



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **COUNCIL** will be held in the Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 21 FEBRUARY 2019 AT 8.00 PM**

Heather Thwaites

Heather Thwaites
Interim Chief Executive
Published on 13 February 2019

This meeting will be filmed for inclusion on the Council's website.

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

To: The Members of Wokingham Borough Council

ITEM NO.	WARD	SUBJECT	PAGE NO.
83.		MAYOR'S ANNOUNCEMENTS To receive any announcements by the Mayor.	
84.		APOLOGIES To receive any apologies for absence.	
85.		MINUTES OF PREVIOUS MEETINGS To confirm the Minutes of the Council meeting held on 22 November 2018 and the Extraordinary Council meetings held on 14 December 2018 and 24 January 2019.	11 - 76
86.		DECLARATIONS OF INTEREST To receive any declarations of interest.	
87.		PUBLIC QUESTION TIME To answer any public questions. A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of the Council Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Council or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
87.1	Wescott	Spencer Deering has asked the Executive Member for Regeneration the following question: Question Why was all of Denmark St down to the roundabout at the Dukes Head not re tarmacked when the regeneration work to the town centre was going on? The road surface is an absolute disgrace and I feel it would lift the look of the town centre nicely. Seems very odd that this opportunity was missed. But I guess as most of the roads in and around Wokingham are terrible it fits in nicely.	

87.2 Wescott

Martin Branch has asked the Executive Member for Planning and Enforcement the following question:

Question

A recent new window next door which overlooks me was stipulated on the 22/11/17 as fixed and obscured to protect me. However, retrospective permission was given omitting the 'fixed' requirement. As a result, I am seriously over-looked upstairs and downstairs including bedroom and bathroom with clear glass and downstairs living room.

After complaining, the council said 'one would have to be 6'2" to be able to view into my home'. To me, this merely exemplifies that one can see into my home.

I have learned that this salient omission of 'fixed' was more likely a mistake rather than a deliberate act. The council has refused to answer two related questions I put to them and has also refused to answer any further correspondence from me.

When will this mistake be rectified?

87.3 None Specific

Philip Meadowcroft has asked the Leader of the Council the following question:

Question

I believe that you and your Executive colleagues, and indeed the Full Council, need to focus on and consider the implications of what was actually said by three eminent Court of Appeal judges in respect of WBC's appeal against a ruling from Reading Crown Court halting this Council's Breach of Enforcement prosecution against eleven defendants associated with Hare Hatch Sheeplands.

At the last Executive Meeting on January 31 Councillor Weeks chose to emphasise the over-arching importance of WBC bringing enforcement action against those who break planning regulations. Quite so, and this is not a matter on which any right-minded person would doubt; it's motherhood and apple pie. But we are now in a position where it is crucial WBC don't merely learn lessons (whether or not from an internal enquiry if such could be credibly undertaken).

As background to my question it is crucial to highlight two key points so clearly made in Lady Justice Hackett's summing up which I personally heard since I attended the entire proceedings:

1. The Court of Appeal was not engaged to conduct a re-run of the prosecution brought by WBC to Reading Crown Court last June. WBC had merely sought to appeal the collapse of the trial at Reading. Councillor Weeks' statement on January 31 that the Court of Appeal had been "inconsistent" with other WBC prosecutions is thus wholly irrelevant to the HHS issue.

2. The "unjust and unfair" verdict against WBC at Reading Crown Court was upheld without any difficulty by the Court of Appeal despite five grounds of appeal presented by WBC's QC because:

a) damning email evidence of the exchanges between Members and Officers over a lengthy period prior to breach of enforcement proceedings being instigated had been presented at Reading Crown Court, and

b) WBC had failed to follow the Code for Crown Prosecutors as shown by email evidence that WBC was planning to benefit from any Proceeds of Crime related to the case. Under the Code, when an LPA acts as a prosecutor it cannot at the same time be a beneficiary. The Court of Appeal found this failure to follow the Code particularly repugnant given that the defendants, if convicted, could have received jail sentences.

We have to thank the Court of Appeal for assembling and documenting in the 60-minute summing up just what went on in WBC's pursuit of the breach of enforcement action. I think it is relevant to let you know that the Court of Appeal judges took particular exception, expressed when the hearing commenced, to the unprofessional presentation of WBC's evidence bundle mentioning that emails were filed "all over the place" and indexing and tabbing "was in a mess".

WBC is now permanently tainted by this affair and the Court of Appeal's decision about WBC is very likely to be quoted in similar future cases in the Crown Court in the UK, the High Court, and the Court of Appeal. That is why you, Councillor McGhee-Sumner, as Leader, need to decide whether you are going to be part of the problem or whether you are going to be the originator of the solution.

Councillor McGhee-Sumner: Given the essential background I have presented, here is my question:

will you please give urgent consideration to suspending from office all those Members and Officials named and shamed by the Court of Appeal for a series of actions and events of unacceptable culture and practice - such suspensions would only be lifted after the completion of an internal inquiry whose unredacted report is openly published and fully debated by a Full Council Meeting with contributions from WBC council taxpayers ? It is a simple choice and crucial to your standing as a respected and credible Leader of WBC.

- 87.4 Bulmershe and Whitegates; South Lake Alison Swaddle has asked the Executive Member for Business, Economic Development and Strategic Planning the following question:

Question

I am a member of the Earley and Woodley Town Councils Joint Working Party and we have been working together to protect the area known as Bulmershe Fields which is a Site of Urban Landscape Value (or SULV) from development. In the sites put forward for the Local Plan Update this area has had the category of "Leisure Services" added to the existing "Public Open Spaces" classification. This would mean that, if agreed, development could be carried out on this public space as long as the use is for leisure. Both Town Councils are adamant that this change should not be accepted especially as there is already a "campus" for leisure facilities close by with schools, football pitches and a new Bulmershe leisure centre being built. Will the Executive Member agree with me that this change is inappropriate and will be removed during the review of sites process?

