

**MINUTES OF A MEETING OF
THE COUNCIL
HELD ON 17 NOVEMBER 2016 FROM 7.30 PM TO 10.30 PM**

Members Present

Councillors: Bob Pitts (Mayor), Rob Stanton (Deputy Mayor), Mark Ashwell, Alistair Auty, Keith Baker, Laura Blumenthal, Chris Bowring, Prue Bray, David Chopping, UllaKarin Clark, Gary Cowan, Andy Croy, Richard Dolinski, Lindsay Ferris, Michael Firmager, Kate Haines, Mike Haines, Charlotte Haitham Taylor, John Halsall, Pauline Helliard-Symons, Emma Hobbs, Tim Holton, Philip Houldsworth, Dianne King, Clive Jones, Norman Jorgensen, Pauline Jorgensen, John Kaiser, Abdul Loyes, Charles Margetts, Julian McGhee-Sumner, Ken Miall, Philip Mirfin, Stuart Munro, Barrie Patman, Anthony Pollock, Malcolm Richards, Angus Ross, Beth Rowland, Rachelle Shepherd-DuBey, Chris Singleton, David Sleight, Chris Smith, Wayne Smith, Alison Swaddle, Simon Weeks, Oliver Whittle and Shahid Younis

53. APOLOGIES

Apologies for absence were submitted from Councillors Parry Bath, John Jarvis, David Lee, Ian Pittock, Bill Soane and Paul Swaddle.

54. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Council held on 22 September 2016 were confirmed as a correct record and signed by the Chairman.

55. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Deputy Mayor announced that he would Chair the part of the meeting relating to Hare Hatch Sheeplands as the Mayor had been involved in that issue in his role as a ward Member.

56. PUBLIC QUESTION TIME

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

It was moved by the Deputy Mayor and seconded by Councillor Keith Baker that, in accordance with Procedure Rule 4.2.12n), Procedure Rule 4.2.9.1 be suspended to allow Public Question Time to be extended to one hour.

Upon being put to the vote the Motion was declared by the Deputy Mayor to be carried.

The Deputy Mayor informed the meeting that, in order to maximise the number of questions put, any supplementary questions relating to Hare Hatch Sheeplands would receive a written answer within seven working days from the date of the meeting. Any supplementary answers would also be recorded in the Minutes of the meeting.

Prior to the first question being asked a point of order was raised by a member of the public but this was ruled inadmissible as it fell outside of the Council Procedure Rules contained in the Council's Constitution.

56.1 Prem Sharma asked the Executive Member for Environment the following question:

I have had two planning applications to fell a beach tree in my front garden refused by Wokingham Borough Council, despite my willingness to replace the tree in another part of my garden. After the second refusal, my health deteriorated further and I could not appeal due to my health. Before the appeal deadline I asked for an extension of the deadline but I had zero response from Claire Lawrence. As such the appeal deadline passed.

Due to the position of the tree, pigeons and other large birds perching on the tree chronically foul up my drive with their droppings. My wife and I are elderly, in our eighties, and suffer from heart and cancerous diseases and cannot keep up with daily cleansing of the drive as these bird droppings, especially from the pigeons, are a serious danger to our health. I have provided medical reports from medical specialist professionals to the Council to evidence that the pigeon droppings can further deteriorate our health due to our low immunity.

The Council's decision is that the tree is protected and that the health of the tree is more important than my health and my wife's health! This is a bizarre and unjust conclusion on the part of the Council. Would the Executive Member please explain why the health of the tree is more important than the health of two very elderly and sick people? As far as general understanding goes, it is the responsibility of the local and central government to look after the elderly and vulnerable people of society. The environment is very important. When hundreds of trees were felled along the railway line the Council could have stopped it. There should have been one rule for everybody.

Answer

On behalf of the Council, I am sorry that you, Dr Sharma and Mrs Sharma are experiencing health issues.

As we have previously explained, Tree Preservation Orders are regulated by legislation and policies set by Central Government and the main issues that can be taken into account in determining applications for works to protected trees are the amenity value and health of the tree. Unfortunately, Government policy does not enable the health of the applicant to be taken into account to outweigh these issues.

The decision to refuse the application for tree works was made in line with the national policy, on the basis that the tree is considered to be a good specimen of high amenity value, and that the proposed works to the tree would be harmful and lead to its decline. Supporting harmful works on the basis of personal circumstances would set an unacceptable precedent which could lead to a cumulative loss of trees in the Borough. I believe that the Council would have found itself in a very difficult position justifying going against Government guidance.

As you have stated, you have lost your opportunity to appeal against the Council's decision to refuse the previous application for works to the protected tree, as the appeal was not lodged within one month of the decision. Unfortunately the Council has no discretion to extend the appeal deadline which is set by the Planning Inspectorate and contained within the appeal regulations.

If you do wish to pursue this matter, then you can reapply to the Council for permission to carry out the work and if that is refused, you could then exercise your right of appeal. I realise that this would take up more time. However, I would also like to point out that any

appeal inspector would have to apply the Government's policies and guidance in the consideration of this case in the same way as the Council.

I would just add that I do understand your dilemma but that it is not within my power to alter related policies. I can only suggest that some means is found to deter the pigeons from visiting the area of this tree.

Supplementary Question

Thank you for your answer to my specific question. With respect I humbly disagree with your answer because in terms of your planning policy related to trees it is seriously flawed. As the responsible authority Wokingham Borough Council should review its TPO policy to cater for sick and elderly people so that the health of trees does not override the health of sick and elderly owners of the tree, especially if they can provide medical evidence to support their case. Would the Executive Member please give me an assurance that you will instigate an inquiry into my case and initiate a review of your flawed tree policy so that other sick and elderly people like us will not suffer any further? Please also assure me that you will let me know the outcome of your enquiry and subject of your review? It is difficult for anybody to argue that the health of a tree is more important than the health of a human being.

Supplementary Answer

I do have enormous sympathy with the situation you described. I do undertake that we will make representations to central Government as it is not within our powers under local regulations to counter that which is set nationally.

I understand entirely the basis of what you are saying Dr Sharma and I do undertake to do that action but, as everyone knows, to change Government regulations doesn't happen overnight and I do hope that we can work with you to try and find some local solution, as I suggested before, in terms of the birds in the tree rather than the tree itself. And I also take your fundamental point.

56.2 Guy Grandison asked the Executive Member for Children's Services the following question:

Could the Executive Member tell me what the Council is doing to ensure that schools in Earley can keep pace with the growing population at both primary and secondary levels?

Answer

The Council has recognised Earley as an area where additional primary school capacity is required. In response we agreed to expand Loddon Primary School by 220 places and are developing a proposal to expand Aldryngton Primary School by a further 105 places.

We will continue to keep a close eye on the balance between need and available places. Need is driven by the number of births to residents, the balance of families leaving and arriving and families living elsewhere who prefer Earley schools. We know the number of births has been stable, but falls significantly in the age groups that will be admitted to school in 2018- 2019. This will at least partly offset the increase due to families moving into the area. There are no major residential schemes planned in the area so residential growth will not play any significant part in future needs. Our view is that growth is driven by the changeover of housing from older households to younger families and this will be the subject of continuing scrutiny. If applicant numbers drop next spring then we will need to review our expansion plans (above the places being created at Loddon Primary School) to

ensure that we are only providing capacity we need.

On the question of secondary school places, we do not see evidence of any immediate need to create capacity. Families in the Earley area have a number of secondary schools within walking distance of their homes. Maiden Erlegh School of course serves Earley residents and continues to be oversubscribed locally. Families also have at least one other school, Oakbank and also other schools, e.g. Forest, Bulmershe and Waingels schools within walking distance and all of these schools have some surplus capacity.

We will however continue to watch the number of available places closely so if new capacity is required it can be planned and done in a timely manner.

Supplementary Question

Thank you for that answer. Having recently become a father to a little girl it is important to have adequate school places in Earley. However it is also important to ensure that a level playing field is given to Wokingham schools as Wokingham schools get less money per pupils than other local authorities. What additional action is the Council taking to level this playing field?

Supplementary Answer

Thank you Guy for raising this important issue which has been a hot topic this week, especially in the media.

We do not feel that we have a level playing field here in terms of funding and unfortunately the fairer funding formula has been pushed back another year. We continue to be the lowest funded authority per pupil. Wokingham Borough children only get £4,166 per pupil. In the City of London they get over double that and across the border in Reading pupils get over £306 more per pupil. We will lobby the Secretary of State to continue our appeal for fairer funding and I would ask members of the public to continue to battle for more money for Wokingham schools and also our Members to join me in the fight for fairer funding for our children in Wokingham.

56.3 Frank Moore asked the Executive Member for Planning and Regeneration the following question:

In April 2008 at a planning appeal for Sheeplands farm shop and coffee shop, a government appointed planning inspector stated that if he upheld the appeal, which he did, it would mark the transition of Hare Hatch Nursery from a nursery to a garden centre. He also stated that it would have severe consequences for the business if it was not allowed to compete with its neighbours. To what extent has Wokingham Borough Council taken the planning inspector's comments into consideration in subsequent discussions with Sheeplands?

Answer

In order to become exempt from enforcement action, the unauthorised use of the greenbelt land must have been uninterrupted for 10 years or more. As the first enforcement notice was served in 2012, for the greenbelt site not to be immune from enforcement action it must have been used as a garden centre since 2002.

The Planning Inspector acknowledged that at the time of the appeal in 2008 that the greenbelt site was a nursery not a garden centre. This has provided evidence that the garden centre business has not operated from the greenbelt site since 2002 and is, therefore, unlawful. This has been given considerable weight in justifying the enforcement

action against the unauthorised uses of this greenbelt site.

The Inspector's comments in respect of the viability of the business have been given consideration but have not outweighed the harm resulting from the extent of the unauthorised development at the greenbelt site. If the Council placed greater weight on the viability argument, harmful and unacceptable development could occur all over our Borough. The Council has sought to work with the owner to try and find a mutually acceptable and viable solution, but the owner has been unwilling to compromise his position and has continued to expand the unauthorised activity at the greenbelt site.

Supplementary Question

I note that one of the priorities of Wokingham Borough Council is to ensure strong, sustainable communities that are viable and supported by well designed development. This being the case and in the light of the comments made by the Government Inspector, Mr Ritchie, in 2008, irrespective of the comments you have just made, he stated and acknowledged that, despite being in the green belt, the area, and he meant Hare Hatch, was full of other businesses and the inability to compete equally would have consequences for the future of the business. These comments are very specific and clear to me and many other members of the public. As such would it not make sense for Wokingham Borough Council to lift their enforcement notice and let an independent planning inspector make a judgement on the legality of this well designed development which is enjoyed by many rather than pursuing it through the courts which could cost the Council and Council Taxpayers a great deal of money?

Supplementary Answer

Well-designed development is that planned through the local plan process that meets the policies set out in government guidance and the Council's local plan. Hare Hatch Sheeplands is an unauthorised and inappropriate development in the greenbelt that is contrary to these policies and does not constitute well-designed development as a result.

