

**Note: These Minutes have been amended. Please see the minutes from 29<sup>th</sup> April 2021 for details.**

# **EXECUTIVE**

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

### **THURSDAY, 25 MARCH 2021**

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

**Also Present:** Sarah Clarke (Service Director (Strategy and Governance)), Tess Ethelston (Group Executive (Cons)), Sue Halliwell (Executive Director - Place), Joseph Holmes (Executive Director - Resources), Bryan Lytle (Planning & Transport Policy Manager), Susan Powell (Safer Communities Partnership Team Manager), Andy Sharp (Executive Director (People)), Janet Weekes (Housing Manager), Jade Wilder (Community Co-ordinator Prevention), Councillor Adrian Abbs, Councillor Phil Barnett, Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Carlyne Culver, Councillor Lee Dillon, Christine Elsasser (Democratic Services Officer), Councillor Owen Jeffery, Councillor Alan Macro, Councillor David Marsh, Councillor Steve Masters, Councillor Andy Moore, Councillor Erik Pattenden, Linda Pye (Principal Policy Officer), Councillor Martha Vickers and Councillor Tony Vickers

**Apologies for inability to attend the meeting:** Nick Carter

## **PART I**

### **91. Minutes**

The Minutes of the meeting held on 11 February 2021 were approved as a true and correct record and signed by the Leader.

Councillor Lynne Doherty referred to the national day of reflection which took place on Tuesday 23 March 2021 and which marked one year since the first lockdown due to the Covid pandemic. For many people, that would have been a sad day where they remembered loved ones, and she wanted to pass on her condolences.

Looking towards the coming year, Covid would necessitate changes in focus and additional work in certain areas, and more about this would be forthcoming in May 2021 at Annual Council when she would be presenting the Council Strategy Refresh. However, this work did not wait for the governance timetable and what was very apparent with the NHS Reform White Paper 'Working together to improve Health and Social Care for all' was that this would be an area of greater focus for everyone. In order to achieve this, she announced a change to some of the roles of the Executive, which would come into effect following this meeting.

Councillor Graham Bridgman would move into the role of Health and Wellbeing Portfolio Holder. Councillor Jo Stewart would replace Councillor Bridgman as the Adult Social Care Portfolio Holder and Councillor Howard Woollaston would move into Internal Governance taking with him, for the time being, Leisure and Culture.

Councillor Doherty felt that these changes would enable West Berkshire Council to respond to the changing and demanding needs of the health agenda. She thanked all three for their contributions to date in their current roles, but in particular Councillor Bridgman, who had been Portfolio Holder for Adult Social Care since May 2018. In this time he had not only developed a detailed understanding of how Adult Social Care worked, but had also ensured investment into the service to meet modelled demand and advocated tirelessly for those most vulnerable members of the community. All of this had been done at the same time as acting as Deputy Leader and working directly on the

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Council's response to Covid. She thanked Councillor Bridgman for this work and for agreeing to take on what was going to be a very complex, but hopefully rewarding piece of work, and she wished all three every success with their new roles.

Councillor Lee Dillon welcomed the comments made on the day of reflection. It was right to reflect, but the day was also an opportunity to look forward following a very difficult year. Councillor Dillon gave thanks, on behalf of the Opposition, to Councillors Doherty and Bridgman for all their hard work in leading the Council over the past year.

### 92. **Declarations of Interest**

Councillor Hilary Cole declared an interest in Agenda Item (4f) by virtue of the fact that she was a member of the Newbury and District Agricultural Society, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain for the item and answer the public question.

Councillor Lee Dillon declared an interest in Agenda Item (7) by virtue of the fact that he worked for a Registered Social Landlord, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate.

Councillor Howard Woollaston declared an interest in Agenda Item (8) having been heavily lobbied on the matter as Ward Member, and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would not participate in the debate or vote on the item.

### 93. **Notice of Motion - Safer Streets Champion**

The Leader of the Council moved the following Motion for the appointment of a Safer Streets Champion. This was seconded by Councillor Graham Bridgman.

"We are all conscious that, whilst extreme occurrences such as the recently reported murder of Sarah Everard in Clapham are thankfully rare, the issue of street harassment generally has been brought into sharp focus. Although West Berkshire has low violent crime rates, many residents may share the anxiety of not being able to walk alone without concern for their safety.

Whilst predominantly affecting women, many people will have experienced street harassment at some point in their lives and may have felt obliged to use avoidance tactics - such as crossing the road, circumventing public spaces, and even not going out alone.

The Government's Crime and Justice Taskforce has said it will take immediate steps following the recent high profile event to give further reassurance to women. Among the proposals is an additional £25m for better lighting, CCTV and a pilot-scheme which would see plain-clothes officers in pubs and clubs. This is to be welcomed.

The Executive recognises that:

- Street harassment is harassment in public areas such as streets, shopping centres, public open spaces and public transport.
- Street harassment may involve sexual harassment, including unwanted sexualised comments, provocative gestures, vehicle honking, being whistled at, stalking, persistent sexual advances, and even being subjected to indecent exposure or touching by strangers.
- Street harassment may also involve other actions or comments and can also frequently include homophobic and transphobic slurs, and verbal abuse referencing race, religion, class and disability.

