

# DRAFT

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

## COUNCIL

### MINUTES OF THE MEETING HELD ON

**THURSDAY, 15 MAY 2014**

**Councillors Present:** David Allen, Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck (Vice-Chairman), Brian Bedwell, David Betts, Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping (Chairman), Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, Roger Hunneman, 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, Irene Neill, Graham Pask, James Podger, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Tony Vickers, Quentin Webb, Emma Webster and Laszlo Zverko

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), David Holling (Head of Legal Services), Bryan Lyttle (Planning & Transport Policy Manager), Keith Ulyatt (Public Relations Manager), Rachael Wardell (Corporate Director - Communities), Moira Fraser (Democratic and Electoral Services Manager), Linda Pye (Principal Policy Officer), Robin Steel (Group Executive (Cons)), Jude Thomas (Member Services Officer) and Jo Watt (Member Services Officer)

**Apologies for inability to attend the meeting:** Councillor Billy Drummond, Geoff Findlay, Councillor John Horton, Councillor Joe Mooney, Alan Thorpe, Councillor Ieuan Tuck, Councillor Virginia von Celsing and Councillor Keith Woodhams

## PART I

### 1. Chairman's Remarks

The Chairman welcomed all those present to the meeting. Councillor Keith Chopping reported that it was with great sadness that he had to announce that the Council had recently lost one of its highly respected Officers, Chris Jones, and he asked Councillors Hilary Cole and Gwen Mason to say a few words about Chris on behalf of all Members.

Councillor Cole noted that Chris was a very valuable and competent Officer who had sadly passed away on the 27 April 2014. Chris had joined the Council on the 01 April 2011 and he had worked in local government since 1994. Councillor Cole went on to say that Chris was a 'super guy', a 'lovely man' who had built good relationships with the District's performing arts sector. Chris had risen to the challenge of making Adventure Dolphin a cost neutral venture and he was still working on this project when he had passed away. In addition he had also played a key role in the Olympic Torch project and its ongoing legacy through the Enjoy Programme. Councillor Cole stated that while Members were aware of all of this work what they might not have known was that Chris had also worked as a stand up comedian on the comedy circuit and that he had played a guitar in a band. Councillor Cole concluded by saying that Chris Jones had made a great contribution to the Culture Team and was well respected by colleagues and Members alike. He would be sorely missed.

Councillor Gwen Mason requested that the Council's condolences be conveyed to Chris's wife and family. Councillor Mason had worked with Chris on a number of projects where his wonderful sense of humour had come to the fore. Councillor Mason said that he would also be remembered for his flamboyant ties.

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The Chairman joined all Members in thanking Chris Jones for his hard work and offered the Council's condolences to his family.

The Chairman explained that before he commenced his remarks there were two issues that he wished to report back on.

### **Escheat Motion**

At Council in December 2013, Councillor David Rendel tabled a motion on the law and consequences of escheat. The Motion was adopted by Council and on behalf of Members the Chairman wrote initially to the Secretary of State at the Department of Communities and Local Government. The enquiry was passed to the Ministry of Justice and after some chasing a response was received on 24<sup>th</sup> April 2014.

The response outlined the general law relating to escheat and the position of the Crown once any estate or land was disclaimed for example by a Trustee in bankruptcy or liquidator. The explanation given regarding management of any such estates was that the Crown Estate did not undertake any acts of ownership or management; but if someone wished to acquire a title the policy of the Crown was to grant a new freehold title.

The Ministry of Justice acknowledged that practical problems occurred where sites deteriorated due to lack of maintenance but they advised that some action might be taken in limited circumstances. There were no plans to review the law of escheat. A copy of the letter has been forwarded to Councillor Rendel.

### **S106/ Community Infrastructure Levy**

Councillor Chopping noted that as Members were aware there had been a sustained campaign fought by the Council to retain its S106 scheme and to fight against the imposition of the Community Infrastructure Levy (CIL). A delegation led by Councillor Hilary Cole and comprising Councillor Tony Vickers, Councillor Chopping and Officers had met for an hour and a half with those responsible for such matters in Whitehall on the previous Tuesday, they had listened to the Council's case politely but no further action had arisen as a result of the meeting. Councillor Chopping stated that Members should continue to pursue this matter.

The Chairman started his remarks by noting that he had now come to the end of his second year as Chairman, an Office which he had held with considerable pride and he hoped he had done it justice.

