

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD ON 31 OCTOBER 2019 FROM 7.30 PM TO 8.30 PM**

**Committee Members Present**

Councillors: John Kaiser, Parry Batth, UllaKarin Clark, Charlotte Haitham Taylor, Pauline Jorgensen, Charles Margetts, Stuart Munro and Wayne Smith

**Other Councillors Present**

Rachel Bishop-Firth  
Laura Blumenthal  
Stephen Conway  
Andy Croy  
Richard Dolinski  
Lindsay Ferris  
Michael Firmager  
Paul Fishwick  
Tahir Maher  
Andrew Mickleburgh  
Malcolm Richards  
Imogen Shepherd-DuBey  
Rachelle Shepherd-DuBey  
Caroline Smith

**42. APOLOGIES**

Apologies for absence were submitted from Councillors John Halsall and Gregor Murray.

Councillor Laura Blumenthal, Deputy Executive Member for Climate Emergency, attended the meeting on behalf of Councillor Murray. In accordance with legislation Councillor Blumenthal could take part in any discussions but was not entitled to vote.

**43. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Executive held on 26 September 2019 were confirmed as a correct record and signed by the Deputy Leader.

**44. DECLARATION OF INTEREST**

There were no declarations of interest submitted.

**45. PUBLIC QUESTION TIME**

In accordance with the agreed procedure the Chairman invited members of the public to submit questions to the appropriate Members.

**45.1 David Davies asked the Deputy Leader of the Council the following question:**

**Question**

There had been a commitment to install CCTV in Wokingham Town centre to deter and catch those causing the recent rise in anti-social behaviour. Please could the Leader of the Council inform when we can expect the installation of CCTV in the town centre?

## **Answer**

I am pleased to say that it is not a question of when it can be expected, CCTV has already arrived in Peach Place and we will also be installing it at Elms Field when that part of the regeneration is further developed.

We are also working with Wokingham Town Council on its aspiration to have CCTV in the Market Place and we will be looking at other potential locations as required.

CCTV, as you probably know, is only one method with which the Council is working to tackle anti-social behaviour as we believe it is critical to address this at a root level, addressing it before it escalates into actual incidents.

We do this in a range of ways which are: working with schools and young people; working closely in the local community and on a face to face basis. We also take an active role with groups such as the local Community Safety Partnership, which brings together key representatives from across a wide range of bodies, including the Police, Probation Service and Public Health, to address the priorities and improve multi-agency working.

## **45.2 Philip Meadowcroft asked the Deputy Leader of the Council the following question:**

### **Question**

At the September 26 Executive meeting I expressed concern about the 300+ redactions in the Lingard Report. However, I was encouraged that, on October 10, WBC reinstated eleven redacted paragraphs "in the public interest".

Some of these paragraphs reveal the differences of opinion between Councillors and Planning and Legal Officials with you, Councillor Halsall, questioning the wisdom and usefulness of any further legal action against HHS beyond the injunctive relief WBC had obtained. However, the hawkish approach of the Planning and Legal Officials prevailed. We now know it is the differences of opinion between Councillors and Officers which the original redactions were meant to be kept secret – not the protection of personal data which you, as the Leader of the Council, misleadingly stated at the September Executive meeting.

WBC's approach to legal proceedings was heavily criticised by the Court of Appeal (Criminal Division) including WBC's attitude towards POCA (Proceeds of Crime Act). As HHS now seeks to rebuild its business lawfully, it is incumbent on WBC to act, and be seen to act, fairly and justly in determining any and every HHS planning application.

What changes of staff and process does WBC believe are now necessary in order to demonstrate the openness and transparency of WBC's operations which the Chief Executive believes are central to WBC's work for its Council taxpayers?

### **Answer**

Thank you for your question Mr Meadowcroft. I am, however, curious why you have asked this question given your 90 minute meeting with the Leader, Chief Executive and Monitoring Officer when the same question was covered.

For the record, I would repeat that no changes to staff are necessary – as you know, it was a key finding of the independent Lingard report that (and I quote) "the suggestions of unprofessional conduct on the part of WBC Officers in this case are unfounded".

