

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD ON 31 JANUARY 2019 FROM 7.30 PM TO 8.45 PM**

**Committee Members Present**

Councillors: Julian McGhee-Sumner, Stuart Munro, John Halsall, Anthony Pollock, Parry Bath, Pauline Jorgensen, Simon Weeks and Philip Mirfin

**Other Councillors Present**

Rachel Burgess  
Gary Cowan  
Andy Croy  
Lindsay Ferris  
Clive Jones  
Angus Ross  
Chris Smith  
Shahid Younis  
Philip Houldsworth  
Malcolm Richards  
Imogen Shepherd-DuBey  
Rachelle Shepherd-DuBey

**78. APOLOGIES**

An apology for absence was submitted from Councillor Pauline Helliar-Symons.

Councillor Shahid Younis attended the meeting on behalf of Councillor Helliar-Symons. In accordance with legislation Councillor Younis could take part in any discussions but was not entitled to vote.

**79. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Executive held on 29 November 2018 were confirmed as a correct record and signed by the Leader of Council.

**80. DECLARATION OF INTEREST**

Councillors Julian McGhee-Sumner and Stuart Munro declared personal interests in Agenda Item 84 Shareholders' Report by virtue of the fact that they were unpaid Non-Executive Directors of WBC Holdings Ltd. Councillors McGhee-Sumner and Munro remained in the meeting during discussions and voted on the matter.

Councillor Philip Mirfin declared a personal interest in Agenda Item 84 Shareholders' Report by virtue of the fact that he was an unpaid Non-Executive Director of Optalis Holdings Ltd. Councillor Mirfin remained in the meeting during discussions and voted on the matter.

Councillor Anthony Pollock declared a personal interest in Agenda Item 84 Shareholders' Report by virtue of the fact that he was a paid Non-Executive Director of Optalis Holdings Ltd. Councillor Pollock remained in the meeting during discussions and voted on the matter.

**81. PUBLIC QUESTION TIME**

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

**81.1 Paul Fishwick asked the Executive Member for Environment, Leisure and Libraries the following question:**

**Question**

**DEFRA Air quality grant 2018 to 2019**

Local authorities in England could apply for the air quality grant scheme 2018 to 2019; with applications needed to be submitted to Defra by midday on 30 November 2018. In particular, Defra were looking for applications on projects designed to support:

- local authorities to develop and/or implement measures to improve local air quality
- innovation through trialling of low cost sensors

The grant would be competitive and at least £3 million has been set aside to English local authorities that have one or more Air Quality Management Areas (AQMAs).

As Wokingham Borough Council had three designated AQMA's within its area, did it make a bid for this funding, and if so what for?

**Answer**

Yes we did make an application to DEFRA for the grant monies. This bid was focused on improving air quality through the Council's 'My Journey Programme' which aims to promote active and alternative sustainable transport to reduce vehicle emissions which are the biggest cause of our air quality problems

The grant would enable the Council to fund an Eco Travel Officer to target at least six schools in or surrounding the designated Air Quality Management Areas. The additional work would be delivered in conjunction with existing schools and road safety packages to deliver skills training and address wider barriers to active travel.

We expect to hear the outcome of the bid by February 2019.

**Supplementary question**

It is pleasing news that the Borough Council has made a bid for air quality grant funding. However it is disappointing that Wokingham Borough has failed to submit a bid until now for this funding because according to DEFRA records, since Wokingham Borough Council first declared an Air Quality Management Area on 28 September 2001, it hasn't made any bids at all for this funding and previous governments have had this funding available.

Air pollution in the UK kills approximately 45,000 people prematurely every year. My question to the Executive Member, related to air quality, asked on 28 September 2018 provided a negative answer as the Borough Council had failed to respond to the Government's consultation on the future of planned UK clean air strategy. A positive response this time is a small step forward but this Council is failing to tackle poor air quality for residents and therefore the health of this population.

What assurances can the Executive Member provide that reassures its residents of the Borough that the Council will take poor air quality seriously and take proper action on removing its current three AQMAs and prevent any new AQMAs being declared?

### **Supplementary answer**

It is a very detailed question so can I come back to you in writing.

### **81.2 Beth Rowland asked the Deputy Executive Member for Children's Services the following question:**

#### **Question**

Whilst I acknowledge that the Borough does not have enough spaces for SEND pupils, I am not satisfied that this extension meets the SEND needs that the Council currently has let alone builds in any growth for the future.

There is also a problem for Woodley and Whitegates' residents with it being a further encroachment on the SULV (Site of Urban Landscape Value) that exists between the towns of Woodley and Earley.

However schools are now seeing pupils with more special needs and disabilities than ever before with some needs that cannot currently be catered for within the Borough.

The budget for providing for these children is massively overspent every year reported as being in excess of £1 million currently much of this because 'out of Borough' provision is very expensive. It can be very upsetting for both pupils and parents when children are unable to live near to or at home.

When is this administration going to address the real problem and come up with a complete solution for our children with SEND that is cost effective?

