

# Questions and Answers

## Executive

Thursday, 10th February, 2022

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.

If you require this information in a different format or translation, please contact Sadie Owen on telephone (01635) 519052.



This page is intentionally left blank

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

---

<b>Item (A)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Eric Owens, Gary Rayner</b>

**(A) Question submitted to the Portfolio Holder for Planning, Transport & Countryside by John Gotelee:**

*What action should be taken by the council when a developer starts work without satisfying conditions to keep a planning application alive on Council owned land?" "*

**The Portfolio Holder for Planning, Transport & Countryside answered:**

The Council will investigate and review works undertaken in an unauthorised fashion and make a decision on whether any harm is associated with those works at their present stage. The Council's approach will depend on the nature of the works undertaken and the extent of any identified harm. In most cases following an assessment of the nature and extent of the works undertaken the Council would seek to liaise with the applicant to resolve any breach of conditions at the appropriate stage before any harm occurs, usually via the submission of information to address the requirements of the conditions, or resolve any harm that has occurred as a result of the works.

**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:**

*"It seems that seasoned developers get away with far more than ordinary people who perhaps make a mistake on a CIL form and get hammered for it, whereas big developer's such as Lidl haven't satisfied drainage conditions but have been allowed to work. What is your opinion on this, do you think it is rather unethical or perhaps even fraudulent?"*

**The Portfolio Holder for Planning, Transport & Countryside answered:**

I wouldn't like to use either of those words in all honesty. What I would say is that where there has been an error by any developer then it's right and proper that that should be flagged, where it's not been noted automatically by officers. If you have any particular case that you would like bringing up, I am happy for you to contact me directly and I will take it forward with officers for you.

---

---

---

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

---

<b>Item (B)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Matt Pearce, Paul Martindill</b>

### **(B) Question submitted to the Portfolio Holder for Internal Governance, Leisure & Culture by Alan Pearce:**

*“Please will the Executive confirm the Council will immediately sign and date the Joint statement by West Berkshire Council and Sport England on the West Berkshire's Playing Pitch Strategy and Newbury Sports Hub 21st July 2021 to verify/authenticate it and ask Sport England to do the same?”*

#### **The Portfolio Holder for Internal Governance, Leisure & Culture answered:**

This is a statement, not an agreement that was issued by Sport England's communications team stating their position on future working relationships with this council on July 13<sup>th</sup> 2021. Such statements do not need to be signed.

**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?”*

#### **Alan Pearce asked the following supplementary question:**

*“Can you explain why the Stage E review was being asked for, what it involved and what it was to achieve?”*

#### **The Portfolio Holder for Internal Governance, Leisure & Culture answered:**

To clarify, a stage E review is an annual review. It was delayed this time around for Covid reasons, but it is an absolutely standard review and there will be another one next year and the following year.

---

---

---

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

---

<b>Item (C)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Jon Winstanley, Paul Hendry, Shiraz Sheikh</b>

**(C) Question submitted to the Portfolio Holder for Planning, Transport & Countryside by Peter McGurk:**

*“As a resident living adjacent to Henwick Worthy fields, my family and I are impacted by the activities on the fields. I have requested on a number of occasions of several Councillors that residents be allowed to attend and observe the meetings of this committee. The response is always no - most recently from Jeremy Cottam. Could the portfolio member responsible please explain by reference to the standing orders of West Berkshire Council and the constitution of the Henwick Worthy JMC, why residents are not permitted to attend the committee meetings? The only explanation residents have been given is you can't attend, Councillors are unable to provide an adequate response.”*

**The Portfolio Holder for Planning, Transport & Countryside answered:**

The Henwick Worthy Joint Management Committee is not a Committee of the Council. It is formed under a lease agreement. Its objective is to help guide the management of the site as a sports facility and facilitate sports opportunities for the communities of West Berkshire. Both the freeholder of the site, West Berkshire Council and the Leaseholder, Thatcham Town Council, contribute to the costs of running the facility.

