

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 24 NOVEMBER 2022 FROM 7.00 PM TO 8.00 PM**

Members Present

Councillors: Clive Jones (Chair), Rachel Bishop-Firth, Prue Bray, Lindsay Ferris, Paul Fishwick, David Hare, Sarah Kerr and Ian Shenton

60. APOLOGIES

Apologies for absence were received from Councillors Imogen Shepherd-DuBey and Stephen Conway.

61. MINUTES OF PREVIOUS MEETING

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

62. DECLARATION OF INTEREST

There were no declarations of interest on this occasion.

63. STATEMENT FROM THE LEADER

"I was very hopeful that the budget from Jeremy Hunt and Rishi Sunak might have given Wokingham Borough Council more cash to help us through the next few years which are going to be very difficult. Now inflation has risen to 11.1% and looking like it will increase further through next year. So, I was wrong, there was little good news for the Council, and certainly no extra cash, which is desperately needed.

I was hoping that Wokingham would no longer be the lowest funded unitary council in the Country and that we would get our fair share of cash from the government in the first time in years. It didn't happen, there wasn't anything for Wokingham, we are still starved of cash by the Conservative government. So, no extra cash for Wokingham Borough Council and not much for our residents either.

As the tax burden rises to its highest levels since the Second World War with £34 million people set to be paying more tax. Someone earning an average salary of £32,300, faces an extra £1,645 charge for tax, energy costs and fuel costs.

On top of these increases, increases in the cost of the average mortgage has risen by £500 per month or £6,000 a year. This is disastrous budget from Truss, Kwarteng and Redwood, meaning many households in Wokingham will now have £7,500 less to spend in the local economy. This will have a serious negative impact on Wokingham's retailers, cafes, pubs and restaurants. Making it very difficult for some of them to survive. Restaurant closures are currently up 60%, and now disappearing at a faster rate than they were during Covid. These are caused by rising costs, weak demand and Brexit induced staff shortages. If any do not survive in Wokingham, it will be the fault of the Government and their disastrous handling of the Country's economy. I would like to encourage our local businesses to try to organise office parties and events in our local venues wherever they can."

64. PUBLIC QUESTION TIME

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

64.1 Colin Watts has asked the Executive Member for Planning and Local Plan the following question:

Question

Wokingham Borough Council recently published the 250 page LPU: Report on Initial Consultation Outcomes document. Page 20 of this document states that "A local MP supported the identification of a new garden village at Hall Farm / Loddon Valley, particularly its links to the Thames Valley Science Park." Most people I have spoken to assumed that Sir John Redwood was the MP referred to, but he has confirmed that he did not make this statement. For the sake of transparency and accountability, please advise which MP made this statement and can the Initial Consultation Outcomes document be amended to state the name of the MP?

Answer

Whilst I understand the reason for your question, I do not consider it appropriate for me to identify individuals who have responded to consultations.

Supplementary Question

Whilst it may be understandable that responses to the LPU consultation from individual members of the public should be confidential a response from the elected representative is a different proposition. Without naming the MP, isn't there a real danger that the public will be misled? Given the fact that the MP in question is highly likely to be a resident in the north of the borough and is therefore not as neutral as regards where new housing should be built in the borough.

Answer

There's an etiquette associated with this and the reason we are reluctant to indicate who it is, is that if the MP wished it to be known widely, that MP could indicate on their own. The alternative of course is that you could write to the MPs or you could put in a Freedom of Information request to the Council.

64.2 Wayne Cannon has asked the Executive Member for Environment, Sport and Leisure the following question:

Question

Lower Earley has around 31.000 people as residents. The only recognised football club in Lower Earley is Laurel Park [by recognised I mean offers football at all age group from under7s to under 18s for girls and boys]

The club supports its local community. Why are we now forced to use training facilities away from our area in places such as Woodley Wokingham to name a few and offer training at times that no one else wants ie 2100 - 2200 hours [when kids should be at home]

The local residents should be supporting the club and in offering the best for their community. Clubs that are far smaller in areas with much less people have better options than we currently do and this needs to improve for the future of the club and all involved.

