

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 9 DECEMBER 2010

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

Also Present: John Ashworth (Corporate Director - Environment), Teresa Bell (Corporate Director - Community Services), Nick Carter (Chief Executive) and David Holling (Head of Legal & Electoral),

Apologies for inability to attend the meeting: Councillor Jeff Beck, Councillor George Chandler, Councillor Ellen Crumly, Councillor Lee Dillon, Councillor David Holtby and Councillor Tim Metcalfe

Councillor(s) Absent: Councillor Paul Hewer

PART I

40. Minutes

The Minutes of the meeting held on 23 September 2010 were approved as a true and correct record and signed by the Chairman.

41. Declarations of Interest

Councillor Alan Law declared an interest in Agenda Item 20 and reported that, as his interest was personal and prejudicial, he would be leaving the meeting during the course of consideration of the matter.

Councillor Graham Pask declared an interest in Agenda Item 18, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillor Julian Swift-Hook declared an interest in Agenda Item 21(a), but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillor Marcus Franks declared an interest in Agenda Items 21(a) and 21(b), but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matters.

Councillor Royce Longton declared an interest in Agenda Items 13, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillor Gwen Mason declared an interest in Agenda Items 21(a), but reported that, as her interest was personal and not prejudicial, she determined to remain to take part in the debate and vote on the matter.

42. Junior Citizen of the Year Awards for 2010

Councillor Graham Pask noted that 11 nominations had been received this year from across the District. Given the high number and quality of entries the independent judging panel had decided to select a winner from four categories, as well as an overall winner.

The four categories were:

- Has helped someone in trouble;
- Has achieved excellence in school or an outside activity;
- Has made West Berkshire a better place to live and work;
- Has shown an act of bravery.

The first award was presented to Emily Simms and as Emily was unable to attend the meeting the award was collected by her mother. Emily was nominated by Mrs Denise Herrington, a family friend and neighbour. The award was made as Emily was a young carer for her mother, had also volunteered at the Oxfam shop in Hungerford, raised money for charity in lieu of birthday presents and organised a charity concert in memory of a young teacher at the Down School who died the previous year. During her 2010 summer holidays, Emily organised a four week trip to Ghana to volunteer in orphanages and pre-schools. On her return to England Emily then shared her experiences with the village pre-school. The judging panel was extremely impressed by Emily's caring attitude not only to her mother and in helping to run the family home but also for all her charity work including her life changing trip to Ghana.

Hayley Cleayer received the award for achieving excellence in school, work or an outside activity. Hayley was nominated by Councillor Val Betteridge from Holybrook Parish Council. Hayley was reported as being a good all rounder at school and was involved in all aspects of school life including sport and performing arts and achieved 'A' grades in nearly all subjects. Hayley was in the Duke of Edinburgh Scheme to gold award standard, was a Peer Mentor in the Berkshire Mock Trial Competition and had won a maths/science award. Hayley was awarded the St John Ambulance Berkshire Cadet of the Year 2010 and represented the County at Buckingham Palace this year. Hayley also volunteered in the Caversham Ward at the Royal Berkshire Hospital on a weekly basis, helping stroke and neurology patients.

Tom Miles received the award for making West Berkshire a better place to live and work. Tom was nominated by Mr Jon Linz, a teacher at Little Heath School. Tom was a leading contributor to Little Heath School's SMILE Peer Mentoring Programme and was dynamic and committed Student Voice Leader. Tom was involved in discussions with the Green Bus Company who had recently taken over the franchise for Little Heath School buses. Tom informed them of the views and concerns of fellow pupils and discussed options for the way forward. In addition to his school activities, Tom had part time employment with Explora Learning in Calcot, working with young people in their education centre.

The winner of the 'has shown an act of bravery' category and the overall winner of this year's Junior Citizen of the Year Award was Imogen Holland. Imogen was nominated by Councillor Bob Morgan, District Councillor for Thatcham South. Imogen was born with Laurin Sandrow Syndrome, a rare condition involving the malformation of both her hands and one of her feet. Despite undergoing 15 complex operations, Imogen carried on at school and participating in many outdoor activities. Following a fall another series of operations took place on Imogen. After discussions with doctors, Imogen then made the

COUNCIL - 9 DECEMBER 2010 - MINUTES

decision to have her leg amputated at the age of 15. Attending school became hard at this time and despite attending only 50 days at school in two years, Imogen still managed to achieve 6 GCSEs. Imogen then went on to fundraise for the Mines Advisory Committee by abseiling down the side of Battersea Power Station this year which included walking up eight sets of stairs on crutches. Imogen explained that she supported this cause because whilst she had a choice of having a limb amputated, the victims of mines had no such choice. She managed to raise over one thousand pounds for the charity by her exploits.

