

Meeting of West Berkshire District Council

Thursday 6th October 2022

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 6th October 2022
at 7.00 pm

Sarah Clarke.

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

Date of despatch of Agenda: Wednesday, 28 September 2022

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 5 - 6)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 7 - 8)**

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 19 July 2022. **(Pages 9 - 18)**

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



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accordance with the Members' [Code of Conduct](#).

(Pages 19 - 20)

5. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion. (Pages 21 - 22)

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 23 - 26)

7. MEMBERSHIP OF COMMITTEES

The Council to agree any changes to the membership of Committees. (Pages 27 - 28)

8. MOTIONS FROM PREVIOUS MEETINGS

To note the following response to a Motion which had been presented to a previous Council meeting: (Pages 29 - 30)

- Response to the Motion from Councillor Adrian Abbs on Helping the Taxi Trade Go Greener – Item 10, Executive, 22 September 2022. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).

9. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council the Licensing Committee has not met. (Pages 31 - 32)

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 the Council, the Governance and Ethics Committee met on 25 July and 26 September 2022. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#).

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



Agenda - Council to be held on Thursday, 6 October 2022 (continued)

and Scrutiny Management Commission met on 6 September 2022. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).

14. HEALTH SCRUTINY COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Health Scrutiny Committee met on 20 September 2022. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).

15. HEALTH AND WELLBEING BOARD

The Council is asked to note that since the last meeting of the Council, the Health and Wellbeing Board met on 21 July 2022. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).

16. JOINT PUBLIC PROTECTION COMMITTEE

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

17. UPDATES TO THE CONSTITUTION (C4260)

Purpose: To update Council regarding the work undertaken by the Constitution Review Task Group to date, and to propose the approval of the proposed Constitutional updates detailed in the report. The report also advises of the further work that will be undertaken in anticipation of further revisions that are due to be brought forward to Council in December. **(Pages 33 - 40)**

18. NOTICES OF MOTION

Please note that the list of Motions is shown under Item 18 in the agenda pack. **(Pages 41 - 46)**

19. 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 Member questions is shown under Item 19 in the agenda pack. **(Pages 47 - 48)**

If you require this information in a different format or translation, please contact Vicki Yull on telephone 07824 824867.



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Item 1 – Apologies for Absence

Verbal Item

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Item 2 – Chairman’s Remarks

Verbal Item

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Agenda Item 3.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON TUESDAY, 19 JULY 2022

Councillors present in the Council Chamber: Rick Jones (Chairman), Alan Law (Vice-Chairman), Adrian Abbs, Steve Ardagh-Walter, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, James Cole, Carlyne Culver, Lee Dillon, Lynne Doherty, Billy Drummond, Tony Linden, Ross Mackinnon, Thomas Marino, Steve Masters, Geoff Mayes, Graham Pask, Erik Pattenden, Richard Somner, Joanne Stewart, Tony Vickers, Keith Woodhams and Howard Woollaston.

Councillors present remotely: Councillor Phil Barnett, Councillor Hilary Cole, Councillor Clive Hooker, Councillor Royce Longton, Councillor Alan Macro, Councillor Biyi Oloko, Councillor Claire Rowles, Councillor Garth Simpson, Councillor Martha Vickers and Councillor Andrew Williamson.

Also present in the Council Chamber: Honorary Aldermen Paul Bryant, Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director (Resources)), Sarah Clarke (Service Director for Strategy and Governance and Monitoring Officer) and Vicki Yull (Principal Democratic Services Officer).

Also present remotely: Sue Halliwell (Executive Director (Place)) and Andy Sharp (Executive Director (People)).

Apologies for inability to attend the meeting were received from: Councillor Jeff Beck, Councillor Jeremy Cottam, Councillor Nassar Hunt, Councillor Gareth Hurley, Councillor David Marsh and Councillor Andy Moore, Honorary Aldermen Adrian Edwards, Andrew Rowles and Honorary Alderwoman Emma Webster.

Councillor(s) Absent: Councillor Owen Jeffery.

PART I

22. Chairman's Remarks

The Chairman reported that fifteen civic events had been attended since the last meeting of Council which had included schools, charities, military establishments, and civic and jubilee celebrations. The Chairman remarked on the inspirational people that he and the Vice-Chairman had met, and the opportunities to promote the work of the Council and to cement relationships that attending these events afforded.

The Chairman highlighted the spectacular Jubilee celebrations he had attended in Mortimer, Hungerford and Purley. The Mayor-making ceremony he had attended in Newbury had also been very impressive.

The Chairman also highlighted the inspirational visits relating to charities and schools which had included:

- The fantastic concert in aid of Daisy's Dream and Sport in Mind at the Hexagon, where children from many schools had performed brilliantly.
- Also supporting Sport in Mind, the Chairman had enjoyed a game of Paddle with a nine year old fund-raiser in a revamped barn on the Englefield estate. This was part of a sponsored decathlon taking place over ten successive days.

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- A meeting of five schools from all around Europe at the Kenneth Valley Primary School in Calcot, all of whom were participating in the Erasmus project (a co-operation to foster educational innovation and projects to enhance the environment). The Chairman remarked that it had been wonderful to see the international collaboration, friendship and enthusiasm from the children for the project, and how it had provided an opportunity to promote the Council's environment strategy and actions.

23. Minutes

The Minutes of the meeting held on 10 May 2022 were approved as a true and correct record and signed by the Chairman.

24. Declarations of Interest

Councillor Graham Bridgman declared an Other Registrable Interest in Agenda Item 17 (Motion on Royal Berkshire Hospital Redevelopment) and determined to remain to take part in the debate and vote on the matter.

Councillor Richard Somner declared a Disclosable Pecuniary Interest in Agenda Item 17 (Motion on Royal Berkshire Hospital Redevelopment) and reported that he would be leaving the meeting during the course of consideration of the matter.

25. Petitions

There were no Petitions presented to Council.

26. Public Questions

The Chairman re-ordered the questions as published in the Agenda which were instead considered in the order set out below.

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

- (a) It was agreed that a question standing in the name of John Bibbings on the subject of the cycle lane on the A4 between the Co-op and Waitrose would receive a written response given that he was unable to attend the meeting.
- (c) It was agreed that a question standing in the name of Lee McDougall on the subject of the reintroduction of organised children's football at Faraday Road would receive a written response given that he was unable to attend the meeting.
- (b) A question standing in the name of Paul Morgan on the subject of the Council's increased spend on agency and temporary staff since January 2022 was answered by the Portfolio Holder for Internal Governance and Strategic Partnerships.
- (e) A question standing in the name of Paul Morgan on the subject of the Council's decision to build one small 3G facility at the rugby club was answered by the Portfolio Holder for Finance and Economic Development.
- (d) A question standing in the name of Vaughan Miller on the subject of why the Council will not redevelop the Faraday Road Football Stadium was answered by the Portfolio Holder for Finance and Economic Development.
- (f) A question standing in the name of Vaughan Miller on the subject of the savings the Council could potentially make from redeveloping the Faraday Road stadium was answered by the Portfolio Holder for Finance and Economic Development.