Answer

Mr Cannon was not present at the meeting and so it was agreed that a written response would be provided and is included below:

I agree with you that the training facilities in Lower Earley are inadequate for the needs of the community, but what we build must be in the optimum location available. The council is reviewing the 3G pitch proposal at Maiden Erlegh School and we are currently gathering information around the viability of the project in the prevailing financial circumstances. The council does recognise the work in the community that Laurel Park Football Club has done, and we appreciate their contribution. We will continue to work with them.

64.3 Rich Jarvis has asked the Executive Member for Environment, Sport and Leisure the following question:

Question

I would like to open that I am very much fully behind the introduction of the proposed 3G pitch at Maiden Erlegh and believe it will bring many benefits to the community. I've lived in Earley for most of my adult and family life and have seen the positive impact sport has had on our neighbouring communities, such as Woodford park (new 3G pitch).

I am currently a police officer where I've served 20 years and also recognise the positive impact sport and sporting facilities have on children's and teenagers lives.

I am very concerned on the negativity this project is getting from so called local residents. I for one am local to it (7 min walk away).

Just looking back to the recent pandemic, one thing that helped all of us and everyone's mental health was sport and activities. Children living in Earley need a voice and feel that if they were allowed to, most would vote hugely in favour of this project.

My question is how would you promote the 3G pitch within the community and get it to work in harmony with the school?

Answer

There is some ambiguity in your question, and so this answer addresses one meaning.

The operating model of the Maiden Erlegh 3G would see the school enjoying a large share of the daytime use. Wokingham Borough Council have other shared school/community use sites and the schools' needs are at the front of all usage decisions. The school would benefit from usage from 9am to 5pm during the school term. The 3G would also see use by the two selected key partner clubs who have a large member base living in the Earley and Lower Earley areas. These local clubs would use most of the training and matchday slots available to them. There is also potential for use by selected partners such as holiday clubs in school holidays to give other children outside of the school and partner clubs, the chance to enjoy the site.

64.4 Andy Bailey has asked the Executive Member for Planning and Local Plan the following question:

Question

Given the state of the economy and the dire economical outlook, does Wokingham Borough Council intend to 'borrow forwards' to enable infrastructure to be built in good time to support developments arising from the revised Local Plan?

Answer

Thank you for your question. You are right that the economic outlook for the country is a 'little gloomy' at the moment, and in common with national Government, local government will need to handle its financial resources very carefully going forwards. However, it is important that new infrastructure gets delivered in parallel with new development.

As we move forward, we will therefore continue to work with developers to ensure new development is brought forward in parallel with well-planned and well-timed new infrastructure. In some circumstances developers will be expected to provide this directly, in accordance with legal agreements and the conditions of their permission.

Where we collect the Community Infrastructure Levy, we will also look to spend levy funds in a timely manner.

In terms of our own capital programme, we will need to be financially prudent in terms of the extent of borrowing we as a council undertake to fund future infrastructure. That doesn't mean we will stop funding infrastructure, or delivering it in a timely way, but it does mean that we will look very carefully at every decision we take in this respect, something which I've no doubt, all our local taxpayers would want us to do, mindful of the times we find ourselves in.

Supplementary Question:

Given that the proposals for Hall Farm appear to be predicated on 2x 15 year plan periods, to deliver 4,500 units and that it is not possible to forecast flood risk due to Climate Change so far in advance. How would the Council protect council tax payers from stranded borrowing costs if due to flood events, it would not be possible to complete the projects and recover other projected CIL (Community Infrastructure Levy) payments from developers?

Supplementary Answer:

I have on two occasions raised my concern with the flood issue and that now we have a requirement that there needs to be a flood resilience aspect associated with the overall period of a development. On that front, we are seeking legal advice as to whether we can go beyond or stay at 15 years.

65. MEMBER QUESTION TIME

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

65.1 Gary Cowan has asked the Executive Member for Planning and Local Plan the following question:**Question**

Can the Exec Member for Planning explain the relationship to conditions placed on planning applications at their inception and their eventual sign off. Is there a scheme or time frame to ensure their compliance?

