

Questions and Answers

Council
Tuesday, 22nd July, 2014

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Council Meeting

Thursday, 22 July 2014

Questions and Answers



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

(a) Question submitted to the Leader of the Council submitted by Mr David Peacock:

“Why is there no publicly-available minute of West Berkshire Council’s decision to give away the freehold to the whole of Marsh Lane in Newbury, which includes the access to Jack of Newbury’s House (probably Newbury’s most important historic building); and why was the Newbury public not consulted about this specific proposal?”

The Leader of the Council answered:

To my understanding there are numerous meetings at which this matter was discussed and which also have publicly available minutes. Most notably the meeting on [2 May 2006](#), plans were displayed in the Council Chamber outlining the extent of the site covered by the development of Park Way. This related to the approval of the Compulsory Purchase Order (CPO). This particular detail showed very clearly that Marsh Lane and Jack Street would be stopped up by the process under Section 247 of the Town and Country Planning Act, so it was clearly debated and discussed and the minutes are available, which I believe Mr Peacock has received.

In addition, the Executive meeting on [7 September 2006](#) also resolved that the site covered by the CPO would be transferred to Standard Life as a freehold parcel.

Moving on from that, the decision to actually revoke the access is not something that is taken by this Council, it needs to be taken by the Secretary of State. Now, the closure of Marsh Lane for public access was dealt with at a public inquiry into the CPO. At that stage the Secretary of State issued a six week consultation process on 25 October 2007 to allow the people of Newbury and the surrounding area to express their thoughts on the decision to revoke the right of access. Now, no objections were received by the Secretary of State, so he in turn confirmed the order to revoke the access right, so I do believe there are numerous meetings at which it was debated at length and which are also publicly available.

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 David Peacock asked the following supplementary question:

“Bearing in mind the complete lack of consultation over the decision to give away the ownership of a town centre street, which is illustrated by the Council’s inability to produce even a minute of the decision, bearing in mind that for centuries this street has provided a public access to Jack of Newbury’s House, a Tudor building, which is one of the most important historic buildings in the town, bearing in mind the decision to give away Marsh Lane only came to light last year and that in spite of repeated questions the details of that decision have still not emerged, and bearing in mind that West Berkshire Councillors have been kept in the dark and misinformed by their own officers on this matter, is it not time that the Councillors here, who are in principle the representatives of the people of Newbury and of the surrounding area, insist that this matter is at last put on a Council agenda for investigation and open discussion with a view to finding binding solutions which will protect access to this historic building for the future.”

The Leader of the Council answered:

I'm not sure it is a supplementary question but I think, very clearly, the matter was discussed on 2 May 2006 when we outlined the extent of the CPO. The decision to revoke the rights was taken by the Secretary of State under extensive and clear legal consultation. To my mind the matters of explaining the decision, and also the consultation around the Secretary of State's decision to revoke the rights of access, have been clear and were made clear to the public at the time.

The following Public Questions were submitted after the agenda was published but were in accordance with Paragraph 4.12.1 of the Constitution which states that Questions relating to an item of business for that meeting of Council must be submitted no later than 10.00am, one working day before the meeting.

(b) Question submitted to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside submitted by Mr Peter Norman:

"How many council members have been able to read all the support papers in their entirety before tonight's meeting?"

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

All Members take their responsibilities to the electorate seriously.

All of the information has been available for over a week and I assume that the main thrust of your question is your interest in the Development Plan Document (DPD) which is agenda item 18. Members of both parties have received briefings on the DPD and members of the Planning Policy Task Group have been actively involved in the development of the DPD.

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 Peter Norman asked the following supplementary question:

"The electronic supplementary document is 1500 pages long. For Councillors to be able to go through that in any detail in the course of a week I think is impossible. I am a school governor, I can't cover a head teacher's report which is provided in a similar timeframe which is about 400 pages and I'm just wondering how effective therefore Councillors' scrutiny can possibly be of what's going on within the Council with such a mass of data."

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

I'm struggling to find a question there Mr Norman.

Mr Peter Norman asked: *"My question is how can the Council effectively scrutinise what the Council is doing when considering such large documents?"*

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

The DPD is effectively scrutinised by the Planning Policy Task Group and this has been months and months and months of work and the proposals for the SHLAA documentation has been with Members prior to tonight and this is a further step in the process for developing the DPD, so Members have seen and have had access to information for a number of months. I accept that it is a weighty document, but that is what Members are used to dealing with from time to time.

(c) Question submitted to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside submitted by Mr Peter Norman:

“Given Highways have stated in the proposed revisions to the SPD that 3 all vehicular access points to Sandleford are essential, and preferably 4, why was vehicular access to the A339 taken off the agenda at a Master Planning Meeting in March 2010?”

