

COUNCIL

MINUTES OF THE MEETING HELD ON

TUESDAY, 18 JANUARY 2022

Councillors present in the Second Floor Meeting Area: Clive Hooker (Chairman), Rick Jones (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Dennis Benneyworth, Dominic Boeck, Jeff Brooks, James Cole, Carolyne Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Gareth Hurley, Owen Jeffery, Alan Law, Tony Linden, Royce Longton, Steve Masters, Geoff Mayes, Biyi Oloko, Claire Rowles, Andrew Williamson and Keith Woodhams.

Councillors present remotely: Councillor Phil Barnett, Councillor Jeff Beck, Councillor Graham Bridgman, Councillor Jeff Cant, Councillor Nassar Hunt, Councillor Alan Macro, Councillor Thomas Marino, Councillor David Marsh, Councillor Andy Moore, Councillor Graham Pask, Councillor Erik Pattenden, Councillor Richard Somner, Councillor Joanne Stewart, Councillor Martha Vickers, Councillor Tony Vickers and Councillor Howard Woollaston.

Also Present: Honorary Aldermen Paul Bryant and Andrew Rowles, Nigel Lynn (Chief Executive), Sue Halliwell (Executive Director (Place)), Joseph Holmes (Executive Director (Resources)), Andy Sharp (Executive Director (People)), Sarah Clarke (Service Director, Strategy & Governance (Monitoring Officer)), Shiraz Sheikh (Service Lead, Legal & Democratic Services) and Vicki Yull (Principal Democratic Services Officer).

Apologies for inability to attend the meeting were received from: Councillor Hilary Cole, Councillor Jeremy Cottam and Councillor Ross Mackinnon, and Honorary Aldermen Adrian Edwards, Graham Jones and Keith Chopping.

PART I

78. Declarations of Interest

The Chairman opened the meeting by taking a moment to reflect on the recent passing of former Councillor John Farrin who had been a Liberal Democrat Member for Burghfield from 2003 – 2007. Councillor Lee Dillon spoke in remembrance of Mr Farrin.

The Chairman then welcomed Councillor Biyi Oloko to the Council. Councillor Oloko had been elected as a Conservative Councillor on 16th December 2021 for the Tilehurst South and Holybrook Ward and this was his first Council meeting. Councillor Oloko briefly introduced himself.

The Chairman then invited Members to make any declarations of interest.

Councillors Owen Jeffery, Jeff Brooks, Tony Vickers, Phil Barnett, Royce Longton and Billy Drummond declared an interest in Agenda Item 3 (To consider and deal with Item 22 of the Agenda as specified in the Summons to the Council Meeting of 2 December 2021 pertaining to the unfinished business - Notices of Motion (Motion (C) West Berkshire Council Pensions Divestment from Fossil Fuels refers)) due to being in receipt of a Royal County of Berkshire Pension and reported that, as their interests were disclosable pecuniary interests or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter.

Councillor Tony Linden declared an interest in Agenda Item 3 (To consider and deal with Item 22 of the Agenda as specified in the Summons to the Council Meeting of 2 December 2021 pertaining to the unfinished business - Notices of Motion (Motion (C) West Berkshire Council Pensions Divestment from Fossil Fuels refers)) due to having

COUNCIL - 18 JANUARY 2022 - MINUTES

had a councillors pension policy but not currently being in receipt of it and reported that, as the interest was a disclosable pecuniary interests or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

Councillors Graham Bridgman and Andy Moore declared an interest in Agenda Item 3 (To consider and deal with Item 22 of the Agenda as specified in the Summons to the Council Meeting of 2 December 2021 pertaining to the unfinished business - Notices of Motion (Motion (C) West Berkshire Council Pensions Divestment from Fossil Fuels refers)) due to their spouses being in receipt of a Berkshire pension and reported that, as the interest was a disclosable pecuniary interests or an other registrable interest, they would be leaving the meeting during the course of consideration of the matter.

79. **To consider and deal with Item 22 of the Agenda as specified in the Summons to the Council meeting of 2 December 2021 pertaining to the unfinished business**

The Chairman indicated the order under which the Motions would be taken.

The Council considered the under-mentioned Motion (Agenda Item 3(a) refers) submitted in the name of Councillor Jeff Brooks regarding the integrity of West Berkshire Council.

The Chairman informed the Council that the Motion, if seconded, would be debated at the meeting.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Owen Jeffery:

“This Council will act with the utmost integrity at all times and will ensure that all of its actions put our residents first. Where mistakes are made we will put them right. Where injustices are apparent we will act to resolve them.

In everything we do, the needs of our residents will be uppermost in our policies and actions. We will never take short term gains over the interests of the people we are here to serve”.

