



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **EXECUTIVE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 31 MARCH 2022 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', with a long, sweeping tail stroke.

Susan Parsonage
Chief Executive
Published on 23 March 2022

Note: Although non-Committee Members and members of the public are entitled to attend the meeting in person, space is very limited due to the ongoing Coronavirus pandemic. You can however participate in this meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:
<https://youtu.be/JtKzFmeK668>

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

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

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
Graham Howe	Children's Services
Pauline Jorgensen	Highways and Transport
Charles Margetts	Health, Wellbeing and Adult Services
Stuart Munro	Business and Economic Development
Gregor Murray	Resident Services, Communications and Emissions
Wayne Smith	Planning and Enforcement
Bill Soane	Neighbourhoods and Communities

ITEM NO.	WARD	SUBJECT	PAGE NO.
124.		<p>APOLOGIES To receive any apologies for absence</p>	
125.		<p>MINUTES OF PREVIOUS MEETINGS To confirm the Minutes of the Executive Meeting held on 17 February 2022 and the Extraordinary Executive Meeting held on 7 March 2022.</p>	7 - 32
126.		<p>DECLARATION OF INTEREST To receive any declarations of interest</p>	
127.		<p>PUBLIC QUESTION TIME To answer any public questions</p> <p>A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.</p> <p>The Council welcomes questions from members of the public about the work of the Executive</p> <p>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</p>	
127.1	None Specific	<p>Peter Must has asked the Executive Member for Highways and Transport the following question:</p> <p>Question Following work on a draft Borough-wide Parking Management Action Plan by the Community and Corporate Overview and Scrutiny Committee in 2019 it</p>	

was reported by the Director of Locality and Customer Services to that Committee at its meeting on 2 September 2019 that: "In 2019/20, the Council is to review its Parking Management Strategy for the Borough. If agreed, this document will go out for full public consultation before adoption by the Council. Following this and in line with the strategy documents, an action plan will be developed and further policies and procedures put in place".

Could the Executive Member say what has happened since that statement?

127.2 None Specific

Peter Humphreys has asked the Executive Member for Resident Services, Communications and Emissions the following question:

Question

The Council have announced a target of carbon zero by 2030 and plan to plant 250,000 trees in the five years to 2025. Yet actions speak louder than words. Rather than reducing electricity usage in property it owns or has influence over it is increasing usage, take the unopened section of the NWDR which has been illuminated every night for since last autumn. Amazingly some of the Xmas illuminations in Broad Street are still switched on each night whilst the existing Wokingham Library and new Carnival Pool are illuminated 24/7. It can't be for security reasons as its unlikely the pool will be stolen.

Of new trees planted a high percentage have died due to lack of watering, on Dead Trees Roundabout even the replacements have been allowed to die. And there has been the deliberate mass destruction of trees at various sites.

You'll agree that Wokingham is thus in a negative position with regard to trees; how many trees will now need to be planted by the target date to achieve a net 250,000 increase of trees that will reach their tenth birthday?

128.

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

Matters for Consideration

129.	Remenham, Wargrave and Ruscombe	TEMPORARY CLOSURE REMENHAM FOOTPATH NO 4 HENLEY FESTIVAL	33 - 50
130.	None Specific	VOID PROPERTY WORKS CONTRACT	51 - 58
131.	Winnersh	WINNERSH FARM ACCESS	59 - 66
132.	None Specific	ARRANGEMENTS FOR THE NEW ENFORCEMENT AND SAFETY SERVICE	67 - 80
133.	Finchampstead South	DELIVERING THE GORSE RIDE REGENERATION PROJECT - COMPULSORY PURCHASE ORDER	81 - 116

EXCLUSION OF THE PRESS AND PUBLIC

The Executive may exclude the press and public in order to discuss the Part 2 sheets of Agenda Items 131, 132 and 133 above and to do so it must pass a resolution in the following terms:

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 3 and 5 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

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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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 17 FEBRUARY 2022 FROM 5.30 PM TO 6.30 PM**

Committee Members Present

Councillors: John Halsall (Chairman), John Kaiser, Parry Batth, Pauline Jorgensen, Charles Margetts, Stuart Munro, Gregor Murray, Wayne Smith and Bill Soane

Other Councillors Present Virtually

Graham Howe, Children's Services
Gary Cowan
Jim Frewin

97. APOLOGIES

Councillor Graham Howe was unable to be present in person at the meeting but attended remotely.

98. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Executive held on 27 January 2022 were confirmed as a correct record and signed by the Leader of Council.

99. DECLARATION OF INTEREST

The following Executive Members declared general personal interests in the items on the agenda:

- Councillors John Halsall and John Kaiser on the grounds that they were Non-Executive Directors of Optalis Holdings Ltd;
- Councillor Charles Margetts on the grounds that he was a Non-Executive Director of Optalis Ltd;
- Councillors John Kaiser, Stuart Munro and Wayne Smith on the grounds that they were Non-Executive Directors of WBC Holdings Ltd.

Councillor Pauline Jorgensen declared a person interest in Agenda Item 104 Commercial Waste and Recycling Contract on the grounds that her husband worked for a company that might bid for the contract. Councillor Jorgensen remained in the Chamber during the debate and voted on the item.

100. STATEMENT BY THE LEADER OF COUNCIL

The Leader of Council made the following statement:

It is seventy years this month that King George passed away, leaving the throne to the Queen and I am sure that you will join me in thanking her for her service and to share her hope that the jubilee will provide an opportunity for people to come together after the difficulties of recent years. In recognition of the Jubilee, we will be providing free residential street closures.

It is now almost two years since Covid entered the Borough for the first time. The first case was on February 29th, 2020. 351 deaths have been recorded. I would just like a moment's silence to commemorate all those who have tragically died and those whose lives have been impaired in the Borough and elsewhere. All our thoughts are with them.

In the last month we have seen cases of the new Omicron variant in Wokingham reach new heights but also begin to decline. The current rate of new Covid cases is 917 per 100,000. The current rate reflects the week 2-9 February although we must be cautious to remember that these case numbers are reliant on the testing behaviour underlying them. The majority of cases remain within our school age population and their parents.

The past month has seen a shift in tone from central Government, looking to a future where we learn to live with Covid as an endemic disease. The detail around what this future endemic response will be released on Monday and our Officers will continue to work to communicate any new guidance and information to our residents, through the Community Champion newsletter, via our website and other channels, and also support our partners and providers working with care settings and educational settings as they navigate the transition into an endemic landscape. As we await to hear the detail from central Government we must note that the guidance has not yet changed, we have therefore to encourage people to continue to test when they have Covid symptoms and isolate where appropriate.

A cornerstone of the endemic response to Covid is to encourage as many residents as possible to get vaccinated, be it their 1st, 2nd or 3rd booster vaccine. I am delighted to announce that from Friday 18th February we will have a local vaccine provision in Wokingham Central Library open weekly on a Friday, Saturday and Sunday, with opening hours to suit our busy residents. All residents who are eligible, including importantly 12-15 year olds, pregnant ladies and those not registered with a GP, can walk up to the library and receive their vaccine at a time convenient to them. I urge you to encourage everybody to use this vaccination centre.

As we try to understand and implement policy around what life with endemic Covid looks like it is important to remember that different people in our communities have had very different lived experiences over the past two years and therefore will be entering this period of transition with different perspectives. We need to continue to work together, to be patient and understanding within our communities, so that we can move forward and begin to recover from the pandemic all together.

I want to make it clear again that all this administration, my party and I are completely opposed to the loss of every blade of grass, tree, shrub, field or greenspace in the Borough. Once it's gone it's gone forever. The verdict of the Borough's "enough is enough" consultation was also clear that the residents of the Borough agree with our stance.

Pinewood has never been a site allocated for housing. It is a site for numerous valuable clubs and organisations. I have made it very clear that this is the case on numerous occasions. Some seem to ignore what the Council says and plough on with a narrative that it is not the case. Wokingham Without Parish Council has a long lease on the site at a peppercorn from the Borough. It is included in the local plan to permit their development to improve their facilities should they wish it and included in our recently published Leisure Strategy.

We must obey Government mandates, which require us to make provision for a Government determined number of houses.

We have the option to do nothing, which would mean that we have no plan and therefore no defence against speculative development. There is not a square inch of the Borough which has not been optioned by a developer who would seek to exercise that option by

claiming we have no plan or five-year land supply. The developer would be successful. I have no doubt that we would be faced with housing numbers several times those currently mandated. This is the option that the Lib Dem South Oxfordshire District Council took with the result I understand of many more houses and the original plan reimposed.

I have worked hard and successfully to ensure that our housing numbers were reduced from 1,635 to the current 789 and campaigned again successfully to oppose the planned changes to national planning policies. I will continue to press Government to make more changes and encourage our MPs, who are all critical of the housing numbers and planning policies to join me in so doing. I have been successful in the past and hope to be so in the future.

I am conscious that this is the start of a very long evening for most for which the main topic of discussion is the Medium Term Financial Plan and associated strategies and policies.

However, it would be wrong to embark on these topics without acknowledging the success of the Borough's economic regeneration, whether it be Wokingham Town Centre, the tech industry, the University or Shinfield studios. We can thank twenty years of solid stable administration, which has created and welcomed these opportunities.

This did not happen by accident but by the achievement of Officers and members throughout the twenty years of this administration. We have demonstrable resilience and financial probity.

We are continuously researching new opportunities as we are repositioning our approach to inward investment and business. We are very enthusiastic to support proposals for the Royal Berks to relocate some or all its services to the Borough, which would not only create economic opportunity but also be integral to our health and wellbeing strategies for all our residents.

As we view the changing landscape and adapt to it, one of the early and visible casualties is the bus network. It appears that passengers are not returning in sufficient quantities to make the current network viable. To support it we are having to increase the subsidy but can only do this in the medium term in its current form if passenger traffic does not return.

I am recommending this budget to the Council. A budget that contains substantial investment in vital services for the community and contains no cuts. It is safe and prudent and will ensure we continue to deliver the high quality services that the residents have come to expect and rely on.

101. PUBLIC QUESTION TIME

There were no public questions received.

102. MEMBER QUESTION TIME

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

102.1 Jim Frewin asked the Executive Member for Planning and Enforcement the following question:

Question

A number of videos and other communications have been recently released by Executive Members, aimed at relieving some of the concerns and anxiety residents have with

regards to the Local Plan update. One of the main resident concerns is the potential impact additional traffic might have on the local highway systems.

To help local Councillors assist in managing some of the residents' Local Plan anxieties will the Executive Member kindly provide access to the detail and cost of the traffic modelling analysis undertaken in reaching the Local Plan recommendations?

Answer

The Transport Assessment Report which represents the output of transport modelling undertaken to the various growth strategies to inform the latest Revised Growth Strategy Consultation is all available on our website. Once you have had a look at that, if you have any detailed questions, I am quite happy to work with the Strategic Transport Team and set up a meeting with them.

The work was part of a wider commission, however the associated costs with modelling and the preparation of the report were just over £50k.

Further transport assessment work will be commissioned and published as part of the local plan and as the plan moves forward into the next stages. But as I said earlier the Team would quite happily take you through that modelling either on-line or if you would come into Shute End.

Supplementary Question

The reason I asked that question was that I was invited to a briefing by the Reading University, with regard to the local plan Hall's Farm proposal.

I attended because I had been made aware of a previous briefing that had also taken place with non-elected representatives of the local Conservative Association. To ensure my independence I asked to be accompanied by a totally independent witness, which was kindly accepted. During this briefing the University discussed many things including the traffic modelling and they made a statement of costs which was well into six figures. I do not know how many of these briefings they had, or plan to hold, but if they are quoting, and they confirmed when I challenged a six figure cost and you are telling me it was £50k, then we need to stop that going out because a six figure cost is a lot more than £50k

Supplementary Answer

It absolutely is. If you could just let me know who you spoke to, who was at that meeting, and then I will follow it up with the people who are now running it from the Reading University side.

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

Question

In a recent article in the Bracknell News Councillor Wayne Smith, when questioned about a proposed site for 270 houses on Council owned land in Barkham explained: "We are required to assess all land promoted for development as part of the local plan process".

Councillor Wayne Smith also said "We are required to assess all land promoted for development as part of the local plan process" but he did add that "the Council wants a majority of new homes to be built in the so-called 'Hall Farm / Loddon Valley' major development in Arborfield" – a location where 2,200 homes could be built by 2037/38 which is the end of the plan period.

If the Council needs to build 2,200 houses to meet its housing needs in Hall Farm/Loddon Valley by 2038 yet their draft LPU consultation plan is to build 4,500+ houses at Hall Farm meaning many Wokingham residents in the South of the Borough will be forced to live in a building site up to the year 2057 or longer.

From today that is 35 years away. All on the banks of a river that has a history of flooding and under the shadow of a Category A dam at Bearwood Lakes in a climate emergency.

Why do you plan for 2,200 houses in the Local Plan update but consult on 4,500+ houses?

Answer

I know you know most of this because we are living with your Plan as we speak.

National policy requires strategic policies in local plans to look ahead over a minimum of 15 years from adoption. However, when larger scale developments form part of a strategy, policies should be set within a vision that looks further ahead to take into account the likely timescale. Government policy now refers to a 30-year vision.

Providing a long-term vision, which sets out a holistic vision for a new community, can only be the right approach. To take any other route would be significantly misleading because it would be building on, building on, building.

The Hall Farm / Loddon Valley Garden Village proposed in the Revised Growth Strategy Consultation, provides an opportunity to create a sustainable new community with 4,500 new homes alongside jobs and the creation designated with a regional park along the River Loddon Valley, which currently does not have public access.

Setting a long-term vision of the new garden community is the right thing to do. This not only provides transparency; but allows the Council and other stakeholders to plan infrastructure appropriately. Having only a partial or short-term vision, would require infrastructure to be designed and added on in an ad hoc fashion over time, risking the quality and sustainability of the place.

As you are aware, no new homes or jobs would be located within areas at risk of flooding, nor would development have an impact on the communities further downstream. The consideration of flooding has been a key consideration from the outset of the masterplanning analysis, with a Strategic Flood Risk Assessment also undertaken.

I hope that helps.

Supplementary Question

You will recognise that I do not quite agree with that.

In connection with the LPU consultation, referred to in my question, a resident of Arborfield wrote to Michael Gove MP, yourself, Councillor Halsall and Sir John Redwood on 6th December concerning the inconsistency between Michael Gove's evidence given to the Housing, Communities and Local Government Committee on Monday 8th November and the approach being adopted by Wokingham Borough Council in respect of its strategic plan update. The Secretary of State did reply on 31st January and the resident e-mailed me again, also Councillor Halsall and yourself, on 2nd February. He did advise me that he received no reply or acknowledgement from either of you to both e-mails, although I did reply to both.

My question is as the resident raised his initial concerns to the Secretary of State during the Local Plan Update Consultation period, although the Secretary of State did not reply until 31st January, will you instruct the Local Plan Update Team to accept the reply from the Secretary of State as part of the submitted evidence to the Local Plan Update Consultation?

Supplementary Answer

There is no reason why we would not accept that. Also, Gary as a bill to that John has written to Mr Gove asking for a meeting. The letter that has been written is quite a detailed letter and we are waiting for a meeting with Mr Gove. So, it is not that we are ignoring any communication with the Secretary of State, quite the opposite. We want to meet him to discuss the various points we raised in our letter.

103. HOUSING REVENUE ACCOUNT BUDGET 2022/23

The Executive considered a report setting out the Housing Revenue Account Budget for 2022/23.

The Executive Member for Finance and Housing introduced the report and highlighted that the Housing Revenue Account was a ring fenced fund that included all the Council's social housing assets. Councillor Kaiser went through the recommendations and advised that the increases to council house dwelling and garage rents were under inflation.

Councillor Kaiser highlighted the importance of social homes in the Borough, mainly because affordable homes were no longer affordable for people on the lowest incomes.

Councillor Kaiser further advised that over the last few years around 1,700 affordable homes had been built which had kept up with demand. Unfortunately, Covid accelerated the number of people who were homeless, and it was therefore intended to bring forward, in due course, other changes which would help in meeting homeless need in the Borough. To this end Councillor Kaiser stated that he would like to see adopted in the new Local Plan a 50% policy with a larger proportion of that turned into social homes.

RECOMMENDATION That Council be recommended to approve the following:

- 1) the Housing Revenue Account budget for 2022/23 (Appendix A);
- 2) Council house dwelling rents be increased by up to 4.10% effective from 4 April 2022 in line with the Council's Rent Setting Policy that was approved by Executive on 25 November 2021;
- 3) garage rents to be increased by 3.80% effective from April 2022 in line with Council's general fees and charges;
- 4) Shared Equity Rents to be increased by 4.86% based on September RPI, effective from April 2022;
- 5) Tenant Service Charges to be set based on cost recovery;
- 6) the Housing Major Repairs (capital) programme for 2022/23 as set out in Appendix B;

- 7) Sheltered room guest charges for 2022/23 remain unchanged at £9.50 per night per room.

104. CAPITAL PROGRAMME AND STRATEGY 2022-2025

The Executive considered a report setting out the proposed Capital Programme and Strategy for 2022-2025.

During the Executive Member for Finance and Housing's introduction he highlighted that despite the challenges of Covid over the past two years, and being the lowest funded unitary authority per head of population in the country, the Council's finances were in good shape.

Councillor Kaiser drew the meeting's attention to the fact that the Chartered Institute of Public Finances, having looked at the Council's finances, had stated that Wokingham was among the best 20 unitary authorities in the country with regards to resilience in the Council's accounts.

Councillor Kaiser advised that no cuts to services were being proposed in the forthcoming budget and the Council would continue to invest in Children's Services by making an additional £1.4m available. Investments in Adult Social Care of £3.8m would be included in the budget to meet the growing demand of the Council's vulnerable population. A £1.7m increase in the Place and Growth budget was intended to improve the environment.

The Council's capital investment in the community over the next 3 years was intended to be £265m.

Councillor Kaiser also highlighted a number of other areas that the Council was focussing on which included continuing investment in climate change measures, delivering more homes at a social rent, the implications of adult social care reform, and the local settlement which was only for one year and the new Government funding methodology which would be designed in the context of the national levelling up agenda. All of these areas would have an impact on the Council's finances which were already facing considerable challenges and uncertainties going forward.

Councillor Margetts emphasised the threat of the Social Care Reform and advised that discussions had been held with West Berkshire and The Royal Borough of Windsor and Maidenhead Councils about the implications of the reforms and as a result a letter has been sent to the Secretary of State and it was intended to continue lobbying to raise the matter with as many people as possible in the hope of addressing the problems that were likely to arise.

RECOMMENDATION that Council be recommended to agree the following:

- 1) the Capital Strategy for 2022 - 2025 - Appendix A;
- 2) the three-year capital programme for 2022 - 2025 – Appendix B;
- 3) the draft vision for capital investment over the next five years - Appendix C;
- 4) the use of developer contribution funding (s106 and CIL) for capital projects as set out in Appendix D. Approval is sought up to the project budget.

105. TREASURY MANAGEMENT STRATEGY 2022-2025

The Executive considered a report setting out a proposed Treasury Management Strategy for 2022-2025.

The Executive Member for Finance and Housing informed the meeting that the Council invested money in order to generate revenue to support Council services. Without these investments and the capital generated it would be difficult to provide some of the non-statutory services.

Councillor Halsall queried what the likely impact of the Minimum Revenue Provision (MRP) change would be on the Capital Investment Programme? Councillor Kaiser provided further explanation of the MRP change and clarified that this would not have an impact on the town centre as the project was at the point where it was paying back on its interest and that would enable it to pay its MRP. It was noted that when the housing companies borrowed money from the Council this would be subject to MRP but the companies, unlike the Council, were able to take account of any depreciation in their accounts. Councillor Kaiser also mentioned the issues that may arise with forward funding of building projects.

In response to a query about general fund borrowing Councillor Kaiser confirmed that the Council's current net borrowing was approximately £170m.

RECOMMENDATION that:

- 1) the Treasury Management Strategy as set out in Appendix A, be noted, including the following additional appendices;
 - Prudential Indicators (Appendix B)
 - Annual Investment Strategy 2022/23 (Appendix C)
 - Minimum Revenue Provision (MRP) policy (Appendix D)
- 2) it be noted that the Audit Committee agreed the Treasury Management Strategy on 2 February 2022 and have recommended the report to Council;
- 3) it be noted that the cumulative financial impact on the Council of its borrowing activities equates to a net credit to the general fund for the taxpayer of £42.70 per band D equivalent at end of 2022/23 and noting this credit increases to £62.47 at the end of 2024/25.