#### **Answer**

As you know I am a Woodley resident myself and I am fully aware of the issues and concerns which this raises so I accept that the decision to expand the Addington School is a sensitive one to local residents. The Officers' report setting out the educational arguments is persuasive in our view since expanding will enable the education of 50 additional children within the Borough. The Officers' report on the proposed expansion was not a development control report but did refer to the planning application which will need to be resolved through the normal decision making process for all development control. I know the Lead Member of this area is well briefed on the issues as are the relevant Planning Officers who will need to advise on the proposed works in the normal way before the Planning Committee decides.

We are about to start a wide consultation on a new SEND strategy which I hope all Members will encourage a strong response. A key benefit of that proposed strategy will be to try and increase the provision for SEND children within the Borough; wherever we can.

#### **Supplementary question**

I think you will find that it is more than one or two residents Shahid it is a considerable number of residents of both Woodley and Whitegates' wards that back on to that SULV.

I am delighted, it makes my heart sing, to see that you are looking at a wider proposition for SEND pupils. As Chairman of Governors of two of our local primary schools we see more and more children with special needs; some which should not be in mainstream education. We cannot handle them but there is nowhere for them to go.

My question is please will you, as this is an absolutely non-political area, work together across all parties to make sure that we make the best provision in our Borough for the children not only in our Borough but if we have got spare places for children from elsewhere?

### **Supplementary answer**

I can give you the assurance that yes we will. There is a consultation on SEND and we will expect a wider response from all Members.

### **81.3 Jenny Lissaman asked the Deputy Executive Member for Children's Services the following question:**

#### **Question**

The building of Addington School and car park on a much loved local green space, part of a Site of Urban Landscape Value (SULV), was highly controversial at the time. In itself the decision involved reducing the boundary of the SULV and led directly to further reductions in the SULV with a government inspector allowing an intrusive development to the rear of Pitts Lane, Goals Soccer with its pavilion, parking, and intrusive bright lights, and the loss of a playing field to development on the other side of Woodlands Avenue. Given the sensitivity of the location it amazes me that you did not plan for the future and design for extra capacity to be built into the original School building (quoted by Heather Thwaites in Get Reading as being 'fit for the 21st Century') so that the current situation could have been avoided. As you did not do this how can you justify your action of putting yet another blot on the landscape by carving yet another chunk out of the SULV to facilitate your cheap and ill thought out choice of option 1B?

#### **Answer**

I think part of the question response I have already given to the previous question but just to correct you the existing proposed expansion of the Addington School, provided the Executive gives the go ahead, is within the same curtilage of the Addington School which it currently is at the moment. So if you look at the plan that is what it is. It is not taking any additional land from the SULV it is actually the same within the boundary. Also obviously 10 years' ago there was a demand but now obviously demand has been increasing by 5% since 2015 and the demand is increasing so therefore we have to make provisions for the future.

#### **Supplementary question**

I have looked at the plans and looked at the layout and it seems to me that part of the SULV was being taken to put car parking on. It is an area where trees have been grown and have been surviving for quite a long time. Maybe I am incorrect as it is quite a long report to read.

Are you saying that we have to watch our green space being further eaten away because our Council did not forward plan? Because it sold off the old Addington site and because it is not prepared to build a satellite school anywhere else because it is too difficult to manage and because of this incompetency we, the residents who rely on a bit of open green space for our pleasure, enjoyment and sanity have to watch you (this is addressed to the Executive Member) who live in leafy Wokingham Without systematically destroy it?

#### **Supplementary answer**

In the report it says as well that the extension is within the curtilage of the Addington School so again I will say that there is no additional land being taken. Again I have spoken

to the relevant people and that is my understanding. Again we can discuss that. But there is no intention to take anything further. Also think of the benefits as well that this is going to bring to the Addington School with the additional 50 spaces we are creating. It will have a positive impact on the children, it will have a positive impact on families as well, and will also be hugely beneficial for the tax payer as well.

**81.4 Mr Bates had asked the Executive Member for Health and Wellbeing, Adult Social Care and Housing the following question but as he was unable to attend the meeting the answer below was sent to him:**

**Question**

Why are the Regeneration Team stating that the (said houses) have Structural Defects, when there is no mention of this in the 2011-2017 Rand reports?

If this was the case, are the WBC not complying with Health and Safety Regs?

**Answer**

The homes on the Gorse Ride estate were built using the Ministry of Housing and Local Government Development Group (MOHLG) construction technique during the late sixties and early seventies. From Day 1, there has been a catalogue of structural defects found with the homes due to their non-traditional construction. Issues have included poor thermal insulation, some structural defects and above and below ground drainage issues, which lead to high maintenance liabilities compared with other homes in Council ownership.

The non-traditional stock condition report carried out by Rand Associates in 2011 identified that £6,945,270 of repairs would be required on the Gorse Ride estate over the next 30 years. An updated stock condition survey was undertaken in 2017 to look at the repairs and maintenance requirements of the homes to meet the basic Decent Homes Standard, to comply with Health and Safety requirements and to ensure they remain wind and water tight. This report did not look into addressing the fundamental structural and drainage issues with the Gorse Ride homes; its aim was to ensure the homes were kept in a safe, habitable condition in the short to medium-term.

