

# **EXECUTIVE**

## **MINUTES OF THE MEETING HELD ON**

### **THURSDAY, 19 NOVEMBER 2020**

**Councillors Present:** Steve Ardagh-Walter, Dominic Boeck, Graham Bridgman, Hilary Cole, Lynne Doherty, Ross Mackinnon, Richard Somner, Joanne Stewart and Howard Woollaston

**Also Present:** John Ashworth (Executive Director - Place), Bill Bagnell (Manager - Special Projects), Nick Carter (Chief Executive), Joseph Holmes (Executive Director - Resources), Sara Ross (Safeguarding Adults Service Manager), Andy Sharp (Executive Director (People)), Shiraz Sheikh (Legal Services Manager), Councillor Adrian Abbs, Councillor Jeff Beck, Councillor Jeff Brooks, Councillor Carolyn Culver, Councillor Lee Dillon, Councillor Alan Macro, Councillor Steve Masters, Councillor Andy Moore, Councillor Erik Pattenden, Linda Pye (Principal Policy Officer), Phil Rumens (Digital Services Manager) and Councillor Tony Vickers

#### **PART I**

##### **38. Minutes**

The Minutes of the meeting held on 15 October 2020 were approved as a true and correct record and signed by the Leader.

##### **39. Declarations of Interest**

There were no declarations of interest received.

##### **40. Public Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

- (a) The question submitted by Miriam Lee on the subject of the development of the London Road Estate to meet its Zero Carbon by 2030 target would receive a written response from the Portfolio Holder for Finance and Economic Development.
- (b) The question submitted by John Gotelee on the subject of the protection of the aquatic environment of the Northcroft stream was answered by the Portfolio Holder for Finance and Economic Development.
- (c) The question submitted by John Gotelee on the subject of SUDs/Attenuation ponds on the LRIE was answered by the Portfolio Holder for Finance and Economic Development.
- (d) The question submitted by John Gotelee on the subject of SUDs/Attenuation ponds and the impact on the viability of the LRIE project was answered by the Portfolio Holder for Finance and Economic Development.
- (e) The question submitted by Paul Morgan on the subject of a full breakdown of what was included in the total cost of the £946,000 and when it was spent was answered by the Portfolio Holder for Finance and Economic Development.
- (f) The question submitted by Paul Morgan on the subject of a full breakdown of additional spend had been made on top of the £946,000 was answered by the Portfolio Holder for Finance and Economic Development.
- (g) The question submitted by Jack Harkness on the subject of re-provision of the football ground was answered by the Portfolio Holder for Finance and Economic Development.

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- (h) The question submitted by Paul Morgan on the subject of selling the freehold of the football ground to a property developer was answered by the Portfolio Holder for Finance and Economic Development.
- (i) The question submitted by Paul Morgan on the subject of the price it was anticipated would be received from the sale of the football ground was answered by the Portfolio Holder for Finance and Economic Development.
- (j) The question submitted by Graham Storey on the subject of building at least 1,000 homes for social rent was answered by the Portfolio Holder for Finance and Economic Development.

### 41. Petitions

There were no petitions presented to the Executive.

### 42. London Road Industrial Estate - Avison Young Development Brief (EX3960)

The Executive considered a report (Agenda Item 6) concerning the draft London Road Industrial Estate Development Brief and any feedback received from public consultation which had been reflected in the final version of the Development Brief.

Councillor Ross Mackinnon in introducing the report stated that it represented the next step in the regeneration of the London Road Industrial Estate (LRIE) and it would revamp and transform the eastern approach to Newbury Town Centre. It would attract business enterprises and residents to what would be a high quality and first class residential office and business development. Some of the comments received as part of the consultation process had resulted in changes to the Development Brief and they had been set out in the report. It provided clarification on the status of the document in that it was not a planning document and was never intended to be so. This was because the Council had a potential conflict of interest to deal with as landowner and planning authority. A number of other comments had been received in respect of the football ground and the flood mitigation which had been dealt with in the public arena prior to the consultation but nonetheless the brief had been updated to clarify the Council's position on these areas. Consultation had included direct contact with leaseholders and occupational tenants on the estate and two public Zoom sessions.