106. MEDIUM TERM FINANCIAL PLAN 2022-2025 INCLUDING REVENUE BUDGET SUBMISSION 2022/23

The Executive considered a report setting out a proposed Medium Term Financial Plan for 2022-2025, including the Revenue budget submission for 2022/23.

During his introduction the Executive Member for Finance and Housing highlighted the role of the Capital Programme on the Council's MTFP and some of the projects contained within it.

With regard to the building of an adult social care home Councillor Margetts stated that the potential financial cost to the Council if this was not built would be expensive placements, probably out of Borough, which would not only cost more but would necessitate residents having to travel out of Borough to visit members of their family.

RECOMMENDATION That:

- 1) Council be recommended to approve the Summary of Budget Movements (SOBM) (Appendix A);
- 2) the report of the Community and Corporate Overview and Scrutiny Committee relating to Scrutiny of the Budget Setting Process 2022-23 and the Medium Term Financial Plan 2022-2025 (as set out in Appendix B to the report), be noted;
- 3) the schedule of fees and charges, as set out in Appendix C to the report be approved, to be effective from the dates listed on the schedule;
- 4) it be noted that the MTFP, Housing Revenue Account, Capital Strategy and Treasury Strategy budget papers do not include any budget changes in relation to the Gorse Ride Redevelopment project. Any changes to this project agreed by Executive will be enacted by the Deputy Chief Executive across the MTFP, Housing Revenue Account, Capital Strategy and Treasury Strategy where appropriate;
- 5) authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, to approve reductions, discounts and/or promotions for fees and charges within sports and leisure, up to £100 per fee or charge.

107. COMMERCIAL WASTE AND RECYCLING CONTRACT

(Councillor Pauline Jorgensen declared a personal interest in this item)

The Executive considered a report setting out a proposal to renew the Commercial Waste and Recycling Contract which was due to expire on 31 July 2022.

The Executive Member for Finance and Housing clarified that this contract did not relate to the disposal of household waste and recycling collected from people's homes but related to commercial waste that the Council generated from not only its corporate sites, but from its country parks, cemeteries, schools etc.

RECOMMENDATION: That the renewal of the Commercial Waste and Recycling Contract and for Procurement to advertise the opportunity and procure via a competitive tendering process be approved.

108. SCHOOL ADMISSION ARRANGEMENTS 2023/2024

The Executive considered a report setting out the proposed School Admission Arrangements for 2023/24.

The Leader of Council advised that the Council had a statutory duty to determine admission arrangements for the 2023/2024 academic year by 28 February 2022.

The Executive Member for Children's Services confirmed that the Council had a duty to co-ordinate the admissions of children into Reception, Year 3, and Year 7. The Council did, however, provide a co-ordination service to other year groups and most schools opted into this service. Councillor Howe highlighted some of the key changes to school admission arrangements as set out in the report:

- Changing the deadline for providing evidence of house moves to 31st December, in order to align with neighbouring authorities;
- The Schools' Adjudicator had determined a reduction in the Published Admission Numbers (PAN) for Colleton 60 to 45, Radstock 60 to 45 and Loddon 90 to 60 Primary schools;
- Farley Hill School would increase their PAN to 60 and the designated area of the School would be increased to include two additional areas. Both of these changes would assist those who lived close by and who wished to attend the school.

Councillor Howe clarified that the Council only determined the admission arrangements for community schools and highlighted that with regard to secondary schools the only community school was Bulmershe. This meant that nine of the secondary schools and about half of the primary schools in the Borough determined their own admission policies.

RECOMMENDATION That:

- 1) the proposed Admission Arrangements for school admissions for the school year September 2023 to August 2024 be approved;
- 2) the final report be agreed for publication including incorporation of statutory changes and non-material amendments and updates as required to the published version;
- 3) authority be delegated to the Director of Childrens Services, in consultation with the Lead Member for Childrens Services, to determine Admission Arrangements for school admissions, if there are no substantial changes to the arrangements, in future years;
- 4) it be noted that a further paper regarding place planning specifically, will be submitted to Executive as a separate report at a later date.

109. GORSE RIDE REGENERATION PROJECT CHANGES TO DELIVERY MODEL

The Executive considered a report relating to proposed changes to the delivery model for Gorse Ride Regeneration Project.

The Executive Member for Finance and Housing went through the report and confirmed that the Gorse Ride Regeneration Project would provide more and better affordable homes. The Project recognised the value a thriving community can make to a successful housing regeneration project and to this end had worked collaborative with residents to ensure that the sense of community was preserved throughout the proactive engagement process.

Councillor Kaiser highlighted that the provision of well-planned and delivered affordable housing had never been more important. Homelessness was on the increase and increasing house prices in the Borough continued to make home ownership unaffordable for many. It was noted that the project was generally well supported by residents, who along with the Tenant and Landlord Improvement Panel, were updated on progress on a regular basis.

Councillor Kaiser reminded Members that in May 2018 the Executive approved the Gorse Ride Regeneration Project to replace the existing 178 poor quality, primarily Council owned social homes with 243 new high quality, well designed and energy efficient homes.

The current proposal was for a total of 249 new homes to be built, of which 136 would be socially rented, 49 shared ownership and 64 private sale homes. This was 51 more affordable housing properties than were currently provided on the old development. The new proposal was for the regenerated properties to be transferred to the HRA, rather than to Loddon Homes, which would allow access to the HRA borrowing capacity without the need for additional affordable housing contribution and enable access to the use of Right to Buy receipts as an additional funding scheme.

RECOMMENDATION that Council be recommended to:

- 1) approve that the development of homes within the Gorse Ride regeneration will be transferred to the Housing Revenue Account. (With market sale element in the general fund)
- 2) approve the expenditure budget up to the total cost of the scheme of £105,601,534 funded through a combination of HRA borrowing, capital receipts, developer contributions and right to buy receipts. (Further information provided in the report);
- 3) give delegated authority to the Director of Resources and Assets, in consultation with the Executive Member for Housing and Finance, to approve the use of additional Affordable Housing s106 commuted sums as a contingency against cost and funding variations such as any future design changes and/or fluctuations in costs and values of up to 15% of the cost of the scheme in the event of any other financial impacts;
- 4) agree that any appropriation of land between the HRA and general fund required to deliver the scheme will be delegated to the Director of Resources and Assets, in consultation with the Executive Member for Housing and Finance.

110. LOCAL BUS SERVICES

The Executive considered a report relating to the provision of support to local bus services if required until clarity on future Government funding was known.

During the introduction the Executive Member for Planning and Transport advised that during Covid there had been a slump in bus usage which was not predicted to recover until at least 2023. As a result of low passenger numbers, the No 7 bus was withdrawn at very short notice by Reading Buses.

In addition, Councillor Jorgensen advised that there was currently no certainty on Government funding for buses post April. Therefore it was proposed to allocate money from S106 funding to bridge the gap, on the basis as set out in the report, to ensure that bus services were maintained in the short term until clarity over Government funding was known.

RECOMMENDATION that:

- 1) it be agreed to appropriate S106 funding being made available to support local bus services during 2022/23 for a short period of time, in accordance with details in Part 2 sheet;

- 2) authority to draw on the S106 funding as and when required be delegated to the Director of Place in consultation with the Deputy Chief Executive/ Director of Resources and Assets and the Executive Members for Highways and Transport and Finance.

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 7 MARCH 2022 FROM 7.00 PM TO 8.10 PM**

Committee Members Present

Councillors: John Halsall (Chairman), Graham Howe, Pauline Jorgensen, Stuart Munro, Wayne Smith and Bill Soane

Other Councillors Present

Rachel Bishop-Firth
Laura Blumenthal
Prue Bray
Gary Cowan
Clive Jones

111. APOLOGIES

Apologies for absence were submitted by Councillors Parry Bath, John Kaiser and Gregor Murray.

Councillor Laura Blumenthal, Deputy Executive Member for Equalities, Poverty, the Arts and Climate Emergency, attended on behalf of Councillor Murray. In accordance with legislation Councillor Blumenthal could speak on any item but was not allowed to vote.

112. DECLARATION OF INTEREST

There were no declarations of interest received.

113. STATEMENT BY THE LEADER OF COUNCIL

The Leader of Council made the following statement:

I have led the Borough and spoken about Covid over the last two years. I would never have believed that we would have emerged from Covid to a potentially greater tragedy.

I am sure I speak for the Council and indeed the whole Borough, when I express shock, sorrow and anger for Russia's antagonistic and gratuitous assault on Ukraine.

The war in Ukraine is tragic. It is bringing and will bring more destruction, maiming and loss of life. The queue of refugees now approximately 1.7 million is the greatest movement of people since the second world war in Europe. It is a catastrophe.

Freedom needs to be dearly protected. And what is freedom? It is the power to live as one wishes, and that is now what is now being challenged. Ukraine is a sovereign and democratic nation pursuing self-determination. Ukrainians must be able to live their lives as they chose.

The Ukrainian flag has been flown over Shute End to underline the whole Council's and I believe the whole Borough's support for the Ukrainian people in this their hour of need. It will stay there until there is some resolution which may be some time. This is a moment when the tectonic plates have moved and will almost certainly not go back to where they were. The human and economic cost will be huge and long lasting.

As Councils we will deal with the ramifications of this war. This will include responding to refugees and displaced persons, issues relating to energy, the cost of living and cyber security.

We must now recognise that this is now our concern, seek to manage those things within our control and encourage Her Majesty's Government to the maximum within its own control.

I have set up an Officer architecture (Gold, Silver and Bronze) across the Council to consider planning what can and should be done. We will be thinking about a range of eventualities and planning for them. This will be managed in the same way as we did Covid – regular meetings to respond to the challenges, as they arise and to be concurrent with Government guidance and national policy. I will reinstate the Leaders' meetings, and Councillor bulletins as appropriate.

I know that there is a frustration to do something and to do it now. Rest assured that demands will be placed on us. We are only at the beginning of a very long process. We will be facing huge challenges. We must meet them organised and planned. We will work with our voluntary sector partners, our health partners and our community safety partners, and we will do this whilst not neglecting our residents' current needs.

We have a Ukrainian community, which we are reaching out to. We must ensure that we are doing all that we can for them. We are currently offering facilities for the collection and distribution of aid to Ukraine and will support local agencies who offer a similar service.

We have also a Russian community within the Borough, who should not be penalised for Vladimir Putin. We do not have an argument with the Russian people but with the Russian Government, its dictator and his acolytes. We need to make this clear in anything we do and say.

We may well see certain commodities rise substantially in price particularly energy, some foodstuffs, and mined materials. This will hit certain sectors of our community particularly hard, particularly after Covid.

I have written to the Prime Minister expressing my support for his six-point plan, which is to:

- **mobilise an international humanitarian coalition.** We must all work together to establish an immediate cease-fire and allow civilians safe passage, food and medical supplies.
- **do more to help Ukraine to defend itself.** More and more nations are willing to provide defensive equipment. We must act quickly to coordinate our efforts to support the government of Ukraine.
- **maximise the economic pressure on Putin's regime.** Going further on economic sanctions, going after the oligarchs including Mr. Putin himself and wean off the Russian oil and gas that bankroll Mr. Putin's war machine.
- **no matter how long it takes, prevent any creeping normalisation of what Russia does in Ukraine.** We cannot allow the Kremlin to bite off chunks of an independent country and inflict immense human suffering and then creep back into the fold.
- **be open to diplomacy and de-escalation,** provided that the government of Ukraine has full agency in any potential settlement.

- **act now to strengthen Euro-Atlantic security.** This includes not only bolstering NATO's eastern flank but also supporting non-NATO European countries that are potentially at risk of Russian aggression, such as Moldova, Georgia and the nations of the western Balkans. And those that participate or enable Russian aggression, such as Belarus, will be subject to maximum sanctions.

As events unfold, we must welcome those seeking sanctuary here in whatever numbers eventually arise. We are a great Borough and we have great residents and we shall have to rise to the challenge as the numbers may be greater than anything we have ever experienced before. This is against a background of the aftermath of Covid and a huge pressure on our housing.

The Ukrainian refugees will need housing, schools, jobs, financial help and assistance in integrating into society. In short, they will need all the help the Council and Government can give.

We are required to divest ourselves of all Russian and Belarus contracts and investments. In practice, we have none directly with the Council, or at least so I believe. The pension fund has an immaterial exposure to investments with Russia and Belarus and their economies and has been instructed as we have to divest themselves of any exposure that they may have.

While some rules around Covid have now been relaxed and we are getting underway with living with Covid, the virus is still circulating so we should continue practicing some of the safety measures to ensure that we are protecting ourselves and those around us.

While there is no longer a legal requirement to self-isolate, you are still advised to stay at home and avoid contact with other people if you test positive.

Following the shift in tone from central Government, we are working towards a future where we learn to live with Covid as an endemic disease. We anticipate a shift in policy and guidance at the end of the month. With that ahead of us, on Friday the ONS survey reminded us that 1 in 30 people living in England currently have Covid, so we must keep in mind that the current guidance continues to encourage people to get a PCR test when they have Covid symptoms and isolate where appropriate.

Our ongoing Covid endemic response will include supporting the vaccination programme, continuing our work with high risk settings, and communication for individual risk management as well as working to minimise impact of endemic Covid on vulnerable individuals and communities. We will be working within even tighter financial means as the majority of the Government's resource for the Covid response is ending this month. In line with Government guidance our self-isolation calls and contact tracing ended last week and the WBC rapid covid testing service will come to a close at the end of the month.

Our vaccination clinic running on a Friday, Saturday and Sunday at Wokingham Central Library continues to offer 1st, 2nd and booster doses of the vaccine to all residents over the age of 12. Importantly we are reaching residents who have not previously come forward for the Covid vaccine. Please can I encourage all of you to spread the word about this vaccination offer with residents within your wards and engage in vaccination conversations where residents have questions. We are also working with our health colleagues on the vaccination programme for 5 to 11 year olds and on delivery of the Spring booster

programme within the Borough. So the message is please, please, please get everybody to use this facility and get vaccinated.

We remain mindful that different people in our communities are entering this period of transition with different perspectives. We need to continue to work together, to be patient and understanding within our communities, so that we can move forward and begin to recover from the pandemic together.

If I now move to school places, the overall picture for National Offer Day in Wokingham is consistent with last year, despite there being a large increase in the number of young people in the Borough applying for secondary school places.

To put this into the local context, in 2022 93.76%, that is approximately 94%, of pupils received an offer from their preferred list and 76.21% received their first preference. In 2021, it was lower at 93.51% receiving a preferred offer and 71.12% their top choice.

The Council was expecting an increase in applications this year and worked with schools across the Borough to increase the number of places available. We successfully negotiated with Piggott, Emmbrook and St Crispin's to increase the total number of secondary school places available in the Borough by 176.

Despite this success, there is still currently a shortfall in places within Wokingham Borough. The Council is continuing work to address this and expects to have additional places added within the Borough in the coming weeks. My colleague, Graham, will talk about this more in the coming meeting.

School place planning is a complex process, particularly in areas where most of the schools are already over-subscribed. The Council recognises how important it is to get it right and is not only working with local schools on current and future expansion plans but also recognises the need to allocate additional resources to the school place planning process going forward.

The hoped-for return to public transport has not occurred and the patronage of buses is well down on pre pandemic levels. Despite the announcement of a continuation of some form of Government restart grant, some services will be degraded though we are working hard to ensure that they are not discontinued. The message on buses is really that we have to use them or we will lose them.

I would like to remind Members that within our Constitution are the Nolan Principles. We are required to show Honesty, Leadership, Openness, Accountability, Objectivity, Integrity and Selflessness. There is ample opportunity for all Members, town and parish councils and residents to question a decision or proposal; this can be simply by giving me, the Executive Member, Chief Executive or a director a call. This administration is here for one purpose alone and that is to serve the residents. By being open and transparent hopefully if we have got it wrong it will come to light and we can get it right.

The recent debate over the Laurel Park has regrettably shown us wanting. There is ample evidence that the proposal to site a 3G pitch at Laurel Park was in the public domain in and before March 2021, when it was advertised in the Executive Forward Plan. Preliminary discussions were held with Earley Town Council in December 2020. There were no member or public questions on this proposal until February 2022, when residents en masse questioned Council. It was never raised in Overview and Scrutiny nor whilst the

budget was being scrutinised. The Executive's proposal to include it in the budget proposals, and explore and consult subject to planning, was not called in. Indeed, there is ample evidence that Earley Town Council were enthusiastic till recently. Whilst the minutes are sparse, I understand that conversations were being held to improve the pavilion to accommodate this in September 2021.

114. PUBLIC QUESTION TIME

There were no public questions received.

115. MEMBER QUESTION TIME

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

115.1 Gary Cowan asked the Executive Member for Children's Services the following question:

Question

The Secondary School plan is for an expansion at Piggott School where there is no current or future planned house building in the North of the Borough, while there are currently 3,500 houses being built at Arborfield Garrison, Gorse Ride extension and over 500 ex MOD houses have been added to the private rental market at Arborfield Garrison; but Bohunt is not one of the schools listed. Of course, not forgetting the Council's plans for 4,500 houses at Hall Farm.

The plan delegates authority to the Director of Children's Services and the Director of Resources, acting in consultation with the Leader of the Council and the lead Member for Children's Services, to approve the procurement of the construction works and services etc.

As the Leader of the Council and the Executive Member for Children's Services both are Members for Remenham, where no houses are scheduled to be built in the foreseeable future, would Bohunt School not have been a more obvious school for expansion?

Answer

Thank you Gary for the question as a Member for Remenham, Wargrave and Ruscombe I will answer it as well as the Lead Member for Children's Services.

The additional places at Piggott School directly address an issue in that school's designated area. The rising numbers of older primary and junior school children living in the area around the school means that children living in the south of Twyford would be very unlikely to secure a place at the Piggott School without additional places. These children would therefore need to be transported to an alternative school, many at the Council's expense.

The other agreed additional places are in Wokingham Town, at the Emmbrook and St Crispin's Schools. Both of these schools sit on the edge of areas of major housing growth. Bohunt School was considered, but any growth in Year 7 places would be linked to the school's sixth form proposals and would therefore depend on a funding decision for that project. The report notes that additional capacity may be agreed at other schools. Subject to a future decision on the sixth form proposals, Bohunt School may also be able to offer additional places for children aged 11 to 16, that would both help address immediate

needs and provide additional long-term capacity for the new Arborfield Green and Finchwood Park communities.

Supplementary Question

Moving students to out of catchment areas is something that the School has done before so that is not a new thing.

When one looks at, as I saw, the madness of moving Farley Hill Primary School lock, stock and barrel to Arborfield Garrison so denying children living there actually outside the gates of the new school access meaning they had to travel by cars elsewhere to be educated.

So, my question really is can this Council, with the Leader of Council and Executive Member for Education who would appear to have a vested interest in the proposed decisions, who along with the same people who took the Farley Hill Primary School decision making this decision are they doing the right thing for Wokingham schools' children?

Supplementary Answer

If I may say so I disagree with what you are saying. What we are doing is for the good of all of the children across Wokingham, all 22,000 of them, and you know as well as anybody else, with your maturity on the Council, that it takes time to shift these things. It takes time to shift the designated areas and actually the admission policies are decided by the academies themselves and endorsed by the Schools' Adjudicator, which is outside of the local authority's control or remit.

115.2 Prue Bray asked the Executive Member for Children's Services the following question:

Question

Regarding agenda item 115, Secondary School Places, there were difficulties over the allocation of secondary school places for Year 7 for the current academic year, with insufficient places being available in the locations parents wanted them. The Council determined that additional places would be needed for Year 7 for the next academic year.

However, now that the places for next September have been allocated, it appears that the Council has under-estimated demand, and more additional places are going to have to be provided than the Council had been planning. What caused the number of Year 7s to be under-estimated?

Answer

Thank you Prue for that question and for giving me the opportunity to clarify the situation. Your question actually crossed over with a briefing paper that has been circulated to many Members including your colleagues and I shall ensure it is given to the remaining Members because it outlines the detail on which the following outline explanation is based.

In Rumsfeld speak, there are known knowns and unknown knowns. Whilst some would suggest that school places correlate directly to houses built that is one factor, but not the only factor. Wokingham Borough Council is blessed with having very good schools. It is part of the attraction for people to move into or border with the Wokingham area. We received 783 applications compared to 739 last year. We have no way of tracking those that move into the area to catch a year 7 place as they move into existing properties and not just new builds.

In 2020/2021 we received 36 school place applications from Hong Kong nationals. We put on an extra two year 6 classes and at that time there was an unforeseen demand that now impacts our year 7 numbers. Given that schools determine their own catchment areas, there are a number of cross border applications which are difficult to predict but fall within the catchment areas determined by schools' admissions policies which is beyond the Borough's control. Indeed, Maiden Erlegh's popularity has meant that the last pupil to be allocated lives within 0.74 miles from the School. The same applies to the Holt.

