

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 12 DECEMBER 2013

Councillors Present: David Allen, Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping (Chairman), Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Marcus Franks, Manohar Gopal, John Horton, Carol Jackson-Doerge, Mike Johnston, Graham Jones, Alan Law, Tony Linden, Mollie Lock, Royce Longton, Gordon Lundie, Alan Macro, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, Graham Pask, James Podger, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck, Tony Vickers, Virginia von Celsing, Quentin Webb, Emma Webster, Keith Woodhams and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive) and Sarah Clarke (Team Leader - Solicitor), Moira Fraser (Democratic and Electoral Services Manager) and Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor David Betts, Councillor Billy Drummond, Honorary Alderman Geoff Findlay, Councillor Dave Goff, Councillor Roger Hunneman, Honorary Alderman Alan Thorpe and Rachael Wardell

Councillors Absent: Councillor Sheila Ellison and Councillor Paul Hewer

PART I

48. Minutes

The Chairman asked all those present to observe a minute's silence to reflect on the passing on of Nelson Mandela.

The Minutes of the meeting held on 19th September 2013 were approved as a true and correct record and signed by the Chairman.

49. Declarations of Interest

The Deputy Monitoring Officer announced that all Members present, in accordance with the Localism Act 2011, had applied for and had been granted a dispensation to consider any matter which had a bearing on the setting of the Council Tax (item 15 on this agenda). Failure to grant this dispensation would have impeded the transaction of the business because of the number of Councillors having the same disclosable pecuniary interest.

The Deputy Monitoring Officer also announced that Councillors David Allen, Howard Bairstow, Jeff Beck, Brian Bedwell, Dominic Boeck, Jeff Brooks, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, John Horton, Carol Jackson-Doerge, Alan Law, Mollie Lock, Royce Longton, Alan Macro, Tim Metcalfe, Andrew Rowles, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Tony Vickers, in accordance with the Localism Act had applied for and had been granted a dispensation (by the Standards Committee) to consider Recommendation 4 of Item 15. Failure to grant this dispensation would have impeded the transaction of the business because of the number of Councillors having the same disclosable pecuniary interest.

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Councillor James Podger declared an interest in Agenda Item 15 and reported that, as his interest was a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.

Councillor Emma Webster noted that although she had disclosed a disclosable pecuniary interest in the Motion relating to the Closure of Public Houses at the previous meetings she would not be declaring an interest this time (see Item 14) as the declaration previously made was no longer relevant.

Councillors Gwen Mason, Keith Woodhams, Roger Croft, Royce Longton, Tony Vickers, Carole Jackson-Doerge, Gordon Lundie, Andrew Rowles, Dominic Boeck and Graham Jones declared an interest in Agenda Item 16, but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Anthony Stansfeld declared an interest in Agenda Item 18, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tim Metcalfe declared an interest in Agenda Item 17, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Royce Longton and David Rendel declared an interest in Agenda Item 14, but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

50. Chairman's Remarks and Changes to Committees Since the Previous Council Meeting

The Chairman reported that he and the Vice Chairman had attended 69 events since the last Council meeting. The Chairman thanked Councillor Adrian Edwards and Councillor Jeff Brooks for attending Remembrance Day events on behalf of the Council.

The Chairman highlighted a number of events that he had attended including very colourful Diwali evening, the unveiling of the innovative duck seat at the Linear Park, a scout's breakfast at Burghfield, the signing of the contract with BBOWT, the Aldermaston nativity Play, the switching on of the lights in Hungerford, Thatcham and Newbury, the McMillan Concert at St Nicolas' Church and a number of citizenship ceremonies held at Shaw House.

The Chairman thanked all the Officers and Members that had attended his quiz on the 21 November 2013 which had raised £960 for his chosen charity 'Children with Cancer UK'. He congratulated the 'Bright Blues' on winning the quiz.

Councillor Chopping observed that the young people of the district continued to act as an inspiration for all residents. He had thoroughly enjoyed the Berkshire Maestro's concert at the hexagon Theatre in Reading. He also highlighted the primary school carol concert event at St Nicolas's Church.

The Chairman reported that he had been fortunate to be present at an event held at XTRAC the previous day where the Duke of Kent had made an award to apprentices at this organisation which was a world leader in its field.

