

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY 28 NOVEMBER 2024

Councillors Present: Tony Vickers (Vice-Chairman in the Chair), Adrian Abbs, Antony Amirtharaj, Phil Barnett, Dominic Boeck, Jeff Brooks, Nick Carter, Patrick Clark, Martin Colston, Jeremy Cottam, Ian Cottingham, Laura Coyle, Carlyne Culver, Paul Dick, Nigel Foot, Denise Gaines, Stuart Gourley, Clive Hooker, Owen Jeffery, Paul Kander, Janine Lewis, Alan Macro, David Marsh, Biyi Oloko, Erik Pattenden, Justin Pemberton, Christopher Read, Richard Somner, Stephanie Steevenson, Joanne Stewart, Louise Sturgess, Clive Taylor, Martha Vickers, and Howard Woollaston

Also Present: Joseph Holmes (Interim Chief Executive), Paul Coe (Executive Director for Adult Social Care), Jon Winstanley (Service Director for Environment), Sarah Clarke (Monitoring Officer), Paula Amorelli (Development and Planning Team Leader), Sharon Armour (Legal Services Manager), Melanie Booth (Group Executive (Lib Dems)), Laura Callan (Planning Policy, infrastructure, and Place Manager), Jake Carpenter (Group Executive (Conservatives)), Stephen Chard (Democratic Services Manager), Darius Zarazel (Principal Democratic Services Officer), Honorary Alderman Tony Linden, and Honorary Alderman Graham Pask

Apologies for inability to attend the meeting: Councillor Heather Codling, Councillor Vicky Poole, Councillor Dennis Benneyworth, Councillor Matt Shakespeare, Councillor Jane Langford, Councillor Geoff Mayes (attending remotely), Councillor Billy Drummond, Councillor Ross Mackinnon, Councillor Lee Dillon, Honorary Aldermen Graham Pask, Honorary Aldermen Keith Chopping, Honorary Aldermen Paul Bryant, Honorary Alderwomen Hilary Cole, Honorary Aldermen Graham Bridgman, Honorary Aldermen Mollie Lock, Honorary Aldermen Rick Jones, and Honorary Aldermen Andrew Rowles

PART I

1. Chairman's Remarks

The Chairman reported that he had attended several events since the last Council meeting. Specifically, he highlighted his attendance at the 'Children in Care celebration of achievement' event 2024, the 'Annual interactive careers fair' at Newbury College, and Newbury Town Council's Remembrance service.

2. Minutes

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Denise Gaines:

That the Minutes of the meeting held on 5 September 2024 were approved as a true and correct record and signed by the Chairman.

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

MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Jeff Brooks:

That the Minutes of the meeting held on 26 September 2024 were approved as a true and correct record and signed by the Chairman.

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

MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Jeff Brooks:

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That the Minutes of the meeting held on 7 November 2024 were approved as a true and correct record and signed by the Chairman.

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

3. **Declarations of Interest**

Councillor Nigel Foot declared an interest in Agenda Item 11 by virtue of the fact that he was a Member of Newbury Town Council's Heritage Working Group and was West Berkshire Council's Heritage Champion. However, as he did not believe these to be prejudicial interests, he determined to take part in the discussion, debate, and vote on the matter.

Councillor Dominic Boeck raised a point of order, concurred with by Councillor Owen Jeffery, that some Members had difficulties accessing the agenda and reports of the meeting through the Council's meeting management software, Modern.Gov. The Monitoring Officer indicated that the reasons for this would be examined, and action taken to address this.

4. **Petitions**

There were no petitions presented to Council.

5. **Public Questions**

Details of the public question and answer session are available from the following link: [Q&As](#).

6. **Membership of Committees**

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Denise Gaines:

That Council approve the following changes to the membership of Committees:

- That Councillor Stephanie Steevenson be appointed to the Governance Committee in place of Councillor Chris Read, and that Councillor Alan Macro becomes a substitute member of the Governance Committee in place of Councillor Stephanie Steevenson.

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

7. **Motions from Previous Meetings**

Council noted that there were no motions from previous meetings needing updates.

8. **Updates from Committees**

Council noted the meetings that had been held since the last ordinary meeting of Council as laid out in Agenda Item 9. Council also noted that an extraordinary meeting of the Personnel Committee had met earlier in the day, on 28 November, at 5.30pm.