Councillor Brooks in introducing the Motion explained how the Motion related to values that the Council demonstrated in everything it did, in every policy developed, and in every decision it made. In putting the Motion before Council, Councillor Brooks did not believe it would find unanimous support as he felt the Leader of the Council and several of the Executive would not vote for something they did not evidence in their actions. Councillor Brooks stated that several members were discomforted by this Motion, and were not convinced that their leadership would evidence the behaviour called upon in the Motion. In particular he highlighted that the Council should never take short term gains over the interests of residents. Councillor Brooks provided examples of when he believed residents had not been put first in both the actuality and the spirit of this Motion:

- Hundreds of fines totalling tens of thousands of pounds had been levied on drivers for crossing over the Parkway Bridge and were refused reimbursement when the signage (and thus those fines) were found to be illegal. Several members of the current administration were in charge at that time.
- A grant was made to an important local transport provider conditional on a gagging order which was not reciprocal, and there had been no consultation on the withdrawal of the grant which the Council had yet to apologise for.
- Grudgingly, residents were given some financial relief on the green bin charge when the green bins were not emptied last winter, after showing no enthusiasm for the budget amendments put forward by Councillor Brooks to provide that financial relief.

COUNCIL - 18 JANUARY 2022 - MINUTES

Already this winter there had been missed collections and it was yet to be seen how the Council would react to that.

- The Council had insisted on the collection of nearly £100,000 of Community Infrastructure Levy (CIL) whilst also admitting that no levy would be chargeable if the private individuals in Lambourne and Kintbury had completed their CIL forms correctly. Amongst the collection techniques was visiting the debtor – or not debtor, as no charge should be levied – and attaching a letter outside their home on the public highway stating the value of the debt. Visits were made in twos so that one Officer could photograph and film the debtor, and the debt was discussed with a neighbour. Councillor Brooks questioned if this was the behaviour of a Council which addressed mistakes, that always acted with the utmost integrity, and that never took short term gains over the interests of the people they served.

Councillor Brooks highlighted that should the Leader of the Council and the Executive Members vote to support this Motion there was an expectation they would right the wrongs as outlined, particularly the reimbursement of the two CIL debts. Councillor Brooks therefore asked the Leader of the Council to think carefully before supporting the Motion as it spoke to the ethos, principles and values of the Council which should not be taken lightly.

Councillor James Cole said most of his experience with the Council had been very positive and that Officers put the needs of residents to the fore. There was some dissatisfaction and some improvements could be made, in particular with regard to the Planning service where too many refusals had been made in error. Matters related to CIL came under Planning and had been raised under Governance and Ethics Committee during which Councillor Cole made clear his unhappiness at the handling of the CIL case in Kintbury where, in his view, more help should have been given. In the same way that the Inland Revenue helped people to get their tax forms right, he would prefer West Berkshire Council to take this approach with CIL's. Councillor Cole said that despite these issues, he would be supporting this Motion.

Councillor Rowles wholeheartedly agreed with Councillor Cole's comments in relation to having a generally positive experience with the Council in putting the customer first. In relation to the subject of CIL and in the context of the case in her Ward in Kintbury and the other in Lambourne, she had seen no evidence of the Council putting the customer first and had made it very clear publicly that the Council's stance in both cases was morally and ethically wrong as the Council had failed to help the residents by highlighting the missing paperwork. In the case in Kintbury, it was one of the first CIL cases seen by the Council when CIL was first introduced in 2015 and she believed a duty was owed to that resident to help and guide them through a newly introduced process. The Council had made a mistake in calculating the amount of CIL payable in Chieveley but in this case the Council went over and above to assist the resident by highlighting the missing paperwork and sending the resident's Agent the appropriate forms to complete to claim an exemption from CIL. It appears that if the Council made a mistake then the resident was helped but if the resident made a mistake then they were not helped which showed that cases were being treated very differently. Councillor Rowles indicated she would be supporting this Motion.

Councillor Masters said he would be supporting the Motion and that he agreed wholeheartedly with comments made by the proposer and previous speakers. He had also had interactions with a number of residents in his Ward in relation to unsatisfactory CIL payments. Councillor Masters was also in agreement with the broader points made about the Administration due to the number of times they had been seen not to be acting

COUNCIL - 18 JANUARY 2022 - MINUTES

in the best interests of residents and compound the issues by not accepting this as the case and refusing to engage in a constructive manner with opposition parties and residents alike. Councillor Masters said he would be supporting the Motion as he felt less of the blame was aimed at Officer-level, but there was a certain political leadership around this issue.

Councillor Ardagh-Walter said that in terms of the wording of the Motion he was also supportive of it and agreed that the Council did act with the utmost integrity to ensure their actions put the residents first. In relation to the point about green bins, he was disappointed this had been made by Councillor Brooks in support of his case because the issue had arisen in the middle of a pandemic, and that earlier this year an announcement had been made that the service would not be delivered at the time it would normally be done. The use of this point appeared as if Councillor Brooks was trying to take the moral high ground on a perfectly decent and thoroughly researched decision which had been made very carefully by Members, on the advice of Officers, to do the right thing by all residents and did not mean that the Council had acted without integrity. Councillor Ardagh-Walter said he believed the Administration, supported by Officers, acted with integrity and would continue to do so.

