

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 12 SEPTEMBER 2019

Councillors Present: Adrian Abbs, Steve Ardagh-Walter, Peter Argyle, Phil Barnett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, Hilary Cole, James Cole, Jeremy Cottam, Carolyn Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Clive Hooker (Vice-Chairman), Gareth Hurley, Owen Jeffery, Rick Jones, Nassar Kessell, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Graham Pask (Chairman), Erik Pattenden, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

Also Present: John Ashworth (Corporate Director - Environment), Sarah Clarke (Head of Legal and Strategic Support), Tess Ethelston (Group Executive (Cons)), Joseph Holmes (Executive Director - Resources), Olivia Lewis (Group Executive (Lib Dem)), Andy Sharp (Executive Director (People)), Shiraz Sheikh (Principal Solicitor) and Peta Stoddart-Crompton (Public Relations Officer), Moira Fraser (Democratic and Electoral Services Manager), Honorary Alderman Andrew Rowles (Honorary Alderman) and Jo Watt (Member Services Officer)

Apologies for inability to attend the meeting: Nick Carter and Councillor Alan Law

Councillor(s) Absent:

PART I

40. Chairman's Remarks

The Chairman asked all Members to rise and observe a minutes' silence to remember PC Andrew Harper.

The Chairman reported that he and the Vice Chairman had attended 17 events since the last Council meeting.

41. Minutes

The Minutes of the meeting held on 02 July were approved as a true and correct record and signed by the Chairman.

42. Declarations of Interest

Councillor Peter Argyle stated that (in relation to agenda item 14) in the interests of transparency he wanted to notify those present that some years ago he and his wife had signed a letter of support for the Back Heathrow campaign. Councillor Tony Linden noted that he too had signed a similar letter.

Councillor Jeff Beck reported that (in relation to agenda item 14) he had been lobbied extensively on the expansion of Heathrow Airport. It was noted that all Members had received a letter from the Back Heathrow campaign.

Councillor Gareth Hurley declared an interest in Agenda Item 14, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

Councillor Tom Marino declared an interest in Agenda Item 15b by virtue of the fact that he worked for Alok Sharma, MP, and reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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Councillor Hilary Cole reported that all Conservative Members had received an email from Councillor Tony Vickers on the subject of Item 15b (Motion on a Confirmatory Referendum on the Final Brexit Outcome) She considered the content of that email to be lobbying. In response to a query as to whether this approach should be taken in respect of all intra Member communications the Monitoring Officer explained that it depended on the specific content of those emails and if Members considered the content to be lobbying.

43. Petitions

There were no petitions presented to the meeting.

44. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#). *(right click on link and 'Edit Hyperlink'. Insert URL to pdf on website in 'address' field)*

1. A question standing in the name of Mr Lee McDougall on the subject of funding for a replacement Step 5 facility at Faraday Road, should it be needed, was answered by the Portfolio Holder for Public Health and Community Wellbeing.

45. Membership of Committees

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Rick Jones:

That the Council:

“amends its appointment to the Appeals Panel as follows: Councillor Graham Bridgman to replace Councillor Jo Stewart.”

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

46. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had not met.

47. Personnel Committee

The Council noted that, since the last meeting, the Personnel Committee had not met.

48. Governance and Ethics Committee

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 29 July 2019.

49. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee had met on 21 August 2019.

50. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had met on 09 July 2019.

51. Joint Public Protection Committee

The Council noted that, since the last meeting, the Joint Public Protection Committee had not met.

52. Response to the Consultation and Motion on Heathrow Expansion (C3804)

(Councillor Keith Woodhams left the chamber during the discussion on this item)

(Councillor Gareth Hurley declared a personal and prejudicial interest in Agenda item 14 by virtue of the fact that he worked for Network Rail. As his interest was prejudicial he determined to leave the meeting and took no part in the debate or voting on the matter).

The Council considered a report (Agenda Item 14) which set out a response to the motion submitted to the Council meeting on 2nd July 2019 relating to the expansion of Heathrow Airport and included a draft response to the current consultation on Heathrow expansion which was open from 18th June to 13th September 2019.

MOTION: Proposed by Councillor Richard Somner and seconded by Councillor Lynne Doherty:

That the Council:

- “(i) reject the motion submitted to the Council meeting held on 2nd July 2019 relating to the expansion of Heathrow Airport,
- (ii) updates its position statement as set out in section 4.1 of Appendix C to reflect relevant local and national changes that have occurred and new information now available since 2014 (when the Executive agreed the previous position statement).
- (iii) agrees the set of responses to the questions posed in the Heathrow expansion consultation as detailed in Appendix D for submission by the 13th September consultation deadline.”