Answer

Planning conditions are imposed to ensure that development mitigates its impact. They should be kept to a minimum and only imposed where they are necessary and meet the tests contained within the NPPF. There are two main type of conditions, those that require

specific discharge of information to be submitted, and those that require adherence in perpetuity.

Through the planning process, details relating to the relevant conditions are submitted and assessed by the relevant technical officers within the council or by statutory external consultees such as the Environment Agency.

The application of these conditions would usually be reviewed as part of the development process itself.

If the development is found to not be in accordance with the approved details, the local planning authority's Planning Enforcement function or in some circumstances, another body (for example, the Highways Authority or Environment Agency) will consider whether formal action is necessary or expedient to ensure compliance.

The local planning authority should respond to requests to discharge conditions without delay and must give notice to the applicant of its decision within a period of eight weeks or any longer period agreed in writing.

Supplementary Question

I served on the all-party tree and diversity task and finish group which lasted about six months last year. The Committee asked the Planning Department about the Planning conditions on the replacement of dead trees after five years and the answer was that we do not do it. As experts suggested, 20-25% of new trees die within five years, and that would suggest they are not replaced at the numbers lost, running to many thousands. Also, the Reading Football Club Training Ground Planning application approved seven years ago had 58 Planning conditions placed on it and I asked last year how many had been signed off and the answer I received was none. Since then I have received a spreadsheet showing a progress report on all of the 58 Planning conditions in various stages of progress. In summary, not checking new trees in a five year period, after six years, no follow up then, is this an acceptable way in dealing with Planning conditions?

Supplementary Answer

I understand that you have had a response from the Director on the specifics of the individual Planning application that you mentioned, which I cannot comment on. On the points you've raised, particularly, about dead trees and the like, I have had discussions with officers to say that I am exceedingly concerned that a high number of trees have been planted and nothing has happened in terms of tendering them and watering them. As a result, many have died. I have been advised that the Council has gone to developers to advise that they need to replant. There is only a period of up to five years where we can do this but I have been pushing very hard with the officers to make sure that the trees that are planted can survive. Also tonight, we have the draft Tree Strategy, which will be consulted upon. I would suggest that residents and yourself, put in an extra message to say that if we have trees that have been planted by a developer, we need to have a means of ensuring that as many of those trees as possible survive.

66. MATTERS REFERRED TO THE EXECUTIVE

The Chair reported that a referral had been made to the Executive by the Council at their meeting on 17 November 2022. The Executive were asked to consider the petition on Car Parking Charges which was the subject of a debate at the Council meeting.

The Executive Member for Active Travel, Transport & Highways reported that the last time off street car parking fees rose in Wokingham was nearly five years ago, despite rising costs in providing the service the previous administration didn't keep pace with those costs.

Last year, the previous Conservative administration did propose to cover the growing shortfall with a car parking recovery plan that was published in the Corporate and Community Overview and Scrutiny report on 24th November 2021 with an estimated additional income of £500,000.

If they had gone ahead with that it would have made a significant reduction in the financial shortfall that we now face. But unfortunately, the previous administration did not, and we are now picking up the consequences. They chose to use reserves where they took £2.2m.

At the meeting of the Executive on 28th July 2022, we were provided with a report indicating a budget shortfall of £600,000 to £800,000 for this year.

What options are available to balance the car parking service budget?

- Taking funding from the reserves?

Taking funding from the reserves, is not an option open to us as the reserves are now too low and we cannot allow this authority to be placed in the hands of central government like Slough and Thurrock and a growing list of authorities as the consequences would be devastating.

- Closing the Park and Rides?

Let's go through them one by one.

MereOak operated jointly with Reading BC is open and running at about 25% pre-pandemic levels. The 600 bus service operates from here and also services villages south of the M4 such as Three Mile Cross, Spencers Wood, Swallowfield, Riseley and **Shinfield** with additional financial support from Wokingham Borough Council. Without the park and ride those bus services would be at severe risk without further significant additional financial support from Wokingham Borough Council.

