



**WOKINGHAM
BOROUGH COUNCIL**

**MINUTES OF COMMITTEE MEETINGS
FOR THE PERIOD**

2 August to 4 September 2018

A handwritten signature in black ink, appearing to read 'Manjeet Gill', is written over a light grey rectangular background.

Manjeet Gill
Interim Chief Executive
Published on 12 September 2018



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

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**MINUTES OF A MEETING OF THE
PERSONNEL BOARD
HELD ON 2 AUGUST 2018 FROM 6.30 PM TO 8.00 PM**

Committee Members Present

Councillors: Alistair Auty (Chairman), Lindsay Ferris, Charlotte Haitham Taylor, Pauline Helliar-Symons and Angus Ross (substituting Charles Margetts)

Officers Present

Madeleine Shopland, Democratic and Electoral Services Specialist
Manjeet Gill, Interim Chief Executive
Sarah Swindley, Lead Specialist HR

27. APOLOGIES

Apologies for absence were submitted from Councillors UllaKarin Clark, Charles Margetts and Stuart Munro.

28. DECLARATION OF INTEREST

There were no declarations of interest.

29. INTERIM DIRECTOR OF CHILDREN'S SERVICES

The Board considered a report regarding the appointment of an interim Director of Children's Services.

30. EXCLUSION OF THE PUBLIC

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

31. INTERIM DIRECTOR OF CHILDREN'S SERVICES

The Personnel Board interviewed a number of applicants for the post of Interim Director Children's Services.

RESOLVED: That:

- 1) following the outcome of a technical interview conducted by Officers, two candidates were considered for the appointment to the role of Interim Director of Children's Services;
- 2) subject to there being no objections from the majority of Executive Members, that it be recommended to Special Council Executive Committee that Jim Leivers be appointed to the statutory role of Interim Director of Children's Services from 21 August 2018 until such time as a permanent appointment is made and is able to start with the Council.

32. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES IS URGENT

The Chairman sought clarification regarding a specific HR process as detailed in the Constitution.

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**MINUTES OF A MEETING OF THE
HEALTH AND WELLBEING BOARD
HELD ON 9 AUGUST 2018 FROM 5.00 PM TO 7.00 PM**

Present

Richard Dolinski	Executive Member for Adult Social Care
Debbie Milligan	NHS Berkshire West CCG
Nick Campbell-White	Healthwatch
David Hare	Opposition Member
Tessa Lindfield	Strategic Director Public Health Berkshire
Katie Summers	Director of Operations, NHS Berkshire West CCG
Martin Sloan (substituting Angela Morris)	Assistant Director Adult Services

Also Present:

Madeleine Shopland	Democratic and Electoral Services Specialist
Julie Hotchkiss	Interim Consultant Public Health
Natalie Mears	Public Health Project Officer
Charlotte Seymour	Health and Wellbeing Board Manager
Beverley Thompson	Service Manager, Sports & Leisure
Laura Blumenthal	
Sian Attard	GP Referral and Long Term Conditions Manager
Glenn Goudie	Physical Activity Co-ordinator
Julie Pillai	Road Safety Officer
Ian Black	Highways & Transport Consultant
Brian Wooldridge	Resident
Ian Clayton	Tai Chi Instructor

17. APOLOGIES

Apologies for absence were submitted from Councillors Charlotte Haitham Taylor and Pauline Helliard Symons and Lisa Humphreys, Angela Morris, Nicola Strudley, Clare Rebbeck, Jim Stockley and Dr Cathy Winfield.

18. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Board held on 14 June 2018 were confirmed as a correct record and signed by the Chairman.

19. DECLARATION OF INTEREST

There were no declarations of interest.

20. PUBLIC QUESTION TIME

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

20.1 Anne Marie Gawen asked the Chairman of the Health and Wellbeing Board the following question. Due to her inability to attend the meeting a written answer was provided:

We understand that Councils appoint an elected Member as a "Mental Health Champion" and we would like to know who that is in Wokingham and also each Council identifies a

member of staff within the Council as "Lead Officer" for mental health - again we would like to know who that is please?

Answer

As the Executive Member for Adult Social Care I champion Mental Health. All the Members across all the parties within the Council, in exactly the same way as they would do as Corporate Parents for our looked after children, it is all of our collective responsibility to champion mental health. I do not need to tell you what the figures are of people that are actually living with mental health on a daily basis. We need to be working together to support them. In terms of a lead officer, we have a lead officer and her name is Christine Dale. I know that she is doing some amazing work already. I heard that recently she was looking at developing an in-house recovery college, which I think is a really good step forwards.

21. MEMBER QUESTION TIME

There were no Member questions.

22. GET ACTIVE: CREATING PHYSICALLY ACTIVE COMMUNITIES IN WOKINGHAM

The Board received a presentation on Get Active: Creating Physically Active Communities in Wokingham.

During the discussion of this item the following points were made:

- Julie Hotchkiss, Interim Public Consultant, outlined the benefits of physical activity in the short, medium and long term. Physical activity also boosted recovery and rehabilitation once a condition such as diabetes and stroke had developed.
- Risks associated with inactivity went right across the life course and could include mental health problems and poor core strength, balance and skeletal health.
- Board members were informed of the recommended levels of physical activity. The recommended level for adults was 150 minutes a week, or 30 minutes of moderate activity 5 days a week. This could be in bouts of 10 minutes if the heart rate increased.
- Beverley Thompson, Service Manager Sports and Leisure, informed the Board of the investment in leisure. Ryeish Green Sports Hub would be opening in August 2018 and Bulmershe Leisure Centre was being rebuilt and was due for completion in July 2020. Carnival Pool would be redeveloped from approximately September 2020 and Loddon Valley Leisure Centre would be enhanced from October 2018. The Board was also informed of Arborfield Green Leisure Centre and 3G football pitches.
- Beverley outlined some of the benefits of the leisure contract including free membership to children in care, care leavers and foster children/siblings and free swimming for children in receipt of free school meals during the school holidays.
- Glenn Goudie, Physical Activity Co-ordinator, informed the Board of the SHINE activities programme for over 60s. There were currently 2,400 active members and 66 different classes on offer. Classes ranged from between 10 and 30 people.
- Glenn also highlighted some of the parks and green spaces within the Borough.
- Sian Attard, GP Referral and Long Term Conditions Manager, highlighted the long term conditions programme. The Health promotion offer consisted of the GP Referral Physical Activity Scheme, Steady Steps (Falls Prevention), Mindful Health and Wellbeing, Cardiac Rehab Phase 4 and the Long Term Health Conditions

Programme. It was noted that there was a rehabilitation gym at Loddon Valley Leisure Centre.

