGPS in respect to certain Wokingham Transferred Employees.

Wokingham Directors: means the Directors appointed by Wokingham in accordance with clause 4.1.

Wokingham Transferred Employees: means the employees who transferred to Optalis Limited under a contract for services dated 30 June 2011.

- 1.2 Any reference to a statute or statutory provision is a reference to it as it is in force from time to time, taking account of any change, extension, consolidation or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.3 Clause headings in this Agreement are for convenience only and do not affect the construction of any provision.
- 1.4 References to any gender shall include the other genders and references to the singular shall include the plural and vice versa.
- 1.5 Any reference to a person (which for the purposes of this Agreement shall include a firm, unincorporated association, body corporate, government, state or agency of state, any association or partnership or joint venture (whether or not having a separate legal personality)) shall include its successors in title.
- 1.6 Any reference to a document **in the agreed form** shall be a reference to that document in the form agreed and initialled by or on behalf of each of the Shareholders for the purpose of identification and attached to this Agreement.

2 The business of the Company

- 2.1 The Shareholders acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of Care Services to the Councils and to other customers in accordance with the Business Plan.
- 2.2 The Shareholders further acknowledge and agree that the purpose of the Company is: "To be a resilient, efficient and sustainable social care company capable of delivering high quality, innovative services to our customers, delivered by passionate and skilled staff." The aims will be to:
- transform and improve the delivery of adult services (both statutory and provider services) across both boroughs to achieve quality and value for money whilst influencing and shaping the local care markets;
 - secure the stability of the workforce, ensuring that staff are retained, and their continuous professional development is enabled; and
 - identify and deliver opportunities for joint commissioning to the benefit of both boroughs.
- 2.3 The Current Business Plan will apply in respect of the current financial year of the Company (namely 1 April 2021 to 31 March 2022). The Board will prepare and adopt a revised Business Plan for subsequent financial years by the end of January each year in respect of the following financial year and submit the Business Plan to the Shareholders for approval by the Authorised Representative by end of January in each year.
- 2.4 Each Business Plan shall be substantially in the format of the Current Business Plan and will deliver the purpose of the Company as set down in clause 2.1 and include the basis (in a form required by the Shareholders) of the calculation of the Annual Contract Price for all Councils.
- 2.5 Notwithstanding any other provision of this clause 2 following the requisite approval by the Company of a proposed new Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.3 has not been approved and adopted by the Company in accordance with this Agreement the relevant existing Business Plan shall continue to be the Business Plan of the Company.
- 2.6 The Business Plan shall become the adopted Business Plan of the Company once it has been approved by the Councils and the Authorised Representative shall notify the Company by end of March in each of year. Where the Councils do not agree to the Business Plan then such shall be referred to disputes resolution under clause 16 of this Agreement
- 2.7 The principal place of business of the Company and the principal place for management of the Company shall be within the county of Berkshire, unless otherwise agreed in writing by both Councils.
- 2.8 The Shareholders acknowledge and agree that they will as far as reasonably possible ensure that the Business of the Company is conducted in accordance with the Business Plan and good business practice.

- 2.9 Subject to the provisions of this Agreement, the Shareholders understand and agree that the Company shall use all reasonable and proper means to maintain and improve the Business.

3 Conduct of the Company's affairs

- 3.1 With the exception of those matters requiring consent pursuant to clause 8, the day-to-day management of the Company shall be vested in the Chief Executive Officer and his management team. Without prejudice to the generality of the foregoing, the Directors of the Company will determine the general policies of the Company and the manner in which the Business is to be carried out subject to the provisions of clause 5 and subject to those matters requiring consent pursuant to clause 8 and to any other express provisions of this Agreement. In particular, but without limitation to the generality of the foregoing, the Directors shall subject to the provisions of clause 5 and subject to the limitations in clause 8, exercise all voting rights and other powers of control available to them in relation to the Company so as to procure (in so far as they are able in the exercise of such rights and power) that, at all times during the term of this Agreement, the Company shall carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit and in accordance with good business practices.
- 3.2 The Company shall not carry out any activity which would render the holding of Shares by any Shareholder unlawful provided that where a proposed change of law would render such shareholding unlawful such Shareholder will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.
- 3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.
- 3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company at any time with any officers and employees of the Shareholder designated in writing by each Shareholder for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company shall be open to the inspection of any officers and employees designated in writing by each Shareholder for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the relevant Shareholder properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any Confidential Information secured as a consequence of such discussions and examinations shall be kept confidential by the requesting Shareholder and its designated officers and employees in accordance with the terms of clause 19.
- 3.5 The Company agrees with the Shareholders that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Company and will generally keep the Shareholders informed of the progress of the Company's business and affairs and in particular will procure that each Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.
- 3.6 The Shareholders shall (to the extent that it is within their powers to do so) procure that the Company shall not breach nor cause any Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing

Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015.

- 3.7 The Company shall:
- 3.7.1 identify the participation of each Council on all its official business stationery; and
 - 3.7.2 not engage in any party political publicity.
- 3.8 The Company shall use its reasonable endeavours to ensure that:
- 3.8.1 no more than 19.99% of the total average annual turnover of the Company in any period of three financial years shall derive from activities undertaken for any person who is not a Shareholder or a person over which one or more Shareholders exercise Control (and for the purposes of this obligation only Control shall have the meaning attributed to it in Regulation 12(3) or 12(5) of the Public Contracts Regulations 2015); and
 - 3.8.2 the Company shall not accept any direct private capital participation (with the exception of non-controlling and non-blocking forms of private capital participation as may be required by English legislation, which do not exert a decisive influence on the Company).
- 3.9 In order to assist compliance with the provisions of clause 3.8 the Shareholders shall procure that oversight thereof will be undertaken by one of the RBWM Directors or Wokingham Directors who will report to the chief executives of the Councils.
- 3.10 Compliance with Regulation 12(4) of the Public Contracts Regulations 2015 (**2015 Regulations**) will be undertaken by the RBWM Director who is the Director of Adult Services and the Wokingham Director who is the Director of Adult Services who shall report to their respective Council chief executives in relation to such compliance. If any of the parties become aware that, for whatever reason, the Company no longer fulfils any of the requirements of Regulation 12(4) of the 2015 Regulations (**Teckal Non-Compliance**) or such Teckal Non-Compliance is likely to occur, it shall immediately notify the other party. Following such notification, the parties shall work together to ensure action is taken to either:
- 3.10.1 remedy the Teckal Non-Compliance; or
 - 3.10.2 take steps to prevent such Teckal Non-Compliance occurring.
- 3.11 Each Shareholder shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it, in relation to the Company so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement:
- 3.11.1 the Company is managed in accordance with the objectives and provisions of this Agreement; and
 - 3.11.2 the Company performs and complies with all obligations on its part under this Agreement and the New Articles.

- 3.12 Subject to clause 3.13 the Shareholders acknowledge that in relation to the Business the Company may limit the amount available for distribution to a nominal amount by returning any efficiency savings and private income generated by any service to each Council prior to the Company's year end.
- 3.13 In the event that the Shareholders agree pursuant to clause 2.1 (but subject at all times to clause 3.8 and clause 8.1.15) that the Company undertakes any commercial activities other than in relation to the Business then unless and until otherwise agreed in writing by each of the Shareholders the full amount of the profits of the Company available for distribution according to the audited accounts for each financial period relating to such commercial activities shall be distributed by the Company by way of dividend subject only to such reserve as the Board of Directors considers to be necessary to meet future liabilities (contingent or otherwise) of the Company;

4 Directors

- 4.1 The Directors will (subject to the appointment of any non-executive director pursuant to clause 4.6) consist of five members, being two RBWM Directors and two Wokingham Directors and the Chief Executive Officer.
- 4.2 RBWM shall have the right to maintain in office two natural persons as RBWM Directors and to remove any RBWM Director so appointed and upon his removal, whether by his appointor or otherwise, to appoint another person to act as a RBWM Director in his place. Such persons shall comprise the RBWM Director of Adult Services and the Lead Member of RBWM.
- 4.3 Wokingham shall have the right to maintain in office two natural persons as Wokingham Directors and to remove any Wokingham Director so appointed and upon his removal, whether by his appointor or otherwise, to appoint another person to act as a Wokingham Director in his place. Such persons shall comprise the Wokingham Director of Adult Services and the Lead Member of Wokingham.
- 4.4 The Chief Executive Officer shall be appointed by ordinary resolution of the Shareholders.
- 4.5 The Chairman of the Board shall be the Lead Member from either the RBWM Directors or the Wokingham Directors. The Chairman of the Board shall rotate every six months between the Lead Member RBWM Director and the Lead Member Wokingham Director. The deputy chairman of the Board shall (during the period that a RBWM Director is Chairman of the Board) be the Lead Member Wokingham Director and shall (during the period that a Wokingham Director is Chairman of the Board) be the Lead Member RBWM Director.
- 4.6 If both Shareholders request then the RBWM Directors and Wokingham Directors shall appoint by unanimous decision such non-executive directors as are so requested.
- 4.7 A Directors' meeting shall be held no less than every three months at a location within the county of Berkshire. The Chief Executive Officer (or such agreed substitutes) shall provide a regular report to the Board of Directors at each meeting on each area of the Company's operations – Company Report, Provider Services, Statutory Services, Finance and Performance, HR and Corporate Services. Additional reports may be added as requested by the Board.

For the avoidance of doubt, meetings of the Board of Directors can be called at other times by notice in writing in accordance with the New Articles.

- 4.8 The quorum for the transaction of business at meetings of the Company shall be as required in paragraph 5 of this Agreement **provided that** if a quorum is not present in respect to a decision required by paragraph 5.4, then the attendees present may adjourn the meeting to a date not less than five Business Days later, and the quorum for a meeting adjourned in accordance with this clause and held at such later date shall be any two Directors of the Company.
- 4.9 Not less than five Business Days' notice shall be given to each of the Directors of the Company which shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting. This provision may be waived if all the Directors who attend the meeting agree.
- 4.10 The Company will supply the agendas and support papers to the Board of Directors and shall do so at the same time, as far as possible, as the Board of Directors receives those agendas and papers (except for minutes, which need only be supplied after signature).
- 4.11 The Councils shall ensure that its appointed Directors of the Company shall attend the meeting.
- 4.12 The Chief Executive Officer shall manage the conduct of Board meetings and shall seek to ensure that a decision is reached. In the event of deadlock on any vote, the Chief Executive Officer shall refer the matter for mediation in accordance with clause 16 unless a Wokingham Director and a RBWM Director both confirm that no such referral shall be made.
- 4.13 The Company will appoint a Company Secretary or seek company secretarial advice from a suitable qualified third party who will in addition to advising the Board on all compliance matters will advise on the operation of this Agreement.

5 Director decision making/appointment of committees

Decision making within the Company shall be as follows:

- 5.1 The CEO shall make all operational decisions of the Company for the day to day running of the Company within the Operating Budget and/or the Business Plan. The CEO may delegate such decisions to any of the other Directors.
- 5.2 Any decision of the Company which impacts on one Council only shall (to the extent that it is not an operational decision for the running of the Company within the Operating Budget and/or the Business Plan) be delegated pursuant to article [24] of the Company's articles of association to a committee consisting of the (i) CEO and (ii) either the Wokingham Directors or the RBWM Directors (depending on the Council affected by such decision).
- 5.3 Any decision of the Company which relates to matters of incurring additional financial cost, risk, or negative publicity having an impact on one Council only or which may require one Council to increase its budget (unless included within the Operating Budget and/or the Business Plan) (including without limitation any decision to vire budgets for that Council's services and/or a request for further budgets from that Council) shall be delegated pursuant to article [24] of the

Company's articles of association to a committee consisting of either the Wokingham Directors or the RBWM Directors (depending on the Council affected by such decision).

- 5.4 Any decision of the Company which relates to matters of incurring additional financial cost, risk, or adverse publicity having an impact on the Company alone or to its services or to any matters which relates to both Councils shall be taken by the Board as a whole provided that all decisions must require the unanimous consent of all of the Councils Directors.
- 5.5 The quorum required under paragraph 5.2 and 5.3 shall be both Council Directors of the relevant Council and under paragraph 5.4 shall be all Council Directors.
- 5.6 The Councils and the Company acknowledges that the relevant Council Directors shall modify, expand or add to those matters considered to of 'financial cost, risk, or adverse publicity' and shall notify the Company and the CEO from time to time of such matters. The Council Directors shall endeavour to agree a consistent approach to such matters where possible.

6 Authorised Representatives/Shareholder consent

- 6.1 Where the consent of the Councils acting as Shareholder or otherwise is to be given under the provisions of this Agreement such consent shall be required from the chief executives of the Councils who may delegate the giving of such consent to one of the Council's officers (which includes the Council Directors provided that no conflict between directorship and their Council role exists).

7 Objectives

- 7.1 The Councils agree that the objectives of the Company are:
- 7.1.1 to be the provider of adult social care services including but not limited to the provision of the Care Services to the Councils and provider under the Care Services Contract;
 - 7.1.2 to provide high quality services to its residents at best value for money;
 - 7.1.3 to generate income from private payers and third party councils;
 - 7.1.4 to ensure the Councils to comply with their statutory duties in relation to Care Services and to fulfil the requirements of the Business Plan;

and that the decisions of the Company should be made in accordance with these aims and objectives.

- 7.2 Where opportunities for the provision of new services arise, the Councils agree that the Company is offered the first opportunity to provide such services as 'provider of first choice'. The Councils are not required to accept any offer for the provision of such services and (acting reasonably) may, directly or indirectly perform, undertake, procure, participate, compete, solicit, encourage, or initiate any part of the Care Services itself or from a third party. The reasons for not accepting the offer from the Company will be reasonably explained.

- 7.3 Clause 7.1 or 7.2 shall not prevent either Council from purchasing from Existing Commissioning Contracts or from subcontracting or securing Care Services where agreed with the other Council.

8 Reserved Matters and Ongoing Duties

- 8.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement, the Company shall not, except as approved in the Business Plan of the Company or with the unanimous consent of the Authorised Representatives (who shall take their decision having regard to their Council's constitutional requirements) take any action or pass any resolution in respect of:

- 8.1.1 altering in any respect its articles of association or the rights attaching to any of its shares;
- 8.1.2 entering into any arrangement, contract or transaction resulting in expenditure either with a capital or revenue value in excess of £50,000.
- 8.1.3 engaging in any business with any party other than the Councils other than as contemplated by the Business Plan and Operating Budget or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business;
- 8.1.4 changing the nature of the Business;
- 8.1.5 entering into any borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved by the Company under the Business Plan;
- 8.1.6 approving the appointment of auditors;
- 8.1.7 adopting, replacing or modifying the Business Plan in respect of each financial year, which shall include the adoption and amendment of an Operating Budget other than where such adoption, replacement or modification involves an expenditure of no more than £50,000 in any financial year;
- 8.1.8 appointing or removing any Directors (other where permitted by this Agreement);
- 8.1.9 amending in any material respect the terms and conditions on which any Director of the Company is employed;
- 8.1.10 amalgamating or merging with any other company or business undertaking;
- 8.1.11 forming any subsidiary undertakings (as defined in Section 1162 of the Companies Act 2006) or acquiring shares in any other company or participating in any partnership or joint venture (incorporated or not) with a view to providing services to third parties;

- 8.1.12 making any acquisition or disposal of any material asset(s);
- 8.1.13 allotting any shares in the Company;
- 8.1.14 passing any resolution for the winding up of the Company or presenting any petition for the administration of the Company, other than where the Company is insolvent;
- 8.1.15 undertaking any services other than Care Services to the Councils or the provision of Care Services by the Company to any third party; and
- 8.1.16 any matters which both Authorised Representatives agree should be added to the list in this clause 8.1.

9 Production of accounts and reports

- 9.1 The Company shall instruct its auditors to prepare and audit a balance sheet of the Company, as at the Annual Accounts Date each year and a consolidated profit and loss account of the Company, for the 12 month financial period ending on the Annual Accounts Date each year to be presented to the Shareholders in accordance with the timetable set out in Schedule 2 after the end of the period to which such accounts relate.
- 9.2 The Company will provide to the Shareholders full details of any actual or prospective material change in the Business or the financial position or affairs of the Company, as soon as such details are available.
- 9.3 All accounts referred to in this clause shall be prepared in pounds sterling and in accordance with applicable law and generally accepted accounting standards, principles and practices in the United Kingdom.
- 9.4 The Shareholders shall procure that the Company maintains a separation of finances relating to each Council's services in all aspects other than central management costs, which shall be apportioned as per the formula set out in paragraph 5.2 of Schedule 2.
- 9.5 The Board will provide such reports to the Councils as their chief executives and their respective Council Directors shall agree. The Councils shall seek to have the same reporting requirements and timings.

10 Anti-corruption

- 10.1 In this clause:

Adequate Procedures: means adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance issued by the Secretary of State under section 9 of the Bribery Act 2010.

Associated Person: means in relation to a party to this Agreement, any person (including an officer, employee or agent) who performs services for or on behalf of that party.

Corrupt Activity: means extortion, fraud, deception, collusion, cartels, abuse of power, embezzlement, trading in influence, money-laundering or any similar activity including without limitation any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 Bribery Act.

- 10.2 Each Shareholder declares and undertakes to the other parties that:
- 10.2.1 it has not and will not in relation to the Company or the operation of the Business, engage in any Corrupt Activity;
 - 10.2.2 it will not authorise or acquiesce in or turn a blind eye to, any Corrupt Activity;
 - 10.2.3 it has and will maintain in place, or in the case of the Company it will put and maintain in place, Adequate Procedures designed to prevent any Associated Person from undertaking any conduct that would give rise to an offence under section 7 of the Bribery Act 2010;
 - 10.2.4 it has not and will not engage in any activity, practice or conduct which could place the Company or any other party in breach of section 7(1) Bribery Act;
 - 10.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause 10.2 and will provide any information reasonably requested by the other party in support of such compliance; and
 - 10.2.6 it will ensure that its Associated Persons will comply with its commitments under this clause 10.

11 Transfer of Shares

- 11.1 If such has not been achieved by the date of this Agreement, the Councils agree that they will undertake any actions required to ensure the transfer of shares in the Company to achieve an equal shareholding between Councils (whether in the Company or by way of shareholding in any parent company) and authorise the Council Directors and the Authorised Representatives to perform all actions to achieve such.
- 11.2 Except with the prior written consent of the other Shareholders each Shareholder shall comply with the provisions relating to the issue and transfer of Shares contained in the New Articles.
- 11.3 The Company shall procure that no person who acquires Shares in the Company (whether by transfer or allotment or otherwise) (a **New Shareholder**) shall be registered as their holder unless or until he has entered into a Deed of Adherence.
- 11.4 A New Shareholder who has entered into a Deed of Adherence in accordance with clause 11.3 shall have all the rights and obligations as if he were an original party to this Agreement in the capacity of a Shareholder.

12 Conflict with the New Articles and Care Services Contract

In the event of any ambiguity or discrepancy between the provisions of this Agreement and the New Articles and/or a Care Services Contract, then it is the intention of the Shareholders that the provisions of this Agreement shall prevail. Accordingly, each Shareholder (so far as each is able) shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to give effect to the provisions of this Agreement and shall further if necessary procure (insofar as it is able to do so by the exercise of those rights and powers) any required amendment to the New Articles and/or a Care Services Contract.

13 No fetter

Nothing in this Agreement shall operate to bind the Company or any Council to the extent that it constitutes an unlawful fetter on any statutory power of the Company or such Council.

14 Variations and Changes to Care Services

14.1 Any variation or change to the Care Services may be proposed by a Council and submitted to the Company by the Authorised Representative of that Council.

14.2 Any variation or change to the Care Services may be proposed by the CEO.

14.3 Any proposal for a variation or change to the Care Services must be accompanied by a full service and costs specification.

14.4 The Councils agree that any variation to the Care Services under any Care Services Contract shall require the proposing Council to notify the Company and the Authorised Representative of the other Council of the proposed variation with the purpose of ascertaining whether the other Council wishes to participate in the proposed variation

14.5 Any variation or change to the Care Services which impacts one Council shall only be implemented by the Company after it has been approved by the committee of that Councils Directors referred to in clause 5.2 provided and such variation or change :

14.5.1 is funded entirely by the Council requesting the variation or change; and

14.5.2 does not impact on the Care Services delivered to the non-requesting Council.

and in the circumstances where the other Council Directors object to the variation or change then the CEO will refer the matter for dispute resolution under clause 16 provided that where the CEO considers that the objection is on grounds in paragraph 14.4.1 only then the Company will implement the decision before the outcome of any dispute process

14.6 Any variation or change to the Care Services which impacts both Councils may only be approved by the unanimous consent of both Council's Directors.

- 14.7 The CEO will advise the Councils on the impact (including financial impact on shared costs, such as Central Management Costs referred to in Schedule 2) on the submitted variation or change to the Care Services and will determine whether the submitted variation or change impacts one or both Councils. In the event that a Council disputes the CEO's determination the matter will be determined in accordance with the provisions of clause 16.
- 14.8 If any Council proposes that the Company provides services other than the Care Services or provides Care Services to a third party it shall present to the Board all costings and a business plan relating thereto, together with an assessment report on how the proposal would affect the Company's existing Care Services.

15 Funding arrangements

- 15.1 Each Council is responsible for funding the full share of the Annual Contract Price of the Care Services that the Company delivers on its account and shall comply with Schedule 2 of this Agreement in relation to the funding of the Company and payment for Care Services.
- 15.2 There is no financial cross subsidy of services between the two Councils.
- 15.3 Where the same Care Services are delivered for both Councils, assurance will be provided by the Chief Executive Officer that neither Council's outcomes will be negatively impacted by an integrated approach.
- 15.4 The detail of the potential costs involved will be shared with both Directors of Adult Social Services by not later than 31 October in the preceding financial year based on the proportion of provider services commissioned by both Councils in the Company.
- 15.5 The Councils and the Company agree that they shall use reasonable endeavours to achieve the Savings in each financial year as agreed with each Council. To the extent that there is a shortfall in Savings required by either Council in respect of the Savings made, that party shall choose either to be responsible for contributing the shortfall to the Company or shall have its Care Services reduced accordingly. The Company shall be required to use reasonable endeavours to achieve the Savings and minimise any such Costs.
- 15.6 The Councils agree that each Council shall bear the cost of any insurance excess arising under their respective Care Services Contracts.
- 15.7 The Councils agree that all costs, losses, liabilities or profits of Wokingham Care Services (whether within the Company or provided directly by Wokingham) prior to the 3rd April 2017 shall be the responsibility or benefit of Wokingham.
- 15.8 The Councils agree that all costs, losses, liabilities or profits of RBWM Care Services prior to the 3rd April 2017 shall be the responsibility or benefit of RBWM.

16 Deadlock/Dispute Resolution

- 16.1 In the event of any deadlock under this Agreement (which shall include any deadlock of the Board as referred to in clause 4.12) (**Deadlock**) or in the event of any dispute under this Agreement (**Dispute**) any Deadlock/Dispute shall be referred by any Director, by the issue of notice to the Authorised Representative and Leaders in each Council in writing (**Deadlock/Dispute Notice**) that a Deadlock/Dispute has arisen.
- 16.2 If the Authorised Representative and Leaders do not resolve the dispute within 30 days of the date of receipt of the Deadlock/Dispute Notice then unless the Authorised Representative of Wokingham and RBWM both agree a further period to resolve the dispute, then either Authorised Representative shall initiate mediation and Wokingham and RBWM will enter into mediation in good faith to settle such Deadlock/Dispute and will do so in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between Wokingham and RBWM within 14 days of notice of the Deadlock/Dispute, the mediator will be appointed by CEDR pursuant to this clause 16.2.
- 16.3 Each party shall bear its own costs in relation to the reference to the mediation.
- 16.4 Subject to FOIA all matters concerning the process and result of the mediation shall be kept confidential among the parties.
- 16.5 If and to the extent that the parties do not resolve any Deadlock/Dispute or any issue in the course of any CEDR mediation, then either party acting by Authorised Representative may refer the unresolved Deadlock/Dispute for resolution by binding arbitration under the LCIA Arbitration Rules, which Rules shall be deemed to be incorporated by reference to this clause. The number of arbitrators shall be one and the seat or legal place of arbitration shall be London.
- 16.6 The parties agree that they shall resolve any Deadlock or Dispute in accordance with the provisions of clauses 16.1 to 16.5 above and that:
- 16.6.1 they shall not commence court proceedings in relation to any Deadlock or Dispute; and
 - 16.6.2 they shall not refer any Deadlock or Dispute to any arbitration proceedings other than those referred to in clause 16.5.

17 Duration and termination

- 17.1 This Agreement shall continue in full force and effect, unless otherwise agreed in writing by the Shareholders until the earlier of the following events:
- 17.1.1 2nd April 2027;
 - 17.1.2 both of the Shareholders agree in writing to terminate this Agreement;
 - 17.1.3 one Shareholder issuing a minimum of 12 months notice in writing to the other Shareholder that it wishes to terminate this Agreement (any such notice to expire no

less than 12 months from its issue) and this will not be issued any sooner than 1 April 2023;

17.1.4 the date of expiry or termination (as applicable) of any one of the Care Services Contracts where the Shareholder does not renew a Care Service Contract; or

17.1.5 an effective resolution is passed or a binding order is made for the winding up of the Company;

provided that this Agreement shall cease to have effect as regards any Shareholder who ceases to hold any Shares in the Company, except for any provisions which are expressed to continue in force thereafter.

17.2 Termination of this Agreement shall not affect any rights, remedies, obligations or liabilities of the Shareholders under this Agreement that have accrued up to the relevant date of termination and up until such date the Company will continue to deliver the Care Services in accordance with the Care Services Contracts and any other services which it has undertaken to provide.

17.3 Where this Agreement is to be terminated pursuant to clause 17.1:

17.3.1 where one Shareholder has given notice to terminate this Agreement then within three months thereof (or if this Agreement expires pursuant to 17.1.1 then at least three months prior to 2nd April 2027) the Shareholders shall agree the exit arrangement that will apply following termination. This will include proposals for post termination delivery of Care Services. In default of any agreement in relation thereto, the Company shall progress termination formalities on the basis that the Care Services provided to the Company prior to termination will be transferred back to the commissioning Council and post termination shall be provided by that Council;

17.3.2 all costs and liabilities of the Company resulting from termination (including, without limitation, pension and redundancy costs) will be borne by the Shareholders in the proportions set out in Schedule 2 depending on the type of cost incurred provided that costs in relation to the following specific matters will be borne as follows:

(a) all project costs will (unless otherwise referred to in this clause 17.3.2) be shared between the Councils on a 50/50 basis;

(b) all property related costs (other than in relation to Trinity Court) will be borne by the Council in whose area the property is located;

(c) all costs associated with Trinity Court will be apportioned and treated as if they were Central Management Costs falling within paragraph 5.2.1 of Schedule 2. Any liabilities that can be determined at the date of termination will be discharged at that time in such proportions. Unless only one Council decides to occupy Trinity Court (whereupon costs and liabilities in relation thereto shall be discharged by that party) all subsequent liabilities in relation thereto shall be borne by the Councils equally and any income derived therefrom shall be paid to the Councils in equal proportions; and

- (d) if any contracts of employment of any employees of the Company are transferred to a Council (or a Council offers employment to an employee of the Company) then any such transfer/new employment will constitute a deemed payment by that Council in respect of 100% of any redundancy and other termination costs that would otherwise have been incurred by the Company in respect of those employees and an adjustment will be made in the overall calculation of the termination costs payable by the Company in respect of the employees to reflect that such costs were not assumed in the proportions set out in Schedule 2;
- 17.3.3 to act fairly and equitably and in good faith as between themselves in respect of such termination such that no party should unduly benefit or be disadvantaged compared with the others and that the most appropriate approach applicable in the relevant circumstances should be adopted wherever possible, having regard to the Shareholders' respective duties (provided nothing in this clause 17.3.3 shall affect the provisions of clauses 17.3.1 and 17.3.2).; and
- 17.3.4 to ensure that as far as legally possible, there is good, timely, open and effective communication between the Shareholders, particularly leading up to such termination.
- 17.4 Upon termination of this Agreement pursuant to clause 17.1.5, the Shareholders shall (save as provided above):
 - 17.4.1 do all such acts and things as are necessary to procure (so far as they are able) (including, without limitation, the holding of a general meeting of the Company and the passing of appropriate Shareholder resolutions) that the Company be wound up and the Shareholders shall be responsible for all Costs associated with such winding-up in accordance with the Shareholding Proportion; and
 - 17.4.2 return any Confidential Information and Intellectual Property Rights to the Shareholder who originally provided it to the other Shareholder and/or the Company and procure the return by the Company of Confidential Information and Intellectual Property Rights and procure that the Company remove from its computer systems (to the extent possible) any such Confidential Information held by it.

18 2017 Shareholders Agreement

The parties hereby agree that this Agreement shall supersede the terms of the 2017 Shareholders Agreement.

19 Confidentiality

- 19.1 This clause applies to:
 - 19.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to the other party whether before or after the date of this Agreement;

19.1.2 any information concerning the business affairs of one party or other information confidential to that party which the other party learns as a result of the relationship between the parties pursuant to this Agreement;

including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).

19.2 In this clause, in relation to a particular item of Confidential Information:

19.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and

19.2.2 the **Receiving Party** means the other party.

19.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:

19.3.1 keep the Confidential Information confidential;

19.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 19; and

19.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.

19.4 Notwithstanding clause 19.3, the Receiving Party may disclose Confidential Information as follows:

19.4.1 to its professional advisers (each, a **Recipient**) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and

19.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.

19.5 This clause 19 shall not apply to any Confidential Information which:

19.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through a breach of this Agreement by the Receiving Party or any Recipient;

19.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or

- 19.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.
- 19.6 Each party acknowledges that the other parties are subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety controls as provided in legislation, and shall facilitate each party's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 19.7 to 19.10.
- 19.7 If a party (the **Recipient**) receives a Request for Information in relation to Information that another party is holding and which the Recipient does not hold itself, the Recipient shall refer to the other party such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the other party shall:
- 19.7.1 provide the Recipient with a copy of all such Information in the form that the Recipient requires as soon as practicable and in any event within 10 Business Days (or such other period as the Recipient acting reasonably may specify) of the Recipient 's request; and
- 19.7.2 provide all necessary assistance as reasonably requested by the Recipient to enable the Recipient to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 19.8 Following notification under clause 19.7, and up until such time as the other party has provided the Recipient with all the Information specified in clause 19.7, the other party may make representations to the Recipient as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Recipient shall be responsible for determining, at its absolute discretion:
- 19.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and
- 19.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the other party respond directly to a Request for Information.
- 19.9 The Company acknowledges that (notwithstanding the provisions of clause 19.3) each Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under part I of the FOIA, be obliged under the FOIA or the Environmental Information Regulations to disclose Information concerning the Company:
- 19.9.1 in certain circumstances without consulting with the Company; or
- 19.9.2 following consultation with the Company and having taken its views into account.
- 19.10 The Company shall transfer to the relevant Council any Request for Information received by it as soon as practicable and in any event within three Business Days of receiving it.

- 19.11 The parties acknowledge that any lists provided which list or outline Confidential Information are of indicative value only and that each party may nevertheless be obliged to disclose Confidential Information in accordance with clause 19.9.

20 General

- 20.1 Except where this Agreement provides otherwise, each party shall pay its own costs relating to or in connection with the negotiation, preparation, execution and performance by it of this Agreement and of each agreement or document entered into pursuant to this Agreement and the transactions contemplated by this Agreement.
- 20.2 No variation of this Agreement shall be valid unless it is in writing and signed by or on behalf of each of the parties.
- 20.3 No delay, indulgence or omission in exercising any right, power or remedy provided by this Agreement or by law shall operate to impair or be construed as a waiver of such right, power or remedy or of any other right, power or remedy.
- 20.4 No single or partial exercise or non-exercise of any right, power or remedy provided by this Agreement or by law shall preclude or restrict any other or further exercise of such rights, power or remedy or of any other right, power or remedy.
- 20.5 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.
- 20.6 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement will not prevent a party from subsequently requiring compliance with the waived obligation.
- 20.7 The rights and remedies provided by this Agreement are cumulative and are not exclusive of any rights, powers or remedies provided by law.
- 20.8 If any provision of this Agreement is or becomes illegal, invalid or unenforceable under the law of any jurisdiction, that shall not affect or impair:
- 20.8.1 the legality, validity or enforceability in that jurisdiction of any other provision of this Agreement; or
- 20.8.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this Agreement.
- 20.9 This Agreement, and the documents referred to in it, constitute the entire agreement and understanding between the parties and supersede any previous agreement, understanding or arrangement between the parties relating to the subject matter of this Agreement.
- 20.10 Each of the parties acknowledges and agrees that:
- 20.10.1 in entering into this Agreement, and the documents referred to in it, it does not rely on, and shall have no remedy in respect of, any statement, representation, assurance, warranty or understanding of any person (whether party to this

Agreement or not) other than as expressly set out in this Agreement or those documents;

20.10.2 the only remedy available to it arising out of or in connection with this Agreement or its subject matter shall be for damages for breach of contract under the terms of this Agreement;

20.10.3 nothing in this clause shall operate to limit or exclude any liability for fraud.

20.11 Save for a person who enters into a Deed of Adherence pursuant to clause 11.3, no person who is not a party to this Agreement shall have any right to enforce this Agreement or any agreement or document entered into pursuant to this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.

21 Assignment

This Agreement is personal to the parties and neither party shall assign, transfer, charge, make the subject of a trust or deal in any other manner with this Agreement or any of its rights or obligations under it, or purport to do any of the same, nor sub-contract any or all of its obligations under this Agreement without the prior written consent of the other party save where the Council's function are transferred or assigned to a successor body. Each party is entering into this Agreement for its benefit and not for the benefit of another person.

22 No partnership or agency

Nothing in this Agreement is intended to or shall operate to create a partnership, or to authorise any party to act as agent for any other or to establish any other fiduciary relationship between the parties. No party shall have authority to act in the name or on behalf of or otherwise to bind any other party in any way (including but not limited to the making of any representation or warranty, the assumption of any obligation or liability and the exercise of any right or power).

23 Notices

23.1 Any notice or other communication given under this Agreement:

23.1.1 shall be in writing;

23.1.2 shall be signed by or on behalf of the party giving it;

23.1.3 shall be served either by:

(a) delivering it by hand or sending it by pre-paid recorded delivery or registered post at the address set out in clause 23.2 of the party due to receive it and marked for the attention of the person named in clause 23.2 (or at such other address in the United Kingdom or marked for the attention of such other person as last notified in writing to the other parties); or

(b) by sending an email to the persons referred to in clause 23.2;

23.1.4 shall be deemed to have been received:

- (a) if delivered by hand, at the time of actual delivery;
- (b) in the case of pre-paid recorded delivery or registered post, two Business Days after the date of posting; and
- (c) in the case of email at the time of transmission.

23.2 The addresses of the parties for the purposes of clause 23.1 are as set out at the beginning of this Agreement and the notice details are as follows:

Wokingham

Attention: Director of Adult Services

Address: Council Offices, Shute End, Wokingham, Berkshire RG40 1BN

Email: email address of DASS

RBWM

Attention: Executive Director of Adults, Health and Housing

Address: Town Hall, St Ives Road, Maidenhead SL6 1RF

Email: strategic.commissioning@rbwm.gov.uk

Company

Attention: Chief Executive Officer

Address: Trinity Court, Molly Millers Lane, Wokingham, Berkshire RG41 2PY

Email: email address of CEO

23.3 Delivery of a notice is deemed to have taken place:

- 23.3.1 if delivered by hand, at the time that the notice is left at the relevant address;
- 23.3.2 if sent by post, at 9am on the second Business Day after posting; and
- 23.3.3 if sent by email, at the time of transmission.

23.4 This clause 23 does not apply to the service of any legal proceedings or other documents in any legal action.

24 Announcements and Reporting

- 24.1 Should either party wish to make an announcement relating to the Company or the Company's Group, the announcement shall be approved in writing by both parties before such announcement is made.
- 24.2 Any reports or information provided to the Councils where such is to be placed into the public domain shall be agreed between the Councils before any supply or publication is made.
- 24.3 Nothing in clause 24.1 and 24.2 shall prevent each Council from publishing information in respect to this Agreement and the Company where required as part of each Council's constitutional requirements or any legal requirements.

25 Counterparts

This Agreement may be executed in any number of counterparts and by different parties on separate counterparts (which may be facsimile copies), but shall not take effect until each party has executed at least one counterpart. Each counterpart shall constitute an original, and all the counterparts together shall constitute a single agreement.

26 Applicable law

The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.

This Agreement has been entered into on the date stated at the beginning of it.

Schedule 1 Deed of Adherence

Deed of Adherence

dated 20[]

By [Limited] a company incorporated in England and Wales (registered number []) whose registered office is at [] (the **New Shareholder**) in favour of the persons whose names and addresses are set out in the Schedule to this Deed (the **Continuing Parties**).

Introduction

- (A) This Deed is supplemental to a Shareholders' Agreement dated 2017 the Council and the Company (the **Shareholders' Agreement**) and to [insert details of any subsequent Deeds of Adherence or Amendment].
- (B) The New Shareholder wishes to [subscribe for] [acquire] [] Shares in the capital of the Company [from Transferor].
- (C) Clause [] of the Shareholders' Agreement provides that no person other than a Shareholder shall acquire shares in the Company (whether by way of transfer or allotment or otherwise) unless he enters into a Deed of Adherence in substantially the form of this Deed.

Agreed terms

- 1 The New Shareholder confirms that [he/it] has been given a copy of the Shareholders' Agreement and covenants with the Continuing Parties to observe, perform and be bound by every provision of the Shareholders' Agreement (other than the Excluded Clauses) as if the New Shareholder had been an original party to it.
- 2 In this Deed the Excluded Clauses shall mean clauses [insert numbers of clauses to be excluded i.e. ones containing a personal obligation] of the Shareholders' Agreement.
- 3 Unless the context requires otherwise, words and expressions defined in the Shareholders' Agreement shall have the same meanings when used in this Deed.
- 4 This Deed shall be governed by and construed in accordance with English law.

This Deed of Adherence has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule

[Insert names and addresses of Continuing Parties]

Schedule 2 Operating Budget

1 Duration and Effect

1.1 In this Schedule the following definitions shall have effect:

1.1.1 **Contract Price** means the price payable to the Company under the Council's Care Service Contract and includes the costs of Care Services provided directly by the Company to the Council or Commissioned Services.

1.1.2 **Commissioned Services** means Care Services which are provided by a party other than the Company to the Councils.

1.2 The Operating Budget and Contract Price shall be determined in accordance with this Schedule.

1.3 The Operating Budget for financial year commencing April 2021 shall be as stated in the annexure to this Schedule and marked 'RBWM Budget 21/22' and 'Wokingham Budget 21/22'.

1.4 The Contract Price for each financial year commencing April 2021 shall be calculated in accordance with this Schedule.

2 Budget Setting

2.1 In each financial year, the Company will submit the Contract Price for the following year to the respective Directors of Adults Services of the Councils at least 5 months prior to the end of the current financial year. The Contract Price shall include the full Operating Budget, the Contract Price for each Council and the methodology of apportioning costs.

2.2 The Contract Price will be full cost of providing the Care Services under each Council's Care Services Contract and will include consideration of matters such as:

2.2.1 the full costs of the directly provided Services by the Company (including Central Management Costs, Support Services Costs, Restricted Purpose Costs, Services (direct sole provision) and Services (direct joint provision)) and shall include matters such as (but not limited to):

- (a) costs for management overhead;
- (b) central overhead costs such as utilities, property, vehicles;
- (c) staffing costs;
- (d) regulatory and compliance costs;
- (e) insurance costs; and
- (f) jointed funded staffing costs (funded with third party organisations).

2.2.2 income received from third parties including from private payers, third party councils, rent or licence fees;

- 2.2.3 expenditure incurred to third parties include rent payable in respect to occupation of property;
 - 2.2.4 ancillary pension costs (including those eligible employees who have not joined in previous financial years);
 - 2.2.5 ancillary parking and accommodation charges including taxes and utilities;
 - 2.2.6 costs of all support services necessary to deliver the Services
 - 2.2.7 any planned Savings required by the Councils; and
 - 2.2.8 Commissioned Services.
- 2.3 The Company will also submit a payment plan and financial profile for Care Services and Commissioned Services will includes payment dates when monies will be payable to the Company by the Councils during the financial year.
- 2.4 In relation to Commissioned Services, the payment plan will specify when monies are required to be deposited in advance with the Company. Unless specified in the payment plan then the Contract Price shall be paid monthly in advance for Commissioned Services and Care Services.
- 2.5 The Contract Price and payment plan shall be reviewed by the Councils and agreed within 60 days of receipt from the Company. If the Councils do not object to the estimated Contract Price and payment plan in the 60 day period then the Contract Price and payment plan shall be deemed to be agreed. If either of the Councils objects within the 60 day period then the matter shall be in dispute and referred for determination under clause 16 (Dispute Resolution).
- 2.6 The Company shall revise the Contract Price and/or payment plan during the financial year when either Council:
- 2.6.1 novates a contract for Commissioned Services to the Company;
 - 2.6.2 requests a variation to the Services in accordance with the relevant Care Services Contract; or
 - 2.6.3 requests assistance of the Company for the purposes of Business Continuity, Emergency Planning reasons or exercising any rights under this Agreement
- and in each case the procedure in paragraph 2.5 of this Schedule shall apply.
- 2.7 The Company shall recalculate for each Council the Contract Price every three months to determine whether the Contract Price is within 1% of the Operating Budget or to determine if the payment plan ensures that each part of the Contract Price is paid when required to discharge the cost of the Services and Commissioned Services.
- 2.8 Where the Company determines that the Contract Price is greater or less than [1]% of the existing Contract Price for one or both Councils then the Company shall recalculate the Contract Price and payment plan in accordance with the procedure in paragraph 2.5 of this Schedule. The Company will make a Council aware of any potential overspend as soon as it

becomes aware and will supply to the relevant Council the reasons for the overspend (current and projected), the proposed mitigation and will undertake the mitigation to limit the overspend.

