

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY 14 MARCH 2024

**Councillors Present:** Jeff Brooks (Vice-Chair, in the Chair), Heather Codling, Iain Cottingham, Lee Dillon (Chairman), Denise Gaines, Stuart Gourley, Alan Macro, Louise Sturgess and Tony Vickers

**Also Present:** Councillors Dominic Boeck, Phil Barnett, Clive Hooker, Richard Somner, Jo Stewart and Howard Woollaston

**Officers Present:** Melanie Booth (Group Executive), AnnMarie Dodds (Executive Director – Children and Family Services), Joseph Holmes (Executive Director - Resources), Clare Lawrence (Executive Director – Place), Nigel Lynn (Chief Executive), Sadie Owen (Principal Democratic Services Officer), Thomas Radbourne (Democratic Services Apprentice) and Nicola Thomas (Service Lead – Legal and Democratic)

**Apologies for inability to attend the meeting:** Councillor Janine Lewis, Ross Mackinnon, David Marsh and Carolyne Culver

#### PART I

##### 1. Opening Statement

Deputy Leader, Councillor Jeff Brooks, made an announcement detailing new measures to review previous Community Infrastructure Levy (CIL) charges imposed on householders. A report on this matter would be brought to the next meeting of the Executive.

To review the speech in full please access this [link](#).

##### 2. Minutes

The Minutes of the meeting held on 8 February 2024 were approved as a true and correct record and signed by the Deputy Leader.

##### 3. Declarations of Interest

Councillor Lee Dillon declared an interest in Agenda Items 10 and 11 as an employee of Sovereign Housing Association, and reported accordingly that he would leave the meeting during the course of consideration of these matters.

##### 4. Public Questions

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

##### 5. Petitions

Councillor Phil Barnett presented a petition containing 130 signatures which requested improved signage and 20mph speed limits in Boundary Road, York Road and Queens Road, Newbury. The petition was referred to officers and the Portfolio Holder for Highways, Housing and Sustainable Travel, Councillor Denise Gaines.

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### 6. Capital Financing Report Financial Year 2023/24 Quarter Three (EX4502)

Councillor Iain Cottingham introduced a report (Agenda Item 6), which presented the provisional outturn position for financial year 2023/24 as forecast at Quarter Three, and future borrowing requirement for financial year 2024/25 which would be funded from the Council's revenue budget.

Councillor Dominic Boeck expressed disappointment in the delay to funding for Education Services and queried in particular reasons for delay to the iCollege project and SEMH/ASD primary provision. Councillor Cottingham explained that recruitment for both projects was underway, and Councillor Heather Codling promised to provide a written response with more details.

Councillor Boeck referred to section 5.9 of the report which stated that the Castle School Ways of Working project had ceased and queried the reason. Councillor Codling stated that she did not believe that the project had stopped.

**RESOLVED that:** Executive

- Note the quarter three underspend position of £12.9 million and reprofiling proposals of £3.2 million. Reprofiling proposals are included in appendix B.
- Note the budget changes included in the quarter three position detailed in Appendix A.
- Note an increase in the grant funded element of the Disabled Facilities Grant of £345k due to increased grant funding secured.

### 7. Berkshire Prosperity Board (EX4499)

Councillor Louise Sturgess introduced and proposed a report (Agenda Item 7) which sought to establish a Joint (Prosperity) Committee (to be known as the Berkshire Prosperity Board) to enable Berkshire Authorities, through collaboration, to benefit from a stronger collective voice when lobbying Government and present a strengthened case to Government and private investors for greater investment into strategic projects, service delivery and initiatives across Berkshire.

Councillor Jeff Brooks noted two additional recommendations (detailed in full below), which had erroneously been omitted from the published report.

Councillor Dominic Boeck suggested that the report read as though it was a Berkshire initiative and noted that it was a government led enterprise.

Councillor Brooks seconded the recommendations within the report.

**RESOLVED that:**

- That Executive approves the establishment of a Joint Committee (to be as the Berkshire Prosperity Board) from March 2024 to deliver a Berkshire-wide vision for inclusive green and sustainable economic prosperity.
- The Executive approves delegated authority for the Chief Executive, in consultation with the Leader of the Council, Executive Director of Finance and the Monitoring Officer to agree and enter into an inter-authority agreement between the six Berkshire Local Authorities to facilitate decision-making by the Berkshire Prosperity Board (BPB)
- That Executive approves the re-allocation of £10,000 of Council revenue funding and £20,000 UK Shared Prosperity Fund (UKSPF) funding in 2024/25, along with the

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collective allocation of £80,000 out of the shared £240,000 pot of grant funding that will be given to the 6 Berkshire Authorities from Government to replace LEP funding.