- Brian Wooldridge, Health walk leader, stated that he had been involved in health walks for 20 years and now led approximately 5 walks a week. They were a good way to make friends and to get fit.
- Julie Pillai, Road Safety Officer, encouraged the Board to make use of the My Journey Wokingham page which promoted active and sustainable travel. Councillor Dolinski questioned whether the routes suggested for travel included dedicated cycle paths and was informed that they did.
- Julie went on to outline some of the work undertaken including Bikeability cycle training in schools and the SHINE cycling session around California Country Park.
- Natalie Mears, Public Health Project Officer, informed the Board of Public Health campaigns.
- Ian Clayton led the Board in a Tai Chi session.
- Nick Campbell-White asked if all of the GP surgeries within the Borough referred to the Long Term Health Conditions Programme. Sian Attard indicated that Parkside and Brookside surgeries were the main referrers but approximately 8 surgeries made referrals. In response to a Member question Sian emphasised that the programme was for 24 weeks but not all participants stayed to the end.
- Tessa Lindfield asked what the Board could do to help encourage people to undertake further physical activity. Beverley Thompson commented that it would be helpful if all surgeries within the Borough could be encouraged to make referrals where appropriate. Dr Milligan requested that a presentation be made at a GP Council meeting. Katie Summers suggested that information about the services available could also be put up on the television screens within the GP surgeries.

RESOLVED: That the presentation on Get Active: Creating Physically Active Communities in Wokingham be noted.

23. HEALTH AND WELLBEING BOARD REFRESH

The Board received a presentation on the Health and Wellbeing Board Refresh.

During the discussion of this item the following points were made:

- Katie Summers advised that the Board was learning from good practice such as the Bicester Healthy New Town Programme.
- The Health and Wellbeing Strategy was being redesigned. It was proposed that the Board's vision be 'Creating healthy and resilient communities' and that the Health and Wellbeing Strategy focus on three key priorities:
 - Narrowing the health inequalities gap;
 - Reducing isolation; and
 - Creating Physically Active Communities.
- Reference was made to potential partners who were considered vital to the progression of the vision.
- With regards to the priority 'Creating Physically Active Communities,' the aim was to get people of all ages and abilities more physically active by: getting more people out and using green and blue spaces; promoting more active travel; and encouraging more children to get at least one hour of physical activity every day.
- With regards to the priority 'Reducing Social Isolation,' the aim was to reduce social isolation and loneliness particularly in: Older people; People with mental illness; and Carers in order to improve their mental and physical wellbeing.

- With regards to the priority 'Narrowing the health inequalities gap' the aim was to close the gap between what a child who was born today in the most deprived areas and those in the least deprived areas would experience over their life time.
- Board members considered how the Board as a whole could influence these priorities through various different means; policy, physical environment, organisations and institutions, social environment and individual.
- Dr Milligan and Councillor Dolinski indicated that they had been impressed by the principles of the Wigan Deal model and that they and Martin Sloan would be visiting Wigan in the autumn to hear about examples of good practice.
- Councillor Dolinski stated that a cross party Adult Social Care Working Group had recently been established and that it would report back to the Board.
- The following was proposed which was agreed by the Board.
 - To invite Housing to be a member of the Board;
 - Development of an engagement plan for the new approach;
 - Reviewing the Health and Wellbeing Strategy and to adopt this approach as the revised strategy;
 - To review existing partnerships and to consider any gaps or duplications and to identify areas where we may need to revise or cease approaches.

RESOLVED: That the proposed approach to developing the Health and Wellbeing Strategy and the establishment of mechanisms for its delivery, be agreed.

24. BERKSHIRE WEST INTEGRATED CARE SYSTEM OPERATING PLAN

The Board considered the Berkshire West Integrated Care System Operating Plan 2018/19.

During the discussion of this item the following points were made:

- The Berkshire West Integrated Care System Operating Plan 2018/19 was the first operating plan jointly written by the Integrated Care System (or ICS).
- The Operating Plan outlined the key requirements and deliverables for the ICS in 2018/19 and focused on six key areas of transformation.
- Board members were informed that the contractual arrangements with Royal Berkshire Hospital had changed.
- Katie Summers stated that Board members would be sent a simplified plan on a page. She asked that they send her any comments that they might have on the Plan. Updates on the delivery of the Plan would be provided on a quarterly basis.

RESOLVED: That the Berkshire West Integrated Care System Operating Plan 2018/19 be noted.

25. BETTER CARE FUND QUARTER 1 SUBMISSION

The Board received the Better Care Fund Quarter 1 Submission.

During the discussion of this item the following points were made:

- Performance continued to be good. Whilst Wokingham was not meeting the target for non-elective admission rates, Wokingham continued to be second best performing area in the country with regards to non-elective admissions.

RESOLVED: That the performance of the Better Care Fund for Q1 2018/19 be noted.

26. UPDATE FROM BOARD MEMBERS

The Board was updated on the work of the following Board members:

Healthwatch Wokingham Borough:

- Nick Campbell-White commented that Healthwatch Wokingham Borough was waiting to hear the outcome regarding the Healthwatch service contract which was out to tender.
- He also indicated that Healthwatch Wokingham Borough had been invited to join the Wokingham Leader Partnership Board.
- In response to a question from Katie Summers Nick Campbell-White commented that CAMHS waiting times continued to be a common reason for enquiries.

Community Safety Partnership:

- The update from the Community Safety Partnership was noted.

RESOLVED: That the updates from Board members be noted.

27. FORWARD PROGRAMME

The Board discussed the forward programme for the remainder of the municipal year.

During the discussion of this item the following points were made:

- The Children's Emotional Wellbeing Strategy would be considered at the Board's October meeting. Dr Milligan suggested that a representative from CAMHS and a representative from the schools also be invited to highlight issues in this area.
- The Adult Social Care Strategy 2020 would potentially be deferred to the Board's December meeting.
- Katie Summers proposed that each meeting have a theme, linking in with one of the three new priorities. It was suggested that themes for future public meetings be discussed at the next informal meeting on 13 September.
- Julie Hotchkiss advised that the Health and Wellbeing Board would be considering the revised Joint Strategic Needs Assessment. She suggested that it be focused on the three new priorities.

RESOLVED: That the forward programme be noted.

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**MINUTES OF A MEETING OF THE
SPECIAL COUNCIL EXECUTIVE COMMITTEE
HELD ON 14 AUGUST 2018 FROM 6.00 PM TO 6.05 PM**

Committee Members Present

Councillors: John Kaiser (Chairman), Bill Soane (Vice-Chairman), Lindsay Ferris, Charlotte Haitham Taylor, Julian McGhee-Sumner and Stuart Munro

Officers Present

Manjeet Gill (Chief Executive) and Anne Hunter (Democratic and Electoral Services Lead Specialist)

9. APOLOGIES

An apology for absence was submitted from Councillor Simon Weeks. Councillor Stuart Munro substituted for Councillor Weeks.

10. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 13 June 2018 were confirmed as a correct record and signed by the Chairman.

11. DECLARATIONS OF INTEREST

There were no declarations of interest received.

12. PUBLIC QUESTION TIME

There were no public questions received.

13. MEMBER QUESTION TIME

There were no Member questions received.

14. APPOINTMENT OF STATUTORY DIRECTOR OF CHILDREN'S SERVICES

The Committee considered the appointment of Jim Leivers to the statutory role of Director of Children's Services on an interim basis following the resignation of Lisa Humphreys who currently undertakes this role. It was noted that Personnel Board was currently in the process of recruiting a permanent Director of Children's Services.

The Chairman advised that the Committee that received copies of Mr Leivers' references and he had personally received a communication from the Chairman of the Personnel Board which supported the appointment.

