

COUNCIL

MINUTES OF THE MEETING HELD ON

26 SEPTEMBER 2006

Councillors: Brian Bedwell (*Chairman*) (P), Barbara Alexander (P), Peter Argyle (P), Pamela Bale (P), Trevor Banning (A), Phil Barnett (P), (P), J.C.G. Brooks (P), Paul Bryant (P), Val Bull (P), George Chandler (P), John Chapman (P), Keith Chopping (P), Billy Drummond (P), Sheila Ellison (P), Sue Farrant (P), John Farrin (P), Geoff Findlay (P), Marcus Franks (P), Kathleen French (P), Denise Gaines (P), Manohar Gopal (P), Sally Hannon (P), Sandra Harding (AP), Roger Hunneman (P), Owen Jeffery (P), Graham Jones (P), Andrew Kilgour (P), Tony Linden (P), Keith Lock (P), Mollie Lock (P), Royce Longton (P), Gordon Lundie (P), Alan Macro (P), Tim Metcalfe (P), James Mole (P), Joe Mooney (AP), Irene Neill (P), Graham Pask (AP), Alexander Payton (P), Terry Port (P), Paul Pritchard (P), Mike Rodger (Vice-Chairman) (P), Andrew Rowles (P), Anthony Stansfeld (P), Caroline Suggett (P), Julian Swift-Hook (P), Tony Vickers (P), Quentin Webb (P) , Chris Webber (P), Emma Webster (P), Keith Woodhams (AP), Laszlo Zverko (AP).

SOPHIE HARDING.

Members held a minute silence in memory of Sophie Harding, the daughter of Councillor Sandra Harding, who recently passed away.

PART I

1. APOLOGIES.

Apologies for inability to attend the meetings were submitted on behalf of Councillors Sandra Harding, Jo Mooney, Graham Pask and Laslo Zverko.

2. MINUTES.

RESOLVED that the Minutes of the Annual and Extraordinary meetings held on 2 May 2006 and Extraordinary meeting held on 27 July 2006 be approved and signed by the Chairman as a true and correct records.

3. DECLARATIONS OF INTEREST.

Councillors Shelia Ellison, Tony Linden and Keith Woodhams declared personal interests in relation to Item 8 by virtue of having various policies with Standard Life.

4. CHAIRMAN'S REMARKS.

The Chairman reported that since the last meeting he had attended a number of events. Two in particular stood out and there were:

- (i) Attended the licensing and induction Paul Cowen, the new vicar of St George's, Wash Common on 7 September 2006.
- (ii) Attended the Mayor of Thatcham's "Just a Minute" charity fundraising event on 8 September 2006.

5. PETITIONS.

Councillors Roger Hunneman and John Farrin presented a petition each in relation to the under-mentioned issues.

- (a) **Newbury Racecourse planning application** – 354 signatures objecting to the proposals. The petition was referred to the Head of Planning and

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Transport Strategy for submission as part of the planning application to Western Area Planning Committee.

- (b) **Sandbrook Walk, Burghfield** – 63 signatures requesting the Council to adopt and maintain the section of road known as Sandbrook Walk, Burghfield. This petition was referred to the Safer, Stronger, Sustainable Communities Policy Development Commission.

6. OVERVIEW AND SCRUTINY COMMISSION.

The Chairman of the Overview and Scrutiny Commission presented the minutes of the meetings of the Commission held on 16 May, 27 June and 8 August 2006.

7. LICENSING COMMITTEE.

The Council noted that the Licensing Committee had met on 25 July 2006.

8. PROPOSED COMPULSORY PURCHASE OF LAND AT PARK WAY, NEWBURY.

(Note: Councillors Shelia Ellison, Tony Linden and Keith Woodhams declared personal interests in relation to Item 8 by virtue of having various policies with Standard Life.)

The Council considered a report (agenda item 8 refers) detailing the circumstances which necessitated and justified the use of compulsory purchase powers by the Council in order to assemble land to achieve the comprehensive redevelopment of land in Newbury bound by Park Street to the north, Northbrook Street to the West, Park Way to the east and by Woolworths and the Camp Hopson Building to the South (“the Site”).

The report recommended that the Council agree that a Compulsory Purchase Order (“CPO”) be made in respect of all interests being within the land the boundary of which was shown edged red and coloured pink in respect of acquisition of land and edged red and coloured blue in respect of acquisition of rights over land on the map displayed at the meeting and entitled “Map referred to in The West Berkshire District Council (Land at Park Way and Northbrook Street, Newbury) Compulsory Purchase Order 2006” and any other interests within the land outlined on the Map that were deemed necessary to be acquired for the scheme by Officers.