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The Executive proposes that the Council creates the role of a Safer Streets Champion, to be notified annually (with other Champions) at the Annual Meeting of Council, and that the Safer Streets Champion should:

- work with our communities to understand their concerns and receive suggestions for how we want to address street harassment;
- work in partnership with Thames Valley Police to explore a potential bid for Safer Streets Fund funding;
- work closely with the Public Protection Partnership, Thames Valley Police, Town Centre managers and others to challenge and eradicate street harassment in our district;
- seek to develop better public awareness of what constitutes street harassment and unacceptable behaviours; and
- work with our three West Berkshire MPs to seek further powers for the Police to be able to take appropriate action where street harassment is witnessed or reported.”

Councillor Lee Dillon explained that he did not disagree with the Motion, but he questioned the mechanism which had been used to bring it forward by the Administration and whether a Special Council would have been a preferable route to approval by the Executive. He questioned whether Opposition Members would be granted the same flexibility with the Constitution.

Councillor Doherty explained that subject to Executive approval, a recommendation would be made to Annual Council to appoint a Safer Streets Champion alongside appointments to other Champion roles. It was felt timely to bring this forward at this time in advance of Annual Council and was a route permitted via the Council's Constitution.

Sarah Clarke confirmed that subject to Executive approval, this would form part of the appointments and allocations of seats report which included appointment of Council Champions.

Councillor Erik Pattenden queried how much resourcing would be put in place in relation to this role. Councillor Doherty responded that it was a Member Champion role. The Safer Communities Partnership would be involved working across the necessary partners. However, it was important to understand what was required at a community level before being able to answer that question more fully, and whether work would take place beyond the current remit of the Safer Communities Partnership.

Councillor Graham Bridgman stated that this work would also have linkages with the Building Communities Together Partnership. This was an area which would fall within his new Portfolio and therefore he would be taking a close interest in this. He considered the Member role to be around messaging and it was important to have a figurehead to do so.

He noted concerns raised in relation to the Constitution, but this was something he had looked into and this approach was felt to be the most appropriate way to progress this within a short timescale ahead of Annual Council.

**RESOLVED to** recommend to Annual Council the appointment of a Safer Streets Champion.

### 94. Public Questions

A full transcription of the public and Member question and answer sessions will be available from the Council's website in due course.

- (a) The question submitted by Mr Gareth Beard on the subject of trials of electric refuse collection vehicles would receive a written response from the Portfolio Holder for Environment.

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- (b) The question submitted by Mr John Gotelee on the subject of the Conservative ethos was answered by the Leader of the Council.
- (c) The question submitted by Mr John Gotelee on the subject of the number of two bedroom flats to rent in the area was answered by the Portfolio Holder for Planning and Housing.
- (d) The question submitted by Mr Stuart Gourley on the subject of Council income from CIL funds due to the redevelopment of the London Road Industrial Estate was answered by the Portfolio Holder for Finance and Economic Development.
- (e) The question submitted by Ms Alison May on the subject of Carbon Sequestration and Storage Performance Management Plans was answered by the Portfolio Holder for Environment.
- (f) The question submitted by Mr Ian Hall on the subject of the potential use of the Show Ground at Hermitage for housing would receive a written response from the Portfolio Holder for Planning and Housing.
- (g) The question submitted by Mr Ian Morrin on the subject of the budget assigned to the Education Team and how performance was measured would receive a written response from the Portfolio Holder for Children, Young People and Education.
- (h) The question submitted by Mr Graham Storey on the subject of the new housing register and what proportion of people of the old register had applied would receive a written response from the Portfolio Holder for Planning and Housing.
- (i) The question submitted by Mr Stuart Gourley on whether the planning application to demolish the clubhouse at Faraday Road would be withdrawn if the Rugby Club proposal was approved was answered by the Portfolio Holder for Finance and Economic Development.
- (m) The question submitted by Ms Alex Pulleyn on the subject of a moratorium on incineration would receive a written response from the Portfolio Holder for Environment.
- (n) The question submitted by Mr Vaughan Miller on the subject of the negative impact of opening up the Faraday Road football ground for youth football was answered by the Portfolio Holder for Finance and Economic Development.
- (o) The question submitted by Mr Gary Norman on the subject of the costs associated if the Motion to postpone the demolition of the football ground clubhouse was approved was answered by the Portfolio Holder for Finance and Economic Development.
- (p) The question submitted by Mr Jack Harkness on the subject of the serious financial implications of delaying the demolition of the clubhouse was answered by the Portfolio Holder for Finance and Economic Development.
- (q) The question submitted by Mr Paul Morgan on the subject of whether a decision to reject the motion to postpone the demolition of the clubhouse had left the Council open to a charge of predisposition, predetermination or bias was answered by the Portfolio Holder for Finance and Economic Development.

### 95. **Petitions**

There were no petitions presented to the Executive.

### 96. **New Domestic Abuse and Safe Accommodation Duty (EX4022)**

The Executive considered a report (Agenda Item 6) concerning New Domestic Abuse and Safe Accommodation Duty. The report informed the Executive of the new duty placed on local authorities as set out in the Domestic Abuse Bill, currently before Parliament, which included a new duty for the Council to assess the need for support and to prepare strategies to provide support for victims and their children who needed to

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reside in relevant accommodation (referred to as safe accommodation throughout the report).

