



Meeting of West Berkshire District Council

Thursday 8 July 2021

Summons and Agenda



WestBerkshire
C O U N C I L

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on
Thursday 8 July 2021
at 7.00pm

This meeting will be streamed live here: <https://www.westberks.gov.uk/fullcouncillive>



Sarah Clarke
Service Director – Strategy and Governance
West Berkshire District Council

Date of despatch of Agenda: Wednesday 30 June 2021

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 13 - 14)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 15 - 16)**

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 4 May 2021. **(Pages 17 - 32)**

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4. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#). **(Pages 33 - 34)**

5. **PETITIONS**

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion. **(Pages 35 - 36)**

6. **PUBLIC QUESTIONS**

Members of the Executive to answer questions submitted by members of the public in accordance with the Council Procedure Rules contained in the Council's Constitution.

Please note that the list of public questions is shown under item 6 in the agenda pack. **(Pages 37 - 38)**

7. **MEMBERSHIP OF COMMITTEES**

The Council to agree any changes to the membership of Committees. **(Pages 39 - 40)**

8. **MOTIONS FROM PREVIOUS MEETINGS**

To note the responses to Motions which have been presented to previous Council meetings.

- Response to the Motion from Councillor Richard Somner – Item 16 on this agenda. **(Pages 41 - 42)**

9. **LICENSING COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 21 June 2021. Copies of the Minutes of this meeting can be obtained from Legal and Democratic Support or via the [Council's website](#). **(Pages 43 - 44)**

10. **PERSONNEL COMMITTEE**

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

11. **GOVERNANCE AND ETHICS COMMITTEE**

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee has not met.



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12. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee has not met.

13. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 6 July 2021. Copies of the Minutes of this meeting can be obtained from Legal and Democratic Support or via the [Council's website](#).

14. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 14 June 2021. Copies of the Minutes of this meeting can be obtained from Legal and Democratic Support or via the [Council's website](#).

15. APPOINTMENT OF CHIEF EXECUTIVE AND AMENDMENT OF PAY POLICY (C4086)

The Council's current Chief Executive, Nick Carter, will retire in August 2021. This report therefore seeks approval for the appointment of a Chief Executive, details of which appear in Appendix E, and for the appointment of an Interim Chief Executive as detailed in Appendix F.

The report also seeks approval for a revised salary range for the role of Chief Executive. **(Pages 45 - 64)**

16. RESPONSE TO THE PROPOSED FIREWORK MOTION (C3972)

To inform Council on how West Berkshire Council can support any aspects of the motion first proposed to Council in September 2020 (set out in Appendix A).

To update the position which was originally presented to the Licensing Committee on 8th February 2021 and was due to be considered at the Full Council meeting on 2nd March 2021.

To outline the reasoning for a different approach in July 2021 compared to the recommendations previously proposed. The change of approach is to move from a proposed Policy to an Operational Approach concerning the legal provisions the Public Protection Partnership (PPP) have with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact. It also identifies areas where the service is unable to act with respect to the protection of animals and other concerns which were the reasoning behind the original RSPCA motion.

To agree the operational approach that will be taken in respect of the management of fireworks. **(Pages 65 - 78)**



17. NOTICES OF MOTION

- (a) **The following Motion has been submitted in the name of Councillor Tony Vickers:**

“Public Funds for Public Access

That Council notes:

1. How the pandemic has highlighted the importance of outdoor exercise for our mental and physical health and wellbeing and our understanding of the interconnections between farming, biodiversity and food production;
2. That the Environment Agency accepts that the benefits of outdoor exercise could be worth billions to the NHS and care services;
3. That the Environment Bill includes provision for “public funds for public goods”;
4. That the Agriculture Act contains powers to provide financial assistance to support public access to the countryside, through replacing the EU funding system known as the Common Agriculture Policy (CAP);
5. The excellent work done by this Council’s Rights of Way Team and many volunteers from bodies represented on the Mid & West Berkshire Local Access Forum to maintain and improve public access to our beautiful countryside, and
6. The emphasis in our local planning and transport policies towards more ‘active travel’ opportunities, as part of combating Climate Change.

