

EXECUTIVE

MINUTES OF THE MEETING HELD ON

THURSDAY, 29 APRIL 2021

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

Also Present: Paul Anstey (Head of Public Protection and Culture), Melanie Booth (Group Executive (Lib Dems)), Nick Carter (Chief Executive), Sue Halliwell (Executive Director - Place), Paul Hendry (Countryside Manager), Joseph Holmes (Executive Director - Resources), Matthew Pearce (Service Director-Communities & Wellbeing, Public Health and Wellbeing), Shiraz Sheikh (Legal Services Manager), Councillor Adrian Abbs, Councillor Phil Barnett, Councillor Jeff Beck, Councillor Jeff Brooks, Stephen Chard (Principal Policy Officer), Councillor Carolyne Culver, Councillor Owen Jeffery, Councillor Alan Macro, Councillor David Marsh, Councillor Steve Masters, Councillor Erik Pattenden and Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Lee Dillon, Andy Sharp and Councillor Tony Vickers

PART I

1. Minutes

The Minutes of the meeting held on 25 March 2021 were approved as a true and correct record and signed by the Leader subject to the following amendment:

Item 99 – Response to the Council Motion relating to the Demolition of the former Newbury Football Ground Clubhouse (EX4005) – Page 15, ninth paragraph should read – “Councillor Tony Vickers agreed that plans for the site should **come before** the Area Planning Committee **for resolution.**”

2. Declarations of Interest

Councillor Alan Macro declared an interest in Agenda Item 9 (Member Questions relating to Readibus) by virtue of the fact that one of his daughters, while not a West Berkshire resident, was a client of Readibus, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain in the meeting for Members' Questions.

3. 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 Paul Morgan on the subject of the details around the development of the Council's own Housing Company was answered by the Portfolio Holder for Planning and Housing.
- (b) The question submitted by Mr John Gotelee on the subject of the Avison Young viability study was answered by the Portfolio Holder for Finance and Economic Development.

Public Questions received in relation to agenda items 8 and 11 (Newbury Sports Ground – Joint Land Deal)

EXECUTIVE - 29 APRIL 2021 - MINUTES

- (c) The question submitted by Mr Paul Morgan on the subject of why items such as budget and costs in relation to the Rugby Club were being discussed in Part II was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (d) The question submitted by Mr Lee McDougall on the subject of forecasted key milestone dates for the new football ground proposals was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (e) The question submitted by Mr Vaughan Miller on the subject of which contracts were being agreed at the Executive meeting was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (f) The question submitted by Mr Vaughan Miller on the subject of the footprint of the new ground and whether it could be upgraded any further was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (g) The question submitted by Mr Alan Pearce on the subject of an assurance that the Forward Plan contained all the necessary financial approval requirements was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (h) The question submitted by Mr Gary Norman on the subject of when the total development and ongoing costs of the new football ground development would be available in the public domain was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (i) The question submitted by Mr Lee McDougall on the subject of once full details and supporting documentation was available would the Council undertake a public consultation was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (j) The question submitted by Mr Nigel Foot on the subject of what additional details and documentation would be made available to the public prior to any legally binding documents being signed was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.
- (k) The question submitted by Mr Alan Pearce on the subject of whether it was the Council's intention to make a decision in Part II that would commit it to enter into various land agreements with the Rugby Club without putting it on the Forward Plan first was answered by the Portfolio Holder for Internal Governance/Leisure and Culture.

4. Petitions

Councillor Alan Macro presented a petition containing 135 signatures relating to a reduction of the speed limit in Meadow Way and roads off of Meadow Way to 20mph in order to improve safety for pedestrians, children and vehicle occupants who were endangered by speeding traffic. The petition was referred to Transport and Countryside for consideration.

Councillor Alan Macro presented a petition containing 93 signatures relating to a reduction of the speed limit in Crown Lane/Blossom Lane to 20mph in order to improve safety for pedestrians and children who were endangered by speeding traffic. The petition was referred to Transport and Countryside for consideration.

5. Devolution of Hermitage Green (EX4006)

The Executive considered a report (Agenda Item 6) concerning the request from Hermitage Parish Council for the leasehold transfer, and all future maintenance responsibility, of Hermitage Green open space including the playground.

