

# DRAFT

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

## EXECUTIVE

### MINUTES OF THE MEETING HELD ON THURSDAY 23 MAY 2024

**Councillors Present:** Jeff Brooks (Chairman), Patrick Clark, Heather Codling, Nigel Foot, Denise Gaines (Vice-Chairman), Stuart Gourley, Louise Sturgess and Vicky Poole

**Also Present:** Councillors Ross Mackinnon, David Marsh, Clive Hooker, Richard Somner, Stephanie Steevenson, Jo Stewart and Howard Woollaston

**Officers Present:** Melanie Booth (Group Executive), Sarah Clarke (Service Director – Strategy and Governance), 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 Carolyn Richardson (Service Manager – Public Protection and Culture)

**Apologies for inability to attend the meeting:** Councillor Iain Cottingham and Councillor Lee Dillon

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 14 March 2024 were approved as a true and correct record and signed by the Leader.

##### 2. Declarations of Interest

Councillor Denise Gaines declared a personal interest in Agenda Item 10 as an ex-service person.

Councillor Jeff Brooks declared a personal interest as a Thatcham Town Councillor.

##### 3. Public Questions

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

##### 4. Petitions

There were no petitions presented to the Executive.

##### 5. Bond Riverside Programme Review (EX4494)

Councillor Louise Sturgess introduced and proposed a report (Agenda Item 6), which presented a new approach for managing regeneration of the Council owned Bond Riverside estate, by closing down the existing programme and bringing the regeneration of sites within the management of the wider Newbury Town Centre Masterplan programme. A project board would be set up to oversee the work.

It was further noted that the Council's Regulation 19 representations as landowner to the Local Plan Review, which had sought to extend the LRIE Designated Employment Zone to include Faraday Road football ground would be withdrawn now that the site would no longer be redeveloped for commercial use.

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Councillor Ross Mackinnon noted that the previous Administration's plan for Bond Riverside had been for prompt re-development with anticipated creation of a number of jobs. Councillor Mackinnon queried how the new proposals could be consistent with improving the local economy of the district as outlined in the Council Strategy. Councillor Sturgess noted that there had been no regeneration of the site in fifteen years but that the current Administration was committed to its regeneration.

Councillor Howard Woollaston suggested that a piecemeal approach would not succeed and that a holistic vision was required and urged the Executive to consider reviewing the proposals accordingly. Councillor Jeff Brooks suggested that the previous Administration's plans had not succeeded and consequently an alternative approach was being pursued.

Councillor Woollaston suggested that the Council should appoint a Master Planner, as there was insufficient experience in such projects within the Council.

Councillor David Marsh queried what progress has been made with the Masterplan. Councillor Sturgess responded that a planning application for the Wharf was imminent, and it was hoped that work would commence in 2024.

Councillor Denise Gaines seconded the recommendations within the report.

### **RESOLVED that:** Executive

- Close-down the existing Bond Riverside Programme.
- Merge elements of the Bond Riverside programme with the Newbury Town Centre Masterplan programme, as detailed in section 6: Proposals.
- Note establishment of a Newbury Project Board to provide oversight of the town centres programme including Bond Riverside sites, which will then report into the Prosperous West Berkshire Priority Delivery Board for oversight.
- Withdraw the Council's Reg 19 representations as landowner to the Local Plan Review, which had sought to extend the LRIE Designated Employment Zone to include Faraday Road football ground; now that the site will no longer be redeveloped for commercial use.

## **6. Local Government Association Corporate Peer Challenge 2024 - West Berkshire (EX4567)**

Councillor Jeff Brooks introduced a report (Agenda Item 7), which detailed the results of the Local Government Association (LGA) Corporate Peer Challenge for West Berkshire Council and informed Members that an Action Plan to address the recommendations would be presented to the next meeting of the Executive.

Councillor Brooks highlighted page 33 of the Agenda Pack which detailed a finding that there was a 'noticeably changed approach to ways of working brought by the new administration, that are "more inclusive," "more open," and "more visible."' It was however also noted that the Council urgently needed to build its reserves.

Councillor Brooks expressed gratitude for the report and commented that it would be beneficial in planning for the future of the Council.

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Councillor Ross Mackinnon agreed the benefit of a peer review and commented that many areas of the report were very encouraging.

Councillor Mackinnon referred to page 25 of the report which noted that the peer team had been informed of 'concerning examples of some women receiving sexist comments which had gone unchallenged'. Councillor Brooks responded that the matter had already been investigated and statements made to officers reiterating that such behaviour would not be tolerated.