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The Chairman provided Members with an update on the Motion proposed by Councillor Goff and seconded by Councillor Brooks which was debated and adopted by the Council at the September 2013 meeting regarding the potential closure of Newbury Magistrates Court. The Motion required that the chairman to write to a number of Government departments and individuals in order to put forward the wide concerns of this Council bearing in mind the cross party support which there was. The Chairman sent a number of letters as requested.

Councillor Chopping confirmed that all three of the local MP's Alok Sharma, John Redwood and Richard Benyon had contacted HM Courts and Tribunal Service. The Chairman also received a response from the Minister with responsibility for HM Courts and Tribunal Service Shailesh Vara MP and support from the Police and Crime Commissioner for the Thames Valley.

A full response was also received from Chris Jennings the Delivery Director – South East for HM Courts and Tribunal Service. In his response he confirmed that there were no current plans to close the court but he indicated that his service was required by Government to continually review its assets and estate in order to provide an efficient service to Court users within budgetary constraints. He went on to address court usage and listing but suggested that this was a matter for local Magistrates to comment upon. However in order to cover this aspect he offered a meeting with him and the Clerk to the Thames Valley Justices David Richmond and this is scheduled to take place on the 22nd January 2014. That meeting will allow the opportunity to place on record at the highest level the concerns of this Council as regards the administration of justice locally.

Richard Benyon MP, had a constructive meeting with Chris Jennings the Delivery Director on 12th November 2013 and was advised that if there was to be any further rationalisation of the Courts in the South East, Newbury Magistrates Court would not be one of the courts he would be recommending for closure to Ministers which is a positive outcome.

The Deputy Monitoring Officer announced that the following changes had been made to Committees since the September 2013 Council meeting:

Executive – Councillor Graham Jones stood down from the Executive on the 31 October 2013. Councillor Marcus Franks had been appointed as the Executive Member with responsibility for Health and Wellbeing. Councillor Graham Pask would have the additional responsibility for Community Safety

Health and Wellbeing Board - Adrian Barker had replaced Lady Emma Stevens as the Healthwatch Representative. Councillor Marcus Franks had replaced Councillor Graham Jones on the Board and Councillor Gordon Lundie had replaced Councillor Graham Pask on the Board and was the new Chairman.

Standards Committee - Barry Dickens had replaced Mauline Akins as a Parish Council Representative on the Standards Committee

Eastern Area Planning – Councillor Sheila Ellison was now a Member of the Committee and Councillor Irene Neill was a substitute on the Committee.

Heritage Champion – Councillor Adrian Edwards had taken over the role of Heritage Champion from Councillor Hilary Cole

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Overview and Scrutiny Commission – Councillor Sheila Ellison had replaced Councillor Marcus Franks on the Commission. Councillor Paul Bryant had replaced Councillor Sheila Ellison as a substitute on this Commission.

Member Point of Contact for all Safeguarding Matters – Councillor Irene Neill had been appointed to this role.

Councillor Jeff Brooks thanked Councillor Graham Jones for all the work that he had done while he was on the front bench and noted that he had been a respected adversary. Councillor Graham Jones thanked Councillor Brooks for the comments.

51. **Junior Citizen of the Year 2013**

The Chairman explained that the Junior Citizen Award was given to a young person from West Berkshire who has excelled in one of the following categories :

- Has helped someone in trouble
- Has achieved excellence in school or an outside activity
- Has made West Berkshire a better place to live and work
- Has demonstrated an act of bravery

He thanked the independent judging panel (Mrs Pat Eastop, Ms Lindsey Appleton and Mr John Aldis) who had met to consider the nominations.

Councillor Chopping noted that the panel had decided to award two Highly Commended certificates this year. The first of these certificates was awarded to Simon Ball. He was nominated by Mrs Orsolya Sirok, Manager of the Sue Ryder shop in Newbury for his voluntary work at the shop. The panel was very impressed with the voluntary work carried out by Simon, which they felt showed great commitment and a very caring attitude.

The second recipient of a Highly Commended award was Edward Collins. He was nominated by his mother, Caroline Lane, for his work, both on a weekly basis and for a week long summer camp, teaching young people with Down's Syndrome how to ride bikes. The panel felt that Edward's caring attitude was evident and were sure that his work was very rewarding.