With regard to a query about whether due diligence had taken place the Leader of Council confirmed that the references would be validated and she had personally spoken to one of the referees who had provided a very positive response.

RESOLVED: That Jim Leivers be appointed to the statutory role of Director of Children's Services on an interim basis from 21 August 2018 until such time as a permanent appointment is made and is able to start with the Council.

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**MINUTES OF A MEETING OF THE
PERSONNEL BOARD
HELD ON 14 AUGUST 2018 FROM 6.30 PM TO 7.25 PM**

Committee Members Present

Councillors: Stuart Munro (Vice-Chairman, in the Chair), UllaKarin Clark, Lindsay Ferris, Charlotte Haitham Taylor, Pauline Helliard-Symons and David Chopping (substituting Alistair Auty)

Officers Present

Madeleine Shopland, Democratic and Electoral Services Specialist
Manjeet Gill, Interim Chief Executive
Maggie Hennessy, Penna Public Sector Executive Search

33. APOLOGIES

Apologies for absence were submitted from Councillors Alistair Auty and Charles Margetts.

34. DECLARATION OF INTEREST

There were no declarations of interest received.

35. SHORT LIST FOR DIRECTOR, CHILDREN'S SERVICES

The Board received a report regarding short listing for the post of Director of Children's Services.

36. EXCLUSION OF THE PUBLIC

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

37. SHORT LIST FOR DIRECTOR CHILDREN'S SERVICES

The Board considered a report submitted by Penna which contained feedback from the technical interviews that were carried out recently with the long listed candidates for the post of Director of Children's Services. Having due regard to the report the Board decided to take forward five candidates for short list interviews.

RESOLVED: That

- 1) the report submitted by the Executive Search firm Penna with regard to the long listed applicants who attended technical interviews during the week commencing 30 July, be reviewed.
- 2) five candidates be taken forward for Short list interview.

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD ON 28 AUGUST 2018 FROM 7.00 PM TO 7.03 PM**

Committee Members Present

Councillors: Julian McGhee-Sumner (Chairman), Richard Dolinski, Pauline Helliars-Symons, Norman Jorgensen, Pauline Jorgensen, Philip Mirfin, Stuart Munro, Anthony Pollock and Simon Weeks

Other Councillors Present

Laura Blumenthal
Malcolm Richards
Rachelle Shepherd-DuBey

36. APOLOGIES

An apology for absence was submitted from Councillor Charlotte Haitham Taylor.

37. DECLARATION OF INTEREST

There were no declarations of interest submitted.

38. PUBLIC QUESTION TIME

There were no public questions submitted.

39. MEMBER QUESTION TIME

There were no Member questions submitted.

40. COUNCIL PLAN ENGAGEMENT DOCUMENT

The Executive considered a report setting out the Engagement Summary for the Borough Plan which summarised the proposed vision and priorities for Wokingham Borough over the next five years.

During discussion of the report Members raised the following matters and asked for appropriate amendments to be made to the Engagement Summary:

- Main Areas of spend the Council also provides:
 - The word “housing” should be clarified to show that the responsibility of the Council was limited to the provision of affordable housing;
 - It was queried why Libraries were not mentioned;
- Affordable housing: “More people becoming homeless and in priority need”. Members asked that some context be included with the wording as it gave the impression that there were a large number of homeless people in the Borough;
- The Facts: the wording “delayed transfers of care” to be explained.

RESOLVED: That the Engagement Summary document be approved, subject to minor amendments put forward at the meeting, and a consultation with the Wokingham Borough community and stakeholders commence.

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MINUTES OF A MEETING OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE HELD ON 3 SEPTEMBER 2018 FROM 7.00 PM TO 10.15 PM

Committee Members Present

Councillors: Parry Batth (Chairman), Andy Croy, Lindsay Ferris, Kate Haines, John Jarvis, Ian Pittock, Bill Soane and Shahid Younis

Other Councillors Present

Councillors: Prue Bray, Rachel Burgess, Carl Doran, Anthony Pollock, Helen Power, Malcolm Richards, Imogen Shepherd-DuBey and Rachelle Shepherd-DuBey

Officers Present

Neil Carr, Democratic and Electoral Services Specialist
Matt Gould, Lead Specialist, Highways and Transport
Clare Lawrence, Assistant Director, Place
Andrew Moulton, Assistant Director, Governance and Monitoring Officer
Josie Wragg, Director of Locality and Customer services

31. APOLOGIES

Apologies for absence were submitted from Councillors Guy Grandison, Mike Haines, Philip Houldsworth and Ken Miall.

John Jarvis attended the meeting as a substitute.

Malcolm Richards attended the meeting as a witness in relation to his former role as Executive Member for Highways and Transport.

32. DECLARATIONS OF INTEREST

There were no declarations of interest.

33. PUBLIC QUESTION TIME

There were no public questions.

34. MEMBER QUESTION TIME

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

Gary Cowan had asked the Chairman of the Overview and Scrutiny Management Committee the following question:

Question

Can the Chair clarify if a declaration of interest should be declared by any member/s of the Committee who have a crossing under consideration in which the evidence would indicate that a correct safety audit and proper costing was not carried out of which that member was aware?

In Councillor Cowan's absence, the following written reply was provided.

Answer

The Council's Code of Conduct sets out the rules relating to the disclosure of pecuniary and personal interests. The list of subjects requiring declaration include employment, contracts, land, licences, corporate tenancies and securities.

It is unlikely that the work carried out to install pedestrian crossings would require a Member to declare an interest. This position may change if, for example, the crossing was being installed adjacent to a Member's property or he/she had a financial interest (such as shares) in the contractor carrying out the work.

Consequently, I do not believe that Members are required to declare interests in relation to the scenario you raise.

35. CALL-IN OF EXECUTIVE DECISION - SCHOOL CROSSING PATROL SERVICE - CONSULTATION REPORT 2018

The Committee considered the Call-In of the decision taken by the Executive, at its meeting on 26 July 2018, relating to consultation on the proposed replacement of the School Crossing Patrol Service with fixed crossing facilities.

The Executive decision was that:

- 1) WBC continue with its proposal to provide safe, permanent crossings at the seven locations that currently have a school crossing patroller, and, following their installation, remove the school crossing patrol service once the permanent crossings are complete as set out in Option 2, Appendix 1 of the report;
- 2) all affected schools are reminded that they have access to the Council's road safety and My Journey teams who can facilitate further road safety training for pupils if requested.

The decision had been called in by Councillors Prue Bray, Clive Jones, Helen Power, Imogen Shepherd-Dubey and Rachelle Shepherd-Dubey.

The following witnesses were invited to submit evidence and/or answer questions in order to assist the Committee in its deliberations.

- Councillor Imogen Shepherd-Dubey to set out the reasons for the Call-In, supported by Diane Burch, Keith Malvern and Annette Medhurst.
- Councillor Anthony Pollock to provide justification for the Executive decision supported by Councillor Malcolm Richards, Josie Wragg (Director of Locality and Customer Services), Clare Lawrence (Assistant Director, Place) and Matt Gould (Lead Specialist, Highways and Transport).

Councillor Parry Batth (Chairman) welcomed the witnesses and explained the format of the meeting.

