#### 632.5 PLANNING

#### (a) Planning Applications

APPLICATION NO:

15/01334/HOUSE

APPLICANT LOCATION Beenham Lodge Cods Hill, Beenham

PROPOSAL

Demolition of entry/stepped access to upper level and replacement with new porch way for entry to ground floor of residence. New

driveway crossover retaining existing at bottom of site for

agricultural purpose.

**DECISION** 

Support.

### (b) WBC Planning - Case Officer Reports:

None

### 632.6 <u>DISTRICT COUNCILLOR MR DOMINIC BOECK</u>

District Councillor Mr Dominic Boeck was welcomed to the Council by the Chairman Councillor Mr T. Renouf. District Councillor Mr Dominic Boeck then presented his report which is attached to these minutes. District Councillor Mr Dominic Boeck invited questions and was asked for an update with respect to any future budget cuts for mental health services for under 16yrs. It was reported that this area was outside of his Executive portfolio and that he would investigate. An update on superfast broadband was also provided.

### 632.7 STATEMENTS AND QUESTIONS FROM THE PUBLIC

- (a) The council were asked to comment upon alleged remarks made by a Parish Councillor at the last Parish Council meeting which could be considered slanderous in relation to the Angel Inn. The Chairman Councillor Mr T. Renouf advised that this was the first time that the council had been made aware of this concern. Not all members were present / available and consequently it could not respond tonight. The council would want to investigate and report back. It was agreed that a meeting to progress this matter would be arranged.
- (b) The council were informed of an overgrown hedge / tree on Woolhampton Hill near the former Falmouth Arms.

### 632.8 CORRESPONDENCE RECEIVED

The Chairman Councillor Mr T. Renouf noted the list of correspondence received by the Clerk since the last meeting held on the 16th June 2015.

## 632.9 STATION ROAD SEWERAGE ISSUES

The Clerk had circulated with the agenda paper the latest correspondence from Thames Water. Following a discussion the Chairman Mr T. Renouf advised that he had been in contact with WBC Planners to advise them that Thames Water have confirmed that the sewerage treatment works serving the village is not sufficient / lacked capacity and currently improvements to correct this were not a priority for them. He advised WBC Planners that this was a concern, particularly given, the potential for an additional 25 new houses being built in the village in the future.

Steve Brady, C/O 9 The Hampdens, Glendale Avenue, Wash Common, Newbury, Berkshire, RG14 6TN. Tel: 07795631353 woolhamptonparishCouncil@hotmail.com



30 June 2015 at 17:31

I've copied to you the email I sent to Tony on Friday 26 June stating the agreed outcome of our meeting on Thursday 25 June.

Please can you explain why you did not confirm this in email as promised? Was this an oversight?

If you have any additions or amendments to this record, please can you send them in reply.

Specifically, I refer that:

You felt a claim of 'collusion' between Cllr Lovell and the member of the public would be overstating any case, as any relationship between the two is commonplace, you are not aware whether the member of the public has any political affiliation, you did not hear the subject of their conversation when they left the Hall to confer immediately prior to the start of the meeting, and did not see any hand gestures or other communication between the two during the meeting.

You described the member of the public as the 'second-most easy-going' parishioner, and commented I must have done "something to upset him" for him to behave so unusually. I noted the political nature of the comment, and described when I canvassed him during the recent local election campaign.

I accepted this does not comprise sufficient evidence of 'collusion', however questions remain about how the matter continues to be handled.

You described the fact that Tony is not on 'speaking terms' with several of his neighbours because of Thames Water issues. We agreed this isn't helped by his often authoritarian manner.

We discussed the relevant matter of the new Transparency Code for local councils. I noted a potential offer from a young local documentary filmmaker to record a 'year in the life' of the village, and asked you to gauge support for this.

I noted Tony asked me to tell the Landlord at the Angel that WBC consider the bus-shelter issue closed, and I met with the Landlord on Thursday 18<sup>th</sup> June at about 2pm. The meeting lasted approx. 5-6 minutes.

I informed the Landlord that the matter was closed, whereupon questioning I reported the discussion held at the WPC meeting on Tuesday 16<sup>th</sup> June and suggested he take legal advice on any further action.

