

# DRAFT

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

## COUNCIL

### MINUTES OF THE MEETING HELD ON THURSDAY, 2 DECEMBER 2021

**Councillors Present in the Chamber:** Clive Hooker (Chairman), Rick Jones (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Dennis Benneyworth, Dominic Boeck, Jeff Brooks, Hilary Cole, James Cole, Carlyne Culver, Lynne Doherty, Billy Drummond, Owen Jeffery, Tony Linden, Ross Mackinnon, Tom Marino, David Marsh, Erik Pattenden, Claire Rowles, Richard Somner and Tony Vickers.

**Councillors Present remotely:** Phil Barnett, Jeff Beck, Graham Bridgman, Jeff Cant, Alan Law, Alan Macro, Steve Masters, Geoff Mayes, Andy Moore, Graham Pask, Jo Stewart, Martha Vickers and Howard Woollaston.

**Also Present:** Honorary Alderman Paul Bryant, Honorary Alderman Andrew Rowles, Honorary Alderman Quentin Webb, Nigel Lynn (Chief Executive), Sue Halliwell (Executive Director (Place)), Joseph Holmes (Executive Director (Resources)), Andy Sharp (Executive Director (People)), Sarah Clarke (Service Director, Strategy & Governance (Monitoring Officer)), Shiraz Sheikh (Service Lead, Legal & Democratic Services) and Vicki Yull (Principal Democratic Services Officer).

**Apologies for inability to attend the meeting were received from:** Councillor Jeremy Cottam, Councillor Lee Dillon, Councillor Gareth Hurley, Councillor Andrew Williamson and Councillor Keith Woodhams, Honorary Alderman Adrian Edwards and Honorary Alderman Graham Jones.

## PART I

### 56. Chairman's Remarks

The Chairman welcomed the new Chief Executive, Mr Nigel Lynn, to his first meeting of Council.

The Chairman held a Minutes Silence in respect for Councillor Peter Argyle and former Councillor Bob Judge. Tributes were paid to Councillor Argyle by the Chairman, Councillor Richard Somner, Councillor Lynne Doherty, Councillor Tony Linden, Councillor Graham Bridgman, Councillor Jeff Beck and Councillor Jeff Brooks. Tributes were paid to Mr Judge by the Chairman and Councillor Owen Jeffery.

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

- The Chairman attended a celebratory gathering to mark Sue Campbell's 40 year voluntary service at the Newbury Volunteer Centre where the Lord Lieutenant presented her with a certificate of achievement to mark the occasion.
- The Chairman met Jane Westrop of the Newbury British Legion at the dedication of their new banner. She has orchestrated their events and ceremonies for many years.
- The Chairman met David Jones who spends hundreds of hours making models which are displayed to raise money for charity.

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- The Chairman is in discussion with Gabriel Mancini to display his latest creation celebrating NHS at West Berkshire Community Hospital to raise money for medical equipment.
- The Vice-Chairman attended the launch of the Louise Purton Toy Appeal which raises money to buy toys for disadvantaged children.
- The Chairman attended the High Sheriff's judicial service at St James Roman Catholic Church in Reading to celebrate the start of the judicial year.
- The Chairman attended the British Horse Society Annual Awards ceremony where he was presented to the Princess Royal.
- The Chairman attended the county Service of Thanksgiving for the life of the Duke of Edinburgh where people spoke of their recollections of the Duke.
- The Chairman was joined by the Chief Executive at the Remembrance Sunday Service held in Market Square on 14th November to pay respects to those who had made the ultimate sacrifice.

The Chairman thanked Jo Watt for her support both to him and former Chairmen and wished her well in her new role.

### **57. Minutes**

The Minutes of the meeting held on 9 September 2021 were approved as a true and correct record and signed by the Chairman.

### **58. Declarations of Interest**

Councillors Owen Jeffery, Jeff Brooks, Tony Vickers and Billy Drummond declared an interest in Agenda Item 22 Notices of Motion (Motion (g) West Berkshire Council Pensions Divestment from Fossil Fuels refers) due to being in receipt of a Royal County of Berkshire Pension and reported that, as their interests were disclosable pecuniary interests or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter.

Councillor Tony Linden declared an interest in Agenda Item 22 Notices of Motion (Motion (g) West Berkshire Council Pensions Divestment from Fossil Fuels refers) due to having had a councillors pension policy but not currently being in receipt of it and reported that, as the interest was a disclosable pecuniary interests or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

Councillor Graham Bridgman declared an interest in Agenda Item 22 Notices of Motion (Motion (g) West Berkshire Council Pensions Divestment from Fossil Fuels refers) due to his wife being in receipt of a Berkshire pension and reported that, as the interest was a disclosable pecuniary interests or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

### **59. Petitions**

Councillor Steve Masters presented a petition containing almost 2000 signatures which asked the Council to write to Berkshire MPs regarding their recent vote on placing greater legal duties on water companies to make improvements to sewage systems and to demonstrate reductions in the discharge of untreated sewage. The petitioners also requested that the Overview and Scrutiny Management Commission robustly challenge Thames Water at its scheduled appearance in March 2022, and that the Council condemns the discharge of raw sewage into local waterways.