Witnesses would be invited to make a short address to the Committee followed by a question and answer session. Following the witness sessions the Committee would consider all the written and oral evidence and either confirm the decision or make appropriate recommendations to the Executive.

Councillor Imogen Shepherd-Dubey addressed the Committee and confirmed that the Executive decision had been called in on the following grounds:

- 1) The decision had contravened Section 1.4.2 a) of the Council's Constitution, in that the action being proposed was not proportionate to the desired outcome.
 - a) A blanket decision had been made to replace all remaining School Crossing Patrols (SCP) with pedestrian crossings, despite the different characteristics and requirements of the locations.
 - b) The desired outcome appeared to be to save money yet the costs both of the crossings and the school crossing patrol had not been fully or correctly stated. None of the other options quoted had any costs provided.
 - c) The decision had been made on the basis of costs for crossings which had not yet been designed – as a redesign was taking place at four sites due to the first design not being suitable; it was therefore unclear whether a crossing was actually the right answer for those locations, as well as the costs being unknown.

- 2) The decision had contravened Section 1.4.2 b) of the Council's Constitution, in that due consultation and the taking of professional advice from Officers had not occurred.
 - a) The consultation was not complete at the point at which the decisions to withdraw the service were made.
 - b) The consultation was not carried out at an early stage, and was not meaningful, and contravened the Council's own rules on consultation.
 - c) There was no consultation with ward Members on the withdrawal of the service.
 - d) The replacement crossings were designed without reference to ward Members and before the consultation was carried out – and ward Members were not even informed until mid-July that the crossings had been designed.
 - e) Wokingham Town Council's consultation response had not been taken into consideration.
 - f) Letters putting the staff at risk of redundancy were issued before the consultation was concluded.
 - g) The Council's responses to the points made by respondents were inadequate.
 - h) At least one crossing was scheduled to be installed before the decision on the outcome of the consultation took place.
 - i) At least one safety audit was done during the school holidays.
 - j) No Equality Impact Assessments accompanied the information in the report.
 - k) It was not clear that all guidelines for the provision of safe crossings had been observed.
 - l) It was not clear that all the evidence comparing the appropriateness of SCP versus crossings has been taken into account.

- 3) The decision had contravened Section 1.4.2 d) of the Council's Constitution, in that openness had not been observed.
 - a) At least one of the crossings was designed in February but this was not communicated to ward Members.
 - b) Some information was shared with individual members of the public but was not made available to all.
 - c) No overall plan for the removal of SCP was made available following the removal of the funding in the 2015 Medium Term Financial Plan.

- 4) The decision had contravened Section 1.4.2 e) of the Council's Constitution, in that clarity of aims and desired outcomes had not been achieved.
 - a) The recommendations referred to a proposal to provide safe, permanent crossings – yet four of the crossing proposals had been rejected in the period shortly before the Executive meeting that made the decision, and therefore the decision had been made before there was certainty that the recommendation could be delivered, or that the costs were as given in the report.
 - b) Due to the failure to present all costs for all options it was not possible for the Executive to have come to a properly informed decision.
 - c) Due to the failure to present the Equality Impact Assessments it was not possible for the Executive to have come to a properly informed decision.
- 5) The decision had contravened Section 1.4.2 f) of the Council's Constitution, in that the details of all the options and reasons for the decision had not been recorded.
 - a) A set of options had been laid out but it excluded the most obvious option of replacing some but not all of the patrollers with crossings.
 - b) There was a presumption that no funding was available for the service to continue, whereas a supplementary estimate could have been used to find the money, but was not considered.

Councillor Imogen Shepherd-Dubey made the following points:

The evidence indicated that the decision to remove the school crossing patrol service was included in the Medium Term Financial Plan (MTFP) 2015/16, agreed at the Council meeting in February 2015. The MTFP contained the line "School Crossing Patrols – investigate alternative sources of funding", but this did not refer to the removal of the service and its replacement with permanent crossings.

Following the removal of the school crossing patroller at Emmbrook Infant and Junior in 2017, there had been a growing number of complaints about inappropriate parking. If the service was to be fully removed the Council must increase its parking enforcement activity in relation to local schools.

The feedback report following the 2018 Consultation exercise stated that the consultation did not raise any issues that were not anticipated. However, the feedback did raise a large number of issues which should be addressed. It also appeared that some consultation responses were not included in the feedback, for example, Wokingham Town Council raised concerns about the Keephatch Road crossing which were not reflected in the Agenda papers.

The Agenda set out the legal principles relating to fair and effective consultation. The Council had not followed these principles in relation to the school crossing patrol decision. For example, the requirement for consultation to take place when proposals were at a "formative" stage and the product of the consultation to be "conscientiously" taken into account in finalising any decisions.

No business case had been produced to support the 2015 decision to remove the service and the financial information included in the Agenda papers appeared to be inconsistent. For example, a special item of £85k was included in the budget for 2016/17 and 2017/18 to cover the costs of the service while the process of removing the patrollers was

completed. However, eight of the patrollers were removed in 2017 which should have resulted in a smaller special item for 2017/18. Similarly, the Agenda papers indicated that the School Crossing Patrol Organiser spent 100% of his/her time managing the service even though the number of patrollers had reduced from 25 to seven.

The Agenda papers included an Equality Impact Assessment (EIA), dated April 2018, which covered all the remaining crossing sites. This EIA was inadequate in that EIAs should be started at the beginning of the design phase and should be updated as the project develops. The April 2018 EIA was also inadequate in that it did not cover the full range of people with protected characteristics who could be affected by the service change. This included disabilities relating to hearing, sight, mobility, learning difficulties and cognitive processing disabilities.

Finally, it was apparent that one of the safety audits had been carried out during the spring half term holiday when there would have been much lower levels of activity outside the school in question.

Members of the Committee raised the following points:

The Job Description for the School Crossing Patrol Organiser (page 131 of the supplementary agenda) indicated that the post holder was responsible for the management of 25 permanent part-time patrollers. It appeared that this information was out of date as there were only seven patrollers remaining. Similarly, the July 2018 Executive report indicated (page 32) that the Organiser post was 0.59 FTE even though there were only 7 patrollers left.

It was clear that the 2015/16 MTFP did not include reference to the replacement of the School Crossing Patrol Service with permanent fixed crossings.

Diane Burch addressed the Committee and made the following points:

Diane was the current School Crossing Patroller at Murray Road. She outlined the work she did to assist children and parents. Diane felt that removing the patroller at Murray Road would increase the risk of accidents. She also gave details of a survey undertaken by local residents which indicated a much higher level of pedestrians and traffic compared to the Council's own survey.

Members of the Committee raised the following points:

The Agenda papers indicated that the school traffic patrollers received letters relating to redundancy before the 2018 consultation exercise was completed. Diane Burch confirmed that she received a letter in February 2018. (It was subsequently confirmed that this letter related to the Council's 21st Century Council change programme and was not part of a redundancy procedure).

The Council's Constitution stated that the Council aimed to consult with residents and stakeholders to ensure that they had a voice. Was the 2018 Consultation exercise seen as "meaningful" by local parents. Diane Burch felt that, based on discussions with parents, the 2018 consultation had the appearance of being a "tick box" exercise.