Councillor Richard Somner stated that this was the final stage in the joint discussion with Hermitage Parish Council. The Heads of Terms Agreement was in place with both organisations and there was broad agreement to provide a 75 year lease to the Parish for

EXECUTIVE - 29 APRIL 2021 - MINUTES

the area of land. With the transfer of the land went a small amount of financial contribution from Community Developer monies that was just slightly over £11,000. There was a planned capital cost of £8,000 required to deal with safety surface defects prior to transfer.

This transfer of land would enable the parish to adopt and manage this area according to their local needs and with their local community and Councillor Somner confirmed that he was happy to propose the recommendation.

Councillor Hilary Cole endorsed what had been said by Councillor Somner. It was the wish of Hermitage Parish Council to take over the management of this land and she was fully supportive of it.

RESOLVED that the land be transferred to Hermitage Parish Council (HPC) on a long lease of at least 75 years.

Other options considered: None. The principle of devolution of open space and built assets to local councils has already been established, most notably the arrangements currently in place with Thatcham Town Council. This proposal, alongside other devolution projects, supports West Berkshire Council's commitment to locally-led service delivery.

6. Risk Management Strategy 2021-2024 (EX3952)

The Executive considered a report (Agenda Item 7) concerning the Risk Management Strategy 2021-2024 and the purpose of the report was to recognise the importance of the Council's role in ensuring that it managed risk effectively and that it was risk aware. This would enable the Council to know when to accept a greater or lesser amount of risk in its activities. Furthermore, the Risk Management Strategy set out the overarching framework for managing risk at the Council, the Council's risk appetite and the risk management objectives for the next three years.

Councillor Howard Woollaston stated that Risk Management was a very important area of West Berkshire Council's Internal Governance process and represented a prudent approach to the running of the Council. This strategy had already come before the Governance and Ethics Committee and had been considered and approved.

The risk register was a dynamic document which was updated on a quarterly basis, the most recent being Quarter Three, where already one of the risks had been downgraded in the light of new information. The key changes were a slight increase in the risk appetite details as set out in paragraphs 7.3 and 8.8 of the appendix. The risk matrix was set out in paragraph 8.11 of the strategy. The risk score would trigger a particular type of response for risks relating to the Council's objectives.

He hoped that in the light of the above that this would be regarded as an uncontentious report and he would therefore like to propose it.

Councillor Jeff Brooks was pleased to see this strategy come forward as he liked the fact that it had now got objectives highlighted in a strategy which was all about objectives and goals. The Council seemed to be being a bit more risk aware and to take a broader approach to risk. He raised the following points:

- Page 43 of the agenda talked about focus and involvement of Councillors through more in depth training. Councillors generally had quite a lot of experience and he asked for assurance that there would also be an emphasis on training Manager/Budget holders as well. Councillor Woollaston stated that the intention was to bring all Councillors up to the same level and he agreed with the point made about Officers receiving training as well.

EXECUTIVE - 29 APRIL 2021 - MINUTES

- He also referred to the table on page 53 paragraph 7.3 and in particular the column entitled Legal (litigation, regulatory, contract) – Losing regulatory related legal challenge. He was of the opinion that there was no certainty that the Council would win a legal challenge and therefore that might need a little finessing. Councillor Woollaston would need to take further advice on the issue raised and would come back to Councillor Brooks.
- Page 56 stated that the Council would not be willing to operate with risks that exposed the organisation to an estimated current/actual financial loss or cost of above £3m for any individual risk. He suggested that the Council might want to think about a total aggregated risk. Councillor Woollaston understood the point being raised but could not see a logical way around it. Councillor Brooks suggested that the quantum of the total risk could be a KPI so that there was some awareness of trend movement.

Councillor Jo Stewart noted that the strategy did say that the risk appetite would be reviewed during the period of the strategy and where the Council decided that there might be external factors, or indeed even internal factors, that might be changing the landscape then there was a sliding scale which could move upwards or downwards according to what the risk appetite might be at that point in time. This was a new concept for this authority and was allowing some flexibility for it to be ambitious. Discussions on the risk register did take place at Operations Board where the Executive would come together with relevant Officers and Executive Directors to have some of those discussions about whether to move that risk appetite on a sliding scale.

Councillor Stewart confirmed that she had worked with this framework in the private sector. It was a known model that worked well if it was followed and if people were trained and understood it and it was important to have that understanding at all levels within the Council. By having clearly defined tolerance levels at each stage of the risk assessment process then the Council would ensure that it continued to deliver sound improvements in services and infrastructure in West Berkshire as well as new, innovative and ambitious projects.