The third place winner was Josh Booker who was nominated by Norma Maggs of Sovereign Housing Association for his dedication and hard work as a volunteer at Riverside Community Centre. He helped to organise and run events that were put on for the younger members and often helped coach them in the various sports and activities. The panel noted how involved Josh was in the Community Centre and its activities and how his mature attitude and very positive outlook has led the children to look up to him as a role model.

In second place was Chris Weedon who was nominated by Mrs Jenny Johnson, his form tutor at Kennet School, for his voluntary work with Thatcham Town Disabled Football Club. He had coached the football team, and spent time socialising with the young people providing them with opportunities to develop their social skills and a place where they could feel valued and equal. The panel was extremely impressed by the huge commitment demonstrated by Chris over three years.

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The winner of the overall Junior Citizen of the Year Award for 2013 was Chloe Johnson who received four nominations from friends and members of the local community including the youth worker at Greenham Community Centre. Chloe was an active Youth Council member of the Greenham Community Youth Project when she was diagnosed with Leukaemia in November 2012. Chloe had retained her sense of humour and determination throughout her illness, starting a new college course, continuing to work with the Youth Project and fundraising for the John Radcliffe Hospital. The panel felt that Chloe's bravery, determination and commitment to help others made her a worthy winner of the Junior Citizen of the Year Award 2013.

52. Petitions

Councillor Alan Macro presented a petition containing 30 written signatures and 12 electronic signatures (albeit that two of these were repeated giving a total of 40 signatures) relating to requested road safety improvements for people crossing the A4 road at Wigmore Lane, Theale. Councillor Macro was informed that the petition would be referred to the Highways Service for a response which would be set out in a report to be considered via Individual Decision or by the Executive.

Councillor Jeff Beck presented a petition, on behalf of Mr Peter Logan, containing 290 signatures relating to the possible withdrawal of the current School Crossing Patrol located in Fir Tree lane. This petition would be fed into the consultation on the proposed changes to the budget.

53. Public Questions

There were no public questions received.

54. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had met on 26th September 2013.

55. Personnel Committee

The Council noted that, since the last meeting, the Personnel Committee had met on 30th October 2013.

56. Governance and Audit Committee

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 25th November 2013.

57. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee has not met.

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58. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 21st November 2013 and 10th December 2013.

59. Standards Committee

The Council noted that, since the last meeting, the Standards Committee had met on 14th October 2013 and a special meeting took place on the 11 December 2013.

60. Closure of Public Houses - Response to Motion at Council (C2756)

(Councillors Royce Longton and David Rendel declared a personal interest in Agenda item 14 by virtue of the fact that they were members of CAMRA. As their interest was personal and not a disclosable pecuniary interest they were permitted to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 14) setting out a response to a motion raised at the September 2013 Council meeting by Councillor Royce Longton pertaining to the action the Council could take in relation to the potential closure of public houses.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Quentin Webb:

That the Council:

“agrees the response to the Motion”.

Councillor Cole noted this report had been drafted following the submission of a Motion to the September 2013 Council meeting by Councillor Royce Longton. Councillor Cole reported that although the local closure rate of public houses was below the national average West Berkshire was not being complacent. Councillor Cole acknowledged that a well run public house was a real asset to a local community. She was pleased to note that two public houses had already been listed as Assets of Community Value in the district. There were only 150 such listings across the country. One of these public houses had been saved from development and had recently been opened as a community pub.

Councillor Cole commented that she was not able to support the sixth recommendation in the original motion which asked the council to ‘lobby MPs and other political representatives to support CAMRA’s Fair Deal for Your Local campaign’. She was also not able to support the seventh proposal pertaining to the ‘price differential for beer between pubs and supermarkets’. Although she felt that it would not be appropriate for the Council to support these campaigns individual Members were of course free to do so. She therefore proposed acceptance of the first five recommendations and noted that the Council was already undertaking some action on these proposals. The recommendation before Members that evening was therefore to accept the first five items in the original Motion but to discount the last two.