With regard to the process and procedures, the Planning Service has taken on board the lessons from the Lingard report as they would from any other service review.

### **Supplementary Question**

I find some aspects of your answer somewhat patronising but I will now ask my supplementary question because in fact since that last meeting, the 90 minute meeting with the Chief Executive, Mr Moulton and Mr Halsall, we have not received any notification from them.

However my question is how are you going to demonstrate to the Borough's residents and businesses what actions you are going to take which will prove that something, anything, has been learnt from the shambles of the Hare Hatch case to ensure that fairness and justice is undoubtedly done and undoubtedly be seen to be done?

### **Supplementary Answer**

As you know I am answering these questions in the absence of the Leader of the Council which makes it difficult for me to commit him so I would suggest that the best way is that your question is submitted to him when he returns from his vacation on Monday and he will give you a written answer.

## **46. MEMBER QUESTION TIME**

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members

### **46.1 Paul Fishwick asked the Deputy Executive Member for Climate Emergency the following question:**

#### **Question**

I understand that Client Earth has written to 100 English local authorities that are developing a Local Plan, including Wokingham Borough Council to explain how they intend to respond to the national target of net zero by 2050. Each authority must give a credible path to achieving net zero emissions by setting robust carbon reduction targets and integrating them throughout the Local Plan.

A deadline date to respond of 28<sup>th</sup> October 2019 has been given and any plan that fails to demonstrate consistency with robust local targets will be unlawful and at risk of legal challenge.

What has Wokingham Borough Council submitted to Client Earth?

#### **Answer**

You will remember that this Council declared a Climate Emergency in July and now we have pledged the Borough to become carbon neutral by 2030, so we are treating this extremely seriously.

We are currently developing a baseline carbon footprint and an action plan to progress towards becoming carbon neutral, including both the Council's own operations and influencing the actions of others. This baseline information and action plan will go to the Council meeting in January for consideration.

When it comes to the Local Plan we are currently reviewing it, updating policies in line with planning legislation, to ensure the Plan makes the fullest possible contribution to transition to a low carbon economy. The draft vision and objectives for strategic planning will have a strong focus on sustainability and that will go to Executive in late November, with a further update in January. This will allow us to align our carbon-reduction targets with the Local Plan's policy framework and the answer we have given to Client Earth is paraphrasing the answer I have given to you now. We have also requested feedback from Client Earth on the Local Plan when it is published in the New Year and I am happy for Officers to forward you the response that we gave to Client Earth if you think that would be helpful.

### **Supplementary Question**

It would be very nice to receive the response and thank you for your response to my question.

It is pleasing actually to note that Wokingham Borough have responded by the deadline set by Client Earth and I understand the difficulties in providing all this information that they require whilst you are developing both plans; not only the Local Plan but also the climate change action plan as well which are still in the process of being finalised.

What steps are the Borough Council going to take to try and satisfy Client Earth in that process up to when you have got everything finalised?

### **Supplementary Answer**

I do not have the details of that so I will have to come back to you.

## **46.2 Rachelle Shepherd-DuBey asked the Deputy Executive Member for Climate Emergency the following question:**

### **Question**

If we are actually acting on the climate change emergency and not just saying we are then which Council buildings are we putting solar panels on and when will they be installed?

### **Answer**

At this moment the Council's Energy Team are undertaking a detailed assessment of our whole property portfolio in relation to energy efficiency updates and renewable energy technologies and this includes solar panels. This is so we can identify those technologies which are most appropriate. We will then prioritise to ensure that the measures and properties which can deliver the best carbon reductions are implemented first and commence a rolling programme across all the Council's properties.

As I'm sure you'll agree we are in challenging economic circumstances so it is important that we make our commitment to invest in energy saving measures as effective as possible and deliver the greatest impact. I know we want things to happen quicker than they can always do but we want a considered and evidence based response for a longer term response.

### **Supplementary Question**

I can say that Winnersh Parish Council has put solar panels on and they are generating electricity. I have done the same thing on my own house.

