

**NOTE: These Minutes have been amended.
Please see Minutes of 13 December for amendments.**

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 27 SEPTEMBER 2012

Councillors Present: David Allen, Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Jeff Brooks, Paul Bryant, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards (Chairman), Sheila Ellison, Marcus Franks, Dave Goff, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge (Vice-Chairman), Mike Johnston, Graham Jones, Alan Law, Tony Linden, Mollie Lock, Royce Longton, Gordon Lundie, Alan Macro, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck, Tony Vickers, Virginia von Celsing, Quentin Webb, Emma Webster, Keith Woodhams and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive) and Andy Day (Head of Strategic Support), Moira Fraser (Democratic Services Manager) and Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor David Betts, Councillor Dominic Boeck, Councillor George Chandler, Councillor Billy Drummond, Councillor Manohar Gopal, Councillor Roger Hunneman and Councillor Graham Pask

PART I

1. Minutes

The Minutes of the meeting held on 10 May 2012, the Special Meeting on the 16 July 2012 and the Special Meeting on 16 July 2012 (Pages 1-14) were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillors Emma Webster, Tim Metcalfe and Marcus Franks declared a disclosable pecuniary interest in Agenda Item 15 and reported that, they would be leaving the meeting during the course of consideration of the matter.

3. Chairman's Remarks

The Chairman reported that since his appointment in May, he had carried out 52 engagements on behalf of the Council and he was grateful to the Vice-Chairman, Councillor Carol Jackson-Doerge, for her help on 7 other engagements when he was unable to attend.

He noted that it had been an outstanding period, with two royal visits, and his attendance at a royal jubilee garden party being the highlights.

The Chairman noted that he had co-hosted the Annual Staff Recognition Event, which recognised the achievements of the Council's Officers, with the Chief Executive on 18 June at the Arlington Arts centre. The employee of the Year was Chantelle Baker who worked in the South Thatcham Children's Centre. He congratulated all those who were given awards.

The Chairman also paid tribute to all the Council staff and hundreds of volunteers who helped to ensure that the Olympic Torch passed through the District without incident. He noted that at the Games themselves, some of the volunteer games makers came from

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schools and other organisations in the District, among them were students from Park House School.

The Chairman also reported that the council had been informed the previous week that Major John Hathway had died at the age of 91. He served on the Newbury District Council from 1987 to 1991 as a Ward member for Hungerford. He was a Town Councillor for 21 years and served as the Mayor and also as Constable of the Town and Manor from 1981 to 1983 and was also the President of the Royal British Legion. On behalf of the Council the chairman offered condolences to his daughter Nina and the family.

4. Presentations

The Chairman noted that he would defer this item until after item 13 had been dispensed with.

Once item 13 had been dispensed with the Chairman of the Council stated that he would be making a presentation to the outgoing Leader of the Council, Councillor Graham Jones. He noted that Councillor Jones had led the Council for an unprecedented seven years. During this time he had to oversee the implementation of a number of difficult decisions associated with the economic downturn and cuts in Central Government funding. The Chairman noted that Councillor Jones was a strong and resolute Leader who had respect from Members across the chamber. He thanked Councillor Jones and his wife Julie for the dedicated service he had afforded the Council.

Councillor Pamela Bale noted that it had been a privilege to serve as Councillor Jones's deputy for the past four years and thanked him for the inclusive way in which he had led the Council.

Councillor Jeff Brooks noted that the role of Leader was a difficult one and he thanked Councillor Jones for the dedication that he had shown in fulfilling this self sacrificing job.

Councillor Jones thanked his colleagues for the faith they had shown in him. He also thanked the Chief Executive and members of staff for the support that had been afforded to him. Councillor Jones also thanked his wife for the manner in which she had supported him.

5. Petitions

Councillor Geoff Mayes presented a petition containing 343 signatures relating to requested improvement to Ufton Nervet Level Crossing. This item would be debated as part of Item 21(a) on this agenda.

