

# DRAFT

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

## COUNCIL

### MINUTES OF THE MEETING HELD ON THURSDAY, 6 DECEMBER 2018

**Councillors Present:** Steve Ardagh-Walter, Peter Argyle (Vice-Chairman), Howard Bairstow, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Jason Collis, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Clive Hooker, Carol Jackson-Doerge, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Alan Macro, Tim Metcalfe, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko

**Also Present:** Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Nick Carter (Chief Executive), Stuart Clark (Principal Engineer), Sarah Clarke (Acting Head of Legal Services), Tess Ethelston (Group Executive (Cons)), Olivia Lewis (Group Executive (Lib Dem)), Moira Fraser (Democratic and Electoral Services Manager) and Honorary Alderman Andrew Rowles

**Apologies for inability to attend the meeting:** Councillor Pamela Bale, Councillor James Fredrickson, Councillor Marigold Jaques and Councillor Gordon Lundie

**Councillors Absent:** Councillor Jeremy Bartlett, Councillor Paul Hewer and Councillor Ian Morrin

#### PART I

##### 49. Chairman's Remarks

The Chairman reported that former Councillor David Liddiard had sadly passed away. The Chairman asked the Council to observe a minute's silence as a mark of respect and an opportunity to reflect on his life.

Councillor Graham Jones, in paying tribute to David commented that he was a man of action rather than words. Councillor James Podger said that everything David did, he did with great enthusiasm and he simply would not be defeated. He went on to comment that David was ambitious for everyone he met and he was very honoured to have known him. Councillor Jeff Brooks stated that David would be remembered with great affection and sent his best wishes to David's family at this difficult time.

The Chairman reported that she, the Vice Chairman and former Chairmen had attended 51 events since the last Council meeting. It was a genuine pleasure to represent the Council at the range of events she had been fortunate enough to be invited to.

##### 50. Presentation of the West Berkshire Community Champion Awards (C3659)

The Chairman explained that the first West Berkshire Council Community Champion Awards were launched in September 2014. In addition to the pre-existing Junior Citizen Award (now the Pat Eastop Junior Citizen Award), three new awards were created; The Volunteer of the Year, the Community Group of the Year and the Lifetime Achievement Award.

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The judging was undertaken by independent representatives and she thanked the judges for their contribution. The standard of the nominations was very high throughout all the categories. The Chairman thanked all the nominators; those of nominees that did not win as well as those of winners. She stated that it was very encouraging to hear of the contributions that volunteers made in the community.

Prizes were awarded to the winner of the Pat Eastop Junior Citizen Award and in addition a highly commended award was also granted. Emily Curtis was highly commended by the panel. The nine year old was nominated by her mother, Mrs Maria Curtis and a family friend, Emily Allen. Emily had been collecting rubbish in her free time for a number of months and successfully lobbied her local councillor to have a new litter bin installed. She also worked via a Facebook page to educate others to keep the local area clean and tidy. The judges were very impressed by the work undertaken by Emily and the ongoing impact of her campaigning.

The winner of the Pat Eastop Junior Citizen Award was sixteen year old Kieren Nailer. Kieren was nominated by Miss Helen Randall, Manager at Partners for Active Leisure Service (PALS West Berkshire). PALS were a local charity that supported children and young people between the ages of five and 25 who had physical disabilities. Kieren had been helping at PALS for over a year, completing over 100 hours of service in that time. Kieren supported the youth group on a fortnightly basis, attended every weekend and supported holiday activities. Kieren had also run a 10km race to raise funds for PALS.

The judges were particularly impressed with the extent of Kieren's commitment to helping others in this challenging area and his very mature attitude at such a young age. Kieren was very highly thought of and a great role model to the PALS members and other volunteers alike.

The Highly Commended Awards for Community Group of the Year were awarded to the Kennet District Scout Council and the Newbury Street Pastors.

Kennet District Scout Council were nominated by David Elliott, District Commissioner. The Kennet District Scout Council supported over 1500 young people in the community including many children with special educational needs and disabilities. The panel were very impressed by the impact made by the Kennet District Scout Council to huge numbers of young people over a long period of time.

The Newbury Street Pastors were nominated by Mr Andy Bone from Thames Valley Police. The Street Pastors provided a range of assistance to those on a night out in Newbury, from giving people flip flops, helping people to get home safely and giving first aid and water to those under the influence. They helped by intervening in conflicts that occurred before they became serious. They operated in all weathers and the volunteers worked unsocial hours with shifts from 10pm to 4am. The non judgemental service which was often provided in challenging situations impressed the panel especially as the Street Pastors put themselves in potentially dangerous situations.

The joint winners of the Community Group of the Year were the Burghfield Santas and Pangbourne Dementia Friends.

