



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN, on **THURSDAY 26 SEPTEMBER 2019 AT 7.30 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage
Chief Executive
Published on 18 September 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

MEMBERSHIP OF THE EXECUTIVE

John Halsall	Leader of the Council
John Kaiser	Deputy Leader and Executive Member for Finance and Housing
Parry Bath	Environment and Leisure
UllaKarin Clark	Children's Services
Charlotte Haitham Taylor	Regeneration
Pauline Jorgensen	Highways and Transport
Charles Margetts	Health, Wellbeing and Adult Services
Stuart Munro	Business and Economic Development
Gregor Murray	Climate Emergency
Wayne Smith	Planning and Enforcement

ITEM NO.	WARD	SUBJECT	PAGE NO.
33.		APOLOGIES To receive any apologies for absence	
34.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Executive Meeting held on 25 July 2019	9 - 20
35.		DECLARATION OF INTEREST To receive any declarations of interest	
36.		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 Executive 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	
36.1	None Specific	Philip Meadowcroft has asked the Leader of the Council the following question: Question The Lingard Report, (which WBC has decided not to place on its website, but is available to anyone who contacts WBC), was ordered by the previous Leader of the Council following the Court of Appeal Criminal Division's decision to uphold the decision of Reading	

Crown Court to halt the HHS breach of enforcement trial. In the opinion of the Reading Crown Court Judge, particular WBC Councillors and officials had committed abuse of power in the course of bringing the case to Reading Crown Court rendering the case against HHS “unfair and unjust”. The trial accordingly collapsed.

In her summing up at the Court of Appeal Criminal Division hearing into WBC’s appeal against the decision of Reading Crown Court, Lady Justice Hallett declared:

“[The Reading Crown Court] Judge’s finding that WBC had induced Mr Scott to act to his detriment and then taken advantage of the situation, in our view, must stand.”

This finding of fact had been established at Reading and confirmed by the Court of Appeal. Only a successful appeal by WBC to the Supreme Court could overturn the Reading Crown Court and the Court of Appeal. Such an appeal has not been made by WBC.

The terms of reference for the Lingard investigation were to assess whether, in the light of the two courts’ decisions, particular Councillors, including the current Leader and Deputy Leader, and particular Officials were guilty of maladministration. Additionally, Mr Lingard was invited by WBC to review various issues including the judgements of Reading Crown Court and the Court of Appeal.

The Lingard Report has openly, disrespectfully, and unlawfully challenged and rejected the opinions of both the Crown Court and the Court of Appeal. Lingard has declared that the courts were wrong to find that WBC unjustly and unfairly induced Mr Scott to withdraw a crucial appeal. Lingard has said that the courts had based their conclusions on “supposition and a lack of clear evidence”. It is simply not permissible for Lingard to challenge and discredit the courts’ rulings. As a result, the Lingard report has discredited itself and lacks any merit.

Lingard has turned out to be a re-run of the evidence presented at Reading Crown Court and the disrespect and contempt shown by Lingard towards the courts is, in my view, absolutely unacceptable and the Report and, indeed, Mr Lingard, may now be subject to legal intervention and possible withdrawal. The Lingard Report has thus been a waste of WBC residents’ council tax.

On top of this, Mr Lingard has disclosed that he was briefed by WBC last year to investigate concerns by Reading Crown Court about a shortage of evidence supplied by WBC in the early stages of WBC's prosecution of HHS. I have been advised – and surprised - that last year's report by Mr Lingard is not available because it never existed. In short, Mr Lingard's independence - fundamental to the integrity and credibility of his investigation - has been materially compromised.

The present report contains over 300 redactions ostensibly to protect the identification of the individuals involved. The redactions are absurd and pointless because the Officials are identifiable by their job titles and their personal identities are shown on the WBC website. The Councillors are equally easily identifiable. But, far more significantly, 11 complete paragraphs of evidence mainly from two Councillors, Mr Halsall and Mr Kaiser, have been deleted from the original Report delivered to WBC in July. Either they, or WBC, or both are determined that the whole truth should not be made known.