AMENDMENT: Proposed by Councillor Royce Longton and seconded by Councillor Alan Macro:

“That the Council:

1. Continue to support local communities in applying to list pubs as Assets of Community value (p17, 3.4, 3.5);

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2. Encourage the West Berkshire Heritage Forum to include pubs of historic or architectural interest, that currently lack a statutory designation, in the Council's Local Heritage Listing (p17, 3.6);
3. Continue to promote and champion award winning local pubs and encourage Parish Councils to draw attention to pubs of importance to the local community in their Parish Plans (p19, 8(3), p18, 3.15);
4. Ask officers to write to the Government seeking to close the loopholes that currently, for example, allow the demolition of pubs, or their change of use to other commercial activities, without planning permission (p19, 3(4), p18, 3.14)
5. Use the CAMRA Public House Viability Test, in addition to other viability tests, when considering planning applications involving pubs (p20, 3(5))
6. Lobby the Government to take measures to reduce the price differential for beer between pubs and supermarkets, for example by reducing the tax on beer, or introducing a minimum retail price, in line with the Health and Wellbeing Strategy and as a further measure that could help to reverse the decline in pubs (p19, 7.1, 7.2, 7.3)"

Councillor Longton noted the public house was under serious threat and they were now closing at a rate of around 26 per week which equated to around 1300 closures per annum. Councillor Longton explained that one in six public houses had already closed nationally. He was therefore pleased to see that the Planning Policy Task Group had largely endorsed the recommendations in his Motion to the September 2013 Council meeting. However the response that had been drafted did not, in his opinion, include any actions and he therefore felt that he needed to table an amendment at this meeting.

Councillor Cole stated that while she was happy to accept the first five recommendations she was not able to support the sixth recommendation.

Councillor Alan Macro, in seconding the amendment, noted that at recent planning meetings there had been a lot of cynicism in relation to viability tests produced by the applicants and he therefore felt that the introduction of the CAMRA Public House Viability Test would provide a more objective measure.

In view of the statement made by Councillor Cole it was agreed that the amendment would be split into two parts (recommendations 1-5 as one group and then recommendation 6 would be taken separately) and thereby voted on in two parts.

Items 1 to 5 of the Amended Motion were put to the vote and declared **CARRIED**.

Items 6 of the Amended Motion was put to the vote and declared **LOST**.

Councillor Gordon Lundie stated that he felt that this was generally a good motion although he did have questions around the viability test. He felt that where a public house was taken over by a community it was by its very nature likely to be more viable. He was sorry that he was not able to support all aspects of Councillor Longton's amendment.

The Substantive Motion (the original five recommendations including the first five recommendations of the amendment) was put to the meeting and duly **RESOLVED**.

61. Council Tax Reduction Scheme 2014/2015 (C2729)

(Councillor James Podger declared a personal and a disclosable pecuniary interest in Agenda item 15 by virtue of the fact that his daughter was a Hungerford Town Councillor and he had not applied for a dispensation to allow him to take part in the debate on this item. As his interest was personal and a disclosable pecuniary interest he left the meeting and took no part in the debate or voting on the matter).

(Councillor James Podger left the meeting at 7.47pm and returned at 8.25pm)

The Council considered a report (Agenda Item 15) which asked Members to consider whether to revise its existing Council Tax Support Scheme or to replace it with another scheme under the requirements of the relevant legislation. A decision was required by the 31st January each year.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Laszlo Zverko:

That the Council:

“for the purposes of a Council Tax Support Scheme for 2014/15:

1. The CTS Scheme for 2014/15 should replicate that in place for 2013/14 with the single exception that claimants in the unprotected group will be required to pay a minimum of 10% of their Council Tax liability rather than 8.5% as in 2013/14;
2. An amount of £6.23m be drawn from Revenue Support Grant to contribute towards funding of the Scheme together with £1.23m income generated by earlier changes to Council Tax discounts;
3. That the proposals for addressing variations between estimated and actual costs through the Collection Fund be approved;
4. No transfer of funding will be made to parish and town councils;
5. That the associated risks be noted.”

Councillor Law, in introducing the item requested that the following corrections be made to typographical errors in the report: the figure in Recommendation 2 should read £1.23m and not £1.27m as stated on the agenda and that this figure was also erroneously referred to in the financial implications, in paragraph 4.1(2) in the Executive Summary and paragraph 8(2) of main body of report.

He also noted that the scheme was called the Council Tax Support Scheme and any reference to Council Tax Reduction Scheme should read Council Tax Support Scheme throughout the report.

The Chairman, with the permission of those Members present, accepted the corrections.

