

Arising from the Extraordinary Meeting of West Berkshire District Council

Thursday, 20 July, 2023

Summons and Agenda



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, 20th July, 2023 arising from the
extraordinary meeting starting at **7.00 pm**



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

Date of despatch of Agenda: Wednesday, 12 July 2023

AGENDA

Part I

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 7 - 8)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 9 - 10)**

3. **PRESENTATIONS**

The Chairman will make presentations to Members qualifying for long service awards **(Pages 11 - 12)**



Agenda - Council to be held on Thursday, 20 July 2023 (continued)

4. MINUTES

The Chairman to sign as a correct record the Minutes of the Council meeting held on 25 May 2023. **(Pages 13 - 20)**

5. DECLARATIONS OF INTEREST

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#). **(Pages 21 - 22)**

6. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion. **(Pages 23 - 24)**

7. 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 7 in the agenda pack **(Pages 25 - 28)**

8. MEMBERSHIP OF COMMITTEES

The Council to agree any changes to the membership of Committees (if any). **(Pages 29 - 30)**

9. HEDGEHOG HIGHWAYS - PETITION RESPONSE (C4404)

Purpose: The Council received a petition for debate at Full Council on the 6th October to consider establishing Hedgehog Highways in new developments. This report considers the matters raised through the petition and proposes a way forward to support a greater understanding and promotion of the requirements of hedgehogs in West Berkshire. **(Pages 31 - 44)**

10. COMPOSITION OF THE JOINT PUBLIC PROTECTION COMMITTEE (C4415)

Purpose: To consider a recommendation from the Joint Public Protection Committee (JPPC), to each partner authority, that the membership of the Committee be increased to three Members from each authority.

To consider recommendations from the Governance Committee, to amend the relevant sections of the Constitution and the Terms of Reference of the JPPC Committee and to extend the Membership of the JPPC Committee to three Members from Each Council.

(Pages 45 - 52)



11. MOTIONS FROM PREVIOUS MEETINGS

To note the following responses to Motions which have been presented to a previous Council meetings:

- Response to the Motion from Councillor Tony Vickers. On Public Funds for Public Access considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).
- Response to the Motion from Councillor Jeff Brooks. On assist the regeneration of the Newbury evening economy and provide support to hospitality businesses, including cafes, restaurants and pubs, considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).
- Response to the Motion from Councillor Jeff Brooks. On booking system at our two HWRCs considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).
- Response to the Motion from Councillor Adrian Abbs. On adopt telephone boxes for use as an Open Access Defibrillator location. considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).
- Response to the Motion from Councillor Carlyne Culver. On declare an ecological emergency. Considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).
- Response to the Motion from Councillor Carlyne Culver. On response to COP26 in Glasgow. Considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).
- Response to the Motion from Councillor Adrian Abbs. On response High Street Canopies. Considered by the Executive on 23 March 2023. A copy of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#).

12. LICENSING COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Licensing Committee met on 25 May 2023 and 10 July 2023. Copies of the Minutes of

Agenda - Council to be held on Thursday, 20 July 2023 (continued)

these meeting can be obtained from Democratic Services or via the [Council's website](#).

13. PERSONNEL COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Personnel Committee met on 25 May 2023 and 4 July 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#).

14. GOVERNANCE COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Governance Committee met on 25 May 2023 and twice on 26 June 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#).

15. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the District Planning Committee met on 25 May 2023. A copy of the minutes can be obtained from Democratic Services or via the [Council's website](#).

16. SCRUTINY COMMISSION

The Council is asked to note that since the last ordinary meeting of the Council, the Scrutiny Commission met on 25 May 2023, 20 June 2023 and 17 July 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#).

17. HEALTH SCRUTINY COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Health Scrutiny Committee met on 25 May 2023 and 13 June 2023. Copies of these minutes can be obtained from Democratic Services or via the [Council's website](#).

18. HEALTH AND WELLBEING BOARD

The Council is asked to note that since the last ordinary meeting of the Council, the Health and Wellbeing Board met on 28 June 2023 and 13 July 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#).



Agenda - Council to be held on Thursday, 20 July 2023 (continued)

19. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Joint Public Protection Committee met on 12 June 2023. A copy of the Minutes can be obtained from Democratic Services or via the [Council's website](#).

20. NOTICES OF MOTION

Please note that the list of Motions is shown under Item 20 in the agenda pack.

(Pages 53 - 54)

21. 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 21 in the agenda pack. **(Pages 55 - 56)**

If you require this information in a different format or translation, please contact David Cook on telephone 01635 503929.

Council – 20 July 2023

Item 1 – Apologies for Absence

Verbal Item

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Council – 20 July 2023

Item 2 – Chairman’s Remarks

Verbal Item

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Council – 20 July 2023

Item 3 – Presentations

Verbal Item

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Agenda Item 4.

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 25 MAY 2023

Councillors Present: Antony Amirtharaj, Phil Barnett, Dennis Benneyworth, Dominic Boeck, Jeff Brooks, Nick Carter, Patrick Clark, Heather Codling, Martin Colston, Jeremy Cottam, Iain Cottingham, Carlyne Culver, Paul Dick, Lee Dillon, Billy Drummond, Nigel Foot, Denise Gaines, Stuart Gourley, Clive Hooker, Adrian Abbs, Paul Kander, Jane Langford, Janine Lewis, Ross Mackinnon, Alan Macro, David Marsh, Geoff Mayes, Biyi Oloko, Erik Pattenden, Justin Pemberton, Vicky Poole, Christopher Read, Matt Shakespeare, Owen Jeffery, Richard Somner, Stephanie Steevenson, Joanne Stewart, Louise Sturgess, Clive Taylor, Martha Vickers, Tony Vickers and Howard Woollaston

Also Present: Honorary Alderman Andrew Rowles

Apologies for inability to attend the meeting: Honorary Alderman Graham Jones, Councillor Laura Coyle, Councillor Lynne Doherty, Councillor Rick Jones and Councillor Alan Law

PART I

1. Election of the Chairman for the Municipal Year 2023/2024

Sarah Clarke, Monitoring Officer, in the absence of the Chairman and Vice-Chairman, requested nominations for the position of Chairman of Council for the Municipal Year 2023/2024.

Councillor Phil Barnett proposed Councillor Jeremy Cottam be elected Chairman of the Council for the Municipal Year 2023/2024. This was seconded by Councillor Heather Codling. There were no further nominations.

Councillor Barnett in proposing Councillor Cottam for the role of Chairman stated that it gave him great pleasure to propose Councillor Cottam as Chairman as he had served the local community for decades, be it working in voluntary groups or as a Town Councillor and District Councillor. He had sat on a variety of committees, including chairing some, since he had been elected in 1991. He had driven through several projects since becoming a councillor including the Hungerford, Thatcham and Northcroft Leisure Centres. There was also the Corn Exchange and the handing over of Greenham Common to the Council. When putting yourself forward for public life the support of your family was paramount and his wife, who was in attendance, had been ever present in supporting him. With his experience, especially being a past Chairman, he would be able to carry out this role with an impeccable and impartial way. He commended to Council that Councillor Cottam be elected as Chairman.