Local bus services allow children who are eligible for travel assistance to get to school and vulnerable adults can travel to social activities. Alternative provisions would need to be put in place to enable the Council to fulfill its statutory duties for adults and children. The concessionary bus pass allows elderly and disabled residents to travel on the local bus service, without these services there is a risk of social isolation. For residents travelling for medical appointments increased pressure for travel assistance would fall on community transport services and the NHS.

Thames Valley Park & Ride is closed as a public park and ride but is currently being used by the hospital as a Park & Ride for staff, operating between Thames Valley Park – Royal Berkshire Hospital and the MereOak Park & Ride site. Income from the hospital will allow the site to breakeven under the current arrangement. Discussions are taking place to grow this use further next year.

Winnersh Triangle is closed as its under construction, but still has ongoing revenue costs. The project has a £1.3m overspend that is a consequence of the unforeseen issues caused by the Thames Water main at Winnersh Park and Ride.

It has come to light that this was known about in the autumn of 2021 but unfortunately the previous Conservative administration failed to deal with it and make provision in the budget. It falls to us to remedy this and has put even more pressure on this year's budget.

Even closed, there are still costs for ongoing security, maintenance, insurance and business rates. We are looking at options to do something with this site, but it will not cover anything near the required shortfall.

- Revenue highway services

This is not about the resurfacing schemes as those are capital funded but these services cover routine safety functions including emergency works to keep our network safe for use by the travelling public. Wokingham Borough Council is a highway authority and as such has a statutory duty under the Highways Act section 41 to maintain the highways maintainable at the public expense for which it has responsibility for. However, those users can claim damages for physical injury or damage caused by a failure to comply with the duty.

Therefore, the highway authority must demonstrate that it has adequate provisions in place, including financial as a defense under section 58 of the Act. Taking any funding from this extremely important safety function poses significant risk of claims, which can lead to large payouts and expensive court costs. We have a duty to protect the public using our highways assets and this is an area that cannot have any funding removed.

- What about other services and savings?

Officers and Executive members have been looking through all the budgets in an attempt to close a £2m shortfall this year and a £4m funding gap next year. These financial adjustments are shown in the draft MTFP that is going through Community and Corporate Overview and Scrutiny Committee. The cupboard is empty of any other funding.

- What about Income generation?

Income to run the car parking service is obtained from car parking charges. I presented to the meeting of the Executive on 29th September a proposal to increase car parking charges that would generate an estimated £540,000 of additional income and substantially cover the shortfall in the budget for the service.

The Conservative group called-in the decision, and this was heard on the 25th October at the Overview & Scrutiny Management Committee, where it was resolved that the Executive decision, relating to Off Street Car Park Charges, be confirmed.

The Conservative group submitted a petition requesting that the Council freeze the car parking charges, which was debated at Full Council on 17th November. This has been referred to the Executive this evening to consider.

The Executive Member set out the recommendations laid out in the report and confirmed that all possible alternative avenues had been explored. Many of the alternatives explored required additional funding, money that the Council simply did not have. Reluctantly, the Council had agreed to increase car parking charges after five years of no increases being made.

The process for making and advertising of the draft Traffic Regulation Order has been delayed by the call-in, the petition to Council and the referral to this meeting. A draft timetable was now proposed as follows: the earliest date for advertisement of the Traffic Regulation Order, which is a Notice of Proposal, would be a target date of the 8th December. Due to the Christmas/New Year festive break the period for objections would be extended to Sunday 22nd January 2023.

It was originally hoped to introduce these new charges in this financial year (January/February 2023) but with the delays mentioned above, costing around £45,000 per month in lost additional income they will now not be started until sometime in the new financial year.

The Executive Member recommend that the Executive agree to i) that no further action was needed in respect of the referral, and officers proceed with the making and advertising of the draft Traffic Regulation Order.

The Chair thanked the Executive Member and officers for all their hard work on this and for their determination to explore all possible alternative avenues. He reported that he had visited Woodley Town centre retailers over the weekend, with Councillor Lindsay Ferris. As well as some retailers in Wokingham Town centre in the previous week.

