

# Questions and Answers

**Executive**  
**Thursday 30 April 2020**

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# **Executive Meeting**

## **30 April 2020**

Questions and Answers



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

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**(a) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr Graham Storey:**

*“How many social housing units for rent have been added to West Berks housing stock in the last 5 years?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“Between April 2010 to March 2015, 336 social housing units were delivered with an average of 127 units of social housing each year thereafter.”

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**(b) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr Graham Storey:**

*“Does the Council believe that the number of houses it has added to the local housing stock meets the needs of low-income residents in West Berkshire?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“West Berkshire Council do not own general needs housing stock however, the number of houses added to the local housing stock does meet the needs of low-income residents in the district because we enable delivery through our robust planning policy; that requires 40% affordable housing on greenfield sites of which, 70% are social rent and 30% are shared ownership.

By working with our developers and Registered Providers we have continued to be successful in enabling new build affordable housing at social rent which is significantly lower than affordable and market rent. As a result we are able to meet the needs of our local residents who are on a low income in West Berkshire.”

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**(c) Question submitted to the Portfolio Holder for Economic Development and Planning by Ms Helen Wright:**

*“The current published West Berkshire Housing Strategy expired in 2015 – what are the targets and plans for adding social housing for rent currently in place?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“West Berkshire Council’s target and plans for adding social housing for rent will continue on the basis of delivering planning policy which is 40% affordable housing on greenfield sites and 30% on brownfield sites, and 70% of this will be for social rent.

We will continue to seek affordable units on small sites as this approach continues to be successful.

Other plans will include utilising other delivery vehicles such as the Joint Venture to add social housing and partnership working with our Registered Providers to develop and deliver more social housing for rent in the district.”

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**(d) Question submitted to the Portfolio Holder for Internal Governance by Mr John Gotelee:**

*“Please could I have a copy of the redacted development contract between St Modwyn and West Berks Council regarding the London Road Industrial Estate?”*

**The Portfolio Holder for Internal Governance provided the following written response:**

The redacted document was sent to Mr Gotelee.

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**(e) Question submitted to the Portfolio Holder for Internal Governance by Mr John Gotelee:**

*“Please would you give me a list of the members in the steering group tasked with the job of taking regeneration of the London Road Industrial Estate forward?”*

**The Portfolio Holder for Internal Governance provided the following written response:**

“The Members are Councillor Hilary Cole, Councillor Howard Woollaston and Councillor Lee Dillon.”

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**(f) Question submitted to the Portfolio Holder for Finance by Mr Paul Morgan:**

*“Can you please provide the details (and a URL link) that shows how much of the S106 funds (£10.6 million -as of January 2020 – see attached) have been allocated and how much is still available in each of the specific categories such as Community Facilities; Open Space; Health Care Provision etc?”*

**The Portfolio Holder for Finance provided the following written response:**

“The information you have requested is outlined in the table below:”

<b>Service</b>	<b>Total S106 Available as at Jan 2020</b>	<b>Total S106 Available as at April 2020</b>	<b>Total S106 Allocated in capital programme as at April 2020</b>	<b>As yet un allocated</b>
Education	£4 million	£2.3 million	£2.1 million	£0.2 million
Highways	£3.1 million	£2.6 million	£3.9 million	£0
Housing	£1.6 million	£1.8 million		£0
Countryside	£1 million	£1 million	£1 million	£0
Health Care	£0.4 million	£0.4 million		£0.4 million
Planning	£0.1 million	£0.1 million		£0.1 million
Public Facilities	£0.1 million	£0.1 million		£0.1 million
Libraries	£0.1 million	£0		£0.1 million
Adult Social Care	£0.1 million	£0.1 million		£0.1 million
Ecology	£0	£0		£0
Waste Management	£0	£0		£0
Crime Prevention	£0	£0		£0
Public Protection	£0	£0		£0
Children's Services	£0	£0		£0
Fire & Rescue	£0	£0		£0
Other	£0	£0		£0
	<b>£10.6 million</b>	<b>£8.4 million</b>	<b>£7 million</b>	<b>£1.4 million</b>

Figures may not sum due to rounding. Information correct as at 23/04/2020

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**(g) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr John Stewart:**

*“Regarding the recently published Housing and Economic Land Availability Assessment (HELAA), Appendix 4 Assessment of Sites, London Road Industrial Estate (code NEW1) section 2b Suitability, please can the Council explain why the football ground in Faraday Road (which is an Asset of Community Value and has existed since 1963) is not mentioned or defined as public open space, local green space, presents no loss of Green Infrastructure and is not a heritage asset, at odds with the Open Spaces Act, the Town and Country Act, the West Berkshire District Local Plan, the National Planning Policy Framework and Core Policies CS18?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“NEW 1 London Road Industrial Estate covers the whole estate (9ha) of which the football ground is just a part.