Councillor Codling stated that she had known Councillor Cottam since they had both been elected in 1991 and was someone who was always happy to offer assistance and advice. He had vast experience as a councillor at both a district and town level. He had served as Chairman of the Eastern Area Planning Committee as well as being Chairman of Council where he welcomed the Queen and Princess Anne to the district. He ran his own business as well as being community focused such as collecting clothing for Ukrainian refugees. She was honoured to second the proposal.

COUNCIL - 25 MAY 2023 - MINUTES

RESOLVED that Councillor Jeremy Cottam be elected as Chairman of Council for the Municipal Year 2023/2024.

The Chairman signed the Declaration of Acceptance of Office. The Chairman thanked the Council for electing him which he regarded as an honour, and he appreciated the confidence and trust placed in him to fulfil the requirements of the new Council.

2. **Election of Vice-Chairman for the Municipal Year 2023/2024**

The Chairman requested nominations for the position of Vice-Chairman of Council for the Municipal Year 2023/2024.

In response to this request, Councillor Billy Drummond was proposed by Councillor Adrian Abbs and the proposal was seconded by Councillor Denise Gaines. There were no further nominations.

Councillor Abbs said that he first came across Councillor Drummond because of his long service in Greenham and when he had helped him out with a planning application. It had been over a decade and he still supported him when he was elected as a Councillor in 2019. He was a trustworthy man and had always tried to do the best for the community, and thus he was privileged to recommend him as Vice-Chairman.

Councillor Gaines, in seconding the proposal, said that she had known Councillor Drummond since 2003 and since then he had played an important part of the Opposition's back bench and been an excellent community Councillor who always put his residents first.

RESOLVED that Councillor Billy Drummond be elected as Vice-Chairman of Council for the Municipal Year 2023/2024.

The Vice-Chairman read and signed the Declaration of Acceptance of Office.

Councillor Drummond thanked all those who voted for him and said he would represent all residents in his ward. He thanked Members for putting their faith in him in being the Vice Chairman for the Municipal Year. He made reference to when Councillor Cottam was a past Chairman and cut the padlock in the Greenham flood gate and also mentioned the purchase of Greenham Common for £1 bringing it back to the Council. He was in excellent hands with the Chairman and looked forward to supporting him.

3. **Chairman's Remarks**

The Chairman, Councillor Jeremy Cottam, informed that the past Chairman and Vice-Chairman had given their apologies but he had agreed to read the following statement from the outgoing Chairman, Councillor Rick Jones:

"Members, my apologies for not being with you to open the meeting and take part in the handover ceremony.

Thanks to you all for supporting me as Chairman for the past year. Chairing West Berkshire Council meetings can be interesting, even challenging at times, but also rewarding, and I think we represent our residents well.

Thanks especially to my Vice-Chairman Councillor Alan Law and to Councillor Clive Hooker and former Councillor Graham Pask who have deputised on various occasions. Thanks mostly to Sarah Clarke and her staff, who work tirelessly to make the meetings work and the Chairman's life feasible. Also to Jake Carpenter, who stepped in to help manage the diary and events. I am most grateful to all.

It was a momentous year to be Chairman of the Council, taking part in unique royal occasions alongside the more usual events. I have also been fortunate to visit, and sometimes help, many voluntary organisations and meet some inspirational people. West

COUNCIL - 25 MAY 2023 - MINUTES

Berkshire is a wonderful place to live, where people are glad to help each other in so many ways.

Good luck to the new Chairman, Councillor Jeremy Cottam, and to all Members, new and old.”

The Chairman welcomed both returning and newly elected Councillors and said he looked forward to working with them over the coming year. He added the importance of continuing the culture of respectful debate within the Chamber.

4. **Declarations of Interest**

There were no declarations of interest received.

5. **Minutes**

The Minutes of the Council meeting held on 2 March 2023 were approved as a true record subject to the following amendment; that the vote on the Revenue Budget showed Councillor Steve Masters as voting for and abstaining, this was amended to note as only voting for.

The Minutes of the extraordinary meeting on 2 March 2023 were approved as a true record.

The Minutes of the meeting held on 16 March 2023 were approved as a true record subject to the following amendment: that on the item Creation of an Additional Executive Director (People), and a Transformation Service Director Role, that the last paragraph be attributed to Councillor Doherty and not Councillor Stewart.

6. **Election of the strong Leader of the Council for the 2023/2024 Municipal Year**

The Council considered nominations for the Strong Leader of the Council. The Monitoring Officer informed that the appointment would be for four years.

Councillor Jeff Brooks nominated Councillor Lee Dillon. Councillor Erik Pattenden seconded the nomination.

MOTION: that Councillor Lee Dillon be appointed as the Strong Leader of the Council for the next four years.

Councillor Brooks said that he had known Councillor Dillon since he was 15 years old and attended a branch meeting of the Thatcham Liberal Democrats, where Councillor Dillon told him how to be a politician. It had been a delight to know him for the past 26 years. His dedication to do well for the people of West Berkshire was admirable. He had high levels of integrity, inclusivity and was respectful. His desire to do well would continue to be a great benefit to the Council.

Councillor Erik Pattenden said that Councillor Dillon had lived in West Berkshire for 40 years, attended local schools and had been a Councillor since 2007. He was the natural Strong Leader of the Council who believed in fairness and equality.

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

The Leader of the Council, Councillor Lee Dillon, was thankful for the support for him to become the Leader of West Berkshire Council. The district showcased some of the best of the country such as its outstanding natural beauty, a great place to live and a great place to do business. He thanked his family for their support and mentioned that his first role in politics was at 11 years of age when he campaigned to save the spinney behind his home, this started his passion for politics. The Manifesto made clear commitments to residents stating what the new Administration would do and where they would work to get

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better outcomes. They were working on bringing a new Council Strategy back for approval and had already started on bringing football back to Faraday Road, extending pedestrianisation in the Town Centre to support the night time economy, making improvements in planning and dealing with pot holes. Decision making would be improved involving more Councillors who wished to participate. Advisory Boards would be introduced by Portfolio Holders and the Chairman of Scrutiny would be an Opposition Member. The Administration would not mark their own homework. There were many challenges ahead but they would work through them with innovation and imagination, and they would put the Council's finances back on a stable position. He mentioned that the motto of the Council was 'Forward Together' and he hoped Members would keep this in mind.

Councillor Ross Mackinnon offered his congratulations to the new Leader of the Council. He said his party would be a robust and responsible Opposition challenging those decisions they disagreed with but supporting the others. He wished the Administration well.