RESOLVED that:

- (1) The Risk Management Strategy and the associated risk appetite be approved.
- (2) Governance Board's would approve the risk appetite on new projects within their remit and Corporate Programme Board would have oversight of this.
- (3) It be noted that at the meeting on the 19th of April 2021, the Governance and Ethic Committee resolved that the Committee endorsed this Risk Management Strategy and the associated risk appetite.

Reason for the decision: It was discussed that Risk Management was a very important area of West Berkshire Council's Internal Governance process and represented a prudent approach to the running of the Council. This strategy had already come before the Governance & Ethics Committee and had been considered and approved. The risk register was termed as a dynamic document updated quarterly, the most recent being Quarter 3 with already one of the risks having been downgraded in light of new information. Therefore due to the aforementioned points, the Risk Management Strategy 2021-24 has been regarded as an uncontentious report that should be proposed.

Other options considered: The Council could operate without a defined risk management strategy or appetite, though this could lead to a less strategic approach to how the Council manages risk.

7. Newbury Sports Ground - Joint Land Deal (EX4010)

The Executive considered a report (Agenda Item 8) concerning the Newbury Sports Ground – Joint Land Deal which was to provide a summary of the consultation and

EXECUTIVE - 29 APRIL 2021 - MINUTES

engagement process on the provision of a new sports ground at Newbury Rugby Club (NRC) and to further update the Executive on the outcome of the negotiations with NRC and to enter into various land agreements with the Club.

Councillor Howard Woollaston was delighted to bring this report to Executive as it represented the culmination of a huge amount of work by Officers to come to this fantastic solution to a problem which had been ongoing for a number of years. When he took over the Leisure element of his portfolio almost exactly a year ago, this had been his number one priority. The Council had previously commissioned a report looking at Council owned land and had come up with three options, none of which were totally suitable. He then asked Officers to re-approach the Rugby Club to see if there was an opportunity to create a community based centre for sporting excellence and provide a new home for Newbury's football clubs. The Rugby Club responded positively and after a fairly protracted series of negotiations both parties had arrived at this point.

The financial information was all contained in the Part II section as it was commercially sensitive but to summarise, Heads of Terms had been agreed. A Lease and an Agreement to Lease were ready to be signed, if Executive approval was given, to take a 40-year lease on a near 2.5 acre site on the Monks Lane frontage of the Newbury Rugby Club. There was a 20 year break clause to protect the Council's interest.

It was noted that the intention was to submit a planning application in the following month for a 3G artificial playing pitch with two stands (holding 150 and 50 people respectively), floodlighting, full fencing with turnstiles and 56 car parking spaces. In addition a 3,000 square foot Clubhouse would incorporate four separate changing rooms and two officials changing rooms (allowing for mixed teams and the safeguarding of young people), a function room with bar facilities, subject to licensing approval, a kitchen and an office.

The project started off with the intention of achieving what was called a Step 6 facility. Newbury Football Club currently required a Step 7 pitch, but the Council had managed to achieve a Step 4 facility which would allow the local teams to scale a number of levels above where they were today. There was also the possibility that the site could get to a Step 2 facility according to the initial view of the Council's consultants but that would require significant additional capital investment, which could not be justified at this stage.

Subject to the planning process it was hoped to have the contractor on site by late summer to allow the pitch to be playable by March 2022 and for Newbury Football Club to be able to apply for a higher ranking ahead of the new season.

This was a quantum leap for the football community in Newbury creating a top-quality ground for the men's, ladies, and youth teams. It was something that Newbury should be proud of and Councillor Woollaston hoped that there would be full support for this from all parties. He also hoped to be able to announce a further properly drained grass pitch and a further artificial pitch in the autumn. Sports England, the Football Association and the Rugby Football Union were all aware of these plans.

This was all part of the Playing Pitch strategy that had been approved by the Administration in February 2020 to create a total of six new 3G artificial pitches and further quality grass pitches across the District and he was therefore delighted to propose approval of the recommendation.

Councillor Erik Pattenden asked whether there had been any support so far from Sports England, the Football Association and the Rugby Football Union. Councillor Howard Woollaston confirmed that they had all been spoken to and, whilst it had not been a full consultation, they were aware of the plan and no problems were anticipated.