As explained in the answer to the original question, an independent inspector can only assess the lawfulness of the retail uses at the greenbelt site. This is only whether it can be demonstrated that the retail activity has existed in its current form and extent since 2002. This is because the appeal was against a Certificate of Lawful Development application which is not a planning application. The planning merits of the case and the points made about well-designed development and the development surrounding the site cannot be taken into account as a result.

If the enforcement notice is withdrawn, the Council has no mechanism to take action against the unlawful development. This would result in the Council being less able to challenge this development and other unauthorised development in the Borough.

56.4 Mark A'Bear asked the Executive Member for Planning and Regeneration the following question:

By lifting the enforcement notice on Hare Hatch Sheeplands, a full planning inquiry could proceed and determine an outcome for Wokingham Borough Council and Hare Hatch Sheeplands. Please can Wokingham Borough Council explain why it will not lift the notice so that the evidence can be heard and a speedy resolution reached?

Answer

The recent planning inquiry was in respect of a Certificate of Lawfulness. The planning merits of the case could not have been heard or considered at this inquiry by the planning

inspector as the only issue that could be addressed was whether the garden centre use of this greenbelt site could have been lawful by reason of existing since 2002. To establish this, the owner of the greenbelt site had submitted evidence to the Council.

Having reviewed the information submitted this appeared contradictory and undermined his arguments about the time that the garden centre has been at this greenbelt site, thus reinforcing the Council's view that the retail uses had not existed since 2002.

The Council is confident that the evidence referred to in the question does not support the arguments. Allowing this evidence to be heard would have resulted in significant exposure to the landowner and to the Council, but it would not have provided a resolution to allow the owner to continue the garden centre business. Further and more significantly, if the Council had withdrawn the enforcement notice to allow this evidence to be heard, it would have had no means by which to seek removal of the harmful breaches and that the site had been further expanded into the greenbelt since the enforcement notice was served.

Supplementary Question

Thank you for your answer however I noted on the Wokingham website that an underpinning principle of the Council is to offer excellent value for Council Tax money. Bearing in mind that this dispute has been running for many, many years and is now destined for the Supreme Court where the waiting list is between 3-5 years in what way does the current and future cost of this dispute represent value for our Council Tax money?

Supplementary Answer

The Council would not have had to spend any money on this case if Mr Scott had not illegally undertaken the development at Hare Hatch Sheeplands. The Council will seek to recover its costs in any action taken against the unlawful development at this greenbelt site. The owner has already been ordered to pay Council's costs in respect of the appeal against the certificate of lawfulness application appeal and the Council will apply for similar costs associated with any future action. The Council can also apply for profits to be confiscated under the Proceeds of Crime Act and part of this can be awarded to the Council to reimburse it for any costs already incurred.

If Mr Scott complied with the enforcement notice and removed the illegal development, there would be a limit to the cost to the Council Tax payer.

56.5 Paul Westacott asked the Executive Member for Planning and Regeneration the following question:

It is my understanding that in April 2014 Mr Scott reached agreement with Councillors regarding the future of Hare Hatch Sheeplands, and withdrew his appeal against the enforcement notice on the basis of this agreement. Why did Wokingham Borough Council renege on this agreement?

Answer

The Council did not reach agreement with Mr Scott regarding the future of the greenbelt site in April 2014.

A meeting took place with Council Members and Officers and, at this time, Mr Scott reported that he could not afford to pursue his appeal against the enforcement notice. It was agreed that while the Council wished to reach a negotiated solution with the business owner, this was on the basis that he did not breach local and national greenbelt policy. As

such, a baseline for a negotiated scheme was set as the use and activities on the greenbelt site in 2002. There was no common agreement about this as Mr Scott argued that the extent of the retail garden centre activity that existed at this time was greater than the Council thought. As a result, the Council provided him with the opportunity to submit evidence to support his argument.

The evidence submitted by Mr Scott did not support his assertions and demonstrated that the uses of the greenbelt site are unlawful. Since this time, he has remained unwilling to meet the Council's requirement to remove the unauthorised retail activities at the greenbelt site and has in fact expanded these.

Supplementary Question

On that basis can you confirm, or not, that emails regarding some form of agreement were exchanged between Mr Scott and Councillor Kaiser, and explain, if that was the case, why Mr Scott was misled in that way?

Supplementary Answer

There has been no agreement between Councillor Kaiser and Mr Scott about the ability for the illegal activity to remain at the greenbelt site. The Council has sought to negotiate with Mr Scott in order to try and find a mutually acceptable solution in line with its own policy contained in the Local Planning Enforcement Plan and to reflect the views of Mr Scott's supporters, to try and allow the business to continue while complying with planning rules and policy.

Meetings between Councillor Kaiser, Officers and the owners of the business took place but no assurance was given to Mr Scott. Further, as part of the legal action taking place, written email correspondence has been disclosed by both parties and this shows that there is no evidence of any assurance been given. The Council is confident that Mr Scott has at no time been misled by Councillors.

56.6 Andy Sherwood had asked the Executive Member for Planning and Regeneration the following question but as he was unable to attend the meeting his question was asked by Mark A'Bear:

The Chief Executive of Wokingham Borough Council, in a letter to the current Prime Minister dated 15th March 2016 stated that Wokingham Borough Council would consider any sensible proposal put forward by Hare Hatch Sheeplands and suggested that they entered into pre-application discussions with Wokingham Borough Council. In response Hare Hatch Sheeplands withdrew their request for a judicial review of Wokingham Borough Council's decision to not consider their previous applications for their play area and Pet Supplies concession. Then in August 2016 Wokingham Borough Council refused to enter into pre-application discussions with them. In the light of this please could Wokingham Borough Council provide examples of what these 'sensible' proposals might include?

Answer

In his letter to Theresa May, the Council's Chief Executive advised that if Mr Scott wished to reach a negotiated solution to agree a scheme that would be acceptable to the Council, there is a pre-application procedure available to him. For clarity, the reason why the judicial review did not proceed following this meeting was in fact because the court had refused the application to pursue this on the basis that it was misconceived and had no prospect of success.

A pre-application submission was received by the Council but this proposed to retain many of the unauthorised uses and activities that were subject of the enforcement notice. The Council has already made it clear to the owner of the business that these were not acceptable in line with local and national policy. The pre-application submission made no attempt to compromise or reduce the unauthorised uses.

The Council could have dealt with the pre-application submission but the fee for this was considerable given the scale of the proposal, and the Council would have only reiterated the advice already provided. The Council therefore felt it was only reasonable to inform the owner of this and it was suggested that in order to make the pre-application process meaningful, an amended scheme could be submitted for consideration. Alternatively, the Council offered the opportunity for the owner to withdraw the pre-application submission if he was unwilling to submit an amended proposal. Mr Scott chose not to amend the scheme, withdrew the pre application submission and the full fee was refunded.

56.7 David Piper asked the Executive Member for Planning and Regeneration the following question:

A letter from planning agents Gregory Grey, working on behalf of Sheeplands' competitor Wyevale, and dated April 27th 2011, threatened legal consequences if Wokingham Borough Council continued with Hare Hatch Sheeplands' planning application. To what extent did this influence Wokingham Borough Council's decision to refuse the Sheeplands planning application in December 2011, especially after working with Hare Hatch Sheeplands for 18 months?

Answer

Where there is a breach of planning control it is the Council's normal practice to try and resolve the matter without resulting to formal enforcement action. There is no planning permission for a garden centre and in line with normal policy set out in the Local Planning Enforcement Plan, the Council sought to achieve a negotiated solution for Hare Hatch Sheeplands. This is the reason why the Council sought to establish the uses of the greenbelt site that would have been lawful in 2012 before the enforcement notice was served. If it had been established that the garden centre was in existence at this time, the Council could have been justified agreeing to a planning application for a garden centre use at the greenbelt site. Unfortunately, when the evidence submitted was considered together with the Council's own evidence, it could not establish this and therefore, the Council came to the conclusion that the retail garden centre activities are not lawful.

While it became evident that the garden centre use was unlawful, Mr Scott would not compromise or remove retail activities. As a result, the Council concluded that a negotiated solution that could be granted planning permission could not be granted. The letter from the agent for Wyevale Garden Centre had absolutely no influence over this position. It took 18 months to determine the planning application because the Council was trying to persuade Mr Scott to reduce the amount of retail floor space proposed.

Supplementary Question

In this letter Gregory Grey, on behalf of Wyevale, demanded that Council took enforcement action against certain activities at Sheeplands. What evidence does the Council have that this did not influence its decision to take enforcement action in October 2012?

Supplementary Answer

All Council decisions are made in an open and transparent way. Information setting out the

reasons why all planning and enforcement decisions are taken is available for viewing by the public. The development is unlawful and is inappropriate development in the greenbelt. This is the reason for the planning refusals and enforcement action in respect of the illegal development.

56.8 Maria Lee asked the Leader of the Council the following question:

Why is Wokingham Borough Council refusing to acknowledge the democratic will of thousands of its residents that have signed petitions and sent hundreds of letters or e-mails of support clearly demonstrating that they wish to see Hare Hatch Sheeplands continue in its current form as the local community garden centre?

Answer

The principle of making decisions on the basis of petitions, or e-mails, or press campaigns is not one that this Council, or any other Council, adhere to and it would be totally inappropriate for any Council to actually make decisions on that behalf.

What all Councils have to do is make decisions on the basis of current law, be it health and safety, be it income tax law, etc and that is what has happened here.

Supplementary Question

According to the Freedom of Information request, only three complaints were acknowledged by Wokingham compared to thousands in support. If this level of public support is insufficient to influence Wokingham Borough Council, what levels of public support would be required for Wokingham Borough Council to consider alternative courses of action; and what might these courses of action be?

Supplementary Answer

I refer back to what I said before. We have to enforce the law and therefore it doesn't matter how many petitions, for or against, or comments, for or against. At the end of the day this Council has to operate in accordance with local government regulations, etc, i.e. the legal framework.

56.9 Shirley Sherwood asked the Executive Member for Planning and Regeneration the following question:

Can you confirm that all members of the council are fully aware of the detailed planning history of Hare Hatch Sheeplands since 1992?

Answer

The planning and enforcement history of the site is detailed in public documents available to all Members of the Council and on the Council's web site. There has also been considerable publicity regarding this greenbelt site and I and the Leader of the Council have issued a number of statements. We have also clearly set out the Council's position to many of our colleagues. The lawful planning use of this greenbelt site is a plant nursery and there is planning permission for a farm shop and a café. There is no planning permission for a garden centre.

Supplementary Question

Please can you tell me how many and the names of the Councillors who have visited the site and seen the community facilities offered by Sheeplands so that the supporters can understand which of their Councillors have taken the time and trouble to visit and appreciate the amenities valued by their constituents?

Supplementary Answer

The Council is aware that the two ward Members, Councillor Bob Pitts and Councillor John Halsall attended the site together with Councillor Kaiser and Officers. No further details about any other Member visits are held.