Preparations had been undertaken in order to meet new legal requirements and the Executive were asked to agree how best the Council implemented the new duty from April 2021 provided the Bill received Royal Assent. Councillor Howard Woollaston understood that the Bill had its second reading in the House of Lords yesterday. It put a duty on tier one authorities from April 1 of this year to assess the needs and to provide support to the victims of domestic abuse and their children. Domestic abuse was an important issue and he was delighted that the Government had found parliamentary time for this piece key piece of legislation. It was one of the key performance indicators that he kept a close eye on.

One of the recommendations was the formation of the West Berkshire Domestic Abuse Board which would be chaired by Andy Sharp, Executive Director. This Board would report directly to the Health and Wellbeing Board. He proposed acceptance of the recommendations set out in the report.

Councillor Lynne Doherty stated that there were 2.4 million victims of domestic abuse per year which included people of all ages and therefore she was pleased to see this Domestic Abuse Bill coming through. She had been involved in the Domestic Abuse Forum in West Berkshire and she welcomed the duty on local authorities to provide safe accommodation for victims of domestic abuse.

Councillor Graham Bridgman also welcomed the prospective legislation. He noted that the Bill had not yet been passed into statute and there might therefore be some amendments required in the report in order to line up with the legislation. He therefore proposed that any changes to the Terms of Reference and everything that surrounded them should be considered in due course by the new West Berkshire Domestic Abuse Board and then the Health and Wellbeing Board.

Councillor Lee Dillon agreed with the comments made by Councillor Bridgman in that proposals made were based on a Bill, not on an Act of Parliament, and as long as it was subject to that final change then then his group would be supportive.

Councillor Carolyne Culver questioned to what extent the membership would change and how much of the overall funding figure would be spent on administration as opposed to delivery of the service. She also asked what the increase in the number of refuge places would be. Councillor Woollaston confirmed that the membership would consist of representatives from West Berkshire Council, victims and/or children of domestic abuse, Domestic Abuse Services, volunteers from Community Sector organisations, Healthcare Services, Police and Criminal Justice and Probation Services. At present in West Berkshire there were 4 units (6 bedrooms) available for refuge but Councillor Woollaston did not have the proposed number of increased refuge places and would therefore need to provide a written response to Councillor Culver.

Councillor Erik Pattenden queried the figures for domestic abuse. Nationally there had been a 7% increase in domestic abuse in April, May and June last year but that was not reflected locally and in Quarter 3 the performance report was showing a decrease. Councillor Woollaston responded that he had raised this issue as well and had been informed that it was a blip. In West Berkshire there had been little change in numbers throughout the pandemic.

### **RESOLVED that:**

- (1) The role of the Domestic Abuse Strategy Group would be revised to enable it to become the 'West Berkshire Domestic Abuse Board' in order to fulfil the new requirements as set out in the Domestic Abuse Bill and accompanying statutory

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guidance. Appendices B and C set out the draft Terms of Reference and Procedure note.

- (2) Once received, the additional burden funding would be used for two purposes; firstly to recruit administrative support within the Building Communities Together Team with responsibility for providing support to the West Berkshire Domestic Abuse Board and secondly commissioning additional services where gaps in support and safe accommodation had been identified through the required needs assessment.

### **Other options considered:**

- (1) Another option for consideration to enable the Council to meet the new Board requirement would be for the Homelessness Strategy Group to be revised (as suggested for the DA Strategy Group) to fulfil the role of the Domestic Abuse Board by continuing to meet quarterly but splitting into a two part meeting to take on the additional responsibilities and functions of the new Board.
- (2) This had not been recommended because although the group already had a focus on accommodation and homelessness, this new duty was passing through the Domestic Abuse Bill and the responsibility for domestic abuse currently sat with the Building Communities Together (BCT) Partnership. Therefore, it was felt that whilst this would be a viable option, the focus of domestic abuse should remain under the BCT Partnership.
- (3) There were no further options for consideration in regards to the additional burdens funding. Administration support was identified as a possible way to spend the money by the MHCLG due to how resource intensive the Board would be. It would also be required to commission services where appropriate to do so if the Needs Assessment identified any gaps.

### **97. Housing Strategy and Delivery Plan (EX3833)**

The Executive considered a report (Agenda Item 7) which sought approval of the Housing Strategy and Delivery Plan 2020-2036.

Councillor Hilary Cole introduced the report and explained that this document would replace the previous Housing Strategy which was adopted in 2010 and expired in 2015.

A six week consultation period was held in the Autumn of 2020 to inform the Strategy. It would be a high level strategic document which linked to other key strategies and plans. The Strategy set out the vision and key priorities for housing in the District through to 2036. Councillor Cole took the opportunity to highlight two key priorities. For all residents to have access to a home that met their needs and to reduce homelessness.

The Strategy made reference to impacts from Covid-19 and a review mechanism would be in place if it was necessary to respond to emerging needs relating to Covid. However, the pandemic was clearly still ongoing and impacts would continue to be assessed.