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- (g) A question standing in the name of Vaughan Miller on the subject of the Council's spend on the stadium at the rugby club was answered by the Portfolio Holder for Finance and Economic Development.

27. Membership of Committees

The Council noted that Councillor Howard Woollaston would be removed from the membership of the Transport Advisory Group, and that Councillor Woollaston would replace Councillor Hillary Cole on the membership of the Planning Advisory Group. These changes had been made in accordance with the wishes of the relevant political group.

28. Licensing Committee

The Council noted that, since its last meeting, the Licensing Committee had met on 4 July 2022.

29. Personnel Committee

The Council noted that, since its last meeting, the Personnel Committee had met on 15 July 2022.

30. Governance and Ethics Committee

The Council noted that, since its last meeting, the Governance and Ethics Committee had met on 27 June 2022.

31. District Planning Committee

The Council noted that, since its last meeting, the District Planning Committee had not met.

32. Overview and Scrutiny Management Commission

The Council noted that, since its last meeting, the Overview and Scrutiny Management Commission had met on 24 May 2022.

33. Health Scrutiny Committee

The Council noted that, since its last meeting, the Health Scrutiny Committee had met on 23 May and 14 June 2022.

34. Health and Wellbeing Board

The Council noted that, since its last meeting, the Health and Wellbeing Board had met on 19 May 2022.

35. Joint Public Protection Committee

The Council noted that, since its last meeting, the Joint Public Protection Committee had met on 13 June 2022.

36. Annual Report - Governance and Ethics Committee (C4152)

The Council considered a report (Agenda Item 16) which provided an annual summary of the activities of the Governance and Ethics Committee during the Municipal Year 2021-22, a summary of key areas that the Committee had considered, and the actions and changes that had occurred due to the Committee's activities.

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MOTION: Proposed by Councillor Thomas Marino and seconded by Councillor Howard Woollaston:

“That Council notes the content of the report.”

Councillor Thomas Marino highlighted some of the key areas that the Committee had considered which included the approval of an Independent Person as a member of the Committee, audit and financial reports, a review of the Council’s Constitution, and risk management. Councillor Marino referred to the importance of producing a summary of the Committee’s work during the Municipal Year.

Councillor Woollaston had nothing further he wished to add to the debate.

Councillor Adrian Abbs queried why the former Portfolio Holder was named on the report. The Chairman advised that the report had been prepared during the tenure of the former Portfolio Holder and it had since been determined that the new Portfolio Holder would present the report to Council.

The Chairman advised that a vote was not required for this Motion as the report was to note.

37. **Motion on Royal Berkshire Hospital Redevelopment (C4246)**

Councillor Graham Bridgman declared an interest in Agenda Item 17 by virtue of being the Council’s nominated Governor at the Royal Berkshire NHS Foundation Trust. As his interest was an Other Registrable Interest he determined to remain to take part in the debate and vote on the matter.

Councillor Richard Somner declared an interest in Agenda Item 17 by virtue of the fact that he was employed by the Royal Berkshire NHS Foundation Trust. As his interest was a Disclosable Pecuniary Interest he determined to leave the meeting during the course of consideration of the matter.

The Council considered a report (Agenda Item 17) regarding the Motion originally submitted in the name of Councillor Alan Macro at the Council meeting on 17 March 2022, following discussion on the matter at the Health Scrutiny Committee on 23 May 2022.

MOTION: Proposed by Councillor Graham Bridgman and seconded by Councillor Lee Dillon:

“That Council, following consideration at Health Scrutiny Committee, approves the following Motion:

Council notes that:

- The Royal Berkshire Hospital Foundation Trust has been consulting on various options to re-develop the hospital. Several options involve various levels of redevelopment of the existing site and one option is the building of a new hospital on a new site.
- The existing site is very cramped and contains a mixture of new, old and very old buildings, some of which are pre-fabricated. Many have very poor insulation leading to uncomfortable conditions for patients in hot or cold weather and also to poor energy efficiency.
- Re-development of the existing site is difficult because of its cramped and dense layout.

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- It is very difficult for residents of some parts of West Berkshire to reach the hospital using public transport.
- Car parking in and around the hospital is restricted and expensive.
- It can be time consuming to travel to the hospital by any means, including ambulance, at peak times.

Council therefore resolves that its preferred option is the building of a new hospital on a new site that is readily accessed by West Berkshire residents by both private and public transport, and that this preference be conveyed to the Royal Berkshire Hospital Foundation Trust.”

Councillor Bridgman in recommending approval of the Motion highlighted how it did not seek to identify a specific site but instead put forward a not unreasonable request that any new site should be convenient for the residents of West Berkshire. Councillor Bridgman had invited the Health Scrutiny Committee to reflect that the location would ultimately depend on the amount of funding allocated by the Treasury for the project since the cost of refurbishing and redeveloping the current site would be different to the cost of building a brand new hospital elsewhere.

Councillor Alan Macro advised he had originally proposed the Motion following Reading Borough Council and Wokingham Borough Council publishing their views regarding the future of the Hospital. Reading Borough Council had resolved that its preferred option was to rebuild or redevelop the existing site. Wokingham Borough Council had proposed a new site on the south side of the M4 around halfway between Junctions 11 and 10. Councillor Macro highlighted some of the problems with the existing site such as the energy inefficient buildings, the insufficient and expensive parking on site, and the difficulties for some residents to travel there by public transport. He felt it would be difficult to redevelop the existing site without negatively impacting patient services and would be cost prohibitive. Councillor Macro thought that the site suggested by Wokingham Borough Council would be almost impossible for West Berkshire residents to reach using public transport, and would be time consuming for ambulances coming from this district if the M4 was blocked or congested. He felt that West Berkshire needed and deserved a modern, new hospital that was big enough for its population.

Councillor Tony Linden advised he had recently attended a meeting of Building Berkshire Together and had received information on the costs for the proposals. With regards to the redevelopment of the current site there were plans for a £750m programme and a £950m programme, and the costs of a new build would be around £1.3b (all excluding inflation costs). Councillor Linden also referred to the defence planning zone, which did not permit development and would effectively rule out Junction 11 of the M4, leaving Junction 12 or Junction 10 as possible locations for a new build. Given the small size of the current site, Councillor Linden supported a move to an alternative site which he felt would be more useful for the residents of two-thirds of the district.

Councillor Pask recalled the discussions held when he was appointed by Newbury District Council to the West Berkshire Community Health Council, and the view held even then that a new build would be best if the land and budget was available. He noted that Newbury had a fantastic District Hospital, built with easy access for most residents in West Berkshire, and that places like Swindon and Oxford had built new hospitals on the outskirts of their towns with good transport access. He felt it was time that a hospital was created in a built up area such as Reading and therefore supported the Motion.