The Chairman explained that he and the Vice Chairman, accompanied in the main by their wives, and assisted by Councillors Peter Argyle, Pamela Bale, Jeff Brooks and Adrian Edwards had attended in excess of 250 events throughout the Municipal Year. The range of those events had been many and varied and had been attended by residents covering a range of ages. Many of the events had also involved the District's numerous volunteers, a sector in which West Berkshire was particularly strong. The Chairman made special mention of his recently held, well attended, charity Golf day held at the beautiful Crookham course. He congratulated the Planning team who had won the competition.

The Chairman stated that there was so much ability, enthusiasm, application and willingness from the citizens of this marvelous, outstanding District which the Members of the Council represented. The Chairman noted that his year in office had reminded him just how talented, resourceful and enterprising the people of West Berkshire were in pursuing their many and varied activities. He reminded Members that they needed to support them as much as they were able to do.

The Chairman concluded by saying that it had been an exceptionally rewarding year and that he had been able to collect in excess of £2,700, including £500 from Ahmadi

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Muslims, to his chosen charity Children with Cancer and he thanked all those who supported it.

Councillor Chopping thanked Councillor Jeff Beck, his Vice Chairman, who had readily stepped into the breach left by the untimely death of Councillor David Holtby. He also thanked Jo Watt, Jude Thomas, Moira Fraser and Linda Pye, for the support that they had provided to him throughout his year. He also thanked the Council for giving him the opportunity to be their Chairman for the second time. He gave special thanks to his wife Penee for being supportive and encouraging and accompanying him on most of his engagements throughout the year.

### **2. Presentations**

The Chairman was pleased to announce that Long Service Awards would be made to long serving elected Councillors for ten and twenty five years service.

The following Members received an award for 10 years of service:

- Jeff Beck
- Richard Crumly

The following Member received an award for 25 years of service:

- Joe Mooney who had unfortunately given his apologies for the meeting.

The Chairman commended the Members on their outstanding efforts.

### **3. Election of Chairman for the Municipal Year 2014/15 (C2686)**

The Motion was proposed by Councillor Adrian Edwards and seconded by Councillor Pamela Bale that Councillor Jeff Beck be elected Chairman of the Council for the Municipal Year 2014/15. There were no further nominations.

Councillor Edwards in proposing Councillor Beck for the role of Chairman noted that Councillor Beck had first been elected as the Ward Member for the then Turnpike Ward in 2000 although he had worked to help the residents of the area in various guises for over 30 years. After a break he had been re-elected in 2007 to the Clay Hill Ward. Councillor Edwards stated that Councillor Beck was hard working, experienced, well respected, diligent and meticulous. He was also a man who was always willing to 'get his hands dirty' as had been evidenced during both the 2007 and 2014 floods. Councillor Beck was supported by his wife of 58 years Alma and he believed that they would be a successful partnership during his year in office. He was therefore honoured to propose him for the role of Chairman.

Councillor Bale stated that it was a privilege to second Councillor Beck's nomination. Councillor Bale had known him since 2006 when he had helped her to get elected and that since then she had worked with him on a number of projects. She stated that Councillor Beck's commitment to his residents was an example to all Councillors and he was held in great esteem by them. His knowledge and attention to detail would be great attributes for his year in office. Councillor Beck and his wife Alma had been great ambassadors when he was Mayor of Newbury and she was therefore pleased to second this nomination.

Councillor Jeff Brooks stated that he would be pleased to support Councillor Beck's nomination. He stated that Councillor Beck was hard working and that he was confident that he would be both fair and thorough. Councillor Brooks stated that Councillor Beck was blessed with a high degree of wisdom and that he therefore felt he would represent the Council very well.

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**RESOLVED** that Councillor Jeff Beck be elected as Chairman of Council for the Municipal Year 2014/15.

### **(Councillor Jeff Beck in the Chair)**

The new Chairman read and signed the Declaration of Acceptance of Office. Councillor Beck thanked the Council for electing him and Councillors Edwards and Bale for their kind words. He stated that he would endeavour to achieve the aims of the Council and serve the residents well. He acknowledged that the support of staff was essential and that he would strive to work with them to ensure the best outcome for residents.

Councillor Beck reported that his chosen charity for 2014/15 was the Cystic Fibrosis Trust. He explained that the reason for choosing this charity was that they had lost their eldest son Andrew to this disease and that the money raised by the charity contributed to research that helped to extend the lives of young people, in particular. He thanked his wife Alma and son Roger for supporting him.