56.10 Gordon Parry asked the Executive Member for Planning and Regeneration the following question:

As early as May 2008, Wokingham Borough Council planning department, stated that it would have to be demonstrated in some detail that normal garden centre activity was essential for the financial viability of the site. When a detailed financial viability report was provided, and independently reviewed and supported by Wokingham Borough Council's own consultants, at great expense, what conclusions were drawn from this report by Wokingham Borough Council's planning department?

Answer

The Council has never stated that it must be demonstrated that normal garden centre activity is essential for the financial viability of the site because the garden centre does not have planning permission. Any viability assessment would not outweigh the planning harm to the greenbelt that results from unlawful development.

An application and assessment was submitted to the Council to try and demonstrate that the additional activity was needed at the greenbelt site to allow it to be a viable garden centre. However, this was not highly relevant as the garden centre use itself was unlawful as the site only has planning permission for a plant nursery with a cafe and a farm shop. In any event, the financial viability of the business cannot outweigh the harm to the greenbelt as a result of inappropriate and unauthorised development. If the Council adopted this approach, any developer could argue that they should be allowed to develop in inappropriate locations all over our Borough because it is only viable to do so.

Supplementary Question

To what extent do Councillors use their own judgement on planning issues? At what point does the public interest override Council policy?

Supplementary Answer

Members of the Planning Committee must make planning decisions with an open mind based on the planning merits of a proposal. All other members of the Council can come to their own views about the acceptability of a planning issue and can support or oppose development. Their views can be on planning or other grounds.

The planning system works in the public interest and it cannot take private interest into account. Although Mr Scott has generated a great deal of support from his customers of the illegal garden centre, the Council is of the opinion that the majority of the public it serves want people in the Borough to comply with the law and for action to be taken against those who do not.

56.11 Gill Saxon asked the Executive Member for Economic Development and Finance the following question:

If Wokingham Borough Council's actions result in Hare Hatch Sheeplands closing down, what assistance will the Council provide for redundant employees, especially the over 50's and the disabled, in finding new jobs?

Answer

Wokingham Borough Council runs Elevate Wokingham, an employment and skills hub at Wokingham Library where people of all ages are supported to find suitable work and training. We are equally able to carry out targeted outreach work. Support may involve providing advice and guidance sessions to help people decide what jobs they can do, as well as workshops to improve CV writing and interview skills. We have good links with local colleges and can help people find a course if they need to do more studying before starting a new job. We have developed good relationships with local employers, particularly those in construction and retail, and are able to help people find vacancies for jobs and apprenticeships that will suit them.

Whilst Elevate Wokingham primarily supports young people aged 16 to 24 years, partners such as the National Careers Service and the adult learning team, who work with adults of all ages, operate out of the hub. Many of those we support are aged over 50 years. We recently supported a successful 50 plus recruitment fair in Green Park and hope to run similar events in the future. Elevate also works in partnership with the Optalis Supported Employment Service, who help adults with disabilities find suitable employment.

The Council also funds Wokingham Job Support Centre, who provide support through a team of volunteers and are based at the Cornerstone Centre in Wokingham.

Supplementary Question

Thank you for your reply and I do understand of course, as with most Councils, that they do provide help and assistance to people. However I am asking specifically, what you are doing about the 100 or so people, who will be made redundant and I myself, when this first kicked off, tried to find another job and found it very, very difficult and I have some qualifications so I think we need specific support and that is what I am asking for and what you would be able to do?

Supplementary Answer

A number of specific examples of employment initiatives were provided in the response to the original question. Anyone wishing to discuss their personal circumstances and options open to them should contact Elevate Wokingham or Wokingham Job Support Centre to arrange an appointment.

56.12 Nigel Timms asked the Executive Member for Economic Development and Finance the following question:

What will Wokingham Borough Council do to help the several small family businesses find alternative and affordable premises in the local area?

Answer:

The Council's Economic Development Officer will be happy to meet with any businesses impacted by the possible closure of Hare Hatch Sheeplands and explore viable options. This would include making use of existing links with local agents and appropriate parties who could assist with any relocation.

Supplementary Question

I have been based in Twyford for over 34 years and in my opinion there are not suitable affordable premises readily available. Is the Member for Economic Development therefore resigned to accept that Twyford is about to face its biggest employment and business catastrophe in nearly 90 years?

Supplementary Answer

The Council is keen to support businesses in finding affordable and lawful premises. The Council owns and manages three employment sites - a site at Hogwood Lane, Finchampstead (provides small and medium-sized factory units), Grovelands Avenue, Winnersh (offers small light industrial units) and small office/high tech units at Station Road, Twyford. The Council offers short-term leases of usually two-three years on easy-in/easy-out terms. The units are suitable for start-up and developing businesses. Priority is given to local people. In addition, the Council is exploring the feasibility of establishing an incubator hub for start-up businesses.

The Council is very happy to assist affected workers and businesses where it can, but this situation has been brought about by Mr Scott repeatedly ignoring the planning system.

56.13 Paul Wheston asked the Executive Member for Planning and Regeneration the following question:

Please can the Council provide evidence that it has been completely consistent in its application of green belt policy and that Sheeplands has been treated equitably compared to other local garden centres such as Ladds, Wyevale and Countrywide?

Answer

The evidence in respect of the Council's approach to dealing with planning proposals in the greenbelt is contained in significant planning history that is available on the Council's website and available for all to view.

The Council has consistently applied national and local greenbelt policy to proposals in the Borough's greenbelt. The local garden centres referred to in the question are historic and this garden centre/retail activity is exempt from enforcement action by reason of passage of time in accordance with the legislation. More recently, the Council has refused planning applications for development proposals to expand activities at these very sites. A number of these refused applications have also been dismissed at appeal.

Hare Hatch Sheeplands does not have planning permission for a garden centre as the unauthorised uses have not existed at the site for a sufficient period of time to enable them to be exempt from enforcement action. Planning permission is required for the unauthorised activities and as such, the Council must apply national and local greenbelt policy.

Supplementary Question

How will the Council provide evidence of consistency so that the public can be assured that there isn't one rule for one business and one rule for another?

Supplementary Answer

All Council decisions are made in an open and transparent way. As stated in the answer to the original question, the evidence setting out the reasons for all planning and enforcement decisions is available to view and is available on the Council's Website.

56.14 Harry Indge asked the Executive Member for Planning and Regeneration the following question:

How much has WBC spent on both internal and external legal advice, representation and employee salaries in respect of its planning dispute with Hare Hatch Sheeplands?

Answer

The Council's costs in respect of the action that has been undertaken against the unlawful development at this greenbelt site would not have been incurred if the owner had not flagrantly disregarded and breached the planning regulations.

The Council does not have a total figure for its internal staffing costs associated with Hare Hatch Sheeplands but £45,860 has been spent on external legal advice and representation to date. Some of this amount will be reimbursed through the recently dismissed appeal when Mr Scott was ordered by the court to pay the Council's costs. In the future the Council will continue to seek that any further costs incurred are also reimbursed by the owner.

The owner of the greenbelt site is committing a criminal offence by not complying with the enforcement notice and if he is prosecuted for this offence, the Council can then submit a claim under the Proceeds of Crime Act where profits resulting from criminal activities at the greenbelt site can be confiscated and the Council would be eligible to retain some of these proceeds and this would offset the cost of taking the action.

Supplementary Question

With the Council having stated that £19m in budget cuts needs to be found, how can the cost of this dispute be reconciled against the need to save money?

Supplementary Answer

The Council would not have had to spend any money on this case if Mr Scott had not illegally undertaken the development at Hare Hatch Sheeplands. As stated in the answer to the original question, the Council will seek to recover the costs of action from Mr Scott and has already been awarded its costs in respect of the recent appeal. The Council would also be eligible to retain some of the profits from the business collected under the Proceeds of Crime Act and this would offset the cost of taking the action.

If the Council dropped the enforcement action against the unlawful development, this would encourage other people and businesses across the Borough to undertake development without gaining the proper permissions. This would result in even greater cost to the Council in taking enforcement action against further breaches and its position would be weakened by not pursuing the Hare Hatch Sheeplands case.

56.15 Rob Davies asked the Executive Member for Planning and Regeneration the following question:

If Sheeplands is forced to close, what plans does the Council have for the Sheeplands site, especially when one possibility is that it will become derelict and a local eyesore?

Answer

The enforcement notice relating to the unauthorised development and activities at the greenbelt site requires the unauthorised use of the land to cease and materials, goods, equipment, plant and other items in association with the unauthorised uses to be removed. It also requires that hard surfaced areas are removed and grassed over. A number of buildings and activities at the site are lawful and can remain and Mr Scott could also propose alternative uses and activities at the site as long as they are compatible with a greenbelt location.

Supplementary Question

Would it not be far more constructive to secure the Sheeplands site within the green belt

rather than take the risk of closure and in the longer term a change of use such as retail or housing development?

Supplementary Answer

There are a number of uses at Hare Hatch Sheeplands greenbelt site that are authorised which include the plant nursery, a café and a farm shop. There are also a number of other uses that could be acceptable in a greenbelt location that would allow Mr Scott to continue to operate a business from the site.

If the site is abandoned, the Council would seek to resist ad-hoc proposals for the development that are not compatible with its greenbelt location and with the local plan policy at the time. If the Council did not take action against the unlawful garden centre, it would become established by default. As a result, the Council would find it very difficult to resist proposals for the site to be redeveloped for retail or housing purposes. Given the enforcement action being undertaken, the Council is in a much stronger position to resist these redevelopment proposals.

56.16 George Parker asked the Executive Member for Economic Development and Finance the following question:

HHS provides part-time employment for a significant number of students, providing them with valuable work experience. What will the Council do to provide alternative work experience opportunities in the local area, for these young people?

Answer

Wokingham Borough Council runs Elevate Wokingham, an employment and skills hub at Wokingham Library. The hub can support young people aged 16-24 with developing an effective CV and with interview preparation. There is also a drop-in Job Shop where students could drop in on a Tuesday between 12-4pm and then gain support whilst searching for work. This would include a bespoke job search. An individual can sign up to Elevate and our volunteers can look, on their behalf, for suitable vacancies. There is a dedicated section on the Elevate Me website on finding work experience opportunities.

As a local employer, the Council itself provides work experience placements for local students.

Supplementary Question

Why isn't the Council encouraging and supporting Hare Hatch Sheeplands in employing local people and providing valuable experience for young people just down the road?

Supplementary Answer

Most, if not all, businesses in the Borough play a key role in providing local employment. However, there are rules and legislation that need to be complied with.

56.17 Jade Armstrong asked the Executive Member for Resident Services the following question:

Can the Council explain the process and procedures associated with letters of complaint versus letters of support, and whether any weighting is applied? For example, in the case of HHS, there were three complaints according to the FOI request, compared to 206 letters or emails in support of the business.

Answer

The Council has received a large number of letters from supporters of the unlawful

development as Mr Scott has actively encouraged his customers to sign the petition and write to the Council. The Council places great emphasis on the views of its customers. However, while the Council has received far fewer letters of complaint, objective surveys through social media sites have indicated that public opinion is much more balanced as approximately half of the respondents through a survey on the “Get Reading” social media site supported the Council’s enforcement action.

