

# **Questions and Answers Executive Meeting 31 March 2011**



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# **Executive Meeting**

## **Thursday, 31 March 2011**

Questions and Answers



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

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**(a) Question submitted to the Executive Member for Planning, Housing and Transport Policy by Grahame Farquhar:**

*“Could I please ask the Executive Member for Planning to provide a response to the following question: when a planning application is submitted and approved are the planning conditions and written comments provided by the Planning Officer with regard to measurements considered to be compulsory or arbitrary?”*

**The Executive Member for Planning, Housing and Transport Policy answered:**

Mr Farquhar thank you very much for the question. The short answer is they are neither compulsory or arbitrary. Whilst anything written by the case officers should accurately reflect the proposed development, there is in fact a detail within the application forms of the plans and most importantly the formal decision notice, that's the most important thing defining the approved or refused development.

**Grahame Farquhar asked the following supplementary question:**

*“My neighbour put a planning application in to build a fence up to a maximum height of four metres. That was refused by Newbury Town Council. The Planning Officer also rejected it. They then re-submitted it straight from the house, which is semi-detached, to two metres not to exceed three metres and it would follow the hedge line as well over a distance of about 14 metres.*

*The contractors started to build it and I mentioned to them that at the house it was in excess of the two metres. They contacted their boss and they carried on building. It was then way over three metres at a certain point.*

*So I asked the Planning Officer to give me a contact number for the Enforcement Officer. I phoned up the Enforcement Officer who said he was too busy, it was a minor problem, but he would come out sometime. He then came out (this was on a Thursday), on the Tuesday, he went next door, he did measurements, he came into my house and he said the measurements comply. I said, sorry to differ with you, the measurements do not comply. The Planning Officer's recommendations were two metres by the house and not to exceed three metres. We had a slight discussion. I said let's go outside and measure. We went out and did a re-measure and he said yes, my measurements are incorrect.*

*I then went away on holiday with my wife, which was on the Tuesday. When I came back on the following Monday I received a letter from him saying that he'd come out on the Wednesday and re-measured with other measuring equipment and, remembering that it should only be two metres at one end and three metres at the other end and a maximum of three metres anywhere along the line - ground to top of fence adjacent to dwelling two metres and eighty millimetres, which I still refute that – the distance at the middle of the fence, with the ground sloped away, he says is three metres seven hundred and seventy millimetres, it's actually a bit more than that, and at the bottom at the lowest point it's three point one three metres high as against three metres.”*

**The Executive Member for Planning, Housing and Transport Policy answered:**

Mr Farquhar, sorry to interrupt you sir. You give very precise details here which wasn't in the original question so I'm not really empowered to answer that, but what I could say is if you would send me some of these details, giving your reference to the planning application number, if you do that I'll look into it and get you a written answer. That's the best I can do. What you're saying I've no knowledge of.

**Mr Farquhar asked:** I'm being precise because that was why I've raised the question. Is it compulsory or arbitrary?

**The Executive Member for Planning, Housing and Transport Policy answered:**

Well, it's neither.

**Mr Farquhar asked:** Dependent upon an Enforcement Officer whether it's two storeys high or three storeys high. That's my point.

**The Executive Member for Planning, Housing and Transport Policy answered:**

If you get me specific details sir, I'll get back and get you the answer.

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**Richard Garvie asked:** Sorry Chair, just before I do ask the first question, can I clarify what time the meeting was due to start tonight?

**The Chairman answered:** Half past six.

**(b) Question submitted to the Executive Member for Education by Richard Garvie:**

*"Following on from comments made to local media outlets this year that our local facilities were safe, can the Council assure me that no funding reductions will be made to our local Children Centre's and SureStart schemes?"*

**The Executive Member for Education answered:**

Yes.

**The Chairman asked:** Mr Garvie do you have another question?

**Richard Garvie answered:** I do. May I ask the second question in my name please.

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**(c) Question submitted to the Executive Member for Planning, Housing, Transport Policy by Richard Garvie:**

*"Could the Leader of the Council please advise as to why Grundon were allowed to continue quarrying the proposed incinerator site for over two years after their planning consent ended?"*

**The Executive Member for Planning, Housing, Transport Policy answered:**

Thank you for your question Mr Garvie . . .