7. **Appointment of the Executive by the Leader of the Council for the 2023/2024 Municipal Year**

Councillor Lee Dillon, Leader of the Council (and Portfolio Holder for Strategy, Communications and Public Safety), announced the appointment of Members to the Executive for 2023/2024 as follows:

Councillor Jeff Brooks - Deputy Leader of Council and Portfolio Holder for Governance and Transformation

Councillor Iain Cottingham - Portfolio Holder for Finance and Corporate Services

Councillor Martin Colston - Portfolio Holder for Regeneration, Growth and Strategy Development

Councillor Alan Macro - Portfolio Holder for Adult Social Care and Health Integration

Councillor Heather Codling - Portfolio Holder for Children, Education and Young People's Services

Councillor Janine Lewis - Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside

Councillor Adrian Abbs - Portfolio Holder for Climate Action, Recycling and Biodiversity

Councillor Denise Gaines - Portfolio Holder for Highways, Housing and Sustainable Travel

Councillor Tony Vickers - Portfolio Holder for Planning & Community Engagement

Councillor Lee Dillon said that it would be of no surprise to see Councillor Jeff Brooks being Deputy Leader of the Council and Portfolio Holder for Governance and Transformation. With a Deputy Leader you want someone who was on your shoulder supporting you and he had never failed to do that. He said he would not go through the whole list, but the Executive had been designed to break down silo working across the Council. The Executive was made up of half existing Councillors and half new Councillors, which meant new ideas coming into the heart of decision making for the Council. The Executive was represented with Councillors from the west and the east of the District and from Thatcham and Newbury. There was also a bigger percentage of women on the Executive than there was a percentage in the party. He commended his Executive to the Council.

8. **Appointment of and Allocation of Seats on Committees for the 2023/2024 Municipal Year**

The Council considered the report (Agenda Item 9) regarding the appointment and allocation of seats on Committees for the next Municipal Year in accordance with the duty under section 15 of the Local Government Housing Act 1989, that reflects the latest political make-up of the Council and that reflects the new Political Administration's proposed revisions to this allocation. A supplementary pack had been circulated to Members proposing the allocation of seats in accordance with political balance.

The report sought agreement of the Council's Policy Framework for 2023/24 as set out in paragraph 5.22 of the report, reflective of the Policies reserved for Full Council.

MOTION: Proposed by Councillor Lee Dillon and seconded by Councillor Ross Mackinnon:

"That the Council:

Notes that under paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 5.1 are to be regarded as Members of the Liberal Democrat and Conservative Groups respectively.

That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in Table A, at paragraph 5.5.

That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in Table B at paragraph 5.14 of the report.

That the number of substitutes on each of the Committees and Commissions be as set out in Table C, at paragraph 5.17.

In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.

That the Council approves the appointment of Members to the Committees as set out in Appendix A and notes the appointments set out in Appendix B which are in accordance with the wishes of the Political Groups.

That the Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, agrees that the Council's Policy Framework for 2023/24 be as set out in paragraph 5.22 of this report, and that any necessary amendments be made to the Council's Constitution.

That the Council notes that other plans, policies and strategies requiring approval which are not included in the approved Policy Framework and which are not otherwise reserved by law to Council, will be the responsibility of the Council's Executive in accordance with the Local Government Act 2000.

COUNCIL - 25 MAY 2023 - MINUTES

That the Council notes that Paragraph 6.2 of Article 6 of the Constitution will be amended to reflect any changes made to the Executive by the Leader of the Council at the Annual Council meeting.

That the appointment of two non-voting co-opted Parish/Town Councillors be made to the Governance Committee as detailed in Appendix A.

To re-appoint three Independent Persons (standards) namely Lindsey Appleton, Mike Wall and Alan Penrith, and to appoint Simon Carey as an Independent Person (Audit) to focus on the risk and audit functions of the Governance Committee. To note the membership of the Health and Wellbeing Board as set out in Appendix A.

That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees.

Council is asked to note the Council Bodies Rules as detailed at Appendix D.”

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

9. **Appointments to Outside Bodies 2023/2024**

The Council considered a report (Agenda Item 10) concerning the annual nominations to the following Outside Bodies:

- Royal Berkshire Fire Authority
- Thames Valley Police and Crime Panel
- Local Government Association General Assembly

MOTION: Proposed by Councillor Lee Dillon and seconded by Councillor Ross Mackinnon:

“That the Council:

Approve the appointments for the Municipal Year 2023/24, in accordance with Appendix A, of Member representatives to the following outside bodies:

- Royal Berkshire Fire Authority – Councillors Jeff Brooks, Billy Drummond, Owen Jeffery and Dennis Benneyworth.
- Thames Valley Police and Crime Panel – Councillor Vicky Poole.

Note the appointments as detailed in Appendix A of Member representatives to the Local Government Association General Assembly. Councillors Jeff Brooks, Martin Colston, Lee Dillon and Ross Mackinnon.

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

10. **Licensing Committee**

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

11. **Personnel Committee**

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

12. **Governance Committee**

The Council noted that, since its last meeting, the Governance Committee had met on 20 March 2023.

COUNCIL - 25 MAY 2023 - MINUTES

13. District Planning Committee

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

14. Overview and Scrutiny Management Commission

The Council noted that, since its last meeting, the Overview and Scrutiny Management Commission had not met.

15. Health Scrutiny Committee

The Council noted that, since its last meeting, the Health Scrutiny Committee had not met.

16. Health and Wellbeing Board

The Council noted that, since its last meeting, the Health and Wellbeing Board had met on 20 April 2023.

17. Joint Public Protection Committee

The Council noted that, since its last meeting, the Joint Public Protection Committee had not met.

(The meeting commenced at 7.00 pm and closed at 7.46 pm)

CHAIRMAN

Date of Signature

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Council – 20 July 2023

Item 5 – Declarations of Interest

Verbal Item

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Council – 20 July 2023

Item 6 – Petitions

Verbal Item

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Agenda Item 7

Public Questions to be answered at the Council meeting on 20 July 2023.

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 Highways, Housing and Sustainable Travel submitted by Ken Omor:**

"I'm sure I speak for many businesses along and in the area of Hambridge Rd/Boundary Rd and Kings Rd. With reference to your Work ref: ARN-340-63909659 Why were all the works not completed within the time frame stated especially phase 5 which states " Final Road Surfacing-Full Night Time Road Closure, which has now resulted in another month's closure. In addition to this there has been no works carried out on the crossroads for at least the last 5 weeks, so why did the Traffic lights have to remain in place. The whole management of these closures needs looking into, who is holding the contractor accountable for these ongoing delays and missed deadlines. And finally, who compensates the businesses who have suffered loss of trade."

- (B) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by John Gotelee:**

"Regarding the upgrading of the faraday Rd pitch from grass to an all weather surface will a Habitat Regulations assessment be needed?"