The Burghfield Santas received three nominations from Mr Ben Twomey, Mrs Emma Shumsky and Ms Kylie Duncan. The group organised numerous fund raising events including a pub crawl, fun runs, Burghfest and the Burghfield Box-Kart bash. These activities raised money for very worthy causes (including a huge £150k for the Thames Valley Air Ambulance) and instilled a fantastic sense of community. The panel were extremely impressed by the strength of the nomination and could see the Burghfield Santas were clearly a charity 'not just for Christmas'.

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Pangbourne Dementia Friends were nominated by Sue Butterworth of West Berkshire Council. They actively facilitated social interaction and reduced loneliness and isolation felt by many older folk living in the community. Their activities were inclusive of people with dementia but were not restricted to only those with dementia which reduced stigma and encouraged inclusion. Events were held on a monthly basis. Sue added that the success of the group was down to their enthusiasm, commitment and generosity of time. The panel were struck by the fact that the group not only reached out to people who might otherwise be isolated but also recognised their awareness raising role in the wider community.

In terms of the Volunteer of the Year Award the judges had a very difficult job due to the number and strength of the nominations. The judges gave a highly commended award in this category as well as the overall winner.

The highly commended award winner recipient was Sue Bennett. Sue was nominated by Mr Dave Sollis. Sue was a running coach for the West Berks Run Together Groups, an England Athletics Mental Health Ambassador, a Park-run Race Director and volunteer and a fund raiser for the MS UK charity. Sue suffered with MS herself and had a very demanding job at the front line of the local NHS community service. Sue was described as 'truly inspirational, kind, caring and a phenomenally dedicated individual'.

The panel felt that Sue was a fantastic ambassador for both the physical and mental health benefits of running and keeping active. The panel applauded Sue's positive attitude which encouraged involvement and celebrated diversity.

The winner in the volunteer of the year award category was Mrs Janet Wood. Janet was nominated by Margaret Goswell. Janet had been heavily involved with three local community groups, the Brownies, St Mary's Church Shaw and the Shaw-Cum-Donnington Village Hall. Janet had been a brownie leader for 38 years. Janet had been a member of the Shaw-cum-Donnington village hall committee since about 1980 and inspired others with her enthusiasm and boundless energy.

The panel felt that Janet was totally invested in all three organisations and was greatly valued by everyone she worked with.

The judging panel was very impressed by the nominations for the Lifetime Achievement Award and decided to award three highly commended awards and an overall winner.

The three highly commended awards went to: Mrs Helen Relf, Mr Mike Hart and Mr Graham Plank.

Mrs Helen Relf was nominated by Patricia Wynne Frankum, Chair of Bucklebury Parish Council. Helen had contributed hugely to the enjoyment and knowledge of many of the residents of her parish. This has been done through a variety of activities ranging from helping the library service deliver books to those at home, to organising the Bucklebury walking group and a very popular Theatre Group. Helen had fund raised for local cancer charities but had also offered support to fellow cancer sufferers.

The panel felt that Helen was an amazing mentor to a lot of women and that her work in the village of Bucklebury was widespread and meaningful.

The second highly commended award went to Mr Mike Hart who was nominated by Mr Richard Jones. Mike had run keep fit classes for adults in the Newbury area for almost fifty years for no financial gain. The nomination was made on behalf of the substantial number of people whose health and wellbeing had benefitted from this activity over the years. Mike had also fund raised tirelessly for local cancer charities, raising large amounts of money for these very worthy causes. The panel felt that after 50 years of service to the community Mike should be applauded for his dedication and leadership.

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The panel was extremely impressed with Mike's commitment to providing the fitness classes for adults as these classes had encouraged healthy living for hundreds of people whilst creating friendships and support networks. Mike's fundraising for cancer causes had also impressed the panel.

The final highly commended award in this category was given to Mr Graham Plank who was nominated by Mr John Brims. Graham had been involved in many West Berkshire activities (some since 1960) including the Bradfield Young Farmers, Bucklebury Football Club and the Scouts. Graham's fundraising activities had been numerous and included the Chapel Row Fayre which had raised in excess of £175,000 over the 20 years it had been run. A large number of local organisations had benefitted from Graham's commitment and enthusiasm. The panel felt the work carried out by Mr Plank was very impressive, particularly the huge amounts of money raised for a large number of charities.

The winner of the Lifetime Achievement Award was Mr Graham Reeves. Mr Reeves was nominated by Mrs Cynthia Herbert. Graham was the Treasurer and Co-ordinator of the Carebus Volunteer Group and had devoted 30 years of service to the group. They provided transport for the elderly and disabled people of West Berkshire. Eighty year old Graham still worked every day of the week, arranging pick-ups for hospital appointments. He had arranged the purchase of two care buses and 2 cars and recruited volunteer drivers. Graham still drove one of the cars himself taking people to hospital in Reading and Newbury. In the evenings, Graham attended to all the administration associated with the Carebus service.

The panel was extremely impressed by the nomination and applauded the fact that Graham had devoted his life to helping others some of whom were the most vulnerable in the community.