Now it would seem that we would save money in the process by reducing our electric bills and also reducing carbon output so it would be very simple to put solar panels at least on

Shute End for sure because we use an awful lot of electricity here and we would reduce our bills as well. So when will that happen?

### **Supplementary Answer**

The Council's Energy Team will inform us when they have made all their assessments and I will keep you up to date.

### **Councillor Kaiser responded as follows:**

Just to add to that I just had it whispered in my ear that we have already started and we have put solar panels on some of the buildings in the town centre so we are starting as we mean to carry on.

### **46.3 Lindsay Ferris asked the Executive Member for Environment and Leisure the following question:**

#### **Question**

*(Councillor Ferris clarified that the figures contained in his question had been obtained from documentation issued by the Community Safety Partnership which covered figures for July 17-June 18 (741) and July 18-June 19 (1148))*

There has been a significant increase in the number of fly-tipping events in the recent past. My understanding is that it now exceeds 1100 such events.

Can you advise what the cost to the Council has been associated with clearing these fly-tipping incidents?

#### **Answer**

As a responsible Council, I would like to keep our beautiful Borough looking beautiful by taking positive action to prevent and eradicate fly-tipping. But this will inevitably be at a cost and I am happy to advise the costs that we have incurred.

During 2018/19 there were 1,117 incidents of fly-tipping reported to the Council. This is an average of 93 per month.

The cost for collecting these fly-tips was £103,000, with a further £42,000 being spent on disposing of the waste. Therefore the total cost for the year was £145,000.

Within the first six months of this year, which is 2019/20, incidents of fly-tipping have reduced to an average of 71 incidents per month. Costs for this year have been £43,000 for collection and £18,000 for disposal, making a total cost of clearing fly-tipping of about £61,000.

Just to go back to your figures I have got a figure for 2016/17 of 857, which was about a 71 average per month, and 2017/18 which was 747 which was about 62 incidents per month on average. The average for this year I have already quoted to you.

Whilst I am pleased to see that our efforts this year to combat fly-tipping are already having a positive effect upon the number of incidents being reported to us, we are committed to doing more to further reduce the impact of fly-tipping on the lives of our residents.

We have a comprehensive action plan in place now, and Mark Redfearn is overseeing that one, to make improvements in how we respond to fly-tipping and more importantly how we can prevent it happening in the first place. You will have seen the recent good news about how we are checking local businesses to make sure that they have the correct waste disposal arrangements in place, and very soon we will be launching our Countryside Watch initiative to work with the local communities to deter fly-tipping in their areas.

### **Supplementary Question**

My reason for asking the question was the concern, I am not using the Council's figures here for the increase. The exact levels does seem to be 700, 800, 900, 1000. I was also told that it was a large number in the first 3 or 4 months of this year; January to March/April was a very busy time and it has come down slightly since is the message I have received.

My concern is that we have now got, and it is not just unique to here it is across the country, we have got a significant cost and I do not know where exactly it occurs in the budget. So I think there does need to be a budget line for this because it is not going to go away unfortunately.

Do we have a handle on what is causing the change in the level of fly-tipping that has been occurring as it has certainly been going up over the years and it is higher now than it was a few years ago and I would like to understand that. One area of concern to me has been the introduction of the charges for DIY waste and I would like to understand anything within those figures whether there has been any impact of charging for residents to put their waste in because I have been told that a lot of the fly-tipping is from what would be residents. It is relatively small parts of waste but it is fly-tipped and dumped.

### **Supplementary Answer**

I totally share your concerns and that is the real reason why we have taken action to put an action plan in place to identify the sort of things that you have been talking about recently. Fly-tipping varies from area to area and as I quoted the figures 2016/17 when we did not have those charges in place there were 71 incidents per month. 2017/18 it dropped down to 62 fly-tips and 93 2018/19 and it is a possibility that perhaps charges made. It is human nature I think to say why should I pay and in fact at night drop it somewhere in a country lane. But that is not an excuse for them to do that. We are going to be very, very active in pursuing these people that are fly-tipping and there is an action plan in place to actually monitor that.