Councillor Graham Pask, on behalf of the Council, congratulated all those that had been nominated and especially the deserving winners.

43. **Chairman's Remarks**

The Chairman reported that he and the Vice Chairman had attended 58 events, both formal and informal, on behalf of the Council and the District as a whole since the last Council meeting.

Councillor Pask informed Members that a Special Council meeting had been arranged for the 31 January 2011 to consider proposals relating to the Local Development Framework.

Councillor Pask also highlighted the fact that the Chairman's Charity Concert in aid of Macmillan Cancer Care would take place on the 12 March 2011 and he encouraged all Members to attend the event.

44. **Petitions**

Councillor Roger Hunneman presented a petition containing 66 signatures relating to the creation of a ban on Heavy Goods Vehicles (over 7.5 tonnes) using Mill Lane and Boundary Lane in Newbury. It was reported that it was likely that the petition would be responded to via an Individual Decision and once a date had been confirmed the petition organisers would be organised accordingly.

Councillor Pau; Bryant presented a petition containing 483 signatures relating to resurfacing of Coxeter Road, Kersey Crescent, Brummel Road and Burchell Road in Speen. It was reported that it was likely that the petition would be responded to via an Individual Decision and once a date had been confirmed the petition organisers would be organised accordingly.

Councillor Mollie Lock presented a petition containing 279 signatures relating to the proposed closure of Windmill Court Day Centre. This issue would be debated as part of agenda Item 21(a) on the agenda at this meeting and the petition organisers would be informed of the outcome of that debate..

45. **Public Questions**

There were no public questions received.

46. **Licensing Committee**

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

47. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 27 September 2010 and 15 November 2010.

48. District Planning Committee

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

49. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 02 November and 07 December 2010..

50. Standards Committee

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

51. Leisure Centre Fees and Charges 2011/12 (C2175)

(Councillor Royce Longton declared a personal interest in Agenda item 13 by virtue of the fact that he was Chairman of the Willink Joint Management Committee. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 13) concerning a request from Parkwood Leisure to implement the annual price review on 01st January each year..

MOTION: Proposed by Councillor Gordon Lundie and seconded by Councillor Pamela Bale:

That the Council:

“agrees to this variation to the terms and Conditions of the Leisure Management Contract”.

In introducing the report Councillor Lundie noted that the existing contract allowed for the fees and charges to be reviewed annually in March with a view to implementing changes on the 01 April each year. Parkwood Leisure had approached the Council to seek permission to move the annual review date to 01 January each year. This would align the increase with the VAT increase in January 2011 so as to only impose a single price increase for customers in 2011.

Councillor Lundie confirmed that any increase in Parkwood Leisure’s pricing would have no impact on the Council’s budget.

AMENDMENT: Proposed by Councillor Roger Hunneman and seconded by Councillor David Rendel:

That the Council:

“requests that Parkwood Leisure round prices up or down to the nearest 5p ”

Councillor Lundie explained that the pricing structure had been agreed in order to ensure a differential in fees to benefit West Berkshire Card users .

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

Councillor Lundie thanked Councillor Hunneman for his interest in the report. He did not think that the failure to adopt the amendment would have a material impact on users who used West Berkshire Leisure Cards.

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

52. Stronger Leader and Cabinet Model - Outcomes of Consultation (C2003)

The Council considered a report (Agenda Item 14) concerning the outcome of the consultation undertaken by Democratic services on the Stronger Leader and Cabinet Model.

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

That the Council:

notes the consultation and adopts the Stronger Leader Model”.

In introducing the item Councillor Jones explained that the level of interest in this consultation exercise had been very low. The Council had undertaken a minimum level of consultation whilst still meeting statutory requirements. The Council would revisit its governance structures once the existing legislation had been removed.

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

53. 2011/12 West Berkshire Council Timetable of Public Meetings (C1982)

The Council considered a report (Agenda Item 15) concerning a timetable of meetings for 2011/12 Municipal Year.

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

That the Council:

“approves the revised timetable of meetings for January to April of 2011 and the timetable of public meetings for the 2011/12 Municipal Year”.

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

54. Appointment of Designated Scrutiny Officer (C2164)

The Council considered a report (Agenda Item 16) concerning the statutory requirement to appoint a designated Scrutiny Officer.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Brian Bedwell:

That the Council:

“appoints the Scrutiny and Partnerships Manager as West Berkshire Council’s designated Scrutiny Officer”.

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

55. Amendments to the Constitution - Scheme of Delegation (C1886)

The Council considered a report (Agenda Item 17) concerning amendments to the Council’s Scheme of Delegation (Part 3 of the Constitution).