The Chairman congratulated all nominees again and thanked them all for their contributions to the communities of West Berkshire.

### 51. Minutes

The Minutes of the meeting held on 13 September 2018 were approved as a true and correct record and signed by the Chairman.

### 52. Declarations of Interest

Councillors Billy Drummond and Paul Bryant declared an interest in Agenda Item 17, and reported that, as their interest was a disclosable pecuniary interest or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter.

Councillor Lee Dillon declared an interest in Agenda Item 20 and reported that, as this interest was an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

Councillors Peter Argyle, Howard Bairstow, Jeanette Clifford, Dominic Boeck and Carol Jackson-Doerge declared an interest in Agenda Item 21, but reported that, as their interest was a personal interest they determined to remain to take part in the debate and vote on the matter.

Councillor Graham Bridgman declared an interest in Agenda Item 20, but reported that, as his interest was a personal interest he determined to remain to take part in the debate and vote on the matter.

Councillors Marcus Franks and Lee Dillon declared an interest in all the questions relating to housing and homelessness by virtue of the fact that they were employees of

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Sovereign Housing. As their interest was personal they determined to remain in the meeting and to listen to the responses and supplementary questions asked and answered.

### 53. Petitions

There were no petitions presented to the Council meeting.

### 54. Public Questions

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

- (a) A question standing in the name of Mr Peter Carline on the subject of a no deal Brexit would receive a written response from the Portfolio Holder for Economic Development and Communications.
- (b) A question standing in the name of Mr Thomas Tunney on the subject of practices adopted by the housing team was asked on his behalf by Ms Deborah Sowerby and answered by the Portfolio Holder for Planning, Housing and Waste. Mr Tunney would receive a written response and could ask a supplementary question.
- (c) A question standing in the name of Mr Thomas Tunney on the subject of repayments by Councillor Nick Goodes was asked on his behalf by Ms Deborah Sowerby and was answered by the Leader of the Council. Mr Tunney would receive a written response and could ask a supplementary question.
- (d) A question standing in the name of Mr Thomas Tunney on the subject of eviction notices at a homeless camp was asked on his behalf by Ms Deborah Sowerby and was answered by the Portfolio Holder for Planning, Housing and Waste. Mr Tunney would receive a written response and could ask a supplementary question.
- (e) A question standing in the name of Mr Thomas Tunney on the subject of using the Council Chamber as a shelter for homeless people was asked on his behalf by Ms Deborah Sowerby and was answered by the Portfolio Holder for Planning, Housing and Waste. Mr Tunney would receive a written response and could ask a supplementary question.
- (f) A question standing in the name of Mr James Thomas on the subject of embracing cloud-based software-as-a-service offering was answered by the Portfolio Holder for Corporate Services.
- (g) A question standing in the name of Mr Steve Masters on the subject of investing in local housing stock was answered by the Portfolio Holder for Finance, Transformation and Property.
- (h) A question standing in the name of Mr Steve Masters on the subject of improvements to the verges on Burchell Road and Digby Road was answered by the Portfolio Holder for Highways and Transport, Environment and Countryside.
- (i) A question standing in the name of Mr Steve Masters on the subject of undertaking a risk assessment and exploring options to ensure that emergency vehicles had clear and safe access to Talbot Close was answered by the Portfolio Holder for Highways and Transport, Environment and Countryside.

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- (j) A question standing in the name of Mr Steve Masters on the subject of the impact of the budget cuts on the priorities of the Health and Wellbeing Board was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture.
- (k) A question standing in the name of Mr Erik Pattenden on the subject of the Conservative manifesto promise to protect neighbourhood wardens was answered by the Leader of the Council.
- (l) A question standing in the name of Mrs Martha Vickers on the subject of using the showers and toilets at the football ground to support the homeless was answered by the Portfolio Holder for Planning, Housing and Waste.
- (m) A question standing in the name of Dr Tony Vickers on the subject of an exemption for those on benefits to have their garden waste collected for free was answered by the Portfolio Holder for Planning, Housing and Waste.
- (n) A question standing in the name of Dr Julie Wintrup on the subject of holding a full public independent inquiry into the agreement signed with St Modwen Developments Ltd was answered by the Portfolio Holder for Corporate Services.
- (o) A question standing in the name of Dr Julie Wintrup on the subject of defending the case brought by Faraday Development Limited was answered by the Portfolio Holder for Corporate Services.

### 55. Membership of Committees

**MOTION:** Proposed by Councillor Graham Jones and seconded by Councillor Graham Bridgman:

That the Council:

“amends its appointment to the Overview and Scrutiny Management Commission as follows: Councillor Alan Law to replace Councillor Emma Webster.”

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

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

That the Council:

“amends its appointment to the Overview and Scrutiny Management Commission as follows: Councillor James Cole to replace Councillor Richard Somner.”

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

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

That the Council:

“amends its appointment to the Joint Public Protection Committee as follows: Councillor James Cole to replace Councillor Emma Webster.”