Comments were made by the following Members:

**Councillor Ferris.** My Group is more than willing to help as this is quite a significant cost and problem not just in the cost terms but also the environment and disruption to residents across the Borough so we are more than happy to work together if you want to put a working group together because I think this probably does need one to be taken forward.

**John Kaiser.** We welcome the collaborative approach to this. It is not a PR stunt we really are concerned about it and it is a serious issue and you would be involved in that. I will speak to Parry afterwards and we will invite you to come along when it is being presented to us by the Officers.

**Pauline Jorgensen.** We have just arranged to do a clean up on the A329M of a very large amount of fly-tipped tyres. A lot of the fly-tipping, certainly that Highways come across, isn't domestic waste actually it is business waste that is picked up either by fly by

night operators that do not have Waste Operating Licences and are trying to do jobs on the cheap. So we have got an arrangement, that has just been approved, to do some more clean-up on the A329M on the embankments which will require a lane closure and will be done in November some time. So we are very keen to remove as much fly-tipping as we can. Certainly my view is that the more fly-tipping we get rid of the less likely people are to tip and the more people that we publicise for being caught for fly-tipping the less likely the people are to follow them and if we are really clear with residents that you need a Waste Carriers Licence in order to take waste away and they should not be giving waste to any passing person with a white van. That they are liable for their waste rather than the person who is actually tipping the more likely we are that people will not do fly-tipping.

**Wayne Smith.** A couple of things to add Lyndsay. I think one of the biggest areas is with skip collection. Now skip companies are getting super forensic on what is going in skips and you know you can get a six yard skip for £246 from Collards. I know that because I have got one on my drive. What you are seeing is plasterboard, paint and other areas and what we are noticing, and I think where we can all help the Borough is some of these people who are dropping waste. We have a big problem in Ruscombe in one particular lane, they are dropping waste but leaving the details of where the job was so we have just had a situation in Hurst where whoever dropped it must be stupid as they left the details of the person where the new bathroom was being installed. So that is being pursued, as you can imagine, by the appropriate channels. But I think one of the biggest issues is domestic trade waste. Not so much individuals this is companies knowing just how expensive it is to get rid of this. Most people do not realise that you cannot put plasterboard in a skip. They know about paint but things like plasterboard most of us do not realise that you cannot put it in a skip and it costs you about three times the amount if you fill a skip with plasterboard.

#### **46.4 Caroline Smith asked the Executive Member for Regeneration the following question:**

##### **Question**

With the recent closure of Denmark Street Car Park and the lack of footfall, is the Council going to implement some incentives to increase footfall to the town, especially since the near completion of regeneration and encouraging new retailers?

##### **Answer**

The Council has invested significantly in Wokingham's future and has already had phenomenal success in attracting new businesses to the town, with the regeneration flagged as a key factor in why the Sunday Times named Wokingham as one of the country's most thriving communities this month; and I hope you saw that article.

The last year has seen a fantastic range of national and independent stores open including businesses like Waterstones, GAILS, Oliver Bonas, Neon Sheep, the Blue Orchid bakery and the Leafy Elephant at Peach Place to name just a few.

Feedback from residents about the new businesses has been very positive, with new tenants also reporting positive trading conditions, demonstrating that there is footfall in the town centre and that interest continues to grow from new people coming to Wokingham and I certainly have seen that when I have been going around.

But the Council recognises that, whilst a great range of shops and businesses is an important part of increasing footfall, a town centre also needs to offer that little bit more with things to do and reasons for people to visit the town centre also.

That is why facilities such as the new cafes, the park and the play area, the Cinema, the hotel and the Carnival offer with its Clip 'n Climb, the soft play and the extended community uses, are also so absolutely vital. They are the types of experience that you simply cannot replicate on line and they continue to draw people to the town centres.

This is also why we have spent a lot of time and effort in designing our new spaces at Elms Field and also Peach Place to make them the perfect location for existing and new events bringing the community together. In addition to being used for existing events like the forthcoming Winter Carnival, we are also running some trial sessions for free entertainment in Peach Place over the coming weeks to help promote the town centre and encourage new footfall to the town.