2.9 Unless agreed in advance with each Council, the Contract Price shall only be used by the Company for the Services documented in the Operating Budget and where an element of the Contract Price has been provided for use for a single Care Service (whether a particular type of Care Service element or a particular application of a Care Service element) then the Council shall only use the Contract Price for the designated purpose.

3 Invoicing and Payments

3.1 Unless determined otherwise in the payment plan, the Contract Price shall be payable by the Councils to the Company monthly in advance on the first day of each month.

3.2 The Company shall invoice the Councils for payment of the Contract Price at the time the Contract Price are expressed to be payable in accordance with the payment plan.

3.3 Where the Company submits an invoice to the Council in accordance with paragraph 3.2 of this Schedule, the Council will consider and verify that invoice within 14 days.

3.4 The Council shall pay the Company any sums due under such an invoice no later than a period of 30 days from the date on which the Council has determined that the invoice is valid and undisputed.

3.5 Where the Council fails to comply with paragraph 3.3 of this Schedule, the invoice shall be regarded as valid and undisputed 14 days after the date on which it is received by the Council.

3.6 Where the Company has secured Commissioned Services from third parties and the Commissioned Service is provided under a contract between the Council and the third party, then the Company will forward any third party invoice to the Council within 7 days of receipt for the Council to discharge or where funds have been deposited with the Company, pay such invoice within the payment terms.

3.7 The Company will forward copies of all receipted invoices to the Council for Commissioned Services.

4 Year End Accounting.

4.1 By the 30th June (in respect to financial year 2021/22) and by 30th April (in respect to each following financial year) after each financial year, the actual Contract Price for that year will be calculated by the Company and forwarded to the Council. The apportionment of the shared elements of the overall Contract Price will be made using the same methodology as in paragraph 5 of this Schedule.

4.2 The final Contract Price shall be reviewed by the Councils and agreed within 30 days of receipt from the Company. If the Council does not object to the final Contract Price in the 30 day period then the Contract Price shall be deemed to be agreed. If either Council objects within the 30 day period then the matter shall be in dispute and referred under clause 16 (Dispute Resolution). The Contract Price shall be modified when required by an audit (whether audit

pursuant to clause [] of this Agreement or as requirement of the Companies Act 2006) and the adjustment in the final Contract Price paid by the Council shall be made.

4.3 Where the actual Contract Price differs from the estimated Contract Price paid over the year then the Councils shall make a balancing payment to each other or to the Company within 30 days of the agreed final Contract Price in respect to any over or under payment.

4.4 The Company will provide to the Councils :

4.4.1 draft company accounts by 30st June in respect to financial year 2021/22 and 30th April in respect to each following financial year; and

4.4.2 final company accounts by 31st August in respect to financial year 2021/22 and 30th June in respect to each following financial year;

in each financial year in accordance with the requirements of the Companies Act 2006 or such reasonable period as required by the Councils to enable the Councils to prepare its statutory accounts including statutory deadlines imposed by the Accounts and Audit Regulations 2015 (or such replacement requirements or regulations).

5 Budget Setting Principles

5.1 In each financial year the Councils and Company will agree a Contract Price and Operating Budget to reflect the following agreed principles based upon the nature of the Costs forming the Care Services or Commissioned Services:

5.2

<p>5.2.1 Central Management Costs</p>	<p>Central Management Costs means costs associated with the strategic management of the Company and Includes senior management staffing, central property costs (currently Trinity Court), insurance, group company costs, all regulatory and compliance costs and professional costs/fees in running the business — costs that cannot be allocated easily to a single council or costs which are deployed for the benefit of all Councils.</p>
<p>Basis of Contract Price</p>	<p>Central costs will be split on the proportion of Services (direct sole provision) & Services (direct joint provision) that both Councils commission from the Company under the Care Services Contract with a percentage agreed for statutory services.</p> <p>In respect to the financial year 2021/22, based on the current levels of service which each council has in Company, RBWM will pay the first 10% of costs for statutory services, with the remaining 90% split 60% RBWM and 40% Wokingham.</p> <p>In respect to subsequent financial years, RBWM will pay the first 10% where statutory services are within the Company and the balance shall be split on the proportion of Services (direct sole provision) & Services</p>

	(direct joint provision) that both Councils commission from the Company under the Care Services Contract.
Savings/overspends	The Savings or overspends will be shared by the Councils based upon the proportions set out above.
Income	The Income will be shared by the Councils based upon the proportions set out above.
Exceptions	None

5.2.2 Support Service Costs	Support Services Costs means Costs associated to support the day to day operation of the Company and includes Costs of finance, internal audit, payroll, IT, human resources support, These include support provided by third parties, the Council under the Support Service Agreement and Costs incurred for support services that the Company provides to itself.
Basis of Contract Price	<p>Costs will be apportioned based upon the usage of the support service by each part of the Service commissioned by each Council. The apportionment will be based on a fair and reasonable basis relevant to the nature of the service being provided.</p> <p>Support Services Costs provided for the benefit of only one Council will be paid by the benefiting Council.</p> <p>Only the actual incurred cost may be charged to the Company</p>
Savings/overspends	Any Savings/overspends will be incurred on the basis described above.
Income	Where income is received from third parties it will be apportioned and credited to the Costs of the Support Services on same basis
Exceptions	Where a party is unable to calculate apportionment in an open and transparent manner to the satisfaction of the other Council then the Council hosting the Support Service will pay the full Support Service Costs.

5.2.3 Restricted purpose Costs	Restricted purpose Costs means Costs associated with a specific purpose or restricted to a particular activity or funded under an agreement with conditions. e.g. activities funded through the Better Care Fund.
Basis of Contract Price	These funds may only be utilised by the Provider to supply the requested Care Service to the commissioning Council. The cost will be borne by commissioning Council.
Savings/overspends	The Savings/overspends will fall solely to the commissioning Council.
Income	Where income is received from third parties, then income will be credited to the commissioning Council
Exceptions	None

5.2.4 Commissioned Services Costs	Commissioned Services Costs means such Care Services provided to either the Council or the Company by a party other than the Company or a subsidiary or company within the same company group as the Company.
Basis of Contract	These funds may only be utilised by the Company to supply the requested Care Service to the commissioning Council. The cost will be borne by commissioning Council.
Savings/overspends	The Savings/overspends will fall solely to the commissioning Council.
Income	Where income is received from third parties (including other councils), then income will be credited to the commissioning Council.
Exceptions	None

<p>5.2.5 Services (direct sole provision)</p>	<p>Services (direct sole provision) means Care Services of Adult Social Care supplied by the Company to a single Council using the Company's own staff and facilities.</p>
<p>Basis of Contract Price</p>	<p>Where Costs are attributed to Care Services that are performed for the benefit of only one Council (for example the Costs of a care home that only provides Care Services to one Council or where an element of Care Services is provided to one or more Councils rather than all Councils) or where Care Services are organised to supply Care Services that relate a single Council only, then the Contract Price for that Care Service will be paid by the commissioning Council.</p>
<p>Savings/overspends</p>	<p>The Savings/overspends will fall solely to the commissioning Council.</p>
<p>Income</p>	<p>Where income is received from third parties (including other councils), then income will be credited to the commissioning Council on the same basis as Contract Price.</p>
<p>Exceptions</p>	<p>The Councils agree that Costs payable to the Berkshire LGPS under the Council's Admissions Agreement shall, subject to clause 14 (Funding arrangements) of this Agreement, continue to be payable by the relevant Council.</p>

<p>5.2.6 Services (direct joint provision)</p>	<p>Services (direct joint provision) means Care Services of Adult Social Care supplied by the Company jointly to more than one Council using the Company's own staff and facilities.</p>
<p>Basis of Contract Price</p>	<p>Where Costs are attributed to Care Services that are performed for the benefit of more than one Council or organised to supply Care Services to more than one Council, then the Contract Price for such Care Services will be apportioned based upon the proportioned usage of the Services as a percentage of the total Care Services (or for such Care Service type or individual part of the Care Service) for all Councils. For example, Costs of social workers, brokerage that may be organised to provide Care Services across borough boundaries</p>
<p>Savings/overspends</p>	<p>Savings/overspends will be apportioned in the same basis as the Contract Price.</p>

Income	Income will apportion in the same basis as the Contract Price. Unable to apportion then payable 50/50
Exceptions	None.

- 5.3 The Contract Price shall be calculated annually by the Company in paragraph 2.1 to 2.5 of this Schedule in respect to all Care Services and Commissioned Services provided by the Company to the Councils based upon the principles in paragraph 5.2 of this Schedule. Any Care Services provided to a council not a party to this Agreement shall be treated as income and such Care Services will be provided at a Contract Price agreed between the Councils.
- 5.4 Any variation that increases or decreases the Care Services or Commissioned Services shall require the Company to recalculate the Contract Price and where such variation requires the Councils to make an increase to their Contract Price shall only be implemented by the Company when the requesting Council pays the associated Costs or reduces the associated Care Service.

RBWM BUDGET 21/22

Service	£
Older Persons	10,417,570
Learning Disabilities	10,728,470
Mental Health	3,435,120
Provider Services	5,334,620
Support & Operations	2,775,270
Better Care Fund	3,958,100
Total	£36,649,150

WOKINGHAM BUDGET 21/22

Service	£
Extra Care	1,641,100
Independent Living	1,479,650
Day Care	1,437,850
Residential Care	1,898,910
Supported Employment	361,420
Domiciliary Care	794,610
Provider of Last Resort	9,900
Total	£7,623,440

Schedule 3 Amended Articles of Association

Signed by _____ for and on behalf)
of **Wokingham Borough Council**)

Signed by _____ for and on behalf)
of **Royal Borough of Windsor and Maidenhead**)

Signed by _____ for and on behalf)
of **Optalis Limited**) Director & Chief Executive Officer

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TITLE	Ruscombe Neighbourhood Development Plan – Regulation 16 Consultation and Future Examination
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
WARD	Remenham, Wargrave and Ruscombe;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks to continue to support Ruscombe Parish Council in their efforts to help shape how development is managed in their area. The approval of Executive is sought to consult on a draft Neighbourhood Plan in order to seek views on its content. Authority is also sought to procure an independent examiner, as required by legislation, who will subsequently examine the Plan, which includes considering all the representations submitted during the consultation.

RECOMMENDATION

That the Executive:

- 1) approve a 6-week consultation on the draft Ruscombe Neighbourhood Plan (Appendix 1a and 1b of the report); and
- 2) agrees to appoint an examiner to independently examine the Ruscombe Neighbourhood Plan, delegating the appointment and submission of the examination documentation to the Director of Place and Growth in consultation with the Lead Member for Planning and Enforcement.

EXECUTIVE SUMMARY

Ruscombe Parish Council has produced a draft Neighbourhood Plan (***due to the size of this document it is not included in the agenda. A copy can be found on the website or made available on request through Democratic Services***) that will sit alongside the Council's planning policies to help shape how development is managed in their area. The draft Plan contains a number of policies on housing; the natural and historic environment; community facilities; business and commercial development; open space and transport. The Plan does not include any site allocations for development but does propose to allocate some areas of land as Local Green Space.

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must carry out a minimum six-week consultation on the draft Plan to invite comments from the public, statutory consultees, and interested parties and must arrange for an independent examination to take place. This report seeks approval to carry out the required consultation and to appoint an examiner to undertake the

necessary examination. The consultation is proposed to take place from Tuesday 8th February – Friday 25th March 2022.

At the current stage, the Council is not required to reach a formal view on whether the draft Plan meets the basic conditions¹, but must be satisfied that the proper legal process has been carried out. Officers have been engaged with the Parish Council throughout the preparation of the draft Plan. Some issues raised by Officers have been addressed, and any remaining issues will be for the examiner to determine through the examination process. To raise these matters the Council will need to submit formal representations to the proposed draft Plan consultation. The Council's comments do not fall within the scope of this Executive decision but will be agreed in consultation with the Executive Member for Planning and Enforcement via the Individual Executive Member Decision process. The types of comments that the Council will wish to make are as follows:

- Identifying areas where neighbourhood plan policy diverges from the Council's adopted Core Strategy and Managing Development Delivery local plans and supplementary guidance.
- Identifying any supporting evidence which is likely to be challenged by individuals/organisations and may increase risks through the examination process. Examples previously highlighted as areas of concern to the neighbourhood planning group include the Local Green Spaces assessment and justification.
- Identify areas where neighbourhood plan policy diverges from the emerging Local Plan Update including design code/guide implication on the indicative site capacities.
- Identifying areas where greater clarity would aid decision takers.
- General phraseology amendments of policy and supporting text.

The costs of undertaking the consultation and examination can be met from the existing revenue budget.

For clarity, any post examination processes and programmes will be subject to a further decision of the Council's Executive and Full Council.

Once adopted, the Plan will form part of the statutory development plan for the borough and thereby carry significant weight in the determination of planning applications and appeals in Ruscombe Parish. At this time, the Parish Council will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

¹ As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

BACKGROUND

Neighbourhood Planning

Neighbourhood planning was introduced through the Localism Act 2011 and is a means for local communities to take the lead on preparing planning policy, that will sit alongside the Council's planning policies, in helping shape how development is managed in their area. Communities can prepare Neighbourhood Development Plans (often referred to as Neighbourhood Plans) which set out specific planning policies to help shape and guide development in their area.

The broad stages in producing a neighbourhood plan are as follows:

- 1) Designating a neighbourhood area
- 2) Preparing a draft neighbourhood plan
- 3) Pre-submission publicity & consultation
- 4) Submission of a neighbourhood plan to the local planning authority
- 5) Submission draft plan consultation
- 6) Independent examination
- 7) Referendum
- 8) Bringing the neighbourhood plan into force

This report seeks approval to undertake stages 5 and 6 for a neighbourhood plan produced by Ruscombe Parish Council.

Ruscombe Neighbourhood Plan progress to date

Ruscombe Parish Council began work on producing a neighbourhood plan (hereafter referred to as the Plan) shortly after being designated a neighbourhood area in January 2018. The Parish Council undertook a consultation on their pre-submission version of the draft Plan (Regulation 14) in February to April 2021.

Working with the Council, the Parish Council considered the consultation responses and made some amendments. Subsequently, the draft Plan was formally submitted to the Council on 7 October 2021. The submission draft Plan contains policies on housing; the natural and historic environment; community facilities; business and commercial development; open space and transport. The draft Plan does not allocate land for development but does propose to allocate some areas of land in the neighbourhood area for designation as Local Green Space.

Analysis of Issues

Whilst the early stages in the preparation are led by the Parish Council, legislation governing neighbourhood plans requires the later stages to be managed by the Council as the local planning authority.

Now that the draft Plan has been submitted, the Council must publicise it for a minimum regulatory six-week consultation and invite representations (known as the Regulation 16 consultation)².

² Of the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)

Concurrent with the consultation, the Council will need to appoint an examiner to undertake the following stage of independent examination of the draft Plan. The examiner's role will be to independently test whether the draft Plan meets the basic conditions³, and other matters set out in the regulations⁴.

The examination will take place following the consultation, at which point the Council will send the draft Plan, supporting documents, and all representations received to the consultation, to the examiner. Examinations typically take place via written representations without the need for a public hearing. Where additional points of clarity are required, these can be sent to the examiner in writing and made publicly available by the Council. However, depending on the complexity of the plan, or where necessary, examiners may choose to hold hearing sessions to assist their consideration of specific issues.

Executive approval is required to commence consultation and begin the process of appointing an examiner. An examiner will be appointed using the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). This service allows for a shortlist of highly experienced examiners to be provided to the Council and Parish Council, who will then jointly decide who to appoint based on an assessment of their application and CV. All NPIERS examiners carry a standard daily fee.

At the current stage, the Council is not required to come to a formal view as to whether the draft Plan meets the basic conditions, but it must be satisfied that the proper legal process has been carried out. Officers have engaged with the Parish Council throughout the preparation of the draft Plan. Matters raised by Officers have, for the most part, largely been addressed, with any remaining issues for the examiner to determine through the examination process. To raise these matters the Council will need to submit formal representations to the proposed consultation. The Council's comments do not fall within the scope of this Executive decision but will be agreed in consultation with the Executive Member for Planning and Enforcement via the Individual Executive Member Decision process. The types of comments that the Council will wish to make are as follows:

- Identifying areas where neighbourhood plan policy diverges from the Council's adopted Core Strategy and Managing Development Delivery local plans and supplementary policy/guidance.
- Identifying any supporting evidence which is likely to be challenged by individuals/organisations and cause unnecessary risks through the examination process. Examples previously highlighted as areas of concern to the Parish Council include the Local Green Spaces assessment, as national policy sets a high bar and requires robust and proportionate evidence to justify the policy designation.
- Identify areas where neighbourhood plan policy diverges from the emerging Local Plan Update including design code/guide implication on the indicative site capacities.
- Identifying areas where greater clarity would aid decision takers.
- General phraseology amendments of policy and supporting text.

This report recommends that Executive approve the draft Plan for consultation and the process of appointing an examiner.

³ As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

⁴ [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)

Consultation

It is recommended consultation indicatively be undertaken from Tuesday 8 February until Friday 25th March 2022, a minimum period of 6 weeks in accordance with the Regulations. The consultation will be publicised and documents made available in accordance with the Council's Statement of Community Involvement⁵.

Future steps

Following the end of the consultation, there is no prescribed timeframe in which an independent examination should take place. It will be at the examiner's discretion as to whether any hearings are required to consider aspects of the draft Plan and this is likely to be dependent on the complexity of the plan as informed by responses to the consultation. If hearings are required, this is likely to increase the time and cost of the examination process.

Following the examination process, the examiner will make recommendations on any changes that are required in order for the draft Plan to satisfy the basic conditions and whether it should proceed to the next stage of a referendum. Following receipt of the examiner's report, the Council will need to consider the recommendations made by the examiner and decide what action to take. At this stage, the Council will need to come to a formal view on whether the plan meets the basic conditions and, if it does, will be responsible for arranging and holding the referendum. A referendum could take place in autumn 2022.

Should more than half of those voting do so in favour of using the Plan to guide planning decisions, the Council must adopt it through a resolution of Council. At this point it would become part of the statutory development plan, and so carry significant weight alongside the Council's local plans when deciding planning applications and appeals.

For clarity, any post examination processes and programmes will be subject to a further decision of the Council's Executive and Full Council. As set out in this report, the current recommendations relate solely to carrying out consultation on the draft Plan under Regulation 16 and the process to appoint an examiner to undertake the examination.

BUSINESS CASE

Need for the decision

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must carry out a minimum six-week consultation on the draft Plan to invite comments from the public, statutory consultees, and interested parties. It must also arrange for an independent examination to take place. The current recommendation facilitates the Council carrying out its legal duties.

Alternative options

There is no alternative option that could be considered for taking the draft Plan forward to adoption.

⁵ Which can be viewed on the Council's website: <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-and-planning-policies/>

Risks

No risks are apparent to progressing the draft Plan to consultation and examination.

With regard to future stages beyond the scope of this report, the main risk is whether the draft Plan will be found to meet the basic conditions test through the examination process. This risk is considered to be low with Officers having been engaged with the Parish Council throughout the draft Plan's preparation. Issues raised by Officers have, for the most part, largely been addressed through the drafting process. Outstanding issues can be addressed by the examiner through the examination process. To do this, the Council will need to submit formal representations on the draft Plan in response to the proposed consultation. The Council's comments will be agreed in consultation with the Executive Member for Planning and Enforcement via the Individual Executive Member Decision process.

Expected outcome

The outcome of recommendation to Executive is that a successful consultation is carried out in accordance with legal requirements and that the draft Plan proceeds to examination.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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.	Revenue
Next Financial Year (Year 2)	Cost of examination is dependent on the amount of hours the Examiner requires and whether formal hearing sessions are required. Estimate of between £5,000 and £6,000, based on previous Shinfield Neighbourhood Plan and Arborfield and Barkham Neighbourhood Plan examinations.	Yes. £5,000-£6,000	Revenue
Following Financial Year (Year 3)	No additional cost expected with the projected expected to be completed	Not applicable	Not applicable

Other Financial Information

<p>Whilst the examination process would start in the 2021/22 financial year, the costs are likely to fall within the following 2022/23 financial year.</p> <p>Whilst actions relating to the recommendation of this report can be met by existing revenue budget, in due course Council will be required to hold a referendum on whether the Plan should be adopted. The Council will be required to fund the referendum up front. However, once a referendum is successfully arranged the Council can obtain grant funding from government of £20,000 to assist in covering the costs.</p> <p>Once a neighbourhood plan is made (adopted), the parish council will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.</p>

Stakeholder Considerations and Consultation
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<p>Consultation to be carried out for minimum 6 weeks in accordance with the Council's latest Statement of Community Involvement. Further details are set out in main body of the report.</p>

Public Sector Equality Duty

<p>An Equalities Impact Screening Report Form is set out in Appendix 2 to the report.</p>

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>

<p>The Draft Ruscombe Neighbourhood Plan includes a range of policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Delivery Development (MDD) local plans. Specific policies include maximising opportunities for walking and cycling, protecting and enhancing existing green infrastructure assets and protecting existing open spaces (through Local Green Space designation).</p>
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List of Background Papers

<p>Appendix 1a: Ruscombe Draft Neighbourhood Plan (<i>due to the size of this document it is not included in the agenda. A copy can be found on the website or made available on request through Democratic Services</i>)</p> <p>Appendix 1b: Ruscombe Draft Neighbourhood Plan – Biodiversity and Green Infrastructure Report</p> <p>Appendix 2: Equalities Impact Screening Report Form</p> <p>Other relevant non-background papers are also available on request, for example:</p> <ul style="list-style-type: none">• Basic Conditions Statement• Consultation Statement
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Ruscombe Parish Neighbourhood Plan

Biodiversity and Green Infrastructure elements

Client: Ruscombe Neighbourhood Plan Group

Ref RNPG1 (1.0)

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1 Summary

Ruscombe Parish is a predominantly rural parish with arable and livestock farming. A number of areas of woodland are present, and a stream crosses the parish.

Some of these habitats are considered to be 'priority habitats' and four areas are designated as Local Wildlife Sites.

Species records show a historical presence of some now-uncommon farmland birds, and plants associated with woodland and wet-grassland. Species are likely to be significantly under-recorded.

2 Introduction

This document provides information about the biodiversity of Ruscombe Parish, for the production of a Neighbourhood Plan.

The following were undertaken to compile this report:

- A desktop study to identify biodiversity data relevant to Ruscombe Parish in the public domain.
- Mapping of relevant features (hedges and woodland) visible on aerial photography.
- A standard Neighbourhood Plan data request from the Thames Valley Environmental Records Centre.
- Interpretation of the collated data.

3 Description of Ruscombe Parish's Biodiversity

3.1 General

The protection of biodiversity in the UK is based upon the statutory designation of areas of land (sites) and the identification of vulnerable species, both of which are subject to certain restrictions.

In addition, certain habitats (areas of land with similar vegetation types, and therefore similar fauna) are identified as 'Priority Habitats'. These are not necessarily given any protection, but more effort and resources may be devoted to them.

Biodiversity can also be protected indirectly by other legislation aimed at controlling planning, such as regulations associated with Green Belt.

The parish's geology is diverse. The north of the parish is chalk; the centre, east and south are clay, silt, sand and gravels; and, to the west, the chalk is overlain with riverine sands and gravel.

Ruscombe is a rural parish, with approximately 40 hectares of the 520-hectare parish having been developed. The remainder is predominantly farmland – mostly arable but with pasture on either side of the Twyford Brook.

A number of blocks of woodland are present in the parish. These are mostly relatively recent planting or natural generation, but some woodland is considered ‘ancient’.

The Twyford Brook flows across Ruscombe Parish, adding further potential biodiversity interest.

3.2 Protected sites

See appendix 1 for a plan showing protected sites.

Ruscombe Parish does not contain any statutory designated sites (**Sites of Special Scientific Interest (SSSI)** or **European Designated Sites**), which would offer legal protection to the area.

The nearest SSSI is ‘Lodge Wood & Sandford Mill’, approximately two kilometres to the southwest.

The nearest European designated site is ‘Windsor Forest and Great Park Special Area of Conservation’ some eight kilometres to the east.

There are no **National Nature Reserves** or **Local Nature Reserves** within the Parish. The nearest Local Nature Reserves are ‘Lavell’s Lake’ and ‘Alder Moors’, two and a half kilometres to the south west.

Local Wildlife Sites (LWS) are a local designation, identified and surveyed by the Thames Valley Environmental Records Centre (TVERC). Although there is no statutory protect for these sites, there may be an assumption against development in the local plan, and resources may be available for proactive habitat management. More detail is available in the TVERC report. There are four LWSs in Ruscombe Parish, covering 17ha of land.

Much of the Parish is included in the ‘Waltham to Binfield Woodland and Parklands’ **Biodiversity Opportunity Area (BOA)**. BOAs are landscape scale areas that have been identified as supporting high concentrations of priority habitats and species populations, and have the potential for habitat restoration at a landscape scale. These areas act as a focus for targeting resources into habitat management and restoration.

The whole of the Parish, except the urban area to the west of New Road is designated as **Green Belt**. This is primarily a planning tool, which has little impact on biodiversity apart from influencing the location and scale of development.

3.3 Habitats

See appendix 2 for a plan showing relevant habitats.

There are 62 areas of 'Priority Habitat' totalling 45.6ha in Ruscombe Parish. All but two of these are 'Broadleaved Woodland', the remainder being 'Lowland Meadow'. The following habitats are found in Ruscombe Parish:

3.3.1 Farmed land

Arable

Growing crops is the biggest land use (c50%) in Ruscombe Parish. This is likely to be poor for wildlife. The fields are likely to be plant monocultures with few resources to support a diverse flora or fauna. Arable land can be improved for wildlife with good quality margins and hedgerows.

Pasture

Grassland for animal pasture covers approximately 40% of the Parish, mostly each side of the Twyford Brook, presumably on the areas that are prone to waterlogging. Good pasture management can be beneficial for wildlife, with a species-rich sward supporting a diverse fauna.

One field within the Parish has been identified as a Priority Habitat: Lowland Meadow. It is likely that this field has not received as many inputs (fertiliser and herbicide) or been ploughed for many years, resulting in a species-rich grassland. This field is also designated as a Local Wildlife Site (Grassland Opposite Blackthorn Farm)

Hedgerows

Good quality hedges provide a wide range of resources for wildlife throughout the year: cover for nesting and moving through an otherwise open landscape; food in the form of pollen, nectar, berries and foliage; shade and shelter from the wind.

There are approximately 17km of hedges in Ruscombe Parish. These are likely to be of varying quality, with the best ones being continuous, bushy and allowed to grow flowers and fruit.

Funding is available to encourage landowners to manage their land to benefit the environment. The primary scheme for this is Environmental Stewardship (ES). There are currently no ES schemes running in Ruscombe Parish.

3.3.2 Streams

Watercourses can be valuable places for wildlife, depending on their 'naturalness', water quality and adjacent land management.

The Twyford Brook is the main watercourse in Ruscombe Parish, with a length of 3700m within the boundary. This watercourse is likely to be affected by runoff of pollution from nearby urban and arable landscapes, but it appears

to be 'buffered' by pasture and scrub land, which can act to reduce the impact.

3.3.3 Parkland

Stanlake Park, in the south west of the Parish has been identified as Parkland on the 'Wood Pasture and Parkland' register. Parkland an area that is managed by grazing but allowing the survival of multiple generations of trees, with at least some veteran trees or shrubs, and being associated with a stately home and 'designed' landscape.

This habitat is normally associated with veteran trees and may have species-rich grassland. There is 30.6ha of registered parkland in Ruscombe Parish.

3.3.4 Woodland

Ancient Woodland

Good-quality woodlands are likely to support more wildlife than any other habitat, and Ancient Woodland (older than 1600) being the most diverse, is likely to support a significant variety of fungi, birds, wild flowers and mammals.

There are four areas of Ancient Woodland, mapped on the national register, within Ruscombe Parish, totalling 14ha. They are Botany Bay Copse, Middle Copse and Wingwood Copse to the south of the Parish and an unnamed wood on Castle End Farm to the north.

Plantation and recent woodland

The remainder of the woodland in the Parish is likely to be more recent than 1600, having been either planted or allowed to generate naturally since then. This woodland is unlikely to be as species-rich as the Ancient Woodland.

There are about 35 blocks of non-ancient woodland within the Parish, covering an area of 53ha. Some of these are considered Priority Habitat, as they are broadleaved woodland.

Urban habitats

Approximately 40ha of Ruscombe Parish is taken with urban land, a combination of residential, industrial and farm units.

Although seemingly less important for wildlife than undeveloped areas, urban habitats like gardens and parks can provide important spaces for wildlife, often better than intensively farmed agricultural land.

Gardens and parks can be home to widespread, but increasingly uncommon mammals like hedgehogs and shrews, amphibians and reptiles like slow worms and frogs, and garden birds. If allowed to have wilder areas, parks can provide niches for wildlife that may be absent from the wider countryside.

Summary of habitats in Ruscombe Parish:

	Count	Area or length
Ruscombe Parish	1	523 ha
Ancient Woodland	4	14ha
Agriculture – arable		Approx. 250ha
Agriculture – pasture		Approx 200ha
Non-ancient woodland	35	53ha
Watercourses	1	3700m
Priority Habitat – Broadleaved Woodland (includes ancient and non-ancient)	61	45ha
Priority Habitat – Lowland Meadow	1	1ha
Hedgerow	Approx. 70	1700m
Parkland	1	30ha
Urban area		Approx 40ha

3.4 Species

See the separate report from TVERC for complete species records.

The Thames Valley Environmental Records Centre (TVERC) collects and distributes records of wild species in the area. Its records are by no means exhaustive, but they do provide an indication of the types of plant and animal that are present in an area.

Four species of amphibian and two species of reptiles have been recorded, of a possible seven amphibians and six reptiles native to the UK. Those recorded in Ruscombe are considered to be 'widespread' (although suffering national declines in recent years) except the Great Crested Newt, which is a European Protected Species.

48 species of bird have been recorded, although this is likely to be considerably higher in actuality. TVERC do not provide an indication of whether the birds were breeding or not, so it is difficult to specify the significance of a sighting. Of particular note, because of their recent declines, are Cuckoo (most recent sighting 2005), Grey Partridge (1984), Tree Sparrow (1984) and Turtle Dove (2005). The latter three are considered 'farmland birds' and have suffered considerable declines through changes to farming practices.

15 species of higher plant have been recorded which, again, is a gross underestimate of the likely number of species. The plants that have been recorded

are mostly either woodland plants, such as Bluebell, or wet grassland plants like Ragged Robin.

Three species of invertebrate are recorded, including the UK's largest species of beetle, the Stag Beetle.

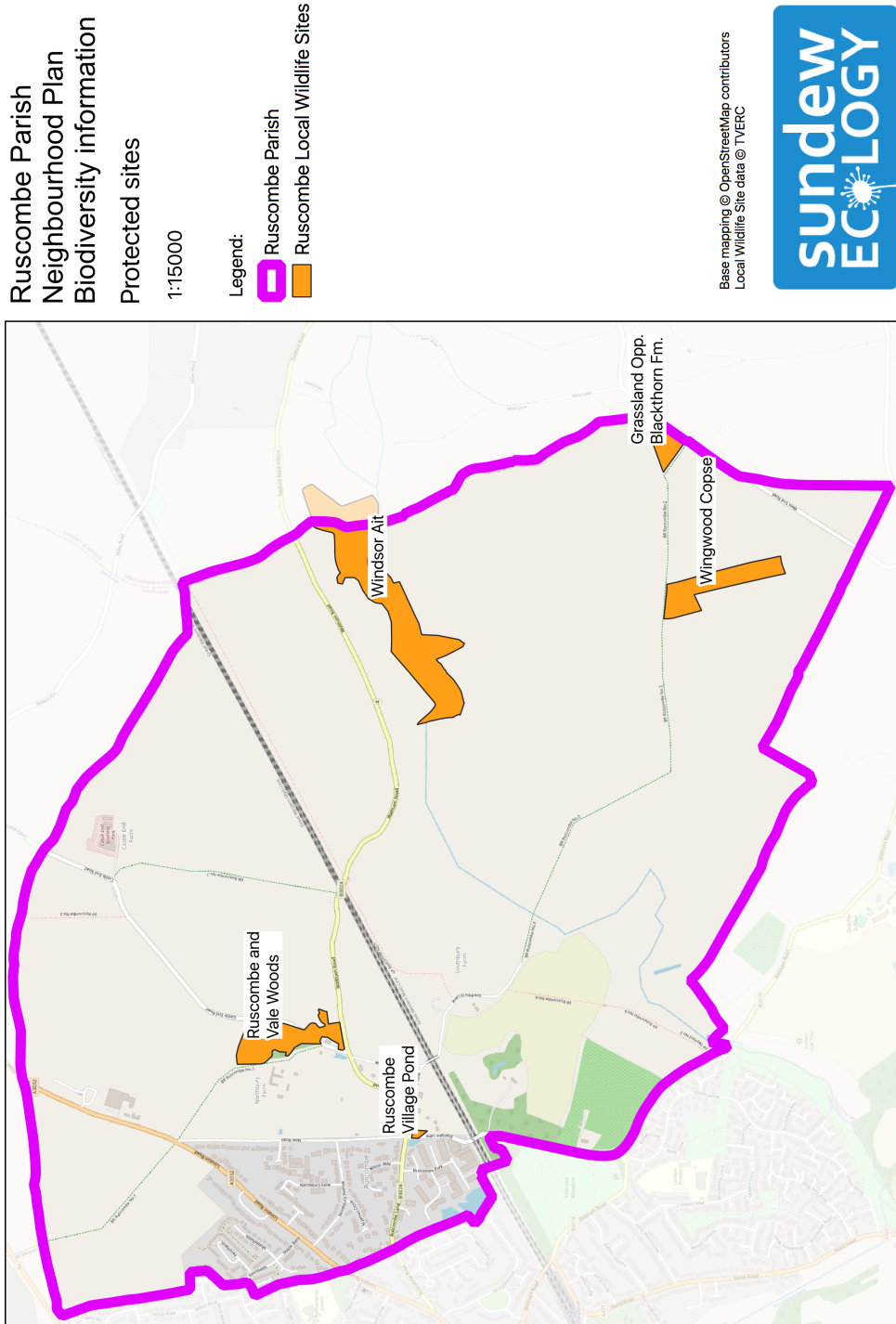
7 species of bat have been recorded in the parish, out of a possible 17 UK species. All of the species in Ruscombe are relatively widespread.

There are records of four species of mammal, including the heavily protected Badger and the European protected Water Vole (last recorded in 2003).

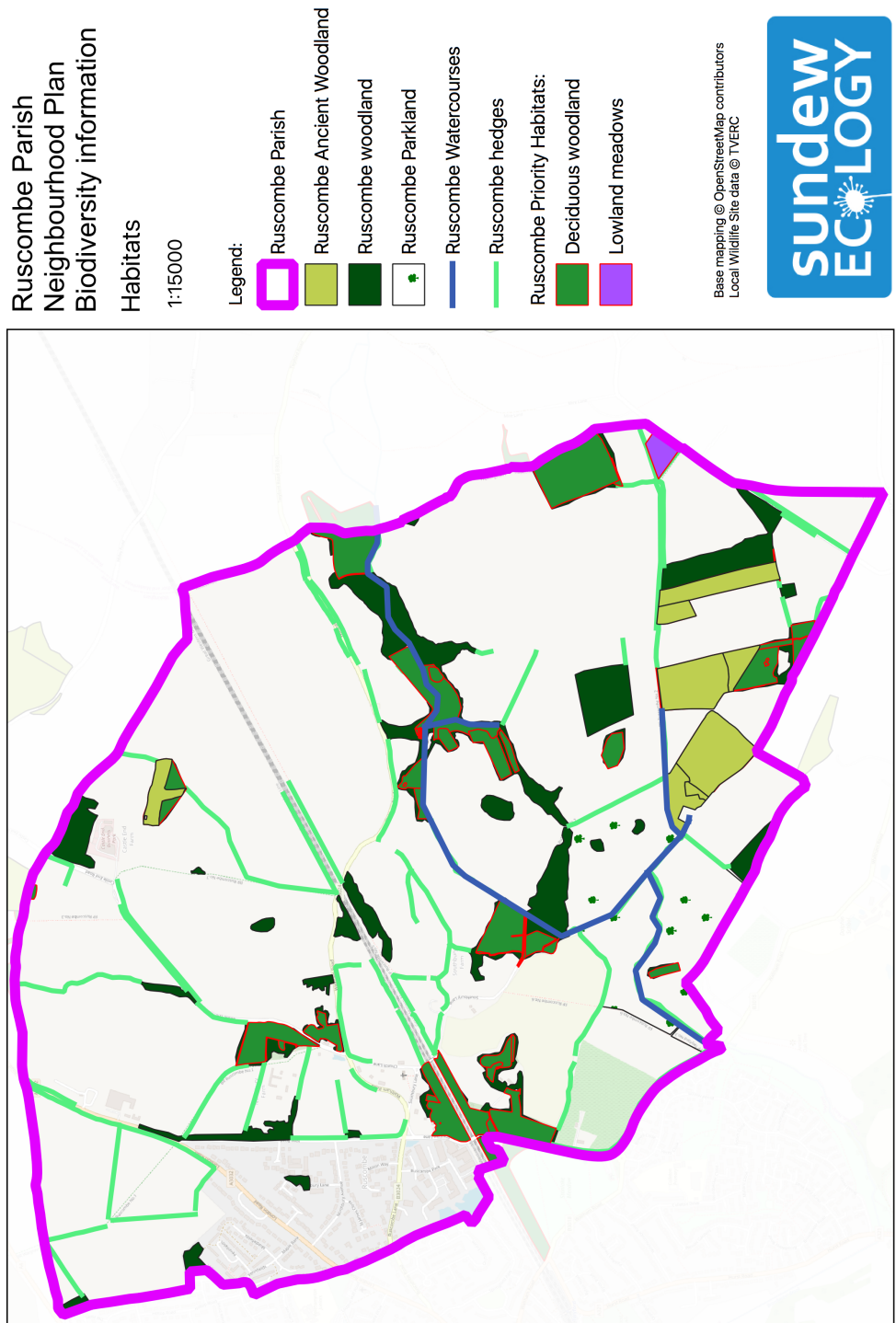
In summary, the TVERC records show a fairly standard rural flora and fauna, with a few exceptional records – Water Vole and Turtle Dove, especially. If these species, and others, are present and breeding then their conservation will be a positive contribution to the biodiversity of the UK.

4 Appendices

4.1 Plan of Protected Sites



4.2 Plan of Habitats



Ruscombe Parish Neighbourhood Plan

Phase 2: Biodiversity and Green Infrastructure enhancement opportunities.

Client: Ruscombe Neighbourhood Plan Group

Ref RNPG1 (2.1), December 2020

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1 Summary

Thirteen projects that will enhance the biodiversity of Ruscombe Parish by making existing wildlife sites 'bigger, better and more joined' are identified, and a description of each potential project provided.

These descriptions follow the format of a simple management plan with a vision stating the desired state; an evaluation describing the current state; and objectives and prescription explaining how the vision might be achieved.

2 Introduction

Ruscombe is a very rural parish adjacent to the urban area of Twyford and just three kilometres from the outskirts of Reading. Its rural nature means that the parish has a high potential for supporting lots of wildlife but its proximity to Reading, Maidenhead and ultimately London, puts it at risk from development that could damage the wildlife interest.

This document uses information obtained in the previous report (Biodiversity and Green Infrastructure elements) to identify a number of projects that will enhance the biodiversity in Ruscombe Parish.

A walkover survey of the key habitats across the parish was undertaken, and further information about the Local Wildlife Sites was obtained from the Thames Valley Records Centre.

3 General principles

Biodiversity is a measure of the variety of plants, animals and other species that are found in an area. High biodiversity normally means that the wildlife is resilient and more able to cope with potentially damaging external influences.

Regular reports by the State of Nature Partnership indicate a dramatic decline in the United Kingdom's biodiversity in recent years. (SoNP, 2019)

The Government's review of England's wildlife sites in 2010, titled 'Making Space for Nature' recommended that, in order to halt and reverse the decline in the country's biodiversity, wildlife sites need to be 'bigger, better and joined'. (Lawton, 2010)

This means that areas that are already good for wildlife need to be managed to make them even better, opportunities should be sought to increase their size, and wildlife 'corridors' or 'stepping stones' should be created to allow wildlife to migrate between them.