The Chairman stated that this petition would be reviewed by officers who will confirm to Councillor Masters within ten days what action will be taken on it.

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### 60. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

- (a) A question standing in the name of Graham Storey on the subject of a Council Housing Company was answered by the Portfolio for Housing, Strategic Partnerships and Transformation.
- (b) It was agreed that a question standing in the name of Vaughan Miller on the subject of increasing the types of plastics for roadside collection would receive a written response, given that he was unable to attend the meeting.
- (c) A question standing in the name of Alison May on the subject of the steps taken by the Council to support a modern, progressive governance structure was answered by the Leader of the Council.
- (d) A question standing in the name of Paul Morgan on the subject of the Council considering other options for the Monks Lane Sports Hub was answered by the Portfolio Holder for Internal Governance, Leisure and Culture.
- (e) It was agreed that a question standing in the name of Vaughan Miller on the subject of spending over £12m on the new AGP at Monks Lane Sports Hub would receive a written response, given that he was unable to attend the meeting.

### 61. Membership of Committees

Council considered a number of changes to committee membership that had been put forward by the Leader of the Council.

**MOTION:** Proposed by Councillor Lynne Doherty and seconded by Councillor Ross Mackinnon.

That the following changes be made to Committee appointments for the 2021/2022 Municipal Year:

- 1. Councillor James Cole to join as a member of the Personnel Committee.
- 2. Councillor Tony Linden to join as a member of the Overview and Scrutiny Management Commission.
- 3. Councillor Clive Hooker to join as a member of the Licensing Committee.
- 4. Councillor Steve Ardagh-Walter to replace Councillor Claire Rowles on the membership of the Licensing Committee.
- 5. Councillor Clive Hooker to replace Councillor Hilary Cole on the membership of the District Planning Committee.
- 6. Councillor Howard Woollaston to replace Councillor Clive Hooker as a substitute member for the District Planning Committee.
- 7. Councillor Claire Rowles to replace Councillor Hilary Cole on the membership of the Western Area Planning Committee.
- 8. Councillor James Cole to replace Councillor Garth Simpson as a substitute member for the Western Area Planning Committee.
- 9. Councillor Graham Pask to join as a member of the Corporate Parenting Panel.

The Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

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### 62. **Licensing Committee**

Council noted that, since its last meeting, the Licensing Committee had met on 8 November 2021.

### 63. **Personnel Committee**

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

### 64. **Governance and Ethics Committee**

Council noted that, since its last meeting, the Governance and Ethics Committee had met on 27 September and 15 November 2021.

### 65. **District Planning Committee**

Council noted that, since its last meeting, the District Planning Committee had not met.

### 66. **Overview and Scrutiny Management Commission**

Council noted that, since its last meeting, the Overview and Scrutiny Management Commission had met on 12 October 2021.

### 67. **Health Scrutiny Committee**

Council noted that, since its last meeting, the Health Scrutiny Committee had met on 10 November 2021.

### 68. **Health and Wellbeing Board**

Council noted that, since its last meeting, the Health and Wellbeing Board had met on 30 September 2021.

### 69. **Joint Public Protection Committee**

Council noted that, since its last meeting, the Joint Public Protection Committee had met on 13 September and 1 November 2021.

### 70. **Electric Vehicle Chargepoints (EVCP) programme (EX4146)**

Council considered a report (Agenda Item 16) providing an update on the initiative to install Electric Vehicle Chargepoints in West Berkshire Council Car Parks and recommended a charging strategy (fees and charges) for their operation.

**MOTION:** Proposed by Councillor Richard Somner and seconded by Councillor Steve Ardagh-Walter:

“That the Council:

- (a) Adopts the following fees and charges in 2021/22 for its public chargepoints included in Phase 1 (both those already installed and those due to be installed), and that these charges should be reviewed on an annual basis:
  - For the ‘Rapid’ Charger, 39p per kWh with an overstay fee of £10 an hour after 2 hours.
  - For the ‘Fast’ Chargers, 30p per kWh.
- (b) Agrees that the setting of the annual Fees and Charges for the Chargepoints becomes part of the Council’s annual Fees and Charges approval process as of 2022/23.”

Councillor Richard Somner recommended approval of the Motion as it supported the ongoing delivery of the Council’s Environment Strategy and continued the excellent track record to date on electric vehicle charging options. The Council has committed to expanding the charging network across the district, and the clarification of fees and

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charges is a necessary step in that process. Phase 2 of the chargepoint installations could also commence and include the remaining car parks in the Council's portfolio, expressions of interest from Parish Councils, and rapid chargepoints being installed in various locations.

Councillor Adrian Abbs indicated his support of the right type of charging points being placed in as many public places as possible but expressed his concern that charging a high pence per kilowatt price is not the best way to fund the installation of the charging points.