In addition to the housing stock condition, the 2017 report identified any health and safety hazards (against the Housing, Health and Safety rating system). Any remedial works would have been addressed by the Housing Services Team to ensure the Council was compliant with the relevant Housing, Health and Safety regulations.

Meeting health and safety requirements will always be a top priority for the Council when it comes to managing and maintaining all of our housing stock, including the homes at Gorse Ride.

**82. MEMBER QUESTION TIME**

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

**82.1 Lindsay Ferris asked the Leader of the Council the following question which was answered by the Executive Member for Planning and Enforcement:**

**Question**

In view of the recent Court of Appeal case where WBC were refused the leave to appeal the High Court Decision made in 2018 against WBC in relation to Hare Hatch Sheeplands. The reason given was there were no grounds to accept the appeal.

Of particular concern is the way the Council pursued this case as reference to "Abuse of Process" by the Council has been made by the Judges. We are also concerned about the significant costs that have been incurred and the potential future costs on the Council.

Will the Leader of the Council agree to an Independent External Inquiry into how this situation has occurred?

### **Answer**

WBC pursued this case in line with both internal and external legal advice and for the sound reason that the operator of Hare Hatch/Sheeplands had repeatedly flouted planning law for a significant period. We will not apologise for being vigilant in protecting the integrity of planning policies and, in particular, those applying to the Green Belt which you are very aware is the most highly protected land in the Borough. It is worth pointing out that, due to the Council's perseverance, all of the illegal developments were eventually removed from the site and a high court injunction remains in place to ensure they are not re-built. You may not be aware but we have successfully adopted this approach in other cases elsewhere in the Borough involving blatant persistent breaches of planning and in these cases criminal convictions resulted. The court has ruled differently in this particular case so we will always review future cases such as this but are satisfied that an independent external enquiry is not required on this occasion.

### **Supplementary question**

The reason why I wasn't looking at Simon to reply was because Simon was the Executive Member who, I believe, approved to go to the appeal and the costs that are involved so I am just a bit wary of that.

I think we have a reputational issue here. I have not got a problem with the Council pursuing people who have abused the planning process, and I have told Sheeplands' people about that, but when four high court judges have indicated that "there was abuse of process" and that the three had given the indication that there was no reason to appeal, this does hit the reputation of the Planning Department and the issues that have happened and I do think we need to learn from this and that is why I have asked for that. So if you are not going to do any external investigation I do think there does need to be somebody who has not been involved with this within the Council to look at this. So will you do an internal enquiry involving people and Officers who were not involved in this area because it is of grave concern that we could have significant costs in six, potentially seven figures, I don't know, as we don't know what the situation will be at a time when we are quite heavily financially strapped, and I would like to understand whether that would be pursued?

### **Supplementary answer**

I think you raise a valid point. I think that you are aware that the original case started in 2011 and the Council first sought the high court injunction some considerable time prior to me becoming the Executive Member. I inherited the case and when I reviewed the case the Officers' recommendation, and that of our QC, was that we should pursue the case to the appeal court because of the risk otherwise of indicating that there would be, if you like, a green light to people to continue to flout planning law with the knowledge that there is no specific penalty at the end of that.

I am happy to meet with you and the Head of Planning at the Council to consider what you have suggested and see if we can learn something from it. But my current position remains that if we faced a similar situation where there is repeated and blatant abuse of planning I would be very keen that we pursue that as we have done successfully in a number of other cases. We believe that this recent court case was inconsistent with previous decisions that we have received that have supported our course of action.

Councillor Ferris further stated:

Now that we have case law that pursuing through the planning process the proceeds of crime is now not a way to proceed and I think that is my understanding because one of the judges I believe was the Lord Chief Justice so these are very senior judges.

Councillor Weeks responded as follows:

One of the judges was not the Lord Chief Justice, it is rumoured she may become one. But I will also tell you that I understand that this decision has had significant repercussions with local authorities because to some extent it can reduce the ways they have of controlling inappropriate planning and in all areas I think most councils do want to have appropriate control of planning and in my experience residents want appropriate control of planning and cannot be selective that it is only applied to people they don't like as opposed to operations they do like.

**82.2 Angus Ross asked the Deputy Executive Member for Children's Services the following question:**

**Question**

In respect of the item on the agenda of possibly increasing the capacity of Addington School, the report mentions planning constraints. Is the Executive Member for Children's Services aware of the problems that exist outside the school gates in terms of congestion and safety on the road owned by the Borough but not adopted as a highway and will she ensure this is taken into account when a planning case is made, assuming the Executive tonight approves the recommendation to adopt Option 1B?

**Answer**

Yes I am aware of the planning issues referred to in the report and we have already been in touch with Planning Officers and the relevant Lead Member on this issue. Planning Officers are progressing the issues raised at present so that is being addressed.

