

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON TUESDAY, 19 JULY 2022

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

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

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

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

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

Councillor(s) Absent: Councillor Owen Jeffery.

PART I

22. Chairman's Remarks

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

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

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

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

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

23. Minutes

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

24. Declarations of Interest

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

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

25. Petitions

There were no Petitions presented to Council.

26. Public Questions

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

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

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

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

27. Membership of Committees

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

28. Licensing Committee

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

29. Personnel Committee

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

30. Governance and Ethics Committee

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

31. District Planning Committee

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

32. Overview and Scrutiny Management Commission

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

33. Health Scrutiny Committee

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

34. Health and Wellbeing Board

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

35. Joint Public Protection Committee

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

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

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

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

“That Council notes the content of the report.”

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

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

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

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

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

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

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

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

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

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

Council notes that:

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

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

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

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

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

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

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

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

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

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

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

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

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

38. Notices of Motion

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

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

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

“This Council notes that:

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

Council believes that:

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

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

Council therefore resolves to:

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

Council further resolves to request that the Executive:

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

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

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

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

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

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

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

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

Councillor Culver echoed the sentiments expressed by Councillor Masters.

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

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

The Chairman advised that Council would not debate the Motion and, in accordance with Procedure Rule 4.9.8, this would be referred to the Executive for consideration as the

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

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

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

Council notes:

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

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

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

The main concerns are:

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

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

Council therefore resolves:

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

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

39. Members' Questions

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

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

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

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

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

CHAIRMAN

Date of Signature