

Meeting of West Berkshire District Council

Tuesday, 14 May, 2013

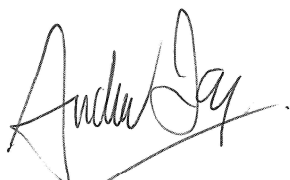
Summons and Agenda



To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on
Tuesday, 14 May, 2013
at 7.00pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Friday, 3 May 2013

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.

3. **PRESENTATIONS**

The Chairman will make presentations to his charity 'Help for Heroes', any personal presentations and Long Service Awards to Officers and Members.

4. **ELECTION OF CHAIRMAN FOR THE MUNICIPAL YEAR 2013/14 (C2509)**

To elect a Chairman of the Council for the 2013/14 Municipal Year. Following election the Chairman will sign the Declaration of Acceptance of Office. **(Verbal Report)**



Agenda - Council to be held on Tuesday, 14 May 2013 (continued)

5. APPOINTMENT OF VICE CHAIRMAN FOR THE 2013/14 MUNICIPAL YEAR (C2510)

To appoint a Vice Chairman for the 2013/14 Municipal Year. Following appointment the Vice Chairman will sign the Declaration of Acceptance of Office. **(Verbal Report)**

6. MINUTES

The Chairman to sign as a correct record the Minutes of the Council meeting held on 5 March 2013. **(Pages 1 - 16)**

7. DECLARATIONS OF INTEREST

To receive notice of any Declarations of Interest from Members.

8. APPOINTMENT OF THE EXECUTIVE BY THE LEADER OF THE COUNCIL FOR THE 2013/14 MUNICIPAL YEAR (C2511)

The Leader of the Council to announce the composition of the Executive for the 2013/14 Municipal Year. **(Verbal Report)**

9. APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES 2013/14 MUNICIPAL YEAR (C2512)

To consider the appointment of and allocation of seats on Committees and associated bodies for the 2013/14 Municipal Year and to agree the Council's Policy Framework for 2013/14. **(Pages 17 - 34)**

10. ADJOURNMENT OF MEETING

At this point, the Council meeting will be adjourned to enable the Committees appointed by the Council to meet to determine their Chairmen and Vice-Chairmen. The order for each meeting is set out below:

- (a) Overview and Scrutiny Management Commission
- (b) Licensing Committee
- (c) District Planning Committee
- (d) Eastern Area Planning Committee
- (e) Western Area Planning Committee
- (f) Governance and Audit Committee
- (g) Personnel Committee
- (h) Standards Committee

11. RECOMMENCEMENT OF MEETING

At the conclusion of the meeting of the Standards Committee the Council will recommence.

12. STANDARDS COMMITTEE ANNUAL REPORT 2012/13 (C2508)

To present the Annual Standards Committee report to the Council. **(Pages 35 - 46)**

Agenda - Council to be held on Tuesday, 14 May 2013 (continued)

13. PUBLIC HEALTH - SCHEME OF DELEGATION (C2651)

To propose that the Council's Scheme of Delegation is updated to reflect the new Public Health duties placed on the Council in accordance with the Health and Social Care Act 2012. **(Pages 47 - 52)**

14. AMENDMENT TO THE CONSTITUTION - PART 7 SPEAKING RIGHTS AT PLANNING MEETINGS (C2641)

To propose an amendment to speaking rights for adjoining Parish Councils at Planning Committee meetings. **(Pages 53 - 60)**

15. RE-PROFILING OF HIGHWAYS AND TRANSPORT CAPITAL PROGRAMME (URGENT ITEM)

To seek approval for re-profiling of the Highways and Transport capital budget allocation. **(Pages 61 - 76)**

16. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 20 March 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

17. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee has not met.

18. GOVERNANCE AND AUDIT COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Audit Committee met on 29 April 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

19. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee has not met.

20. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 16 April 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

21. STANDARDS COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Standards Committee met on 22 April 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).