Councillor Jo Stewart indicated her support for the Motion and advised that some of her residents preferred to not use the Royal Berkshire Hospital and instead used other

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facilities in places like Thatcham. She noted that parking was horrendous on site and felt it was time that West Berkshire had a really good, quality facility.

Councillor Tony Vickers noted that the public transport links from his area to the current site were very good, and that any new location would have to take account of the need for railway / bus connections as well as parking for cars.

Councillor Lee Dillon observed that there was wide support for this Motion and had nothing further he wished to add to the debate.

Councillor Bridgman referred to the figures quoted by Councillor Linden which indicated that redeveloping the site would not be cost prohibitive, and might in fact cost less than building new elsewhere. He also added a plea that public transport access be improved should the hospital remain at its current site.

The Motion was put to the vote and duly **RESOLVED**.

38. Notices of Motion

The Council considered the under-mentioned Motion (Agenda Item 18(a) refers) submitted in the name of Councillor David Marsh regarding fair taxation.

Councillor Carlyne Culver proposed alterations to the Motion under Procedure Rule 4.13.9. Councillor Steve Masters, seconding, agreed to the alterations. The amendments were additionally approved by Members present.

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

“This Council notes that:

1. Public opinion is strongly in favour of organisations paying their fair share of tax.
2. Polling from the Institute for Business Ethics finds that corporate tax avoidance is the number one concern of the British public when it comes to business conduct.
3. According to the Fair Tax Foundation:
Two thirds of people believe the Government and local councils should consider a company's ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies; around 17.5% of public contracts in the UK have been won by companies with links to tax havens; and it has been estimated that losses from multinational profit-shifting (just one form of aggressive tax avoidance) could be costing the UK £17bn a year in lost corporation tax revenues.
4. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

Council believes that:

1. Paying tax is often presented as a burden, but taxation enables us to provide services from education, health and social care to flood defence, roads, policing and defence. It also helps to counter financial inequalities.
2. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; by encouraging contractors to pay their proper share of tax, or by refusing to go along with artificial tax avoidance arrangements.
3. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency.

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4. Procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) when buying goods or services.
5. Local authorities can and should stand up for responsible tax conduct, doing what they can within existing frameworks and pledging to do more given the opportunity.

Council therefore resolves to:

1. Support in principle the Councils for Fair Tax Declaration.
2. Support HMRC's General Anti-Abuse Regulations, which seek to set aside any artificial tax arrangements which are considered abusive, including where not-for-profit structures are being used inappropriately by suppliers as an artificial device to reduce the payment of tax.
3. Celebrate the tax contribution made by responsible businesses proud to promote responsible tax conduct and pay their fair share of corporation tax.
4. Welcome procurement law reform which would enable local authorities to better penalise abusive tax conduct through their procurement policies.

Council further resolves to request that the Executive:

1. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
2. Ensure IR35 is implemented properly and disguised employment arrangements are not utilized.
3. Not artificially use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
4. Promote tax transparency and good practice, especially for any business in which we may take a significant stake and where corporation tax is due."

Councillor Culver advised that as Councillor Marsh had been unable to attend the meeting she would be reading out his statement on his behalf to introduce the Motion. It had been submitted prior to the subject becoming topical as a result of the Prime Ministerial election, and it appeared the general assumption was that tax is a bad thing. Councillor Culver opined that taxes were the price paid for a civilised and just society and commented on how the Motion did not seek to address whether taxes were 'good' or 'bad' or should be higher or lower. The Motion instead related to the principle that everyone should pay their fair share, including both individuals and large companies. Her party supported the aims of the Fair Tax Foundation, a not-for-profit social enterprise that sought to encourage and recognise companies which pay tax responsibly and transparently. In contrast, she remarked on the growth of tax havens and unethical corporate tax conduct, such as aggressive tax avoidance, which distorted national economies and undermined the ability of responsible businesses to compete fairly. Councillor Culver highlighted that approximately 40% of multi-national profits (\$950b a year) were artificially shifted to tax havens and that it had been estimated that losses from multi-national profit shifting could be costing the UK £17b per year. This had an impact on local businesses in West Berkshire who had to compete with online sales whilst also paying a fair share of tax. Councillor Culver believed that local authorities should take a lead in the promotion of exemplary tax conduct, and that West Berkshire Council should demonstrate good tax practice across its activities. She also wanted to see the UK's procurement rules strengthened so that this and other local authorities could penalise abusive tax conduct through their procurement policies. She referred to the alterations proposed to the Motion in order for it to meet various legal requirements and commended it to Council.

Councillor Ross Mackinnon indicated his support of the altered Motion and the principles behind the 'Councils for Fair Tax Declaration' as some tax behaviour was clearly

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unacceptable and against the spirit (if not the letter) of the law. He noted that he would not have supported the Council signing up to it, however, due to the precise wording of the Declaration itself. The Declaration referred to all forms of 'tax avoidance', an umbrella term covering conduct which would be widely accepted as intended to be taken by companies and was in fact encouraged by the government. At the other end of the spectrum there was egregious, artificial and abusive tax practises which did not breach the law but certainly broke the spirit of it, with a large grey area in between. Councillor Mackinnon felt the wording of the Declaration sought to vilify what would be seen as generally accepted and sensible tax planning. The main reason why the Declaration overall was problematic for him was that he felt it sought to impose on Council's the commitment to extremely onerous work in terms of due diligence, investigation of its suppliers, whilst also breaching the privacy of its employees. Councillor Mackinnon agreed with the sentiment expressed by Councillor Culver that all taxpayers, whether personal or corporate, should be paying their fair share of tax.

Councillor Jeff Brooks indicated his support for the principles in the Motion and agreed that some tax avoidance could be legitimate but tax evasion was not. He queried whether policy implications arose from the Motion that required it to be considered by internal member bodies prior to its adoption, but noted that the Administration had obviously not thought so. Councillor Brooks referred to the request to Executive to ensure that IR35 was implemented properly and disguised employment arrangements were not utilised, and wondered how it would be possible to police this and make sure that IR35 was used properly across all of the businesses in the District. He looked forward to the Executive reporting on how these issues could be resolved.

Councillor Tony Vickers indicated his support for radical tax reform since he believed the current tax system was dysfunctional and a deadweight on the real economy. He felt it deterred enterprise in many cases and stopped people from earning more, and was so complex that tax accountants were calling for radical change. Councillor Vickers believed the current tax system was profitable for accountants, lawyers and for those who could afford to pay, whereas the average wage earner or person starting up a business could not. He referred to the Liberal Democrat policy on fairer taxes which primarily involved increasing the tax thresholds for the least well off, and indicated his support for the Motion.