- (C) Question not related to an item of business to be answered by the Portfolio Holder for Finance and Corporate Services submitted by Miss Staniforth:**

"Would it be possible for people to have a say in how their council tax is used? For example, a form is sent out with various categories on, i.e. schools, police service, roads etc, and we can select a few options for our council tax to be allocated in. There would be suitable options for young people, parents and the elderly. For those who don't respond, their money could be allocated to the areas in more need. I feel this would make people feel more involved in the community, and especially with the cost of living crisis, being happy and understanding where our money is going."

- (D) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by Paula Saunderson:**

"As DEFRA have a "Grants-in-Aid" scheme which is currently open, what All Source Flood Risk Management activity is underway for my Clayhill Ward Area 3 which I define as a roughly triangular Area bounded by the A339 to the West, South of the River Lambourn and North of the A4 down to roughly the confluence with the River Kennet?"

Agenda Item 7

Public Questions to be answered at the Council meeting on 20 July 2023.

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

- (E) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by John Gotelee:**

“Regarding the reinstatement of the football pitch at faraday road what sustainable drainage measures are / will be in place?”

- (F) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by Paula Saunderson:**

“What All Source Flood Risk Management activity is underway for my Clayhill Ward Area 4 which I define as another roughly triangular Area bounded by the A339 to the West, South of the A4 (and including its route) and down to the River Kennet?”

- (G) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by John Gotelee:**

“Is the Thames water Sewer / Northcroft stream primarily a drain for carrying surface water from the town centre and associated catchment area?”

- (H) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by Paula Saunderson:**

“I had difficulty following the new Local Plan Review 2022-2039 for the area defined as Newbury Settlement as all individual policies for this Settlement seem to have been dropped and there are none of the usual Tables immediately visible, therefore I would like to know what the projected number of dwellings (all types) will be for that Settlement by 1am on New Years Day 2040 please, and what plans are there to ensure adequate Water Supply and Sewage/Surface Water Drainage Infrastructure will be in place?”

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

“The Berkshire Data Observatory for West Berks is predicting a decline in population of 3,853 by 2043, so can we assume we need 9000 new dwellings because there are this number of homeless, sofa surfers, children leaving home, or people wishing to live alone or get divorced?”

Agenda Item *

Public Questions to be answered at the Council meeting on «Date_of_Meeting».

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

- (J) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by Paula Saunderson:**

“When will West Berkshire Council Undertake the Green/Blue Infrastructure work promised within Policy CS18 under the current Local Plan 2012-2026, including the mapping and categorisation of all Public Open Spaces which can form the basis of an Ecological Current State Assessment of all WBC managed lands and water stretches? See Arun District Council Local Plan 2011-2031 and its daughter (evidence) documents as an example.”

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Council – 20 July 2023

Item 8 – Membership of Committees

Verbal Item

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Hedgehog Highways – Petition Response

Committee considering report:	Council
Date of Committee:	20 July 2023
Portfolio Member:	Councillor Tony Vickers
Date Head of Service agreed report:	19/06/2023
Date Portfolio Member agreed report:	19/06/2023
Report Author:	Bryan Lyttle Planning Policy Manager
Forward Plan Ref:	C4404

1 Purpose of the Report

1.1 The Council received a petition for debate at Full Council on the 6th October to consider establishing Hedgehog Highways in new developments. This report considers the matters raised through the petition and proposes a way forward to support a greater understanding and promotion of the requirements of hedgehogs in West Berkshire.

2 Recommendations

- 2.1 To recognise that the aims of the motion are already covered by policies in both the West Berkshire Local Plan and also the Local Plan Review 2039.
- 2.2 To investigate the possibility of a Hedgehog Positive Campaign to encourage all residents to adopt Hedgehog Highways.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There is no budget to promote the Hedgehog
Human Resource:	None
Legal:	None
Risk Management:	As stated in report

Property:	None.			
Policy:	As stated in the report			
	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		None
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		None
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:				
Core Business:				

Data Impact:		X		
Consultation and Engagement:	Planning Advisory Group (March 2023).			

4 Executive Summary

4.1 The Council received a petition with over 1,500 signatures at Council on the 6th October 2022. The petition set out:

“We, the undersigned, petition the Council to reconsider the decision not to make hedgehog highways a planning condition for major planning applications. We support Newbury Town Council's request that new housing developments should include five inch (13cm) holes at the bottom of fences to help hedgehogs move freely in order to feed and breed. Far from being an over-burdening condition, as claimed by West Berkshire Council, it is a common sense measure that would protect this vulnerable species. According to the State of Britain's Hedgehogs report, numbers are down in rural areas by between 30% and 75% since 2000.

The government's Natural Environment guidance recommends planning conditions that benefit wildlife including hedgehog highways, bat boxes and swift bricks. WBC already regularly conditions bat boxes.

(<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>)

Hedgehog highways would also help WBC meet obligations to achieve biodiversity net gain on developments and contribute to the creation of Nature Recovery Networks.

We therefore urge West Berkshire Council to reconsider the shortsighted decision and adopt planning conditions in line with government guidance”.

4.2 The issue was first discussed at the Planning Advisory Group in July 2022 and it was further considered in March 2023. West Berkshire contains 70,000 residential properties but only adds approximately 500 new residential properties (flats and houses) every year which means that the protection of hedgehogs via the planning system would have a very limited impact.

4.3 Both proposed policy LPR SP11 and others in the Local Plan Review and also those in the West Berkshire Core Strategy provide protection for designated species. A policy that only targets one species would be at the detriment of other equally important species across West Berkshire and does not comply with the tests set out in paragraph 5.13 as required under the planning legislation.

5 Supporting Information

Background

- 5.1 On 11th July 2022 the Newbury Town Council Planning and Highways Committee resolved “to adopt a policy of requiring hedgehog friendly fencing in all housing developments. This fencing would include a 13cm hole in the bottom of a fence that allows hedgehogs to move freely between gardens to find food and find a mate”. It also resolved to “Lobby West Berkshire Council to make granting of planning permission for housing developments and look to get the need for hedgehog highways identified in the Local Plan”. West Berkshire Council received the request on the 12th July and the matter was discussed under Any Other Business on the 21st July at the Planning Advisory group.
- 5.2 It was noted that “this could not be included in the Local Plan as it could not be justified as West Berkshire did not have specific evidence showing that the loss of hedgehogs was a particular problem in West Berkshire”.
- 5.3 A response was provided to the Town Council on the 28th July which was considered by the NTC Planning and Highways Committee on the 1st August who again agreed to petition the Local Planning Authority for the inclusion of a policy.
- 5.4 The Council received a petition at Council on the 6th October 2022. The petition set out
- 5.5 “We, the undersigned, petition the Council to reconsider the decision not to make hedgehog highways a planning condition for major planning applications. We support Newbury Town Council's request that new housing developments should include five inch (13cm) holes at the bottom of fences to help hedgehogs move freely in order to feed and breed. Far from being an over-burdening condition, as claimed by West Berkshire Council, it is a common sense measure that would protect this vulnerable species. According to the State of Britain's Hedgehogs report, numbers are down in rural areas by between 30% and 75% since 2000.
- 5.6 The government's Natural Environment guidance recommends planning conditions that benefit wildlife including hedgehog highways, bat boxes and swift bricks. WBC already regularly conditions bat boxes.

