

**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 29 MARCH 2018 FROM 7.30 PM TO 8.05 PM**

Committee Members Present

Councillors: David Lee, Mark Ashwell, Richard Dolinski, Norman Jorgensen, Julian McGhee-Sumner, Stuart Munro and Simon Weeks

Other Councillors Present

Gary Cowan
Lindsay Ferris
Michael Firmager
Pauline Jorgensen
Malcolm Richards
Imogen Shepherd-DuBey
Rachelle Shepherd-DuBey

110. APOLOGIES

Apologies for absence were submitted from Councillors Keith Baker and Charlotte Haitham Taylor.

111. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Executive held on 22 February 2018 were confirmed as a correct record and signed by the Deputy Leader of Council.

112. DECLARATION OF INTEREST

Councillor Norman Jorgensen declared a personal interest in Agenda Item 111 Shareholders' Report by virtue of the fact that his wife was a paid Non-Executive Director of WBC Holdings Ltd. Councillor Jorgensen remained in the meeting during discussions and voted on the matter.

Councillors David Lee and Stuart Munro declared personal interests in Agenda Item 111 Shareholders' Report by virtue of the fact that they were paid Non-Executive Directors of WBC Holdings Ltd. Councillors Lee and Munro remained in the meeting during discussions and voted on the matter.

113. PUBLIC QUESTION TIME

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

113.1 Alexandra Fraser had asked the Executive Member for Environment the following question. As Ms Fraser was unable to attend the meeting the following written response was provided to her:

Question

The Council has increased our recycling initiative across the Borough. Historically we exported our recycled rubbish to China but this was stopped since January this year. Our Minister for the Environment said that the Government didn't have a clear idea on what to do for that eventuality. So where will our current recycling go let alone more of it - what will be done with it?

Answer

There's no doubt that the announcement relating to recycling going to China has affected many council's recycling. However, whilst news coverage has indicated that no materials can now go to China, this is not the case as the ban only relates to poor quality waste.

The Council's partner, re3, undertakes waste disposal on behalf of the Council and ensures that the recycling materials are of a high quality and that they are properly recycled not thrown in a hole out of sight in a faraway country.

Good quality material can still be sent to China for recycling and we send baled cardboard. Currently our plastics including the new additions of pots, tubs and trays is sent to a UK plant to be recycled.

The re3 Partnership produces an annual environmental report on its performance and recycling. This is available on the re3 website.

113.2 Janet Rogers had asked the Executive Member for Children's Services the following question. As Ms Rogers was unable to attend the meeting the following written response was provided to her:

Question

Many local groups (Children's Overview and Scrutiny Committee, Corporate Parenting Board, Officers within Children's Services, charities such as the Children's Society) recognise the difficulty caused by CTAX debt for the Borough's vulnerable care leavers. Please outline the steps WBC as the "corporate parent" will be taking to ensure an exemption from the upcoming 2018/19 CTAX bill is implemented for the Borough Care Leavers?

Answer

Children's Social Care in Wokingham have a proposal coming to Executive this evening which is to exempt all Wokingham Borough Care Leavers from paying council tax between the ages of 18 years and 21 years.

There is further work to be undertaken to look at council tax exemption from 21 years to 25 years in line with the Children and Social Work Bill 2017.

If approved this evening WBC as Corporate Parents will apply this exemption from the upcoming 2018/19 council tax bill for the Borough Care Leavers that qualify

114. MEMBER QUESTION TIME

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

114.1 Gary Cowan asked the Executive Member for Environment the following question:

Question

How many trees has this Council given permission to be cut down each year for the last five years?

Answer

The Council does not keep a record of the number of such instances. It is very rare for the Council to grant a planning consent where the number of trees lost exceeds those proposed for planting; indeed in the vast majority of cases the number of trees planted vastly exceeds those that are lost. It is worth noting that the Council has secured the planting of approximately 30,000 new trees on the nine SANGs that have been completed so far in the Borough. You will recall I gave more detail on that at the Council meeting last week in response to a question.

