

# **Questions and Answers**

**Executive  
Thursday 5 September 2019**

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**WestBerkshire**  
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# **Executive Meeting**

## **5 September 2019**

Questions and Answers



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# Public Questions as specified in the Council's Procedure Rules of the Constitution

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**(a) Question submitted to the Portfolio Holder for Public Health and Community Wellbeing by Mr Vaughan Miller:**

*“Are there any areas of disagreement between Sports England, The FA & WBC preventing publication of the Playing Pitch Strategy, which was commissioned in June 2017?”*

**The Portfolio Holder for Public Health and Community Wellbeing answered:**

The short answer to your question is no and yes. However, I am sure you want more of an explanation than that, and I know my colleagues in the room are eager for more information.

The Council and the sports body partners are very close to an agreement on the final text of the Playing Pitch Strategy which would then enable all parties to sign off the document, and I have said many times in the past few months that the Council will not sign anything that it does not fully intend to implement.

The Strategy includes a detailed analysis of playing services for all field sports across the district, pointing out areas where West Berkshire Council and other owners need to plan improvements and plan extra capacity where needed.

Overall, there are enough playing pitches in West Berkshire, but there are issues of open access and there is a shortage of 3g pitch capacity both of which the Council has pledged to address in its upcoming Leisure Strategy.

The one remaining item of discussion focuses only on football and the future development of football facilities, covering the need to ensure local access, quality of surface and adequate ancillary facilities to support our football clubs' ambitions and capability to operate within the lead structures for all ages.

Specifically, we are close to an agreement on the availability and timing for what is known as a Step 5 facility. No club requires this at the moment but we know that the Strategy must include the capability to provide that if and when needed. There is no justification for that investment right now, but we are in the process of agreeing how that capability could be provided in the future. Sport England are supportive of our approach.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Mr Vaughan Miller asked:**

*“What is causing the delay?”*

**The Portfolio Holder for Public Health and Community Wellbeing answered:**

The process has been much longer than we anticipated. What caused the delay in the first few months of the process was we were simply not getting the responses from all the sports bodies that we were consulting with, and that took a long time to get back and to collate.

We believe we are very close in terms of being able to publish the Strategy. The recent delay has been discussions specifically between ourselves, the local FA for Berks and Bucks and Sport England to get the final text exactly right. Everyone wants the wording to be very precise, as always with published documents, and that is now holding up the process, but we are very close.

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**(b) Question submitted to the Portfolio Holder for Transport and Countryside by Mr Thomas Tunney:**

*“In relation to the new park at the Nature Discovery Centre. Why does the council keep referring back to using an outdated DDA legislation repealed in 2010 and replaced by the Equalities act when looking into Disability access?”*

**The Portfolio Holder for Transport and Countryside answered:**

You are quite correct in your statement, the Disability Discrimination Act (DDA) 2004 was replaced by the Equalities Act 2010. However, the DDA set the standard for playground equipment design and safety standards. Consequently, the DDA compliance is still widely referred to by manufacturers of play equipment, and it is the standard used by RoSPA (the Royal Society for the Prevention of Accidents) which they use to assess the suitability of inclusive play areas.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Mr Thomas Tunney asked:**

*“I take what you have said, but surely you should be using the Equalities Act when designing play areas so they meet everyone’s needs, not just what is in the DDA?”*

**The Portfolio Holder for Transport and Countryside answered:**

My understanding is that those standards I have referred to are the ones that are used as the standards across the industry, whether equipment is being reviewed for safety and effectiveness or for their initial build.

I am happy to take that point back to officers, and if there is a reason specifically other than that I am happy to confirm that to you.

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**(c) Question submitted to the Portfolio Holder for Internal Governance by Mr Thomas Tunney:**

*“While previous attempts by the newspaper have been blocked, do you think it’s in the public interest to release details of any minor offences councillor may have committed as a way to for the public to fully understand our elected councillors?”*

**The Portfolio Holder for Internal Governance answered:**

Local authorities are required under the Freedom of Information Act 2000, and other related legislation, to disclose relevant information when requested to do so. The starting point for considering any request for the disclosure of information is whether the Council holds the information requested. Where information is held, the requirement to disclose is also subject to exemptions. The Council does not accept that it has blocked any request for this information – it does not hold any information of the type referred to.

Qualifications and restrictions on those seeking to be elected to or holding the position of an elected member of a local authority are matters which are specified under the relevant statutory provisions.

It is unclear what is meant in the question by minor offences. However, in summary the law states that a person cannot hold office as a member of a local authority if they have been convicted of a corrupt or illegal practice in relation to an election or if they have otherwise had a sentence of imprisonment imposed on them for a period of not less than 3 months.

In October 2018, the government published the results of a consultation on proposals to update the disqualification criteria for councillors. As a result of that consultation, the government has indicated that legislation will be introduced to ensure that individuals will also be disqualified where they are subject to relevant enforcement action, for example a criminal behaviour order.

This question was also recently reviewed by the Committee on Standards in Public Life, who supported the changes proposed by the government as reflecting the expectations of the public.

All Members of West Berkshire Council are also subject to a Code of Conduct which requires that they declare relevant matters when taking decisions.

In light of the above, I am satisfied that suitable arrangements exist to ensure appropriate levels of transparency and disclosure of all members relevant interests.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Mr Thomas Tunney asked:**

*“Is the Council going to look at whether they audit people before they become councillors for minor offences?”*

**The Portfolio Holder for Internal Governance answered:**

Written answer provided:

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No. The qualifications and restrictions on those seeking to be elected to or holding the position of an elected member of a local authority are matters which are specified under the relevant statutory provisions and the Council will adhere to all specified legal requirements.