Agenda - Council to be held on Tuesday, 14 May 2013 (continued)

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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DRAFT Agenda Item 6.

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON

TUESDAY, 5 MARCH 2013

Councillors Present: David Allen, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Jeff Brooks, Paul Bryant, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Billy Drummond, Adrian Edwards (Chairman), Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, David Holtby, John Horton, Roger Hunneman, Carol Jackson-Doerge (Vice-Chairman), Mike Johnston, Graham Jones, Alan Law, Tony Linden, Royce Longton, Gordon Lundie, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, David Rendel, Andrew Rowles, Garth Simpson, Julian Swift-Hook, Ieuan Tuck, Tony Vickers, Virginia von Celsing, Quentin Webb, Emma Webster, Keith Woodhams and Laszlo Zverko

Honorary Alderman Present: Geoff Findlay

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Margaret Goldie (Corporate Director - Communities), Andy Walker (Head of Finance), Rachael Wardell (Corporate Director - Communities), Stephen Chard (Policy Officer), Gillian Durrant (Group Executive (Lib Dems)), Moira Fraser (Democratic Services Manager) and Robin Steel (Group Executive (Cons))

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Mollie Lock, Councillor Alan Macro, Councillor Graham Pask and Councillor Anthony Stansfeld

Councillor Absent: Councillor George Chandler

PART I

45. Chairman's Remarks

The Chairman welcomed Councillor David Betts back to the chamber. He also welcomed the new Corporate Director for Communities Rachael Wardell to the meeting.

The Chairman reported that he had attended 29 events since the last Council meeting. He thanked Councillor Carol Jackson-Doerge for attending two events when he was unable to. He also thanked Councillors Paul Bryant and Anthony Stansfeld for attending two events on his behalf.

Highlights included three visits to Care Homes, two carol services, a band concert by the Hungerford Town Band, the annual Holocaust Memorial Day Service, the Berkshire Inspiration and Participation award ceremony, two school visits, the event marking the relocation of the Tourist Information Centre and four citizenship ceremonies.

The Chairman made special mention of his charity coffee morning in Newbury Town Hall which raised £440 for his charity Help for Heroes. He thanked all those who had contributed to and attended and also Jude Thomas and her family for helping to organise and run the event. He also thanked the Mayor of Newbury and his Civic Manager for letting him use the Town Hall.

The Chairman reminded Members that he would be hosting his charity golf day on the 15 April at the Newbury and Crookham Golf Club.

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The Chairman concluded by thanking the emergency services, the police, ambulance and fire and rescue service for their tireless work during the flooding and snow at the beginning of this year. He also thanked Council staff and contractors for keeping the roads safe to drive on and for continuing to collect refuse during the periods of inclement weather. He made special mention of the Civil Contingencies Manager for keeping everyone informed about the situation on the ground.

46. Minutes

The Minutes of the meeting held on 13 December 2012 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

Item 26 Page 4 Chairman's Remarks last paragraph delete the word 'arrival' and replace with 'birth'

Item 45 Page 20 Notices of Motions Item (26b) second paragraph delete words 'he was a governor at a school' and replace with 'they were governors at schools'.

The Minutes of the Special meeting on the 13 December 2012 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

Councillors Present: Councillors David Rendel and Keith Woodhams left the meeting during the consideration of the item pertaining to the Honorary Alderman and this was not recorded in the minutes.

47. Declarations of Interest

The Deputy Monitoring Officer announced that all Members present, in accordance with the Localism Act 2011, had applied for and had been granted a dispensation to consider any matter which had a bearing on the setting of the council tax (items 14, 15, 16 and 17 on this agenda). Failure to grant this dispensation would impede the transaction of the business because of the number of Councillors having the same disclosable pecuniary interest.