Council therefore supports the campaign of the Outdoor Access Alliance of organisations that represent countryside access groups to enable this “BREXIT Bonus” for funding to be channelled through local government to help improve our rights of way network;

And calls on this Council to work with local and national organisations to improve the relationship between urban communities, landowners and farmers as the rural environment and economy is transformed by BREXIT and climate change, so that all our residents better understand the connections between food production, biodiversity, landscape and public health.”

- (b) **The following Motion has been submitted in the name of Councillor Lee Dillon:**

“That the decision to end a meeting of Full Council rests with the Members in the Chamber deciding a suitable end time rather than any pre-set limit.”

- (c) **The following Motion has been submitted in the name of Councillor Tony Linden:**

“Sprinklers:

That this Council:

- Acknowledges that sprinklers and other Automatic Fire Suppression Systems (AFSS) save lives, protect property, reduce the impact of fire on the

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environment, reduce interruption to business and improve safety for individuals in the community in general and firefighters. In recognising these benefits supports the National Fire Chief's Council position on sprinklers by writing to Central Government to express support for the creation of a legal requirement to fit sprinklers or AFSS in buildings.

- Commits to installation of sprinklers or other AFSS within its own building stock when planning for and constructing new buildings or as a retrofitted solution when undertaking major refurbishments of existing buildings.
- Through building regulations, promotes and supports the installation of sprinklers or other AFSS for all new or refurbished buildings and particularly those that present the most significant risk to the public and firefighters.”

(d) **The following Motion has been submitted in the name of Councillor Lynne Doherty:**

“This Council recognises:

the commitment and bravery shown by Locally Employed Staff (LES) who supported British Armed Forces in Afghanistan; that many members of LES have had their safety threatened in Afghanistan and are at genuine risk due to their work with the United Kingdom; that HM Government has established two schemes designed to help current and former LES – the Ex- Gratia Scheme (EGS) and the Afghan Relocations and Assistance Policy (ARAP) each of which offers a route to LES meeting certain criteria to apply for leave to enter the UK; that LES who qualify and choose to relocate to the UK with their families are not expected to return to Afghanistan and that in due course they will be able to apply for permanent residence ensuring that they can settle permanently and build their lives and future here; and concludes:

- that the United Kingdom has a responsibility to make sure these individuals are protected from harm;
- that HM Government is right to introduce these schemes to support current and former LES.

This Council notes that it is being asked by HMG to provide four months of support to those LES who have been relocated (funded by HMG) including: reception arrangements upon arrival at the airport including handover from flight escorts and welcome briefing; accommodation; a package of advice and assistance covering employment, welfare benefits, housing, health, education and utility supply; assistance with registration with GPs and local Job Centre Plus (including allocation of a National Insurance Number); assistance in securing school places for school aged children; and cash support.

This Council Resolves to:

- inform HM Government that it is willing to support the ‘Afghan Locally Employed Staff – relocation schemes’; and
- develop plans to appropriately support the relevant LES and their families”.



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(e) The following Motion has been submitted in the name of Councillor Jeff Brooks:

“In order to assist the regeneration of the Newbury evening economy and provide support to hospitality businesses, including cafes, restaurants and pubs, this Council resolves to:

- Introduce extended hours pedestrianisation of Northbrook Street and the Market Place with the utmost haste – with pedestrianisation lasting from 10.00 hours to 24.00 hours every day of the week.
- This will give time between 00.00 hours to 10.00 hours for store deliveries with emergency vehicles having the ability to enter at any time by lowering the street barriers.
- By such rapid measures, hospitality businesses will be able to take advantage of the longer summer evenings and extend their premises across pavements and outside areas.
- Only by taking this decision this evening and implementing it with proper speed, will the Council be able to make a difference to this key economic sector in this summer.”