Councillor Richard Somner in introducing the item stated that the report set out a response to the Motion proposed by Councillor David Marsh at the 02 July 2019 Council meeting which had been discussed at the Transport Advisory Group. It also set out a proposed response to the Heathrow expansion consultation which would close the following day. In addition it also addressed the issues raised in the petition submitted by Jackie Paynter to the Executive on the 05 September 2019 which was broadly in line with the motion presented at the previous Council meeting.

Councillor Somner thanked Officers for the effort they had put into preparing the report. He outlined a range of economic benefits for the West Berkshire and the Thames Valley region that would be derived from the expansion including job creation, assisting supply chains, improvements to infrastructure and that it would be a platform for the development of new technology. The negative environmental impacts including air quality and noise would not directly affect the District's residents. The Council would include comments on the need to reduce carbon emissions in its response to the consultation.

Councillor Somner noted that in 2014 and again in 2017 the Council had voted unanimously to support the expansion. In July 2018 the former Leader of the Council had written to the three local MPs to highlight the Council's support. He also noted that in July 2019 the Council had declared a Climate Emergency and had committed to being carbon neutral by 2030. He recognised that the proposal would not find universal support in the chamber at this meeting. He however urged members to support the recommendations which he believed would improve the lives of the District's residents.

Councillor Carolyne Culver reminded Members that they had declared a Climate Emergency at the 02 July 2019 meeting and they had committed to creating a strategic plan to deliver carbon neutral by 2030. Supporting the expansion of Heathrow contradicted that position and meant that in her opinion the Council had failed at the first

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hurdle. She reminded Members that over 800 residents had signed the petition submitted to the executive the previous week. She reported that the Green Party would submit their own response to the consultation.

Councillor Ross Mackinnon noted that the expansion of Heathrow would be a major driver for prosperity in the region and would create and support significant levels of employment for neighbouring residents. He noted that the airport had made statements about mitigating carbon emissions and that they had to have a basis for those claims.

Councillor Alan Macro commented that the number of flights would increase by 54%. In addition part of the proposal included the construction of the largest car park in the world which would increase the number of traffic movements significantly. He highlighted that 761 homes, two schools and some hotels would be removed in order to accommodate the expansion. He also noted that some of the flight paths would cover West Berkshire which would generate noise pollution and carbon emissions which would affect its residents. He therefore believed that supporting the recommendations set out in the report would not be compatible with the declaration of a climate emergency. He could therefore not support the recommendations. He noted that the Liberal Democrat Members would also be submitting their own response to the consultation.

Councillor Owen Jeffery commented that in his opinion this was the wrong thing in the wrong place.

Councillor James Cole explained that he and Councillor Dennis Benneyworth had recently visited a company located in their ward which was working on technology in relation to fuel cells. He felt that the expansion was an opportunity to rework the whole airport and deliver technology that would reduce reliance on fossil fuels which would in turn assist with improvement to air quality. It should therefore be seen as an opportunity.

Councillor Jeff Brooks commented that while he had previously supported expansion since then there had been a considerable raising of awareness of the plight the world was facing and he had now revised his position. He accepted that the ability to travel helped to expand people's minds and he would not like them not to have that opportunity. However 80% of passenger travel was undertaken for business purposes and he felt that this was an area that should be looked at. Technology existed already which negated the need to make as many business trips.

Councillor Lee Dillon disputed that the expansion would have a positive impact for West Berkshire residents. It was likely to result in increased house prices, more congested roads and more air pollution. It would have a negative impact on the quality of the lives of residents living closer to the airport and would result in the removal of a large number of homes. The new car park would result in more private car journeys, freight transport would increase and the concrete that would be needed to build it would all generate significant carbon emissions. He also noted that the emissions generated by air travel were more damaging than those created by cars as they were already in the atmosphere. He felt that there was existing capacity in the regional airports which should be used rather than expanding Heathrow.

Councillor Martha Vickers stated that as the Council's Green Champion she could not support the recommendations as they were contrary to the declaration of a climate emergency.

Councillor David Marsh stated that he was disappointed to hear that some Members were highlighting the benefits of the expansion but were not concerned about the negative impact on residents in other authorities.

Councillor Tony Vickers also supported making greater use of regional airports which would generate less carbon emissions, would cost less and would cause less disruption.

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Councillor Steve Masters stated that the petition demonstrated the depth of feeling of local residents and that he hoped Members were listening to the concerns raised by the public. He urged Members to think about the future and that more use should be made of existing facilities such as train journeys instead of short haul flights and the existing capacity on transatlantic flights.