There is no formal public participation at such meetings.

---

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

---

<b>Item (D)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Eric Owens, Katharine Makant, Bill Bagnell</b>

### **(D) Question submitted to the Portfolio Holder for Finance & Economic Development by John Gotelee:**

*“What is plan B if it is found that planning permission is not granted for housing on the faraday rd football pitch or turns out to be financially non viable?”*

#### **The Portfolio Holder for Finance & Economic Development answered:**

There is no need for a Plan B at this stage as there is no planning application for housing on the Faraday Road pitch.

**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:**

*“How can you say there is no reason for a Plan B. Surely planning is about looking ahead? At the moment you haven't really got a Plan A other than perhaps on the back of a cigarette packet. You have got to look ahead at the problems you are going to meet otherwise you are just throwing away money on a whim, and there is a lot of money going on this replachment pitch”.*

#### **The Portfolio Holder for Finance & Economic Development answered:**

Your question related to if planning permission is not granted and as I said, there is no planning application live for that bit of land so there's no Plan B required. You are following a usual pattern Mr Gotelee, whereby you don't accept the answer that I give you, you have a pop and sly dig at the council and we go around in circles. If you accept the answer I am giving you that there is no live planning application, so there is no need for a Plan B, then that would be excellent, but I suspect we shall see you next month as well.

---

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

---

<b>Item (E)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Matt Pearce, Paul Martindill</b>

### **(E) Question submitted to the Portfolio Holder for Internal Governance, Leisure & Culture by Alan Pearce:**

*“Please will the Executive confirm why it approved the Award of contract to build Newbury Sports Hub (Ex4149) as part of a replacement strategy as confirmed by Councillor Woollaston at the Executive meeting 16 December 2021 to public question (6), when to date (31st December 2021) the Service Director - Development and Regulation has not GRANTED PLANNING PERMISSION. (This is regardless of the fact the Faraday road replacement strategy was not submitted with the application and may not be approved).”*

### **The Portfolio Holder for Internal Governance, Leisure & Culture answered:**

The Executive meeting took place the day after the Western Area Planning Committee approved the consent for the development of the Sports Hub. The Executive was conscious of the timescales needed to allow Newbury football club to play matches in the Hellenic League at the Sports Hub, which it may have been considered by that league for the 2022/23 season, if the project was completed by July 2022. Subsequently the application was called in to District Planning Committee to be heard early next month. Our officers are always diligent so the council's award of contract would always be subject to grant of planning as referred to in the Report to the Executive (Legal Implications section).

---

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

---

<b>Item (F)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Jon Winstanley, Paul Hendry, Shiraz Sheikh</b>

***(F) Question submitted to the Portfolio Holder for Planning, Transport & Countryside by Peter McGurk:***

*“Where the Henwick Worthy JMC makes a recommendation which is approved by Thatcham Town Council (apparently by the Recreation and Amenities Committee), what is the decision making process within West Berkshire Council in respect of such a recommendation? Does it go to a committee, does a portfolio holder make the decision or does an Officer make a decision?”*

**The Portfolio Holder for Planning, Transport & Countryside answered:**

The answer very much depends on what the decision is which is being sought by the JMC. The council's constitution sets out clear guidance as to what matters are delegated to officers which matters are for individual decision and which matters are for the Executive.



---

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

---

<b>Item (G)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Katharine Makant</b>

### **(G) Question submitted to the Portfolio Holder for Finance & Economic Development by Paula Saunderson:**

*“Given the launch of the Central Government Green/Blue Infrastructure Framework in December 2021, and the modern Urban Design Principle to De-Culvert Ordinary Watercourse, Please please can the importance of the historic Northbrook Stream be taken into account in the more detailed work for Newbury Town Centre design, with a more strategic view of the many Health & Well-being, and Climate Change/Environmental benefits that can be obtained by De-culverting?”*

#### **The Portfolio Holder for Finance & Economic Development answered:**

So far as I'm aware, de-culverting the Northbrook Stream was not put forward during the two public engagement rounds on the development of the Newbury Vision and Masterplan in 2021, during which we received over 5,000 responses from residents, businesses and stakeholders. The Masterplan is a long term vision for Newbury town centre and – subject to this Executive endorsing the document - we will be taking it forward in partnership with key stakeholders. Any proposals to de-culvert the Northbrook Stream would be subject to alignment with strategic flood risk considerations along with detailed technical work to establish feasibility and cost.