These measures should allow wildlife to better cope with the human impacts of habitat loss, pollution, disturbance and climate change.

In Ruscombe Parish, the areas that are likely to support the most wildlife have been designated as Local Wildlife Sites; a non-statutory designation that offers some protection against development.

Any projects that are recommended to benefit biodiversity should focus on these Local Wildlife Sites, or other areas of high biodiversity that are identified, and should aim to:

- improve them for wildlife through appropriate management,
- make them bigger by improving surrounding land for wildlife,
- and join them together with linear features that are good for wildlife.

4 Sites of high wildlife value

The previous report, (Biodiversity and Green Infrastructure elements) identified a number of areas with the potential to support a relatively high biodiversity:

	Area or length
Ancient Woodland	14ha
Non-ancient woodland	53ha
Watercourses	3700m
Priority Habitat – Broadleaved Woodland (includes ancient and non-ancient)	45ha
Priority Habitat – Lowland Meadow	1ha
Hedgerow	1700m
Parkland	30ha
Urban area	Approx. 40ha
Ruscombe Parish - total	523 ha

Of these areas, five have been designated as Local Wildlife Sites. It is likely that they are the most important sites in Ruscombe Parish for wildlife.

They are:

- Ruscombe and Vale Woods
- Ruscombe Village Pond
- Windsor Ait
- Wingwood Copse
- Grassland Opposite Blackthorn Farm

5 Recommended projects to enhance biodiversity

Using the above information and following a site visit with a local expert to the areas with the most potential, the following projects have been identified to deliver the principles (better, bigger and joined) in the 'Making Space for Nature' report.

5.1 Promote improved hedgerow management across the parish.

5.1.1 Vision

The hedgerows in Ruscombe Parish will provide a wide range of resources for wildlife throughout the year: cover for nesting and moving through an otherwise open landscape; food in the form of pollen, nectar, berries and foliage; shade and shelter from the wind.

A good quality hedgerow:

- Is linked to other hedges and woodland across the landscape
- Is part of a structurally diverse system of hedges
- Is varied in species composition
- Is dense and wide
- Is covered in flowers and fruit
- Includes some taller trees along its length
- Has 'outgrowths' – sections where a clump of scrub has grown out into the field
- Has dense, tussocky, grassy vegetation directly adjacent to it
- Has flower-rich margins surrounding it.

5.1.2 Evaluation

Many of the hedges seen during the walkover survey do not show the features listed above and therefore their potential for supporting wildlife is not fully realised.

Hedges are often 'over-managed' by severe annual cutting. This can lead to a loss of plant species and the creation of an 'open', 'leggy' structure that is not optimal for wildlife. Very few in-hedgerow trees were seen.

Some hedges had been recently laid; an excellent, traditional method of producing a wildlife-rich hedge.

5.1.3 Objectives and prescription

Objective 1.1 Make information about best-practise hedgerow management available to landowners.

Lots of information on good hedgerow management is available for landowners. Hedgeline (www.hedgeline.org.uk) for example provides a useful website.

All of the qualities of a good hedgerow can be encouraged by managing them on an approximately 20-year cycle, following guidance in The Complete Hedge Good Management Guide from Hedgeline:

www.hedgeline.org.uk/cms/cms_content/files/30_complete_good_hedge_management_guide_leaflet.pdf

All work on hedges should take place in the winter.

The cycle starts with coppicing, laying or replanting then progresses to a rotational cutting regime in which a third of the length of all the hedges are cut each year, but allowing the hedge to increase in size by about 10cm each cut.

Finally, as the cycle nears its end and the hedge begins to get 'gappy', the hedge should be left to grow for a couple of years and then laid again.

This management regime can save money over time by reducing the amount of cutting required.

Relevant leaflets could be purchased or printed by the Parish Council and provided to landowners or details of the website made available. Individuals providing advice should do so with an understanding of the landowner's situation so that advice can be tailored.

Objective 1.2 Facilitate the traditional management on select hedgerows.

The traditional management of hedges requires skill and experience, and is labour-intensive, but it produces a more attractive and wildlife-friendly hedgerow.

Conservation volunteer groups often include individuals who have the skills and experience required. They could, with the landowner's approval, undertake hedge laying in appropriate locations.

5.2 Promote the recruitment of young trees in parkland habitat.

5.2.1 Vision

Areas of parkland in Ruscombe will have a large number of veteran trees that are home to all sorts of beetles and other insects. The pasture below them will be flower-rich. There will be patches of scrub through which young trees – the future veterans – will grow.

5.2.2 Evaluation

Although rich in veteran trees, many areas of parkland suffer from a lack of recruitment of younger trees. As the veterans die from disease or drought, younger trees are required to ensure the continuity of suitable habitat.

5.2.3 Objectives and prescription

Objective 2.1 Increase the number of young trees in parkland.

If trees in an area of parkland are of a similar age and there are few younger trees growing to take their place in the future, management can be carried out to provide replacements.

In a natural situation, trees tend to grow up protected from grazing by stands of thorny scrub. This could be tolerated in areas of parkland but not at the expense of the loss of too much grassland.

In order to ensure the recruitment of trees, new saplings should be encouraged to mature. Ideally these should be trees that have set seed naturally and are already growing. If suitable specimens can be found, scattered across the parkland, they should be protected from grazing or mowing by fencing, designed to last at least ten years. Appropriate species would be Oak, Beech, Field Maple or Hawthorn.

Alternatively, if no suitable specimens can be located, trees can be planted. These should be sourced from local, native stock to ensure that they are disease free and suited to the local environment. Smaller individual trees tend to grow better, but will need protective fencing.

5.3 Encourage and facilitate landowners to enter a Countryside Stewardship Scheme.

5.3.1 Vision

Landowners in Ruscombe Parish will be paid to provide public benefits, including increased biodiversity, natural flood management and improved access to the countryside. At least one significant landowner in the parish will have entered a government grant scheme.

5.3.2 Evaluation

There are currently no landowners in environmental stewardship schemes within the parish.

These schemes pay landowners, normally farmers, to manage their land in a way that will benefit the environment. Most of this money comes from the European Union, but the Government has made some assurances that a similar scheme will continue after Brexit.

Many landowners already provide substantial benefits to the environment by looking after their land with wildlife in mind. As the profile of biodiversity loss and climate change are raised, and the concept of Natural Capital gains popularity, it is likely that increased funding will be made available to landowners to offset any loss of income caused by their delivery of 'ecosystem services'.

Environmental Stewardship schemes can provide funding for improved hedgerow management, provision of wildlife-friendly areas within the farm, tree planting and woodland management, for example.

5.3.3 Objectives and prescription

Objective 3.1 One significant landowner in an environmental stewardship scheme.

The complexity of the application process and the five-year commitment often discourage landowners from entering the scheme.

Assistance from an experienced consultant to help choose options and complete the application process is often welcomed by the landowner. Advice is available from organisations like the Game and Wildlife Conservation Trust, FWAG South East, or independent consultants like the author.

5.4 Enhance the natural corridor to the south of Castle End Business Park.

5.4.1 Vision

The land adjacent to the bridleway heading south from Castle End Business Park will provide a wildlife corridor linking up nearby hedgerows and areas of woodland. The pond will be maintained to encourage dragonflies and frogs and areas of grassland will become wildflower-rich.

This will create a pleasant lunchtime walk for people from the business park.

5.4.2 Evaluation

This bridleway passes through arable fields with a parallel shallow ditch along much of its length. A hedge follows about one third of the route, and there is a

small copse containing a pond about halfway along. At the northern end there is a patch of scrubby grassland and a few trees.

It is assumed that the Business Park has control over the grassy area to the north, and the farmer is responsible for the land over which the bridleway passes. This will need to be confirmed and approval sought from each before progressing.

5.4.3 Objectives and prescription

Objective 4.1 Obtain approval for the project from the relevant organisation or individuals.

Members of the parish council are likely to know the relevant landowners, but otherwise land registry will be able to provide details.

Objective 4.2 Plant a hedge along the length of the bridleway, and maintain it appropriately.

The existing hedge can have its gaps filled and extended to link the road to the south and the business park to the north. Appropriate species should be selected to reflect the plants found in nearby hedges with hawthorn, Blackthorn, Elder, Field Maple and Hazel are likely to be suitable.

There is lots of advice for planting hedgerows here:

http://www.hedgeline.org.uk/cms/cms_content/files/75_ne_hedgerow_planting.pdf

Objective 4.3 Increase the variety of wild flowers in the grassy area.

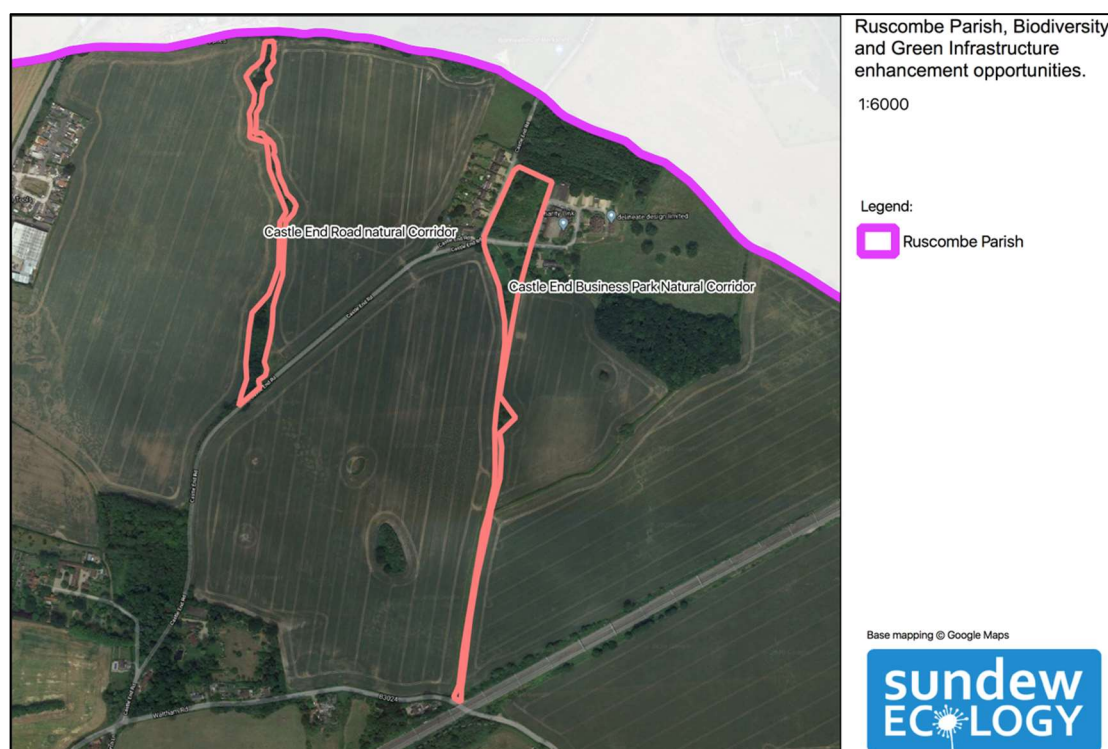
A similar prescription to Objective 2.2 should be followed here.

Where areas of bramble are considered to be too extensive, they can be reduced in extent through frequent mowing, although bramble is an important resource for wildlife and provides an easy introduction to wild foraging.

Objective 4.4 Increase the diversity in the pond and surrounding copse through appropriate management.

In order to increase the diversity of the vegetation surrounding the pond it can be coppiced on rotation, approximately one tenth each year in blocks. This will allow more light into the pond, encouraging increased floating and emergent vegetation that will, in turn, encourage more aquatic animal species to use the pond.

5.4.4 Map



5.5 Enhance the natural corridor heading north from Castle End Road.

5.5.1 Vision

The small strip of woodland to the north of Castle End Road will be carpeted with woodland flowers that will begin to spread along the hedges parallel to road and the newly planted hedgerow across the fields to the north. The ancient Field Maple coppice stools will thrive and the wood will be a refuge for a host of wildlife.

5.5.2 Evaluation

There is currently a small strip of woodland immediately to the north Castle End Road. This is evidently an old trackway heading north: the ground is raised, and a row of veteran coppiced Field Maple trees denotes the former route. A belt of scrubby Hazel adjacent to the Field Maples has Bluebells growing beneath it.

The meandering former hedge to the north of this woodland is now a row of young trees, offering reduced cover to the wildlife that may want to move between areas of woodland to the north and south.

5.5.3 Objectives and prescription

Objective 5.1 Obtain approval for the project from the relevant organisation or individuals.

It is likely that the woodland and hedgerow are owned by the farmer of the surrounding fields. Members of the parish council are likely to know the relevant landowners, but otherwise land registry will be able to provide details.

Objective 5.2 Manage the strip of woodland to maximise its potential for wildlife.

Careful, rotational coppicing of small coupes is likely to be beneficial to this diminutive woodland. Protection against deer and rabbit browsing will be essential to ensure successful regrowth.

Objective 5.3 Implement a suitable restoration programme for the hedgerow to the north of the woodland strip.

It is likely that this line of trees will require coppicing, gapping-up and protection from browsing in order to restore its condition. More information can be found here:

http://www.hedgeline.org.uk/cms/cms_content/files/78_hedgeline_a5_12pp_leaflet_7.pdf

5.5.4 Map – see map for Project 5.

5.6 Promote the appropriate maintenance of ditches across the parish to benefit Water Voles.

5.6.1 Vision

A network of the ditches across the parish will be suitable for a Water Vole reintroduction programme.

They will have species-rich, tall emergent and bankside vegetation. The American Mink population will be reduced and disturbance through inappropriate management will be kept to a minimum.

5.6.2 Evaluation

There is an extensive network of ditches and streams across the parish. Some of these are a remnant of the huge Ruscombe Lake that was drained in 1820. The wetlands surrounding Windsor Ait may also offer restoration potential.

Water Voles are likely to have become extinct from the Parish before 2012 when they were last recorded in nearby Hurst. They require tall vegetation on which to feed, plenty of water in the ditches and banks suitable for burrowing.

American Mink, now common across the wetlands of England, are a major predator of Water Voles, so some control may be desirable.

The vegetation adjacent to many of the ditches seen in Ruscombe Parish was closely mown making them unsuitable for Water Voles, although the area was visited in winter and mowing may have been recently undertaken.

5.6.3 Objectives and prescription

Objective 6.1 Increase the extent of vegetation suitable for Water Voles.

Water Voles feed on vegetation adjacent to slow-moving waterways. They need tall vegetation in which to hide and dig their burrows. Leaving a strip of unmown vegetation along ditches may encourage Water Voles to increase their extent if they are still present, or produce conditions suitable for reintroduction. Such management will also benefit other water-loving species.

More advice can be found here:

<https://ptes.org/campaigns/water-voles/helping-water-voles-on-your-land/>

Objective 6.2 Implement a Mink control programme.

Mink have a significant impact on Water Vole populations. Control efforts are undertaken in nearby wetlands, and it would be beneficial to extend this to Ruscombe. Such measures would need to be undertaken in a structured programme to ensure success.

5.7 Promote a 'wildlife friendly gardening scheme' to residents.

5.7.1 Vision

At least ten per cent of the area of residential gardens, playing fields and other green spaces will be maintained to maximise their potential for wildlife.

Grass will be left to grow tall, pollinator-friendly flowers will be encouraged and some gardens will contain wildlife ponds.

Advice will be available and gardeners will be encouraged by friendly competition or an award scheme.

5.7.2 Evaluation

Gardens are an increasingly important resource for wildlife in England. Together they cover more land than all of the National Nature Reserves, and they have a great potential for enhancement.

A small area of the lawn left unmown will encourage grasshoppers, beetles and slow worms to visit; a suitable pond is probably the best way of accommodating wildlife in a garden; and nectar and pollen-rich flowers will

attract butterflies and bees. Feeding birds and providing nest boxes provides much-needed resources, now often scarce in the wider countryside.

5.7.3 Objectives and prescription

Objective 7.1 Deliver a 'gardening for wildlife' promotion scheme.

A number of organisations and local authorities promote wildlife gardening through schemes ranging from the simple provision of advice to presenting awards for wildlife gardening. Wild Maidenhead organises the 'Wild About Gardens Award Scheme' (www.wildmaidenhead.org.uk/waga-offline) and the Royal Horticultural Society and Wildlife Trusts have a web site with lots of useful information (wildaboutgardens.org.uk/).

5.8 Enhance the wildlife value of the many ponds across the parish.

5.8.1 Vision

All of the ponds across the parish will be maintained with wildlife in mind. They will have clean water, some of which will be free of vegetation. Floating, emergent and bankside vegetation will be varied in both species composition and structure. This will provide lots of resources that attract a wide range of wildlife including amphibians, aquatic insects, birds and bats that feed on the insects over the water.

5.8.2 Evaluation

The author visited three ponds in February 2020, although there are innumerable ponds across the parish.

The village pond, a Local Wildlife Site primarily because of the presence of Great Crested Newts, is well looked after. It has all of the qualities mentioned in the vision, above.

The other two ponds seen were dominated by tall, scrubby vegetation that, while it has its value for visiting and nesting birds and some aquatic insects prefer shaded ponds, they are likely to benefit from some vegetation management.

5.8.3 Objectives and prescription

Objective 8.1 Gain a better understanding of the number and condition of ponds in the parish

A study of detailed maps will identify the significant ponds. They will need to be visited to undertake a simple survey of their condition. This could consist of a quick species survey (for example see <https://freshwaterhabitats.org.uk/get-involved-2/big-pond-dip/>) or a more detailed habitat survey

(<https://freshwaterhabitats.org.uk/wp-content/uploads/2015/03/HABITAT-MANUAL-FINAL.pdf>).

These surveys will identify priorities for management. Ponds that should be prioritised are those that are assessed as being in poor condition, especially those that are isolated and provide a relatively rare resource in the landscape.

Objective 8.2 Improve the condition of two or more ponds in the parish.

For the ponds that have been identified as being a priority for habitat management, the landowners approval should be sought to undertake appropriate management, as determined by the survey.

This may include management of the vegetation surrounding the pond or within it, or efforts to improve the quality of the water entering the pond from road or agricultural run off.

5.9 Promote appropriate management of the woodlands, especially ancient woodland, across the parish.

5.9.1 Vision

Woodland will be home to a considerable variety of wildlife. Birds will find plenty of opportunities to nest in hollow trees and dense scrub, butterflies will flit along open, flower-rich rides, and spring flowers will carpet the ground – taking advantage of clearings in the wood.

5.9.2 Evaluation

Approximately 67 hectares (10%) of Ruscombe Parish is covered in woodland. Two block of woodland have been designated as Local Wildlife Sites (see citation document, appended) and so may be assumed to be in good condition. The condition of the other woodlands is not known. Many small woods suffer from a lack of appropriate maintenance, leaving them dark, uniform and lacking in wildlife.

One of the Local Wildlife Sites, Ruscombe and Vale Woods is under positive management by a local wildlife conservation group and it would be beneficial to either encourage landowners to undertake positive management or facilitate the volunteer group to undertake management in nearby woods.

Woodland in good condition will have a vibrant ground flora, a well-developed understorey and areas of open habitat. There will be plenty of dead wood and a diverse mix of tree species and sizes.

5.9.3 Objectives and prescription

Objective 9.1 Gain an understanding of the condition of woodland in the parish

After obtaining consent from the landowner, the woodlands can be visited and their condition assessed using a standard survey method (eg <https://woodlandwildlifetoolkit.sylva.org.uk/assess>).

This will identify which woodlands are in need of management to achieve good condition, and what management is required.

Objective 9.2 Achieve good condition for at least one woodland currently in poor condition.

In order to maximise wildlife diversity, management such as coppicing, ride creation, removal of exotic species and in-fill planting are often required. The type and extent of the management required will be informed by the results of the survey work.

The products of the management, such as firewood or hazel stakes, can often be used to offset the cost of management.

5.10 Monitor the quality of priority grassland habitats and provide advice to landowners if required.

5.10.1 Vision

Grassland identified as 'priority habitat' will be recognised as important by its owner and will be managed sympathetically to maximise its value to wildlife.

5.10.2 Evaluation

There is currently one patch of grassland mapped as 'lowland meadow'; a priority habitat, in Ruscombe Parish. This small field has been designated a Local Wildlife Site (see citation document, appended), and is currently used as a horse paddock.

The Local Wildlife Designation does not impose any obligations on the landowner, but should offer it some protection against development.

5.10.3 Objectives and prescription

Objective 10.1 Ensure that the owner is aware of the importance of their field and has access to suitable advice.

Although landowners often do not like being told what to do with their land, they are normally receptive to friendly, helpful advice. A letter explaining the significance of their land and some pointers to appropriate advice can be sent to the owner or tenant.

5.11 Manage the verges and communal green spaces to benefit pollinators and other species.

5.11.1 Vision

Many of the road verges and green open spaces will be dominated by long, flower-rich vegetation for much of the year. This creates a network of wildlife 'corridors' linking hedgerows, woodlands and other natural areas and allowing plants and animals to spread across the parish.

These areas will be attractive to the residents and will be sited to not cause a danger to road users.

5.11.2 Evaluation

Across the UK many of the verges and green open spaces are kept mown short, and free from wildflowers. They look neat to the casual passer-by but are often devoid of wildlife.

Added together, all of the road verges and other green spaces form a significant potential space for wildlife.

Leaving the verges left uncut for the summer will encourage all sorts of wildlife and can save time and money on reduced mowing.

5.11.3 Objectives and prescription

Objective 11.1 Manage as many verges for wildlife as practical

Working with the highways authority, verges that can be managed with wildlife in mind should be identified and guidance (eg <https://www.wildlifetrusts.org/wildlife/managing-land-wildlife/how-manage-road-verge-wildlife>) followed. This can include a change in mowing regime and introducing wildflowers.

Part of this guidance advises that local people know and understand the reasons for the change in management routine. This is crucial to ensure that the changes have the support of local residents and councillors.

5.12 Promote a greater understanding of the biodiversity of Ruscombe Parish to its residents.

5.12.1 Vision

The residents will have a good understanding of the natural environment across the parish. They will value the green spaces and will campaign for enhancement and against inappropriate development.

More residents will be involved in conservation volunteering and will visit the countryside frequently to enjoy their surroundings.

5.12.2 Evaluation

There is currently an active group of conservation volunteers with an inspirational and knowledgeable leader. This group could deliver more of the projects identified in this report if it were boosted by more members.

This part of Berkshire is under constant threat from development. One effective argument against development is the presence of protected species and habitats. If more people are involved in enhancing their environment, recording wildlife sightings and enjoying green spaces then the argument against development becomes more powerful.

5.12.3 Objectives and prescription

Objective 12.1 Design a self-guided walk around the parish, highlighting and interpreting the important environmental features.

People are more likely to value the countryside if they are able to access it and understand what makes it special. A route, taking people around the main highlights, could be designed and a supporting leaflet or website produced. This could include a GIS route so that mobile devices can be used for navigation. The leaflet, or website, could explain the wildlife present in the different habitats throughout the year.

Objective 12.2 Encourage more people to get involved in looking after or protecting the natural habitats found in Ruscombe.

An organisation with similar aims and activities to Wild Maidenhead (<https://www.wildmaidenhead.org.uk/>) could be set up to promote engagement with the natural environment. A representative from Wild Maidenhead will be happy to meet and help set up such a body.

If enthusiastic individuals are identified they could be recruited as volunteer work party leaders. TCV (<https://www.tcv.org.uk/>) has lots of advice on forming and running such groups.

6 References

SoNP, 2019:

<https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

Lawton, 2010:


<https://webarchive.nationalarchives.gov.uk/20130402154501/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>

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Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	03 December 2022
Service:	Place and Growth (Delivery & Infrastructure)
Project, policy or service EQIA relates to:	Ruscombe Neighbourhood Plan – Consultation and Examination
Completed by:	Ben Davis (Growth and Delivery Team, Planning Policy Officer)
Has the EQIA been discussed at services team meeting:	Yes
Signed off by:	 Mark Cupit Assistant Director Delivery & Infrastructure
Sign off date:	6 December 2021

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1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change, its expected outcomes and how does it relate to your services corporate plan:
Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Ruscombe Parish Council have prepared a draft neighbourhood development plan for their area.

The report to Executive seeks agreement to publish the draft Ruscombe Neighbourhood Plan for consultation and to delegate the appointment of an examiner and the submission of the examination documentation to the Director of Place and Growth in consultation with the Lead Member for Planning and Enforcement. Consultation and examination are required under the regulations governing neighbourhood development plans.

The purpose of the consultation is to seek views on the draft Ruscombe Neighbourhood Development Plan, which was formally submitted by Ruscombe Parish Council to Wokingham Borough Council on 7 October 2021.

Public consultation on the Ruscombe Neighbourhood Plan is planned to take place for a minimum period of six weeks, starting from Tuesday 8th February 2022 and ending on Friday 25th March 2022.

Other supporting documentation including the SEA/HRA Screening Determination Statement also form part of the consultation.

Ruscombe Parish Council consulted on an earlier draft Neighbourhood Plan in February to April 2021 (Regulation 14).

Public consultation on the recommended version of the Ruscombe Neighbourhood Plan is a legal requirement under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation will be undertaken in line with the principles set out in the council's Statement of Community Involvement (SCI) and all relevant legislation and regulations governing that process, including to reflect latest planning guidance in response to the Coronavirus (COVID-19) pandemic.

If made (adopted), the Ruscombe Neighbourhood Plan would help shape new development and improve the social, economic and environmental well-being of the neighbourhood area.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members ect) have/will be consulted and informed about the project or changes:

The publication of the Ruscombe Neighbourhood Plan will be undertaken in accordance with the council's adopted Statement of Community Involvement for planning policy consultations but are adapted to reflect latest government advice and guidance regarding Covid-19, including the temporary amendments to Regulation 35 of the Regulations. This will involve sending emails/letters to those registered on the consultation database, including organisations (general and specific consultation bodies specified in the Regulations), councillors and internal officers. Advertising and further information will be placed on Ruscombe Parish Council's and Wokingham Borough Council's website and publicised through social and other forms of traditional media to promote the consultation.

Stakeholders including the Assistant Director of Place and Growth and Director of Place and Growth are engaged through the Place and Growth Leadership Team and Corporate Leadership Team. Lead Specialists from Growth and Delivery have also engaged with members of the Ruscombe Neighbourhood Planning Steering Group and Ruscombe Parish Council and provided policy advice and support on earlier iterations of the neighbourhood plan and supporting documentation.

Outline who are the main beneficiaries of the Project, policy change or service change?

The Ruscombe Neighbourhood Development Plan has been produced by Ruscombe Parish Council (the qualifying body) with the input of officers in the council's Growth and Delivery team, communities and stakeholders through a previous consultation on a draft plan (under Regulation 14). If made (adopted), the Ruscombe Neighbourhood Plan would become part of the Development Plan for the parish and therefore be considered alongside the council's planning policies when making decisions on planning applications and help shape how development is managed in their area.

Outline any associated aims attached to the project, policy change or service change:

Public consultation on the Ruscombe Neighbourhood Plan will facilitate engagement in the plan-making process, by providing a further opportunity for individuals and organisations (including statutory and prescribed bodies) to comment on proposals, prior to an examination by an independent person (to be appointed jointly by the council and Ruscombe Parish Council).

The Ruscombe Neighbourhood Plan, once adopted, will become part of the Development Plan and would help set out a vision and general planning policies for the development and use of land in the area, and in so doing guide decision making on planning applications in the area alongside the council's planning policies.

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment

- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	None	Neutral impact – it is not envisaged that the Ruscombe Neighbourhood Plan would have any impact upon this group as policies contained in the draft plan provide additional detail to existing policies in the council’s local plans (e.g., Core Strategy and Managing Development Delivery local plans). The group would not be prohibited from reviewing and commenting on the consultation for the Ruscombe Neighbourhood Plan.
Gender:	None	Neutral impact – it is not envisaged that the Ruscombe Neighbourhood Plan would have any impact upon this group as policies contained in the draft plan provide additional detail to existing policies in the council’s local plans (e.g., Core Strategy and Managing Development Delivery local plans). The group would not be prohibited from reviewing and commenting on the consultation for the Ruscombe Neighbourhood Plan.
Disabilities:	Positive	There is likely to be a positive impact. Policies are included in the Ruscombe Neighbourhood Plan to maximise opportunities for walking and cycling, green and blue infrastructure and Public Rights of Way (e.g., Policy RU2: Ruscombe Housing Design Code; Policy RU9: Green

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
		Infrastructure & Biodiversity). Considerations of factors such as safety, accessibility and infrastructure in future development proposals are likely to benefit those with reduced mobility and physical and visual impairments.
Age:	Positive	<p>There is likely to be a positive impact.</p> <p>Policy RU8: Local Green Spaces of the Ruscombe Neighbourhood Development Plan proposes areas of green space for Local Green Space designation, predominantly due to their recreational value. Examples include play areas and amenity green space.</p>
Sexual orientation:	None	Neutral impact – it is not envisaged that the Ruscombe Neighbourhood Plan would have any impact upon this group as policies contained in the draft plan provide additional detail to existing policies in the council’s local plans (e.g., Core Strategy and Managing Development Delivery local plans). The group would not be prohibited from reviewing and commenting on the consultation for the Ruscombe Neighbourhood Plan.
Religion/belief:	Positive	<p>There is likely to be a positive impact.</p> <p>A policy is included in the Ruscombe Neighbourhood Development Plan (Policy RU7: Community Facilities) to protect existing community services and facilities, notably St James Church.</p>
Gender re-assignment:	None	Neutral impact – it is not envisaged that the Ruscombe Neighbourhood Plan would have any impact upon this group as policies contained in the draft plan provide additional detail to existing policies in the council’s local plans (e.g., Core Strategy and Managing Development Delivery local plans). The group would not be prohibited from reviewing and commenting on the consultation for the Ruscombe Neighbourhood Plan.
Pregnancy and Maternity:	None	Neutral impact – it is not envisaged that the Ruscombe Neighbourhood Plan would have any impact upon this group as policies contained in the draft plan provide additional detail to existing policies in the council’s local plans (e.g., Core Strategy and Managing Development Delivery local plans). The group would not be prohibited from reviewing and commenting on the consultation for the Ruscombe Neighbourhood Plan.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Marriage and civil partnership:	None	Neutral impact – it is not envisaged that the Ruscombe Neighbourhood Plan would have any impact upon this group as policies contained in the draft plan provide additional detail to existing policies in the council’s local plans (e.g., Core Strategy and Managing Development Delivery local plans). The group would not be prohibited from reviewing and commenting on the consultation for the Ruscombe Neighbourhood Plan.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by....

Mark Cupit

Assistant Director Delivery & Infrastructure

Date:.... 06/12/2021

TITLE	Leisure Strategy
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Environment and Leisure - Parry Batth

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The report seeks approval for the leisure strategy which has previously been approved in its draft form in the March 21 executive.

The Council's current strategy was updated broadening to incorporate the extensive provision for informal physical activity as well as sports.

The strategy will enhance the already successful leisure offerings in the Borough to the benefit of residents, improving quality of life and enhancing well-being.

The strategy is closely aligned with the principles and priorities of key national agencies such as Sport England (SE) and Public Health England (PHE) and has the potential to leverage external funding.

The strategy is a key strand for delivering the Council's priority for Enriching Lives but it also contributes to the other priorities of: a Clean and Green Borough; Safe, Strong Communities; and Keeping the Borough Moving.

At a time of enormous challenge to the health and well-being of us all, the strategy makes an important contribution to planning for recovery and to maintaining the Borough's reputation and Community Vision.

RECOMMENDATION

That the Executive

- 1) endorses the principles and content of the Leisure Strategy;
- 2) approves the Leisure Strategy and action plan with the amendments incorporated following consultations and feedback from the Overview and Scrutiny Committee.

EXECUTIVE SUMMARY

In the context of a growing population and the Borough's reputation as an excellent place to live with a high quality of life, the quality of the leisure offer can play a significant role in enhancing well-being and enriching the lives of residents. An up-to-date strategy that aligns with both national and local priorities is extremely useful in shaping future

provision, co-ordinating and aligning activity across a range of partners and stakeholders.

The strategy builds on and will help realise the benefits of the Council's recent and ongoing transformational programme of new and improved facilities with over £50m invested or committed.

There has been a growing demand to enhance and improve access to the Borough's leisure offer with the benefits of physical activity to well-being. The Borough's current Leisure Strategy focused on sports provision and in particular the Council's own leisure services in the, then, context of planning to contract out the management of leisure facilities to secure high quality and cost-effective provision.

Now this process has been completed the Borough's contracted leisure provider is of course a key partner, particularly given the significant recent investment in new and improved leisure facilities, but the new strategy incorporates country parks, new 'greenways' linking our strategic development locations, children's play and encouraging active travel.

Effective delivery of the leisure strategy will be dependent on the actions and resources of a wide range of agencies, partners, and stakeholders, including our residents.

Extensive consultation took place between April and July 21 completed through an online survey, face to face sessions in Wokingham and Woodley town centres and our leisure facilities. We obtained feedback from sports clubs, sports council, national governing bodies (e.g. Football Foundation), GBA, PFP), Health Partners, Town and Parish councils, staff and councillors.

The strategy was presented, and feedback given by the Overview and Scrutiny board in Oct 21 adding to the changes now incorporated in what was draft strategy.

The main areas of feedback from the consultation results were:

- Received 526 responses from ages ranging between 16-75+.
- 67% wanted to see more sport facilities and classes.
- More options for young people.
- More outdoor activities
- More cycleways and dog bins (These have been feedback to the appropriate teams within WBC to incorporate in their own actions).

Following feedback from all areas, the keys additions made to the final strategy and action plan were:

- More targeted offerings for our younger population, working with key groups such as the Youth Council and community teams to adapt offerings to encourage higher attendance.

The offerings will be incorporated in our well-established and successful facilities already in place around the Borough; 6 leisure centres (carnival to re-open summer 2022), 3G and Grass pitches, BXGFIT, Tennis, Parks and Open spaces along with a vast number of sporting clubs.

- Action points under Priority 1 (Health and Wellbeing (General)) within the action plan.

- Targeted sessions for our Black, Asian and Minority Ethnic community working jointly with the health and wellbeing sub board 'Physical Activity' and Black, Asian and Minority Ethnic forum and incorporating the key objectives within the Wokingham Equality Plan.

The sessions will be incorporated in the already established health and wellbeing subgroup for physical activity where this has been one of the priorities for the group, previously positive joint working with the Black, Asian and Minority Ethnic forum once returned will support the actions.

- Action points under Priority 2 (Raising Participation and Reducing Levels of Inactivity (Targeted)) within the action plan.

- Targeted sessions for our older people, looking broadly to incorporate all levels and needs in our offerings utilising our volunteers to encourage participation.

Sessions will expand on the already extensive programmes we currently offer our older residents within the Borough; SHINE over 60's exercise classes, active ageing sessions offering seated and music based exercise, dementia sessions, dedicated music to movement classes in care homes and assisted living sites, health walks, 1:1 moving with confidence sessions, range of prevention programmes in our leisure facilities and community sessions and continued joint working with the local volunteer groups.

- Action points under Priority 2 (Raising Participation and Reducing Levels of Inactivity (Targeted)) within the action plan.

- Offer more outdoor gym facilities in line with some of the new ways in which residents exercise following the start of the COVID-19 pandemic.

The new facilities will follow on from our successful classes in the park which were introduced during the lockdown of our leisure facilities to encourage where possible the continuation of physical activity.

- Action points under Priority 4 (Outdoor spaces) within the action plan.

BACKGROUND

Physical activity and sports play a fundamental role in supporting the well-being of the Borough's people and communities as is also explicitly recognised in the Borough's Joint Health & Wellbeing Strategy 2018 -2021.

Furthermore, the very significant health benefits of physical activity are universal, from the very young to the elderly: helping to raise achievement in schools, enabling self-care for those with long-term conditions and helping to prevent mental and physical illness across all age-groups. Therefore, increasing levels of participation in sports and active leisure pursuits, and reducing the numbers of people who are inactive, is so important.

The final strategy therefore reflects key national as well as local priorities:

HM Government Sporting Future: A New Strategy for an Active Nation

This wide-ranging detailed strategy was launched in December 2015. The Government strategy aims to change the way in which sport and physical activity is considered, shifting from simply how many people take part, to what people and society get out of participating and what more can be done to encourage everyone to have a physically active lifestyle.

Sport England: towards an active nation, strategy 2016-2021

Sport England launched its new five-year national strategy in May 2016. It responds to the Government's Sporting Future strategy and has a stronger focus on reaching those who are least active and helping to deliver the strategy's wider outcomes.

Public Health England (PHE)g

PHE have a strong influence on policy and practice nationally with regard to promoting increased levels of physical activity. They also have a strong evidence base of what works and are a key source of data for informing local strategies and priorities.

In their forward to the 2019 update of the physical activity guidelines the Chief Medical Officers re-emphasised the significance of physical activity:

'In 2010, we were among the first nations in the world to set out evidence for how much and what kinds of physical activity we need to do to keep ourselves healthy.

Since then, the evidence has become more compelling and the message is clear:

"If physical activity were a drug, we would refer to it as a miracle cure, due to the great many illnesses it can prevent and help treat"

Physical activity is not just a health issue. It brings people together to enjoy shared activities and contributes to building strong communities whilst supporting the economy to grow.'

BUSINESS CASE

In the context of a growing population and the Borough's reputation as an excellent place to live with a high quality of life, the quality of the leisure offer can play a significant role in enhancing this reputation, enriching the lives of residents, and building thriving communities.

Wokingham Borough performs very well in relation to levels of participation in physical activity compared to other areas of the country and indeed was recently given the accolade of being the healthiest place to live in the country (Health Index for England, Office for National Statistics 2021).

Nevertheless, the numbers of residents across all age-groups who are overweight or obese has been increasing and the strategy aims to contribute to halting and then reversing this trend.

An up-to-date strategy that aligns with both national and local priorities is extremely useful in shaping future provision, extending reach to more vulnerable cohorts and communities, co-ordinating and aligning activity across a range of stakeholders and for generating and maximising the impact of collective resources.

The strategy builds on and will help realise the benefits of the Council's recent and ongoing transformational programme of new and improved facilities with over £50m invested or committed, including:

Bulmershe Leisure Centre (completed)	£14.5M
Ryeish Green & Arborfield leisure facilities (completed)	£4.9M
Parking and toilet facilities California Country Park (completed)	£2.1M
Loddon Valley Leisure Centre (completed)	£2.2M
Bulmershe Leisure Centre (completed)	£14.5M
Embrook 3G Football Pitch (completed)	£800,000
Cantley Park 'Greenway' enhancements (completed)	£320,000
Carnival Pool Leisure Centre (underway)	£23M
Cantley Park Enhancements (underway)	£2.2M
Dinton Pastures Country Park activities centre (completed)	£1.8M
Arborfield Primary School 3G Football Pitch (completed)	£800,000
Outdoor play facilities at California Country Park (completed)	£300,000

Physical activities contribute to well-being and impact on all residents across all age-groups. In addition, they can support better outcomes for more vulnerable groups, be this tackling social isolation, improving health and well-being.

The priorities in the strategy reflect both these universal and targeted strands of activity. The strategy also incorporates 'non-sports' forms of physical activity, high quality open-spaces and 'greenways', including 'active travel' initiatives that have strong links to our response to the Climate Emergency.

Set within the context of national policy, the final strategy sets out an ambitious vision, key priorities and desired outcomes, with a more detailed three-year action plan following consultations to support delivery of the longer-term outcomes to be developed.

Set within the context of national policy, the final strategy sets out an ambitious vision, key priorities and desired outcomes, with a more detailed action plan following consultations to support delivery of the longer-term outcomes to be developed.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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

Additional capital resources will be sought on an ongoing basis from CIL and through funding bids to agencies such as Sport England and the Football Foundation, as well as elements of other capital funding streams such as housing and transport where applicable.

Revenue costs will be met from existing budgets with a strong focus on commercialisation and income generation to minimise net costs whilst maintaining programmes to increase access for more vulnerable residents.

Stakeholder Considerations and Consultation

Extensive stakeholder and public consultation on the draft strategy and action plan took place between April and July 21.

Public Sector Equality Duty

Due regard has been taken to the Public Equality Duty and an Equalities Impact Assessment is attached to this report.

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*

In promoting physical activity and the use of outdoor spaces the draft strategy both promotes and integrates with 'active travel' initiatives and the enhancement of publicly accessible open space. This contributes to reducing our carbon footprint by reducing car use, enhancing biodiversity and tree planting where this enhances the attractiveness of open spaces for public use.

List of Background Papers

None

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2021-2025

Wokingham Borough Leisure Strategy

February 2021

»» Introduction

We established our community vision in 2020 with the ambition for Wokingham Borough to be a great place to live, learn, work and grow and a great place to do business. Linked to this overarching vision, physical activity and sports play a fundamental role in supporting the physical and emotional well-being of the Borough's people and communities as is also explicitly recognised in the Joint Health & Wellbeing Strategy 2018 -2021. Furthermore, the very significant health benefits of physical activity are universal, from the very young to the elderly - helping to raise achievement in schools, enabling self-care for those with long-term conditions and helping to prevent mental and physical illness across all age-groups. This is why increasing levels of participation in sports and active leisure pursuits, and reducing the numbers of people who are inactive, is so important.

