

Questions and Answers

Executive

Thursday, 2nd September, 2021

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

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Members Questions to the Executive 2nd September 2021

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| Item (a) | Executive Meeting on 2 September 2021 |
| Submitted to: | Bill Bagnell/Jon Winstanley |

(a) Question submitted to the Portfolio Holder for Economic Development by Councillor Adrian Abbs:

“What are the additional costs, given the fire at Faraday Road, as contractors have needed to secure and make safe the area?”

The Portfolio Holder for Economic Development answered:

Costs associated with the demolition contractor have not risen beyond the price originally tendered for the works. There are ancillary costs associated with the fire and added emergency security:

Firstly, extra heras fencing cost of £1.2K associated with site security immediately post the fire.

Secondly, additional material sampling post-fire to check for asbestos prior to emergency demolition which was £400. The test, happily, proved negative.

Thirdly a £6K loss associated with fire damaged and destroyed metal sheeting which had used to secure the building prior to the fire.

It is intended to recover cost items 2 & 3 from the Council's self-insure policy. Item 1 is not recoverable.

The Portfolio Holder 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 Adrian Abbs asked the following supplementary question:

My supplementary was going to be about seeking compensation. My understanding was that the lock had been left off the door and therefore surely we would be seeking compensation from the person that left the lock off.

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The Portfolio Holder for Economic Development answered:

I think you may be referring to a previous incident; I'm not sure it's possible to say if at the time of the fire the lock was off the door but we'll consider your comments and investigate them.

Councillor Doherty also noted that as this matter is still subject to a criminal investigation, there are limits to the details that can be shared at this time as well.

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| Item (b) | Executive Meeting on 2 September 2021 |
| Submitted to: | Sean Murphy |

(b) Question submitted to the Portfolio Holder for Housing, Strategic Partnerships and Transformation by Councillor Phil Barnett:

“Drones have become part of society during the past few years. They come in various shapes and sizes and although of great benefit in surveillance, the noise generated by some and intrusion above properties have not gone unnoticed recently during the weekends of Newbury races. Therefore, can the Executive Member for Highways and the Environment establish whether these drones were operating legally and whether there is any mechanism in place for residents to report incidents such as those that have happened during these recent events.”

The Portfolio Holder for Housing, Strategic Partnerships and Transformation answered:

Safe drone use is regulated by the Civilian Aviation Authority (CAA) [Air Navigation Order 2016](#). The new Drone Code is available to download at <http://dronesafe.uk/>. Advice includes registration, assessing use around height, congestion, intrusion and collision risks.

Where the Public Protection Service receives complaints of this nature, the complainants are referred to the CAA whereby they are able to submit a concern or complaint to them.

Where there are intrusion or privacy concerns, complainants should contact the police using the 101 number, and are directed to so do.

For noise related complaints, Local Authorities have powers to take action, where justified, under the Anti-social Behaviour, Crime and Policing Act 2014. To count as anti-social behaviour, that behaviour has to have a detrimental effect on the quality of life of those in the locality; be of a persistent or continuing nature; and be unreasonable. This excludes annoyance.

The threshold for Statutory (noise) Nuisance would not be too dissimilar, insofar as there would need to be both an unreasonable use of noisy drones and that such noise prevents an individual's normal use of their own property.

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To date, the Council has received 1 unsubstantiated noise complaint (November 2020) of this nature linked with Newbury race-course. The Council does not hold information submitted to either the CAA or the Police.

I'm sorry that was a lengthy response Councillor but I hope it gave you the answer that you need.

The Portfolio Holder 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 Phil Barnett asked the following supplementary question:

I think it's very useful information that you've fed to me and the community at large, the only thing that concerns me a little bit, and I will try and get some advice if I can; when it's a case of a drone above and somebody is feeling that it could be snooping on them, or keeping an eye on what's going on and some people could well be suspicious, even actually notifying these various bodies, by the time they've taken action it could be the case that the drone has disappeared so I think that's the only concern I would have is that instant response. It's perhaps food for thought I would say Councillor Cole.

The Portfolio Holder for Housing, Strategic Partnerships and Transformation answered:

Thank you Councillor Barnett. I share your concerns because some years ago a neighbour of mine had a drone which caused no end of issues and I've raised the point to the chief constables address to the council about three years ago and he was absolutely non-plussed as to what could be done with regard to drones. I know this legislation is now in place but I think it's very difficult because, as you say, they are there one minute and then they disappear, so unless there's somebody actually around to deploy something to disable the drones it's a difficult one to police.

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| Item (c) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jenny Graham |

(c) Question submitted to the Portfolio Holder for Planning and Transport by Councillor Martha Vickers:

“What were the reasons behind taking the contract for the Council's Car Club away from Co-Wheels?”

The Portfolio Holder for Planning and Transport answered:

The Council has not taken the contract for the car club away from Co-Wheels.

The contract with Co-Wheels for the operation of the car club in Newbury (supported by the Council) came to an end earlier in the year. It had run for the initial 3 year term and the Council, in agreement with Co-Wheels, had implemented the 2 year extension option allowed for within the contract. No further extension of the contract term was permissible.

In accordance with the Council's Contract Rules of Procedure (Part 11.5.2) a Request for Quotation was sent out seeking at least three quotes. Quotations were received and evaluated following a robust evaluation process. The Award Criteria were 50% technical or quality, 10% social value and 40% cost. We treated all bidders equally and without discrimination and acted in a transparent and proportionate manner. The Quotation which scored the most number of points following the application of the Evaluation Criteria was successful. Co Wheels did not receive the most number of points and therefore the new contract was not awarded to them.

Co-Wheels have informed us that they are not withdrawing their operation from Newbury and that they will still be present with 2 vehicles in the town and running car club services. This is excellent news and means that, along with Enterprise (the operator who scored most highly), there are two operators for residents and businesses to choose from when they are seeking to join and use a car club.

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| Item (d) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jenny Graham |

(d) Question submitted to the Portfolio Holder for Planning and Transport by Councillor Tony Vickers:

“How much money has been collected from developers since the start of the Newbury Car Club and how much of that was unallocated at the time the Council changed its service provider from Co-wheels to Enterprise this month?”

The Portfolio Holder for Planning and Transport answered:

Thank you Councillor Vickers for your question. For clarity for members and residents watching, we have agreed that I will answer a slightly different question which I believe is what you were meaning to ask and we've had that conversation with our officers. That is:

“How much money has been collected from developers in relation to the Newbury Car Club since it started and how much of that was unallocated at the time the Council changed its service provider from Co-wheels to Enterprise in August this year?”

The amount collected by the Council from developers in relation to the Car Club is £22,880.42. This is since the start of the Car Club in January 2016.

The funding is allocated to the residents' use of the car club from particular developments where we have collected the money. To date none of this money has been passed on to a car club operator because the developments are either yet to be occupied or the current occupants have not made use of the car club as of yet. The funding remains allocated for the purposes as set out in the legal agreements.

Contributions connected with development have been sought from and secured through the Section 106 process in relation to the car club. Contributions are only sought in very specific circumstances. An example of which is the conversion of the first or second storeys above a retail premises to a small number of residential units where it is not possible to provide the required level of parking within the plot but where it is considered to be an appropriate use of the building. The amount of funding requested relates to providing free membership to occupants of the development and some free hours of driving credit in order to help establish habits in use of the car club.

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For larger developments, such as the Market Street redevelopment, the provision of car club services for new occupants of the site is written into their Travel Plan and a commitment given of a certain level of service to operate over a prescribed length of time.

Whilst a number of contributions and commitments to car clubs have been secured through the planning process, a limited number of developments have been built or triggers passed for the collection of any relevant Section 106 funding. That is the reason for the figure I have given not being higher.

The Portfolio Holder 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 Tony Vickers asked the following supplementary question:

As the person who, I like to claim, got the car club idea going in Newbury, I follow it closely. I was a bit surprised that this change of contract happened without member involvement and so I haven't seen the papers. What I hope to get out of the supplementary, and you've hinted at it through the detail in the contract, which I haven't seen; what are we obliged to do with the money that we collect from the developers? I understand it's not very much so far and why that is, but I was concerned that we had, in effect, got some money as a kind of dowry, which will end up being to the benefit of the new contractor. So, is this to pay for the cost of providing dedicated car club spaces? (Councillor Doherty interjected that the supplementary was just one question and asked Councillor Somner to answer the question of what the council's obligations were in terms of what is done with the money)

The Portfolio Holder for Planning and Transport answered:

In all truth I'm not able to answer that in any more detail than I've given you already. I think noting Councillor Vickers' end question it might be useful to have an offline conversation with you to have all of those questions and go through the process that's been followed. I'm content with the process that's been followed and I'm content that money that's been allocated for future use will go to the right place. I don't think anyone is going to lose out on this unfairly.

