

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 23 SEPTEMBER 2010

Councillors Present: Barbara Alexander, Peter Argyle (Vice-Chairman), Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Richard Crumly, Lee Dillon, Billy Drummond, Adrian Edwards, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, Roger Hunneman, Carol Jackson-Doerge, Mike Johnston, Graham Jones, Alan Law, Tony Linden, Keith Lock, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Gabrielle McGarvey, Tim Metcalfe, Joe Mooney, Robert Morgan, Irene Neill, David Rendel, Andrew Rowles, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck, Tony Vickers, Quentin Webb, Emma Webster, Keith Woodhams and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Margaret Goldie (Corporate Director - Children and Young People) and David Holling (Head of Legal & Electoral), Moira Fraser (Democratic Services Manager), Linda Pye (Policy Executive)

Apologies for inability to attend the meeting: Teresa Bell, Councillor Ellen Crumly, Councillor Geoff Findlay, Councillor David Holtby, Councillor Owen Jeffery, Councillor Gordon Lundie, Councillor Graham Pask and Andy Walker

PART I

(As Councillor Graham Pask had given his apologies Councillor Peter Argyle was in the Chair)

25. Minutes

The Minutes of the meeting held on 11 May 2011 and the Special Meeting on the 29 July 2010 were approved as a true and correct record and signed by the Vice-Chairman.

26. Declarations of Interest

Councillors Keith Chopping and Tim Metcalfe declared an interest in Agenda Item 13, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillor Emma Webster declared an interest in Agenda Item 6(a), and reported that, as her interest was personal and prejudicial, she determined not to remain to listen to the response to the question should it be provided at the meeting.

Councillor Gwen Mason declared an interest in Agenda Item 16(g), but reported that, as her interest was personal and not prejudicial, she determined to remain to listen to the response to the question.

Councillor Mollie Lock declared an interest in Agenda Item 16 (a), but reported that, as her interest was personal and not prejudicial, she determined to remain to listen to the response to the question.

27. Chairman's Remarks

Councillor Peter Argyle informed Members that Roger Taylor, a former West Berkshire Councillor, had recently passed away. Councillors Joe Mooney, Brian Bedwell and Keith Lock paid tribute to the former Councillor who they described as hard working, well thought of and who worked tirelessly for his community. Members proffered their condolences to his family before holding a minutes silence in his honour.

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The Vice-Chairman reported that he and the Chairman had attended 80 events, both formal and informal, on behalf of the Council and the District as a whole since the Annual Council meeting in May. Councillor Argyle highlighted a number of events and made special mention of the launch of volunteer week. He was proud to report that West Berkshire had the highest number of volunteers in the country. Recruitment by the Newbury Volunteer Centre was ongoing and since April of this year a further 289 new volunteers had been recruited to support 119 charities and groups in the district. As a result of this hard work the Volunteer Centre had recently been awarded the 'Volunteer Centre of the Month' which they should be congratulated on.

Councillor Jeff Brooks noted that Councillor Geoff Findlay had recently undergone surgery and he asked that the best wishes of his group be conveyed to Councillor Findlay.

28. **Petitions**

Councillor Keith Woodhams presented a petition containing 136 signatures relating to a reduction in the speed limit from 30mph to 20mph along Paynesdown Road.

Councillor Keith Woodhams presented a petition containing 126 signatures relating to a reduction in the speed limit from 30mph to 20mph along Derwent Road.

Councillor Keith Woodhams presented a petition containing 23 signatures relating to a reduction in the speed limit from 30mph to 20mph along Pound Lane.

It was reported that the petitions would be discussed at a future Speed Limit Review Task Group and once a date had been confirmed the petition organisers would be advised accordingly.

29. **Public Questions**

(Councillor Emma Webster declared a personal and prejudicial interest in this item by virtue of the fact that one of her colleagues was undertaking the public consultation exercise on the redevelopment of the Underwood Road Precinct. Councillor Webster determined that should the matter be discussed she would leave the meeting during the question and answer session. As a written response was provided and the item was not discussed she did not leave the chamber.)

It was agreed that a question standing in the name of Mr Venkataramanan would receive a written response, given that he was unable to attend the meeting.

30. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 25 May 2010 and 13 September 2010.

31. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 28 June 2010, 06 September 2010 and a Special meeting had been held on the 14 September 2010.

32. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 24 May 2010, 25 May 2010 (Special Meeting), 29 June 2010, 03 August 2010 and 14 September 2010.

33. Standards Committee

The Council noted that, since the last meeting, the Standards Committee had met on 21 June 2010.

34. District Planning Committee

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

35. Amendment to the Constitution - Extraordinary Meetings (C2040)

The Council considered a report (Agenda Item 12) concerning a proposed amendment to West Berkshire's Constitution in order to clarify paragraph 4.1.3 of the Council's Rules of Procedure relating to Extraordinary Meetings.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Roger Hunneman:

That the Council:

“Agree the amendment to paragraph 4.1.3 of the Council's Constitution to include timescales for arranging Extraordinary Council meetings as follows:

Extraordinary meetings may be convened by the Chairman of Council, the Monitoring Officer or by any five Members of the Council if they present a signed requisition to the Chairman of Council to call an extraordinary meeting. Such a meeting shall be called within five clear working days of the presentation of the requisition and be held within ten clear working days of the presentation of the requisition.”

Councillor Brooks in introducing the report explained that the purpose of the report was to clarify the timescales in which, once requested, special Council meetings would need to be held. He cited a recent example when a special meeting had been asked for on the 11 November 2010 and the meeting had not been held until the 10 December 2010. He noted that the report had been supported at the Governance and Audit Meeting held on the 06 September 2010.

AMENDMENT: Proposed by Councillor Anthony Stansfeld and seconded by Councillor Keith Chopping:

That the Council: Amends paragraph 4.1.3 of the Council's Constitution as follows:

“Extraordinary meetings may be convened by the Chairman of Council, the Monitoring Officer or by Members (providing that 25% of eligible Members of the Council present a signed requisition that there is a need to hold an Extraordinary Meeting of the Council). Such a meeting shall be called by the Chairman as soon as is practicably possible but not later than 15 working days from the date that the requisition is presented to the Chairman.”

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Councillor Stansfeld explained that due to the resource implications urgent meetings should not be entered into lightly. The amendment therefore required 25% of eligible Councillors to request that the meeting took place. It was also necessary to give the Chairman and Officers adequate time within which to hold the meeting and the amendment was therefore suggesting that meetings should be held within 15 working days from the date the meeting was requested.

Councillor Jeff Brooks noted that Members would not ask for meetings to be held for spurious reasons and was very concerned about the increase in the number of Members required to ask for a meeting to be held.

Councillor Tony Vickers noted that the numbers of Councillors and the timescales had been agreed by the Governance and Audit Committee and he felt that if their views were not going to be upheld at Council he would need to resign from his role as Vice-Chairman of that Group as a matter of principle.

The Liberal Democrat Members explained that there might be practical difficulties in getting 25% of Members to sign a written request to hold an urgent meeting which could result in delays in having the matter heard.

Councillor Graham Jones stated that the 25% requirement did not disenfranchise any group on the Council. He felt that the threshold was appropriate given the costs of holding Full Council meetings. Councillor Jones also felt that the 15 working days to hold the meeting was important to overcome any practical issues associated with arranging a special meeting.

The Amended Motion was put to the vote and declared **RESOLVED**.

In accordance with Procedure Rule 4.15.2(a) it was requisitioned that the voting on the Amendment be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Amendment:

Councillors: Barbara Alexander, Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Paul Bryant, George Chandler, Keith Woodhams, Hilary Cole, Richard Crumly, Adrian Edwards, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Anthony Stansfeld, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (31)

AGAINST the Amendment:

Councillors: Jeff Brooks, Lee Dillon, Billy Drummond, Roger Hunneam, Keith Lock, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Gabrielle McGarvey, Robert Morgan, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (15).

ABSTAINED:

None

The motion, as amended, was put to the vote and declared **RESOLVED**.

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In accordance with Procedure Rule 4.15.2(b) it was requisitioned, immediately after the vote was taken, by the Leader of the Opposition, that the voting on the amended motion be recorded.