Alongside this we will continue to liaise closely with the Town Council and joint fund the 'Love Wokingham' marketing work to help promote the town centre and businesses and market Wokingham as a great destination to visit.

By regenerating the town centre we have put in place the right infrastructure to enable Wokingham to continue to thrive. And it doesn't stop there as we will continue to review and support the town, working with our residents and with our businesses, to ensure Wokingham achieves the success it deserves both now and long into the future.

### **Supplementary Question**

These all sound very wonderful things but businesses are closing down. Should we not be undertaking better marketing?

### **Supplementary Answer**

As I said in my answer before we are working very closely with the Town Council as well around marketing and we are working with the existing businesses as well to support them.

In terms of businesses closing down one of the businesses that is closing down at the moment is part of a very large chain who have been having major difficulties which is very, very well known but there are a lot of businesses clamouring to come to Wokingham. They see what other businesses have come here and they want to be in close proximity to those. It is really exciting the kind of people that have been approaching us and the Regeneration Team because they have seen what is going on here and I think it is very, very positive.

So I am not down-beat. I am really excited about what is going on here and I think we all should be celebrating the success of the regeneration of Wokingham.

### **46.5 Andrew Mickleburgh asked the Executive Member for Children's Services the following question:**

#### **Question**

At the time of the Budget last February, the then Leader of the Council said that, whilst there was a predicted overspend in the Children's Services area of £1.3M for 2019/20, they were confident that the Council would be able to bring down this figure.

I note that a number of areas have been identified for investigation and action to try to reduce this overspend. Is the Executive Member for Finance also confident that the overspend will be reduced?

### **Answer**

Budget pressures across Children's Services are being driven by increasing demand and complexity of cases. Higher than anticipated spend on expensive residential and semi-independent placements, alongside more complex legal proceedings, have been needed to keep our children and young people safe.

So just to give you an example the average cost of a residential placement made in the last quarter has been in excess of £6,000 per week. When compared to around £4,000 at the same time last year, that means an increase in costs of £100,000 for just one child placed in residential care over the course of a year.

The other issue is home to school transport where we have to ensure that children with special educational needs have access to appropriate facilities and if they cannot be provided locally we have to pay for them to go elsewhere.

A robust review of spend and budget decisions continues to be a key priority and significant work under the governance of the Continuous Improvement Programme is being driven forward to maximise opportunities to reduce and contain budget pressures.

However the level of increasing demand and complexity is such that we cannot really reduce the cost. It is a statutory service after all so unlike other departments if the costs are too high we can say we are not doing it but it is statutory and we cannot. We have a duty to these children and young people to ensure that they are safe and that they get the education and care which they are entitled to. So I cannot really give you a better answer than that.

### **Supplementary Question**

Thank you very much for that answer because I do appreciate that this an incredibly complex area. It is an area in which you quite rightly say that there is a lot of non-discretionary expenditure where costs can be extremely volatile and unpredictable and I appreciate all of that and the specific cases that you sited in your answer. So thank you very much for that.

I am still wondering nevertheless are there any lessons at all, and this is not meant as a criticism, but it is a learning exercise. Are there any lessons you know that have been learnt from this past year's experience that can feed into this year's budget planning process; specifically of course for Children's Services?

### **Supplementary Answer**

It is not a question of learning any lessons we just have to try and cope with what is coming our way. What we are doing, however, is to try and reduce transport costs by having very soon, within a 6 month period, another 50 places at Addington. We are also in the process of negotiating building another Addington which will give us another 175 places.

We need to look at the interim staff we are using for example and we are planning to reduce the cost by about 6% within the next couple of months. Having said that we have

to ensure that we have properly trained social workers especially for the more serious cases and as you know from last night nobody should have more than 15 cases because it is not safe.

I just want to give you another example of how it works. This year we had 109 children in care which is an increase of 41% compared to March 2017. We cannot foresee these things so we have to work with what we have and do our very best because it is our duty to ensure that children are being kept safe.

**Councillor Kaiser gave the following response:**

I think the true answer is that we are building 13,000 homes in the Borough. 35% of those are affordable and they attract young families. With young families come children and of course that will give us a different profile to what we probably had in the past. But one thing you can be sure of is we will not be dropping the service. We may be coming back to you and putting the price up but we will not be dropping the service which I think is really important.