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| Item (e) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley |

(e) Question submitted to the Portfolio Holder for Planning and Transport by Councillor Jeremy Cottam:

“Can the portfolio holder provide details of West Berkshire Council’s highways maintenance programme and policy for cutting back over grown shrubs and trees on urban roads e.g. Floral Way, Thatcham?”

The Portfolio Holder for Planning and Transport answered:

Thank you Councillor Cottam. I suppose my initial thought looking at this is it could have been dealt with via our *report a problem* site.

Specifically in relation to Floral Way most of the cycleway/footpath here is cut by this council. The grounds maintenance Contract provides for 2 flail cuts per year, and early cut, and a late cut avoiding the main bird breeding season. Thatcham Town council are responsible for cutting back this route on land under their control.

As regards urban roads generally the adjacent landowner is responsible for keeping vegetation clear and where vegetation encroaches the council’s highway officers will contact landowners and ask them to keep the routes free of vegetation.

The Portfolio Holder 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 Jeremy Cottam asked the following supplementary question:

The land is that adjacent to the road, Floral Way, and within the fencing of that area so it’s adjacent exactly on to the road. I would assume, please tell me if I’m incorrect, that this our land. I’m talking about the area to the East of the road, not the cycleway, but the actual road itself and I have raised this point because the shrubs and suchlike on Floral Way were already beginning to overgrow and infringe on the road and after a couple of contacts it was eventually done but it is now happening again. What I’m asking about is does this council have a programme of preventative maintenance with concern for the road safety of cyclists and motorists? (Councillor Doherty asked Councillor Cottam to clarify his supplementary question) I’m asking, do we have a programme of preventative maintenance of shrubbery that infringes on the road causing road safety issues?

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The Portfolio Holder for Planning and Transport answered:

I think I've already answered that in saying that the grounds maintenance cuts twice a year. If the suggestion is that the cutting back is not harsh enough, then I'm happy for that to be something the officers take up with the contractors.

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| Item (f) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(f) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Alan Macro:

“Has any consultation been undertaken regarding the effectiveness and popularity of the booking system at our two HWRCs OUTSIDE of the centres themselves?”

The Portfolio Holder for Environment and Waste answered:

Thank you Councillor Macro for your question.

We have conducted two on-site surveys since the booking system was introduced in May 2020. The first survey was done in July 2020 and the second one in June 2021 i.e. this summer. No survey has been undertaken outside of the two HWRCs, however we do receive some resident feedback ad hoc about the booking system via our social media channels.

The surveys were conducted on-site with actual site visitors who mostly had experience of using the sites before and after the introduction of the booking system. It's worth noting that only resident that had access to vehicles and actually used the booking system can reasonably be asked to give an informed opinion about any use.

This is consistent with the approach taken with our annual HWRC customer satisfaction surveys which are typically conducted on-site around the same time of the year, so that results can be suitably compared against preceding years' information to look for any trends. It is common practice for local authorities to conduct HWRC customer surveys on the sites because it involves engaging with the relevant audience.

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

Councillor Alan Macro asked the following supplementary question:

In the normal course of events I can understand that, in this case, if somebody had difficulty making a booking or couldn't get a booking, they wouldn't actually be surveyed and they, I would imagine, wouldn't be terribly happy. So would you not

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accept there should have been a more general consultation before this system was made permanent?

The Portfolio Holder for Environment and Waste answered:

I think you're implying there Councillor Macro that there are people who have not been able to get booking or access to the HWRCs because of the booking system. Frankly I refute that and I welcome anyone with evidence of anyone you know who has had a problem and as you do know we have a telephone customer contact centre who is able to handle and arrange bookings for people who do not have internet access. But again, the relevant people who have used the booking service to access the HWRCs have been surveyed and the response we've had to surveys to date has been overwhelmingly positive. Over 87% of people want to keep the booking system, it avoids queuing, it avoids unnecessary extra visits to the HWRC and overall it gives a better experience to the residents and for the local environment in particular other road users. Thank you.

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| Item (g) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(g) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Royce Longton:

“How do people make a booking to visit our HWRCs if they do not have Internet access?”

The Portfolio Holder for Environment and Waste answered:

The majority of residents have been using the online system to book slots before visiting the HWRCs. Bookings are reasonably easy to make and can be done on a variety of devices including laptops, tablets and smartphones. A small number of residents who may not have access to the internet can and have been phoning the Council's Customer Services team for assistance with bookings. Alternatively, residents without access to internet can use the public computers available to do this booking.

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| Item (h) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(h) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Erik Pattenden:

“What decision path was taken in deciding to maintain the HWRC’s booking system and restrict residents to one visit per week until the change to the once per week restriction was lifted recently?”

The Portfolio Holder for Environment and Waste answered:

Thank you for your question.

The decision to introduce the HWRC booking system was taken following discussions at GOLD and SILVER meetings during spring 2020. This was after the whole country went into lockdown and prevailing guidance was that people should avoid all but essential journeys. Since then, the booking system has helped the Council to deliver the HWRC services in a safe and efficient manner for both residents and site staff.

Until recently, residents have been limited to only a single booking per week to ensure that as many residents as possible had a fair chance of getting a booking within a reasonable period of time. This is because the amount of available bookings had to be suitably constrained to allow suitable social distancing on-site. The booking system has been overwhelmingly popular among site users and this has been borne out by the two on-site customer surveys we have undertaken about the booking system.

The use of the booking system has been kept under continuous review by the Council’s waste management team and the contractor. Many aspects of the booking system use including regulation of the number of slots available at specific times are operational matters which are informed by events on the ground and the duty to provide a safe service. The recent removal of the restriction of one single visit per week restriction was implemented by the waste team, following an assessment of the evolving government guidance and after obtaining feedback from the waste contractor and key internal stakeholders.

It is proposed that the situation on the ground is monitored every few weeks before a progress review report is presented to Council about the effects of removing the single visit. I should add that I personally welcome this relaxation and do acknowledge that

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previously a small proportion of residents would have been inconvenienced by the need to ration their visits.

It is important to state that the pandemic situation is changeable and if the situation evolves we may need to reinstate these, but I am very confident that this will not be necessary.

The Portfolio Holder 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 Erik Pattenden asked the following supplementary question:

My Lib Dem Councillor colleagues have been lobbying a lot and putting pressure on the Executive to relax the once a week visit, but there doesn't seem to have been much of a press announcement or publicity to the general public. Is that something you could publicise more widely?

The Portfolio Holder for Environment and Waste answered:

We have advised the public of this change, I am confident that residents who do wish to use the HWRCs more than once per week have taken the opportunity, so I don't feel any need right now to further advertise this change. People who need that relaxation have taken advantage of it.

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| Item (i) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(i) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Owen Jeffery:

“Why have the HWRCs not extended their hours this spring and summer as they have done for many, many years?”

The Portfolio Holder for Environment and Waste answered:

Thank you for your question Councillor Jeffrey.

The Council took the decision in spring 2020 to amend the HWRC opening hours at both the Padworth and Newtown Road facility to 9am – 6pm every day of the week, apart from Thursdays when the Newtown Road site can open for a longer period and close at 8 pm during the “summer” months (i.e. April to September) when there is more growth in people’s gardens. This change represented an overall increase in HWRC access for residents across the district.*

It has not been feasible to operate the extended summer opening hours i.e. till 8pm on Thursdays at the Newtown Road facility during the pandemic period. This has mainly been due to staff availability constraints. Some frontline contractor staff have had to go into “shielding” or self-isolation at various points during the pandemic period and our contractor has had to use available staff in the most efficient manner. It has been a very challenging period try to maintain frontline waste services and you will be aware that the Council and many other local authorities across the country have had to suspend various frontline waste services including selected kerbside collections during the pandemic.