FOR the motion, as amended:

Councillors: Barbara Alexander, Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Paul Bryant, George Chandler, Keith Woodhams, Hilary Cole, Richard Crumly, Adrian Edwards, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Anthony Stansfeld, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (31)

AGAINST the motion, as amended:

Councillors: Jeff Brooks, Lee Dillon, Billy Drummond, Roger Hunneamn, Keith Lock, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Gabrielle McGarvey, Robert Morgan, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (15).

ABSTAINED:

None.

36. Proposed Compulsory Purchase Order at A340 Footway/Cycleway, Aldermaston (C2134)

(Councillors Keith Chopping and Tim Metcalfe declared a personal interest in Agenda item 13 by virtue of the fact that they knew the landowners (Mr and Mrs Miller) personally. As their interest was personal and not prejudicial they determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 13) concerning a proposed Compulsory Purchase Order of land at A340 footway/cycleway, Aldermaston.

MOTION: Proposed by Councillor David Betts and seconded by Councillor Irene Neill:

That the Council:

“Having given consideration to all the provisions of this report including those matters relating to the Human Rights Act 1998 contained in paragraph 8 of this report the Council resolves to:

1) authorise, within the boundary shown on the map, the Head of Legal and Electoral Services to:

a) purchase land required by agreement to enable the Scheme where possible either in advance of the confirmation of compulsory purchase powers if so advised or following confirmation of compulsory purchase powers by the Secretary of State for Transport;

b) enter into agreements and make undertakings on behalf of the Council with the holders of interests in the land subject to the CPO or parties otherwise affected by the proposed scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO;

c) acquire land compulsorily.

2) make a CPO under sections 239, 240, 246 and 249 of the Highways Act 1980 and the Acquisition of Land Act 1981 in respect of all that area of land shown edged red coloured pink and entitled "Map referred to in The West Berkshire

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District Council (Footway/Cycleway, Aldermaston, Berkshire) Compulsory Purchase Order 2010".

3) in respect of the land included in the CPO and confirmed by the Secretary of State for Transport where appropriate the Council make either a General Vesting Declaration or General Vesting Declarations under Section 1 of the Compulsory Purchase (Vesting Declarations) Act 1981 or serves notices to treat under Section 5 of the Compulsory Purchase Act 1965;

4) give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and delegate to the Head of Legal and Electoral Services authority to serve notices in relation thereto in the manner set out in Section 6(4) of the Acquisition of Land Act 1981."

In introducing the report Councillor David Betts regretted that this piece of land had to be purchased through a Compulsory Purchase Order, (CPO) not because it was not important but because this option had to be resorted to. He noted that the scheme accorded with the aims of the Local Transport Plan, was the aspiration of the National Cycle organisation Sustrans and the Aldermaston Parish Council. Councillor Betts confirmed that the Council had the funding available to implement the recommendations.

Councillor Irene Neill was also disappointed that the Council would have to resort to a CPO but was pleased that the matter could be concluded at last. The issue had first been raised a few years ago by the Parish Council when they were considering how young people from Aldermaston Wharf could access the skateboard park in Aldermaston Village. A proposal had been put to Wasing Estate who had agreed to it and this had been the foundation for the scheme.

Councillor Keith Lock reported that this was a dangerous piece of road that really needed a footpath and he therefore also supported the CPO.

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

37. **Petition Scheme for West Berkshire (C2030)**

The Council considered a report (Agenda Item 14) concerning the adoption of a 'Petition Scheme' as required under the Local Democracy, Economic Development and Construction Act 2009 ("The 2009 Act").

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Pamela Bale:

That the Council:

1. adopt the attached Petition Scheme and incorporate this into the relevant parts of the Constitution while moving forward with the requirement to establish an e-petitions facility by 15th December 2010";
2. give the Monitoring Officer delegated authority to make consequential amendments to the Constitution where reference to 'petitions' is made'

Councillor Graham Jones noted that the amendment was required to the Constitution to ensure that the Council met its obligations under the 2009 Act and would replace the existing petition scheme.