(<https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>)
- 5.7 Hedgehog highways would also help WBC meet obligations to achieve biodiversity net gain on developments and contribute to the creation of Nature Recovery Networks.
- 5.8 We therefore urge West Berkshire Council to reconsider the shortsighted decision and adopt planning conditions in line with government guidance”.
- 5.9 The petition has over 1,500 verified signatories and is therefore tabled for debate at Council after coming before the Planning Advisory Group (PAG) once more. According to Part 13 the Council's Constitution (excerpt below for reference), this petition response has been determined to go to Council for consideration.

“Process when an Ordinary Petition is received

The Petitions officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Executive, Council, Committee, Commission or Sub-Committee of Council which has the power to take a decision on the matter”.

Supporting information

Legislation – Plan Making

- 5.10 The procedures for producing a Local Plan are set out in legislation including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning Regulation) (England) (Amendment) Regulations 2017. In addition, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) provide more detailed advice.
- 5.11 The PPG makes it clear that the role of the Local Plan is to set out a vision and framework for future development of the area, addressing the needs and opportunities in relation to housing, the economy and infrastructure as well as providing a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change and achieving well design places.
- 5.12 In particular the PPG states, local plan requires proportionate, relevant and up-to-date evidence to support policies in the plan.

Legislation – Development Management

- 5.13 Section 70(1)(a) of the Town and Country Planning Act 1990 enables the Local Planning Authority in granting planning permission to impose “such conditions as they think fit”. The approach taken must satisfy the sequential tests laid before under guidance from Para 55 and 56 of the NPPF which makes clear that planning conditions should; be used to make unacceptable development acceptable, kept to a minimum, and only used where they are;

Necessary

Relevant to planning and the development to be permitted

Enforceable

Precise and

Reasonable.

Other

- 5.14 Mention is made of the British Hedgehog Preservation Society (BHPS) and the Peoples Trust for Endangered Species (PTES) publication “Hedgehogs and development” which appears to have been published in 2019/2020.
- 5.15 This is document makes it clear that Hedgehogs (*Erinaceus Europaeus*) are protected by British law under Schedule 6 of the Wildlife and Countryside Act 1981, making it

illegal to kill or capture, under the Wild Mammals Protection Act (1996) which prohibiting cruelty and mistreatment and they are listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41.

5.16 Subsequently these laws already make hedgehogs a material consideration for LPAs during the planning process. The document does not call on LPA to make policies regarding connectivity in developments for ground dwelling species but states “depending on your ecologist’s assessment, they may propose mitigation measures, habitat enhancement works and/or monitoring”. It goes on “surveys for hedgehogs are not essential under planning regulations, however LPAs may sometimes require surveys to be conducted, particularly where hedgehogs are considered a local conservation priority, or the proposed development could have significant impacts at the population level”.

Evidence

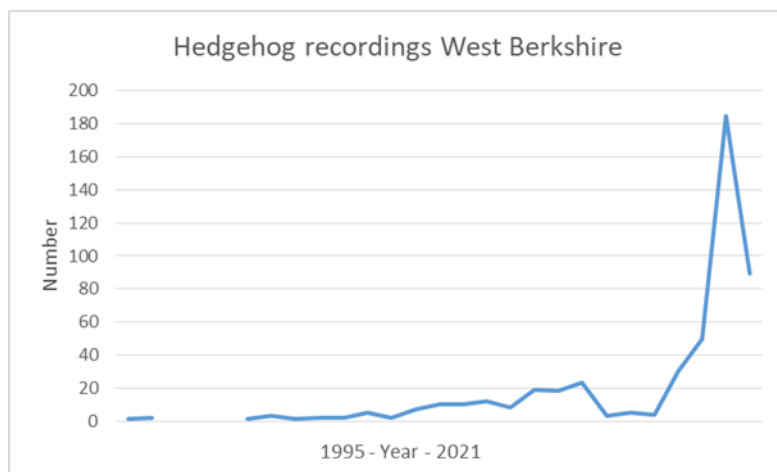
5.17 The State of Britain’s Hedgehogs 2022 (BHPS and PTES) highlights that: Nationally there is a long historic decline; urban areas have a stable population that might be recovering; rural populations continue to decline and that the issue is more acute in the east of the country. As part of the evidence base for this study PTES commissioned a research report from the National Gamebag Census – Trends and Distribution of Hedgehogs Reported to GWCTs National Gamebag Census from 1981 to 2019 – A report to the People’s Trust for Endangered Species.

5.18 The reasons for the decline in hedgehogs is complex and ranges from predators (badgers, foxes, dogs and cats) to poisoning (intended and unintended (i.e slug pellets) vehicular traffic and obesity.

5.19 Dating back to 1995, the Thames Valley Ecological Records Centre (TVERC) are able to provide data on protected species in West Berkshire that are either recorded by them or by volunteers who report to them. The annual TVERC data for West Berkshire is shown in the Table over and represents the following information: a sighting no info; an adult; alive hedgehog, a dead hedgehog, an individual, a juvenile, a male, a group of 2, a group of 3, a group of 4 or a group of 5. The total number of hedgehogs is recorded.

5.20 It is believed that the spike for 2020 is an unintended consequence of the Covid 19 lock down, with more people spending time in their gardens or out and about in nature when the lock down restrictions were lifted. It is too early to say if the increase in recordings in 2020 and 2021 will continue.

Hedgehog Highways – Petition Response



Annual Hedgehog Records for West Berkshire – TVERC

Current Policy

5.21 The West Berkshire Core Strategy 2012 – 2026 Policy CS 17 relates to Biodiversity and Geodiversity (Appendix 1) the supporting text of which at paragraph 5.111 makes reference to “individual wildlife species which receive statutory protection under international and national legislation.

5.22 However, the Local Plan Review Policy SP11 which relates to Biodiversity and geodiversity (Appendix 2) is much expanded and the supporting text of which makes direct reference to “protected species” in paragraphs 5.83 and 5.84. If each protected species was to have its own planning policy local plans would become incredibly long as the UK Protected and notable species includes: Bats (17 species); Great Crested Newts; Reptiles; Water Vole; Otter; Hazel Dormouse; Badgers; Birds; White Clawed Crayfish plus a number of plants.

5.23 With regards to development management the existing planning policy guidance is enough to require ecological evidence to be submitted as part of the planning application and if applicable a suitable condition for ecology included in the decision letter. This could include a hedgehog suitable fence if it was suitable for the proposed development but it does not require a blanket policy based on no evidence. It is also of significance that while West Berkshire has just over 70,000 residential properties it only has just over 500 new residential builds (of both flats and houses) each year.