6. Public Questions

(a) Question submitted by Mr Richard Garvie to the Executive Member for Planning, Transport Policy, Property

A question standing in the name of Mr Richard Garvie asking the Council to advise what steps were currently being taken to return the control tower at Greenham Common to public use was answered by the Executive Member for Planning, Transport Policy, Property.

(b) Question submitted by Mr Richard Garvie to the Executive Member for Partnerships, Equality, the Visions, Communities

A question standing in the name of Mr Richard Garvie on the subject of the provision of an alternative facility for Newbury FC should Faraday Road be redeveloped was answered by the Executive Member for Partnerships, Equality, the Visions, Communities.

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(c) **Question submitted by Mr Richard Garvie to the Executive Member for Strategy, Council Plan, Housing**

A question standing in the name of Mr Richard Garvie on the subject of increased provision of affordable housing in Newbury was answered by the Executive Member for Strategy, Council Plan and Housing.

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

A question standing in the name of Mr Richard Garvie on the subject of the legacy Councillor Jones was leaving from his time as Leader was answered by the Leader of the Council.

7. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 20 June 2012.

8. **Personnel Committee**

The Council was asked to note that since the last meeting of the Council, the Personnel Committee had not met.

9. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 09 July 2012 and 10 September 2012.

10. **District Planning Committee**

The Council noted that, since the last meeting, the District Planning Committee had met on 11 July 2012.

11. **Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 29 May 2012, 26 June 2012, 31 July 2012 and 18 September 2012.

12. **Standards Committee**

The Council noted that, since the last meeting, the Standards Committee had met on 25 June 2012.

13. **Election of Stronger Leader and Announcement of Executive (C2543)**

The Council considered the appointment of a new Stronger Leader following the resignation of the current leader of the Council (Agenda Item 14).

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Alan Law:

That the Council:

“appoints Councillor Gordon Lundie as the Stronger Executive Leader until May 2015”.

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

Councillor Gordon Lundie thanked his Members for the trust they had placed in him and then proceeded to announce the appointment of Members to the Executive as follows:

Portfolio	Member
Partnerships, Equality, The Visions, Communities	Pamela Bale
Planning, Transport, Property, Highways	Keith Chopping
Children & Young People, Youth Service, Education	Irene Neill

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Portfolio	Member
Community Care, Insurance	Joe Mooney
Countryside, Environmental Protection, 'Cleaner and Greener,' Culture, Customer Services	Hilary Cole
Finance, Economic Development, Health & Safety, Pensions	Alan Law
Health and Well Being	Graham Jones
Performance, Strategic Support, Emergency Planning, Community Safety	Anthony Stansfeld
Strategy, Council Plan, Housing, ICT & Corporate Services	Roger Croft

Councillor Jeff Brooks congratulated Councillor Lundie on his appointment as Leader and stated that he looked forward to working with him.

Councillor Gordon Lundie thanked Members for their support in electing him. Councillor Lundie noted that he had made one change to the Executive. Councillor Betts was standing down from his role as a Portfolio Holder for now due to ill health and he wished Councillor Betts a speedy recovery. A new Portfolio of Health and Wellbeing had been set up to ensure that the Council's new public health functions were integrated into the Council.

14. Pre Planning Application Process Advice Fees (C2522)

(Councillor Emma Webster declared a disclosable pecuniary interest in Agenda item 15 by virtue of the fact that her employer submitted planning applications to the Council. She left the meeting and took no part in the debate or voting on the matter).

(Councillor Marcus Franks declared a disclosable pecuniary interest in Agenda item 15 by virtue of the fact that his employer submitted planning applications. He left the meeting and took no part in the debate or voting on the matter).

(Councillor Tim Metcalfe declared a disclosable pecuniary interest in Agenda item 15. He left the meeting and took no part in the debate or voting on the matter).

Councillors Webster, Franks and Metcalfe left the meeting at 8.28pm.

The Council considered a report (Agenda Item 15) seeking authority for the Council to charge for pre planning application advice.

MOTION: Proposed by Councillor Keith Chopping and seconded by Councillor Tony Vickers:

"That the Council adopts the proposed pre planning application advice and fees (as detailed in Appendix B)."