I explained to the Landlord the 'potentially libellous' comment made by Cllr Lovell in the WPC meeting may stem from a general suspicion of on-going criminal activity of this sort on the premises, and suggested he should implement an anti-drugs policy.

We discussed several conversations between parish councillors on the subject, and you stated

you had witnessed a criminal transaction at the location which you had not reported to the Police.

The Landlord visited you on Saturday 20<sup>th</sup> June, and you had a conversation with him. You felt the reaction you experienced from him was unacceptable, which is why you'd asked to meet with me to ask about my conversation with him.

You asked how my meeting with the Landlord ended.

You described Cllr Hale's contributions to the parish and stated the 'only reason' he wished to remain on WPC is to represent the village on AWE LLC. I expressed willingness to accommodate, but stressed my unhappiness with the lack of report or any detailed response to questions at the meeting.

We both agreed that it had been a satisfactory meeting and you would write an email to Tony to this effect, copied to me, confirming a record of our conversation.

Have I missed anything?

Please can you tell me when you met with Tony to discuss the above conversation?

Please can you provide a record of the content of the conversation you had together?

Thanks in advance,

James



# Meetings

To: James Spackman <

30 June 2015 at 19:35

Cc: Tony Renouf <

James, thanks for the mail; please note my email address of me on.

as the one to contact

James I have to say I'm not a big fan of long winded emails and having read yours suggest you, I and Tony should sit down when he returns from Holiday to resolve this if it will be of benefit.

I will say however I fail to see where you are going with this and honestly think you are showing a complete lack of judgement, maturity, and credibility

call me on

to discuss or pop by the shop.

Elliot Wright

Begin forwarded message:

From: Rosamund Wright

Date: 30 June 2015 6:31:25 pm BST

Subject: Fwd: Meetings

Sent from my iPhone

Begin forwarded message:

From: James Spackman

Date: 30 June 2015 17:31:31 BST

To: Elliott Wright

Cc: Tony Renouf <

Subject: Meetings



# Meetings

Tony Renouf <

2 July 2015 at 16:19

To: James Spackman Cc: "elliot.wright23" <

**James** 

In order for me to be able to respond when I return next week I would be grateful if you could forward the email you say you sent me on June 26th and a copy of the email in which I asked you to talk to the manager of the Angel about the bus shelter.

Tony

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James Spackman < 3 July 2015 at 14:00 To: Elliot Cc: Tony Renouf Elliot. Thanks for replying. I don't understand. Why did you tell Tony any of that? It is the complete opposite of what we agreed and that's why you promised to confirm by email. Please can you explain? James Spackman > On 1 Jul 2015, at 06:03, Elliot · wrote: > James I told Tony that: > 1) You thought Jack had planned together to attack you before the meeting. > 2. That you thought worked' for Jack. > 3. You had been asked by Tony to talk to the Angel regarding the Bus Shelter and you took it upon himself to confer with them a conversation he had with Jack about them at the Douai fun day; in which you told them it was a den of iniquity etc.

> Points 1&2 I had hoped I'd clarified and put you right on. I didn't discuss anything else with Tony.

> > > Elliot Wright > >

>> On 30 Jun 2015, at 9:35 pm, James Spackman < wrote wrote

>> Elliot

>> I provided a written account of our meeting from the notes I made because Tony has threatened me on the basis of wholly inaccurate information received from the meeting with you at which you reported our conversation.

>> I would like to know whether you reported an accurate account of our conversation, or whether he is depending on unsubstantiated reports to further some personal agenda.

>> Do I take it you agree with the written account I provided?

>>

>>

>> James Spackman



# **Meetings**

Elliot

3 July 2015 at 15:54

To: James Spackman

Cc: Tony Renouf

James As I said I'm not prepared to have an email debate about this but sit down with you and discuss or phone

what I said to Tony is what you said to me...unless in my old age I've become completely deaf and stupid which in your various emails you're basically accusing me of.

Elliot Wright [Quoted text hidden]



# **Meetings**

Tony Renouf <

5 July 2015 at 16:59

To: James Spackman <

Cc: Elliot <

**James** 

I am now back and am disappointed, although not surprised, that you haven't sent me the two emails I have asked for on 2nd July.