Motion to Council

5.24 The motion to Council requests two specific actions in reconsidering the decision, which would meet the obligations to meet Biodiversity Net Gain.

5.25 As outlined in paragraph 5.13 in order to meet the legislative tests set out any condition on hedgehog highways on major development would need to be: necessary, relevant, enforceable, precise and reasonable.

5.26 It is clear that the provision of a fence with 13cm holes would pass the test of precision, but a policy requiring it for all major development (residential or not) would not be

relevant or reasonable to all such applications. For example the redevelopment of the Kennet Centre in central Newbury would be caught by such a policy and this would clearly not pass the relevant or reasonable test.

- 5.27 The issue of necessity could be argued by the decline mentioned by BHPS and PTES but unfortunately this is national data and not local. Furthermore, the data used by PTES, the National Gamebag Census is in direct contradiction to the local evidence provided by TVERC and while there is a dramatic increase between 2019 and 2020 and a dramatic decrease between 2020 and 2021 the long term trend of this data does not show that West Berkshire has such an issue with hedgehogs to necessitate such a policy.
- 5.28 Enforceability is also problem in such as once the house is built there is nothing under planning legislation to prevent the 13 cm hole from being blocked up or removed by the householder. Finally, with regards to Biodiversity Net Gain (BNG) there is a widespread misunderstanding that the provision of bat boxes / swift boxes or hedgehog highways contributes to BNG unfortunately they don't. The Environment Act 2021 is very clear BNG relates to habitat and habitat enhancement and the calculation in accordance with the biodiversity metric.
- 5.29 Finally, with just over 500 new residential dwellings built each year, it is clear that if it was possible for “planning” to respond it would take a very long time to reverse any local decline, therefore other options should be explored.

6 Alternative Approach

- 6.1 Having established that unfortunately “planning” is not the suitable route for the introductions of Hedgehog Highways, other authorities have via their environmental services undertaken public information services promoting their use, getting people to check bonfires, piles of leaves etc for hibernating Hedgehogs and generally raising awareness of their plight.

7 Other options considered

- 7.1 To not include a policy on Biodiversity and Geodiversity would mean the local plan would not be compliant with national policy.
- 7.2 As stated in paragraph 5.22 to include a separate policy for every protected species would result in a plan that was incredibly long and very resource intensive in that each policy would have to have the evidence of that species in West Berkshire and why the policy was needed – species only found here, species in significant decline more so that regionally or nationally.

8 Conclusion

- 8.1 Proposed policy LPR SP11 and others in the plan provide enough protection for designated species without the need to include a policy that only targets one species and does not comply with the tests set out in paragraph 5.13 as required under the planning legislation. Each of these test has been explained away in 5.25 – 5.28.

- 8.2 This policy does require ecological evidence to be provided when necessary and as a result of this site specific information dedicated species specific conditions can be included.
- 8.3 However, the continued reporting of hedgehogs in West Berkshire is to be encouraged. Information relating to the number, type age, status (alive or dead) and location can be directly passed on to TVERC or sent to Ecology@WestBerks.gov.uk for recording and adding to our local evidence base. The possibility of the alternative approach in raising awareness of the plight of the hedgehog by others should be investigated.

9 Appendices

- 9.1 Appendix A – West Berkshire District Council Core Strategy Policy
- 9.2 Appendix B – West Berkshire District Council Plan Review Submitted Policy

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Bryan Lyttle

Job Title: Planning Policy Manager

Tel Number – 01635 519638

E-mail: bryan.lyttle@westberks.gov.uk

Policy CS 17

Biodiversity and Geodiversity

Biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced.

Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance.

Development which may harm, either directly or indirectly,

- locally designated sites (Local Wildlife Sites and Local Geological Sites), or
- habitats or species of principal importance for the purpose of conserving biodiversity, or
- the integrity or continuity of landscape features of major importance for wild flora and fauna

will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Opportunities will be taken to create links between natural habitats and, in particular, strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan.

5.111 The most important sites for biodiversity and individual wildlife species which receive statutory protection have protection under international and national legislation. Special Protection Areas (SPA) and Special Areas of Conservation (SAC) are internationally important and are afforded the highest level of protection. Candidate SACs and proposed SPAs will be afforded the same level of protection as those already designated.

Appendix 2

Local Plan Review 2022 – 2039 Proposed Policy SP11

Policy SP11

Biodiversity and geodiversity

Development proposals will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and deliver a minimum 10% Biodiversity Net Gain.

Development will be permitted where it:

- a. Protects biodiversity and/or geodiversity value and implements appropriate conservation management. The degree of protection will be proportionate to the status of the site or species in terms of its international, national and/or local importance;
- b. Avoids fragmentation and maximises opportunities for restoration, enhancements and connection of linear features which enables strong connectivity of biodiversity as part of an integrated habitat network (including links to habitats outside the district);
- c. Incorporates beneficial biodiversity and/or geodiversity conservation features and enhances existing features, including those that will help wildlife to adapt to climate change where appropriate;
- d. Provides or retains appropriate buffer zones between development proposals and designated sites, habitats for protected or priority species or main rivers, which are informed by detailed site-based assessment;
- e. Provides coherent ecological connectivity and permeability that is integrated and linked to the wider green infrastructure and any nature recovery network identified as relevant to the location;
- f. Seeks to eradicate or control any invasive non-native species present on site; and
- g. Is compatible with any Biodiversity Action Plan, Local Nature Recovery Strategy and /or other strategic conservation management plans for species or habitats that have been formally adopted by the Council.

In addition to the above, where specific identified sites are to be affected the following will be taken into account:

Internationally Designated Sites

Development likely to result in a significant effect on an internationally designated site will be subject to assessment under the Habitats Regulations and will not be permitted unless it can be demonstrated that there are no alternatives following/through appropriate derogation tests for the proposal and that any adverse effects on the integrity of the site can be fully avoided, mitigated and/or compensated and proposals are in the public interest.

Nationally Designated Sites

Development which is likely to have any adverse impact on the notified features of a nationally designated site will not normally be permitted. In exceptional circumstances, a proposal may be found acceptable where it can be demonstrated that:

- j. A suitable alternative site with a lesser impact than that proposed is not available;
- k. The on-site benefits of the proposal clearly outweigh the impacts on the notified features of the site and where applicable, the overall site or habitat network;
- l. All appropriate mitigation measures have been proposed and secured through the development management process; and
- m. Does not prevent future attainment of nationally protected sites from meeting Favourable Condition, or to provide enhancements to enable the nationally designated sites to meet Favourable Condition as per their Conservation Objectives.

Irreplaceable Habitats

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat (such as ancient woodland, ancient or veteran trees, ancient hedgerows, traditional unimproved meadows/ancient grasslands and lowland fens) will only be permitted for wholly exceptional reasons where:

- o. The need and benefits of the development in that location clearly and unambiguously outweigh the loss;

- p. It has been adequately demonstrated that the irreplaceable habitat cannot be retained with the proposed scheme; and
- q. Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible. The scale and quality of the compensation measures required will be commensurate to the loss or deterioration of the irreplaceable habitat and will be considered on a site by site basis, including long term management and maintenance.