Councillor Abbs said he would be supporting the Motion. He had been present at the Governance and Ethics Committee the previous evening at which the issue of CIL had been discussed and which would come to Council for further debate, and had been convinced that a motion like this was much needed and was in support of signing up to a higher level of service to the public.

Councillor Somner said he was largely supportive of the Motion but had a couple of points he wished to raise. With respect to reciprocal agreements, these had been offered in contracts but unfortunately were not accepted as the closing point of the contract. In respect of CIL, it was the wording of the motion that concerned Councillor Somner and the reference to short term gain. Most Members were aware that CIL was not a short term gain for Council but was for the benefit of residents for long term projects and was money reinvested in the area from which it originally came.

Councillor Boeck said he would be supporting the Motion without fear of criticism and was dismayed by the nakedly political stance that Councillor Brooks had taken which had been echoed by previous Members. Differences of opinion would naturally occur from time to time but did not necessarily mean that any wrongdoing had taken place and for Councillor Masters to apportion blame and imply that the Council had been wilful in its decision-making was equally politically motivated.

Councillor Bridgman said he would be supporting the Motion which talked about the interests of all residents, not an individual resident, who might be affected by a particular Council decision which would be for the benefit of residents as a whole. If an individual felt aggrieved at a decision the Council had made, they had the option of approaching the Local Government Ombudsman and going to law and in both the CIL cases the Council had not been found wanting. Councillor Bridgman said the needs of the District were paramount so that, for example, if an individual resident felt aggrieved they were being sued for non-payment of Council Tax, the needs of the District would be put first and the Council would seek to collect that unpaid tax.

Councillor Stewart said she would be supporting the Motion and that integrity was a value she held as a priority and underpinned her decision to stand as an elected member as

COUNCIL - 18 JANUARY 2022 - MINUTES

she wanted to support and improve services for her community and the residents she represented. Councillor Stewart said she had always witnessed her fellow Executive Members act with integrity and that whilst not all decisions would be popular, all decisions were made for the benefit of the District.

Councillor Dillon said he did not believe the argument was about the value of CIL across the District but that a large organisation could make mistakes and if mistakes were made then they should be put right. An accusation had been made that Councillor Brooks had taken a political stance on the issues around CIL. However, his concerns had also been echoed by other Members which evidenced some consensus that a mistake had been made by the Council and that it was important to stand up for residents particularly when the impact of the cost imposed on them was so severe. In relation to integrity, Councillor Dillon asked where was the integrity in imposing a gagging order on a local organisation and them being fined about it. Councillor Dillon was pleased to see cross-party support in relation to the motion so that residents of West Berkshire would know that they would be dealt with in the fairest way and with integrity.

Councillor Law said this was a Motion that Council must support and pointed out there was a real difference between integrity and mistakes in that everyone could make mistakes but this was not evidence of a lack of integrity. Councillor Law said he was dismayed by the examples given by Councillor Brooks, in particular how far back he went in order to reference his point. He asked whether the Liberal Democrats were serving the interests of the West Berkshire residents when they were last in this Administration and year on year had raised Council Tax to record levels, higher than any other Unitary Authority.

Councillor Jeffery said having heard the various arguments and points of view put forward, he had heard nothing that made him feel that an administrative error made by an ordinary member of the public should be used to extract cash just because it was possible to do so by constructing a legal right to it. The issue under discussion amounted to a grand total of almost £100,000, not a fine or penalty of £10 or £30 which most individuals would accept as an inconvenience. Councillor Jeffery said that to have imposed such a seriously high charge upon individuals because they had made an error in the way they had completed their paperwork was reprehensible. He was pleased that both the opposition and the governing party were in support of the motion and they should take on board, particularly the Executive, that behaviour needed to be reasonable and that the behaviour taken in the CIL cases had been unreasonable.

Councillor Doherty said she had been delighted to see this Motion and had even offered to second it as she was thankful that the Liberal Democrats had finally recognised the Council's strategy that they all had abstained from supporting in 2019. This strategy had clearly stated the values that existed within the Council and were reflected in this motion. Councillor Doherty felt it was a shame the Liberal Democrats could not have voted for the strategy in the first place which clearly recognised those values that the Council would act with integrity, ensuring all decisions were lawful, transparent, impartial, customer-focused and fair. Councillor Doherty said she was in support of the Motion but could not support Councillor Brooks' attack. Councillor Doherty said she could not comment about the Parkway Bridge charges as it occurred before her tenure. With respect to the gagging clause, she did not legally recognise that term and highlighted that the Council was more than happy to apologise for what they were asked to apologise for which was nothing to do with that term but was in relation to a decision taken in 2018 not to consult with the service users but to consult with the service providers. Councillor Doherty felt the issue of

COUNCIL - 18 JANUARY 2022 - MINUTES

green bins had been adequately covered by Councillor Ardagh-Walter and had herself just had some additional green waste collected.