At the time of writing this importance is heightened by the impacts and challenges of the COVID pandemic and looking forward to Covid-19 Recovery. We know that a range of conditions linked to lack of exercise and excess weight greatly increase the severity of symptoms of the virus. Whilst there are challenges of participating in organised sport, especially team sports, many people are turning to walking, cycling and other outdoor physical activities to maintain levels of fitness and enhance mental as well as physical well-being.

Fortunately the Borough is blessed with a rich mix of assets to provide all our residents and communities with varied opportunities to take-up and enjoy leisure pursuits and be more physically active, including - indoor and outdoor sports facilities; country parks, nature reserves and suitable alternative natural greenspaces (SANGS) all with attractive green and blue spaces; play areas; allotments; and an extensive network of footpaths and cycle routes. The latter and the promotion of 'active travel' are now also forming a key strand in the Council's plans to address the local 'Climate Emergency' declared in July 2019.

These assets need ongoing investment and development to provide high quality leisure environments that our citizens want to use, to drive up levels of participation and to cater for the Borough's growing population and new communities. Leisure infrastructure and accessible opportunities for all, alongside arts and culture, are a key element of supporting a high quality of life for residents, attracting visitors and supporting the attractiveness of the Borough for businesses and sustaining its thriving economy.

This is why the Council, working with a range of partners, has made a step-change in its levels of investment over recent years despite a very challenging funding environment.

Creative use of developer contributions has provided significant levels of capital to invest in these new and improved facilities, with external agencies such as Sport England and the Football Foundation providing additional investment. Alongside this the Council has also procured a new national operator, 'Places Leisure', to run our indoor leisure centres. This competitive procurement has helped drive value for money and the new leisure contract will ensure that not only are the centres maintained to a high standard but also that the Council now has an income stream to reinvest in the future, balancing a more commercial approach to drive income whilst ensuring programmes to provide, encourage and increase access for the more vulnerable continue. The national and local context for the strategy is set out in Appendix 1.



Our Investment in Leisure



COMPLETED

IN PROGRESS

BULMERSHE LEISURE CENTRE

£ 14.5m

PARKING AND TOILET FACILITIES AT CALIFORNIA COUNTRY PARK

£ 2.1m

EMBROOK 3G FOOTBALL PITCH

£ 800k

RYEISH GREEN & ARBORFIELD LEISURE FACILITIES

£ 4.9m

NETWORK OF "GREENWAYS" INC ATTRACTIVE WALKING & CYCLING ROUTES

£ 320k (Cantley)

LODDON VALLEY LEISURE CENTRE UPDATE

£ 2.2m

NEW ARBORFIELD PRIMARY SCHOOL 3G FOOTBALL PITCH (JUNE 2021)

£ 800K

CANTLEY PARK ENHANCEMENT INC. PLAY-AREA

£ 2.2m

CARNIVAL POOL LEISURE CENTRE

£ 23m

NEW ACTIVITY CENTRE BUILDING AT DINTON PASTURES

£ 1.8m

NEW OUTDOOR PLAY FACILITIES AT CALIFORNIA COUNTRY PARK

£ 300k

TOTAL £52.9m

KEY FIGURES

1.3m FITNESS ATTENDANCES

157k attending swim lessons

24k SHINE Attendances

Taking Leisure forward through our Strategy

Our strategy to achieve this vision is straightforward as although Wokingham has one of the highest rates of participation in physical activity in the country, the numbers of people across all age groups who are overweight or obese is increasing. We aim to halt and reverse this trend over the lifetime of the strategy through:

Fostering both physical and emotional wellbeing through universal access to high quality leisure opportunities

Targeted provision to reduce social isolation and those facing additional barriers to access and participation; especially those communities with higher health inequalities

Reducing levels of inactivity and, in particular, tackling increasing levels of excess weight and obesity

Commercialisation to ensure that high quality facilities remain affordable, accessible and sustainable into the future whilst protecting provision for the more vulnerable

»» Vision

Wokingham Borough is renowned as one of the most 'active' and best places to live in the whole of the UK. A place where everyone can easily access high quality indoor and outdoor spaces for active leisure pursuits and do so in increasing numbers; decreasing health inequalities and enhancing health & wellbeing across all our communities and particularly benefiting the more vulnerable.

»» Key Priorities, Outcomes & Measuring Success

Promoting Health and Wellbeing (General)



Increase Proportion of **more physically active adults** meeting the guidelines of the Chief Medical Officer (completing 150 mins exercise of moderate intensity or 75 mins of vigorous intensity/week).

Increase The activity provisions for the **Black, Asian and Minority Ethnic Community**

Increase The activity levels for **children and young people** more broadly.

Ensuring **effective provision of facilities & open-space for new & existing communities** through the planning process.

Decrease The proportion of **adults physically inactive** (completing <30 minutes of physical activity/week).

Decrease The proportion of **adults classified as overweight or obese**

Decrease The proportion of **children and young people** who are **physical inactive**

Decrease The proportion of **overweight & obese children and young people**.

Raising participation and reducing levels of inactivity (targeted)



Engagement with the older generation and the **number of programmes that reduce social isolation**.

The **availability** and take-up of targeted sessions for those in **ethnic minority communities**.

Increase **Participation for young people through new developments**

Engagement with & participation rates for all groups where **current levels are below average** and to **reduce the health and wellbeing gap**, including those **experiencing poverty** and other dimensions of **deprivation**.

Expand range of mental health & emotional wellbeing programmes & the number of beneficiaries.

- Doing exercise & other physical activity can have a **positive impact on your mood, improve your sleep, and reduce stress/anxiety**. Even a short burst of **10 minutes brisk walk** helps **increase mental awareness, energy and positive mood**. It has been identified that physical activity can help **reduce depression by 30%**



Focused initiatives to **engage children in care** and **looked after children**.

Ensure appropriate provision to **ensure accessible opportunities for people of all ages with disabilities**.

Use physical activity opportunities to **help tackle local health inequalities**

Maintain and Extend Accessibility to Indoor Leisure facilities



High quality facilities maintained to a **high standard**.

Flexible new and established facilities that meet **growing & changing demand** over time.

Increasing footfall and levels of use.

Identify and **address barriers to accessing activity**

Maintain and Extend Accessibility to Outdoor Spaces



The formal and informal use of a **high quality interconnected network of outdoor spaces**, including **country parks, 'greenways' and children's play facilities**.

Develop & increase physical activity sessions offered in **outdoor spaces** & the **associated numbers participating through providing further outdoor spaces for exercise and physical activity**

Increase number of **organised outdoor public events** and overall attendance.

Increase playing Pitch strategy to meet future demand and to secure investment.

Increase the **number of clubs accessing and utilising outdoor spaces**.

Key Priorities & Outcomes

5
Fostering
Enjoyment
and Sporting
Excellence
(pathways)



Increase the number of sport sponsorship participants performing at a high level (county and national standard).

A thriving and diverse network of sports clubs catering for all levels of ability and providing pathways from grassroots to elite.

Promoting and **supporting** volunteering to underpin widespread access to opportunities and progression pathways to all

6
Raising
Levels of
Active
Travel



Increase the proportion of adults and young people walking for travel at least three days per week.

Increase the proportion of adults and young people cycling for travel at least three days a week

7
Ensure
Financial
Sustainability



Maximise income generated by and the viability of sports and leisure facilities

Maximise external funding from all potential sources, e.g. Sports England, national sports governing bodies, CIL.

Maximising income generation from country parks by increasing visitor numbers and spend per customer.

Further **develop** income generation programmes including sports, leisure and cultural activities.

Generating income from expanding the range of outdoor sports and outdoor events across country parks.

Partnerships & Delivery

The success of this strategy will be reliant on an effective multi-partner approach to delivery and collaboration both across the council and with external stakeholders.

The Leisure Strategy is set firmly within our overarching community vision: 'A great place to live, learn, work and grow and a great place to do business.' It contributes particularly to the aligned Strategic Priorities of:

- Enriching Lives;
- A Clean and Green Borough;
- Safe, Strong Communities; and
- Keeping the Borough Moving.

The Leisure Strategy also links to a number of other more specific and operational council strategies and priorities that involve a wide range of services and a significant investment of resources to provide the infrastructure that supports an active Borough and healthy communities:

Partnerships & Delivery

Health & Wellbeing Strategy	MyJourney	Ageing Well	Rights of Way Improvement Plan
Early Years & Children's Play	Parks & Open Spaces	Local Plan	SDLs
Physical Activity in Schools	Arts & Culture Strategy	Children in Care & Care Leavers Strategy	Berkshire West Healthy Weight Strategy

Our leisure provider, Places Leisure, in particular has a key role in delivery. Not only do they have the day-to-day responsibility for our leisure sites but they are also contracted to deliver against key performance areas for the leisure service. These incorporate increasing participation across our communities with a focus on targeted provision for more vulnerable groups working in tandem with our in-house team. These jointly delivered physical activity programmes include:

- SHINE= Older people – dedicated over 60's exercise programme.
 - **S**ome **H**ealth **I**mprovements **N**eed **E**xercise
- Ageing Actively – a programme for those older residents experiencing loneliness or isolation.
- Walking for health – volunteer led walks.
- [Children – Sporting holiday camps.](#)
- Dedicated sessions focused on a range of health conditions to enhance well-being:
 - Mental health and wellbeing – for those affected by a mental health condition;
 - Cardiac Rehab – those with cardiac conditions;
 - GP referral – conditions such as stroke, diabetes, osteoarthritis and lower back pain;
 - Long term health – conditions such as COPD, Parkinson's, physical disabilities;
 - Cancer Rehab – for those affected by cancer;
 - Steady Steps – over 65's who have had a fall, at risk of falling or unsteady on their feet.
 - Escape Pain – for those affected by pain;
 - Dementia friendly physical activity sessions.
- A range of outdoor activities and water sports opportunities for all ages in our country parks.
- Promoting and encouraging WBC staff to be physically active, including 'active travel'.
- Arts and culture – delivering an arts and culture programme sharing use of indoor and outdoor leisure venues and country parks, creating animated spaces with some areas of activity, such as dance, contributing to both arts and sports.

Partnerships & Delivery

External Stakeholders

Further developing partnership working with external stakeholders will be key to successfully resourcing and delivering the ambitions of the strategy. Stakeholders range from national, sub-regional and local organisations as well as other public, voluntary and private sector partners:



In addition to the key Leisure partners above, Wokingham Borough has the benefit of a strong sports and leisure community at Pinewood. The relationships with these organisations are considered important in developing our leisure offer going forward and there is a commitment to develop these valued facilities in the future.

In order to maximise collaboration and effective implementation of the strategy it is proposed to further develop an 'Active Wokingham' partnership across internal and external stakeholders and create a dynamic network of organisations working together to increase opportunities, participation and enjoyment in sport and physical activity across the whole Borough. Through this collaborative engagement we will be able to optimise our collective resources to ensure all residents, whether inactive or active, have access to and are motivated to participate in physical activity and sport. In the first instance the Council will work to establish this partnership through the development of an Action Plan for the delivery of the Strategy.

The Action Plan will run for three years from April 2021 – March 2024 with greater detail for the first year but to be reviewed and updated on an annual basis. The Action Plan will include challenging targets and measurable key performance indicators of relevance to our local communities and the Borough's established track-record as an 'active place' but with aspirations to be even better. These will also be reviewed annually to enable continuous improvement and development and align with the health and well-being action groups reporting dashboard. Active Wokingham will have an ongoing role in the promotion, development, delivery and evaluation of the Leisure Strategy and associated Action Plan.

In doing this it is also envisaged that Active Wokingham will have a key role to play in:

- Sourcing funding, maximising use of resources;
- Building creative collaboration;
- Exploiting income generation opportunities;
- Ensuring robust governance practices;
- Using community insight and effective evaluation practices;
- Supporting and growing volunteering;
- Encouraging innovation and best practice in all areas;
- Delivering meaningful engagement and consultation;
- Providing effective communications.

➤➤ Appendix 1: National & Local Context

National Context

Some awareness of the national policy background is helpful in understanding why the Council invests significantly in leisure provision. In addition, aligning with national priorities also provides greater opportunities to bid for and secure grant funding.

HM Government Sporting Future: A New Strategy for an Active Nation

This wide-ranging detailed strategy was launched in December 2015. The most relevant points to inform a local strategy are summarised below. The Government strategy aims to change the way in which sport is considered, from simply how many people take part, to what people and society get out of participating and what more can be done to encourage everyone to have a physically active lifestyle.

The funding decisions of Government will also now be made on the basis of the social good that sport and physical activity can deliver, not simply the number of participants.

The five key outcomes which will define success in sport are:

- Physical well-being;
- Mental well-being;
- Individual development;
- Social and community development;
- Economic development.

The funding will primarily be focusing on those people who tend not to take part in sport, including women and girls, disabled people, those in lower socio-economic groups and older people. All new Government funding will go to organisations which can deliver some or all of the five outcomes. Those organisations which show that they can work collaboratively and tailor their work at the local level will be the most likely to receive funding.

The Government strategy also broadened Sport England's remit so that it became responsible for promoting sport outside of school from the age of 5 rather than 14.

Sport England: towards an active nation, strategy 2016-2021

Sport England launched its new five-year national strategy in May 2016. It responds to the Government's Sporting Future strategy and has a stronger focus on reaching those who are least active and helping to deliver the strategy's wider outcomes.

➤➤ Appendix 1: National & Local Context

The key changes that Sport England are making to the way that they work are:

- Focusing more money and resources on tackling inactivity;
- Investing more in children and young people from the age of five;
- Helping those who are active now to carry on, but at lower cost to the public purse over time;
- Putting customers at the heart of what they do, responding to how people organise their lives and helping the sector to be more welcoming and inclusive, especially of those groups currently under-represented in sport;
- Helping sport to keep pace with the digital expectations of customers;
- Working nationally where it makes sense to do so (for example on infrastructure and workforce) but encouraging stronger local collaboration to deliver a more joined-up experience of sport and activity for customers;
- Working with a wider range of partners, including the private sector, using their expertise as well as Sport England investment to help others align their resources;
- Working with our sector to encourage innovation and share best practice particularly through applying the principles and practical learning of behaviour change.

Funding streams from Sport England are now closely aligned with these priorities.

Public Health England (PHE)

PHE have a strong influence on policy and practice nationally with regard to promoting increased levels of physical activity. They also have a strong evidence base of what works and are a key source of data for informing local strategies and priorities. They produce a range of publications many of which are updated regularly, including:

- Health matters: getting every adult active every day' (updated July 2016);
- Physical activity guidelines: UK Chief Medical Officers' report (updated September 2019);
- Physical activity data tool (updated November 2019).

In their forward to the 2019 update of the physical activity guidelines the Chief Medical Officers re-emphasised the significance of physical activity:

'In 2010, we were among the first nations in the world to set out evidence for how much and what kinds of physical activity we need to do to keep ourselves healthy. Since then, the evidence has become more compelling and the message is clear:

"If physical activity were a drug, we would refer to it as a miracle cure, due to the great many illnesses it can prevent and help treat"

Physical activity is not just a health issue. It brings people together to enjoy shared activities and contributes to building strong communities whilst supporting the economy to grow.'

Appendix 1: National & Local Context

PHE summarise the many benefits of physical activity with the following infographic:

What are the health benefits of physical activity?



Public Health England Health Matters Blog, 2016:

Healthy Weight

Key current policy drivers for the healthy weight agenda (which incorporates physical activity) include the Public Health Outcomes framework, the Local government association guidance including 'Making Obesity Everybody's Business' 2017, NICE guidance relating to the healthy weight agenda both in relation to prevention and treatment, the NHS outcome framework and long-term plan. The Government childhood obesity strategy A Plan for Action, 2018 outlined the aim to halve childhood obesity by 2030 and to significantly reduce the gap in obesity between children from the most and least deprived areas.

Guidance on 'What Good Healthy Weight for all ages Looks Like' was published by (ADPH, 2019). More recently in 2020 Government launched the policy paper: 'Tackling obesity: empowering adults and children to live healthier lives' in July 2020. As part of this commitment to healthy weight PHE launched the 'Better Health Campaign' which includes a call to action for people to take steps to move towards a healthier weight urging people to take stock of how they live their lives in the wake of the COVID-19 pandemic. Key messages encourage behaviour changes to eat better and be more physically active and move more to prevent or delay the onset of serious diseases.

Appendix 1: National & Local Context

Local Context

On the majority of metrics used within the PHE physical activity data tool, Wokingham Borough performs well in comparison with national and regional averages.

Moreover, overall 'performance' has improved with the percentage of physically active adults rising from 69.5% in 2015/16 to 75.3% in 2018/9 (a rise of 5.8% compared to a rise of only 1.5% across the south east and 1.1% nationally as a whole).

This is a significant increase in a relatively short space of time. Similarly, levels of obesity and being over-weight compare favourably with national and regional averages. Nevertheless, there is no room for complacency:

1 in 6

2018/19 data indicates that 13.9% local adults remain inactive

The number of people aged over 65 in Wokingham borough is estimated to increase between 2018 and 2025 from **29,600 to 34,514**.

↑ **17%**

60.2%

Over half of adults in Wokingham are either overweight or obese.

1 in 3

Obesity levels for Yr6 children (10-11yo) show a prevalence of overweight (including obese) children in Wokingham for 2019/20 was 29.2% children in this age-group are overweight and or obese

Obesity levels for reception year children (4-5yo) show a prevalence of overweight (including obese) children in Wokingham for 2019/20 was just over 1 in 5 local children in this age-group are overweight and or obese.

21.2%

41.1%

... of children and young people are physically active, this is lower than both national and South East figures at 46.8% and 47.8% respectively. From 2018/19 data.

<1 in 5

18.8% fifteen year olds met the PHE guidance of at least one hour of exercise per day every day of the week. Work identifying barriers is needed

15%

Whilst it is very positive that Wokingham fares better than nationally in relation to 15 years olds being physically active in real terms the percentages active 1 hour a day for 7 days a week is still very low at just over 15% (nationally 13.9%) indicating scope for improvement. Work identifying barriers may be useful.

Nationally 70.1% of 15 years olds reported sedentary time over 7 hrs a day Wokingham data is significantly better with 62.9% of local 15 years olds reporting sedentary behaviour however this is still clearly an area to be improved on

62.9% vs 70.1%

Appendix 1: National & Local Context

Men and women living in the most deprived 10% areas of the borough can expect to live an average of 4.5 and 5.5 fewer years respectively than in the least deprived 10%.



4.5 yrs



5.5 yrs

Unsurprisingly given the breadth of health and other benefits generated by physical activity, measures to increase levels of participation will link to and support a range of Council priorities and strategies over and above the Health & Wellbeing Strategy and involve a wide-range of Council services. Hence this Leisure Strategy directly links to and supports delivery of a number of strategic priorities to deliver our Community Vision, in particular with a focus on:

- Enriching Lives: enjoyment, achievement (including sporting excellence), fulfilment, social interaction and community cohesion;
- Clean, Green and Safe Places: a range of high quality open-spaces and country parks, play areas and outdoor sports facilities providing choice and accessibility to all;
- Safe, Strong Communities: interaction, socialisation and helping communities to thrive.
- Keep the Borough Moving: an extensive network of footpaths and cycle ways connecting people with places they want to go and encouraging widespread adoption of 'active travel' options.

Whilst a different focus, there are also links to the Borough's Cultural Strategy, particularly in relation to the shared use of venues and country parks, creating animated spaces and delivering a high quality of life that supports well-being, thriving communities and economic success.

Appendix 2: Testimonials

LTH gym

"I wanted to write to thank for your help in getting me back to fitness after my serious cycling injury. I remember when I first walked into the gym a year or so ago. I could only walk short distances and serious exercise seemed a long way off. Your advice and guidance in the Long Term Health Conditions Programme run by Wokingham BC has made an enormous difference to my ability to get back to leading a normal life. Here I am a year later and I have joined the local gym so that I can maintain and further improve my current fitness. Without the LHCP gym this just wouldn't have happened."



Circuits – GP referral

"Monday circuits at Bulmershe. A fun way to push your boundaries, attending this has built up my fitness levels, cycled 24 mile round trip in France and ditched the bus pass in favour of walking from Woodley to Reading! Lower back class at Bulmershe is extremely beneficial in getting rid of those niggling pains, certainly helps with weeding"

Lower back class – GP referral

"Just wanted to say how much I enjoy the Lower Back Class when I'm well and able to attend. Due to a change in my diagnosis, I am now unable to do treadmill or gym work, but the Lower Back class enables me to take things at my own pace and not over exert myself".

GP referral

"I was put on the GP referral course following the 12 week Macmillan course after my cancer treatment had finished. There were only a couple of the classes that I could attend, Badminton being one of them. I have to say I thoroughly enjoy these classes. Before my diagnosis the only exercise I got was walking my Dog. Now, after joining the referral programme which I started in April 2016 i have lost three stone in weight and changed my eating habits. The badminton is especially good for me as I had my lymph nodes removed and get a lot of pain and stiffness in my right arm and I find it so much better after playing Badminton. Kirk is a very good motivator and is always giving tips and encouragement when needed. It is a good group of people who do not take it too seriously. At the end of the day if you can exercise and enjoy yourself whilst doing it then it cannot be a bad thing. I for one would be most disappointed if the classes were cancelled."



Appendix 2: Testimonials

Aqua

"I love the aquafit on a Tuesday evening. This class got me moving at a point when, following a major Achilles operation and some 9 plus months on crutches some years ago, I was very concerned when asked to join the GP scheme about doing a normal gym type class where my full weight would be on my Achilles. Aga is a great teacher so that you can tell if you are doing something wrong (and her reminders of what you should not do help you to put things right when you don't have the right stature etc.) As someone who is struggling with weight-loss and to improve fitness levels alongside that, I find these classes have helped me with the transition from previously doing very little exercise to become more supple and building my core muscles – again all helping with the weight loss."



THANK YOU.
What a brilliant idea!
I'll be having a go at these,
especially the Tai Chi.
(RE SHINE Virtual)

Many Thanks for doing this I
can assure you it will make a
HUGE difference to many of
us Well Done Shine

Thank you this is really
excellent ! Had a go at the
Standing exercise this
morning, really, really good.
Thank you so much

Dear Shine Team,
This is fantastic - thank you
all so much - admin,
teachers, everyone!
Best wishes to you all
(RE SHINE Virtual)

I was so pleased to get this to add to my daily
routine during the lockdown.
Walking for an hour around a smallish garden
can be a bit boring so thank you
for thinking of this video link to exercise - I
usually attend one of Sonias
classes, it was much appreciated

Thanks everyone,
We have been doing the tai
chi and thoroughly enjoying
it. We are also going to do
others. Much appreciated.

Hi there, Many thanks for
your email. What a great
idea. Well done the SHINE
team, Best wishes
(RE SHINE Virtual)

Thank you team and
especially Sonia, I have
really missed my class on
Wednesday.
Lovely to have her in my
home. Keep well everyone's
(RE SHINE Virtual)

I would like to congratulate you and
Sonia on the
excellent Standing exercise you tube
video. Please let Sonia know how much I
appreciating this after 3 weeks of no
Zumba gold, no looking after 1 year old
and no carrying shopping!
(RE SHINE Virtual)

Appendix 3: Consultations

Leisure Strategy Consultation Timeline

Objective – To consult with all residents, key stakeholder groups (sports clubs, sports council, national governing bodies (e.g. Football foundation), GBA, PFP), Health Partners, Town and Parish councils, staff and councillors on updated Leisure strategy. This will then feedback to create the final version of the strategy.

ACTION	TIMESCALE
<ul style="list-style-type: none"> Finalise and issue consultation survey – Link to all social media platforms, internal comms, add to news centre, push to all key groups as listed above (encouraging to share on their platforms/groups). Link the above with comms on timelines/messages to promote survey. 	APRIL/MAY/JUNE
<ul style="list-style-type: none"> Attend town centres – Wokingham/Woodley – encourage face-to-face consultation 	APRIL/MAY WEEKENDS (COVID DEPENDANT)
<ul style="list-style-type: none"> Promote through existing physical activity programmes/Leisure provider (PFP marketing tools and platform). 	APRIL/MAY/JUNE
<ul style="list-style-type: none"> Promote through attended key groups – Such as – (Health and wellbeing sub group, Sports Council, Football Foundation, Get Berkshire Active, Volunteer groups). 	APRIL/MAY/JUNE
<ul style="list-style-type: none"> Issue survey link to all town and parish council Clarks – offering to attend a meeting to promote the consultation. 	APRIL/MAY

Appendix 4: New Developments

Carnival Pool



Virtual Classes



Arborfield Primary 3G



Classes in the Park



Cantley Park 3G



Priority One – Health and Wellbeing (General)

Increase	Decrease/Reduce
<ul style="list-style-type: none"> • Proportion of more physically active adults meeting the guidelines of the Chief Medical Officer (completing 150 mins exercise of moderate intensity or 75 mins of vigorous intensity/week). • The activity levels for children and young people more broadly. • Ensuring effective provision of facilities & open-space for new & existing communities through the planning process. 	<ul style="list-style-type: none"> • The proportion of adults physically inactive (completing <30 minutes of physical activity/week). • The proportion of adults classified as overweight or obese • The proportion of children and young people who are physical inactive • The proportion of overweight & obese children and young people.

Actions	Year One	Project Lead	Year 2	Project Lead	Year 3	Project Lead
Increase the number of active adults completing more than 30 mins of exercise/activity per week	Ensure actions are achieved under all the targeted priorities within the action plan.	Sport and Leisure	Ensure actions are achieved under all the targeted priorities within the action plan.	Sport and Leisure	Ensure actions are achieved under all the targeted priorities within the action plan.	Sport and Leisure
	Monitor local activity levels – Public Health Indicators/Sport England.	Sport and Leisure/Public Health	Monitor local activity levels – Public Health Indicators/Sport England.	Sport and Leisure/Public Health	Monitor local activity levels – Public Health Indicators/Sport England.	Sport and Leisure/Public Health
	Create and deliver action plans targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Sport and Leisure/Health and Wellbeing board	Create and deliver action plans targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Sport and Leisure/Health and Wellbeing board	Create and deliver action plans targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Sport and Leisure/Health and Wellbeing board
Reduction of overweight or obese adults	Support and help deliver with Public Health a targeted offering within our leisure setting (exercise/nutrition) targeting new and existing members.	Public Health/Sport and Leisure	Review of targeted offering in line with new Public Health commissioned healthy weight service/supporting and working alongside to promote any new or continued offering.	Public Health/Sport and Leisure	Continuation of healthy weight offering – supporting Public Health in the delivery and attendance.	Public Health/Sport and Leisure
211 Increase activity levels for children and young people	Review partnerships with schools for holiday clubs/before and after school clubs/PPA provisions/sport specific camps to increase offerings.	Sport and Leisure	Implement/continue with partnership working with schools.	Sport and Leisure	Implement/continue with partnership working with schools.	Sport and Leisure
	Increase attendance of holiday clubs and sport specific camps – linking with schools/increased marketing/key internal teams (children’s/housing).	Sport and Leisure	Increase attendance of holiday clubs and sport specific camps – linking with schools/increased marketing/key internal teams (children’s/housing).	Sport and Leisure	Increase attendance of holiday clubs and sport specific camps – linking with schools/increased marketing/key internal teams (children’s/housing).	Sport and Leisure
	All new facilities and programmes where possible to include a children and young people offering.	Sport and Leisure	All new facilities and programmes where possible to include a children and young people offering.	Sport and Leisure	All new facilities and programmes where possible to include a children and young people offering.	Sport and Leisure
	Continue with existing offerings - free school swim/care leavers/foster children/youth offenders/free holiday clubs places for those most in need for housing tenant children/swim school/family swim sessions/family and young people gym memberships.	Sport and Leisure/Leisure Provider	Continue with existing offerings - free school swim/care leavers/foster children/youth offenders/free holiday clubs places for those most in need for housing tenant children/swim school/family swim sessions/family and young people gym memberships.	Sport and Leisure/Leisure Provider	Continue with existing offerings - free school swim/care leavers/foster children/youth offenders/free holiday clubs places for those most in need for housing tenant children/swim school/family swim sessions/family and young people gym memberships.	Sport and Leisure/Leisure Provider
	Work in collaboration with WBC School Games Organiser to support/promote and encourage attendance and participation by schools.	Sport and Leisure/Games Organiser	Work in collaboration with WBC School Games Organiser to support/promote and encourage attendance and participation by schools.	Sport and Leisure/Games Organiser	Work in collaboration with WBC School Games Organiser to support/promote and encourage attendance and participation by schools.	Sport and Leisure/Games Organiser
	Work with our Youth Council and community teams to develop new programmes/facilities to encourage increased attendance in young children/teenagers.	Sport and Leisure	Continue with existing offerings and review with our key teams to ensure still fit for purpose.	Sport and Leisure	Continue with existing offerings and review with our key teams to ensure still fit for purpose.	Sport and Leisure

KPI:

- A reduction in the number of adults physically inactive (completing less than 30 minutes of physical activity a week).
- A reduction in the number of adults classified as overweight or obese.
- An increase in the activity levels for children and young people.

Priority Two – Raising Participation and Reducing Levels of Inactivity (Targeted)

Increase	Expand	Focus
<ul style="list-style-type: none"> Engagement and the number of programmes that reduce social isolation. The availability and take-up of targeted sessions for those in ethnic minority communities. Engagement with & participation rates for all groups where current levels are below average and to reduce the health and wellbeing gap, including those experiencing poverty and other dimensions of deprivation. 	<p>The range of mental health & emotional wellbeing programmes & the number of beneficiaries.</p>	<ul style="list-style-type: none"> Focused initiatives to engage children in care and looked after children. Ensure appropriate provision to ensure accessible opportunities for people of all ages with disabilities. Use physical activity opportunities to help tackle local health inequalities

Actions	Year One	Project Lead	Year Two	Project Lead	Year Three	Project Lead
Increase the number of social isolation programmes and ageing residents.	Re-introduce 'Moving with Confidence' programme (targeting older residents that have deconditioned and identified from ASC/VS and offer 1:1 sessions with falls prevention exercises).	Sport and Leisure	Evaluation of 'Moving with confidence' with ASC to establish the future of the programme.	Sport and Leisure	A full review of all programmes against local need and attendance and outcomes of programmes.	Sport and Leisure
	Attend and contribute to Health and Wellbeing sub board – Social Isolation – ensuring programmes delivered meet the needs of the board.	Sport and Leisure/Public Health	Continue to attend and represent at the Health and Wellbeing sub board – Social Isolation.	Sport and Leisure/Public Health	Continue to attend and represent at the Health and Wellbeing sub board – Social Isolation.	Sport and Leisure/Public Health
	Review current/future programmes and targeted events and work with key groups (PH/ASC/Care home/VS/External providers) for re-introduction of activities post COVID shielding.	Sport and Leisure	Continue to grow and deliver programmes, utilising new developments such as Carnival Pool.	Sport and Leisure	A full review of all programmes against local need and attendance and outcomes of programmes.	Sport and Leisure
	Represent and work with the VS group to promote programmes and encourage joint working such as – friendship alliance social groups in our venues/referrals to and from both groups to encourage participation.	Sport and Leisure	Continue to represent and work with VS group.	Sport and Leisure	A full review of all programmes against local need and attendance and outcomes of programmes.	Sport and Leisure
	Review existing programmes for older people such as SHINE, health walks and active ageing to ensure meeting the needs in activities offered and accessibility, utilising our volunteers to encourage participation.	Sport and Leisure	Review sessions offered, growing the number of sessions and venues.	Sport and Leisure	A full review of all programmes against local need and attendance and outcomes of programmes.	Sport and Leisure
Targeted sessions for those in Black, Asian and Minority Ethnic community working with leisure provider.	Review current programme of activities and look to identify sessions/set targets that are popular with Black, Asian and Minority Ethnic communities working with the Black, Asian and Minority Ethnic Lead and Forum with increased targeted advertising. Incorporating the key objectives within the Wokingham Equality Plan.	Leisure Provider/Sport and Leisure	Review sessions offered and popularity/look to re-introduce active communities role/incorporating new developments such as Carnival Pool.	Leisure Provider/Sport and Leisure	Expand number of sessions delivered and explore delivering within Black, Asian and Minority Ethnic community settings.	Leisure Provider/Sport and Leisure
	Attendance at the Health and Wellbeing Board sub board – Physical Activity to identify need and activities with the Black, Asian and Minority Ethnic lead.	Leisure Provider	Continue to attend and represent at the Health and Wellbeing sub board – Physical Activity.	Leisure Provider	Continue to attend and represent at the Health and Wellbeing sub board – Physical Activity.	Leisure Provider
Promote and increase participants working jointly with housing, community development, adult social care, Town and Parish councils and children services to reduce health and wellbeing gap.	Have key groups attend Health and Wellbeing Board sub board – Physical Activity to ensure a good cross working relationship and all parties are aware of what is being delivered and that it is meeting the needs of the residents.	Sport and Leisure	Have key groups attend Health and Wellbeing Board sub board – Physical Activity to ensure a good cross working relationship and all parties are aware of what is being delivered and that it is meeting the needs of the residents.	Sport and Leisure	Have key groups attend Health and Wellbeing Board sub board – Physical Activity to ensure a good cross working relationship and all parties are aware of what is being delivered and that it is meeting the needs of the residents.	Sport and Leisure
	Sport and Leisure to represent at key boards and groups for each area to ensure targeted programmes/sessions are promoted and teams are aware of subsidised/reduced cost sessions.	Sport and Leisure	Sport and Leisure to represent at key boards and groups for each area to ensure targeted programmes/sessions are promoted and teams are aware of subsidised/reduced cost sessions.	Sport and Leisure	Sport and Leisure to represent at key boards and groups for each area to ensure targeted programmes/sessions are promoted and teams are aware of subsidised/reduced cost sessions.	Sport and Leisure
Develop relationships with medical professionals to increase awareness and resident participation.	Regular attendance at Wokingham Multi-disciplinary working group, operational working groups with re-enablement team to discuss programmes/referrals. Regular communication with health professionals that link with our programmes – Cardiac Nurses/Stroke association/Physios/GP's.	Sport and Leisure				
	Awareness sessions held in GP practices to promote programmes.	Sport and Leisure				

KPI:

- If there is an Increase in participation rates and satisfaction for all groups where current levels are below average and to reduce the health and wellbeing gap.

Priority Three – Indoor Leisure facilities

Increase/Maintain
<ul style="list-style-type: none"> • High quality facilities maintained to a high standard. • Flexible new and established facilities that meet growing & changing demand over time. • Increasing footfall and levels of use. • Identify and address barriers to accessing activity

Actions	Year One	Project Lead	Year Two	Project Lead	Year Three	Project Lead
Produce flexible new and established facilities that meet growing and changing demand over time. <div style="text-align: center; font-size: 2em; font-weight: bold;">213</div>	Ensure facilities remain to a good standard in line with the contract requirements and standards.	Sport and Leisure/Leisure Provider	Re-opening of Carnival Pool including a new Long Term Health Gym.	Sport and Leisure/Operational Property services	Review of new facilities (Cantley Park/Boxing Fitness Hub) to ensure they are still meeting the proposed outcomes.	Sport and Leisure
	Set key targets to increase footfall in all facilities, to be reviewed quarterly.	Sport and Leisure/Leisure Provider	Set key targets to increase footfall in all facilities, to be reviewed quarterly.	Sport and Leisure/Leisure Provider	Set key targets to increase footfall in all facilities, to be reviewed quarterly.	Sport and Leisure/Leisure Provider
	Review attendance for targeted groups in line with the actions in 'raising participation levels for targeted groups'.	Sport and Leisure	Review attendance for targeted groups in line with the actions in 'raising participation levels for targeted groups'.	Sport and Leisure	Review attendance for targeted groups in line with the actions in 'raising participation levels for targeted groups'.	Sport and Leisure
	Review offerings by leisure provider and those programmes delivered by the sport and leisure, ensuring they still match with the services required (1:1 reviews with participants, surveys, APSE data, consultations with key groups and in house teams).	Sport and Leisure/Leisure Provider	Review offerings by leisure provider and those programmes delivered by the sport and leisure, ensuring they still match with the services required (1:1 reviews with participants, surveys, APSE data, consultations with key groups and in house teams).	Sport and Leisure/Leisure Provider	Review offerings by leisure provider and those programmes delivered by the sport and leisure, ensuring they still match with the services required (1:1 reviews with participants, surveys, APSE data, consultations with key groups and in house teams).	Sport and Leisure/Leisure Provider
	Re-development of Cantley Park Pavilion	Sport and Leisure			Complete full review of facilities around the Borough and identify any gaps or potential for new facilities.	Sport and Leisure
	Expand facilities – New boxing fitness hub.	Sport and Leisure				

KPI:

- Attendance levels are high within facilities and through feedback/consultation and monitoring ensure the facilities are meeting the growth and demand over time.

Priority Four – Outdoor Spaces

Grow and Develop	Increase
<ul style="list-style-type: none"> •The formal and informal use of a high quality interconnected network of outdoor spaces, including country parks, ‘greenways’ and children’s play facilities. • Develop and increase physical activity sessions offered in outdoor spaces and the associated numbers participating. • The number of organised outdoor public events and overall attendance. • Playing Pitch strategy to meet future demand and to secure investment. 	Increase the number of clubs accessing and utilising outdoor spaces.

Actions	Year One	Project Lead	Year 2	Project Lead	Year 3	Project Lead
Grow the number of organised outdoor public events and overall attendance.	Review existing events and identify gaps for events that can increase attendance – developed space for PT sessions, increased outdoor classes for sport and leisure programmes/school games.	Sport and Leisure	Review existing events and identify gaps for events that can increase attendance including expansion of PT area/ and increase of outdoor sessions/school games.	Sport and Leisure	Continue with existing offerings to ensure regular attendance.	Sport and Leisure
	Continue with existing offerings to ensure regular attendance.	Sport and Leisure	Continue with existing offerings to ensure regular attendance.	Sport and Leisure	Full review on services to ensure they still meet needs and demand.	Sport and Leisure
	Add a winter programme to Cantley Park to include an Ice rink for use by all ages.	Sport and Leisure	Review winter programme at Cantley Park to include an Ice rink for use by all ages to establish if event a success and repeat again.	Sport and Leisure		
Increase the number of clubs accessing and utilising outdoor spaces.	Maintain existing facilities in line with Football Foundation recommendations to ensure continued use.	Sport and Leisure	Maintain existing facilities in line with Football Foundation recommendations to ensure continued use.	Sport and Leisure	Maintain existing facilities in line with Football Foundation recommendations to ensure continued use.	Sport and Leisure
	Add 3G pitch at Arborfield Primary School.	Sport and Leisure	Sport Hub at Arborfield Green – Cricket wicket, football pitches, pavilion/tennis courts.	Sport and Leisure/Operational Property services	Refresh of the play and pitch strategy	Sport and Leisure
			Sports Hub – 3G pitches, football pitches, cricket wicket – Grays farm	Sport and Leisure/Operational Property services		
High quality interconnected network of outdoor spaces, including country parks, ‘greenways’ and children’s play facilities.	Redevelopment of Cantley Park – Pavilion/3G pitch/maintenance work on existing grass pitches/cricket wicket/new play park/additional parking.	Sport and Leisure/Operational Property services	Redevelopment of Cantley Park – Pavilion/3G pitch/maintenance work on existing grass pitches/cricket wicket/new play park/additional parking.	Sport and Leisure/Operational Property services	Full review on services to ensure they still meet needs and demand.	Sport and Leisure

KPI:

- An increase in the number of physical activity sessions offered in outdoor spaces and the associated numbers participating.

Priority Five – Sporting Excellence

Increase	Build	Promote
Increase the number of sport sponsorship participants performing at a high level (county and national standard).	A thriving and diverse network of sports clubs catering for all levels of ability and providing pathways from grassroots to elite.	Promoting and supporting volunteering to underpin widespread access to opportunities and progression pathways to all.

Actions	Year One	Project Lead	Year 2	Project Lead	Year 3	Project Lead
Increase the number of sport sponsorship participants performing at a high level (county and national standard).	Continue to offer sport sponsorship funding/parish council match funding to those eligible.	Sport and Leisure	Continue to offer sport sponsorship funding/parish council match funding to those eligible.	Sport and Leisure	Continue to offer sport sponsorship funding/parish council match funding to those eligible.	Sport and Leisure
	Targeted promotion/comms for local sporting groups to help identify and encourage sponsorship applications.	Sport and Leisure	Targeted promotion/comms for local sporting groups to help identify and encourage sponsorship applications.	Sport and Leisure	Targeted promotion/comms for local sporting groups to help identify and encourage sponsorship applications.	Sport and Leisure
	Organisation and attendance of annual sport awards for WBC residents – showcase talent/networking and rewards presented.	Sport and Leisure	Organisation and attendance of annual sport awards for WBC residents – showcase talent/networking and rewards presented.	Sport and Leisure	Organisation and attendance of annual sport awards for WBC residents – showcase talent/networking and rewards presented.	Sport and Leisure
Working in partnership with sport clubs to secure a pathway for excellence.	Attendance/Member of Sports Council to work with local clubs in identifying individuals for sponsorship/free use of leisure centres for training.	Sport and Leisure/Sports Council	Attendance/Member of Sports Council to work with local clubs in identifying individuals for sponsorship/free use of leisure centres for training.	Sport and Leisure/Sports Council	Attendance/Member of Sports Council to work with local clubs in identifying individuals for sponsorship/free use of leisure centres for training.	Sport and Leisure/Sports Council

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- Achieve an increase in sport sponsorship participants.