Supplementary Question

When we see articles such as the “massacre of the tress supported by the Executive Member” and then “more trees cut down supported by a Deputy Executive Member” followed by an “abhorrent butchery of trees in Elms Field” and linking this to TPO trees cut down in Arborfield I need to comment that when I objected I was told that both elected Members and the public knew nothing about the trees and the Council didn’t consult on cutting them down. Adding to that the potential madness of building 1,000 houses on Barkham Square which will result in many more hundreds of trees being felled. To sum it all up I could easily say read a letter in the Wokingham paper which was headed “Why don’t Councillors stand up for the Borough?” and we would like an answer. So my question is as this Council has the world’s worst reputation for cutting down trees, especially those with TPOs on them, can I have an assurance that when they start concreting all over Grazeley with approximately 15,000 houses you will spare John Redwood’s oak on which a placard was placed in late 1998? The placard says “May the birds that rest in my branches always sing out over the green fields of Berkshire”

Supplementary Answer

The Deputy Leader of Council responded as follows:

Gary I would like to say that you were instrumental in actually getting additional tree officers into this Authority and I could not agree that it is the world’s worst: Sheffield is notorious for cutting down things. We have actually planted 30,000 trees as has been said. But the thing that I mentioned at the Council meeting, which I am going to mention again, is that we worked very closely with Barbara Stagles when I was Leader of this Authority and we planted the 60 Jubilee oak trees jointly with the Veteran Tree Association and this Council paid for them. We do not go down hacking down trees and you know that very clearly because of the work you have done when you were in charge of that.

The Executive Member for Environment responded as follows:

You asked a question about those particular trees at Council about six months ago and we gave you an answer to that. As you were aware there was long e-mail correspondence about those trees which you were involved in and in the case of those particular trees there was no statutory duty to consult and they didn’t consult. They speak to the parish and town councils about such things but there was no statutory duty to consult.

I think as far as Elms Field is concerned there has been a very, very long planning process and it was pretty clear quite a number of years ago what was going to happen on Elms Field so no-one should be surprised about what has happened as far as Elms Field is concerned. As we also said at the Council meeting last week: yes trees have been cut down. There are about 100 semi-mature trees to be planted as part of the scheme in Elms Field. There will be hedgerows planted and there are going to be nesting boxes and all sorts of things to make sure that the wildlife is suitably looked after and that the environment will be enhanced in time.

114.2 Imogen Shepherd-DuBey asked the Executive Member for Adult Services the following question:

Question

What process is being put in place to ensure that the the housing that the WBC owned companies are building are suitable for access by users with mobility problems? This would include ensuring that there is step free access, doorways that are wide enough for wheelchairs, bathrooms that are big enough for wheelchairs and that if stairs are included there is enough room for a stair lift to be installed.

Answer

When this question came through I was absolutely delighted that it actually came because it is a question that is dear to my own personal life. As you know I am disabled and I am reliant on splints on both legs so I can say that access is important to me.

I actually regularly meet with Officers here every two weeks and we discuss in detail new schemes that are coming forward and we look at our policies in meeting the needs of our residents which are in some cases very complex. So all our schemes developed by our housing companies come through this process as well to determine housing mix, tenure and the wider development requirements, including the accessibility standards.

All of the homes that Wokingham Housing Limited have built are to the Lifetime Homes Standard, although not all blocks of flats have lifts in them. Lifetime Homes Standard is a set of 16 design criteria that provide a model for building accessible and adaptable homes. The features include level access, wider doors, sockets and switches that are neither too high nor too low, space for a stair or a future floor lift for a wheelchair user, WC space that could also be adapted for future shower use. Actually on that note we had some residents from Gorse Ride that visited Phoenix Avenue and one resident walked into one of the newly built houses and looked at the downstairs toilet and said "oh my good this room is huge and has just got one little toilet in the corner". Well that is ready for to meet the lifetime needs of a resident there. So that could be adapted with, you know, all sorts of things: bath, a wet room, a lift to the next floor up etc. So it is very keenly looked at and we ensure that new builds actually achieve that.

Talking about some of our most vulnerable residents I do a lot of engagement with our residents and again going to visit Gorse Ride I met a couple who were both reliant on wheelchairs and they are living in an environment which is not fit for purpose. They cannot even turn their wheelchairs around therefore the post-regeneration of Gorse Ride will provide them with those 16 design criteria plus anything else we can do to enable their lives rather than to disable their lives.

Supplementary Question

Does your design criteria include the things I mentioned? Can we get reassurance that everything we build at least can be adapted?

Supplementary Answer

Yes I can give you reassurance on that and actually I really would welcome your involvement in this. We have got a number of forums we have formed especially around Gorse Ride where your keen eye would be welcome.