In introducing the item Councillor Chopping noted that Officers received many requests for informal advice prior to planning applications being submitted. This work would continue but in some cases more detailed advice was sought. This was a time consuming process and it was felt that it would be appropriate to charge for this service in line with what other authorities were already doing. The issue of charging had been raised at the Development Industry Forum (DIF) who had supported the proposal. The charging was intended to be self funding and as the income and resource implications could not accurately be forecast it was intended that the fees would be reviewed at the March 2013 Council meeting. Councillor Chopping noted that following discussions at the DIF some minor amendments to the charging schedule were being proposed and he was therefore tabling the following amendment:

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AMENDMENT: Proposed by Councillor Keith Chopping and seconded by Councillor Tony Vickers:

That the Council:

“approves and adopts the motion set out in the report subject to Appendix B being amended to include the additional charges as set out below:

Residential Development

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Time to respond at Stage 1 (working days)
1 dwelling	160	150	<20
2-4 dwellings (Minor)	280	250	<20

Commercial Floorspace

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Time to respond at Stage 1 (working days)
0 -249 sq m (Minor)	180	160	<20
250-999 sq m (Minor)	320	280	<20

Councillor Tony Vickers noted that he was happy to support the motion subject to the inclusion of the amendment. He felt that this was a positive step as Officer's would be competing with private sector agents on a more equal footing and should increase competition.

Councillor Paul Bryant supported the proposal which he felt might result in the quality of planning application submissions being improved which should assist with streamlining the planning application process further.

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

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

15. Local Listing in West Berkshire (C2542)

Councillors Webster, Franks and Metcalfe rejoined the meeting at 8.43pm.

The Council considered a report (Agenda Item 16) concerning the adoption of a process for Local Listing in West Berkshire.

MOTION: Proposed by Councillor Keith Chopping and seconded by Councillor Hilary Cole:

“That the Council adopts the process for Local Listing of heritage assets across the district as described in Appendix A to the report.”

AMENDMENT: Proposed by Councillor Keith Chopping and seconded by Councillor Hilary Cole:

That the Council:

“approves and adopts the Motion subject to paragraph 5.5 of Appendix A (Page 35) being amended as follows:

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5.5 Approval

Each recommendation by the Selection Panel of an asset for Local Listing will be considered by the Head of Planning and the Portfolio Holder for Planning, who will approve or not approve it on behalf of the Council, **except where, at least 10 letters of objection have been received and the application has been recommended for approval in which case the application will be referred to the appropriate planning committee for decision. Applications may also be called in by the Ward Member and/ or adjoining Ward Members. Members who wish to 'call-in' an item to be discussed at an Area Planning Committee will be required to complete the agreed proforma which must be submitted either in hard copy by letter or electronic copy via e-mail. The consent of the Chairman of the appropriate Area Planning Committee, or if unavailable, the Vice-Chairman, is required.*

Councillor Chopping noted that the Council's Core Strategy was adopted in July 2012 and policy CS19 sought the conservation and where appropriate enhancement of heritage assets and their settings. This process was designed to support the policy. Councillor Chopping thanked the West Berkshire Heritage Forum and in particular Mr Anthony Pick for all their hard work in driving this process forward. Councillor Chopping noted that the amendment was designed to ensure that the Local Listing process aligned with the existing Planning Process. The Head of Planning and Countryside would have delegated authority to determine submissions except where 10 or more letters of support or objection were received or where the local Ward Member or adjoining Ward Member called the submission to an Area Planning Committee for determination.

Councillor Tony Vickers stated that he was happy to support the proposal following the inclusion of the amendment.

Councillor Hilary Cole reiterated the thanks to the West Berkshire Heritage Forum for the excellent piece of work that they had done in bringing this process to fruition.

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

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

16. Proposed Member Development Programme for 2012 to 2015 (C2501)

The Council considered a report (Agenda Item 17) concerning agreement of the Member Development Programme for 2012/13 and the delivery of Member Development until the next District Council Elections in May 2015.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Gwen Mason:

"That the Council note the proposed Member Development Programme for 2012/2013 and the future delivery of Member Development sessions until May 2015."