What level of support did the School Crossing Patrollers received from the SCP Organiser? Diane Burch felt that, as she was an experienced patroller, there was no need

for frequent contact. She felt that her contact with the Organiser amounted to approximately three hours per term with occasional meetings and an annual appraisal.

Keith Malvern addressed the Committee and referred to a written statement from Trevor Sleet which made the following points:

There could only be two reasons for removing the School Crossing Patrol Service and replacing it with permanent crossings – financial and enhanced safety for children. The written evidence from Councillor Keith Baker confirmed that the School Crossing Patroller service was a much lower cost compared to the capital cost of installing pedestrian crossings.

In relation to finance, a patroller was paid around £3k per annum. The cost of installing a crossing was around £40k with annual maintenance costs of £600 and the crossing would need replacing after 15 years.

In relation to safety, a recent report indicated that, on average, there were 20 accidents every day involving pedestrians on crossings. Between 2012 and 2016, Department of Transport statistics indicated that there were 251 fatalities on all types of crossing, but only four on crossings controlled by humans.

In relation to Murray Road, the existing patroller provided a safe crossing for children attending St Paul's, Walter Infant School and Meadow Nursery. There was concern that the Road Safety Audit was carried out on 13 February 2018, during the half term break. The Executive Member had also visited the site. This visit took place on 23 July 2018 when St Paul's and Walter Infants were open, but Meadow Nursery was not and a number of other schools in the area had broken up for the summer.

Members of the Committee raised the following points:

In relation to the Murray Road crossing, did the schools hold after school activities and, if so, was there any impact on road safety. It was confirmed that the majority of after school activities were held at St Paul's and it was felt that a fixed crossing would not have an impact on safety relating to the after-school activities.

Annette Medhurst addressed the Committee and made the following points:

Annette was the Chair of the Management Committee at Meadow Nursery and was able to comment on concerns from staff and parents about road safety. Annette felt that each crossing site should have been assessed on its own merits and that the Council's communication with parents had been disappointing. The Murray Road site was in Emmbrook Ward and two of the Borough Council Members opposed the removal of the patroller service.

Annette believed that the consensus amongst parents and staff at the local schools was that the Murray Road patroller should be retained on the grounds that this was the safest option.

Members of the Committee raised the following points:

Did stakeholders in the Murray Road area feel that the 2018 consultation exercise was meaningful? Annette felt that the consultation was unlikely to deliver a change in the Council's position. Consequently a petition was started.

If local residents felt that the consultation was a tick box exercise, did they contact the Council with their concerns? Annette confirmed that parents had been urged to submit a consultation response but, at the same time, the petition and a letter writing campaign were started. Councillor Imogen Shepherd-Dubey confirmed that she did contact the Council with concerns about the consultation exercise.

Anthony Pollock addressed the Committee and made the following points:

The decisions relating to the School Crossing Patrol Service were taken in line with the requirements set out in the Council's Constitution.

The consultation exercises in 2017 and 2018 had been carried out in line with agreed procedures. The Council had endeavoured to listen to the views of residents. After considering the consultation responses Councillor Pollock had concluded that permanent crossings were safer. This reflected the earlier work overseen by Councillor Pollock as part of the Safer Routes to School programme.

The petition organised by Annette Medhurst had been the subject of detailed discussion and public debate at the July 2018 Borough Council meeting.

Councillor Pollock had visited each of the proposed crossing sites and had been satisfied that drivers acted responsibly.

The views of local ward Members had been sought and their feedback had been incorporated into the design of the new permanent crossings.

Members of the Committee raised the following points:

In relation to the 2018 consultation exercise relating to Murray Road, were any specific representations made from other schools in the area? Councillor Pollock confirmed that no specific representations had been received. He had visited the schools affected by the service change and had concluded that two additional crossings should be installed. The consultation feedback raised similar concerns at each of the sites currently covered by a patroller.

The consultation feedback indicated that 98% of respondents opposed the proposals. What level of opposition would have resulted in a change to the Council's plans? Councillor Pollock confirmed that the consultation was open to residents across the Borough. The consultation feedback did not contain any evidence of significant safety risks which had not already been assessed through site visits and safety audits, etc. Also, evidence from the eight sites where patrollers were removed in 2017 did not indicate a reduction in safety following the changes.

The financial information reported to the Executive on 26 July 2018 indicated that the annual cost of the service was £44,200. This was made up of the cost of the seven patrollers, the part-time School Crossing Patrol Organiser (0.59 FTE) and site risk assessments. As the evidence indicated that the cost of each patroller was around £3k, was the financial information and business case accurate? Also, as there would be a

replacement cost for the new crossings in 15 years' time, should these costs not be included in the business case? Councillor Pollock stated that the financial information also included on-costs for staff. It was also important to note that the decision to change the service had not been made on financial grounds, it was made on safety grounds. It had become increasingly difficult to recruit patrollers whereas the fixed crossings would provide a permanent safe solution.

In relation to the information in the 2015/16 MTFP, as the budget papers were circulated to opposition Members one week before the Budget Council, was this a reasonable amount of time for Members to analyse and research every line in the budget? Councillor Pollock confirmed that, during his time as Executive Member for Finance, he did speak to opposition Members in advance of the budget meeting. In practice, he recognised that analysing the budget papers in a week was challenging.

Matt Gould (Lead Specialist, Highways and Transport) addressed the Committee and made the following points:

The Council agreed to remove funding for the school crossing patrol service at the Budget Council in 2015. Implementation was delayed until 2017 when the eight patrollers already working on fixed crossings were removed. Consultation on the removal of the final seven patrollers took place between January and March 2018. Discussions were held with the patrollers to inform them of the process, but notices of redundancy were not issued at this time.

The consultation feedback did not raise any significant new issues and, as a result, it was agreed that the implementation of the permanent crossings would proceed. It was at this point that the patrollers were given "at risk" letters. Redundancy notices had not yet been issued.

More complex issues had been identified in relation to the Murray Road site and the patroller would remain in place until these issues were addressed satisfactorily.

It was important to note that the school crossing patrol service was discretionary. However, the Council recognised the importance of safer routes to schools and believed that the permanent crossings would deliver a permanent safe solution.

Members of the Committee raised the following points:

The design documents relating to the new crossings indicated that some design work had started before the 2018 consultation had been completed. Matt Gould confirmed that the aim had been to complete the new crossings in the school summer break. In order to achieve this timeline the design work had to proceed whilst the consultation was ongoing. The details of the agreed crossing schemes were not released until after the consultation had concluded and the feedback had been considered.

Once the Call-In procedure had been invoked, was work on the crossings suspended? If work carried on, under what authority did this happen? If work did continue, was there a formal Member or Officer decision to proceed?

Josie Wragg (Director of Locality and Customer Services) confirmed that the Council's Capital Programme provided authority to deliver the permanent crossing facilities. Following discussions between Josie and Councillor Pollock it was agreed that halting the

works would have significant financial risks for the Council. Clare Lawrence (Assistant Director, Place) referred to the supporting papers which stated that there was no Constitutional need for the July Executive to agree to provide the crossings or funding as this decision had already been made.