The Deputy Leader of Council stated:

There is another forum called the Local Plan Update and this might be a policy you might like to submit to the group who are looking at this. You might want to suggest that it is a policy that needs reviewing or looking at.

114.3 Lindsay Ferris asked the Executive Member for Planning and Enforcement the following question:

Question

I am very pleased to see proposals for the introduction of an improved Unauthorised Encampment Protocol to deal with removing such encampments. Over the past few years not only has it cost various councils and residents considerable sums of money, it has also caused considerable nuisance and upset.

Ireland a few years ago introduced measures whereby Travellers had to indicate where they were travelling from as well as the designated destination including timescales. To not advise of this movement, or to adhere to these would be considered a criminal offence. Is anyone in WBC aware of anything like this being considered in the UK?

Answer

I am pleased that you are supportive of the proposal although I think it would be difficult not to be. The draft protocol being produced by Thames Valley Police, in conjunction with the relevant Thames Valley local authorities, does not refer to or mention any current or proposed legislation relating to the point you make in your question. Operational officers are not aware of any such proposal coming forward.

Thames Valley Police have also confirmed that there is no current legislation in place that would allow us to do this and are not aware of anything similar being considered by the UK Government.

Supplementary Question

Perhaps we should consider something and take a note of what happens in Ireland and learn from it?

Supplementary Answer

I have to say I am slightly surprised that you should be promoting an idea that sounds to me like a restriction of freedom of movement to the minority. I appreciate Traveller encampments are a pain for local residents but I really do hope that the revised approach we are having here, which gives us a greater amount of ammunition to address this, will actually mean that we can move such encampments on more quickly and also get a reputation for not being a location which would welcome such incursions.

114.4 Rachelle Shepherd-DuBey had asked the Executive Member for Highways and Transport the following question which was answered by the Executive Member for Finance in his absence:

Question

How often will there be ongoing regular checks on the intelligent systems to test and tweak the two new systems on the Winnersh Relief Road (King Street Lane and Lower Earley Way) to better co-ordinate with both the signals at Winnersh Crossroads and the Showcase roundabout as traffic volume changes on the relief road?

Answer

This contract for the maintenance of the ITS equipment and the rectification of faults, the management and configuration of the systems falls outside the contract's scope.

The testing and tweaking of the system is undertaken by the Council. Both junctions mentioned will operate the MOVA, which will be set up by the installation contractor and approved by the Council, from day one. This system will monitor traffic conditions and automatically make the adjustments needed, according to the parameters set within the MOVA configuration and what is realistically achievable.

The installation contractors will undertake a further review of the MOVA database a couple of months after opening and the traffic has increased. Any further changes will be made by the Council on an ad hoc basis.

Supplementary Question

Since you mention the MOVA system this requires sensors in the road and there have been no sensors placed in either King Street Lane or Lower Earley Way that I have seen nor on the relief road as well. I assume you cannot answer that and you are going to have to ask Keith to give me an answer?

Supplementary Answer

We will come back to you on that.

115. SHAREHOLDERS' REPORT

(Councillors David Lee, Norman Jorgensen and Stuart Munro declared personal interests in this item)

The Executive considered a report which provided the budget monitoring position of the Council owned companies and an operational update for the period to 31 January 2018.

RESOLVED that:

- 1) the budget monitoring position for the month ending 31 January 2018 be noted;
- 2) the operational update for the period to 31 January 2018 be noted.

116. CUSTOM AND SELF-BUILD HOUSING REGISTER ELIGIBILITY CRITERIA AND FEES

The Executive considered a report which outlined the changes to legislation and regulations relating to self-build and custom housebuilding and proposed the introduction of a local connection test.

The Deputy Leader of Council advised the meeting that the proposal was intended to encourage self-building to assist people to get onto the housing ladder who could not otherwise afford the market price of houses in the Borough. It was noted that further details would be included in the future Local Plan Update. Councillor Lee also informed the meeting that the first project was due to take place within the coming year in Winnersh; for which a budget had been set aside.

RESOLVED that:

- 1) the inclusion of a local connection test for the Wokingham Borough Self and Custom Build Register, as set out in the report, be approved;

- 2) the implementation date of 1 June 2018 for the local connection test be introduced for new and existing applicants.