Councillor Law explained that this was predominantly a technical report that the Council was required to produce to take on board changes made by Central Government the previous year. The Council Tax Support Scheme had replaced the Council Tax Benefit and as a consequence the Council had received 14% less funding. The Council had also previously received a specific grant to fund the scheme but this year the funding ((£6.23m) would be included in the Revenue Support Grant. The Council was therefore recommending that all claimants in the unprotected group

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would pay a minimum of 10% Council Tax, which was an increase when compared to the 8.5% charged the previous year.

In respect of recommendation 4 all Town and Parish Councils had been informed in January 2013 that they would not receive the transfer funding this year.

Councillor Jeff Brooks drew Members' attention to page 23 of the agenda and in particular to the line in the equalities section which stated that the policy would not have an impact on how other organisations operated in terms of equality. He opined that if funding was not transferred to the town and parish councils it was possible that they would no longer be able to offer grants to disadvantaged groups and therefore there would be an impact. He was therefore concerned that the Equalities Impact Assessment did not contain sufficient detail. Councillor Marcus Franks stated that Councillor Brooks' assertion was conjecture and the Council could not surmise what the Town and Parish Councils did with their budgets.

Councillor Brooks also stated that the 1.5% (from 8.5% to 10%) increase would equate to an 18% increase in costs to those in receipt of benefits many of whom were being paid a minimum wage. He noted that the non-collection rate had almost doubled as people in work were struggling to pay their Council Tax and the information provided suggested that the Council was having difficulty collected the payments from these individuals.

Councillor Brooks was also concerned that if the Council determined recommendation 4 at this meeting and then there was a change in the guidelines produced by Central Government the Council would have fettered its discretion. Councillor Marcus Franks reminded Members that the Council had not received funding to support the Town and Parish Councils this year.

Councillor David Allen commented that the guidance issued by the Department for Communities and Local Government towards the end of 2012 set out a clear expectation that the Council Tax Support Grant would be passed to the Town and Parish Councils.

Councillor Tony Vickers suggested that instead of raising the contribution from claimants in the unprotected group from 8.5% to 10% the Council should remove the 28 day exemption period currently in place for empty homes. This receipt would negate the need to introduce increase and it would also mean that two thirds of the funding would still be available to the Town and Parish Councils.

Councillor Pamela Bale drew Members' attention to paragraph 1.4 of the report which stated that 'the Council would not be in a position to make such a payment unless the Government reverses its position on the matter.' She stated that if there was a change the Council would be able to review its position. It was confirmed that if there was a material change in circumstances Members would be able to revisit the decision despite the six month rule.

Councillor Gordon Lundie stated that it was not appropriate for the Council to increase its taxes in order to pass the funding onto other organisations. Town and Parish Councils had to take on responsibility for meeting their own funding gaps.

Councillor Alan Law commented that noted that a comprehensive Equality Impact Assessment had been undertaken when the scheme was first introduced in December 2012. Pensioners and vulnerable persons were still protected and would continue to receive 100% of their liability. There was financial assistance available for those on low incomes.

Councillor Law reminded Members that the increase from 8.5% to 10% equated to 44p per week. He also noted that collection rates were almost identical to previous years. Councillor Law

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reiterated that the Parish and Town Councils had been informed in January 2013 that they would not receive the Council Tax Support Grant this year.

The Deputy Monitoring Officer clarified that a full Equality Impact Assessment had taken place in the previous year, reference to it was made in the report and it was referenced in the background documentation. Sarah Clarke also explained that if there was a material change in circumstance the Council could review the decision not to pass the funding onto Town and Parish Councils despite the six month rule.

In accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on the Motion be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Motion:

Councillors Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Dominic Boeck, Paul Bryant, Virginia von Celsing, George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Marcus Franks, Manohar Gopal, John Horton, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Joe Mooney, Irene Neill, Graham Pask, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (34)

AGAINST the Motion:

Councillors David Allen, Jeff Brooks, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (11)

ABSTAINED:

None.

The Motion was put to the meeting and duly **RESOLVED**.

62. Leisure Centres' Fees and Charges 2014 (C2593)

(Councillor Gwen Mason declared a personal interest in Agenda item 16 by virtue of the fact that she was a member of the Northcroft Leisure Centre Customer Focus Group. As her interest was personal and not a disclosable pecuniary interest she was permitted to take part in the debate and vote on the matter).