The football ground in Faraday Road is not public open space. As far as planning policy officers are aware, it was never available for the public to use (it was always locked up when there wasn't a match), apart from watching games.

It is not a Local Green Space (LGS) either. These can only be designated in Local Plans or Neighbourhood Plans. LGS designations are a new concept created after the adoption of the Core Strategy (2012). (The only LGSs in West Berkshire are designated in the Stratfield Mortimer NDP 2017.)

The redevelopment of the site as part of NEW1 would however present a loss of green infrastructure on this site. This factual inaccuracy for part of NEW1 was an unfortunate oversight/error by planning policy officers.

We have been notified of other factual errors in the HELAA and we will publish an updated HELAA in the autumn (2020) correcting these. In that updated version, we will expand on the information regarding green infrastructure and include comments about what re-provision would be envisaged in line with existing policy.

An ACV is not automatically a heritage asset - indeed neither design and conservation officers nor archaeology officers mentioned it in any of their comments when consulted on HELAA sites. The designation of as an ACV gives the community the opportunity to bid on the ACV when the asset is being sold by the owner, it does not prevent the owner from proposing alternative uses for the site, which is what the HELAA is concerned with.”

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**(h) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr Alan Pearce:**

*“Could Councillor Cole please provide a document redacted if necessary listing the suitable and available alternative sites available in respect of Newspaper House she referred to at 13th February Executive meeting?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“There is no specific list other than the Core Strategy identified housing sites, suitable sites already within defined settlements, and those which may emerge through the current HELAA process. That list is available on the Council’s website and includes specific reference to LRIE as I suggested in response to your question in February.”

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**(i) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr Alan Pearce:**

*“In the Council’s planning officers professional opinion did the Newspaper House planning application 19/01281/OUTMAJ which went before the Western Area Planning Committee on 5th February meet the requirements of the council’s sustainable drainage planning policy?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“The Lead Local Flood Authority (LLFA) were a statutory consultee on this application and provided advice on the suitability of the proposed sustainable drainage system taking into consideration the requirements of Policy CS16 from the Council’s Core Strategy. In their initial comments, the LLFA sought further information regarding the proposals from the applicant and their consultant. However, following the submission of additional information, the LLFA indicated that they were satisfied with the proposals subject to a condition being attached to the planning permission requiring further details. Based on this advice, the planning officer concluded that the management of sustainable drainage was satisfactory.”

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**(j) Question submitted to the Portfolio Holder for Economic Development and Planning by Mr Alan Pearce:**

*“Did the chairman of the planning meeting on Wednesday 5th February at the time the Newspaper House planning application 19/01281/OUTMAJ was being debated specifically request that a Council drainage officer attend the meeting?”*

**The Portfolio Holder for Economic Development and Planning provided the following written response:**

“In advance of the meeting the Chairman did make that request. The drainage officer was unavailable due to a prior engagement that he could not break. However, a Briefing Note on the application was sent to the planning officer which confirmed that all technical drainage issues were in hand but not enough information had been submitted in respect of the safe access and egress route (in the event of a flood). This position was clear from the Planning Officer’s report and presentation, and the Committee were clearly satisfied that they had enough information to be able to make an informed decision without the attendance of the drainage officer.”



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**(k) Question submitted to the Portfolio Holder for Transport and Countryside by Mrs Jane Gulliver:**

*“Has the council agreed with the Environment Agency that the Northbrook stream at the bottom of my garden is classed as a Critical watercourse?”*

**The Portfolio Holder for Transport and Countryside provided the following written response:**

“There is no official designation of a Critical watercourse, however, the council is acutely aware of the flood risk sensitivity associated with this watercourse and the importance of ensuring it is maintained in good condition. The council are working in partnership with the Environment Agency and have submitted a grant application to investigate potential improvement works downstream. We are currently waiting to hear back if the grant submission has been successful.”