Councillor Beck thanked the outgoing Chairman, Councillor Keith Chopping, for fulfilling his role with great integrity, good grace and purpose during his year of office. He had enjoyed supporting him as Vice-Chairman following the tragic death of Councillor David Holtby.

He also thanked Mrs Penee Chopping for the support she had afforded to Councillor Chopping during his year in office and that it had been a pleasure to work with them both.

Councillor Jeff Brooks thanked the outgoing Chairman Keith Chopping. He acknowledged that Councillor Chopping had worked really hard and had been very fair.

#### **4. Appointment of Vice Chairman for the Municipal Year 2014/15 (C2687)**

The Chairman requested nominations for the position of Vice-Chairman of Council for the Municipal Year 2014/15. In response to this request Councillor Graham Jones was nominated by Councillor Keith Chopping and the nomination was seconded by Councillor Emma Webster. There were no further nominations for the position of Vice-Chairman.

Councillor Chopping in proposing Councillor Jones noted that he had an exemplary pedigree and that he had first started in local government in 1987. He had been appointed as the Leader of the Conservative Group in 2005 a position that he had held until 2012.

Councillor Webster stated that she had known Councillor Jones since 2003. He worked tirelessly in his ward and he was always very supportive of new Members. His advice was always invaluable, he was a consummate performer in the chamber and he was a good friend and that she was therefore pleased to propose him for the role of Vice-Chairman as he would make a great ambassador for the District.

Councillor Jeff Brooks stated that he had enjoyed sparring with Councillor Jones in the chamber over the last few years. He was a Councillor that was well respected by both groups and he would be pleased to vote in favour of his appointment.

**RESOLVED** that Councillor Graham Jones be appointed Vice-Chairman of Council for the Municipal Year 2014/15.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Jones thanked the Council for electing him. He noted that this was a huge honour and he would support Councillor Beck to the best of his ability. Councillor Jones thanked Councillors Chopping and Webster for nominating him and thanked his fellow Councillors for putting their trust in him. Councillor Jones thanked the outgoing Chairman and Vice-Chairman for the work they had undertaken in the previous year.

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Councillor Jeff Beck then thanked Penee Chopping for all she had done for the Council and Councillor Chopping during his year as Chairman.

### 5. Minutes

The Minutes of the meeting held on 4<sup>th</sup> March 2014 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

#### Item 83 - West Berkshire Council Strategy: Refresh (C2744)

- Fourth Paragraph, second line – delete the words ‘and this year’.
- Seventh paragraph, sixth line – replace the word ‘was’ with the word ‘would’.

#### Item 86 - Capital Strategy and Programme 2014/15 to 2018/19 (C2746)

- Fourth paragraph, first line and paragraph starting ‘Councillor Gordon Lundie noted that £115m’ – change the word ‘spend’ to spent’.
- Should refer to the ‘Castle’ School.

#### Item 87 - Revenue Budget: 2014/15 (C2749)

- Recommendation 2(a) insert the ‘£’ before 60,599.03.
- In the sentence starting ‘Councillor Bale noted that there were no proposals in place’ replace the word ‘se’ with ‘she’.

#### Item 89 - Community Infrastructure Levy - Adoption and Implementation of Charging Schedule (C2587)

Second paragraph below the Motion should say ‘s106’ and not ‘s06’.

### 6. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Item 14, and reported that, as her interest was personal and prejudicial and a disclosable pecuniary interest, she would be leaving the meeting during the course of consideration of the matter.

### 7. Appointment of the Executive by the Leader of the Council for the 2014/15 Municipal Year (C2688)

Councillor Gordon Lundie announced the appointment of Members to the Executive for 2014/15 as follows:

Councillor	Portfolio
Roger Croft	Deputy Leader, Strategy & Performance, Housing, ICT & Corporate Support, Legal and Strategic Support
Pamela Bale	Highways, Transport (Operations), Emergency Planning, Newbury Vision
Irene Neill	Children and Young People, Youth Service, Education
Joe Mooney	Adult Social Care, Insurance
Alan Law	Finance, Economic Development, Health & Safety, HR, Pensions, Property
Hilary Cole	Planning, Transport (Policy), Culture, Customer

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Councillor	Portfolio
	Services, Countryside
Graham Pask	Partnerships, Equality, Communities, Hungerford and Eastern Area Visions, Community Safety
Dominic Boeck	Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision
Marcus Franks	Health and Well Being

Councillor Lundie noted that there had been no changes to the composition of the Executive. Councillor Pamela Bale had however stood down as Deputy Leader. He thanked Councillor Bale for the support that she had afforded to both Councillor Jones and himself. Councillor Lundie noted that the role of Deputy Leader was a very important role. Not only did they have to stand in for the Leader when he was absent but they also needed to act as a counterbalance to the Leader and provide him with good guidance. He noted that Councillor Bale had done an excellent job of fulfilling all these requirements.