---

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

---

<b>Item (H)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Stuart Clark</b>

***(H) Question submitted to the Portfolio Holder for Environment and Waste by Paula Saunderson:***

*“Whilst welcoming the long refreshed Strategy, in preparation for the Overview & Scrutiny Management Commission, please can consideration be given to past successes and future Activities being broken down into Sub-Catchment Areas based on the Main Rivers and their Confluences, in a similar way to those followed by County Council level Lead Local Flood Authorities?”*

**The Portfolio Holder for Environment and Waste answered:**

West Berkshire Council, as the Lead Local Flood Authority, is responsible for managing local flood risk from surface water, groundwater and ordinary watercourses. The areas effected by local flood risk in West Berkshire do not generally correspond to river catchments or their confluences. Therefore, the council's approach has been to prioritize those areas most at risk rather than wording to a catchment based approach. However, we do work closely with the Environment Agency, who manage flood risk from main rivers on a catchment basis, and together we support the Pang Valley and Lambourn Valley Flood Forums in order to coordinate decisions and actions where it is desirable at a catchment level.

---

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

---

<b>Item (A)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Jenny Graham</b>

### **(A) Question submitted to the Portfolio Holder for Planning, Transport & Countryside by Councillor Tony Vickers:**

*“Can we see how much use each and every on-street EV charging point has had and some indication of how and when at least some of these can have dedicated parking spaces to enable existing and would-be EV vehicle owners to be confident that they will be able to use them?”*

#### **The Portfolio Holder for Planning, Transport & Countryside answered:**

Thank you for your question Councillor Vickers. Officers receive regular updates of the usage of each of the on-street charge points and would be pleased to share this with you if you approach them directly, or we can add to the Transport Advisory Group (TAG), and discuss there.

In respect of the trial project to introduce parking restrictions adjacent to selected charge points, you will be aware that this was delayed firstly by the need to focus on matters associated with the Covid response and then by problems recruiting to vacant posts. I can now confirm that we have brought in an additional member of staff, who is now actively working on this project.

**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:**

*“I live within a short distance of four of the EV charging points which have hardly been used in two and a half years, so it was very frustrating knowing that a trial was coming. Can we have members, and I personally would like to be consulted, in proposing posts that need to be in this trial. Can this be prioritised, as it's not showing the right degree of urgency when we have a climate emergency and budgetary problems. Could there please be some more consultation in the areas that residents see the posts not being used?”*

#### **The Portfolio Holder for Planning, Transport & Countryside answered:**

Thank you for that. Consultation is key, and we need to be mindful of the responses that come back on that. We have prioritisation in that someone is now working on it.

---

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

---

What we need to see is some output from that. As said, I am happy to add it to a TAG agenda so that we can go through it and have that discussion fully.

---

---

---

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

---

<b>Item (B)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Matt Pearce/Paul Martindill</b>

### **(B) Question submitted to the Portfolio Holder for Internal Governance, Leisure and Culture by Councillor Adrian Abbs:**

*“Given the huge difference between a step 6 facility and a step 4 one, why did the Executive ask for a step 6 planning application at Western Area Planning, when they intend to build a set 4 capable facility?”*

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

The plans submitted are seeking to deliver up to a Step 4 facility. However the teams currently scheduled to play at the ground are currently playing at Step 7 level. The planning application is being processed on the basis of the proposed maximum use applied for, which is a Step 4 facility. If planning permission is granted, this will allow for existing teams to continue to use the site if they progress, up to a level of Step 4.

