

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 29 JULY 2010

Councillors Present: Barbara Alexander, Peter Argyle, Howard Bairstow (P), Pamela Bale (P), Jeff Beck (P), Brian Bedwell (P), David Betts (P), Jeff Brooks (P), Paul Bryant (P), George Chandler (P), Keith Chopping (P), Hilary Cole (P), Ellen Crumly (P), Richard Crumly (P), Lee Dillon (P), Billy Drummond (AP), Adrian Edwards (P), Geoff Findlay (P), Marcus Franks (P), Dave Goff (P), Manohar Gopal (AP), Paul Hewer (P), David Holtby (P), Roger Hunneman (P), Carol Jackson-Doerge (P), Owen Jeffery (AP), Mike Johnston (P), Graham Jones (P), Alan Law (P), Tony Linden (P), Keith Lock (P), Mollie Lock (P), Royce Longton (P), Gordon Lundie (AP), Alan Macro (P), Gwen Mason (P), Gabrielle McGarvey (P), Tim Metcalfe (P), Joe Mooney (P), Irene Neill (P), Graham Pask (P), Terry Port (AP), David Rendel (AP), Andrew Rowles (P), Anthony Stansfeld (P), Julian Swift-Hook (P), Ieuan Tuck (P), Tony Vickers (P), Quentin Webb (P), Emma Webster (P), Keith Woodhams (P), Laszlo Zverko (P)

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive) and David Holling (Head of Legal & Electoral),

Apologies: Councillor Brian Bedwell, Teresa Bell, Councillor Geoff Findlay, Councillor Marcus Franks, Margaret Goldie, Councillor David Holtby, Councillor Gabrielle McGarvey and Andy Walker

PART I

21. Apologies for Absence

Apologies for inability to attend the meeting were received on behalf of Councillors Geoff Findlay, Gabrielle McGarvey, Marcus Franks, David Holtby and Brian Bedwell.

The Chairman welcomed all Members to the meeting and in particular welcomed Councillor Robert Morgan who had been elected at the by election which had taken place on the 22 July 2010. Councillor Graham Jones congratulated Councillor Morgan on his election on behalf of the Council.

22. Declarations of Interest

Councillors Richard Crumly, Ellen Crumly and Julian Swift-Hook declared an interest in Agenda Item 4 but reported that, as their interests were personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

23. Consultation on the Adoption of the 'Stronger Leader Model' (C2135)

The Council considered a report (Agenda Item 3) concerning the outline changes required to be made to the Council's leadership arrangements by implementing a revised governance model in accordance with the Local Government and Public Involvement in Health Act 2007 ('The 2007 Act') and to agree a process for consulting on these changes.

Councillor Graham Jones in introducing the item reported that the Cabinet Model had been adopted at a Full Council meeting on the 14 July 2001. Following consultation it was agreed that the Council would not pursue the elected Mayor and Cabinet model.

Under the 2007 Act the Council was obliged to consult on whether or not the Strong Leader Model should be adopted by the Council. The principal change this model would bring would be that the Leader and their Deputy would be elected for a four year term and the Leader would appoint the Executive.

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A letter sent to the Leader by the Minister for Housing and Local Government advised council's that they 'should not incur any expenditure' on the consultation and that the Coalition Government was likely to amend this model within a year.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Pamela Bale:

That the Council:

1. agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
2. to proceed to take proportionate steps to consult local government electors and other interested persons on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(g)(6) of the 2007 Act;
3. any representations received in the course of the consultation in 2 above be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to council for adoption on 09 December 2010 ”.

Members supported the light touch consultation approach.

The Motion was put to the meeting and duly **RESOLVED**.

24. Proposed Closure of Newbury Magistrates Court

(Councillor Richard Crumly declared a personal interest in Agenda item 4 by virtue of the fact that he used the County Court in his professional capacity. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

(Councillor Ellen Crumly declared a personal interest in Agenda item 4 by virtue of the fact that she worked as a Legal Executive for her husband. As her interest was personal and not prejudicial she determined to take part in the debate and vote on the matter).

(Councillor Julian Swift-Hook declared a personal interest in Agenda item 4 by virtue of the fact that his partner was a Magistrate on the East Berkshire Bench. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 4) which highlighted the detrimental effect that the proposed closure of Newbury Magistrate's Court would have on the delivery of services locally.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Jeff Brooks:

That the Council:

“request that the Head of Legal and Electoral Services respond to the consultation with an objection”.

In proposing the motion Councillor Jones immediately suggested the following **AMENDMENT** to the substantive motion: The amendment was seconded by Councillor Jeff Brooks:

And that the Council:

“invites the Leaders of both parties to jointly write to the Justice Minister making clear their detailed objections to the proposed closure”

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In discussing the item Members raised a number of issues including the fact that :

- although they recognised the national financial situation and the need for the public sector to make significant savings they could not support the closure of Newbury Magistrate's Court;
- the closure did not take cognisance of the fact that many West Berkshire residents did not live along the main railway line and would therefore incur long (and expensive) journeys to the remaining courts;
- the Council currently had to wait six months to get a court date. Travelling to the other courts would take up a significant amount of officer time and would therefore increase the costs to the Council;
- longer delays in getting court dates would impact negatively on those involved in the hearings and could add to the costs that they would have to incur;
- they supported the sentiments set out in the letter from the CAB which had been circulated to all members outside of the meeting. In particular they noted the difficulties that the CAB team would have in supporting their clients at hearings in Reading;
- the silo based cutting would mean that the savings of £132k would be transferred to other parties including the West Berkshire Council, Thames Valley Police etc which was at odds with the Total Place agenda. Any savings generated by the closure for the Ministry of Justice would be at the expense of the West Berkshire Community;
- the map attached to the consultation showed clearly that West Berkshire would be the worst affected area in the region;
- it was possible that some defendants would not arrive at court which would mean that the police would need to issue warrants which would waste valuable police time;
- the closure would result in a loss of local knowledge for those making decisions and would therefore impact on local justice;
- the custody suites at Newbury Court had recently been rebuilt at a cost of around £2m, and the closure would therefore represent a waste of public funds;
- the victims of domestic violence might be less inclined to report abuse if they knew that they would need to travel all the way to Reading for court appearances;
- the Reading County Court was already overbooked and the building was unsuitable and it would cost money to make the necessary changes;
- solicitors fees would increase to compensate them for the additional travelling costs and time spent on court appearances;
- Members queried the 70% usage figures quoted in the report which were at odds with the long waiting times for court appearances;
- although these were difficult financial times there was a compelling case not to close the Newbury Magistrate's Court

The Amended Motion was put to the vote and declared **CARRIED**.

(The meeting commenced at Time Not Specified and closed at Time Not Specified)

CHAIRMAN

Date of Signature