

# DRAFT

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

## COUNCIL

### MINUTES OF THE MEETING HELD ON THURSDAY, 18 SEPTEMBER 2014

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

**Also Present:** John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive) and Rachael Wardell (Corporate Director - Communities), Moira Fraser (Democratic and Electoral Services Manager)

**Apologies for inability to attend the meeting:** Councillor Pamela Bale, Councillor David Betts, Councillor Irene Neill, Councillor Graham Pask, Councillor David Rendel, Councillor Virginia von Celsing, Councillor Laszlo Zverko, and Honorary Alderman Alan Thorpe

**Councillor Absent:** Councillor Billy Drummond

#### PART I

##### 41. Chairman's Remarks

The Chairman reported that he had attended 11 events since the last Council meeting.

*(Councillor Richard Crumly arrive at 7.35pm)*

The Chairman announced that Councillor Joe Mooney would be stepping down as the Portfolio Holder for Community Care and Insurance at the end of September 2014. He thanked Councillor Mooney for his hard work and dedication during his 25 years of service first as Shadow Portfolio Holder and then Portfolio Holder for Adult Social Care. The Chairman described Councillor Mooney as a 'legend' and someone who possessed a great deal of knowledge about his portfolio. The Chairman also thanked Mrs Mooney for supporting Councillor Mooney throughout his many years of service.

Councillor Jeff Brooks concurred with the description of Councillor Mooney as a legend and stated that he was well regarded across the chamber. Councillor Gordon Lundie thanked Councillor Mooney for all the work that he had done, especially overseeing the difficult financial decisions the Council had to make in recent years. Councillor Lundie stated that Councillor Mooney was a committed Councillor who would be missed as a member of the Executive.

Councillor Mooney stated that he had really enjoyed his 26 years of service to the Council. He had met some wonderful people both Officers and Members and his association with Adult Social Care had been the happiest period of his time as a Councillor. He had been forced to make some very tough decisions but he had always tried to keep the wellbeing of vulnerable people at the forefront of all his input. He felt humbled, privileged and honoured to do the job that had been given to him.

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The Chairman noted that Councillor Mooney was not present at the May 2104 meeting when he had been recognised for his 25 years of service to the Council. He therefore asked him to come forward to receive his certificate and gift.

### 42. Minutes

The Minutes of the meeting held on 22 July 2014 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

**Item 35, final Paragraph, Page 4** – insert the word ‘within’ after the words ‘takes place’ in the third line from the end.

### 43. Declarations of Interest

Councillor Roger Croft declared that he had a personal interest in agenda item 20(c) by virtue of the fact that he had a self investment pension scheme with Standard Life but that this would not preclude him from being able to answer the question that had been asked of him.

### 44. Petitions

Prior to asking Members if they had any petitions they wished to submit to the Council the Chairman reminded Members of the advice that the Monitoring Officer had provided to all Members in his recent letter relating to the Development Plan Document (DPD). As a result of this advice he confirmed that he would not accept any petitions relating to the DPD that evening

Councillor Gwen Mason presented a petition, on behalf of the Steady Steps Class, containing 33 signatures relating to the lift at Northcroft Leisure Centre. The Chairmen explained that the petition would be referred to the Head of Culture and Environmental Protection.

Councillor Mollie Lock presented a petition containing 432 signatures relating to the cancellation of the Number 2 bus service on Sundays and Public Holidays between Burghfield Village Hall and Mortimer by Reading Buses. The petition would be referred to the Head of Highways and Transport.

Councillor Alan Macro presented a petition containing 216 signatures relating to Reading Buses’ decision to change the boundary of the simplyReading bus fare scheme. The petition would be referred to the Head of Highways and Transport.

### 45. Public Questions

- (a) A question standing in the name of Mrs Martha Vickers on the subject of the provision of appropriate ‘move on’ accommodation for the single homeless was answered by the Portfolio Holder for Strategy and Performance, Housing, ICT and Corporate Support, Legal and Strategic Support.