117. ST NICHOLAS HURST NEIGHBOURHOOD PLAN AREA DESIGNATION

The Executive considered a report relating to an application received requesting that St Nicholas Hurst Parish be designated as a Neighbourhood Plan Area.

The Executive Member for Strategic Highways and Planning informed the meeting that St Nicholas Hurst Parish Council wished to prepare a neighbourhood plan which would help to influence development decisions across the parish. The first step in the process was for the Council to designate St Nicholas Hurst Parish as a Neighbourhood Plan Area. It was noted that the proposal had been consulted upon and of the 10 responses received none of these gave rise to any substantive issues regarding the appropriateness of the designation.

Councillor Dolinski queried whether the Plan would entitle the Parish Council to Community Infrastructure Levy (CIL) specifically to enable local development. Councillor Lee confirmed that the Plan would entitle the local community to get 25% of any CIL which was attributable to development in that particular area. It was noted that a Neighbourhood Plan could not override any senior plan i.e. the Local Plan once it was revised and the community would not be able to state that they did not want to take any housing. It did however give the community the ability to recommend where any housing should be placed.

RESOLVED: That St Nicholas Hurst Parish be designated as a Neighbourhood Area.

118. SELECTION OF PREFERRED REGISTERED PROVIDER PARTNERS

The Executive considered a report relating to the selection of Registered Providers as Partners to manage and oversee the quality of affordable housing and ongoing housing management services.

Whilst introducing the report the Executive Member for Adults Services highlighted that a rigorous application and selection process, which included Members from both political groups and residents, had been undertaken to select the eight registered providers which have been chosen.

Councillor Dolinski confirmed that the difference in size, specialisms and geographical spread of the registered providers would provide the ability to better match provider to the individual needs of the relevant sites and their residents eg some registered providers were expert in providing the needs of the disabled community.

RESOLVED that:

- 1) the following Registered Providers (RP) be approved as Partners for the next five year period commencing on 1st April 2018, subject to satisfactory performance:

Bracknell Forest Homes (to be rebranded as Silva Homes during 2018)
Catalyst Housing Limited
Housing Solutions
Loddon Homes Limited
Southern Housing Group

- 2) the Council and the eight RPs enter into a Partnership Agreement. The Agreement will detail expectations and responsibilities, and will outline the basis for regular performance monitoring.

119. FOSTER CARER BENEFITS AND ENTITLEMENTS: EXEMPTION OF COUNCIL TAX

The Executive considered a report setting out options for specific incentives for foster carers including exemption from council tax.

The Executive Member for Children's Services informed the meeting that the policy would give council tax exemption to foster carers recruited by the Council. Councillor Ashwell felt that this would deliver a positive message to foster carers that the Council valued their service and were supporting local residents to meet local needs. It was also highlighted that this was an invest to save proposal as a newly recruited in-house foster carer would save £450 per week per child i.e. £35k per annum as opposed to using an independent fostering agency.

Councillor Weeks queried whether this proposal would help the Council to continue to ensure that the vast majority of children would be fostered within the Borough or nearby rather than at remote locations. Councillor Ashwell confirmed that the proposal was to assist in the recruitment and retention of foster carers and highlighted that 97% of the Council's children in care in the last year had been placed with in-house foster carers and it was hoped to build on this number going forward.

RESOLVED that:

- 1) the proposal for Council tax exemption or payment equivalent to council tax for those living outside the Borough for Wokingham in-house foster carers as part of a retention and recruitment strategy to obtain sufficient in house foster carers for the children of Wokingham be approved;
- 2) the Council Tax Section 13A Policy be amended to include this proposal;
- 3) it be noted that the costs of this proposal are planned to be funded from the savings generated from transferring higher cost IFA carers to lower cost in-house carers.

120. CARE LEAVERS LIVING SUPPORT: EXEMPTION OF COUNCIL TAX

The Executive considered a report setting out a proposal that council tax exemption, or payment equivalent to council tax for those living outside the Borough, be provided to Care Leavers up to the age of 21 years old.

The Executive Member for Children's Services outlined the proposals which were intended to give council tax exemption to Wokingham Borough care leavers. Councillor Ashwell explained that all Councillors were corporate parents to the children within its care and when these children reached the age of 18 they then became care leavers. The exemption was therefore a way to assist with the transition to care leaver. It was noted that the Council had a statutory duty to support care leavers up to the age of 25 and it was

intended to work with the Children's Services Overview and Scrutiny Committee to carry out a further review to consider if a potential sliding scale could be worked up to age 25.