(Councillor Keith Woodhams declared a personal interest in Agenda item 16 by virtue of the fact that he was a member of the Kennet Leisure Centre Joint Action Committee. As his interest was personal and not a disclosable pecuniary interest he was permitted to take part in the debate and vote on the matter).

(Councillor Roger Croft declared a personal interest in Agenda item 16 by virtue of the fact that he was a member of the Kennet Leisure Centre Joint Action Committee and also the President of the Newbury and District Swimming Club. As his interest was personal and not a disclosable pecuniary interest he/ was permitted to take part in the debate and vote on the matter).

(Councillors Royce Longton and Carole Jackson-Doerge declared a personal interest in Agenda item 16 by virtue of the fact that they were members of the Willink Joint Action Committee. As their interest was personal and not a disclosable pecuniary interest they were permitted to take part in the debate and vote on the matter).

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(Councillor Tony Vickers declared a personal interest in Agenda item 16 by virtue of the fact that he was on the Committee of the Northcroft Leisure Centre. As his interest was personal and not a disclosable pecuniary interest he was/were permitted to take part in the debate and vote on the matter).

(Councillors Gordon Lundie and Graham Jones declared a personal interest in Agenda item 16 by virtue of the fact that they were members of the Lambourn Leisure Centre JMC. As their interest was personal and not a disclosable pecuniary interest they were permitted to take part in the debate and vote on the matter).

(Councillor Andrew Rowles declared a personal interest in Agenda item 16 by virtue of the fact that he was a member of the John O' Gaunt Leisure Centre's JAC. As his interest was personal and not a disclosable pecuniary interest he was permitted to take part in the debate and vote on the matter).

(Councillor Dominic Boeck declared a personal interest in Agenda item 16 by virtue of the fact that he was a member of the Kennet Leisure Centre. As his interest was personal and not a disclosable pecuniary interest he was permitted to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 16) considering the implementation of the contractual requirement for an annual price review for 2014 for Parkwood Community Leisure to come into effect from the 01st January 2014.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Virginia von Celsing:

That the Council:

“approves the proposed increase in Fees and Charges for the Leisure Management Contract”.

Councillor Cole noted that it was a contractual requirement for Parkwood Community Leisure to introduce any increase in fees and charges in January each year and therefore this item did not form part of the annual fees and charges report agreed in March each year. The proposed increase reflected an average increase of 3% across the contract as a whole.

The Motion was put to the meeting and duly **RESOLVED**.

63. **Adventure Dolphin Fees and Charges 2014/15 (C2595)**

(Councillor Tim Metcalfe declared a personal interest in Agenda item 18 by virtue of the fact that he was a member of the stakeholder group and his wife was a volunteer at the centre. As his interest was personal and not a disclosable pecuniary interest he was permitted to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 17) setting out proposed 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.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Virginia von Celsing.

That the Council:

“agrees the increase in fees and charges for the Adventure Dolphin programme, equipment hire and resources hire as set out in Appendices B and C to the report”.

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Councillor Cole noted that the fees and charges for Adventure Dolphin were historically set in December to allow the centre to produce promotional information in January in order to maximise bookings. An increase in fees of 1.5% was being proposed this year due to take account of the significant increase that was introduced in December 2012.

Councillor Tim Metcalfe noted that although uptake of activities at the Centre had improved towards the end of the year there had been a significant decrease at the beginning of the year. He opined that the steep increase in fees introduced the previous year had been a contributory factor.

Councillor Metcalfe noted that in the third table of Appendix B (School Holiday Activities – Core Commercial Activity) it stated that the school holiday half day climbing course – young people (4 half days) would cost £110 in 2014/15 (the current costs was £100) but that this represented a 0% increase in cost. He suspected that this was a typographical error and that the cost for 2014/15 should read £100 but he sought confirmation that this was the case.

He urged caution in respect of the commercialisation of private hire so as not to contravene the lease with Pangbourne Parish Council or the Planning Permission for the site.

Councillor Metcalfe also noted that in the first table of Appendix B (Subscription Charges) a new fee was being introduced in respect of registration for the Duke of Edinburgh scheme of £20. He was not aware that this issue had been discussed at the recent stakeholders meeting and he therefore wanted to clarify if this fee was in addition to the cost of the courses.

Councillor Hilary Cole stated that she did not have the information to hand and she would provide Councillor Metcalfe with a written response.

The Motion was put to the meeting and duly **RESOLVED**.