Councillor Tony Vickers indicated his support for the increase in chargepoints but highlighted the 36 on-street charging points in the District which he suggested are under-utilised due to not being designated electric vehicle spaces only. Councillor Vickers stated that the Council could be doing more to assist residents in moving to electric vehicles which would help lower emissions and support the government's aims.

Councillor David Marsh referred to the on-street charging points as having been put in the wrong place because other residents with non-electric vehicles park in them, however designating them as a dedicated space would resolve this matter. Councillor Marsh also noted that there are currently no electric vehicles being used as taxis in the district and no charging points in taxi ranks, and suggested that the Council could have a more dynamic approach to addressing the climate emergency.

Councillor Jeff Brooks queried why this item could not be subject to call in given there was no urgency on a matter of the budget. Ms Sarah Clarke advised that items reserved for decision by Council in law or within the agreed Budget and Policy Framework are not subject to the call in procedures.

Councillor Alan Macro referred to the importance of having as many charging points as possible across the district, and expressed his disappointment that the report did not address the issue of parking charges. Councillor Macro asked that overnight fees for those charging electric vehicles be waived.

Councillor Steve Ardagh-Walter referred to the cost of owning an electric vehicle and highlighted that there are not very many currently in the district. He suggested that the cost per hour of public chargepoints is not a significant consideration when purchasing an electric vehicle, unless the purchaser is unable to charge at home. Councillor Ardagh-Walter also confirmed that the issue of parking spaces will be addressed in the coming months and years as part of the longer term programme. The recommendations in the report are an immediate enabler for charging points, and the Council is doing what it can to encourage take-up, but market forces and the prices of electric vehicles will be a major determinant.

Councillor Richard Somner summed up and confirmed he had noted the points raised during the debate that were not relevant to the report.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Motion would be supported.

The Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

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### 71. **Adoption of the Statement of Licensing Policy Principles under S.349 of The Gambling Act 2005 (C4045)**

Council considered a report (Agenda Item 17) regarding the consultation responses received and the adoption of the Statement of Licensing Policy Principles under the Gambling Act 2005 as set out in Appendix 1 to the report for publication by the 30 January 2022.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Rick Jones:

“That the Council:

- (a) Considers the Statement and the consultation responses received.
- (b) Delegates authority to the Service Director (Development and Regulation), in consultation with the Portfolio Holder, to make any minor corrections to the Statement prior to publication.
- (c) Approves the Statement for adoption and publication by the 30<sup>th</sup> January 2022.

Councillor Hilary Cole recommended approval of the Motion as the purpose of the Statement is to set out how licensing will be administered in the district, and it ensures an appropriate balance is achieved between the interests of those who wish to take part in gambling and those who may be affected by it. The Statement is published every three years, with the next deadline being the end of January 2022. Officers had undertaken a review of the Statement and proposed a number of minor changes which included the addition of a section on small society lotteries. The revised draft was considered by the Licensing Committee at its meeting in June 2021, followed by a twelve week consultation. Councillor Cole confirmed that three responses had been received, with two having no objections. However, public health and wellbeing had raised concerns regarding the cumulative impact of gambling on mental health and deprivation, but the protection of public health is not currently a function that can be addressed under the Gambling Act. Therefore, the comments cannot be reflected in the Statement but officers will seek to address those issues operationally. Councillor Cole advised that the Licensing Committee had considered the outcome of the consultation and was recommending Council to adopt the revised Strategy.

Councillor Adrian Abbs advised that he had asked for any changes to be made clear in the report so that Members could easily identify them, and queried whether this had been ignored or if no changes had been made.

Councillor Rick Jones confirmed that, as far as he was aware, there had been no changes made since the Licensing Committee had considered this matter, and that any major changes would have been highlighted. Councillor Cole stated that she would defer to Councillor Jones as the Chairman of Licensing on this matter.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Motion would be supported.

The Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

### 72. **External Audit Appointment Process for Financial Years 2023/24 - 2027/28 (C4147)**

Council considered a report (Agenda Item 18) setting out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.

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**MOTION:** Proposed by Councillor Ross Mackinnon and seconded by Councillor Tony Linden:

“That the Council accepts the Public Sector Audit Appointments’ invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.”

Councillor Ross Mackinnon recommended approval of the Motion as it is a continuation of the current policy arrangements whereby Public Sector Audit Appointments manage the procurement and selection of external auditors on behalf of the Council. The benefits include a reduction on procurement costs and it also keeps the overall audit fee as low as possible. Councillor Mackinnon highlighted some risks if the Council were to do this itself which included a lack of interest and the costs of the recruitment process. It is in the best interests for residents for the Council to be audited by independent auditors, at a reasonable fee, which this Motion offers.

Councillor Tony Linden highlighted that this matter had been discussed at Governance and Ethics Committee and had been supported. Councillor Linden also referred to the importance of effective audit and indicated his support of the Motion.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Motion would be supported.

The Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

### 73. **Compton Neighbourhood Development Plan (C4156)**

Council considered a report (Agenda Item 19) setting out how the Compton Neighbourhood Development Plan (NDP) had been subject to Independent Examination and, subject to some minor modifications, had been recommended for referendum. However, the independent Inspectors decision is not binding and only West Berkshire Council can decide if the NDP progresses to referendum. The report therefore provided the evidence for Council to make that decision.

Councillor Richard Somner proposed a minor amendment to the Motion as set out in the Summons to include a third recommendation, and this was agreed by the seconder Councillor Carolyne Culver. The amendment was additionally approved by Members present.

**AMENDED MOTION:** Proposed by Councillor Richard Somner and seconded by Councillor Carolyne Culver:

“That the Council:

- (a) Endorses the Decision Statement on the Compton NDP which concludes that the Compton NDP, with the inclusion of some modifications, meets the Basic Conditions.
- (b) Agrees, because the plan meets the Basic Conditions, that:
  - 73.b.1.** The plan should proceed to referendum; and
  - 73.b.2.** That the Compton NDP, upon a successful ‘yes’ vote at referendum, is adopted immediately after the votes have been counted so that it becomes part of the development plan for West Berkshire.”

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- (c) That the authority to make minor alterations and corrections to the Compton NDP, prior to its proceeding to referendum, be delegated to the Service Director, Development and Regulation, in consultation with the Portfolio Holder for Planning and Transport.

Councillor Richard Somner recommended approval of the Motion since it was a matter for this Council to determine whether the NDP should go forward to referendum in line with the recommendation of the Independent Examiner. Councillor Somner noted that work had begun on the NDP by Compton Parish Council in 2017, and that it was a formal planning document allowing a local community to shape the place in which they live.

Councillor Hilary Cole expressed her delight at seeing the NDP come forward and noted the commitment of the local residents to it. It was the second community to create an NDP and Councillor Cole commended Councillor Culver for her contribution to it.

Councillor Tony Vickers indicated his support of the Motion and referred to the forthcoming planning reforms and his hope that government gives its support to NDPs and the move towards localism.

Councillor Carolyn Culver stated that she was proud of all the groups that had been involved in creating the NDP and shared the expressions of thanks from the Chairman of Compton Parish Council. The exercise had been truly democratic, with the Independent Examiner having praised the report. Councillor Culver referred to the forthcoming applications for development in the area and set out how the NDP would be considered as part of the planning process. The NDP would also attract more Community Infrastructure Levy payments for the Parish Council, sets out the Parish Council's approach to affordable housing, and looks at carbon footprint improvements. Councillor Culver understood that a provisional date had been set for the referendum of 10 February 2022.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Amended Motion would be supported.

The Amended Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

### 74. **Updates to the Constitution (C4104)**

Council considered a report (Agenda Item 20) notifying it of the work undertaken by the Constitution Review Task Group to date, as reviewed by the Governance and Ethics Committee at its meeting on 15 November 2021. The recommendations propose: an additional ordinary meeting of Council in March 2022; that the meeting of Council scheduled to take place on 3 March 2022 will deal purely with the 2022/23 Council budget and no other business; a response to Motions submitted by Councillor Lee Dillon proposing changes to the Constitution, and; certain changes to the Constitution. The report was in anticipation of wholesale changes to the Constitution, as expanded upon in it, to include making some or all of the proposals set out permanent.

**MOTION:** Proposed by Councillor Lynne Doherty and seconded by Councillor Tom Marino:

"That the Council:

- (a) notes the progress made so far by the Task Group and that the temporary proposals contained in this report are anticipated to form part of the permanent



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proposals coming forward from the Task Group for amendments to the Constitution in due course.

- (b) agrees that the meeting of Council scheduled to take place on 3 March 2022 will be regarded as the 2022 Budget Meeting of Council.
- (c) approves a further ordinary meeting of Council on the 17<sup>th</sup> March 2022.
- (d) approves the rules of procedure for the 2022 Budget Meeting of Council detailed at Appendix C.
- (e) rejects the Motions submitted by Councillor Lee Dillon proposing changes to the Constitution but notes proposed amendments to related processes.
- (f) approves the proposals for the hosting of a themed debate once per year.
- (g) authorises the Council's appointed Auditors to make representations as appropriate at meetings of the Council's Governance and Ethics Committee and Council.
- (h) delegates to the Monitoring Officer the power to make minor amendments to the Constitution following (i) these changes, and (ii) organisational changes.

Councillor Lynne Doherty recommended approval of the Motion and thanked the Task Group for the work it had done, noting the issues of concern previously raised at Council which had been addressed in the report.

Councillor Howard Woollaston commended the Motion to Council as a short-term proposal for the new Municipal Year which will be incorporated within the revisions that the Constitution Review Task Group is working on.

Councillor Jeff Brooks expressed his opinion that the Motion was a step in the right direction, and referred to what he believed were impractical proposals to limit the debate based on political proportionality rules which had been suggested but rejected.

Councillor Martha Vickers referred to the themed debates being proposed and stated her hope that members of public would be invited to participate, particularly young people from secondary schools who may be inspired to become future councillors.