**Supplementary question**

I understand that it will go through the planning process but from my past involvement with the overall site there I am aware of existing parking and safety issues there which the Council have been aware of but hasn't managed to fully address. So my supplementary sort of goes on from that. If the capacity of Addington is increased is it intended that the School will continue to help access and safety by allowing parking within their site at times when other users of that access off Woodlands Avenue and allowing a large number of cars to park for events etc and other Addington pupils of course when they are not on site?

**Supplementary answer**

You are probably referring in your question as well to that road which leads into Addington School. Obviously at the moment as we know there is a number of schools which follow that route. We also have a leisure centre coming up as well that will lead to even more pressure on that road so at the moment that is being looked at and will be looked at as

part of the planning application and also part of the wider thing as well regarding Addington School parking.

Councillor Ross commented as follows:

It is not the planning it is the accommodation that Addington have made in the last two or three years that they did assist that situation by allowing parking on Addington's land when the school was not in operation.

**82.3 Clive Jones asked the Executive Member for Regeneration the following question:**

**Question**

In the lessons learned report put before the Community and Corporate Overview and Scrutiny Committee it was confirmed that the Market Place project had cost £4.2m and was funded by s106 funding. The final project cost was said to be within 5% of the initial budget. However, at the WBC Executive on 24th September 2015 funding to a maximum of £1.5m was agreed. An identical amount would come from Wokingham Town Council.

This means the original project was expected to cost £3.0m not £4.2m which means the overspend is considerably more. Is this correct?

**Answer**

The simple answer is no but I will give you a slightly longer one if you wish Clive. The Executive Meeting referenced within the question for September 2015 was around 18 months before the final design for the Market Place scheme had been produced, so this then enabled a contractor to generate a cost estimate. During a later Executive meeting held during April 2017, the updated cost of £4.2m, which included the contingency was presented and agreed. The Town Council, that is Wokingham Town Council, also agreed this figure and its 50/50 share with this Council at its Town Council meeting, also held during April 2017.

**Supplementary question**

You have just given me some detail of subsequent meetings to the 24 September 2015 which came up with higher figures but still the original figure back on 24 September amounted to £3m. So that must be the original budget amount?

**Supplementary answer**

As I described that was the original review that was placed but without the design being completed so that could not be the fixed figure. That is why it was reviewed once the design had come through and reassessed at £4.2m.

**82.4 Chris Smith asked the Executive Member for Highways and Transport the following question:**

**Question**

What are the Council's plans for resurfacing of Rosemary Avenue in Earley?

**Answer**

We are quite fortunate in that the Department for Transport has awarded highways authorities with additional Government money recently so we have a one-off grant of just under £1.2m which has been given to us to help us deal with some of the terrible state that the roads are in. We do not have anywhere near enough money as a Council to maintain



the roads as well as we would like. We keep them safe but we don't have enough funds, as more or less the lowest funded authority, to actually do what we would like to on roads.

Every two years Highways does an automated check of all the roads. They have a laser that reads the road surface and they also scrub them to make sure that they are not slippery or dangerous and they have a map of the Borough which has all the roads in priority order. I am pleased to say that Rosemary Avenue is one of the roads that is in a particularly bad state and is showing up as red on that so there is a plan to put Rosemary Avenue as one of the roads in the programme of extraordinary works to resurface during 2019/20. Although I would add a word of caution in respect of the timing as work is dependent on there being no other activities in the vicinity so if somebody has a water leak or something we have to move roadworks around the place and this is to ensure that roadworks are coordinated and we don't end up with people stuck down the end of a road unable to get out completely.

So the good news is yes Rosemary Avenue will be done and the good news is that some other roads in the Borough will be done and they will be done in strict priority order.

### **Supplementary question**

Thank you that is very good news. You made reference to an extra £1.2m from the Government. As extra money like that is found, or identified, or granted, or just comes out of the normal budgeting process will you be, as a Member for Hillside as well, making sure that Earley is getting its fair share?

### **Supplementary answer**

I would like ensure that Earley gets its fair share but as I say the roads are done on priority order based on scientific assessment of all the roads so I have to make sure that the whole Borough is done in the order that it should be done based on the road condition. But yes I will make sure it is done fairly.

## **82.5 Gary Cowan asked the Executive Member for Business, Economic Development and Strategic Planning the following question:**

### **Question**

Re Agenda item 90. Council site for local plan. Wheatsheaf Close SW1011 is the only Council owned land promoted for residential albeit self-build. Has the Council not missed a trick by not promoting more of its land for housing which could be developed by their own companies to meet local affordable housing need and in doing so help its own companies to develop and prosper, as this would benefit all?

### **Answer**

There is quite a complicated answer to this really. Yes you are right. The Council has an ongoing mechanism for reviewing its landholdings, declaring assets surplus and finding potential alternative uses for them through its Asset Review Programme Board, which I am part of.

When a surplus site is identified, we consider whether the principle of development is supported by the Core Strategy Local Plan, for example, which you would know quite well, because they are within our towns and villages where development is planned, or the site is already developed. Where development is supported in principle, we progress the project and submit a planning application. There is no need to promote such sites into the Local Plan Update process; we can simply get on with them. This has been the case with

most of the sites we have developed for affordable housing, which of course you should also know, e.g. Fosters and Phoenix Avenue.