Councillor Mackinnon stated that the consultation process had not identified any matters which would alter the Council's decision to regenerate the LRIE. It was therefore proposed to move forward with the next steps in bringing a proposal to the next Executive meeting in December 2020.

Councillor Howard Woollaston seconded the report.

Councillor Tony Vickers stated that he was excited at the prospect of this very important site being developed but he just wished that it had not taken 10 years to get this far at a cost of £1m. The Council needed to set an example and should be fostering economic growth and supporting local communities. It should set its ambitions higher rather than just securing commercial returns in the short term from capital receipts/income streams. Would the master plan produce economic growth and best value for the community or would it just deliver commercial returns to the Council. Councillor Vickers quoted from the terms of reference given to Avison Young which stated that the requirement was for development proposals to centre on commercial returns. The Council was not just a landowner, it was a planning local authority, and therefore it should not just conform with planning policy it should exceed it. It would be necessary to keep control of the site and go beyond what it had to do rather than looking for short term commercial gain.

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Councillor Vickers referred to paragraph 7.25 on page 72 of the agenda. The first bullet point stated that 'An alternative and suitable replacement facility for the football ground would be required to be provided prior to its disposal and potential redevelopment.' This had not been included in the previous version of the master plan and he was pleased to see that this had clearly been included as a response to the consultation. He was also pleased that the Lib Dem response in relation to the local development order as a means of building out had been included. This would avoid having to wait for various planning applications to go through the system. In summary Councillor Vickers believed that the Council should be setting an example and going beyond what was required in policy terms. Committing to comply with and exceeding planning policy would in the long run provide better value for money for the district and its communities. The question to Councillor Mackinnon was as landowner the Council should be looking beyond just commercial concerns.

Councillor Ross Mackinnon replied that the Development Brief was never intended to be a planning document. He did not disagree with a lot of what Councillor Vickers had said but he did want to pick up on one point which had been made. Councillor Vickers had said that he was disappointed that the Council had decided to maximise financial returns at the expense of community good such as economic, social or environmental. That was not necessarily the case – Avison Young would need to look at commercial returns as there had to be an element of financial viability. However, as a Council it would also need to look at the good public realm element of the scheme. Councillor Mackinnon referred to the fact that the Liberal Democrats had a seat on the Project Board which was an opportunity for cross party collaboration.

Councillor Steve Masters referred to the fact that many members of the community were passionate about the football ground and the fact that this remained largely unresolved. He suggested that now would be a good time to try and bring the community back on board by apologising for the premature closure of the site as it had been empty and unused for two years. Councillor Ross Mackinnon responded that the Council did have an imminent plan to replace the football ground which would hopefully be announced in the near future. The findings of the Independent Task Group which looked at this concluded that the Council had acted in accordance with legal advice in making the decision to close the football ground.

Councillor Jeff Brooks asked for clarity on whether the Council would look to retain ownership as it had a large amount of ownership already on this area and in retaining it the Council would develop revenue streams for years to come. Councillor Ross Mackinnon confirmed that that remained an option – the Executive had not made a decision on this as yet.

Councillor Lee Dillon stated that long term revenue streams and retaining the freehold of the site would help to shape the future. Retaining the freehold would allow for it to be regenerated again in another hundred years. He noted that the proposal was for a business, commercial and residential development and he wondered what role leisure could play in the development. In particular, what role could a football club play within the whole envelope of that site. Councillor Dillon also felt that it was necessary to make sure that it matched with the upcoming Newbury Master Plan as the LRIE site linked with the town centre. Councillor Ross Mackinnon reiterated that holding the freehold of the site remained an option and he agreed that the Newbury Master Plan and the development of the LRIE were two projects that were closely linked.

Councillor Adrian Abbs referred to viability and the fact that this was included in the terms of reference. If the terms of reference were purely commercial then the site would likely be designed etc. on commercial terms. To say that something was not viable just

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because it did not deliver an absolute commercial return was based on commercial being the only interest. However, the return could be equally viable based on community benefit. He asked for assurance that viability would not just be driven by the commercial element. Councillor Mackinnon responded that it was necessary to balance two things – the finances of West Berkshire Council and the needs of the community. The decision on this had not been taken as yet and this would be the subject of further discussion at the Executive in December.