There has been a steep rise in pupils with Education, Health and Care Plans. If a school is named in the pupil's plan, then the Department for Education's direction is that that pupil must go to that designated school. That reduces places for pupils without EHCPs. Some pupils use the admissions system as a 'holding station' until they are accepted into private school which was 115 pupils last year and is fairly consistent across previous years. Whilst arrangements have been agreed with Piggott, St Crispin's and Emmbrook in collaboration with their Trusts, subject to approval on agenda item 115 being agreed. We are still working with other schools to make the accommodation where we can.

We still have a situation where 53 girls are being offered places at Reading schools. Last year there were 947 places for girls and 859 in 2020. The requirement for girls this year is 1,001. Children's Services is working closely with those families to work on the best outcomes for those girls.

If Members have specific problems, please copy me on the correspondence, as then, if I know about it I can do something about it.

Supplementary Question

Thank you for that explanation. So, the Council allocates school places every year and most of the factors that you mention recur every year, the exception being the influx of Hong Kong pupils. This particular shortage in school places has hit the Council whilst the Council is working on the new secondary school strategy.

So, my question is are you confident that there will be no more surprises that might knock that strategy off course?

Supplementary Answer

Well I hope that what I have been able to explain there is that we have got the known knowns and the we have got some variables that we have to work with and they are the parameters that we have to cope with. It is partly systemic, and it is beyond our control. The schools make their own admissions policies and I must emphasise that it is our job to administer those as best we can.

Gathering information is not always easy and often ends up incomplete because people are unwilling to give it. But we have to administer it and deal with what we have in our hands and that is the way that it is.

115.3 Rachel Bishop-Firth asked the Deputy Executive Member for Equalities, Poverty, the Arts and Climate Emergency the following question:

Question

As a member of the Anti-Poverty Working Group, I am pleased to see this position statement on the Anti-Poverty Strategy come to this meeting. I would also like to

acknowledge and thank the enormous contribution made by the Officers and the voluntary sector to supporting residents with the challenges that they have faced since the pandemic started.

We want to see an Anti-Poverty Strategy with a clear and ambitious vision for Wokingham and a commitment to our residents to bring about real change. This Council can't on its own end poverty in the Borough – that would take decisive action at a national level - but we need to make a commitment to doing what we can as a Council to end the problem, both through direct action in areas which we control, and also through using our influence.

As we move towards the finalisation of the Strategy, will the Council be ensuring that the final version explicitly commits to doing all that we can, to prevent and to end poverty within Wokingham?

Answer

In short we will. The Anti-Poverty Strategy sets out the key challenges faced and will present a clear ambition, for the lifetime of the Strategy and for the future.

The Strategy needs to be ambitious and yet realistic and we need to focus on what we can do as a local council working with the local voluntary sector. Prevention and breaking the cycle is key, so of course we will do all we can within our power to prevent and eliminate poverty in our Borough.

Supplementary Question

Low income families with school age children are under enormous pressure in Wokingham and many struggle with some of the uniform and other essential school costs at our local schools. As part of the implementation of the Anti-Poverty Strategy will the Council commit to doing all that it can to work with our maintained and academy schools and their governing bodies to influence and support them to keep school costs affordable for low income parents in a way that some other councils are already doing?

Supplementary Answer

Yes, we do plan to do this.

I mentioned at the Overview and Scrutiny Management Committee a couple of weeks ago that we need to galvanise the Council's influence with schools, whether that be through Officers or Councillors to continuously raise the issue of affordability within school policy so that is higher up the agenda to benefit children and parents. Of course, good communication with parents on the issue of affordability will be key.

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

Question

I was concerned to read on page 16 of the feedback report that it was felt there was capacity for Improvement to ensure that the Finance, HR and Change functions have appropriate resource and capacity to deliver what the Council needs. And that there was also a need to articulate and accelerate an ambitious Organisational Development Strategy including creating a clear employer brand.

Will the necessary resources be made available to these departments in the very near future, so that these much-needed improvements can be made?

Answer

The simple answer is yes. We are a culture of continuous improvement or that is what we are trying to be and the additional resource requirements needed to address this have been incorporated into the MTFP as agreed at Council in February. If any further budget approvals are needed, they will be sought through the Executive as a Supplementary Estimate or as part of the following year's MTFP.

Supplementary Question

I certainly welcome that you have got a continuous improvement plan and that I think you have said there that funds are going to be made available but clearly the Corporate Peer Challenge Team did not think that you were doing enough at the time of their inspection. What has changed since they visited us?

Supplementary Answer

When the Peer Review Team came you will recall Bob Watson, who has been a solid part of our Finance Team, was leaving and we were uncertain as to how we would replace him, and they were concerned at the time whether we could replace him with a person of that stature. I think we have overcome that problem and we will be hopefully looking to make a permanent appointment in that position.

The other aspects of the Peer Review were that they regarded us as a very, very ambitious Council. A very well performing Council, which we are. In my view we are one of the best in the land, if not the best and I am very proud to be the Leader of it. But also, that we have huge ambitions to make it better. We want to be the best that we can possibly be and so the Peer Group identified those ambitions and have shared with us our need in various areas for extra resources which we will do as appropriate and when. The HR function we have enormous ambitions for. We are conscious of the fact that we are aspiring to be the best and we need to be providing the best working environment and best training and support for our staff and we are a long way from that at the moment.

116. CORPORATE PEER CHALLENGE REPORT AND ACTION PLAN

The Executive considered a report relating to the outcome of the Corporate Peer Challenge, undertaken by a Local Government Association team in November 2021, and a proposed action plan to address the recommendations set out in their report.

The Leader of Council provided information about the Peer Challenge Review Team and highlighted some of their findings which included that the Council: delivered valued, well performing services that provided a high quality of life for residents; and achieved good outcomes for its residents, despite receiving no central Government grant funding and notwithstanding the recent pressures of Covid was financially stable.

It was also recognised by the Team that over the last three years the Council had made significant improvements in key areas including: developing a clear vision for the Borough and a recognised Corporate Plan; development of meaningful partnership relationships, including in the health and voluntary sectors; a commitment to enhance and improve the customer experience; and significant service improvements in adult and children's service directorates.

Councillor Halsall went through the review report in more detail and highlighted the many achievements that had been recognised by the Team during the review. He also highlighted the recommendations of the review as set out in Annex 1 to the report and the action plan to address these.

In summary Councillor Halsall advised that he was very pleased with the results of the review and confirmed that a six-month check-in meeting would be held with the Peer Team in May 2022 to discuss progress against the action plan and next steps.

RESOLVED that:

- 1) the final report of the Local Government Association Corporate Peer Challenge in November 2021, attached at Appendix 1 to the report, be noted;
- 2) the Action Plan attached at Appendix 2 that addresses the recommendations set out in the Corporate Peer Challenge report, be approved;
- 3) it be noted that the Local Government Association will be undertaking a “six month check-in” later in 2022 to allow the Council’s senior leadership to update on the Council’s progress against the action plan.

117. COUNCIL PLAN REFRESH 2022/23

The Executive considered a report relating to a revised Council Plan and also the Annual Review document setting out the Council’s achievements throughout 2020/21 and to date for 2021/22.

During his introduction the Leader of Council explained that since the Council Plan was launched, which included key objectives and a clear vision there had been made many changes eg Covid-19 and Brexit and therefore it was felt important that the Council Plan be refreshed to take account of these changes.

Councillor Halsall advised that the objective was that the Council Plan, coupled with the Medium Term Financial Plan, should give every employee and partner an understanding of what was expected of them and what success looked like. The Council’s Key Performance Indicators were also being reviewed to ensure that the most appropriate areas were being measured.

Councillor Halsall drew Members’ attention to the Annual Review documents, set out in Appendix 2 and 3 of the report, and how much had been achieved over the last two years against the backdrop of Covid. He then went on to highlight a large number of the achievements under each objective which included: during Covid providing £53m in support to local businesses and the large number of volunteers who had worked in various areas including rapid testing centres and vaccination clinics. In addition, there was increased spending on domestic abuse, mental health support, various services relating to improving adult and children wellbeing, brought some of the services from the Public Protection Partnership back under Wokingham control, the building of four new roads etc. Of special note was the large amount of work that had been undertaken to improve the customer experience and the various elements of this work.

Councillor Halsall wished to commend Officers, particularly the Chief Executive and Directors, for the catalogue of achievements over the last two years.

RESOLVED that:

- 1) the slight change in articulation of the strategic priorities as proposed be noted;

- 2) the proposed changes to the Council Plan, as summarised within the report and set out in Appendix 1, be agreed;
- 3) Council be recommended that the proposed changes to the Council Plan and updates to strategic themes are approved;
- 4) the Annual Review for 2020/21 as contained in Appendix 2 and highlights for 2021/22 as contained in Appendix 3 be adopted.

118. ANTI-POVERTY STRATEGY - POSITION STATEMENT

The Executive considered a report setting out an update on the Anti-Poverty Strategy, including an overview of many of the initiatives that had supported residents in poverty across the Borough.

The Deputy Executive Member with responsibility for Poverty advised that the report contained a statement of where the Council was with the Strategy and highlighted the recent support offered to people who had been struggling delivered by the Council and the local voluntary sector. Councillor Blumenthal confirmed that the final Anti-Poverty Strategy and action plan was due to be presented to the Executive in May.

It was noted that the current Strategy was a work in progress and Councillor Blumenthal thanked the members of the Hardship Alliance, the wider voluntary sector, Officers and Councillors on the cross-party working group for their hard work informing the Strategy. There was still work to be done and it was important that all these bodies continued to work closely together to deliver the Strategy and develop the action plan over the years. It was acknowledged that working to break the cycle of poverty and doing all that could be done to prevent poverty was a challenge but the Council was resolute in doing all that it could to get as close as possible to achieving this.

Councillor Blumenthal confirmed that it was proposed to use the £500k from the Local Council Tax Support Scheme to go towards employing a number of roles, including among others a Project Officer to work directly with the voluntary sector and a debt officer based at the Citizens Advice Bureau. Building stronger links between the Council and the voluntary sector was crucial to co-delivering the Strategy.

RESOLVED that:

- 1) progress in development of the Anti-Poverty Strategy be recognised;
- 2) the extensive work completed since Covid-19 to support those in poverty across the Borough, much of which has been done by, or in partnership with the voluntary and community sector be acknowledged; and
- 3) the provision of £500k from the Local Council Tax Support Schemes Grant be agreed with immediate effect to support further development and delivery of the initiatives being developed as part of the Strategy. Any future funding that is required to deliver the Strategy will be taken back to a future meeting of the Executive.

119. WOKINGHAM BOROUGH SECONDARY SCHOOL PLACES (11 TO 16) STRATEGY

The Executive considered a report setting out a Wokingham Borough Secondary School Places (11 to 16) Strategy which would ensure that there were sufficient secondary school places to meet the Borough's needs until 2027/28.

During his introduction the Executive Member for Children's Services confirmed that the Council had a statutory duty to carry out school admission arrangements at Year 3, junior level and Year 7, entry to secondary school. This service was also offered to other year groups.

Councillor Howe advised that the report only related to entry to secondary school and the Strategy aimed to avoid the problems experienced in the past where numbers of pupils had exceeded the number of places that were available. It was expected that just under 500 additional Year 7 places were expected to be required between 2022 and 2027/28. It was noted that 9 out of the 10 Wokingham Borough secondary schools were academies and therefore could not be compelled to change their admission arrangements and changes could only be made on a partnership basis.

Following consultation with schools and their trust boards it was proposed that three schools, Piggott Secondary, St Crispin's and Emmbrook be grown to be able (in the long term) to offer in the order of 200 (11 to 18) places each. These proposals were in line with public responses to the 11 to 16 Secondary Strategy consultation in Autumn 2021 and was supported by the Borough Education Partnership.

RESOLVED that:

- 1) the Wokingham Secondary School (11 to 16) Places Strategy 2022 be adopted;
- 2) the Strategy be adopted and a multi-year programme of secondary expansion at Piggott, St Crispin's and Emmbrook Schools, with other schools to be identified be approved, with authority delegated to the Director of Children's Services and the Executive Member for Children's Services to finalise agreements and the programme of works;
- 3) any necessary authority be delegated to the Director of Children's Services and the Director of Resources, acting in consultation with the Leader of the Council and the lead Member for Children's Services, to approve the procurement of the construction works and services as relevant to the secondary expansion strategy, with post 16 strategy and works programmes to be the subject of a later report to the Council's Executive.

120. DELIVERING THE GORSE RIDE REGENERATION PROJECT - PROCUREMENT OF CONSTRUCTION WORKS AND SERVICES

The Executive considered a report setting out the business case for the construction works and services associated with the Gorse Ride Regeneration project.

The Leader of Council reminded Members that Gorse Ride was a residential area in Finchampstead comprising of 178 properties of which 133 were Council owned and 45 privately owned. The homes were built in the 1970s for the purpose of providing accommodation for a limited period of time which was reflected in the build quality. Over the years there had been a number of issues relating to the non-traditional construction of

the homes including poor thermal insulation, some structural defects and above and below ground drainage issues. These issues had led to poor living conditions and high maintenance liabilities.

Councillor Halsall advised that the proposed regeneration would transform Gorse Ride with provision of new high quality social, rented and shared ownership homes, private market replacement homes and well designed open space. It was noted that in March 2017 the Executive agreed the intent to regenerate Gorse Ride and in March 2018 the Executive approved the progression of the redevelopment scheme. The Executive were now being asked to the procurement business case for construction works and services as relevant to the project.

RESOLVED that Council be recommended to:

- 1) approve the procurement business case of the construction works and services as relevant to the Gorse Ride Regeneration project;
- 2) give delegated authority to the Director of Resources and Assets and Director of Place and Growth to approve the awarding and execution of the construction works and services as relevant to Gorse Ride Regeneration within the funding envelope and the over-arching business case, as presented to the Executive on 17th February 2022.

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TITLE	Temporary Closure Remenham Footpath No 4 Henley Festival
FOR CONSIDERATION BY	The Executive on Thursday, 31 March 2022
WARD	Remenham, Wargrave and Ruscombe;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Environment and Leisure - Parry Batth

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The temporary closure will allow the Henley Festival to be organised and run in a safe manner whilst enabling residents and visitors to continue to use Remenham Footpath 4 via a short detour. The Festival Trust applies annually for this closure to enable the safe management and execution of a locally and regionally enjoyed festival.

RECOMMENDATION

The Executive is recommended to:

- 1) approve the making of an order for the closure of Footpath Remenham No 4, for a closure of an 80m section of the footpath for the set up and de rig of the Festival stage from Monday 4th to Wednesday 6th July 2022 inclusive and from Monday 11th July to Tuesday 12th July 2022 inclusive;
- 2) include within the closure a 620m section for evening performances from Wednesday 6th July to Sunday 10th July 2022 inclusive and day time performances on Saturday 9th July and Sunday 10th July 2022, under Section 16A of the Road Traffic Regulation Act 1984, subject to the receipt of the requisite consent of the Secretary of State for Transport.

EXECUTIVE SUMMARY

The Authority is required to consider whether it is necessary for traffic to be restricted for the purpose of facilitating the holding of a relevant event and whether it is reasonably practical to hold the event otherwise than on the highway (in this case a footpath).

The applicant has stated that it is necessary to restrict traffic for the holding of the event and that it is not reasonable for the organisers to hold the event other than on the road in question.

Therefore, a decision is needed on whether to approve the making of the closure order if the event is to proceed. The duration of the closure is also required to be approved by the Secretary of State for Transport.

BACKGROUND

A request has been received from the organisers of the Henley Festival of Music and the Arts for the closure of part of Footpath No.4 Remenham between the hours of:

Day (2022)	Times	Length of closure (metres approx)
Monday 4th July	00:01- midnight	80m
Tuesday 5th July	00:01- midnight	80m
Wednesday 6 th July	00:01- 17:45pm	80m
Wednesday 6 th July	17:45 - midnight	620m
Thursday 7 th July	17:45 - midnight	620m
Friday 8 th July	17:45 - 01:00	620m
Saturday 9 th July	10:45 - 14:45	620m
Saturday 9 th July	17:45 – 02:00	620m
Sunday 10 th July	10:15 – 14:15	620m
Sunday 10 th July	17:45 - 23:30	620m
Monday 11 th July	06:00 - midnight	80m
Tuesday 12 th July	00:01- 23:59	80m

The closure periods from Monday 4th July to Wednesday 6th July 2022 and from Monday 11th July to Tuesday 12th July 2022 are for the build and dismantling periods when there will be movement of equipment and vehicles on the footpath. The closures required for the set up and dismantling of the stage will be for the shorter length of footpath approximately 80m. An alternative route will run parallel to the closed section of the right of way at a distance of approximately 15m from the footpath. Henley Festival will make every effort to re-open the towpath sooner on Tuesday 12th July, as long as it is safe to do so.

The original application was for a longer closure period from 5pm each day in line with the recently revised premises license. However, the requested closure timings have been revised following discussions with officers. The rationale for keeping the original timings is to balance the impact of closing the Thames Path National Trail with the needs to the event. In 2021 the Council agreed to the longer diversion and hours of closure due to specific COVID restrictions and the shorter light levels due to the event being held later in the year. These issues are no longer applicable; COVID restrictions have now been lifted and the event is being planned for the usual times following the Henley Royal Regatta.

The Henley Festival organisers are prepared to accept the timings listed above but have raised the following issues:

Henley Festival issues	WBC response
Shared use of the towpath places non-ticket holders within the secure site with no security check having been undertaken. The entrance points are either end of the towpath once the event goes live.	Officers have discussed this issue with the Henley Festival organisers and recognise that a change in approach for the 45 minutes that the path is open will be required, keeping a barrier in place for this time to prevent users of the public footpath deviating off the path and into the private event areas.

<p>At 17:45, when the diversion will be allowed, non-ticket holders will have to be escorted off the path. This potentially introduces a point of conflict with security personnel with non-ticket holders who may have started engaging with the live event activity</p>	<p>The Temporary Traffic Regulation Order will be advertised in advance, with notices on site so that members of the public will be aware of the closure times.</p>
<p>It is hard to enforce the policies and procedures of the Henley Festival event for non-ticket holders as they have not signed into the terms and conditions for the event.</p>	<p>The policies and procedures for the event will still apply to all event attendees, and members of the public will not have a right to enter on to the site off the public right of way.</p>
<p>Cyclists (though understood not legally permitted to use the path) and dogs using the towpath, will place ticketholders and staff at potential safety risk.</p>	<p>The Henley Festival are correct that cyclists do not have a right to use the public footpath and the landowner is entitled to ask them to leave. Dogs are a natural accompaniment for walking but should be under close control and not be allowed to wander off the defined path.</p>
<p>The towpath fencing normally in place on Regatta land is not present and there is no separation between river, towpath, and site once the event goes live.</p>	<p>Officers have discussed this issue with the Henley Festival organisers and recognise that a change in approach for the 45 minutes that the path is open will be required, keeping a barrier in place for this time to prevent users of the public footpath deviating off the path and into the private event areas.</p>
<p>The Festival site includes the main stage, Marina Bar and Pontoon Bar & Restaurant. These are directly accessed across the towpath and hence would be open and in the public realm if the towpath is open. There is an issue of access by un-ticketed persons into these 'premises'</p>	<p>Officers have discussed this issue with the Henley festival organisers and recognise that a change in approach for the 45 minutes that the path is open will be required, keeping a barrier or marshalled entrance in place for this time to prevent users of the public footpath deviating off the path and into the private event areas.</p>
<p>The full length of the riverbank is sold for moorings of ticketholders arriving via the river at 17:00. The towpath being open would place the ticket holders and un-ticketed towpath users in some conflict when coming ashore.</p>	<p>Public towpaths are often used in conjunction with public rights of way without issue. Whilst we recognise that there will be more mooring boats than normal during this time it is not expected that this will cause a significant issue provided that boat owners are aware that the towpath should not be obstructed.</p>
<p>Use of the towpath by non-ticketed holders during the live event raises issues with the 'Protect Duty' that event organisers need to consider going forward based on Manchester Arena report.</p>	<p>Officers have discussed this issue with the Henley festival organisers and recognise that a change in approach for the 45 minutes that the path is open will be required, keeping a barrier or marshalled entrance in place for this time to prevent</p>

	users of the public footpath deviating off the path and into the private event areas.
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The Festival takes place after the Henley Regatta. The Festival's organisers make use of the Regatta's infrastructure such as marquees and stands, which are already in situ. The main Festival events are held on a large 'floating stage' constructed in the river bed, the building of which takes place on and adjacent to Footpath No.4.