64. **Licensing Act 2003 (C2766)**

(Councillor Anthony Stansfeld declared a personal interest in Agenda item 18 by virtue of the fact that he was the Police and Crime Commissioner. As his interest was personal and not a disclosable pecuniary interest he was permitted to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 18) pertaining to the Council's Licensing Policy Statement as required under the Licensing Act 2003 Part 2.5 (1) (a)(b).

MOTION: Proposed by Councillor Dominic Boeck and seconded by Councillor Jeff Beck:

That the Council:

“agrees to the adoption of the Licensing Policy”.

Councillor Boeck noted there was a legislative requirement to review the policy every three years. The key changes were set out in paragraph 2 of the report and were primarily associated with changes arising from the Live Music Act 2012 and the Police Reform and Social Responsibility Act 2011. The changes had been consulted on and the addition amendments arising from the consultation were also set out in the report.

Councillor Boeck noted that following the introduction of the Police Reform and Social Responsibility Act 2011 the policy would only be required to be reviewed every five years.

Councillor David Allen noted that in terms of the Late Night Levy as a ward member for Newbury Town Centre he was concerned about the number of reported incidents relating to night clubs. He

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noted that these incidents impacted significantly on the work load of police officers. He would therefore like to see the levy, which would allow authorities (both the local authority and the police) to raise a contribution from the late opening alcohol retailers, to be introduced at the soonest opportunity to mitigate the problem. Councillor Anthony Stansfeld commented that he supported the introduction of Late Night Levies.

Councillor Gordon Lundie noted that Late Night Levies were a contentious issue. He felt that this was an issue for the Licensing Committee to consider with a view to making a recommendation to full Council for determination. The Licensing Committee would need to take the views of a range of affected organisations into consideration in formulating their recommendation.

The Motion was put to the meeting and duly **RESOLVED**.

65. Revised Code of Conduct for Members (including a Social Media Protocol) (C2737)

The Council considered a report (Agenda Item 19) which set out recommended changes to the Members' Code of Code following the scheduled review of the Code by the Standards Committee and the report also set out a proposed Social Media Protocol for Members.

MOTION: Proposed by Councillor Jeff Beck and seconded by Councillor Gwen Mason:

That the Council:

“adopts the revised Code of Conduct for Members (as set out in Appendix H to Part 13 of the Constitution) and the Social media Protocol for Members (as set out in Appendix K to Part 13 of the Constitution) ”.

Councillor Beck noted that the Governance and Audit Committee had gone through the report in great detail at its meeting on the 25 November 2013. The document had also previously been considered by the Standards Committee.

Councillor Gwen mason commented that when the revised Code of Conduct had first been adopted (July 2012) it was agreed that it would be reviewed after it had been in place for a year. The Standards Committee had therefore undertaken the review. It has also been agreed that it was necessary to introduce a Social Media Policy to try and protect Members from complaints arising from blogging and social networking.

The Motion was put to the meeting and duly **RESOLVED**.

66. Amendments to the Constitution - Parts 4, 7 and 13 (C2728)

The Council considered a report (Agenda Item 20) concerning proposed amendments to 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 recently issued Government guidance.

MOTION: Proposed by Councillor Jeff Beck and seconded by Councillor Quentin Webb:

That the Council:

- “1. agrees the amendments;
2. delegates authority for the Monitoring Officer to make amendments to Part 5 (Executive Rules of Procedure) and Part 6 (Scrutiny Rules of Procedure) in respect

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of the use of Electronic Communication Devices and the Code of Practice Relating to Televising and Sound Recording of Meetings to align them with the changes made to Parts 4 and 7.

3. agrees that the changes will come into effect on the 13 December 2013.”

Councillor Beck, in introducing the item, explained that there was a typographical error in the first recommendation which should read ‘To agree the proposed amendments to Parts 4, 7 and 13 of the Council’s Constitution ‘.

The Chairman, with the permission of those Members present, accepted the correction.

Councillor Beck noted that this item had also been considered in great detail at the Governance and Audit Committee meeting on the 25 November 2013.

Councillor Quentin Webb stated that he was very happy to second this report which was a very useful clean up exercise of these sections of the Constitution and which also took into consideration the changes in legislation regarding the future use of electronic devices at meetings.

The Motion was put to the meeting and duly **RESOLVED**.