(f) The following Motion has been submitted in the name of Councillor Jeff Brooks:

“During the period from March 2020 to May 2021 the public understood the need for the Council to take steps to protect them from Covid 19 and amongst those measures people understood the introduction of the Booking system at our two HWRCs in order to manage social distancing and those centres.

Now that our society is opening up, the public should expect the Council to rapidly re-instate the services that they pay their Council Tax to have available to them.

Whilst the Booking system at these facilities has merit, consultation with the public should be undertaken to help determine if such a system should remain in place.

Whilst that is undertaken, there is no reason for the restriction that allows a household to visit the facilities only once a week and for those facilities to close at 17.30 when they would normally stay open much later in the spring and summer months.

Since both centres are not particularly busy and a booking can be made on the day or at least the following day, we call upon the Council to immediately lift the once a week restriction and extend the opening hours without delay.

This is the time of year when households need maximum access to the facilities and we are bound to provide the access they are used to and have paid for.”



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(g) The following Motion has been submitted in the name of Councillor Carolyne Culver:

“West Berkshire Council recognises that electoral fraud in the form of impersonating another voter at a polling station is a vanishingly small problem: at the 2019 general election, there were 34 allegations of this offence, with one conviction, out of 34 million votes cast.

Government proposals to introduce photographic identification as a requirement to vote are, therefore, unnecessary, putting up barriers to voting that would disproportionately affect people least likely to have appropriate documents, in particular members of disadvantaged communities.

According to the Electoral Commission, 11 million UK citizens have no driving licence or passport and 3.5 million no access to photo ID at all.

The burden to provide “free voter cards” for people in this position would fall on local authorities, at an estimated cost of £20m per election. It is unclear who would pay for this, but all too clear that this system would create much more work for council staff, both in between elections and at polling stations on election day.

This Council therefore urges the government to abandon these proposals, and to give an assurance to the people of West Berkshire that not a penny of their council tax will be spent on implementing any such scheme.”

(h) The following Motion has been submitted in the name of Councillor Lee Dillon:

“This Council notes that:

- Core Strategy policy 18 (CS18) defines the current football club site at Faraday Road as Green Infrastructure (GI).
- That CS18 requires that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.
- Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
- That the recent West Berkshire Council Playing Pitch Strategy (approved Feb 2020) highlights that ‘there is a significant deficit of 3G Artificial Grass Pitch (AGP) provision in the area, with only one full sized 3G pitch available to the community (at Park House School) and a requirement to increase provision. There is a deficit of 7 full sized 3G AGP’s currently, based on FA calculations of 38 teams per 3G AGP.

Council therefore resolves that:

- The Executive have acted outside of the Council’s existing policies in relation to Green Infrastructure.
- Given the requirement to replace green infrastructure with ‘a new one of

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equal or greater size and standard' means that the new facility being promoted at Newbury Rugby club is not a replacement facility for the current football club, but that it does help in reducing the deficit of AGP's in the district."

(i) **The following Motion has been submitted in the name of Councillor Adrian Abbs:**

"This Council notes:

- That existing telephone boxes are being offered to the council for free or as little as £1.
- That telephone boxes make ideal environments to place public access defibrillators due to their existing power and the shelter they offer.
- That defibrillators are known to save lives.
- That those minutes and seconds are critical to a positive outcome where defibrillators are used.

This Council, therefore resolves to:

- (1) take a default position where it would adopt any telephone boxes being offered throughout West Berkshire for use as an Open Access Defibrillator location.
- (2) install an Open Access Defibrillator in each adopted box should another defibrillator not be present within 100 metres.
- (3) make residents local to that defibrillator aware of its presence
- (4) provide a "how to use a defibrillator" guide to all residents within 400 metres of the device.
- (5) ensure the location of the device is added to the emergency services register of defibrillators.
- (6) undertake the minimal servicing required to keep the devices active or devolve this to the local parish or town council.

Cost

Costs are maximum £1500 per defibrillator including purchase and installation."