**46.6 Stephen Conway has asked the Executive Member for Planning and Enforcement the following question:**

**Question**

The Council, and therefore the local council-tax payer, is faced with a significant bill thanks to the large number of appeals that major developers are submitting when their applications are refused, as we can see from the Executive's agenda. Will the Executive support a cross-party approach to government to secure a re-balancing of the planning system to limit the ability of large developers to submit repeated appeals that they have the money to sustain but which cost the Council a great deal in legal fees?

**Answer**

I am sure you know my profile by now that I do have cross party engagement for the Local Plan that I am running at the moment.

I support a *“cross-party approach to government to secure a re-balancing of the planning system to limit the ability of large developers to submit repeated appeals”*. I have got one that has ended today in Johnson Drive and that is three times that that has gone through the appeals process. We can add this to the substantial list of lobbying of Government undertaken over the last few years.

As you know the Council is committed to robustly defending its position at appeal with this approach but it is a costly. The immediate problem is the number of speculative appeals and I have it upon good authority that we are probably at a record level for Wokingham and I can go into more details if you want about certain areas but we have got some very big appeals going. The number of those appeals equates to about 750 homes.

But I am sure you would agree that we need to put our best foot forward and we need to engage the best and we need to get the best defence. By all means cross party I have no issue with that. If anybody wants to come and talk about any of these appeals or give us any advice or help or in any engagement they want I welcome that on all of the appeals. If you want all the appeals I can list them out tonight as I go through these on a weekly basis.

Government ministers have made it very clear to us that the way forward to prevent planning appeals is through having an up to date local plan and this is why we are preparing that document as you know and that is a cross party group that we run. While preparing this, it is important that we continue the best approach to defend unwanted development.

### **Supplementary Question**

I welcome that response first of all. I welcome your commitment to add this to our many issues on which we are lobbying Government. I think what I am hoping we might be able to get to is a position where we have some mechanism in place which encourages, if I can put it that way, major developers to go for negotiation rather than straight to appeal. They can afford repeated appeals but this is putting an enormous cost on the Council and therefore the council tax payer.

If you are prepared, as I think you are, to go down this route of a cross party approach to Government on this could you undertake to contact all of the other political groups on the Council and invite them to join in this too because I think more clearly this is coming across as the Council's view rather than the ruling Group's view and I think that will help us a lot.

### **Supplementary Answer**

Yes as I said I think that as you know, you now sit on the Planning Committee, and one of those that was refused by the Planning Committee is coming back to us next January and if we apply that approach there I do not know what answer we would have got different from the one that the Planning Committee delivered on that evening because, as you know, there was a lot of very interested residents. I think we would have to think through how we would do that because if the developer has gone through that approach and it has been refused by the Council or by the Planning Committee I think we need to be very careful then inviting developers in for negotiation post-decision of the Planning Committee. So I welcome it and I am sure there are certain situations where we can do that but I think we need to be very careful.

## **46.7 Imogen Shepherd-DuBey asked the Executive Member for Finance and Housing the following question:**

### **Question**

On page 27 of this Thursday's Executive Agenda, I can see that there are potential supplementary estimates totalling £1.1 Million due to be spent on fighting planning appeals. I cannot see this financial information being accounted for in either the table on page 24 or any of the appendices. Please can you advise why this is not being accounted for in any of the directorates?

### **Answer**

The supplementary estimates of £1.1m is split across three financial years and is outlined on page 27 as you just pointed out. As per recommendation 4, the Executive are asked to approve this increase in the budget for this financial year, which is £630k, and note the additional pressure for the future years. The impact of future years will be considered at the budget when it comes to the Council next February.

The table on page 29, if you would like to turn to page 29, shows the current position for this financial year. It states that there is no material variances to be expected in this area of Customer and Localities, the department in which Planning is located. The note at the

bottom of this table refers to the Supplementary Estimate again. On page 31 it then goes on, if you would like to look at page 31, to include the impact of the Supplementary Estimate, if approved, on the General Fund balances. So this means there are at least four references to the Supplementary Estimate and how it is to be accounted for in 2019/2020.