Priority Six – Active Travel

Increase
<ul style="list-style-type: none"> • Increase the proportion of adults and young people walking for travel at least three days per week. • Increase the proportion of adults and young people cycling for travel at least three days a week

Actions	Year One	Project Lead	Year 2	Project Lead	Year 3	Project Lead
Increase the proportion of adults and young people walking for travel at least three days per week.	Support Schools and Transport Team to deliver key initiatives targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Active Travel/Sport and Leisure	Support Schools and Transport Team to deliver key initiatives targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Active Travel/Sport and Leisure	Support Schools and Transport Team to deliver key initiatives targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Active Travel/Sport and Leisure
	Represent and Input for into local development plans to encourage walking routes to leisure and sporting facilities.	Active Travel/Sport and Leisure	Represent and Input for into local development plans to encourage walking routes to leisure and sporting facilities.	Active Travel/Sport and Leisure	Represent and Input for into local development plans to encourage walking routes to leisure and sporting facilities.	Active Travel/Sport and Leisure
Increase the proportion of adults and young people cycling for travel at least three days a week	Support Schools and Transport Team to deliver key initiatives targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Active Travel/Sport and Leisure	Support Schools and Transport Team to deliver key initiatives targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Active Travel/Sport and Leisure	Support Schools and Transport Team to deliver key initiatives targeting increased activity within the Health and Wellbeing sub board – Physical Activity.	Active Travel/Sport and Leisure
	Represent and Input for into local development plans to encourage cycle routes to leisure and sporting facilities/ensuring bike storage available.	Active Travel/Sport and Leisure	Represent and Input for into local development plans to encourage cycle routes to leisure and sporting facilities/ensuring bike storage available.	Active Travel/Sport and Leisure	Represent and Input for into local development plans to encourage cycle routes to leisure and sporting facilities/ensuring bike storage available.	Active Travel/Sport and Leisure

£16

- Increased number of residents walking/cycling within the Borough.

Priority Seven – Financial Sustainability/ Commercialisation of facilities

Priorities	Grow and Develop
<ul style="list-style-type: none"> • Maximise income generated by and the viability of sports and leisure facilities • Maximise external funding from all potential sources, e.g. Sports England, national sports governing bodies, CIL. • Maximising income generation from country parks by increasing visitor numbers and spend per customer. 	<ul style="list-style-type: none"> • Further develop income generation programmes including sports, leisure and cultural activities. • Generating income from expanding the range of outdoor sports and outdoor events across country parks.

Actions	Year One	Project Lead	Year 2	Project Lead	Year 3	Project Lead
Maximise income generated by and the viability of sports and leisure facilities	Review pricing structures for programmes/ allowing improved services and increasing income.	Sport and Leisure	Expanding partnerships with schools for holiday clubs/before and after school clubs/PPA provisions/sport specific camps.	Sport and Leisure	Review all income generation programmes and facilities to ensure meeting targets and outcomes to identify any gaps.	Sport and Leisure
	Identify new programmes and events within existing facilities – 5 aside football, health and wellbeing sessions (general health/mental health/nutrition)	Sport and Leisure	Expanding SHINE programme to non-residents.	Sport and Leisure		
	Identify new trends and gaps in programmes currently delivered.	Sport and Leisure				
Maximise external funding from all potential sources, e.g. Sports England, national sports governing bodies, CIL.	Represent on governing bodies and internal teams (PH/CIL) where funding can be received, ensure all relevant bids are completed to ensure all potential funding is received.	Sport and Leisure	Represent on governing bodies and internal teams (PH/CIL) where funding can be received, ensure all relevant bids are completed to ensure all potential funding is received.	Sport and Leisure	Represent on governing bodies and internal teams (PH/CIL) where funding can be received, ensure all relevant bids are completed to ensure all potential funding is received.	Sport and Leisure
Maximising income generation from country parks by increasing visitor numbers and spend per customer.	Opening of new Cantley Café at Cantley Park.	Sport and Leisure	Look to expand outdoor sport to activities such as Athletics/cricket/outdoor basketball/touch rugby.	Sport and Leisure	Review all country parks income generation programmes and facilities to ensure meeting targets and outcomes to identify any gaps.	Sport and Leisure
	Identify sporting activities to expand outdoor sport activities and facilities.	Sport and Leisure	Expand Cantley Café – hiring to groups to use outdoor/indoor facilities.	Sport and Leisure		

KPI:

- A growth in the number of organised public events throughout the year.
- An increase in the number of sports clubs using our facilities.
- Income targets are reached.

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Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	19.02.21
Service:	Strategy and Commissioning (Place)
Project, policy or service EQIA relates to:	Draft Leisure Strategy
Completed by:	Susan Bentley
Has the EQIA been discussed at services team meeting:	19/2/21
Signed off by:	Beverley Thompson
Sign off date:	19/2/21

1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change , its expected outcomes and how does it relate to your services corporate plan:

The existing Leisure strategy created in 2017 is to be refreshed in line with current service and council plans. The strategy plays a key part in the council's community vision by supporting physical activity and sports supporting the physical and emotional well-being of the Borough's people and communities as is also explicitly recognised in the Joint Health & Wellbeing Strategy 2018 -2021. The strategy is closely aligned with key priority and outcomes; promoting health and wellbeing (general), raising participation and reducing levels of inactivity (targeted), maintain and extend accessibility to Indoor leisure facilities, maintain and extend accessibility to outdoor spaces, fostering enjoyment and sporting excellence (pathways), raising levels of active travel and ensure financial sustainability.

Further developing partnership working with external stakeholders is also key to support the expected outcomes of the strategy, stakeholders range from national, sub regional and local organisations as well as other public, voluntary and private sector partners.

The strategy will also align closely with Sport England's five-year national strategy in May 2016, responding to the Government's Sporting Future strategy and has a stronger focus on reaching those who are least active and helping to deliver the strategy's wider outcomes. Public Health also play a key part with Public Health England providing a strong influence on policy and practice nationally with regard to promoting increased levels of physical activity providing. They also have a strong evidence base of what works and are a key source of data for informing local strategies and priorities of which is detailed in the strategy.

The decision has been taken at this stage by the Executive is to approve a draft strategy for extensive consultation with stakeholders, including the general public. Consultation has the potential to highlight any concerns or issues for all communities and stakeholders of interest or place in the Borough. The strategy will go back in Autumn for final sign off with executive.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members ect) have/will be consulted and informed about the project or changes:

The Strategy has been developed involving officers from a range of internal services including CLT which provided sign off from all directors. The draft strategy will be considered by the Executive on the 26th March and requested to approve as a draft for extensive consultation through April to June 21. A cross-council officer steering group is being established to take the strategy and implementation forward and will report through to the member working group on a regular basis.

Outline who are the main beneficiaries of the Project, policy change or service change?

The primary beneficiaries are the general population within and outside of the borough (employees and employers) and external stakeholders including national, sub regional and local organisations as well as other public, voluntary and private sector partners. A key aim of the strategy is to deliver, support and develop physical activity and emotional wellbeing across the borough and to all communities.

Secondary reputational and economic benefits extend to the business community.

Outline any associated aims attached to the project, policy change or service change:

The key priorities within the strategy are as follows:

1. Promoting health and wellbeing (general)
2. Raising participation and reducing levels of inactivity (targeted)
3. Maintain and extend accessibility to Indoor leisure facilities
4. Maintain and extend accessibility to outdoor spaces
5. Fostering enjoyment and sporting excellence (pathways)
6. Raising level of active travel
7. Ensure financial sustainability

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	Positive	The strategy will promote equality of opportunity between diverse communities and to enhance their participation physical activity and wellbeing.
Gender:	No impact	It is considered that the strategy will support all genders in its offerings and will not adversely affect any one gender more than another.
Disabilities:	Positive	Provision will be made to meet the needs of all segments allowing access to services and programmes within the leisure offerings.
Age:	Positive	The strategy provides an offering for a mixture of age groups and abilities in which has very significant health benefits of physical activity are universal, from the very young to the elderly - helping to raise achievement in schools, enabling self-care for those with long-term conditions and helping to prevent mental and physical illness across all age-groups.
Sexual orientation:	No impact	Potentially access to a wider range of leisure opportunities.
Religion/belief:	No impact	Potentially access to a wider range of leisure opportunities.
Gender re-assignment:	No impact	Potentially access to a wider range of leisure opportunities.

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Pregnancy and Maternity:	No impact	Potentially access to a wider range of leisure opportunities.
Marriage and civil partnership:	No impact	Potentially access to a wider range of leisure opportunities.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by....

Date:....

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TITLE	Whole Council Elections
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Leader of the Council - John Halsall

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The purpose of the report is to consider whether to recommend to full Council the launch of a consultation on moving to whole council elections.

RECOMMENDATION

That the Executive agree to recommend to Council the launch of a consultation with stakeholders on moving to a whole council (all-out) electoral cycle.

EXECUTIVE SUMMARY

The Council currently elects by thirds which means that borough elections are held in three out of every four years.

Of the 52 English unitary authorities, Wokingham BC is one of only 16 remaining councils that elect by thirds. The recent Local Government Association Corporate Peer Challenge recommended that the Council consider the case for moving to whole Council elections. In addition, the Local Government Boundary Commission for England who are undertaking an electoral review in 2022 of warding arrangements so it is timely for the Council to consider in the first part of 2022 whether to change its electoral arrangements.

There are significant tangible financial benefits of £316,000 in moving to whole Council elections compared to the current arrangements. The Chief Financial Officer (CFO) has quantified additional, less tangible, benefits in excess of £4m over the 4 year period, arrived at following consultation with the Council's senior leadership team. This is not intended to be a calculation of precision but is intended to provide an indication of the hidden costs of disruption associated with an annual elections cycle. There is also evidence to indicate that whole Council elections provide for better longer-term decision making.

If Executive decides to recommend to Council to commence a consultation on changing electoral arrangements, the consultation would be held in February/March with the results to be considered and a decision taken by a special meeting of Council in late June/early July 2022. Council's decision in February to undertake a consultation requires a simple majority. Council's decision in late June/early July requires a two thirds majority to change the current arrangements.

It should be noted that, regardless of the Council's decision on all-out elections, there will be whole Council elections in 2024 following the Boundary Commission's review of electoral arrangements.

BACKGROUND

- 1.1 The legislation governing the move to whole council (all out) elections is contained within the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011. The Acts give councils the power to decide whether to move to whole council elections, or back to elections by halves or elections by thirds (if they have elected this way at some point since 1 April 1974). The Council cannot move to a 'halves' electoral cycle as it has not elected this way in the past.
- 1.2 The most recent Local Government Boundary Commission for England (LGBCE) data shows that, amongst the 52 unitary English authorities, 36 elect on a whole-council basis, and 16 elect by thirds.
- 1.3 Within Berkshire, Wokingham BC, Reading BC, and Slough BC elect by thirds although Slough BC is currently consulting with stakeholders on a proposed move to whole-council elections.
- 1.4 The Council is about to embark on a LGBCE review of warding arrangements in the Borough. This will assess both the numbers of Councillors and the warding arrangements. While the decision on the electoral cycle is the Council's alone there will clearly be an impact on the LGBCE review.
- 1.5 If the Council decides to move to whole council elections the LGBCE will be able to maintain one-, two- and three-member warding arrangement as at present. If the Council retains election by thirds the LGBCE will need to create wards that all comprise three members. Regardless of the decision in this paper about whole Council elections, the work of the LGBCE will result in all-out elections in 2024.

BENEFITS OF WHOLE COUNCIL ELECTIONS

- 2.1 There is a limited amount of research on the subject of different electoral cycles and their benefits, however the Electoral Commission conducted research in 2003 on the subject of local government electoral cycles, which is attached at Appendix A, and which concluded that whole council elections would provide a clearer and more equitable system of voting for electors in the area.
- 2.2 The research focusses primarily on promoting a consistent national pattern of local elections, which it claimed would help to focus national attention on local government issues.
- 2.3 The report goes on to discuss issues around clarity and understanding for electors, which it claims is reduced by a system that elects by thirds. Research conducted by MORI that forms part of the report highlights the level of misunderstanding amongst electors regarding who they are voting for, or how often they are expected to vote. This confusion increases amongst younger voters or those from black or minority ethnic groups which suggests there are equalities issues to consider when considering an appropriate electoral system.
- 2.4 Since 2003, there has been a notable shift by unitary councils from electing in thirds to whole council elections. The mostly frequently cited reasons for doing so

are the financial benefits and the argument that whole council elections aid better longer term decision making.

- 2.5 More recently in April 2021, a Best Value Report on Liverpool City Council by the Government Appointed Lead Inspector, Max Caller CBE, recommended that the City Council move from a thirds electoral system to a whole-council electoral system, noting that “LCC being in election mode every year provides less opportunity to scrutinise the Mayor’s actions...” and that a whole-council electoral system would provide LCC a better ability to have a “longer-term focus”.
- 2.6 It is also notable that Slough BC commenced a public consultation in December 2021 with a view to moving to whole council elections as part of its response to addressing its governance and financial difficulties.
- 2.7 Finally, Executive should note the recommendation reported in the Local Government Association’s Corporate Peer Challenge that took place in Wokingham BC in November 2021 that the Council should formally consider the benefits of moving to whole council elections.

CURRENT SYSTEM OF ELECTIONS BY THIRDS

- 3.1 The current system of electing by thirds means that 18 seats are elected every year in three out of four years.
- 3.2 The benefits of this system have in past been stated as providing greater stability for the Council in terms of its membership. Electing by thirds reduces the risk of wholesale change within the Council (although for some this may be desirable and so not a risk but an opportunity) and allows for succession planning because there is always a mixture of new and experienced councillors on the Council.
- 3.3 Additionally, electing by thirds provides the electorate a greater opportunity to be involved in decision-making at the Council, and arguments have been put forward that this makes councillors more democratically accountable.
- 3.4 Lastly, it has been stated that some smaller political parties would find it difficult to field enough candidates to contest all seats at an all-out election. However, electing by thirds does not, in and of itself, create a greater availability of candidates for any party, but those candidates who are willing to stand have more frequent opportunities to do so.
- 3.5 It has been suggested that electing by thirds ensures that knowledge on delivering elections is retained and maintained within the Electoral Services team. However, as there are a wide variety of electoral events that take place across the cycle (which use similar procedures and legislation) this would not have a significant impact on the training and/or expertise of the team.
- 3.6 Retaining election-by-thirds will require all wards to be three member wards. This will have a significant impact on the size of wards that are currently one and two Member wards and result in larger wards that will include communities that have previously had separate representation.

COSTS AND SAVINGS

- 4.1 As a Best Value authority, Members are required to consider the costs of services, and from time to time review those costs to ensure that the taxpayer is receiving best value for money.
- 4.2 It is the case that whole Council elections cost less to run than electing by thirds, in particular where those whole Council elections can be combined with other significant elections such as the Police and Crime Commissioner elections (as the costs for fixed entities such as polling stations, staff on polling stations, and sundries, are shared).
- 4.3 An example of the savings that could be achieved over a four-year period is set out at Appendix B. This shows that over the four-year cycle from 2024 to 2027 the authority would save over £316,000 by not holding Borough elections in 2026 or 2027.
- 4.4 The Chief Financial Officer has quantified additional, less tangible benefits in excess of £4m over the 4 year period, arrived at following consultation with the Council's senior leadership team. This is not intended to be a calculation of precision but is intended to provide an indication of the hidden costs of disruption associated with an annual elections cycle.

PROCESS FOR WHOLE COUNCIL ELECTIONS

- 5.1 If the Executive wishes to consider moving to whole-Council elections there are certain steps that must be taken, which are required by the legislation.
- 5.2 The decision itself to commence a consultation would need to be taken by full Council under section 33(2) of Local Government and Public Involvement in Health Act 2007.
- 5.3 The Council must take reasonable steps to consult with those it thinks appropriate on the proposed change. For Wokingham BC, this would certainly mean with members themselves, political parties, town and parish councils who would be consequentially affected by the change, the Members of Parliament for the area, the public, and potentially nearby authorities.
- 5.4 There may be other stakeholders the Council feels it is appropriate to consult with. Whilst the consultation period is not prescribed, it would need to be of a reasonable period, which has commonly been deemed as at least six weeks by this Council.
- 5.5 A draft consultation document is set out at Appendix C.

Decision-Making Process

- 5.6 Following the consultation, the results would need to be reported back to the Council for consideration, and should the Council be minded at that stage to

proceed with whole Council elections, a formal recommendation would need to be made to Full Council.

- 5.7 Under section 33(3) of the LGPIH Act 2007, the Full Council must then vote with a two thirds majority, to resolve to move the whole-Council elections. Should this happen, the resolution would establish whole Council elections from 2024. This would mean that those members who are elected in 2022 would hold a two-year term of office, and those members who are elected in 2023 would hold a one-year term of office. It should be noted that as a consequence of the electoral review, currently being carried out by the Boundary Commission, whole council elections will take place in 2024 anyway.
- 5.8 The resolution must be made at a special meeting of Full Council and state the year in which the first ordinary elections at which all councillors are elected will be held.
- 5.9 The benefit of starting the new whole council elections in May 2024 is that it synchronises the Council elections going forwards with PCC elections, thus always combining and sharing the cost of running the election with the PCC. This will increase the savings that can be achieved through running the elections combined with another election.

TOWN AND PARISH COUNCILS

- 6.1 The Council has the power to determine the electoral cycle for Town and Parish Councils in its area, and any move to whole council elections for the Borough would have an impact on town and parish councils, as in some years the Borough would not hold elections where town and parish elections were taking place. This would increase the costs for these councils as they would not be able to share the cost with the Borough.
- 6.2 Any changes to Town and Parish electoral areas or election cycles must take place through a Community Governance Review. However, as the Local Government Boundary Commission for England is currently undertaking an Electoral Review of the Borough, Community Governance Reviews for parish and town Councils cannot take place until this has been completed.
- 6.3 The Electoral Review is expected to take until the end of 2022, so any Community Governance Reviews would need to be scheduled to take place in 2023.

NEXT STEPS

- 7.1 If the Executive is minded to proceed with investigating the potential for whole-Council elections, the next step would be to recommend to Council to approve a public consultation on the terms set out at Appendix C with stakeholders as identified within this report, plus any other stakeholders the Executive or Council feels are appropriate through discussion.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

Other Financial Information

The longer term financial benefits of moving to Whole Council Elections are set out in the paper.

Stakeholder Considerations and Consultation

The next step would be to recommend to Council a public consultation on the terms set out at Appendix C with stakeholders as identified within this report, plus any other stakeholders the Executive/Council feels are appropriate through discussion.

Public Sector Equality Duty

The Electoral Commission report from 2002 references research which suggests that both younger age groups and those with an ethnicity other than white were less likely to know when local elections were taking place, and that moving to a nationwide pattern of all out elections would improve enfranchisement for these groups compared with those who do not share their characteristics. The Council is under a duty to advance equality of opportunity between persons who share a relevant protected characteristic (in this case age and ethnicity) and persons who do not share it. Moving to all out elections may provide an opportunity for the Council to positively impact on the opportunities of these groups to participate and vote in elections.

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*

There are no specific climate emergency issues to consider as part of this report.

List of Background Papers

Appendix A – Electoral Commission research 2003
Appendix B – Direct savings analysis
Appendix C – Draft Public Consultation document

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January 2004

The
Electoral
Commission

A photograph of a woman with blonde hair, wearing a red shirt, looking down at a white envelope she is holding. The background is a blurred indoor setting. In the foreground, a dark surface with the word 'BALLOT' printed on it is visible.

The cycle of local government elections in England

Report and recommendations

The Electoral Commission

We are an independent body that was set up by the UK Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the UK by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.

On 1 April 2002, The Boundary Committee for England (formerly the Local Government Commission for England) became a statutory committee of The Electoral Commission. Its duties include reviewing local electoral boundaries.

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Executive summary

Following a request made under the Political Parties, Elections and Referendums Act 2000 (PPERA) in January 2003, this report to the Deputy Prime Minister contains the findings of The Electoral Commission's review of the cycle of local government elections in England, and its recommendations for change to simplify the current cycle.

On 28 January 2003, The Electoral Commission received a formal request from the Deputy Prime Minister to 'review and submit a report to him on the cycle of local government elections in England, identifying options for change that would simplify the current cycle'. The Commission was also required to assess the desirability and practicality of any options for change, and make recommendations for the implementation of those options.

We published an evidence and consultation paper in July 2003, summarising the findings of research on public attitudes and awareness, electoral turnout and local authority performance, and seeking views on a range of questions. We received a total of 269 submissions to our consultation paper and attended a number of meetings to discuss issues in more detail.

Simplification and change

The current pattern of local electoral cycles in England is unclear and inconsistent, both between and within local authority types. There are wide variations in the opportunities available to electors to participate in local elections, depending on the area in which they live. This disjointed and inconsistent pattern of local electoral cycles has come about as a result of historical accident, and the piecemeal approach to structural change in local government during the past 30 years.

The apparent disparities and contradictions of the current pattern of electoral cycles are not, in themselves, of particular concern to us. However, our research has found significant evidence of confusion and misunderstanding which suggests that many electors simply do not know when or why local elections are held in their area. We are concerned that the complex current pattern of different local electoral cycles across England does not help electors to understand the opportunities open to them for participation in the democratic process.

We are also concerned that opportunities for access to the local democratic process should be equitable. It is fundamentally unfair and, in our view, unacceptable that within an individual local authority some electors may

have fewer opportunities to vote and influence the political composition of the authority than their neighbours in a different ward. It is clear that the current pattern of local government elections in England does not provide equal access to the democratic process for all electors, particularly in areas with partial council elections.

We consider that the pattern of local electoral cycles in England is unnecessarily complex and confusing, and that there is a strong case for simplification of the current arrangements. We note the important debate on the merits of diversity of practice in local government. However, we can see no good reason why one of the fundamental elements of local democracy should vary from area to area.

The Commission recommends that the cycle of local and sub-national government elections in England should follow a clear and consistent pattern, within and across local authorities. Individual authorities should not be permitted to 'opt out' of this pattern, and any newly created authorities should also follow the same pattern.

Recommendations for the local electoral cycle in England

Responses to our consultation underlined many of the arguments surrounding the debate for and against either whole council or partial elections. However, we received little new information or evidence to support respondents' positions. While we have sympathy with many of these arguments, the balance of evidence that we have considered suggests that whole council elections are more likely to provide clarity for electors and a degree of stability for local authorities.

We also consider that a key principle for the electoral cycle of local authorities should be to ensure that all electors are given the same opportunities for participation in the local democratic process. A more equitable pattern of electoral arrangements under elections by thirds would require a uniform pattern of three-member wards across authorities, or a uniform pattern of two-member wards with biennial elections.

Whole council elections would require no change to local authorities' current electoral arrangements.

However, The Boundary Committee for England has noted that the requirement to recommend a uniform pattern of three-member wards in metropolitan borough areas has caused specific difficulties when attempting to reflect community identities in some authorities. The Committee notes that the flexibility to recommend single-, two- or three-member wards enables it to more easily reflect local communities while continuing to provide good levels of electoral equality. Under a pattern of whole council elections, authorities would not be restricted to any particular ward size, since the entire electorate would be eligible to vote together once every four years.

Having taken into account the evidence and arguments presented during our consultation process, we have concluded that a pattern of whole council elections for all local authorities in England would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors.

The Commission recommends that each local authority in England should hold whole council elections, with all councillors elected simultaneously, once every four years.

Implementation

Our proposals for the implementation of our recommendations attempt to balance the need for a pragmatic approach to change with our desire to see timely reform of the local electoral cycle in England.

We considered several options for the implementation of our recommendations for change, and rejected an option under which all local government elections would take place in the same year. We considered that this proposal would diminish the important distinction between different local government elections taking place in the same area, and between the roles and responsibilities of local and sub-national government where it exists.

Our preferred approach to the implementation of our recommendation would balance simplicity and a

national focus on local government issues, with a clear distinction between different tiers of local or sub-national government. Under our recommendation all local government electors in England would have the opportunity to vote for their district, metropolitan borough, London borough or unitary council in the first year of the electoral cycle. Those electors in areas with other local or sub-national authorities would vote again two years later.

The Commission recommends that all local government electors in England should elect members of their district, metropolitan borough, London borough or unitary council simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, electors in areas with county councils, city-wide authorities or any future sub-national government should elect representatives to those bodies.

If the recommendations of this review are accepted by Government and Parliament, we will work with central and local government partners to identify the most appropriate approach to timely implementation.

1 Introduction

Following a request made under section 6(2) of the Political Parties, Elections and Referendums Act 2000 (PPERA) in January 2003, this report to the Deputy Prime Minister contains the findings of The Electoral Commission's review of the cycle of local government elections in England, and its recommendations for change to simplify the current cycle.

Background

1.1 In its white paper *Strong local leadership – quality public services*,¹ published in December 2001, the Government noted that:

The current cycle of local government elections is confusing. Some councils have elections once every four years while others have elections in three years out of four. It is too easy for electors to lose track of when elections are to be held or how many votes they have on any particular election day. And this arrangement can lessen the immediate impact of voters' behaviour on council control.

1.2 The Government went on to indicate in the white paper that it proposed to invite The Electoral Commission to review and recommend options to simplify the current cycle of local elections.

Request

1.3 Under the Political Parties, Elections and Referendums Act 2000 (PPERA), which established The Electoral Commission, the Secretary of State may request the Commission to review and report on any matter specified by him.² On 28 January 2003, the Commission received a formal request from the Deputy Prime Minister, pursuant to section 6(2) of PERA, to:

review and submit a report to him on the cycle of local government elections in England, identifying options for change that would simplify the current cycle.

Under the terms of the request, the Commission has also been required to assess the desirability and practicality of any options for change, and make recommendations for the implementation of these options.

1.4 The request specified that the Commission's report must be submitted to the Deputy Prime Minister no later than 12 months after the date of the request. It also outlined the scope and terms of reference to be considered by the Commission in its review. The full text of the request is included in Appendix 1 to this paper.

¹ Cm 5237.

² Section 6(2) Political Parties, Elections and Referendums Act 2000.

Scope and terms of reference

1.5 In undertaking this review, The Electoral Commission has carefully considered the scope and terms of reference that were outlined in the request submitted by the Deputy Prime Minister. Under the terms of the request, the Commission's report on the cycle of local government elections in England must include consideration of the normal elections for:

- principal authorities – districts (including unitary authorities and metropolitan boroughs), London boroughs and counties;
- the Greater London Authority (GLA);
- elected mayors; and
- parish councils.

1.6 While the terms of the request specify elections to the GLA, we have also considered it appropriate to take into account elections to potential future levels of sub-national government as well as any existing bodies.

1.7 In considering any options for change to the current cycle of local government elections, the Commission's recommendations might involve changes to:

- councillors' terms of office; or
- local authorities' electoral arrangements in England, including:
 - the number of councillors for the local authority area;
 - the boundaries of wards or divisions for the area; or
 - the number of wards or divisions for the area.

1.8 The Government's request also specified a range of matters to which the Commission must have regard in carrying out this review. These included, but were not limited to, consideration of the extent to which any options for change would:

- improve the democratic legitimacy and local accountability of councils;
- enable greater understanding of when elections are to be held and their purpose;

- be likely to improve participation in the electoral process;
- help facilitate the effective management of local authorities; and
- be facilitated by new ways of voting, including increased postal voting, electronic counting or multi-channel e-voting.

1.9 The Commission was also required to consider the relationship between different local government elections in related areas, and between local government elections and other elections in England (i.e., elections to the Westminster and European parliaments).

The Electoral Commission

1.10 This review has been carried out under the guidance of a project board including Sam Younger, Chairman of The Electoral Commission, Pamela Gordon, Commissioner and Chair of The Boundary Committee for England, and two Deputy Electoral Commissioners, Joan Jones CBE and Professor Michael Clarke CBE. However, the views presented in this report are those of The Electoral Commission alone, and do not necessarily reflect the opinions of project board members or others who have contributed to the review process.

2 Review process

From the outset of this review we have recognised that it was likely to provoke both interest and controversy, among the local government community in particular. We also acknowledged that there might be no straightforward 'right' answer to the issues involved. We have been especially keen to ensure that our recommendations are based on objective evidence, and that we have consulted widely.

Evidence

2.1 We noted at the outset of this review the importance of gathering objective evidence to complement the valuable views of stakeholders and consultation respondents. In particular, we were eager to gauge the views of the electorate, including both voters and non-voters. We asked MORI to undertake public survey research that would not simply explore electors' views and attitudes on the frequency of local elections in England, but would also explore in some depth their understanding and awareness of opportunities to vote in their local area.

2.2 The initial survey results provided a broad impression of perceptions of local government electoral arrangements. However, at the analysis stage, the answers given by respondents about their perceptions of local government elections were compared with details of the electoral cycle and arrangements in their area, to give a measure of levels of actual understanding and awareness. We summarised the key findings of this public perceptions study in our consultation paper, and the full text of the report from MORI has been made available to download on our website. The results of the study are discussed in more detail in chapter 3 of this report.

2.3 We also asked the Local Government Chronicle Elections Centre, University of Plymouth, to undertake a statistical analysis of the relationship between local government electoral cycles and turnout. Drawing on data from their historical database of local election results from the past 30 years, the Elections Centre was able to provide an assessment of the specific impact of the cycle or frequency of elections on turnout at local government elections. Again, the full text of the Elections Centre's report was made available to download on our website.

2.4 Finally, we undertook our own consideration of the Audit Commission's Comprehensive Performance Assessment (CPA) outcomes, to ascertain whether there were any discernible links between performance and different forms of electoral cycles. Our conclusions were published in the consultation paper published in July 2003.

Consultation

2.5 At the beginning of July 2003, we issued a consultation paper that brought together evidence on a range of issues, as detailed above, and sought views and comments on a number of questions. The paper was sent to the Chief Executives and Leaders of all local authorities in England, and to all local authority electoral services managers. It was also sent to a range of relevant local government stakeholders, including local authority members and officers, political parties and representative organisations including the Local Government Association (LGA), the Society of Local Authority Chief Executives and Senior Managers (SOLACE), the Association of Electoral Administrators (AEA) and the National Association of Local Councils (NALC). The paper was also available to download on our website. We sought comments on the questions and issues raised in the consultation paper by the beginning of October 2003.

2.6 In our consultation paper we also issued an open invitation to individuals or groups to contact us and arrange to meet the project team to discuss issues relating to the review. During the consultation period, we held or attended 17 such meetings, detailed in Appendix 2.

Responses to consultation

2.7 During the consultation period we received a total of 269 responses by post or email, from a wide range of organisations and individuals, primarily within the local government community. A total of 143 local authorities and 16 local parish or town councils responded, and we also received individual responses from 20 local councillors and eight local authority officers. Nine registered political parties submitted responses, and we also received comments from seven MPs, three members of the House of Lords and 34 local political groups. We received further comments from 11 individual respondents, two academics and a total of 16 other organisations or groups. A full list of respondents is included in Appendix 2 of this report. Copies of all non-confidential responses can be viewed at our office.

2.8 Responses ranged in depth from detailed consideration of each of the questions and issues raised in the consultation paper, to a broad outline of respondents' positions. We greatly appreciate the input of those who took part in our consultation exercise, and we value the experience and expertise that respondents have been able to bring to this review. We have also found it particularly useful to meet interested groups in person during the consultation period, to gauge the strength of feeling on the issues involved and discuss them in more detail.

Next steps

2.9 This report sets out The Electoral Commission's recommendations to the Deputy Prime Minister for changes to the local government electoral cycle in England, as required by his request. The Commission recognises that its role in relation to electoral law is advisory, and it is not for the Commission to make the final determination as to how local government electoral cycles might be changed. It is for the Government to initiate, and ultimately for Parliament to decide on any proposals for legislative change.

2.10 Nevertheless, we feel strongly that reform to simplify the local electoral cycle in England is overdue, and we would urge the Government to take forward the recommendations contained in this report at the earliest opportunity. Chapter 5 of this report outlines some suggested options for the implementation of our recommendations, and we will continue to work with the Government to ensure that timely progress towards reform is made.



3 Simplification and change

In looking at the cycle of local government elections in England we have been asked to identify options for change that would simplify the current cycle. Our priority has been to identify a pattern of local elections that best serves the democratic and community interests of electors.

Current arrangements

3.1 In our consultation paper, we examined in detail the current cycle of local government elections in England. We found the current pattern to be unclear and inconsistent, both within and between local authority types, and noted that there are wide variations in the range of opportunities available to electors to participate in local elections, depending on the area in which they live.

3.2 As shown in Table 1 below, a total of 137 authorities currently elect by thirds, with one-third of members retiring each year and their seats up for fresh election. Seven authorities elect by halves, while 243 hold whole council elections once every four years. All metropolitan boroughs currently have a uniform pattern of three-member wards, while district, unitary and London councils may have between one and three members per ward. County councils may have either one or two members per division, but the large majority of divisions are represented by only one councillor.

Table 1: summary of local government electoral cycle in England, by authority type

Authority type	Thirds	Halves	Whole	Total
County council	-	-	34	34
District/borough council	82	7	149	238
Unitary council	19	-	27	46
London borough	-	-	33	33
Metropolitan borough	36	-	-	36
Parish and town councils	-	-	8,700	8,700

3.3 At present there is no clear pattern of electoral cycle for local authorities in England, and the frequency with which authorities elect their members varies considerably from one area to another. In practice, this also means that the frequency with which electors are given the opportunity to vote varies from area to area, depending on the number and type of local authorities in each area. Electors in London may vote twice in each four-year electoral cycle (in borough and Greater London Authority elections), while those living in metropolitan borough areas can vote three times during the same period.

All electors in two-tier areas can vote in county council elections once every four years, but elections to shire districts may take place in each of the three years in-between county elections.

3.4 Moreover, this disparity is also repeated within many local authority areas, where electors may be offered fewer or greater opportunities to vote for the same authority depending on the size of the individual ward in which they live. In unitary authorities that hold whole council elections every four years, all electors will be given the opportunity to vote once in each four-year electoral cycle. However, in those unitary authorities where members are elected by thirds, electors in single-member wards may vote only once in a four-year cycle, those in two-member wards may vote twice, and those in three-member wards may vote three times, with one year fallow.

3.5 In two-tier shire areas, all electors can vote in county council elections once every four years. Electors in districts that hold whole council elections can also vote in the third year of the electoral cycle. However, in districts where members are elected by thirds, electors in single-member wards may vote twice in each four-year cycle (once for their district or borough ward and once for their county division), while their neighbours in two-member wards may vote three times, and those in three-member wards may vote in all four years of the cycle. In the small number of districts that elect by halves, all electors will be able to vote in three out of four years.

3.6 One of the overall effects of these disparities in electoral cycle is that there is no consistent pattern to the scale of local elections from year to year. The number of authorities holding elections, wards or seats to be elected and electors eligible to vote changes each year, and in recent elections, the proportion of the total local government electorate eligible to vote has varied significantly. In 1999 and 2003, when elections were held in all metropolitan boroughs and shire districts, around 80% of the total local government electorate were eligible to vote. In local elections in 1996 and 2000, however, less than half of the total electorate were eligible to vote.

While there were no borough elections in London in 2000, more than five million electors were able to vote in elections to the GLA.

3.7 This disjointed and inconsistent pattern of local electoral cycles has come about as a result of historical accident and the piecemeal approach to structural change in local government during the past 30 years. Where such change has taken place, from the large-scale reorganisation in the early 1970s to more recent structural reviews in the mid 1990s, it appears that little consideration has been given to the overall national impact of decisions on individual local authority electoral cycles. Government has continued to emphasise the importance of local choice of electoral cycle for non-metropolitan districts, and in particular rejected the recommendation of the 1986 Widdicombe Committee report on the conduct of local government for a uniform system of local government elections.³ This emphasis on local choice has led to a patchwork pattern of electoral cycles across England, and each new phase of reorganisation has not only left these discrepancies unaddressed, but in many cases has added to the overall picture of inconsistency.

Issues

3.8 The apparent disparities and contradictions of the current pattern of electoral cycles are not, in themselves, of particular concern to us. This review was not intended to be an exercise in electoral tidiness. Rather, we have considered the problems and difficulties for electors that may be a direct consequence of this complexity and inconsistency. The evidence we have gathered suggests that the majority of electors simply do not know when, why or for which authority local elections are held in their area, and we are concerned that the complex current pattern of local electoral cycles may not encourage understanding of democratic opportunities across England.

³ *Report of the Committee of Inquiry into the Conduct of Local Authority Business (1986) Cmnd 9797.*

3.9 The study of public awareness that MORI carried out for us revealed a mixed picture of levels of understanding of the local electoral cycle among electors. Overall, a total of 77% of respondents knew whether or not there were local elections taking place in their area in May 2003. However, while some 84% of respondents in areas where elections were due to take place knew that they would have the opportunity to vote, one-sixth of the electorate were potentially disenfranchised – whether they wanted to vote or not – simply by being ill-informed or unaware of the elections taking place. In a similar study from 2002, MORI found that nearly a quarter of those in areas with elections were unaware that elections were taking place.⁴ Younger respondents were significantly more likely to say they didn't know whether local elections would be held in their area (34% of respondents aged 15 to 24 compared with only 10% of those aged 25 plus). Respondents from black and minority ethnic communities were three times less likely than white respondents to be able to give an answer (12% compared with 39%).

3.10 Many respondents who thought there were local elections in their area actually had little understanding of which authority the elections were actually for. Nearly one in five respondents overall (19%) did not know which authority they would be voting for in May 2003. Although county council elections were not held in May, 15% of respondents in shire district areas thought elections would be held for the county council. Some 12% of respondents in metropolitan borough areas and 21% in unitary authority areas, where there is no second tier of local government, were under the impression that elections were for county councils, although this may also demonstrate some lack of understanding of local government terminology. More positively, two-thirds of respondents in shire district areas (66%) correctly identified that the forthcoming elections were for their district or borough council.

3.11 There was also widespread confusion and a lack of understanding about exactly how often electors have the

opportunity to vote in different areas of England. Nearly one-third of all respondents (30%) conceded that they did not know how often elections were held in their area, and only 16% overall were able to correctly identify the actual cycle of local elections. When other responses were compared with the actual frequency of elections at a ward level, it appears that the varied pattern of electoral cycle across England may have a particular effect on levels of awareness and understanding. Respondents in wards where elections were held either annually or only once every four years were most likely to answer correctly (34% and 30% respectively). However, only 5% of respondents in areas with elections in three years out of four answered correctly, and they were actually more likely to think that elections are held every year (37%). Respondents in areas with elections in two out of four years were also more likely to think that elections were held only once every four years.

3.12 Attitudes towards change to the electoral cycle were mixed – perhaps unsurprisingly, given the generally poor level of awareness of the local government electoral cycle. Seventy-one per cent of respondents felt that the frequency of local elections in their area was 'about right', although one in five (19%) were unable to express a view. MORI found slightly more support among respondents for proposals to hold all local elections at the same time (53%) than for allowing the frequency of elections to vary locally (45%).

Change and local diversity

3.13 Respondents to our consultation paper were divided in their views as to the merits or desirability of a more uniform pattern of local electoral cycle. While many accepted the potential benefits to voter awareness and understanding of simplifications to the current cycle, others resented perceived interference from the centre in what they view as a matter for local choice.

3.14 Many responses dealt in limited terms with the benefits or disadvantages of individual local electoral cycles, and did not take into account the wider picture of a nationwide pattern of elections. These respondents disagreed that confusion and low public awareness of

⁴ MORI Social Research Institute survey for Green Issues Communications (2002), *Many Councillors 'Divorced' from the Electorate*.

local elections is a particular problem in their own area, if not nationally. While they maintained that local electors did understand when elections were held, the evidence of consistently low electoral turnouts across local government and the results of our opinion research work suggest that this view may be somewhat optimistic. Other respondents saw benefit in a more consistent pattern of local electoral cycles, but felt that the cycle in their own areas should be retained, and that other authorities should follow their example.

3.15 A majority of respondents, however, accepted that a more uniform pattern of local electoral cycles would be beneficial, even if it would involve change to their own local arrangements. Many agreed that a clearer and more predictable local election cycle would help electors to understand when elections take place. Others noted the importance of consistency, both within and across local authorities, in ensuring that all electors have the same rights and opportunities to vote. Respondents also placed great value on the potential of a consistent local election pattern across England to help develop a 'national voting habit', which would promote local democratic renewal and civic responsibility by highlighting opportunities for democratic input. Certainly, it was noted that a nationally applicable pattern of local elections, whether every year, every other year or every four years, would enable a greater collective national focus on local government issues.