88. **PETITIONS**
To receive any petitions which Members or members of the public wish to present.

89. None Specific **MEDIUM TERM FINANCIAL PLAN AND ASSOCIATED REPORTS**
The following Budget reports will be taken as one Agenda item and a period of 1½ hours will be allowed to debate the item.

- 89.1 None Specific **Housing Revenue Account Budget 2019/22** **77 - 92**
To consider the recommendations of the Executive in respect of the Housing Revenue Account budget for 2019/22.

RECOMMENDATION That the Council approve:

- 1) the Housing Revenue Account budget;
- 2) Council house dwelling rents be reduced by 1% effective from April 2019 in line with the Welfare Reform and Work Act 2015;
- 3) garage rents be increased by 3.70% effective from April 2019 in line with Council fees and charge;
- 4) Shared Equity Rents will be increased by 3.27% based on September RPI, effective from April 2019;
- 5) Tenant Service Charges are set in line with estimated costs.
- 6) the Housing Major Repairs (capital) programme for 2019/20 as set out in Appendix C.
- 7) Sheltered room guest charges increase from £9.00 per night to £9.50 per night.

89.2 None Specific

Capital Programme and Strategy 2019/22

93 - 130

To consider the recommendations of the Executive in respect of the Capital Programme and Strategy 2019/22.

RECOMMENDATION That the Council is asked to:

- 1) approve the Capital strategy for 2019/22 - Appendix A;
- 2) approve the 3 year capital programme 2019/22 – Appendix B;
- 3) note the draft vision for capital investment over the next 10 years - Appendix C;
- 4) approve the developer contributions S106 and CIL as set out in Appendix D. The S106 and CIL values are estimated and approval is sought up to the scheme budget;
- 5) note the commercial activities of the Council – Appendix E.

89.3 None Specific **Treasury Management Strategy 2019/20 - 2021/22** **131 - 174**

To consider the recommendations of the Executive in respect of the Treasury Management Strategy 2019/20.

RECOMMENDATION That the Council approve the following:

- 1) Capital Prudential indicators, 2019/20;
- 2) Borrowing Strategy 2019/20;
- 3) Annual Investment Strategy 2019/20;
- 4) Flexible use of capital receipts strategy;
- 5) MRP policy; and
- 6) Treasury indicators: limits to borrowing activity 2019/20.

89.4 None Specific **Medium Term Financial Plan 2019/22** **175 - 180**

To consider the recommendations of the Executive in relation to the Medium Term Financial Plan 2019/22 and the Budget submission and Council Tax for 2019/20.

RECOMMENDATION That Council is recommended to approve:

- 1) the Medium Term Financial Plan (MTFP) 2019/22, including the budget submission for 2019/20.
- 2) the statutory resolution that sets out the 2019/20 council tax levels (as set out in Appendix A to the report).
- 3) that in the event that there are any changes to the provisional precept of the Fire Authority or parishes, arising from their precept setting meetings being held before the end of February, the Deputy Chief Executive (S151 Officer) is delegated authority to enact all relevant changes to the MTFP, Statutory Resolution and council tax levels.

- 90.** None Specific **TREASURY MANAGEMENT - MID YEAR REPORT 2018/19** **181 - 206**
 To consider the mid-year Treasury Management report for 2018/19.
- RECOMMENDATION** That Council is asked to:
- 1) approve the mid-year Treasury Management report for 2018/19;
 - 2) note the actual 2018/19 prudential indicators within the report.
- 91.** None Specific **COUNCIL TAX REDUCTION SCHEME 2019 / 2020** **207 - 212**
 To reconsider the decision made by Council on 24 January 2019 and adopt a revised Council Tax Reduction Scheme for 2019/20.
- RECOMMENDATION:** That the Council agree the proposed Council Tax Reduction Scheme for 2019/20 as set out in the report.
- 92.** None Specific **CHANGES TO THE CONSTITUTION** **213 - 270**
 To consider proposed changes to the Council's Constitution as recommended by the Constitution Review Working Group.
- RECOMMENDATION** That Council agree the following changes to the Constitution as recommended by the Constitution Review Working Group:
- 1) that Section 4.2.9.7 Asking the Question at the Meeting and Section 5.4.31 Asking the Question at the meeting [Executive] be amended as set out in paragraph 1 of the report;
 - 2) that Section 4.2.11 Motions on Notice be amended as set out in paragraph 2 of the report;
 - 3) that Section 3.5.4.2 Debating a Petition at a Council Meeting be amended as set out in Appendix 1 to the report;
 - 4) that Sections 6.3.29 Call In-6.3.36 Dispute be amended as set out in Appendix 2 to the report;
 - 5) that Section 8.4 Licensing And Appeals Committee Procedure Rules be amended as

set out in Appendix 3 to the report;

- 6) that Section 11 Officers be amended as set out in Appendix 4 to the report;
- 7) that Sections 1.6.4 Authentication of Documents and 13.3.3.2 Table – Acceptance of Tenders and Signing of Contracts be amended as set out in paragraph 7 and Appendix 5 to the report.

93. None Specific

TIMETABLE OF MEETINGS

271 - 272

To consider the proposed Timetable of Meetings for the 2019/20 Municipal Year.

RECOMMENDATION: That the Timetable of Meetings for the 2019/20 Municipal Year be agreed.

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