

# DRAFT

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

## COUNCIL

### MINUTES OF THE MEETING HELD ON THURSDAY, 30 NOVEMBER 2023

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

**Also Present:** Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director - Resources), Sarah Clarke (Service Director (Strategy and Governance)), Clare Lawrence (Executive Director - Place), Paul Coe (Executive Director (People - ASC)), Dave Wraight (Service Manager - Youth Offending Team), Stephen Chard (Democratic Services Manager), Melanie Booth (Group Executive (Lib Dems)), David Cook (Principal Democratic Services Officer), Benjamin Ryan (Democratic Services Officer) and Honorary Alderman Tony Linden

**Apologies for inability to attend the meeting:** Honorary Alderman Keith Chopping, Honorary Alderman Adrian Edwards, Honorary Alderwoman Hilary Cole, Honorary Alderman Graham Jones, Honorary Alderman Rick Jones, Honorary Alderman Gordon Lundie, Councillor Heather Codling, Councillor Nigel Foot and Councillor Matt Shakespeare

#### PART I

##### 45. Chairman's Remarks

The Chairman noted the sad death of Parish Councillor Bill Graham who was a representative on the Governance Committee. A one-minute silence had taken place at the Governance Committee on the 20 November 2023.

Councillor Lee Dillon added that a one-minute silence had taken place at the Executive meeting for David and Celia Barlow.

The Chairman reported that he had attended the following events since the last Council meeting:

- Lord Lieutenants Retirement Party
- Castle at Theale
- Greenham Trust Charity Awards
- Citizenship Ceremony
- RAF Welford Remembrance Service
- Thatcham Remembrance Service
- Royal Berkshire Archives - Welcomed HRH Duke of Gloucester
- The opening of the new building at the Willink School
- Faraday Road Football Pitch Opening
- Carers Rights Day
- Food Bank

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The Vice-Chairman reported that he had attended the following events since the last Council meeting:

- The Old Library Event
- Berkshire Judicial Service
- Newbury Samaritans AGM
- Volunteer Centre Services Day
- Poppy Train
- Newbury Remembrance Service
- West Berkshire Toy Appeal

### 46. Minutes

The Minutes of the meeting held on 5 October 2023 were approved as a true and correct record and signed by the Chairman, subject to the following amendments.

- That Councillors Biyi Oloko and Dennis Benneyworth gave their apologies for the meeting and should not be recorded as absent.
- Within the concluding comments of Item 36 in the Minutes it should state 'brickbats' not 'bricks back'.
- Within the attendance it should read 'Quentin Webb' not Quinten Webb,
- Item 22 should read as 'Drummond' not 'Brummond'.

Under Item 38 of the Minutes, it should state that the Compton Referendum took place in February 2022 and not recently and cycle 'route' not 'out'.

### 47. Declarations of Interest

Councillors Richard Somner and Joanne Stewart declared an interest in Item 17, but reported that, as their interest was a personal or another registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

### 48. Petitions

There were no petitions received.

### 49. Public Questions

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

### 50. Membership of Committees

Councillor Dillon proposed a brief adjournment due to technical difficulties, which was seconded by Councillor Ross Mackinnon.

The proposal by Councillor Dillon and seconded by Councillor Mackinnon was put to a vote and was passed.

*(Council adjourned at 19:23 pm and returned at 19:29 pm.)*

Sarah Clarke explained that due to the notification of the formation of a new political group, Agenda Item 18 on the Appointment of and Allocation of Seats on Committees, would be withdrawn as the report was out of date and an updated report would be presented to Council, as soon as reasonably practicable, to reflect the creation of the new political group, of which notification had only arrived the day of Council.

Councillor Abbs expressed that he was disappointed that the proper allocation of seats could not be decided within the Council meeting, as it would waste Officer's time to deal with it in a future meeting. Ms Clarke explained that West Berkshire Council had a legal obligation to reflect the political balance of the Council and that the report for Item 18 dealt with a change to the political groups that had occurred in October. It was important

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that Members of the Council and residents received full transparency in the form of a report that would confirm which Members would be part of which group. Seats on committees were allocated on that basis, as per the legislative framework. Ms Clarke stated that the report would come back to Council as soon as reasonably practicable, therefore the changes made within Item 7 were to reflect the decisions made in the previous Full Council meeting.

Councillor Abbs asked whether the new report would make it to the Extraordinary Council on the 19 December 2023 and stated that there was an official confirmation in the form of a note to the Chief Executive, on the Tuesday before the meeting, of which the Councillor had been informed was all that was needed.