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**(l) Question submitted to the Portfolio Holder for Transport and Countryside by Mrs Jane Gulliver:**

*“In order to dredge the section of the Northbrook stream situated on my land will the council as the local drainage authority grant me legal permission to dredge it back to approximately 75 centimetres deeper as it was 15 years ago this is apart from my responsibilities as a riparian owner to maintain the banks and bed of the watercourse?”*

**The Portfolio Holder for Transport and Countryside provided the following written response:**

“Under the Flood and Water Management Act 2010, West Berkshire Council (as the Lead Local Flood Authority) is the consenting authority for proposed works within an ordinary watercourse, which requires consent under section 23 of the Land Drainage Act 1991. Consent must be granted before any works are undertaken.

There is a general presumption against refusal unless the works will cause an increase in flood risk at the location of the works or elsewhere, or if the works would have an adverse impact on ecology and biodiversity or water quality. Therefore, the increased turbidity caused by dredging over a relatively short distance may be a reason for refusal.

Isolated dredging is often not the best long term or economic solution compared with other straight-forward measures such as weed clearance and the removal of debris or fallen trees that cause an obstruction to the flow of water.

Riparian owners are not normally held responsible for the natural accumulation of sediment in the bed of a watercourse.

Before an ordinary watercourse application is made, I would always advise contacting Council Officers to discuss options.”

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

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**(a) Question submitted to the Portfolio Holder for Public Health and Community Wellbeing by Councillor Steve Masters:**

*“At the Executive meeting on 13<sup>th</sup> February 2020 in response to a question from a member of the public the Finance Portfolio Holder stated that the football ground on the London Road Industrial Estate is not Public Open Space in the Open Spaces 1906 act. Can you please advise me what advice was provided and by whom in order to make this assertion?”*

**The Portfolio Holder for Public Health and Community Wellbeing answered:**

“Open public space is defined as an area where the general public can enjoy uninterrupted access for general recreational or sporting purposes. This had never been the case for the old football ground because the ground has always been occupied on a rental lease basis where the occupant could operate an agreed function and the terms of the lease agreement could not be altered without the Council’s permission as a landlord. These facts alone preclude the old football ground from being treated as open public space and this advice was taken from our Planning Strategy Officers.”

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

**Councillor Steve Masters asked the following supplementary question:**

*“Can you confirm from the following list therefore what the categorisation of the football ground at Faraday Road was before its enforced closure in 2018 and what its classification is now, from:*

- *sports and recreational facility;*
- *community facility (the onset of community value for example);*
- *heritage asset;*
- *public open space which you’ve discounted;*
- *local green space;*
- *or green infrastructure”*

**The Portfolio Holder for Public Health and Community Wellbeing answered:**

“It’s not defined as a local green space either, because these spaces can only be designated in local plans or neighbourhood plans. We recognise that it was categorised as an asset of community value, there are rules associated with that which I can go into but I suggest we do that offline. Clearly, it was a Council asset, in terms of land, leased by Newbury Football Club, who put in all the structures and fixings themselves and therefore it was just a leased piece of tenanted land, not open to the public unless invited by Newbury Football Club.

**Councillor Steve Masters asked the following:**

*“Could I just ask for a more clear written answer because that was somewhat ambiguous in the answer?”*

**The Portfolio Holder for Public Health and Community Wellbeing answered:**

“I see no reason why we can't do that”.

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**(b) Question submitted to the Portfolio Holder for Public Health and Wellbeing by Councillor Steve Masters:**

*“When discussing the Playing Pitch Strategy at the Executive meeting on 13<sup>th</sup> February 2020 the Portfolio Holder for Public Health and Community Wellbeing replied to Cllr Abbs stating that ‘It had been necessary to work to a brief which said that Faraday Road was not available.’ Can you please clarify that statement. What is this brief and who are the authors of that brief?”*

**The Portfolio Holder for Public Health and Wellbeing answered:**

“I’m slightly surprised at this question, because the brief that you refer to was published in full by the Executive meeting in December 2019. That report for the December Executive contained a full history of the site going back to 2011. It contained all the chronological updates since that time which have led us to the current situation. So I commend that report to your perusal to get all the details that you need from that.

The February Executive which you refer to presented the Playing Pitch Strategy (PPS), that stated that Sport England were a major partner of the PPS, and highlighted that a key action of the PPS was to set out a means of relocating the single adult sized grass pitch to a new location which was more capable of future expansion and with security of tenure. Addressing this issue was a clear requirement of Sport England when we produced the PPS. Therefore, addressing the relocation had to form part of any brief given to consultants producing the PPS. Hence the statement, Faraday Road was not available.

