



Meeting of West Berkshire District Council

**Thursday, 12th December,
2013**

Summons and Agenda



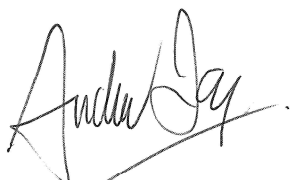
WestBerkshire
C O U N C I L

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on

Thursday, 12th December, 2013
at 7.00 pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Tuesday, 3 December 2013

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 19th September 2013. (**Pages 1 - 12**)

3. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).



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4. CHAIRMAN'S REMARKS AND CHANGES TO COMMITTEES SINCE THE PREVIOUS COUNCIL MEETING

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.

5. JUNIOR CITIZEN OF THE YEAR 2013

To present the Junior Citizen of the Year Awards for 2013.

6. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

7. PUBLIC QUESTIONS

(There were no questions received relating to items not included on the agenda)

8. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 26th September 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

9. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of Council, the Personnel Committee met on 30th October 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

10. GOVERNANCE AND AUDIT COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Audit Committee met on 25th November 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

11. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee has not met.

12. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 21st October 2013 and 10th December 2013. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

13. STANDARDS COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Standards



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Committee met on 14th October 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

14. **CLOSURE OF PUBLIC HOUSES - RESPONSE TO MOTION AT COUNCIL (C2756)**
To provide a response to the Motion raised at the September Council meeting pertaining to the action the Council could take in relation to the potential closure of public houses. **(Pages 13 - 20)**
15. **COUNCIL TAX REDUCTION SCHEME 2014/2015 (C2729)**
To meet legislation that requires that for each financial year the Council must consider whether to revise its Council Tax Support Scheme or to replace it with another Scheme. A decision must be made by 31st January each year. **(Pages 21 - 32)**
16. **LEISURE CENTRES' FEES AND CHARGES 2014 (C2593)**
To implement the contractual requirement for an annual price review for 2014 for Parkwood Community Leisure to come into effect from 1st January 2014. **(Pages 33 - 42)**
17. **ADVENTURE DOLPHIN FEES AND CHARGES 2014/15 (C2595)**
To bring forward agreement on increases in fees and charges for the 2014/15 Adventure Dolphin activity programme in order to be able to competitively advertise and promote activities and maximise advance bookings and income. **(Pages 43 - 54)**
18. **LICENSING ACT 2003 (C2766)**
To adopt the updated and amended Licensing Policy Statement as required by the Licensing Act 2003 Part 2.5(1)(a)(b). **(Pages 55 - 82)**
19. **REVISED CODE OF CONDUCT FOR MEMBERS (INCLUDING A SOCIAL MEDIA PROTOCOL) (C2737)**
To agree any recommended changes to the Members Code of Conduct following the scheduled review by the Standards Committee and to consider the introduction of an associated Social Media Protocol for Members. **(Pages 83 - 112)**
20. **AMENDMENTS TO THE CONSTITUTION - PARTS 4, 7 AND 13 (C2728)**
To review and amend Part 4 (Council Rules of Procedure), Part 7 (Regulatory and Other Committees Rules of Procedure) and Part 13 (Codes and Protocols) in light of legislative changes, policy changes and recent government guidance. **(Pages 113 - 214)**
21. **PROPOSED MEMBER DEVELOPMENT PROGRAMME FOR 2014 TO 2015 (C2672)**
To agree the Member Development Programme for 2014/2015. **(Pages 215 - 220)**



22. 2014/15 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C2594)

To agree the timetable of public meetings for the year 2014/15. **(Pages 221 - 226)**

23. NOTICES OF MOTION

(a) The following Motion has been submitted in the name of Councillor David Rendel:

"It has been discovered that at least one parcel of land within West Berkshire has been deemed subject to escheat to the Crown at common law (i.e. the company which used to own the land went into liquidation, and as a result the land is now ownerless). This parcel therefore falls to be dealt with by the Crown Estate, on whose behalf the firm of Burges Salmon acts. As Burges Salmon has made clear in a letter to Councillor Rendel, "The Crown Estate does not propose to take any action which might be construed as an act of management, possession or ownership in relation to the Property, since to do so may incur upon it liabilities with which the Property is, or may become encumbered." This means that the rights of access across this land which are enjoyed by a number of local householders, as laid out in their title deeds, are gradually being spoiled by a total absence of any management of the land, including a failure to repair, for example, pothole damage. Moreover the local householders have no legal means to enforce the carrying out of such maintenance, even though any costs involved would be recoverable from those householders.