As Highway Authority, this Council has a statutory duty under the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority. As such, it is for the Council to consider any application for the closure of a highway, albeit on a temporary basis, in conjunction with this statutory duty.

Notwithstanding the above, in its capacity as a Traffic Authority, the Council is empowered by the Road Traffic Regulation Act 1984 to make an Order to regulate traffic on a temporary basis in order to facilitate the holding of certain events (a "relevant event") on the highway, provided that it is satisfied that the event cannot be held otherwise than on a road. At section 142(1) of the Act the term "road" is defined as any length of highway or any other road to which the public has access and therefore includes any footpath.

If the Order is made as recommended, it would continue in force for more than three days. Section 16B(1)(b) of the 1984 Act provides that, before the Order can be made, the consent of the Secretary of State for Transport would be required. Since 2009 the Secretary of State, after detailed consideration of the material facts, approved the making of a similar length closure order annually.

Whilst there is no legal requirement to consult in respect of the application, the Council agreed at Executive on June 25th 2015, that for applications for temporary closures on rights of way affecting the Thames Path and the Blackwater Valley Footpath, (for special events) the following policy will be adopted:

- 1) prior consultation will be carried out with the following groups: The Ramblers' Association, The Open Spaces Society, Natural England, the relevant Parish Council and the ward member for the area through which the path is situated; and
- 2) the decision as to whether a closure will be made will be taken by the Executive unless it is agreed by the Executive Member for Environment and Leisure that such referral to the Executive is not required.

Consultations were sent out in October to the local Ward Members, Remenham Parish Council, The Thames Path National Trails Officer, Loddon Valley Ramblers and the Open Spaces Society as well as Henley Town Council, who had asked to be consulted in previous years. Natural England confirmed in 2018 that they do not need to be consulted on application provided that the Thames Path National Trails Office are included.

Councillors John Halsall and Graham Howe as the local Ward Members, and Councillor Parry Batth as the Executive Member for Environment and Leisure have raised no objections to the temporary closure.

The Ramblers' Association, Thames Path National Trails Officer, Remenham Parish Council and Henley Town Council have raised no objection to the temporary closure.

The Open Spaces Society has objected to the closure and the points raised in their letter are considered below.

Details of the responses to the consultation and details of permission granted for the alternative paths by the landowner are included in the accompanying documents.

Over the past 5 years there have been no complaints or objections to the Temporary Closure of part of footpath Remenham 4 during the Festival in July, from members of the public, local clubs or Remenham residents.

Analysis of Issues

Open Space Society issues	WBC response
Objection to the closure and noting the additional four hours added to the closure time for 2021.	The Festival wants to develop its work with local community organisations by offering a facility for groups to perform using the Festival's performance venue. The performances will be using the floating stage and therefore the footpath is considered to be a part of the Festival venue and closure of the path is necessary at this time to enable the event to take place.
The event could be held elsewhere.	The event uses the same infrastructure as used during the Henley Regatta. It is not a matter for the Authority to specify where the organisers should hold the Festival but whether or not it is necessary to close the footpath at the point where they chose to hold the event.
The council must satisfy itself that it is not reasonably practicable for the event to be held otherwise than on a road. The OSS believes that there is nothing about the Festival which requires the use of a road.	The stage is next to the footpath where ticket holders watch the performances. Access needs to be limited to satisfy the licensing requirements and because electrical cabling etc. is placed across the footpath. It is therefore considered that it is necessary that the relevant event encompasses the use of the adjoining footpath.
The council needs to be aware of its statutory duty, under section 130 of the Highways Act 1980, 'to assert and protect the rights of the public to the use and enjoyment of the highway'.	The duty is effectively suspended during such times as the Council uses its available statutory powers to close the path by legal order.

This is the Thames Path National Trail, a route of international importance, which should not be interfered with merely for a private event.	The legislation does not preclude the making of orders for commercial events or on national trails.
The council needs to 'have regard to the safety and convenience of alternative routes suitable for traffic which will be affected by the order.	The alternative routes identified for use by the public during the closure period is considered to be appropriate for this relatively short term diversion.
The OSS states that the alternative route needs to be a public highway.	This is not the case. WBC should only have regard to the suitability and convenience of the alternative route for the traffic affected by the order. The owner of the land agrees annually to the use of their land as an alternative footpath during the closure period and to date the alternative route has been provided for the duration of the closure periods so there is no reason to suggest that this would not be the case for the 2022 closure.

BUSINESS CASE

Not applicable as the organisers of the Henley Festival pay all legal and advertising fees.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	N/A
Next Financial Year (Year 2)	£0	Yes	N/A
Following Financial Year (Year 3)	£0	Yes	N/A

Other Financial Information

The organisers of the Henley Festival pay all legal, advertising costs of the Closure Order.

Stakeholder Considerations and Consultation

The local Members have been consulted together with the Parish Council, the Ramblers' Association, the Open Spaces Society, Thames Path National Trails Officer and Henley Town Council.

An objection to the closure is usually received from the OSS annually. Whilst the Authority must have regard for objections, the Temporary Closure Order can still be made by the Executive if it considers that the requirements of the legislation have been met. Any objections are sent to the Secretary of State so that they are aware of them to consider alongside the application for consent under section 16B(i)(b).

Public Sector Equality Duty
An initial equality impact assessment has been carried out and has not identified any negative impact to the proposal.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*
The temporary closure of the path in itself will not cause any negative impact to the carbon neutral targets.

List of Background Papers
Application from the organisers of the Henley Festival
Map of the proposed temporary closure and alternative paths
Details of responses from consultees
Initial Equality Impact Assessment

Contact Andrew Fletcher	Service Delivery and Infrastructure
Telephone 07789 032544	Email andrew.fletcher@wokingham.gov.uk

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APPLICATION FOR TOWPATH DIVERSION FOR HENLEY FESTIVAL 2022

STAGE BUILD - short diversion taking walkers approx 15m off the towpath for a length of approx 80m around the stage construction site.

Mon 4th July 00:01 - Wed 6th July 17:00

Henley Festival will make every effort to re-open the towpath sooner, so long as it is safe to do so.

SHOW NIGHTS – full diversion with diverted route to rear of the site

Wed 6th July 2022 17:00 - midnight

Thurs 7th July 2022 17:00 – midnight

Friday 8th July 2022 17:00 – 01:00

Saturday 9th July 2022 10:45 – 14:45

Saturday 9th July 2022 17:00 – 02:00

Sunday 10th July 2022 10:00 – 14:15

Sunday 10th July 2022 17:00 – 23:30

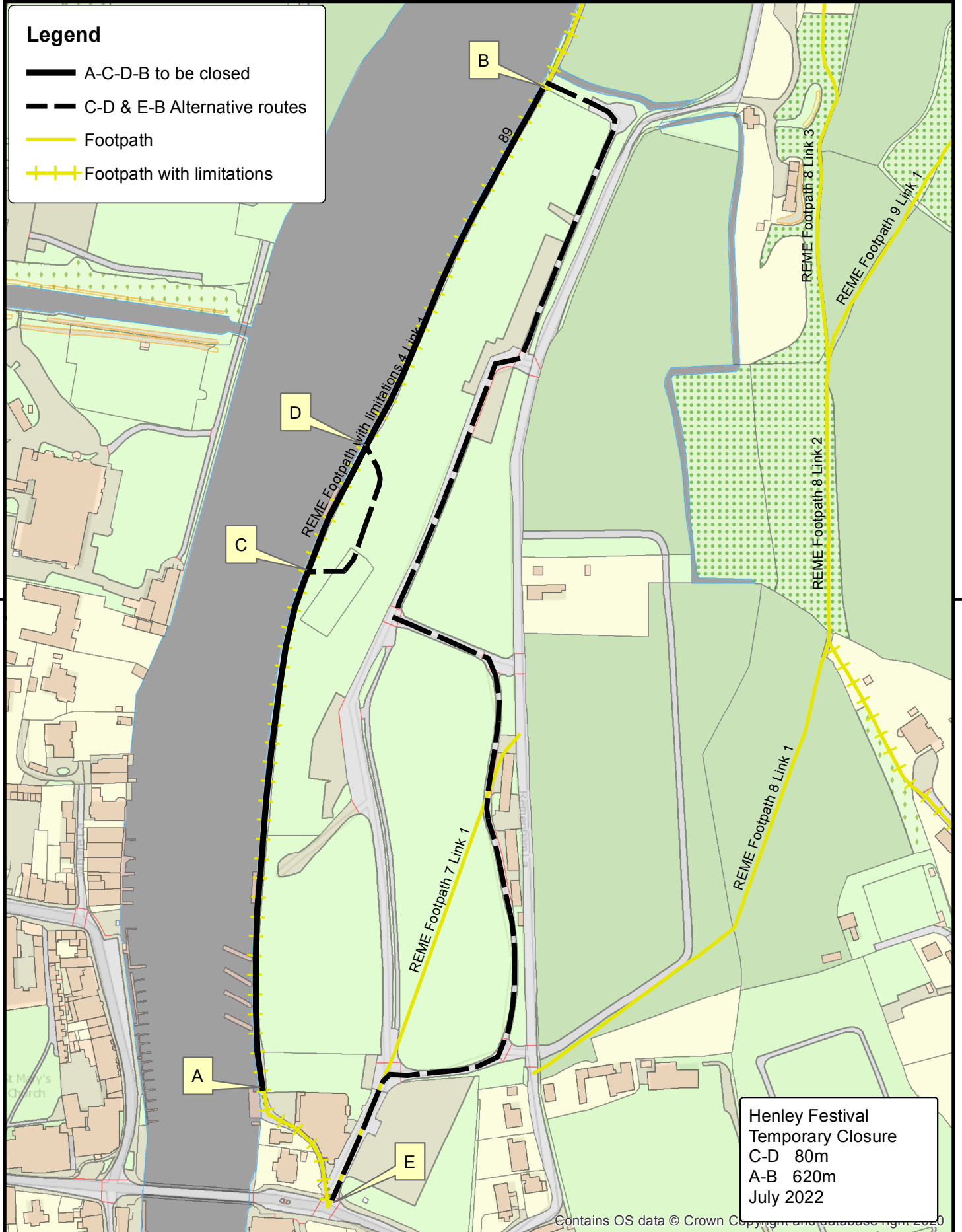
STAGE DE-RIG - short diversion taking walkers approx 15m off the towpath for a length of approx 80m around the stage construction site.

Mon 11th July 2022 06:00 – Tues 12th July 2022 23:59

Henley Festival will make every effort to re-open the towpath sooner, so long as it is safe to do so.

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WOKINGHAM BOROUGH COUNCIL
 ROAD TRAFFIC REGULATION ACT 1984 SECTION 16A
 TRAFFIC REGULATION ORDER
 REMENHAM FOOTPATH 4 (PART) 2022



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Temporary Closure Remenham Footpath 4 Henley Festival 2022
Details of responses to stakeholder consultation and permission from landowner

Organisation	Date Received	Details of response
Open Spaces Society	13 th Dec 2021	Objects to the order on numerous grounds which have been considered and responded to in detail in the main report
Remenham Parish Council		No response received
Henley Town Council		No response received
Loddon Valley Ramblers (LVR)	20 th Dec 2021	No objection
Thames Path National Trail		No response received
Henley Royal Regatta	18 th Jan 2022	Confirms that the alternative route will be made available and kept open for the use of members of the public during the closure period. Confirms that no other party is required to give consent.

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Equality Impact Assessment (EqIA) form: Initial impact assessment

If an officer is undertaking a project, policy change or service change, then an initial impact assessment must be completed and attached alongside the Project initiation document.

EqIA Titular information:

Date:	31 st January 2022
Service:	Delivery and Infrastructure
Project, policy or service EQIA relates to:	Temporary Closure of Remenham Footpath 4 for the Henley Festival
Completed by:	Andrew Fletcher
Has the EQIA been discussed at services team meeting:	No
Signed off by:	Francesca Hobson
Sign off date:	31 st January 2022

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1. Policy, Project or service information:

This section should be used to identify the main purpose of the project, policy or service change, the method of delivery, including who key stakeholders are, main beneficiaries and any associated aims.

What is the purpose of the project, policy change or service change , its expected outcomes and how does it relate to your services corporate plan:

A request has been received from the organisers of the Henley Festival of Music and the Arts for the closure of part of Footpath No.4 Remenham to allow for the land to be used to host the Henley Festival between 4th and 12th July 2022. During this time an alternative route will be available for the public to use.

Outline how you are delivering your project, policy change or service change. What governance arrangements are in place, which internal stakeholders (Service managers, Assistant Directors, Members ect) have/will be consulted and informed about the project or changes:

The Council have powers to approve the temporary closure of public rights of way to allow for events to take place under the Road Traffic Regulation Act 1984.

Whilst there is no legal requirement to consult in respect of the application, the Council agreed at Executive on June 25th 2015, that for applications for temporary closures on rights of way affecting the Thames Path and the Blackwater Valley Footpath, (for special events) the following policy will be adopted:

- 1) prior consultation will be carried out with the following groups: The Ramblers' Association, The Open Spaces Society, Natural England, the relevant Parish Council and the ward member for the area through which the path is situated; and
- 2) the decision as to whether a closure will be made will be taken by the Executive unless it is agreed by the Executive Member for Environment that such referral to the Executive is not required.

Outline who are the main beneficiaries of the Project, policy change or service change?

The Henley Festival for Music and the Arts are the main beneficiaries of this decision. Should the closure be approved the public will have an alternate route available during the times that the public footpath is closed.

Outline any associated aims attached to the project, policy change or service change:

2. Protected characteristics:

There are 9 protected characteristics as defined by the legislation:

- Race
- Gender
- Disability
- Gender re-assignment
- Age
- Religious belief
- Sexual orientation
- Pregnancy/Maternity
- Marriage and civil partnership:

To find out more about the protected groups, please consult the EQIA guidance.

3. Initial Impact review:

In the table below, please indicate whether your project, Policy change or service change will have a positive or negative impact on one of the protected characteristics. To assess the level of impact, please assign each group a Positive, No, Low or High impact score:

For information on how to define No, low or high impact, please consult the EQIA guidance document.

If your project is to have a positive impact on one of the protected groups, please outline this in the table below.

For details on what constitutes a positive impact, please consult the EQIA guidance.

Protected characteristics	Impact score	Please detail what impact will be felt by the protected group:
Race:	No	
Gender:	No	

Disabilities:	No	The alternative route runs parallel to the closed path, will be fully signed and fully accessible. The effect of the closure is thus not considered to pose any impact on people with disabilities.
Age:	No	
Sexual orientation:	No	
Religion/belief:	No	
Gender re-assignment:	No	
Pregnancy and Maternity:	No	
Marriage and civil partnership:	No	

Based on your findings from your initial impact assessment, you must complete a full impact assessment for any groups you have identified as having a low or high negative impact. If No impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must report on this initial assessment and it must receive formal approval from the Assistant Director responsible for the project, policy or service change.

Initial impact assessment approved by....Francesca Hobson

Date: 31st January 2022

TITLE	Void Property Works Contract
FOR CONSIDERATION BY	The Executive on Thursday, 31 March 2022
WARD	None specific
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The purpose of this report is to seek approval of the procurement business case (a copy will be attached to final report) for a new contract to provide the range of repair and refurbishment works required to ensure domestic void properties meet the Council's re-let standard prior to occupation by new tenants or licensees.

RECOMMENDATION

That the Executive approves the business case to enable the Housing Service to procure a suitably qualified, experienced, and competent contractor for the delivery of void property works as required for the Council's housing stock.

EXECUTIVE SUMMARY

The Council is required, as part of our statutory duties to maintain our housing stock to ensure domestic void properties are let in a condition that is safe and clean. Before they can be re-let, all domestic properties must also meet the Council's current re-let standard. To achieve this standard, the service needs to appoint a suitably qualified multi-skilled contractor to complete all repairs and refurbishment works that may be required. As the total ascertainable value of this works contract exceeds £5,336,937 (VAT inclusive), the procurement business case requires the approval of the Executive. A new contract is expected to be awarded and mobilised during August 2022.

BACKGROUND

As a registered provider of social housing and a local authority, Wokingham Borough Council is required to meet the standards set by the Social Housing Regulator and legislation, plus regulations relating to local authorities. Part of the housing asset management process is to have an adequate procedure in place to ensure void properties are properly and promptly brought up to the required re-let standard as soon as possible. Void property works will be an on-going requirement for as long as the Council has housing stock. Typically, there are between 200-250 Council dwellings that are vacated annually and to ensure each property is brought up to the necessary re-let standards, a ring-fenced process is required due to the extent of both revenue and capital works that can be involved, although any areas of specialism, e.g., licenced asbestos removal, will still be referred to our specialist contractor.

The maximum end date of the current contract for void property works expires mid-August 2022, so Housing services must procure a new contract to ensure there is no detrimental impact on the voids process and that there is a clearly defined exit strategy and handover from the incumbent contractor and an agreed plan for the transition, implementation, and mobilisation of the new contract with the incoming contractor.

BUSINESS CASE

Housing services need to appoint a multi-skilled contractor that is suitably qualified, experienced, and competent to successfully complete the range of repairs and refurbishment works as may be required to return void domestic properties to safe and clean conditions, fit for reoccupation by incoming tenants or licensees. The scope of works may include, but is not limited to - gas servicing and testing, heat calculations, deep cleaning, kitchen and bathroom refurbishments, minor repairs (to include non-licensed asbestos removal), re-decorations, garden works, etc. Wherever possible, when a property is void, Housing services also use the opportunity to complete property upgrade works to help meet the Council's green agenda and sustainability objectives. This may take the form of improving insulation, replacing windows and doors, and upgrading or replacing the existing heating system. Timescales for the turnaround to complete all the works that maybe required to bring a property up to a lettable standard are very demanding, and as long as a property is void and unoccupied there is no rental income being generated for the Housing Revenue Account (HRA). Current demand for social housing is outstripping availability so it is incumbent on the Housing services team to ensure our void properties are re-let as quickly as possible.

The Housing service intends to procure the new contract via a competitive tender process in order to identify a suitable contractor and to achieve best value for money. The tender process will meet WBC's own internal governance for procurements, and it will also comply with current public sector procurement rules. The existing contract expires in August 2022 so the tender process will need to be concluded in timescales to ensure the new contract is awarded for the transition, implementation, and mobilisation of the new contract in advance of the expiration of the current contract.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

Year	How much will it Cost	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Next Financial Year (Contract Year 1)	Finance Year 2022/23 - Contract start August 2022 circa £1.25m (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account - Revenue and Capital expenditure
Following Financial Year (Contract Year 1/2)	Finance Year 2023/24 - Circa £2m (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account - Revenue and Capital expenditure
Following Financial Year (Contract Year 2/3)	Finance Year 2024/25 Circa £2m (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account - Revenue and Capital expenditure
Following Financial Year (Contract Year 3/4)	Finance Year 2025/26 Circa £2m (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account - Revenue and Capital expenditure
Following Financial Year (Contract Year 4/5)	Finance Year 2026/27 Circa £2m (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account – Revenue and Capital expenditure
Following Financial Year (Contract Year 5/6)	Finance Year 2027/28 Circa £2m (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account - Revenue and Capital expenditure
Following Financial Year (Contract Year 6)	Finance Year 2028/29 - Contract end August 2028 circa £750k (Incl VAT)	Yes, there is sufficient funding	Housing Revenue Account - Revenue and Capital expenditure

Other Financial Information

The Contract will assist the Council in delivering its statutory responsibilities as a landlord; breach of these responsibilities can lead to unlimited fines and considerable reputational damage to the Council which could affect its good standing generally.

The Council needs to achieve best value for money and protect the investment in its housing stock. If the Council does not maintain its housing assets adequately, the rental income received may potentially diminish.

Stakeholder Considerations and Consultation
A quarterly procurement report is submitted to the Tenant and Landlord Improvement Panel (TLIP) providing a summary of the main contracts covering our housing stock, including the void property works contract. In addition, the requirement also forms part of a monthly report to the involved tenant's Repairs and Maintenance Group (RMG).

Public Sector Equality Duty
WBC complies with the government's agenda to achieve efficiencies through the adoption of good practice in their procurement processes, including compliance with the Equality Act.

Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i>
Housing Services are committed to identifying and working with contractors that share the Council's vision and values. During the lifecycle of the contract, the contractor will be expected to work collaboratively with us to deliver continuous improvements that will assist with realising the Council's objective of achieving a Carbon Neutral Wokingham Borough by 2030.