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

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

That the Council:

“amends its appointment to the Governance and Ethics Committee as follows: Councillor Jason Collis to replace Councillor James Cole .”

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

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

That the Council:

“amends its appointment to the Governance and Ethics Committee as follows: Councillor Graham Bridgman to replace Councillor Jason Collis as a substitute on this Committee .”

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

Councillor Lee Dillon offered thanks, on behalf of his group, to the outgoing Chairman of the Overview and Scrutiny Management Commission Councillor Emma Webster. He noted that she had always tried to accommodate his Group’s requests and that she had held the Administration to account in a fair and appropriate way. He stated that it would be a shame not to have her voice on the Commission in the future.

### 56. **Adjournment of the Meeting**

**RESOLVED** that the meeting of Council be adjourned to enable the Overview and Scrutiny Management Commission to determine their Chairman and Vice-Chairman.

*The meeting was adjourned at 8.26pm.*

### 57. **Recommencement of the Meeting**

The meeting was reconvened at 8.29pm.

### 58. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 19 November 2018.

### 59. **Personnel Committee**

The Council noted that, since the last meeting, the Personnel Committee had met on 17 September 2018.

### 60. **Governance and Ethics Committee**

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 29 October 2018 (special) and 26 November 2018.

### 61. **District Planning Committee**

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

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

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had met on 9 October 2018.

### 63. **Joint Public Protection Committee**

The Council noted that, since the last meeting, the Joint Public Protection Committee had met on 18 September 2018.

### 64. **Greenham Business Park Local Development Order (C3417)**

*(Councillor Billy Drummond declared a disclosable pecuniary interest in Agenda item 17 by virtue of the fact that he was a director of Greenham Business Park. As his interest was a disclosable pecuniary interest he left the meeting and took no part in the debate or voting on the matter).*

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*(Councillor Paul Bryant declared an other registrable interest in Agenda item 17 by virtue of the fact that he was the Council's appointed representative on Greenham Common Trust. As his interest was an other registrable interest he left the meeting and took no part in the debate or voting on the matter).*

*(Councillors Drummond and Bryant left the meeting at 8.30pm).*

The Council considered a report (Agenda Item 17) concerning a Local Development order for the Greenham Business Park.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Anthony Pick:

That the Council:

“adopts the Greenham Business Park Local Development Order including the corrections set out under separate cover at the meeting”.

In introducing the item Councillor Hilary Cole drew Members' attention to the following corrections which had been tabled at the meeting:

“In Appendix C:

Figure 3 – page 85 of Agenda

Figure 4 – page 88 of the agenda.

**Figure 3:**

- Delete notation identifying “16m maximum building height”.

**Figure 4: -**

- Alter “10m building height up to bund” to read “7m building height up to bund”
- Add in wording “external lighting to be directed inwards to minimise impact on ecologically sensitive boundary and wider landscape”
- Delete wording of “northern pitches to blend with tree line, [potential for green roofs to be used”], and insert “selective use of roof materials to northern pitches, to minimise visual impact, e.g. earth tones.
- Add in “selective use of cladding material to minimise impact e.g. earth tones: timber” after “vertical cladding to the northern elevation to compliment tree line”.

Councillor Hilary Cole reported that Greenham Business Park was a premier employment site in the district. In 1997 the site was granted mixed use planning permission. It was estimated that only 40% of the approved space had actually been built out. Greenham Trust (GT) had approached the Council to see if it would consider granting permission for a Local Development Order (LDO) on the site. The Council had worked in partnership with GT over the past 18 months to achieve this. An LDO meant that development could take place on the site without the need for a separate planning application albeit that any development had to be within the defined parameters and conditions of the LDO. Councillor Cole thanked Officers, especially Michael Butler, for their diligence in producing the LDO and she thanked GT for their forbearance.

Councillor Alan Macro stated that the Liberal Democrat Group supported the LDO which would allow GT to respond more quickly to its clients. He thanked the Council for taking comments on board during the consultation and was especially pleased to see that his comments on halving the space for distribution storage had been accepted. This would help to reduce the number of heavy goods vehicle movements on the site and surrounding road network.

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Councillor Anthony Pick felt that the adoption of the LDO would be a major step forward while maintaining a proper balance for the area. A favourable planning regime would be seen as attractive to new businesses.

Councillor Hilary Cole thanked Members for their support and in noting Councillor Macro's comments about consultation, explained that the Council did take on board issues raised during consultation exercises where appropriate.

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

*(Councillor James Podger was not present for the entire discussion and did not vote on this item)*

*(Councillors Drummond and Bryant re-joined the meeting at 8.36pm)*

### 65. **Council Response to Garden Waste Petition (C3669)**

The Council considered a report (Agenda Item 18) which set out a response to the Garden Waste petition containing 6,854 signatures submitted to the Council on 18 October 2018.