Councillor Hilary Cole in introducing the item noted that Members had agreed to the outline of the four year programme on the 06 December 2011. The Member Development Group had met on the 18 July 2012 to agree dates and items for inclusion over the next two years. She noted that Members were currently being consulted on whether or not they would like to include repeat day time sessions.

Councillor Gwen Mason endorsed the programme and stressed the need for Members of Planning Committees to attend the annual update training that had been arranged.

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

17. Constitutional Changes

The Council considered a report (Agenda Item 18) concerning two issues that were recently discussed by the Governance and Audit Committee and to obtain a Council view on the way forward in each case.

MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Jeff Brooks:

“That the Council:

1. Agrees that in future all March Council meetings (budget meetings) should commence at 6.30pm.
2. determines whether to undertake a review of the current governance arrangements (Executive and Scrutiny) with a view to returning to a committee system of governance in accordance with Section 21 of the Localism Act 2011.”

Prior to the discussion commencing the Chairman announced that he would be dealing with these two issues separately.

In debating whether the Council meeting to discuss the budget which was usually held in March should start at 6.30pm Councillor Vickers felt that it was important to ensure that adequate time was afforded to members to debate these important issues.

Councillor Gordon Lundie supported the idea and stated that he looked forward to debating the medium Term Financial Strategy, Revenue and Capital Programme budgets in full at the meeting.

Councillor Alan Law reported that he would be asking the Governance and Audit Committee to consider a proposal that paragraph 4.13.7 of the Constitution be amended to include a requirement that all substantial amendments to the budget would need to be submitted to the S151 Officer three clear working days before the meeting to give him adequate time to consider the proposals.

Recommendation one of the Motion was put to the meeting and duly **RESOLVED**.

Before debating the second recommendation (to undertake a review of the Council's Governance arrangements) Councillor Vickers proposed that the motion be **amended** as set out below and this was seconded by Councillor Jeff Brooks:

“That the Council

1. notes the provisions in the Localism Act which enable the Council to change its governance arrangements at any Annual General Meeting of the Council but then not to revisit the subject for at least 5 years;
2. also notes that a number of Councils of varying political composition have achieved such a change already since the Localism Act was passed in November 2011;
3. agrees to establish a Task Group, reporting through the Governance and Audit Committee, to investigate the merits and costs of changing its current governance structures from the Leader and Executive model to a Committee System and report to Council in due course for further consideration.”

Councillor Vickers stated that he was of the opinion that a Committee System would result in more open, transparent, efficient and accountable decision making. He felt that it was important to afford back benchers the opportunity to participate in decision making. Councillor Vickers noted that the introduction of the Localism Act meant that local authorities could introduce a new governance model at the next Annual meeting, where as the Localism Bill had suggested that these changes could only be made after an election. He noted that many other council's were opting to return to a Committee System

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and he asked that West Berkshire Council agree to undertake a review with a view to returning to this governance model in May 2013.

Councillor Gordon Lundie explained that the review would involve a significant amount of time and effort and as he was of the opinion that it would not address the issues highlighted by Councillor Vickers he did not feel that a review would be a good use of resources. The Conservative group did not support the return to a Committee System and he therefore felt that a review was not a good use of resources. He noted that the Council already supported around 23 committees which included back benchers in their membership. He noted that if there was a democratic deficit it fell within the Conservative Group and as Leader of the group it would be up to him to address this issue with his Members. He would be happy to discuss better representation on Committees with the Leader of the Opposition outside of the meeting. He noted that the Conservative Group had been elected to run the Council by means of an Executive Structure and he would therefore not be supporting a review of the Council's governance structures.

Councillor Alan Law stated that a return to the Committee System would add complexity and delays in decision making that this was not appropriate in these cost cutting times.