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**(d) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr Thomas Tunney:**

*“With less than 70 days (at time of submission) until the stage of winter, does the council have sufficient beds for SWEP provision without having to require spaces from West Berkshire Homeless?”*

**The Portfolio Holder for Economic Development and Planning answered:**

Yes the Council does have sufficient beds for SWEP provision over the winter period and will not require spaces from West Berkshire Homeless.

There are currently 11 rough sleepers in the district which is low and continues to reduce. It should also be acknowledged that SWEP is not just for cold weather provision, but also other extreme weather conditions such as heatwaves in the summer which can result in more fatalities than in the winter months.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Mr Tunney asked:**

*“What’s the current provision on beds for SWEP?”*

**The Portfolio Holder for Economic Development and Planning answered:**

Under SWEP, the Council has an obligation to provide accommodation no matter how many rough sleepers there are. We have got sufficient provision for SWEP.

A plan is being presented at today’s meeting to ensure no-one has the need to sleep rough in West Berkshire.

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## Members' Questions as specified in the Council's Procedure Rules of the Constitution

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(a) **Question submitted to the Portfolio Holder for Internal Governance by Councillor Carolyne Culver:**

*"When will environmental impact assessments apply to all projects, as equality impact assessments already do?"*

**The Portfolio Holder for Internal Governance answered:**

Legislation currently determines the circumstances in which the Council must assess the equality impact of a decision and those in which environmental impact assessments are required. The Council must and does adhere to its statutory obligations in this regard.

That said however the Council is in the process of reviewing the corporate report template and the environmental impact of decisions taken by the Council has already been identified as a matter that we will be considering as part of that review. We have the intention to have an assessment template by early November and we will be able to further update you at that time.

**The Chairman asked:** *"Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?"*

**Councillor Culver did not ask a supplementary question.**

**(b) Question submitted to the Portfolio Holder for Economic Development and Planning by Councillor Carolyne Culver:**

*“What is the timescale for recruiting an in house ecologist?”*

**The Portfolio Holder for Economic Development and Planning answered:**

Officers have said that the post will be advertised in September and the advert will, I am told, be live tomorrow (Friday the 6<sup>th</sup> September 2019). This will be for the standard two week period after which interviews will be held before the end of September provided we have suitable candidates apply.

Therefore, we aim to recruit before October but this must be subject to suitable candidate's applying.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Councillor Carolyne Culver asked:**

*“Will this Council commit to look at a policy on nets that it can share with all developers in this district and have that ready for next Spring (the season when people put hedge nets up)?”*

**The Portfolio Holder for Economic Development and Planning answered:**

You asked that question before Councillor Culver, and as a Member of the Planning Advisory Group you are aware that we will be creating a policy as part of the new local plan.

**Councillor Carolyne Culver asked:**

*“Before the Spring?”*

**The Portfolio Holder for Economic Development and Planning answered:**

I cannot guarantee that, it will be woven into the new local plan and not a standalone policy because that is how we operate.

**(c) Question submitted to the Portfolio Holder for Environment by Councillor Carolyne Culver:**

*“What is the Council’s initial reaction to the results of the ‘Consultation on consistency in household and business recycling collections in England: analysis of responses’ published in July?”*

**The Portfolio Holder for Environment answered:**

On the whole we are very pleased with the results of the Government’s consultation and quite clearly standardising the messages and materials that are collected across councils nationally can only be a good thing in terms of simplifying messages for consumers and residents and allowing coordinated top down better marketing messages on what to recycle, when and how.

So that is broadly a very good thing. What is even more significant and will hopefully transform practices is the way that the extended producer responsibility will shift the onus for waste onto producers and that, within the next three to four years, there will be a taxation policy on plastics which again will encourage the move away from plastics and help to stimulate recycling.

We here in West Berkshire have had a very good track record of recycling in general over many years, we have traceability of where collected materials go, so unlike many authorities we are confident that the glass, the metal, the plastics and the green waste which we collect is disposed of properly. So we have a good track record and we are grateful for the support of residents.

So, coming back to the consultation, as long as sufficient funding is made available by the Government and markets are developed, ideally in the UK, for recycling plastics, we see this as a very good direction of travel and look forward to recycling rates improving.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Councillor Culver did not ask a supplementary question.**

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**(d) Question submitted to the Portfolio Holder for Transport and Countryside by Councillor Martha Vickers:**

*“Will the Council reconsider introducing free parking in the Wharf car park in Newbury on Thursdays in order to increase footfall in the town centre on Market Day?”*

**The Portfolio Holder for Transport and Countryside answered:**

Thank you for your question.

The Town Centre already has an adequate supply of free 30 minute parking facilitated by the on-street parking in Northbrook Street; Broadway; Cheap Street; Kings Road West; Bartholomew Street; Newtown Road (northern section); West Mills; and Pelican Lane. All of these locations are immediately adjacent to the shops and offer immediate access to the market area on market days and evidence suggests that motorists take full advantage of the free parking concession. For those wishing to spend longer in the Town Centre, parking for up to one hour at the above locations will cost only £1.00, whilst our off-street parking charges are competitive with neighbouring town centres and as a Reading lad I can absolutely agree with that point. As such I see no need for further free parking provision to be made available in the Council's Wharf car park or other car parks at this time.

**The Chairman asked:** *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

**Councillor Martha Vickers asked:**

*“Have you costed what this would be (to introduce free parking in the Wharf car park in Newbury on Thursdays) and do you not think that it would be a worthwhile small gesture for this Council to take to support the market and the town centre?”*

**The Portfolio Holder for Transport and Countryside answered:**

As already stated, I think there is sufficient free parking provision in Newbury.

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