Councillor David Marsh expressed his opinion that the Motion was a step in the right direction as voting for items on block is not a good way to operate. The themed debates may help improve involvement in the democratic process in a modest way.

Councillor Graham Bridgman, as Chairman of the Task Group, stated his belief that the Council currently operates a democratic process. Councillor Bridgman expressed doubts on whether non-elected members could participate in Council debates but welcomed the thought of organising debates amongst the youth and endorsed the Motion.

Councillor James Cole stated his belief that the proposals were imminently sensible and a good compromise.

Councillor Claire Rowles referred to the themed debates hosted by the Thames Valley Police and Crime Panel and suggested that outside bodies could contribute and enrich any themed debates held by this Council.

Ms Sarah Clarke confirmed that the proposal (as it stands) is for themed debates to be limited to Members of Council. It was noted that this is an interim report with further proposals coming forward in the future, and that the points mentioned during debate would be taken to the Task Group for discussion.

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Councillor Tom Marino echoed the supportive comments expressed by fellow councillors on the work undertaken by the Task Group.

Councillor Lynne Doherty referred to the problems experienced at the last Budget Meeting but disagreed that there was a democratic deficit at the Council. Councillor Doherty highlighted that a majority of local authorities have adopted the Cabinet model of decision making as the Committee system can be cumbersome and difficult to achieve momentum within, and she commended the Motion for approval.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Motion would be supported.

The Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

### 75. **West Berkshire Council Timetable of Public Meetings 2021-22 (C4154)**

Council considered a report (Agenda Item 21) which recommended a timetable of meetings for the 2022/2023 Municipal Year.

Councillor Lynne Doherty proposed a minor alteration to the Motion as set out in the Summons to include a second recommendation, and this was agreed by the seconder Councillor Rick Jones. The amendment was additionally approved by Members present.

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

“That the Council:

- (a) Approves the timetable of public meetings for the 2022/2023 Municipal Year.
- (b) Notes that the dates for Overview and Scrutiny Management Commission (OSMC) will be clarified by the Service Director for Strategy and Governance in consultation with the Chairman of OSMC and the Leader of Council prior to publication.”

Councillor Lynne Doherty recommended approval of the Motion and thanked officers for their work on the timetable.

Councillor Tony Linden noted that the Health Scrutiny Committee had two entries in March 2023, one of which possibly needed removing.

Councillor Howard Woollaston referred to the clashes experienced in the current year which the draft attempted to avoid for next year. Issues remain in March 2023 due to the pre-election period causing two Council meetings and an Executive meeting to be close together, otherwise an attempt has been made to keep them as far apart as possible. Other non-public meetings will now need to be worked in.

Councillor Tom Marino advised that the start time of the Governance and Ethics Committee should be amended to 6.30pm.

Councillor Alan Law referred to the proposal to schedule the pertinent Overview and Scrutiny Management Commission meetings a few weeks before the Executive meetings at which the quarterly performance and key performance indicators would be discussed, and that this was not reflected in the draft timetable. It was confirmed that these changes would be incorporated into the final version published.

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Councillor Claire Rowles suggested that the timetable could indicate the location of meetings.

Councillor Rick Jones referred to the proposed changes mentioned during debate and commended the Motion for approval.

Councillor Lynne Doherty also commended the Motion for approval noting the minor alterations that will be made to the draft before publication in agreement with the Monitoring Officer.

Ms Sarah Clarke clarified that she will have delegated authority to make any small, final amendments to times and dates on the timetable, in consultation with the relevant Chairs, prior to publication.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Amended Motion would be supported.

The Amended Motion was put to the vote of the Members present in the Chamber and duly **RESOLVED**.

The meeting was adjourned at 8.50pm and reconvened at 8.55pm.

### 76. **Notices of Motion**

The Chairman indicated the revised order under which the Motions would be taken.

The Council considered the under-mentioned Motion (Agenda Item 22(f) refers) submitted in the name of Councillor Lee Dillon regarding all members returning to in-person meetings.

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

**MOTION:** Proposed by Councillor Owen Jeffery and seconded by Councillor Jeff Brooks:

“West Berkshire Council needs to return to a fully democratic process in its decision making as soon as possible which must include all 43 members being able to attend meetings in person in order to be able to cast their vote in line with the proper conduct of Council business.

Council notes:

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ceased in May 2021 which afforded councils the ability to debate and vote electronically.
- Since that time West Berkshire Council has attempted a hybrid solution, allowing some members to attend in person and other electronically; and requiring (as the law permits) for all those voting to be attending in person.
- The current Chamber, under coronavirus safety protocols, cannot accommodate all elected members, staff and public safely.
- This Council is continuing to therefore operate with restricted numbers of members, including at full Council meetings. This action, whilst supported in the

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short term, prevents the full and proper interaction of all 43 Councillors representing their wards in vital Council decisions.

Accordingly Council resolves:

- That all members will be able to attend every and any Council meeting with effect from, and including, the Council Budget meeting in March 2022.