The council is keen to give local teams every opportunity to rise through the league and top class facilities are an important element.

In addition, if the London Road Industrial Estate redevelopment incorporating the old football pitch achieves planning consent in the future, the Sports Hub development could be considered as a partial mitigation to the loss of the Faraday Road Stadium.

Sport England have advised that they would attach a number of conditions in order for them not to reject, one of which is that the proposed 3G artificial turf pitch and associated works is designed and delivered to a specification that will be capable of meeting the FA league requirements for a Step 4 facility.

In light of these factors it was thought prudent to future proof the proposals

**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:**

*“It's very difficult for the public to understand why, if we intend it to ultimately be a Step 4 facility, why would it not be bought forward as a Step 4 planning application. It leads to distrust and misunderstanding to have the Western Area Planning meeting approve it as a Step 6 facility. Do you not think it would have been better to have bought this forward as a Step 4 application to avoid all of the confusion?”*

---

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

---

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

I think with the benefit of hindsight that is probably correct, but I would stress again the application is for a Step 6 facility with the scope to upgrade to Step 4 with no additional cost.

---

---

---

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

---

<b>Item (C)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Paul Hendry</b>

### **(C) Question submitted to the Portfolio Holder for Planning, Transport and Countryside by Councillor Phil Barnett:**

*“Dog ownership in the last few years has increased dramatically and most dog owners responsibly dispose of dog waste. Unfortunately, several dog waste bins in the district have become noticeably overflowing, resulting in dog waste bags being left on pavements and splitting open. Can the Executive Member identify whether all the bins are emptied on a fixed schedule, or only when various residents or parish councils notify West Berkshire Council that they need to be emptied?”*

#### **The Portfolio Holder for Planning, Transport and Countryside answered:**

Collection of dog waste from parks and open spaces is carried out on a fixed collection schedule and some bins, depending on location, are emptied more frequently than others. The increase in dog ownership during and post lockdown has put our parks and open spaces under increased pressure. The Council has increased the resources available to the Grounds Maintenance Service in order to deal with this increased pressure. Recently however, staffing changes and difficulty recruiting has resulted in bin collections falling behind leading to some minor disruption in service (localised not widespread). The Grounds Maintenance Team Leader and the Contractor are working together to resolve this.

**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:**

*“Thank you for the comprehensive answer. It still unfortunately doesn't address this issue of several bins which are really being over loaded on a regular basis now by a large number of dog owners. It creates a smelly and unsightly mess. Can I have an assurance that the staffing issue will be resolved and, if there is a request from residents or even parishes that extra resources are put in to try and address this issue so that we don't see all these overflowing bins?”*

#### **The Portfolio Holder for Planning, Transport and Countryside answered:**

Yes, I agree and I've witnessed some bins being quite seriously overloaded. I have to say, at that point there is a responsibility on the dog owner to take it home or find another bin, if they can't fit it into the one that's overloaded. I don't say that light-

---

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

---

heartedly. Yes, we are doing our utmost to work with the contractor to make sure that these issues are resolved but there has to be a level of common sense applied to find somewhere else to dispose of it. I know many people who do just that. I am in regular conversation with many of my friends who have dogs and they will do that readily. It's difficult for me to give you a commitment on behalf of a third party but the commitment that I can give you is that we are working very hard to address this unforeseen increase in the volume of dog ownership. At the moment we will do everything we can do with the third party, to make sure that this is an issue that goes away, especially with the spring and summer coming.

---

---



---

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

---

<b>Item (D)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Shiraz Sheikh</b>

**(D) Question submitted to the Leader of the Council by Councillor Owen Jeffery:**

*“Can the Leader explain why the Chairman’s statement at the last Full Council that questions unanswered would be given written answers has not been fulfilled in the expected time-frame, at least with regards to my question?”*

**The Leader of the Council answered:**

Thank you Cllr Jeffery for your question, however I am a little confused by it as you did not submit a question to the last full meeting at Council.