Councillor Adrian Abbs referred to the link between IR35 and the use of temporary staff, as well as people leaving the workforce early because of IR35. He hoped the Council was cognisant of these issues and would not be an organisation with disguised employment (from taking on people from large agencies) because it would ultimately cost more money. He felt the Council needed to respect it when someone advised and demonstrated they were an independent, small contractor and employ them.

Councillor Masters thanked the Members that had spoken and for the support being expressed across the Chamber for the Motion.

Councillor Culver echoed the sentiments expressed by Councillor Masters.

The Motion was put to the vote and declared **CARRIED**.

The Council considered the under-mentioned Motion (Agenda Item 18(b) refers) submitted in the name of Councillor Steve Masters relating to the Government proposal to send asylum seekers to Rwanda.

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 Executive for consideration as the

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detail of the Motion falls within the remit of the Executive. A report would be considered by the Executive and the outcome of that would be reported to Council.

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

“This Council is concerned that the Government plans to send asylum seekers to Rwanda.”

Council notes:

West Berkshire has a creditable record when it comes to welcoming refugees from across the globe – from as far back as the Ugandan expulsions and families fleeing the Balkan conflict, as well as Syrians, Hong Kong residents and Afghan nationals in recent years.

The outpouring of support and compassion from the people of West Berkshire for individuals and families displaced by the war in Ukraine.

West Berkshire draws huge strength from the contribution of migrants and refugees who make the district their home. This council works with the migrant and refugee support networks and other partners in the sector and should be proud of what is being done.

The main concerns are:

People who cross the Channel seeking refuge and asylum will be taken to an RAF base in Yorkshire before being sent 4,500 miles away to Rwanda for "processing"; and

Offshoring asylum processing for those who have fled war, violence, famine and persecution is inhumane and cruel. This plan violates the principle of the UN Refugee Convention, of which the UK was a founding signatory, which states that we must “grant people a fair hearing on UK soil”.

Council therefore resolves:

To write to the Government to request an end to the proposed offshoring of people seeking refuge and to demand an end to the deal with Rwanda.

To offer support where we can to ensure that all refugees are treated with dignity and given the opportunity to make a positive contribution to the economy and cultural life of West Berkshire.”

39. Members' Questions

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

- (a) A question standing in the name of Councillor Alan Macro to the Portfolio Holder for Adult Social Care was withdrawn prior to the meeting.
- (b) A question standing in the name of Councillor Adrian Abbs on the subject of the correct balance between encouraging biodiversity and ensuring the safety of pedestrians and road-users being achieved was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (c) A question standing in the name of Councillor Martha Vickers on the subject of consultation regarding planned roadworks on busy main roads was answered by the Portfolio Holder for Planning, Transport and Countryside.
- (d) A question standing in the name of Councillor Steve Masters on the subject of the progress made with the restructuring of (what was called) Strategic Support was

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answered by the Portfolio Holder for Internal Governance and Strategic Partnerships.

- (e) A question standing in the name of Councillor Claire Rowles on the subject of the expected delivery of the Sports Hub and the implications from the delay due to the Judicial Review was answered by the Portfolio Holder for Housing, Leisure and Culture.
- (f) A question standing in the name of Councillor Alan Macro on the subject of the consultation hub preventing people from responding to the consultation on the proposed closure of the Notrees Care Home was answered by the Portfolio Holder for Adult Social Care.
- (g) A question standing in the name of Councillor Steve Masters on the subject of progress made towards hiring a legal professional to the post of Information Governance Solicitor was answered by the Portfolio Holder for Internal Governance and Strategic Partnerships.
- (h) A question standing in the name of Councillor Steve Masters on the subject of the recent changes to the Information Governance Team and whether this had positively impacted on response times, the number of requests for review, and the number of beaches and complaints was answered by the Portfolio Holder for Internal Governance and Strategic Partnerships.

(The meeting commenced at 7.00 pm and closed at 8.10 pm)

CHAIRMAN

Date of Signature

Council – 6 October 2022

Item 4 – Declarations of Interest

Verbal Item

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Council – 6 October 2022

Item 5 – Petitions

Verbal Item

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Agenda Item 6

Public Questions to be answered at the Council meeting on 06 October 2022.

Members of the Executive to answer the following questions submitted by members of the public in accordance with the [Council's Constitution](#):

(A) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Joseph Tolman-Lopez:

"I want to change the parking situation on argyle road. Some context as to why: Argyle road has recently had an influx of new residents as the charity that owns the properties has opened up to private tenants. The parking on Argyle Road is no longer fit for purpose and needs changing imminently. Firstly, the whole road needs to have marked bays and be SW2 residential permits ONLY. There are local residents as well that are disabled and need dedicated disabled bays. Additionally, on 2 separate occasions my vehicle has been damaged by people and then left without a note. This is terrible behaviour, highly illegal and I believe preventable. If we make the whole of argyle road residential then it will remove some likelihood of damage just as there will be less chance of damage. However, also to this. Please can WBC look to add CCTV to the lampposts on the street. Not only is the parking a concern. However as well as this, anti social behaviour is often an issue too due to the location of the road and the 'thru route' to city playground. I want to know what is needed to get this accomplished?"

(B) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Paula Saunderson:

"On 20th January 2022, as the Newbury Clayhill Ward Flood Warden, I submitted a request to the Service Director for the Environment and his Principle Engineer to instigate a Surface Water Management Plan for Clayhill Ward, given that Thames Water had a Call For Projects underway which was expiring on the 25th April, so please may I have an update on how that Request was progressed and what was the Outcome?"

(C) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Economic Development submitted by Paul Morgan:

"Following the OSMC Task Group Report: London Road Industrial Estate dated 28 July 2020, chaired by Councillor James Cole, can you please advise who from the Council (Officers & Councillors) were given the authority /responsibility to ensure that the full list of recommendations specified in the report was adopted, adhered to, and implemented and what performance measurement and tracking mechanisms, if any, are now in place because of the OSMC report?"

Agenda Item 6

Public Questions to be answered at the Council meeting on 06 October 2022.

Members of the Executive to answer the following questions submitted by members of the public in accordance with the [Council's Constitution](#):

- (D) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Economic Development submitted by John Gotelee:**

“At a time of a million job vacancies and offices being converted into flats does the council have any faith in the proposals to create hundreds of new well paid jobs on the LRIE?”

- (E) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Alan Pearce:**

“Please would the Council commission an independent report or give a description of where the extra acre of urban runoff caused by the construction of the new A339 London Road Industrial Estate junction is presently being stored before being released at a green field rate into Thames Water Surface Sewer or is it just released and causing flooding downstream?”

- (F) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Craig White:**

“How can the council, planning committee members and the planning consultant all be allowed to secretly manipulate the planning process with undisclosed cash deals with the tenant farmer, which would fall under the councils Bribery and Corruption policy, and when reported, even though the council confirmed receipt you fail to reply or investigate; is this not evidence of systemic corruption within West Berkshire Council which undermines the original Planning approval decision for the solar farm at Grazeley, making this an unlawful decision which must now legally be reversed?”