Councillor Lundie welcomed Councillor Roger Croft as his new deputy.

### 8. Membership of Committees

There had been no changes to the membership of Committees since the previous Council meeting.

### 9. Appointment of and Allocation of Seats on Committees for the 2014/15 Municipal Year (C2689)

The Council considered a report (Agenda Item 10) concerning the appointment and allocation of seats on Committees and associated bodies for the next Municipal Year and the report also sought to agree the Council's Policy Framework for the 2014/15 Municipal Year.

**MOTION:** Proposed by Councillor Gordon Lundie and seconded by Councillor Brian Bedwell:

That the Council:

1. "notes that under paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of this report are to be regarded as Members of the Conservative and Liberal Democrat groups respectively;
2. agrees to the appointment of the various committees and to the number of places on each as set out in paragraph 2.2 (Table A);
3. agrees to the allocation of seats to the political groups in accordance with Section 15(5) of the Local Government Act 1989 as set out in Paragraph 3.4 and Table B;
4. the number of substitutes on Committees and Commissions be as set out in Paragraph 4.1 (Table C);
5. in respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning Meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for;

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6. approves the appointment of Members to the Committees as set out in Appendix A and in accordance with the wishes of the political groups;
7. in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment no.2) Regulations 2008, agrees the Council's Policy Framework for 2014/15 be as set out in Paragraph 6.1 and that any appropriate amendments be made to the Council's Constitution should this be necessary;
8. in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved policy framework be delegated to the Council's Executive;
9. the Council agrees that Paragraph 2.6.5 of Article 6 of the Council's Constitution, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting by the Leader of the Council;
10. the appointment of two non voting co-opted parish/town councillors be made to the Standards Committee;
11. two parish/town councillors and two independent members be appointed to the Standards Committee's Advisory Panel;
12. to appoint James Rees and John Bingham to be its independent persons;
13. to agree the membership of the Health and Wellbeing Board as set out in paragraph 9.1;
14. authority be delegated to the Head of Legal Services to make any changes required to the Constitution as a result of the appointments to Committees".

In proposing the Motion Councillor Lundie also proposed the following **AMENDMENT** and this was seconded by Councillor Brian Bedwell:

That the Council:

**"Amend Recommendation 2** by adding the following words after (Table A): "with the exception that the total number of seats on the Overview and Scrutiny Management Commission shall be reduced from 16 to 12."

**Amend Recommendation 6** by adding the following words: "with the exception that the total number of seats on the Overview and Scrutiny Management Commission shall be reduced from 16 to 12."

**Amend Table A** to show 12 seats at the Overview and Scrutiny Management Commission.

**Amend Table B** to show 12 seats at the Overview and Scrutiny Management Commission with 3 Liberal Democrats and 9 Conservatives.

**Amend Paragraph 3.3** to reflect the above changes".

Councillor Lundie noted that the proposed modest reduction in numbers from 16 to 12 members of the Overview and Scrutiny Management Commission (OSMC) would make the Commission more manageable, straightforward to resource and would ensure that all Members were fully engaged. The Chairman supported the reduction and the proposal also had the support of Officers. Councillor Lundie noted that the forthcoming Local Government Peer Review would look closely at the operation of the Council's Scrutiny function.

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Councillor Jeff Brooks responded that the reduction amounted to a 25% decrease in the membership of the Commission and would mean that there would be less involvement in scrutiny for backbenchers. He felt that it would also mean a reduction in expertise on the Commission. Councillor Brooks was of the opinion that Scrutiny was already under resourced which meant that some proposed topics for scrutiny were being delayed on the work programme.

Councillor Emma Webster, speaking in favour of the amendment, noted that few meetings were attended by all Members of the OSMC. Reviews could be undertaken by Task Groups and not all Members of these Task Groups had to be drawn from the Commission so expertise would not be lost.