They had explained the councils need to balance the budget both this year and next year. There was from many retailers an acceptance that the Council had been left in a difficult position and that the whole country was in a difficult financial position. Some businesses were already facing issues such as strong competition from other retailers, competition from online retailers and general changes in shopping habits. Increases in rents and energy costs were also having a significant impact on retailer's profitability.

One manager of a significant business said that Wokingham Borough Council needed to explain why these changes were necessary. It was therefore necessary to improve communications to ensure that everyone understood why the increases were necessary.

RESOLVED that the Executive agreed that no further action be taken in respect of the referral made by the Council in respect of the petition relating to Car Parking Charges.

REASONS FOR DECISION: The Council must act urgently to address its in year forecast overspend and set a balanced budget for next year. Options to reduce expenditure are constrained by the fact that approximately 80% of Council services are statutory. The 2023/24 budget presented to Community and Corporate Overview and Scrutiny Committee shows a funding gap of just over £4m. This figure already takes into account cost reductions and income generating options across all Council Services, including the assumed increase in car parking charges in 2022/23. Avoiding the opportunity to generate additional income from car parking will increase the calculated budget gap for next year to in the region of £4.6m. The Council will be required to approve a balanced budget for 2023/24 when it meets in February 2023."

ALTERNATIVE OPTIONS CONSIDERED:

1. Taking funding from the reserves: Reserves were low, making this option unviable. Depleting reserves would create a significant risk of the council being placed in the hands of central government. In the way that Slough and Thurrock had been, leading to devastating consequences.
2. Closing Park and Rides: Without park and rides, bus services would be at severe risk without further significant financial support from the council. Local bus services allow children to get to school and vulnerable adults can travel to social activities. The concessionary bus pass allows elderly and disabled residents to travel on local bus services. Without bus services, there is a risk of social isolation. For residents travelling to medical appointments, increased pressure for travel assistance would fall on community transport and to the NHS.
3. Reducing Revenue Highway Services: These are services that cover routine safety functions, including emergency work to keep networks safe for the use by the public. The Council is a Highway authority and as such has a statutory duty to maintain the highways. Further, users can claim damages for physical injury or as a result of failure to comply with statutory duties. Taking any finding from this area, poses significant risk of claims.
4. Officers and Members had considered every area of expenditure and all budgets to close the £2m shortfall in budgets.

67. DRAFT TREE STRATEGY PUBLIC CONSULTATION

The Executive Member for Environment, Sport and Leisure reported that the Executive had approved the draft Tree Strategy in July 2021, having gathered input from a wide range of sources. The draft strategy was now due to be consulted upon over the coming weeks.

Executive members welcomed the draft strategy and thanked officers and the Executive Member for all their hard work. It was noted that the linking of this strategy with the Local Plan would ensure that as many trees as possible were protected. The importance of veteran trees was also noted in terms of biodiversity, natural and cultural heritage. It would also be key to engage with private organisations.

RESOLVED that the Executive approved an eight week public consultation on the draft Tree Strategy.

REASONS FOR DECISION: To give residents of the borough an opportunity to contribute to the development of the strategy and the actions the Council intends to take to improve tree management and maintenance and guide the authority's approach to trees and woodlands across the borough.

68. BUCKINGHAMSHIRE, OXFORDSHIRE, AND BERKSHIRE WEST INTEGRATED CARE PARTNERSHIP JOINT COMMITTEE

RESOLVED that the Executive:

- i) noted the establishment of a new joint committee – the Integrated Care Partnership covering the Buckinghamshire, Oxfordshire and Berkshire West area – and in principle, the working draft terms of reference for this partnership (See Annex 1 of the report)

- ii) approved the appointment of the Executive Member for Health, Wellbeing and Adult Services to this partnership and the Leader of the Council as substitute.

REASONS FOR DECISION: The Health and Care Act 2022 established Integrated Care Systems (ICSs) as legal entities and created new NHS bodies called Integrated Care Boards (ICBs). Within this legislation all ICSs are required to establish new partnership forums called Integrated Care Partnerships (ICPs). These bring together ICBs and local authorities with responsibility for Social Care and Public Health in order to integrate the services they plan, purchase, and provide for local residents.