### 46. Membership of Committees

The Deputy Monitoring Officer advised of the following changes to the membership of Committees since the previous Council meeting:

- Councillor Joe Mooney would be stepping down as the Portfolio Holder for Community Care and Insurance as of the 30 September 2014
- Councillor would Keith Chopping be appointed to the Executive as of the 01 October 2014 and he would be responsible for Adult Social Care.

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### 47. **Licensing Committee**

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

### 48. **Personnel Committee**

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

### 49. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 01 September 2014.

### 50. **District Planning Committee**

The Council noted that, since the last meeting, the District Planning Committee had met on 20 August 2014.

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

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 01 September 2014, 05 September 2014 and 11 September 2014.

### 52. **Standards Committee**

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

### 53. **Response to Council Motion on Protected Employment Land (C2793)**

The Council considered a report (Agenda Item 14) concerning a response to the Council Motion on Protected Employment Land.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Gordon Lundie:

That the Council:

“agrees the response to the Motion”.

Councillor Hilary Cole in introducing the item noted that the report set out a response to the Council Motion on Protected Employment Land which was presented to the Council meeting on 12<sup>th</sup> December 2013 by Councillor Tony Vickers. The Motion had been referred to the Planning Policy Task Group and was discussed at the meeting on 31<sup>st</sup> January 2014.

The response to Part 1 of the Motion set out that a review of the Employment Land Review should be carried out through the Local Plan. Work carried out to prepare planning policy would need to be co-ordinated appropriately.

A Strategic Housing Market Assessment (SHMA) would establish the objectively assessed housing needs for the District, and it was important that the work on the Employment Land Review reflected the findings of the SHMA.

The response to Part 2 of the Motion set out that flexibility did exist within policy CS9 of the adopted Core Strategy for mixed use development. This meant that individual cases could be assessed on a case by case basis. This was for employment generating uses rather than housing development. Planning policy needed to look longer term (until 2026) and ensure that there were sufficient sites and premises to allow the economy to grow over the plan period. Any release of existing sites and premises within Protected Employment Areas therefore needed to be supported by robust evidence and clear justification to avoid a shortage of opportunities for businesses to grow or relocate to the

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area. She accepted that the response provided was not necessarily what Councillor Vickers had hoped to see.

Councillor Tony Vickers noted that the Local Plan Inspector in his report on the Core Strategy said that a review of the District's Employment Land Requirement should be undertaken during the next stage of the Local Plan preparation. He stated that the current assessment was based on field work that had taken place ten years previously and was therefore out of date and more recent evidence was required. The Liberal Democrat Group had voted against the Development Plan Document (DPD) which was brought to the 22 July 2014 meeting as they felt that it was not fit for purpose until an assessment of employment land had been undertaken. He noted that this response stated that this assessment would not take place as part of the Housing Site Allocation (HAS) DPD but would instead be carried out through the Local Plan after the HAS DPD had been adopted which was in his opinion too late in the process. He felt that around 400 more dwellings could be accommodated on existing employment land which would reduce numbers required elsewhere. He stated that more housing was required in Newbury and not more jobs which would in turn generate an additional need for homes.

Councillor Alan Macro stated that if homes were not being built on employment land there would be a greater need for housing on greenfield sites. Greater use of employment land for employment would increase congestion and would, in turn, increase the demand for more housing. There was currently an oversupply of office space in sites across the District. He stated that changes to working practices would mean that there would be a corresponding decrease in need for office space. Councillor Macro was also concerned by the length of time it had taken for a response to be provided to Council. Councillor Alan Law stated that the Council did not own the empty office spaces and could therefore not dictate how they should be used.

Councillor Gordon Lundie stated that he welcomed a focus on housing but that using employment land for housing would not solve the district's housing needs. He stated that undertaking the assessment at this point in time would be premature.

Councillor Jeff Brooks stated that there were a large number of unoccupied offices in the District and he could not understand why development should take place on new sites when these could be used. Creating additional employment sites could increase demand for housing.