Sites of Local Importance

Development proposals affecting sites of local importance should always seek to contribute to their favourable management in the long term.

Where a proposal is likely to result in harm to sites of local importance (including habitats or species of principal importance for biodiversity, and sites that meet the criteria for designation as a Local Wildlife Site or designation as a Local Geological Site), developers will be required to accord with the following sequential approach:

- r. Firstly, seek an alternative site in the District with a lesser impact than that proposed;
- s. Secondly, if the first is not possible, demonstrate mitigation measures can be taken on site; and
- t. Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible including long term management and maintenance.

Biodiversity Net Gain

All proposals should demonstrate a minimum biodiversity net gain of 10% via a Biodiversity Net Gain Plan using the most up to date biodiversity accounting metric developed by Natural England and provide details of the long-term maintenance and management of the net gain. This should be delivered on site in the first instance, or through biodiversity off setting where appropriate.

Major developments in particular must include measures to deliver biodiversity gains through opportunities to:

- u. Restore and enhance existing features on site;
- v. Create additional habitats and ecological networks on site which help support the District's wider ecological network; and
- w. The linking of existing habitats within West Berkshire to create links between ecological networks and where possible, with adjoining features.

5.111 The most important sites for biodiversity and individual wildlife species which receive statutory protection have protection under international and national legislation. Special Protection Areas (SPA) and Special Areas of Conservation (SAC) are internationally important and are afforded the highest level of protection. Candidate SACs and proposed SPAs will be afforded the same level of protection as those already designated.

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Composition of the Joint Public Protection Committee

Committee Considering Report	Council
Date of Committee:	20 July 2023
Portfolio Member:	Councillor Lee Dillon
Date Portfolio Member agreed report:	22 June 2023
Report Author:	Sean Murphy
Forward Plan Ref:	C4415

1 Purpose of the Report

- 1.1 To consider a recommendation from the Joint Public Protection Committee (JPPC), to each partner authority, that the membership of the Committee be increased to three Members from each authority.
- 1.2 To consider recommendations from the Governance and Ethics Committee, to amend the relevant sections of the Constitution and the Terms of Reference of the Committee and to extend the Membership of the Committee to three Members from Each Council.

2 Recommendations

That Council:

- 2.1 approves the amendments to Part 6.5 (Appendix Joint Public Protection Committee) of the Constitution to reflect the revised membership of the Committee as set out in paragraph 4.7 and paragraph 4.8.
- 2.2 approves the amendments to Part 3.1 (JPPC) of the Constitution as set out in paragraph 4.6
- 2.3 delegates authority to the Monitoring Officer to make any additional minor amendments to the Constitution arising from this decision.
- 2.4 appoints a Member contained in Appendix A to represent the Council on the Joint Public Protection Committee in line with the updated amendments to the Constitution and such appointment shall commence upon the Inter Authority Agreement being amended and approved by both Councils.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications associated with the compilation of this report.
Human Resource:	There are no HR implications associated with this report.
Legal:	<p>The terms of reference of the JPPC are set out in Part 3.1 and Part 6.5 (Appendix Joint Public Protection Committee) of West Berkshire Council’s Constitution (as the host authority) and should be read in conjunction with the Meeting Procedure Rules which set out the rules and procedures that apply to all of the Council’s Bodies and Sub-Bodies.</p> <p>The arrangements of the JPPC and the Public Protection Partnership are also included in the Inter Authority Agreement (IAA) which will need to be amended by the Executive to reflect these membership changes if approved by Council.</p> <p>Section 6.5 (Appendix Joint Public Protection Committee at paragraph 8.1 requires the JPPC to refer back to the Councils for decision any proposal that it has agreed in principle seeking to make significant changes to the fundamental principles or operation of the PPP.</p> <p>Nicola Thomas and Sarah Clarke have been consulted on the report.</p>
Risk Management:	There is a risk that any decision of the JPPC could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.
Property:	There are no property implications associated with this report.
Policy:	Should Members be minded to approve the recommendations the Constitution will need to be updated.

Composition of the Joint Public Protection Committee

	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 Meeting Rules and Procedures do allow some individuals to attend meetings remotely using technology which will reduce their environmental impact,
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		This work would constitute business as usual.
Core Business:		x		This work would constitute business as usual.
Data Impact:		x		

Consultation and Engagement:	<p>The Joint Public Protection Committee was consulted at the meeting on the 12 June 2023.</p> <p>The Governance and Ethics Committee was consulted at the Special meeting which took place on the 26 June 2023.</p> <p>Bracknell Forest Council’s Executive will be consulted at the 19 September 2023 meeting about the changes to the IAA and a decision will be taken at their 13 September 2023 Full Council meeting about the additional appointment.</p> <p>West Berkshire Council’s Executive will be asked to consider proposed amendments to the IAA arising from any decisions of Council in respect of this matter. The meeting of the Executive on the 21 September 2023 will consider this matter.</p>
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4 Executive Summary

- 4.1 The Public Protection Partnership (PPP) is a shared service delivering Environmental Health, Licensing and Trading Standards on behalf of two authorities (Partners), Bracknell Forest Council (BFC) and West Berkshire Council (WBC). It also provides services under shared service arrangements to Wokingham Borough Council. Up until the 31st March 2022 the Committee had comprised of six Members i.e. two Members from each authority which at the time included two Members from Wokingham Borough Council. Once they withdrew from the partnership the membership reduced to four Members.
- 4.2 The Joint Public Protection Committee (JPPC) provides strategic direction, monitors performance and makes other key Executive and Council decisions regarding the Service.
- 4.3 The membership of the JPPC currently comprises of four members, two from BFC and two from WBC. For WBC the membership comprises the relevant Executive Member and the Chairman of the Licensing Committee), plus a Substitute or Substitutes (for WBC the other Executive Members).
- 4.4 The first meeting of the Committee after the May 2023 elections took place on the 12 June 2023. During a discussion on the terms of reference of the Committee West Berkshire Council Members proposed that the membership of the Committee be extended by one additional Council Member from each partner Council. Thereby extending the total number on the Committee to six Members. This proposal was supported by Executive and Council representatives from Bracknell Forest Council.
- 4.5 West Berkshire Council is the host authority for the PPP and as such meetings are conducted in accordance with its Constitution. Should the recommendation be agreed the West Berkshire Council Constitution at [Part 3.1 \(JPPC\)](#) and [Part 6.5 \(Appendix Joint Public Protection Committee\)](#) will need to be amended to reflect the revised membership, voting, quorum and political balance requirements.