**Richard Garvie asked:** Sorry Councillor Law to interrupt you. Do I get a supplementary to the first question?

**The Chairman answered:** I assumed you'd studied the Constitution, but you have had your question answered in full already so there's no need for a supplementary. Councillor Law would you like to carry on.

**Richard Garvie asked:** I'm sorry Chair, but can you clarify when my question was answered in full?

**The Chairman answered:** I think the word "Yes". I'm not going to carry on with this protracted conversation between us, but if you'd like to continue with the questions you can do, but I'm moving on to Councillor Law.

**The Executive Member for Planning, Housing, Transport Policy answered:**

As I said, thank you for the question Mr Garvie.

Unlike many other aspects of Local Government and Council work, planning and enforcement policy is extremely complex and I can appreciate your difficulty in understanding those, hence the question I think.

The answer is normal procedure is to first of all ask the Developer to submit a retrospective application in order to normalise the situation.

We've done this and we've been waiting for such an application for some time and chased and received commitments from Grundon that it was on its way a number of times. The good news is that it has now been received and validated and will be decided in due course.

**Richard Garvie asked the following supplementary question:**

*"At the open day of the public consultation for the incinerator, the person leading that public consultation displayed one letter which he said was the only response he'd had from West Berkshire Council with regards to the two years they'd been going without planning permission. You say you chased Grundon. Can you confirm what other actions you took apart from that single letter."*

**The Executive Member for Planning, Housing, Transport Policy answered:**

I'm not aware of a single letter. I'm not aware of multiple letters. My brief is that we have on a number of occasions chased Grundon and we have obviously eventually been successful because they have submitted the application.

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**(d) Question submitted to the Leader of Council by Richard Garvie:**

*"When social housing is sold off in the district, the proceeds are expected to be invested locally by said housing association (in this case Sovereign). When Sovereign initially sold off the local housing stock which was given to them in 1989, can the council advise as to where the proceeds were spent, and in 2006 when Sovereign made around £1m on the sale of garages by auction, can the leader advise as to where this money was spent?"*

**The Leader of Council answered:**

Thank you for your question. Can I refer you to the answer you received under a Freedom of Information request that has already been sent to you by West Berkshire Council.

**Richard Garvie answered:** You may indeed.

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**(e) Question submitted to the Executive Member for Community Care, Pensions, Insurance by Richard Garvie:**

*“Could the Executive advise on the future of Residential Care at Notrees and Windmill Court, and also inform me of any discussions that the portfolio holder for these facilities may have held regarding their sale?”*

**The Executive Member for Community Care, Pensions, Insurance answered:**

No Trees Residential Home is owned and run by West Berkshire Council and it accommodates 18 people with two respite beds. This home is always full and often has a waiting list. There are no plans to change the use of this building or to sell the home.

Windmill Court is a sheltered housing complex and that is owned Sovereign Housing.

**Richard Garvie asked the following supplementary question:**

*“Could you please confirm what discussions may have been taking place with regards to the possible closure of these two buildings and if there is plans, you said before that there’s no plans, but if there’s a consultation due to take place with regards to the closure of these two buildings could you please advise when that may take place?”*

**The Executive Member for Community Care, Pensions, Insurance answered:**

I’m not aware of anything you have just stated.

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**(f) Question submitted to the Executive Member for Finance, Economic Development, Property, Health and Safety by Richard Garvie:**

*“With the ageing demographic locally and with younger people moving away for higher paid employment, what is the Council doing to attract new employment and investment in the district?”*

**The Executive Member for Finance, Economic Development, Property, Health and Safety answered:**

With regard to the ageing demographic, we do expect the proportion of our community who are over 65 to increase from 15 percent to 18 percent of our population between the years 2010 and 2020. However, quite what this demographic has to do with investment into the district is difficult to understand and in my opinion clearly illustrates muddled thinking in the formulation of this question.