Councillor Howard Woollaston felt that this was an opportunity for the Council as a whole to have a major vision for Newbury.

**RESOLVED** that the publication of the London Road Industrial Estate (LRIE) Development Brief in its final form post public consultation be approved.

### **Other options considered:**

The Council should sell its freehold interest in the LRIE. Existing ground rents are fixed at a good yield and where ground rents are paid to the Council by the leaseholder regardless of occupational rents received by leaseholders. Any capital receipt could be invested in assets generating similar returns but would only maintain existing income levels and at the same time remove the Council's ability to bring forward regeneration on this run down part of Newbury. Moreover new owners might sit on existing LRIE freeholds, leaving the estate to further deteriorate and where the Council's control would be limited to that of planning authority.

To note the contents of the Avison Young Development Brief in its final form and for the Council to decide not to initiate and drive forward regeneration on the LRIE, leave the estate as it is and deal with change if and when it happens in the years ahead. This approach is likely to be overtaken by events where the Council has to engage and negotiate with leaseholders who will progressively bring forward their own schemes on Council freehold land in the same way FDL and NWN already have. It is preferable for the Council to be in control of events rather than react to them.

*(The meeting was adjourned at this point in order to hold the Special Executive).*

### **43. Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

- (a) The question submitted by Councillor Jeff Beck on the subject of additional hostel provision was answered by the Portfolio Holder for Planning and Housing.
- (b) The question submitted by Councillor Adrian Abbs on the subject of why properties in Conservation Areas seeking to install solar panels needed to apply for Certificates of Lawfulness was answered by the Portfolio Holder for Environment.
- (c) The question submitted by Councillor Steve Masters on the subject of what amounts of financial assistance had been allocated to the local foodbank and Citizen's Advice Bureau since March 2020 was answered by the Portfolio Holder for Finance and Economic Development.
- (d) The question submitted by Councillor Steve Masters on the subject of the number of families in receipt of free school meals who had received additional direct support from the Council during half term was answered by the Portfolio Holder for Public Health and Community Wellbeing.
- (e) The question submitted by Councillor Steve Masters on the subject of the average waiting times for callers during half term when telephoning the council helpline was answered by the Portfolio Holder for Internal Governance.

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- (f) The question submitted by Councillor Jeff Brooks on the subject of what was the Council doing and what had it done to help local businesses prepare for when the United Kingdom left the European Union transition period was answered by the Portfolio Holder for Finance and Economic Development.
- (g) The question submitted by Councillor Jeff Brooks on the subject of the average time taken to process and determine a change of use application by a local retailer in order to respond to Covid restrictions was answered by the Portfolio Holders for Planning and Housing and Transport and Countryside.
- (h) The question submitted by Councillor Andy Moore on the subject of what plans did the Council have to consult the Ward Members for Newbury Central and Newbury Town Council on the ongoing WBC initiatives such as the possibility of extending the hours of pedestrianisation in the town, and the Newbury Town Centre design and consultation, was answered by the Portfolio Holder for Finance and Economic Development/Transport and Countryside.
- (i) The question submitted by Councillor Alan Macro on the subject of how many people had been referred by the Council to the West Berkshire Foodbank since the first Covid-19 lock-down started in March was answered by the Portfolio Holder for Public Health and Community Wellbeing.

### 44. Exclusion of Press and Public

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

### 45. Walnut Close Care Home (EX3963)

*(Paragraph 2 – information identifying an individual)*

The Executive considered an exempt report (Agenda Item 9) concerning a significant change to the delivery of West Berkshire Council's in house care home services as a result of the impact of Covid-19. The proposed change was an immediate measure to respond to the effect of the pandemic. A far more substantial piece of work was being undertaken to set out a medium to long-term plan for the Council's wider care home provision. This work had commenced but the impact of Covid had necessitated more urgent action.

**RESOLVED** that the recommendations in the exempt report be agreed.

**Other options considered:** as set out in the exempt report.

*(The meeting commenced at 5.00pm and closed at 6.48pm)*



**CHAIRMAN**

**Date of Signature**

17 December 2020