The Chairman thanked Officers for the work undertaken in producing the documents.

67. Proposed Member Development Programme for 2014 to 2015 (C2672)

The Council considered a report (Agenda Item 21) setting out the proposed Member Development Programme for 2014/15.

MOTION: Proposed by Councillor Paul Bryant and seconded by Councillor Gwen Mason:

That the Council:

“agrees the Member Development Programme for 2014/15 and that the two Leaders nominate three Members from each group to join an E learning pilot group.”

Councillor Bryant noted that the programme had been developed based on the previously agreed Member Development Strategy. This meant that the programme included three service based sessions and six monthly policy and finance updates. Members had the opportunity to put forward suggested topics where there were gaps in the programme. It had also been agreed that the recently introduced repeat day time sessions had been successful and should be continued. Councillor Bryant noted that there was an attendance rate of around 50% per session and he urged Members that were not attending the sessions regularly to do so.

Councillor Alan Macro welcomed the introduction of the pilot e-learning project which he felt would be very useful.

The Motion was put to the meeting and duly **RESOLVED**.

(Councillor Julian Swift-Hook left the meeting at 8.50pm)

68. 2014/15 West Berkshire Council Timetable of Public Meetings (C2594)

The Council considered a report (Agenda Item 22) setting out the timetable of meetings for the 2014/15 Municipal Year.

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MOTION: Proposed by Councillor Gordon Lundie and seconded by Councillor Pamela Bale:

That the Council:

“approves the timetable of meetings for the 2014/15 Municipal Year”.

Councillor Lundie asked Members to agree the proposed timetable of meetings.

The Motion was put to the meeting and duly **RESOLVED**.

69. Notices of Motion

The Council considered the under-mentioned Motion (Agenda item 23(a) refers) submitted in the name of Councillor David Rendel relating to the way in which land deemed subject to escheat to the Crown was managed.

MOTION: Proposed by Councillor Rendel and seconded by Councillor Richard Crumly:

“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.”

AMENDED MOTION: Proposed by Councillor Rendel and seconded by Councillor Crumly:

That the Council:

“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

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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 and would receive from central government funding for any related financial implications."

The Amended Motion was put to the vote and declared **CARRIED**.

(Councillor Richard Crumly left the meeting at 9.06pm)

The Council considered the under-mentioned Motion (Agenda item 23(b) refers) submitted in the name of Councillor Royce Longton relating to the delay in the Implementation of the Community Infrastructure Levy.

MOTION: Proposed by Councillor Longton and seconded by Councillor Alan Macro:

"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 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."

AMENDED MOTION: Proposed by Councillor Longton and seconded by Councillor Macro:

"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;

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Therefore we call:

- a. On the Leaders of both Parties on this Council to continue pressing for retention of the S106 system by writing to the Minister of Planning; and
- b. On the Planning Department to ~~amend~~ (review) 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 and CIL funds, from the pre-application stage through to post-construction of new developments.”

The Amended Motion was put to the vote and declared **CARRIED**.

The Council considered the under-mentioned Motion (Agenda item 23(c) refers) submitted in the name of Councillor Tony Vickers relating to protected employment areas near Newbury Town Centre.

The Chairman informed the Council that should the motion be approved, under Procedural Rule 4.5.8 it would be referred to the Head of Planning and Countryside to draft a report that would be brought to a future Council meeting for consideration after being considered by the Planning Policy Task Group.

MOTION: Proposed by Councillor Vickers and seconded by Councillor David Allen:

“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.”

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The Motion was put to the meeting and duly **RESOLVED** that it would be referred to the Head of Planning and Countryside to draft a report that would be brought to a future Council meeting after being considered by the Planning Policy Task Group.

The Council considered the under-mentioned Motion (Agenda item 23(d) refers) submitted in the name of Councillor Woodhams relating to a peer review of the Highways Department.

MOTION: Proposed by Councillor Woodhams and seconded by Councillor Jeff Brooks:

“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.

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.”

The Motion was put to the vote and declared **LOST**.

70. Members' Questions

- (a) A question standing in the name of Councillor * on the subject of * was answered by the Executive Member for *.
- (b) A question standing in the name of Councillor * on the subject of * was answered by the Executive Member for *.

(The meeting commenced at 7.00 pm and closed at 9.45 pm)

CHAIRMAN

Date of Signature