Councillor Doherty felt the attack by Councillor Brooks had been very subjective, that he had chosen to play politics and suggested that it was unfair to the 635 payees of CIL over the last six years to let two people off payment because Councillor Brooks wanted the Council to do so. There had been three internal and one external review of these cases, all of which concluded that evidence had not, to-date, been received that would conclusively support the assertion that this particular development should have been exempt from CIL. Attempts to draw on similarities between the two cases did not acknowledge the vast differences between them – one was a developer, the other a private owner. It was Councillor Doherty's understanding that one Agent had made some form of payment in recognition of the part that they played. One was a valued community asset that was lost for public use and some might say that it was unfair to the Parish communities coming to West Berkshire asking for community infrastructure support to help them with things like a new cricket facility, resurfacing of car parks, village hall improvements, duck pond restoration, etc. to deny them the community infrastructure that new developments in their area should provide.

Councillor Doherty said the West Berkshire Liberal Democrats had made it clear yet again that they would do and say almost anything in an attempt to discredit the current administration. They continued to put short term gain above the interests of the people they claimed to want to serve as evidenced by the dissatisfaction felt by residents of the recent Tilehurst South and Holybrook election who said they had been told by the Liberal Democrats that their much-loved Linear Park would be built on if the Conservatives came into administration.

Councillor Doherty said she was in support of the principle of the Motion but would be applying it in the way she always had, i.e. with the best interests of all residents in mind and would not be cajoled into changing decisions that had been made because of political pressure to do so. As Leader, Councillor Doherty said she was involved in making decisions that may not be popular but that did not mean they were the wrong decision, nor would it be right to bend to lobbying by others. In the current climate of one rule for one and another for others, Councillor Doherty said she was very conscious of being fair and treating everybody the same and would not change policy or procedure for a select few just because they happened to have friends in high places or loud voices to advocate on their behalf. Councillor Doherty said she would support the Motion because she supported the intent of the Motion, but did not support Councillor Brooks' comments with regards to the Administration.

Councillor Brooks said integrity was about putting something right that was morally wrong. The facts were that neither of those CIL charges would have been imposed had the paperwork been correct, which was verified by the Executive Member at the time. Money had been taken on the basis that some forms were not filled out correctly, this fact was not a political game. Councillor Brooks said he would continue to highlight the facts and intended to raise the method of collection as outlined earlier. Councillor Brooks reiterated that a mistake had been made in relation to the CIL charges and urged the Administration to put right the mistake. Not to do so was disgraceful and the Administration should be held to account as the lives of the people subject to the charges had been adversely changed.

COUNCIL - 18 JANUARY 2022 - MINUTES

Councillor Brooks said the Council, its Officers and the vast majority of Members, including the Leader, did have integrity and asked for that to be shown by admitting a mistake had been made. Councillor Brooks said after 30 years in Local Government, this was the worst case he had seen of a Council benefitting from money they were not entitled to.

An indicative vote of all Members physically present and those attending remotely suggested that the passing of the Motion would be supported.

The Motion was put to the vote of the Members physically present and declared **CARRIED**.

The following Motion on T Levels was withdrawn in the name of Councillor Dominic Boeck.

“That this Council welcomes the Further Education White Paper which has been published by HM Government. This new plan will overhaul the technical education system, help plug skill gaps, level up opportunities and support our economic recovery. The introduction of T Levels, which are high quality technical qualifications on a par with A Levels, is a much needed and once in a generation reform. Building on these reforms, the measures announced in the White Paper will put an end to the illusion that a degree is the only route to success and a good job, and that further and technical education are exciting and challenging options. It puts employers at the heart of the skills system, where they will be given a central role in designing almost all technical courses by 2030, to make sure that the education and training people receive is directly linked to the skills needed for real jobs. The Council also welcomes the Chancellor’s ‘Plan For Jobs’, which includes measures such as the extension of the Kickstart Scheme – which has given 100,000 young people employment, including 13 opportunities to work within West Berkshire Council, and a further 12 with local external partners. The Chancellor’s Plan for Jobs is working and the number of people in employment and average wages are continuing to rise as we recover from the pandemic.”

The Council considered the under-mentioned Motion (Agenda Item 3(c) refers) submitted in the name of Councillor Adrian Abbs regarding West Berkshire Council Pensions Divestment from Fossil Fuels.