There is a balance to be struck by the Council between supporting the views of the supporters of Hare Hatch Sheeplands and the need to protect the environment and take action against those who disregard planning regulations. Legislation sets out that those planning decisions must be made in accordance with planning policy. Government guidance is clear in that the number of supporters is not a material matter of planning consideration. The policies to protect the greenbelt have to take precedence over the number of letters supporting an unlawful business. The Council is of the view that the majority of residents want everyone to comply with planning regulations.

Supplementary Question

Despite a request for additional information, the Freedom of Information response stated that the complaints could not be categorised by month and year and yet the response clearly stated that they had been received via email. Why couldn’t the Council provide the month and year that these emails were received? Does a failure to provide basic information such as this contravene the Freedom of Information Act?

Supplementary Answer

Under the Freedom of Information Act the Council is required to provide information it holds, it is not required to create the information in order to respond to a request. Any decisions on contraventions of the Freedom of Information Act are a matter for the Information Commissioner's Office (ICO) and not the Council. In order to provide this information we have researched the submissions and the three complaints received were dated 9th July 2015, 30th May 2015 and 23rd April 2013.

56.18 Mark Wilson asked the Executive Member for Economic Development and Finance the following question:

HHS supports and purchases many goods from local traders and if they are forced to close down many will lose a great deal of business. This in turn will have a negative impact on the local economy. If HHS has to close what will WBC do to support these companies?

Answer

As per my answer to Mr Timms’ earlier question, the Council’s Economic Development Officer will be happy to meet with any businesses impacted by the possible closure of Hare Hatch Sheeplands to see if there is anything the Council can do to assist.

Supplementary Question

Many Hare Hatch Sheeplands suppliers are here tonight. What can the Council say to these small businesses to reassure them that they are valued by the Council and that there are measures in place to secure the prosperity of the local economy?

Supplementary Answer

As per my response to another question (56.26) the Council adopted its new Economic Development Strategy in July 2016 with a priority being to “facilitate business growth through business support and inward investment”. As an example, the Council supports small businesses and local firms through its procurement processes where possible. The

Council does value the contribution made by small businesses to the local economy, but our responsibilities and duties are far wider and include protecting the countryside.

56.19 Margaret Moore asked the Leader of the Council the following question:

Why has the Council chosen to limit the Hare Hatch Sheeplands debate to a normal Council meeting rather than engage in a full and open debate such as the meeting held at St Crispin's School?

Answer

I do not accept that tonight's debate will not result in a full and open debate. In both the St Crispin's meeting and tonight's meeting the rules of debate are exactly the same. That includes a 30-minute time limit. My understanding is that all Councillors wishing to speak will have the opportunity to do so within the constraints of that 30-minute limit.

The St Crispin's meeting was a single item meeting where the Council, acting as the developer, held a public meeting around the development of Elms Field. I believe we have all experienced such meetings from developers throughout the Borough as they attempt to explain their development.

[Following an interjection by Councillor Bray it was confirmed that the meeting at St Crispin's was actually an Extraordinary Council meeting and not a developer meeting.]

So the Council Meeting tonight is very different with normal business being transacted. That involves other people than Councillors and therefore when considering the venue this has to be taken into consideration. On balance it was considered not to be appropriate to move the meeting elsewhere.

However, we do recognise the high level of interest in the debate which is why, for the very, very first time, live streaming of the whole debate will be undertaken. This allows individuals who wish to follow the proceedings to do so in the comfort of their own homes. Those who do not have the technology can still turn up in person but obviously they will be constrained to the available space as any venue will have.

Supplementary Question

As this debate has been triggered by people living mainly in the northern parishes was Shute End chosen as the venue to deliberately limit the numbers attending as it is certainly not a convenient place for many supporters?

Supplementary Answer

Very simply, no.

56.20 Janet Grace asked the Executive Member for Economic Development and Finance the following question:

HHS provides substantial support to local charities, gardening clubs and many other community groups. Why is the Council not taking into account the community facilities provided by Sheeplands, especially as they are entirely consistent with green belt activities?

Answer

Some of the uses at the site are authorised such as the growing of plants, the farm shop and the café. It is the unauthorised retail activities at the site that are not acceptable in the

greenbelt and these are the uses to which the enforcement notice relates.

If Mr Scott removed the retail activities, he could consider a number of uses at the greenbelt site that could be acceptable and that would not compromise planning policy. This could allow the business to continue and allow it to continue to support local charities. Unfortunately, Mr Scott has been unwilling to adopt this approach.

Supplementary Question

Has the Council considered the wider impact on community groups and charities associated with a closure of Sheeplands? Are you interested and do you care about it?

Supplementary Answer

We are working with a number of charities and community groups in the Twyford area, none of whom have raised this as an issue. Whilst we are keen to support these groups, we would always advise and support groups to operate within established legal frameworks.

56.21 June Roach asked the Executive Member for Planning and Regeneration the following question:

Since the Sheeplands dispute seems destined for the Supreme Court which currently has a 3 – 5 year waiting list. How much has WBC included in its budget over the next five years for internal and external legal advice, representation and employee salaries in respect of its planning dispute with Hare Hatch Sheeplands?

Answer

I answered a fair amount of this in Harry's answer so I won't repeat that.

The Council's costs in respect of the action that has been taken against the unlawful development at this greenbelt site would not have been incurred if the owner had not flagrantly disregarded and breached the planning regulations.

The Council has recently sought an injunction to secure compliance with the enforcement notice through the High Court and also, it is also seeking to prosecute the owner and occupants of the greenbelt site for undertaking unauthorised activities. There are no current proposals at the moment for further legal action.

At the recently dismissed appeal, Mr Scott was ordered by the court to reimburse the Council for its costs and in the future the Council will continue to seek that any further costs incurred in taking legal action to secure compliance with the enforcement notice are also paid by the owner of this business.

Supplementary Question

Can the Council confirm that they agree with the estimate of a 3 to 5 year waiting list for Supreme Court cases and what are the implications, from a Council perspective, of this delay?

Supplementary Answer

The case is not before the Supreme Court at the moment; so we cannot comment on how long it would currently take for Supreme Court matters. The Council has submitted an injunction application to be heard in the High Court in early 2017 to require Mr Scott to comply with the enforcement notice. Any further legal action following this hearing will be dependent on the outcome and the actions of Mr Scott.

56.22 Gordon Storey asked the Executive Member for Planning and Regeneration the following question:

WBC have received a petition showing extensive support for HHS to continue trading in its present format. Why are WBC not prepared to take note of this support, temporarily lift their Enforcement Notice and allow the Government Planning Inspectorate to review their case?

Answer

The recent planning inquiry was in respect of a Certificate of Lawfulness. The planning merits of the case could not have been heard or considered at this inquiry by the planning inspector as the only issue that could be addressed was whether the garden centre use of the greenbelt site could have been lawful by reason of existing since 2002. To establish this, the owner of the greenbelt site had submitted evidence to the Council.

Having reviewed the information submitted by Mr Scott, this appeared contradictory and undermined his arguments about the time that the garden centre has been at the Greenbelt site, thus reinforcing the Council's view that the retail uses had not existed since 2002.

The Council is confident that the evidence referred to in the question does not support Mr Scott's arguments. Allowing this evidence to be heard would have resulted in significant expense to the landowner and the Council, but it would not have provided a resolution to allow the owner to continue the garden centre business. Further and more significantly, if the Council had withdrawn the enforcement notice to allow this evidence to be heard, it would have no means by which to seek removal of the harmful breaches at the greenbelt site that remain and have expanded further in the greenbelt since the enforcement notice was served.

56.23 Kath Dicks had asked the Leader of the Council the following question and due to her absence at the meeting the following written response was provided:

A petition has been handed into WBC indicating the feelings of local people. This shows that the overwhelming majority of locals want HHS to be allowed to continue trading in its current format. When controversial development was previously being considered in Wokingham, a meeting was held allowing the public to ask many questions. Why is the Council making it so difficult for their views to be expressed?

Answer

This is very much a carbon copy of the question at 56.19 from Margaret Moore so I refer Mrs Dicks to that answer.

However, there appears to be a misunderstanding here. You talk about the difficulty in views being expressed which implies that attendees can participate in the proceedings. Unfortunately, our Constitution is quite explicit on this and restricts participation in the petition to Councillors only.

I think the feelings about this commercial company are well documented, well publicised and well known and have been fed into the current court actions in one form or another. So I do not agree that there has been any difficulties in residents expressing their views.

56.24 Maria Witowska had asked the Executive Member for Planning and Regeneration the following question but due to her absence at the meeting the following written response was provided:

HHS, in line with other very local garden centre operations (e.g. Wyevale and Ladds) is situated in the Ruscombe green belt area. Why is WBC persecuting, at great expense, HHS when the other operations run without any problems or interference?

Answer

The evidence in respect of the Council's approach to dealing with planning proposals in the greenbelt is contained in significant planning history that is available on the Council's website and available for all to view.

The Council has consistently applied national and local greenbelt policy to proposals in the Borough's greenbelt. The local garden centres referred to in the question are historic and this garden centre/retail activity is exempt from enforcement action by reason of passage of time in accordance with the legislation. More recently, the Council has refused planning application for development proposals to expand activities at these sites. A number of these refused applications have also been dismissed at appeal.

Hare Hatch Sheeplands does not have planning permission for a garden centre as the unauthorised uses have not existed at the site for a sufficient period of time to enable them to be exempt from enforcement action. Planning permission is required for the unauthorised activities and as such, the Council must apply national and local greenbelt policy to these.

56.25 Magda Witowska asked the Executive Member for Planning and Regeneration the following question:

Why is WBC ignoring the wishes of thousands of its local residents who have made it quite clear that they reject the Green Belt argument in favour of Hare Hatch Sheeplands remaining open?

Answer

There is no planning permission for a garden centre. Mr Scott has actively encouraged his customers and supporters to sign the petition and write to the Council. While the Council is fully aware of the support for the business from these people, more objective surveys through social media sites have indicated that public opinion is much more balanced.

The Council has to weigh up the planning harm as a result of unlawful development especially where this occurs in the greenbelt. There has been a complete disregard of the planning regulations and not enforcing this would set a very dangerous precedent resulting in the Council being less able to resist other more unpopular harmful development in the Borough. Also, the greenbelt site has been promoted for development through the Local Plan Review 'Call for Sites' exercise. While it has not been indicated what type of development is being promoted, if the owner has intentions to develop the greenbelt site for an alternative uses, the Council would find it very difficult to resist any planning application for this if it did not take enforcement action against the unlawful development.

Planning decisions must be made in accordance with planning policy. Government guidance is clear that the number of supporters is not a material planning consideration. The Council is of the view that the majority of residents want everyone to comply with planning regulations.

EXTENSION OF PUBLIC QUESTION TIME

It was moved by Councillor Lindsay Ferris and seconded by Councillor Prue Bray that in accordance with Procedure Rule 4.2.12n), Procedure Rule 4.2.9.1 be suspended to allow Public Question Time to be extended by a further 30 minutes.

Upon being put to the vote the Motion was declared by the Deputy Mayor to be lost.

