

# Questions and Answers

## Executive

Thursday, 20th November, 2014

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# **Executive Meeting**

## **20 November 2014**

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 Planning, Transport (Policy), Culture, Customer Services and Countryside by Dan Maskell:**

*“What can be done to ensure that cyclists behave in a more responsible way on the tow path between Newbury and West Fields area?”*

**Mr. Maskell was unable to attend the meeting and therefore received the following written response from the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside:**

Officers across Transport Policy, Highways, and Public Rights of Way have been liaising on the issue of reported cyclists using the towpath at inappropriate speeds along the towpath between Newbury and West Fields. Officers have been working to develop a code of conduct along this stretch of the towpath, which will apply to all towpath users with the following text:

- Pedestrians have priority
- Considerate cycling permitted
- Keep dogs under control

This code of conduct will be displayed on signs installed along the towpath stretching from the start of the towpath along the south bank of the Canal from Newbury Town Centre, through to Guyers Lock, a distance of approximately 1 mile. The code of conduct will also be on signs at each entry point to the towpath within this stretch, and two sets of repeater signs are also to be placed along the towpath itself. A number of Council teams have been consulted on these signs as well as external consultation taking place with the Cycle Forum and the Canal and Rivers Trust. Funding for these signs was sought by Councillor Tony Vickers, who submitted a Members Bid. These signs have now been ordered (16<sup>th</sup> October) and should be installed within 28 days. The resident who initially brought this to the attention of the Council has also been consulted, along with Councillor Vickers, on the plans for the signage, and was pleased with this effort.

Calls for the installation of physical barriers along the towpath have been rejected in the short term following internal discussions and discussions with the Canal and Rivers Trust and the Cycle Forum. While a physical barrier would slow down all cyclists, it would also negatively impact all other towpath users, especially those in wheelchairs, users with mobility or sensory issues and mothers with push chairs. The installation of physical barriers along the towpath would also take away from the character of the environment. There are, however, some barriers on two access points to reduce the speed at which cyclists join the towpath preventing them from falling into the canal.

The Canal and Rivers Trust in Spring 2014 launched a “share the space, drop your pace” campaign aimed at cyclists on towpaths and, following a meeting with representatives, the Council has been working with them to ensure coordination. The Canal and Rivers Trust are pleased signs are being put up, and are of the opinion that these signs will give all users the confidence to challenge inconsiderate behaviour on the towpath, and promote safer sharing.

**(b) Question submitted to the Portfolio Holder for Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision, Licensing by Mrs Lilian El-Doufani:**

*“If it currently takes the dog warden service contracted by West Berkshire Council two hours to respond to a stray dog, how can the local authority in future hope to provide a consistent and effective approach to tackling irresponsible dog ownership and anti-social behaviour given that legislators themselves have stressed that the police and local authorities must have sufficient resources at their disposal in order to be able to enforce the range of orders the latest legislation puts at their disposal?”*

**The Portfolio Holder for Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision, Licensing answered:**

The Anti-Social Behaviour, Crime and Policing Act 2014 and its associated guidance provides some additional clarity on how joined up working between different departments in the council can work together, such as community safety and environmental health, and how departments can work with the police in dealing with irresponsible dog owners.

In West Berkshire there is not a general problem with ‘out of control’ dogs. There is a fully operational dog warden service that has strong links with the community safety team and when particular problems with dogs are identified they are dealt with quickly and effectively. Council sees this as a low risk area of business.

Much of the Act’s guidance emphasises that prevention is better than cure and the council supports local animal welfare and third sector organisations who help educate current or future dog owners.

Issues relating to response times do not affect the council’s ability to deal effectively and proactively with dog owners. As cited in the guidance, letters are sent to owners of dogs who may be a problem and visits can be made to help discuss ways to improve behaviour.

**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?”*

**Mrs Lilian El-Doufani asked the following supplementary question:**

*“This has become an upsetting issue for a number of residents. I have direct experience of dealing with stray dogs and the advice given to me has been to take the dogs into my own home which I do not wish to do as this would be a danger to my pet cats and would also be contrary to my husband’s religious beliefs. I was also bitten by a dog as a child. The response times which the Council have in place are in my view inadequate. Has consideration been given to the legal consequences of the Council’s practice in this area?”*

**The Portfolio Holder for Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision, Licensing answered:**

I commend you for your responsible attitude in attempting to resolve situations which may arise with stray dogs and your efforts in seeking to control them. However, the Council does not feel there is a serious problem with stray dogs in West Berkshire. In the event that a dog is in a public place and is dangerously out of control this would still be dealt with under the existing

Dangerous Dogs Act and investigated by the police and the local authority – dependent on the evidence available.

The Council's response times are in accordance with government guidelines. The Council service, which operates 24/7, will be able to respond quickly to any increased risk to the public from out of control dogs or problem owners and our arrangements are to attempt to educate dog owners who responsibility it is to control their pets.

**Mrs Lilian El-Doufani then asked:** *"What preventative measures are in place?"*

**Councillor Gordon Lundie (Leader of the Council) said:** I feel there is a need for the Government to address its policies in this area, including dog licensing requirements. This is an issue that could be taken up with Richard Benyon MP in the first instance.