Councillor Jo Stewart congratulated the Leader on the positive report but expressed disappointment that the governance structure was still being discussed, given that the previous Administration had also brought forward proposals to simplify the process. Councillor Brooks acknowledged the concern and noted that the Chief Executive was working on the revised process.

**RESOLVED that:** Executive

- Note the Corporate Peer Challenge report produced by the LGA.
- Note that an Action Plan will be presented to the next meeting of the Executive.

### 7. **Review of Enforcement of Community Infrastructure Levy Exemptions for Householders (EX4533)**

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 8) and noted that if the paper was approved there would be an online facility by 1 June 2024 for householders to apply for a discretionary review of an existing CIL liability.

Councillor Ross Mackinnon referred to Appendix 3 of the report and reference to reimbursement in the case of a 'genuine error'. Councillor Mackinnon queried how the panel would decide such a subjective test. Councillor Brooks disagreed that it was subjective and noted that where forms, if completed correctly, would have produced a zero assessment, then a refund would be appropriate.

Councillor Brooks further commented that the Council was using its discretionary powers to correct a perceived wrong.

Councillor Richard Somner referenced the POS Enterprises report and observed that it was not a failure of the service, but an interpretation as to how officers had administered the legislation.

Councillor Somner commented that as CIL was a function of Planning, and constitutionally Planning was a function of Council he was surprised that the decision was being made by the Executive rather than Council. Councillor Brooks responded that he had taken advice throughout the process and was comfortable that Executive was the correct body to review the decision.

Councillor Somner queried whether the Council would address any commercial residential development or non-residential development and whether the Council would be seeking to claw money back from town and parish councils. Councillor Brooks responded that the proposals related to householders only and that there would be no clawback from town or parish councils, as detailed within the paper.

Councillor David Marsh expressed his support for the proposals and quoted an email from one of his ward residents who had been impacted by a contested CIL liability which stated that 'it restored their faith in West Berkshire Council'.

Councillor Denise Gaines seconded the recommendations within the report.

**RESOLVED that:** Executive

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- Adopt the CIL Enforcement Policy – Householder Applications (Appendix 2) which will apply with immediate effect to future householder cases and any current householder cases awaiting a decision on exemption.
- Approve the Discretionary CIL Householder Review Scheme at Appendix 3.
- Delegate to the Executive Director – Place, in consultation with the Leader or Deputy Leader delegated authority to consider requests received between 1<sup>st</sup> June 2024 and the 31<sup>st</sup> May 2025, that the Council undertake a discretionary review of CIL liabilities that have previously been paid by householders. Where appropriate having regard to the CIL Enforcement Policy – Householder Applications, the Executive Director, Place may agree to cancel CIL Liability Notices and refund CIL payments made.
- Delegate to a Member Panel comprised of three Members of the Administration (including at least two Members of the Executive), to determine In-Person Reviews of a discretionary review of CIL Liabilities, where a householder is not satisfied with the outcome of the initial discretionary CIL review. Where appropriate having regard to the CIL Enforcement Policy – Householder Applications, the Member Panel may agree to cancel CIL Liability Notices and refund CIL payments made.

### 8. **Armed Forces Covenant - Status Report (EX4544)**

Councillor Jeff Brooks introduced and proposed a report (Agenda Item 9), and invited Councillor Stephanie Steevenson as Armed Forces Champion to speak on the paper.

Councillor Steevenson noted that the Council had signed the Military Community Partnership in 2011, which had since been superseded by the Armed Forces Act of 2021, which led to the required signature of the Armed Forces Covenant. Councillor Steevenson reported that the Reserve Forces Cadet Association supported a further employers recognition scheme on behalf of the Ministry of Defence and that signing the covenant would enable the Council to apply for the Bronze award in the scheme.

Councillor Steevenson highlighted Appendix B of the report noting that West Berkshire had a larger number of ex regular or reservist personnel living in the area than any other Berkshire authority.

Councillor Steevenson commented that she attended a Veteran's Breakfast once a month in Thatcham which regularly attracted over 70 people. Councillor Steevenson commended the report.

Councillor Mackinnon voiced support of the proposal noting that his own ward was home to several RAF service men and women and paid homage to the sacrifices regularly made by military personnel on behalf of everyone.