Councillors Phil Barnett, Graham Bridgman, Jeff Brooks, Billy Drummond, Owen Jeffery, Tony Linden, Royce Longton, Andy Moore and Tony Vickers left the meeting during consideration of this Motion due to their declarations of disclosable pecuniary interests on this matter.

The Chairman informed the Council that the Motion, if seconded, would be debated at the meeting.

MOTION: Proposed by Councillor Adrian Abbs and seconded by Councillor Lee Dillon.

“Council notes:

- The Berkshire Pension Fund has of the order of £27million invested in fossil fuels.

COUNCIL - 18 JANUARY 2022 - MINUTES

- Divesting this pension fund would be a clear and meaningful action that can be taken at a local government level to positively impact on this Council's green agenda.

Fossil fuel investments are becoming increasingly less attractive because of the global transition to a more sustainable economic and environmental model.

Such investments are now being consistently out-performed by renewables.

In light of this, and supported by the statements below

- Former Bank of England Governor Mark Carney warned in December 2019 that fossil fuel investments risk becoming "stranded assets" (i.e. worthless) as investors exit the sector.
- As continued investments in fossil fuels pose material financial risks to portfolios, funds have fiduciary duties to consider the benefits of decarbonising as part of their investment strategies.
- Pension funds have a legal duty to treat members 'fairly as between them.' Meaning that the longer-term interests of younger members who may well be affected more by the climate transition must be taken into account.

This Council commits to:

- Call on the Berkshire Pension Fund to divest from fossil fuels. This can be done through the Council's representative on the pension fund advisory panel calling for the development, adaptation and adoption of responsible investment policies which:
 - Immediately freezes any new investment in publicly traded fossil fuel companies.
 - Divests the fund within three years from direct ownership of both primary fossil fuel corporations and any commingled funds that include fossil fuel public equities and corporate bonds
 - Actively seeks to invest in companies that are making significant attempts to reduce their greenhouse gas emissions and minimise climate risk.
- Recognise that fossil fuel investments should be considered as part of the council's 'carbon footprint' and the divestment of the Berkshire pension fund is an important step we can take to reduce our impact on our community and the world".

Councillor Abbs in introducing the Motion referred to the COP26 Conference and the associated news coverage as to why the Council must do what could be done to stay below a 1.5° rise in global temperature. Fossil fuel investments were now carrying real financial risks, with emissions becoming constrained which was already being promulgated, fossil fuel companies would have their carbon assets stranded along with the associated investments that may become worthless. Since 28 May 2020 an article in Forbes Magazine entitled 'Just how good an investment is renewable energy?' said the following:

The study found that renewable investments in Germany and France yielded returns of 178% over a five year period compared with just 21% for fossil fuel investments. Over five years in the UK, investments in green energy generated returns of 75% compared with just 9% for fossil fuels. In the US, renewables yielded 200% returns versus 97% for fossil fuels. This clearly showed there were some good opportunities in favour of renewables.

COUNCIL - 18 JANUARY 2022 - MINUTES

With regard to abundance investments, of the 30 investments currently showing on the market place and looking at the company based investment versus the Council investments, bar one there was a minimum 6-15% IIR with an average of 8.2%. The amount of fossil fuel investment in the portfolio was quite small at around 1.3% or £27 million from a £2 billion pot. The motion called to ask the Representative, Councillor Law, to take hard representation to the Pension Board to present the case for the Pension Board to begin divestment now. Any delay would present a risk to the £27 million and when every pension pot was forced to find divestment opportunities and ideally change to renewable ones there was the dual scenario of getting very little or nothing for old fossil investments or getting lower returns on their replacements because there would be lots of pension Funds fighting over renewables. West Berkshire could safely take the lead as it was compatible with its declaration of a climate emergency and showed that it was using all of its available levers to achieve its stated aim. There was also a strong likelihood that members of a pension would enjoy a better performing pension pot.

Councillor Abbs asked Members to note that since sending this Motion to Council some months ago, he understood that the Berkshire Fund had now steered away from new fossil fuel investment which, if correct, made redundant the bullet in the motion relating to freezing any new investment in publicly traded fossil fuel companies.

Councillor Law confirmed he was the Council's Representative on the Berkshire Pension Advisory Panel. He said the short answer to Councillor Abbs' Motion was that it was too late and that his solution was too crude. The reference to the Berkshire Fund steering away from new fossil fuel investment was not accurate as on 22 March 2021 the Fund agreed and adopted a responsible investment policy, as a result of which it instructed LPPI (the Local Pensions Partnership Investment) to deliver on the responsible investment policy. This covered a range of Environmental, Social and Governance issues and one of the Council's two core priorities clearly stated climate change, the other being good governance. The policy included statements 'reducing investment in products such as fossil fuels' and 'where existing investments are in place we expect those companies to demonstrate planning for the global transition to a low carbon economy and to meet future emissions reduction targets'. The policy further stated 'we will not consider new active investments in fossil fuel companies directly engaged in extraction of coal, oil and natural gas which are ignoring the risks of climate change'. In turn, LPPI was a member of IIGCC – the Institutional Investment Group on Climate Change – a global worldwide group representing \$57.4 trillion worth of assets, approximately 50% of all equities in the world. IIGCC's charter 'committed to supporting the goal of net zero by 2050 or sooner'.