With regard to young people, whilst it’s possible some young people may move away from the district into higher paid jobs elsewhere, it must also be true that there is movement into the

district for the same reason. I do not have any evidence that there is a net outflow from the district on this basis, but if you know better perhaps you'd be good enough to supply me with that information and assure me that it does exist.

However, to answer the 'what is' part of your question I can report that the Council, working with other organisations is, through the Skills and Enterprise Partnership, Chaired very ably by Ann Murdock of Newbury College, delivering an Action Plan that is focussed on encouraging business growth, training and apprenticeships for local people. Amongst other things, the Partnership is organising a Jobs Fayre for the early summer.

Another organisation is the Thames Valley Chamber of Commerce, which is dealing with inward investment enquiries.

The Council is also working with the Berkshire (West) Total Place project, assisting young people not in education, employment or training into local employment via apprenticeship opportunities. This new initiative aims to engage with employers such as Microsoft, Vodafone and others. It goes with an in-work education programme to ensure attainment of basic educational standards, leading to nationally recognised qualifications, thereby improving employment opportunities.

The Council is also working through the West Berkshire Education and Business Partnership, providing work placement opportunities for school age children and those attending courses at Newbury College to help them make the transition from education into employment.

We shall shortly be publishing a Local Economic Assessment (LEA) that gives an accurate consideration of what the District has to offer and I expect that this document will highlight further activities that the Council and others can undertake.

However, for your information, I would like to emphasise that this Authority is the third highest growing authority economically in the country. Also, we are one of only two areas in the South East receiving substantial retail investment.

**Richard Garvie asked the following supplementary question:**

*“Can the Council please advise as to why the position of Economic Development Manager was removed from the Council. Will that not prevent us – you say you don't see the link between investment and employment generation, but surely with all the new houses that we're due to get in the district over the next ten years or so, surely we need to have some kind of plan for economic growth to provide employment for these people and also investment to accommodate those developments?”*

**The Chairman said:** I think a bit tenuous as a supplementary, but go on Councillor Chopping.

**The Executive Member for Finance, Economic Development, Property, Health and Safety answered:**

I can advise you that that particular post is now shared between various officers in the authority.

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

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**(a) Question submitted to the Executive Member for Environment, "Cleaner Greener", Public Protection, Customer Services submitted by Councillor Royce Longton:**

*"What measures have been taken to reduce the level of air pollution around the Burger King roundabout, and with what effect?"*

**The Executive Member for Environment, "Cleaner Greener", Public Protection, Customer Services answered:**

At this point, no specific measures have been taken since the declaration of the air quality management area. However, all matters have been scrutinised by, and consulted with, the Transport Policy Task Group. There's been a public workshop to look at action plan options. Local residents, local business groups, transport agencies and representatives, ward members and relevant officers from West Berkshire Council and adjoining authorities all participated.

A draft report on the workshop findings is to be presented to the Task Group shortly.

A public consultation following the group's discussion will take place.

Alongside this statutory process Environmental Health Officers have worked with colleagues in both the Highways and Planning Policy teams to ensure that air quality is considered in planning applications, where national policy allows consideration, and to include an air quality policy within the Local Transport Plan 3.

**Councillor Royce Longton asked the following supplementary question:**

*"We've been considering this for some time now. When do you envisage action being taken?"*

**The Executive Member for Environment, "Cleaner Greener", Public Protection, Customer Services answered:**

As I've said, the action being taken is that there will be a public consultation and most of the actions will arise out of that and the other reason it's taken slightly longer is that the technical elements of the process, there's been some debate between DEFRA and our Contractors, who are also DEFRA's Contractors, over the methodology used to get the end figure for pollution levels. This did cause some delay in the process but was important due to how close the levels were to the limit values.

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**(b) Question submitted to the Executive Member for Children and Families, Youth Services, Culture & Leisure by Councillor Gwen Mason:**

*"Are the Youth Centre Buildings that you are closing and want the local communities to run totally compliant with all disability requirements?"*

**The Executive Member for Children and Families, Youth Services, Culture & Leisure answered:**

A slightly odd question which could be answered in one of two ways.