I very much hope that as the pandemic situation becomes progressively better and eases in the coming months, we would be able to implement the extended summer opening hours at the Newtown Road facility.

The Portfolio Holder 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 Owen Jeffery asked the following supplementary question:

Please will you give a commitment that you will restore the hours to what they were if not more, as soon as it becomes practicable? I absolutely accept the issue that there are staff that have not been able to be at work because of Covid and pinging and all

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the rest of it, but I would like to hear that you are giving a commitment to go back to the longer hours and if at all possible to go to even longer hours at the HWRCs.

The Portfolio Holder for Environment and Waste answered:

Thank you Councillor Jeffrey for that very good point. I'm not comfortable to give a cast-iron commitment or guarantee here in this meeting. I'm certainly keen to do that, and I do agree with you that it would be a very good thing if we can. So I will consult with officers and as soon as this can be done, we will do so.

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| Item (j) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(j) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Lee Dillon:

“Why is it considered to be unfair on other users if a resident visits the HWRCs more than once a week?”

The Portfolio Holder for Environment and Waste answered:

Thank you for your question Councillor Dillon.

Like many local authorities in the country, the Council has had to constrain the number of visits during the pandemic so that suitable social distancing could be maintained on site in the interest of health and safety for both visitors and site staff.

The reduced availability of slots meant that we needed to implement an approach which could give as many residents as possible the opportunity to secure bookings within a reasonable period of time. The restriction of one visit per week was introduced for this reason by this Council and many other local authorities. That restriction has been recently removed. The waste team is constantly monitoring traffic flows through the site and has recently increased the number of slots available.

It is worth mentioning that many English councils including our neighbours in [Hampshire](#), and [Reading, Wokingham and Bracknell Forest](#) continue to keep the restriction on their sites of one HWRC visit per week for their residents. Again, we will continue to review this and will relax as far as possible in the coming weeks.

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

Councillor Lee Dillon asked the following supplementary question:

You've made reference in some of your previous remarks to residents having to justify additional visits, yet it's their council tax that pays for this service. So, if you are going to restrict it, there is actually a cut in service and so we would implore you to keep the HWRCs open for as many visits as a resident may need. We're not to determine what they are doing that particular week in their life, which neighbours and which community members they are supporting and why they would require more visits. So, please refrain from any further reductions unless, obviously, operationally for Covid it's absolutely required.

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The Portfolio Holder for Recycling answered:

Thank you Councillor Dillon. I slightly resent the implication that you think we are rationing out something which residents own. Of course all services which the Council provides are funded by residents and I totally concur with you that we should always treat our residents as our customers. The simple fact is that regardless of Covid, access to a fixed site with a fixed number of vehicle bays along a road is always going to be constricted and there is always a trade-off between the convenience to somebody being able to travel as many times as they wish vs the convenience and safety of road users because many of their neighbours are queuing. So it's not an unfair imposition to place on residents as you suggest, again, I likewise want to make this as convenient and accessible a service as possible. Thank you.

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| Item (k) | Executive Meeting on 2 September 2021 |
| Submitted to: | Katharine Makant / Flo Churchill |

(k) Question submitted to the Portfolio Holder for Finance and Economic Development by Councillor Jeff Brooks:

“What communications have taken place with Vodaphone regarding Vodaphone’s retrenchment of their office space at their Head Quarters?”

The Portfolio Holder for Finance and Economic Development answered:

The Economic Development Team is in contact with Vodafone regarding the use of office space at their Headquarters in Newbury. We are aware that the site is currently open with reduced capacity and that Vodafone employees are being supported as they return to the office. We will keep these communication channels open as we monitor the short, medium and long term effects of the pandemic on West Berkshire’s major employers and the local economy.

The Portfolio Holder 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 Jeff Brooks asked the following supplementary question:

Thank you for that. You mention the Economic Team, I’d really urge you personally, the Leader, our new Chief Executive, the interim Chief Executive to have good lines of communication with Vodaphone, meet with them regularly as our largest employer. An enormous company in our midst, and all I hear is our Economic Development Team meet with them; we should have much better communication with them and much better understanding of their ambitions and their intentions going forward. I don’t see that happening. Could you get that up your priority list please Sir?

The Portfolio Holder for Finance and Economic Development answered:

I rather think that’s an unfair characterisation of the reality of our engagement with our major employers. It’s quite proper for our Economic Development officers to take the lead communicating with our larger businesses and for members to take an involvement if and when necessary. Further than that I might add that any commercial enterprise that engages in full and open communications with the council are expected

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to enjoy a degree of confidentiality for those discussions as well until such time as public disclosure is appropriate and I would intend to hold to that principle.



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| Item (I) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(I) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Adrian Abbs:

“Wiltshire Council has confirmed that the booking system for its HWRCs ended on 19 July and, from this date, people are now able to visit a site without booking in advance – why then is the Portfolio Holder for Waste intent on maintaining it here, as people were used to tending to their garden and then heading to the HWRC immediately, but his booking system is a barrier to doing so and is thus more likely to lead to fly tipping or burning of waste?”

The Portfolio Holder for Environment and Waste answered:

Thank you Councillor Abbs.

The booking system has helped us to provide a safe and efficient service in recent months. It has been good for the environment and it is making a small contribution towards the reduction of carbon emissions and improved local air quality, particularly leading up to Newtown Road. On-site queuing and vehicle idling has been minimised. At the Newton Road facility there hasn't been the backing up of site traffic onto the A339 which at times was a safety hazard to motorists during busy times such as bank holidays.

We have not seen any evidence that the booking system is stopping people from recycling their waste. Bookings continue to be available at both sites for residents within a few days of checking. Available data shows that between May and July of this year, 96% of available appointments were booked at the Newton Road site and 93% of available appointments were booked at the Padworth site.

Whilst people have been doing fewer site visits, they have been using their visits more efficiently to bring more waste. Our data shows that visit efficiency (measured using tonnage of waste delivered per visit) has actually increased by 52% between June 2020 and March 2021.

Likewise, there is also no evidence linking the introduction of booking systems with fly-tipping or burning of waste. Fly-tipping incidents increased across the country during the pandemic. Most fly-tipping is undertaken by rogue traders who do not want to use licensed facilities so they can avoid making required gate fees. Fly-tipping is a crime and decent law-abiding citizens do not fly-tip.

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I cannot comment on the specifics of Wiltshire County Council you have referred to in your question because I do not have enough information about their local situation. What I do know is that many other councils around the country (including our neighbours in Hampshire and Reading, Bracknell Forest and Wokingham) are continuing to use booking systems for managing access to their HWRCs because of the benefits associated with their use.

The Portfolio Holder 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 Adrian Abbs asked the following supplementary question:

Thank you Councillor, that's an interesting response. As you know, I've talked to you about hybrid systems in the past. The CO2 one is a red herring and I'd like you to demonstrate how on earth you came up with that number considering recycling has dropped, the tonnage that's been reported to us by officers to other members has dropped, the percentage of recycling has dropped. All the numbers that are coming from the officers to members show a, you call it plateauing, but I see even a 1.5% drop as a drop, I'm completely confused by the answer and I'd like you to focus on the one bit of demonstrating how your CO2 number is in fact less because you recycle less.

The Portfolio Holder for Environment and Waste answered:

Sorry Councillor, we're obviously at different places in terms of statistics and numbers. I don't have access to the numbers you've had and perhaps we should compare notes after this. Just very simply, again, I am confident that fewer visits and vehicle journeys have been made and an increased amount of waste has been delivered to the site. Arithmetically, this means a more efficient delivery of waste in to the site but I'm very happy to review the data you've received and compare it with my understanding.

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| Item (m) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(m) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Phil Barnett:

“How did the Portfolio Holder’s Officers know that one visit per week to the HWRCs was enough per household, particularly in the spring and summer, as they have stated?”

The Portfolio Holder for Environment and Waste answered:

Thank you for the question.

The one visit per week number was based on an assessment of the typical number of HWRC visits undertaken by an average household, and the maximum amount of slots that can be released whilst facilitating suitable social distancing on-site. You would find that most local authorities who have introduced measures to manage customer demand in recent months have usually restricted visits to one per week.

Again, as I’ve said in previous questions, many councils including our neighbours do continue to keep the restriction of just one HWRC visit per week for their residents which, once again, we were able to relax in recent weeks.