Andrew Moulton (Monitoring Officer) confirmed that, in principle, implementation of the Executive decision should have been suspended following the Call-In. However, as stated, the Director of Locality and Customer Services also had authority under the Constitution to deliver approved schemes within the Capital Programme. In response to an earlier enquiry, Andrew confirmed that no Individual Executive Member decision had been taken in relation to this issue.

Councillor Malcolm Richards addressed the Committee and made the following points:

Councillor Richards had been appointed as Executive Member for Highways and Transport in 2016, after the decision had been taken to remove the School Crossing Patrol Service as set out in the 2015/16 MTFP.

Councillor Richards carried out research and looked at the approach to this service taken by other local authorities. The service was not statutory and many Councils had taken the decision to remove it. This reflected the fact that it was increasingly difficult to recruit and retain patrollers. Councillor Richards had also examined Department of Transport statistics which indicated that permanent crossing facilities were generally very safe.

In 2017, the eight patrollers operating on existing crossings were removed. Evidence collected following the removal of these patrollers indicated that there was no reduction in safety.

In relation to the remaining seven sites with patrollers, Councillor Richards had examined the safety statistics for each of the sites and held detailed discussions with Officers. He reached the conclusion that the permanent crossings would improve safety and would be in use 24/7.

Members of the Committee raised the following points:

There appeared to be a conflict between Councillor Richard's evidence on national statistics relating to the relative safety of School Crossing Patrol operated sites versus fixed crossing solutions and the earlier evidence submitted by Keith Malvern. Councillor Anthony Pollock confirmed that, whatever the national statistics indicated, there was strong evidence that fixed crossings in the Wokingham Borough were very safe.

In addition to the evidence submitted to the Committee, there was anecdotal evidence that the School Crossing Patrollers were highly valued by local communities. It was difficult to translate this added value in financial terms.

Councillor Parry Batth explained that a plenary session would take place enabling the witnesses to clarify any points following the submissions and points raised by the Committee. The following points were raised:

Councillor Pittock sought clarification on the correspondence sent to the School Crossing patrollers during the 2018 consultation period. Matt Gould confirmed that the patrollers had

received a letter relating to the Council's 21st Century change programme in February 2018. This was not an "at risk" or "notice of redundancy" letter relating to the service changes being consulted on.

Annette Medhurst asked about the requirement for the consultation exercise to take place. Matt Gould confirmed that the consultation had taken place in line with the requirements of the Council's Constitution.

Councillor Croy referred to the legal principles relating to fair consultation and asked if the Council had followed these principles correctly. Also, was the political process – lobbying, petitioning, etc., more effective than the consultation process? Councillor Pollock stated that the Council had tried to act in a fair manner and listen to the views of residents. It had carried out detailed assessments and safety audits. The aim was to deliver a solution which was as safe, if not more safe, than the existing arrangements.

Councillor Imogen Shepherd-Dubey addressed the Committee and made concluding remarks.

Councillor Shepherd-Dubey stated that the Call-In was not about the outcome relating to the service, it was about the decision making process and the importance of following the correct legal principles. The 2015/16 MTFP did not contain a specific decision about the replacement of patrollers with fixed crossings and the subsequent consultation process was flawed. The financial information supporting the proposals did not add up and the 2018 Equality Impact Assessment was inadequate and did not meet the Council's statutory requirements.

Councillor Anthony Pollock addressed the Committee and made concluding remarks.

Councillor Pollock stated the decision making process had not breached the Council's Constitution. The process had been fair and sought to build on the safety improvements delivered earlier through the Safer Routes to School programme. The detailed safety audits had demonstrated that the proposals were safe and feedback from residents and Members had strengthened the outcome. The specific issues relating to Murray Road would be addressed before the final scheme was implemented.

The Committee discussed the written and oral evidence and considered its decision.

Councillor Parry Bath outlined the options open to the Committee, viz:

- a) to confirm the 26 July Executive decision;
- b) to request that the Executive review the 26 July decision and provide reasons to support the request;
- c) to confirm the 26 July Executive decision and provide advice to the Executive via a letter from the Chairman to the Leader of the Council.

Councillor Lindsay Ferris referred to Paragraph 6.3.12 of the Council's Constitution which referred to use of a "party whip" in Overview and Scrutiny deliberations (i.e.

predetermination on political lines) and requested Members to notify the Committee if a party whip was in place. Members confirmed that no party whip was in place.

Councillor Lindsay Ferris stated that the decision making process had been flawed and the decision should be referred back to the Executive in relation to three issues: inadequate consultation, inaccurate financial information and incomplete Equality Impact Assessments.

Councillor Andy Croy stated that the decision should be referred back to the Executive in relation to predetermination and flawed/ineffective consultation.

Councillor Ian Pittock stated that the decision should be referred back to the Executive in relation to the inadequate business plan, predetermination in advance of consultation and inadequate Equality Impact Assessments. Councillor Pittock also noted the wider issues relating to Budget Scrutiny by the Overview and Scrutiny Committees.

Councillor Shahid Younis noted the concerns raised about the decision making process but felt that the Executive decision should be confirmed with advice to the Executive in relation to clarity about consultation and the need to look at each site on its individual merits.

Councillor Bill Soane noted that the Executive decision was focussed on improving safety and not on financial savings. He also agreed that each site should be assessed to understand the local situation.

Councillor John Jarvis agreed that there were concerns about the process but felt that the evidence showed that the Executive did listen to the views of residents.

Councillor Kate Haines noted that the decision making process had not been followed correctly and felt that the Executive should be informed of the Committee's findings.

It was proposed by Councillor Andy Croy and seconded by Councillor Ian Pittock that:

- 1) the Executive be requested to review their 26 July 2018 decision on the School Crossing Patrol Service in light of the evidence presented to the Overview and Scrutiny Management Committee;
- 2) the request to the Executive for a review is based on the following reasons:
 - a) the original 2015 decision to remove the School Crossing Patrol Service was taken prior to the consultation, and, with the substantive decision having been taken, subsequent consultation exercises were not seen as meaningful;
 - b) the original 2015 decision was taken without an underpinning business case and the 26 July 2018 Executive report did not contain detailed information showing the current costs of the service and the full financial implications relating to the proposed implementation, maintenance and future replacement of the new permanent crossing facilities;
 - c) the original 2015 decision was taken without an underpinning Equality Impact Assessment (EIA) and the subsequent April 2018 EIA did not contain detailed

information about consultation with specific groups and did not reflect the individual circumstances relating to each of the proposed crossing sites.

On being put to the vote the proposal was **agreed**.

RESOLVED That:

- 1) the Executive be requested to review their 26 July 2018 decision on the School Crossing Patrol Service in light of the evidence presented to the Overview and Scrutiny Management Committee;
- 2) the request to the Executive for a review is based on the following reasons:
 - a) the original 2015 decision to remove the School Crossing Patrol Service was taken prior to the consultation, and, with the substantive decision having been taken, subsequent consultation exercises were not seen as meaningful;
 - b) the original 2015 decision was taken without an underpinning business case and the 26 July 2018 Executive report did not contain detailed information showing the current costs of the service and the full financial implications relating to the proposed implementation, maintenance and future replacement of the new permanent crossing facilities;
 - c) the original 2015 decision was taken without an underpinning Equality Impact Assessment (EIA) and the subsequent April 2018 EIA did not contain detailed information about consultation with specific groups and did not reflect the individual circumstances relating to each of the proposed crossing sites.