First of all, we're not closing buildings, we're removing some youth service provision from certain buildings, but that isn't the same thing as saying that we're going to close the buildings.

It could also be answered in the context of right now we're waiting for local communities to come forward with proposals but, until we understand what their proposals are, we won't understand what the impact of the disability requirements will be, so it could be answered in either of those ways.

This is the first question I've had in a year being an Executive Member. I keep opening up my agendas for every Council meeting and every Executive meeting with hopeful expectation of a question, but in a whole year nothing's come forward and, indeed, I did have one question at last Council meeting but the debate on lack of scrutiny went on for so long that unfortunately I didn't get a chance to be asked my question. So, because of that I'm going to give this a bit more of a run up as I do think that the first question asked of an Executive Member in a whole year deserves a bit more effort than what I may have chosen as my first options.

The administration that was in place for 2003 received a grant from the Government to ensure that all of the facilities were compliant with the Disabilities Act in 2003. This included things such as looking for disabled showers, disabled toilets, hearing loops, access ramps, all of that, so to some extent some of you may have a better answer to that question in terms of what's been done to make these buildings disability compliant. However, I do recognise that disability requirements do move on. Currently our Access Officer is looking at all of our buildings and when a proposal comes forward from community groups, which we're hoping will happen, and we are then able to consider whether or not we hand over those buildings to the community groups, then we'll have that discussion with the Access Officer to understand that the current access and current disability arrangements for those buildings are consistent with any proposed use that those groups may put them to.

**Councillor Gwen Mason asked the following supplementary question:**

*"You've answered some of it because the Access Officer is going to look round these. As a recommendation I suppose really, could I recommend that you specifically look in the kitchen areas and if you took a member of the Disability Discrimination Act User Group they will quickly identify if there is something that's not compliant but, before you hand (the wrong word is 'closing' which I appreciate), but before you hand over to the community to manage bear in mind this is going to very expensive for the communities to change."*

**The Executive Member for Children and Families, Youth Services, Culture & Leisure answered:**

Thank you very much for the recommendation. Perfectly sensible. The only buildings that may potentially be in that category are Croftfield and John O'Gaunt, so I'm not familiar enough with the buildings to know if they actually have kitchen facilities.

**Councillor Gwen Mason:** And there'll be Riverside.

**The Executive Member for Children and Families, Youth Services, Culture & Leisure answered:**

Riverside's not closing.

**Councillor Gwen Mason:** No it's not closing. It's going over to the community if you see what I mean.

**The Executive Member for Children and Families, Youth Services, Culture & Leisure answered:**

Thank you for the suggestion.

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**(c) Question submitted to the Executive Member for Highways, Transport (Operational) and ICT by Councillor Tony Vickers:**

*"Why does this Council not require developers and (in effect) the occupiers of their proposed new developments, in areas with Residents Parking Schemes already in place (which indicates that on-street parking is at full capacity), to be denied the right to apply for parking permits, thereby ensuring that developers must make provision on-site for all parking required?"*

**The Executive Member for Planning, Housing, Transport Policy answered:**

I'm taking this Leader as it's more of a policy than an operational question.

Councillor Vickers, I was actually a little bit surprised that you're still asking the question because you ask it and I believe I answered it at a recent joint meeting of the Planning and Transport Policy Task Group on 18<sup>th</sup> March.

I refer you to Policy P3 and the recently adopted LPT3 and particularly I think you'll find that the preamble there directly addresses your question.

Just by the way, I think there's a false premise in the quality of question. It's not necessarily the case that we only introduce residents' parking schemes when on-street parking is at full capacity. These schemes can be introduced when residents experience difficulties with parking during part of the day because of competition from non-residents like commuters, shoppers and local businesses.