Where the principle of development is not supported by the Core Strategy Local Plan, for example, because it is outside where development is planned, we carefully consider whether development can be justified as an exception now, or whether the land should be promoted into the Local Plan Update. The sites and uses promoted into the Local Plan Update process are those that the Council has identified as the most suitable options to date that require consideration via this route. That is not to say that other sites could not be put forward in the future.

A map of all the Council's landholdings has been made available at all Local Plan Update consultations, as you may have seen last night, being held around the Borough, and residents and indeed our housing companies are able to suggest further sites for development should they so wish.

### **Supplementary question**

I found at the Forum that some of the elements of the presentation e.g. the crematorium in Barkham were not on the plans and were not discussed with residents. It is difficult to understand why the Council wants to use its own land to support private developers rather than allowing its own limited companies the opportunity to develop affordable housing on its own land.

In line with my question the LPU document has a reference to a deal with a neighbouring council which allows for the removal of small sites in a one size fits all policy, which I find very strange. My question therefore is this: Is the one size fits all policy acceptable when it was an opportunity for our limited companies to be able to evolve right and proper?

### **Supplementary answer**

I can confirm that they are definitely doing that.

## **82.6 Andy Croy asked the Executive Member for Finance, HR and Corporate Services the following question:**

### **Question**

Obviously technology is a critical success factor for Optalis – and for many organisations.

Is the technology solution being looked at a solution just for current operations or does it include options for widening the scope of Optalis services?

### **Answer**

Both. So yes it does relate to some issues currently that have need but it is also to implement our long term view for widening the service base and widening the customer base of the Company. So it will address both issues.

### **Supplementary question**

Does that include taking over services which are currently provided in-house by Officers of the Borough Council?

### **Supplementary answer**

It could do.

### **83. OFFICER RESPONSE TO GROUNDS MAINTENANCE SCRUTINY REVIEW**

The Executive considered a report setting out the Officer response to the Grounds Maintenance Scrutiny Review which was carried out by the Overview and Scrutiny Management Committee in 2018.

Councillor Philip Houldsworth, the Chairman of the Overview and Scrutiny Management Committee, introduced the report and drew Members' attention to the three main issues that the review had focussed on, as outlined in the report, following the large number of complaints that had been received from the public and Members about grass cutting.

During the review account was taken of the complaints that had been submitted, evidence received from residents, towns and parishes, community groups and the experiences of other councils who employed the same contractor.

Councillor Houldsworth highlighted the 12 recommendations that had come out of the review all of which had been accepted by Officers. As part of the review the Committee had requested that the Executive Member and the Director of Locality and Customer Services meet the senior management team from Tivoli early in 2019 to emphasise the Council's expectation for service delivery in 2019 and then submit a report to the February meeting of the Committee setting out the arrangements in place to ensure an effective grass cutting service in 2019.

The Executive Member for Environment, Libraries and Leisure advised that he also agreed with the recommendations, that a meeting with Tivoli was planned for next week and the intention was that the Deputy Executive Member and the Director would be attending the February Overview and Scrutiny meeting. Councillor Halsall also suggested having an item on grass cutting at the March meeting of the Committee as well.

**RESOLVED** that:

- 1) the report of the Overview and Scrutiny Management Committee into the Grounds Maintenance Contract as set out in Attachment 1 to the report be noted;
- 2) the Officers' respective responses to each recommendation, as set out in the Background section of the report, be supported.

### **84. REVENUE MONITORING REPORT 2018/19 - END OF DECEMBER 2018**

The Executive considered a report setting out the revenue monitoring position as at the end of December 2018.

The Executive Member for Finance provided an overview of the report and was pleased to report that the Adult Social Care overspend, which was previously reported at £1.5m, was now predicted to be £500k. Councillor Pollock highlighted the pressures on Children's Services, home to school transport and planning appeal budgets which were currently under review and processes were being put into place to try and reduce the predicted overspends.

**RESOLVED** that:

- 1) the quarter three position of the revenue budget and the level of balances in respect of the General Fund, Housing Revenue Account, Schools Block and the Authority's investment portfolio be noted;

- 2) the estimated general fund budget carry forwards of £575k identified at this stage be noted;
- 3) the updates on Adult Social Services' and Children Services' action plans be noted;
- 4) a supplementary estimate of £100k in 18/19 for "Optalis IT business case feasibility study" be approved;
- 5) a supplementary estimate of £200k in 18/19 for "HRA void costs" be approved.

#### **85. CAPITAL MONITORING 2018/19 - END OF DECEMBER 2018**

The Executive considered a report setting out the quarter three position of the Capital budget.

When introducing the report the Executive Member for Finance reminded Members that the outturn of the spending profile was often different from the actual budget and this was mainly due to the fact that there were often issues that arose during a project which meant that changes had to be made which would sometimes result in a project being delayed.