Just to remind you, I asked for a copy of the email you told Elliot you had sent me on 26th June and the email from me asking you to talk to the Angel on behalf of the PC.

Tony

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Tony	Renouf	<	>

James Spackman
To: Tony Renouf

11 July 2015 at 08:18

Tony,

Please excuse the delay in replying, I don't think it is helpful to make any unnecessary assumptions.

Here is a copy of the email I sent you, to which you responded, and which caused you to visit Elliot whereupon he inaccurately reported the conversation I had had with him.

On 25/06/2015, James Spackman

Dear Tony,

Please accept my apology for not responding immediately.

I've had chats with Steve and Elliot, and I accept I may have been knocked off balance by the nature and strength of the comment for the member of the public, and that this had an effect on my judgement for the rest of the meeting and subsequently.

I'm glad that we now have an open channel of communication and look forward to working productively on using the website and village survey to productively engage the community.

As a new parish councillor you will be aware of my inexperience and I hope I may count on your guidance to ensure future disruption of this sort can be avoided.

Best wishes

The second email is more mysterious.

James Spackman

The best way for you to check what you've sent is to look in the outbox on your email server. If you feel I've not received something you wish to refer to, I'd appreciate it if you could resend it.

However I've not indicated you did send such an email, you've indicated you did not, and it would have been both inappropriate and out of character for you to initiate communication like this, so it is a vexing question why you would make such a strange request.

Has somebody else mentioned this phantom email in another conversation you are having?

In the meantime, can I ask you to address the serious concerns I have raised with you?

If you feel unable for whatever reason, please could you confirm that the next step would be for you to contact the Monitoring Officer at West Berkshire Council?

If you would like me to provide a fresh list for reference I will endeavour to oblige.

Thanks in advance James Spackman [Quoted text hidden]



## Meetings

Tony Renouf <

11 July 2015 at 10:26

To: James Spackman < Cc: "elliot.wright23" <

James

Your email to Elliot on 30 June (copied to me) says "I've copied to you the email I sent Tony on Friday 26 June stating the agreed outcome of our meeting on Thursday 25 June." Clearly the email you have resent is not the one you are referring to.

On the second email there is no mystery. For you to claim, in the same email to Elliot, that I had asked you to speak with the landlord of the Angel, could only have been as a result of an email from me as I haven't spoken to you since the last meeting. Perhaps you misremembered.

I am happy to contact the Monitoring Officer - what do you want me to say to him?



Tony Renouf <	-

Tony Renouf ◀

11 July 2015 at 13:06

To: James Spackman Cc: "elliot.wright23"

**James** 

I did not tell you at the end of the meeting to tell the Angel that WBC considers the matter closed since I was not sure that was still true as you had raised the possibility that they were negotiating on a non-reflecting roof. I was able to inform you that WBC's officer had confirmed that their position had not changed in my email to you of 17 June - it was not a request for you to talk to the Angel and couldn't possibly be construed as such.

I take it that you wish to make a complaint to the Monitoring Officer. It is your responsibility as the complainant to contact him after which he, or the investigator, will no doubt wish to speak to me. [Quoted text hidden]



## Meetings

James Spackman To: Tony Renouf

12 July 2015 at 16:34

Tony,

If you feel I provided to the Angel an inaccurate report of the content of the email as you explained it, please will you forward a copy of that email so that any inaccuracies may be cleared up.

I'm glad you now say you didn't make any improper request to inform the landlord, however I'd like to express a fresh concern about your contradictory reasoning on this. You certainly did offer improper permission iterating your correspondence that I "may inform the Angel that WBC considers the matter closed" and you haven't explained how the facts at that point are changed by any subsequent action by the landlord.

I'm unsure why you think a complaint is in order or how to do this, as I have yet to receive a copy of the adopted code of conduct or any form of induction. This is despite the next meeting being the 12th since joining and having made several requests over this period and being reassured by yourself that any important information would be provided.

I am grateful for your advice on this as other matters, particularly as it is an area you specialise in, but if you are unwilling to give it please can you make sure you have provided all relevant documents.

Can you also confirm that all councillors have completed induction, and what this involves?