The Chairman highlighted the importance of having the creation of a new political group officially noted within the agenda otherwise it would be unfair to ask Members to vote on a report they were not familiar with. The Chairman assured the Councillor that he would bring the report back to Council as soon as possible.

Council were advised of the following changes to the membership of Committees since the previous Council meeting:

- Appointment of Councillor Anthony Amirtharaj to the Western Area Planning Committee in place of Councillor Adrian Abbs.
- Appointment of Councillor Stuart Gourley as Substitute for the Western Area Planning Committee in place of Councillor Anthony Amirtharaj.
- Appointment of Councillor Laura Coyle to the Governance Committee in place of Councillor Ian Cottingham.
- Appointment of Councillor Justin Pemberton to the Health Scrutiny Committee in place of Councillor Stuart Gourley.
- Appointment of Councillor Billy Drummond as Substitute for the Health Scrutiny Committee in place of Councillor Justin Pemberton.
- Appointment of Councillor Vicky Poole to the Personnel Committee in place of Councillor Stuart Gourley.
- Appointment of Councillor Laura Coyle as Substitute of the Scrutiny Commission in place of Councillor Stuart Gourley.

### **51. Licensing Committee**

The Council noted that, since its last ordinary meeting, the Licensing Committee had met on 6 November 2023.

### **52. Personnel Committee**

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

### **53. Governance Committee**

The Council noted that, since its last ordinary meeting, the Governance and Ethics Committee had met on 13 and 20 November 2023.

### **54. District Planning Committee**

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

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### 55. **Scrutiny Commission**

The Council noted that, since its last ordinary meeting, the Overview and Scrutiny Management Commission had met on 11 October 2023 and 28 November 2023

### 56. **Health Scrutiny Committee**

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

### 57. **Health and Wellbeing Board**

The Council noted that, since its last ordinary meeting, the Health and Wellbeing Board had not met.

### 58. **Joint Public Protection Committee**

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

### 59. **Statement of Licensing Policy - Review and Consultation (C4253)**

The Council considered a report (Agenda Item 16) concerning the statement of Licensing Policy - Review and Consultation.

**MOTION:** Proposed by Councillor Dillon and seconded by Councillor Phil Barnett:

That the Council:

- “Consider the consultation responses.
- Resolve to adopt the policy with or without modification and that it comes into effect on the 1 December 2023.
- Resolve to delegate authority to the Service Lead (Public Protection) and the Monitoring Officer, in consultation with Chairman and Vice Chairman of the Licensing Committee to make any minor amendments to the policy arising from legislative changes and changes to the S182 guidance.”

Councillor Dillon informed the Council that, in accordance with the Licensing Act 2003, the Council was required to have a Licensing Policy in place and the policy needed to be reviewed at least every five years. The Councillor stated that the current policy was adopted in December 2018 and following a thorough review the document was re-ordered, reformatted and re-written. As a result, the changes suggested in the new iteration constituted minor modifications.

The changes included:

- The statement that each licence would have conditions attached to it.
- That licensees would be encouraged to work in partnership with a local Pubwatch scheme, if one was in place, and licensed premises would be encouraged to participate in schemes such as Ask Angela, Ask ANI and anti-drink spiking initiatives.
- Making use of Security Industry Authority licensed door supervisors, or stewards where appropriate to do so.
- Reference to the agent of change principles, which meant that someone responsible for a change in a vicinity would also be responsible for the impact of that change.
- Changes arising from the revised S182 guidance, which included changes to numbers and duration of temporary event notices.

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Councillor Dillon noted that the amended draft policy agreed at the July 2023 Licensing Committee was subjected to a ten-week consultation period starting on the 12 July 2023 and running until the 20 September 2023.

Councillor Dillon was pleased to receive 47 responses to the consultation, which was considerably more than the three received in 2018 and expressed that they were laid out in Appendix B of the report.

Councillor Dillon thanked all those that took the time to respond and noted that at the Licensing Committee meeting in November, Members requested that in future the Council include those tasked with educating young people in the list of consultees and had asked Officers to ensure that this happened when the policy was next reviewed.

Councillor Dillon indicated that the changes arising from the consultation were set out in paragraphs 4.10 and 4.11 of the report and that the policy received cross party support at the Licensing Committee. He therefore proposed that the policy be adopted for publication on 1 December 2023.

Councillor Phil Barnett had expected the policy to have generated more discussion at Council. The Councillor expressed that Licensing Policy was a testament to a lot of hard work by Officers to make sure it was fit for purpose. The Councillor was pleased with the number of consultation responses received, which highlighted an effort, on the part of the Council, to work extensively with the local community. The Councillor encouraged Members to support the motion.