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Councillor Tony Vickers noted that the Governance and Audit Committee had considered this scheme in great detail to ensure that it was fit for purpose. Subsequent to the Special Governance and Audit Committee held on the 14 September 2010 it had occurred to him that there was a requirement to ensure that the network effect of matters that appeared to affect only one or two wards were taken into consideration. He therefore proposed that the following amendments be made to the scheme:

- page 60 of agenda, paragraph 4.e. line 4, change "is" to "may be" and add to end of sentence "500 per ward, at the discretion of the Monitoring Officer."
- change paragraph 4.f. line 2 on page 61 as above.
- The sentence following the above sentence on page 60 already covers the issue but should be included in paragraph 6.
- delete the sentence in 4.e beginning "This does not affect...."
- amend paragraph 6 as follows. "This is to ensure that Council Members are informed as to the receipt and progress of **all** petitions that affect them as Ward Members, because **all** petitions could in theory end up as Petitions for Debate."
- "a. All Petitions will be notified to all Council Members, upon receipt and unless resolved directly as in paragraph 7.c.
- "b. Where a Petition appears to affect not more than two Wards, unless a Member challenges this within 10 working days, the Petitions Officer will inform the organiser that a reduced number of signatures is sufficient to make the Petition come to Full Council for Debate, if requested."
- "c. Nothing in the Petitions Scheme affects the right of Ward Members to present Motions to Full Council for debate. Such Motions may be based upon Petitions that fail to reach the required number of signatures under this Scheme.
- "d. When a petition is referred to a person or body within the Council who has the authority to take a decision on the subject matter, the Ward Member(s) representing any affected ward(s) will be invited to attend and address the person or body making the decision for no more than five minutes (each), immediately after the petition organiser."
- add another bullet to the list in 7.d to say: "the number of signatures required for the petition to be debated at Full Council under 4.e"
- Page 57 paragraph 2(b) last sentence delete the word 'also'

On the basis that the Monitoring Officer gave his approval to the amendments proposed Members supported the requested changes and agreed to approve the petitions scheme subject to the inclusion of the amendments set out above.

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Councillor Paul Bryant noted that the Council had a good record of dealing with petitions and felt that these changes to the scheme would help to clarify the process. He also felt that the introduction of the petitions website would assist residents in raising issues with the Council.

The Council thanked Councillor Vickers and the rest of the Governance and Audit Committee for the effort that they had put into devising this scheme.

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

38. Notices of Motions

(a) **The following Motion has been submitted in the name of Councillor Jeff Brooks**

The Council considered a Motion submitted in the name of Councillor Jeff Brooks relating to the committee system of governance.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Keith Lock:

“That the Council:

- notes the Coalition Government’s intention to allow local authorities to return to the committee system of governance;
- believes the Executive decision making system is undemocratic and denies most elected representatives a proper share of access to information, speaking rights and influence over the decision-making process; and
- resolves to return to the committee system with effect from the Annual meeting of the Council which follows the enactment of the relevant legislation.”

In accordance with Procedure Rule 4.5.8.of the Council’s Constitution the Chairman proposed that this motion be referred to the Governance and Audit Committee for consideration. This was put to the Council and duly **RESOLVED**.

(b) **The following Motion has been submitted in the name of Councillor Royce Longton**

The Council considered a Motion submitted in the name of Councillor Royce Longton relating to the selling of surplus electricity.

MOTION: Proposed by Councillor Royce Longton and seconded by Councillor Julian Swift-Hook:

“That the Council:

1. welcomes the recent statement from Climate Change Secretary Chris Huhne that local authorities are to be allowed to sell surplus electricity generated by renewable technologies to the national grid;
2. notes that early estimates from the LGA suggest that across the country this could yield anything up to £100 million per year;
3. also notes that this will drastically reduce any disincentive to investing in photovoltaics and other renewables on Council buildings, currently imposed by

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the high capital cost, and indeed that it could provide a valuable source of income assisting the Council in maintaining its services in these difficult financial times;

4. and therefore resolves to move swiftly towards maximising the potential to generate environmentally sustainable green energy on its offices, schools, leisure centres and other property.”