- That Executive recommends that Council approve the terms of reference for the BPB as set out in Appendix A to be added to the Constitution.
- That Executive recommends that Council delegate authority to the Monitoring Officer, in consultation with the Leader of the Council to amend the Constitution to make minor amendments to the terms of reference for the BPB and to amend Part 3 (meeting procedure Rules) and Part 6 (Council Bodies) to take account of the existence of the BPB.

### 8. **Building Control Shared Service Agreement (EX4474)**

Councillor Lee Dillon introduced the report (Agenda Item 8), which sought agreement to the principle of entering into a new shared service agreement and continuation of the existing partnership with Wokingham Borough Council to deliver building control functions, ensuring that the service would be delivered on a cost recovery basis to meet the statutory obligations of the Council.

Councillor Dillon noted that further to Legal advice received there would be an amendment to the report recommendations and read out the revised version (as detailed in full below). Further it was noted that reference within the report to Section 101 of the Local Government Act 1972 should read as Sections 9EA and 9EB of the Local Government Act 2000, and Local Government Act 1972 should read as Local Government Act 2000

Councillor Howard Woollaston agreed with the proposal as a means of cost saving report and queried whether the identity of the third local authority and the reason for the delay could be discussed under Part II. Councillor Dillon responded that he would not divulge the identity but commented that they had declined to join at the current time due to peer review recommendations.

Councillor Jeff Brooks proposed, and Councillor Denise Gaines seconded the recommendations (as amended) within the report.

#### **RESOLVED that:**

- That the Executive approves the Council entering into new shared service agreement for a five year period (with an option to extend) for building control services under Sections 9EA and 9EB of the Local Government Act 2000 and other relevant provisions with Wokingham Borough Council to come into effect from 1st April 2024.
- That delegated authority be given to the Executive Director: Place to finalise and sign the new agreement in consultation with the Service Director (Strategy & Governance), Service Lead (Legal & Democratic Services) and Executive Member for Public Safety.
- That an Annual Report be prepared for West Berkshire Council.

### 9. **Hackney Carriage Tariffs 2024 (EX4367)**

Councillor Lee Dillon introduced a report (Agenda Item 9), which sought the Executive's consideration of a request from a member of the taxi trade and the outcome of the informal consultation to agree whether to proceed with a formal consultation as set out in legislation or not. Councillor Dillon clarified that the Executive were suggesting consultation on the table of fares detailed at Appendix B of the report.

Councillor Jeff Brooks proposed and Councillor Iain Cottingham seconded the recommendations within the report.

**RESOLVED that:** Executive

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- Considers the proposed modifications from the Taxi Trade (Appendix B) in light of the existing fares (Appendix A) and the outcome of the recent non-statutory consultation undertaken with the Taxi Trade as set out in Appendix C.
- Decides whether or not to make variations to the current table of fares for hackney carriage tariffs based on the proposals set out in Appendix B this report.

If the Executive decides not to make any changes to the current table of fares at this stage they may:

- RESOLVE to delay the decision to make any variation until later in the year; or

If the Executive decides to make any changes to the current table of fares they are asked to:

- RESOLVE that the statutory consultation be undertaken between the 21 March 2024 and the 11 April 2024, or a longer period determined at the meeting.
- RESOLVE that a public notice be placed in the Newbury Weekly News on the 21 March 2024, a notice be displayed at the Market Street Offices and the consultation be promoted on the website.
- RESOLVE that a copy of the notice be emailed individually to all West Berkshire licensed Hackney Carriage Proprietors for their comments.
- NOTE that if objections are received, and not withdrawn, the Executive at the 16 May 2024 meeting will consider the objections and determine whether the varied table of fares shall be modified or not and set a date when the varied table of fares, with or without modification, will come into operation. The implementation date must be no later than two months after the period for objections closes.
- NOTE that if no objections are received, or if the objections are withdrawn, the varied table of fares will come into effect on the day after the statutory consultation closes.

### 10. **Response to Garage Block Motion (EX4480)**

Councillor Tony Vickers introduced and proposed a report (Agenda Item 10), which provided a response to the motion proposed by Councillor Vickers at Council on 17 March 2022.

Councillor Dominic Boeck commented that he was not aware of disused garage blocks being a large-scale issue throughout the district. Councillor Vickers suggested that it was a significant issue and required national legislation.

Councillor Richard Somner commented that Members should be mindful that bikes were also stored within garages. Councillor Somner suggested Members should address the issue through planning.

Councillor Jeff Brooks seconded the recommendation within the report.