The Portfolio Holder 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 Phil Barnett asked the following supplementary question:

During the Summer period, there is a lot of household alterations and many people do actually have a good spring-clean as well as a good sort out when there is more available time. A lot of people need that opportunity to get rid of more rubbish. Can I ask a question related to that? Does that mean that there has been more rubbish dumped in the vicinity during certain periods of the year?

Councillor Doherty: I’m not sure if that’s a related supplementary if I’m honest Councillor Barnett. Are you able to answer Councillor Ardagh-Walter?

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The Portfolio Holder for Environment and Waste answered:

I appreciate you've just been outside the room Councillor Barnett, but as I just said to Councillor Abbs, there's been no evidence, other than a National uptick in fly-tipping, of rubbish being dumped in the vicinity. I think maybe you're implying that people have not been able to access the HWRC often enough and so they dump waste very close to their houses or nearby but I don't think this is borne out by the facts.

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

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| Item (n) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley |

(n) Question submitted to the Portfolio Holder for Planning and Transport by Councillor Jeremy Cottam:

“Can the portfolio holder provide details of West Berkshire Council’s footpaths maintenance programme and policy for cutting back over grown shrubs and trees on urban paths owned and managed by West Berkshire Council?”

The Portfolio Holder for Planning and Transport answered:

The Council has an annual footway improvement programme which has this year (2020/21) been supplemented with additional funding to encourage cycling and walking across the district. Details of the programme can be obtained through officers if you’d like me to speak to Andrew Reynolds. And ask him to provide you with a copy I’m more than happy to do so.

The Council undertakes a programme of routine safety inspections which takes into consideration all aspects of the highway, including overhanging vegetation. If considered to be a hazard, under the Highways Act 1980, the Council will issue a Nuisance and Obstruction letter to the landowner requesting the vegetation is cut back.

The Portfolio Holder 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 Jeremy Cottam asked the following supplementary question:

First, a point of information Leader, both the items I’m discussing are owned by West Berkshire Council, lets clarify that because eventually, after I had intervened and pushed for some action, they did eventually do that. Now, I’m glad to hear that an intervention can be done for Floral Way for the roads, I’m very glad to hear that and I would suggest that maybe Councillor Somner actually do that because it is getting bad. I was talking particularly about a footpath at the junction of Foxglove and Cowslip and basically it was horrendously overgrown and I asked for it to be cut because I had complaints from local residents that it was becoming unpassable. What I’m asking for is not what you are doing to improve them but what you are doing to look after the footpaths that we currently have? Because I was told by the relevant department within

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West Berkshire that they would have to put in a bid for this and that no, they weren't normally cut back and I had to wait for a month or more for an answer about whether this had a successful bid by a contractor to cut it. What I'm saying is surely we should have a preventative maintenance programme where we actually cut this back. That is the question; we have an inadequate system, are we going to create a better service?

The Portfolio Holder for Planning and Transport answered:

I can't add any further to the previous response I've given in all honesty. I've said in both responses that we have a programme; that, as I understand it is the question as I'm reading it. You've asked about improvement programmes and asked whether there is a programme in place and the answer to both of your questions has been yes, there is. If you have specific cases, which, from the confirmation you've just provided you do, then I'm happy to pick up and look in to those individual cases. I've got no concerns with the programme that's in place; we manage an inordinate amount of hedge cutting back and of roads and pavements. It's a detailed programme and I am happy to provide a copy of that programme to you don't already have one through Andrew. If you've got specifics that you want to get me involved with, then I've got no concern with you doing that. I'm happy to receive an email from you the same as I would be from any other member of the council. If you're not getting the responses from officers that you believe you should be getting then I'm happy to prompt a quicker, faster, better response for you.

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| Item (o) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(o) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Martha Vickers:

“Could the portfolio holder explain why the Waste Department is making it difficult for residents to pay for the annual Green Bin tax by methods such as BACS, cheque and phone payments, rather than Direct Debit?”

The Portfolio Holder for Environment and Waste answered:

We are indeed encouraging residents interested in subscribing to the 2021/22 garden waste collection season to pay using Direct Debits. The use of Direct Debits allows for easier renewals for residents as, following an initial straightforward sign up, renewals will be automatic. Direct Debit payments also allow for added safeguards for residents in the form of the Direct Debit guarantee.

Whilst it is preferable for the initial Direct Debit to be set up [online](#) and it is envisaged that the majority of our residents will be able to do so using this method, both equipment and assistance are available in the Council offices at Market Street in Newbury for those without their own internet access. Alternatively, a family member or trusted friend or neighbour could give access to a device or complete the online form on their behalf. In the remainder of instances, the Council will be able to assist in the set-up of the Direct Debit by phone. Further information about the garden waste subscription process can be found via our [FAQs document](#).

We appreciate that there will be a small number of residents who may not be able to set-up a Direct Debit even with the assistance referred to above. Residents who genuinely cannot make payments using Direct Debits have been asked to call the Council (on 03301 319742) or via email to gardenwaste@westberks.gov.uk. When they call, a member of the team will then discuss potential options with the resident and provide relevant assistance. It is worth noting that whilst we have had a relatively small amount of complaints from some residents who would have preferred alternatives to Direct Debit payments, the vast majority of customers have been happy to subscribe to the service using Direct Debits and have found the process relatively straight-forward.

We are reasonably satisfied that our processes (as outlined above) cater for all residents interested in subscribing to the garden waste service.

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| Item (p) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jenny Graham |

(p) Question submitted to the Portfolio Holder for Planning and Transport by Councillor Tony Vickers:

“What, if any, Member involvement or public consultation of Car Club members took place before the decision was made under delegated powers to change the Car Club contract to a significantly more expensive company for the existing Car Club members?”

The Portfolio Holder for Planning and Transport answered:

Executive Portfolio Members, myself and my deputy, were updated on the Request for Quotation exercise in relation to the car club in their regular monthly briefings by the Service Director and relevant Officers.

The process was carried out in accordance with the rules. Since this was not a withdrawal of the Service but a procurement exercise and not a change to the Service, there was no consultation with members of the car club. The outcome is decided on the merits of the quotations received in accordance with the scoring against the evaluation criteria.

The assertion “significantly more expensive company” is not accurate. There is more to consider than simply the hourly rate paid by users; user rates that are below cost would effectively be subsidised by the Council (tax payers). In any event, Enterprise are making very good sign up and free usage credits available to new and transferring members, through to November 2022.

The car club has to be financially sustainable and ideally grow to serve more people in Newbury and expand to other locations across West Berkshire. This will help to support our growth plans for the District in a more sustainable way in line with our Environment Strategy. Growth of the car club in Newbury to become financially sustainable is something Co-Wheels did not achieve. Enterprise have ambitions to significantly grow the car club during the contract and have a record of success in doing so. This was evidenced during the procurement process by references from the relevant local authorities where Enterprise currently have operations.

There are other benefits to members from using Enterprise – adaptive vehicles for disabled drivers, discounted access to Enterprise car club vehicles across the country, e.g. when they are on holiday, and use of Mobility As A Service (MaaS) schemes

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combining rail, bus and car club use that Enterprise are partners in, e.g. in Highlands & Islands can access.

The Portfolio Holder 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 Tony Vickers asked the following supplementary question:

This car club, at the moment, the Newbury car club really only affects two or three wards in Newbury and none of the members were made aware of that. Most of the members representing those wards were unaware of the changes happening, so when their residents contacted them and said “what’s going on?” We’ve had a look at the deal with enterprise and although they’re happy with the free transfer in the first year deal, longer term, the cost to the user, our resident, of belonging to enterprise car club, will be greater than continuing with Co-Wheels. I’m not arguing that the contract for the council isn’t better, but I do think there should have been more member involvement and as the shadow transport portfolio holder, who also happens to live in an area where there are lots of my neighbours that are members, I would have expected to be able to answer the questions that local neighbours and residents are asking and I wasn’t able to. So I have asked officers to let me have sight of some of the documentation that is in the new contract. I want to promote this new contract because what I’m told verbally by the officer who used to run the car club is that it’s much better, and I hope that’s true. So can I please be granted the favour, it seems I have to ask for this as a favour, rather than as a right, of details of what this contract is because it is direct from this company to particular residents that are our constituents. We, as their elected representatives, should know what this contract involves.