In summary, the football relocation proposal was a direct result of the commercial requirement, as identified by property consultants working for the Council in 2011, to make available the old football ground as part of any redevelopment of the London Road Industrial Estate. This requirement was further backed up by the proposals put forward by developers at final tender and where the commercial viability of the redevelopment was dependent on inclusion of the football ground”.

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

**Councillor Steve Masters asked the following supplementary question:**

*“What instructions were given to the consultants, I believe Avison Young, and what were their Terms of Reference, will you publish those Terms of Reference please Councillor Jones?”*

**The Portfolio Holder for Public Health and Wellbeing answered:**

“Those Terms of Reference are being published, yes, in full.”

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**(c) Question submitted to the Portfolio Holder for Adult Social Care by Councillor  
Carolyn Culver:**

**Question:**

*“Have social care providers been told that care workers should receive full pay if they need to shield and/or self-isolate?”*

**The Portfolio Holder for Adult Social Care answered:**

“Now I note that this is a question that was raised in absolutely identical terms by Unison in an email that was sent on 16<sup>th</sup> April to, so far as I can tell, all Councillors. Indeed I would comment that your next question is a version of the second question raised by Unison in the same email.

Now, regrettably, Unison don't really know how to draft a question, because first, I don't know if by social care provider you mean the Council, a care provider providing services to the Council, a care provider that doesn't provide services to the Council but is based in West Berkshire, a care provider that doesn't provide care services to the Council and isn't based in West Berkshire but does provide private care services within West Berkshire or any care provider in the country.

Secondly, again commenting on the Unison question, when you say should, are you referring to legislation requiring a social care provider to pay their care workers in full, if they need to shield and/or self-isolate, because if you are, I'm not aware of any legislation over and above the furlough scheme, and the guidance notes that have been issued by the Cabinet Office, wonderfully entitled 'Payments to suppliers for contingent workers impacted by COVID-19'. Neither of those however require care workers to be paid in full in such circumstances, and indeed the Cabinet Office guidelines are not statutory for us or indeed for external providers.

Let me also point out that quite aside from your ability as a Councillor to raise this type of wholly factual question with the Service Director for Adult Social Care at any stage, you could have also emailed me to clarify anything factual you wanted an answer to and I would comment that Councillor Jeffery, who is the Shadow Portfolio Holder, does that with me from time to time so I deal with those questions on a fairly regular basis.

Finally, on this point, let me also point out that along with any other Member, you have the opportunity to raise a Covid related question at our weekly all Member Covid briefings with the Chief Executive and others. Indeed let me remind you, and you'll know this from the minutes even if you weren't actually attending the meeting, Councillor Jeffery did indeed ask this question at the briefing on 16<sup>th</sup> April and I've got the minutes:

Question. Owen Jeffery: 'Would care workers be paid in full if they were in self isolation, and were they aware if this was the case?'

Answer. Graham Bridgman: 'This was the case in the Council's care homes and he believed staff were fully aware of this.' Nick Carter confirmed that staff would be paid in full if they were in self isolation and he made this clear in his emails to staff.

As for other care providers, so not the Council's own staff, we have no statutory role for this type of issue in relation to employees of external companies. In other words, we can't directly tell them what to do as a matter of law. What we can do is support them in these extraordinary times and that's what we're doing. We are listening to any application for enhanced payments by providers but this would not be just for extra staff, it's for other things like PPE for example. We have certainly taken actions to support care providers to manage their current challenges,

so for example we're making provider payments as soon as possible to ease their cash flow and we have a whole scheme in place to assess requests for extra contractual payments resulting from such things as additional agency, temporary staff, travel costs, additional equipment, PPE. Basically, we are listening to providers in respect of anything that might be reasonably assessed as a direct impact of Covid 19".