Thanks in advance James Spackman



# **Meetings**

Tony Renouf <

13 July 2015 at 18:06

To: James Spackman Cc: "elliot.wright23" <

**James** 

I don't think what you say you said to the landlord was inaccurate. Just that I didn't ask you to say it.

In order for me to attempt to answer the second paragraph, assuming it contains a question, can you please rewrite it in a less convoluted form that I understand.

All questions on procedure need to be addressed to the Proper Officer.



-			
Tony	Renouf		
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Tony Renouf ■

14 July 2015 at 10:38

To: James Spackman

Cc: Elliot

**James** 

Whilst accepting that this email is addressed to Elliot you have chosen to copy me in.

I can confirm that he told me precisely what he has told you. Any additional information I have is from you and has been revealed as a result of your inability to know when enough is enough. You need to stop asking irrelevant and impertinent questions about a private conversation I had with Elliot.

In my opinion, which I am ready to share with the Council, you are unfit to represent it and that you have jeopardised any future you may have thought you had as a Woolhampton Parish Councillor.

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## Meetings

James Spackman
To: Tony Renouf

15 July 2015 at 09:36

Tony,

I have not questioned the accuracy of Elliot's report of his conversation with you, I have shown you that what he told you was untrue. He has not explained the discrepancy.

As I understand it, although you have not provided relevant documents as advised, and I therefore don't know what provisions it contains for recourse, this is clearly contrary to the seven Nolan principles and constitutes a breach of standards on his part.

I also understand that conversations between representatives about council matters are covered by the code, are therefore not private, and I, as anyone, have a reasonable expectation to receive accurate and timely answers, particularly when I am the subject.

I suggest it would be appropriate for you to consider suspending Elliot as Vice Chair while you consider whether the code of conduct requires you to file a complaint against him.

I have also raised a number of pertinent concerns about your stewardship of the council, to which you have not responded.

Thank you for your opinion, may I urge your next response is in accordance with normal guidance.

In light of the nature of the matter I consider such remarks amount to threats, contributing to the overall perception that the parish council is used as a political forum.

Please will you send me - by the end of the day - a copy of the adopted Code of Conduct so I may discover what obligations I am under?

Thank you in advance James Spackman [Quoted text hidden]

## (no subject)

Steve Brady <

22 July 2015 at 12:56

To: "Tony Renouf (

Cc: "stephenpaulbrady@

Hi Tony

I have done a little bit of research.

James has stated that the alleged defamatory statement was not made at a parish council meeting but in a private discussion with JL at Douai. Whilst both JL and JS are Councillors they are also members of the public. From what I have read, (I have not spoken to DH at WBC yet) I think the following things need to be established:

- 1. Was the alleged remark made
- 2. Who made it
- Where was it made
- 4. In what capacity was it made (Councillor or public)
- 5. In front of who can it be verified?
- 6. Who 'publically' reported it?
- 7. In what capacity (Councillor or public) is this a matter for the Parish Council or is it a private matter
- 8. Who did they report it to
- 9. Does this person have the right of address to slander

Having ascertained this, the following 'general' rules apply to a Parish Council / Councillors:

Can a local council be liable for making a defamatory statement?

A local council may be liable as a publisher of libel in any of the following cases if:

- it directly authorises the making of a defamatory statement (e.g. in the words of a resolution reproduced in its minutes); Did not
- it authorises a member or instructs an officer to write a letter etc in terms which are defamatory; Did not
- a member or an officer is given general authority to express the council's views on a matter and does so in defamatory terms; and Did not the council has not expressed a view
- a council cannot, in itself, be liable for slander, since acts which constitute slander can only be carried out by living persons. Thus the making of a slanderous remark by a councillor at a council meeting will result only in personal liability on the councillor Did not. However a slanderous statement by a council employee, acting in the course of his employment, will make the employing council liable.

#### **Two Main Defences**

## **Qualified Privilege**

The defence of qualified privilege can arise from statute or in common law. Pursuant to schedule 1 of Defamation Act 1996, fair and accurate reports of proceedings at a public meeting of a local authority (which includes local councils) have qualified privilege without explanation or contradiction. This means it is not possible to sue for defamation unless it can be proved that the statement was made with improper motive or malice. In the case of reports of local authority proceedings anyone who considers he has been defamed has a right to have the newspaper publish his explanation or contradiction.