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Quentin Webb:

That the Council:

“approves the recommended actions and where necessary produce clarity on the scheme”.

COUNCIL - 9 DECEMBER 2010 - MINUTES

In introducing the report Councillor Jones noted that some additional amendments to the scheme had been tabled at the meeting. Members noted the following amendments that would also need to be made:

3.14.1 - Energy Act 1976 was duplicated;

3.14.5 on the update sheet should read 3.14.2

3.8.5 delete the additional unnecessary bullet point;

3.6.1 4th and 5th bullet point to clarify what registration refers to.

To ensure that the word authorise was spelt with an 's' and not a 'z' in the document.

The Motion (subject to the minor amendments tabled and raised at the meeting) was put to the meeting and duly **RESOLVED**.

56. Licensing Policy (C2173)

(Councillor Graham Pask declared a personal interest in Agenda item 18 by virtue of the fact that his youngest son is employed by Enterprise Inns. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 18) concerning the Licensing Policy for the next three years.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Adrian Edwards:

That the Council:

“approves the policy.”

Councillor Cole in introducing the item explained that the review of the policy was a mandatory requirement and had to be undertaken at least every three years. The original policy had been agreed in 2004. The current policy had been agreed in 2007 and this version contained some minor amendments (in sections 2.9, 4.10.4 and 6.5 as well as some personnel name changes and amendments to grammar.

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

57. Proposed Designation Peasemore Conservation Area and Adoption of the Peasemore Conservation Area Appraisal (C2162)

The Council considered a report (Agenda Item 19) concerning the designation of a new Conservation Area in Peasemore and adoption of the Peasemore Conservation Area Appraisal.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Paul Bryant:

That the Council:

“1. designates a new Conservation Area in Peasemore;

2. adopts the Peasemore Conservation Area Appraisal”.

Councillor Alan Law noted that the work had been undertaken in line with the Planning (Listed Buildings and Conservation Areas) Act 1990. Consultation on the document had taken place between the 25 November 2009 and 23 December 2009. Responses to the seven responses received were attached as an appendix to the report.

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

58. Streatley Conservation Area Appraisal (C2163)

(Councillor Alan Law declared a personal and prejudicial interest in Agenda item 20 by virtue of the fact that part of his property was included in the area covered by the Conservation Area Appraisal. As his interest was personal and prejudicial he/ left the meeting and took no part in the debate or voting on the matter).

Councillor Law left the meeting at 8.35pm and returned at 8.37pm once the matter had been voted on.

The Council considered a report (Agenda Item 20) concerning the adoption of the Streatley Conservation Area Appraisal and the adoption of a standardised approach to the preparation of future appraisals.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Paul Bryant:

That the Council:

“adopts the Streatley Conservation Area Appraisal and adopts a standardised approach to the preparation of future Conservation Area Appraisals as out lined in the report ”.

Councillor Graham Jones in introducing the report noted that there currently 53 Conservation Areas in the District (including the Peasemore Conservation Area) and the council had a duty to review them all. As the Streatley appraisal was the first in a series of these appraisals it was proposed to adopt the methodology used for this piece of work as a future template.

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

59. Notices of Motion

60. The following Motion has been submitted in the name of Councillor Julian Swift-Hook:

(Councillor Julian Swift-Hook declared a personal interest in Agenda item 21(a) by virtue of the fact that he was Chairman of West Berkshire Mencap. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

(Councillor Marcus Franks declared a personal interest in Agenda item 21(a) by virtue of the fact that he was employed by Sovereign Housing. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

(Councillor Gwen Mason declared a personal interest in Agenda item 21(a) 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 take part in the debate and vote on the matter).

The Council considered the under-mentioned Motion (Agenda item 21(a) refers) submitted in the name of Councillor Julian Swift-Hook relating to day care provision in the district.

MOTION: Proposed by Councillor Julian Swift-Hook and seconded by Councillor Owen Jeffery:

‘That, following the decision made by Executive on 8th November the Council:

COUNCIL - 9 DECEMBER 2010 - MINUTES

1. Regrets the hurried introduction of the reconfiguration of its day care provision (which includes the closure of five day centres across West Berkshire and the loss of a large number of valued staff) without having detailed alternative provision in place across the District;
2. Regrets the distress that the announcement has caused to the hundreds of Day Care Centre Service Users across the District;
3. Regrets the uncertainty that the announcement has caused for all of the dedicated staff working in its Day Care Service;
4. Resolves to delay the implementation of all Day Centre closures and the consequent staff redundancies until:
 - a. a full consultation has been carried out with Service Users;
 - b. a full assessment of Service Users needs and preferences has been completed;
 - c. Personal Budgets are in place for all affected Service Users; and
 - d. comprehensive alternative service provision designed to meet Service Users' established needs and preferences is in place."