Councillor Law said he was left to wonder if Councillor Abbs had researched the position of the pension plan and LPPI before submitting the Motion. Councillor Abbs had not consulted with Councillor Law prior to doing so which would have been the correct and proper way to start before drafting the Motion. As such, he could not agree with Councillor Abbs' proposal to immediately freeze and divest as this was too much of a blunt instrument and a crude approach. It would be preferable to use the considerable combined investment weight and influence via LPPI and the IIGCC to pressure those companies to adapt to meet the new emission targets, divesting only as a last resort. Whilst Councillor Law agreed in principle, he rejected the Motion in terms of its proposed actions.

Councillor Woollaston stated that whilst no-one could dispute the sentiment behind the Motion he took issue with the practicality. The Royal County of Berkshire Pension Fund was originally created by Berkshire County Council and was administered by the Royal

COUNCIL - 18 JANUARY 2022 - MINUTES

Borough of Windsor & Maidenhead and, as such, West Berkshire had no direct control. At the end of 2021, the Fund had a total value of £2.3 billion, £27 million of which was invested in fossil fuel equities, representing 1.3% of the Fund. By comparison, the much larger Greater Manchester pension Fund invested over £1 billion, or nearly 5% of their Fund, in fossil fuels. Investment Managers were instructed to have a responsible investment strategy to get out of investing in fossil fuel equities nearly a year ago within a managed, gradual way to ensure there was no diminish of the Fund which might be caused by a fire sale, thereby protecting value and meeting the financial obligations to pensioners. Councillor Woollaston said he supported the principle of the Motion but could not vote for it as it would attempt to curtail the ability of Fund Managers to extract the Fund from fossil fuel related investment in a controlled and sensible manner protecting value.

Councillor Pattenden said whilst investment in renewables was actually outperforming those in fossil fuels which showed there was inherently more risk in investing in the latter, the approach was too slow, too opaque and did not reflect the nature of the emergency, hence the significance of Councillor Abbs' Motion. As such, Councillor Pattenden recommended Councillors support the Motion.

Councillor Ardagh-Walter applauded the shared desire to achieve a carbon-neutral world where fossil fuel was no longer needed but acknowledged there was no quick fix to achieve this. He said that were he a member of the Berkshire Pension Fund, he would want a professional investor to make decisions on which investments to buy or divest from rather than, however well intentioned, any District Councillors. It was important to understand what long term and wider effects would be if the divestment policy took place. Crisis were influenced by supply and demand and over the last year the wholesale price of gas had tripled and within three or four months most people were going to have an unpleasant experience as their energy bills would increase correspondingly. There would be a significant rise in fuel poverty and unlike the taxes on tobacco or alcohol there was no easy alternative at present for most people to stop using gas and heating their homes. It was hoped that all could reduce their energy usage by driving less and reducing the heating but this was a difficult trade-off between environmental responsibility and a happy and comfortable home life. The effect of divestment, if other pension Funds were to do the same, would be to starve the energy companies of capital and ultimately the sort of action that could drive a company out of business. With rising demand from Asia for gas, which was a good thing because they were starting to wean themselves off coal, the effects would not change how much Berkshire, England and Europe consumed natural gas, it would simply make it more expensive for residents. Councillor Ardagh-Walter urged Members to think very carefully before supporting or abstaining from this Motion as it looked unpleasantly like a virtue signalling activity which came at zero cost to Members but a large amount of potential cost to residents.

Councillor Masters said there had been a lot of talk about how the proposals in the Motion would be disastrous for the Pension Fund, for members of the Fund, and for residents, but in a market-led economy if Pension Funds and professional managers saw the better returns that Councillor Abbs spoke of in the renewables, then any move towards those renewables would be a bigger incentive for those wedded to fossil fuels and the extraction thereof. Many companies advertising a transition away from the fossil fuel industry showed an investment of making little more than a single figure percentage of their overall investment in fossil fuels. The biggest investment to be made was by shedding those shares and investing in renewables that would have the double advantage of encouraging their practises and a weaning off from fossil fuels, encourage

COUNCIL - 18 JANUARY 2022 - MINUTES

investment in green technologies and accelerate the infrastructure projects that were needed. Therefore, Councillor Masters encouraged Members to support the Motion.