Councillor Jeff Brooks stated that he was a Member of West Berkshire Council when the Executive System was introduced and he was not in favour of it and felt that it did not work. He felt that the Cabinet Model of governance was unnecessarily confrontational. He noted that a number of other councils were opting to return to the Committee System and he urged Members to vote to do the same locally. He felt that the Committee System was more inclusive and involved a greater number of Councillors in decision making which he felt resulted in more rigorous decision making. He felt that the Executive System did not make best use of all Members strengths.

Councillor Tony Vickers urged Members to agree to undertake a review so that costed proposals could be brought forward for Members to make an informed decision on.

Amended Motion was put to the vote and declared **LOST**.

In accordance with Procedure Rule 4.15.2 it was requisitioned that the voting on the Amended Motion be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Amendment:

Councillors: David Allen, Jeff Brooks, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers and Keith Woodhams (11)

AGAINST the Amendment:

Councillors: Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, Paul Bryant, Virginia von Celsing, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Dave Goff, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Ieuan Tuck, Quentin Webb, Emma Webster and Laszlo Zverko (34)

In view of this decision Councillor Tony Vickers withdrew the substantive motion.

18. Changes to the Constitution, Parts 9 and 10 (C2549)

The Council considered a report (Agenda Item 19) concerning changes to the Financial Rules of Procedure and Protocols in light of legislation changes following a review by the Finance and Governance Group and Governance and Audit Committee.

MOTION: Proposed by Councillor Jeff Beck and seconded by Councillor Alan Law.

“That the Council agreed to the proposed revisions to Parts 9 and 10 of the Constitution.”

In introducing the item Councillor Beck explained that the amendments had been considered in detail at the 10 September Governance and Audit Committee meeting. It was essential to undertake regular reviews of the Constitution to ensure that the Constitution reflected changes in legislation and also took account of best practice.

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

19. Appointment of Independent Persons (C2541)

The Council considered a report (Agenda Item 20) concerning advising Council of the appointment process for the posts of Independent Person under the Localism Act 2011.

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Gwen Mason:

“That the Council confirm the appointment of Mr James Rees and Mr John Bingham as Independent Persons in accordance with Section 28 of the Localism Act 2011.”

In introducing the item Councillor Croft noted the Council was required to make the appointments in accordance with the legislative changes introduced by the Localism Act 2011. He noted that Mr Rees and Mr Bingham had served the Council well in the past and he therefore asked Members to ratify their appointment.

Councillor Gwen Mason noted that she was on the interview panel and she also recommended that Council ratify their appointment.

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

20. Notices of Motion

The Council considered the under-mentioned Motion (Agenda item 21(a) refers) submitted in the name of Councillor Geoff Mayes relating to improvements to Ufton Nerve level crossing.. The chairman recommended that the council debate the Motion at the meeting in order to facilitate the discharge of business in accordance with Procedure Rule 4.5.8

MOTION: Proposed by Councillor Geoff Mayes and seconded by Councillor Mollie Lock:

“At the railway level crossing in Ufton Nerve there have been 8 deaths in recent years and many more near misses. This is currently a half-barrier crossing. This means it can still be accessed by pedestrians and vehicles passing around the barrier when it is down, endangering both themselves and those on the train. It is also possible for vehicles to drive onto the tracks and park there before the barriers descend as there are no CCTV cameras linked to the signalling centre to alert signallers of an obstruction on the track.

In November 2004 the [Ufton Nerve rail crash disaster](#) killed 7 and injured 130, and in May this year another man died on this crossing. If nothing is done to make this crossing safer there is a probability that more people will be killed or injured; we must get Network Rail to commit to improving this precarious situation.

I propose this Council resolves to press Network Rail to install a monitored crossing with full width barriers. This will provide CCTV so that the signaller can ensure the crossing is clear before lowering the barriers. I am requesting a letter to this effect to be written by

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Nick Carter, the Chief Executive of West Berkshire Council to David Higgins the Chief Executive of Network Rail before the end of October 2012

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

21. Members' Questions

There were no Member questions submitted in relation to items not included on the agenda.

(The meeting commenced at 7.43 am and closed at 9.50 am)

CHAIRMAN

Date of Signature