Consequently, due to time constraints, the remaining Public Questions received written answers in line with Rule 4.2.9.9.

56.26 Alison Rutter had asked the Executive Member for Economic Development and Finance the following question:

What is the council's policy for supporting local businesses and a strong local economy as Hare Hatch Sheeplands is a significant contributor to both employment and local economy and yet the Council seems determined to put them out of business?

Answer

The Council adopted its new Economic Development Strategy in July 2016. In terms of business support, we work with the Thames Valley Growth Hub, which offers businesses information and advice on growth. The Hub is also able to provide information on the Funding Escalator, which provides repayable loans to businesses. Other Council projects include investigating a potential incubator hub in the Borough to facilitate and nurture business start-ups and our successful Strive programme, which supports people to set up their own enterprise.

56.27 Paul Heaps had asked the Executive Member for Planning and Regeneration the following question:

Why is WBC seemingly willing to risk council taxpayers money on pursuing Hare Hatch Sheeplands to the Supreme Court in the knowledge that the council may lose the case and be forced to pay costs?

Answer

The Council is confident that legally, it will not lose this case through the court system and the owner of the site who is committing a criminal offence would be liable to pay the Council's costs.

Please also see the answers to the questions at 56.14 and 56.21.

56.28 Gus Villaca had asked the Executive Member for Economic Development and Finance the following question:

If the Council wins its case against Sheeplands and the business is forced to close down, what will be the benefit of this to the council and the local community?

Answer

The garden centre use of the greenbelt site does not have planning permission. While the customers of the site support the continued activities, if the Council does not take enforcement action, it would find it very difficult to enforce against other inappropriate and unlawful development in the greenbelt and Borough more widely. Further, if the owner proposes an alternative development at the greenbelt site, this would also be difficult to resist and this is unlikely to be as popular as the current unauthorised garden centre.

While the Council recognises that the people who support the unlawful uses wish to see the activities retained, this would carry significant risk. Also, the Council is of the view that most of its residents wish to see the law upheld and that where this is ignored and exploited, that enforcement action is taken. The benefit of taking this action allows the Council to continue to take a robust approach to enforcement to protect its local residents and the local environment.

56.29 Dee Upward had asked the Executive Member for Children's Services the following question:

Hare Hatch Sheeplands provides many opportunities for families with young children to take advantage of learning and fun experiences. What arrangements is WBC making to replace those facilities – heavily used during school holidays – for the families who will be affected if Sheeplands is closed?

Answer

The Council provides a wide range of learning, development and leisure opportunities and activities for children and young people in Wokingham. These are based on an assessment of the Borough's requirements and are often targeted to families based on need. Here is a sample of the opportunities we offer for children and young people to stay safe, keep healthy, enjoy and achieve as well as make a positive contribution to our communities:

- We fund a range of voluntary sector organisations to provide support and activities for children and families. Some of these are a universal offer for any child and some more specific for families in need or children with disabilities.
- Within our community development programme we have both Wardens and Community Development workers who work closely with our communities to provide activities within their local area.
- Our Community Wardens provide a range of engagement opportunities for young people including the junior warden programme, day trips in holiday time, mentoring, contribution to multi-activity camps including team building games plus art/craft.
- The Community Development Officers provide activities such as weekly kids clubs and holiday activities in specific localities in the Borough linked to community flats and community centres.
- Our Countryside team provide activities at Dinton Pastures at weekends and in holiday time.
- Through our sport and leisure offer we provide a full leisure centre programme, including facilities and more formal organised sessions in the Borough and 'Active Kids' holiday clubs for 5 to 12 year olds.
- Locally to Hare Hatch we have a Children's Centre provision for 0-5 year olds in Twyford including many activities term time and in holidays including Saturday clubs.
- There are a range of clubs we support across the borough including the 'Rock Project' which is a music club for 7-18 year olds. The local Youth Club offers evening activities include basketball, cooking, arts and crafts and organises trips off site to include orienteering. There is also a range of other activities which includes a football club for boys and girls.

Within the Borough there are many providers offering sports, recreation, hobbies and clubs that are privately run but which we promote to children and families through our networks. As WBC does not provide or commission services on the site in question there are no plans to replace services provided by this private business.

56.30 David Miller had asked the Executive Member for Planning and Regeneration the following question:

As the Council seems willing to build 15,000 new homes on land at Grazeley why is it not willing to allow one garden centre to operate at Hare Hatch?

Answer

The Council supports a plan-led approach to development which is subject to local consultation and an examination by a Local Plan Inspector. This approach allows the Council to resist unacceptable development in inappropriate locations and to protect areas in the future. The greenbelt is an area that has been identified through the Local Plan for protection and if the Council did not take action against unlawful development, it would find it difficult to protect areas not allocated for development in the future.

56.31 Roland Hazell had asked the Executive Member for Environment the following question:

It is a matter of record that Twyford village centre is suffering from toxic air. Will WBC therefore provide Hare Hatch Sheeplands with the planning consent it needs to remain open thus encouraging shoppers to go there instead of crowding into the village centre?

Answer

The main cause of air pollution is from use of the private car. The location of Hare Hatch Sheeplands is out of settlement and most customers travel to the site by private motor vehicle. Sites within these locations encourage more vehicle trips and make it harder for the Council to tackle issues associated with air pollution.

56.32 Tracy Knaggs had asked the Executive Member for Economic Development and Finance the following question:

As Twyford cannot expand any more, is it not an asset to have a retail outlet a short distance from the village centre offering choice?

Answer

It is important that Twyford Town Centre retains its vitality and viability and the Council supports retail uses in town centre locations. Out of centre retail activities such as Hare Hatch Sheeplands threaten the viability of town centres. Further, if the unlawful retail uses of the greenbelt site are not enforced against, the Council would find it extremely difficult to resist other retail proposals in out of settlement locations and this would lead to further harm to the town centre and could lead to its decline.

56.33 David Hare had asked the Executive Member for Economic Development and Finance the following question:

Why is the Council not supporting local and enterprising business people who provide facilities for the community including employment, economic prosperity, work experience for young people and significant support for local charities and community groups?

Answer

As outlined in my previous answers, the Council supports local business people in a number of ways. One example is our successful Strive programme, which supports people to set up their own business. The six-week programme of interactive workshops gives entrepreneurs support and guidance on a range of aspects important for starting a business; from researching the market and business planning, to marketing and managing risk. The programme is in its third year and wedding planning, natural therapy, jewellery

and teaching music were just some of the business ideas among the 17 entrepreneurs who graduated from this year's Strive course. An early business lesson is that there are legislative requirements and regulations to be followed.

56.34 Mike Shattock had asked the Executive Member for Planning and Regeneration the following question:

In the light of the fact that the Inspector at the Public Enquiry in 2008 indicated that in his judgement this marked HHS's transition from a "Nursery" to a "Garden Centre" why does WBC ignore that fact and persistently refer to it as a "Nursery" with all the restrictions that places upon it?

Answer

See the answer to the question at 56.3.

56.35 Margaret A'Bear had asked the Executive Member for Planning and Regeneration the following question:

If WBC force HHS to close down what are the implications for the site from a Council perspective?

Answer

The evidence in respect of the Council's approach to dealing with planning proposals in the greenbelt is contained in significant planning history that is available on the Council's website and available for all to view.

The Council has consistently applied national and local greenbelt policy to proposals in the Borough's greenbelt. The local garden centres referred to in the question are historic and these garden centre/retail activity is exempt from enforcement action by reason of passage of time in accordance with the legislation. More recently, the Council has refused planning application for development proposals to expand activities at these sites. A number of these refused applications have also been dismissed at appeal.

Hare Hatch Sheeplands does not have planning permission for a garden centre as the unauthorised uses have not existed at the site for a sufficient period of time to enable them to be exempt from enforcement action. Planning permission is required for the unauthorised activities and as such, the Council must apply national and local greenbelt policy to these.

56.36 Tom Bushill had asked the Executive Member for Economic Development and Finance the following question:

Question

HS supports many charities, raising thousands of pounds on an annual basis, and should they be forced to close, a loss of revenue to these charities would be the result. Is this what WBC really wants?

Answer

The Council recognises that the business provides facilities for and support to the local community. However, this needs to be weighed against the harm being caused to the greenbelt from the unlawful development. The Council must be able to protect the Borough from further flagrant breaches of planning control.

There is a balance to be struck and the Council has sought to find a negotiated solution to allow the business to continue but Mr Scott has refused to compromise. It is only when he

continued non-compliance with the Councils' requirements and added further breaches at the greenbelt site that the Council pursued enforcement action.

There are a number of uses and activities at the greenbelt site that are lawful and Mr Scott could consider an alternative business model that would not compromise planning policy and would allow the business to continue. Mr Scott has continually resisted this approach.

56.37 Peter Must had asked the Chairman of the Planning Committee the following question:

With regard to Agenda item 59, which proposes that the right to speak at a Planning Committee Meeting be restricted to a resident of the ward affected, or a spokesperson asked to speak on behalf of such a resident, may I ask that this proposal be either withdrawn as being undemocratic and without any explanation or amended so that a civic society such as the Wokingham Society (which exists to seek protection of local heritage and to promote sympathetic development) can be represented by its Chairman rather than having to speak through a resident or with the express permission of a resident?

Answer

Thank you for your question. The purpose of the amendment is to ensure that, in the limited time available at Planning Committee, residents directly affected by a planning application are given priority to speak but I would stress that, where a civic society like yours, is directly affected by an application you will retain the right to speak.

I am satisfied that there are also sufficient alternatives in place, for example, through a resident or parish/town council speaking on your society's behalf or with a resident's permission for you to speak, in order to ensure that a civic society such as yours is able to inform the Committee of its views.

57. PETITIONS

No petitions were presented.

58. PETITION DEBATE

The Deputy Mayor announced that, in line with Procedural Rule 3.5.4.2, a petition containing more than 1,500 signatures had been received (on 7 October 2016) in relation to the Hare Hatch Sheeplands Nursery. Under the Constitution this had triggered a debate at the Council meeting.

Patrick Heather, the petition organiser, presented the petition the wording of which was:

"We request, in the strongest possible terms, that Wokingham Borough Council does everything it can to ensure that Hare Hatch Sheeplands continues to operate as a financially viable enterprise. This will allow it to remain a highly valued community based asset used by so many different sections of the local population. We urge the Council to acknowledge that, as well as the elderly, infirm and young, many social groups and organisations value it as a home for their activities. Schools and charities benefit from its support and local suppliers and companies benefit from its existence. We ask the Council to ensure this valuable asset remains in business and that the benefits it brings are not lost to us forever".

Patrick Heather addressed the meeting and set out the background to the petition. He stated that the current petition and an earlier petition demonstrated the support Hare Hatch Sheeplands had built in the local community as well as the wider community who travel to

shop in Twyford. The current petition contained 4,825 signatures with 2,611 of the petitioners living, working or studying in the Borough.