RESOLVED that:

- 1) Council tax exemption or payment equivalent to council tax for those living outside the Borough be provided to Wokingham Borough Council care leavers up to the age of 21 years;
- 2) additional budget of £66,160 be approved for 2018/2019 onwards for the cost of this proposal;
- 3) the Council Tax Section 13A Policy be amended to include this proposal.

121. THE WOKINGHAM BOROUGH COUNCIL (ARBORFIELD CROSS RELIEF ROAD) COMPULSORY PURCHASE ORDER

The Executive considered a report setting out a proposal to make a compulsory purchase order (CPO) in order to acquire all necessary land and interests to deliver the Arborfield Cross Relief Road which was a highways project supported by the planning and corporate policies of the Council.

The Executive Member for Strategic Highways and Planning introduced the report and advised that the proposal was to CPO a section of road which was required to bypass Arborfield Village and which currently suffered from heavy trucks going through it. It was noted that three landowners would be affected by the proposal and that two of the landowners had already agreed terms. It was therefore the third landowner who would be the subject of the CPO and negotiations would, of course, continue with the landowner during the CPO process.

RESOLVED That:

- 1) the Council make a compulsory purchase order ("CPO") for the acquisition of land and interests which are not already owned by the Council and new rights within the area as shown indicatively edged red on the draft plan at Appendix 1 of the report ("the Site") pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981;
- 2) the Interim Director of Environment, in consultation with the Leader and Executive Member for Strategic Highways and Planning, be authorised to:
 - (a) continue to take all necessary steps to secure the making, the confirmation and, in accordance with a programme approved by the Executive, the implementation of the CPO including land referencing, serving any requisitions for information, preparing all necessary documentation (including the CPO, the Order Plan and the Statement of Reasons), publication and service of all relative notices, submission of the CPO to the Secretary of State for confirmation, and the presentation of the Council's case at any Public Inquiry; and

- (b) approve terms for the acquisition of legal interests (including rights) by agreement including for the purposes of resolving any objections to the CPO and acquire all interests in the Site either compulsorily or by agreement;
- (c) deal with objections to the CPO including agreeing terms for the withdrawal of objections and where possible or necessary enter into compromise agreements;
- (d) remove from the CPO any plot or interest no longer required to be acquired compulsorily and to amend the interests scheduled in the CPO (if so advised);
- (e) make amendments to the boundaries of the interests to be acquired if necessary;
- (f) make any amendments to the Statement of Reasons annexed at Appendix 2 to the report as are considered necessary prior to its submission to the Secretary of State;
- (g) confirm the CPO if granted the power to do so by the Secretary of State; and
- (h) exercise the compulsory purchase powers authorised by the CPO by way of General Vesting Declaration[s] and/or notice to treat.

122. INTELLIGENT TRAFFIC SYSTEMS MAINTENANCE - BUSINESS CASE APPROVAL

The Executive considered a report setting out a proposed business case for the pan-Berkshire procurement of a new Intelligent Traffic Systems (ITS) Maintenance Contract.

RESOLVED: That the Business Case, as set out in the report, for the pan-Berkshire procurement of a new Intelligent Traffic Systems (ITS) Maintenance contract be approved.

123. UNAUTHORISED ENCAMPMENT POLICY FOR WOKINGHAM BOROUGH COUNCIL

The Executive considered a report setting out a proposed joint protocol with Thames Valley Police which would provide a collective and consistent approach when dealing with unauthorised encampments using all legal remedies available.

Members were informed by the Executive Member for Planning and Enforcement that the proposed policy would provide a broader range of options for dealing with encampments. The options would include using common law which would mean that the Council, with Police support, would not need to apply to the courts. There were also options being looked at which would allow the Council to potentially impound unauthorised vehicles and sell them and use that to defray any costs that had been incurred in removing them in the first place. It was noted that there would be a similar set of powers across the whole of the Thames Valley area which would make things easier for the Police and Local Authorities as wherever the incursions occurred the approach would be the same.

RESOLVED that:

- 1) signing of the joint protocol with the Thames Valley Police for dealing with unauthorised encampments across the Thames Valley Police operating area be delegated to the Director of Corporate Services;

- 2) the use of additional legal options available to Wokingham Borough Council be authorised for dealing with unauthorised encampments.

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