**Councillor Tony Vickers asked the following supplementary question:**

*"It's difficult when I haven't really had an answer still to the initial question. I would just like to comment if I may, would you tell the public that it is your intention to adopt policies similar to those in other Councils, and you know the ones I've named – Swindon, Warwick, Oxford – where they do exactly what we're asking for and what my residents want? I realise it can't be done overnight, but is that our direction of travel that you will push towards?"*

**The Executive Member for Planning, Housing, Transport Policy answered:**

I think it is because some of the issues the ?? people have mentioned, there have been some legal issues, we won't go into that here, but let me therefore on the public record read the preamble to the Policy P3. It says "The Council will seek to manage the additional pressure that comes from new developments in areas where a residents' parking scheme operates. This

might be through integrating the new development with the existing scheme or adapting the existing scheme or, where there is no capacity, ensuring that the new development caters for its own parking needs.

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**(d) Question submitted to the Leader of Council by Councillor David Rendel:**

*"Why was no new Council Plan produced before the production of the latest MTFS?"*

**The Leader of Council answered:**

It's always seemed somewhat incongruous to myself that the Council Plan is approved by an outgoing Council. It's a bit like to Queen's speech being delivered when the PM announces the dissolution of Parliament.

A significant amount of work has been undertaken to prepare a new Council Plan and this indeed aligns itself with our manifesto - think local, act local - which will be launched next week and I will commend it to anybody in the Chamber and outside. This does not mean that the Council is working on a policy vacuum over the coming months. Our objectives and priorities remain unchanged until the new Plan has been passed. A new set of performance indicators and targets have been prepared and will form the basis of the Council's performance management framework for 2011-12. These will come through Overview and Scrutiny and Executive shortly.

It will be my intention, subject to the electorates' approval, to bring the new Council Plan forward for approval after the elections.

**Councillor David Rendel asked the following supplementary question:**

*"Does the Leader not recognise the irony in his saying both that it's rather odd that you produce something towards the end of a Council because you'd expect to produce it for the new Council, but also that so much work has been done that he's going to be able to produce it immediately after the Council elections? The two are just incompatible."*

**The Leader of Council answered:**

I don't sense any incompatibility whatsoever. I have to say I do remember four years ago when we passed the Plan prior to an election. One of the comments from the opposition was shouldn't this wait until we've had elections, so the whole argument does seem to have come full circle.

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**(e) Question submitted to the Executive Member for Environment, "Cleaner Greener", Public Protection, Customer Services by Councillor David Rendel:**

*"What can residents of Thatcham do to avoid any possible damage to their health caused by the excessive levels of Nitrogen Dioxide found in Central Thatcham?"*

**The Executive Member for Environment, "Cleaner Greener", Public Protection, Customer Services answered:**

There's no evidence that nitrogen dioxide levels are excessive in Thatcham and secondly, we're constantly monitoring air quality levels in relevant areas across the district and taking

appropriate action where necessary. However, let me be clear that the levels are not excessive in Thatcham.

**Councillor David Rendel asked the following supplementary question:**

*“Chairman, I’m confused, because I’ve been sent a letter by the Environment department of this Council I believe explaining that action is going to have to be taken because excessive levels have been found.”*

**The Executive Member for Environment, “Cleaner Greener”, Public Protection, Customer Services answered:**

The levels experienced in specific areas of Thatcham, the numbers of people and properties exposed should all be put in context. There are 252 air quality management areas across the country where levels can often be over double the objective level.

The levels of nitrogen dioxide measured in the centre of Thatcham have been found to be above the annual mean EU objective. This is more relevant for the long term exposure. However, there is a further objective which central Thatcham does not exceed which relates to Nitrogen Dioxide hourly exposure level. This is designed to be relevant for acute exposure and could impact on people working in these areas or others who would be exposed during peak times should the level be exceeded.

The process for declaring an air quality management area has not yet happened and it will be done and it will follow that of Newbury and over the next twelve months Environmental Health Officers will be declaring an air quality management area for this limited section of Thatcham and starting work on an air quality action plan to identify actions we can take or influence to help improve the environment in this area.