The Portfolio Holder for Planning and Transport answered:

Thank you. I know you’ve had some information shared with you, I don’t know what the full detail of that is. I’ve seen emails go out this morning and I haven’t had a chance to read through them yet in detail. If that hasn’t got the information that you are looking for please come back to me and we will have that conversation. Happy to do so.

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| Item (q) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi / Shannon Coleman Slaughter |

(q) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Jeremy Cottam:

“Is the Direct Debit payment process for the Green Bin Tax being implemented for other services?”

The Portfolio Holder for Environment and Waste answered:

Thank you Councillor Cottam for your question about existing services that use Direct Debit payments.

I should point out that the term “Green bin tax” in your question is a misnomer. It is not a tax, there is an optional subscription service which we require payment for; it is not a tax.

Apart from the garden waste subscriptions, other payments that can be made using Direct Debits are Council Tax and Business Rates.

These payments are managed by different teams and using different systems within the Council and have different processes around them.

It is important to state that the payment of Council Tax and Business Rates are not discretionary, again, households and businesses who are liable to pay do not have the ability to opt-out. Whereas, again, the garden waste service is an opt-in service and residents can choose whether or not to subscribe. Alternative options are also available for residents including home composting or taking the garden waste, free of charge, to the Council's household waste recycling centres. Other important distinctions are that the garden waste subscription rate is comparatively a significantly smaller amount and payment is made at the point of subscription usually in advance of the service being delivered, whereas the other two payments can be made in arrears.

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| Item (r) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(r) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Jeff Brooks:

“Has the Portfolio Holder negotiated reductions in payment to Veolia as a result of the restricted service that has, until recently, been provided and if so, how much has been saved?”

The Portfolio Holder for Environment and Waste answered:

Thanks for your question Councillor Brooks. It is unclear from your question which restricted service you are referring to but I'm going to make a wild guess that you're talking about garden waste collections.

Assuming this is correct, please note that discussions are ongoing with Veolia. It is worth mentioning that achieving uninterrupted frontline waste services has been really challenging for many councils, as well as ourselves, during the pandemic period. This has been due to various reasons including contractor staff self-isolating, shortage of HGV drivers, increased tonnage of waste presented at the kerbside during lockdown periods and after the Christmas holidays. Service disruptions are continuing, regrettably, in many areas across the country.

I am unable to provide further details about ongoing discussions at this stage due to commercial sensitivities.

The Portfolio Holder 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 Jeff Brooks asked the following supplementary question:

Thank you for that. Ongoing discussions when these restrictions, and you have admitted yourself that there were restricted services, necessarily part of them because of Covid, but this started in May 2020 when services were restricted. It is now September 2021 and you say there are ongoing negotiations. Now there must have been a service level agreement on the minimum service that Veolia would provide and if they've not achieved that then commercial realities should mean that they give us some rebates. Have you looked to negotiate such, Sir?

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The Portfolio Holder for Environment and Waste answered:

Thank you again Councillor Brooks. So, again assuming we are talking about garden waste, you mentioned services a couple of times; I'm not aware of other restrictions. (Councillor Cottam: "The restrictions on HWRCs, Sir"). HWRC, right. Well, it would be a difficult legal question and I certainly wouldn't want to go in to it here and it certainly would be legally challengeable that the *force majeure* event of a pandemic means that Veolia should ignore that and pay us lots of money because people have to use a booking system. I don't accept that we have restricted access to the HWRC.

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| Item (s) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(s) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Tony Vickers:

“Is it not the case that it is mainly commercial operators who the Portfolio Holder for waste was trying to restrict from using the HWRCs more than once a week, rather than residents who were principally affected by this restriction?”

The Portfolio Holder for Environment and Waste answered:

Thank you for your question.

Our sites do not accept commercial waste. We have already been operating an effective car and van permit system for years; this helps us to minimise abuse of site access by rogue traders and commercial operators.

The restrictions to one visit per week, which has recently been removed, was applicable to residents.

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| Item (t) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(t) Question submitted to the Portfolio Holder for Environment and Waste by Councillor Jeff Brooks:

“What has been the cost and effort of providing a telephone contact within the Waste Department in order for a resident to try to book extra visits to our HWRCs in a week?”

The Portfolio Holder for Environment and Waste answered:

Thanks for your query about the cost and effort of providing a telephone contact for extra HWRC bookings by residents.

Residents can now book as many visits as require. Most of our residents do these bookings themselves and as I've said previously this is very straight-forward. A small proportion of our residents who don't have access to their own device or the internet, can call and have been calling our Customer Services team (not the Waste Department) for assistance with bookings. These costs are part of the centralised costs for the Customer Services team who also help residents with a wide range of queries. It is not practicable to provide broken down costs per service but I can tell you that no additional staff hires or, as far as I'm aware, hours of payment have been made; so as far as I understand there have been no extra costs for providing this contact service within the customer service team.

The Portfolio Holder 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 Jeff Brooks asked the following supplementary question:

I've used this service, I finally got a call back from a nice lady who looked to try and help me with bookings and extra bookings before you lifted the restriction but didn't tell anybody. What she said was that the once a week restriction was to try and restrict commercial operators, which flies in the face of what you said in the last question. I'm just totally confused by the way you are running your services, Sir. It's inconsistent and contradictory.

The Portfolio Holder for Environment and Waste answered:

Thank you for your observations Councillor Brook, I don't detect a question there though.

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Councillor Brook: I'm asking you to clarify that when one of your operators said the restriction was to restrict commercial operators, and you said you don't take commercial waste.

Councillor Ardagh-Walter: Exactly as my answer stated, my original answer, I think it was to Councillor Vickers, we do not accept formally commercial waste but of course it's easy for a man in a white van, who is in reality a commercial operator to pretend to be a resident. I think that was the intent, while not having spoken to the council officer in the service centre team who you spoke to. I think that was the intent, that the risk to residents wishing to access the centres has been from those who want to abuse the system and those are formally not commercial operators but may in practice and other places definitely have been actual rogue traders and commercial operators.

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2nd September 2021

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| Item (a) | Executive Meeting on 2 September 2021 |
| Submitted to: | Pete Campbell |

(a) Question submitted to the Portfolio Holder for Children, Young People and Education by Nigel Foot:

“Can West Berkshire Council say what measures they taking to provide free, or minimal cost, structured activities for the young people of Newbury?”

The Portfolio Holder for Children, Young People and Education answered:

Thank you for your question councillor Foot, which raises an important point. You asked what the council is doing to provide structured activities for our young people. During term-time, it is our school who provide such activities, which includes access to green spaces for many. But we recognise that for many families, holiday periods are even more difficult than usual as they struggle to keep their children occupied, well-fed and safe. I hope, Councillor Foot, you've been able to see a copy of today's Newbury Weekly news, which published a letter from me where I expand at length on the things we've been doing to support our young people in these difficult times. Government provided funding for local authorities across the country for holiday activities and food programmes that were piloted over the Easter break. I was pleased that the funding was extended to allow us to provide 16 days over the summer break when hundreds of eligible children and young people were able to enjoy exciting activities and nutritious meals. We did this by working with schools and partners such as Berkshire Youth, Community Youth Project and holiday club providers across West Berkshire, not just in Newbury. It has been hugely successful and we will be running the programme again over Christmas. We have also provided day-trips and other activities for some children and young people who are more vulnerable and who access specialist services such as children in care and young carers. We know that children and young people have suffered due to the restrictions brought in to curb the spread of Coronavirus, as does government and to address this the department for education has put together a huge package of support for teachers and pupils across the country with over £3billion being made available to fund a range of measures that includes over £400,000 here in West Berkshire. I understand that ministers are also considering how outdoor learning can be included as part of the department for education's recovery plan so that all children can discover the benefits of learning together and gaining new skills in an outdoor environment.

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The Portfolio Holder 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?”*

Nigel Foot asked the following supplementary question:

Could you give me an assurance that the extra funding as a result of the covid pandemic will be carried forward by this council in future school holidays in the years to come?

The Portfolio Holder for Children, Young People and Education answered:

The funding comes from government and we're dependent on the government for funding but I can assure you that certainly, in the future the government are committed to extending this programme to Christmas.