#### **RESOLVED** that:

- 1) the quarter three position for the Capital budget, as set out in Appendix A to the report, be noted;
- 2) the new budget adjustments in the Capital Programme for 2018/19, as set out in Appendix B to the report, including the additional £1,177,000 grant received from the Department of Transport for Highways Maintenance, be noted and approved;
- 3) the new budget virements in the Capital Programme which constitutes a change of use, as set out in Appendix C to the report, be noted and approved.

#### **86. SHAREHOLDERS' REPORT**

*(Councillors Julian McGhee-Sumner, Philip Mirfin, Stuart Munro and Anthony Pollock declared personal interests in this item)*

The Executive considered a report which provided an update on the performance and progress of those subsidiary companies that the Council had a controlling shareholder interest in.

The Executive Member for Finance highlighted a number of achievements that the companies had made which included the provision of housing and property development, the redevelopment of some adult social care facilities as well as new social housing facilities. As an example Councillor Pollock made reference to a piece of waste land in Shinfield which had previously been the subject of antisocial behaviour. With residents' support the area had been developed to provide much needed affordable housing. He asked Members to let him know if they became aware of any other pieces of land that might be suitable for social housing.

In relation to Optalis Councillor Pollock stated how impressed he had been with the new partnership with Windsor and Maidenhead which had led to a reduction in the turnover of

staff, improved staff satisfaction and had improved the delivery and quality of services to residents.

**RESOLVED** that:

- 1) the budget monitoring position for the month ending 30 November 2018 be noted;
- 2) the operational update for the period to 31 December 2018 be noted.

**87. DELIVERING THE GORSE RIDE REGENERATION PROJECT - COMPULSORY PURCHASE ORDER (CPO)**

The Executive considered a report seeking approval to proceed with the making of a compulsory purchase order (CPO) to achieve the comprehensive regeneration of the Gorse Ride estate.

The Executive Member with responsibility for Housing went through the report and advised that the intention was to establish a compulsory purchase order which would enable the voluntary or compulsory acquisition of all the necessary third party land interests to bring forward comprehensive regeneration of the Gorse Ride estate. The compulsory purchase order would provide certainty with regard to the site assembly and demonstrate the Council's commitment to rejuvenating the area.

Councillor Weeks stated that he was very pleased that the redevelopment of the area was being taken forward and hoped that the existence of a CPO would ensure that most acquisitions could be achieved voluntarily. He was also pleased to note that the redevelopment was supported by the majority of residents and had the support of the Tenant and Landlord Improvement Panel. Councillor Weeks highlighted the community spirit that existed in the area and advised that the Council was doing its utmost to ensure this was maintained as the new development progressed.

**RESOLVED** that:

- 1) the considerable progress already underway to support the rehousing of tenants and homeowners on the Gorse Ride estate be noted;
- 2) the in principle use of a CPO to acquire all property interests (the extent of which is shown indicatively edged red on the plan in Appendix 1) required to deliver the Gorse Ride Regeneration Project be authorised;
- 3) Council Officers continue to negotiate the acquisition by agreement of all third party interests in the land in advance of confirmation of a CPO;
- 4) the Director of Corporate Services, in consultation with the Executive Members with responsibility for Housing and Finance, be authorised to take all necessary steps required for the making, confirmation and implementation of the CPO, including securing the appointment of an external specialist CPO adviser to prepare all necessary documents required to support this process, including statements of reasons and requisite statutory notices;
- 5) the Director of Corporate Services, in consultation with the Executive Members with responsibility for Housing and Finance, be authorised to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act

1981 and / or serve notice to treat and notices of entry (if required) following confirmation of the CPO.

## **88. CHIEF FINANCE OFFICER'S REPORT**

The Executive considered the Chief Finance Officer's report which provides Members with information that they are required to consider when setting the level of Council Tax.

The Executive Member for Finance when introducing the report highlighted a number of areas including the various challenges that the Council was facing e.g. low levels of Government funding, increases in the number of children requiring intervention and expensive specialist care, and a growing older population. As stated previously measures were being put in place to try and address these challenges.

### **RESOLVED that:**

- 1) the Chief Finance Officer (CFO) report and the issues contained within, including the local government finance settlement and the sections on key risks, be noted and consideration will be given to these when setting the council tax for 2019/20 and agreeing the Council's Medium Term Financial Plan (MTFP);
- 2) the Council's response to the draft local government finance settlement, as set out in Appendix Two to the report, be supported;
- 3) the Council's ongoing representations for fairer funding for the residents of Wokingham Borough Council be noted.

## **89. TREASURY MANAGEMENT - MID YEAR REPORT**

The Executive considered a report relating to Treasury Management operations during the first six months of 2018/19.

The Executive Member for Finance when introducing the report stated the importance of the document which connected the Council's borrowing and investment with the prudential guidance indicators which showed that the Council's financial position in respect of borrowings and investments was soundly managed and soundly based. Councillor Pollock highlighted a number of areas in the report which included the fact that the Council had borrowed less in the first half of the year than was planned, the level of borrowing that was being repaid and investments that were being made in council housing stock.

