

Executive Meeting

8 September 2016

Questions and Answers



WestBerkshire
C O U N C I L

Public Questions as specified in the Council's Procedure Rules of the Constitution

No public questions have been submitted in relation to items not included on the agenda.

Members' Questions as specified in the Council's Procedure Rules of the Constitution

(a) Question submitted to the Portfolio Holder for Highways and Transport by Councillor Alan Macro:

“Could I please have a breakdown of the legal and professional fees incurred to date on the project to redevelop the London Road Industrial Estate?”

The Portfolio Holder for Corporate Services and External Affairs answered:

Thank you Councillor Macro for an extremely well timed question in regards to the Council's successful defence of the Judicial Review (JR) last week regarding the London Road redevelopment. To fully flesh out the legal costs and associated professional fees regarding this development, you have to turn the clock back to 'Newbury 2025: A Vision for Newbury' which was initiated in 2003. This was where the London Road Industrial Estate redevelopment was first noted. The first cost was actually allocated to the project in 2011, this process led up to the signing of an agreement with St Modwen. These costs came altogether to around £120k. Fees involved signing a development agreement, feasibility studies, opportunity assessment documentation and market assessments. All of these are widely regarded as required for a regeneration project of that size and level.

There were a further £260k costs associated with required traffic modelling as the project developed, further professional fees and work around the A339, however most of this is covered by the Thames Valley Berkshire LEP.

However, as we've touched on in one of the points tonight, I imagine that your question is most interested in the cost of the Judicial Review. This is to date £246k for the Council to successfully defend, of which the Court I must emphasise has ruled that Faraday Development Limited is obliged to cover that cost. As already referred to, a time frame has been agreed to deliver that amount and £70k of that was delivered last week. We will obviously pursue every single penny available to us to ensure that the taxpayer is not susceptible to such a speculative legal challenge.

Whilst we're on the topic of the review, the claims against us were, to quote Justice Holgate "wholly untenable", "speculative at best" and "the Council itself evidently sought best value for the taxpayer". This is particularly pertinent given at the last Executive, Councillor Dillon in retrospect made ill-founded comments regarding whether the Council should stand by the decision to defend the JR. Rather than engage in a war of words, this Council stood by its decision and ultimately supported whole-heartedly its important role.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Alan Macro asked the following supplementary question:

“£246k is quite a lot of money. I wonder what process was used to decide whether that sum of money should be risked in defending the JR. I’m not saying we shouldn’t have, just wondering what process was gone through”.

The Portfolio Holder for Corporate Services and External Affairs answered:

There was clearly an assessment of the validity of the claim brought against us and it’s worth noting that this sum wasn’t included in one element. It has obviously progressed and as we became more aware of the challenges against us and the level of evidence, however once it became evident we were in a stronger position and Justice Holgate’s comments were going in a particular way we became very confident and reassured of our position. Ultimately, whenever you’re looking at something this size of redevelopment there is always a decision at some point whether you do stand by it or not and as I’ve already emphasised we chose to stand by that decision and have been entirely vindicated so I’m very pleased that we did so.

Councillor Lee Dillon commented:

“The Portfolio Holder answer will be on public record and references comments that I made at the last Executive meeting which was talking about the Council objective to be an efficient and effective Council. I actually said that there were errors around the London Road Industrial Estate that made multiple papers come to the Council and there were other JRs that we’ve been having too, I didn’t say that we shouldn’t stand by the JR and defend it. I think it’s unfair to say I did.”

The Chairman agreed to note the comment.

(b) Question submitted to the Portfolio Holder for Highways and Transport by Councillor Alan Macro:

“How often has the number plate recognition camera monitoring the Parkway bridge not been working during the last year and how much revenue is estimated to have been lost as a result?”

The Portfolio Holder for Highways and Transport answered:

The camera wasn’t working on 9 days and assuming that they were typical days the missing income would amount to just over £1k.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Alan Macro asked the following supplementary question:

“What kind of procedures and activities do we do to make sure that the cameras are working?”

The Portfolio Holder for Highways and Transport answered:

I believe they are checked on a regular basis, I did ask that this week, but if you would like a more precise answer I will write to you.

(c) Question submitted to the Portfolio Holder for Planning and Housing by Councillor Lee Dillon:

“Can we please have an update on the anticipated percentage of affordable housing units proposed within the Market Street Development?”