Mr Heather gave details of the support provided by Hare Hatch Sheeplands to the local community, local charities and the Twyford Business Forum. The business supported local suppliers and provided employment opportunities for local residents. He felt that the dispute between the business and the Council had gone on too long and was likely to end up in the Supreme Court. He suggested that, in order to resolve the dispute, the Council should lift the enforcement notice which would allow a resolution via an independent planning inquiry.

Members highlighted the Council's support and encouragement for local businesses across the Borough and recognised the importance of Hare Hatch Sheeplands to the local community. However, they also reiterated the Council's position that all businesses in the Borough must comply with legal requirements in areas such as environmental health, trading standards, health and safety and planning. The Council's role was to enforce the relevant legal requirements fairly and equitably to ensure that no one business was given preferential treatment. Failure to enforce the relevant planning legislation would set a dangerous precedent and encourage others to attempt to break the rules.

Following the debate the Deputy Mayor invited Motions as to how the Council wished to respond to the petition.

The following Motion was proposed by John Halsall and seconded by Mark Ashwell.

"We request, in the strongest possible terms, of the management that they do everything they can to ensure that Hare Hatch Sheeplands operates as a financially viable enterprise lawfully while complying with greenbelt planning policies set out in government guidance and the Council's local plan. The management of Hare Hatch Sheeplands asserts that it is a highly valued community based asset used by so many different sections of the local population, a valued home for the activities of the elderly, infirm, young, many social groups and organisations, support to schools and charities, and of value to local suppliers and companies. However, it is essential that this valuable asset remains in business by operating within the law and that by doing so, that the benefits it brings are not lost without compromising the greenbelt position".

59. ADJOURNMENT OF THE MEETING

At this point, 9.20pm, the meeting adjourned for a short period to consider the tabled Motion.

60. RECOMMENCEMENT OF THE MEETING AND CONTINUATION OF PETITION DEBATE

At 9.30pm the meeting recommenced and the petition debate continued.

Upon being put to the vote, the Motion was declared by the Deputy Mayor to be carried.

RESOLVED: That we request, in the strongest possible terms, of the management that they do everything they can to ensure that Hare Hatch Sheeplands operates as a financially viable enterprise lawfully while complying with greenbelt planning policies set out in government guidance and the Council's local plan. The management of Hare Hatch Sheeplands asserts that it is a highly valued community based asset used by so many different sections of the local population, a valued home for the activities of the elderly,

infirm, young, many social groups and organisations, support to schools and charities, and of value to local suppliers and companies. However, it is essential that this valuable asset remains in business by operating within the law and that by doing so, that the benefits it brings are not lost without compromising the greenbelt position”.

61. MAYOR'S ANNOUNCEMENTS

At this point in the meeting the Mayor joined the meeting and took over as Chairman.

The Mayor referred to the printed list of Mayoral engagements and highlighted the successful Voluntary Sector reception held in Twyford on 16 November 2016. He thanked Officers who helped to arrange and support the event.

62. REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES LEVELS

The Council received and considered a report from the Independent Remuneration Panel, as set out on Agenda pages 35 to 42, following their annual review of the Members' Allowances Scheme.

David Jones, Chairman of the Independent Remuneration Panel, addressed the meeting. He paid tribute to his colleagues on the Panel: Nicky Measures, Malcolm Saffin, Barry Cochrane and Brian Shearing. He also thanked Democratic Services Officers for the guidance and administrative support that they had provided to the Panel.

In presenting the report, David Jones highlighted the following points:

- The Panel had met four times, had reviewed extensive information supplied to it and met a number of Councillors including the Leader of the Council and the Liberal Democrat Group Leader;
- The Panel were recommending that the time contributed component of the Basic Allowance be increased by 1% to reflect increases in Officer pay. This would increase the total Basic Allowance to £7,618;
- That in future any changes to the time contributed element of the Basic Allowance should mirror any increases in Officer pay;
- A number of Members had made representations about the cost of car parking following the introduction of evening car park charges. However, the Panel concluded that car parking fees were covered by the out of pocket expenses element of the Basic Allowance;
- The Panel received representations about Special Responsibility Allowances (SRAs) and acknowledged that some roles may have changed. However, it concluded that there should not be any increase in the level of Special Responsibility Allowances this year, but would welcome the submission of further evidence to support a change during its review in 2017;
- The Panel revisited the issue of the number of SRAs payable to Members. At present the Council's Constitution stated that Executive Members were only entitled to receive one SRA whilst non-Executive Members could receive more than one. The Panel had reviewed benchmarking data from South East Employers and decided to recommend that the Council move to a system of one SRA or Non-Executive Director payment for both Executive and non-Executive Members from 2017 onwards. This would bring the Council into line with similar local authorities;
- A number of Members had raised concerns about transparency surrounding payments to Non-Executive Directors and payments to Members from other organisations. The

Panel welcomed the Council’s decision to publish all relevant information on its website.

- The level of Travel and Subsistence Allowance was not raised as a significant issue;
- The Panel recommended that there be no changes to the existing arrangements for Childcare and Dependent’s Carers’ Allowance and that it continue to be linked to the National Minimum Wage/Living Wage;
- The Panel reiterated its earlier view that expenses and allowances were rights which Members were entitled to without fear or prejudice.

Keith Baker thanked the Independent Remuneration Panel for their efforts and their report to Council. He recognised the current anomaly relating to Special Responsibility Allowances and the advice from the Panel. He also noted the position in other Berkshire authorities where Executive Member allowances were significantly higher than similar allowances at the Council. On balance, therefore, he felt that the anomaly should be resolved by allowing all Members of the Council to be entitled to receive more than one Special Responsibility Allowance.

Other Members felt that the Independent Remuneration Panel’s advice should be followed in relation to Special Responsibility Allowances. They felt that Members should be seen to set an example of restraint at a time when the Council and local residents were facing a difficult financial climate.

It was moved by Keith Baker and seconded by Julian McGhee-Sumner that the Independent Remuneration Panel’s Recommendations, set out on Page 41 of the Agenda, be amended as follows.

“That Council agree:

- 1) to accept the Independent Remuneration Panel’s Recommendations (1), (2), (4), (5) and (6) as set out in their report;
- 2) that Recommendation (3) not be adopted;
- 3) to an additional Recommendation as follows:

“All Members to be entitled to receive more than one Special Responsibility Allowance”.

Prior to a vote being held, six Members, in accordance with Rule of Procedure 4.2.15.15, requested that a recorded vote be taken on the proposed amendment. The voting was as follows:

| For | Against | Abstained |
|-------------------------|----------------|--------------------------|
| Mark Ashwell | Prue Bray | Alistair Auty |
| Keith Baker | Gary Cowan | Chris Bowring |
| Laura Blumenthal | Andy Croy | David Chopping |
| Richard Dolinski | Lindsay Ferris | UllaKarin Clark |
| Michael Firmager | Kate Haines | Charlotte Haitham Taylor |
| Pauline Helliard-Symons | Mike Haines | John Kaiser |
| Tim Holton | Emma Hobbs | Stuart Munro |
| Philip Houldsworth | Clive Jones | Barrie Patman |

| | | |
|----------------------|-------------------------|------------------|
| Norman Jorgensen | Beth Rowland | Bob Pitts |
| Pauline Jorgensen | Rachelle Shepherd-DuBey | Anthony Pollock |
| Dianne King | Wayne Smith | Malcolm Richards |
| Abdul Loyes | Oliver Whittle | Rob Stanton |
| Charles Margetts | | Simon Weeks |
| Julian McGhee-Sumner | | |
| Ken Miall | | |
| Philip Mirfin | | |
| Angus Ross | | |
| Chris Singleton | | |
| David Sleight | | |
| Chris Smith | | |
| Alison Swaddle | | |
| Shahid Younis | | |
| | | |

Following debate, upon being put to the vote, the amendment was declared by the Mayor to be carried.

Note

A number of Members abstained from voting on the amendment on the grounds that they believed that they may derive some future financial benefit from the proposed change to the Members' Allowances Scheme.

RESOLVED That:

- 1) the time contributed component of the Basic Allowance be increased by 1% to reflect the increase in Officer pay, backdated to 1 April 2016;
- 2) there be no change made to the multiples of the Special Responsibility Allowances paid to those roles as set out in the current Members' Allowances Scheme;
- 3) all Members to be entitled to receive more than one Special Responsibility Allowance;
- 4) there be no change in the rate payable for the Childcare and Dependent's Carers' Allowance as set out in the current Members Allowances Scheme in that it be set at the National Minimum/Living Wage, whatever that may be in the future;
- 5) the £500 component of the Basic Allowance for the provision of IT should continue to be claimed only by those Members who provide facilities which allow constituents and Officers to communicate with them by e-mail and the self-certification process be continued;
- 6) the £500 component of the Basic Allowance for out of pocket expenses should continue.

63. RE-APPOINTMENT OF MEMBERS TO THE INDEPENDENT REMUNERATION PANEL

The Council considered a report, set out on Agenda pages 43 to 45, which gave details of the composition of the Independent Remuneration Panel and recommended the re-appointment of two current Members.

The report stated that the Panel gave advice on the operation of the Council's Members' Allowances Scheme and submitted an annual report to the Council (Minute No 62 refers). The Panel was made up of five members with three members appointed for three years and two members appointed for four years. The three year term of Brian Shearing and Nikki Measures would finish on 22 November 2016 and it was recommended that they be re-appointed for a further three years.

It was proposed by Keith Baker and seconded by Julian McGhee-Sumner that the recommendation in the report be agreed.

RESOLVED: That Brian Shearing and Nikki Measures be re-appointed to the Independent Remuneration Panel for a further period of three years, commencing on 22 November 2016.

64. APPOINTMENT OF STATUTORY OFFICER - DIRECTOR OF ADULT SOCIAL SERVICES

Councillor Julian McGhee-Sumner informed the meeting that Stuart Rowbotham, the current statutory Director of Adult Social Services would be leaving the Council in January 2017 to take up a new role. As part of the 21st Century Council senior management restructure the Personnel Board, at its meeting on 12 October 2016, had appointed Judith Ramsden to the role of Director of People Services, with effect from 1 November 2016. This role covered both children's and adults' social care. Judith Ramsden was currently the statutory Director of Children's Services and required Council approval for her appointment to the statutory post of Director of Adult Social Services.

Members thanked Stuart Rowbotham for his service to the Council and the residents of the Borough and wished him well in his new role. They also welcomed Judith Ramsden into her new role.

It was proposed by Julian McGhee-Sumner and seconded by Charlotte Haitham Taylor that Judith Ramsden be appointed as Director of Adult Social Services with effect from 1 January 2017.

RESOLVED: That Judith Ramsden be appointed as Director of Adult Social Services with effect from 1 January 2017.

65. CHANGES TO THE CONSTITUTION

The Council considered proposed changes to the Constitution as set out on Agenda pages 47 to 48, relating to revisions to the Planning Committee and Commons Registration Committee Procedure Rules and the Scheme of Delegation to Officers.

Pauline Jorgensen introduced the report and stated that the proposed change to Planning Committee Procedure Rules had resulted from a complaint from a resident that speaking time had been taken up by speakers who were not directly affected by a planning application. In response to Member concerns, she explained that the proposal would not prevent bodies such as the Wokingham Society from speaking on planning applications.