Councillor Tony Linden drew Members' attention to a number of environmental processes that were being put in place by the airport to mitigate the impact of the expansion.

Councillor Benneyworth noted that paragraph 2.19 of Appendix C dealt with transportation of racehorses. He explained that he was employed as an international horse transporter and had therefore had a lot of experience in this area. The horse racing industry in West Berkshire benefitted from its close proximity to Heathrow. It was one of only two airports that could be used to transport horses in the UK. He often had to travel to Europe on roads and then fly out of a European Airport.

Councillor Nassar Kessell queried if this use of the airport by Councillor Benneyworth constituted an interest that should preclude him from taking part in the discussion. The Monitoring Officer commented that the declaration of any interest was always a matter for the individual member. Councillor Benneyworth had determined that he did not have an interest that needed to be declared. Councillor Benneyworth informed Council that his employment was a matter of public record as it was included on his Register of Interest form. Councillor Claire Rowles commented that many members would make use of the airport for business travel.

Councillor Steve Ardagh-Walter challenged the assertion that supporting the expansion of Heathrow was incompatible with the declaration of a climate emergency in West Berkshire. He was of the opinion that the issue should be considered in a local, national and global context. The airport was located around 50 miles away and the District would not be affected by the noise or air pollution. He accepted that other boroughs would be and therefore it was understandable that they would object to the expansion.

Councillor Ardagh-Walter stated that in terms of a national level it had been established by the Airports Commission that Heathrow was the best place to provide the capacity. It was Heathrow's long term aspiration to make growth from its new runway carbon neutral. They had also made a commitment to operate zero carbon infrastructure, including buildings and other fixed assets by 2050. Central Government would be responsible for achieving its challenging target of carbon neutrality by 2050. In terms of the global picture aviation contributed about half of the carbon emissions that were generated by internet and telephones. He therefore urged Members to support the recommendations set out in the report.

Councillor Hilary Cole stated that recent figures showed that economy was expanding as services returned to growth and the expansion would have a positive impact on the local economy of West Berkshire. The third runway would double the freight capacity at Heathrow. There were a relatively high, and growing, number of logistics firms in the District as well as a large Amazon depot at Theale. Their growth, had the potential benefits of more jobs, more money spent locally and more business rate receipts. BREXIT could result in changes in trading partners, for example a new trade agreement with the United States, which might well increase Heathrow's strategic importance. Councillor Cole reiterated that 70% of international firms looking to set up in the UK would do so within an hour's drive of Heathrow. With increased capacity for both passengers and freight, this could open up the door for more of these firms to establish themselves in the District.

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Councillor Garth Simpson noted that Heathrow currently had two runways but were competing with other airports for example Schiphol which had six. Customers would be driven by choice based on the options available. He also noted that the aerospace industry had contributed to a 1% annual reduction in carbon emissions. He noted however that there was currently no bus service between Newbury and Heathrow and he felt that this was something that should be lobbied for.

Councillor Jeremy Cottam stated that more use should be made of technological advances in order to reduce the amount of business air travel that was undertaken.

Councillor Doherty thanked Members for the debate. She stated that there was sound economic reasoning to support the expansion of Heathrow. She believed that the expansion would encourage innovation and technological advancement. She did not believe that supporting it was in conflict with the Council's declaration of a climate emergency. Since 1990 the UK had been able to cut its emissions while Gross Domestic Products (GDP) continued to grow.

Councillor Somner stated that he had nothing to add to the arguments put forward to support the recommendations. He would continue to work with stakeholders where possible to deliver infrastructure changes such as the rail links and a bus service. In addition he supported the declaration of the climate change emergency and would continue to work with colleagues across the chamber to support it.

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

Prior to the vote being taken Councillor Steve Masters requested that, in accordance with paragraph 4.17.3, the vote be recorded. The requested number of Members supported the motion by standing in their place.

For the Motion

Steve Ardagh-Walter, Peter Argyle, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Cant, Hilary Cole, James Cole, Lynne Doherty, Clive Hooker, Rick Jones, Tony Linden, Tom Marino, Ross Mackinnon, Graham Pask, Claire Rowles, Garth Simpson, Richard Somner, Jo Stewart, Andy Williamson, Howard Woollaston (22)

Against the Motion

Adrian Abbs, Phil Barnett, Jeff Brooks, Jeremy Cottam, Carlyne Culver, Lee Dillon, Billy Drummond, Owen Jeffery, Nassar Kessell, Royce Longton, Alan Macro, David Marsh, Steve Masters, Geoff Mayes, Andy Moore, Erik Pattenden, Martha Vickers, Tony Vickers (18)

(Councillors Gareth Hurley and Keith Woodhams did not vote on this item and returned to the chamber after the vote on this item).