This council will therefore write to the Secretary of State for Communities and Local Government with a copy to each of the three local MPs, to request that he institutes as soon as possible a review of the way in which land deemed subject to escheat to the Crown is managed, and that following the review he should speedily propose legislation to ensure that in future such land is passed into the ownership of a Local Authority body who will then be made responsible for its proper maintenance."

(b) The following Motion has been submitted in the name of Councillor Royce Longton:

"This Council

Welcomes the Coalition Government's decision to delay the deadline for implementing the Community Infrastructure Levy (CIL) for 12 months until April 2015;

Notes that the existing system involving "Section 106" financial contributions from developers, which CIL will replace, has proved to be fair and generates about one third more in capital receipts than is expected under CIL; also that West Berkshire's operation of Section 106 was endorsed by Government as exemplary under both Liberal Democrat and Conservative Administrations; but that Ward Members and local councils in this District are not always involved in every stage of the process;

Therefore we call:

a. On the Leaders of both Parties on this Council to continue pressing for retention of



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- the S106 system by writing to the Minister of Planning; and
- b. On the Planning Department to amend its procedures so as to ensure that local town and parish councils and Ward Members are involved from the outset in the allocation of S106 funds, from the pre-application stage through to post-construction of new developments.”

(c) **The following Motion has been submitted in the name of Councillor Tony Vickers:**

“This Council

Notes that large areas of employment land, including sites in “Protected Employment Areas”, near the centre of Newbury have been vacant or derelict for years;

Further notes:

- a) that the Local Plan Inspector in his report on the Core Strategy of July 2012 said that a review of the District’s Employment Land Requirement should be completed during the next stage of the Local Plan preparation;
- b) the global and national economy has changed in its land requirements, as exemplified by this Council’s TimeLord programme and the rapid move to online shopping and business-to-business activity;
- c) that the vibrancy of Newbury is being damaged by allowing edge-of-town-centre empty sites;
- d) the resistance of our planning department to the NPPF’s call for planning decisions to take account of ‘market signals’;
- e) the buoyant market for new housing in areas occupied by low quality commercial property (such as the Travis Perkins site);
- f) the benefits to certain demographics of affordable homes near facilities such as rail stations and night-time economy, combined with minimal need by such households for outdoor private ‘amenity space’;

Therefore calls:

1. For the Employment Boundary Review to be given the highest priority in the Local Plan Programme, with cross-party Member input to the Terms of Reference of this work in recognition of the public concern about waste land and empty offices, and meanwhile
2. For greater flexibility to be given to mixed use redevelopment, with significant housing, on land designated for employment near Newbury town centre.”

(d) **The following Motion has been submitted in the name of Councillor Keith Woodhams:**

“Council will be aware that the Local Government Association has received funding from the Department of Transport (DfT) to undertake strategic reviews of local authorities’ highways departments.



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These peer reviews bring together the LGA's proven peer review approach, with very significant sector specific knowledge available through the Highways Maintenance Efficiency Programme (HMEP).

This motion proposes that this Council commissions a peer led review of the Highways Department on the lines outlined below.

The peer reviews are being led by Surrey County Council and have already been undertaken by Cambridgeshire, Blackpool and Oxfordshire councils. Each review involves a team of peers from local government who spend time on site at the council to fully review its practices so that the authority can reflect on its processes and improve the way it works. These reviews focus on a wide range of people working in the Local Authority and key findings are delivered rapidly. The major cost to the Council would be officer support.

Surrey County Council advised that the DfT has agreed that they will fully fund a further 4 reviews this year and are in discussions with a number of Council's who have expressed an interest in a review. If for any reason any of these do not proceed this year they would be able to offer a review to another authority at no charge.

West Berkshire Council therefore agrees that it will invite the LGA to undertake a peer review of the West Berkshire Council Highways Department as soon as possible."

24. MEMBERS' QUESTIONS

(There were no questions received relating to items not included on the agenda)

If you require this information in a different format or translation, please contact
Moira Fraser on telephone (01635) 519045.

