# Questions and Answers

## **Executive** Thursday 14th December 2023

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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#### Item (A) Executive Meeting on 14 December 2023

#### (A) Question submitted to the Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside by Ian Hall:

"Has the council approached the Football Association, Sport England or any other body, to see what grants are available to assist with the reconstruction of Faraday Stadium?""

### The Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside answered:

Football has returned to Faraday Road, as promised, and we are now considering options for pitches across the whole of the District. Funding opportunities will be explored, as part of the project development, for any options taken forward.

Item (B)

Executive Meeting on 14 December 2023

### (B) Question submitted to the Portfolio Holder for Regeneration, Growth and Strategy Development by Alan Pearce:

"Please would the Council confirm it will not make a decision on the Bond Riverside Regeneration Programme Review (Currently deferred on the forward plan) until it has calculated and published the three calculations below not included in the Ardent, West Berkshire Council, London Road Newbury Catchment Study, Report Ref. 195110-01 December 2019? a. The liters per hour green field runoff rate of the catchment area which outfalls into the Northbrook stream about 70 Hectares/172.9 Acres. (Report ref 2.4. Figure 2-2 Catchment Extent) b, The liters per hour urban runoff rate of the catchment area which outfalls into the Northbrook stream about 70 Hectares/172.9 Acres. (Report ref 2.4. Figure 2-2 Catchment Extent) C, The liters per hour flow rate of the enclosed Tesco culvert (Report Ref 2.9. Figure 2-9)"

### The Portfolio Holder for Regeneration, Growth and Strategy Development answered:

Mr Pearce, thank you for your question

No. The Regeneration Programme review sets out the Council's ambitions for Bond Riverside from a landowner perspective and sets out how we aim to bring forward investment in the site. Before any specific development is authorised through the planning process it will need to satisfy planning and drainage policy around flooding and runoff – therefore calculations will be undertaken and suitable mitigations proposed through any planning applications.



Item (C)

Executive Meeting on 14 December 2023

### (C) Question submitted to the Portfolio Holder for Climate Action, Recycling and Biodiversity by Paula Saunderson:

"Following the July 2007 Floodings in West Berks have all the Areas mentioned in the Reports and the Flooding Maps received Studies, Schemes or Funding towards future Mitigation of Flood Risk?"

#### The Portfolio Holder for Climate Action, Recycling and Biodiversity answered:

Dear Paula, thank you for your question.

The devastating floods in 2007 affected pretty much every Parish in the District to a greater or lesser extent. The impact was unprecedented. Since this event the Council has bid for and invested 10's of millions of pounds on flood defences throughout the District, concentrating on those areas that were most effected.

The Council has not only invested in infrastructure, but it has helped develop flood forums and a network of flood wardens, all of which helps raise awareness and improves our resilience to the impact of flooding. Given the widespread nature of the flooding in 2007, it would not be possible or practical to have a flood study for each individual incident, however the Council is committed to combatting the devastating impact of flooding on a risk-based approach.



Item (D)

Executive Meeting on 14 December 2023

#### (D) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Simon Pike:

"Does the Council intend to make the Experimental Traffic Regulation Order for Lawrences Lane (in the parishes of Thatcham and Cold Ash) permanent?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Unfortunately, the experimental traffic restriction on Lawrences Lane has not been a success so far. The restriction was intended to prevent through traffic from using the lane to create a safer and more pleasant environment for pedestrians and cyclists, while maintaining access to adjacent properties. In practice, too many drivers ignored the restriction and the bollards that were installed to reinforce it were repeatedly vandalised and stolen. This meant that the lane was in fact no safer for pedestrians and cyclists and cyclists and the continued need to replace the bollards has caused ongoing pressures for budgets and staff time. In its current form, the restriction can therefore not be made permanent. We do, however, intend to introduce a new restriction, complemented by appropriate physical measures, possibly on an experimental basis again, that will be better respected and achieve the results that we all want. We are still working on the details but we will of course consult users, residents and other stakeholders when we have a firm proposal. I will also keep you and Thatcham Town Council fully informed.

**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:

"Since Lawrences Lane is in many places only 2.7m wide and that section is nearly a km long would you agree that it is not possible for vehicles to pass on it and it is not safe for a vehicle to pass a pedestrian, a cyclist or particularly an equestrian and therefore some measures are required in order to make the road safer to all types of road user?".