At common law, the defence will apply where a person making a defamatory statement has an interest or a legal, social or moral duty to make it to the person to who it is made, and the latter has a corresponding interest or duty to receive it. Qualified privilege will normally attach also to statements (both written and oral) made by local councillors or council staff in the course of their official duties, and for the purposes of council business, provided that the statements are made in good faith and without any improper motive. Qualified privilege can only be destroyed if the defendant is proved to have been actuated by spite or ill-will. So long as a person believes in the truth of what he says and is not reckless, malice cannot be inferred from the fact that his belief is unreasonable, prejudiced or unfair. A leading case on the defence of qualified privilege (which arose out of remarks made by an alderman of Bolton corporation at a council meeting) is Horrocks v Lowe [1974] 1 AER 662. The facts are of no particular relevance to this Note, but the following words of Lord Diplock in this Court of Appeal case are worth reproducing in full - My Lords, what is said by members of a local council at meetings of the council or of any of its committees is spoken on a privileged occasion. The reason for the privilege is that those who represent the local government electors should be able to speak freely and frankly, boldly and bluntly, on any matter when they believe affects the interests or welfare of the inhabitants. They may be swayed by strong political prejudice, they may be obstinate and pig-headed, stupid and obtuse; they were chosen by the electors to speak their minds on matters of local concern and so long as

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they do so honestly they run no risk of liability for defamation of those who are the subjects of their criticism." The words can also be applied to written communications sent by a local council in the course of official business.

### Fair comment

This defence differs from qualified privilege in that (a) it is available to anyone, whether or not he has a duty or interest to communicate to another person and (b) it only applies to expressions of opinion, not to statements of fact. The essentials of the defence are that the expression of opinion in question relates to a matter of public interest, is based on facts which are truly stated and is a fair and honestly held comment on those facts.

A comment is fair if it is one a person could honestly make it on the facts in question, however prejudiced or obstinate he may be. Examples of matters of public interest are: decisions of magistrates, speeches and attitudes of politicians, court proceedings and the proceedings of public bodies (including local authorities).

The defence of fair comment is primarily of use to journalists and others who report on public affairs.

## Implications for local councils

Local councils, councillors and council staff will be able to take advantage of the appropriate defence(s) if threatened with a defamation action. In particular, those of qualified privilege and fair comment will often be relevant. However, care should always be taken not to make statements which might be defamatory; if in doubt, they should consult with NALC before taking any action. The same care should be exercised before publishing statements made by others, e.g. by reading out letters from parishioners at council meetings or reproducing complaints etc verbatim in the minutes of a meeting. Where potentially defamatory matter needs to be reported or recorded then so far as possible only the gist of it should be included in report or minute, so as to exclude publication of defamatory matter.

A distinction must be drawn between statements etc. made by councillors in their public and private capacities. A defamatory statement made in a private capacity may not attract any of the defences specified above, especially that of qualified privilege.

#### Insurance

Pursuant to Article 6(3) of the Local Authorities (Indemnities for Members and Officers) Order 2004 (SI.3082), a council is now able to provide indemnity to members and officers in order to allow them to defend a defamation action. An indemnity cannot be provided for the

3 of 4 21/01/2017 13:27

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# **Court Proceedings**

If court action in respect of defamation is threatened, the parties to the claim will need to comply with "Pre-Action Protocol for Defamation" published by the Ministry of Justice. The protocol forms part of the Civil Procedure Rules and can be accessed via the MoJ's website: http://www.justice.gov.uk/

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## (no subject)

Tony Renouf

22 July 2015 at 13:34

To: Steve Brady

Cc: "stephenpaulbrady@

ı" <stephenpaulbrady@

Ye gods!

In his 30th June email to Elliot, copied to me, he says

"I explained to the Landlord the 'potentially libellous' comment made by Cllr Lovell in the WPC meeting may stem from a general suspicion of on-going criminal activity of this sort on the premises, and suggested he should implement an anti-drugs policy".

Whether he heard the remark at Douai, as Elliot says, or in the council meeting which he claimed in his email makes little difference. He clearly told the landlord it was in the meeting. As to whether the remark was actually ever made to him anywhere must be open to doubt. ie is he just making trouble for Jack?