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| Item (b) | Executive Meeting on 2 September 2021 |
| Submitted to: | Paul Martindill |

(b) Question submitted to the Portfolio Holder for Planning and transport by Ian Hall:

“Excluding the cost of land provision from Newbury Rugby Club, what figure has been allocated for construction of stands and facilities and do the councillors consider that this represents good value for money, when weighed against any CIL payments from the existing pitch?”

The Portfolio Holder for Planning and transport answered:

WBC have appointed Alliance Leisure via the UK Leisure Framework to progress design and budget costs. This is an ongoing process and detailed design is progressing at this juncture. We expect tenders to be returned for the project in October and will have cost certainty at that stage. We are not aware of the application of CIL in relation to the Faraday Stadium as the stadium has been closed for 3 years and the Council has not proposed its redevelopment. WBDC is seeking to develop Newbury Sports Hub as an enhanced replacement for the Faraday Stadium.

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| Item (c) | Executive Meeting on 2 September 2021 |
| Submitted to: | June Graves |

(c) Question submitted to the Portfolio Holder for Planning and transport by William Beard:

“Government has changed public procurement to only place contracts with companies with a published carbon reduction plan. What plans do WBC have to do something similar?”

The Portfolio Holder for Planning and transport answered:

Thank you Mr Beard for that excellent question. Allow me to give as comprehensive an answer as I can.

In 2019, the UK became the first major economy to adopt a legal commitment to achieve ‘Net Zero’ carbon emissions by 2050. To support this, the Government Commercial Function has developed a new commercial policy measure for all central government departments and arm’s length bodies. In June this year the Cabinet Office further published a Procurement Policy Note - Taking Account of Carbon Reduction Plans – which is to be deployed in the procurement of major government contracts. Essentially this measure requires suppliers bidding for major government contracts to commit to achieving Net Zero by 2050 and to publish a ‘Carbon Reduction Plan’.

The Policy Note applies when procuring goods and/or services or works with an anticipated contract value above £5 million per annum (excluding VAT) which are subject to the Public Contracts Regulations 2015, save where it would not be related and proportionate to the contract.

This central government Policy Note relates to framework agreements and dynamic purchasing systems only so it is quite restrictive, and will be applied to relevant procurements advertised on or after 30 September 2021.

Now locally, West Berkshire Council’s Commissioning and Procurement Service are working with colleagues in the Energy Team to develop our local plans to the implement the Policy Note in West Berkshire for all relevant procurements. These plans will make provision for how procurement processes will account for the need for bidding suppliers for council work to provide information on their carbon reduction work, how this will be validated and evaluated, and what measures will be used to assess the performance of suppliers against their commitments as part of contract

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management. Progress on this work will be captured as part of our internal reporting to Procurement Board.

In addition a new Social Value Policy will be adopted in West Berkshire in the autumn of this year. This policy will ensure consideration is given in all procurements to the potential to derive environmental, social and economic benefits. There is a particular focus on making the best of the many opportunities that exist in all our third party spend to innovate and generate environmental benefits in support of the delivery of the new Environment Strategy.

The Social Value Policy sets out how service requirements should be procured to take into account the environmental outcomes as set out in the West Berkshire overall Council Strategy and our Environment Strategy. The policy has identified five key areas for consideration in procurement processes:

1. Reducing carbon emissions to help achieve carbon neutrality by 2030 and beyond
2. Seeking to reduce air pollution or eliminate where possible
3. Contributing to the protection, restoration and enhancement of our natural environment
4. Resource efficiency and up to date processes for re-use and recycling
5. Encouraging local innovation and skills to help tackle climate change in the district

This new policy is due to come to the meeting of the Executive in November.

I hope you found that answer comprehensive and thank you once again for a very pertinent and relevant question.

The Portfolio Holder 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?”*

William Beard asked the following supplementary question:

Where the council makes a decision, either to accept or reject a contract on the basis of a lack of Carbon reduction plan, will you be publishing any of those decisions or putting them in the public domain in some way shape or form?

The Portfolio Holder for Planning and transport answered:

That's a good question, although we haven't fully decided how to implement that policy yet so I can't give you a yes or no answer; it's subject to the overall commitment for

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transparency in all major areas; but I don't think I can go any further than that. Thanks once again.

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| Item (d) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley |

(d) Question submitted to the Portfolio Holder for Planning and Transport by Simon Pike:

“Does the statutory duty of the Council under Section 41(1) of the Highways Act 1980 to maintain the highway still apply if works are carried out on a part of a highway by a contractor or under a Section 278 agreement?”

The Portfolio Holder for Planning and Transport answered:

Upon completion of any works within the public highway, the Section 278 process involves a maintenance period. This period is usually twelve months, and is a period of time that gives the developer and their contractor time to remediate any defects in the works that might appear. Upon the completion of the maintenance period, council engineers would make a final inspection of the works. Any further or outstanding defects would then be remediated by the developer and the contractor. Upon completion of any such works to the satisfaction of council engineers, the works become the statutory duty of the Council under Section 41(1) of the Highways Act 1980 to maintain thereafter.

The Portfolio Holder 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?”*

Simon Pike asked the following supplementary question:

Section 41(1) of the highways act gives unqualified duty on the council to maintain the highway whereas section 278 is a contractual agreement as I understand it. So surely therefore the liability of the council still remains under section 41(1) before the work is taken over by the council and therefore any claim that should be made for injury which has occurred should be made to the council and then the council can recover the costs contractually with the sub-contractor. Notwithstanding that there is a contractual agreement, is the liability under section 41(1) for the duty to maintain the highway results in an unqualified liability, which exists even before the section 278 work is completed?

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The Portfolio Holder for Planning and Transport answered:

I'm afraid I can't answer that at the moment, I haven't got any information with me with regards to liability elements but I'm happy to give a written update.

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| Item (e) | Executive Meeting on 2 September 2021 |
| Submitted to: | Bill Bagnell/Jon Winstanley |

(e) Question submitted to the Portfolio Holder for Finance and Economic Development by Paul Morgan:

“If the council does set up its own housing development Company do you envisage that this would entail the sale or transfer of Council owned land to this Company?”

The Portfolio Holder for Finance and Economic Development answered:

Thank you for your question Mr Morgan. Of course, that is a possible path for the council to take.

The Portfolio Holder 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?”*

Paul Morgan asked the following supplementary question:

“In December you basically said that you would make a decision about whether the council would make its own property development company by the end of this year. We're not far off that so could you give an indication of whether that is a policy you're going to pursue or how close you are to making that decision?”

The Portfolio Holder for Finance and Economic Development answered:

Thank you for that. I'm simply in a position to reiterate our previous position at this time.

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| Item (f) | Executive Meeting on 2 September 2021 |
| Submitted to: | Stephen Chard / Gabrielle Mancini |

(f) Question submitted to the Portfolio Holder for Internal Governance, Leisure and Culture by Graham Storey:

“Following the council leader's comments about questions from the public (February), when will there be an improvement to the format of questions to the council or executive, or an alternative way for the public to question the strategies or decisions of the council.”

The Portfolio Holder for Internal Governance, Leisure and Culture answered:

Thank you for your question Mr Storey. West Berkshire Council is committed to accessible, transparent decision making. Public questions are a key part of this and we welcome the opportunity they offer to scrutinise matters which are important to our residents.

At the beginning of the pandemic, we acted quickly to move our public meetings online so that our democratic processes could continue and we were one of the first local authorities in the country to do so. Our public meetings of Council and Executive have been viewed online 6,725 times since then, which is a figure far in excess of what we could have hoped for in the past when meetings took place in person alone. We have also undertaken 157 public surveys and consultations at a corporate level to ensure that the views of the public shape our decision making and have answered 219 public questions in the past year, which represents a near threefold increase when compared to the 74 questions received in the previous year.

As well as tabling public questions and responding to our consultations, members of the public can ask their local councillor to consider calling in a decision on their behalf which would lead to it being discussed at the council's Overview and Scrutiny Management Commission, which may decide it should be reviewed. We have debated 13 topics at our OSMC in the past year across a wide range of areas.