In accordance with Procedure Rule 4.5.8.of the Council’s Constitution the Chairman proposed that this motion be referred to the Greener Select Committee for consideration. This was put to the Council and duly **RESOLVED**.

(c) **The following Motion has been submitted in the name of Councillor Graham Jones**

The Council considered a Motion submitted in the name of Councillor Graham Jones relating to the adoption by local authorities of their own governance structures.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Pamela Bale:

“That the Council:

1. notes the coalition government’s intention to allow local authorities to adopt their own governance structures;
2. resolves to establish a small working group under the auspices of G and A to look at the strengths and weaknesses of the current system and to look at other alternatives having regard to the need to retain accountability and ensure any new system is cost effective.”

In accordance with Procedure Rule 4.5.8.of the Council’s Constitution the Chairman proposed that this motion be referred to the Governance and Audit Committee for consideration. This was put to the Council and duly **RESOLVED**.

39. **Members' Questions**

(a) **Question to be answered by the Portfolio Holder for Education submitted by Councillor Mollie Lock**

Councillor Mollie Lock declared a personal interest in this item by virtue of the fact that she on the Board of Trustees for St Bartholomew’s School. As her interest was personal and not prejudicial she determined to remain in the chamber and listen to the response provided to her question and ask a supplementary question)

A question standing in the name of Councillor Mollie Lock on the subject of what happened to the accrued interest on a Government grant to a school project was answered by the Executive Member for Finance.

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(b) **Question to be answered by the Portfolio Holder for Education submitted by Councillor Mollie Lock**

A question standing in the name of Councillor Mollie Lock on the subject of the passing on of money obtained from Government to the schools who had achieved their targets for vulnerable children was answered by the Executive Member for Education.

(c) **Question to be answered by the Portfolio Holder for Strategy, Performance and Community Safety submitted by Councillor Jeff Brooks**

A question standing in the name of Councillor Jeff Brooks on the subject of supporting employees who felt isolated under the Timelord programme was answered by the Executive Member for Strategy, Performance and Community Safety.

(d) **Question to be answered by the Portfolio Holder for Highways, Transport (Operational) and ICT submitted by Councillor David Rendel**

A question standing in the name of Councillor David Rendel on the subject of the number of people prevented from exiting car parks in the evenings when barriers had malfunctioned was answered by the Executive Member for Highways, Transport (Operational) and ICT.

(e) **Question to be answered by the Portfolio Holder for Community Care submitted by Councillor Julian Swift-Hook**

A question standing in the name of Councillor Julian Swift-Hook on the subject of the number of people affected by 'bed blocking' was answered by the Executive Member for Community Care.

(f) **Question to be answered by the Portfolio Holder for Community Safety submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the current status of the CCTV project for Theale, Pangbourne and Lambourn was answered by the Executive Member for Community Safety.

(g) **Question to be answered by the Portfolio Holder for Highways, Transport (Operational) and ICT submitted by Councillor Gwen Mason**

(Councillor Gwen Mason declared a personal interest in agenda item 16(g) by virtue of the fact that she was an associate member of the West Berkshire Disability Alliance. As her interest was personal and not prejudicial she determined to remain in the meeting and listen to the response provided by the Portfolio Holder and asked a supplementary question).

A question standing in the name of Councillor Gwen Mason on the subject of the progress of the Council's strategy for residential disabled parking was answered by the Executive Member for Highways, Transport (Operational) and ICT.

(h) **Question to be answered by Portfolio Holder for Planning, Housing and Transport Policy submitted by Councillor Julian Swift-Hook**

A question standing in the name of Councillor Julian Swift-Hook on the subject of when the performance and response times of the Council's online Planning Portal would reach

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acceptable standards was answered by the Executive Member for Planning, Housing and Transport Policy.

(i) Question to be answered by the Portfolio Holder for Partnerships, Equality and the Visions submitted by Councillor Julian Swift-Hook

A question standing in the name of Councillor Julian Swift-Hook on the subject of the lack of proper and thorough Equalities Impact Assessments (EIA) in reports was answered by the Executive Member for Partnerships, Equality and the Visions.

(The meeting commenced at 7.00 pm and closed at 8.55 pm)

CHAIRMAN

Date of Signature