3.16 We recognise that there is some opposition among local government stakeholders to the imposition of change, and in particular the imposition of uniformity, from above. Some respondents to our consultation paper argued that local choice of electoral cycle is both important and useful, and that what works well in some areas may work less well in others. These respondents reject the notion that a single electoral cycle would be suitable for all local authorities, and argue that flexibility of choice at a local level is necessary to respond to diverse local needs and circumstances. They also suggest that local elected representatives are best placed to decide which pattern is most suitable for their area.

3.17 One respondent noted that 'uniformity involves change in at least some local authorities, and the costs of change have to be balanced against any assumed benefits', and argued that change 'should only be undertaken for strong reasons and not because uniformity is seen as inherently desirable.' As we have discussed earlier, we do not see a consistent pattern of local electoral cycles as necessarily desirable in its own right. Rather, we recognise the significant benefits to wider public understanding and awareness of democratic rights that a more consistent pattern would bring.

The need for clarity

3.18 It is of fundamental importance to the future health and relevance of local government, especially in the context of continued low turnout at local elections, that the electoral system is clear and easily understood by the public. Well-informed electors who understand how and when to vote are better placed to hold their local representatives to account, while confusion about when and why elections take place can only serve to further distance electors from local democracy. We would echo the conclusion of the Widdicombe Committee report that 'a system which is as complex and inconsistent as the present one is hardly calculated to encourage electoral participation'.

3.19 The current pattern of local government electoral cycles in England, with considerable diversity between and within local authorities, appears to be well supported by many of those within local government. Locally determined arrangements suit those with established interests who may have worked with particular arrangements for a considerable length of time, and understand how best to work within local political processes. It is clear, however, that these arrangements work less well for voters, who do not understand how and when they are entitled to take part in the democratic process. As we have noted above, there is widespread confusion and misunderstanding among electors about when and why local elections are held in their own immediate area.

The need for consistency

3.20 In its report, the Widdicombe Committee suggested that citizens had a reasonable expectation that when they moved from one area to another electoral arrangements should be the same, unless there was a clear case to the contrary. We would add that a more consistent pattern of local electoral cycles in England would also help to encourage the development of a broader, deeper collective understanding of local elections as an event across the country. It would enable a clearer national focus on the wider roles and responsibilities of local government, while also highlighting the particular issues at stake at a local level. While greater consistency would enable nationwide voter awareness campaigns to the benefit of all electors, it would also provide an opportunity for targeted campaigns to address more effectively particular groups who may be less likely to participate.

3.21 A further strong theme among responses to our consultation has been a recognition of the importance of ensuring fairness and equity in electoral arrangements. In addition to greater national consistency of electoral cycle, opportunities for access to the democratic process locally should be consistent and equitable – that is, all electors within each individual authority should have the same opportunities to influence the outcome of local elections and the policies of the authority. It is clear that the current pattern of local government elections in England does not provide equal access to the democratic process for electors at the local level.

3.22 As we have noted earlier in this chapter, many authorities that elect by thirds, outside the metropolitan borough areas, do not have a uniform pattern of three-member wards. In these areas electors may be offered fewer or greater opportunities to vote for the same authority depending on the size of the individual ward in which they live. Some electors may have three opportunities to vote in elections to their local authority within a four-year period, while others can vote only once in the same period. It is fundamentally unfair and, in our view, unacceptable that within an individual local authority some electors should have fewer opportunities

to vote and influence the political composition of the authority than their neighbours in a different ward.

3.23 A more consistent and clearly understandable pattern of local electoral cycles across England should also seek to ensure greater equity in access to the democratic process at a local level. Equality of opportunity to vote within local authorities under current warding arrangements could be achieved if all electors were to vote at the same time, once every four years. Correspondingly, a consistent pattern of elections by thirds or halves would require a move to a uniform pattern of three- or two-member wards respectively, involving significant changes to local electoral arrangements across England.

Recommendation

3.24 We have outlined above our concern that the current mixed pattern of local electoral cycles in England provides an unclear and inconsistent picture to voters which, at the very least, does not help to encourage participation in the democratic process at a local level. We have also noted that some electors within individual authorities may have fewer opportunities to vote and influence the political composition of the authority than their neighbours in a different ward. We have highlighted the benefits that greater clarity and consistency could bring in both these areas. In our view, this review presents an opportunity to think strategically about a future pattern of local electoral cycles which will better serve the interests and needs of electors across England.

3.25 If we were starting afresh in planning a pattern of electoral cycles for local government in England, we would not wish to replicate existing arrangements. We must, of course, accept that we are not starting from scratch in this instance, and we have considered the most appropriate way forward in light of existing circumstances. Nevertheless, we consider that the current pattern of local electoral cycles in England is unnecessarily complex and confusing, and that there is a strong case for simplification of the current arrangements.

3.26 We note the important debate on the merits of diversity of practice in local government. While we accept that local choice and diversity of practice may be valuable in many areas of local government, we do not believe that the case for local choice has been made in relation to local authorities' electoral cycles. Local authorities may choose to deliver their services or scrutinise decisions in a variety of ways, and electors will pass judgment on their achievements through the democratic process. However, we can see no good reason why one of the fundamental elements of local democracy should vary from area to area. It would not be acceptable, for example, to have a locally determined and varying franchise or terms of office for councillors. Moreover, we note that local government elections in Scotland, Wales, Northern Ireland and in the majority of comparable Western democracies follow nationally consistent patterns in electing their members, and diversity in local practice has not extended to choice of electoral cycle.⁵

3.27 On balance, and most importantly when viewed against the substantial evidence of confusion and misunderstanding among electors, we consider that the democratic needs of electors across England would be better met by a clearer and more consistent pattern of local electoral cycles.

The Commission recommends that the cycle of local and sub-national government elections in England should follow a clear and consistent pattern, within and across local authorities. Individual authorities should not be permitted to 'opt out' of this pattern, and any newly created authorities should also follow the same pattern.

3.28 Our recommendation for the pattern of local electoral cycles in England follows in chapter 4.

⁵ New Zealand, Australia, Canada, the Republic of Ireland, France, Spain, Denmark and the Netherlands, for example, all have consistent patterns of local electoral cycles. For more information, see *The constitutional status of local government in other countries* prepared for the Commission on Local Government and the Scottish Parliament in 1998.

4 Recommendations for the cycle of local authorities in England

We have recommended that the cycle of local government elections in England should follow a clearer and more consistent pattern, within and across local authorities. However, we recognise that there is considerable disagreement about the relative benefits of the various local electoral cycles currently adopted by local authorities.

4.1 In our consultation paper we outlined in some detail the range of arguments surrounding the debate for and against either whole council or partial elections. Responses to our consultation echoed and underlined many of these arguments, but we received little new information or evidence to support respondents' positions. Many responses drew heavily on evidence of local experiences, and often reflected individual preferences for retaining existing local electoral cycles.

4.2 Following our recommendation for a consistent pattern of local electoral cycles in England, we have also considered options for the most appropriate cycle. We have carefully considered the arguments and evidence submitted to us during the consultation period. The range of matters to which we have been required to have regard in making this recommendation are outlined in the introduction of this report and reproduced in full in Appendix 1.

Priorities

4.3 In previous work The Electoral Commission has outlined its priorities in relation to the reform of electoral procedures and law. It aims to place the voter at the centre of its concerns, but also recognises the need to encourage the participation of a wide range of candidates and political parties and to ensure that electoral arrangements can be effectively and efficiently administered.

4.4 These priorities have remained highly relevant in our consideration of the local electoral cycle in England – above all, we have sought to ensure that the democratic needs of electors are addressed appropriately. However, we recognise that other individuals, groups and organisations are essential to the continued health of local democracy, and it is clear that other issues must also be considered. One respondent usefully summarised the need for a balanced view:

It is important to ensure that the frequency of elections does not adversely affect the ability of any local authority to effectively manage and deliver their responsibilities, whilst at the same time maintaining the ability of the electorate to have adequate opportunity to influence the political control of the authority.

4.5 We have sought primarily to identify a pattern of local electoral cycles that is likely to be well understood by the public and encourage their participation in elections. However, our recommendations should also give elected members confidence that they have a legitimate democratic mandate to act on behalf of their communities, and assure these communities that they can effectively hold their representatives to account. Any proposals for change must also recognise the need to support local authorities in the effective and efficient management and delivery of services to local communities.

4.6 As we noted in our consultation paper, we recognise that a single 'correct' solution, which satisfies all of the concerns raised by stakeholders, is unlikely to exist. We have given a balanced consideration to the merits of each pattern of electoral cycles, and have assessed the evidence available to us against the range of criteria specified by the Secretary of State.

Democratic legitimacy and local accountability

4.7 Local authorities in England derive democratic legitimacy from the regular election of their members by the communities that they serve. Once elected, local representatives are held to account for the decisions they have made on behalf of their communities through re-election.

4.8 Supporters of partial elections argue that electing half or a third of an authority's members in rotation can help to ensure that the composition of the council better reflects the political complexion of the electorate, and that more frequent elections can provide sharper accountability by keeping representatives 'on their toes'. Whole council elections, on the other hand, ensure that all eligible electors in the authority area have the opportunity to influence the political composition and control of the authority at the same time.

4.9 Supporters of whole council elections also note that, particularly in the case of elections by thirds, when fewer than half the seats are up for election, overall political control of the authority may not change, even if the ruling party loses all the seats contested at a particular election. Similarly, in areas with partial elections but no uniform pattern of members per ward, electors may be confused or disaffected if control of the council changes as the result of an election in which they were not able to participate.

4.10 Opponents of whole council elections express concern that important but controversial decisions may be postponed for political reasons until after an election, giving electors no opportunity for democratic protest for three years. On the other hand, elections of the whole council can give the ruling group the opportunity of a clear four-year period within which it can fulfil its manifesto promises before being judged on its policies and performance, including the setting of council tax.

4.11 Responses to our consultation paper underlined these arguments. Those who have experience of working with authorities that hold whole council elections value the clear mandate and legitimacy they provide. In contrast, other respondents from areas that elect by thirds placed particular emphasis on the importance of continued close contact and responsiveness to electors. However, respondents were largely unable to supplement their arguments with clear objective evidence of the practical benefits to electors of either system.

4.12 The arguments for and against whole council or partial elections have been well rehearsed by local government stakeholders, and we accept that many of them have some apparent merit. However, as we have discussed previously, there is a clear need for more consistent and equitable opportunities for local democratic accountability within authorities. In particular, the cycle of local elections should allow all electors within each individual authority to vote at the same time. A more equitable pattern of electoral arrangements under elections by thirds would require a uniform pattern of three-member wards across England, or a uniform pattern of two-member wards with biennial elections. Whole council

elections would require no change to local authorities' current electoral arrangements.

4.13 The Boundary Committee for England has noted that the requirement to recommend a number of councillors per ward divisible by three in metropolitan borough areas (in practice meaning three-member wards), has caused specific difficulties when attempting to reflect community identities in authorities such as Liverpool and Wakefield. As one respondent to our consultation also observed, 'enforced three-member wards necessarily involve uncomfortable marriages between unconnected areas and equally unsatisfactory division of communities'.

4.14 The Boundary Committee notes that the flexibility to recommend single-, two- or three-member wards enables it to more easily reflect local communities while continuing to provide good levels of electoral equality.⁶ Under a pattern of whole council elections, authorities would not be restricted to any particular ward size, since the entire electorate would be eligible to vote together once every four years.

Awareness and understanding of elections

4.15 As we have noted in the previous chapter, it is fundamentally important to ensure that electors understand when and why local elections are held. Electors with little understanding of the local electoral process will be less likely to participate in the democratic process, and less able to participate effectively. A clear and straight-forward pattern of local elections that electors understand will also contribute to increased transparency of the democratic process and local accountability.

4.16 We have discussed in detail in chapter 3 the findings of public awareness research conducted by MORI in the weeks leading up to the May 2003 local elections in England. The evidence available to us indicates that electors are generally ill-informed and unaware of the current pattern of local elections, and we

have recommended that the local electoral cycle should follow a clearer and more consistent pattern across England. It is also clear that there is a need for greater consistency within local authorities. Although nearly one in three respondents overall said they didn't know how frequently local elections were held in their area, respondents in wards where elections were held either annually or only once every four years were most likely to answer correctly (34% and 30% respectively). Only 5% of respondents in areas with elections in three years out of four and 19% of those in areas with elections in two out of four years were able to correctly identify how often they were able to vote.

4.17 The evidence available to us from the research carried out by MORI suggests that it is particularly important to ensure consistency not only nationally across England, but also internally within individual authorities. A deeper understanding of the local democratic process would be greatly aided by a more equitable pattern of local elections, as discussed above. Electors would be certain either that they will be able to vote every year or once every four years, and that their neighbours will do likewise.

Participation and turnout

4.18 Good levels of turnout, as well as participation more generally in the democratic process, are essential to the continued relevance and legitimacy of local government. Continued low turnout may undermine the authority of local government to speak and act on behalf of the communities it represents.

4.19 Annual or biennial elections hold the potential for more frequent opportunities for participation by electors. However, there is also concern that more frequent elections may tend to dilute public interest in elections, and that in practice electors may tire of passing judgment on their representatives annually. As we have noted above, it can be difficult – and in certain circumstances impossible – for electors to change overall political control of an authority when fewer than half the seats are up for election, and it is clear that this can act as a major disincentive to vote.

⁶ The Boundary Committee for England is the body charged with reviewing the internal warding arrangements of local authorities in England. It is required by statute to ensure electoral equality between wards within individual local authority areas, and to reflect local community identities and interests.

4.20 Certainly poor awareness and understanding of the local electoral cycle can affect turnout and participation. Electors who do not understand when local elections are held will be less able to participate in the democratic process and less likely to vote. As we noted earlier in chapter 3, one-sixth of the respondents to the public attitudes survey carried out by MORI were potentially disenfranchised – whether they wanted to vote or not – simply by being ill-informed or unaware of the elections taking place.

4.21 In our consultation paper we outlined the findings from a study of the relationship between the local electoral cycle and local election turnout, carried out by the Local Government Chronicle Elections Centre, University of Plymouth. Taking into account social, economic and political characteristics, the research sought to identify the particular contribution to overall local turnout made by the electoral cycle, and consider what effect changing electoral cycles might have on turnout in those authorities that currently have whole council elections or elections by thirds.

4.22 The Elections Centre's evidence gives some weight to the suggestion that more frequent elections can tend to dilute public interest and reduce turnout. Over the last 30 years, they found that the four-yearly elected London boroughs generally have had a higher electoral turnout than the metropolitan boroughs, which elect by thirds. In all years when both types of authority have held elections, with the single exception of 2002, the turnout in London has been between two and ten percentage points higher than in the metropolitan authorities. Similar differences were measured between shire districts that hold either partial or whole council elections. In those years when both types of district hold elections, turnout has been lower in shire districts with elections by thirds.

4.23 Analysing social, economic, structural and political variables, the Elections Centre sought to understand the key determinants of local participation and turnout, and also assessed the theoretical effect of applying the alternative electoral cycle to the authorities included in the study. Its findings suggested that turnout would decline in authorities that normally have whole council elections if

they held elections by thirds, and would rise slightly if authorities that normally have elections by thirds held whole council elections instead.

4.24 Many respondents, particularly those from within local government itself, suggested that the true cause of low levels of turnout and engagement lay in the decreasing powers and relevance of local government, and poor perceptions among electors of local government's ability to effect change. In their view, changes to the electoral cycle were unlikely to help improve turnout or democratic participation. Several respondents from local authority areas that currently elect by thirds also suggested that turnout figures in their own areas did not concur with the overall findings of the Elections Centre. We recognise that many different factors may influence levels of turnout, but do not accept that individual exceptions to the Elections Centre's findings invalidate its conclusions. The balance of evidence suggests that local government electors are less likely to participate in the democratic process in areas that hold elections by thirds.

Management and performance

4.25 In addition to democratic considerations discussed above, the cycle or frequency of elections may also have some impact on the capacity of local authorities to manage effectively and deliver their responsibilities. It is clear from our consultation that local government stakeholders particularly value the role of stability and leadership in enabling effective management of local authorities.

4.26 However, respondents viewed the idea of stability in different ways. For those supporting elections by thirds, stability meant less potential for abrupt changes of political control and switches of policy. Those who favour whole council elections every four years, on the other hand, emphasised the importance of consistency of policies and representatives through a defined period of office, without the interruption and diversion of intervening elections.

4.27 In our consultation and evidence paper, we also examined the results of the Audit Commission's Comprehensive Performance Assessment inspections of county councils, London boroughs, metropolitan

boroughs and unitary councils. It was not clear to us that there was any direct link between the electoral cycle of individual authorities and their CPA inspection rating. Although some inspection reports noted issues such as relatively high levels of turnover of councillors, it is clear that other unrelated factors have far greater bearing on the performance of local authorities, in particular the need for strong political and officer leadership.

4.28 It is clear that strong and otherwise well-managed authorities can perform well and deliver services effectively under either type of electoral cycle, and equally that either system can be problematic when things go wrong. However, such evidence as there is suggests that whole council elections every four years can provide a degree of inherent stability. Whole council elections give a clear mandate to representatives for a programme of policies during the following four years, and allow time for an administration to carry through its policies. At the end of the four-year period the administration is held to account by the electorate and can be judged by its record, its success or failure. We note that many authorities that elect by thirds, particularly metropolitan boroughs, have traditionally had strong single-party political control, a legacy of political stability rather than any inherent structural stability.

Other issues

4.29 We have also been asked to consider the extent to which any option for change to the electoral cycle might be facilitated by possible new ways of voting, including increased postal voting, electronic counting and multi-channel e-voting. We recognise that an option involving a significantly increased number of elections may present some administrative challenges, and that new ways of voting may be helpful for both electors and administrators. However, we do not view this as a significant factor to be taken into account in considering the most appropriate electoral cycle for local authorities in England. We also note that the frequency of opportunities to pilot new voting technologies in England may be affected by the recommendations of this review. Again, while this may be an important factor within the context of the overall electoral pilots programme, we have not considered it significant in this review.

Recommendation

4.30 We have carefully considered the range of arguments advanced by respondents in favour of either whole council or partial elections for local authorities in England. While we have sympathy with many of these arguments, the balance of evidence that we have considered suggests that whole council elections are more likely to provide clarity for electors and a degree of stability for local authorities. In particular, certain key principles have emerged that have guided our conclusions.

4.31 We have recommended that the cycle of local government elections in England should follow a clear and consistent pattern, within and across local authorities. In our view, a key principle in considering the electoral cycle for local authorities should be to ensure that all electors are given the same opportunities for participation in the local democratic process. Having taken into account the evidence and arguments presented during our consultation process, we have concluded that a pattern of whole council elections for all local authorities in England would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors.

4.32 In particular, a pattern of whole council elections would allow community identities to be more easily reflected in ward boundaries when reviewing local authorities' electoral arrangements. We also note that, under a consistent pattern of whole council elections across England, there would be no obvious reason why metropolitan boroughs should continue to be required to have three-member wards. The opportunity of this review might be taken to remove the current requirement that metropolitan borough wards must have a number of members divisible by three, although we recognise that this would require change to primary legislation.

4.33 The Commission recommends that each local authority in England should hold whole council elections, with all councillors elected simultaneously, once every four years.

4.34 Our suggestions for the implementation of the recommendations of this review are outlined in the following chapter.



5 Implementation

We recognise that our recommendations to simplify the current cycle of local government elections in England would, if implemented, involve considerable change to existing arrangements. Our proposals therefore seek to balance the need for a pragmatic approach to change with our desire to see timely reform.

Implementation issues

5.1 Under our recommendations for change to the current local electoral cycle in England, outlined in the previous two chapters, each local authority would elect all of its members simultaneously, once every four years. Voters in London would continue to elect their mayor and members of the London Assembly every four years.

5.2 However, several significant issues for the implementation of our recommendations remain, which we have not fully addressed in the preceding chapters. While we are content to recommend that individual local authorities should hold whole council elections once every four years, we are conscious that a national pattern of electoral cycles will be created by bringing these individual electoral cycles together. We have considered a number of issues relating to the national pattern of local electoral cycles below, and propose some options for implementation for further consideration by the Government and others.

Councillors' terms of office

5.3 As we noted in our consultation paper, four-year terms of office have been the norm in local government in England since the reorganisation of local government in the early 1970s. However, we recognised that certain possible options for change to the local electoral cycle might require some change to the normal term of office for councillors. A three-year term, for example, would allow annual elections by thirds with no fallow year. During consultation, we asked respondents whether the four-year term of office for local councillors should be retained.

5.4 The balance of views on the most appropriate term of office for councillors was strongly in support of retaining the current four-year term, with a significant majority opposing change. Respondents were in broad agreement that four years allow sufficient time for councillors to grow into their role and plan for the medium term, without sacrificing the advantages of regular electoral accountability. One respondent proposed a five-year term of office to allow coordination

with European parliamentary elections, while several others suggested that a three-year term for councillors would mean greater accountability.

5.5 We have seen no significant evidence to suggest that the current four-year term is inappropriate, and there is certainly little support for change among respondents. However, it is likely that some changes to initial terms of office for councillors will be necessary during the transition between current arrangements and any future pattern. Issues relating to this transitional period are discussed in more detail below.

Timing of elections

5.6 Under current arrangements for elections in areas with two tiers of local government, elections to the different authorities are not held at the same time, although parish council elections are normally held in the same year as those of the principal authority. County council elections are held in the fallow fourth year of the electoral cycle for district authorities that elect by thirds, which is also the mid-point for districts that hold whole council elections. In considering the implementation of proposals for change to the local electoral cycle, we asked respondents whether it was appropriate to continue to stagger elections to different tiers of local government.

5.7 There was broad support in response to our consultation paper for continuing to stagger elections in areas with two tiers of local government, with less than a quarter of respondents preferring to hold elections in the same year. Respondents particularly emphasised the importance of highlighting the distinction between the roles and responsibilities of different tiers of local government, in order to reduce confusion and ensure clear lines of accountability. One respondent noted that ‘it is not unusual for a member of a district authority to unfairly take the blame for poor service delivery from a county authority (and vice versa)’.

5.8 Those who preferred not to stagger local elections suggested that combining elections in a single ‘local election day’ would clearly highlight the opportunity for

participation in the democratic process. They also suggested that combining elections could reduce costs, both for political parties and electoral administrators in relation to the running of elections. However, several respondents argued that combined local government elections would be more susceptible to being used as an informal referendum on national government.

5.9 We recognise that respondents would largely prefer that elections continue to be staggered in two-tier areas. We have outlined two alternative patterns. Under the first of these, different types of authorities would hold elections in the same year, while, under the second, elections for district councils and county councils or city-wide authorities would be staggered. It does, however, seem sensible to us that parish councils should continue to be elected at the same time as the district or unitary council. Elected mayors, where they have been put in place under the Local Government Act 2000, should also be elected at the same time as the principal authority.

5.10 A majority of respondents also preferred not to combine local elections with elections to the Westminster or European parliaments. While they acknowledged that local turnout may increase, they also expressed concern that local government issues were likely to be overshadowed by national concerns. Indeed, turnout at local elections in England does tend to increase when held at the same time as Westminster parliamentary general elections, and can also rise when held at the same time as European parliament elections. However, analysis of national and local media in Scotland in May 2003 suggested that the local elections were overshadowed by the Scottish Parliament contest, receiving little coverage or commentary.⁸ We have some sympathy with this concern, and would ordinarily prefer Westminster or European parliament elections to take place in a different year to local government elections in England. However, we recognise that this is an unrealistic expectation at present, given the absence of a fixed term for the Westminster Parliament and the five-year term of the European Parliament.

⁸ Institute of Governance, University of Edinburgh (2003) *Media Coverage of the Council Elections in Scotland, 2003*.

Options for implementation

5.11 We outline below two proposals for the implementation of our recommendations for change to the cycle of local government elections in England. Other options for implementation were considered but dismissed. We have included provisional suggestions for the cycle of elections to any future regional assemblies, in line with our recommendation that any future bodies should remain consistent with the pattern of local government electoral cycles. However, we recognise that the introduction of any regional assemblies is dependent on the result of future referendums in those areas. We have also included details of Westminster and European parliamentary election cycles in the summary tables. While European parliamentary elections take place every five years, Westminster parliamentary elections are not held on a fixed term, and we have assumed a full five-year term for Westminster in the models described below.

5.12 We have not included specific dates for the implementation of the models discussed below. We have indicated the points during the four-year electoral cycle at which elections might take place, but the actual implementation of any model should be the subject of further discussion and debate.

Option one

5.13 Under the first of our suggested options for implementation, every local authority in England, including county councils, district councils, metropolitan borough councils, London borough councils, unitary councils and parish councils, would elect all of their members simultaneously once every four years. The Greater London Authority would also be elected at the same time, together with any future elected regional assemblies.

Table 2: option one

Year	Local authority elections	Other elections
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes Counties, GLA	EP (regional assemblies)
2	<i>No elections</i>	
3	Westminster?	
4	<i>No elections</i>	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes Counties, GLA	(regional assemblies)
2	EP	
3	<i>No elections</i>	
4	Westminster?	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes Counties, GLA	(regional assemblies)

5.14 This option would have the advantage of providing a clear nationwide focus on local government elections in England. However, combining all local government elections might diminish the important distinction for electors between different local government elections taking place in the same area. It may also present significant difficulties in making clear distinctions between the roles and responsibilities of local and sub-national government in areas where regional assemblies or other strategic authorities may be established in future. Combination might also make it more likely that local government elections in England be considered as mid-term judgment on national issues when held between Westminster elections, or are entirely influenced and overshadowed by any general election held at the same time.

5.15 From an administrative perspective, some election officials have indicated concerns about the practical difficulties of running multiple local elections simultaneously, although they acknowledge that

combined elections may result in some cost savings. It is also not clear at present how and when the Government intends to take forward our recommendation that all local government elections should be conducted by all-postal ballot.⁹ Using different voting methods for different elections taking place simultaneously in particular areas, shire districts and county councils or London boroughs and the GLA, for example, would raise issues for both administrators and voters.

Option two

5.16 The second option for the implementation of our recommendations would see all local government electors in England electing members of their most immediate local council – district councils, metropolitan boroughs, London boroughs or unitary authorities – simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, those electors in areas with county councils or strategic city-wide authorities (or future sub-national authorities including any regional assemblies) would elect representatives to these bodies.

Table 3: option two

Year	Local authority elections	Other elections
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes	EP
2	<i>No elections</i>	
3	Counties, GLA	Westminster? (regional assemblies)
4	<i>No elections</i>	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes	EP
2	<i>No elections</i>	
3	Counties, GLA	(regional assemblies)
4	Westminster?	
1	Districts, metropolitan boroughs, London boroughs, unitary authorities, parishes	

5.17 Under this second option for implementation, all local government electors would have the opportunity to vote in the first year of the electoral cycle, with the benefit of simplicity and a national focus on local issues. It would also make clear the important distinction for electors between different tiers of local and strategic city-wide or sub-national government in those areas where such arrangements exist.

Recommendation

5.18 Our preferred option for the implementation of our recommendations is the second of the two described above, which would see all local government electors in England voting at the same time once every four years for their most immediate local authority, whether that be district council, metropolitan or London borough or unitary council. Unitary county councils, such as the Isle of Wight, would also hold elections in the first year of the cycle, alongside other unitary councils. All those electors in areas with further local or city-wide strategic authorities

⁹ The Electoral Commission (2003), *The shape of elections to come*.

(county councils or the Greater London Authority) would vote for those authorities two years later, in the mid-point of the four-year electoral cycle. We would envisage that elections to any future levels of sub-national government, including regional assemblies, would also take place in the third year of the cycle.

5.19 While we recognise that the first option for implementation may have some merits, we consider that the second option would provide the best balance between administrative convenience and the need for clarity from the voter's perspective. In particular, we are concerned that option one would not provide sufficient clarity for electors regarding the timing and purpose of local government elections, and would be likely to diminish the important distinction between different authorities in areas with two tiers of local government. Greater clarity and consistency of the local election cycle should also give national political parties and media the opportunity to focus on local, rather than national, political issues at election time.

The Commission recommends that all local government electors in England should elect members of their district, metropolitan borough, London borough or unitary council simultaneously once every four years. Two years later, in the mid-point of the electoral cycle, electors in areas with county councils, city-wide authorities or any future sub-national government should elect representatives to those bodies.

Transitional arrangements

5.20 We have outlined in this and preceding chapters our recommendations for change to simplify the cycle of local government elections in England. Our findings highlight the need to establish a number of important principles for local electors, particularly the need for consistency and equity in opportunities to vote at local elections. We look forward to the response to this review, and hope that our conclusions will be welcomed. In the event that our recommendations are accepted by Government and Parliament, we would expect reasonably swift movement to ensure timely implementation.

5.21 The move to a consistent pattern of whole council elections across England would have implications for a number of aspects of current electoral arrangements. In particular, there may be changes to the initial terms of office of some councillors during the transitional period before the full implementation of any recommendations. In those areas that currently elect by thirds or by halves, for example, the terms of office of some councillors may be reduced in the years before the first full council elections. Similarly, although all county councils and the Greater London Authority currently hold whole council elections, their elections take place in different years. Changes to the terms of office for some sitting councillors would be required in order to ensure that in future years those elections take place at the same time.

5.22 We note that both five-year terms of office and consecutive election years are generally considered undesirable, and while variations to terms have been used in the past as part of transitional arrangements, there is no precedent for election to a five-year term of office. Arrangements for the implementation of these recommendations should involve as little disruption to current electoral arrangements as possible, without unnecessary delay.

If the recommendations of this review are accepted by Government and Parliament, we will work with central and local government partners to identify the most appropriate approach to timely implementation.

Appendix 1

Secretary of State's request to The Electoral Commission

Request pursuant to Section 6(2) of the Political Parties, Elections and Referendums Act 2000 and Terms of Reference

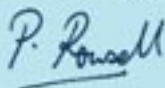
1. Section 6(2) of the Political Parties, Elections and Referendums Act 2000 (PPER Act) states:

"At the request of the Secretary of State, and within such time as the Secretary of State may specify, the Commission shall-

*(a) review, and
(b) submit a report to the Secretary of State on,
such matters or matters (whether or not falling within subsection (1)) as the Secretary of State may specify."*

2. Pursuant to the provisions of section 6(2) of the PPER Act, the Secretary of State hereby requests that the Electoral Commission review and submit a report to him on the cycle of local government elections in England¹, identifying options for change that would simplify the current cycle. Such options may include, if appropriate, options involving changes to councillor's terms of office and to local authorities' electoral arrangements² in England.
3. The Electoral Commission is requested to include in its report an assessment of the desirability and practicality of any options for change it identifies and recommendations as to the implementation of such options.
4. In carrying out the review and making its report, the Commission is requested to have regard to the matters specified in the Annex and of all other matters that they consider relevant.
5. The report shall be prepared by the Commission and presented to the Secretary of State no later than 31 January 2004.

Signed for and on behalf of the Secretary of State



28 January 2003

¹ "local government elections" shall be the elections (other than those caused by vacancies) for principal authorities (including mayoral elections), parish councils and the Greater London Authority.

² the number and boundaries of wards and electoral divisions and the number of councillors (see s14 of the Local Government Act 1992).

Annex

The matters to which the Commission are requested to have regard are:

1. The extent to which an option for change:
 - would improve councils' democratic legitimacy and local accountability;
 - would enable the electorate and public generally to easily understand when elections are to be held and their purpose;
 - would be likely to improve participation of the local electorate in the electoral process, including participation of specific groups – such as young people and ethnic minorities – where participation in the process is particularly low; and
 - would be likely to facilitate the effective management of local authorities and particularly performance improvements in the case of local authorities categorised as “poor performers” in the Comprehensive Performance Assessments.
 - Might be facilitated by possible new ways of polling, including increased postal voting, electronic counting and multi channel e-voting.
2. The relationship between local government elections and other elections in England, namely the elections to the Westminster and European Parliaments, including cases where elections currently fall in close proximity to each other, and the combination of polls at local government elections with such elections, or otherwise.
3. The relationship between different local government elections in related areas, and the combination (or otherwise) of polls at such elections.

Appendix 2

Respondents to the consultation paper and consultation meetings

Total respondents 269

Local authorities

Adur District Council
 Arun District Council
 Ashfield District Council
 Babergh District Council
 Basingstoke and Deane Borough Council
 Bedfordshire County Council
 Bexley Council
 Birmingham City Council
 Blyth Valley Borough Council
 Bracknell Forest Borough Council
 Breckland District Council
 Brentwood Borough Council
 Bristol City Council
 Broadland District Council
 Burnley Borough Council
 Cambridge City Council
 Cannock Chase Council
 Canterbury City Council
 Carlisle City Council
 Chelmsford Borough Council
 Cheshire County Council
 Chester City Council
 Copeland Borough Council
 Coventry City Council
 Darlington Borough Council
 Daventry District Council
 Derby City Council
 Derbyshire Dales District Council
 Derwentside District Council
 Devon County Council
 Dorset County Council
 Durham County Council
 East Dorset District Council
 East Hampshire District Council
 East Hertfordshire District Council
 Eastbourne Borough Council
 Eastleigh Borough Council
 Epping Forest District Council
 Exeter City Council
 Fareham Borough Council
 Gateshead Council

Gedling Borough Council
 Gloucester City Council
 Gloucestershire County Council
 Halton Borough Council
 Hampshire County Council
 Harrogate Borough Council
 Hart District Council
 Hastings Borough Council
 Havant Borough Council
 Kent County Council
 Kerrier District Council
 Kettering Borough Council
 King's Lynn & West Norfolk
 Kirklees Metropolitan Borough Council
 Lancashire County Council
 Lancaster City Council
 Leicestershire County Council
 Lewes District Council
 London Borough of Barnet
 London Borough of Camden
 London Borough of Enfield
 London Borough of Hammersmith & Fulham
 London Borough of Harrow
 London Borough of Havering
 Royal Borough of Kensington and Chelsea
 Royal Borough of Kingston-upon-Thames
 London Borough of Lambeth
 London Borough of Tower Hamlets
 London Borough of Wandsworth
 Luton Borough Council
 Maidstone Borough Council
 Maldon District Council
 Manchester City Council
 Medway Council
 Mid Beds District Council
 Mid Suffolk District Council
 Mid Sussex District Council
 Mole Valley District Council
 New Forest District Council
 Norfolk County Council
 North Cornwall District Council
 North Dorset District Council
 North East Derbyshire District Council
 North Lincolnshire Council

North Shropshire District Council
 Northampton Borough Council
 Northumberland District Council
 Norwich City Council
 Nuneaton & Bedworth
 Borough of Oadby & Wigston
 Oldham Metropolitan Borough Council
 Oxfordshire County Council
 Pendle Borough Council
 Peterborough City Council
 Borough of Poole
 Preston City Council
 Purbeck District Council
 Ribble Valley Borough Council
 Reigate and Banstead Borough Council
 Rochdale Metropolitan Borough Council
 Rochford District Council
 Rotherham Metropolitan Borough Council
 Rugby Borough Council
 Rushcliffe Borough Council
 Rushmoor Borough Council
 Salford City Council
 Shepway District Council
 Slough Borough Council
 South Bedfordshire District Council
 South Bucks District Council
 South Gloucestershire Council
 South Ribble Borough Council
 South Tyneside Metropolitan Borough Council
 Southampton City Council
 Southend-on-sea Borough Council
 St. Edmundsbury District Council
 Stafford Borough Council
 Staffordshire County Council
 Stockport Metropolitan Borough Council
 Stratford on Avon District Council
 Stroud District Council
 Swale Borough Council
 Swindon Borough Council
 Tandridge District Council
 Tauton Deane Electoral Services
 Borough of Telford and Wrekin
 Three Rivers District Council
 Torbay Council

Uttlesford District Council
 Warwick District Council
 Waveney District Council executive
 Waveney District Council cross-party working group
 West Oxfordshire District Council
 West Sussex County Council
 Weymouth & Portland Borough Council
 Wigan Metropolitan Borough Council
 Wirral Metropolitan Borough Council
 Wolverhampton City Council
 City of Worcester
 Worcester County Council
 Wycombe District Council
 Wyre Forest District Council

Local authority representatives

Cllr Ray Auger, South Kesteven District Council
 Cllr David Beechey, Bridgnorth District Council
 Cllr Nick Brown, Portishead Town Council
 Mayor Frank Branston, Bedford Borough Council
 Cllr John Byrne, Bury Metropolitan Borough Council
 Cllr Judith Cluff, Taunton Deane Borough Council
 Cllr Carol Davis, Herne and Broomfield Parish Council
 Cllr David Gardner, London Borough of Greenwich
 Cllr John T Hall, Test Valley District Council
 Cllr Colin Inglis, Kingston-upon-Hull Council
 Cllr Geoff Knight, Lancaster City Council
 Cllr David Nettleton, St. Edmundsbury Borough Council
 Cllr Don Phillips, Chiltern District Council
 Cllr Mary Smith, Gloucester City Council
 Cllr G W Taylor, South Kesteven District Council
 Cllr John Waters, London Borough of Bexley
 Cllr Gavin Webb, Newcastle-under-Lyme Borough Council
 Cllr David White, Stockport Metropolitan Council
 Cllr Janet Whitehouse, Essex County Council
 Cllr John Wilks, South Kesteven District Council

Local government officers

Sue Bonham-Lovett, Electoral Services Manager,
 Weymouth & Portland Borough Council
 Max Caller, Chief Executive, London Borough of Hackney
 Liz Cloke, Senior Electoral Services Officer, Basingstoke

and Deane Borough Council
 Geoff Knowles, Electoral Registration Manager, Newport City Council
 David Holling, Returning Officer, West Berkshire Council
 John Walker, Chief Elections and Electoral Registration Officer, Rotherham Metropolitan Borough Council
 Darren Whitney, Principal Democratic Officer, Stratford on Avon District Council

Local councils

Badsey & Aldington Parish Council
 Combe Hay Parish Council
 Faversham Town Council
 Godalming Town Council
 Hatfield Town Council
 Holbrok Parish Council
 Keynsham Town Council
 Kingston Seymour Parish Council
 Long Ashton Parish Council
 Loughton Town Council
 Southam Town Council
 Stroud Town Council
 Totnes Town Council
 Ubley Parish Council
 Ufton Parish Council
 Upton-upon-Severn Town Council

Members of Parliament and Peers¹

Claire Curtis-Thomas MP (Crosby and Formby)
 Valerie Davey MP (Bristol West)
 David Drew MP (Stroud)
 Lynne Jones MP (Birmingham Selly Oak)
 Khalid Mahmood MP (Birmingham Perry Barr)
 Andrew Turner MP (Isle of Wight)
 Derek Wyatt MP (Sittingbourne and Sheppey)
 The Lord Best OBE
 The Rt Hon the Lord Renton
 Lord Wolfson of Marylebone

Political parties

Citizens Party of Halton
 The Conservative Party
 The Green Party of England and Wales
 Molesey Residents Association
 The Populist Party
 Rainham Residents Association
 Runnymede Independent Resident Group
 Scottish Liberal Democrats
 Upminster & Cranham Residents' Association

Local political groups

Amber Valley Borough Council Labour Group
 Basingstoke & Deane Borough Council Conservative Group
 Basingstoke and Deane Labour Group
 Basingstoke and Deane Liberal Democrat Group
 Birmingham Liberal Democrat Group
 Blackburn Labour Party
 Bristol Conservatives
 Bristol City Council Liberal Democrats
 Parks Branch of Chester Constituency Labour Party
 Ealing Liberal Democrats
 Eccles Constituency Labour Party
 Exeter Conservative Association
 Gillingham & Medway Liberal Democrats
 Herefordshire County Council Conservative Group
 Lancaster City Council – Conservative Group
 Lancaster City Council – Liberal Democrat Group
 Lancaster and Lancashire Councils Green Party Group
 Lichfield, Burntwood and Tamworth Local Lib Dems
 London Borough of Ealing Conservative Group
 Merton Liberal Democrats
 Mole Valley District Council Independent Group
 North Lincolnshire Labour Group
 Penwith District Council Conservative Group
 Penwith District Council Independent Group
 Penwith District Council Labour Group
 Penwith District Council Liberal Democrat Group
 Stockport Metropolitan Borough Council Labour Group
 Suffolk County Council Conservative Group
 Swale Labour Party
 Tunbridge Wells Borough Council – Conservative Group

¹ Including one MP who did not identify him- or herself.