List of Background Papers
Procurement business case – Void Property Works

Contact Martin Forster	Service Housing, Income and Assessments
Telephone 07717 320 692	Email martin.forster@wokingham.gov.uk



In accordance with the Procurement and Contracts Rules and Procedures (PCRP) (see section 3.1.1): a formal business case is required for any procurement with a total value above £50,000. The level of approval required for the Business Case depends on the type of procurement and total ascertainable value of the contract, as indicated in the table below:

1. Level of Approval

State “YES” in the applicable box at either Level 1, Level 2, or Level 3:

Type of Procurement	Level 1		Level 2		Level 3	
	Assistant Director & Director Approval		Executive Approval		Full Council Approval	
Goods and Services	£50k – £500k		> £500k		Annual Value >£5m or TAV >£25m (if capital >£15m)	
Schedule 3 Services	£50k – £663,540 (VAT inclusive)		> £663,540 (VAT inclusive)			
Works	£50k – £5,336,937 (VAT inclusive)		> £5,336,937 (VAT inclusive)			

NOTE:

Executive meetings (Level 2) are held each month, but the submission of papers is strictly controlled, resulting in a cycle of at least 6-weeks – speak to Democratic Services for assistance.

Full Council meetings (Level 3) are held every second month and submission of papers is controlled as per Executive meetings – speak to Democratic Services for assistance.

2. Project Information

Project / Contract Title	Void Property Works
Project / Contract Description	Repair and refurbishment of void domestic properties to meet WBC’s relet standard prior to handover and reoccupation by new tenants/licensees
Expected Start Date & Duration (months)	Start Date: 15/08/2022 Initial Contract Term: 36 Months
Any Extension/s Allowed (months) <i>(e.g.: 1 x 24m / 1 x 12m + 1 x 12m)</i>	Extension Period: 1 x 36 Months Maximum Contract Duration: 72 Months
Total Ascertainable Value	Total Ascertainable Value: circa £10m (exclusive of VAT) - Based on Maximum Contract Duration of 72 Months
Procurement Advice <i>Provide a short summary of the advice or attach/append any written advice you have obtained, including the type of procedure, Brexit considerations and if the BC is for setting up of DPS or framework agreement.</i>	Due to the contract value, procurement of a new contract must comply with Public Contracts Regulations (PCR 2015). Housing Services will run a compliant open tender process to award a new contract and will keep central procurement informed to comply with our internal rules
Finance Advice <i>Confirm budget availability and add any comments relevant to the budget.</i>	Void property works are an on-going requirement and are included in Housing services annual budget allocations
Source of Funding <i>(revenue or capital or specified other)</i>	Housing Revenue Account (HRA) 70% and Capital 30%. Budgets are set annually and activity will be monitored and managed within each budget period.

If procurement is for software, specify outcome of your consultation with IMT and/or Business Change	N/A
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3. Project Justification

Link to Service or Corporate Objectives:

This section is intended to demonstrate that the project aligns with the Council’s Corporate Delivery Plan and Community Vision. It should provide an overview of how the project is relevant to the Council’s objectives and illustrate how the project supports the directorate’s business plan and key strategies, as well as considerations about:

- Equality Impact
- Social Value
- Sustainability
- Climate Crisis

The new contract will assist the Council with achieving its objectives against key strategic priorities:

‘Safe, Strong Communities’ and ‘A Clean and Green Borough.’

This contract will assist with delivering Housing Asset Management’s main objective: through effective, active asset management to have a high quality, well maintained, sustainable housing stock that meets a locally determined standard, provides the type of accommodation our tenants want, in the locations and environments they would like to live.

The contract will also assist the Council with delivering its commitments in the Corporate Delivery Plan 2020- 2024, Supporting our Community Vision for Wokingham Borough to be: ‘A great place to live, learn, work, and grow and a great place to do business.’

Project Specific Objectives, Appraisal of Options and Project Timetable:

Use this section to list the business goals and objectives that are to be delivered by the project and how the project will address them. Provide justification of any decision to outsource the services/works as opposed to deliver them in-house. The analysis should include an appraisal of any alternative options that have been considered, including the option not to proceed or not to utilise an existing contract, and the reasons for selecting the current course of action. An outline of the expected project timescales, including all key events, should be provided.

Approximately 200-250 council dwellings/temporary accommodation units/council managed dwellings/mobile home plots are vacated annually. Based on 21/22 voids average costs plus the increasing future demand for carbon reduction measures and known inflationary pressures we believe a typical total annual spend will be £1,700,000 (excluding VAT). Void property works are an on-going requirement and annual volumes vary depending on the number of void properties and the extent of works required. Considering the fluctuating annual demands, we estimate the Total Ascertainable Value (TAV) of the contract over a 72-month life cycle will be in the region of £10m (exclusive of VAT).

As a registered provider of social housing and a local authority, Wokingham Borough Council is required to meet the standards laid down by the Social Housing Regulator and legislation, plus regulations relating to local authorities. Part of the housing asset management process is to have an adequate procedure in place to ensure void properties are properly and promptly brought up to the required re-let standard as soon as possible.

To ensure properties are brought up to our re-let standards, a ring-fenced process is required due to the range and scope of the revenue and capital works involved that may include such items as gas servicing and testing, heat calculations, deep cleaning, kitchen and bathroom refurbishments, minor repairs (to include non-licensed asbestos removal), re-decorations, garden works, etc.

Wherever possible, when a property is void, we use the opportunity to complete property upgrade works to help meet the Council's green agenda and sustainability objectives. This may take the form of improving the insulation and replacing windows and doors. Where it is feasible the scope may also include upgrading or replacing the existing heating systems where this can be accommodated by the contractor, although we also have heating specialists that we may also use to complete these types of works.

Repair and refurbishment work for void properties is currently being carried out by our appointed void property works contractor. However, our contract with them expires mid-August 2022, and cannot be extended.

Subsequently, we must procure a new contract to appoint a multi-skilled contractor with the capabilities and capacity to carry out all the works needed to fulfil our relet standard and meet our void process timescales to make each void property suitable for the next tenant to move in.

Combining the scope of works and services required for voids into one contract is more efficient and cost effective. Based on previous experience, using multiple contractors to facilitate different areas of the works is inefficient due to the many parties involved which leads to potential conflicts and involves more administration, is more time consuming, and more expensive. Exceptions are where specific areas in scope of the void process requires specialists, such as licenced asbestos removal works that will still be referred to specialist contractors.

Cost Benefit Analysis:

Use this section to illustrate the costs of the project and compare them with the benefits and savings to be delivered to determine if the project is worth pursuing.

Capital Works business cases should include a financial feasibility assessment in terms of investment payback, return on investment or discounted cash flow value.

Void property works is an on-going requirement, and the new contract is needed to ensure the Council meets its statutory requirements as a landlord, so a cost benefit analysis is not applicable for this business case.

Contract Management:

Use this section to explain the level of contract management that will be required, which Service will be managing the contract, what percentage of FTE hours will have to be dedicated of the management of the contract, name of the contract manager, if known at this stage.

The senior specialist (Voids Manager) will act as the contract administrator (CA) and the principal decision maker. Senior specialists (Assets & Maintenance) and (Senior Building Surveyor) from Housing Services will assist with technical matters. The Voids Manager supported by a team of Property Surveyors will be responsible for overseeing the regular operational activities. A pre-start meeting will be held with the contractor before the start of the new contract. During the contract mobilisation period, update meetings / conference calls will be as required to ensure a smooth transition and implementation and to establish working relations. Service performance review meetings will be held on a monthly basis until such time as the CA is satisfied the frequency can be moved to quarterly, or another frequency. The main quorum for service performance review meetings includes the CA, Lead Specialist for Assets & Maintenance, WBC's technical staff and the Procurement Manager, along with the contractor's contract manager and technical representatives (as required). We will provide regular service performance updates to our stakeholders, e.g., Assistant Director; Neighbourhoods and Communities, and tenants that are represented by the Repairs and Maintenance Group (RMG) and the Tenant and Landlord Improvement Panel (TLIP).

4. Approval

Please fill in the applicable fields according to the level of approval required.

Note: If Level-2 or 3 approval is required, the document should be signed by Assistant Director and Director at Level-1 first, and then presented to the Executive (and Full Council where appropriate) for final approval.

Level 1

Position	Name	Department	Signature
Assistant Director	Simon Price	Neighbourhoods and Communities	
Director	Steve Moore	Place and Growth	

Level 2

NOTE: Level 1 approval must be completed first.

Please state the date of the relevant Executive meeting or Individual Executive Member Decision at which the Business Case has been approved.

Date of Executive meeting / approval	Item No
Executive Approval	

TITLE	Winnersh Farm Access
FOR CONSIDERATION BY	The Executive on Thursday 31 st March 2021
WARD	Winnersh;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Business and Economic Development - Stuart Munro

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The report is to seek Executive approval to the grant of an option agreement to Taylor Wimpey Homes Ltd.

RECOMMENDATION

That the Executive is recommended to approve the grant of an option agreement to Taylor Wimpey UK Ltd to enable a secondary access to land at Mayfield for the purpose of residential development.

EXECUTIVE SUMMARY

This report seeks authority to enter into an option agreement with Taylor Wimpey Ltd which will enable the creation of a vehicular and pedestrian access across Council land at Winnersh Farm, for to the purpose of serving residential development, subject to planning permission.

The residential development of the Taylor Wimpey optioned land has been promoted as part of the Local Plan Update process. The Taylor Wimpey optioned land and the Council's land have been identified as a proposed residential allocation in consultation documents.

BACKGROUND

Taylor Wimpey Ltd hold an option to acquire circa 10.9Ha of land at Winnersh Farm (as shown coloured green on the plan attached) for the purposes of residential development, and have promoted it into the Local Plan Update (ref 5WI006 – land at Maidensfield).

The Council own the freehold interest in circa 7 Ha of land immediately to the South of the Taylor Wimpey Ltd optioned land. The Council's land is split into 2 parcels as outlined below:

- Planning consent (ref: 211772) has been granted for the delivery of a 150 pupil SEN School on 2.12Ha of the Council's land to the west, adjacent to Wheatfield Primary School (as shown coloured Blue on the attached plan), and,
- An outline planning application (ref 212404) for residential development on the residue of the Council's land (as shown coloured red on the attached plan) is currently under consideration by the local planning authority.

Taylor Wimpey Ltd approached Commercial Property seeking to agree access across Council land to serve the potential residential development of their optioned land (subject to planning).

Terms have subsequently been agreed (subject to all necessary Council approvals) for the grant of an option agreement between the Council and Taylor Wimpey Homes Ltd to enable the creation of a vehicular and pedestrian access across the Council's land.

The detailed terms of the agreement are commercially sensitive and are therefore set out in part 2 of this report.

BUSINESS CASE

Winnersh Farms, comprising both the Council's and Taylor Wimpey's sites, was identified as a proposed residential allocation (250 units) in the Draft Local Plan (2020). The Draft Local Plan presented a full draft plan document setting out proposals for where development should go and how it should be managed across the borough. Public consultation ran from 3 February to 3 April 2020.

Comments received as part of the consultation related to matters such as flood risk, traffic and access, noise and air pollution, contamination and that the site falls outside of the existing settlement boundaries. Details of the consultation responses can be viewed in the Draft Local Plan Regulation 18 Report on Initial Consultation Outcomes (January 2021).

In November 2021, the Council consulted on a Revised Growth Strategy for the local plan. This closed on 24 January 2022. The proposed residential allocation for the Winnersh Farms site was continued in the Revised Growth Strategy; with an increased capacity of 287 units.

The consultation response to the Revised Growth Strategy will need to be considered in due course. However, at this time the site is emerging as part of Council's strategy to meet the borough's housing need as defined by national planning policy and guidance.

A secondary access across Council land to the Taylor Wimpey site is considered by the highway authority and the local planning authority to be necessary for good placemaking and to make for a more sustainable form of development.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	N/A	
Next Financial Year (Year 2)	£0	N/A	
Following Financial Year (Year 3)	£0	N/A	

Other Financial Information

None

Stakeholder Considerations and Consultation

Consultation has been carried out in respect of the development of the Council's and Taylor Wimpey's land as part of the Draft Local Plan and Revised Growth Strategy consultations as outlined above.

Public Sector Equality Duty

Confirmed.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

All development will need to meet the Council's relevant planning policies as at the date of the grant of any planning permission.

Reasons for considering the report in Part 2

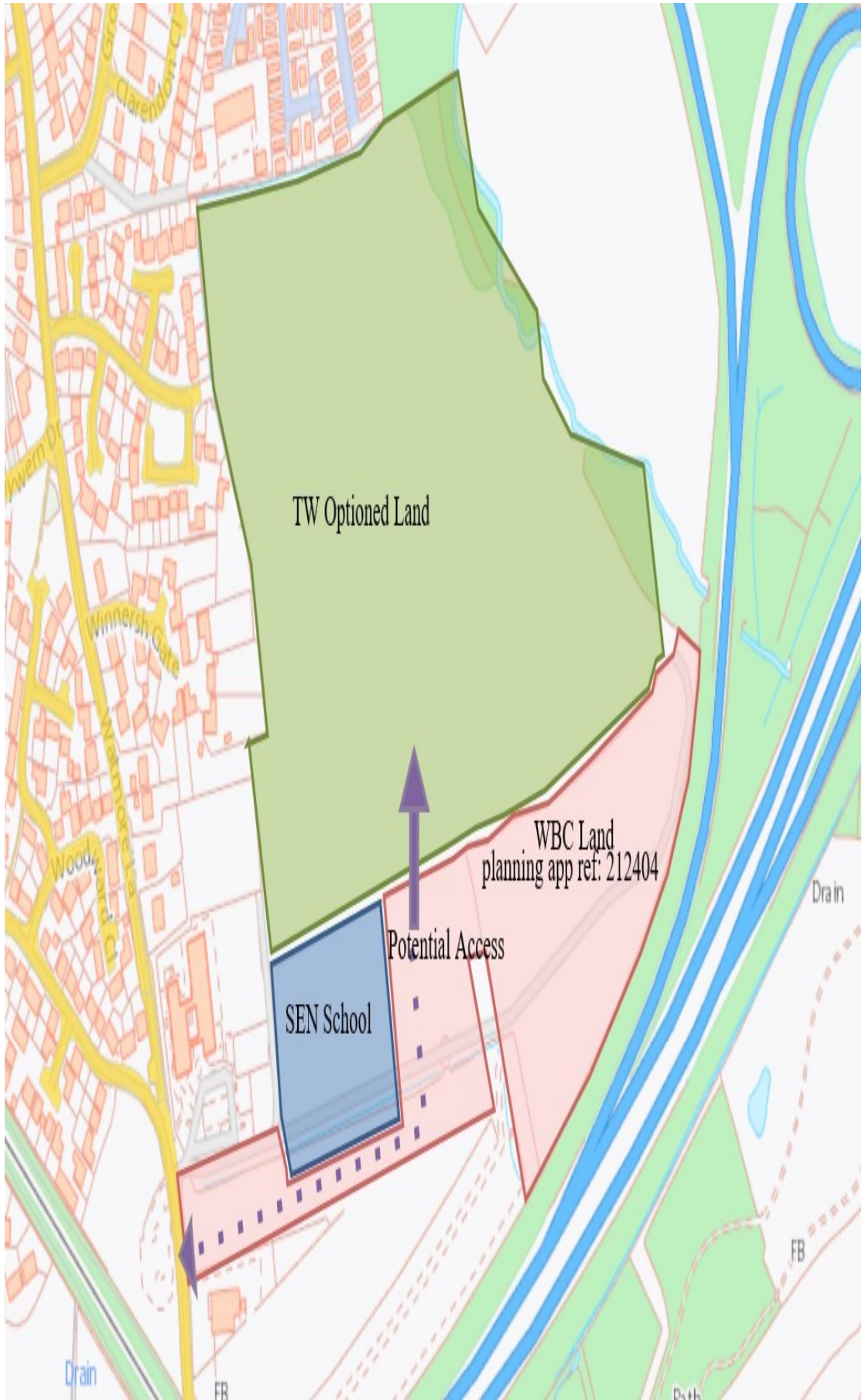
The detailed terms of the agreement are commercially sensitive.

List of Background Papers

None

Contact Craig Hoggeth	Service Commercial Property
Telephone Tel: 0118 908 8313	Email craig.hoggeth@wokingham.gov.uk

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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TITLE	Arrangements for the New Enforcement and Safety Service
FOR CONSIDERATION BY	The Executive on Thursday, 31 March 2022
WARD	None Specific;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Neighbourhood and Communities - Bill Soane

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To note the service delivery model for the new Enforcement and Safety Service from 01 April 2022 within the Council and to approve the settlement of liabilities.

RECOMMENDATION

It is recommended that Executive:

- 1) notes the progress made in relation to the repatriation of Environmental Health and Licensing from the Public Protection Partnership ('PPP') to the Council, and setting up an Anti-Social Behaviour Team within the newly created Enforcement and Safety Service;
- 2) notes that the Council will continue to contract services for Trading Standards (and ancillary services) from the PPP until 08 January 2027 and agrees that the initial term of the contract shall be at least 2 years;
- 3) approves a supplementary estimate to facilitate the payment of £416,681 to West Berkshire Council in full settlement of all liabilities incurred as a result of the Council's decision to withdraw services from the PPP. The payment shall be made over 3 financial years; and
- 4) delegates to the Director of Place and Growth and Deputy Chief Executive (and Section 151 Officer), in consultation with the Lead Member for Finance and Housing, the agreement of the final terms of the settlement with West Berkshire and completion of the settlement agreement and the contract for Trading Standards and ancillary services.

Executive Summary

The purpose of this report is to note the progress in successfully repatriating regulatory functions from the Public Protection Partnership (PPP) back in-house to Wokingham, the continuing use of the PPP to provide Trading Standing Services and the financial sum required to settle liabilities under the PPP contract, and setting up a new Anti-Social Behaviour Service

BACKGROUND

On 18 March 2021, both [Executive](#) and [full Council](#) agreed that the method of delivery of Environmental Health, Licensing and Trading Standards would change to enable a more localised delivery will focus on local priorities with a greater focus on prevention of anti-social behaviour. Both Executive and full Council also recognised that it would be feasible that certain services could be remain within the PPP. Notice to terminate the Inter Authority Agreement (IAA) was made which takes effect on the 31 March 2022.

In relation to Trading Standards (and some ancillary services) officers have negotiated terms for contracting of services from West Berkshire. The terms were authorised by [Executive](#) on 30 September 2021 to enter into a contract for these services.

This report explains the new mixed delivery model for Enforcement and Safety which enables Wokingham to draw upon the skills of West Berkshire for Trading Standards whilst enabling Wokingham to focus its priorities and resources to local demand using the inhouse Environmental Health, Licensing and Anti-Social Behaviour teams in conjunction with the other enforcement specialisms in the wider council.

In addition, as a result of the decision of terminate services, a liability has occurred for Wokingham. This report requests that the amount and terms are authorised.

BUSINESS CASE

Wokingham Operating Model for Environmental Health and Licensing

Residents generally support locally based services, being more responsive to local need and accessible. Environmental Health functions are essentially local in nature, dealing with local businesses and local problems, whether food hygiene, health and safety at work, damage to the environment, housing safety and rogue landlords. Licensing and Permitting is essential to ensure services are delivered in a safe and sustainable manner, and needs to be done efficiently to support businesses providing local services.

To this end, Environmental Health and Licensing functions need to be provided in the borough they serve, and the council has been working towards resourcing and staffing these services for in-house provision from 1 April 2022.

The Council has at the time of writing successfully recruited a Head of Service, and to three out of four of the Service Manager posts and most of the officer posts. Only a few vacancies remain in the rest of the structure, and plans are in place to ensure they will be filled by the going live date of 1st April.

A structure chart is attached to the report as Appendix 1.

Anti-Social Behaviour Service

Crucial to the success of the new service will be the Anti-Social Behaviour team which will be providing a new out of hours proactive and reactive service for residents to tackle on the spot issues of immediate concern to the public.

Residents should not be expected to restrict their expectations that problems can only be resolved within the narrow boundaries of how the council's services are set up. Residents should be able to report any problem which is causing alarm or distress,

nuisance or annoyance and expect the Council to have resources in place to investigate. Even if the problem is too minor to warrant the council's formal intervention, residents should still feel they have been listened to and assisted. The new Anti Social Behaviour service will fill this gap.

The ASB officers will be experienced in resolving a wide range of community nuisance problems, delegated and authorised to use all the legislative tools and powers available to local authority staff. They will conduct site visits and, in most cases, will endeavour to resolve problems at the first point of contact. Where a problem is more protracted, or where there is a need to prosecute or impose a penalty, the officers will work closely with other council departments and agencies such as police to gather evidence and persuade the offender to change behaviour.

The officers will also assist other parts of the Enforcement and Safety Service to monitor activity outside normal working hours, for example to ensure compliance with licensing conditions or permitted hours of commercial activity.