Councillor Cole explained that plans were in place to respond, with partner organisations, to live impacts including capacity of mental health services, accommodation solutions for young people and rough sleepers, impacts on the economy, and the sustainability of registered social landlords. The Housing Team would lobby for additional funds as they became available and there had been some recent successes in this respect.

Councillor Steve Ardagh-Walter was pleased to second the report. He was particularly pleased to note the strong focus on the environmental impact of housing and the desire to raise standards. It was also the case that the District was in a period of demographic change with an older population and smaller households and this Strategy provided a good high level response to that.

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Councillor Tony Vickers had commented extensively at the drafting stage and he was pleased to note that some of his points had been accepted into the Strategy. He was however concerned at the resource level to implement the action plan. He was aware that additional external funds had been secured as well as internal funding, but this was an area of risk that needed to be monitored.

Returning to demographic change, this could result in the under occupation of larger homes which was a nationwide issue. Councillor Tony Vickers felt that action in this area would greatly assist with housing issues, and this was referenced in the action plan, but he queried what could be done when acknowledging this would be a difficult area to progress.

Councillor Cole agreed this was a very difficult area to take action on and people could only be encouraged to downsize. Separately, she referred to a good scheme in place which aimed to bring empty homes back into use.

Councillor Tony Vickers noted the Public Protection role highlighted in the action plan and questioned the liaison between Public Protection and Housing. Councillor Cole advised that Public Protection had always held the statutory duty to inspect homes of multiple occupancy. Both services were within her Portfolio and she was aware that they worked very closely together.

Councillor Carlyne Culver highlighted the need to build smaller (one and two bedroom) homes. This would aid the ability for people to downsize if they wished to and offer more affordable homes. Councillor Cole agreed there was this need and efforts were made to encourage developers to build out smaller dwellings. However, developers, in following market forces, saw a greater need for larger properties.

Councillor Culver was concerned at the rise in the number of people on the Common Housing Register (CHR) and queried what action would be taken to build more social housing in West Berkshire. Councillor Cole explained that the CHR had recently been updated and this would result in an adjustment to the numbers referred to.

In terms of affordability, Councillor Cole explained that the Council was looking at the feasibility of developing a housing company. This would give the Council a greater ability for developing affordable homes. However, she made the point that the Council's housing stock had been with Sovereign Housing since 1998.

Finally, Councillor Culver noted that a report was due, in March 2022, relating to affordable housing for younger people and queried the timing of bringing forward the Housing Strategy when this report was due in a year's time. Councillor Cole was aware of the March 2022 report, but the work to meet the demand for housing for younger people was ongoing.

Councillor Lee Dillon made reference to private landlords. He noted that the Council would seek to bring private housing up to standard where required and he questioned whether the Council would form a good landlords register or rogue landlords register to help advise residents.

Councillor Cole explained that the Private Landlords Forum had recently been reinstated and funding had been secured to conduct a survey on housing conditions in the private rented sector. Councillor Dillon queried if a register would be formed if particular concerns were highlighted from this survey. Councillor Cole felt that this was a potential option to progress which she would discuss further with Housing Officers.

In terms of the potential register, Councillor Jeff Brooks pointed out that many landlords operated via letting agencies and these agencies should also be included on the register.

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Councillor Adrian Abbs referred to the retirement sector. Retirement homes fell in value which offered less incentive for people to downsize to them. He queried what action could be taken in this area. He was particularly concerned at the charges set by those organisations who serviced such homes. Councillor Cole did not disagree with these points but she questioned the powers available to local authorities. This was an area on which to lobby Members of Parliament.

**RESOLVED** that the Housing Strategy and Delivery Plan 2020-2036 be approved.

**Other options considered:** The option not to review and develop a new draft Housing Strategy was dismissed due to changes nationally and locally, and due to changes in legislation.

### 98. **Response to Council Motion - Scrutiny of Community Infrastructure Levy Payments (EX4004)**

The Executive considered a report (Agenda Item 8) concerning the Motion – Scrutiny of Community Infrastructure Levy Payments.

At the 3rd December 2020 Council meeting the following motion 18 (b) was submitted in the name of Councillor Jeff Brooks:

*'We call upon the Council to urgently engage external expertise to undertake an independent review of the management of CIL payments from local developers. This is in light of two cases – that Members are aware of – where the sums paid by the applicants have been contested as they maintain they have been penalised by many thousands of pounds for incorrect paperwork submissions. These were able to be corrected rapidly when pointed out to the Applicant, but the Council pressed on in charging the applicant based on the original assessment.'*

*Therefore:*

*The Council resolves to engage with an independent scrutineer – potentially from an adjacent Local Authority – to undertake an external review of its method of handling CIL payments from developers – including the processing of them, the interface with developers on the amounts due and the paperwork being submitted accurately.'*

The Chairman had informed the Council that, in accordance with Procedural Rule 4.9.8 the Motion if seconded, would be referred to the Executive for consideration.

Councillor Hilary Cole stated that much had been made in respect of the two cases mentioned in the Motion, particularly in the local press, however, in both cases the Local government Ombudsman had found in the Council's favour. Councillor Brooks mentioned that incorrect submissions were corrected rapidly when pointed out by the applicant, and this was correct. However, planning permissions lasted for three years. Although checks were carried out on an annual basis it would be impossible to check every planning application as these could commence at any time over the three year period.