Tunbridge Wells Borough Council – Liberal Democrat Group
Labour in Wandsworth
West Lewisham Green Party
Wimbledon Constituency Labour Party

Academics

Professor Chris Skelcher, Institute of Local Government Studies, University of Birmingham
Professor John Stewart, Institute of Local Government Studies, University of Birmingham

Other organisations

Association of Electoral Administrators (AEA)
Association of Electoral Administrators Scottish Branch
Association of London Government
The Audit Commission
Boundary Commission for England (confidentiality requested)
Essex Association of Local Councils
Equality Commission for Northern Ireland
Kent Association of Parish Councils
Local Government Information Unit
Local Government Association
National Association of Local Councils
National Union of Residents' Associations
OSCE Office for Democratic Institutions and Human Rights
Royal Mail Group PLC
Society of Local Authority Chief Executives and Senior Managers (SOLACE)
Welsh Assembly Government

Individuals

Albert Broadbent
D. J. Close
Mary Crane
Roger Crudge
Peter Dunham
Angela Essex
John Hoare
John Kelly
Joe Otten

Nicky Rylance
E. R. Schrin

Consultation meetings

Date	Meeting
10 July 2003	LGA North West regional group (Blackburn)
18 July 2003	LGA West Sussex sub-regional group (Chichester)
9 September 2003	Association of London Government
9 September 2003	Crawley Borough Council
11 September 2003	AEA South East branch (Crowborough)
11 September 2003	LGA Labour group (Local Government House, London)
11 September 2003	LGA Liberal Democrat group (Local Government House, London)
12 September 2003	AEA South branch (Andover)
12 September 2003	AEA London branch (City Hall)
12 September 2003	County Councils Network (Local Government House, London)
15 September 2003	AEA North East branch (Chester-le-Street)
19 September 2003	AEA West Midlands branch (Shrewsbury)
23 September 2003	AEA Eastern branch (Saffron Walden)
26 September 2003	LGA Southern Counties regional group (Isle of Wight)
2 October 2003	Discussion group on CPA, six authorities (Trevelyan House, London)
3 October 2003	LGA South West regional group (Taunton)
14 October 2003	LGA Conservative group (Local Government House, London)

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Notes

The Electoral Commission

We are an independent body that was set up by the UK Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the UK by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.

The Electoral Commission
Trevelyan House
Great Peter Street
London SW1P 2HW

Tel 020 7271 0500
Fax 020 7271 0505
info@electoralcommission.org.uk
www.electoralcommission.org.uk

APPENDIX B						
COSTS FOR RUNNING ELECTIONS - BY THIRDS V FOUR YEARLY						
Task	Elections by thirds (per election)	Four yearly elections	Comments	Elections by 3rds over 4 years	Elections 4 Yearly	Additional cost of Annual Elections
	£	£		£	£	£
Hire of venues	16,506	17,807		49,518	17,807	31,711
Printing and posting poll cards	37,934	53,000	Includes postage	113,802	53,000	60,802
Printing ballot papers	3,770	5,468	This does not take account of the fact that if the council holds all out elections there would be an additional charge for the larger ballot papers required	11,310	5,468	5,842
Production and postage of Postal Vote packs	19,450	22,832	Includes postage	58,350	22,832	35,518
Postage for return of postal votes	10,200	14,273		30,600	14,273	16,327
Delivery of polling booths/collection of polling booths and collection of equipment etc from the count	3,558	4,680		10,674	4,680	5,994
Stationery and sundry costs	2,000	2,300		6,000	2,300	3,700
Training of Polling Station Staff	1,524	1,800		4,572	1,800	2,772
Employing Polling Station Staff	49,749	57,723		149,247	57,723	91,524
Postal Vote opening and checking staff	3,500	4,297		10,500	4,297	6,203
Count staffing	14,750	19,320	All out election would take longer to count because of the need to use the multi-ward counting methodology	44,250	19,320	24,930
Returning Officer fee	10,271	13,500		30,813	13,500	17,313
Election staff overtime	5,600	9,000	Overtime would be higher as there would be more work to do eg nominations, ballot box preparation etc within the same timescales	16,800	9,000	7,800
Other Costs				0	0	0
Cost of hiring count venue and loss of income for count venue	3,400	3,800	As part of the contract with Loddon Valley they do not charge for hiring the venue for the count nor the hire in of equipment eg tables and chairs	10,200	3,800	6,400
Total Direct	182,212	229,800		546,636	229,800	316,836

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Whole Council Elections

Draft Public Consultation Proposals

Methodology

The public consultation will be published online between xxx and xxx. (dates to be confirmed). Specific email invitations to respond to the consultation will be sent to:

- All Borough Councillors
- Town and Parish Councils (via the Clerk and Chairman)
- The Members of Parliament for the Borough

Except for the group above, respondents will be asked to supply their name and postcode, but the consultation will not discount responses from outside the borough area (although Members may choose to give weight as appropriate to responses from outside the borough area). All responses will be captured through the online form on the Council's website, except where a respondent has specifically asked for a paper copy of the consultation.

Consultation

Wokingham Borough Council currently has 54 Councillors who are each elected for a four-year term. The Borough area is divided into 25 wards. The Councillors are elected to, and represent, their local ward. The Council currently uses a 'by thirds' electoral system. This means that over four years, elections are held in years one, two and three for a third of the Council each year (18 Council. The Council is considering moving to 'all out' elections. This means that over the four-year term, elections would only be held in year one for all Councillors at the same time.

Benefits of all-out elections

Research suggests that 'all out' elections are fairer and more equitable to the electorate, and that the electoral system is clearer and easier to understand. Currently, electors in areas of the Borough where there are three councillors to elect in their ward (the area they represent), get to vote three times over the course of four years. Electors in areas where there is only one councillor representing the area only get to vote once. This means that some electors in the Borough have more influence on the political make-up of the Council than others. Research also suggests that holding elections once for all Councillors is easier for the electorate to understand. This is particularly the case for young people or those with an ethnicity other than white, which suggests that 'all out' elections can improve equality of opportunity. All out elections would make an approximate saving of over £300,000 over four years

by reducing the number of elections held from three to one. In addition, the Council's Chief Financial Officer has quantified further, less tangible savings in excess of £4m over the 4 year period, arrived at following consultation with the Council's senior leadership team.

Benefits of Elections by Thirds

The benefits of this system have been stated as providing greater stability for the Council in terms of its membership. Electing by thirds reduces the risk of wholesale change within the Council and allows for succession planning because there is always a mixture of new and experienced Councillors on the Council. Additionally, electing by thirds provides the electorate a greater opportunity to be involved in decision making at the Council, and arguments have been put forward that this makes Councillors more democratically accountable. Lastly, it has been stated that some smaller political parties would find it difficult to field enough candidates to contest all seats at an all-out election. However, electing by thirds does not, in and of itself, create a greater availability of candidates for any party, but those candidates who are willing to stand have more frequent opportunities to do so.

Electing by thirds is the current electoral system of the Council, and so there would be no saving or additional costs associated with retaining this system of electing.

Consultation Questions

1. Do you think that Wokingham Borough Council should move to an all-out electoral system, where elections are held once every four years for every Councillor?

Yes

No

2. Do you have any comments you would like Wokingham Borough Council to take into account when deciding whether or not to move to all out elections?

Comments:-

TITLE	Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications Consultation
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
WARD	None specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks approval to consult on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications (the Joint Plan) and supporting documents.

The purpose of this consultation is to seek comments on the proposed main modifications recommended to the Joint Plan as discussed through the examination process. These modifications are required in order to make the plan sound.

RECOMMENDATION

The Executive is asked to recommend to Council that they:

- 1) agree the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and supporting documentation for publication and public consultation;
- 2) authorise community engagement on the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and associated supporting documents to take place for at least 6 weeks from February 2022 onwards;
- 3) authorise the Director of Place and Growth, in consultation with the Executive Member for Planning and Enforcement, to agree minor amendments necessary to the Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications and other supporting documents prior to consultation.

EXECUTIVE SUMMARY

National planning policy requires local authorities to regularly review, and where necessary, update their local plans – the documents that contains the council’s planning policies and are used as the starting point for determining planning applications.

The preparation of a new local plan – the Central and East Berkshire Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan) – looking further into the future will ensure that planning policies continue to be effective in managing the decisions on minerals and waste related development proposals by the council, and where these are appealed, by the government appointed planning Inspectors.

The Joint Plan is being prepared in partnership with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Council and Reading Borough Council (hereafter referred to as the joint authorities) to reflect the strategic nature of minerals and waste matters.

Plans must be prepared in consultation with the local community and other stakeholders. The joint authorities consulted on a pre-submission version of the Joint Plan from 3 September – 15 October 2020.

The Joint Plan and supporting documents were subsequently submitted to the Secretary of State for independent examination in February 2021. The public hearing sessions of the Joint Plan took place over several days in September and October 2021. As a result of these hearing sessions a number of modifications were proposed to the Joint Plan in order to ensure it is 'sound.' In total 85 main modifications are proposed. These modifications take into account updates to national planning policy and guidance and propose changes proposed policies.

There are no minerals or waste sites in Wokingham Borough proposed for allocation in the Joint Plan, but there are several others in the wider plan area. The main modifications do not propose any additional sites for minerals or waste uses. A larger number of the modifications are proposed to update references to the 2021 version of the National Planning Policy Framework (NPPF), which was published after the Joint Plan had been submitted.

The joint authorities are required to hold a consultation on the modifications. This enables everyone the opportunity to formally submit their views to the Planning Inspectors, who will then take these into account when compiling their final report.

The recommendations of this report are to authorise consultation on the modifications to be undertaken in accordance with the Statements of Community Involvement of the joint authorities.

Consultation documents are attached or are available on request. They are at an advanced stage of preparation but may be subject to some further drafting/amendment prior to being made available as part of the consultation.

BACKGROUND

National planning policy requires local authorities to regularly review, and where necessary, update their local plans – the documents that contains the council’s planning policies and are used as the starting point for determining planning applications.

The preparation of a new local plan – the Central and East Berkshire Joint Minerals and Waste Plan (hereafter referred to as the Joint Plan) – looking further into the future will ensure that planning policies continue to be effective in managing the decisions on minerals and waste related development proposals by the council, and where these are appealed, by the government appointed planning Inspectors.

The Joint Plan is being prepared in partnership with the Royal Borough of Windsor and Maidenhead (RBWM), Bracknell Forest Council and Reading Borough Council (hereafter referred to as the joint authorities) to reflect the strategic nature of minerals and waste matters.

It is important that the Joint Plan is prepared to ensure that planning policies are effective in managing decisions by the councils’ and, where these are appealed, by the Planning Inspectorate.

Joint Plan Progress

Local Plans must be prepared in consultation with local communities and other stakeholders. They must also be consistent with national planning policy, which in the case of minerals and waste matters is: the National Planning Policy Framework (NPPF) (2021) and the accompanying Planning Practice Guidance (PPG), the Waste Management Plan for England (2013), and the National Planning Policy for Waste (2014).

As part of preparing the Joint Plan, various technical information and evidence has been prepared, including discussions with important stakeholders such as statutory consultees. A number of public consultations have taken place including:

- Pre-submission consultation: 3 September – 15 October 2020
- Focussed consultation: 11 February – 23 March 2020
- Draft Plan consultation: 6 August – 12 October 2018
- Issues and Options consultation: summer 2017.

A summary report of the representations made is available on the Joint Minerals & Waste consultation website.¹

In July 2020, Executive and Special Council Executive Committee approved the Joint Plan and supporting documents for submission to the Secretary of State. The Joint Plan was also approved by the other joint authorities. The Joint Plan was subsequently submitted to the Secretary of State in February 2021. Two Planning Inspectors were appointed to examine its soundness and legal compliance. The public hearing sessions of the examination took place over several days in September and October 2021. The aim of the hearing sessions is for the Inspectors to ask questions and clarify key issues relating to the Joint Plan, whilst providing opportunities for other parties, including landowners, developers and residents to engage with the examination process.

¹ www.hants.gov.uk/berksconsult

Further information, including the agendas for the hearing sessions are available on the Joint Plan website.

Main Modifications Overview

Prior to the hearing sessions, a number of modifications to the Joint Plan were proposed by the joint authorities. This was to take into account responses from the pre-submission consultation, minor corrections, and to update references to national policy in light of the publication of a new version of the NPPF (2021).

Throughout the examination, the Inspectors explored the potential for additional main modifications to resolve any issues relating to soundness and legal compliance.

In particular, the Environment Agency (EA) raised concerns regarding flood risk at proposed minerals sites located in RBWM. Following the hearing sessions further engagement was undertaken with the EA, including additional flood modelling that takes into account climate change allowances, as part of an updated Strategic Flood Risk Assessment (SFRA). The EA have since confirmed that this additional assessment is sufficient to remove their objection to the Joint Plan.

In total 85 main modifications have been recommended in order to make the Joint Plan sound. This includes revised development guidelines for proposed minerals sites in RBWM, and clarifying the purpose of mineral consultation areas as an internal tool to guide consultation. For clarity, the main modifications do not propose to include any new additional minerals or waste sites in Wokingham Borough.

For Wokingham Borough the key main modifications are:

- Brookside Business Park, Swallowfield: Proposed to be removed as a preferred waste area identified in Appendix A of the Joint Plan, due to the increase in flood risk as a result of the latest modelling data which takes into account climate allowances (MM78 and MM83).
- Star Works, Know Hill: Clarity is provided in Appendix E (MM84) that the site is proposed to be safeguarded for waste uses as an existing operational waste site.
- Policy DM15: Operator Past Performance, has been reconsidered and renamed 'Site History' to better focus on land use planning issues (MM27).

Main Modifications Consultation

All the proposed main modifications are set out in Enclosure 1. Modifications are listed by policy, with deletions struck through, and proposed additional text bold and underlined.

Responses to the consultation should focus on the proposed modifications and can be submitted using the response form.

A number of supporting documents have also been prepared to take into account the proposed main modifications, including an updated Strategic Flood Risk Assessment, and addendums to the Sustainability Appraisal and Habitat Regulations Assessment.

The council is required under the Regulations governing the preparation of Local Plans to consult with key stakeholders on the recommended modifications.

The Joint Plan, and associated documents, are now being finalised and subject to approval by all four authorities, it is intended to formally consult on the Joint Plan and associated documents between for 6 weeks from February 2022.

Consultation will be undertaken jointly by Hampshire Services who were commissioned to prepare the Joint Plan on behalf of the joint authorities with additional actions by the joint authorities. The consultation exercise is being designed to meet the policies and practice set in the Statement of Community Involvement adopted by each of the joint authorities.

The consultation will involve sending emails/ letters to individuals, organisations, councillors, and making all the documents publicly available via the website. Due to the impact of Covid 19, adaptations to how the consultation is undertaken may be required. All documents will be available on the website.

The Planning Inspectors will review all the consultation responses submitted as part of preparing their final report, which will reach clear conclusions on the soundness and legal compliance of the Joint Plan. If the Joint Plan is found sound and legally compliant, the Joint Plan can be adopted and will form part of the development plan.

Governance

The governance for the preparation of the Joint Plan is headed by a Joint Members Sounding Board with representation from each of the authorities made up of portfolio holders and one additional representative. The Board acts as an advisory body for the preparation of the plan.

Risk Management

The main risk is whether the Joint Plan is ultimately found to be ‘legally compliant’ and ‘sound’ by a Planning Inspector who will conduct an independent public examination.

Legal Compliance

In producing the Joint Plan, each local authority and Hampshire Services has to assess whether the document was compatible with the legal requirements associated with plans of the authority. This included the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended); the Environmental Assessment of Plans and Programmes Regulations 2004; the Conservation of Habitats and Species Regulations 2010; the Human Rights Act; compliance with Directives of the European Commission and subsequent UK Regulations and ensuring that no segment of the Borough’s community was likely to be unfairly penalised.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Circa £61k	Yes	Revenue
Next Financial Year (Year 2)	NA	NA	NA

Following Financial Year (Year 3)	NA	NA	NA
-----------------------------------	----	----	----

Other Financial Information

The costs of preparing the Joint Plan are equally split between the four commissioning councils. The table above sets out the project costs attributable to Wokingham Borough Council.

This is a multi-year project and therefore the costs will be spread across a number of financial years, the exact timing of which will be subject to external influences such as the Planning Inspectorate's availability for the Public Examination. The profile of the budget may vary according to other factors but can be covered by existing agreed budget, based on estimated costs for the examination process. The cost of the examination is included in the current project costs, with any additional costs split between the four authorities.

If the consultation on the Joint Plan main modifications is not approved then there is increased risk of the preparation of the Joint Plan being extended beyond its current programme. This will result in increased financial pressures across the four councils.

Stakeholder Considerations and Consultation

Public consultation will be carried out in accordance with the Statement of Community Involvement of the joint authorities but may need to be adapted depending on latest government advice regarding Covid 19. All relevant information will be available on the website, and email notifications will be sent to all those on the existing consultation database.

Public Sector Equality Duty

An Equalities Impact Assessment Report is attached in Enclosure 2.

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 decision supports sustainable mineral extraction and waste management as part of plan led approach to providing opportunities to mitigate and adapt to the effects of climate change. Policy DM2 specifically supports climate change mitigation and adaption, through appropriate restoration of sites, diverting biodegradable waste from landfill, and other measures.

List of Background Papers

Enclosure 1: Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications

Enclosure 2: Equalities Impact Screening Report

Other documents available on request:

- Policies Map
- Sustainability Appraisal Addendum
- Habitat Regulations Assessment Addendum
- Revised Strategic Flood Risk Assessment

Contact Ian Church	Service Delivery and Infrastructure
Telephone Tel: 0118 974 6450	Email ian.church@wokingham.gov.uk

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Central and Eastern Berkshire

Joint Minerals & Waste Plan

Schedule of Proposed Main Modifications

Examination Library Reference: MD03

1 December 2021



www.rbwm.gov.uk



Prepared by Hampshire Services
Hampshire County Council
www.hants.gov.uk/sharedexpertise



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1. Introduction

- 1.1 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead, and Wokingham Borough Council (collectively referred to as the 'Central & Eastern Berkshire Authorities') are working in partnership to produce a Joint Minerals and Waste Plan (JMWP/ 'the Plan') which will guide minerals and waste decision-making in the Plan area.
- 1.2 This document sets out main (MM) modifications to be applied to the Submission version of the Plan. Proposed modifications were discussed at the examination hearings 28-30 September 2021 and 12 October 2021.
- 1.3 Modifications are presented in the following ways;
 - deleted text is struck through i.e. ~~deleted~~; and
 - new text is shown as bold and underlined i.e. **new text**.
- 1.4 The main modifications are subject to public consultation. Any responses received will be given to the Inspectors for consideration.
- 1.5 Where relevant, reference has been made to updated evidence base documents which are available on the Examination Library. However, this is for information purposes and the documents are not subject to consultation.

2. Schedule of proposed Main Modifications

Text to be inserted is shown **bold and underlined**.

Text to be deleted is shown ~~struck through~~.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM1	1.9	3	<p>The Joint Minerals & Waste Plan will need to accord with current planning policy and guidance on minerals and waste. The National Planning Policy Framework (NPPF) was published in 2012 with the accompanying National Planning Practice Guidance² launched in 2014 as a live document, updated as necessary by the Government. The NPPF was subsequently revised in 2018, <u>2019</u> and <u>2021</u>2019³. The Waste Management Plan for England⁴ was published in December 2013, followed by the National Planning Policy for Waste⁵ which was published in October 2014. The 25 Year Environment Plan⁶ was published in 2018 and sets out Government action to help the natural world regain and retain good health. A Resources and Waste Strategy for England was also published in December 2018⁷. The Strategy seeks to preserve material resources by minimising waste, promoting resource efficiency, and encouraging a move towards a circular economy.</p> <p>³ National Planning policy Framework - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840197/NPPF_Feb_2019_revised.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM2	1.20	6	<p>The NPPF²⁴ requires that Local Plans are reviewed at least every five years from the year of adoption in order to take into account changing circumstances to the local area and national policy. The review should decide whether the</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>policies need updating and if not, the reasons for this decision must be published.</p> <p>²⁴ National Planning Policy Framework (Para. 33) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	
MM3	3.16	16	<p><u>xii. Address both the causes of climate change and seek ways to mitigate and adapt to its potential effects.</u></p>	To ensure alignment between the Spatial Strategy and the Vision and Strategic Objectives.
MM4	Policy DM 2 / 5.10 & 5.11	22	<p>It is a national planning objective that planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and supporting the delivery of renewable and low carbon energy and associated infrastructure³⁰.</p> <p>National planning policy also states that '<u>Plans should take a proactive approach to mitigating and adapting to climate change</u> local planning authorities should adopt proactive strategies to mitigate and adapt to climate change'³¹. This should include taking account of the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes as well as the risk of overheating from rising temperatures³².</p> <p>³⁰ National Planning Policy Framework (Para. 152-148): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>le/779764/ NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p> <p>³¹National Planning Policy Framework (Para. <u>153</u>449)</p> <p>³²National Planning Policy Framework (Para. <u>153</u>449)</p>	
MM5	Policy DM3 / 5.19 & 5.20	25	<p>National planning policy protects biodiversity overall, as well as important habitats and species, requiring local authorities to ‘distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value’ and ‘take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries’³⁴ .</p> <p>The Environment Act³⁵ requires that development achieves at least a 10% net gain in value for biodiversity and that developers must submit a ‘biodiversity gain plan’ with a planning application. Furthermore, the Act requires that Local Nature Recovery Strategies (LNRS) to be prepared by locally appointed ‘responsible authorities’³⁶ to guide delivery of biodiversity net gain and other nature recovery measures by helping developers and planning authorities avoid the most valuable existing habitat and focus habitat creation or improvement where it will achieve the greatest benefit.</p> <p>³⁴National Planning Policy Framework 20212019 (Para. <u>175</u>474)</p> <p>³⁵ Environment Bill currently going through Parliament Environment Act 2021 - https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted</p>	NPPF 2021 Update and Enactment of Environment Bill

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM6	Policy DM3 / 5.24 & 5.25	28	<p>National planning policy is clear that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed “clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”³⁷.</p> <p>Similarly, national planning policy requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) be refused, unless there are “wholly exceptional reasons”³⁸ and a suitable compensation strategy exists”³⁹.</p> <p>³⁷National Planning Policy Framework (NPPF) 2021 (Para 180(b))2019 (Para 175(b)).</p> <p>³⁸For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat</p> <p>³⁹ National Planning Policy Framework (NPPF) 2021 (Para 180(c))2019 (Para 175(c))</p>	NPPF 2021 Update
MM7	Policy DM4 / 5.33	31	<p>Central and Eastern Berkshire contains a diverse range of landscapes. National planning policy requires that ‘great weight is should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’⁴⁰.</p> <p>⁴⁰National Planning Policy Framework (Para. 176172) - https://www.gov.uk/government/publications/nationalplanning-policy-framework-2</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM8	Policy DM4	31	<p><u>1. Development which affects the setting of an Area of Outstanding Natural Beauty (AONB) should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</u></p> <p><u>2.</u> 4. Development Proposals which affects the setting of an Area of Outstanding Natural Beauty (AONB) will be accompanied by a Landscape and Visual Impact Assessment that demonstrates that there is no detrimental impact on the natural beauty of the North Wessex Downs or Chilterns AONBs in terms of scale, design, layout or location, that cannot be effectively mitigated.</p>	To address changes to Para. 172 of NPPF 2019, reflected in Para. 176 of NPPF 2021.
MM9	Policy DM5 / 5.40	33	Landscapes outside designated areas and sites are highly valued, and it is important to respect their special qualities <u>intrinsic character and beauty</u> . Minerals and waste developments, even though they may be temporary, can have a negative landscape and visual impact on residents, visitors, users of publicly accessible land, rights of way and roads	Text amended to reflect Para. 174 of NPPF 2021.
MM10	Policy DM5	33	<p>Policy DM5 Protection of the Countryside</p> <p>1. Minerals and waste development in the open countryside will only be permitted where:</p> <p>a. It is a time-limited mineral extraction or <u>time-limited</u> related development; or</p> <p><u>b. the nature of the development is related to countryside activities or requires an isolated location;</u></p>	Text amended to reflect Para. 174 of NPPF 2021, improve the application of the Policy and clarify the time-limited development.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>bc. The development provides a suitable reuse of previously developed land; or</p> <p>ed. The development is within redundant farm or forestry buildings and their curtilages or hard standings.</p> <p>2. Where appropriate and applicable, development in the countryside will be expected to:</p> <p>a. mMeet the highest standards of design, operation and restoration; including being subject to a requirement that it is restored</p> <p><u>b. consider the intrinsic character and beauty of the landscape which would be determined by the relevant Local Character Assessment;</u> in in particular;</p> <p><u>c. ensure any</u> the network of statutory and permissive countryside access routes should be protected, and where possible, enhanced; and</p> <p><u>d. be subject to the requirement that it is restored in</u> the event it is no longer required for minerals and waste use.</p>	
MM11	Policy DM6 / 5.50	35	<p>The eastern part of the Plan area is situated within the Metropolitan Green Belt around London (see Key Diagram). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence⁴².</p> <p>⁴² National Planning Policy Framework (Para. 137133) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf	
MM12	Policy DM6 / 5.52	35	<p>There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances⁴³.</p> <p>⁴³ National Planning Policy Framework (Para. 147143)</p>	NPPF 2021 Update
MM13	DM6	35	<p>Policy DM6 Green Belt</p> <p>1. Proposals for minerals and waste development within the Metropolitan Green Belt will be carefully assessed for their effect on the objectives and purposes for which the designation has been made. High priority will be given to preservation of the openness of the Green Belt.</p> <p><u>2. Mineral extraction, which is not inappropriate development in a Green Belt, will be permitted where the impact of associated infrastructure has been taken into account and, where required, suitable mitigation measures are provided to prevent conflict with the objectives and purposes of the designation.</u></p> <p>23. Where the proposals do not conflict with the preservation of the openness of the Green Belt, w Waste management facilities, including aggregate recycling facilities, will be permitted where <u>the proposal is not inappropriate development and where</u> it can be demonstrated <u>that:</u></p> <p><u>a. the proposals do not conflict with the preservation of the openness of the Green Belt; or</u></p>	<p>To clarify exceptions are set out in the NPPF which could be applied to waste management proposals in the Green Belt in certain circumstances.</p> <p>To clarify that mineral extraction is not inappropriate development in a Green Belt.</p> <p>To split minerals and waste processes into separate criteria and review associated bullet points.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>b. suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt; and</u></p> <ul style="list-style-type: none"> • that the site is the most suitable location in relation to arisings and recycle markets; • <u>i.</u> there are no appropriate sites outside the Green Belt that could fulfil the same role; and <p><u>ii. the site is the most suitable location in relation to arisings and recycle markets.</u></p> <ul style="list-style-type: none"> • that suitable mitigation is provided to ensure the development would not cause harm to the objectives and purposes of the Green Belt. 	
MM14	Policy DM6 / 5.55	36	<p>National planning policy⁴⁴ states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt.</p> <p>⁴⁴ National Planning Policy Framework (Para. <u>150</u>146) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM15	Policy DM7 / 5.63	38	<p>National planning policy identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations⁴⁵</p> <p>⁴⁵ National Planning Policy Framework (Para. 189184) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM16	Policy DM7	39	<p>Policy DM7 Conserving the Historic Environment</p> <p>1. <u>Some designated heritage assets such as Scheduled Monuments, Listed Grade 1 buildings and Registered Parks are of national importance; other grades of listed building and locally recognised heritage assets may be of regional or local importance. Non-designated heritage assets, usually recorded on the Historic Environment Record but sometimes encountered for the first time during preliminary survey, may be of national, regional, or local importance according to the weight given to them within expert advice.</u></p> <p>4. <u>2.</u> Proposals for minerals and waste developments will be required to protect, conserve and where possible enhance the historic environment, and the character, setting and special interest of heritage assets, whether designated or undesignated <u>non-designated</u>.</p> <p>2. Harm will only be allowed where the public benefit of development clearly and convincingly outweighs the significance of the heritage assets, and where the development cannot be delivered in a way that does not cause harm.</p> <p>3. Any planning application <u>Proposals</u> should be supported by an assessment of the significance of heritage assets <u>including its setting</u>, both present and</p>	Additional text to clarify the relative importance of historic assets to support National Policy and to outline the public benefit test.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>predicted, and the impact of development on them. Where appropriate, this should be informed by the results of technical studies, and field evaluation and other evidence. For mineral proposals this should to establish the potential for archaeological remains within the overburden and the mineral body itself.</p> <p><u>4. Proposals that would cause substantial harm to, or loss of, a designated heritage asset and its significance including its setting, will be required to set out a clear and convincing justification as to why that harm is considered acceptable on the basis of achieving substantial public benefits that outweigh that harm or loss, or where all the specific circumstances in the NPPF apply. Proposals will not be supported where this cannot be demonstrated.</u></p> <p><u>5. Proposals that cause less than substantial harm to the significance of a designated heritage asset will be required to weigh the level of harm against the public benefits that may be gained by the proposal including securing its optimum viable use.</u></p> <p><u>6. Proposals which affect the significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect affects upon the heritage asset.</u></p> <p><u>7. When there is a clear and convincing justification that the public benefits of development outweigh the harm to, or loss of, a significance of the designated heritage assets and its significance including its setting harm to, or loss to heritage assets would unavoidably occur, mitigation of that harm, should be secured, and a balanced judgement taken regarding mitigation where non-designated heritage assets are impacted. This should include</u> including archaeological work ahead <u>of</u> or during</p>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>development, should be <u>the recording of designated and non-designated heritage assets, and protection, conservation, enhancement or reinstatement of a heritage asset's setting, as appropriate.</u></p> <p><u>8. Evidence and results of archaeological excavation, field evaluations, technical studies and other recordings should be made publicly accessible</u> (including depositing the results in a public archive <u>and Historic Environmental Record</u>).</p>	
MM17	Policy DM8	42	<p>Policy DM8 Restoration of Minerals and Waste Developments</p> <p>1. Planning permission for minerals extraction and temporary waste management development will be granted only where satisfactory provision has been made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.</p> <p>2. The restoration of minerals and waste developments should reinforce or enhance the quality and character of the local area and should contribute to the delivery of local objectives for biodiversity, landscape character, historic environment, <u>flood risk management</u> or community use where these are consistent with the Development Plan and national policies and guidance.</p> <p>3. <u>Proposals for all mineral extraction and landfill sites must be accompanied by a restoration and aftercare scheme and</u> The restoration of mineral extraction and landfill sites should be phased throughout the life of the development.</p>	To provide sufficient clarity in the policy on what restoration information is required.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM18	Policy DM10 / 5.96	48	<p>Minerals and waste development can have significant impacts on flooding. National planning policy on flooding states “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” aims to ‘steer inappropriate new development to areas with the lowest probability of flooding’⁵³</p> <p>⁵³National Planning Policy Framework (Para 159158) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM19	Policy DM10	48	<p>1. Minerals and waste development in areas at risk of flooding should:</p> <p>a. Apply the sequential approach which involves applying the sequential test, and if needed the exception test, where required, and sequential approach within the to specific development site proposals directing the most vulnerable development to the areas at lowest risk probability of from flooding;</p> <p>b. Not result in an increased flood risk elsewhere and, where possible, reduce flood risk overall;</p> <p>c. Ensure development is safe from flooding for its lifetime including an assessment of climate change impacts;</p>	The wording of points a and b needed to be amended as they had been worded incorrectly (the latter needed to be aligned with the Planning Practice Guidance). This was raised by the EA in their Reg 19 response.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>d. Incorporate flood protection, flood resilience and resistance measures where appropriate to the character and biodiversity of the area and the specific requirements of the site;</p> <p>e. Include site drainage systems designed to take account of events which exceed the normal design standard; <u>include site drainage systems designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change;</u></p> <p>f. Not increase net surface water run-off; and</p> <p>g. If appropriate, incorporate Sustainable Drainage Systems to manage surface water drainage, with whole-life management and maintenance arrangements.</p>	
MM20	Policy DM10 / 5.98	48/49	<p>Mineral deposits have to be worked where they are found, and these are often located in flood risk areas. Sand and gravel extraction and processing can take place in flood risk areas, provided any potential impact on the site and surrounding area is adequately managed so that the risk of flooding does not increase either within the site or downstream <u>including during the restoration phases</u>. Applications for minerals and waste proposals within Source Protection Zones should be accompanied by a Hydrogeological Risk Assessment.</p>	<p>Additional wording to clarify that increased risk should not occur elsewhere during restoration phased of mineral quarrying as raised by the Environment Agency in their Reg 19 response.</p>
MM21	Policy DM10 / 5.100	49	<p>Existing waste developments have the potential to pollute water resources if they are at risk from flooding. Landfill and hazardous waste facilities will not be</p>	<p>Additional wording to clarify the application</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>permitted in Flood Risk Zones 3a and 3b. <u>Landfill and hazardous waste facilities are classed as More Vulnerable and as such are not permitted in Flood Zone 3b with an exception test required if they are proposed in Flood Zone 3a. Proposals will only be permitted in line with the vulnerability categories and classification in the National Planning Policy framework and Practice Guidance.</u> Historic landfills in areas of flood risk may need to be protected by flood defences.</p>	<p>of Policy DM10 in relation to proposals in Flood Zone 3a or 3b as raised by the Environment Agency in their Reg 19 response.</p>
MM22	DM11	50	<p>1. Planning permission will be granted for minerals and waste development where proposals do not:</p> <p>a. Result in the deterioration of the physical state, water quality or ecological status of any water resource and waterbody including river, streams, lakes, ponds, groundwater source protection zones and groundwater aquifers; and</p> <p>b. cause unacceptable risk to the quantity of water resources; and</p> <p>c. cause changes to groundwater and surface water levels which would result in unacceptable impacts on:</p> <p>i. adjoining land;</p> <p><u>ii. nearby private and licensed abstractions;</u></p> <p>iii. potential groundwater resources; and</p> <p>iiiv. the potential yield of groundwater resources, river flows or natural habitats.</p> <p>2. Where proposals are in a groundwater source protection zone <u>or present a hazard to water resources, quality and abstractors,</u> a</p>	<p>Additional wording to point 1c to clarify the need for a protection of nearby abstractions and point 2 to align with the Environment Agency's approach to protection of groundwater as raised by the Environment Agency in their Reg 19 response.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			Hydrogeological /Hydrological Risk Assessment must be provided. If the Hydrogeological /Hydrological Risk Assessment identifies unacceptable risk, the developer must provide appropriate mitigation.	
MM23	Policy DM12 / 5.117	53	National planning policy supports developments where sustainable transport opportunities have been utilised, safe and suitable access can be achieved, and any significant impacts from the development on the transport network in terms of capacity, congestion and highway safety can be mitigated in an acceptable, and cost effective way ⁵⁷ . ⁵⁷ National Planning Policy Framework (Para. 110 408) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	NPPF 2021 Update
MM24	Policy DM13 / 5.127	57	National planning policy ⁵⁸ attaches great importance to the design of the built environment and is a key aspect of sustainable development. ⁵⁸ National Planning Policy Framework (Para. 126 424) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf	NPPF 2021 Update
MM25	Policy DM15 / Heading	61	Operator past performance Site History	Focus on land-use in line with planning principles.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM26	Policy DM15 / 5.142	61	An operator's record of running established minerals or waste sites within their control can provide information on how appropriately the impacts of development have been managed by that operator. <u>The history of an established minerals or waste site can provide information on how appropriately the impacts of development can be managed at that site.</u> In some circumstances, where there is sufficient evidence, this information can be a useful indicator of how proposed future minerals or waste uses might need to be managed by that operator.	Focus on land-use in line with planning principles.
MM27	Policy DM15	61	Policy DM15 <u>Past operator performance Site History</u> 1. Where an applicant or operator has been responsible for an existing or previous minerals or waste development site <u>there is a history of minerals or waste activities at a proposed site</u> , an assessment of their <u>the</u> operational performance at that existing or previous site will be made. 2. Where issues have been raised about the operation of an existing or previous development <u>a</u> site, how the operator or applicant has responded, particularly where there is evidence of any significant adverse effects, <u>these issues</u> will be taken into consideration in decision-making on minerals or waste applications submitted by the same applicant or operator <u>on that site</u> .	Focus on land-use in line with planning principles.
MM28	Policy DM15 / 5.147 (& New Para), 5.148, New Para., 5.149	62	The (re)occurrence of any significant adverse effects and how they have been addressed will be an indicator of whether an operator or applicant can deliver future development effectively <u>a particular land use can be made acceptable on a particular site</u> . The applicant will need to provide information and relevant records on existing development site performance as	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>part of the application, as well as submitting information on how any previous performance issues will be avoided and/or addressed in the future for the proposed development. <u>Particularly relevant will be those activities, impacts, potential impacts, or mitigation measures that are similar to the ones proposed.</u></p> <p>[Split 5.147]</p> <p><u>The applicant will need to provide information and relevant records on the existing site history as part of the planning application, as well as submitting information on how any previous performance issues will be avoided and/or addressed in the future for the proposed development.</u></p> <p>A Monitoring Assessment <u>information</u> will be required, to support the determination of a planning application, particularly where developments have a long or complex history of issues. Where there is no history of an operator within the Plan areas, it may be possible to obtain the relevant information through liaison with monitoring officers in locations where they have previously had active sites. It would be expected that the planning authority prepares the Monitoring Assessment <u>collates the monitoring information</u> with relevant input (e.g. monitoring officer, <u>site operator, Liaison Panel</u>, environmental health officer or Environment Agency). <u>The monitoring information will need to include how many and what types of issues have arisen, as well as whether and how they have been addressed.</u></p> <p><u>It is sometimes the case that new proposals amend the boundaries of an existing site, therefore a proposed site may overlap or adjoin an existing</u></p>	

Ref.	Policy / Para.	Page	Proposed modification			Justification
			<p><u>site. Monitoring information may still be required, if the operations at the existing site are considered to be relevant to the new proposals.</u></p> <p>The record of performance of an operator or applicant site history, as assessed, will form a material consideration in the decision-making process and may be used:</p> <ul style="list-style-type: none"> • As a basis to request additional information to support an application in relation to any issues raised through the Assessment and how these may be mitigated as part of the proposal; • To apply an appropriate condition to a permission to address an issue which has been raised through the Assessment where this has not been rectified by the applicant to an acceptable level; or <p>To tip the balance in determining an application where other matters are equal in relation to impacts.</p>			
MM29	Policy DM15 / 5.150	63	Monitoring Issue	Monitoring Indicator	(Threshold) for Policy Review	

Ref.	Policy / Para.	Page	Proposed modification			Justification
			Taking past performance <u>site history</u> into account	Permissions for proposals by existing operators accompanied by Monitoring Assessments <u>Issues from monitoring information taken into account.</u>	Number of permissions where issues outlined in <u>from M monitoring Assessments information</u> are not addressed through additional information requests and/or conditions > 0	Focus on land-use in line with planning principles.
MM30	Policy M1	68	<p>The long term aims of the Plan are to provide and/or facilitate a steady and adequate supply of minerals to meet the needs of Central and Eastern Berkshire in accordance with all of the following principles:</p> <p>a) Work with relevant minerals planning authorities to maintain the supply of aggregate not available within Central and Eastern Berkshire;</p> <p>b) Deliver and/or facilitate the identified aggregate demand requirements (Policy M3);</p> <p>c) Facilitate the supply of other mineral to meet local demands (Policy M6);</p> <p>d) Be compliant with the spatial strategy for minerals development (Policy M4); <u>and</u></p> <p>e) Take account of wider Local Plans and development strategies for Central and Eastern Berkshire.</p>			Typo

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM31	Policy M1 / 6.25	68	<p>The Central & Eastern Berkshire Authorities will work jointly to maintain the supply of minerals that serve the wider Plan area. They will also work closely with relevant mineral planning authorities to plan for the provision of aggregates from outside of the Plan area that supply Central and Eastern Berkshire. This will be established through Statements of Common Ground.</p> <p><u>Aggregate that is not available to Central and Eastern Berkshire includes those not geologically present such as hard rock, those that cannot be sourced from within the Plan area due to constraints on supply. The constraints on supply will be explored within the Statements of Common Ground and monitored through the Local Aggregate Assessment (see Policy M3).</u></p>	Additional text to clarify what it meant by 'not available' to avoid ambiguity as raised by Oxfordshire County Council in their Reg 19 Response.
MM32	Policy M2 / 6.30	70	<p>Minerals are a valuable but finite resource that can only be won where they naturally occur. Safeguarding of viable or potentially viable mineral deposits from sterilisation by surface development is an important component of sustainable development. Safeguarding means taking a long-term view to ensure that sufficient resources will be available for future generations, and importantly, options remain open about where future mineral extraction might take place with the least environmental impact. National planning policy⁶⁵ is that planning authorities should safeguard mineral deposits that are of local or national importance against non-minerals development by defining Mineral Safeguarding Areas (MSAs) in their plans and not normally permit development in Mineral Safeguarding Areas if it constrains their potential future use⁶⁶.</p> <p>⁶⁵ National Planning Policy Framework (Para. 210204 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p> <p>⁶⁶ National Planning Policy Framework (Para. <u>212</u>206)</p>	
MM33	Policy M2 / 6.31	70	Minerals of local and national importance will be safeguarded and defined by the Mineral and Waste Safeguarding Areas (MWSA). This safeguarding will be achieved by encouraging extraction of the underlying minerals prior to development proceeding, where practicable, if it is necessary for the development to take place within the MWSA.	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.
MM34	Policy M2 / 6.38	71	It is important to note that there is no automatic presumption that planning permission for the winning and working of sand and gravel will be granted in MWSAs.	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.
MM35	Policy M2	72	<p>Policy M2 Safeguarding sand and gravel resources</p> <ol style="list-style-type: none"> 1. Sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development. 2. Safeguarded mineral resources are defined by the Minerals and Waste Safeguarding Area illustrated on the Policies Map. 3. Non-minerals development in the Minerals and Waste Safeguarding Area may be permitted if it can be demonstrated <u>through the preparation of a Mineral Resources Assessment</u>, that the option of prior extraction has been fully considered as part of an application, and: 	<p>Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.</p> <p>To provide clarity on how policy M2 makes provision for temporary development and that prior extraction can only take place where it is practical and feasible.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. Prior extraction, where practical and environmentally feasible, is maximised, taking into account site constraints and phasing of development; or</p> <p>b. It can be demonstrated that the mineral resources will not be permanently sterilised; or</p> <p>c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.</p>	<p>Inclusion of requirement for a Mineral Resource Assessment included for clarification purposes.</p>
MM36	Policy M2 / 6.39 & 6.40	72	<p>The extent of MWSA will be based on information about aggregate sand and gravel resources from the British Geological Survey and other sources of geological information, plus existing mineral working permissions and the nature and duration of any such operations. In some instances, the MWSAs will apply to sand and gravel deposits beneath existing built up urban areas. This ensures sand and gravel deposits and the possibility for prior extraction is taken into account when proposals for large scale redevelopment are considered. The broad extent of sand and gravel resources to which the MWSA will apply are shown on the Key Diagram and Policies Map.</p> <p>In assessing development proposals within the MWSA, the Central & Eastern Berkshire Authorities will have regard, amongst other things, to the size and nature of the proposed development, the availability of alternative locations and the need for phasing of the proposed development. Account will also be taken of the quantity and quality of the sand and gravel that could be recovered by prior extraction and the practicality and environmental impacts of doing so. A minimum plot size of 3 hectares⁶⁷ will apply in the safeguarding process to avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved. However, applications will be monitored to ensure a piecemeal</p>	<p>Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.</p>

Ref.	Policy / Para.	Page	Proposed modification		Justification
			approach is not taken which could accumulate to have an impact on resources.		
MM37	Policy M2 / 6.46	74	<p><u>The Central & Eastern Berkshire Authorities have produced a Minerals Consultation Area in line with</u> National Planning Guidance⁶⁸ states that a Minerals Consultation Area (MCA) should be produced based on the MSA. The Central and Eastern Berkshire Authorities' Mineral and Waste Consultation Area (MWCA) includes a buffer of 250 metres around quarries and 50 metres around other mineral operations. The MWCA will be applied by the Central & Eastern Berkshire Authorities <u>which will be used</u> to determine whether they need to consult a neighbouring Mineral Planning Authority or each other on an application <u>which could impact mineral resources or supply.</u> and to ensure that minerals and waste issues are taken into consideration when determining non-minerals or waste applications.</p>		Revision to clarify that the MCA is an internal tool.
MM38	Policy M2 / 6.48	74	Monitoring Indicator (Threshold) for Policy Review		Clarification of the Monitoring of Policy M2.
			Area (Hectares) of MWSA on completed sites above 3 ha in size, <u>safeguarded resource</u> sterilised by non-minerals development <u>not subject to prior extraction</u>	Year on year increase over 5 years.	
			<u>Amount of sand and gravel (including soft sand) extracted through prior extraction in tonnes per annum.</u>	<u>No increase over 5 years.</u>	

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM39	Policy M3 / 6.49	75	<p>The requirement under national planning policy⁶⁹ is that minerals policies should make provision for ensuring a steady and adequate supply of aggregates for the construction industry and wider economy by means of maintaining a 'landbank'.</p> <p>⁶⁹ National Planning Policy Framework (Para. 213207) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM40	Policy M3 / 6.53	75	<p>National planning policy⁷⁰ also requires mineral planning authorities to make provision for the maintenance of a landbank of at least seven years for sand and gravel.</p> <p>⁷⁰ National Planning Policy Framework (Para. 213207 (f))</p>	NPPF 2021 Update
MM41	Policy M3 / 6.57 (New Para. 6.58)	76	<p>A change in local circumstances will have an impact on demand and therefore, the landbank. The proposed Heathrow airport expansion, subject to ongoing legal challenges and consultations, is such an example which would create a local increase in demand for aggregate. However, there is currently a significant level of uncertainty over the proposals for the Heathrow airport expansion with regard to timings and construction methods which would influence demand.</p> <p>[split of para. 6.57]</p> <p>It is therefore, accepted that the provision rate may change over the Plan period in order to maintain the landbank and a steady and adequate supply of aggregate. This will be monitored through the Local Aggregate Assessment and reviewed within three years, where necessary. <u>If sufficient sand and</u></p>	Clarification on reliance on imports during the Plan period based on allocations.