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

I'm not a highways expert but we will be looking at other measures to make that road much safer and I will keep you informed of that progress.



Item (E)

Executive Meeting on 14 December 2023

### (E) Question submitted to the Portfolio Holder for Planning and Community Engagement by Maria Dobson:

"Does the Administration intend to keep its manifesto commitment to put right the wrong CIL collection process for residents?"

#### The Portfolio Holder for Planning and Community Engagement answered:

Mrs Dobson, thank you for your question.

We are beginning after an awful lot of investigation, to put right the CIL collection process for residents. You in fact have had some communication this week about that. The CIL collection process is complicated and heavily regulated through regulation. To support the Council in unpicking this complexity and identify improvements. I am pleased to confirm the Council has commissioned The Planning Officers Society whose team are specialists in the field, to review the current CIL approach being taken forward by the Council. The review has started, and it is anticipated it will be completed in the Spring of next year and with it, enhancements to the collection approach and customers experience are anticipated. Those considered appropriate, will be taken forward and implementation as quickly as possible.

**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?"

#### Maria Dobson asked the following supplementary question:

"It's regarding the correspondence that was received this week. Although I have received an apology, why was I not afforded a further review of the actual CIL payment as you have done with the Lambourn case, particularly as nothing has changed since the original paperwork was originally submitted on both cases. It would appear that the Council is still treating people very differently.".

#### The Portfolio Holder for Planning and Community Engagement answered:

I hear what you say, and I know the case that you are referring to. There was not a true comparison of like to like. I don't think that we can compare the two. But I will be in touch with you and there's not much more I can say than that. So, I hope you will take my assurance that we will continue to discuss this.



Item (F)

Executive Meeting on 14 December 2023

### (F) Question submitted to the Leader of the Council by Alison May:

"An open government is one that proactively shares information in an open and transparent way whilst embracing relevant and appropriate communication methods. Public engagement, trust and confidence is the cornerstone to an enhanced inclusive democracy. It is noted that West Berkshire citizens continue to be denied the opportunity to participate in all meetings and to be in receipt of all relevant information in the public interest. Why is this current administration deprioritising its commitment to support a truly open and transparent government?"

#### The Leader of the Council answered:

The administration remains committed to supporting open and transparency around decision making within West Berkshire Council. This is reflected within the Council Strategy with less than 1% of all Council meetings taking place as a Part II decision. It is very rare that entire reports are within a Part II meeting, only restricting access to sections of reports that meet a strict criterion. We publish our agendas 5 days before the meetings are scheduled to take place, along with background papers. Our forward plan is available for the public to view with a minimum of 28 days' notice of key decisions.

Meetings are open to the public both in person and are live streamed to ensure that our residents are as engaged as possible with our meetings. Further, we support public engagement with questions that the Leader of the Council has extended in duration in the last Executive Meetings from the prescribed 30 minutes to enable these to be heard. Recordings of the meetings are available after the meeting, both in terms of minutes and on YouTube. Any written questions are published for inspection at a later stage.

Alongside, we have opened our Environment Advisory Group to the public and publish the recordings of these after the event for members of the public to access. We are hosting open Community Forums, with two already having taken place to engage with our communities across the District.

This is all in addition to the Scrutiny Committee being chaired by a Member of the Opposition.

West Berkshire Council is fully committed to acting in an open and transparent manner and will conduct itself accordingly whenever it is possible to do so.

**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?"



Item (G)

Executive Meeting on 14 December 2023

#### (G) Question submitted to the Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside by Paul Morgan:

"At the last full Council meeting it was stated that the total sum spent / committed so far (since the new administration took over) for bringing grass football back to Faraday Road is £230, 516.83 (£185,516.83 + £45,000. Can you please provide:

a) A full breakdown/details of what separate elements makes up this total sum.

b) Full details of the procurement / tender process that the Council followed to obtain these prices

c) What companies were awarded the supply contracts resulting from this process.d) The business case that supports this procurement."

### The Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside answered:

Mr Morgan, thank you for your question.

Trenching and pipework for the foul water connection cost £10,000. Trenching and pipework for the clean water connection cost £26,000. The electric supply connection work cost £4,500. The 4m high perimeter fencing and palisade fencing cost £110,000. All of these were procured through the Council's Term contract which has been subject to a full competitive procurement exercise.