9. **Proposed Main Modifications to the West Berkshire Local Plan Review (LPR) 2022-2039**

Council considered a report (Agenda Item 10) concerning the Proposed Main Modifications to the West Berkshire Local Plan Review (LPR).

MOTION: Proposed by Councillor Denise Gaines and seconded by Councillor Jeff Brooks:

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“That Council:

- 1) Recognises that the Local Plan Review is still in the Examination Process and therefore, the Council is still under the Direction set out in the letter from the Minister of State for Housing, Planning and Building Safety dated 19 December 2023 that requires the Council to continue the Plan through the Examination Process.
- 2) Notes that the Schedule of Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039 is published in accordance with Section 20 7(c) of the Planning and Compulsory Purchase Act 2004 (as amended) for an eight week period of consultation.
- 3) Notes that the accompanying updated Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Report on the Proposed Main Modifications and addendum to the Habitats Regulations Assessment (HRA) of the Proposed Main Modifications are published in accordance with Section 20 7(c) of the Planning and Compulsory Purchase Act 2004 (as amended) for an eight week period of consultation.
- 4) Notes that the Schedule of Proposed Changes to the Policies Map is published for an eight week period of consultation.
- 5) Delegates authority to the Executive Director of Place, in consultation with the Executive Portfolio Holder for Planning and Housing, to agree any further non-material refinements to the wording of the LPR and its accompanying documentation as appropriate, before consultation.”

Councillor Gaines introduced the report and highlighted that the Local Plan had been submitted by the previous Conservative led Administration before the election, and that the current Liberal Democrat Administration believed it to be flawed. Although the policies were sound, they did not believe that the housing site allocations were right for the residents of West Berkshire. She informed Council that the attempt to withdraw the plan was rejected by the Minister for Housing, Communities and Local Government (MHCLG), who directed the Council to proceed with the process.

In addition, as the current Government had indicated that they would intervene and take over the Plan should the Council refuse to progress it, she believed that the only choice remaining for the Council was to proceed to the next step of the Local Plan process, the public consultation. She emphasised that the decision to move to consultation was only taken after every other avenue had been exhausted, including securing legal counsel, and that this was the final chance for the public to express their unhappiness with the Plan. Overall, in order to ensure that the Council had some influence on the Plan and that it was not taken over by the MHCLG, who could then force housing site allocations on the district, she encouraged Council to approve the recommendations.

Several Members expressed their concern about the Local Plan and indicated that they would not support the Motion. In relation to the site that had been allocated in Theale, it was indicated this would lead to an increase in the size of the village by 40 per cent, which was considered to be an unacceptably large increase. This development was also noted as potentially contributing to the existing surface and groundwater flooding issues.

In addition, multiple Members raised significant concerns about the site allocated at Pincents Lane, Tilehurst. As the character of the area was open and natural, bordering on the National Landscape, and was widely used for recreation by local residents, it was

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viewed as an unacceptable location for development. It was also emphasised that the additional housing would add to the already existing traffic issues in the area and could contribute to localised flooding. These Members also objected to the adjustment of the Tilehurst Settlement Boundary to include the site as this was seen as a way to potentially make development easier despite the multiple refusals of permission from the Council in the past. Overall, as Pincents Lane was not viewed as a suitable location for development by several Members, who also noted the public opinion against development on the site, they indicated that they would not support the Motion.

The housing allocation to the northeast of Thatcham was also mentioned as a serious concern. Members indicated that the development of 2,500 dwellings would be at the expense of local residents due to the effect it would have on local services. In addition, the lack of commitment to a new secondary school and the absence of details about the drainage network improvements that would be needed to deal with the expansion were also issues raised with the Plan. Overall, it was indicated by these Members that the proposed development in Thatcham was not the appropriate response to the Thatcham Strategic Growth Study.

Several Members also indicated that they did not believe the Plan process to be democratic or fair. It was highlighted that several Neighbourhood Development Plans (NDPs) had been adopted by the Council but that the Local Plan had allocated sites in those areas which were not included in NDPs, such as in Cold Ash. As central government could take over the plan, these Members questioned the usefulness or effectiveness of a local authority driven Local Plan.