- (G) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Adrian Radford:**

“During the Eastern area planning committee meeting 24th August 2022 that approved the solar farm at Grazeley, it was inadvertently & embarrassingly disclosed by the consultant on behalf of the applicant being West Berkshire Council, that a secret financial compensation settlement equivalent to 1/3 of the Bloomfield Hatch farms gross turnover is being paid to the council tenant farmers, so how can such a substantial financial agreement be surreptitiously omitted from any of the application documents and thereby not be made public and open to scrutiny by this Chamber when it is being funded by council tax payers money?”

Agenda Item 6

Public Questions to be answered at the Council meeting on 06 October 2022.

Members of the Executive to answer the following questions submitted by members of the public in accordance with the [Council's Constitution](#):

- (H) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Simon Pike:**

“In the draft 'Transport for the South East' 'Strategic Investment Plan for the South East', does the Council support the proposed 'Intervention' for 'Newbury/Thatcham bus enhancements' and, if so, what enhancements would it like to see?”

- (I) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Paula Saunderson:**

“At The Executive Meeting on 22nd September 2022 in Members Questions, Cllr Vickers was given an Answer to his Question 2 by Cllr Somner after he asked if WBC could apply for Surface Water Programme funding from Thames Water, the Answer being “Yes, from OSMC there are ongoing Conversations, and We Will Look to make sure the right things is being done by the right people with the right amount of money provided”, so is this to be a NEWREQUEST from a Non-Ward Councillor, and does this supersede the Request from myself as the Clayhill Ward Flood Warden and member of the Lambourn Valley Flood Forum”

- (J) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Alan Pearce:**

“At present all the surface water from the London Road industrial Estate (LRIE) flows into the Thames Surface Water Sewer and is then released unattenuated into the Northbrook stream. This is because the water table is just below the surface due to the river Kennet and only small quantities of urban runoff can be stored on site.

During heavy periods of rain, the urban runoff is attenuated downstream at the enclosed Tesco culvert and my garden is flooded to store the urban runoff until it drains away, my property is located after the Greenham Lock where the water table is approximately 8ft 11” lower so the land can store more water than the LRIE at a ratio of 5:1

Please would the Council say how it is intending to redevelop the LRIE without a master plan outline planning permission that incorporates the necessary third-party land and a holistic drainage system, so each individual site on the LRIE can comply with common drainage law and planning policy?”

Agenda Item 6

Public Questions to be answered at the Council meeting on 06 October 2022.

Members of the Executive to answer the following questions submitted by members of the public in accordance with the [Council's Constitution](#):

- (K) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Economic Development submitted by John Gotelee:**

“Is the LRIE refresh project fully costed (Yes / No). If not why not?”

Council – 6 October 2022

Item 7 – Membership of Committees

Verbal Item

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Council – 6 October 2022

Item 8 – Motions from previous meetings

To note the following response to a Motion which had been presented to a previous Council meeting:

- Response to the Motion from Councillor Adrian Abbs on Helping the Taxi Trade Go Greener – Item 10, Executive, 22 September 2022. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).

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Council – 6 October 2022

Item 9 – Licensing Committee

Item 10 – Personnel Committee

Item 11 – Governance and Ethics Committee

Item 12 – District Planning Committee

**Item 13 – Overview and Scrutiny
Management Commission**

Item 14 – Health Scrutiny Committee

Item 15 – Health and Wellbeing Board

Item 16 – Joint Public Protection Committee

Verbal Items

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Updates to the Constitution

Committee considering report:	Council
Date of Committee:	6 th October 2022
Portfolio Member:	Councillor Tom Marino
Date Portfolio Member agreed report:	15 th September 2022
Report Author:	Sarah Clarke
Forward Plan Ref:	C4260

1 Purpose of the Report

- 1.1 The purpose of this report is to update Council regarding the work undertaken by the Constitution Review Task Group (“the Task Group”) to date, and to propose the approval of the proposed Constitutional updates detailed in this report. The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement.
- 1.2 The report will also advise of the further work that will be undertaken in anticipation of further revisions that are due to be brought forward to Council in December.

2 Recommendations

- 2.1 It is Recommended that Council:
 - (a) approves the Meeting Rules including the Meeting Rules Table, the Questions Appendix, and the Petitions Appendix, which are attached at Appendix A to this Report;
 - (b) approves the Council Rules, which are attached at Appendix B to this Report;
 - (c) approves the Executive Rules, which are attached at Appendix C to this Report;
 - (d) approves the Council Bodies Rules, which are attached at Appendix D to this Report;
 - (e) approves the following Bodies Rules, which are attached at Appendix E to this Report:
 - Appeals Appendix
 - Governance Appendix
 - Health and Wellbeing Appendix
 - Health Scrutiny Appendix

Updates to the Constitution

- Joint Public Protection Committee Appendix
 - Licensing Appendix
 - Licensing Sub-Committee Appendix
 - Personnel Appendix
 - Planning Appendix
 - Scrutiny Appendix
- (f) notes that the above Rules will replace current Parts of the Constitution, namely:
- Part 4 – Council Rules of Procedure
 - Part 5 – Executive Rules of Procedure
 - Part 6 – Overview and Scrutiny Rules of Procedure
 - Part 7 – Regulatory and Other Committees
 - Part 12 – Personnel Rules of Procedure
 - Part 13 - Codes and Protocols – Appendix A - West Berkshire Code of Conduct for Planning
 - Part 13 – Codes and Protocols - Appendix B - Protocol for Decision-Making by Individual Executive Members
 - Part 13 - Codes and Protocols - Appendix B1– Individual Decision making Process
 - Part 13 - Codes and Protocols – Appendix C - Procedure Rules for Dealing with representations
 - Part 13 - Codes and Protocols - Appendix G - West Berkshire Code of Conduct for Licensing
 - Part 13 - Codes and Protocols – Appendix I - Councillor Call for Action Protocol
- (g) agrees that the changes to the Constitution detailed in this report take effect from 1st January 2023;
- (h) delegates to the Monitoring Officer in consultation with the Chairman of the Constitution Review Task Group the power to make minor additional corrections to the parts of the Constitution to ensure consistency in terminology and presentation.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None directly although the report details the procedures to be followed at full Council when setting the budget. The report also details the process for decision making by Executive, which may consider reports that have significant financial implications.
Human Resource:	None

Legal:	This report proposes changes to the Council's Constitution, and will ensure a clear and transparent decision making framework.			
Risk Management:	There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.			
Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:	X			The recommendations in this report will enable some participation in Meetings remotely via technology, which will reduce the need for individuals to travel in person to meetings.

Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:	X			The recommendations in this report recognise the ability to engage effectively with residents via social media and digital technology.
Council Strategy Priorities:		X		
Core Business:	X			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
Data Impact:		X		
Consultation and Engagement:	<p>These proposals have been discussed with: The Constitution Review Task Group Finance & Governance Group Joseph Holmes – Executive Director (Resources) Shiraz Sheikh – Service Lead, Legal and Democratic Stephen Chard – Democratic Services Manager</p> <p>Two Member Workshops were also held, to which Members of the CRTG, and all Chairmen and Vice-Chairmen of existing Committees, Commissions, and the Executive were invited to attend.</p>			

4 Executive Summary

- 4.1 It was agreed in July 2019 that a Task Group of the Governance and Ethics Committee would be created to review the entire Constitution to ensure that it remained fit for purpose. The Task Group first met in September 2019, but work was subsequently delayed due to the pandemic.
- 4.2 This report proposes changes to the rules which govern how Council meetings will be conducted. These do not make significant alterations to the existing rules. However, they will provide clarity regarding rules, and a product that will be easier for everybody to navigate and understand.

Updates to the Constitution

- 4.3 It is recommended that Council retain the changes introduced in December 2021 relating to the Budget Meeting of Council be retained, as the procedure appeared to operate well during the Budget Meeting which took place in March 2022.
- 4.4 The new rules for Council meetings are structured to ensure a standard set of rules which will apply to all Council Meetings. The recommendation also proposes specific Council Rules, and Executive Rules, as Council and Executive are responsible for the most significant decisions taken by the Council, and both these bodies are subject to specific statutory arrangements.
- 4.5 At Appendix E of the report are a set of Council Bodies Rules. These rules apply to bodies established by Council such as Committees, Commissions, and Boards (Bodies). These rules set out the composition, terms of reference and any individual rules of procedure that apply to the Body in question.
- 4.6 The Constitution will be supported by a Glossary, which will define the meaning of key words that appear throughout the various parts of the updated Constitution. This is attached at Appendix F.

5 Supporting Information

Introduction & Background

- 5.1 The Council is undertaking a comprehensive review of the Constitution and this report seeks approval to adopt the first significant part of that.
- 5.2 The Constitution Review Task Group ('Task Group') is a working group consisting of the following Members: Jeff Beck, Graham Bridgman (Chairman), Jeff Brooks, James Cole, David Marsh, Andy Moore, and Howard Woollaston. Councillor Geoff Mayes is a former member of the Task Group. The significant contribution of the Task Group in the formulation of these proposals and the updating of the Constitution should be noted.
- 5.3 This work has also been supported by a number of officers in the Democratic Services Team and from Legal Services, and their contribution to this significant piece of work should also be noted.
- 5.4 Initially the intention was to deal with each existing Part of the Constitution in turn, seeking approval from Council for any required amendments before progressing to the next Part. However, it quickly became apparent that there was considerable overlap and duplication between different Parts, for example, similar or identical rules relating to meetings were contained in Parts 4, 5, 6, and 7. It was therefore determined to seek to create a common set of rules applicable to all formal meetings, with appendices dealing with any differences (eg between particular committees).
- 5.5 It should be noted that the need to undertake the wholesale review of the Constitution was driven by a desire to make the document more user friendly and accessible to all. If approved, the Constitution will be published on-line when it becomes operational, and there will be full indexing with hyperlinks where appropriate.
- 5.6 These proposals were also considered at a meeting of the Governance and Ethics Committee on the 26th September 2022. As a result of discussions during that meeting,

Updates to the Constitution

some minor amendments were made to the proposed Executive Rules, and how these operated with regard to the Deputy Leader.

- 5.7 It is considered that the recommendations in this report will make the rules by which the Council must operate more easy to understand.

Proposals

- 5.8 It is proposed that the Council adopt the Meetings Rules at Appendix A of this report. These rules provide a common set of operating rules that will apply to public meetings of the Council. This sets out core matters such as the type and order of business at various meetings of the Council. This Part also distinguishes between Motions (proposals that can be submitted by any Member of the Body for debate), and Reports and Recommendations. It is considered that these changes will add improved clarity regarding the process to be followed in a meeting.
- 5.9 The Council has on occasion over the past few years, received a significant number of Motions at meetings of Council, which has created a time pressure on the substantive agenda. The new rules require that the Chairman consult with each Group Leader to assist with his consideration of the priority order of the debates that may take place in the Council Meeting.
- 5.10 The Meeting Rules are supported by a Meetings Rules Table, which is a quick reference guide for anybody wishing to check a rule of procedure related to meetings. This contains information such as the standard items of business at a meeting and the order in which business will be transacted. This also contains details of the procedural motions that can be moved without notice.
- 5.11 There are two further Appendices, one dealing with Questions and one dealing with Petitions. The Questions Appendix does not make any significant change to the current arrangements.
- 5.12 In terms of the Petitions Appendix, this was reviewed as the previous rules related to statutory provisions which were repealed by the Localism Act 2011. The proposed new rules do not change any of the existing limits on the submission of Petitions. Where a Member of the Public submits a petition, they will be informed as to how the petition will be dealt with and will be invited to make representations if their petition is to be considered at a future public Meeting of the Council.
- 5.13 The Council Rules explains the role and purpose of Council, and details procedures that are specific to Council. These proposals effectively replicate the rules that were adopted by Council in December 2021. Many of those changes focussed on the Budget Meeting, and the revised rules were implemented effectively at the Budget Meeting of Council in March 2022. It is therefore proposed that these will continue in force as set out in Appendix B.
- 5.14 The Executive Rules at Appendix C explain the role and purpose of the Executive, and details procedures that are specific to proceedings of the Executive. This effectively outlines the statutory framework that is detailed in the Local Government Act 2000, and in related regulations, that determines how the Executive must operate.