Subject to completion of the S106 Agreement, the Council and Developer entering into a CPO Indemnity Agreement and subsequent grant of planning permission it is considered prudent at this stage (prior to planning permission being granted) to start the CPO process to run alongside Standard Life Assurance Company’s continuing attempts to acquire interests through negotiation so as to ensure an end date when all interests will be acquired and therefore ensure implementation of the scheme

In introducing the report Councillor Emma Webster reported that she wished to amend opening paragraph of the recommendation by deleting the words “entering into a CPO Indemnity Agreement with the Developer” as this had been achieved since the report had been distributed to Members.

MOTION: proposed by Councillor Emma Webster and seconded by Councillor Graham Jones:

“That having given consideration to all the provisions of this report including those matters relating to the Human Rights Act 1998 contained in paragraph 11 of this report this Council subject to the Council entering into a CPO Indemnity Agreement with the Developer and the issuing of planning permission for the scheme resolves to:

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- 1.1 make a compulsory purchase order under Sections 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 in respect of all that area of land shown edged red being the acquisition of land coloured pink and acquisition of new rights over the land coloured blue on the map displayed at the meeting and entitled "Map referred to in The West Berkshire District Council (Land at Park Way and Northbrook Street, Newbury) Compulsory Purchase Order 2006" ("the Map")
- 1.2 that in respect of the land included in the Order where appropriate the Council makes either a general vesting declaration or general vesting declarations under Section 1 of the Compulsory Purchase (Vesting Declarations) Act 1981 or serves notices to treat under Section 5 of the Compulsory Purchase Act 1965
- 1.3 give authority to dispense with individual service of notices in respect of those areas of land where despite full enquiry ownership remains in doubt and to delegate to the Head of Legal and Electoral Services authority to serve notices in relation thereto in the manner set out in Section 6(4) of the Acquisition of land Act 1981.
- 1.4 authorise, within the boundary of the CPO shown on the Map, the Head of Legal and Electoral Services to:
 - acquire land and/or new rights compulsorily;
 - acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
 - enter into agreements and make undertakings on behalf of the Council with the holders of interests in the land subject to the CPO or parties otherwise affected by the proposed scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO

The Leader of the Liberal Democrat Group thanked those Members on the Task Group for their hard work but felt that the planning application considered by the Western Area Planning Committee on 21 September 2006 should have, in his opinion, been referred to full Council so that all Members could be part of the process. He also reported that his Group were unhappy about the reduction in affordable housing associated with the development and the lack of information generally. For this reason, the Liberal Democrat Group would abstain from voting on this issue.

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

(Note: All Members of the Liberal Democrat Group abstained from voting on this issue)

9. NOTICE OF MOTION – FAIRTRADE.

The Council considered the under-mentioned Motion (Agenda Item 9) submitted in the name of Councillor Royce Longton relating to Fairtrade.

MOTION - proposed by Councillor Royce Longton and seconded by Councillor Denise Gaines:

"West Berkshire Council

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Supports the principles of Fairtrade, recognises its responsibility as a public body to promote those principles locally, supports Newbury Town Council in seeking to achieve Fairtrade status for the Town and resolves to:

1. Collaborate with other Councils and organisations in West Berkshire in working towards Fairtrade status for the District.
2. Offer Members, Officers and visitors a choice of Fairtrade tea and coffee in the workplace and at all meetings.
3. Use its purchasing power and procurement strategy to source Fairtrade products wherever possible in line with Government “Best Value” guidelines.
4. Work with suppliers and contractors, and with traders and other local organisations, to raise awareness of the ethical issues involved in purchasing decisions and to encourage them to source from Fairtrade suppliers wherever practical.
5. Promote awareness of the Fairtrade scheme throughout the District, for example through the local media, in our Libraries and in West Berkshire News.
6. Appoint a small, time-limited Member/Officer Task Group to carry forward the Fairtrade agenda as outlined above, and to establish a Local Fairtrade Steering Group to ensure continued commitment to Fairtrade principles throughout the District.

Councillor Longton reported that he wished to amend his Motion as follows:

1. Replace the word “town” with “district” in the introductory paragraph.
2. Delete the words “a choice of” from point 2.
3. Replace the word “possible” with “practical” in point 3.

In relation to item 6 above, it was agreed that the Task Group should be appointed and the work progressed through the Safer, Stronger, Sustainable Communities Policy Development Commission.

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

10. NOTICE OF MOTION – ADOPTION OF HIGHWAYS.

The Council considered the under-mentioned Motion (Agenda Item 9) submitted in the name of Councillor Royce Longton relating to need for the Council to adopt a number of highways.