Councillor Mike Johnson stated that Scrutiny was at its most effective when it was conducted by a small number of people undertaking concentrated analysis. When there was a larger number of Members involved it was not possible to undertake in depth analysis and inevitably a lot of repetition occurred. He felt that it was the quality and not the quantity of the membership that mattered.

Councillor Tony Vickers stated that while he agreed that 12 Members could be just as effective as 16 he was concerned about the message the reduction would send out. He felt that at this time it was important that Scrutiny did more work and not less. Councillor David Rendel stated that Scrutiny would be more effective if it took place prior to decisions being made. Councillor Alan Macro commented that reducing the membership would lessen the breadth of knowledge on the Commission and this could lead to poorer quality Scrutiny taking place.

Councillor David Goff noted that the proposal was to reduce the membership of the Commission not the number of meetings that were being held and he therefore did not feel that this constituted a diminution of the function.

Councillor Brian Bedwell accepted that part of Scrutiny's function was to hold the Executive to account but that this was not its primary function. There would be an opportunity to set up Task Groups which could draw on expertise from the wider Member group. He noted that Officers were of the opinion that the small decrease in numbers would enhance the Scrutiny function.

Councillor Gordon Lundie stated that the role of Scrutiny was to undertake investigations but that it was not there to be used as a tool to undermine the Council. He congratulated the OSMC for the excellent work they had undertaken over recent years.

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

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

**FOR the Amendment:** Councillors Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Irene Neill, Graham Pask, James Podger, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Quentin Webb, Emma Webster, Laszlo Zverko (35)

**AGAINST the Amendment:**

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



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### **ABSTAINED:**

None

Councillor Lundie noted that the report also introduced a number of minor amendments. The membership of the Licensing Committee would be reduced from 14 to 12 Members to bring it in line with the Planning Committees. The membership of the Governance and Audit Committee would be increased from seven to eight Members and the Personnel Committee membership would increase from five to six Members.

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

### **10. Adjournment of Meeting**

*The meeting was adjourned at 8.19pm.*

**RESOLVED** that the meeting of Council be adjourned to enable the various Committees to determine their Chairmen and Vice-Chairmen.

### **11. Recommencement of Meeting**

*The meeting was reconvened at 8.29pm.*

### **12. Standards Committee Annual Report 2013/14 (C2690)**

The Council considered a report (Agenda Item 13) which provided Members with an update of the activity undertaken by the Standards Committee over the previous Municipal Year.

**MOTION:** Proposed by Councillor Peter Argyle and seconded by Councillor Gwen Mason:

That the Council:

“1. notes the content of the report.

2. circulates the document to all Parish/Town Councils in the District for information.”

Councillor Argyle in introducing the item reported the number of complaints received in 2013/14 was the lowest number of complaints since the Standards Committee was introduced in 2009/10. The reasons for this decrease in the number of complaints were unclear. It could be as a result of improved behaviour amongst District and Parish Councillors or that complainants were less willing to instigate a complaint given the reduction in severity of sanctions that the Standards Committee were able to impose.

Councillor Mason was also pleased to note the reduction in the number of complaints received.

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

### **13. Draft Revised Statement of Community Involvement (C2726)**

*(Councillor Emma Webster declared a personal and a disclosable pecuniary interest in Agenda item 14 by virtue of the fact that she was employed by a company that worked for or with developers. As her interest was personal and a disclosable pecuniary interest she left the meeting and took no part in the debate or voting on the matter).*

*(Councillor Emma Webster left the meeting at 8.30pm and returned at 8.43pm).*

The Council considered a report (Agenda Item 14) concerning the draft revised Statement of Community Involvement (SCI).

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Paul Bryant:

That the Council:

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“approves the draft revised Statement of Community Involvement for formal public consultation”.

Councillor Cole noted the requirement to prepare and publicise a SCI had been introduced in the Planning and Compulsory Purchase Act 2004 and the Council had adopted the first SCI in July 2006. However, as the planning process and relevant legislation had gone through some changes since that time, the SCI needed to be reviewed and updated to reflect the most up to date processes and procedures which would be used.

The revised draft SCI set out the policy for involving the community in:

- the plan making process such as Development Plan Documents, Supplementary Planning Documents, the Community Infrastructure Levy and Neighbourhood Plans; and
- the consideration of planning applications within the district.