Ref.	Policy / Para.	Page	Proposed modification	Justification				
			<p><u>gravel is not provided within the Plan area, there will be a reliance on imports from other Mineral Planning Authority areas until such time development is delivered within Central and Eastern Berkshire. Imports will be regularly monitored but it is anticipated, based on the allocations in the Plan, that sand and gravel will be delivered from outside of the Plan area throughout the Plan period at the following rates:</u></p> <ul style="list-style-type: none"> • <u>228,000 tonnes at 2026;</u> • <u>378,000 tonnes at 2031; and</u> • <u>628,000 tonnes at 2036.</u> 					
MM42	Policy M3 / 6.65	77	<p>The effectiveness of the policy will need to be carefully monitored through the Local Aggregate Assessment <u>including import levels</u> to ensure that changes in local circumstances are reflected in any future provision rate. <u>Local circumstances include issues specific to the Plan area which may impact either demand or supply such as a major infrastructure project or delivery constraints associated with quarries or minerals infrastructure supplying Central and Eastern Berkshire.</u> However, it should also be recognised that these changes maybe time-limited due to their association with specific large-scale infrastructure projects such as <u>the</u> proposed Heathrow airport expansion, rather than a long-term trend.</p>	<p>Additional text to clarify what it meant by 'local circumstance' to avoid ambiguity as raised by Oxfordshire County Council in their Reg 19 Response and correction of typo.</p>				
MM43	Policy M3 / 6.66	78	<table border="1"> <tr> <td>Monitoring Indicator</td> <td>(Threshold) for Policy Review</td> </tr> <tr> <td>Sand and gravel sales fail to achieve provision rate.</td> <td>Breach over 3 consecutive years.</td> </tr> </table>	Monitoring Indicator	(Threshold) for Policy Review	Sand and gravel sales fail to achieve provision rate.	Breach over 3 consecutive years.	<p>The Threshold for Policy Review has been amended to align with Policy M3 and Para. 6.57 which</p>
Monitoring Indicator	(Threshold) for Policy Review							
Sand and gravel sales fail to achieve provision rate.	Breach over 3 consecutive years.							

Ref.	Policy / Para.	Page	Proposed modification		Justification
			Sand and gravel sales exceed provision rate.	Increasing trend in sales (above provision rate) over <u>5</u> <u>3</u> consecutive years.	states that the provision rate will be reviewed every three years.
			<u>Imports of sand and gravel increase.</u>	<u>Increasing trend over Plan period.</u>	New indicator to monitoring import levels to ensure land-won demand not impacted as raised by Oxfordshire County Council in their Reg 19 Response.
MM44	Policy M4 / 6.69, 6.70, 6.71 & 6.72 (& New Para.	79	<p>There is a requirement to provide an additional 5.447 Mt of sharp sand and gravel (0.628 Mt per annum) during the Plan period. As such, there is a need to identify sites for local land-won aggregate <u>to meet the 2.5 Mt shortfall. However, addressing the shortfall will be dependent not only on the yield of the sites but when they are likely to come forward and their annual throughput.</u></p> <p>The new sites identified in Policy M4 have been nominated by industry and have been assessed to be appropriate for development subject to the relevant development considerations outlined in Appendix A. <u>The allocations in seek to provide 0.4 Mt in terms of contribution to supply.</u></p> <p>The exact timings of sites coming forward will depend on the market conditions, extraction rates at existing sites and planning permission being granted. <u>However, it is anticipated that the allocations are likely to be</u></p>		<p>Additional text to clarify the extent of the shortfall but also the contribution that is being made by the allocations in terms of supply.</p> <p>Additional text to confirm when the allocations are intended to be delivered in the Plan period.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>delivered at the following points within the Plan period, subject to planning permission being granted:</u></p> <ul style="list-style-type: none"> • <u>Horton Brook & Poyle Quarry Extension, Horton (MA1) – from 2024+;</u> • <u>Poyle Quarry Extensions, Horton (MA2) – from 2024+.</u> <p>Despite new site allocations, there is still likely to be a shortfall in supply during the Plan period⁷⁴. The aggregate industry has not identified sufficient sites to plug this gap at present. The minerals industry is market-led, and it is recognised that there is likely to be a need for future requirements, particularly considering major infrastructure projects in the area such as the proposed Heathrow airport expansion.</p> <p>[split of Para. 6.72]</p> <p>In order to provide flexibility in supply and to allow industry to bring forward appropriate sites, Policy M4 (3) outlines a contingency <u>criteria-based</u> approach to ensure that the landbank is maintained and therefore a steady and adequate supply. <u>Sites will be expected to come forward within the Area of Search for sand and gravel which demonstrates the potential resource in the Plan area. This approach is supported by a Statement of Common Ground with neighbouring mineral planning authorities as outlined in Policy M1. Preferred Areas cannot be provided due to the lack of evidence, and it is considered that this may limit the potential for proposals to come forward across the Plan area.</u></p>	<p>Addition text to correct typos and provide clarification on the approach taken to allowing additional new proposals to come forward.</p>
MM45	Policy M4	80	Policy M4 Locations for sand and gravel extraction	Additional text to clarify the quantum expected to be

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>A steady and adequate supply of locally extracted sand and gravel will be provided by:</p> <ol style="list-style-type: none"> 1. The extraction of remaining reserves at the following permitted sites: <ol style="list-style-type: none"> a. Horton Brook Quarry, Horton b. Riding Court Farm, Datchet c. Sheephouse Farm, Maidenhead d. Poyle Quarry, Horton e. Water Oakley, Holyport 2. Extensions to the following existing sites, <u>provided the proposals address the relevant development considerations outlined in Appendix A:</u> <ol style="list-style-type: none"> a. Horton Brook & Poyle Quarry, Horton (MA1) <u>- 0.15 Mt</u> b. Poyle Quarry, Horton (MA 2) <u>- 0.25 Mt</u> 3. Proposals for new sites not outlined in Policy M4 (1 and 2) will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, where: <ol style="list-style-type: none"> a. They are situated within the Area of Search (as shown on the Policies Map); and b. They are needed to maintain the landbank; and/or c. Maximise opportunities of existing infrastructure and available resources; or d. At least one of the following applies: <ol style="list-style-type: none"> i. The site contains soft sand; 	<p>delivered by each allocation in Policy M4 and to give the development considerations greater weight.</p> <p>Clarification of term 'appropriate locations'</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>ii. The resources would otherwise be sterilised; or</p> <p>iii. The proposal is for a specific local requirement.</p>	
MM46	Policy M4 / 6.74 (New Para. 6.75)	80	<p>The Area of Search is shown on the Policies Map. <u>The Area of Search is based on the presence of soft sand, sharp sand and gravel resources but excludes designated areas which are identified in the NPPF as areas that should be avoided for development to be sustainable. The settings of designations could not be excluded as these are not clearly defined. However, built up areas and those areas of remaining resource of less than 3 hectares was excluded as being unlikely to be viable.</u></p> <p>[split Para. 6.74]</p> <p>It is recognised that the Area of Search However, the criteria defining the Area and therefore, the extent will change as land uses change and new designations are made or amended. <u>However, the application of the criteria will remain constant and will determine the extent of the Area of Search.</u> Sites identified within the Area of Search will still be subject to planning permission.</p>	To clarify how the Area of Search will be applied over the Plan period.
MM47	Policy M4 / 6.77	81	<p>National planning policy⁷⁵ states that provision should be made to maintain the landbank at 'at least' 7 years for sand and gravel.</p> <p>⁷⁵ National Planning Policy Framework (para. 213207(f)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM48	6.91	83	National policy requires the 'contribution that substitute or secondary and recycled materials <u>and minerals waste would</u> make to the supply of	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>materials to be taken into account, before considering extraction of primary materials, <u>whilst aiming to source minerals supplies indigenously</u>;⁷⁶.</p> <p>⁷⁶ National Planning Policy Framework (Para. 210204-(b)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	
MM49	Policy M5	84	<p>Policy M5 Supply of recycled and secondary aggregates</p> <p>1. Recycled and secondary aggregate production will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan</u>, to encourage investment in new and existing infrastructure to maximise the availability of alternatives to local land-won sand and gravel.</p> <p>2. The supply of recycled aggregate will be provided by maintaining a minimum of 0.05 million tonnes per annum.</p>	Clarification of term 'appropriate locations'
MM50	6.106	86	<p>It is considered that should technology advances and more information on geological conditions become available, and the situation changes; there are sufficient policies within national planning policy⁷⁸ to determine any application for oil and gas.</p> <p>⁷⁸ National Planning Policy Framework (most notably Para. 211205) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM51	6.108	86	<p>Whilst it is considered unlikely that an application will come forward for coal extraction, in such event, national planning policy⁷⁹ would provide sufficient guidance in determining any such application.</p> <p>⁷⁹ National Planning Policy Framework (most notably Para. 217244) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM52	Policy M6 / 6.112	87	<p>Due to lack of demand for chalk for industrial processes there is no requirement to make 15 years provision of chalk (as cement primary) as outlined in national planning policy⁸⁰.</p> <p>⁸⁰ National Planning Policy Framework (Para. 214208 (c)) – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM53	Policy M6 / 6.118	88	<p>Due to the lack of current brick and tileworks within Central and Eastern Berkshire, there is no requirement to make 25 years provision of brick-making clay as outlined in national planning policy⁸¹.</p> <p>⁸¹ National Planning Policy Framework (Para. 214208 (c)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM54	Policy M6	88	<p>Policy M6 Chalk and clay</p> <p>1. Proposals for the extraction of chalk and clay to meet a local requirement will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan,</u> subject to there being no other suitable, sustainable alternative source of mineral <u>including substitute or recycled secondary material is</u> available.</p>	Clarification of term 'appropriate locations'
MM55	Policy M6 / 6.119	88	<p>Proposals for the extraction of non-aggregate minerals will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. <u>Sustainable alternative sources should include substitute or recycled and secondary materials, where suitable^{xx}</u>. Chalk and clay in particular will be assessed to consider whether the material concerned is needed to meet a specific local requirement which would supply Central and Eastern Berkshire or the immediate surrounding planning authority areas.</p> <p>^{xx}<u>National Planning Policy Framework (Para. 210 (b))</u></p>	Additional text to clarify that sustainable alternative sources could also include substitutes or recycled and secondary materials.
MM56	Policy M7 / 6.124	90	<p>National policy encourages the use of sustainable transport⁸²</p> <p>⁸²National Planning Policy Framework (Para. 104) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf</p>	NPPF 2021 Update
MM57	Policy M7	91	<p>Policy M7 Aggregate wharves and rail depots</p> <p>1. Proposals for aggregate wharves or rail depots will be supported:</p>	Additional text to give the development

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>a. At Monkey Island Wharf, Bray (TA 1) <u>provided the proposal addresses the relevant development considerations outlined in Appendix A</u>; and</p> <p>b. In appropriate locations <u>which comply with all relevant policies in the Plan</u>, with good connectivity to:</p> <ul style="list-style-type: none"> i. The Strategic Road Network; and/or ii. The rail network; and/or iii. Minerals infrastructure. 	<p>considerations greater weight.</p> <p>Clarification of term 'appropriate locations'</p>
MM58	Policy M8 / 6.132	92	<p>Safeguarding minerals infrastructure is a requirement of national planning policy⁸⁵ which states that Mineral Planning Authorities should safeguard: "existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary <u>aggregate</u> material".</p> <p>⁸⁵National Planning Policy Framework (Para. 210204 (e)) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM59	Policy M8 / 6.136	93	<p>Any existing or planned mineral operation including rail depot or wharf will be automatically safeguarded and a list of safeguarded sites will be maintained by the Central & Eastern Berkshire Authorities. Safeguarded minerals sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area.</p>	Removal of 'Waste' from the Mineral Safeguarding Area to avoid confusion.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM60	Policy M8 / 6.138	93	<p>In line with the “agent of change” principle in national planning policy⁸⁶, potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected.</p> <p>⁸⁶National Planning Policy Framework (Para. 187182) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM61	Policy W1	98	<p>Policy W1 Sustainable waste development strategy</p> <p>1. The long term aims of the Plan are to provide and/or facilitate sustainable management of waste for Central and Eastern Berkshire in accordance with all of the following principles:</p> <p>a. Encourage Demonstrate how waste towill be managed at the highest achievable level within the waste hierarchy;</p> <p>b. Locate near to the sources of waste, or markets for its use;</p> <p>c. Maximise opportunities to share infrastructure at appropriate existing mineral or waste sites;</p> <p>d. Deliver and/or facilitate the identified waste management capacity requirements (Policy W3);</p> <p>e. Be compliant with the spatial strategy for waste development (Policy W4).</p> <p>f. Where W1 (e) cannot be achieved, work with other waste planning authorities to provide the most sustainable option for waste management.</p>	Clarify that following the waste hierarchy is a requirement.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM62	Policy W2	100	<p>Policy W2 Safeguarding of waste management facilities</p> <p>1. All lawful or permitted existing, planned and allocated waste management facilities shall be safeguarded against development that would prejudice or jeopardise their operation by creating incompatible land uses.</p> <p>2. New waste management facilities will be automatically safeguarded for the duration of the permission.</p> <p>3. Non-waste development that might result in a loss of permanent waste management capacity may be considered in the following circumstances:</p> <p>a. The planning benefits of the non-waste development clearly outweigh the need for the waste management facility at the location taking into account wider Local Plans and development strategies; and</p> <p>b. An alternative site providing an equal or greater level of waste management capacity of the same type has been found within the Plan area, granted permission and shall be developed and operational prior to the loss of the existing site; or</p> <p>c. It can be demonstrated that the waste management facility is no longer required and will not be required within the Plan period</p>	To clarify the safeguarding criteria.
MM63	Policy W2 / 7.30	101	<p>Safeguarded waste sites will be shown on the Minerals and Waste Safeguarding Area and associated Consultation Area. <u>A list of safeguarded sites (operational and planned) is outlined in Appendix E. It will be maintained by the Central & Eastern Berkshire Authorities and reported in the Monitoring Report. This will be updated as permissions are granted, and sites are closed and no longer require safeguarding.</u></p>	Text to clarify where the update to Appendix E will be reported and consistency with Policy M2.

Ref.	Policy / Para.	Page	Proposed modification	Justification
MM64	Policy W2 / 7.36	102	<p>In line with the “agent of change” principle in national planning policy⁹², it will be expected that the potentially encroaching development will need to provide adequate mitigation measures to avoid prejudicing or jeopardising the safeguarded site or provide evidence that the safeguarded site will be unaffected.</p> <p>⁹²National Planning Policy Framework (Para. 187182) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdfhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</p>	NPPF 2021 Update
MM65	Policy W3	109	<p>Policy W3 Waste capacity requirements</p> <p>1. Additional waste infrastructure capacity within the Plan area will be granted in appropriate locations, to provide a minimum of:</p> <ul style="list-style-type: none"> • 300,000 tpa non-hazardous recycling capacity; • 245,000 tpa non-hazardous recovery capacity; • 575,000 tpa of inert recycling or recovery capacity. <p>2. Hazardous waste management facilities, waste water or sewage treatment plants and non-hazardous waste landfill for residual waste will be supported, in appropriate locations <u>which comply with all relevant policies in the Plan,</u> where there is a clear and demonstrable need.</p>	Clarification of term ‘appropriate locations
MM66	Policy W4 / 7.93	112	<p>Sites suitable for general industrial uses are those identified as suitable for B2 (including mixed B2/B8), or some uses within the B8 use class¹⁰¹ (namely open-air storage). Waste management uses would not normally be suitable on land identified only for B4 <u>E(g)(iii)</u> (light industrial <u>processes</u>uses), although a limited number of low impact waste management uses (e.g. the dis-assembly of electrical equipment) may be suitable on these sites. Some industrial</p>	Update of Use Class Orders (to comply with change from 1st September 2020)

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>estates will not be considered suitable for certain waste management facilities because for instance the units are small, the estate is akin to a business park, or it is located close to residential properties.</p> <p>¹⁰¹ The Town and Country Planning (Use Classes) Order 1987 - http://www.legislation.gov.uk/ukksi/1987/764/schedule/made - as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 - http://www.legislation.gov.uk/ukksi/2010/653/article/2/made</p>	
MM67	Policy W4	115	<p>Policy W4 Locations and sites for waste management</p> <p>1. The delivery of waste management infrastructure will be supported within:</p> <p>a. Preferred Waste Areas listed in Appendix C; or</p> <p>2. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas:</p> <p><u>ab. Allocated sites, provided the proposals address the relevant development considerations outlined in Appendix A:</u></p> <p>i. Berkyn Manor Farm, Horton (WA 1);</p> <p>ii. Horton Brook Quarry, Horton (WA 2);</p> <p>iii. The Compound, Stubbings, Maidenhead (WA 3); <u>or</u></p> <p><u>bc. Where waste management infrastructure cannot be accommodated within the Preferred Waste Areas, appropriate locations which comply with all relevant policies in the Plan</u>, where the site has good connectivity to the strategic road network; and</p> <p>i. Areas of major new development; or</p>	<p>Additional text to give the development considerations greater weight.</p> <p>Review Priority</p> <p>Clarification of term 'appropriate locations'</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			ii. Sources of waste; or iii. Markets for the types of waste to be managed; and iv. One or more of the following features: <ul style="list-style-type: none"> - Is existing or planned industrial or employment land; or - Is a suitable reuse of previously developed land; or - Is within redundant farm or forestry buildings and their curtilages or hard standings; or - Is part of an active quarry or active landfill operation; or - Is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; or - There is a clear proven and overriding need for the proposed facility to be sited in the proposed location. 	
MM68	Policy W4 / 7.106, 7.107 & 7.108	116	<p>The sites outlined in Policy W4 (2/a) are entirely located within the Green Belt which has special protection in respect to development. However, these sites are allocated for waste management purposes for the following reasons, in accordance with National Policy¹⁰³.</p> <p>a) Consideration ishas been given first to locating waste management facilities within Preferred Waste Areas, which are not located within the Green Belt.</p> <p>b) Where there is no capacity within the Preferred Waste Areas or the locational needs of the waste management facility prevents it being accommodated within the Preferred Waste Areas, the lack of available sites outside of the Green Belt will need to be taken into consideration as part of the exceptional circumstances.</p> <p>The Preferred Waste Areas identified in Appendix C have been assessed on their suitability for waste management <u>and are therefore prioritised over</u></p>	<p>To clarify that the sites were allocated due to the inability of the Preferred Waste Areas to accommodate those waste uses.</p> <p>Text to clarify the priority order in Policy W4.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>other locations. However, planning permission will not be automatically granted, and the proposals will need to comply with all relevant policies within this plan as well as consider the wider Local Plans and development strategies for Central and Eastern Berkshire.</p> <p>Where proposals cannot be accommodated in the Preferred Waste Areas, they will need to demonstrate this, in which case they Proposals for further waste management development will be supported where they are in 'appropriate locations' and therefore, comply with all relevant policies within this Plan. Evidence of the requirement for a particular location will need to be provided in addition to compliance with the other relevant policies in the Plan.</p>	
MM69	Policy W5	119	<p>Policy W5 Reworking landfills</p> <p>1. Proposals for the re-working of landfill sites will only be permitted in appropriate locations <u>which comply with all relevant policies in the Plan,</u> where the proposals would result in beneficial use of the land and of the material being extracted; and, where appropriate, the landfill by-products.</p>	Clarification of term 'appropriate locations'
MM70	Appendix A (Berkyn Manor, Horton (WA1))	124	<ul style="list-style-type: none"> • Impacts to Wraysbury reservoir Site of Special Scientific Interest (SSSI), Staines Moor SSSI, Wraysbury No.1 Gravel Pit SSSI, Wraysbury and Hythe End Gravel Pit SSSI. • Impacts to Queen Mother Reservoir Local Wildlife Site (LWS), Arthur Jacob Nature Reserve LWS, Colne Brook LWS Horton and Kingsmead Lakes LWS. • Consideration of hydrological impacts. • Retention and buffering of hedgerows within site. • Consideration of the Colne Valley Gravel Pits and Reservoirs Biodiversity Opportunity Area in restoration or operational landscaping. 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p> <p>The Joint Connectivity Statement is no longer relevant.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • The restoration of the site must consider consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹⁰⁶. <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Existing vegetation should be conserved and protected, and additional buffer planting established to all boundaries. • Enhanced screening is required. • <u>Green Belt compensation due to development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.</u> • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> <p>Historic Environment:</p> <ul style="list-style-type: none"> • A Heritage Impact Statement is required. • The setting of Grade II Listed Building to the south needs to be considered. <p>Transport:</p> <ul style="list-style-type: none"> • A new access onto Poyle Road is required for mineral use and further <u>Further</u> investigation is required for a suitable access onto Stanwell Road for waste uses. • A Transport Assessment or Statement is required. • A HGV Routeing Agreement will be required. 	Update as new access is now permitted.

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. • Proximity to major / minor aquifers, in addition to Source Protection Zones. <p>¹⁰⁶ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>	
MM71	Appendix A – Horton Brook	125	Area: 5.5 ha	Correction
MM72	Appendix A (Horton Brook Quarry, Horton (WA2))	126	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> • Proposals should ensure adequate space is set aside for the establishment of a strong new landscape structure for this group of sites (Poyle Quarry and extensions, Berkyn Manor and Horton Brook) including large scale native species tree belts. • Integrate new structures with effective screen planting, including along boundaries. • Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs BOA. • Restoration Green Belt compensation due to development of the site must give take into consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles and to the Joint Connectivity Statement¹⁰⁷. • <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p> <p>The Joint Connectivity Statement is no longer relevant.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			¹⁰⁷ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.	
MM73	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	127	Proposal: Extension to Horton Brook and Poyle Quarry extracting 250,000 150,000 tonnes of sand and gravel with no processing on site.	Correction of figure.
MM74	Appendix A (Horton Brook & Poyle Quarry Extension, Horton (MA1))	128	<p>Landscape & Townscape</p> <ul style="list-style-type: none"> The Colne Valley Way Trail will need to be temporarily diverted and re-established re-established as part of the restoration and applicants will need to work closely with the relevant authorities and the Colne Valley Regional Park. The bridleway route and restoration of the site must seek to improve connectivity and enhance the local public access network and give consideration to the Colne and Crane Valleys Green Infrastructure Strategy (2019) and to the Joint Connectivity Statement¹⁰⁸. <p>Transport:</p> <ul style="list-style-type: none"> A Transport Assessment or Statement is required. An HGV Routeing Agreement will also be required (or maintain existing). <p>Historic Environment</p> <ul style="list-style-type: none"> The archaeological potential is high and will need to be addressed during the determination of the planning application. <p>Flood Risk & Water Resources</p>	<p>The Joint Connectivity Statement is no longer relevant.</p> <p>Additional text to clarify water resources information relating to the site as raised by the Environment Agency in their Reg 19 response.</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> A Flood Risk Assessment and Hydrological/Hydrogeological Assessment is required. <u>Consideration of near-by private and licenced abstractions.</u> <u>Site located within a principal aquifer.</u> <p>¹⁰⁸ Joint Connectivity Statement between the Colne Valley Regional Park, Slough Borough Council, RBWM and the Buckinghamshire authorities.</p>	
MM75	Appendix A (Monkey Island Lane Wharf, Bray (TA 1))	129/130	<p>Ecology</p> <ul style="list-style-type: none"> Protection of Bray Pennyroyal field Site of Special Scientific Interest (SSSI) and Bray Meadows SSSI. Impacts to Greenway corridor Local Wildlife Site (LWS) within site, ensuring functionality as wildlife corridor is not compromised, and losses compensated. <u>An ecological assessment of the impact of making The Cut (Greenway Corridor LWS) navigable will be required.</u> Impacts to Bray Pit Reserve LWS. <u>Consideration of the Biodiversity Opportunity Area including ecological improvements to the Cut in line with the LWS citation.</u> <u>A River restoration compensation scheme will be required and is subject to approval by the Environment Agency. This should consist of habitats restoration for the equivalent amount of the river that will be made navigable and should be located immediately upstream. River restoration should include bed raising by adding gravels and creating marginal shelves to restore the channel to more natural dimensions.</u> Retention of semi-natural habitats within site to accommodate protected species. 	<p>Additional development considerations to address concerns raised over impact on ecology and river morphology caused by proposed development through the Environment Agency's Reg 19 response.</p> <p>Additional Flood Risk considerations following revision of the Strategic Flood Risk Assessment (Ref HS69d).</p>

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> • Consideration of pollution impacts to riverine habitats <u>both from construction and the ongoing impacts of using the river for navigation purposes.</u> • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • <u>A Water Framework Directive Assessment is required.</u> <p>Landscape & Townscape</p> <ul style="list-style-type: none"> • Strengthen existing landscape structure with new tree and hedgerow planting to integrate new structures. • Maintain and enhance the setting of the public access route to Bray Lake Recreation Area. <p>Historic Environment</p> <ul style="list-style-type: none"> • Archaeological issues would remain a material consideration and will need to be addressed during the determination of the planning application. <p>Transport:</p> <ul style="list-style-type: none"> • A Transport Assessment or Statement is required. • An HGV and Barge Routeing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> • Site largely within Flood Zone 2/3 and Groundwater Source Protection Zone (1) – a Flood Risk Assessment and <u>Hydrological/Hydrogeological Risk Assessment will be required. The FRA will need to ensure that the development will be safe, not increase off site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a</u> 	

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u></p> <ul style="list-style-type: none"> • Proximity to major / minor aquifers, in addition to Source Protection Zones. • <u>A morphological assessment of the impact of making The Cut navigable will be required including related impacts on the River Thames and its river corridors.</u> • Site will be accessed via the River Thames and the Cut – A Section 60 Accommodations License (which applies to mooring piles, slipways, landing stages and other private structural encroachments in the public river) will need to be secured. • <u>An Environmental Permit is required for the use of the Main River The Cut. This is also known as a Flood Risk Activity Permit.</u> • Consideration of The Cut, the River Thames and its river corridors. <p><u>Waterways</u></p> <ul style="list-style-type: none"> • <u>Site will be accessed via the River Thames and the Cut – A Section 60 Accommodations License (which applies to mooring piles, slipways, landing stages and other private structural encroachments in the public river) will need to be secured.</u> • <u>An assessment of the effects in regard to navigation on the River Thames will be required i.e. what increase in commercial traffic/barges might there be and would this traffic be using Environment Agency lock sites.</u> 	
MM76	Appendix A (Poyle Quarry)	132	<p>Transport</p> <ul style="list-style-type: none"> • Provision of a new access will be required, most likely onto Poyle Road. • A Transport Assessment or Statement is required. 	Revision of the correct water body as raised by the

Ref.	Policy / Para.	Page	Proposed modification	Justification				
	(Extensions), Horton (MA2))		<ul style="list-style-type: none"> An HGV Routing Agreement will be required. <p>Flood Risk & Water Resources</p> <ul style="list-style-type: none"> Both sites partly within Flood Zones 2 and/or 3 The site is not located within a Source Protection Zone (SPZ) but the closest SPZ is located to the west of the site approximately under 1km away. Proximity to major / minor aquifers, in addition to Source Protection Zones. A Flood Risk Assessment and Hydrological/Hydrogeological Assessment will be required. <u>The FRA will need to ensure that the development will be safe, not increase off-site flood risk and consider all sources of flooding. Fluvial modelling will need to be undertaken to provide a detailed assessment of fluvial flood risk and to ensure floodplain compensation is provided where required. Modelling should include the 5%, 1% and 1%+ climate change AEP.</u> Consideration of the River Colne Brook and its river corridor. 	<p>Environment Agency in their Reg 19 response.</p> <p>Update as new access is now permitted.</p> <p>Additional Flood Risk considerations following revision of the Strategic Flood Risk Assessment (Ref HS69d).</p>				
MM77	Appendix A (Stubbings Compound, Pinkneys Green, Maidenhead (WA3))	134	<p>Landscape & Townscape:</p> <ul style="list-style-type: none"> <u>Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict with the purposes of including land within it.</u> 	<p>Development consideration to ensure the proposal can be justified in the Green Belt.</p>				
MM78	Appendix C	149	<table border="1"> <thead> <tr> <th>Preferred Waste Area</th> <th>Local Planning Authority</th> </tr> </thead> <tbody> <tr> <td>Newlands Farm, Crowthorne</td> <td>Wokingham</td> </tr> </tbody> </table>	Preferred Waste Area	Local Planning Authority	Newlands Farm, Crowthorne	Wokingham	<p>Removal of sites due to application of Climate Change Allowance and</p>
Preferred Waste Area	Local Planning Authority							
Newlands Farm, Crowthorne	Wokingham							

Ref.	Policy / Para.	Page	Proposed modification		Justification
			Brookside Business Park, Swallowfield	Wokingham	impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM79	Appendix C	161	Site Name	Richfield Avenue / Tessa Road Area	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			Location	Richfield Ave, City Centre, Reading RG1 8EQ	
			Current use (specify class classification)	B4 <u>E(g)(iii)</u> / B2 / & B8	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> • Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open areas (possibly involving biological treatment); and • Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		

Ref.	Policy / Para.	Page	Proposed modification		Justification
MM80	Appendix C	162	Site Name	Paddock Road Industrial Estate	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)). Update to reflect change in Use Classes (01.09.2020)
			Location	Paddock Road, Reading RG4 5BY	
			Current use (specify class classification)	B1-(G) E(g)(iii) & B2	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>		
MM81	Appendix C	164	Site Name	Wigmore Lane	Additional text due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
			Current use (specify class classification)	B1-(G) E(g)(iii) / B2 / & B8	
			<p>This industrial area is considered potentially suitable for the following waste categories:</p> <ul style="list-style-type: none"> Category 2: Activities requiring a mix of enclosed buildings / plant and open ancillary open areas (possibly involving biological treatment); and 		

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<ul style="list-style-type: none"> Category 3: Activities requiring enclosed industrial premises (small scale) <p><u>Flood risk assessment would be required as part of any planning application to demonstrate the proposal would be safe for the lifespan of the development.</u></p>	Update to reflect change in Use Classes (01.09.2020)
MM82	Appendix C	168	[Removal of Newlands Farm as a Preferred Waste Area – Table and Map]	Removal of site due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM83	Appendix C	177	[Removal of Brookside Business Park as a Preferred Waste Area – Table and Map]	Removal of site due to application of Climate Change Allowance and impact of flood risk (see Revised Strategic Flood Risk Assessment (Ref HS69d)).
MM84	Appendix E	182	[Additional line to be added after listed Household Waste Recycling Centre (HWRCs)]	Clarification of site safeguarding as this

Ref.	Policy / Para.	Page	Proposed modification	Justification
			<p><u>Specialist Waste Sites</u></p> <p><u>Site Name: Star Works</u></p> <p><u>Location: Knowl Hill</u></p> <p><u>Primary Function/Use: Clinical Waste</u></p> <p><u>Planning Permission / End Date: [blank]</u></p> <p><u>Operator: Grundon Waste Management Limited</u></p>	<p>site was listed as safeguarding for minerals only but is also safeguarded for waste uses as a long-standing land-use for clinical waste management. This issue was raised by Grundon Waste Management Limited in their Reg 19 response.</p>
MM85	Glossary & Acronyms	195	<p>National Planning Policy Framework (NPPF): Published in March 2012 and subsequently updated in 2018, and 2019, and 2021, the NPPF sets out the Government's planning policies for England and how these are expected to be applied.</p>	<p>NPPF 2021 Update</p>

Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	27 January 2022
Service:	Delivery and Infrastructure
Project, policy or service EQIA relates to:	Central and Eastern Berkshire Joint Minerals and Waste Plan: Main Modifications
Completed by:	Ian Church –Team Manager Planning Policy (Growth and Delivery)
Has the EQIA been discussed at services team meeting:	Yes
Signed off by:	Mark Cupit: Assistant Director Delivery and Infrastructure
Sign off date:	9 December 2021

1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change, its expected outcomes and how does it relate to your services corporate plan:

The purpose of the consultation on the Joint Plan: Main Modifications is to seek views on soundness of the main modifications proposed to the Central and Eastern Berkshire Joint Minerals and Waste Plan (the Joint Plan). The Joint Plan is being prepared in partnership between Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead (RBWM) and Wokingham Borough Council (the joint authorities).

The joint authorities consulted on a pre-submission version of the Joint Plan from 3 September – 15 October 2020. The Joint Plan and supporting documents were subsequently submitted to the Secretary of State for independent examination in February 2021. The public hearing sessions of the Joint Plan took place over several days in September and October 2021. As a result of these hearing sessions a number of modifications were proposed to the Joint Plan in order to ensure it is 'sound.' In total 85 main modifications are proposed. These modifications take into account updates to national planning policy and guidance and propose changes proposed policies.

Upon adoption, the Joint Plan will become part of the development plan which guides how planning applications for minerals and waste related development will be assessed across the joint authorities. At this time it will replace the existing planning policies contained in the Replacement Minerals Local Plan for Berkshire (adopted in 1995 but subject to Alterations in 1997 and 2001) and the Waste Local Plan for Berkshire (1998).

In total 85 main modifications have been recommended in order to make the Joint Plan sound. This includes revised development guidelines for proposed minerals sites in RBWM, and clarifying the purpose of mineral consultation areas as an internal tool to guide consultation. For clarity, the main modifications do not propose to include any new additional minerals or waste sites in Wokingham Borough.

For Wokingham Borough the key main modifications are:

- Brookside Business Park, Swallowfield: Proposed to be removed as a preferred waste area identified in Appendix A of the Joint Plan, due to the increase in flood risk as a result of the latest modelling data which takes into account climate allowances (MM78 and MM83).
- Star Works, Know Hill: Clarity is provided in Appendix E (MM84) that the site is proposed to be safeguarded for waste uses as an existing operational waste site.
- Policy DM15: Operator Past Performance, has been reconsidered and renamed 'Site History' to better focus on land use planning issues (MM27).

Public consultation on the above issues is anticipated to commence on from February 2022 for at least 6 weeks. The report to Executive and Special Council Executive Committee seeks authorisation undertake public consultation on the main modifications, including, agreement to the consultation framework, and agreement to delegate minor changes to the consultation documents.

Public consultation will include engagement with stakeholders, local communities, and town and parish councils. This will include a social media campaign, press and news releases and website updates. Consultation methods may need to be adapted due to the ongoing implications of Covid 19.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members etc) have/will be consulted and informed about the project or changes:

The consultation will be undertaken in accordance with the adopted Statement of Community Involvement for planning policy consultations of the joint authorities, but may be subject to adaptations due to the impact of Covid 19. The consultation will involve seeking feedback from a range of interested organisations and other parties (including general and specific consultation bodies specified in the Regulations) as well as councillors and officers.

This builds on a number of earlier public consultations, including the Draft Plan consultation in 2018, a focussed consultation in spring 2020 and Pre-Submission version in summer 2020. This allowed residents, businesses, landowners and other stakeholders the opportunity to review and respond to proposals. Public drop in consultation events were also held, where officers were available to discuss the proposals, and answer questions. The results of these consultations have helped to guide the preparation of the Joint Plan.

Members (including the Leader of the Council, Executive Member for Planning and Enforcement, and Executive Member for Environment and Leisure) have been engaged during the preparation of the Joint Plan through briefing sessions, and attendance at the Joint Sounding Board, constituting Members and officers from each of the central and eastern Berkshire authorities. Other internal stakeholders have been engaged on a general or specific basis throughout the preparation of this consultation including Corporate Leadership Team and lead specialists from across the council.

Outline who are the main beneficiaries of the Project, policy change or service change?

This consultation documentation has been produced by Hampshire Services and the joint authorities, with the input of officers, communities and stakeholders through previous stages of consultation (Issues and Options, Draft Plan, Focused Consultation, Pre-Submission). In the longer term and once adopted, all residents of the borough (and the joint authorities) will benefit from having a new Minerals and Waste Plan, ensuring that planning policy remains effective in managing decisions by the council. This provides greater certainty on the future delivery of minerals and waste development across the borough.

Outline any associated aims attached to the project, policy change or service change:

Public consultation will generate comments from individuals and organisations (including statutory bodies), that will be submitted to the Planning Inspectors, to inform their final report on the Joint Plan.

The aim is for the Joint Plan to be adopted by all four authorities, to set out a robust and up to date strategy and development management policies for minerals and waste.

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	No	Neutral impact – it is not envisaged that this main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Gender:	No	Neutral impact – it is not envisaged that this main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Disabilities:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Age:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Sexual orientation:	None	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Religion/belief:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Gender re-assignment:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Pregnancy and Maternity:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.
Marriage and civil partnership:	No	Neutral impact – it is not envisaged that the main modifications consultation will have any impact on this group at this point in time. The group would not be prohibited from reviewing and commenting on the consultation documentation.

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low of high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by

Ian Bellinger

Ian Bellinger: Service Manager Growth and Delivery

Date: 09/12/2021