MOTION - proposed by Councillor Royce Longton and seconded by Councillor Tony Vickers.

“This Council notes:

That there are a number of instances in West Berkshire where ownership of sections of highway within housing developments, and thus responsibility for maintenance, was retained by development companies that have since gone into liquidation,

And that the resulting lack of maintenance is causing severe inconvenience to local residents who bought their properties on the understanding that maintenance would be funded and carried out by the developer as necessary.

This Council therefore resolves to seek formally, when approached by residential groups or petitioned, to adopt such sections of highway so that the necessary

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maintenance can be carried out when required at no cost to the residents concerned”.

In accordance with Council Rules of Procedure 4.5.8, it was agreed that this Motion would be referred direct to the Safer, Stronger, Sustainable Communities Policy Development Commission for consideration.

That the decision to refer the Motion to the Safer, Stronger, Sustainable Communities Policy Development Commission be **APPROVED**.

11. NOTICE OF MOTION – CODE OF CONDUCT.

The Council considered the under-mentioned Motion (Agenda Item 9) submitted in the name of Councillor Gordon Lundie relating to the Code of Conduct.

MOTION - proposed by Councillor Gordon Lundie and seconded by Councillor Anthony Stansfeld.

“This Council regrets the lack of government action to remodel the system governing standards and declarations of interests in local government, including the failure to date to implement its own modest proposals made in December 2005. Consequently the Council resolves to write to the Department for Communities and Local Government making clear this Council’s view that:

1. The future remodelling of the system should see the complete abolition of the discredited Standards Board.
2. The Code of Conduct for Local Government councillors should be locally determined rather than centrally imposed and that investigations of breaches of this local code should be the responsibility of local Standards Committees. Whilst these committees would retain the power of censure, the ultimate sanction of the removal of an elected democratic representative should only result from a court-managed legal process.
3. That this code should return to the clear principle that councillors should declare an interest on matters which specifically involve or affect:
 - a) themselves
 - b) close family members
 - c) personal friends
 - d) The financial interests of Councillors, or their families and friends
4. Furthermore, over-zealous attempts to stretch the code to prevent Members from participating in items where they merely have a degree of expertise, or a history of campaigning should be resisted as anti-democratic.

The Council also resolves that this motion should be brought to the attention of the Council’s Standards Committee.”

Councillor Lock, with the consent of the mover, proposed an amendment to the Motion by deleting paragraph 2 and replacing with the following:

“The Code of Conduct for Local Government Councillors should have national guidelines to ensure consistency but investigation of breaches of this Code should be the responsibility of the local Standards Committee”.

It was also agreed that the Motion should be referred to the Standards Committee, Local Government Association and other Berkshire Local Authorities seeking support for the Motion.

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

12. NOTICE OF MOTION – CLIMATE CHANGE.

The Council considered the under-mentioned Motion (Agenda Item 9) submitted in the name of Councillor Geoff Findlay relating to Climate Change.

MOTION - proposed by Councillor Geoff Findlay and seconded by Councillor Royce Longton.

“Recognising the vital need to conserve dwindling reserves of fossil fuels, and to combat climate change by reducing carbon dioxide emissions both globally and locally, this Council has adopted in its Local Development Framework challenging policies designed to reduce the carbon footprint of all new development within West Berkshire. The Council now resolves to develop a comprehensive Climate Change Strategy to inform all aspects of its activities by setting up a Cross Party Working Group to determine the Strategy and bring it back to Council for approval. The Working Group should consider how this strategy can be implemented across West Berkshire in partnership with the Local Strategic Partnership and other organisations, and how to harness local schools and other educational establishments in promoting the Strategy within the community.

Meanwhile, the Council resolves to demonstrate its commitment to effective action by signing the Nottingham Declaration on Climate Change.”

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

13. MEMBERS’ QUESTIONS.

- (a) A question standing in the name of Councillor Keith Woodhams on the subject of the new guidance associated with speed limits was answered by the Executive Member for Planning and Highways.
- (b) A question standing in the name of Councillor Sue Farrant on the subject of a sound recording system for the Council Chamber was answered by the Executive Member for ICT, Equalities and the Visions.
- (c) A question standing in the name of Councillor Phil Barnett on the subject of the Housing Scheme associated with the Fir Tree Lane Teachers Centre was answered by the Executive Member for Housing.
- (d) A question standing in the name of Councillor Jeff Brooks on the subject of the Parkway Scheme was answered by the Leader of the Council.

(The meeting commenced at 7.00pm and closed at 8.45pm).

CHAIRMAN

Date