In the instances mentioned in the report, both of the applicants had appointed agents who had submitted the paperwork on their behalf. The error had clearly sat with the applicants' agents who were, along with the applicants, given several opportunities to get things corrected. She therefore suggested that the agents should be the ones from whom the applicants should seek redress and she understood that this might have happened in one of the cases. All of the paperwork sent out to applicants clearly stated that it was the responsibility of the applicant to submit the correct information in the correct manner and the Council's website also had comprehensive and clear guidance regarding CIL submissions. Councillor Cole stated that she had found Councillor Brooks' comments in the press distasteful and untrue. CIL legislation was prescriptive and the Council's CIL



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process had been audited twice internally which was an independent operation. She did not agree that the Council should appoint an independent scrutineer as it would incur unnecessary cost to the Council and local taxpayers. The Local Government Ombudsman had also acted as a scrutineer and therefore she proposed that the Motion should be rejected.

Councillor Jo Stewart asked if there would be any benefit of another independent scrutineer. Councillor Hilary Cole replied that there would not be any benefit at all and any further scrutiny would incur additional costs.

Councillor Lynne Doherty referred to the two cases in question and that there seemed to have been numerous attempts at getting information but she asked for clarification as to what the actual process was. Councillor Hilary Cole responded that once a planning application had been approved then a CIL Liability Notice would be issued and at that point the applicant could query or challenge that CIL liability. People were not allowed to start development until the CIL papers were completed, and if an exemption was agreed the applicant could not commence work prior to notifying the Council. In the cases referred to in the report that notification had not been carried out. She stressed that the CIL team were incredibly helpful and there was a lot of information available on the website.

Councillor Jeff Brooks confirmed that he was hearing of more of these cases and he would raise those separately. He asked if both of the applicants had filled in all their paperwork correctly would those properties have been zero rated according to CIL. Councillor Hilary Cole said that the simple answer was yes, they would not have been charged CIL but they had not filled in the paperwork correctly. Councillor Brooks reiterated the fact that just because the applicants or their agents had not filled in the forms correctly then it had cost them thousands of pounds. Councillor Cole replied that two specific cases had been highlighted but there were many other people who had filled in the forms correctly and had not had to pay CIL. The Council had to be fair and abide by the legislation which was extremely prescriptive with little room for manoeuvre.

Councillor Carolyne Culver said that she was also aware of cases where people had been charged because loft space had been added to the new build, even though the loft space was not to be habitable and also an incident where the calculation had not taken into account that some of the existing building was knocked down when the new build was put up and therefore it was not a net calculation. That had led to people being charged when they should not had been. Paragraph 5.6 made reference to four cases and then the report detailed two cases and she asked what the conclusion of the Ombudsman had been with regard to the other two cases that had not been mentioned in detail. The report also identified 11 weaknesses and she asked if Councillor Cole could expand upon that. Councillor Cole advised that she was not aware of the other cases mentioned but would enquire and get back to Councillor Culver. She confirmed that she would provide a written response to all the questions that had been raised.

Councillor Graham Bridgman referred to the two cases and stated that many people had maintained that they were correct and that the actions of someone else had materially affected them. The applicants had two opportunities to challenge the decision before going to Court – one being by planning appeal and secondly to the Local Government and Social Care Ombudsman. The Motion was seeking external expertise to undertake an independent review but the internal audit process was independent and it was not unusual for Internal Audit to identify some issues within a service. The weaknesses identified in the report were moderate and five of them were minor. Both the Planning Inspectorate and the Local Government and Social Care Ombudsman were independent external reviewers and had found in favour of the Council. If an agent was employed and

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failed to submit the paperwork correctly then the applicants should look to the agent to recompense. If the Council was losing a lot of cases then of course it would call in an independent investigator but that was not the current situation.

**RESOLVED** that the Executive resolved to reject the Motion contained in paragraph 1.1 of the report. The Community Infrastructure Levy (CIL) Regulations clearly set out the procedures that could be taken to dispute a CIL charge by the Charging Authority. The complaints relating to the two cases referred to in the Motion were not upheld by the Local Government Ombudsman. Furthermore the cases dated back to 2015 and 2017, since then changes had been made to both the Regulations and the Council's CIL processes. In addition, the CIL team had been audited twice and found to be 'Satisfactory'.

### **Other options considered:**

- (1) Option A - The motion requests that the Council invites another Charging Authority in to check its processes so such issues do not arise in the future.
- (2) All the Berkshire authorities charge CIL and follow the same processes as West Berkshire Council, in line with the latest regulations. The only differences between the authorities is the amount charged and the type of development that incurs the charge. If an external audit team was to be appointed it could cost between £7,000 and £20,000 based on a 15 day process.
- (3) Option B – The Council is a member of the Planning Advisory Service CIL and Section 106 advisory group which also includes representatives from the Ministry of Housing Communities and Local Government. PAS do offer an advisory service which could be retained to check Council processes, however there would still be a fee associated with undertaking this review.
- (4) Option C – Reject the motion.