Councillor Cole responded by stating that the DPD currently out to consultation already included 386 dwellings on brownfield sites as well as 160 homes on windfall sites. The Council could not force landowners to convert offices to dwellings. It was the Council's duty to produce a Core Strategy that was both developable and deliverable.

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

### 54. **West Berkshire Housing Site Allocations Development Plan Document (DPD): Housing in the Countryside - Preferred Options for Consultation (C2881)**

The Council considered a report (Agenda Item 15) concerning the Development in the Countryside policies which formed part of the preferred options West Berkshire Housing Site Allocations DPD.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Alan Law:

That the Council:

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1. approves the Housing in the Countryside policies that form part of the preferred options version of the West Berkshire Housing Site Allocations DPD for a 6 week period of public consultation.
2. Delegates authority to the Head of Planning and Countryside to agree any minor typographical and presentational changes to this part of the preferred options version of the DPD and supporting documentation before publication.”

Councillor Cole introduced the report which considered the Development in the Countryside policies which formed part of the preferred options West Berkshire Housing Site Allocations Development Plan Document (DPD).

The Council was preparing a Housing Site Allocations DPD to allocate non-strategic housing sites across the District and to allocate sites for Gypsies and Travellers. A preferred options version had been published for consultation between 25 July 2014 and 12 September 2014. Some policies were also being updated as part of this process; those on residential parking standards and an amended policy to guide the future development of Sandlesford Park.

Policies to guide development in the countryside had been drafted and were attached at Appendix A to the report. They would be subject to a six week consultation period prior to coming back to Members as part of the proposed submission version of the Housing Site Allocations DPD. The need to review these policies had been highlighted following Members' concerns in relation to some of the Council's saved policies.

Key issues included:

- All the policies related to new housing in the countryside and the potential to convert or redevelop existing buildings to housing.
- The significance of the Area of Outstanding Natural Beauty designation to the District was emphasised in the policies.
- The policies had been written by an independent consultant (Howard Cheadle) in consultation with Council Officers and Members.
- Cumulative impact and proportionality were important elements in determining applications and these were also emphasised in the policies.

The preferred options policies on development in the countryside would be published for consultation for a six week period from 19 September 2014 to 31 October 2014. Following consultation, Officers would prepare a publication version of the Housing Site Allocations DPD for Council in December 2014 which would include the development in the countryside policies and take account of consultation comments.

Councillor Alan Macro stated that he welcomed the new policies as they meant that there would be a focus on the impact a development in the countryside would have rather than the percentage increase as was previously the case. While he supported this aspect of the DPD he stressed that he did not support the site allocations.

Councillor Alan Law responded that he was pleased to receive cross party support for the proposals. He noted that 90% of the district was rural and 75% was in the Area of Outstanding Natural Beauty. The National Planning Policy Framework recognised this distinction and this had to be reflected in the Local Plan. Developments in the countryside were the most frequent applications brought before area planning committees and that these policies would aid consistent decision making. He therefore endorsed the revised policies.

Councillor Cole was also pleased to note that the changes received cross policy support.

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

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### 55. **West Berkshire Statement of Community Involvement (Revised 2014) (C2846)**

The Council considered a report (Agenda Item 16) concerning responses to the representations on the draft Revised Statement of Community Involvement and to consider adoption of the Revised Statement of Community Involvement.

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

That the Council:

1. agrees the responses to the representations on the draft Revised Statement of Community Involvement;
2. adopts the revised Statement of Community Involvement”.

In proposing the Motion Councillor Cole also proposed the following **AMENDMENT** which was seconded by Councillor Webb:

“That Appendix C be amended by insert the following footnote after the words “These are community led documents prepared by a town or parish council which, when adopted by us, also form part of the Development Plan” in paragraph 2.9 of the report.