Councillor Cole explained that it was no longer necessary to gain approval from the Secretary of State for the SCI or for the SCI to be subject to Examination. If Members were minded to approve the SCI that evening it would be for Officers to invite comments on the draft document through a formal six week consultation (running from the 23 May to the 4 July 2014) before seeking Full Council approval to adopt the final revised SCI in September 2014.

Councillor Alan Macro reported that he had serious concerns about the Equality Impact Assessment (EIA) for this report. He noted that the EIA made reference to affected groups but the SCI did not state how these vulnerable groups would be consulted. He was also concerned about the publicity surrounding the consultation. Specific reference was made to one newspaper but not other newspapers covering the District. He also noted that many residents did not read the newspaper and the SCI made no mention of other mediums such as radio, social media etc.

Councillor Julian Swift-Hook also raised concerns about the EIA which made mention of Gypsies and Travellers and the elderly, young mothers and parents with children but made no mention of other vulnerable groups including those with disabilities.

Councillor Graham Pask drew Members' attention to paragraph 3.1 of the report on page 45 which stated that the 'Council will involve the whole community' and he reassured them that as the Portfolio Holder for Equalities he would ensure that it did.

Councillor Paul Bryant stated that he too hoped that the Council would use all available channels during the consultation. He noted that in developing the Core Strategy the Council had worked hard to ensure all relevant groups were consulted and on that basis he was sure the same would be done again. He did however welcome any suggestions for improving consultation with hard to reach groups.

Councillor Hilary Cole was disappointed that the Liberal Democrats would not be supporting this motion as the scheme had been discussed extensively at the cross party Planning Policy Task Group. She reiterated that this was not the final document. Officers were merely seeking authority to consult on the SCI. Councillor Cole drew Members attention to page 67 of the agenda which set out the specific bodies the Council was required to consult and which also stated that the Council would be consulting other bodies which included voluntary bodies, bodies representing the interests of different racial, ethnic or national groups, bodies representing different religious groups and disabled persons and businesses

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

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### 14. Request for the Revision of the Constitution (C2758)

The Council considered a report (Agenda Item 15) concerning an amendment to the Constitution in relation to the petition threshold for triggering a debate at Full Council.

**MOTION:** Proposed by Councillor Jeff Brooks and seconded by Councillor Julian Swift-Hook:

That the Council:

1. "amends the Petition Protocol so that a petition of 1,500 or more signatures will trigger a debate at Full Council subject to this not applying to the Annual or Budget meeting and Extraordinary meetings except in circumstances where the special meeting has been called to consider an issue which is the subject of the petition.
2. authority be delegated to the Head of Legal Services to amend the Constitution to reflect the amendment."

Councillor Brooks reported that the proposal had been supported by the Governance and Audit Committee and would bring the Council's thresholds in line with those of neighbouring authorities in Berkshire. Councillor Brooks accepted the recommendation that in addition to petitions not being debated at the annual Council meeting, they would also not be debated at the budget meeting.

**AMENDMENT:** Proposed by Councillor Alan Law and seconded by Councillor Gordon Lundie:

That the Council:

"Amends Recommendation 1 by inserting a new paragraph at the end of the last sentence and adding the following words:

"In order to ensure that this is dealt with appropriately, the two Leaders must agree that the subject for debate is of real significance locally to the people of West Berkshire and its immediate surrounding area.

Failure of the two Leaders to agree will result in automatic referral to the Monitoring Officer, whose decision shall be final."

Amends Part 13 to Appendix C Procedure Rules for Dealing with Representations as follows:

At the end of 1.4(e) insert:

"In order to ensure that this is dealt with appropriately, the two Leaders must agree that the subject for debate is of real significance locally to the people of West Berkshire and its immediate surrounding area."

"Failure of the two Leaders to agree will result in automatic referral to the Monitoring Officer, whose decision shall be final."

In 1.4(f) insert the underlined text below:

Where a Full Council meeting debate is triggered by a petition and the Leaders (or Monitoring Officer) agree that the subject matter is of real significance locally, the Petition Organiser or their nominated spokesperson will have up to five minutes to present their petition and the petition will then be discussed by Councillors for a maximum of 15 minutes."

Councillor Law noted that while there was merit in reducing the threshold; in this electronic age it was possible that the Council could have petitions submitted that had no relevance locally. Councillor Law stated that the amendment proposed provided a common sense solution to the management of petitions.