I'd like to take this opportunity to thank our leader, Councillor Lynne Doherty, for going even further during the pandemic and hosting her own "Ask Lynne" facebook live videos which has given the audience a chance to get updates and pose questions in a less formal setting. I know how helpful these sessions have been to so many people over the last year. These sessions to ask questions and follow-ups live in the comments section and are completely virtual so people do not need to come to

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Newbury to join in the discussion. These videos have also received hundreds of views across facebook and youtube.

These figures show that there are strong levels of public engagement with the work of the council but there is always room to do more. We have recently appointed an officer to focus on opportunities to expand on this and will be considering the formats of meetings as well as other steps we can take to increase participation in our democratic processes. This work has not yet started but please rest assured that we want to build on the enhanced levels of engagement and participation we have seen during the pandemic and will be progressing it as a priority.

The Portfolio Holder 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?”*

Graham Storey asked the following supplementary question:

“Do you not think the limitations and restrictions on how the questions are asked at meetings such as this has put residents off engaging in this way? Because it feels that you only get questions from those residents and groups who have worked through the system and have figured it out. I suspect that was behind some of the frustration of the leader when she commented on it”.

The Portfolio Holder for Internal Governance, Leisure and Culture answered:

I don't see what more we could do to encourage more questions from the general public. I do thank you for appreciating the difficulty we went through earlier in the year when a very limited number of topics were focussed on by many questioners. I am open to any suggestions that you might have, Sir.

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| Item (g) | Executive Meeting on 2 September 2021 |
| Submitted to: | Kofi Adu Gyamfi |

(g) Question submitted to the Portfolio Holder for Environment and Waste by Vaughan Miller:

“How much did the recycling centre permit scheme and booking system cost to create and what is the annual cost to administer it (including cost of officer hours)?”

The Portfolio Holder for Environment and Waste answered:

Thank you for your question about costs associated with the recycling centre.

The booking system was developed with the help of an external vendor and internal colleagues. It cost in the region of £7,000 for the development and testing, and an estimate of £2,600 for officer time.

The current paper-based HWRC permit scheme, which is a separate system, cost around £36,000 to implement, together with ongoing annual costs of c. £8,000 (this includes costs for replacing damaged/lost permits or issuing new ones to residents, and an estimate for officer time).

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| Item (h) | Executive Meeting on 2 September 2021 |
| Submitted to: | Richard Turner |

(h) Question submitted to the Portfolio Holder for Finance and Economic Development by John Gotelee:

“Is there any reason for the difference in treatment of a formerly empty and now partially empty council investment building in Newbury park and that of an empty building in Faraday Rd?”

The Portfolio Holder for Finance and Economic Development answered:

I'm afraid I have to plead a little bit of confusion about meaning of your question Mr Gotelee as the treatments and buildings are not specified. So I guess I'm going to ask you for a supplementary and perhaps you can enlighten me a little bit further.

The Portfolio Holder 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?”*

John Gotelee asked the following supplementary question:

That question was written before the fire. What happened is you've got an investment portfolio, which you've looked after and insured etc. You've got a partial office space, you also had in 2018 an asset of community value, which was valued at £1million to replace. But, unfortunately, one isn't insured and so the tax payer has just effectively lost £1million. Can you explain that to them.

The Portfolio Holder for Finance and Economic Development answered:

Councillor Doherty stated that she felt the supplementary was a new question rather than an extension of the original one and asked Mr Gotelee to clarify which building he was talking about.

Mr Gotelee: Do you have more than one office space which you have invested in which is empty?

Councillor Doherty: We have a commercial portfolio so I'm unaware on if we have more than one. Councillor Mackinnon might be able to shed some light for you.

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Councillor Mackinnon: What I was going to say was that I didn't accept the characterisation that Mr Gotelee was introducing, so an attempt to explain it would have been futile. But thank you for your questions in any case Mr Gotelee.

Mr Gotelee: But you haven't explained why you treat properties differently in the portfolio that you hold. The football pitch is an investment property, by virtue of the fact that you are holding it. You are the owners.

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| Item (i) | Executive Meeting on 2 September 2021 |
| Submitted to: | Flo Churchill / Gary Rayner |

(i) Question submitted to the Portfolio Holder for Planning and Transport by Mrs. Sam Coppinger:

"I am concerned regarding the unacceptable increase in traffic movements at night. Please can the council confirm the details of any hours of work planning restrictions for 20 ton aggregate tipper trucks operating out of Membury Airfield Industrial Estate (MAIE)?"

The Portfolio Holder for Planning and Transport answered:

Mrs Coppinger, thank you for your question.

Without restricting itself to controlling aggregate tipper trucks, and with local residential amenity in mind, the Council has regularly applied planning condition controls over the timing of activities which may, if they went uncontrolled, give rise to disturbance to local people. Those controls have related to hours of operations placed on business premises applications, hours of construction of buildings, and hours of activity involving external operations. All of those will have limited the incidence of night time traffic in the area, as will controls that have been placed on lorry routing associated with planning approvals that have been given.

The Portfolio Holder 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?"*

Mrs. Sam Coppinger asked the following supplementary question:

Just to clarify, are you telling me that trucks and traffic are limited, so can you confirm what those planning restrictions are specifically?

The Portfolio Holder for Planning and Transport answered:

I haven't got the detail for that specific area, I think what we've got is something we apply wherever we can, wherever we need to. I'm happy to discuss specifics if you have anything you want to share offline.

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Mrs Coppinger: In that case, my supplementary question to you is, if there are restrictions, why are they not being enforced?

Councillor Somner: So it's an enforcement issue that you're seeing?

Mrs Coppinger: Yes and I have been in touch with Richard Beech as have many of the constituents in the community to ask why are trucks keeping us awake at night relentlessly. We've got at the moment vehicles which are travelling in the middle of the night and actually on some occasions very recently they are passing my house every five minutes; those are 20 tonne aggregate trucks, they shake when they are empty, they are crossing over cat's eyes, you can hear them when they're coming in a convoy like a train coming down the tracks. There are lots of people in the community who are not able to sleep outside of the hours possibly between midnight and 2:30 in the morning.

Councillor Somner: If you will allow me, what I will do is pick this up with Richard Beech, I will look at the information you've provided and I will and further detail on what we can and can't do. I think issue is that we cannot have enforcement officers there all of the time, which I'm sure you'll appreciate, and it would appear that you've got certainly unsociable hours being utilised. So if you're happy to leave that with me, I'm happy to pick that up with the officers and happy to get back to you on the back of those emails to see if we can continue that conversation and find out what else we can do for you.

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| Item (j) | Executive Meeting on 2 September 2021 |
| Submitted to: | Flo Churchill / Gary Rayner |

(j) Question submitted to the Portfolio Holder for Environment and Waste by Bridgette Jones:

“Has WBC assessed the cumulative impact of the recent Western Area Planning Committee Decisions and developed a critical infrastructure master plan for Membury Airfield Industrial Estate (MAIE) that includes: road networks & traffic, all environmental issues-air, light and noise pollution, the localised flooding, drainage, power and connectivity to meet the council’s climate change and sustainability policies?”

The Portfolio Holder for Environment and Waste answered:

Thank you for your question Mrs Jones.

All reports to Western Area Planning Committee include a planning history section to remind Members of the relevant decisions that have been made in the past. The Committee itself is aware previous considerations when it is considering individual applications and has advice from officers on the impacts.

There has been no critical infrastructure master plan created for Membury.

The Portfolio Holder 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?”*

Bridgette Jones asked the following supplementary question:

I understand what you are saying about previous considerations applied, however, the cumulative impact has now become unacceptable for local residents and that has caused, as I put in my question, air, light and noise pollution, localised flooding, power and connectivity issues, there is too much demand from the grid currently. So local residents are suffering repeated power cuts. I'm just wondering, you know, when and if you might consider developing a master plan and looking at that critical infrastructure for Membury?

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The Portfolio Holder for Environment and Waste answered:

I can't answer that immediately, I'm happy to take that up with officers. I think the creation of any master plan, from a timeline point of view, probably wouldn't fit in with the issues that you're currently experiencing. Let me take that up with officers and find out where we are on that and see if we can come back to you with some further information.

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| Item (k) | Executive Meeting on 2 September 2021 |
| Submitted to: | Pete Campbell |

(k) Question submitted to the Portfolio Holder for Children, Young People and Education by Nigel Foot:

“Can West Berkshire Council say what measures they have, or are, putting in place in schools to help teaching staff identify struggling students and whether they are training up volunteers to act as mental health support staff, to provide help for these students?”