Footnote 1 – Although not covered by this Statement of Community Involvement, the Council recognises that there are other non statutory documents produced by Parish / Town councils and other community bodies such as; Parish Plans and town, village and parish design statements. The Council fully supports these in accordance with West Berkshire Core Strategy Policy CS19, which is supported by paragraph 5.140 of the same document. “

Councillor Hilary Cole noted that the Council had a statutory duty to produce the Statement of Community Involvement (SCI) which set out how the authority would engage the community in the preparation of planning policy documents. The previous SCI had been adopted in 2006 but there had been significant changes to the planning landscape since then. The document had been reviewed and updated but no significant changes were being proposed. A six week consultation had been run from the 23 May 2014 to 04 July 2014 during which time 20 responses were received and these were set out in Appendix B to the report. Councillor Cole asked Members to note that Thames Water was also responsible for dealing with storm water and that this needed to be reflected on page 71 of the agenda.

Councillor Quentin Webb welcomed the inclusion of the amendment and stated that it was important that community led documents were recognised as part of the process.

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

Councillor Alan Macro was concerned that the Equalities Impact Assessment only made reference to the Gypsies and Travellers and young mothers and not other groups that could be impacted. He was also concerned that the publicity around the SCI consultation was limited.

Councillor Hilary Cole was disappointed to note that the Liberal Democrat Group would not be supporting the document. She noted that the SCI was based on inclusiveness and equality for all which was a fundamental principle embedded in all the Council’s work.

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

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### 56. **Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings (C2859)**

The Council considered a report (Agenda Item 17) concerning a proposed amendment to speaking rights for Ward Members that were Members of a Planning Committee at Planning Committee meetings.

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

That the Council:

“amends the Regulatory and Other Committee Rules of Procedure (Paragraph 7.13.4) which dealt with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings”.

Councillor Cole in introducing the item noted that currently Ward Members who were not Members of the Planning Committee were permitted five minutes to speak which was the same as all other speakers. However, Ward Members who were Members of a Planning Committee did not have any such restriction.

She proposed that Ward Members, who were Planning Committee Members, had the same five minute allocation to speak on any planning application within their ward. This amendment would not impact on their ability to take part in the debate on the application or to make further comment during the ensuing debate.

Where there were two or more Ward Members then they too would be required to share the five minute speaking time unless one of the Ward Members wished to speak in favour of the application and the other wished to object. In that instance each of the Ward Members would have five minutes to speak.

Councillor Paul Bryant felt that this was a useful amendment to the Constitution although he accepted the comment from Councillor Brooks that changes to the Constitution should not be seen as a panacea to all issues arising at meetings and he too encouraged the discretion of the Chairman.

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

### 57. **Anti Social Behaviour, Crime and Policing Act 2014 (C2886)**

The Council considered a report (Agenda Item 18) concerning the changes required to be made to the Council's Scheme of Delegation following the enactment of the Anti-Social Behaviour Crime and Policing Act 2014.

**MOTION:** Proposed by Councillor Quentin Webb and seconded by Councillor Gwen Mason:

That the Council:

“amends the Scheme of Delegation as follows:

- (i) That the Head of Culture and Environmental Protection, in consultation with the Head of Legal Services, be given delegated authority to serve Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
- (ii) That the Council also delegate the serving of Community Protection Notices to Registered Social Landlords in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
- (iii) That the Council also delegate the serving of Community Protection Notices and Fixed Penalty Notices in the event of a breach to Police Community

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Support Officers in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.

- (iv) That the Head of Legal Services, in consultation with the Head of Care Commissioning, Safeguarding and Housing, be given delegation authority to seek a Civil Injunction in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.
- (v) That the Head of Strategic Support, in consultation with the Head of Legal Services, be given delegated authority to make a PSPO in accordance with Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (vi) That the Council's partners (Neighbourhood Wardens, Street Rangers etc) be approached to ascertain whether they intend to use the PSPO powers.
- (vii) That the Head of Legal Services or his nominee, in consultation with the Head of Strategic Support, be granted delegated authority to issue an Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014."

**AMENDMENT:** Proposed by Councillor Gwen Mason and seconded by Councillor Quentin Webb:

That the Council:

"includes a further recommendation (viii) as follows:

That, where appropriate, the Council inform Ward Members and Town and Parish Councils of any action to be taken in relation to the powers described in the report".