### **99. Response to the Council Motion relating to the demolition of the former Newbury Football Ground Clubhouse (EX4005)**

The Executive considered a report (Agenda Item 9) concerning the response to the Motion submitted by Councillor Lee Dillon at the Council meeting on 3 December 2020:

'We propose the Council postpones their application for demolition of the Faraday Road Football Ground facilities at least until the equivalent, or better, alternative site is confirmed and approved by the football community.'

Furthermore, we propose that the Council now engage with the local football community and interested parties (e.g. Newbury Community Football Group and Newbury Town Council) to explore options that make the Faraday Road Football Ground available for Men's, Ladies and youth clubs in Newbury to book for football training and matches in the meantime.'

Councillor Ross Mackinnon presented the report which proposed that the Motion be rejected. He raised the importance of remembering the positive reasons on why the Council was seeking to redevelop the London Road Industrial Estate (LRIE). Redevelopment would provide employment opportunities for local residents to help ensure high employment, it would attract inward investment and support existing businesses to thrive and to grow. It was a commitment of the Conservative Manifesto for West Berkshire to be attractive to the business community and to prioritise having a strong local economy.

Following the impact of Covid-19 it had become even more important to actively stimulate the economy. The regeneration of the LRIE was a key aspect in ensuring that West Berkshire was open and welcoming for businesses.

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Councillor Mackinnon referred to the wording of the Motion and reference to the football community. He questioned the suggestion that the Council should need the consent of the football community to proceed. The football community was broad and went beyond the Community Football Group.

The structure on the old football ground was unsafe and the site could not be used until this was demolished. Alternative provision had been identified in accordance with the Playing Pitch Strategy and was within the Newbury area. The proposal was for the previous grass pitch to be made available for general recreation until the land was redeveloped. The Council was committed to regenerating and redeveloping the LRIE for the reasons explained and did not want to postpone this.

Councillor Dillon clarified that the Motion requested that the football pitch be reopened until another site had been identified. No such alternative was identified at the time when he submitted the Motion and had not been identified for some time. Newbury Football Club had been evicted without first securing additional sites. The Rugby Club had since been identified as an alternative facility, but if this option did not transpire then, in his view, there was no other viable alternative.

Councillor Dillon continued by pointing out the health and safety concerns and the fact that the pitch had not been available for use were as a result of inaction by the Administration. Approval of the Motion would not have tied the Council and would not have delayed redevelopment at the appropriate time.

Many questions had been submitted by members of the public and Councillor Dillon referred to one which questioned the investment for a car park and grassed area when it would be located adjacent to Victoria Park. Councillor Dillon felt that action could and should have been taken at a much earlier stage by the Council to keep the pitch in use, at a similar level of expense to what was proposed.

Councillor Mackinnon reiterated that there were very good reasons for the decisions that had been made. The Executive, at its meeting in December 2020, had made a decision with regard to redevelopment. This had been called-in to the Overview and Scrutiny Management Commission who found that the Executive had acted appropriately.

Councillor Mackinnon felt that it was time to move forward with redevelopment and look to the good alternative provision that had been identified. It was time to move away from going over the history of the site.

Councillor Dillon responded by advising that he tabled the Motion in December 2020 and it had taken until this meeting to receive the response.

Councillor Tony Vickers agreed that plans for the site should be progressed and this would be at the Area Planning Committee.

Councillor Richard Somner seconded the proposal to reject the Motion. It was the case that the current structure was unsafe and this was the major factor in rejecting the Motion and proceeding with demolition. He too would like to see the project move forward and avoid further delays.

Councillor Somner felt that the redevelopment of the site could result in the provision of smaller properties in the area which, as already referred to in this meeting, was a recognised need.

**RESOLVED** that the Motion be rejected. The planning application was being considered by Planning amongst other things for the demolition of an unsafe club house and introduced measures that allowed the old grass pitch to be brought into general public use. Whilst this was underway it was not proposed that the site would be used for football training and matches.

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**Other options considered:** None.

### 100. **Capital Financial Performance Report - Q3 of 2020/21 (EX3912)**

The Executive considered a report (Agenda Item 10) concerning the Capital Financial Performance Report Quarter Three 2020/21.

Councillor Ross Mackinnon stated that at the end of Quarter Three, expenditure of £42.9 million had been forecast against a revised budget of £48.3 million, an overall forecast underspend of £5.4 million which was an improved position from Quarter Two due to £7m of projects being reprofiled into the next financial year. This did not mean that the projects would not be going ahead but they had been delayed mainly due to the Covid pandemic. Of the reprofiled projects £4m were environmental projects and £2.5m were around education.

Councillor Richard Somner agreed that in his portfolio, Transport and Countryside, the past year had been challenging. He gave his thanks to both Officers and contractors who had achieved a great deal. There had been some excellent work going on and the Council had managed to move timelines to accommodate the continuation of that work.

Councillor Jeff Brooks noted the difficult circumstances of the last year but he again highlighted the movement of forecasts. In the last three months there had been a £7m movement in the underspend position. Getting a forecast as accurate as possible was important along with not having big movements. Decisions were made on forecasts and if they were way out as had been the case in the current year and in previous years then bad decisions could be made. The position could change even further in the next three months with a larger underspend at year end. Councillor Mackinnon did not completely disagree with Councillor Brooks but the Capital Programme had been set in March 2020 and therefore it would be odd not to see large fluctuations in the programme being spent out throughout the financial year. He agreed that budget holders needed to be accountable and forecasting needed to be good but if there was a clear logic for the variance then he was less concerned particular in such a difficult year.