In addition, it was noted that the wording of some policies had been weakened. Examples of this were over tree protections and the phasing of the delivery of infrastructure on a development site. Members also expressed a desire to see a greater range of policies included, such as on solar farms and tall buildings.

The point was made that parts of the Local Plan had been developed cross-party, and that it may have been approved without any additional sites if it had not been attempted to be withdrawn, which had caused delays in its adoption. However, it was clarified that although collaboration had happened on the policy document, the site allocations in the Plan were passed without the input or support of all the parties represented on the Council.

Overall, as the motion was only to proceed to the consultation on the Local Plan and was not for the acceptance of the Plan itself, Council agreed to proceed to this stage. It was highlighted however, that these additional housing sites were not appropriate and would not have been brought forward by the Council if they had the choice, but that if they did not proceed with the Plan, the whole process would be at risk of being taken over by central Government.

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

10. **Newbury Town Centre Boundary Review and Conservation Area Appraisal**

Council considered a report (Agenda Item 11) concerning the Newbury Town Centre Conservation Area Appraisal (CAA) and Boundary Review

MOTION: Proposed by Councillor Nigel Foot and seconded by Councillor Denise Gaines:

“That Council:

- 1) Approve the changes to the Newbury Town Centre Conservation Area, Kennet and Avon Canal, Newbury (East) Conservation Area and Kennet and Avon Canal,

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Newbury (West) Conservation Area shown in Figure 2 of the report, and to designate them in line with the requirements of sections 69 & 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) Adopt and publish the Newbury Town Centre Conservation Area Appraisal and Management Plan as outlined in Appendix A in line with section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

Councillor Foot introduced the report and highlighted that the Boundary Review and CAA review had been long overdue and that the Council was now in the position of adopting these documents. It was indicated that some responses to the boundary review raised concerns about certain heritage assets no longer being in their previous conservation areas. However, he assured Council that no existing protected area would be left unprotected due to this change. It was also emphasised that, upon the successful adoption of the CAA, all planning applications would be assessed against the requirements to preserve or enhance the area. Overall, Councillor Foot thanked the numerous stakeholders who played a role in the production of the documents and expressed his desire to continue working with them moving forward.

Council noted that there would be a review of the CAA every ten years and were satisfied that the historic buildings in the area would be receiving protection. Members also indicated their desire to see more areas protected, such as the Newtown Road Cemetery, for greater pedestrianisation of the town centre, and for the linking of these documents with the Newbury Town Centre Masterplan.

Overall, Members welcomed the CAA and boundary review but highlighted the need to support other, more rural, areas of the district with either creating or updating their CAA, such as at Bucklebury and Aldermaston.

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

11. Youth Justice Plan

Council considered a report (Agenda Item 12) concerning the Youth Justice Plan 2024/25.

MOTION: Proposed by Councillor Justin Pemberton and seconded by Councillor Martha Vickers:

“That Council agree and formally endorse the Youth Justice Plan 2024/2025.”

Councillor Pemberton introduced the report and highlighted that it was requirement in the Crime and Disorder Act 1998 to formulate an annual Youth Justice Plan. He indicated that the plan had been based on the Youth Justice Board guidance and included a roadmap for supporting young people and parents. The plan would build on the Council’s existing partnerships and direct resources into the places that best worked to produce positive outcomes and promote prevention. On prevention, the plan also outlined the Council’s attempt to prevent reoffending which would lead to safer communities and fewer victims.

Council noted that the Youth Justice Board provided positive feedback on plan, and that an inspection of the service by HM Inspectorate of Probation in 2023 resulted in an ‘Outstanding’ rating.

Members welcomed the Plan and were pleased to see the Council had received another Outstanding rated inspection. However, there were some areas of concern in the report that were raised, such as the increased number of girls that had been involved in violent crimes. Council noted that work was ongoing into researching the reasons behind this as

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well as on training in the team to try to tackle this rising problem. The number of school exclusions was also highlighted, and Members encouraged the sharing of best practices amongst schools to help combat this.

Overall, Council was satisfied with the Plan and noted that fewer young people were entering the justice system than in previous years which was very positive and reflected the low crime rate in the area more broadly.

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

12. **Adoption of the Revised Statement of Licensing Policy Principles Under S.349 Of The Gambling Act 2005**

Council considered a report (Agenda Item 13) concerning the adoption of the Revised Statement of Licensing Policy Principles under S.349 of the Gambling Act 2005.