Councillor Cant said he felt it was an extraordinarily narrow discussion where Members were trying to substitute their view for that of the Pension Fund whereas to be a bit more open minded it was easy to make the case that investments in companies that had a presence in countries that had oppressive regimes or dictatorships, if you start to make value judgements about the exact nature of the investments in countries in which these investors were made, the entire pension portfolio could be devastated. While sympathising with the sentiment, Councillor Cant was of the belief that there should be a lot less investment in countries like Saudi Arabia who had a significantly more oppressive impact on the world than many others. He did not feel that Members had sufficient information to begin to judge matters without the backdrop of other investments and would therefore be voting against the Motion.

Councillor James Cole said he had not intended to speak but listening to Councillor Cant he agreed entirely with what he had said and whilst he would want to support the Motion he did not feel it was entirely practical to do so as he did not feel Council was qualified to do so. Some steer could be given towards the Berkshire Pension Fund through the Council's representative but not to give an instruction in favour of the Motion.

Councillor Dillon said he thought there had never been a debate in Council about what the Council should want the Fund to do and, as Representative, perhaps Councillor Law could call a special debate of Members so he could be informed in his role as a Representative on the Fund of the pension holders and how they would like to be represented. Councillor Law had already said that West Berkshire were behind the curve and the Fund under its ESG policies at climate change was already reducing investment and that it was transitioning away and not considering coal, oil or natural gas anymore. Councillor Dillon felt that the motion called on the Pension Funds to disinvest from fossil fuels but that was not within the power of Members. A Pension Fund should not all be about values, particularly when it drives so much of the economy. The end of the Motion talked about the impact of the Pension Fund on the Council's carbon footprint which had disappointingly not been responded to by Councillor Ardagh-Walter.

Councillor Abbs said he was disappointed with the direction the debate had taken as the motion had been simply to try to encourage the Representative to talk to the Pension Fund about making a faster move away from invested fuel. Councillor Abbs said he was staggered by Councillor Ardagh-Walters' statement that fossil fuel companies should continue to be supported in case they go bankrupt.

An indicative vote of all Members physically present and those attending remotely suggested that the passing of the Motion would not be supported.

The Motion was put to the vote of the Members physically present and declared **LOST**.

The Council considered the under-mentioned Motion (Agenda Item 3(d) refers) submitted in the name of Councillor Carolyn Culver regarding the Council's response to COP26 in Glasgow.

The Chairman advised that Council would not debate the Motion and, in accordance with Procedure Rule 4.9.8, this would be referred to the Environment Advisory Group for

COUNCIL - 18 JANUARY 2022 - MINUTES

consideration as the detail of the Motion falls within the remit of the Executive. A report would be considered at the Environment Advisory Group and the Executive, and the outcome of that would be reported to Council.

MOTION: Proposed by Councillor Culver and seconded by Councillor Masters:

“Council notes:

That COP26 in Glasgow concluded with the Glasgow Climate Pact, which recognises a crucial role for communities and local authorities. By “recognizing the important role of ... local communities and civil society, including youth and children, in addressing and responding to climate change, and highlighting the urgent need for multilevel and cooperative action” the Pact makes plain the need for action at every level of government and society.

That shortly before the Glasgow conference the UK government published its Net Zero Strategy, which includes the intention to establish a Net Zero Forum to coordinate the strategy with local government.

That COP26 failed to provide the national targets that could put the world on course for limiting global average temperature rise to 1.5C; failed to provide the carbon price mechanisms needed to shift the world economy away from fossil fuels; failed to provide the necessary finance for less developed nations to develop without fossil fuels or to deal with the loss and damage caused to them by wealthier nations that are historically responsible; failed to outlaw all loopholes in ‘offsetting’ mechanisms; and failed to commit to phasing out fossil fuels.

Council believes:

That the chances for a strong outcome from COP26 were weakened by the UK government’s mixed messages on climate action, not least the reduction in tax on internal flights, the continued commitment to new fossil fuel extraction in Cumbria and the North Sea oil fields, and cuts to overseas aid.

If we are to become a carbon neutral district we need new developments to be carbon neutral and we need to divest from all investment in fossil fuels.

Council resolves:

- 1.) To write to Alok Sharma MP to thank him for his work so far and urge him to apply maximum pressure to all parties for the remainder of his presidency.
- 2.) To organise carbon literacy training and briefing sessions for council staff and members to ensure we are consistent in addressing the climate emergency across all our activities.
- 3.) To organise a second climate conference in West Berkshire which brings all stakeholders together.
- 4.) To work with other unitary authorities in Berkshire to divest staff pension funds from fossil fuels, including those who are merely transitioning because we only have nine years left to achieve carbon neutrality. Instead, invest in funds that are contributing to decarbonisation and adaptation to climate change.
- 5.) To require developers to submit a Climate Change Declaration with their planning applications to encourage them to build to higher energy efficiency standards.