Councillor Erik Pattenden referred to section 5.5 which mentioned that there would be a £1.4m in Education Services due to delayed projects and which would be carried forward into the next financial year. He was concerned that this would be on top of the £8m of capital projects scheduled for 2021/22 and he queried what was being done to ensure that all of these projects would be completed particularly as there had been questions about the project management capability. Councillor Mackinnon was hopeful that after the Covid pandemic things would bounce back very quickly. He stated that there might be potential project management issues but he had faith in those in charge of the capital programme and their ability to manage those issues.

Councillor Adrian Abbs asked for clarifications on the £4m of environmental projects which would be reprofiled into the following year as this was particularly concerning considering that the country was in a climate emergency. Councillor Mackinnon confirmed that there were a lot of small projects which cumulatively added up to £4m and therefore he would not read them all out but referred Councillor Abbs to the Executive agenda pack from 17 December 2020 – page 279 where they were listed.

Councillor Dominic Boeck felt that the Capital Programme was one of the most exciting aspects of the Council's work. The fact that it is spending this money meant that it was improving things for local residents. It was disappointing that at Quarter Three it was behind with the programme but as mentioned there had been a good reason for this. He was particularly pleased to note that two new schools had been delivered. Councillor Boeck had confidence that the Council had the project management capacity and

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capacity within the industry to ensure that the money was spend through to the end of this year and into the next financial year.

**RESOLVED** that the report be noted.

**Other options considered:** No other options were considered.

### 101. **Key Accountable Performance Report 2020/21: Quarter Three (EX3885)**

The Executive considered the Quarter Three 2020/21 Performance Report (Agenda Item 11). The report sought to provide assurance that the core business and Council priorities for improvement measures (Council Strategy 2019-2023) were being managed effectively.

The report also highlighted successes and, where performance had fallen below the expected level, presented information on the remedial action taken, and the impact of that action.

Councillor Jo Stewart introduced the report and made points relevant to her Internal Governance Portfolio. It remained the case that collection of Business Rates and Council Tax was below target but this was to be expected following payment holidays. There had however been a degree of catch up within Quarter Three.

Over 70 placements had been created for young people as part of the Kickstart initiative, including 13 within the Council. A challenge encountered during lockdown was with placing disadvantaged young people into apprenticeships. As a result the Council had agreed to part fund eight job coaches to work with disadvantaged youngsters in schools to assist with gaining apprenticeships. Efforts continued to identify apprenticeships.

The health and wellbeing of staff was being closely monitored, particularly during present challenging times. Sickness absence was lower than the position of a year ago but it would continue to be monitored. Councillor Stewart highlighted the free Berkshire wide challenge available to staff (Get Berkshire Active) as a way of enhancing physical and mental wellbeing.

Councillor Graham Bridgman clarified points in relation to Adult Social Care. The Care Quality Commission (CQC) ratings of the Council's care homes had been discussed on many occasions. The CQC had suspended its inspections but it appeared, based on a Willows Edge report, that they were returning to business as usual and he was hopeful that Birchwood Nursing Home would be re-inspected and would move to a more positive rating. It was also the case that Walnut Close remained on this look back report but it had recently closed.

Councillor Bridgman also highlighted a discrepancy in the information contained in the report on adult safeguarding enquiries. He clarified that the Quarter Three position was higher than that reported at Quarters One and Two of this financial year, but the position was lower than that reported at this time last year. Therefore, overall there was a lowering trend in the number of these enquiries. Councillor Bridgman made the point that a safeguarding enquiry did not equate to a safeguarding issue. Safeguarding enquiries were welcomed so that potential issues could be investigated.

Councillor Lee Dillon noted that 22% of performance indicators were reporting as 'red'. He accepted the points made around the collection of Business Rates and Council Tax, and where CQC inspections were awaited, but he queried the percentage of 'red' indicators beyond those areas.

Councillor Dillon then raised the difficulty of considering this report for Quarter Three on 25 March. Many areas that could be questioned from the report might well have progressed by this stage and he hoped the process for considering these reports could

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be looked at. He felt that the approach to be taken by the Overview and Scrutiny Management Commission in considering performance reports would assist.

Councillor Alan Macro referred to the exception reports. When Birchwood Nursing Home was last inspected it received the rating of Requires Improvement. He sought assurance that sufficient improvements would be made for the re-inspection.

Councillor Bridgman stated that while he could not predict the outcome of the CQC inspection, he did make the point that much work had been undertaken on the home and investment made. He believed that substantial improvements had been made and he was hopeful of the home achieving a rating of at least Good.

Councillor Macro also referred to the exception report relating to the number of financial assessments that had been actioned which was currently 'amber'. He noted that a role had been recruited to in this area in January 2021 and he was hopeful that improvements would therefore be seen by year end. Councillor Bridgman shared this view.