Composition of the Joint Public Protection Committee

4.6 Part 3.1 (JPPC) of the Constitution will need to be amended as follows:

- Membership – number of Councillors appointed as Members of Body will have to be increased from 2 to **3**;
- Quorum 2[O];
- Note [O] to be amended as follows: The Joint Public Protection Committee (JPPC) comprises ~~four~~ **six** members, ~~two~~ **three** from each local authority (for WBC, the relevant Executive Member, the Chairman of the Licensing Committee and an additional Member appointed by the Council reflecting the political balance of the Council), plus a Substitute or Substitutes (for WBC the other Executive Members) with the Chairmanship and Vice-Chairmanship rotating between the Executive membership. The quorum of the Committee to comprise one Executive Member from each partner authority.

4.7 The proposed amendment to Part 6.5 which deals with the Membership (Section 4) of the Committee is set out below:

4.1 The JPPC shall comprise of ~~four~~**six** Members, ~~two~~ **three** from each of BFC and WBC as follows:

4.1.1 The Executive/Cabinet Member with responsibility for Public Protection Services (appointed by the Leader of the respective council);

4.1.2 ~~One~~ **Two** additional Members (appointed by each Council at its respective Annual Meeting or in the event of a vacancy) reflecting the **political balance of the individual Council**.

4.2 At least one officer representing each partner local authority will attend the JPPC to advise Members. Where possible, the Public Protection Manager for the Service will also attend.

4.8 Section 6 of Part 6.5 which deals with the Quorum will need to be amended as follows:

Quorum

6.1 The quorum of a Meeting shall be two.

6.2 At least one Executive Member from each Council must be present for the meeting to be quorate

4.9 In addition the membership requirements are stipulated in the Inter Authority Agreement that the PPP is founded on. It is therefore also proposed that should both partner authorities be minded to agree the revised membership of the Committee authority be delegated to the Service Lead for Legal and Democratic Services in consultation with the Service Lead for Public Protection to draft amendments the Inter Authority Agreement to reflect the amended Membership of the JPPC. These amendments will require Executive approval and therefore a further report will be brought to the 21 September Executive meeting.

Composition of the Joint Public Protection Committee

4.10 The proposals were considered by the Governance Committee at a special meeting on the 26 June 2023 and they agreed to recommend to Full Council that the constitutional changes be agreed.

5 Other options considered

5.1 Not to amend the membership.

6 Conclusion

6.1 It is considered that the Committee would benefit from having a wider membership particularly when it reduced to four members following the departure of Wokingham BC from the Partnership. It has also been the long held view of the Leader of the Council at West Berkshire that a third Member from each authority should be appointed in accordance with the rules appertaining to political balance.

6.2 Should the decision be made to change the Constitution to reflect the wishes of the Committee then an appointment will need to be made in accordance with the Constitution at this Council meeting. The appointment will be effective from the date that the amendments to the Inter Authority Agreement is completed by both authorities.

7 Appendices

7.1 Appendix A (To Follow)

Background Papers:

West Berkshire Council's Constitution

The Minutes of the 12 June 2023 Joint Public Protection Committee.

The report and minutes considered at the Special Governance and Ethics Committee on the 26 June 2023.

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 Scrutiny Commission or associated Committees, 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"/>

Wards affected: All

Officer details:

Name: Sean Murphy
Job Title: Service Lead Public Protection
Tel No: 01635 519840
E-mail: Sean.Murphy@westberks.gov.uk

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Agenda Item 20:

Motions submitted for debate at the Council meeting on 20 July 2023

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

This council **notes**:

The UK is one of the most nature depleted countries in the world.

The explicit and commendable reference to 'biodiversity' in the relevant portfolio holder's job title.

Many local authorities have declared an ecological emergency as well as a climate emergency.

This council's officers have assisted wildlife by reducing verge cutting, planting wildflowers and supporting the Lockdown Woods project.

The Environment Act includes an obligation for local authorities to publish a Local Nature Recovery Strategy.

This council's sole ecologist left in June.

We can all help to protect and restore the natural world and any positive action, large or small, should be encouraged.

The draft Local Plan is being revisited by the current council administration.

This council **resolves**:

To recognise the precarious state of the natural world by declaring an ecological emergency.

To recruit a new ecologist urgently, and ideally more than one, to ensure a.) planning applications are examined by a trained ecologist and b.) the council has an appropriate expert who can liaise with Windsor and Maidenhead Council to fulfil the collective responsibility of local authorities in Berkshire to create a Local Nature Recovery Strategy.

Work with residents and campaign groups to encourage action for nature, by promoting initiatives like #NoMowMay, the planting of trees, the installation of bird boxes, the creation of hedgehog highways, and so on, using council communication channels and public education opportunities.

Undertake the green infrastructure work promised under the current Local Plan 2012-2026 including mapping and categorisation of all public open spaces to form the basis of a current state assessment of all council managed lands.

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Agenda Item 21

Member Questions to be answered at the Council meeting on 20 July 2023.

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 Holder for Highways, Housing and Sustainable Travel submitted by Councillor Woollaston:**

“Are you concerned that the responses from local businesses and disabled residents to a formal consultation on your rushed extension of pedestrianisation hours in Newbury Town Centre from 10am to midnight will be negative, which is the reason you won't carry out any consultation before the trial?”

- (B) Question not related to an item of business to be answered by the Portfolio Holder for Highways, Housing and Sustainable Travel submitted by Councillor Mackinnon:**

“Has any survey been carried out to establish how many disabled residents will have their independence and daily lives disadvantaged by your planned extension of pedestrianisation hours in Newbury Town Centre?”

- (C) Question not related to an item of business to be answered by the Portfolio Holder for Highways, Housing and Sustainable Travel submitted by Councillor Woollaston:**

“What traffic problems will be created on surrounding roads by the extension of pedestrianisation hours in Newbury Town Centre?”

- (D) Question not related to an item of business to be answered by the Portfolio Holder for Highways, Housing and Sustainable Travel submitted by Councillor Mackinnon:**

“Does the Council follow the Statutory Guidance on highway network management issued by the Secretary of State on 1 April 2022? (<https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19>)”

- (E) Question not related to an item of business to be answered by the Portfolio Holder for Highways, Housing and Sustainable Travel submitted by Councillor Woollaston:**

“Have you consulted with the emergency services to obtain their views on how emergency vehicle access to Newbury Town Centre might be

Agenda Item 21

Member Questions to be answered at the Council meeting on 20 July 2023.

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

maintained after your proposed extension of pedestrianisation hours in Newbury Town Centre?"

- (F) Question not related to an item of business to be answered by the Portfolio Holder for Highways, Housing and Sustainable Travel submitted by Councillor Mackinnon:**

"How do you propose to support businesses who may be unable to manage their supply chain to ensure all deliveries are taken between midnight and 10am following your rushed extension of pedestrianisation hours in Newbury Town Centre?"

- (G) Question not related to an item of business to be answered by the Portfolio Holder for Planning and Community Engagement submitted by Councillor Clark:**

"Can the Portfolio Holder provide us with an update on the state of the Local Plan Review?"