This Revenue Monitoring report, as I know you will be aware, covers the financial year 2019/20 and therefore only considers the financial impact of 2019/20, which is £630k as you will see on page 27 of the Executive report, and not £1.1m. It is included in the MTFP process in the usual way this Council arrives at its approved budgets for the future.

What we are saying is £630k in this year, which is shown in this paper, and next year and the following year it is laid out very clearly on page 28 which is the final impact over the coming year.

### **Supplementary Question**

Is there any thought about making these tables easier to read as certainly on that page you have got £0.934m in the current financial year.

### **Supplementary Answer**

That is the total impact for the budget over that period. I try to make the budget as simple as possible and last night we had our first Overview and Scrutiny review of the budget with all Members from the different parties and I think everybody appreciated just how uncomplicated it was but there are some things you cannot simplify anymore unfortunately.

## **46.8 Rachel Bishop-Firth asked the Executive Member for Finance and Housing the following question:**

### **Question**

There is a prediction on page 25 that there will be additional savings on debt management costs due to delayed borrowing. As we know, the PWLB costs have increased for future loans by one percentage point (55% increased debt servicing cost). Does the recent increase in PWLB rates change this assessment of saving due to deferring borrowing?

### **Answer**

The simple answer to that is no. Any saving due to deferred borrowing is because the Council's Treasury Team has not borrowed as soon as they originally planned; this saving is unaffected by the rate change.

With regard to the rate change, the budget for debt management costs was set around this time last year, when the rates were similar to what they are today and we are currently charging with the rate increase, so any impact is likely to be very limited. The Council's Treasury Team always consider other sources of finances as well as the Public Loans Board when drawing down borrowing. Any borrowings will be taken when they are needed and will be assessed at that time whether it is prudent, sustainable and affordable prior to any loan arrangements being entered into.

So simply we borrowed this money at a point where the rates were quite high. The rates have fallen away then the rates have come back up to just about where we borrowed the money so there is no impact on our current borrowings.

### **Supplementary Question**

The rise in Loan Board rates is ostensibly to deter councils in investing in risky commercial property assets. Which of the following does the Council think will be the consequence of the Treasury's increase in the rates:

- a) increases in interest rates to councils from external lenders to reflect reassessment of risk in borrowing to invest in commercial property and/or;
- b) decreases in capital values of commercial property assets coupled with long term downward pressure on rents?

### **Supplementary Answer**

If I knew that I would be a banker. I have really got no idea so cannot answer your question as I am not qualified and it would simply be a guess.

The only thing I would say is our investment portfolio is varied and we obviously are committing to building a large number of houses and if we filled commercial properties that were no longer viable we would just move into building houses because my experience is that houses do not go out of fashion. If you do not sell them you can rent them.

### **47. REVENUE BUDGET MONITORING REPORT FY2019/20 - QUARTER 2**

The Executive considered a report setting out the Revenue Budget position for Quarter 2.

The Executive Member for Finance and Housing drew Members' attention to the pressures in Children's Services and the cost of fighting planning appeals. By way of justification for the amount of money that was being spent fighting planning appeals Councillor Kaiser cited the 47,000 responses that had been received from residents to the recent consultation relating to the number of homes being built in the Borough and the four related petitions signed by 10,000 residents.

In response to a query from Councillor Jorgensen it was confirmed that the one-off cost of £52k, in the Chief Executive's department, related to a redundancy which was part of the 21 Century project.

With regard to Councillor Jorgensen's additional query about the "£50k Retention of Counsel" shown as a special item in 2021/22 it was confirmed that the Council had not committed to paying a retainer although negotiations were taking place with a highly qualified lawyer to retain his service on a case by case basis.