Following a debate, and in accordance with paragraph 4.11.12(d) a motion that the motion now be put was proposed by councillor Emma Webster and was seconded by Councillor Graham Jones. This motion was put to the vote and declared **CARRIED**.

The Motion was then put to the vote and declared **LOST**.

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:

AGAINST the Motion:

Councillors: Barbara Alexander, Peter Argyle, Howard Bairstow, Pamela Bale, Brian Bedwell, David Betts, Paul Bryant, Keith Chopping, Hilary Cole, Richard Crumly, Adrian Edwards, Geoff Findlay, Marcus Franks, Dave Goff, Manohar Gopal, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Joe Mooney, Irene Neill, Graham Pask, Andrew Rowles, Anthony Stansfeld, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (30)

FOR the Motion:

Councillors: Jeff Brooks, Billy Drummond, Roger Hunneman, Owen Jeffery, 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.

Councillor Graham Pask thanked members of the public and staff that had attended the meeting to listen to the debate.

61. **The following Motion has been submitted in the name of Councillor Tony Vickers:**

(Councillor Marcus Franks declared a personal interest in Agenda item 21(b) by virtue of the fact that he was employed by Sovereign Housing. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Council considered the under-mentioned Motion (Agenda item 21(b) refers) submitted in the name of Councillor Tony Vickers relating to the housing revenue account.

MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Alan Law:

“The Council welcomes:

The Government shifting power from Westminster to councils and communities, in particular many of the reforms proposed in the Government's Consultation Paper ‘Local Decisions: a Fairer Future for Social Housing’.

However the Council notes that the proposed reform of the Housing Revenue Account, ending central government control of rents from council housing, leaves Councils like West Berkshire (where social housing is owned and operated by housing associations) at a disadvantage, allowing associations that operate across local authority boundaries to borrow from one area to invest in another, unlike Councils with their own housing stock.

The Council therefore calls on Government to require housing associations to:-

- a. publish their accounts in such a way that there is transparency as regards asset management of social housing, on a local authority area basis; and
- b. be obliged to balance their borrowing against housing assets - and their investments - in any one local authority area over any 5-year period; and
- c. be allowed to borrow on the same favourable terms as public bodies such as local authorities.

The Council requests that the Administration prepares a response to the consultation paper, due 17th January, which includes this.”

Councillor Tony Vickers informed the Council that he had prepared an amended version of the motion which he wished them to consider.

AMENDED MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Alan Law:

That the Council:

“welcomes the Government shifting power from Westminster to councils and communities, in particular many of the reforms proposed in the Government's Consultation Paper "Local Decisions: a Fairer Future for Social Housing".

However Council notes that the proposed reform of the Housing Revenue Account, ending central government control of rents from council housing, leaves Councils like West Berkshire (where social housing is owned and operated by housing associations) at a disadvantage, allowing associations that operate across local authority boundaries to sell assets in one area to invest in another, unlike Councils with their own housing stock.

COUNCIL - 9 DECEMBER 2010 - MINUTES

Council therefore calls on Government to require housing associations to:-

- a. publish their accounts in such a way that there is transparency as regards asset management of social housing, on a local authority area basis; and
- b. Be obliged to re-invest the proceeds of any Asset Sales made in a Local Authority Area, within the same Local Authority Area, within a 5 year period.
- c. be allowed to borrow on the same favourable terms as public bodies such as local authorities.

Council requests that the Administration prepares a response to the consultation paper, due 17th January, which includes this."

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

62. Members' Questions

- (a) **Question to be answered by the Executive Member for Planning, Housing and Transport Policy submitted by Councillor Keith Woodhams:**

Councillors Geoff Findlay and Richard Crumly left the meeting.

A question standing in the name of Councillor Keith Woodhams on the subject of School Travel Plan Advisor was answered by the Executive Member for Education.

- (b) **Question to be answered by the Executive Member for Planning, Housing and Transport Policy submitted by Councillor Keith Woodhams:**

A question standing in the name of Councillor Keith Woodhams on the subject of penalties imposed on contractors when they overrun agreed schedules was answered by the Executive Member for Highways, Transport (Operational) and ICT.

- (c) **Question to be answered by the Executive Member for Planning, Housing and Transport Policy submitted by Councillor Royce Longton:**

A question standing in the name of Councillor Royce Longton on the subject of Employment Land assessment in Newbury was answered by the Executive Member for Planning, Housing and Transport Policy.

(The meeting commenced at 7.00 pm and closed at 8.50pm)

CHAIRMAN

Date of Signature