The Leader of Council highlighted the fact that the £95m, previously borrowed as part of the HRA account, had been reduced to £79.8m which was particularly pleasing given that at the same time the Council was investing in its housing stock.

In response to a query about whether the Executive Member was concerned about the Council's level of borrowing Councillor Pollock responded that he was not concerned as the money that the Council held in assets, both in terms of housing stock and the town centre, would be valued approximately double the level of borrowing. In addition the investment portfolio was worth more than the Council had invested in it and the carrying costs were lower than the rental income which was based on sound, long term tenants.

### **RESOLVED that:**

- 1) it be noted that the mid-year Treasury Management report for 2018/19 was approved by the Audit Committee on 7 November 2018;
- 2) the mid-year Treasury Management report for 2018/19 be noted;
- 3) the actual 2018/19 prudential indicators within the report be noted;
- 4) the report be recommended to Council to approval.

#### **90. TEMPORARY CLOSURE REMENHAM FOOTPATH 4 HENLEY FESTIVAL**

The Executive considered a report relating to a request for temporary closure of Remenham Footpath 4 to allow the Henley Festival to be organised and run in a safe manner whilst enabling residents and visitors to continue using the footpath via a short detour.

#### **RESOLVED** that:

- 1) the making of an Order for the closure of Footpath Remenham No 4, for a closure of an 80m section of the footpath for the set up and de rig of the Festival stage from Monday 8th to Wednesday 10th July 2019 inclusive and from Monday 15th July to Tuesday 16th July 2019 inclusive be approved;
- 2) within the closure a 620m section be included for evening performances from Wednesday 10th July to Sunday 14th July 2019 inclusive and day time performances on Saturday 13th July and Sunday 14th July, under Section 16A of the Road Traffic Regulation Act 1984, subject to the receipt of the requisite consent of the Secretary of State for Transport.

#### **91. WHEATSHEAF CLOSE - SELF-BUILD PROJECT**

The Executive considered a report relating to the proposed development of Wheatsheaf Close as a self-build project.

The Executive Member for Health and Wellbeing explained the proposal which would provide the opportunity for the community to get involved with designing and building their own self-build projects. Wheatsheaf Close was the first of such projects and it was planned to build on 21 plots, 8 of which would be sold on the open market and there would be a design guide for the whole site.

In response to a query from Councillor Weeks, Councillor Batth confirmed that the self-build scheme was aimed at younger people who wanted to get onto the housing ladder not people who already owned homes and wanted to build larger houses.

#### **RESOLVED** that:

- 1) Wokingham Housing Limited or another council-owned Local Housing Company be selected as the development partner for Wheatsheaf Close;
- 2) the Council transfers the land at Wheatsheaf Close to a council-owned housing company for the purposes of delivering a self-build project on terms to be agreed by the Director of Corporate Services in consultation with the Executive Member for Health and Wellbeing, Adult Social Care and Housing, and the Executive Member for Finance, HR and Corporate Resources;

- 3) the site, subject to Recommendation 1 above, is appropriated for planning purposes under section 227 of the Town and Country Planning Act 1990 and Section 122 of the Local Government Act 1972;
- 4) the development brief and self-build delivery approach for the site be approved;
- 5) the transfer of land for the site will be subject to Wokingham Housing Limited (WHL) securing an outline planning consent for the scheme and the necessary Board approvals.

## **92. COUNCIL SITES FOR THE LOCAL PLAN**

The Executive considered a report which related to Council sites which had been submitted for consideration as part of the Local Plan Call for Sites.

The Executive Member for Business, Economic Development and Strategic Planning drew Members' attention to Appendix B of the report which showed the addition of two sites in Winnersh to the list of land holdings, that had already been promoted as part of the Local Plan process.

In response to Councillor Bath's query relating to a suggestion that had been put forward previously to build a Sikh temple on the Winnersh site Councillor Munro confirmed that the Council had a duty to get the best value return for all land and there was a need to go through the proper process and evaluate all options.

**RESOLVED** that:

- 1) the sites listed for submission and consideration, as set out in the report as part of the Local Plan Call for Sites, be approved;
- 2) authority be delegated for the submission of a detailed assessment as part of the Local Plan process to the Assistant Director of Commercial Property and the Executive Member for Business, Economic Development and Strategic Planning.

## **93. BUSINESS RATES RETAIL DISCOUNT**

The Executive considered a report setting out a proposed Localised Non Domestic Rates Retail Discount Scheme.

Members were informed by the Executive Member for Finance that the proposal was intended to support retailers who occupied properties with a rateable value less than £51,000 which would assist smaller retailers eg shops, restaurants, cafes etc. This would provide some relief to those retailers who were often well used and valued by the public.

**RESOLVED:** That the proposed Localised Non Domestic Rates Retail Discount Scheme, as set out in the report, be agreed.