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

No revisions to the SPD (Supplementary Planning Document) are currently in front of Members. The updates are to policy CS3 of the adopted Core Strategy only. The site has been assessed through the Core Strategy Examination as deliverable with two all vehicle accesses onto Monks Lane, and an additional sustainable transport link from Warren Road onto the Andover Road. This is still the case.

However, it has been confirmed through additional work on traffic distribution that additional accesses will maximise the opportunities for permeability through the site, resulting in significant benefits. The additional work done on this was as a result of responses from public consultation and a more detailed consideration of transportation that was always going to occur prior to any formal planning application being submitted.

The Master Planning meeting referred to took place at an early stage of the process and the proposed revisions to the policy are based on the evidence that has been updated since 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?”*

Mr Peter Norman asked the following supplementary question:

“It has been known throughout the consultation process that, from the local residents, that two access points off Monks Lane would be inadequate and I’m just wondering, given the fact that the A339 was discussed at the March planning meeting that I referred to and Highways say access is essential onto either the A339 or the A343, how does the Council avoid the impression that the planning department is in cahoots with Sandleford developers specifically to avoid the planning process so that it avoids cross scrutiny by the Planning Inspector?”

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

I'm sorry, I'm a little confused as to what your actual question is, but I think I get the gist of it and I think what I have to say to you is that it is important to keep the evidence base up to date so that the right infrastructure is provided to serve the site and this is what has happened. We study these things and refine as we go along. Did you say we were in cahoots?

Mr Norman said: *"I said, you gave the impression."*

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

I refute that Mr Norman and I think it's an unfair accusation.

(d) Question submitted to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside submitted by Mr Peter Norman:

"Given the number of places required for education that were put before the planning inspector were totally wrong, with impact not only on the number of people living at Sandlesford but also the knock on impact that has on traffic volumes at critical times of the day at what point does the Council admit that the SPD was based on flawed data and put the whole thing up once again for scrutiny by the planning inspector?"

Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

The updated work on pupil numbers stems from the latest research into the impact of new housing on pupil numbers. The SPD (Supplementary Planning Document) refers to the provision of 'primary education facilities for the new population'. It is not based on flawed data and is not a document that is examined by the Planning Inspector.

The pupils attending the new schools will be from the development site. It is therefore expected, in such close proximity, that most parents would walk children to and from the schools, drive internally within the site to and from the schools, or leave the children at the schools on the way to other destinations such as employment. I am therefore not expecting a significant difference with the provision of two schools instead of one.

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 Peter Norman asked the following supplementary question:

"When the planning inspector reviewed the documents the proposal was just for one primary school, and that was going to be seen as sufficient and we were told that Park House would more than adequately accommodate the increased numbers. We're now told, through the support pack, that in fact we need two primary schools and that Park House will need substantially more land to accommodate the increased numbers of school pupils and I'm just wondering, given that the population seems to be expanding, is it still the Councillor's honest opinion that Sandlesford could be do-able with vehicular access to just Monks Lane?"

Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

Yes.

(e) Question submitted to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside submitted by Mr Peter Norman:

“The Planning Department has stated that the changes to access to Sandleford are as a result of consultation. Will they therefore listen to the people of Wash Common who view all vehicular access from Warren Road with its close proximity to two churches and halls, a mini market/garage and two schools as not only undesirable but highly dangerous?”

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

Any planning application would have to be accompanied by a full Transport Assessment and Travel Plan which would assess the impact of the development on the surrounding highways network and evaluate the necessary mitigation measures. Any accesses, including an access onto Warren Road, will be subject to detailed design of which safety will be a primary objective as well as mitigating the impact of additional traffic.

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 Peter Norman asked the following supplementary question:

“The Council makes great sway about taking account of consultation and the fact that they do consult, which is welcomed by members all through the Ward. The view on Warren Road has been expressed very clearly in all of the local consultations on the SPD that it is not welcomed by the local residents and that they do view it as being incredibly hazardous and therefore I’m surprised as to why this is still an option on the table at this point”.

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside answered:

It’s an option on the table because, as I stated in a response to an earlier question you asked, it will be for limited vehicle access.

(f) Question submitted to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside submitted by Mr Peter Norman:

“Does the Council acknowledge that the need for additional all vehicular access to Sandleford knocks on the head any notion that this is a sustainable location for development with its heavy reliance on car transport?”

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside for answered:

The answer to your question is no. It's still and always has been recognised that, as with all developments, a majority of travel to and from the site will be by car.

The Council is still very committed, via a Travel Plan that will accompany any planning application, to encourage travel by other modes to the car as much as possible.