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

### 60. **Delivery of Public Health functions in West Berkshire (C4475)**

*(Councillor Somner declared a personal interest in Agenda item 17 by virtue of the fact that he worked for the NHS. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).*

*(Councillor Stewart declared a personal interest in Agenda item 17 by virtue of the fact that her husband worked for the NHS. As her interest was personal and not prejudicial she was permitted to take part in the debate and vote on the matter).*

The Council considered a report (Agenda Item 17) concerning the Delivery of Public Health functions in West Berkshire.

**MOTION:** Proposed by Councillor Janine Lewis and seconded by Councillor Martha Vickers:

That Council:

- Recommended that the high-level structure set out at Appendix A is implemented at the earliest available opportunity.
- Under this recommendation:
  - a) Council is asked to approve the recruitment of a Director of Public Health (DPH).
  - b) The DPH post will be hosted by Reading Borough Council and jointly funded by West Berkshire Council.
  - c) The DPH will oversee the delivery of public health functions in both Reading and West Berkshire.
  - d) The DPH will be a member of the Corporate Leadership Team in both local authorities.

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- e)** Two PH teams will be formed – one in Reading Borough Council (RBC) and one in West Berkshire Council (WBC). There will be no shared Team. Selected posts will transfer to respective local authorities; these posts will be identified once the key principles have been agreed.
- f)** Those teams will have formal line management under the shared DPH.
- g)** A ‘dotted line’ will run between key posts, indicating regular discussion to agree actions through consensus and negotiation.
- h)** The RBC and WBC PH teams will formalise arrangements to share best practice, work collaboratively on shared agendas, share information and intelligence, etc. This will be captured in a Service Level Agreement. Those teams will also explore similar opportunities for shared work across Berkshire and potentially with other authorities. In West Berkshire, this will also include the establishment of a Public Health Board.
- i)** Further work will be required to agree the structure at team level.
- j)** Further work will be required to carry forward the wider recommendations in the LGA Report.
- k)** Targeted consultation with directly affected staff and Trades Unions will be undertaken if required”.

Councillor Janine Lewis explained to the Council that following the LGA peer review, it was determined that Public Health required its own DPH, and it was a statutory requirement to do so. The position was to be shared with Reading Borough Council and both authorities would have Public Health teams that would report directly to the DPH, who would report to both Chief Executives. Councillor Lewis added that the recommendation was based on the belief that the approach would support the correct focus on local challenges and resources appropriate to each area, champion Public Health within each Local Authority, ensure compliance with the relevant legal framework, support leadership based on Public Health principles and that failure to recruit a DPH would lead to legal breaches and negative impacts to the health of the population.

Councillor Ross Mackinnon expressed that he was happy with the principles of the report but was concerned about the lack of reporting line for the DPH to the Chief Executive of West Berkshire Council.

Councillor Dominic Boeck questioned how proper scrutiny was to be conducted on the transition from the current system.

Councillor Lewis answered that the report would go through Scrutiny. The DPH would be reported to by both teams from each Local Authority and the DPH would report to both Chief Executives.

Paul Coe explained that in the chart within the report, the dotted line represented the ‘pay and rations’ piece and the straight line represented the ‘reporting in principle’, and assured Councillors the DPH would be reporting to the Chief Executive.

Councillor Boeck asked how the Council would monitor the transition and Mr Coe added that once the position was agreed, a memorandum would be put in place to develop an understanding between the two Councils. Mr Coe stressed that the Public Health Board would become an important vehicle to bring further transparency on how the Public Health Grant would be used.

Councillor Boeck stated that the report was lacking in detail and if it had more detail it would allow for more confidence in the report.

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The Chairman explained that the detail of the report was limited because much of the details were to be discussed with Reading Borough Council once the position was agreed.

Councillor Martha Vickers welcomed Councillors Boeck and Mackinnon's comments, as it was important to scrutinise Public Health to make sure it would be delivered properly. The Councillor noted that Public Health impacted all residents' lives and that it was good to have the opportunity to raise the profile of the matter. Councillor Martha Vickers had worked in the NHS and so had experience of both areas. The differing needs of both areas was something that needed to be scrutinised to make sure that it worked for the residents of West Berkshire.

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

### **61. Update on the Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year (C4477)**

Agenda Item 18 was not discussed by the Council for reasons expressed under Item 7.

Councillor David Marsh reiterated that the new arrangement should be recognised as soon as possible and asked whether this would be before March with a preference for the upcoming Extraordinary Council meeting.

The Chairman expressed that he would try and make sure that the report would be dealt with as swiftly as possible.

### **62. Members' Questions**

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

*(The meeting commenced at 7.00 pm and closed at 8.03 pm)*

**CHAIRMAN** .....

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