However if in fact you meant to ask about questions to the meeting of the Executive planned for 13<sup>th</sup> January that meeting was cancelled and therefore no such promise of a time frame was given. An offer was made to provide a response from officers which I understand was provided to you as promised.

---

---

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

---

<b>Item (E)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Peter Walker</b>

**(E) Question submitted to the Portfolio Holder for Planning, Transport and Countryside by Councillor Alan Macro:**

*“What was the original purpose for inserting the gagging clause in the service level agreement with Readibus?”*

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

There was no “gagging” clause in the originally drafted, or revised agreement.

**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:**

*“It may have been called a “confidentiality” clause, which basically said that in this case Readibus were not able to make any press statement or media statement without prior authorisation by the Council. In my view that is a “gagging” clause.”*

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

The clause that you are referring to is a standard contract clause and the minimum we would expect of one of our service providers. It is included in all of the service level agreements between the Council and community transport providers. It seeks prior approval of the Council and the Council cannot unreasonably withhold such approval. The end of that statement is being conveniently left out of conversations that are taking place. We have to do the best for our service provision and this is part of the standard contract approach.

---

---

---

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

---

Item (F)	Executive Meeting on 10 February 2022
Submitted to:	<b>Katharine Makant/Bill Bagnell</b>

### **(F) Question submitted to the Portfolio Holder for Finance & Economic Development by Councillor Tony Vickers:**

*“What, if any, indication has the Executive Member leading the LRIE development project been given to justify the assumption contained within the Avison Young Master Plan that housing will be permitted on the Council land there?”*

#### **The Portfolio Holder for Finance & Economic Development answered:**

I have been given no indication other than the rationale set out in the Avison Young Development Brief, which assesses the potential for redevelopment of the whole of the LRIE site against planning and market considerations current at the time it was prepared. Any planning application that comes forward for LRIE, whether submitted by the Council as landowner or by a developer partner or partners, will be subject to the statutory planning process and will be determined on its merits by the Local Planning Authority.

**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:**

*“My question could have been the supplementary that Mr Pearce may have liked to ask earlier on in this meeting because we have no planning policy at present that would indicate there's any chance of the Avison Young Master Plan being implemented, even in the emerging Local Plan. Would you not agree that this looks to the public like a very irresponsible use of a lot of public funds to replace a football pitch with housing when there's no chance, it would appear, on planning grounds for it to happen”.*

#### **The Portfolio Holder for Finance & Economic Development answered:**

I'm sure you wouldn't really expect me to agree with that statement. I would simply repeat that any planning application that comes forward, an outline planning application for the whole site (I note that you've got a question on that coming up), which includes all sorts of different proposals for different areas of that site, I would expect the local planning authority to consider it on a holistic basis.

---

---

---

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

---

<b>Item (G)</b>	Executive Meeting on 10 February 2022
<b>Submitted to:</b>	<b>Katharine Makant/Bill Bagnell</b>

### **(G) Question submitted to the Portfolio Holder for Finance & Economic Development by Councillor Tony Vickers:**

*“When does the Executive Member for LRIE redevelopment now expect to be able to submit an outline planning application for the whole site?”*

#### **The Portfolio Holder for Finance & Economic Development answered:**

The exact timescale for submission of an outline planning application for LRIE is dependent on which delivery approach is chosen. However, we are looking to make capital budgetary provision to submit an outline planning application for LRIE in the 2022/23 financial year. The soft market testing of the Development Brief which is currently underway will help determine the best way forward to deliver our strategic objectives in the current economic climate.

**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:**

*“Can you confirm that an outline planning application will need to include, among other things, a full flood risk assessment, indeed a full environmental impact assessment which would include the flooding aspect?”*

#### **The Portfolio Holder for Finance & Economic Development answered:**

An outline planning application will include all of the areas that it needs to, I'm sure it will include those things, but I'll defer to the experts.

---

---