Updates to the Constitution

- 5.15 The Council Bodies part at Appendix D explains what Council Bodies are. These are effectively the Committees, Commissions, or Boards that are created by Council to undertake work delegated to those Bodies by Council, or directly by statute. This also details how those Bodies may create Sub-Bodies, such as task groups to undertake specific tasks, and sets out the rules regarding the operation of those Sub-Bodies.
- 5.16 Appendix E details the various Appendices that apply to different Bodies. Each one sets out the scope of the Body, the Membership, and Terms of Reference. If agreed by Council, it would be proposed to bring each Appendix to Council for review on an annual basis, with these being approved at the Annual Meeting when Council approves the establishment and Membership of the various Council Bodies. Such a process will ensure that these documents remain up to date with necessary changes.
- 5.17 The Bodies dealt with at Appendix E undertake important work on behalf of the Council. The rules applicable to those bodies have not been significantly altered by the proposed changes. However, the changes have sought to ensure that the rule applicable to those Bodies are more easily found. For example, the Planning Appendix contains provisions that were previously detailed in Part 7, and the Planning Code of Conduct at Part 13. This also seeks to ensure that there is greater clarity regarding the need for Planning Committees to give reasons for decision, and to be clear about conditions that are proposed to be attached to any planning permission.
- 5.18 The Personnel Appendix has been expanded to clarify the role of Members in the appointment of senior officers (Head of Service and above), and in the dismissal of relevant statutory officers.
- 5.19 The Scrutiny Appendix largely replicates the rules that already exist, although this now contains the rules on call in which were previously replicated in the Executive Rules.
- 5.20 It is proposed that these provisions be implemented with effect from January 2023. This will enable the conclusion of the review of Parts 9, 10, and 11 of the Constitution, which contain the Budget and Policy Rules, the Financial Rules, and the Contract Rules by the Task Group. It is intended that the proposed changes to these parts of the Constitution will be brought to Council in December 2022 for consideration.
- 5.21 Delaying implementation of the updates proposed by this Report will ensure that there is no conflict between those Parts that have not yet been reviewed and those which have been updated, which are key parts of the Constitution governing the critical core business of the Council
- 5.22 Once Council has approved the changes, work will be required by the Digital Services Team to create new webpages with relevant hyperlinks. All changes to key operational elements of the Constitution will then be implemented and published together.

6 Other options considered

Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will assist good governance as the procedures by which the Council is operating will be easier to understand, which will improve transparency and openness.

7 Conclusion

- 7.1 The ongoing hard work and significant contribution of the Task Group to the review of the Constitution is noted.
- 7.2 It is considered important to secure Council's approval of these core operating rules, which will enable the second phase of the Constitution updates to be brought to Council in December. It is anticipated that at the conclusion of the second phase, the updated rules will be capable of operating without risk of significant conflict in the Constitutional provisions.
- 7.3 It is therefore recommended that Council approve the proposals detailed in section 2 of this report, to be implemented from January 2023.

8 Appendices

- 8.1 Appendix A – Meetings Rules (to follow)
- 8.2 Appendix B – Council Rules (to follow)
- 8.3 Appendix C – Executive Rules (to follow)
- 8.4 Appendix D – Council Bodies Rules (to follow)
- 8.5 Appendix E – Individual Bodies Rules (to follow)

Background Papers: None

Subject to Call-In: Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Officer details:

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Agenda Item 18:

Motions submitted for debate at the Council meeting on 06 October 2022

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

Debate Not Hate Motion

“Building on what we agreed in our Motion on Civility in Politics, this Council supports the LGA ‘Debate not Hate’ campaign.

This Council:

- *agrees that anyone, regardless of their background or political affiliation, should feel safe to become a councillor and be proud to represent their community.*
- *believes that the increasing level of abuse and intimidation aimed at local politicians is preventing elected members from representing the communities they serve, deterring individuals from standing for election and undermining local democracy.*
- *will support the campaign to raise public awareness of the role of councillors in their communities, encourage healthy debate and improve the responses and support for local politicians facing abuse and intimidation.*
- *asks the Leader of the Council to sign the LGA’s public statement on behalf of the Council, and encourages all Councillors to individually sign the statement and share that they have done so on social media also”.*

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

High Street Canopies

“Given the constant temperature rises seen year on year (especially in the summer months) it is becoming critical to protect both ourselves and our economy by providing shade for humans, business and wildlife.

This is especially evident when walking down any of the high streets in West Berkshire and watching how people navigate the streets, many hugging the shady side of a street to avoid excessive exposure to the sun’s U.V. rays.

I don’t think we need to repeat some of the predicted effects of climate change, as this summer we have experienced key ones and we all remember those extreme swings and higher temperatures overall.

Given that all efforts so far are barely having any effect on the rise in temperatures it’s safe to conclude we must prepare as best we can. We need to make some strategic investments and changes now.

Most people incorrectly focus on the value of green cover from a carbon capture perspective. It’s there of course, but other benefits are more immediate and even more valuable.

Agenda Item 18:

The motion being presented to West Berkshire Council is to commit to a process of establishing a green canopy down as many high streets as possible, as fast as possible, across the whole of West Berkshire.

Where it is just not possible to have fixed plants and trees, then the placement of mobile foliage can be considered.

A Green canopy can offer the following benefits:

Natural Coolant

One mature tree has the same cooling power as 15 room-size air conditioners.

Energy Saver

Carefully positioned trees can save 25 to 30 percent of energy consumption. Deciduous trees are the most beneficial for energy savings since they provide shade in the warmer months and let the sunlight shine through in the colder months.

Stress Reducer

According to Morton Arboretum, the sight of trees reduces blood pressure, exposure to trees makes children less stressed, and drivers who can see trees are less frustrated.

BioDiversity gain accelerator

We know there is an ongoing loss of biodiversity, so anything we do to offer a broader range of habitat is only going to help.

Money multiplier

We know people go to places they must, but return to places they enjoy. As the Newbury Vision recently postulated, increasing the visual amenity should increase footfall and dwell time and so accelerate revenue.

Stormwater Filter

One hundred mature trees can capture up to 100,000 gallons of rainfall per year, reducing runoff and filtering water.

Peacemaker

Trees reduce crime and illnesses. A well-placed tree can also block noise by up to 40 percent.

Oxygen Provider

One day's worth of oxygen for a family of four is provided by a single tree.

Visual enhancer

Let's face it, a tree is most often nicer to look at than a building.

Trees Help Fight Carbon Emissions

If a tree absorbs 1 ton of carbon over its lifespan, it's like erasing 11,000 miles of car emissions.

Therefore:

This Council notes:

- That Climate change is leading to higher temperatures.*
- That Green Canopy cover can help significantly with providing shade.*
- That Newbury Town Council have passed a motion asking for WBC assistance to achieve this.*
- That Thatcham Town council have passed a motion asking for WBC assistance to achieve this.*
- That some trees that existed previously are missing.*

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- *That some trees are showing signs of stress due to either their location, care regime, or age.*

This Council therefore resolves to:

- *Approach interested parties (such as Parish and Town councils as well as bodies such as Newbury BID) to gauge their willingness to be involved in a rapid roll out of Green Canopies on their high streets.*
- *Commit to beginning a program of investigation on various methods of achieving green canopies that could be applied to the various scenarios that will be found in West Berkshire.*
- *Commit to replacing any existing missing trees such as the one on Newbury High Street.*
- *Undertake a quick survey of all trees to ascertain their current condition.*
- *Create a forward plan for any tree identified as needing attention”.*

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

Cost of Living

“This Council is concerned about the effect that the increase in the cost of living is having on the residents of West Berkshire.

This Council notes that if it weren't for the intervention announced by the new Prime Minister, Liz Truss, domestic electricity and gas prices would have risen by 80% in October, with further increases expected in January.