He continued to insist that he only met the landlord at my request, although on the matter of the shelter.

## Regards

Tony

On 22/07/2015, Steve Brady > > Hi Tony > I have done a little bit of research. > James has stated that the alleged defamatory statement was not made at a > parish council meeting but in a private discussion with JL at Douai. Whilst > both JL and JS are Councillors they are also members of the public. From > what I have read, (I have not spoken to DH at WBC yet) Nhink the following > things need to be established: > > > 1. Was the alleged remark made Who made it > 2. > 3. Where was it made

21/01/2017 16:18

## (no subject)

Steve Brady < To: Tony Renout

22 July 2015 at 14:21

Hi Tony,

This email is confusing? Who is the 'he' in point 2?

On 1 Jul 2015, at 06:03, Elliot wrote:

James I told Tony that:

- 1) You thought Jack had planned together to attack you before the meeting.
- 2. That you thought worked' for Jack.
- 3. You had been asked by Tony to talk to the Angel regarding the Bus Shelter and you took it upon himself to confer with them a conversation he had with Jack about them at the Douai fun day; in which you told them it was a den of iniquity etc.

Points 1&2 I had hoped I'd clarified and put you right on. I didn't discuss anything else with Tony.

#### Elliot Wright

- > https://protect-eu.mimecast.com/redirect/eNpVzLEOwjAMBNB\_8VxcqQiGTiB-o
- > 0vrWiFA6shxGiHEv-OV8U7v7gN5JhjhdjxfhxN0oByibN5kFWOyA1dMMTHNxZAkOaFaTBI
- > rycp\_U8rmuRjvjIvO6\_tSZGflGDYUDVifrnJcYRw6qPpyfDfL49RPfWsNH34ciTHI7nbq4fsDGvs0pQ
- >
- >
- >



	Tony Renouf		
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# (no subject)

Tony Renouf

22 July 2015 at 15:16

To: Steve Brady <

Steve

Do you mean point 3? It is confusing agree. having reread it I would say Elliot meant was

". . . you took it upon YOURSELF to confer with them a conversation YOU had . . . . "

Just badly written!
[Quoted text hidden]



Tony Renouf	-4	
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IOIIY IZGIIOGI		

# (no subject)

Tony Renouf

23 July 2015 at 15:28

To: "Steve.brady"

Steve

You are right - as always! I finally had a light bulb moment!

Even if Jack did say what James alleges, which I am sure he will deny, then we are confident it didn't happen in the PC meeting. Therefore, as you have said, it is strictly nothing to do with the PC. By raising the matter with the Angel landlord James has just as likely slandered Jack but in any case it is between them. What is clear is that James has brought the Council into disrepute.

Regards Tony [Quoted text hidden]



#### 632.5 PLANNING

#### (a) Planning Applications

APPLICATION NO: 15/01334/HOUSE APPLICANT Beenham Lodge

LOCATION Cods Hill, Beenham
PROPOSAL Demolition of entry

Demolition of entry/stepped access to upper level and replacement with new porch way for entry to ground floor of residence. New driveway crossover retaining existing at bottom of site for

agricultural purpose.

DECISION Support.

(b) WBC Planning - Case Officer Reports:

None

### 632.6 <u>DISTRICT COUNCILLOR MR DOMINIC BOECK</u>

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## 632.7 STATEMENTS AND QUESTIONS FROM THE PUBLIC

- (a) The council were asked to comment upon alleged remarks made by a Parish Councillor at the last Parish Council meeting which could be considered slanderous in relation to the Angel Inn. The Chairman Councillor Mr T. Renouf advised that this was the first time that the council had been made aware of this concern. Not all members were present / available and consequently it could not respond tonight. The council would want to investigate and report back. It was agreed that a meeting to progress this matter would be arranged.
- (b) The council were informed of an overgrown hedge / tree on Woolhampton Hill near the former Falmouth Arms.

### 632.8 CORRESPONDENCE RECEIVED

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### 632.9 STATION ROAD SEWERAGE ISSUES

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Steve Brady, C/O 9 The Hampdens, Glendale Avenue, Wash Common, Newbury, Berkshire, RG14 6TN. Tel: 07795631353 woolhamptonparishCouncil@hotmail.com