Council officers will ensure that a suitable venue is available should there be capacity restrictions in the Market Street Council Chamber due, for example, to legacy safety issues”.

Councillor Owen Jeffery in introducing the Motion referred to the temporary special arrangements put in place by government for councils to conduct business via electronic means. When that had ended, officers proposed further temporary arrangements whereby a proportion of members would be in the Chamber and voting, with the remaining members being at home and unable to vote. Councillor Jeffery felt that officers had trimmed back councillor decision-making, and expressed dissatisfaction that these emergency measures which prevents back bench members from attending Council are still in place. The proposal gives two months for officers to facilitate council meetings in a suitable location, and to plan properly for the reintroduction of a fully representative and democratic debate with effect from the Budget Meeting.

Councillor Tony Linden stated that members have a democratic right to attend and vote at full council meetings but that he understood the limitations on the Council Chamber. Councillor Linden argued that additional funds should be spent to find alternative accommodation and that he is concerned whether the current arrangements could be judged as unlawful if challenged.

Councillor Claire Rowles acknowledged the need to learn to live with Covid but noted that circumstances had changed with the new variant. Councillor Rowles argued the need to be mindful of that, and of not putting elected members at risk. Subject to Covid rules and the new variant, Councillor Rowles believed that the Council should try at least to move back to face to face meetings, if appropriate at the time of the Budget Meeting.

Councillor Tony Vickers argued that there was no technical reason why a fully democratic process could not continue if the legislation was changed to allow hybrid meetings. Councillor Vickers stated that this Motion would incur costs, and suggested that the Conservative Group could speak to government colleagues to lobby for a hybrid solution.

Councillor Steve Masters referred to the support expressed for this Motion by the members of the Governance and Ethics Committee. Councillor Masters acknowledged the potential costs of securing alternative accommodation and the risks around Covid and any new variants but argued that there is a duty to offer a fully democratic process that all can be involved in.

Councillor Dominic Boeck agreed in principle with the Motion but stated that he struggled with the idea of having a hard date by which all members should return to the Chamber given the current uncertainty about the extent of omicron variant.

Councillor Graham Bridgman expressed his disappointment that government had not brought legislation forward to support a fully hybrid situation, and also his concerns that the Motion made no reference to a budget. Councillor Bridgman rejected the idea that the Council is open to challenge on its decisions and stated how, in his view, officers had correctly advised on how to conduct hybrid meetings with legitimate votes. He stated that

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Covid safety should not be ignored, and that he could not support the Motion in the current way it was phrased.

Councillor Erik Pattenden stated that having a date of the Budget Meeting to work towards assisted in planning, and provided a means of looking forward and returning to the style of meetings that members would prefer.

Councillor Alan Macro referred to the concerns expressed by other members regarding the hard date in the Motion of the Budget Meeting in March 2022. Councillor Macro highlighted that this is the most important meeting which every councillor should participate in, and that a previous meeting in a school hall had been webcast.

Councillor James Cole disagreed that the democratic process is not working and indicated that he could not support an un-costed open Motion like this.

Councillor Graham Pask indicated his wish to be back in the Chamber but highlighted that safety is paramount and a move to a bigger environment had to be costed. Councillor Pask supported the Motion in principle but not the detail.

Councillor Lynne Doherty disputed that officers were trying to trim back member control as they had worked hard to keep the democratic process in the hands of members. At any time control could have gone directly to the Chief Executive which had not happened. Councillor Doherty indicated that all members had received the opportunity to participate at this meeting, and noted that schools have health and safety measures in place too. Ways of working have changed in the post-Covid era, and there is also more public involvement in meetings now.

Councillor Adrian Abbs expressed his confusion over why councillors were being stopped from attending meetings in the Chamber.

Councillor Richard Somner indicated his support should an amendment to the Motion be proposed that it should be costed.

Councillor Jeff Brooks referred to a £4.6m underspend on the budget in the previous year as well as the £22m in reserves and argued that resources would be available to allow members to meet on a socially distanced basis. Councillor Brooks noted that key meetings in the past had been held in external premises and that the Motion would return Council meetings to normal.

Councillor Howard Woollaston agreed that all members want to be together for decision-making but stated that the omicron variant is an important health and safety issue. Councillor Woollaston stated his opinion that the current system in operation is working well as a temporary measure and indicated that he would not support the Motion.

Councillor Owen Jeffery apologised for misspeaking regarding officer intentions but remarked that the Executive could have made arrangements for this some time ago. The Motion gives two months to put alternative arrangements in place, and Councillor Jeffery argued there was no reason why resources should not be dedicated to get all members together to agree the budget.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Motion would not be supported.

The Motion was put to the vote of the Members present in the Chamber and declared **LOST**.

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The Chairman proposed that the meeting be extended until 10.30pm. This was seconded by Councillor Jeff Brooks and duly approved by the members present in the Chamber.