53. Notices of Motion

The Council considered the under-mentioned Motion (Agenda item 15a refers) submitted in the name of Councillor Lynne Doherty relating to the development of a parental leave policy for elected councillors.

The Chairman informed the Council that the Motion would be debated at the meeting.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Howard Woollaston:

That the Council:

“notes that 96% of councils across England do not have a formal Parental Leave Policy in place for elected members and considers that the lack of such a Policy

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may deter new or prospective parents, and particularly women, in standing for election in the first place and, if they are elected, could be a barrier to their fulfilling their role.

Local Government is the cornerstone of our democracy; delivering services that people rely on and serving our communities. There is at present no right to parental leave for those in elected public office, but we should do all we can to encourage as wide as possible a range of candidates to stand for election. Improved provision for new parents should contribute towards increasing the diversity of experience, age and background of local authority councillors. It should also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

An issue with introducing a Parental Leave Policy for Members is that a Member taking parental leave in accordance with the policy could find themselves in breach of s85(1), Local Government Act 1972 (“if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority”).

It is therefore proposed that this Council agrees the following resolution with the intention of (a) introducing a Parental Leave Policy for Members in due course, (b) delegating to the Personnel Committee the ownership of the new policy, and (c) suspending the effect of s85(1) whilst a Member is taking parental leave.

This Council resolves that (a) the Personnel Committee shall be delegated with (i) the agreement and adoption of a Parental Leave Policy for Members and (ii) any subsequent amendments to it, (b) if a Member takes parental leave in accordance with the Policy once adopted the period of such parental leave (“the Period”) shall be treated as a good reason for the Member failing to attend any meeting or meetings during the Period for the purposes of section 85(1) of the Local Government Act 1972, and (c) the Monitoring Officer is authorised to approve such absences during the Period and to make any consequent amendments to the Council’s Constitution necessary.”

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

The Council considered the under-mentioned Motion (Agenda item 15b refers) submitted in the name of Councillor Lee Dillon relating to confirmatory referendum on the final Brexit outcome.

The Chairman informed the Council that the Motion would be debated at the meeting.

MOTION: Proposed by Councillor Lee Dillon and seconded by Councillor Carolyn Culver:

That the Council notes:

- “The majority of West Berkshire Residents voted to remain in the referendum in 2016.
- That West Berkshire is projected to see a drop in GVA (Gross Value Added) of -2.3% in the event of a no deal Brexit*

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- That additional resources from Central Government to plan for a no deal Brexit locally have not been made available
- That a shrinking economy leads to lower tax revenues putting more strain on already underfunded public services.
- That on 12th August 2019 our local MP, Richard Benyon, put his name to a letter to the Prime Minister urging him to avoid a no deal Brexit.

This Council therefore:

- (1) Wishes to formally add its voice to those calling for a confirmatory referendum on the final Brexit outcome to be held while we remain members of the EU. The options in this referendum should be to leave the EU with whatever the Government's specific plan is, or to remain in the EU on our current terms.
- (2) Will write to our 3 local MPs:
 - (a) note that we share Richard Benton MP's alarm at the 'Red Lines the Prime Minister has drawn' which appear to make no deal the most likely Brexit outcome
 - (b) to express our concern about the expected negative economic impact of a no deal Brexit on West Berkshire
 - (c) urge them to do all they can to prevent a no deal Brexit
 - (d) urge them to join West Berkshire Council in supporting a confirmatory referendum to ensure explicit public support for the final course of action.
- (3) Will write to the Chancellor of the Duchy of Lancaster (No Deal Planning) to request additional resources to enable us to carry out a detailed impact study on our local economy in order to:
 - (a) understand the full impact of a no deal Brexit on services run solely by West Berkshire Council.
 - (b) prepare a plan to mitigate/deal with the identified impacts".

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

The Council considered the under-mentioned Motion (Agenda item 15c refers) submitted in the name of Councillor Alan Macro relating the selection of development sites for the new Local Plan.

The Chairman informed the Council that the Motion would not be debated at the meeting. In accordance with Procedure Rule 4.9.8, it would be referred to Planning Advisory Group for consideration and a response would be brought back to Council.

MOTION: Proposed by Councillor Alan Macro and seconded by Councillor Tony Vickers:

That the Council notes:

"that sites to be allocated for development in past local plan documents have been selected by a task group meeting in private and, although the local plan documents were approved for submission and adoption by full Council, it proved not possible to change which sites were included. The decisions on which sites should be included in the local plan documents were therefore effectively taken behind closed doors.