The pitch preparation and goal posts cost £10,000 which was carried out through the Council's Grounds Maintenance contract, which again is a competitively tendered contract.

£4,500 was paid to Thames Water for the foul and clean water connections.

The portacabin changing rooms cost £20,000 which was purchased from a specialist 2nd hand portacabin provider, Britcab.

There is no business case, this was a manifesto pledge endorsed by the public of West Berkshire.

**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:

"Thank you for the comprehensive response. Could you provide the scope of works for some of these elements of costs that you have just outlined, for example, you said  $\pounds 110,000$  for the fencing. Could you provide a breakdown of what actually was provided for that. Similarly on the pitch renovation can you provide the scope of works that we can look at and what we get for that. If you can do that, I would be grateful."

### The Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside answered:

I will arrange that for you Mr Morgan.



Item (H)

Executive Meeting on 14 December 2023

### (H) Question submitted to the Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside by lan Hall:

"A few years ago, I asked if any survey of the former pitch at Faraday Road had been done (I asked because of the former administrations plans to redevelop it). Has the council done any surveys (especially relating to the sub -soil) of the ground, given it is on an area being identified within a flood plain, in the last five years?"

### The Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside answered:

Bore hole water table monitoring was carried out on the estate including a bore hole sunk on the football round; ground water levels on the football ground were recorded as follows - Minimum 1.5ms, Maximum 2ms.



Item (I)

Executive Meeting on 14 December 2023

### (I) Question submitted to the Portfolio Holder for Regeneration, Growth and Strategy Development by Alan Pearce:

"Please would the Council confirm it will not make a decision on the Bond Riverside Regeneration Programme Review (Currently deferred on the forward plan) until it has investigated if there is any critical surface water drainage infrastructure missing in the area of the London Road Industrial Estate. (LRIE) Any missing infrastructure may prevent the construction of foul water infrastructure needed on the estate to complete the housing development at Sandleford. Planning permission at present for constructing foul sewage storage tanks to upgrade the foul water infrastructure may include a drainage strategy incorporating man-made property flooding on third party land downstream and subsequently fail at the planning stage?"

### The Portfolio Holder for Regeneration, Growth and Strategy Development answered:

Foul water infrastructure is the responsibility of Thames Water and it is for them to identify any gaps in the infrastructure – the Council will then support this through the statutory planning process.



Item (J)

Executive Meeting on 14 December 2023

### (J) Question submitted to the Portfolio Holder for Climate Action, Recycling and Biodiversity by Paula Saunderson:

"Following the 2013/2014 Floodings in West Berks and the Mapping of 19 Areas which were impacted please can you summarise details for any of the Individual Maps that are not subject to Studies, Schemes or Funding to Mitigate the Flood Risks from the usual variety of Sources?"

#### The Portfolio Holder for Climate Action, Recycling and Biodiversity answered:

Dear Ms Saunderson, thank you for your question.

As mentioned in my previous answer, the Council manages the impact of flooding on a risk based approach. The flooding in 2013/14 was mainly because of high groundwater which directly led to flooding, but also lead to high river levels which in turn had a severe impact.

The areas impacted in 2013/14 all tend to be those areas at higher risk of flooding. I can confirm that all these areas have had some investment in flood measures in the last 10 years, whether as a direct response to the event in 2014, or as a result of further investigation in the intervening time.

**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?"

#### Paula Saunderson asked the following supplementary question:

"So are you saying that the Newbury area 11 map 102 has had investigation in the last 10 years. It is the area that is at most risk at the moment of high river levels of the River Lambourn which is the top of Newport Road, bits of Kiln Road, Riverside Lane and River Walk".

#### The Portfolio Holder for Climate Action, Recycling and Biodiversity answered:

All of the houses that had internal flooding in 2014 were sent letters to invite them to apply for property level protection. I believe six took up the opportunity and we have spoken in the interim and will be arranging a meeting with the EA along the River Lambourn to look at the state of the banks and whether any remedial works need to be done and work with riparian owners to do so.



Item (K)

Executive Meeting on 14 December 2023

#### (K) Question submitted to the Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside by lan Hall:

"Is the money allocated under EX4332 (the Monks Lane Sports Hub) now being used to lower the debt left by the previous administration ?"