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

Councillor Webb noted this was a technical report that had been drafted to take into account the changes required to the Scheme of Delegation following the enactment of the Anti Social Behaviour, Crime and Policing Act 2014. Councillor Webb noted that 19 existing powers had been replaced with six simpler and more flexible ones. The powers related to Community Protection Notices, Civil Injunctions, Public Spaces Protection Orders and Closure powers.

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

*(Councillor James Podger left the meeting at 8.44pm and returned at 8.47pm)*

### 58. Notices of Motion

The Council considered the under-mentioned Motion (Agenda item 19(a) refers) submitted in the name of Councillor Alan Macro relating to a proposal to replace the Planning Policy Task Group with a Committee.

**MOTION:** Proposed by Councillor Alan Macro and seconded by Councillor Jeff Brooks:

That the Council:

"recognises that the developing Local Plan will affect all communities in the district for years to come. In particular, the allocation of sites for housing will have a major impact on both the communities where they are located and on the district at large. It is therefore of the utmost importance that the decisions on where housing is allocated are made in a transparent and democratic way. Although in theory decisions on the Local Plan are made by Full Council, the Planning Policy Task



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Group is hugely influential in working through the detail and subsequently providing significant input to the Council as to how it should decide such matters. The Planning Policy Task group meets in private and therefore its decisions have not been transparent and will not be transparent in the future if it is continued.

The Council therefore resolves that decisions and recommendations on the Local Plan, including housing site allocations, are resolved and recommended to the Council by a properly constituted, Council appointed, cross party committee that will replace the Planning Policy Task Group. This is so that the new Committee can consider these vital considerations in public, can make formal resolutions and recommendations to the full Council and thus make sure that these decisions are subject to the oversight and scrutiny of the Council process and the public observation that public meetings impose on them.”

The Chairman noted that in accordance with paragraph 4.9.8 of the Constitution the motion would be referred to the next meeting of the Planning Policy Task Group for a discussion. Due to the decision making timeliness associated with the Development Plan Document the Chairman proposed convening a special Council meeting in October, should it be necessary, to discuss the Planning Policy Task Group’s response.

*(Councillor Manohar Gopal left the meeting at 9.01pm and returned at 9.04pm)*

The Council considered the under-mentioned Motion (Agenda item 19(b) refers) submitted in the name of Councillor Alan Macro recommending the creation of an Affordable Homes Task Group or Committee.

*(Councillor Tony Linden left the meeting at 9.05pm and returned at 9.07pm)*

*(Councillor Keith Chopping left the meeting at 9.08pm and returned at 9.11pm)*

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

That the Council:

“is concerned about the number of families in the district that are in need of affordable housing and the low number of such homes being built in the district.

The Council therefore resolves to set up a cross-party task group or committee to develop strategies that can greatly increase the number of affordable homes being built and to examine ways in which the Council can assist housing associations to find finance and thereby increase the number of homes that they can provide for social and affordable rent.”

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

*(Councillor Joe Mooney left the meeting at 9.10pm)*

*(Councillor James Podger left the meeting at 9.24pm)*

### 59. Members' Questions

- (a) A question standing in the name of Councillor Alan Law on the subject of the decision making process used to determine that task groups are held and in confidence and their terms of reference was answered by the Leader of the Council.
- (b) A question standing in the name of Councillor Alan Macro on the subject of advertising the consultation on the Housing Site Allocations Development Plan Document and its deadlines was answered by the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside.

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- (c) A question standing in the name of Councillor Alan Macro on the subject of status on affordable homes provided in the parkway development was answered by the Portfolio Holder for Strategy and Performance, Housing, ICT and Corporate Support, Legal and Strategic Support.
- (d) A question standing in the name of Councillor Tony Vickers on the subject of safe cycle access from residential areas to the west of the town to the Hambridge Road area was answered by the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside.
- (e) A question standing in the name of Councillor Keith Woodhams on the subject of Smartphone Apps for reporting road network problems was answered by the Leader of the Council.

*(The meeting commenced at 7.30 pm and closed at 9.30 pm)*

**CHAIRMAN** .....

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