A list of type of issues covered by this team is attached at appendix 2.

The service will commence on 1st April with ten anti-social behaviour officers working in shift patterns to cover the busy evening periods and weekends. Six of the staff will be full time employees and four will be drawn from an agency to enable the Council to flex the size of the service as we learn more about the scale of demand once the service is up and running.

Trading Standards

As authorised by the Executive Decision in September 2021, certain Trading Standards and ancillary services will continue to be provided by West Berkshire to the Council. The terms of such are set in the previous Executive Report but the full services and terms are listed in that Executive Report. The services provided are:

- trading standards, including fair trading, weights & measures, product safety, restricted products;
- food standards (often regional or national in scope);
- air quality (operation & maintenance of monitoring network, reporting results, annual Air Quality Management Area reporting and advising of efficacy and likely impact of AQ actions being considered for implementation by Wokingham council);
- animal welfare, biosecurity and feed-stuffs;
- pre-legal prosecution and enforcement case-building support; and
- financial investigations and proceeds of crime

The contract for Trading Standards is currently being drafted on the terms approved by Executive. The contract and the liability settlement will be completed together. This settlement proposal only relates to the services that have been repatriated back to Wokingham and any liabilities in relation to Trading Standards remain until the end of the Trading Standards contract and fall due in 2027 (if the contract reaches full term).

Although the main terms of the contract were agreed by both Councils last year, West Berkshire has requested that the initial term of the contract should not be shorter than 2 years (that is any 12-month termination notice would need to be served by the 31 March 2023 at the latest and cannot take effect until 01 April 2024). The service has undergone

a period of upheaval during the last 12 months and requests an initial period to ensure that service delivery is normalised. Similarly, the inhouse Wokingham services will be newly formed and will need a period time for consistency and to embed service delivery. It would not be beneficial to consider any further repatriation of services (if at all) during the next 24 months as the existing service needs time to settle and develop.

Liabilities

The financial business case for the termination of services with West Berkshire, as set out in the 18 March 2021 Executive and Council Reports, recognised that there could be liabilities associated with the decision. The Reports noted that there would be one off cost associated with the termination and that there would be costs that required mitigation during the year which included staffing, legal and compensatory costs to partner councils. It was also recognised that there were one off project costs associated with the decision to facilitate establishment of the in-house service. The decisions of Executive and Council ensured that an initial £500k was earmarked to the project over two financial years.

The Report stated that as the full revenue and project costs were identified that such would be brought back to Executive for express approvals.

Transition Work

There has been a substantial and considered effort by officers in both councils to ensure that the transition was successful and completed in time for the 01 April 2022. Both councils have made decisions with the view to minimise costs to the Councils whilst ensuring a continuation of quality of service delivery. Although not every individual decision has been agreed or supported by both Councils, the range of options considered and the flexibility and enterprise of both the councils and the affected employees means that worst case outcomes and risks have been avoided and in the whole, the best possible outcomes have been achieved.

However, as envisaged by the March 2021 Reports, not all best outcomes are possible. The service has needed to recruit a greater number of new staffing that planned for and service elements have needed to change to make Wokingham’s offer to employees more attractive.

There is a further financial liability arising due to current commitments made within the service, associated project costs and employee costs.

Current Commitments

During the IAA, Wokingham agreed to commitments in relation to property and IT systems. The commitment was made but with payments over an extended period. These commitments remain live and are payable notwithstanding the termination. The sums are:

Cost (£)	Reason for Expenditure
98,600	Current commitment to the ongoing Tascomi IT project transferring data from Civic App. This is the 34% of the costs of the work.

7,813	Current commitment to the ongoing Theale Gateway refurbishment costs. This is the balance of the 34% cost of these works.
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Project Costs

The IAA provides a contractual framework for a termination. This includes sharing of costs in relation to certain liabilities that relate to the Services (such as employee costs) but also costs that Wokingham is required to bear due to a decision to leave the service. Principally these are the project related costs that West Berkshire has occurred to facilitate the split of the service and transfer of employees, equipment, data and processes back to the Council. The sums are:

Cost (£)	Reason for Expenditure
108,050	Project management costs, external legal costs and West Berkshire officer times costs.

Employee Costs

The ending of the IAA incurs costs relating to the current employees. These are treated under the IAA as a shared liability which if occurred would lead to significant costs to the Council (and the other councils). Principally these costs includes notice periods, redundancy and pension strain

The application of TUPE, the Traded Standards contract and available of more roles than employees has ensured that in the wider employee cohort the costs have been minimised. In relation to other group of employees, other alternatives to a rationalisation process have been considered where these would be more successful to minimise costs to the councils.

The recommendation is that a payment is made to West Berkshire on account of the employee costs that would be incurred for certain employees. It would be then up to West Berkshire to determine the use of this contribution which could be used towards any capital costs or payment of salaries with West Berkshire then absorbing all current and future employee costs. In the absence of this contribution, a restructuring and redundancy exercise would be inevitable requiring the Council to contribute to these sums. Although the sum is agreed with West Berkshire, the basis of calculation is not but this settlement will then be binding on the parties.

The Appendix to this Report is exempt but contains the contractual justification for the payment. The payment is no greater than the costs that would be incurred should a downsizing of the affected employees have occurred (that is, the amount that payable under the terms of the contract).

The sum is:

Cost (£)	Reason for Expenditure
202,218	Contribution to the employee costs

Total Cost & Payments

The recommended total sum is £416,681. The councils have agreed that the sum is payable over 3 financial years as follows:

Financial Year	Amount & Date
22/23	£108,050 payable 01 April 2022
22/23	£154,316 payable 30 April 2022
23/24	£154,315 payable 30 April 2023

The amounts payable under this recommendation are all subject to contract and subject to the Traded Services contract being completed.

Funding of Liability

The £416,681 will be payable from the Council's reserves.

Funding after 2022/23

These services are being repatriated to the Council after being provided by a third party for (in some cases) almost 10 years. It is highly likely that the service will need to be refined in the first few years specifically with respect to the capacity in meeting the Council's priorities. It is therefore unknown whether such changes will require further funding from the Council. In addition, at the end of the Trading Standards contract then further liabilities will be incurred similar in scope (if not size) to those described in this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	NA	Revenue
Next Financial Year (Year 2)	£262,366	No - £262,366	Revenue
Following Financial Year (Year 3)	£154,315	No - £154,315	Revenue

Other Financial Information

The figures above do not include the costs of Traded Services buy back which are paid separately but are/will be factored into the service budgets.

The end of the Traded Services (whether by early termination or expiry) has the same obligations as under the current agreement with West Berkshire. Any employee liabilities will be shared either financially or by the absorption of the employees to the Council on the same basis as current.

The Council set aside a sum of £500k to fund the legal and other project costs of withdrawing from the PPP. The final cost was slightly in excess of this amount, but this

was absorbed with Place Services, largely through an increase in planning application income.

A special item of £300k was also added to the budget for 2022/23 to ensure there will be sufficient funds to support a new enhanced service.

The budget projection for next year shows that the £300k will be sufficient to fund the service in 22/23.

Any requirement for growth in future years will be dealt with separately in future Executive reports as the Council learns from the experience of running the new service.

Stakeholder Considerations and Consultation

This report marks the conclusion of a process commenced by the Council in March 2021 and no consultation was deemed necessary.

Public Sector Equality Duty

The recruitment to the new service has been carried out in accordance with all equal opportunities policies.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

The decision to settle all liabilities will have no impact on the Council’s commitment to achieving a carbon neutral Wokingham Borough by 2030.

Reasons for considering the report in Part 2

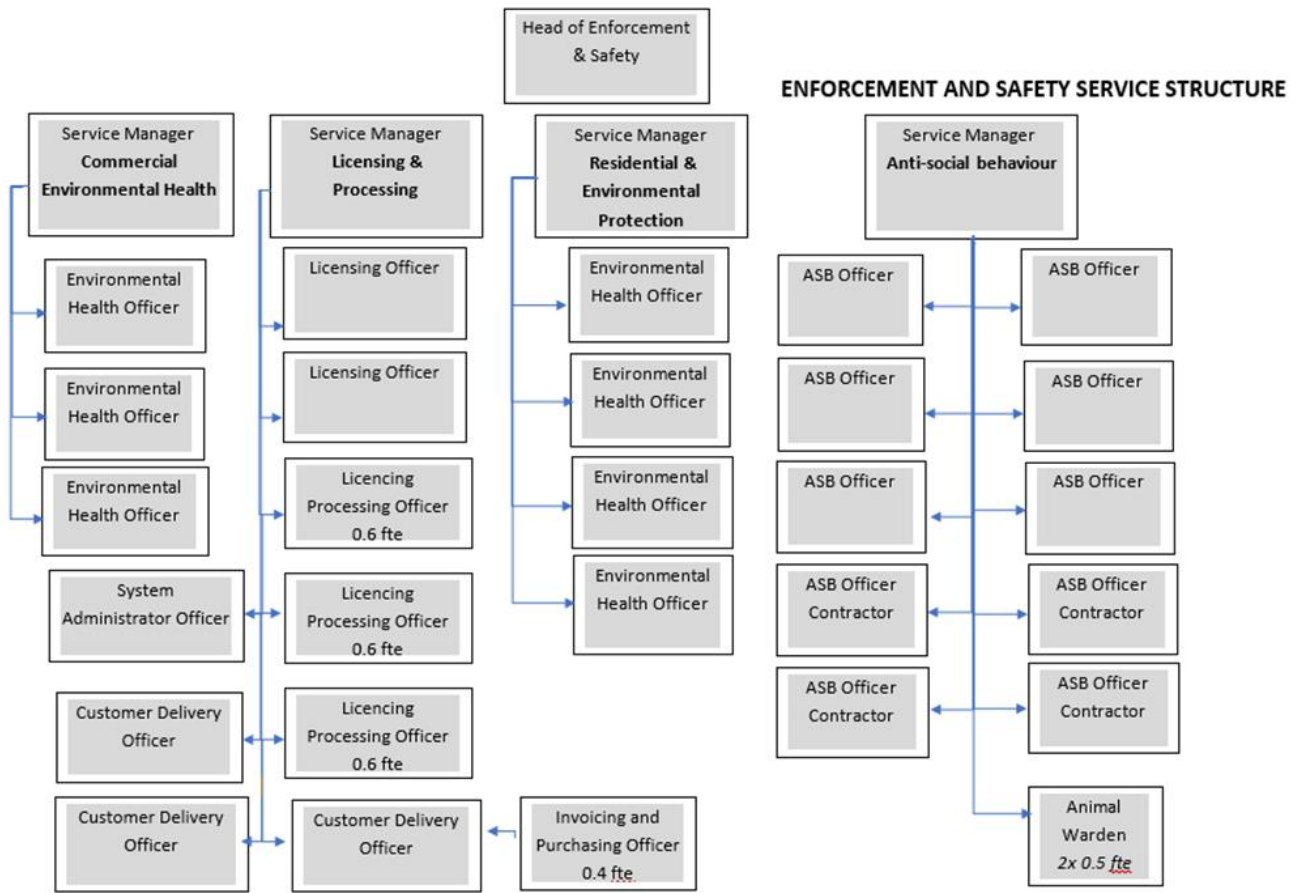
Part of this report is in Part 2 as it contains exempt information as it relates to information which is likely to reveal the identity of an individual, relates to the financial or business affairs of the council and contains information of which a claim to legal professional privilege could be maintained in legal proceedings.

List of Background Papers

None

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Appendix 1 Enforcement and Safety Service Structure Chart



Appendix 2 ASB Team Tasking List

Respond to and investigate complaints from the public and determine and implement effective courses of action about the following issues (these are examples and not an exhaustive list)

- Domestic noise nuisance, such as loud music, large scale DIY
 - Noise and dust from construction sites
 - Breaches of conditions attached to licensed premises
 - Unauthorised street trading or charity collections
 - Unauthorised distribution of leaflets and flyers
 - Fly tipped or burning of rubbish (either trade or domestic bonfires)
 - Littering and litter from vehicles
 - Breaches of waste management by commercial premises
 - Poor management of domestic waste, such as bin stores and refuse accumulation, landlord rented premises
 - Pests causing a public nuisance
 - Abandoned vehicles, bicycles, shopping trolleys, caravans
 - Nuisance vehicle use, eg car meets, car repairs or sales, unauthorised motor cycling off road
 - Fly posting and unauthorised advertising (eg banners and A Boards)
 - Premises which should have a licence but are unlicensed, eg HMOs and premises
 - Unauthorised encampments
 - Neighbourhood nuisance where there is an impact on the wider community, eg disturbances in or disrespecting public spaces (as distinct from public order or breach of the peace which are police matters), dogs out of control, excessive barking, drinking, barbecues
 - Any other matters where it is appropriate to gather evidence to refer to a more specialist team
- Undertake regular and visible inspections of anti-social behaviour hot spots, monitoring and enforcing schemes where appropriate to promote responsible behaviour, such as
 - Waste carriers to ensure proper licensing and disposal methods
 - Commercial premises for waste management
 - Parks and open spaces where ASB is reported
 - Licensed premises associated with disorderly behaviour
 - Speak to and liaise with members of the public to persuade them to change their behaviour
 - Ensure correct amounts are invoiced for the recovery of costs in relation to clearance of dumped items or rubbish
 - Conduct investigations, surveys and surveillances aimed at detecting non-compliance with legislation.
 - Enforce legislation in relation to anti-social behaviour, take evidence, prepare reports and attend court, where necessary, in particular in relation to complex cases

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By virtue of paragraph(s) 1, 2, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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TITLE	Delivering the Gorse Ride Regeneration Project - Compulsory Purchase Order
FOR CONSIDERATION BY	The Executive on Thursday, 31 March 2022
WARD	Finchampstead South;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers
LEAD MEMBER	Executive Member for Finance and Housing - John Kaiser

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The regeneration of Gorse Ride is supported by the planning and corporate policies of the Council and is a key part of the Council's housing strategy. The use of compulsory purchase powers will enable all necessary land interests to be acquired to secure the delivery of the regeneration of Gorse Ride and the consequential benefits to the local community.

In January 2019, the Executive approved in principle the use of compulsory purchase powers to acquire the land at Gorse Ride and granted authority to start the process to make a CPO, including the appointment of legal representatives and the preparation of all necessary documentation.

In January 2021, the Executive approved the making of the CPO and granted authority to take all necessary steps to secure the land in required to deliver the planning consent.

This report updates the Executive on the progress made since this date, the outcome of the CPO and seeks authority from the Executive to proceed with making a second CPO.

RECOMMENDATION

That the Executive:

- 1) agrees that the Council should make a new compulsory purchase order ("CPO") to acquire the land as shown indicatively edged red on the plan at Appendix 1 of this report ("the Land") required to deliver the proposed regeneration of land known as land at Gorse Ride South, Finchampstead, Wokingham ("the Site") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") because it considers that:
 - a. the acquisition of the Land will facilitate the carrying out of the development, redevelopment or improvement of the site.
 - b. the development, redevelopment or improvement of the site is likely to contribute to the achievement of any one or more of the promotion or improvement of the economic, social and environmental well-being of the borough of Wokingham; and

- c. there is a compelling case in the public interest for the CPO.
- 2) agrees to authorise the Deputy Chief Executive, in consultation with the Executive Member for Housing and Finance, to:
- a. take all necessary steps in relation to the Land to secure the making, the confirmation and the implementation of the CPO including publication and service of all relevant notices and the presentation of the Council's case at any Public Inquiry; and
 - b. approve terms for the acquisition of legal interests (including rights if required) by agreement including for the purposes of resolving any objections to the CPO.

EXECUTIVE SUMMARY

The purpose of this report is to update the Executive on the outcome of the initial CPO and to request approval for the Executive to making of a second CPO to achieve the regeneration of the site, being the Council's largest housing estate within the Borough.

The Gorse Ride regeneration project is a flagship scheme in the Council's response to the housing crisis, providing more and better affordable housing. The project recognises the value a thriving community can make to a successful housing regeneration project, by working collaboratively with the residents to ensure that the sense of community is preserved through a proactive engagement process.

The provision of well-planned and good quality affordable housing has never been more important. Data on a national and local level shows that homelessness is on the increase, with an escalating demand for temporary accommodation not only impacting the Council's future temporary accommodation budgets but having a major effect on those residents whose lives are disrupted by not having a stable and secure home. Meanwhile increasing house prices in Wokingham Borough continue to make home ownership unaffordable for many.

Whilst the Council intends to continue to endeavour to acquire the outstanding land interests by agreement, it considers the use of compulsory purchase powers to be appropriate and in accordance with national and local policy.

The Executive approved the "in principle" use of compulsory purchase powers in respect of the site in January 2019. Since then, alongside attempts to acquire by agreement, work has been carried out to finalise the proposals for development and identify all land interests required to delivery regeneration of the site and to prepare the necessary CPO documentation.

In January 2021, the Executive approved the making of a CPO and the Council formally made the CPO in February 2021. Five objections were received in respect of the CPO and the CPO was referred to the Secretary of State for confirmation. The Secretary of State appointed an Inspector to consider the objections by way of the written representations process. Representations were made by both the Council and the objectors to the Inspector and the Inspector visited the site in November 2021. An agreement was secured with one objector, Southern Gas Networks, leaving four

objections outstanding. The Inspector made his decision on the 17th November 2021 that the CPO should not be confirmed on the grounds that he was not satisfied that the Council had demonstrated a compelling case in the public interest for the CPO.

The Council has throughout continued to try and acquire all properties within Gorse Ride by agreement and has successfully secured 31 properties across the development. The Council have agreed sales on all of the properties in phase 2A (two of which are in conveyancing) and there are now only eight remaining in private ownership in Phase 2b and 2c. It remains necessary to acquire these properties to fully deliver the regeneration of Gorse Ride and, whilst the Council will continue to try and acquire them by agreement, it is mindful that if negotiations are not successful then there remains a risk to the delivery of the project, resulting in delay and adding to costs. To mitigate against this risk, it is recommended that the Executive approve the making of a new CPO alongside continuing negotiations with homeowners to purchase the remaining properties.

BACKGROUND

The Executive, at its meeting on 31 January 2019, considered the recommendations of the Executive Member for Health and Wellbeing, Adult Social Care and Housing and approved the in-principle making of a CPO to acquire the necessary land interests to facilitate the regeneration of the Site.

The Executive also authorised the Director of Corporate Services, in consultation with the Executive Members with responsibility for Housing and Finance, to take all necessary steps required for the making, confirmation and implementation of a CPO, including securing the appointment of an external specialist CPO adviser to prepare all necessary documents required to support this process, including a Statement of Reasons and requisite statutory notices.

Following the Executive decision in January 2019, the Council carried out a detailed land referencing exercise which identified the land interests that needed to be included in the CPO. In addition, significant progress was made in preparing the CPO documentation, including the Statement of Reasons required for setting out the Council's rationale for making the CPO.

In October 2019, Gowlings WLG (UK) LLP was successful in being awarded the tender for the provision of a Specialist Compulsory Purchase Adviser / Lawyer / Firm for delivery of the Gorse Ride Estate Regeneration Project for the Council.

From March 2020 to August 2020, the negotiations to purchase properties at Gorse Ride were paused due to Covid restrictions. As per the government guidelines, the Council's valuers were unable to visit properties to carry out valuations and homeowners had difficulty viewing properties on the open market. The property market slowed and as a result so did negotiations.

During this time the project team continued to work on the planning application and this was submitted in August 2020.

A report was presented to the Executive, at its meeting on 31 January 2021 and approval was granted to make the CPO to acquire all necessary land interests within the site, and following confirmation of the CPO, to appropriate the site for planning purposes.

In parallel with the CPO, officers agreed to continue to seek to acquire all necessary land interests by agreement; and apply for an order pursuant to section 247 of the 1990 Act to stop up highway within the Site to facilitate delivery of the Scheme.

The scheme was granted planning approval in February 2021. This reflected the longstanding corporate and planning objective of the Council to secure regeneration of the site. The regeneration and the planning permission secured for it is supported by national and local planning policy.

The Council formally made the CPO in February 2021. Notice of the making of the CPO was sent to categories of "qualifying persons", namely owners, lessees, tenants and occupiers and published in the local newspaper.

In March 2021, five objections to the CPO were received and an Inspector was appointed by the Secretary of State to consider them.

In April 2021, the Inspector proposed to all parties that a decision would be made via the written representation process. This was in part due to the pandemic and government restrictions surrounding the holding of physical Public Inquiries. Gowlings advised that the written representations process would be cheaper and quicker than a full Public Inquiry so, on the basis of this advice, the Council did not object to the use of the written representations process. The objectors also did not object to written representations.