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 Peter Norman asked the following supplementary question:

“Have the traffic assessments taken into account the revised numbers on education where the pupil numbers have gone up significantly from when the first traffic assessment was taken”.

The Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside for answered:

I thought I answered that in question 7(d). I said I'm therefore not expecting a significant difference with the provision of two schools instead of one.

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

(a) Question submitted to the Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision submitted by Councillor Keith Woodhams:

“Currently, when a single vehicle uses the left hand exit lane from the West Berkshire Community Hospital to access the A4 at Benham Hill, traffic lights on the A4 and Lower Way change to red. This leads to unnecessary traffic queues and congestion leading up to the road junction especially at peak time. Can the Executive Member for Highways & Transport tell me what timescale she has in mind for converting the left hand exit lane to a 'Give Way' lane but retaining the pedestrian lighted crossing, to allow traffic at the junction to flow more freely?”

The Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision answered:

I understand that Councillor Woodhams was advised about this at the East of Newbury Traffic Issues meeting on 30 January this year and this is recorded in the minutes.

As was explained to him in January, the junction is to be re-designed as part of the highway improvements to be provided under the Newbury Racecourse planning application, but no detailed designs had been submitted by the developer. This suggestion will be investigated with a view to including it if possible within the detailed design process.

At this point in time we don't have any detailed design.

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 Keith Woodhams did not have a supplementary question.

(b) Question submitted to the Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision or Finance, Economic Development, Health and Safety, HR, Pensions, Property submitted by Councillor Keith Woodhams:

“Can the Executive Member for Finance give me a break down of the £300k 'estimated efficiency savings' that he says the Head of Service for Highways & Transport had 'pushed the highway contractors to achieve'?”

The Portfolio Holder for Highways, Transport (Operations), Emergency Planning, Newbury Vision or Finance, Economic Development, Health and Safety, HR, Pensions, Property answered:

As part of the tender from Volker they initially offered us discounts based on spend and these have been subsequently developed over the course of the contract and other saving opportunities and mechanisms have been also explored, for example, early contractual involvement and collaborative working. The 2014/15 savings will be based on these agreed discounts and I'm sure you will appreciate that the level of discounts are commercially sensitive and therefore I am unable to disclose the breakdown of this year's anticipated saving. However, officers will be prepared to give you a Part II briefing if you would like to see the detail.

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 Keith Woodhams asked the following supplementary question:

“Can the Executive Member tell me what risks she has taken on the service level of the highways contract by withdrawing such a lot of cash at such short notice?”

The Portfolio Holder for Highways, Transport (Operations), Emergency) Planning, Newbury Vision or Finance, Economic Development, Health and Safety, HR, Pensions, Property answered:

As far as I am aware we have taken no risks at all. This is the way the contracts have been negotiated between Volker and their suppliers.

(c) Question submitted to the Portfolio Holder for Highways, Transport (Operations), Emergency) Planning, Newbury Vision submitted by Councillor Keith Woodhams:

“Since the introduction of the 20mph speed limit covering Market Street, a number of motorists are still driving well in excess of the new limit. Will the Executive Member for Highways & Transport take on board my urgent request to paint 20mph roundels on the surface of the road on the approach to the mini roundabout outside the Council offices, to slow vehicles down so that pedestrians including the elderly and parents with young children are able to cross safely?”

The Portfolio Holder for Highways, Transport (Operations), Emergency) Planning, Newbury Vision answered:

Traffic surveys undertaken within the 20mph speed limit zone show that speeds are appropriate. However, if you would like to inform officers of any particular locations within the zone where you are concerned about speeding they will arrange for further surveys to be undertaken to determine existing traffic conditions.

Market Street is listed on the Traffic and Road Safety Works Programme for safety improvements, which includes the possible introduction of a pedestrian refuge by the mini roundabout. As this would slow traffic further and assist pedestrians to cross the road, any additional road signs or markings are not required. However, if for some reason this refuge cannot be installed then consideration will be given to the possible provision of additional signs and markings.

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 Keith Woodhams did not have a supplementary question.

(d) Question submitted to the Portfolio Holder for Highways, Transport (Operations), Emergency) Planning, Newbury Vision submitted by Councillor Keith Woodhams:

“When will the Executive Member for Highways & Transport investigate the potential to save tax payer's money by sharing the Highways & Transport services with another Council such as Hampshire County Council? “

The Portfolio Holder for Highways, Transport (Operations), Emergency) Planning, Newbury Vision answered:

We are constantly exploring opportunities to cut costs and hence keep council tax levels as low as possible. Sharing of the Highways and Transport services with another council is a possibility that we have discussed on a number of occasions and this will continue to be explored in the future.