Prior to the discussion starting on this item the Chairman explained that in accordance with paragraph 1.4 (f) of Appendix C (Procedure Rules for Dealing with Representations) to Part 13 (Codes and Protocols) of the Constitution the procedure for dealing with this item would be that the petition organiser would have five minutes to introduce the petition. Councillor Graham Jones would propose the Council's response and the response would be seconded by Councillor Hilary Cole. They would each have five minutes to speak. The Opposition Spokesman would have 2.5 minutes to speak and other Members would be able to use the remaining 2.5 minutes to make comment.

Councillor Macro in introducing the petition stated that this was an amalgam of two petitions; one arranged by Mr George Davis and one arranged by him. In talking to residents he had been surprised at their strength of feeling on this issue. The petition stated that:

"Do not charge residents to recycle! Scrap the £50 charge! This charge comes as an additional separate payment on top of council tax, and is optional. Recycling is an essential service and should not be charged additionally - it is not a hobby for the wealthy. Less economically fortunate residents should not be trapped out of recycling their garden waste. Further to this, there are concerns disabled and elderly residents will not be able to take recycling to a waste facility as an alternative. We are at an environmental tipping point, everyone needs to be able to play their part in protecting the environment. We need to maintain and improve recycling rates not risk lowering them! Nearly 85% of respondents to the consultation oppose the £50 charge. We do not support this charge, or the damage it could do to our environment. I urge you, West Berkshire Council, to scrap the £50 charge immediately!"

He noted that the report stated that the consultation had 'helped to inform the recommendation which was considered at the meeting of Council which took place on 1 March 2018'. He disagreed with that comment and felt that the views of consultees had not been taken into account. The petition raised the potential impact on poorer households. The petition organisers were also concerned that the charge might have a negative impact on recycling rates. They were also concerned that disabled and elderly residents might have difficulties accessing recycling centres. Councillor Macro also commented that the Council had not widely highlighted that the payments could be made in instalments. He stated that the Council had chosen to ignore the comments made by

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85% (643) of the respondents to the consultation and he urged Members not to ignore the 6,854 people that had signed the petition.

Councillor Graham Jones stated that the Council had been forced to make a number of decisions over the past five years that the Administration did not want to make. Costs continued to increase and council tax was used in the main to fund core services. He accepted that there was a disconnect and better dialogue was needed as to how care was funded in the future. It was important to keep Council Tax as low as possible while continuing to care for the most vulnerable residents in the District.

Councillor Jones noted that most neighbouring authorities already charged for the collection of green waste and it was predicted that all authorities would be doing so by 2022. It was simple, if there was no funding for services they could not be delivered. While charging for the service could be revisited in the future in the current climate it would not be possible to remove the charge.

Councillor Lee Dillon stated that when this item was discussed at the March 2018 meeting he had proposed that the Council use £450k of the remainder of the Transitional Fund to reduce the proposed green waste collection service charge from £50 per household to £25 per household for 2018/19 to assist residents with the transition. In his opinion the Transition Funding was set up precisely to deal with these issues where it could be used to mitigate harm. The Council needed to recognise the universal right to recycle and needed to make it as easy as possible for residents to do so.

Councillor Graham Bridgman stated that Members would need to consider what would be missing if the requests within the petition was adhered to. Someone would need to tell the Portfolio Holder for Adult Social Care which services totalling circa £1m they would like to see cut. The Council was seeking to generate income. No-one wanted to charge residents for valuable services but this was a service that the Council did not have a statutory duty to provide.

Councillor Lee Dillon raised a point of order and stated that income generated was around £900k and not a million pounds as Councillor Bridgman was suggesting. In addition the £900k also included some one off costs. Councillor Bridgman accepted this point and stated that the Council would lose £900k of income which would have to be found from elsewhere in the budget.

Councillor Hilary Cole said that she understood the reasons behind the petition. She did however wish the Council to note that of the 6854 signatories only 3776 of them resided within West Berkshire. The remaining 3078 signatories were from other parts of the country and also from all around the world.

Councillor Macro raised a point of order and stated that some residents would state that they lived in Reading albeit that they were still residents of West Berkshire.

Councillor Cole explained that Officers had taken that issue into consideration and she was confident that the figures they had produced were correct. Councillor Cole agreed with Councillor Jones that all councils were likely to introduce the charges by 2022. Many already did. The lowest charge was currently £44.20 and the highest was £75.00. Eleven of the thirteen Liberal Democrat run Councils had already introduced the charge and the highest charging of those authorities charged £70.00.

To date 26,000 households had signed up for the scheme which was a higher figure than had been modelled on. She reiterated that this was an opt in charge and was not a Green Bin Tax. The Council would continue to encourage residents to home compost as this was still the greenest option. The Council was being forced to make tough choices and this charge was seen as being preferable to cutting services to the District's most vulnerable residents.

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Councillor Graham Jones commented that he too had spoken to residents and had received a different response to those received by the petitioners. The people he had spoken to had an understanding of the local authority's financial position. He reminded the Opposition Group that they had endorsed the principle at the March 2018 Council meeting.