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**(f) Question submitted to the Executive Member for Highways, Transport (Operational) and ICT by Councillor Gabrielle McGarvey:**

*“Many local residents (including myself) live in areas covered by Resident’ Parking Schemes which are a service provided by this Council. They are designed to give local residents priority parking in their own streets, and an annual charge of £25 is requested as a contribution towards the administration cost of issuing the permits. Did the Executive Member for Highways and Transport approve the information about the Resident’s Parking Scheme displayed on the West Berkshire Council website as well as the explanatory letters, application form and accompanying documents that are sent out to first-time applicants when a new scheme is about to come into force?”*

**The Executive Member for Highways, Transport (Operational) and ICT answered:**

The short answer Councillor McGarvey is no.

The current Residents Parking Policy and Guidance Document was approved by the Executive at its meeting on 12 August 2004. All explanatory letters, the application form and accompanying documents were subsequently produced by officers in accordance with that approved policy and guidance. Now, the format of the documents has been slightly changed and updated over time, inevitably, but the policy content hasn’t changed so it’s never been subject to review.

The website, on the other hand, I do look at fairly regularly. We did instigate an update to the parking pages this year and the Society of Internet Managers who monitors websites on behalf of local authorities around the country has just sited our parking pages as an example of national best practice.

Nevertheless if there's something in those letters or on the web page you'd like to draw my attention to, I will happily look into it.

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

*"I'm glad to hear that we're an example of best practice, there's something majorly missing because there's no mention in any of the nine pages of extensive and otherwise very comprehensive documentation, both on the Council's website and sent to residents prior to the commencement of their parking schemes, when these schemes were just being initiated in their first year, there's nothing in this documentation, or on the website, that states that the Council will not send renewal reminders as part of the £25 service which the residents pay. So because of this I would ask would the Executive Member quash and refund the fines incurred inadvertently at the end of the first year of their schemes by residents who assumed, having looked at the website and read on the pre-scheme documentation, who assumed that they would get renewal reminders as part of the service for which they paid and ensure, at the very least, that the Civil Enforcement Officers, who walk around and check up on the cars involved in the schemes, are able to leave a little generic reminder slip under the windscreens of the vehicles when they notice that cars within a scheme are within a few weeks of expiry of their permit because a lot of people have been inadvertently caught out and fined because they assumed that there was no requirement on them to actively do anything - they assumed that the £25 they'd spent gave them a service?"*

**The Executive Member for Highways, Transport (Operational) and ICT answered:**

It seems the Executive in 2004 missed something. Thank you for picking it up. I'm not going to make any promises about quashing fines, certainly fines are appealable, but I will certainly go back and implore that that element of advise is included in future documentation.

Councillor McGarvey: In a prominent way or the Civil Enforcement Officers have a little generic slip they can just stick out.

**The Executive Member for Highways, Transport (Operational) and ICT: We will tackle it.**

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**(g) Question submitted to the Executive Member for Strategy, Performance and Community Safety by Councillor Alan Macro:**

*"Could the Executive Member responsible for public safety please give me the current status of CCTV in Theale, Pangbourne and Lambourn?"*

**In the absence of the Executive Member for Strategy, Performance and Community Safety, the Chairman of Council answered:**

Councillor Stansfeld has sent me a statement regarding this, so I will quote from his statement:

"The new digital CCTV control room in Windsor is producing impressive results. The high definition and ability to quickly retrieve footage is resulting in far better arrest and conviction rates than was possible with the old analogue system.

As far as the time it takes to process cases through the Court system, we cannot yet show the impressive results through statistics, but there is no doubt as to the effectiveness of the new system and the retailers and publicans of Newbury should appreciate how well this is now working.

The system is being expanded into six areas outside of Newbury. I will not go into detail of which are already linked-in for obvious security reasons, but will provide Councillor Macro with a Part II written answer on this.

**Councillor Alan Macro asked the following supplementary question:**

*“Bearing in mind that this Council promised that these cameras would be working in 2007, which was four years ago, and the cameras had been installed for over a year or certainly for a long part of that time and not actually connected, wouldn’t you agree that this project has been extremely badly handled by your administration and there’s been at least two major errors in the procurement process which had led to this development?”*

**In the absence of the Executive Member for Strategy, Performance and Community Safety, the Chairman of Council answered:**

I believe you’re speculating quite well off the actual facts of the situation, but you’re welcome to take that up with Councillor Stansfeld.

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