Councillor Nigel Foot noted that a Veteran's Breakfast was now also taking place in Newbury. Councillor Foot paid tribute to Carolyn Richardson the report author who had championed the cause and expressed his hopes to achieve Gold award standard in the future. Councillor Foot seconded the recommendations within the report.

**RESOLVED that:** Executive

- Note the report and the ambition of this Council in relation to the planned actions relating to the Armed Forces Covenant and compliance with the Armed Forces Act 2021.
- Approve the signing of the Armed Forces Covenant.

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### 9. **New Mental Health Fund 2024 (EX4539)**

Councillor Patrick Clark introduced and proposed a report (Agenda Item 10), to request approval of funds to be matched by Greenham Trust to set up a new fund to improve the mental health and wellbeing of children, young people and adults across West Berkshire.

Councillor Jo Stewart expressed her support of the proposal and hoped for an imminent launch of the fund so that those most requiring the support could apply and secure the funding required.

Councillor Heather Codling seconded the recommendations within the report.

**RESOLVED that:** Executive

- Executive to agree for officers to work in partnership with Greenham Trust to set up 'Lets Get Mindful' to launch in Spring 2024 in line with the commitment in the Council Strategy delivery plan. The aim will be to enable voluntary and community sector organisations to apply for funding to set up new projects or contribute to existing projects to improve the mental health and wellbeing of adults, children and young people across West Berkshire.
- Executive to approve funds from the public health and wellbeing ring-fenced grant that will be matched by Greenham Trust to create total fund of £100,000.
- Executive to note action 2023 in the Council Strategy Delivery Plan, 2023-27, "Set up a new fund in partnership with Greenham Trust for mental health support initiatives". This is one of the actions that aims to deliver on priority area 5, goal 5.B. "Help our residents lead fulfilled and active lives". The fund will also help to achieve priority area 2, 2.A. "Prioritise support for those who need it most" and 2.2. "Vulnerable children and families supported at early stages to prevent the need for more critical or statutory social services".

### 10. **Care Experienced - a Proposal Protected Characteristic (EX4510)**

Councillor Heather Codling introduced and proposed a report (Agenda Item 11), which requested that Executive adopt the proposal that being a 'care experienced' person would be viewed as a protected characteristic by West Berkshire Council and afforded the same protections and rights as other groups considered to have a protected characteristic in the Equalities Act 2010.

Councillor Codling noted that 70% of people who had been in care died earlier than would otherwise be expected, over half of those in custody at the age of twenty-one had been in care, and a quarter of the homeless population had experience of the care system. Councillor Codling noted that as responsible Corporate Parents the Council would work hard to seek the support of other organisations to help them understand the value that the children cared for could bring to their organisations.

Councillor Ross Mackinnon suggested that the proposal had not required a motion to Council and could have been decided solely by Executive. Councillor Codling disagreed and commented that in doing both there had been greater publicity and the matter had been highlighted to a wider audience.

Councillor Stuart Gourley commented that he was proud to raise awareness of characteristics that ordinarily may be overlooked or potentially not recognised and seconded the recommendation within the report.

**RESOLVED that:** Executive

- Adopt the motion agreed at Full Council on 26 March 2024 (Attachment 1) that enshrines the term 'care experienced' as a protected characteristic.

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**11. Hackney Carriage Tariffs - 2024 (Post Consultation) (EX4367)**

In the absence of Councillor Lee Dillon, Councillor Jeff Brooks introduced and proposed a report (Agenda Item 12), which recommended maintaining the existing Hackney Carriage tariffs, and an increase to the fouling charge.

Councillor Denise Gaines seconded the recommendations within the report.

**RESOLVED that:** Executive

- Note the objections, supporting statements and comments received during the statutory consultation.
- Resolve not to modify the existing tariffs from the rates agreed in 2023.
- Resolve to modify the maximum fouling charges to those set out in paragraph 5.21.
- Resolve that the effective date of implementation be the 27<sup>th</sup> May 2024.

**12. Member Questions**

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

**13. 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(s) \* of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 8.10.4 of the Constitution also refers.

**14. Northcroft Leisure Centre refurbishment project update (EX4566)**

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

The Executive considered an exempt report (Agenda Item 15), which outlined two revised schemes for delivering a refurbished Northcroft Leisure Centre.

**RESOLVED that:** Executive approve the recommendations in the exempt report.

*(The meeting commenced at 6.00 pm and closed at 8.00 pm)*

**CHAIRMAN** .....

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