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

That the Council:

“rejects the proposal and continue charging for the garden waste collection service in light of the significant financial and resource implications that would result from the proposal in the petition”.

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

### 66. **Statement of Gambling Principles (C3430)**

The Council considered a report (Agenda Item 19) which set out West Berkshire District Council's Statement of Gambling Principles ('Statement') under the Gambling Act 2005 which had to be reviewed and be re-published by 31st January 2019.

**MOTION:** Proposed by Councillor James Cole and seconded by Councillor Marcus Franks:

That the Council:

“adopts the Statement of Gambling Principles as set out at Appendix E”.

Councillor James Cole in introducing the item stated that the documentation had been considered in great detail at the 19 November 2018 Licensing Committee meeting. He noted that the Council had consulted on the document and had taken the comments from the consultees on board where appropriate.

Councillor James Cole commented that the Council's lottery scheme was not covered in the document as it was being dealt with by an external provider. The key changes were summarised in paragraph 2.1 of Appendix C. In essence the document had been substantially re-ordered, should be easier to read and was aligned as far as was possible with the policies of the partners in the Public Protection Partnership. He reported that the web version of the document would include links which should make it easier to read.

Councillor James Cole thanked Councillor Graham Bridgman for his assistance with reformatting the document.

Councillor Bridgman commented that as with all documents from this service there was a move to try and standardise them where possible across the three authorities in the Public Protection Partnership. While this was a matter of convenience it was also useful for the shared team to be operating under similar policies in all three localities.

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

### 67. **Statement of Licensing Policy (C3431)**

*(Councillor Lee Dillon declared an other registrable interest in Agenda item 17 by virtue of the fact that his father was a landlord at a public house in West Berkshire. As his interest was an other registrable interest he left the meeting and took no part in the debate or voting on the matter).*

*(Councillor Graham Bridgman declared a personal interest in agenda item 17 by virtue of the fact that he was a director of a CIC which held a premise licence in Mortimer. As his*

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*interest was personal he remained in the meeting, took part in the debate and voted on this item).*

*(Councillor Dillon left the meeting at 8.59pm).*

The Council considered a report (Agenda Item 20) which set out West Berkshire District Council's Statement of Licensing Policy ('SLP') under the Licensing Act 2003 which had to be reviewed and be re-published by 11th December 2018.

**MOTION:** Proposed by Councillor James Cole and seconded by Councillor Marcus Franks:

That the Council:

"adopts the Statement of Licensing Policy as set out at Appendix E".

Councillor James Cole in introducing the item stated that the policy accorded with the Licensing Act 2003 which required the Licensing Authority to prepare and publish a SLP every five years. It outlined the general approach of the Council when making licensing decisions. It also considered how the Council would address the four 'licensing objectives' namely the prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance. This item had also been considered in great detail at the 19 November 2018 Licensing Committee meeting.

The policy had been drafted in consultation with colleagues across Bracknell and Wokingham as it was a stated objective of the Public Protection Partnership to reduce duplication and derive efficiency from economies of scale. He thanked Councillor Bridgman for his input into reformatting this document. The final version would include a glossary and links.

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

*(Councillor Dillon re-joined the meeting at 9.03pm)*

### 68. **Leisure Centre Fees and Charges 2019 (C3657)**

*(Councillor Peter Argyle declared a personal interest in Agenda item 21 by virtue of the fact that he used the Willink Leisure Centre. As his interest was a personal interest he remained in the meeting, took part in the debate and voted on the matter).*

*(Councillor Howard Bairstow declared a personal interest in Agenda item 21 by virtue of the fact that he had a West Berkshire Leisure Card and occasionally used the Northcroft swimming pool. As his interest was a personal interest he remained in the meeting, took part in the debate and voted on the matter).*

*(Councillor Jeanette Clifford declared a personal interest in Agenda item 21 by virtue of the fact that she used the Northcroft Leisure Centre. As her interest was a personal interest she remained in the meeting, took part in the debate and voted on the matter).*

*(Councillor Dominic Boeck declared a personal interest in Agenda item 21 by virtue of the fact that he was a member of Kennet Leisure Centre. As his interest was a personal interest he remained in the meeting, took part in the debate and voted on the matter).*

*(Councillor Carol Jackson-Doerge declared a personal interest in Agenda item 21 by virtue of the fact that she was a Member of the Willink Leisure Centre Joint Advisory Committee. As her interest was a personal interest she remained in the meeting, took part in the debate and voted on the matter).*

The Council considered a report (Agenda Item 21) which set out the implications associated with the contractual requirement for an annual price review for the leisure contractor which would come into effect on the 1st January 2019.

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**MOTION:** Proposed by Councillor Rick Jones and seconded by Councillor Rob Denton-Powell:

That:

“the proposed increase in Fees and Charges as outlined in Appendix D for the leisure management contract be approved”.