MOTION: Proposed by Councillor Justin Pemberton and seconded by Councillor Jeremy Cottam:

“That Council:

- 1) Considered the draft Statement and the consultation responses received.
- 2) Delegates authority to the Service Lead (Public Protection), in consultation with the Portfolio Holder, to make any minor corrections to the Statement prior to publication.
- 3) Approves the Statement for adoption and publication by the 31 January 2025.”

Councillor Pemberton introduced the report and highlighted that it was a revision of the existing Gambling Policy which was last approved in 2022. He highlighted the need to promote the licencing objectives, those being the prevention of gambling becoming a source of crime or disorder, ensuring that gambling was conducted fairly and openly, and protecting children and vulnerable people.

The policy needed to be reviewed every three years and take account of any new guidance. Although a White Paper was expected, Councillor Pemberton indicated that they should not wait for this to be produced before updating the policy and so the report had been brought to Council. He also indicated that the policy had gone through consultation and as a result, had incorporated a number of minor amendments but that they were not significant or material to the Policy. Councillor Pemberton clarified a point raised in the consultation and confirmed that not all staff in a premises where gambling took place needed mandatory training. This requirement was attached to operating licenses of specific premises, such as casinos, rather than to all premises that hosted some form of gambling.

In response to a question about the lack of responses to the consultation, Councillor Pemberton indicated that as the document was a technical, statutory document, a large response was not expected. Some Members also expressed a desire for better identification of betting machines and that the value of prizes was clearly regulated.

Overall, as Council were satisfied with the report, they agreed to adopt the revised statement of licencing policy principles.

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

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13. Timetable of Council Meetings 2024/25

Council considered a report (Agenda Item 14) concerning the 2025/26 West Berkshire Council Timetable of Public Meetings.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Denise Gaines:

“That Council approves the timetable of public meetings for the 2025/26 Municipal Year.”

Councillor Brooks introduced the report and highlighted that it planned out the meetings for the upcoming Municipal Year, and thanked officers for putting the dates together. Council noted that Members had very busy schedules, especially those who were dual-hatted or attended multiple parish meetings in the week, and that some of these meetings may clash with others.

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

14. Notices of Motion

Council considered the under-mentioned Motion (Agenda Item 15 – Motion A). The Motion was submitted in the name of Councillor Jeremy Cottam relating to statutory licensing fees.

MOTION: Proposed by Councillor Jeremy Cottam and seconded by Councillor Justin Pemberton:

“That Council notes that:

- *The Licensing Act 2003 provides for Statutory Licence fees to be payable to licensing authorities in return for the functions that they undertake in respect of the Act. The fee levels are set centrally by the Secretary of State.*
- *Following a consultation exercise the then Secretary of State announced the fee package on 20 January 2005. This was implemented by the Licensing Act 2003 (Fees) Regulations 2005 which took effect on 7 February 2005.*
- *The fees have not been uplifted since these regulations were introduced nearly 20 years ago.*
- *Licensing fees should be set on a cost recovery basis.*
- *The Bank of England Inflation Calculator suggests costs have risen by over 66% since 2005. This would mean that a £100 licence in 2005 would now cost around £170.*
- *This level of lost income is unsustainable for the Council.*
- *Reduced income has resulted in staffing reductions, which in turn, could result in an increased risk of non-compliance and risks to our residents.*

This Council therefore calls on Central Government to review, as a matter of urgency the Statutory Licensing Fees under the Licensing Act 2003 and therefore asks the Chairman of Council to:

- 1) *Write to the Secretary of State for Culture, Media and Sport to ask that the statutory licensing fees be uplifted as a matter of urgency.*
- 2) *Request that the Members appointed to the Local Government Association General Assembly lobby the LGA to write to the government seeking that the statutory limits on fees related to the Licensing Act 2003 be uplifted.*

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3) *Write to the MPs in the constituencies covered by the Public Protection Partnership and seek their support in lobbying Central Government to uplift the statutory licensing fees as a matter of urgency”*

Councillor Cottam introduced the Motion and highlighted that, as Chairman of the Licensing Committee, he was made aware that the fees no longer covered the costs of the licensing service. He informed Council that the fees had been created and set in 2005 by central Government and had not been increased to account for inflation since then. He encouraged Council to recommend that the fees be reviewed and increased.