## COUNCIL - 2 DECEMBER 2021 - MINUTES

The Council considered the under-mentioned Motion (Agenda Item 22(a) refers) submitted in the name of Councillor Claire Rowles regarding the promotion of civility in public life.

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

Councillor Claire Rowles proposed a minor alteration to the Motion to include noting that Council will take action when Members are victims of abuse, and that Members can request for personal information to be exempt from publication. Councillor Lynne Doherty, seconding, agreed to this minor alteration. The amendment was additionally approved by Members present.

**AMENDED SUBSTANTIVE MOTION:** Proposed by Councillor Claire Rowles and seconded by Councillor Lynne Doherty:

"The Council recognises the hard work that Councillors do to support their communities and believes they should be able to continue doing so without fear or intimidation. The Council also seeks to achieve greater diversity and inclusion across elected Members and particularly to attract more women candidates.

The Council is therefore committed to promoting civility in public life and supporting the well-being of its elected members.

The Council agrees with the UK Local Government Associations' Joint Statement on Civility in Public Life, which reads:

- "The intimidation and abuse of Councillors, in person or otherwise, undermines democracy; it can prevent elected members from representing the communities they serve, prevent individuals from standing for election and undermine public trust in democratic processes.
- These harmful behaviours, whether occurring towards, between or by elected members are entirely unacceptable."

This Council resolves to treat each other with the respect we all deserve, and to commit to disagree with each other in a polite manner, both in-person and online, in accordance with our Code of Conduct, and to offer support to each other when subjected to online abuse. The Council will take action when its elected Members are victims of abuse, including legal action where necessary and appropriate. Council notes that where a member considers that there is a risk of being subject to violence or intimidation, they can make a request to the Monitoring Officer that personal information be treated as a sensitive interest, making it exempt from publication.

Councillor Claire Rowles, in introducing the Motion, stated that she had been prompted to bring it forward following the murder of Sir David Amess MP who had been kind, warm, civil to all colleagues, and respected the views of others. His untimely death had put a spotlight again on the threat to the safety of local representatives, and councillors should be able to do their jobs without fear and intimidation. The Motion asks all members to abide by the Code of Conduct, and highlights that they should always remind themselves to keep up those standards when going about Council business. Councillor Rowles acknowledged that the livestreaming of meetings had engaged the public more and that she would like to see this harnessed in a positive way. Greater diversity and inclusion across elected members is also aspirational but the confrontational approach to debates can be off-putting. Members should also support each other when subjected to harmful online abuse, and the Council should take legal action where possible if abuse happens.

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Personal security should not be compromised whilst speaking and listening to residents, and Councillor Rowles commended the Motion to members.

**AMENDED MOTION:** Proposed by Councillor Carlyne Culver and seconded by Councillor David Marsh:

“The Council recognises the hard work that Councillors do to support their communities and believes they should be able to continue doing so without fear or intimidation. The Council also seeks to achieve greater diversity and inclusion across elected Members and particularly to attract more women candidates.

The Council is therefore committed to promoting civility in public life and supporting the well-being of its elected members.

The Council agrees with the UK Local Government Associations’ Joint Statement on Civility in Public Life, which reads:

“The intimidation and abuse of Councillors, in person or otherwise, undermines democracy; it can prevent elected members from representing the communities they serve, prevent individuals from standing for election and undermine public trust in democratic processes.

These harmful behaviours, whether occurring towards, between or by elected members are entirely unacceptable.”

*This Council resolves to treat each other with the respect we all deserve, and commit to disagree with each other in a polite manner both in-person and online in accordance with our Code of Conduct. Furthermore Council condemns the use of anonymous sock puppet social media accounts by councillors to attack each other or members of the public”.*

In introducing the proposed Amendment to the Motion, Councillor Carlyne Culver highlighted how she was seeking to strengthen it by stating that the Council does not accept councillors using sock puppet accounts (anonymous accounts) as they are not being transparent. Councillor Culver noted that it is an increasing problem around the country.

Councillor Dominic Boeck stated that he deplored the practice of anonymous abuse, but it should not be assumed that this behaviour was being instigated by councillors as there is no evidence.

Councillor Graham Bridgman referred to the difficulty in proving who is behind an anonymous account, and that if it is found to be a member it would be a breach of the Code of Conduct. He would therefore not be supporting the proposed amendment as he felt it did not add anything.

Councillor Tony Vickers stated that he would not correspond with anyone using an anonymous account and that he supported the proposed amendment.

Councillor David Marsh stated his opinion that the Council would be ignoring a real problem if the proposed amendment to the Motion was not passed. Anonymous accounts are insidious and councillors should not have them. They are used to make personal attacks to undermine and upset people, leading victims to not like using social media at all, and they should not be encouraged.

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Councillor Jeff Brooks recognised the point that Councillor Culver was raising with the proposed amendment but felt that it would be grafting on an aspect already covered by the Code of Conduct which would overcomplicate the Motion.

Councillor Lynne Doherty indicated how she felt about smear campaigns and that she did not condone the use of sock puppet accounts, but that she would not be supporting the proposed amendment as it overcomplicated it.