However, I am confident that West Berkshire Council is meeting its obligations in respect of this matter.

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**(c) Question submitted to the Portfolio Holder for Community Care by Judith Bunting:**

*"In light of the recent announcement, by the mental health charity MIND, that local authorities in England spend an average of 1.36 per cent of their public health budget on mental health, can the Portfolio Holder tell the West Berkshire public how much was spent on our Mental Health in 2013-14?"*

**The Portfolio Holder for Community Care answered:**

Thank you for your question. The 2013/14 Public Health and Wellbeing ring fenced grant from the Government was £4,381,000. During the year we spent £103,100 of this grant on mental health services. This equates, and this answers your second question, to 2.35% which, I am sure you will agree, compares very favourably with the England average of 1.36%.

**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?"*

**Judith Bunting asked the following supplementary question:**

*"This does compare favourably with the rest of the UK. Would it be the Council's preference to provide a wider range of services?"*

**The Portfolio Holder for Community Care answered:**

I am content that the Council provides the best services possible for mental health and wellbeing with the finances that are available.

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**(d) Question submitted to the Portfolio Holder for Community Care by Judith Bunting:**

*"Could the Portfolio Holder tell us what percentage of the total health budget for West Berkshire was spent on Mental Health in 2013-14?"*

The Portfolio Holder for Community Care answered this question within his response to question (c).

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**(e) Question submitted to the Portfolio Holder for Community Care by Judith Bunting:**

*“Could the Portfolio Holder tell us how the 2013-14 figures compare with spending on mental health, so far, in 2014-2015?”*

**The Portfolio Holder for Community Care answered:**

The 2014/15 Public Health grant is £4,819,100 of which £208,600 has been spent so far on mental health and wellbeing services. This is 4.33% of the budget.

**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?”*

**Judith Bunting asked the following supplementary question:**

*“This is a large increase in spend. However, I have been approached by two people who have been referred to the Mental Health Service two months ago but have yet to be seen. What is the expected waiting time between a person being referred to the Mental Health Service and being seen?”*

**Councillor Gordon Lundie (Leader of the Council) said:** This introduces new material. However, a written answer will be provided on this point.

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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 Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside by Councillor David Allen:**

*“Several planning applications for conversion of offices to residential accommodation have attracted nil s106 contributions for Open Spaces. This is due to a Council approved formula that calculates the number of previous office workers in a particular development with the planned numbers of residents.*

*This formula needs reviewing urgently. Will the portfolio holder responsible for planning agree to do so and suggest ways this situation can be resolved as soon as possible?”*

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

The current S106 policy was introduced in 2004 and has been modified following appeal decisions to reflect the net change in circumstances. This has ensured that the Council meets the legal requirement of S106 obligations being: necessary, directly related and related in scale and kind to the development.

The current S106 policy (Delivering Investment from Sustainable Development SPD) was adopted in June 2013 and will be replaced when the Community Infrastructure Levy is implemented in April 2015, and Council consulted on this over the summer. This consultation is now closed and the final Planning Obligations SPD will go to Council in December for adoption.

Subsequently, the majority of applications for residential development will only pay CIL after 1<sup>st</sup> April 2015.

**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 Allen asked the following supplementary question:**

*“Will CIL include open space contributions for office conversions?”*

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

No, as part of permitted development rights such applications will not attract S106 or CIL contributions. This may also be the case for office accommodation being converted to residential.

**Councillor David Allen said:** *“We will discuss this off line in greater detail”.*

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**(b) Question submitted to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside by Councillor Alan Macro:**

*“Could the Executive member please give an update on progress of the investigation into points raised by people who responded to the consultation on the preferred option sites in the Housing Site Allocations DPD?”*

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

You ask about progress regarding the “investigation into the points raised” by people who responded to the consultation, this is work in progress.

As of last night (19 November 2014), 7,718 of the responses to the Housing Site Allocations Development Plan Document have been entered, checked and published on the Consultation Portal and a link has been circulated to the relevant people.

This means that 7,718 comments on the HSA DPD have now been published for people to see and read the consultation responses.

Officers are working hard to get the remaining 882 responses onto the consultation portal.

Once the comments are published, Officers will work their way through all of the comments raised in the responses and follow these up with additional technical work and further discussions where necessary. When Officers have a clearer understanding of the work involved a new timetable will be produced and circulated to all Members of the Council, Parish and Town Councils and everybody who responded to the consultation.

**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 Alan Macro asked the following supplementary question:**

*“Many residents are concerned with regard to the location of sites. Would it have been more timely to operate a phased approach, i.e. investigating points alongside processing them?”*

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

This would have been difficult to achieve. A vast majority of responses have been via e-mail as well as some hard copy returns and it has therefore been necessary to take the time to manually input these onto the portal. Temporary staff have been employed for inputting, but responses to consultation comments are needed by professionals.

I understand the concerns raised over timing, but there has been an unprecedented response rate to the consultation and time is being taken to consider the responses in full.

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