Councillor Adrian Abbs referred to the various steps and that there might be a possibility of moving to Step 2. He stated that the further the facility went in terms of steps then the

EXECUTIVE - 29 APRIL 2021 - MINUTES

greater the support and traffic and he queried what modelling had been done in relation to that to ensure that Steps 2 and 3 were deliverable. Councillor Woollaston confirmed that all that was being delivered at this stage was Step 4. The consultants had indicated that there was a possibility of going beyond that. Some preliminary modelling had been done but more detail would be provided ahead of the planning application.

Councillor Steve Masters noted that this had been a contentious project so far and he asked what the risk of failure was in terms of not delivering on time due to contractual issues or lack of planning etc. Secondly, given the contentious nature did the Council accept that there was a certain amount of reputational risk at stake and what measures would be put in place to mitigate that? Councillor Woollaston responded that in terms of the contractual issues the agreement to proceed would be subject to detailed planning consent and therefore there would not be a risk to the Council. There would always be some element of risk as with any building project.

Councillor Ross Mackinnon stated that this looked to be an outstanding facility and would be a major step forward in respect of the future of all sport. It therefore received his wholehearted support.

Councillor Lynne Doherty clarified that there would not be a vote on the recommendations at this point as there was a Part II paper later on in the agenda where the decision would be taken.

RESOLVED that:

- (1) The draft Agreement for Lease and its appendices including the draft Lease and associated draft agreement with the Newbury Rugby Club in relation the Sports Ground provision at the site (as detailed in the Part 2 Report) be approved.
- (2) Authority be delegated to the Service Director of Strategy & Governance in consultation with the Service Director of Communities and Wellbeing to enter into agreement for lease and any other agreements including any such amendments that were necessary and in line with the agreed Heads of Terms;
- (3) The allocation of funds (as detailed in the Part 2 Report) be approved.

Other options considered:

As detailed in the previous report, the Council had reviewed options for development of a Sports Ground at different sites. Each were deliverable to a varying degree but had been discounted.

Doing nothing at this stage was not considered to be a viable option due to the Council's ongoing commitment to deliver the objectives of the Playing Pitch Strategy.

8. 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 Steve Masters on the subject of cuts to community transport services across West Berkshire was answered by the Portfolio Holder for Transport and Countryside.
- (b) The question submitted by Councillor Adrian Abbs on the subject of the date for reaching net carbon zero across West Berkshire was answered by the Portfolio Holder for Environment.
- (c) The question submitted by Councillor Jeff Brooks on the subject of the level of reductions in the funding to Readibus would receive a written response from the Portfolio Holder for Transport and Countryside.

EXECUTIVE - 29 APRIL 2021 - MINUTES

- (d) The question submitted by Councillor Lee Dillon on the subject of alternative services for disabled residents would receive a written response from the Portfolio Holder for Transport and Countryside.
- (e) The question submitted by Councillor Alan Macro on the subject of why the drastic cuts in funding of Readibus since 2015 not consulted on was answered by the Portfolio Holder for Transport and Countryside.
- (f) The question submitted by Councillor Phil Barnett on the subject of a footpath being extended alongside Stroud Green into the new Racecourse development was answered by the Portfolio Holder for Transport and Countryside.
- (g) The question submitted by Councillor Steve Masters on the subject of the termination of the Readibus contract was answered by the Portfolio Holder for Transport and Countryside.
- (h) The question submitted by Councillor Adrian Abbs on the subject of a previous question to Executive regarding the cancellation of bus services and why the situation with Readibus had not been revealed at that stage was answered by the Portfolio Holder for Transport and Countryside.
- (i) The question submitted by Councillor Alan Macro on the subject of comments made about the effect of the adoption of the new Minerals and Waste Local Plan was answered by the Portfolio Holder for Planning and Housing.
- (j) The question submitted by Councillor Phil Barnett on the subject of funding for road repairs was answered by the Portfolio Holder for Transport and Countryside.
- (k) The question submitted by Councillor Adrian Abbs on the subject of QR codes on dog waste bins was answered by the Portfolio Holder for Transport and Countryside.

9. 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 (3) 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.

10. Newbury Sports Ground - Joint Land Deal (EX4010)

(Paragraph 3 – information relating to financial/business affairs of a particular person)

The Executive considered an exempt report (Agenda Item 11) concerning the consultation and engagement process on the provision of a new sports ground at Newbury Rugby Club (NRC). It also updated on the outcome of the negotiations with NRC in relation to the proposal to enter into various land agreements with the club.

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 6.33pm)

CHAIRMAN

Date of Signature