### The Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside answered:

The budget allocation for the Sports Hub at Monks Lane has not been reallocated to any other capital projects. Funding has not been relocated to pay historic debt.



Item (L)

Executive Meeting on 14 December 2023

### (L) Question submitted to the Portfolio Holder for Regeneration, Growth and Strategy Development by Alan Pearce:

"Now the Council has withdrawn the statement that the Faraday Football Ground is built on a municipal rubbish dump. Please would the council confirm it will not make a decision on the Bond Riverside Regeneration Programme Review (Currently deferred on the forward plan) until it has completed borehole testing on the ground to confirm if the land is contaminated and publish the results?"

### The Portfolio Holder for Regeneration, Growth and Strategy Development answered:

No. A key element of the programme review is that football will continue being played on site rather than re-developing the football ground. Any potential future applications to enhance the sporting provision on the ground will be subject to planning permission and satisfying all relevant requirements.

**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:

"That's another no. The opportunity to use the pitch for flood mitigation with drainage crates, I appreciate that because the water table is so high, you may only have a small amount so may not be practical to do it, but surely that should be investigated before the Bond Riverside Regeneration Review comes back. When it comes back, would you not agree that this time it needs to be right?"

### The Portfolio Holder for Regeneration, Growth and Strategy Development answered:

I think we have a difference of opinion on the legality and position on this. Our approach is about step-by-step development and each one needing to adhere to the planning laws when it comes forward.



Item (M)

Executive Meeting on 14 December 2023

### (M) Question submitted to the Portfolio Holder for Adult Social Care by Paula Saunderson:

"Following the Decisions for the delivery of Public Health for West Berkshire at last Full Council I am confused about this function and would like to know whether the Services of West Berks Council Adult Social Care as part of an Integrated Health & Social Care system will be Monitored and/or Scrutinised by this Public Health function, or by the Health & Wellbeing Board or by the Health Scrutiny Board please?"

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

No, I do not see it as the responsibility of either the Director of Public Health, or the Public Health Board to scrutinise the delivery of Adult Social Care.

That said, I think we all recognise that this area is a complex, multi-agency landscape in which many organisations overlap and interact. This includes Health commissioners, Health Providers, Local Authority Social Care, Public Health professionals, the voluntary sector, independent social care providers and beyond. Cooperation and collaboration between those interested parties is key to the successful delivery of services; sometimes this also includes constructive challenge.

In terms of scrutiny, you are aware that Adult Social Care, like the Integrated Care Board, brings forward reports periodically to the Health and Wellbeing Board and Health Scrutiny Board and responds when there is an issue requiring more investigation. In addition, there are a number of Adult Social Care priorities monitored as part of the Council Strategy delivery plan.

You may also be aware that the inspection regime undertaken by the Care Quality Commission is in the process of extending to cover the core Adult Social Care functions of local authorities.

On that basis, I am confident that there is sufficient oversight of ASC functions. I also expect the close working relationships between Asocial C, Public Health and other partners to continue.

**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?"

#### Paula Saunderson asked the following supplementary question:

"Many Councils have Adult Social Care with Health Scrutiny and I get confused between Health Scrutiny and the Health and Wellbeing Board and a question I raised three years ago about the poor rates of continuous health care provision in Berkshire West has moved from Health and Wellbeing Board to Health Scrutiny at which we



cannot ask public questions. May I ask you to look to see whether this suits the public being able to raise issues in this field of interest".

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

The public can ask questions at the Health and Wellbeing Board so that facility is already there. We will look into the scrutiny of public bodies,



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Item (A) Executive Meeting on 14 December 2023

#### (A) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Councillor Ross Mackinnon:

"You postponed the imposition of extended pedestrianisation in July because you hadn't taken into account planned roadworks elsewhere in Newbury. Have you checked the roadworks schedule this time?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Dear Cllr Mackinnon, thank you for your question.

All known roadworks will be taken into consideration when considering the trial extension to the pedestrianisation.

Item (B)

Executive Meeting on 14 December 2023

#### (B) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Councillor Ross Mackinnon:

"When was your last communication with the Department for Transport regarding the ETRO required for the extension of pedestrianisation?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Cllr Mackinnon, thank you for your question. The last communication from the Department for Transport was via email on 21st November 2023 and the last email communication from officers to the DfT was on 6th December 2023.