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

**Councillor Caroline Culver responded as follows:**

*"I just want to say Councillor Bridgman I'm really disappointed by the tone of your response, I've always found you to be an incredibly respectful and conciliatory Member to deal with. As you will know it is my right as a Member to ask questions, and this is a forum in which Members can ask questions and those answers can be heard by the public. So I think that's very important, especially bearing in mind now that the public are not able to attend Executive and ask questions and ask supplementary questions, so I think it's entirely valid for me to ask these questions, not least because the weekly briefings that we have, all of which I've attended, are quite rightly confidential briefings and I am not allowed to go away from those forums and just tell the public things that have been shared with us. So this is my opportunity to ask questions of the Executive so that the public can hear what those answers are. So I would respectfully suggest that in the future I don't receive an answer in such a tone and I'm disappointed by other Members nodding furiously, no doubt at the tone you've taken with me"*

*Councillor Carolyne Culver did not ask a supplementary question.*

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**(d) Question submitted to the Portfolio Holder for Adult Social Care by Councillor  
Carolyne Culver:**

**Question:**

*“Will the Council make a statement reassuring the public that care workers have access to all the PPE they need?”*

**The Portfolio Holder for Adult Social Care answered:**

“The answer to this question, and whilst I think we must all appreciate that things might change, is that I’m happy to state that, so far as our own staff are concerned and so far as the Council has been made aware of by external suppliers, the current answer is yes”.

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

*Councillor Carolyne Culver did not ask a supplementary question.*

**(e) Question submitted to the Portfolio Holder for Transport and Countryside by Councillor Carlyne Culver:**

**Question:**

*“Will you liaise with BBOWT and consider the re-opening of car parks at Greenham and Snelsmore so that residents can take exercise away from the busy areas of central Newbury, like the tow path where people are not socially distancing adequately?”*

**The Portfolio Holder for Transport and Countryside answered:**

“I’ll provide the response that I have, noting that we obviously haven’t seen any news of this evening’s broadcast. The Government has made clear the reasons for which a resident can leave their home during lockdown. Travelling by car to a car park for leisure purposes is not one of them. There is also the additional problem of maintaining social distancing, should such a popular car park be reopened during lockdown. For these reasons the car park will not be reopened at this time since the Council has maintained the stance all throughout the Covid-19 response that it will adhere to the government guidelines. The Council also takes the view that there are sufficient other opportunities for residents to exercise safely during the lockdown without having to breach government guidelines.

With regards specifically to BBOWT, BBOWT have closed a number of car parks because it became more difficult, much more difficult in some cases, to adhere to social distancing guidelines, as these car parks had become so busy during the lockdown. Some sites are so popular that they were bringing visitors in from outside of the district. The National Trust and most wildlife trusts have taken similar action with regards car parks, so the Council and BBOWT are not out of step with similar organisations.

However, we do continue to keep the decision under review with colleagues from BBOWT and continue to review government guidance”.

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

**Councillor Culver asked the following supplementary question:**

*“I understand that this week there were lots of cars parked at Bowdown Woods so I was just wondering why that is the case, and why we can’t do similar at Greenham and Snelsmore? It would seem to be an inconsistent approach.”*

**The Portfolio Holder for Transport and Countryside answered:**

“The honest answer to that is that I wasn’t aware and that is something that I will take up with Officers. If it’s been in social media, I do get shared in to some social media broadcasts that are closed groups, but I get them third or fourth hand so it’s difficult to answer in that specific circumstance. However, if you can leave that with me to look into, I’ll get a response to that and I’m happy to share that with the group of course”.

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**(f) Question submitted to the Portfolio Holder for Environment by Councillor Carlyne Culver:**

**Question:**

*“While the tips are closed, will you consider allowing all residents to use the green garden bin regardless of whether they have paid, and push back the annual payment date commensurate with the amnesty period?”*

**The Portfolio Holder for Environment answered:**

“As we were discussing earlier, you know we’ve had to temporarily close our household waste recycling centres, and again I do hope that this question will have a very short life of validity because we will have reopened those centres.

However in the meantime, I’m happy to say that our kerbside garden waste service has continued to operate and, unlike many other councils, we have been able to do that and that service is used by a very large number of residents in the district. We don’t have any plans to allow other people who take the decision not to use that to start using it for free for several reasons. The main one is, right at this time, this would quite inevitably open up a torrent of complaints from those residents who have paid for the service asking for refunds and complaining why did somebody get this for free and me not, and, at the current time, Council staff really do not need an increased volume of calls and the level of aggravation as again, as we’re all aware, we are in the middle of an emergency. Moreover, this giveaway that has been suggested would actually have the effect of pushing out a lot of money indiscriminately to residents across the district, whereas surely the correct progressive approach is to focus Council resources on people who need it. So we have no plans to do this, and we advise residents who are unwilling to pay for a subscription or who are unable to pay for a subscription to either compost green waste at home or leave cuttings at a suitable corner of their gardens, and again as and when recycling centres are open they will be able to take them there”.

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

*Councillor Carlyne Culver did not ask a supplementary question.*

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