### **RESOLVED** That:

- 1) the current position of the revenue budget to date be noted;
- 2) the forecast of outturn and the projected level of balances in respect of the General Fund be noted;
- 3) the Constitution Review Working Group be asked that future spend approval of available S106 developer contributions in relation to the Council's My Journey travel programme be approved through Individual Executive Member Decision;
- 4) an in year supplementary estimate of £630k, in relation to increased pressure for legal support and additional workload from planning appeals, be approved and

additional pressures for future years of £320k in 2020/21 and £170k in 2021/22 be noted.

#### **48. CAPITAL MONITORING 2019/20 - END OF SEPTEMBER 2019**

The Executive considered a report setting out the position of the Capital budget up to the end of September 2019.

The Executive Member for Finance and Housing provided an explanation of how the capital budget was made up and drew Members' attention to Appendix B which set out the proposed budget adjustments in the capital programme for 2019/20. Councillor Kaiser confirmed that a large amount of the funds for the capital programme came from developers and some, eg for major road infrastructure projects, from Government grants.

**RESOLVED** that:

- 1) the quarter two position for the Capital Budget, as set out in Appendix A to the report, which shows a £2k variance forecast underspend against budget be noted;
- 2) the new budget adjustments in the Capital Programme for 2019/20, as set out in Appendix B to the report, be noted and approved.

#### **49. PEACH PLACE REDEVELOPMENT - PAYMENT OF INFRASTRUCTURE CONTRIBUTIONS**

Before the item was introduced Councillor Ferris challenged whether the information in the Part 2 sheet in the agenda was actually exempt and should therefore be in the public domain. His reasoning was that under the Local Government Act 1972 Schedule 12A Part 2 regulation 9, "*information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992*". Councillor Ferris reminded the meeting that the Planning Committee had previously considered a planning application related to the Peach Place development which had been submitted by the Council.

Councillor Ferris also brought up a similar issue that had arisen during a call-in relating to the Peach Place project which he felt fell under the same criteria and asked that that information be reviewed as well.

Advice was sought on the matter and it was agreed, by both the Executive and Councillor Ferris, that the report would be considered at the meeting as whether or not the information in the Part 2 sheets was exempt did not affect the decision the Executive was being asked to make and if the matter was deferred to a later meeting this would delay the renting of the properties which would have cost implication for the Council. In relation to Councillor Ferris's challenge it was agreed that further Legal advice would be sought outside the meeting and if it was found that the information in the Part 2 sheet was not exempt then it would be released.

The Executive considered a report relating to the payment of infrastructure contributions from the Peach Place redevelopment, which included Market Place, Peach Street, Rose Street and Rose Street car park.

The Executive Member for Regeneration reminded Members that in January 2015 it was agreed that an updated scheme viability appraisal would be brought back to the Executive

in advance of the first payment period, for approval of the release of monies to the Local Planning Authority. A re-evaluation would be undertaken before the first occupation of residential units to see if they needed to be amended with any market changes that had occurred during that period of time. So with that in mind a new viability study has been undertaken and some of that data has been included in the Part 2 sheet. It was noted that as the Council is the developer it cannot enter into a traditional S106 agreement so it had been agreed that instead it would make contributions toward offsite mitigations in line with other Council developments.

Councillor Haitham Taylor felt that the development had made a positive contribution to the town centre and also to the wider community. As well as being able to contribute mitigation payments to the provision of suitable alternative greenspace it had also contributed to the strategic assessment monitoring of Thames Basin Heath Special Protection Area.

Councillor Kaiser stated that given house prices in Wokingham were so expensive, and it was difficult to get key staff to work in the area, he was pleased to see key worker homes in the town centre. He was also pleased that a contribution was being made to green spaces as well.

**[NOTE:** *The Legal advice received after the meeting did not concur with Councillor Ferris's interpretation of Regulation 9 above which only comes into effect when the local planning authority (i.e. the Council) is granting itself planning permission. The item under consideration at the Executive meeting would not have resulted in the Council granting itself planning permission.*

*However having reviewed the information contained in the Part 2 sheet it had been agreed that the information could not be justified as being exempt. The information has since been published on the Council's website as Appendix A.]*

**RESOLVED** that the payment of monies from the Peach Place redevelopment to the Local Planning Authority be agreed in accordance with the viability thresholds and values identified in Appendix A to the report.