The timeline can be summarised as follows:

24/02/21	CPO made by the Council
23/03/21	5 objections received
19/04/21	Written Representations proposed
11/5/21	Written Representations started
26/05/21	Written Representations due to be submitted by objectors
04/06/21	Written Representations re-started due to an administrative error by the Inspector
11/06/21	Southern Gas Networks (SGN) agreed to written representations
21/06/21	SGN withdrew objection
05/07/21	Representation from the objectors made by this date
19/07/21	Representation from the objectors – extension of time granted by the Inspector
30/07/21	Dates provided for the Site Visit (earliest date w/c 1/11/21)
04/08/21	Further representations made by the Council
03/11/21	Site Visit by the Inspector (no further representations by either party)
17/11/21	Decision issued – CPO not confirmed

The five formal objections made to the CPO can be summarised as follows

Objector 1 & 2

- No serious attempt to compensate owners
- Querying progress to date on agreeing sales
- The Council has run down the estate in order to purchase the properties at a reduced price
- No evidence that the Council have considered improving remaining housing stock
- No evidence that refurbishment is inefficient or unviable

Objector 3 & 4

- Properties are perfectly habitable and in good order
- Statements made by the Council have not been substantiated
- The Council has failed to invest in communal areas or individual properties
- The proposed development is significantly higher density
- Purchasing properties on a negative basis

Objector 5 – SGN

- SGN wishes to protect its position as it owns existing apparatus within and in the vicinity of the proposed CPO boundaries
- SGN's rights to retain its infrastructure in situ and rights of access to inspect, repair and renew within the limits of the CPO must be maintained at all times and access must not be restricted.

The objection from SGN was withdrawn on 21st June 2021 as the Council entered into an Asset Protection Agreement with SGN to provide a new Gas Governor site and to grant an easement(s) in respect of any new runs required to service the provision of gas supplies to the new properties.

Inspector's Report

On 17 November 2021, the Inspector made his decision not to confirm the CPO on the grounds that:

- a.) The sustainability benefits claimed by the Council were not substantiated.
- b.) The Council had not shown that the demolition of the existing properties is the only or best way to achieve those benefits; or
- c.) That inclusion of the objector's properties is necessary.

The Inspector concludes that the task of demonstrating a compelling case therefore falls not on the objectors, but firmly on the Acquiring Authority.

A copy of the Inspector's report is in Appendix 2.

BUSINESS CASE

The Case for Compulsory Acquisition

As set out above, regeneration of the site has been a longstanding corporate and planning policy objective of the Council. The regeneration of the site by delivery of the scheme for which planning permission has been secured will deliver new housing, and social, economic and environmental benefits for the Council's residents and the area of Gorse Ride.

The Council has sought over the last four years to assemble land ownership of the site and has been successful in securing control of a large part of the freehold interest in the site, including the acquisition of 31 freehold properties. These are listed below.

1. 2 Firs Close Finchampstead, Wokingham, RG40 4JQ
2. 3 Firs Close Finchampstead, Wokingham, RG40 4JQ
3. 4 Firs Close Finchampstead, Wokingham, RG40 4JQ
4. 14 Firs Close Finchampstead, Wokingham, RG40 4JQ
5. 17 Firs Close Finchampstead, Wokingham, RG40 4JQ
6. 18 Firs Close Finchampstead, Wokingham, RG40 4JQ

7. 21 Firs Close Finchampstead, Wokingham, RG40 4JQ
8. 22 Firs Close Finchampstead, Wokingham, RG40 4JQ
9. 23 Firs Close Finchampstead, Wokingham, RG40 4JQ
- 10.29 Firs Close Finchampstead, Wokingham, RG40 4JQ
- 11.2 Dart Close Finchampstead, Wokingham, RG40 4JG
- 12.6 Dart Close Finchampstead, Wokingham, RG40 4JG
- 13.8 Dart Close Finchampstead, Wokingham, RG40 4JG
- 14.9 Dart Close Finchampstead, Wokingham, RG40 4JG
- 15.11 Dart Close Finchampstead, Wokingham RG40 4JG
- 16.18 Dart Close Finchampstead, Wokingham, RG40 4JG
- 17.19 Dart Close Finchampstead, Wokingham, RG40 4JG
- 18.22 Dart Close Finchampstead, Wokingham, RG40 4JG
- 19.5 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 20.6 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 21.14 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 22.23 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 23.24 Orbit Close Finchampstead, Wokingham RG40 4JF
- 24.28 Orbit Close Finchampstead, Wokingham, RG40 4JF
- 25.18 Whittle Close Finchampstead, Wokingham, RG40 4JH
- 26.4 Whittle Close Finchampstead, Wokingham, RG40 4JF
- 27.5 Billing Avenue Finchampstead, Wokingham RG40 4JE
- 28.15 Billing Avenue Finchampstead, Wokingham RG40 4JE
- 29.22 Gorse Ride South Finchampstead, Wokingham RG40 4EH
- 30.24 Gorse Ride South Finchampstead, Wokingham RG40 4EH
- 31.30 Gorse Ride South Finchampstead, Wokingham RG40 4EH

The Council has through extensive negotiations acquired all 31 properties within Gorse Ride by agreement and there is on-going engagement with the remaining homeowners. The Council have agreed sales on all of the remaining properties in phase 2a (two of which are in conveyancing) and there are now only eight properties remaining in private ownership in Phase 2b and 2c. The Council will continue to negotiate with the last remaining homeowners to try to acquire or secure controls of these interest following any resolution to make a CPO and the making of any CPO.

For a number of the outstanding interests, an 'in-principle' agreement has been reached with the freeholder as to the acquisition of their interest but the legal contracts have not been exchanged at the time of writing this report. Therefore, whilst it is anticipated that the interest will be acquired by negotiation, they are included in the CPO in case the Council does need to utilise these powers. The schedule in Part 2 of this report lists in more detail the status of these negotiations. In the event that the acquisition of a property is concluded before the CPO is made then it can be removed from the CPO

The Council is committed to acquiring all interests in the Site through negotiation in the first instance and is engaged with the majority of the freeholders of outstanding interests as to the acquisition of their properties. As part of the negotiation process the Council is supporting homeowners with their relocation through a number of ways. This includes a payment of a home loss payment (10% of the value of their home) plus disturbance payments which include refunding of removals service, legal fees, mortgage redemption fees and mail redirection. The Council has also set up an equity loan scheme through Loddon Homes Limited ("LHL") to assist eligible homeowners to acquire a new property by bridging the gap between property values in Gorse Ride compared to other areas of the Borough and beyond. The loan is offered for up to 49% of the property value, up to a

maximum of £150,000. The loan period is unlimited, there is no interest to pay and residents only need to pay the loan back when they sell the property. There is also no rental amount to pay.

In determining whether to proceed with compulsory acquisition, the Executive is reminded that, for those directly affected, there will be interference with convention rights incorporated into law by the Human Rights Act 1998. The Council is satisfied that the harm to these rights is justified by the public benefits which will be secured by the scheme. The Council will however take all necessary steps to minimise the effect of such interference so that it is proportionate and necessary for the implementation of any authorised compulsory acquisition.

The Council considers that the inability of the Council to secure the outstanding land interests in the site will have the effect of delaying the regeneration of the site and delivery of the consequential benefits to the social, economic and environmental wellbeing of the area.

The Council accordingly considers that there is a compelling case in the public interest for the Council to exercise compulsory purchase powers as proposed in this report.

Land Proposed for Compulsory Acquisition

The land required for regeneration of the site and proposed for compulsory acquisition is indicatively identified edged red on the plan at Appendix 1 of this report. The draft plan is in the process of being finalised as the land referencing process to identify all interests in the site required to deliver the scheme is completed. It comprises of the following properties:

1. 6 Firs Close, Finchampstead, Wokingham, RG40 4JQ
2. 10 Dart Close, Finchampstead, Wokingham RG40 4JG
3. 9 Orbit Close, Finchampstead, Wokingham, RG40 4JF
4. 11 Orbit Close, Finchampstead, Wokingham, RG40 4JF
5. 15 Orbit Close, Finchampstead, Wokingham, RG40 4JF
6. 8 Billing Avenue Finchampstead, Wokingham, RG40 4JE
7. 9 Billing Avenue Finchampstead, Wokingham, RG40 4JE
8. 10 Billing Avenue Finchampstead, Wokingham, RG40 4JE
9. 11 Billing Avenue Finchampstead, Wokingham, RG40 4JE
10. 26 Gorse Ride South Finchampstead, Wokingham, RG40 4EH
11. Electricity substations at Whittle Close, Orbit Close, Dart Close and Firs Close, Finchampstead, Wokingham
12. Gas governor at Whittle Close, Finchampstead, Wokingham, RG40 4JQ
13. Any unregistered land in uncertain ownership, including subsoil under existing footpaths.

Making a New CPO

In making a CPO there is always a risk that the CPO will not be made. Gowlings have advised on the risks and confirmed what evidence was submitted to the Inspector to mitigate the risk of the CPO not being made.

A copy of their outturn report is in Part 2 of the report as it contains sensitive personal information relating to individuals as well as financial information in connection to

negotiations between the Council and individual owners regarding the acquisition of their property. As such therefore the information in that Appendix is exempt under paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972.

Financial Implications

The Council has committed to funding the regeneration of the site and delivery of the scheme. This includes all planning, design, site assembly and construction costs.

In May 2018, the Executive approved the funding model for the Gorse Ride scheme which had a budget of £17.4m for buy backs. A paper presented to Executive on 17 February 2022 provided an update figure of £17.5m for all costs associate with the site assembly such as property acquisition, equity loans, home loss payments, relocation costs and CPO fees.

Further financial information including the current expenditure to date is contained in Part 2 of this report. These cannot be published publicly as they are commercial sensitive and would undermine the Council's position in negotiating with individual homeowners.

If a new CPO is made, it is recommended that the Council seek a Public Inquiry for the reasons given in Gowlings report. This may increase the cost but should reduce the risk of a similar decision by the Planning Inspectorate with the Council being unable to challenge objectors' evidence or clarify its own case.

The CPO

The Council has sought for some time to assemble land ownership of the site. A large number of interests have already been acquired but it has not been possible to secure every interest. The Council considers that the inability to acquire all necessary land interests by agreement is likely to delay regeneration of the site.

Having regard to the advice in 'Compulsory purchase process and the Crichel Down Rules: guidance' (July 2019) ("the Guidance"), the Council considers it appropriate to make a CPO to acquire any outstanding land interests. In particular, the Guidance recognises that compulsory purchase is an important tool to use as a means of assembling the land needed to help deliver social and economic change and encourages local authorities to consider using their compulsory purchase powers in a proactive way to ensure that benefits are secured for communities without delay.

If the Executive endorses the recommendation set out in this report then the Council proposes to:

- Make the CPO to acquire all necessary land interests within the site, and following confirmation of the CPO, appropriate the site for the approved planning purposes;
- In parallel with the CPO, continue to seek to acquire all necessary land interests by agreement; and

An Order pursuant to section 247 of the 1990 Act to stop up highway within the site to facilitate delivery of the scheme was approved in November 2021. No objections were made to this order.

Use of Compulsory Purchase Powers

The Council has the power in section 226 of the Act to make a CPO for any land within the Borough if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

Pursuant to section 226 of the 1990 Act, the Council may not exercise this power unless it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- The promotion or improvement of the economic well-being of their area;
- The promotion or improvement of the social well-being of their area;
- The promotion or improvement of the environmental well-being of their area.

In deciding to use this power to make a CPO, the Council has had regard to all other available compulsory purchase powers, including section 17 of the Housing Act 1985, which authorises the acquisition of land for housing purposes. The Council has chosen to utilise its power in section 226 of the 1990 Act because it considers that the regeneration of the site will deliver wider regeneration benefits to the community and the locality, than just the provision of housing. The Council has had regard to the advice on acquiring land for housing purposes by compulsory purchase as set out in the Guidance.

The guidance provides advice to acquiring authorities in England on the use of CPO powers. Paragraph 1 states:

"Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life"

Importantly the guidance requires that a CPO should only be made where there is a compelling case in the public interest (paragraph 2 of the guidance).

Particular guidance on orders made by local authorities under section 226 is contained in Section 1 of Tier 2 of the guidance. Paragraph 95 states:

"This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate"

A CPO to which there are objections will require confirmation by the Secretary of State to become effective. The guidance, at paragraph 106, provides that any decision by the Secretary of State about whether to confirm a CPO made under section 226 will be made on its own merit but the factors which the Secretary of State can be expected to consider include:

- *"Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area, or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework;*
- *The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;*

Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the

- *appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired;*
- *The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be".*

The guidance also requires the Council to have regard to the following when considering making a CPO:

- *That the purposes for which the compulsory purchase order is made justifies interfering with the human rights of those with an interest in the land affected;*
- *Whether the scheme is likely to be blocked by any physical or legal impediments to implementation, including the programming of any infrastructure accommodation works or remedial works that may be required and any need for planning permission or other consents.*

The guidance looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the guidance recognises, at paragraph 17, that it may be sensible for acquiring authorities to start formal CPO procedures in parallel with their efforts to acquire by agreement. The guidance notes that undertaking negotiations in parallel can help to build a good working relationship with those affected by the scheme and can help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

In the making of the CPO, the guidance encourages acquiring authorities to offer those concerned about a CPO access to alternative dispute resolution techniques where appropriate.

In considering the case for the CPO, the Council has also had regard to the advice in the guidance on the making of a CPO to acquire land for housing purposes pursuant to section 17 of the Housing Act 1980 relating to the compulsory purchase of land, houses or other properties for the provision of housing accommodation to achieve a quantitative or qualitative housing gain.

Timetable for Progress

Making the CPO

In the event that the Executive approves the recommendation to make a new CPO, it is proposed that the CPO will be made in Spring 2022.

Notice of the making of the CPO will be given to categories of “qualifying persons”, namely owners, lessees, tenants and occupiers and published in the local newspaper.

The timetable thereafter will depend on whether any objections are made to the CPO and the nature and scope of those objections.

If no objections are received to the CPO then the CPO can immediately be confirmed and implemented subject to compliance with all statutory requirements.

If objections are received then the Council will work to secure removal of those objections. If the objections cannot be resolved within a reasonable timescale, it is anticipated that the Secretary of State will arrange for a Public Inquiry to be held to consider any outstanding objections.

It is envisaged that any Public Inquiry would be arranged for December 2022, with a decision being reached by the Secretary of State by spring of 2023.

March 2022	Report to Executive	
April 2022	Make the CPO	
May 2022	Objection period (at least 21 days)	
June 2022	Review objections	
June – July 2022	Decision from Planning Inspectorate on procedure to deal with the objections	
July 2022	Council provides its Statement of Case	
August – November 2022	Public Inquiry	Written Representations
	Preparation for Public Inquiry	Council provides its written representations in response to objections
	Exchange proofs of evidence	Objector's provide their written representations
December 2022	Public Inquiry (length dependent on number of objections)	Council's right of reply

January – February 2023	Decision
March – May 2023	Implementation of the CPO and vesting of any land

Implementing the CPO

The Scheme is divided into three phases.

Phase	Properties Purchased by the Council	Remaining properties	No. of properties to be demolished	No. of properties to be built	Construction programme
2a	19	2	32 (46 demolished)	100	2022-2024
2b	6	6	49	94	2024-2026
2c	6	2	51	55	2026-2028

The Council has three years to implement the CPO from notice of confirmation of the CPO being given.

The Council has started the demolition of Phase 2a and it is anticipated that the main contractor will start the construction of the new development in Summer 2022.

The Council will continue to seek to acquire interests in Phases 2b and 2c by negotiation. However the Council is committed to acquiring all interests in the site, including those interests in Phases 2b and 2c within 3 years of confirmation of the CPO.

These acquisitions would be ahead of the anticipated construction programme for these phases but it would mitigate the most significant risk around site assembly and could potentially allow Phases 2b and 2c to be constructed earlier than the anticipated programme.

An earlier construction programme for the later phases would improve the efficiency of the construction, particularly around allowing earlier work on utilities and reducing the need and length of time for temporary connections. It would also reduce the uncertainty for residents in later phases and reduce the time there was disruption to their lives through the construction programme.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	N/A	
Next Financial Year (Year 2)	See Part 2	Yes	See menu of funding steams in the Executive report dated 17 th February 2022
Following Financial Year (Year 3)	£0	N/A	

Other Financial Information

Funding for the Gorse Ride regeneration project is included within the Council's published Medium Term Financial Plan. The published figures include all regeneration activity - including planning and design, site assembly and construction.

Budget figures specifically related to property acquisition, including the CPO process, cannot be published publicly as they are commercially sensitive and would undermine the Council's position in negotiating with individual homeowners.

The estimated costs for site assembly, including all procedural costs for the CPO (counsel, legal, Public Inquiry costs, and relevant compensation costs) are however on budget and within the budgets currently approved for the Gorse Ride regeneration project.

Stakeholder Considerations and Consultation

A Community Steering Group was set up in October 2017 to involve the community in the design and implementation of the regeneration of the site. This group continues to meet monthly and includes residents from the regeneration area. The Steering Group is kept informed of the site assembly process as it progresses.

The Council has a dedicated Community Regeneration Specialist for the scheme who deals directly with affected residents and offers assistance to guide them through the property acquisition and relocation process. A specific meeting to address the concerns of owners was also held in March 2018 and FAQ documents produced to provide detailed information about the regeneration scheme and relocation options for residents. Residents are regularly kept informed of the relevant stage in the process through letter, phone calls and 1:1 sessions and a temporary community hub has been established in one of the existing vacated properties yet to be demolished.

1:1 consultation sessions are held regularly with Council tenants within the site to ensure that suitable, alternative accommodation is identified and provided as soon as possible.

Legislation and regulations which govern the CPO process, stipulate how the CPO itself should be advertised and consulted upon, and the Council will follow due process in this regard.

Public Sector Equality Duty

In considering the case for making the CPO, the Council has also had regard to the human rights implications and to its public sector equality duty (section 149 of the Equality Act 2010).

The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“the Convention”). The Convention includes provisions in the form of articles, the aim of which is to protect the rights of the individual.

In resolving to make the CPO the Council should consider the rights of property owners under the Convention, notably under the following Articles:

- Article 1 - This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
- Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- Article 14 - This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the case of each of these Articles under the Convention, the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In light of the significant public benefit which would arise from the regeneration of the site, it is considered appropriate to make the CPO. It is not considered that the CPO would constitute any unlawful interference with individual property rights.

The opportunity has been given to landowners and other affected parties to make representations regarding the Council’s planning policies which underpin the proposed CPO. Further representations can be made in the context of any Public Inquiry which the Secretary of State decides to hold in connection with the CPO. Those directly affected by the acquisition of their land interests will be entitled to compensation (in accordance with the statutory code) proportionate to the loss which they incur.

The Council further has a duty, when exercising any power, to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out its activities (section 149 of the Equality Act 2010). This includes removing or minimising disadvantages suffered by people due to their protected characteristics, taking steps to meet the needs to people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An Equalities Impact Assessment (EQIA) of the scheme was undertaken in April 2018. The Council has considered each protected characteristic to identify whether the regeneration of the site or delivery of the scheme could have a detrimental impact of such protected characteristics. The EQIA identified a number of impacts on the protected characteristic and actions to be undertaken to address any negative impacts

identified. The EQIA is a live document and was updated in January 2021. It will continue to be updated as the scheme progresses and is implemented to ensure that identified actions are undertaken to mitigate any impacts.

The Council is satisfied that it has discharged its public equality duty and that the regeneration of the site and the delivery of the proposed scheme will have no detrimental impact, or where there may be an impact, steps have been taken to mitigate it, on the protected characteristics set out above.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

The regeneration of Gorse Ride is anticipated to reduce energy demand by 17% through energy efficient fabric and building services. The proposed dwellings have high levels of airtightness and thermal mass, and reductions in thermal bridging potential. In response to climate change and rising temperatures, the properties have been designed to have passive solar shading through the balcony design. Mechanical Ventilation with Heat Recovery has also been incorporated into the design to ensure that the properties are well ventilated without losing heat and eliminating the condensation within a building.

An estimated 22.6% of the development's total energy demand will be supplied via a decentralised heating network serving the apartment blocks. Total energy consumption is anticipated to be reduced by 17% through energy efficient design, with 8.3% of the development's anticipated in-use demand being provided by low carbon technologies.

In response to Wokingham's Climate Emergency Action Plan individual properties have electricity only and are heated by internal Air Source Heat Pump, integrated into a hot water cylinder.

EV charging points will be distributed around the development to encourage the use of electric cars.

Reasons for considering the report in Part 2

The appendix to this Report entitled 'Delivering the Gorse Ride Regeneration – Part 2' contains sensitive personal information relating to individuals as well as financial information in connection to negotiations between the Council and individual owners regarding the acquisition of their property. As such therefore the information in that Appendix is exempt under paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972.