Councillor Rick Jones reported that the Council had a contractual obligation to review the fees and charges annually in advance of the 01 January when the new fees would be introduced. This report proposed a modest increase to fees at an average of 2.9% which was lower than the previous year and below the inflation rate of 3.4%. The charges were based on benchmarking with other relevant local authorities, competitors in the market and also looked into usage figures. The fees were still at the lower end of the scale and would be even lower for residents who made use of their West Berkshire Leisure Card. Councillor Jones was pleased to note that just over a million visits had been made to the District’s leisure centres during the past year.

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

### 69. **Amendments to the Constitution (C3260)**

The Council considered a report (Agenda Item 22) which proposed a number of amendments to Parts 2, 3, 10, 11 and 13 of the Constitution.

**MOTION:** Proposed by Councillor Keith Chopping and seconded by Councillor Graham Bridgman:

That:

- “(i) The amendments to the Articles of the Constitution which are detailed in Appendix D of this Report be approved.
- (ii) The amendments to the Scheme of Delegation which are shown fully in Appendix E of this Report be approved.
- (iii) The amendments to the Financial Rules of Procedure at Part 10 of the Constitution, as detailed in Appendix F of this Report be approved.
- (iv) The amendments to the Contracts Rules of Procedure at Part 11 of the Constitution, as detailed in Appendix G of this Report be approved.
- (v) The amendments to the Social Media Protocol for Councillors at Part 13 of the Constitution, as shown at Appendix H of this Report be approved.”

Councillor Chopping stated that the Governance and Ethics Committee had considered the proposed changes in great depth at its meeting on the 26 November 2018. Key changes included: amending the Financial Rules of procedure to increase the level of bad debt that the Head of Finance and Property was authorised to write off from the current limit of £10k to £25k. This change was based on a benchmarking exercise involving other local authorities and also to reflect the fact that there had been no uplift to this limit in more than ten years.

Part 11 had been amended to reflect that Commercial Board had recently been renamed Procurement Board. Following discussions with Members it has also been agreed to streamline the governance arrangements around contractual procurement.

The Scheme of Delegation and Financial Rules of Procedure had been amended to allow the Head of Finance and Property, in consultation with the Portfolio Holder for Finance, the Head of Human Resources and the Head of Legal, to make payments up to a

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maximum of £5k to officers of tier 3 or below to reward them for generating ideas that resulted in significant income for the Council.

Councillor Chopping also explained that in addition it was also proposed that the Scheme of Delegation be amended to delegate power to the Personnel Committee to allocate the statutory posts of Director of Children's Services and the Director of Adults Services to appropriate officers. He noted that the Personnel Committee already had delegated authority to appoint officers to other statutory posts within the Council.

Councillor Chopping explained that a small Task Group comprising both Members and Officers was set up to review the Social Media Protocol for Councillors. The changes suggested were designed to reflect both technological changes and to more closely align the Members' protocol with the recently updated Officer Protocol.

Councillor Alan Macro commented that he did not believe that the revised Social Media Protocol addressed the issues identified in the recent standards complaint against Councillor Dominic Boeck.

Councillor Jeff Brooks stated that he wanted more detail around the request to increase the limit to which the Head of Finance and Property could write off bad debt. He was concerned about this decision given the Council's financial situation. He asked for more information around the number of bad debts that had been written off over the past year and also the reasoning behind the write offs.

Councillor Brooks also stated that while the cash incentive for Officers, who generated ideas that resulted in significant income for the Council, was laudable the proposal as stated lacked clarity, should have parameters and was too subjective.

Councillor Anthony Chadley explained that there would be clear parameters set around the scheme and these would be developed now that Members had agreed the principle.

Councillor Lee Dillon proposed that this decision be delayed until the detail requested could be provided.

Councillor Graham Bridgman explained that the rationale behind the write off decision was set out in the supporting information. He stated that although Councillor Macro had been unable to attend the Governance and Ethics Committee he had submitted written comments and those had been taken into consideration. The Social Media Protocol (SMP) was designed to provide guidance for Members on its usage. Inappropriate comments would be considered as potential breaches of the Code of Conduct and it was therefore not necessary to make reference to them in the SMP. On the basis that all the concerns raised had been dealt with he suggested that the decision should not be delayed.

Councillor Bridgman urged all Members to carefully read the expanded definition of what a Councillor was.

Councillor Chopping stated that it was important that Members read the report properly. He suggested that if Councillor Macro had any concerns about the policies that he could raise them at a future Governance and Ethics Committee meeting.

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

### 70. **Proposed Member Induction and Development Programme - 2019/20 (C3632)**

The Council considered a report (Agenda Item 23) which set out the proposed Member Induction and Development Programme for 2019/20 following the forthcoming District Council Election in May 2019.

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**MOTION:** Proposed by Councillor Graham Jones and seconded by Councillor Lee Dillon:  
That:

“The Member Induction and Development Programme for 2019/20 be approved”.