## **94. PROVISION FOR SPECIAL EDUCATION NEEDS AND DISABILITIES, INCLUDING POTENTIAL OPTIONS FOR ADDINGTON SCHOOL EXPANSION**



The Executive considered a report setting out proposals for the provision for children and young people aged 0-25 with Special Education Needs and Disabilities (SEND), including potential options for the expansion of Addington School.

At this point in the meeting an interjection was made by a member of the public who queried whether the information contained in the report was actually correct as it appeared to suggest that the Council would be building on the SULV; which contradicted the answer given to her public question earlier in the meeting. The Leader of Council stated that Councillor Younis would take the points up with Officers in order to clarify the matter and would then provide a response and if necessary apologise.

The Deputy Executive Member for Children's Services advised the meeting that the proposal had come forward as a way of addressing current and future pressures in relation to children with special educational needs and disabilities. A number of options had been considered and Option 1B to expand the Addington School, which had been rated as an "outstanding" school, and create 50 additional special school places was the preferred option.

Members were informed that 133 children, which amounted to at least 40% of children requiring special school education, were being educated outside the Borough. This meant disruption for the children, in terms of long journey times and less time with their families, and also created budget pressures for the Council. In terms of costs Councillor Younis stated that it cost around £18,000 to support a child with special education needs in a Borough school and anything up to £67,000 to educate a child outside the Borough. The intention was therefore to educate children within the Borough wherever possible.

Councillor Pollock highlighted the red line on the map on page 216 of the agenda and queried whether this showed the entire site of Addington School as this seemed to show that part of the SULV was actually within the curtilage of the School. Councillor Younis confirmed that part of the SULV was within the boundary of Addington School and this was not going to be impacted.

With regard to the difference in cost between educating a child in the Borough and educating a child outside the Borough Councillor Pollock made the point that when children from other authority areas were educated in Borough schools the Council did not appear to be receiving the £75,000 that other authorities would have to pay in the independent sector and in fact he felt that the Council was actually receiving even less than the standard cost. He felt that this was very unfair given that the Council was intending to spend significant amounts of capital money expanding a very good school but could then end up having to sell surplus places to other authorities at a discount. He urged the Deputy Executive Member to look into this matter further.

Councillor Ferris interjected and highlighted the information contained in paragraph 6.11 of the report which stated that new buildings would be built on the existing car park and ball courts which were outside the SULV and these facilities would then be relocated to the part of the school site within the SULV.

The Leader of Council agreed that there was some ambiguity within the information that was provided and therefore further clarification was required. In response to Councillor Pollock's comments about out of area children using Borough facilities Councillor McGhee-Sumner confirmed that the aim was to use the new facilities for the benefit of Wokingham children.

Councillor Jorgensen reminded the meeting that the proposal would be going before the Planning Committee for a decision therefore there would be every opportunity for people to influence the proposed expansion through the planning process as well.

The Leader of Council felt that further clarification was required on the points that had been raised at the meeting and therefore proposed that recommendation 1) be amended to include the addition of the following wording: “subject to any clarification and correction as necessary” and this was agreed by the Executive.

**RESOLVED** that:

- 1) a scheme for the expansion of Addington School, with an estimated Capital cost of £4,400,000, as set out as Option 1B in the report, be approved subject to any clarification of the points made at the meeting and correction as necessary, planning permission and other statutory consents being granted, and
- 2) the development of further proposals, including a new special free school for children with autism and social emotional and mental health difficulties, improved accommodation for Foundry College and measures to support the retention of children in mainstream schools, including support for schools and sustainable arrangements for special education needs resource bases be approved. It was noted that these schemes will be the subject of a further report or reports in 2019;
- 3) the Director of Customer Services and Localities is requested through the Local Plan Update to consider amending the boundary of the SULV to exclude the land in the curtilage of Addington School.

#### **95. TYR ABAD RESIDENTIAL EDUCATION CENTRE (TREC)**

The Executive considered a report, including appendices containing exempt information, relating to the Tyr Abad Residential Education Centre (TREC).

The Deputy Executive Member for Children’s Services advised that the TREC, which provided good outdoor facilities, had been set up in the early 1970s by the head teachers of three Berkshire schools. It was noted that the TREC was run by a trust which was financially independent and the Council had no direct involvement in the day to day running of the facility. It did however currently employ three members of staff at the facility which meant that as employers the Council was still liable in a number of areas e.g. cases of negligence, health and safety requirements etc. Councillor Younis drew Members’ attention to the proposals in relation to the current staff, who had been involved in discussions on the matter, as set out in the report. The Council wanted to ensure that the services would continue as the TREC provided excellent facilities and therefore wanted to support them as much as possible whilst also limiting its liability.

Councillor Pollock wanted to ensure that there was some provision in place that would provide safeguards for the staff that were currently employed by the Council. Councillor Younis confirmed that provisions, as outlined in the Part 2 report, would ensure that they were supported.

**RESOLVED** that:

- 1) the report and areas of concern raised by the Tyr Abad Residential Education Centre (TREC) be noted;
- 2) the options outlined in Part 2 of the report, in order to facilitate a resolution to the current situation, be noted;
- 3) the Council offers support in the areas set out in Part 2 of the report.

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