List of Background Papers

Part 2 Report which includes Gowlings CPO Report and financial information regarding the status of property acquisitions and negotiations.

Appendices

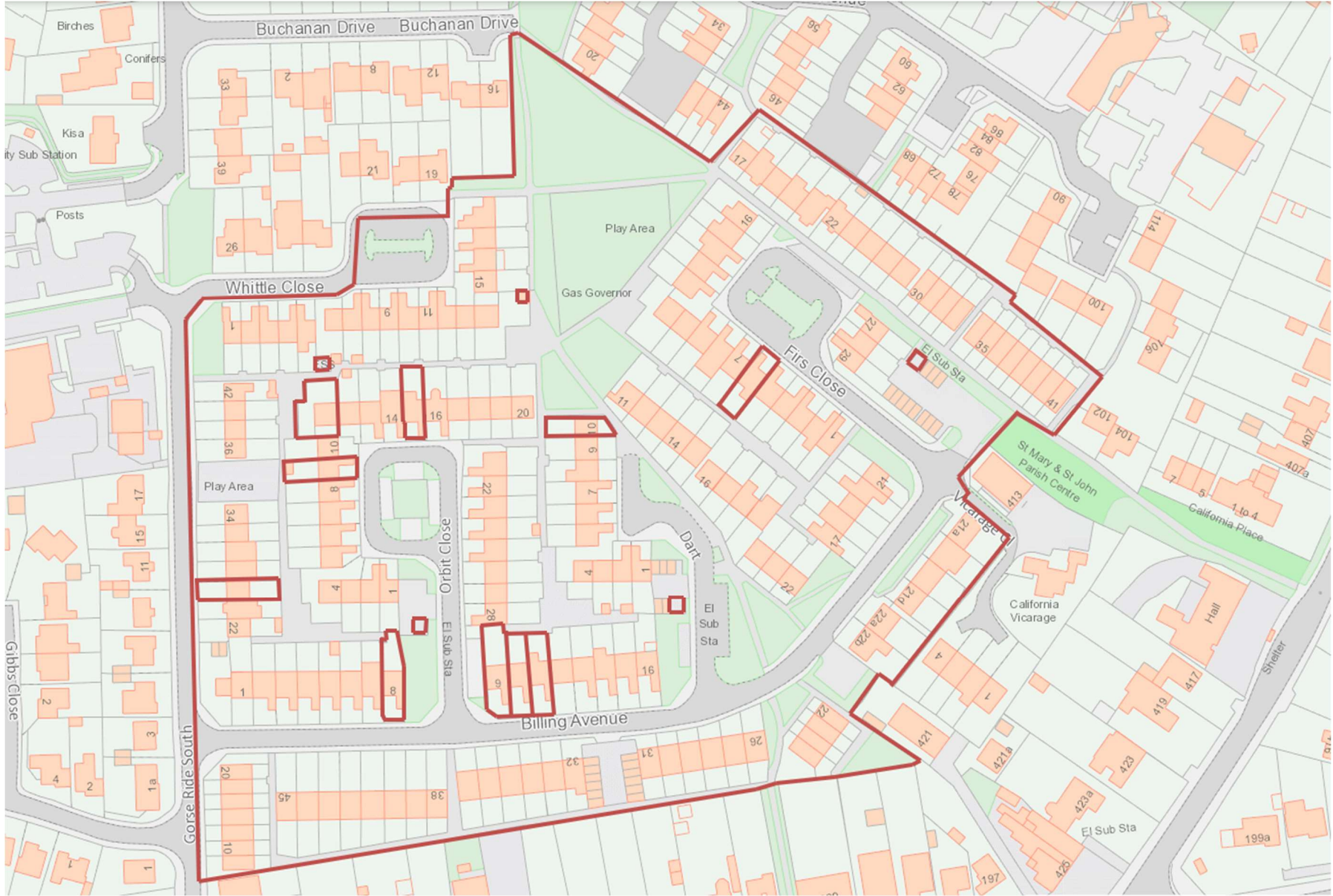
- 1 Draft plan showing indicatively the land proposed to be included in the CPO edged red
- 2 Inspector's Report

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Compulsory Purchase Order Decision

Site visit made on 3 November 2021

by **John Felgate BA(Hons) MA MRTPI**

Decision date: 17 November 2021

The Wokingham Borough Council (Land at Gorse Ride South, Finchampstead, Wokingham) Compulsory Purchase Order 2021

Case Ref: APP/CPU/CPOP/X0360/3270069

- The Order is made under Section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981.
 - The Order is made by Wokingham Borough Council and is dated 24 February 2021.
 - The Order authorises the compulsory acquisition of 30 properties or land parcels within the Gorse Ride estate, as shown on the Order Map and described in the Order Schedule.
 - The Order's stated purpose is for the development, redevelopment or improvement of the land, by the demolition of the existing buildings and the erection of new residential dwellings, together with associated access, parking, landscaping and public open space.
 - There are two remaining objections, from four qualifying objectors, being the owners and occupiers of two residential properties affected by the Order.
-

Decision

1. The Order is not confirmed.

Procedural Matters

2. The Council, as the Acquiring Authority, has certified that notices regarding the making of the Order, in the prescribed form, were served on all relevant persons in February 2021, and also posted on site and published in a local newspaper, and that the required period for objections has expired. The Authority has also confirmed that details of the Order and the Statement of Reasons were deposited on the Council's website at that time and have remained available since then.
3. It does not appear to be disputed by any party that these and all other relevant procedural requirements relating to the making of compulsory purchase orders have been carried out, in accordance with the provisions of the relevant legislation, including the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981. I am satisfied that these legal formalities have been fully complied with.
4. I note that the Council also intends to pursue a related application under S. 247 of the 1990 Act, for the stopping-up and diversion of certain highways within the Order site. That application is not before me and is not the subject of my decision.

The Objections

5. The objections which remain outstanding are as follows:
 - Mr Zaheer Sheikh and Mrs Ayesha Zaheer, freehold owners and occupiers of No 11 Billing Avenue (Plot No 17 on the Order Map)
 - Mr Douglas Bates and Mrs Carole Bates, freehold owners and occupiers of No 10 Dart Close (Plot No 22 on the Order Map)
6. One further objection, made by Southern Gas Networks PLC, has since been withdrawn and is no longer before me for consideration.

Background to the Order

7. The Council's reason for seeking the compulsory acquisition of the Order lands is to facilitate the redevelopment and regeneration of the Gorse Ride South estate, a 1970s development comprising 178 houses and bungalows. Originally the estate appears to have been wholly Council-owned and managed. Over time, 38 of these dwellings were sold under 'right-to-buy' legislation.
8. The Council states that the redevelopment of Gorse Ride South has been an objective for many years. With this in mind, public consultation was commenced in the summer of 2015. In the same year demolition notices were issued to occupiers of the remaining Council-owned properties, and in 2018 the Council began re-housing some existing tenants to another nearby development, at Arnett Avenue.
9. On 19 February 2021, full planning permission was granted for the demolition of all of the existing buildings on the estate, and the provision of 249 new dwellings with associated access, parking, landscaping and public open space.
10. By May 2021, according to the Council's evidence, final detailed design work was well under way, and the discharge of planning conditions was said to be about to commence. Contracts had been let for pre-construction services and the removal of asbestos.
11. Subsequently, as I saw on my visit, the asbestos removal has been commenced, which has required the internal gutting and stripping of some of the dwellings in Dart Close and Firs Close. Three units, on the corner of Dart Close and Billing Avenue, have been fully demolished for test purposes.
12. As at May 2021, it was stated that 20 dwellings had been re-acquired by the Council, by voluntary agreement with the owners, and terms had been agreed on a further five. This would appear to have left 13 residential properties not agreed at that date, of which two were the subject of the objections which are before me now. In addition, the Order Schedule identifies 11 other parcels, comprising statutory undertakers' land, highway land and miscellaneous non-residential land, none of which are the subject of objections.

Legal Framework and Guidance

13. S.226(a) of the Town and Country Planning Act 1990 confers on local authorities the power to acquire land to facilitate carry out the development, redevelopment or improvement of that land. S.226(b) requires that this power is only used where the intended works will contribute to the promotion or improvement of the economic, social or environmental well-being of the area.

14. Alongside these provisions, authorities exercising compulsory purchase powers are required to have regard to the 'Guidance on Compulsory Purchase and the Crichel Down Rules', published by the Ministry of Housing, Communities and Local Government in 2019 (referred to here as 'the Guidance').
15. The Guidance recognises that, in all cases, the exercise of compulsory acquisition powers will necessarily involve an infringement of the rights of the lawful owner to the peaceful enjoyment of his or her possessions. Such rights are protected by Article 1 of the First Protocol to the European Convention on Human Rights (the ECHR), which was incorporated into UK law by the Human Rights Act 1998. In addition, in the case of dwellings, compulsory acquisition will interfere with the occupiers' rights to respect for their private and family life, under ECHR Article 8. Because of this, the Guidance makes it clear that such powers should only be used as a last resort, and will only be justified where there is a compelling case in the public interest.

Main Issue

16. Having regard to the above, and in the light of the submissions before me, the main issue in the present case is whether a compelling case for the confirmation of the Order has been demonstrated, so as to justify the resultant infringement of the objectors' human rights.

The Acquiring Authority's case

17. The Council argues that the existing dwellings on the Gorse Ride South estate were built to standards that are no longer acceptable. In particular, it is said that the prefabricated, timber-framed construction method used throughout the estate provides inadequate thermal insulation, thus causing wastefully inefficient use of energy in home heating, with consequent high running costs and unnecessarily high carbon emissions. In addition, the buildings are said to suffer from problems with condensation, damp, drainage and the transfer of noise between neighbouring occupiers. Mortgage lenders are said to be reluctant to offer finance for house purchases on the estate, due to concerns about the properties' non-traditional construction.
18. In the Council's submission, it would not be economically viable to bring these existing properties up to acceptable modern standards by means of repair, retro-fitting or refurbishment. The level of investment needed would be substantial, not only in the short term but on a continuing basis. Even then, the Council suggests that the resulting quality of the accommodation would not match that of modern new homes, and thus the question of redevelopment would inevitably have to be considered again in future years. On this basis, the Council submits that spending money on the existing properties would not represent good value.
19. In addition, the Council considers the visual appearance of the estate to be poor, adversely affecting the character of the surrounding area, and that the layout under-utilises the land available.
20. In the Council's view, the redevelopment scheme now proposed would offer numerous benefits. It would increase the amount of housing provision on the site, in both the affordable and market housing sectors, with a net gain of 41 affordable units and a net gain of 30 private dwellings. The mix of sizes and tenures would be geared towards the District's present-day needs, including

those of the elderly, the less able, and smaller households. The quality of the new homes, in all aspects of design, technical performance and visual appearance, would be higher than the existing dwellings. The scheme would incorporate new public open spaces, play areas, a sensory garden and new landscaping, all of better quality than the existing. The development would offer new opportunities to revitalise the local community and foster a sense of pride in the area. It would also provide a boost to the local economy through construction jobs, training opportunities and supply-chain impacts. In addition, the scheme would comply with relevant national and local planning policies, and mitigate all identified impacts through conditions and obligations.

21. In the Council's view these benefits could only be achieved through the complete redevelopment of the whole estate, including all of the privately owned properties. The Council has attempted to acquire all of the necessary interests by negotiation, and has reached agreement with a number of owners through this means. In the case of the remaining properties, offers have been made in line with the national Compensation Code, and fair valuations have been undertaken, in accordance with the relevant legislation. A support package has also been offered, including equity loans repayable only upon any future sale.
22. The Council acknowledges that compulsory acquisition would infringe the owners' rights, but argues that the scheme can only succeed if it is fully comprehensive. Through consultation and engagement over a period of years, the Council is satisfied that the scheme is supported by the majority of the estate's residents. It is therefore considered that the Order strikes a fair balance.

The Objectors' case

23. Mr and Mrs Bates have lived in their home since a few years after it was built, and subsequently purchased it from the Council in 1985. Mr Sheikh and Ms Zaheer have owned and occupied their property since 2007.
24. The objectors contend that the majority of the privately-owned properties on the estate, including their own, have been well-maintained and are in good order. In terms of their physical fabric, the objectors believe these properties to be physically sound, and no reason is seen as to why they should not last for at least 40 or 50 more years. In the objectors' view, their homes do not have unduly high running costs or maintenance issues, and it is said that the homes have been rated good for energy efficiency. In the case of No 10 Dart Close, Mr and Mrs Bates have some time ago improved the thermal performance by replacing the original roof covering with new tiles, and strengthening the roof trusses accordingly.
25. The objectors suggest that there was no reason why the Council-owned properties could not have been maintained to the same standard. The Council has not produced any evidence to support its statements regarding the costs of renovating the existing properties, or the comparative energy use and running costs.
26. Although much of the estate now has a run-down appearance, this is seen as largely a result of neglect by the Council. In addition, in recent years private owners have been deterred from investing in maintenance, due to the blight caused by the redevelopment proposals.

27. With regard to mortgage finance, the objectors say there was never any problem in the past. They point out that the Schedule of Interests shows that several of the properties are subject to existing mortgage loans.
28. With regard to the proposed redevelopment scheme, the objectors dispute that the benefits would be as great as claimed. There is no evidence of widespread public support. At best, it is considered that the benefits are over-stated.
29. If the Order is confirmed, whilst compensation would be based on the properties' market value, the objectors fear that this valuation would be likely to be adversely affected by the estate's current condition, with some properties now having been vacated and boarded up, and others unmaintained. Even though the effects of the scheme itself are to be disregarded, it is felt that the current situation is unfairly weighted in favour of the Council. The objectors also understand that the current market valuation is likely to be reduced because of the non-traditional method of construction, whereas when the properties were bought there was no such adjustment. It is argued that this combination of circumstances makes it difficult for the objectors to have confidence in securing a fair price.

Inspector's Conclusions

30. To a large extent, both the Council's and the objectors' cases rely on assertions that are not substantiated with any detailed evidence. On the objectors' side, for example, whilst I saw on my visit that both 10 Dart Close and 11 Billing Avenue appear reasonably well maintained and comfortable, there is no actual documentary evidence before me as to their energy efficiency or running costs. Nor are there any surveyors' reports to confirm the properties' structural soundness, or the feasibility of making any necessary improvements. However, neither is there any clear evidence on these matters from the Council.
31. As already noted, the relevant Guidance makes the burden of proof in matters of compulsory purchase very clear. Where an owner is to be deprived of their property against their will, and especially where they stand to lose their home, the case for taking that action must be shown to be sufficiently compelling to justify such a severe infringement of those persons' human rights. The task of demonstrating a compelling case therefore falls not on the objectors, but firmly on the Acquiring Authority.
32. In the present case, the Council places great emphasis on the benefits that they see in terms of energy use, emissions and sustainability. To my mind, if those benefits were demonstrated and quantified, then they would deserve to be given weight. However, the evidence now presented on these matters by the Council contains little or no technical detail of any kind. Nor can I see any reference in any of the submitted documents to any detailed studies on these matters. Whilst on site, I was able to view one of the vacated properties, which had been opened up to expose the structure, but as the insulation and wall linings had already been stripped out, this was of limited value. Whilst the Council did belatedly provide photographs of another dwelling at an earlier stage in the dismantling process, that dwelling was no longer available to view on my visit; and in any event, the photographs were not accompanied by any technical report or commentary. I also note that there appears to be no reference in any of the Council's evidence to the question of whether the

- embedded energy or embedded carbon in the existing buildings should be taken into account. The Council's statements on all of these matters therefore appear as assertions rather than reasoned conclusions. Those assertions might be right, and might be capable of being proven, but the necessary detailed information does not appear to have been made available, so that affected parties and others could examine it, and challenge it if they wished. From the evidence before me, I cannot tell how the Council has reached its conclusions as to the sustainability benefits of demolishing and replacing the existing buildings. Without any relevant detailed evidence, the Council's point about comparative energy use and emissions carries limited weight.
33. The Council also asserts that bringing the existing buildings up to modern standards, as an alternative to demolition, would not be economically viable. But in order to show that this assessment is justified, it would be necessary to show that it has been based on detailed technical evidence, such as structural and condition surveys, feasibility studies and costings. In this case, it is stated that costings and studies have been undertaken, but none of the evidence on these matters has been put before me, and I am not aware of it having been made available at any time to others. Again, in the absence of convincing evidence, the weight that can be given to the point is limited.
34. Similarly, it is stated that a partial scheme, which retained some of the existing dwellings would not be viable or feasible. However, there is no evidence of any such options having been investigated. I appreciate that the privately-owned properties are widely scattered around the estate, with some being mid-terraced units, and this would make a partial scheme more difficult. But that does not necessarily mean that 100% demolition, is the only worthwhile option. Given the inclusion of the owner-occupied properties, and the potential for objections, the Council could have investigated whether other options were feasible to mitigate the impacts on those parties. Without any evidence to go on, I have no basis to judge whether the Council's assertions on the matter are justified.
35. Reliance is placed on the alleged support of the majority of residents on the estate, and if this were substantiated I consider that this could potentially carry some weight. But yet again no documented evidence has been produced.
36. As far as the proposed new development is concerned, it is clear that the scheme would achieve a net gain to the District's housing stock, in all tenures, and including some additional provision for specialist needs. There would also appear to be an increase in the amount of public open space, albeit that this has not been quantified. And there is no doubt about the likely boost to the local economy. The development would therefore advance the area's social, environmental and economic well-being to some extent. However, none of the other benefits claimed by the Council are either clear-cut or fully substantiated. There might well be a qualitative enhancement of the overall residential environment within the site, but the extent to which that would be achievable only through the development now proposed has not been demonstrated. There would be opportunities for the renewal of local community spirit and social cohesion, but the realisation of these kind of benefits is by no means guaranteed. Together, the proposed development's benefits carry some weight. But nevertheless, in the context of a proposal for compulsory purchase, they fall a long way short of being compelling.

37. I note that the development is said to comply with all relevant planning policies, and indeed this is not in dispute. But the Order site is not identified for redevelopment in either the Core Strategy or the Managing Development Local Plan, and there is no suggestion that the achievement of the planning strategy set out in those plans is in any way reliant on the development now proposed. The Order therefore gains no specific support from the adopted development plan.
38. Matters relating to valuation and compensation are outside the scope of my decision. Where an Order is confirmed, the amount of compensation falls to be determined under the Code, and a separate procedure exists for settling that figure. However, where a property is to be acquired through negotiation and voluntary agreement, I am not aware of anything that restricts the amount that can be lawfully offered or accepted. In the present case, it is clear that offers have been made for the objectors' properties. But the evidence before me does not enable me to form any view as to whether the scope for reaching agreement through that process has been exhausted. It therefore seems to me that there remains some doubt as to whether the Order is needed only as a last resort.
39. Overall, I accept that the confirmation of the Order would facilitate the carrying out of the Council's proposed comprehensive scheme for the complete demolition and redevelopment of the Gorse Ride South estate, and this would have some benefits in terms of increased housing provision, open space and construction jobs. However, these benefits are not so great as to justify the compulsory acquisition of the objectors' properties at 10 Dart Close and 11 Billing Avenue. The redevelopment scheme would have the potential for some further benefits to the local community, but those are less tangible and less certain. The replacement of the existing dwellings might also bring sustainability benefits in terms of reduced energy use and emissions, but the extent of any such benefits is unproven and unquantified. And in any event, in the absence of any apparent consideration of alternatives, it has not been sufficiently demonstrated that the compulsory acquisition of the objection properties is necessary to achieve benefits of the kind sought.
40. I have no doubt at all that the Council's actions in seeking to redevelop the Gorse Ride South site are well-intentioned, and are motivated by highly respectable environmental objectives. I have no reason to doubt that the scheme that they seek to promote would produce a reasonably high-quality development, securing the area's long-term future, and making some contribution to sustainability. However, the scheme as currently proposed would involve dispossessing the owners of two owner-occupied residential properties, against their wishes. In this context, the case currently advanced by the Council in support of the Order is not compelling.

Conclusion

41. The confirmation of the Order would facilitate the implementation of the redevelopment of the Gorse Ride South estate, and that development would make some contribution to the area's well-being. However, the sustainability benefits claimed by the Council have not been substantiated; nor has it been shown that the demolition of the existing properties is the only or best way to achieve those benefits; nor that the inclusion of the objectors' properties is necessary.

42. A compelling case for the compulsory purchase of the properties in question has therefore not been demonstrated.
43. I have taken into account all the other matters raised, but none changes this conclusion.
44. The Order is therefore not confirmed.

J Felgate

INSPECTOR

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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