Councillor Dominic Boeck emphasised the importance for new and existing Members to attend the training. He also stated that he had valued the sessions that he had attended and thanked Officers for running and delivering the programme.

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

### 71. **2019/20 West Berkshire Council Timetable of Public Meetings (C3658)**

The Council considered a report (Agenda Item 24) which set out the proposed timetable of public meetings for the 2019/20 Municipal Year.

**MOTION:** Proposed by Councillor Graham Jones and seconded by Councillor Lee Dillon:  
That:

“the timetable of public meetings for the 2019/20 Municipal Year be approved”.

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

### 72. **Sustainable Drainage Systems (SuDS) Supplementary Planning Document (SPD) (C3660)**

The Council considered a report (Agenda Item 25) which set out the representations received in response to the consultation on the Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD) undertaken between 11 June and 23 July 2018, the ensuing representations and sought approval to adopt the SuDS SPD as attached in Appendix D.

**MOTION:** Proposed by Councillor Hilary Cole and seconded by Councillor Jeanette Clifford:

That:

1. “the SuDS SPD be adopted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. it be noted that as no new information or evidence arose through the consultation no major changes be made to the SuDS SPD.
3. the Council responses to the representations received as set out in Appendix C be agreed.
4. Authority be delegated to the Head of Development and Planning to agree any minor typographical and formatting refinements to the SuDS SPD before publication.”

Councillor Hilary Cole stated that Members would be aware that the District had been affected by flooding in recent years. In the case of the 2007 floods in Newbury and Thatcham, the source was rainfall which overwhelmed drainage systems. SuDS acted as sponges, storing rainfall and releasing it slowly, controlling the volume and speed of rainwater which ran off paved areas. This delayed the amount of water reaching rivers, which helped to manage flooding to downstream properties.

The document set out a framework for good quality SuDS. The document provided guidance to help developers, consultants and planning officers choose the right SuDS for sites in West Berkshire. It also explained the process of planning and designing SuDS

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and outlined standards for West Berkshire, as well as supporting and signposting Government and industry SuDS standards.

A public consultation exercise had been undertaken in June and July. Eighteen comments had been received and they were all supportive and included some suggestions for enhancing clarity where it was appropriate to do so.

Councillor Hilary Cole thanked Officers, especially Stuart Clark and Laila Bassett, for all the work they had done to bring this report before Council for adoption.

Councillor Alan Macro stated that his group was in favour of the proposal. Their concerns related to the ongoing maintenance of minor sites. Where there was a turnover of residents the collective memory behind the reasons for the SuDS might be lost. He had raised his concerns as part of the consultation but his proposals had been rejected.

Councillor Jeanette Clifford commented that the SuDS systems were beautiful in their design. They would save money but would also create areas to play in and would be homes for all manner of life. They provided an ambitious, visionary, long term, cost effective solution. This was a stupendous piece of work and she wanted to join Councillor Cole in congratulating the officers involved. She also wanted to thank Councillor Cole for guiding officers through this piece of work.

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

### 73. Notices of Motion

The Council considered the under-mentioned Motion (Agenda item 26a) submitted in the name of Councillor Lynne Doherty relating to ongoing government funding for nursery schools.

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

**MOTION:** Proposed by Councillor Lynne Doherty and seconded by Councillor Jeanette Clifford:

*“That this Council adds its voice to the All Party Parliamentary Group for Nursery Schools, Nursery and Reception Classes and our own MP Richard Benyon to call on the Government to take action to ensure nursery schools are financially sustainable for the future when the current supplementary funding ends in England in March 2020.”*

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

The Council considered the under-mentioned Urgent Motion (Agenda item 26b) submitted in the name of Councillor Lee Dillon relating to the Court of Appeal decision in the case of Faraday Development Ltd –v- West Berkshire Council.

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

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

*“In the light of the recent Court of Appeal decision in the case of Faraday Development Ltd –v- West Berkshire Council, the Council agree to hold an independent inquiry starting with the decision making process that led to a development agreement being signed which the Court of Appeal has now declared to be ineffective due to a failure by the Council to fully comply with relevant procurement legislation and to formally consult with the Opposition before deciding to appeal the decision moving forwards.”*

During the discussion of this item Councillor Emma Webster proposed that in accordance with paragraph 4.9.12 (i) of the Constitution, Members vote to allow continuation of the meeting past 10.00pm. The proposal was seconded and unanimously agreed.

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

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**74. Members' Questions**

- (a) A question standing in the name of Councillor Alan Macro on the subject of the use of the Newbury Football Ground was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture.
- (b) A question standing in the name of Councillor Lee Dillon on the subject of grant funding for the Corn Exchange was answered by the Portfolio Holder for Health and Wellbeing, Leisure and Culture.

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

*(The meeting commenced at 7.00pm and closed at 10.04pm)*

**CHAIRMAN** .....

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