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Council therefore resolves that, in the interests of transparency and democracy, development sites to be included in the submitted new Local Plan should be selected in public. Local members, parish councils, the public and site promoters should have speaking rights similar to those at planning committees”.

The Council considered the under-mentioned Motion (Agenda item 15d refers) submitted in the name of Councillor Alan Macro relating to CO2 emissions and water usage.

The Chairman informed the Council that the Motion would not be debated at the meeting. In accordance with Procedure Rule 4.9.8, it would be referred to Planning Advisory Group for consideration and a response would be brought back to Council.

MOTION: Proposed by Councillor Alan Macro and seconded by Councillor Adrian Abbs:

That the Council notes

“that it has declared a climate emergency and adopted a policy of achieving carbon neutrality by 2030. Given that private dwellings account for around 20% of carbon dioxide emissions, it is essential for measures to be urgently taken to reduce the emissions from new dwellings and extensions to be reduced by the maximum possible. This council also notes concerns by the Environment Agency and others about the effect of water abstraction on our watercourses and, particularly, on our chalk streams. Thames Water is classified as being under serious stress.

This council therefore resolves to draw up and adopt a Supplementary Planning Document within six months requiring new dwellings and extensions to be built to standards requiring carbon dioxide emissions and water consumption to be minimised to the maximum extent consistent with government guidance.”

The Council considered the under-mentioned Motion (Agenda item 15e refers) submitted in the name of Councillor Lee Dillon relating to re-opening the Faraday Road Football Club Ground.

The Chairman informed the Council that the Motion would not be debated at the meeting. In accordance with Procedure Rule 4.9.8. it would be referred to the Executive for consideration as this motion was an Executive function

MOTION: Proposed by Councillor Lee Dillon and seconded by Councillor Jeff Brooks:

That the Council

- “It served an eviction notice on the tenants of the Faraday Road Football site resulting in the site being vacant since June 2017
- That the Council was obligated to secure the site in its Development Agreement with St Modwen Developments Limited relating to the planned redevelopment of London Road Estate (LRE)
- That the Chief Executive of West Berkshire Council confirmed at a Newbury Vision meeting on that it would be 3 years before any works would be carried out on the site
- That the Council has foregone an income stream in rent since it evicted the tenants of the football club
- That the Executive of West Berkshire Council agreed on in December to allocate £88,000 secure the site following the eviction.
- That the Council allowed the removal of the football stand despite it being part of an Asset of Community Value (reg. number) and part of a protected local Sports Facility Cultural Facility registered by the Council in the Core Strategy

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- That according to the Councils own planning policies Area Delivery Plan Policy 2 (ADPP2) and Core Strategy Policy 18 (CS18) the Ground is protected as a facility for organised football. In regard ADPP2 the Ground is identified on the CS proposals map as a cultural facility “sports stadium” and labelled on the Map as “Football Ground”. *“Existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors. In regard CS18 (with added emphasis) “The District’s green infrastructure will be protected and enhanced **Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.**”* And supporting text para 5.124: *“For the purposes of this Core Strategy, green infrastructure is defined as: **Outdoor sports facilities (with natural or artificial surfaces, either publicly or privately owned) – including sports pitches,.....**”* and para 5.129 *“Sporting provision ranges from established sports clubs with good facilities such as **Newbury Town, Thatcham Town and Hungerford Town Football Clubs.....**”*
- That following the Court of Appeal declaring in November 2018 the Development Agreement with St Modwen “ineffective” the Council it has decided to reappraise LRE and is currently creating a development brief for the Estate.
- That the Councils Overview and Scrutiny Commission is currently undertaking a review of events that led to the decision by the Court of Appeal.

Therefore Council resolves:

- To commission a report into the costs associated with re-opening the existing football ground to include the reinstatement of the stand.
- To proceed with formal agreement on a development brief for LIRE only after the conclusion of the Overview and Scrutiny Commission investigation into the previous actions relating to the project so that any recommendations and required changes to process and authorisations can be taken into consideration and actioned.”

54. Members' Questions

A full transcription of the Member question and answer session is available from the following link: (link to pdf on website)

- (a) A question standing in the name of Councillor Phil Barnett on the subject of incentives for coach companies to get them to stop off in Newbury was answered by the Executive Member for Transport and Countryside.
- (b) A question standing in the name of Councillor Phil Barnett on the subject of the filling of pot holes was answered by the Executive Member for Transport and Countryside.

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#). (right click on link and 'Edit Hyperlink'. Insert URL to pdf on website in 'address' field)

(The meeting commenced at 7.00 pm and closed at 10.05 pm)

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CHAIRMAN

Date of Signature