Whilst these 11 redactions remain in place, the Lingard Report is worthless because everybody else - be they members of this Council, the officials and staff who run WBC, and the residents of the Borough – are prevented from knowing what Mr Halsall and Mr Kaiser clearly regard as something which must be kept secret.

Having put the issue into its appropriate context, here is my question:

Bearing in mind:

- Mr Lingard's disclosure of his investigation last year leads inevitably to conclude his independence has been compromised, and,
- The 300-plus redactions and 11 redacted paragraphs, will the Leader of the Council accept the only possible conclusion that the Lingard Report should be scrapped and be replaced by a properly independent and law-respecting investigation into maladministration and misconduct in WBC's handling of its prosecution of HHS?

37.

MEMBER QUESTION TIME

To answer any member questions

A period of 20 minutes will be allowed for Members to ask questions submitted under Notice

Any questions not dealt with within the allotted time will be dealt with in a written reply

37.1 None Specific

Chris Smith has asked the Executive Member for Finance and Housing the following question:

Question

Can the Executive Member provide an update on the annual audit?

37.2 None Specific

Gary Cowan has asked the Executive Member for Planning and Enforcement the following question:

Question

At the Planning Committee on the 14th of August, various decisions were taken which had links to car parking and electric vehicle charging. For example at Matthew's Green for 16 residential units the provision was only 11 of which two were disabled and I expect two more to be electric vehicle charging and if so that will only leave 7 parking bays for 16 residential units.

As an aside to this menial provision at Matthews Green two planning applications by Wokingham council itself on school sites no provision has been made for electric vehicle charging. Is this one rule for residents and a different one for the Council's own Planning Applications which conflicts with the Council's so called climate emergency planning?

37.3 None Specific

Rachelle Shepherd-DuBey has asked the Executive Member for Finance and Housing the following question:

Question

Why is Wokingham Housing Ltd using a private company for building regulations rather than WBC Building Regulations?

37.4 None Specific

Lindsay Ferris has asked the Leader of the Council the following question:

Question

A Council should be prepared to provide its residents with information on all areas of its activity including those that show the Council in a poor light as well as

those that show good practice.

It has come to my attention that WBC are now selectively deciding which documentation (relating to WBC actions and areas of responsibility) it puts on to its website. Can the Council advise how this has been allowed to happen?

37.5 None Specific

Clive Jones has asked the Leader of the Council the following question:

Question

As the Council has declined to respond to an FOI request on this topic.

Can the Council advise me what actions they have taken in relation to preparing for a no-deal Brexit? Could this include any impacts on the provision of services to our local residents and any actions that may need to be performed by the Council should this event actually happen?

37.6 None Specific

Pauline Jorgensen has asked the Executive Member for Adult Social Services the following question:

Question

How do we monitor how satisfied our residents are with the service they get from WBC?

37.7 None Specific

UllaKarin Clark has asked the Executive Member for Climate Emergency the following question:

Question

Please could the Executive Member for Climate Emergency provide me with an update on the changes to the Blue Badge scheme, including progress on processing new applications?

37.8 None Specific

Charles Margetts has asked the Executive Member for Children's Services the following question:

Question

Climate change, and the recently recognised climate emergency, is a major concern of our times. What action is Cllr Clark, our Lead Member for Children's Services, taking to ensure that the voice of our children and young people are heard?

Matters for Consideration

38.	None Specific	SHAREHOLDERS' REPORT	21 - 28
39.	Twyford	TWYFORD COMMUNITY HUB BUSINESS CASE	29 - 38
40.	Arborfield; Barkham; Finchampstead North; Finchampstead South	ARBORFIELD COMMUNITY FACILITY OPERATOR	39 - 46
41.	None Specific	PROCUREMENT BUSINESS CASE – SCHOOLS MANAGEMENT INFORMATION SYSTEM	47 - 54

A decision sheet will be available for inspection at the Council's offices (in Democratic Services and the General Office) and on the web site no later than two working days after the meeting.

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