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Councillor Brooks was disappointed with the amendment and queried whether in fact it was legal. He also felt that it was unfair to ask the Monitoring Officer to determine whether or not a petition would be debated at Council where there was a dispute between the Leaders.

Councillor Julian Swift-Hook noted that the matter had been debated extensively by the Governance and Audit Committee. He felt that the introduction of this amendment would result in democratic accountability being eroded. Petition organisers could be faced with a situation where they collected the legitimate number of signatures to trigger a debate at full Council only to be told that the issue was not locally relevant.

Councillor Pamela Bale stated that she had inspected the recently submitted petition pertaining to Pangbourne Library which was referred to in the report. She stated that some of the signatures on the petition came from areas as far away as Brighton, London, Abingdon, Eastbourne and the east of Reading and she therefore urged caution and endorsed the need for a vetting process. Councillor Stansfeld indicated that the amendment was a sensible addition and urged the Council to approve the proposed change.

Councillor Tony Vickers opined that the wording in the amendment introduced an unnecessary degree of subjectivity. Councillor David Rendel stated that a ruling of the legality of the amendment was needed prior to the vote being taken to ensure that the Council was not making an ultra vires decision. Councillor Rendel stated that it was possible that signatories from further afield would have a legitimate interest in an issue and therefore their signatures should not be discounted. Councillor Rendel stated that the likely scenario was that a Liberal Democrat Leader would not discount the need to debate an item and therefore many determinations would have to be made by the Monitoring Officer which would place an additional burden on them.

Councillor Gwen Mason, while welcoming the proposed reduction in the number of signatures to trigger a debate, was concerned about the public perception of the amendment. She asked Members to reflect on how the petitioners would feel, if after collecting the requisite number of signatures, they were told that the issue was not of sufficient local interest. Councillor David Allen was concerned that the debate would be restricted to 15 minutes where a petition triggered a debate. Councillor Emma Webster believed that the two Group Leaders would be able to deal with this issue appropriately.

David Holling, the Monitoring Officer, explained that he had been afforded insufficient time to establish fully the legality of the amendment but he was willing to pursue the matter further after the meeting.

Councillor Law noted that the recommendation delegated authority to the Head of Legal Services to amend the Constitution and in the interest of taking the matter forward he asked that the Monitoring Officer be permitted to establish legality and then make the required changes as appropriate. The Council agreed that this would be a sensible way forward.

Councillor Lundie stated that this was a minor amendment, it was not about excluding debate, it was a reasonable caveat and would be an easy to implement mechanism.

Councillor Law stated that this was an administrative process and he trusted the two Group leaders to introduce common sense into the process.

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

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

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### **FOR the Amendment:**

Councillors Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Irene Neill, Graham Pask, James Podger, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Quentin Webb, Emma Webster, Laszlo Zverko (35)

### **AGAINST the Amendment:**

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

### **ABSTAINED:**

None

Councillor Swift-Hook noted that in respect of planning objections they had to be taken into account irrespective of where they came from. He stated that although he was disappointed with the amendment he would be voting in favour of the substantive motion as the democratic situation would be improved by the reduction in numbers required to trigger a debate. Councillor Jeff Brooks concurred with this statement.

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

*(Councillor Crumly left the meeting at 9.14pm).*

## **15. Changes to the Constitution - Part 13 Codes and Protocols (C2776)**

The Council considered a report (Agenda Item 16) concerning amendments to sections of Part 13 (Codes and Protocols) i.e. Appendix I (Councillor Call for Action Protocol) and J ((Protocol for Council Representation on Outside Bodies) in light of legislative changes, policy changes and recent government guidance.

**MOTION:** Proposed by Councillor Quentin Webb and seconded by Councillor Tony Linden

That the Council:

1. "considers the amendment and agrees any additional changes required"
2. agrees the changes will come into effect on the 16 May 2014."

Councillor Webb noted that the changes were discussed at the previous Governance and Audit Committee. A small number of minor amendments had been required.

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

## **16. Licensing Committee**

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

## **17. Personnel Committee**

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

## **18. Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 28<sup>th</sup> April 2014.

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**19. District Planning Committee**

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

**20. Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 8<sup>th</sup> April 2014.

**21. Standards Committee**

The Council noted that, since the last meeting, the Standards Committee had met on 14<sup>th</sup> April 2014.

*(The meeting commenced at 7.00pm and closed at 9.20pm)*

**CHAIRMAN** .....

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