Councillor Lynne Doherty stated that in general she was very impressed at the level of performance over what had been a tremendously difficult year. She felt that this report was a testament to the good work of the Council to still achieve its targets and beyond in some areas during a pandemic. Councillor Doherty took the opportunity to thank officers for their continued efforts either in maintaining business as usual or in picking up Covid-19 related duties. She asked Executive Directors to pass on her thanks to officers.

There were some 'red' indicators. Councillor Doherty did not have a particular view on what would be an appropriate percentage of 'reds'. She felt it was more important to understand the reasons for the 'red' indicators and the particulars of the measures.

Councillor Doherty understood the frustrations relating to this look back report but the report would always have to be at a point in time in the reporting cycle. She would however prioritise actual activity over having a more up to date report.

Councillor Doherty felt this solid performance report showed a Council that was working well despite the challenges of the past year. This was positive for the recovery from Covid-19 and in continuing to deliver the Council Strategy, the refresh of which was due to Council in May 2021.

**RESOLVED that** the progress made in delivering the Council Strategy, on maintaining strong performance for the core business areas and on achieving good results for the majority of the measures in relation to the Council's priorities for improvement be noted. The remedial actions taken where performance was below target (which was mostly due to Covid-19) would also be noted.

**Other options considered:** None.

### 102. Members' Questions

A full transcription of the public and Member question and answer sessions will be available from the Council's website in due course.

- (a) The question submitted by Councillor David Marsh on the subject of the vision for the town centre and the risks that vehicle access brought was answered by the Portfolio Holder for Finance and Economic Development.
- (b) The question submitted by Councillor David Marsh on the subject of who had visited the site of the proposed sports ground was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (c) The question submitted by Councillor David Marsh on the subject of the estimated running costs of the proposed sports ground was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.

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- (d) The question submitted by Councillor David Marsh on the subject of a potential increase in traffic and parking in neighbouring residential areas near the new sports ground was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (e) The question submitted by Councillor David Marsh on the subject of impact of the proposed floodlighting in Monks Lane was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (f) The question submitted by Councillor David Marsh on the subject of the location of the proposed sports ground and the consistency with the Council's active travel strategy was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (g) The question submitted by Councillor David Marsh on the subject of whether the proposals for Monks Lane had factored in the prospect of future successes in terms of football and/or rugby was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (h) The question submitted by Councillor David Marsh on the subject of what safeguards had been put in place should the rugby club decide it no longer wished to rent its land in Monks Lane was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (i) The question submitted by Councillor David Marsh on the subject of increasing the acreage devoted to community sport in Newbury was answered by the Portfolio Holder for Public Health & Community Wellbeing, Leisure and Culture.
- (j) The question submitted by Councillor Adrian Abbs on the subject of the carbon footprint impact of cancelled bus services was answered by the Portfolio Holder for Environment.
- (k) The question submitted by Councillor Adrian Abbs on the subject of investigation of the carbon footprint implications of home to school journeys was answered by the Portfolio Holder for Environment.
- (l) The question submitted by Councillor Alan Macro on the subject of support to Alice Bye Court Extra Care Sheltered Housing to improve its CQC rating was answered by the Portfolio Holder for Adult Social Care.
- (m) The question submitted by Councillor Andy Moore on the subject of response from the requests made by Newbury BID around town centre recovery was answered by the Portfolio Holder for Finance and Economic Development.
- (n) The question submitted by Councillor Erik Pattenden on the subject of the number of children no longer eligible for Pupil Premium was answered by the Portfolio Holder for Children, Young People and Education.
- (o) The question submitted by Councillor Erik Pattenden on the subject of when secondary school catchment areas had last been reviewed was answered by the Portfolio Holder for Children, Young People and Education.
- (p) The question submitted by Councillor Lee Dillon on the subject of the number of hospital referrals to West Berkshire located care homes which were refused due to appropriate medical care not being provided was answered by the Portfolio Holder for Adult Social Care.
- (q) The question submitted by Councillor Martha Vickers on the subject of the attitude and behaviour of some men towards women was answered by the Portfolio Holder for Children, Young People and Education.
- (r) The question submitted by Councillor Martha Vickers on the subject of access to the means of travel to school which was linked to educational, health or income inequalities was answered by the Portfolio Holder for Children, Young People and Education.

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- (s) The question submitted by Councillor Phil Barnett on the subject of how much had been received from Section 106 and CIL receipts since 2016 in the Greenham Ward was answered by the Portfolio Holder for Planning and Housing.
- (t) The question submitted by Councillor Phil Barnett on the subject of whether West Berkshire would be making a bid for 'Changing places toilet fund' was answered by the Portfolio Holder for Planning and Housing.
- (u) The question submitted by Councillor Tony Vickers on the subject of the use of 'as the crow flies' distances for determining entitlement to free school travel was answered by the Portfolio Holder for Children, Young People and Education.
- (v) The question submitted by Councillor Tony Vickers on the subject of the publication of draft minutes in a timely manner was answered by the Portfolio Holder for Internal Governance.

*(The meeting commenced at 5.00pm and closed at 8.10pm)*

A handwritten signature in black ink, appearing to be 'M.A.', written on a light-colored background.

**CHAIRMAN**

**Date of Signature**

29 April 2021