It was proposed by Pauline Jorgensen and seconded by Pauline Helliard-Symons that the recommendations in the report be approved.

A separate vote was taken on Recommendation 1.

RESOLVED That:

- 1) revisions to the Planning Committee Procedure Rules as set out in paragraph 1 of the report, be agreed;
- 2) revisions to the Commons Registration Committee Procedure Rules as set out in paragraph 2 of the report, be agreed;
- 3) the Borough Solicitor be appointed as the Commons Registration Officer and the subsequent amendment of the Officer Scheme of Delegation, as set out in paragraph 3 of the report, be agreed.

**66. STATEMENTS BY THE LEADER OF THE COUNCIL, EXECUTIVE MEMBERS
AND DEPUTY EXECUTIVE MEMBERS**
Councillor Keith Baker, Leader of the Council

The meeting tonight has been one of the busiest we have had for a very long time so I will be brief.

As you all know there has been a serious breach of the Constitution through the deliberate leaking of a confidential document by the Opposition. The two Liberal Democrat Councillors involved, including the Leader of the Opposition, do not dispute that it was they who passed the confidential documents to the press. That is well documented in social media. This is the subject of a Code of Conduct investigation on the two individuals.

I would like to say a few words about the principle around confidential documents.

The Constitution is clear in stating in 9.2.8.5 "Councillors must not disclose information which is confidential or where disclosure is prohibited by law, unless he or she has the consent of the person authorised to give it ..."

This is very clear and concise with no room for misinterpretation. If a Councillor has in their possession a Council document which is clearly marked confidential then they must respect 9.2.8.5. How they receive it is immaterial. The confidential marking on Council documents is used sparingly. There are many reasons why this marking is placed on the document – it could be of a commercial nature where the breach could put the Council in a difficult negotiation position and cost the Council unnecessary costs. It could mean that the document contains information of a personal nature and would cause unnecessary embarrassment to them. These are just two examples and there are many more.

Passing on confidential documents to an outside body, especially the press, could seriously hinder the effective operation of this Council. It could close off some courses of action which could impact the future direction of the Council. It could cause serious financial damage to the Council. It is vital that rule 9.2.8.5 is taken seriously by all Councillors. No individual Councillor can decide that this rule does not apply to them. It applies to all of us. When you were elected you signed an agreement to obey the Constitution you simply cannot pick and choose which of those you will obey.

So, if you do receive a confidential document, from whatever source, known or otherwise, please remember your obligations within the Constitution and act accordingly.

Note

During Councillor Baker's statement, Councillors Bray and Ferris raised objections relating to the comments about an ongoing Code of Conduct investigation. Following advice from the Mayor, Councillor Baker retracted those parts of the statement which related to the ongoing investigation.

Councillor Charlotte Haitham Taylor, Executive Member for Children's Services

Following on from Children's Services success with our Innovation Bid last year we have again partnered up with Professor Eileen Munro and Dr Andrew Turnell to bid to the DfE to become a Learning Lab. The expression of interest has passed the DfE's first phase and will now go through to the full investment board in the coming month. We expect to hear news if we have been successful in the New Year.

We continue to fully embed our new practice framework and the learning collaboration that we have had garnered from this partnership has been a valuable and key investment in our workforce.

A couple of weeks ago I and other Members went to the Annual Adult and Children's Conference in Manchester. One of the high profile meetings I attended was to discuss the unaccompanied asylum-seeking children in Calais, Europe and refugee camps beyond. Whilst many will have seen many older boys featured in the media there is now a shift in profile of unaccompanied minors coming to the UK to vulnerable younger women, girls and much younger children. A very chilling message I took away from this conference was that children reaching the UK are often tied to a family debt (by virtue of how they arrived here) and are therefore at significant risk of exploitation by traffickers and gangs.

This week I attended our Children's Safeguarding Board. I was particularly pleased to see, in these times of austerity, how committed our partners are to safeguarding children. The Board received the annual report from the Pan-Berkshire Child Death Overview Panel. There are key messages for groups of professionals and systems about how we can change behaviours to prevent the death of a child or young person. However, one very current message for all of us jumps out from this report – this is to stop using our mobile phone whilst driving. It is valuable to share this information and in my role see that it is important to champion our children's rights too, and that includes the right for children to travel safely.

Councillor Angus Ross, Executive Member for Environment

On a local note, can I first congratulate Councillor Bill Soane and his colleagues for finding volunteers to plant at least 7,500 crocus bulbs across the Borough to add more colour to our existing wildflower areas. Well done. Also to congratulate a local company Two Hoots Cheese, making cheese in Barkham and best known as 'Barkham Blue', for winning a prestigious national award of Best Blue Cheese at the inaugural Great British Cheese Awards recently. Amazing what comes out of our countryside! It's my favourite cheese!

Linking into a good diet, we want our residents to have the best possible access to exercise and we have developed a new high level Leisure Strategy which the Executive

recently approved for consultation - this runs to 23rd December. I hope Members and the residents of the Borough will read this and make any comments to improve the basis of how we go forward looking at leisure, sport, and exercise as an integral part of our Health and Wellbeing agenda. We are holding five sessions across the Borough for residents to come and meet with Officers to discuss our proposals and strategy - details are on our website. I hope to have the final document for adoption very early in the New Year.

I am pleased to announce the completion, except for a few minor final details, of our new All Weather Pitch at Ryeish Green. This looks a great addition to our facilities and an integral part of the provision for sport within the South of M4 Strategic Development Location. In addition we have completed the drainage of the grass pitches behind, as they were out of action so much of the winter waterlogged in recent years.

I am also delighted to announce the opening of two more country parks, officially SANGs or Suitable Alternate Natural Greenspaces, that is areas for walking, exercising dogs, etc as an alternative to going to the areas of Heathland south of the Borough where additional access would further affect ground nesting birds in our heathland. This provision is a requirement for any houses built within 5 kms of any heathland - or 7kms for major developments. These new parks are at Toutley and Arborfield Green and provide large additional open spaces for the enjoyment of residents. This brings the total area to date, in addition to the normal open space requirements of development, to around 90 Hectares. Great for our residents.

Councillor Malcolm Richards, Executive Member for Highways and Transport

The Shinfield Eastern Relief Road (SERR) is due to be opened in early December (in fact on the 8th December, according to Hochtief Group). There are two or three jobs to be done first, over the next few weeks. These details have been announced and released to the press and public and then the highway will be fully opened. There is some additional off-highway work to finish minor tasks and these will be conducted over the subsequent weeks; but they should not affect the highway at all and they are expected to be completed by late January 2017.

This project attracted a great deal of attention during its construction and I would like to briefly explain a few things to help clarify what the situation was. This major road (SERR) is not a Wokingham Borough Council project. It is a project of the University of Reading (UoR). They are the customer, and the development of the road was the responsibility of Hochtief (a major design and construction company). WBC was involved inasmuch as we are the local highways authority and we have to provide permits and licences for people to work on the actual highway. These permits are called Section 50 permits. They are not just pieces of paper, they contain a whole raft of rules and regulations to ensure that the development is done properly, safely and on time, and procedures are correctly documented and observed. There are defined procedures and plans and backup systems which all have to be correctly followed. There may be enforcement by the local authority (ie. us) if the rules are not followed. So, we were only the safety and quality monitoring component of the project, not the development and construction people.

At some of the middle stages of the project we became concerned that not all the procedures (including safety stages, site access rights and signage rules, etc) were being correctly followed, and that concerned us. So we notified the developer of these points and requested that they conform fully to them. Unfortunately that requested conformance didn't happen properly or quickly enough, so to focus their attention on the problems, we

withdrew the Section 50 permits to work on the highway. That seemed to work. So, as Hochtief adjusted their procedures we lifted some of the Section 50 permits, and then some more later on, until eventually they had all their Section 50 permits back and were working correctly. It also helped them to make better progress in recovering their earlier delays.

It is the responsibility of the developer/constructor to plan and do the work and to issue all press releases or updates – it is not the duty of WBC. However, we did issue some releases to advise the public of the reasons for the highway changes and the delays, etc. WBC should only, and did only, issue media releases if and when we felt it necessary to inform the public about the effect of our Section 50 permits – and we did that. Before those WBC explanations, the public thought that we were the developer and that we were responsible for all the delays. I hope that this explanation has now clarified the position.

67. STATEMENTS FROM COUNCIL OWNED COMPANIES

Due to time constraints no statements were received in relation to Council owned companies.

68. MEMBER QUESTION TIME

Due to time constraints, Member questions were not considered and the following written answers were provided.

68.1 Pauline Helliar-Symons had asked the Executive Member for Children's Services the following question:

Could the Executive Member provide an update on the work of the Multi-Academy Trust Working Group?

Answer

WBC has been proactive in exploring the possibility of a Local Authority (LA) Multi-Academy Trust or MAT. Information from the Association of Directors of Children's Services suggests no more than a handful of LAs are actively developing specific plans. Because we have maintained a dialogue with the Department for Education about this, our initiative has attracted the attention of the Regional Schools Commissioner (RSC), with the result that an LA/RSC meeting is anticipated by the end of the year.

We hope by this means to influence thinking in the Department, to see what support can be made available for a move by which we are trying to set a sense of direction for a community of local schools working together sustainably, and in a new partnership with the authority.

Since the White Paper early this year Officers have been intent on raising awareness, clarifying opportunities and de-mythologising. Meetings have taken place for headteachers and chairs of governors; an online forum has been established to share local thinking and support communication. Wokingham schools were surveyed in the summer and over 30 attended a meeting to consider a Wokingham MAT. A smaller number is involved in a working group.

The Member group has met and planned ahead with Officer support. In October it received an update on work completed so far, and considered timescales, financial implications, learning from partners and other groups, business models, and the value of working together with local schools. Planning ahead the group will be looking at legal options and accountability processes or schemes of delegation at its next meeting.

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

The rate of child poverty in Wokingham Borough at 10% is well below the UK average of 28%. However, more needs to be done. Could the Executive Member set out what steps she and her department can take to continue to lift our Borough's children out of the blight of poverty?

Answer

Thank you for raising the important subject of child poverty – an area of priority for which we adopt two main approaches:

1. an immediate factor in child poverty is the lack of sufficient income from parental employment, including worklessness and working insufficient hours and / or low pay;
2. for the future, educational achievement is key to breaking the cycle of poverty.

To support families, Wokingham is part of the Troubled Families Programme, one of whose criteria is risk of worklessness. An Employment Advisor is seconded to Wokingham to work with identified families, offer advice on their benefit status and support them back into training or employment. A Specialist Health Practitioner from Berkshire Healthcare Foundation Trust will also support the family to ensure they get the right healthcare.

Our Children's Centres have worked with partners such as the Health Visiting Team, Community Development and Community Wards. The Children's Centres have engaged with and made a positive difference to the lives of the children and families living in these areas.

We are aware that being in poverty in Wokingham can lead to feelings of isolation and deprivation. So core elements of our social work practice framework are designed to breakdown feelings of isolation by working with families and their support network, encouraging them to draw on their social capital and find solutions to the difficulties they face.