(j) **The following Motion has been submitted in the name of Councillor Tony Vickers:**

"Proposals for Reform of Planning System

Council notes:

- A. that the Queen's Speech announced that "plans to modernise the planning system, so that more homes can be built" in England, will be brought forward in a Planning Bill in this Parliament and
- B. that the plans set out in the Planning White Paper were in the main last autumn unanimously rejected by this Council on the advice of its professional planners and
- C. that the House of Commons Housing, Communities and Local Government



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Select Committee's first report on those plans, published in May, have criticised that White Paper on numerous counts, including:

1. Denying local people and their local councils from having any influence on individual planning applications;
 2. Further diminishing the prospects for achieving public acceptance of Local Plans and hence the democratic accountability of those Plans;
 3. Failure to include any measures to incentivise developers to complete consented housing developments in a timely manner;
 4. Absence of any additional resources for Local Planning Authorities
- D. Furthermore the Select Committee report refers to its predecessor's report on Land Value Capture in 2018 which called for more of the uplift in land value resulting from allocation of land for housing and from planning consent to be captured for public benefit. This could be perhaps by breaking the link between 'hope value' use in compulsory purchase, which gives landowners – including some in West Berkshire - and a small number of large national speculative homebuilders immense unearned profit, greatly reducing the available funding for high quality, affordable homes and their essential infrastructure.
- E. This Council has no confidence that the measures in the White Paper will achieve the Government's stated aims without tackling these problems in the land market at the same time – problems which are widely accepted to be more significant than any flaws in the planning system.

The Council therefore resolves:

That whilst it supports the aspirations of the Government to take urgent measures to restore a functioning land and homes market that results in more affordable and better quality homes and a socially sustainable and climate resilient built environment, it will write to the three MPs representing West Berkshire urging them to resist those measures in the Planning Bill that their colleagues on the all-party Select Committee have so roundly condemned and to call for a more fundamental reform of the land market.”

- (k) **The following Motion has been submitted in the name of Councillor Graham Bridgman:**

“Background

With the expiry of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 any public meeting (“Meeting”) of the Council or a Council Committee, Board, Sub-Committee, etc (“Body”) must take place in person at a single, specified, geographical location (“Meeting Room”).

However, there is a continuing need to ensure that Meetings are conducted safely and follow public health guidance regarding covid precautions, social distancing, etc.

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Motion

In order to ensure that Meetings are held in a covid-safe manner, but that each member of the Body (“Member”) can contribute to, and members of the public can engage with, the Meeting, this Council RESOLVES that, at the sole option of the Chairman of the meeting (“Chairman”):

- those individuals who are not physically in the Meeting Room but are present virtually - including Members, other members of council, officers and members of the public - may be invited by the Chairman to speak, provided that they would be allowed to speak if physically present;
- those Members who are not physically in the Meeting Room but are present virtually may be invited by the Chairman to join in an indicative, but non-binding, vote so that the Members in the Meeting Room can gauge the feelings of the entire membership on a particular item before voting substantively upon it;
- where a member of the public, interested party, etc, has a right to ask a question at, or make a submission to, the Meeting, they may choose to ask that question or make that submission virtually; and
- the requirement for any questioner to say (eg) “I ask my question as set out in the Summons” is replaced by an option for the Chairman to refer to the question and invite the person responding to answer; but that
- nothing in this Resolution affects the ability of the Chairman to determine how a question shall be answered as set out in the Constitution (eg at 4.12.5); and
- the Monitoring Officer is authorised to publish a statement setting out the effect of this Resolution in the Constitution and in any other place considered necessary to bring it to the attention of anyone affected as she deems fit, and to publish any Protocol or Guidance regarding the way in which the Council conducts Meetings.” **(Pages 79 - 80)**

18. MEMBERS' QUESTIONS

Members of the Executive to answer questions submitted by Members of the Council in accordance with the Council Procedure Rules contained in the Council’s Constitution.

Please note that the list of public questions is shown under item 18 in the agenda pack. **(Pages 81 - 82)**

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.