#### **RESOLVED that:**

- It is recommended that the principle of the Motion is supported. The motion can be delivered through the case by case assessment of forthcoming planning applications to re-develop garage blocks through the application of existing and emerging Local Plan Policies and through Council led highway schemes as appropriate. The Council will lobby the MP's and the Local Government Association for a change to legislation where necessary to facilitate the requirements of the motion.

### 11. **Contracts for Award Under Delegated Authority from Executive (EX4501)**

Councillor Lee Dillon left the meeting.

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Councillor Jeff Brooks introduced and proposed a report (Agenda Item 11), which provided details of forthcoming supply, service and works contract awards that would have a contract value in excess of £2.5m and as such would require approval from the Executive during the next quarter.

Councillor Iain Cottingham seconded the recommendation within the report.

**Recommendation** (Vote to be taken in Part II):

- Executive to delegate authority to an individual (Service Director) to proceed with the award of the contract in table 4.7 in consultation with the Portfolio Holder, following the completion of the appropriate procurement process and Procurement Board approval of a Contract Award report.

### 12. **Restrictive covenants and Restriction on Title - Windmill Court and Stafford House Mortimer (EX4204)**

Councillor Iain Cottingham introduced and proposed a report (Agenda Item 12), which sought approval to enter negotiations with Sovereign Housing Association (Sovereign), following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer for the purpose of Sovereign's proposed redevelopment of the Site.

Councillor Howard Woollaston agreed that the property needed to be re-developed and queried whether Stafford House was being retained for the existing tenants.

Councillor Woollaston further queried whether nomination rights for the six two-bedroom bungalows were being retained, and referred to section 5.22 of the report querying what was meant by the statement that 'seven of the homes would be secured under a s106 agreement'. Councillor Brooks commented that responses would be provided under Part II of the discussion.

Councillor Jeff Brooks seconded the recommendations within the report.

**Recommendations** (Vote to be taken in Part II):

- To delegate authority to the Head of Finance and Property, in consultation with the Service Lead of Housing Services and Service Lead of Adult Social Care to enter into negotiations with Sovereign to agree heads of terms for the release of the covenants and restrictions in favour of the Council for the purpose of Sovereign's re-development of the Site and the negotiation of new nomination rights and covenants in favour of the Council relating to the redeveloped scheme.
- To delegate authority to the Service Director of Strategy & Governance in consultation with the Head of Finance and Property, to enter into such agreements as are appropriate and necessary and in line with the negotiated heads of terms.
- To reject the requests detailed in the petition for the reasons set out in this report.

### 13. **Members' Questions**

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

### 14. **Exclusion of Press and Public**

**RESOLVED** that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3, 5 and 6 of Part 1 of Schedule 12A of

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the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

**15. Contracts for Award Under Delegated Authority from Executive (EX4501)**

*(Paragraph 6– information relating to proposed action to be taken by the Local Authority)*

The Executive considered an exempt report (Agenda Item 15), which provided details of forthcoming supply, service and works contract awards that would have a contract value in excess of £2.5m and as such would require approval from the Executive during the next quarter.

**RESOLVED that:** the recommendation in the exempt report be agreed.

**Other options considered:** the approval of a consolidated contract award report is considered the most efficient way of meeting the governance requirements of the Constitution, therefore no alternative proposals are being made.

**16. Restrictive covenants and Restriction on Title - Windmill Court and Stafford House Mortimer (EX4204)**

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

The Executive considered an exempt report (Agenda Item 16), which sought approval to enter into negotiations with Sovereign Housing Association following an application from Sovereign requesting the release of covenants and restrictions in favour of West Berkshire District Council relating to the use and disposal of property owned by Sovereign known as Windmill Court, Mortimer for the purpose of Sovereign’s proposed redevelopment of the Site; and rejected the request made in a petition presented to Executive on 22 September 2022.

**RESOLVED that:** the recommendation in the exempt report be agreed.

**Other options considered:** as detailed in the exempt report.

**17. Asset Disposal - Sainsbury's (EX4509)**

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

*(Paragraph 5– information relating to legal privilege)*

The Executive considered an exempt report (Agenda Item 17), which sought approval for the disposal of the commercial asset Sainsbury’s, High Street, Northallerton, DL7 8EA on the basis of the offer that had been received and to enter into appropriate disposal documentation.

**RESOLVED that:** the recommendation in the exempt report be agreed.

**Other options considered:** as detailed in the exempt report.

*(The meeting commenced at 5.00 pm and closed at 6.30 pm)*

**CHAIRMAN** .....

**Date of Signature** .....