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 4 SEPTEMBER 2018 FROM 7.05 PM TO 9.10 PM**

Committee Members Present

Councillors: Barrie Patman (Chairman), Bill Soane (Vice-Chairman), Chris Bowring, Rachel Burgess, Lindsay Ferris, Mike Haines, John Halsall, Emma Hobbs, Malcolm Richards, Rachelle Shepherd-DuBey, Chris Smith and Sean Murphy

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Neil Allen, Legal Advisor to the Committee
Julia O'Brien, Licensing Team Manager
Charlie Fletcher, Acting Lead Officer, Policy and Governance
Sean Murphy, Public Protection Partnership Manager

13. APOLOGIES

Apologies for absence were submitted from Councillors Abdul Loyes and Oliver Whittle.

14. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 27 June 2018 were confirmed as a correct record and signed by the Chairman.

15. DECLARATION OF INTEREST

A declaration of interest was submitted from Councillor Chris Smith in relation to item 22 of the agenda on the basis that he worked for a national lottery draw operator on behalf of his firm. Councillor Smith did not vote on that item.

16. PUBLIC QUESTION TIME

There were no public questions.

17. MEMBER QUESTION TIME

There were no Member questions.

18. CRITERIA POLICY FOR LICENSED VEHICLES

The Committee received the Criteria Policy for Licensed Vehicles report which was set out in agenda pages 15-24.

Julia O'Brien, Licensing Team Manager referred to the report contained in the agenda and stated that the report reflected the recommendations that had been made at the last meeting and by the Task and Finish Group which had been set up to look at the policy. She informed that the Task and Finish Group had included Licensing Officers, Licensing Committee Members and a representative from the trade.

During the discussion of the item the following points were made:

- Councillor Burgess asked if there was more information available about introducing specific requirements for ramps. Julia O'Brien informed that Laura Driscoll, former Principal Officer, Public Protection Partnership had contacted other Local Authorities and she had found that Slough Borough Council had in its policy a 20% gradient requirement for ramps, other Local Authorities did not have ramp specifications. Julia O'Brien pointed out that the level of ramps also depended on the ground level;

- Councillor Bowring asked what exactly was meant by 'green cars' on page 20 of the agenda. Charlie Fletcher, Acting Lead Officer Policy and Governance stated that 'green cars' referred to cars that were generally accepted as being environmentally friendly. He stated that the wording had been intentionally non-specific so that cases could be accessed individually. Councillor Bowring felt that this terminology was too vague and should be more specific;
- Councillor Bowring asked if broken windows could be replaced with non-tinted windows. Charlie Fletcher stated that a licence was granted to the vehicle and not to the window, the expectation was that if a window was broken, that this would be replaced 'like for like';
- Councillor Bowring asked if where the policy mentioned 'disabled' in paragraph 2.9.1, it actually meant wheelchair bound. Julia O'Brien stated that the proposal was to take out that wording in paragraph 2.9.1 and add the new wording in bold and italics at the bottom of page 23;
- Councillor Burgess stated that that the Task and Finish Group had recommended to extend the period of time to implement changes to existing vehicles to five years. She pointed out that, currently, only a third of vehicles in the fleet met the wheelchair accessibility criteria, and also some drivers had made a considerable investment when purchasing their vehicles. When questioned, most Members were in favour of a five year time period;
- Councillor Richards stated that it would be useful to include a few examples of cars that would fit the criteria, in an effort to avoid vagueness;
- Councillor Shepherd-Dubey stated that green vehicles should be measured in relation to their carbon emissions, she stated that hybrid cars for example, were not necessary low emission when they run on petrol;
- Julia O'Brien agreed to include this in the policy and asked for direction from the Committee;
- Councillor Hobbs was concerned with issues that she had recently been made aware of in relation to passengers with guide/assistance dogs being refused by drivers. Julia O'Brien stated that this was already a legal requirement, set out by central government, and she felt that it was not necessary to include it in the local policy;
- In response to a question Julia O'Brien stated that there had not been many complaints in the Wokingham Borough recently, however, action would be taken if an incident was reported;
- Councillor Soane stated that the Task and Finish Group had concluded that in order to promote a greater take up of 'green cars', firstly it was necessary to ensure that there were sufficient charging points in the Borough;
- Councillor Burgess stated that the Task and Finish Group's recommendation to remove the mileage requirement and require the driver to have an independent advanced vehicle inspection had been proposed by the trade's representative. She felt that this option should be considered;
- Councillor Patman was concerned that such tests would have to be carried out by a trustworthy source. Julia O'Brien stated that a company such as the RAC would be acceptable. Members were in favour to introduce the checks as per suggestion on page 23 of the agenda.

Upon being put to the vote most Members agreed to the proposals and amendments contained in the report.

RESOLVED That:

- 1) The Licensing and Appeals Committee agrees to the proposed amendments to the Criteria Policy for Licensing of Vehicles as outlined at Annex A of the agenda;
- 2) The new requirements would come into effect immediately for any new vehicles, and within a period of five years for existing vehicle licences;
- 3) The mileage requirement be replaced with a requirement to the driver to have an independent advanced vehicle inspection (such as that carried out by the RAC) with the cost to come borne by the vehicle proprietor.

19. CUMULATIVE IMPACT ASSESSMENT

(Councillor Halsall declared a prejudicial interest in this item and did not take part in the discussion and vote of the matter)

The Committee received the Cumulative Impact Assessment (CIA) report which was set out in agenda pages 25-28.

Julia O'Brien stated that there had been a change in the legislation in relation to cumulative impact since the issue was first raised by the Committee. She stated that a consultation had been carried out under the old legislation and that this item had since then been deferred. The Committee was now required to take one of three possible courses of action, as listed in the report.

The Chairman invited the legal representatives from The Copas Partnership and the Henley Royal Regatta to address the Committee only if they had any new points to raise that had not been covered at the last meeting of the Committee.

Roy Light representing The Coppas Partnership addressed the Committee and stated that their position remained the same as discussed in the previous meeting. He pointed out that the new law imposed a higher bar for the implementation of a CIA.

Sue Dowling representing the Henley Royal Regatta confirmed that their position also remained the same and she agreed with the points made by Roy Light. She stated that due to the changes in legislation, in her opinion, the only legal options to the Committee were recommendations two and three.

Councillor Halsall addressed the Committee and stated that it had now come to light that cumulative impact could be considered, even in the absence of the formal adoption of a CIA policy. He stated that Blandy and Blandy lawyers had pointed out at the last meeting that cumulative impact had been in the policy since 2013. He stated that the issue had started with advice that had been given to a Licensing Sub-Committee for the Henley Open Swim (that cumulative impact could not be taken into account because the Council did not have a CIA Policy); that advice had been erroneous.

Councillor Halsall referred to a letter that Neil Allen, Legal Advisor to the Committee had written to the Remenham Residents Association, in which he confirmed that cumulative impact could be considered in future Sub-Committee hearings (Councillor Halsall circulated this letter). Based on this, he believed that there was no reason to continue pursuing the adoption of a CIA.