COUNCIL - 18 JANUARY 2022 - MINUTES

- 6.) To write to our three local MPs urging them to lobby the government for the following:
- Conduct an independent review into UK fossil fuel subsidies and set out a plan and timetable to phase these out.
 - Commit to no more coal, oil or gas extraction in the UK, and no more UK investments in fossil fuel extraction overseas.
 - Commit to no airport expansion across the UK, and for international aviation and shipping decarbonisation to be included in nationally determined contributions (NDCs) in future trade deals”.
-

The following Motion on environmental standards was withdrawn in the name of Councillor James Cole.

“The Council has a clear commitment to delivering the objectives set out in its Environment Strategy. This commitment is reflected in its ambitions to ensure the Chestnut Walk development, being progressed through a Joint Venture with Sovereign Housing to deliver 8 affordable homes within Hungerford, achieves the highest possible environmental standards. The Council commits to achieving the highest possible environmental standards of this development balancing it against the best value of the disposal of its land”.

The Council considered the under-mentioned Motion (Agenda Item 3(f) refers) submitted in the name of Councillor Adrian Abbs regarding helping the West Berkshire Taxi trade go greener.

The Chairman advised that Council would not debate the Motion and, in accordance with Procedure Rule 4.9.8, this would be referred to the Environment Advisory Group for consideration as the detail of the Motion falls within the remit of the Executive. A report would be considered at the Environment Advisory Group, in consultation with the Licensing Committee, and the Executive and the outcome of that would be reported to Council.

MOTION: Proposed by Councillor Abbs and seconded by Councillor Dillon:

“Overview:

Given the Council’s declaration of a climate emergency at a district wide level, it is a critical part of the delivery to have any body, company or individual contributing to carbon emissions join West Berkshire Council in achieving its stated goals of net zero by 2030.

Transport is amongst the largest contributors of carbon emissions and the taxi trade is one group over which West Berkshire Council has some direct influence.

During recent meetings with the trade body several key factors were established that have led directly to this motion and, should this motion be adopted, allow West Berkshire Council to encourage the whole trade in going greener at pace.

For the purposes of this motion “Taxis” refers to vehicles licenced for plying for hire on ranks or that can be hailed in the street and private hire vehicles which are vehicles licensed by the Council which must be pre-booked. “Licence fees” refers to those fees

COUNCIL - 18 JANUARY 2022 - MINUTES

associated with Hackney Carriage and Private Hire Licences, plus Private Hire Operators (PHO) licences for both new vehicles / operators and renewal of licences.

Other direct benefits would also result from the adoption of this motion in and around taxi ranks where charging infrastructure is deployed.

- Street vendors that use car parks next to taxi ranks could use direct electricity feeds rather than the petrol and diesel generators currently used.
- Reductions in noise from all vehicle types and street vendors would result from the removal of fossil fuel engines.
- Improvements in Air Quality and specifically a reduction in Nitrous Oxide and fine particulate matter which would lead to a safer environment for all. Council notes:
- 95% of Taxis are still diesel according to the latest survey of the trade.
- That 60% of those that recently responded to a consultation said they are considering changing their vehicle in the next 3 years.
- That 80% of the journeys made in a taxi are less than 50 miles.
- That 80% of taxi drivers drive less than 200 miles a day.
- That poor air quality (especially in built up areas) is a significant risk to health.
- That whilst 50% of respondents would consider electric for personal use, only 30% thought they might choose electric for work.
- That to meet our climate emergency declaration goals by 2030, significant changes in transport modes are needed as quickly as possible.
- That most battery electric vehicles suitable for use as a taxi have ranges of more than 200 miles.
- That full plug-in hybrids often have a range on pure electric exceeding the average journey needed by taxi.
- The upper end of the cost estimates for licences is £36K assuming all 60% of those thinking of a change do so in year 1.

In order to help achieve this:

This Council will introduce an incentive scheme to help all forms of vehicle licensed by West Berkshire for public transport to go green. The incentive scheme would run until the 31 March 2025 and would result in the Council subsidising licence fees over a three-year period for each taxi.

This scheme will introduce a zero-licence fee tariff for any taxi that is powered fully by electricity and a 50% reduction of the licence fee for any taxi that can do a minimum of 50 miles on electric power before switching to fossil fuel - known often as plug-in hybrids. The cost of this proposal for every 10% of fee take up would be a subsidy of:

- £6.5K fully electric
- £3.25K for hybrid

This Council commits to:

- Introducing the subsidised incentive scheme within next year's budget. Providing (where practical) fast charging points next to taxi ranks to remove range anxiety for taxi drivers".

(The meeting commenced at 7.00 pm and closed at 8.37 pm)

COUNCIL - 18 JANUARY 2022 - MINUTES

CHAIRMAN

.....

Date of Signature

.....