We consider that our current in-house Highways and Transport service provides us with a local and responsive service and excellent value for money, although this does not mean that we should be complacent and that is why we will continue to explore a range of services, including shared services or outsourcing.

However, I am sure Councillor Woodhams would not wish to see our present responsive service revert to the level that might be achieved with a third party provision.

We are currently working towards procuring a new term maintenance contract when the current one with Volker Highways expires in 2016, and as part of this process we will consider the possibility of shared services before we enter into any new term contract. Also as part of this process we will update our bench marking data.

I would point out that shared services have to be beneficial to both parties, and being a very junior partner with Hampshire County Council may not be in the best interests of our residents. However, we don't have a monopoly of good ideas and best practice, and our officers are in regular contact with their peers in other authorities as well as monitoring relative performance indicators.

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 Keith Woodhams asked the following supplementary question:

“I believe the Executive Member did partly answer my supplementary question, but for the benefit of clarification I'd like to ask it anyway. Before this Council signs up to a new highways contract, will the Executive Member seriously consider the financial merits and gains of joining with other councils' highways services to achieve economies of scale?”

The Portfolio Holder for Highways, Transport (Operations), Emergency) Planning, Newbury Vision answered:

Yes Councillor Woodhams, I think I did answer that by stating that as part of the review of the new contract we will be looking at all the options.

Councillor David Rendel stated:

“If I may, can I just explain to the Council that these questions are not actually in the form in which I originally submitted them and as a result unfortunately the second question looks as if it means exactly the same as the first one. The second one should actually be worded: “What is your estimate of the interest lost by the Council for a full financial year?” That means it’s significantly different obviously from the first one. I apologise for that, for very good reasons the officers chose to change my wording slightly and unfortunately it didn’t quite come out right, but I’m very grateful to the officers for having tried to get it right, but I thought it important to explain what the question should be.”

(e) Question submitted to the Portfolio Holder for Finance, Economic Development, Health and Safety, HR, Pensions and Property submitted by Councillor David Rendel:

“What is your estimate of the interest lost by the Council in the current financial year as a result of the decision made by the Executive on 08/05/14 to take £522,000 from balances to pay for flood repairs?”

The Portfolio Holder for Finance, Economic development, Health and Safety, HR, Pensions and Property answered:

I too took questions (f) and (e) to be the same question. I’m afraid you have got the same answer twice.

I estimate there will be no interest lost by the Council.

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 David Rendel asked the following supplementary question:

“I did write to the Head of Finance about this. The Head of Finance assured me that there would be interest lost both this year and in a full financial year. I wonder why the spokesperson has a different view from his own Head of Finance?”

The Portfolio Holder for Finance, Economic Development, Health and Safety, HR, Pensions and Property answered:

Well, it’s very interesting, but I think Councillor Rendel is actually very confused and misunderstands the difference between interest lost and interest cost. Comments from Councillor Rendel and a number of your colleagues, including the Liberal Democrat parliamentary candidate, on the subject of reserves implied that they believe our reserves are actually cash balances held in a bank account, so if we take some money from the reserves we’re actually losing some interest from that bank account but, in reality, reserves are simply accounting balances on the balance sheet and they are in fact a part of the Council’s treasury cash flow management process. So, in other words, we use these so-called ‘free’ reserves every day to avoid more expensive borrowings to fund our many cash and capital activities and I can assure you the S151 officer and I are as one on that reply.

(f) Question submitted to the Portfolio Holder for Finance, Economic Development, Health and Safety, HR, Pensions and Property submitted by Councillor David Rendel:

“What is your estimate of the interest lost by the Council for the full 2014/15 financial year as a result of the decision made by the Executive on 08/05/14 to take £522,000 from balances to pay for flood repairs?”

The Portfolio Holder for Finance, Economic development, Health and Safety, HR, Pensions and Property answered:

I estimate there will be no interest lost by the Council.

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 David Rendel asked the following supplementary question:

“The response that I have got to my question to the Head of Finance: “Can you therefore please confirm that the decision to spend £522,000 on flood repairs out of balances implies that the Council’s revenue receipt will now be lower this year and in future years by an estimated £2,600 this year and £5,200 in future years than they otherwise would have been?” to which he replied: “Your assumption is correct.” Would you agree that what you just said about you being in line with the Head of Finance is clearly negated by that answer from the Head of Finance?”

The Portfolio Holder for Finance, Economic development, Health and Safety, HR, Pensions and Property answered:

I have just had figures quoted to me that I’ve not heard of before and in discussions with the S151 officer these figures did not come up. I can neither confirm or deny anything that has been said. I suggest that Councillor Rendel asks and checks with officers in order to ask proper questions in future.