The Portfolio Holder for Children, Young People and Education answered:

Thank you for your question Councillor Foot; you raise some very important points. I share your concern about the increase in mental health issues in schools and I am pleased that our children are returning to school today without the need for bubbling; this means an end to whole classes being sent home with the consequent interruption to their learning that that entails. I know the government is committed to building back better for every young person and I'm delighted that mental health and wellbeing is at the heart of recovery plans. More than £17million has been announced to improve mental health and wellbeing support in schools and colleges. This includes a new £7million wellbeing for education recovery programme; which provides free expert training, support and resources for staff dealing with children and young people experiencing additional pressures which have led to trauma, anxiety and grief. We've heard in the news today that the government is talking about a further £1billion to be spent on young people's recovery, we don't know the details of that yet but I'm sure that we're going to benefit.

Here in West Berkshire, earlier this year, the Berkshire West Integrated Care partnership reviewed the emotional wellbeing and mental health services provided for children and young people. Since then we have seen the same increase in demand as in other parts of the country for such services in our schools. New government funding means that the CCG will be introducing a second mental health support team to supplement the work of the one we already have in West Berkshire and we know what great work they do.

In another example of councils working together, in 2020 we commissioned an online mental health and wellbeing support service named KOOTH, which I have spoken about before in this chamber. This has proved useful for young people to access at times of the day that are outside of normal working hours. Council has a long established emotional health academy works closely with schools to support young

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people. We recently created a group within our education team to help pupils anxious about attending school. Council also supports an innovative project with Berkshire Youth to have youth workers based in secondary schools, providing 1:1 support which includes mental health and emotional wellbeing. These are some examples of how we are helping to improve the wellbeing of our children and young people. Effects of the pandemic continue to emerge and the oversight of the West Berkshire Health and Wellbeing Board, chaired by Councillor Bridgman, who is here with us today, will allow us to respond to changing demands and challenges.

The Portfolio Holder 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?”*

Nigel Foot asked the following supplementary question:

Could you give me an indication of what additional funding you're putting in to our schools in West Berkshire to facilitate the extra workload and the extra need that we all know and that you've just elaborated on? How much money is going in please?

The Portfolio Holder for Children, Young People and Education answered:

Well, I mentioned earlier on about the money that's been spent by Government. We have, as I mentioned in my answer, £400,000. There are a whole array of funding streams that we use to support our schools and I'll happily give you a written response on that.

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| Item (I) | Executive Meeting on 2 September 2021 |
| Submitted to: | Bill Bagnell / Katherine Makant |

(I) Question submitted to the Portfolio Holder for Planning and Transport by Ian Hall:

“Why has there been no measuring of the water table on the existing football pitch?”

The Portfolio Holder for Planning and Transport answered:

High level environmental investigations are taking place now and where key issues such as contamination, drainage, flooding and transport are being assessed. The relevance of the water table will be considered as part of this work.

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| Item (m) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley |

(m) Question submitted to the Portfolio Holder for Planning and Transport by Simon Pike:

“Why have the works to install two sets of dropped kerbs on Henwick Lane in Thatcham not been completed in over a year, when there is no impediment to them being completed?”

The Portfolio Holder for Planning and Transport answered:

Bloor Homes were conditioned to install the crossings on Henwick Lane among other highway improvement works under a S278 Agreement. All works have been severely impacted by Covid 19 and subsequent manpower issues, and the developer was directed by WBH Highways to ensure that all unfinished works were left in a safe condition for pedestrian use in the meantime, a duty and responsibility incumbent on any developer and specified as such within the terms of the legal agreement. The works programme was delayed multiple times, and WBC Highways Development Control has been in regular contact with the developer to try and ensure the works are completed as soon as possible; those works are now programmed to start on Wednesday 1st September, so yesterday, and should be complete by the 7th of September.

The Portfolio Holder 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?”*

Simon Pike asked the following supplementary question:

Thank you for that report on progress, they hadn't started as of an hour ago but I look forward to their completion and it is a pity that someone got injured in the meantime by tripping over.

The Portfolio Holder for Planning and Transport answered:

I will get that chased up again for you, thank you for making me aware.

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| Item (n) | Executive Meeting on 2 September 2021 |
| Submitted to: | Gary Rayner / Flo Churchill |

(n) Question submitted to the Portfolio Holder for Planning and Transport by Mrs. Sam Coppinger:

“Is the council confident that planning officers have sufficient experience and relevant qualifications to give accurate screening opinions on the LRIE and Membury Airfield Industrial Estate (MAIE)?”

The Portfolio Holder for Planning and Transport answered:

Yes. Our qualified planning officers have the necessary experience to deal appropriately with the technicalities and practicalities of Screening Opinion decisions. Where input is needed from subject specific Council Officers, that is equally available through consultation.

The Portfolio Holder 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?”*

Mrs. Sam Coppinger asked the following supplementary question:

The reason why I was asking that question is because no environmental impact assessments have been done either on the London Road industrial estate or on Membury Airfield industrial estate when clearly they are required as they are both cumulative impact developments. Please can you supply a full and comprehensive list of all the planning officers' qualifications, demonstrating that they are qualified to make the required decisions on environmental screening?

The Portfolio Holder for Planning and Transport answered:

Thank you for that question. I would need to look to our Legal guidance as to whether this is information that can be shared, but I'm happy to do that.

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| Item (o) | Executive Meeting on 2 September 2021 |
| Submitted to: | Byan Lyttle / Flo Churchill |

(o) Question submitted to the Portfolio Holder for Planning and Transport by Bridgette Jones:

“Has the council any concerns on the Membury Airfield Industrial Estate (MAIE) that developers are avoiding the requirement for an EIA by salami slicing applications - for instance, the tarmac batching plant development?”

The Portfolio Holder for Planning and Transport answered:

Thank you for your question and the simple answer is no. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects and that is what the Council follows.

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| Item (p) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley |

(p) Question submitted to the Portfolio Holder for Planning and Transport by Simon Pike:

“Which party is contractually responsible for arranging the moving of utility poles needed for the completion of the pavement on Henwick Lane to the north of Henwick Worthy field, which has also not been completed in over a year?”

The Portfolio Holder for Planning and Transport answered:

Bloor Homes are responsible for contracting SSE to move their utility poles.

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| Item (q) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley/Paul Hendry |

(q) Question submitted to the Portfolio Holder for Environment and Waste by Nigel Foot (attend in person):

“Could the Members of the Executive tell me which body is responsible for the removal of dead trees, branches and other debris, that has fallen into the River Kennet as it passes through Newbury from the Red Lock area in Northcroft to the west, through to the Newbury Marina area in the east?”

The Portfolio Holder for Environment and Waste answered:

‘Where a main river is sited between two or more property boundaries each owner may be equally responsible. Riparian owners are responsible for maintaining the river bed and banks within their section of the watercourse and preventing obstructions to the flow of water.

From case law, if a riparian owner fails to take reasonable measures to mitigate risk associated with a watercourse, such that those cause injury or damage to another party, then that riparian owner is liable for the damage or injury caused. However, where large rivers are concerned the Environment Agency may take a pragmatic approach and use their permissive powers to remove blockages on behalf of the riparian owner where the size and scale of the blockage is more than could be reasonably be expected for riparian owner to undertake. Nevertheless, the riparian own has a duty to report the blockage to the Environment Agency.’

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| Item (r) | Executive Meeting on 2 September 2021 |
| Submitted to: | Jon Winstanley |

(r) Question submitted to the Portfolio Holder for Planning and Transport by Simon Pike:

“Does the Council have a written policy or standard for the assessment of the state of maintenance of pavements, and does the assessment include the Council's duty under the Equality Act 2010 to make reasonable adjustments for disabled people (including those using wheelchairs) as well as safety?”

The Portfolio Holder for Planning and Transport answered:

The Council has in place a Highway Safety Inspection Procedure, which has been developed in accordance with the principals of “Well-managed Highways: Code of Practice for Highway Maintenance Management. This enables defects to be identified which may pose an immediate or imminent danger to users of the highway network.

Requests for improvements to the existing footway network, under the Equality Act 2010, are considered on a case by case basis once specific locations/sites are brought to the Council's attention.

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