For children's futures, educational achievement is key to breaking the cycle of poverty. We support schools to narrow achievement gaps and improve the performance of disadvantaged pupils. Because overall performance is very high in Wokingham, the achievement gaps are wider than elsewhere. The 2016 data isn't all released yet, but in 2015, the gap for five good GCSEs including English and maths was 31% in Wokingham, and 27% nationally. In fact though our disadvantaged pupils did better than their national peers (Our figure was 39% - it was 36% nationally). The rate of progress during secondary school was higher too in Wokingham than nationally, and we had the same success in Key Stage 1.

Officers have led action research on transition from primary to secondary school, showcased good practice, worked with partners, and brought learning back from national and regional fora. Termly meetings for narrowing the gap leaders are held, and the team is working in partnership with Wellington College to provide a training event. Officers attend meetings with other authorities, and are organising a pan-Berkshire narrowing the gap conference for the spring. Early years officers are working with school and nursery leaders, as well as colleagues in health and community development, to produce materials to support parents to ensure that their children are 'school-ready'.

The impact of all this has been recognised by the Department for Education and Ofsted. Maiden Erlegh School won the Department for Education's Pupil Premium Award for the south east region this year. Inspection reports include comments like: 'Disadvantaged pupils catch up quickly because of well-judged support. Previous gaps between disadvantaged pupils and their peers have closed completely.' (Winnersh Primary, May 2016) 'The proportion of disadvantaged pupils achieving expected levels in the Year 1 phonics check has doubled since the previous inspection.' (All Saints Primary, September 2016). Officers had worked closely with these schools.

More impact - the percentage of Wokingham's disadvantaged children achieving a good level of development at foundation stage went from 35% in 2014 to 51% in 2016. The phonics result at age 6 increased from 42% in 2013 to 56% in 2015, and looks like being about 65% this year. The figure for reading, writing and maths at the end of primary school increased from 53% in 2013 to 60% in 2015 and is in line with national peers in 2016.

We know we still have work to do. Despite improvements in phonics, outcomes for disadvantaged children remain below national. In 2016, KS1 attainment for children eligible for FSM was below national, and gaps were larger. We know from Ofsted that this is a particular challenge in wealthy areas with low numbers of disadvantaged families. We are going to be part of a new working group of similar authorities looking at this.

In summary, work on reducing children living in poverty underpins the work carried out in Children's Services. As a Council, we continue to strive to close achievement gaps and reduce the poverty rate, with the intended outcome of supporting all children and young people in Wokingham to feel listened to, be safe and have an opportunity to live their lives to their full potential.

68.3 Laura Blumenthal had asked the Executive Member for Highways and Transport the following question:

Could the Executive Member provide an update on the Borough's Civil Parking Enforcement application to the Department for Transport?

Answer

Following Executive endorsement of the recommendation, which refers to the various technical resolutions, the Council is now authorised to make an application to the Department for Transport to bring in Civil Parking Enforcement powers.

This process usually takes in the region of 6 months, and in parallel there is further work to undertake with the Parish Councils regarding how we distribute Civil Parking Enforcement across the Borough.

It is anticipated that Civil Parking Enforcement will go live in the second half of 2017.

68.4 Pauline Jorgensen had asked the Executive Member for Environment the following question:

Could the Executive Member advise what steps the Council is taking to address the impact on waste bin emptying, grounds maintenance and other Environment services, caused by gypsy incursions?

Answer

The number of Traveller incursions we've had this year is 30 which is significantly higher

than those experienced in previous years (16 in 2015/16). This has had an impact on Services within the Environment directorate including car parks, parks, open spaces and country parks.

The biggest impact fell on the Street Cleaning Contract, whose staff carried out clearances/clean ups and boundary protections.

This contract carries the correct amount of staff to deliver scheduled work such as street sweeping, litter picking, litter bin emptying and fly tipping clearances so when significant amounts of extra work are required as with Traveller incursions then this can cause delays in some of the scheduled work such as litter bin emptying.

68.5 Tim Holton had asked the Executive Member for Resident Services the following question:

Could the Executive Member provide an update on the progress of the transition to online self-service for residents?

Answer

Since the launch of the Council's self-serve function named the 'Customer Account' in November 2015, 9,476 individual accounts have been created and are in active use. A total of 17,606 transactions have been used via this method. Key benefits of self-serve are:

- Available 24/7 at a time that suits the resident
- Has the ability to keep resident automatically updated as their request progresses via Txt and/or email
- Remembers the resident so tailored information can be received and re-entering of information is kept to a minimum
- Can be used on many devices including as an App on tablets and smartphones
- Residents can log in to see where their request is and check their transaction history
- Makes the Council more open and transparent by measurement of response times and SLA's as part of the residents progress updates.

Self-serve is currently available for

- 18 high volume services for Waste
- 80 different Highways scenarios
- Registrar process for Copy Certificate Requests.

Useful proactive information is available from the customer account such as:

- Bin collections dates and personalised Councillor information.

In addition to this a number of online forms have been added to the corporate website for high volume transactions like Council Tax and Benefits.

We have received many pieces of positive feedback with regards self-serve. The 21st Century Council change programme will build on this success moving more and more services on-line, expanding and promoting this service.

68.6 Alistair Auty had asked the Executive Member for Planning and Regeneration

the following question:

Could the Executive Member inform the Council as to what steps the Authority can take to recover costs from the mess and damage caused by gypsy incursions?

Answer

Where private land is affected, the cost of clear up caused by trespassers is the responsibility of the land owner. For land within the ownership or stewardship of the Council, then the Council will always try to recover costs were it is legally and financially practical to do so.

Where there is substantial mess and waste left at a site, then the Council can prosecute for 'fly tipping' providing that the Council can prove beyond all reasonable doubt that an individual has committed an offence. This requires a witness to identify an offender and then testify in court. Ordinarily, there has been little opportunity to prosecute as there is no witness or witnesses who are prepared to testify. The Council can issue a fixed penalty of £400 but this requires the offender to be caught in the act or a witness who is prepared to give evidence.

The Council could claim in the civil courts for the costs of clear up providing that suitable witness evidence is available proving that the trespassers caused the damage. The burden of proof is lower in civil courts and a court can infer damage was caused by the trespassers by reason of the being on site. However, often where there are trespassers, the principal objective is to recover the land and remove the occupiers as quickly as possible. This is because their presence is often causing a detriment to the amenity for the general public and adjacent land owners. Costs are generally a secondary issue. If a claim is made for costs and possession, then the possession will be delayed for weeks or months. For possession only, the court typically awards possession 7 days after we are aware of the trespassers.

If the Council decides that cost is the main issue and accepts the continued presence of trespassers until a delayed hearing date is given, the Council would then need to enforce the money judgement against trespassers who often have no fixed abode. If the trespasser can be located then the only appreciable asset may be a vehicle and caravan. If these were seized to sell, then the Council would possibly be left with an obligation to re-house the trespassers.

In summary, the Council currently prioritises a speedy recovery of land to protect the amenity for the general public and recovers costs when it is legally and financially practical to do so.

68.7 UllaKarin Clark had asked the Executive Member for Health and Wellbeing the following question:

Could the Executive Member update the Council on negotiations with the Government to find a solution to the funding of the Borough's Better Care Fund requirements?

Answer

As Members will be aware, the Care Act replaced a 4 tier 'Fair Access to Care Services' (FACS) with a single national eligibility threshold. Just 3 councils (West Berkshire, Wokingham and Northumberland) were operating at the highest FACS level of 'critical' and therefore the introduction of the new national eligibility threshold created a far greater burden than for all other Councils who were already operating at a lower FACS level. WBC undertook this step due to the poor financial settlement offered by central government.

In May 2014 the Department of Health (DoH) published a Care Act Impact Assessment that identified one-off costs of £3m and on-going costs of £25.3m for those 3 Councils.

WBC in agreement with West Berkshire Council reluctantly decided that due to the increased burden on the Council we had no alternative but to go out for a Judicial Review (JR). Upon issuing the JR some 18 months ago, the DoH asked that we withdraw the action and, in return, they would repay our costs and work with us to agree a satisfactory settlement. Although we agreed to this, after a number of changes to the minister in charge, a decision was finally made a few weeks ago that WBC and West Berkshire were advised that no further funding would be forthcoming as the DoH felt that we were not under any additional burden.

After a careful review we believe that we have a stronger case that we did originally in that we have additional data to support our case but, as any new JR, is time sensitive we have consulted with our colleagues in West Berkshire and have reluctantly decided to proceed with a new application for a JR. I will of course keep Members apprised on progress.

68.8 Michael Firmager had asked the Executive Member for Planning and Regeneration the following question:

The Localism Act allows residents or community groups to nominate buildings or land as Assets of Community Value. Does the Executive Member believe that this will provide the opportunity for communities in our Borough to protect those assets that are important to residents from being sold and developed?

Answer

Within Wokingham Borough there has been a healthy amount of activity through the Asset of Community Value process since its introduction over three years ago. So far the Council has received 19 nominations from a range of local community organisations, and has approved seven of these nominations as assets of community value.

The Localism Act (2011) provides local voluntary and community organisations, along with parish councils, the power to nominate a building or land that they believe to be of importance to their community's social well-being to be included on a list of 'assets of community value'. The list can include private as well as public assets, including local authority, NHS or Police assets.

The Council's policy on Assets of Community Value states that nominated buildings or land should play a significant role in local life and that the activity it supports could not reasonably continue if the building was lost to community use. This would normally mean that there are no similar or alternative facilities in the local area that could support the activity.

If the nomination is approved, and in the future the owner of the asset wants to sell it, a moratorium period of up to six months can be triggered during which the asset cannot be sold. This period gives interested parties time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period.

These regulations do not place any restriction on what an owner can do with their property, restrict who an owner of a listed asset can sell his property to (or at what price), or confer a right of first refusal to local voluntary and community organisations.

So far, two approved Assets of Community Value have been sold: The White House School in my Evendons Ward has become a shining example of a community led free school and goes from strength to strength. The Royal British Legion in Shinfield will provide the site for the new community facility within the South of the M4 Strategic Development Location, which is being delivered jointly by Wokingham Borough Council and Shinfield Parish Council.

69. MINUTES OF COMMITTEE MEETINGS AND WARD MATTERS

Due to time constraints, Minutes of Committees and Ward Matters were not considered.

70. MOTIONS

70.1 Motion 388 submitted by Alison Swaddle

Due to time constraints the Motion was not considered and, in accordance with Rule 4.2.8.1, was deemed to have fallen.

70.2 Motion 389 submitted by David Sleight

Due to time constraints the Motion was not considered and, in accordance with Rule 4.2.8.1, was deemed to have fallen.

70.3 Motion 390 submitted by Richard Dolinski

Due to time constraints the Motion was not considered and, in accordance with Rule 4.2.8.1, was deemed to have fallen.

70.4 Motion 391 submitted by Lindsay Ferris

Due to time constraints the Motion was not considered and, in accordance with Rule 4.2.8.1, was deemed to have fallen.

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