Neil Allen advised Councillor Halsall to declare a prejudicial interest in relation to this item. Councillor Halsall felt that there was no longer a need to declare an interest in view of the

fact that he was no longer pursuing the implementation of a CIA, however he agreed to accept the legal advice, leave the room for the Part 2 session and not take part in the discussions and vote.

Councillor Smith noted that paragraph 10 of the policy referred to premises and not events. He was advised that this covered any type of licence.

Neil Allen confirmed that cumulative impact could be taken into account in the absence of a formal CIA policy. The main difference was that in the absence of a CIA policy, the onus was on the objectors to produce evidence to prove cumulative impact. If a CIA policy was in place, the onus was on the licence holder to prove that there was no cumulative impact and adverse effects on the licence objectives.

Councillor Halsall left the room and the Committee went into a Part 2 session in order to receive legal advice in respect of the implications of the recommendations. The Chairman advised that the Committee would return to an open session to discuss and decide the item.

The Committee carefully considered the options listed in the report and concluded that the controls that were currently in place were sufficient and were working well. Upon being put to the vote Members opted for recommendation number three as listed in the report.

RESOLVED That the Committee agreed to stop the current consultation process altogether, whilst acknowledging that the process could be commenced in the future for any part of the Borough, should circumstances arise that suggest a cumulative impact assessment should be considered.

20. REVIEW OF STATEMENT OF LICENSING POLICY

The Committee received the Review of Statement of Licensing Policy report which was set out in agenda pages 29-54.

Julia O'Brien stated that Wokingham Borough Council was required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Licensing Act 2003. The SLP outlined the general approach of the Licensing Authority when making licensing decisions under the Act and could be reviewed and revised by the authority at any time. The Wokingham Borough Council SLP must undergo a review and be re-published by the end of September 2018.

Julia O'Brien stated that the proposed new policy had been re-written to reflect the comments made during the consultation, as well as re-formatting, updating and the addition of minor areas of clarification.

During the discussion of the item the following comments were made:

- Councillor Halsall suggested that residents and local ward Members be included in paragraph 3.5 to take part in the Safety Advisory Group (SAG);
- Councillor Hobbs was concerned about including local residents;
- Councillor Halsall pointed out that Members had been elected to represent the residents in their wards. He stated that large scale events had an impact on residents and that local ward Members should have a representation in SAGs;
- Councillor Shepherd-Dubey stated that local ward Members should be informed of large scale events in advance;

- Julia O'Brien stated that SAG's were not set up on a routine basis. She stated that Members were advised of events in their wards;
- Councillor Halsall reiterated that large scale events affected residents and had an implication on roads, noise and litter;
- Councillor Richards asked what would happen if the Council required SAG's advice, and SAG gave advice and something went tragically wrong, he was interested to know who would be responsible. Neil Allen responded that it depended on how specific the advice was; SAGs were non-statutory entities and ultimately the organisers of the event were responsible for it;
- Julia O'Brien offered to inform Members of the dates of SAG meetings;
- Councillor Smith stated that he was informed of all licence applications within his ward;
- The Chairman suggested discussing this point at a future meeting;
- Councillor Ferris agreed that local ward Members should be advised and involved in the planning of large scale events.

Councillor Halsall proposed to amend the wording in paragraph 3.5 of the policy, to include an invitation to local ward Members to take part in SAG's in relation to large scale events. He was seconded by Councillor Ferris and the proposal was agreed by the majority of Members.

Upon being put to the vote the majority of Members agreed to the recommendation with the amendment proposed by Councillor Halsall.

RESOLVED That: The Committee approves the revised Statement of Licensing Policy, including the amendment to paragraph 3.5 as listed above.

21. REVIEW OF STATEMENT OF GAMBLING PRINCIPLES

(Councillor Chris Smith declared a prejudicial interest in this item and did not vote on the matter)

The Committee received the Review of the Statement of Gambling Principles which was set out in agenda pages 55-80.

Julia O'Brien stated that section 349 of the Gambling Act 2005 ('the Act') required all licensing authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act ('Statement'). The Statement would last for a maximum of three years and could be reviewed and revised by the authority at any time.

Julia O'Brien informed that the present Statement was published to take effect from the end of January 2016 and therefore must undergo a review and be re-published by the end of January 2019.

In response to a question Julia O'Brien stated that there were too many changes to the document to present it with track changes, however there was a summary of the changes in the report.

In response to a question Julia O'Brien stated that there were approximately eight betting shops in Wokingham, she informed that betting in Wokingham occurred mainly in machines in pubs.

During the discussion of the item the following points were made:

- Councillor Burgess stated that one of the points raised in the consultation by the gambling charity was about training for staff, especially in relation to vulnerable adults; she believed this was a good idea;
- In response to a question, Luciane Bowker stated that due to technical issues agendas and minutes on the Council's website only went back to 2008. However, should anyone request to see agendas or minutes prior to that, this was available through Democratic Services. There was concern that the resolution in relation to 'no casinos in Wokingham', which was passed by Council on 30 November 2006, was not available on the website, Members asked that this information be made available on the website. Officers agreed to look into this issue and include the resolution on the website.

Councillor Burgess proposed to include a requirement for training for staff in relation to vulnerable adults, she was seconded by Councillor Ferris and Members agreed to the proposal.

Upon being put to the vote most Members agreed to revised policy.

RESOLVED That: The Committee approves the revised Statement of Gambling Principles to be referred to Council for approval, including the inclusion of a request for training for staff as mentioned above.

22. ANNUAL REPORT

The Committee considered the Annual Report which was set out in agenda pages 81-83. The report contained a summary of the work undertaken by the Licensing Service during the past year.

During the discussion of the item the following comments were made:

- Members felt that it would be useful to include in the report the number of applications for licences, including the ones that failed, not just the number of licences that were granted, as this impacted on the service's workload;
- Councillor Smith noted that in certain lines there were peaks, probably when licences came to an end and needed renewing, this seemed to be cyclical. He asked if there was enough resources to deal with peaks;
- Julia O'Brien stated a report on fees and charges would be brought to the Committee meeting in November, and this would include information about resources;
- Councillor Halsall asked who Sean Murphy was as his name appeared in all the reports, he believed he should be present at the meeting. Julia O'Brien informed that he was the Public Protection Partnership Manager and that he had just left the meeting;
- Councillor Halsall would like to include in the plan regular review of licensing and trading standards;
- Councillor Halsall noted that licences were no longer listed on the website, he believed that they should be re-published and be available on the website;
- Councillor Haines asked that future reports include information about Wokingham specifically, and more clarity as to how the work was distributed across the local authorities involved in the shared services.

RESOLVED That:

- 1) Future reports will include the number of applications received;
- 2) Future reports will include information specific to Wokingham;
- 3) The report be noted.

23. LICENSING COMMITTEE FORWARD PLAN

The Committee considered the Forward Plan report which was set out in agenda pages 87-88. The report contained a list of items which would be considered at its next meeting in November 2018.

Members asked when tariffs for vehicles would next be reviewed. Julia O'Brien stated that this would happen on request by the drivers, and the service had not yet put forward a request.

RESOLVED That the report be noted.

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