Some Members indicated that this could be done through the Chairman of the Committee, without needing a Motion. However, it was agreed that bringing this through to Council would then carry the full weight of West Berkshire Council when requesting this uplift.

As Council noted that the Licensing Service was operating at a deficit, and that if the fees had kept up with inflation since 2005 they would be bringing in between £80,000-£100,000 extra income for the Council each year, Council agreed to support the Motion.

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

Council considered the under-mentioned Motion (Agenda Item 15 – Motion B). The Motion was submitted in the name of Councillor Antony Amirtharaj and related to the Fair Management of Public Open Space in New Developments.

The Chairman informed the Council that should the motion be proposed and seconded, under Procedure Rule 12.6.1, it would be referred to the Planning Advisory Group and then the Executive for consideration, as the detail of the Motion fell within the remit of the Executive.

MOTION: Proposed by Councillor Antony Amirtharaj and seconded by Councillor Tony Vickers:

“That Council notes that:

A. Developers are not always owners of a development site, as is the case with Sandford East in south Newbury;

B. Section 106 Legal Agreements are between the Local Planning Authority and the landowner, not necessarily the developer;

C. Landowners routinely retain freehold ownership of communal areas of a site, including “public open space” (POS) and some estate roads, which gives the Council little or no control over their management and what happens there but allows them to charge high fees to residents for management over which residents have little or no control;

D. This causes conflict, confusion and problems for councils, e.g. east of Tull Way Thatcham, where local residents of the new estate tried to ban nonresidents from a Public Open Space which only the residents were paying for;

E. The outgoing Government’s commitment to abolish leasehold on new housing has failed to pass into law because of the early dissolution of Parliament and without any proposals being announced by the new Labour Government.

Council believes that, in principle:

a. “public” must mean public and that there is a distinction between communal areas and facilities (which are not for the public but for sharing between residents)

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and public facilities such as community centres and in particular Public Open Spaces, which can contain public footpaths and sustainable drainage systems (SUDS) for which the Council as Lead Local Flood Authority (LLFA) must have overall responsibility.

b. Communal facilities not available to other residents or the public at large should not be a financial burden on the local taxpayer;

c. Residents of every major new housing development should be enabled and encouraged to play a part in how the estate is managed, especially with communal areas, so as to enhance the sense of ownership of their community.

Council therefore resolves to:

1. Adapt our policies to work with Developers, such that Public Open Spaces in new developments can be taken on by the Council depending on affordability and after being considered on a case-by-case basis, and in such cases where the Council decides to take ownership, it should also take a lead role in initially managing and disposing of community facilities on new housing estates, during the S106 negotiations. Page 622

2. Instruct officers to investigate the financial and legal implications of this change in our policies, in consultation with all interested parties, and report back to Council,

3. Ensure that all policies commit the Council to work with Town and Parish Councils in determining how such Public Open Spaces will be funded and managed when adopted.

4. We will press the West Berkshire MPs to lobby the Government to resolve this issue through legislation.”

Councillor Amirtharaj spoke to the proposal and indicated that the Council should ensure that shared public open spaces in new developments should be accessible and available to all residents. In addition, he indicated that management companies were not locally accountable or transparent in their fee structures. Although this was a national issue that would require legislation from central Government to completely resolve, the Motion requested that the Council examine the financial and legal implications on adopting these public open spaces, on a case-by-case basis, as well as lobbying the local Members of Parliament to secure that longer term solution.

Councillor Denise Gaines, the responsible Portfolio Holder, responded to the points made by Councillor Amirtharaj and gave her support to the proposal, emphasising that some homeowners had raised concerns about management companies as they were unaware of the additional costs incurred from them when they purchased a property.

15. **Members' Questions**

Details of the Member question and answer session are available from the following link: [Q&As](#).

Before the close of the meeting, Councillor Tony Vickers issued a formal apology to Enborne Parish Councillor Peter Tompkins in relation to a comment he provided to the Penny Post and was published in their 18 July 2024 issue. He sincerely apologised for any damage to Councillor Tompkins' reputation that the comment caused and also for any distress he experienced.

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(The meeting commenced at 7.00 pm and closed at 9.04 pm)

CHAIRMAN

Date of Signature