Councillor Carolyne Culver argued that this was a simple amendment to strengthen the Motion and that not voting for it looks like the Council condones sock puppet accounts.

Councillor Claire Rowles argued that not voting for the amendment did not mean the Council condoned the practice. There are a number of issues on social media which can't all be addressed, and to highlight one issue loses sight that the Motion is regarding the Code of Conduct generally.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the proposed Amendment to the Motion would not be supported.

The proposed Amendment to the Motion was put to the vote of the Members present in the Chamber and declared **LOST**.

Councillor Carolyne Culver suggested that the Motion did not define what civility is (which is open to interpretation) and expressed her fear that the Motion might be used as a way to characterise debate and disagreement as something which is uncivil. Councillor Culver referred to comments made regarding her political party at a previous Council meeting and queried whether they would be regarded as uncivil given this Motion or the normal rough and tumble of debate. Members of the public had indicated that they had not liked the tone of the debate either and that it had discouraged them from wanting to stand for election. Councillor Culver questioned how this Motion would change anything, and said that members should think about tone and the language they use. Conducting themselves in a civil fashion would encourage diversity and increase the numbers of people standing for election.

Councillor Tony Linden noted that the Code of Conduct and its principles are not optional and raised concerns regarding the uncivil, rude and dismissive remarks that members receive via social media.

Councillor Jo Stewart expressed her support of the Motion and her belief that positive behaviour breeds positive behaviour. Were members to control their own behaviour then it would help to address issues in the Chamber, and disagreements could be had in a civil manner.

Councillor Martha Vickers referred to the negative position the media takes regarding politicians which has lowered their status. Most councillors are also generally civil to each other. Government has reduced the power of local authorities leading to people questioning the worth of getting involved, and so Councillor Vickers argued that this Council should fight any further powers being taken away.

Councillor Jeff Brooks indicated his support of the Motion and remarked on the need for civility which was generally achieved in the Chamber more often than not. He referred to the rough and tumble of politics outside the Chamber, such as can be found on doorsteps, and for the need to make candidates aware of the principles.



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Councillor Tom Marino referred to the previous statements made with regards to women and those from an ethnic minority background being put off entering politics by debate, and indicated his wish to avoid a narrative of bigotry of lower expectations. Anyone from any gender or background is as capable as another and to mention those specific groups being put off more than others starts to build that narrative.

Councillor Ross Mackinnon indicated his support of the Motion and stated that both local and national politicians, when stating political arguments either in person or via social media, should expect opponents to put forward disagreement. However, personal intimidation and abuse is unacceptable. Councillor Mackinnon believed that it was a small step to start thinking of your opponents as morally wrong and therefore acceptable not to treat them with civility, but that it should be acknowledged that all members wish to do what is right for residents but with differing ideas as to how.

Councillor Lynne Doherty agreed with the sentiment that all members have a duty towards one another, and highlighted how free speech and passion in debates should remain but with respect demonstrated. The Local Government Association has been reviewing the Councillor Code of Conduct which should go towards addressing the points raised by Councillor Culver in her proposed amendment to the Motion, and work being done on digital citizenship should help improve the conduct of people online. Members should lead by example, by treating each other with respect and civility, and Councillor Doherty thanked the councillors involved for their work on this and for championing this cause.

Councillor Claire Rowles thanked members for their cross party support of the Motion and the helpful debate.

An indicative vote of all Members present in the Chamber and those attending remotely suggested that the passing of the Amended Substantive Motion would be supported.

The Amended Substantive Motion was put to the vote of the Members present in the Chamber and declared **CARRIED**.

The Chairman referred to the Motions not considered at this meeting and which will be deferred to the next scheduled meeting of Council at which Motions can be considered.

### 77. **Members' Questions**

This item was not considered. The full wording of the Members' questions and answers is available from the following link: [Transcription of Q&As](#).

- (a) A question standing in the name of Councillor Tony Vickers on the subject of licensing decisions not being made in public would receive a written response from the Portfolio Holder for Housing, Strategic Partnerships and Transformation.
- (b) A question standing in the name of Councillor Martha Vickers on the subject of the expansion of the service provided through the Family Hubs would receive a written response from the Portfolio Holder for Children, Young People and Education.
- (c) A question standing in the name of Councillor Jeff Beck on the subject of Rough Sleepers currently in West Berkshire would receive a written response from the Portfolio Holder for Housing, Strategic Partnerships and Transformation.
- (d) A question standing in the name of Councillor Phil Barnett on the subject of the maintenance and inspection regime of trees would receive a written response from the Portfolio Holder for Environment and Waste.

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- (e) A question standing in the name of Councillor Martha Vickers on the subject of what the Council is doing to encourage local businesses to reduce their carbon footprint would receive a written response from the Portfolio Holder for Environment and Waste.

*(The meeting commenced at 7.00 pm and closed at 10.25 pm)*

**CHAIRMAN** .....

**Date of Signature** .....