Councillor Dillon declared a personal interest by virtue of the fact that his employer was Sovereign Housing but declared that his employer had no involvement in the project.

The Portfolio Holder for Planning and Housing answered:

The detail of the application is still in consideration and the final terms of any approval that might be given have yet to be concluded.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Lee Dillon asked the following supplementary question:

“What would you consider to be a suitable level of affordable housing on a site that the Council is a land owner of?”

The Portfolio Holder for Planning and Housing answered:

I could argue that all the housing on the site is affordable because it is being offered as private rental rather than for purchase and therefore people could afford the rent, you could argue that it is all affordable but there will of course be some affordable housing on that site.

(d) Question submitted to the Portfolio Holder for Planning and Housing by Councillor Lee Dillon:

“What does the Council consider to be an acceptable percentage level of profit for developers when considering viability assessments which seem to be a major obstacle in providing affordable housing?”

The Portfolio Holder for Planning and Housing answered:

It is not a question of what the Council considers to be an acceptable percentage level of profit for developers; it is a question of what the government believes to be an acceptable level via the Planning Inspectorate and the High Court.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Lee Dillon asked the following supplementary question:

“I would say the Council should have an idea of what it considers an acceptable level because that’s what we would advise Members on, whether to accept a planning application or not and subsequently whether we think it could win an appeal. What level would you consider was an acceptable level of profit so that we would win an appeal?”

The Portfolio Holder for Planning and Housing answered:

I would need to draw your attention to the National Planning Policy Framework (paragraph 173) states “To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

(e) Question submitted to the Portfolio Holder for Planning and Housing by Councillor Lee Dillon:

“Have the Council now secured sites to provide additional temporary accommodation units?”

The Portfolio Holder for Planning and Housing answered:

We are still in negotiation with regard to the purchase of sites for temporary accommodation units.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Lee Dillon asked the following supplementary question:

“I’m glad that we are in negotiations given that matter was taken in Part II and was considered urgent. As it was urgent I would have hoped that we would be further along in the negotiations, would you not agree?”

The Portfolio Holder for Planning and Housing answered:

I think we were very nimble in our actions because we are aware of the buoyancy of the housing market and we don’t want to miss opportunities.

(f) Question submitted to the Leader of Council by Councillor Lee Dillon:

“Newbury has been described by a former Executive member as a ‘21st-century market town’. What plans do the Council have to provide support to the smaller towns in the District such as Hungerford, Thatcham and Theale?”

The Portfolio Holder for Community Safety and Partnerships answered:

I would have gone further if I was asking this and I would have said that the whole of West Berkshire would be 21st Century and one example of that is the Superfast Broadband project. Adding to that, we've got an Economic Development Strategy for West Berkshire which covers the whole of the District and some of our key priorities is to "Promote West Berkshire as a desirable location for combining business, leisure, learning and life."

To highlight some of the work that the Economic Development Officer has undertaken recently, working closely with the owners of Arlington Business Park at Theale to help facilitate their regeneration plans for the Park, including looking at a cycle scheme and helping them to make stronger links with Theale Village. We have also worked closely with IKEA which has meant local neighbour agreements which I think is a great success story. They have also talked to another major international company in Theale. Business start-up workshops have occurred in the last year in Hungerford. They've got links with the Hungerford Chamber of Commerce and they've been working with Kerridge Computer Services to support their business plans and see how we can work more closely with them.

In addition to that there's all the work with Visions and Town Plans. The Thatcham Vision is on the Forward Plan now for Individual Decision and we support all those community lead plans now across the District and I have been personally close to the Thatcham one throughout its development.

The Chairman asked: *"Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?"*

Councillor Lee Dillon asked the following supplementary question:

"You've outlined ways in which you've worked with business owners and Parish Councils to help improve the economic development of the area, one of the issues which is of a concern to myself and the Leader of Thatcham Town Council is the loss of footfall data within Thatcham. The Chamber of Commerce in Thatcham shares their concerns as well. Will the Council consider reintroducing footfall data for Thatcham is an organisation such as the Chamber of Commerce requests it?"

The Portfolio Holder for Community Safety and Partnerships answered:

As you say, those have stopped in Thatcham and Hungerford but we're putting money into supporting businesses which is about vitality and spend rather than just footfall which is much more effective. The Newbury one has changed to a camera and the Newbury BID are putting funds towards that so we're willing to talk to the Chamber of Commerce but it will have to be a partnership thing.