Item (C)

Executive Meeting on 14 December 2023

#### (C) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Councillor Ross Mackinnon:

"At the Council meeting on 20 July regarding the proposed (and later postponed) extension of pedestrianisation in Newbury Town Centre, I asked you "What will you say to residents with mobility issues who say that a failure to consult with them before the scheme is a failure of duty of care towards them. They should be asked their views before the council experiments with their lives". You answered that "We will continue to work with all representatives,

organisations and local residents to find the best way forward." Now that you again plan to impose this experiment on residents and visitors to Newbury, can you tell me what work you have done since 20 July with all representatives, organisations and local residents to find the best way forward?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Cllr Mackinnon, thank you for your question.

Officers have been working with Legal colleagues and the DfT to understand how a trial can be achieved within legislation. It would not have been a good use of officer time to have them undertake a widescale engagement exercise without knowing when and how the restriction would come into force.

The intention it to bring this in by the summer and leaves plenty of time to engage as promised.

**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 Ross Mackinnon asked the following supplementary question:

"How can you say that it is not a good use of officers time to talk to disabled residents and businesses about the potential impact on them?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

As I said in our earlier conversations we will be talking to people, we will just not do the consultation. We will be talking to interested groups including taxi drivers and disabled and blue badge owners and the wider community. But it will be talking to interested stakeholders not consultation.



#### Item (D)

Executive Meeting on 14 December 2023

#### (D) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Councillor Ross Mackinnon:

"At the Council meeting on 20 July regarding the proposed (and later postponed) extension of pedestrianisation in Newbury Town Centre, you said to Cllr Woollaston, "We will actually talk to local businesses, local residents, all of the statutory services that we're required to talk to, before we put this process in place" (2.00.45 – 2.01.00 on the YouTube recording). Will you actually talk to local businesses, local residents, all of the statutory services that you're required to talk to, before you put this process in place?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Cllr Mackinnon, thank you for your question. As per my previous answer, yes we will engage with Stakeholders prior to the restriction coming into force, but as I said earlier on to Councillor Woollaston, we will talk to local businesses, local residents and all statutory services. We will not be consulting until the actual ETRO comes into force, or prior to the ETRO if a TRO is going to be used.

**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 Ross Mackinnon asked the following supplementary question:

"I understand what you are saying, so it won't be a full consultation, but you will be talking to them. What sort of format and forum will you be talking to those stakeholders before the restrictions come into place?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Once I know whether we are going to have an ETRO or a TRO I will let you know. I don't know myself yet until we actually go to the next stage.



Item (E)

Executive Meeting on 14 December 2023

#### (E) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Councillor Ross Mackinnon:

"The Equalities Impact Assessment for the extension of pedestrianisation states, regarding residents with disabilities, "There has been no survey undertaken to understand how many could be affected."You've had 5 months since you had to abandon your last attempt at this. Why has no survey been conducted in that time?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Cllr Mackinnon, thank you for your question.

As mentioned previously, officers focus has been on agreeing the legislative process to allow the trial to proceed. There is plenty of time to engage with all Stakeholders prior to the implementation. Indeed, if the use of an Experimental Order is not approved by the Secretary of State, a full statutory consultation will be required as detailed in the report.



Item (F)

Executive Meeting on 14 December 2023

#### (F) Question submitted to the Portfolio Holder for Highways, Housing and Sustainable Travel by Councillor Ross Mackinnon:

"The Equalities Impact Assessment for the extension of pedestrianisation states, regarding residents with disabilities, "The proposed trial would restrict access in the evenings to those with disabilities who currently are able to be dropped off or park within the pedestrianised area". But it also states that there are no aspects of the proposed decision which could contribute to inequality. How can both statements be true?"

#### The Portfolio Holder for Highways, Housing and Sustainable Travel answered:

Cllr Mackinnon, thank you for your question.

As the Equalities Impact Assessment states, it is not known if any residents with disabilities will be affected by the proposal. As you know our preference is to undertake this as a trial which will give an excellent opportunity to monitor the impact on all stakeholders and undertake mitigation as and when needed.