This Council welcomes the financial support offered, such as the new Energy Price Cap, the Energy Bills Support Scheme, and the Discretionary Fund, as well as the commitment to raise the supply of energy – particularly clean energy such as nuclear, wind, and solar.

This Council resolves to use the funding provided by HM Government to help residents of West Berkshire. Including, but not limited to: asking anyone who has not received their £150 rebate to get in touch so that can be distributed; encouraging residents to check if they are eligible for Council Tax Reduction; using the Household Support Fund to support those most in need with household costs such as energy bills, food, clothing and housing costs in exceptional circumstances; and considering what additional action the Council can take to help the residents of West Berkshire”.

(d) The following Motion has been submitted in the name of Councillor Ross Mackinnon:

Rural Economy Conference

“This council welcomes the recently published research paper by the Royal Town Planning Institute on ‘Rural Planning in the 2020s’. Our Council recognises that a thriving rural economy is essential to our prosperity and well-being. It is of vital importance and in the interests of all our residents to protect and develop our rural

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economy, and to encourage and enable rural businesses to start-up, develop, adapt and diversify.

We recognise the importance of the principle of sustainable development, and its three overarching objectives: economic, social and environmental. The principle of sustainable development is an important part of the National Planning Policy Framework and our own local planning policies here in West Berkshire.

The NPPF itself states in section 2, paragraph 9, that “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

One such significant aspect of the character of West Berkshire is its largely rural setting. Outside of the main towns and rural service centres, the only practicable means of travelling to and from many homes and businesses in these areas is by private car. As an authority we will always seek to promote active travel and rural public transport initiatives as sustainable options to access new businesses in our beautiful countryside, however we accept that this is not going to be practical in all instances.

The environmental objective of sustainable development includes moving to a low carbon economy. The significant and continuing reduction in carbon emissions from petrol car engines, and the increasing take-up of electric vehicles, means that private car use is not incompatible in the long-term with the movement to a low carbon economy.

This council therefore urges that a site should not be considered to be in an unsustainable location by being only accessible practicably by private car. Assessment of sustainability should give particular consideration to the need to secure a diverse and adaptive rural economy balanced against wider social and environmental factors.

We therefore resolve to ask that the Executive hold a Rural Economy Conference in November, which will bring together rural businesses, senior Council officers and other interested parties, to consider how this Council can help our rural businesses overcome the challenges and barriers they face to encourage them to develop, diversify, adapt and thrive”.

(e) The following Motion has been submitted in the name of Councillor Erik Pattenden:

Declaring a Cost of Living Emergency

“Council notes that:

- There has been an unprecedented increase in the cost of living, which is having a significant impact on working people, pensioners, and those on benefits.*
- This is in part caused by the rise in the Ofgem energy price cap, food and petrol/diesel price increases, rising inflation and wage growth stagnation.*

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- *The ONS report three in four adults feel very or somewhat worried about the rising costs of living*
- *According to a report by the Resolution Foundation, people are facing the worst fall in living standards since the 1970s.*
- *According to data from the ONS, a typical household will have to spend an extra £1,287 due to rising cost of essentials and tax in 2022/23, but in West Berkshire, the average household energy rise will be £2,251.28.*
- *In 2021/22 the West Berks Foodbank distributed 10,033 seven-day food parcels to local people in crisis.*
- *Between 2018 and 2021 there has been a four-fold increase in the distribution of food parcels from West Berks Foodbank to over 8600 in 2019-20 and 2020-21 (projected to be even higher this year)*
- *In addition, West Berks Foodbank supports other local charities with 1 tonne of food and essential items per month.*

Despite the support the Council, central government and local organisations have been able to provide, it's clear that residents are experiencing serious financial challenges due to the rising cost of living, which are set to worsen, impacting directly on their financial and mental wellbeing.

Consequently, Council resolves to:

- *Declare a 'Cost of Living Emergency' in West Berkshire.*
- *Ask the Executive to create a West Berkshire Financial Assistance Scheme and commit £300K to issue as additional food and fuel vouchers to approximately 4,000 residents on the lowest incomes.*
- *Host a local Cost-of-Living Emergency Summit, with stakeholders, including local Town and Parish Councils, Citizens Advice, West Berks Food Bank, Local Trades Unions, and Chambers of Commerce and organisations working to support residents facing hardship.*
- *Call on the Government to act immediately to tackle the cost of living crisis by cutting the standard rate of VAT to 17.5%, restoring the Universal Credit supplement of £20, expanding the Warm Home Discount and introducing a home insulation fund to cut heating bills and carbon emissions”.*

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

Withdraw Monks Lane planning application and avoid risking taxpayers' money

“Council notes the decision made by the Executive to develop on its own land at the Faraday Road Football Ground. This was in conjunction with the Council's Planning Application to build a Sports Hub at the rugby ground in Monks Lane, Newbury.

Council further notes that the intent of the Executive has always been for the Monks Lane Sports Hub to be a replacement for the Faraday Road Football Stadium but that the Council - as land owner - commissioned that application to be heard as a standalone facility and the ground was therefore not considered or tested as a replacement for the Faraday Road Stadium. That decision is now the subject of a Judicial Review.

Agenda Item 18:

In defending the Council's position at the Judicial Review, the Council risks spending significant amounts of West Berkshire taxpayers' money and potentially losing, with associated costs.

Council recalls that a previous Judicial Review on the London Road Industrial Estate resulted in a bill of £946,000 of Taxpayers' money spent on costs without the attendant Officer and staff costs, which are not calculated.

Council therefore resolves to withdraw from the Judicial Review legal process and instruct the Executive to withdraw this current approved application and submit a new one as a replacement facility to the Faraday Road Football Stadium".

Agenda Item 19

Members' Questions to be answered at the Council meeting on 06 October 2022.

Members of the Executive to answer the following questions submitted by Councillors in accordance with the [Council's Constitution](#):

- (A) Question not related to an item of business to be answered by the Portfolio Holders for Planning, Transport and Countryside and Environment and Transformation submitted by Councillor Carolyne Culver:**

"Please can the portfolio holders update the council about their work with local landowners to create offsetting projects for carbon, biodiversity and nutrient neutrality?"

- (B) Question not related to an item of business to be answered by the Portfolio Holder for Environment and Transformation submitted by Councillor Steve Masters:**

"Given the recent lifting of the moratorium on the extraction of Shale gas (Fracking) by the government, can the portfolio holder outline the current and proposed draft policies regarding Shale gas extraction here in West Berkshire?"

- (C) Question not related to an item of business to be answered by the Portfolio Holder for Planning, Transport and Countryside submitted by Councillor Carolyne Culver:**

"Does the portfolio holder have any concerns about the impact of recent government planning policy announcements on our evolving draft Local Plan?"

- (D) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Economic Development submitted by Councillor Steve Masters:**

"Does Council expect additional funding from central government in the coming months to reduce the impact on West Berkshire residents from the cost of living crisis that is impacting many families already?"

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