The Deputy Monitoring Officer also announced that Councillor Julian Swift-Hook, who was the Chairman of the Trustees of West Berkshire Mencap, had been granted a dispensation by the Standards Committee to speak on items pertaining to any detailed discussions on the Council's Budget and Council Tax items involving Mencap although he was not permitted to vote on these items. This dispensation would be valid until May 2015.

Councillor David Rendel declared an interest in Agenda Item 19 ((Health and Wellbeing Strategy), but reported that, as his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

48. Petitions

Councillor Roger Hunneman presented a petition containing 1719 signatures relating to Newbury on Street Parking Charges. The petition would be referred to the Head of Highways and Transport who was responsible for conducting the consultation exercise on this.

Councillor Hunneman in presenting the petition noted that at some other Councils a petition of this size would trigger a debate and he would like to revisit this issue at a later date.

(Councillor Paul Hewer arrived at 6.37pm)

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Councillor David Holtby presented a petition containing 107 signatures relating to the provision of a zebra crossing in Bridge Street, Hungerford. The petition would be referred to the Head of Highways and Transport.

49. Public Questions

A question standing in the name of Ms Judith Bunting pertaining to pressures arising from increasing caseloads involving homeless people was answered by the Portfolio Holder for Council Strategy & Performance, Housing, ICT, Corporate Support, Strategic Support and Legal.

50. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had not met.

51. Personnel Committee

The Council noted that, since the last meeting of the Council, the Personnel Committee had met on 20 December 2012 and 19 February 2013.

52. Governance and Audit Committee

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 11 February 2013.

53. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee had met on 27 February 2013 contrary to what was stated in the agenda.

54. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Committee had met on 04 February 2013 (special) and the 26 February 2013.

55. Standards Committee

The Council noted that, since the last meeting, the Standards Committee had met on 28 February 2013.

56. West Berkshire Council Strategy Refresh 2013-17 (C2544)

The Council considered a report (Agenda Item 13) concerning the refreshed version of the Council Strategy (2013-17).

MOTION: Proposed by Councillor Roger Croft and seconded by Councillor Dominic Boeck:

That the Council:

1. "Notes areas still to be updated (highlighted in yellow) relating to confirmation of the revenue budget.
2. notes the strategic objectives
3. approves the current version of the Council Strategy".

In proposing this item Councillor Croft explained that the Strategy provided a broad framework for the delivery of services over the next five years. It also illustrated how the Council's resources would be shaped in order to deliver the priorities. Councillor Croft noted that the section pertaining to the budget would need to be updated following approval of the Council's Revenue Budget and Capital Programme that evening.

Councillor Croft reported that this was a refresh of the existing strategy and that it had not been amended significantly. The most notable change was the inclusion of a section

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pertaining to Public Health as this function would be transferring to the Council as of the 01 April 2013.

Councillor Tony Vickers raised concerns that the issue of homelessness and provision of affordable housing was not adequately addressed in the strategy.

Councillor Gordon Lundie thanked Councillor Croft for the work he had done in drawing together the strategy. He noted that the transfer into and integration of Public Health into the authority and the activity around this function would be a major area of work over the next five years. He opined that this would strengthen democratic input into the health of West Berkshire. In order to assist Members with this process he hoped to circulate data to Members on their wards in the near future. The challenge would be to permeate the Public Health agenda through the Council.

Councillor Gordon Lundie also thanked Councillor Croft for the production of the strategy and welcomed the inclusion of the four priorities of:

- caring for and protecting the vulnerable;
- promoting a vibrant district;
- improving education;
- protecting the environment.

Councillor Lundie sympathised with Councillor Vickers's comments on the issues of homelessness and affordable housing. He explained that he would be setting up a Panel to look into the issue of affordable housing and that he would welcome Councillor Vickers's input into the Panel.

Councillor Lundie had also reflected on the Motion submitted to the December 2012 Council meeting pertaining to academies and as a consequence had provided additional investment in the budget to assist with school improvement irrespective of whether schools were academies or not.

Councillor Jeff Brooks explained that although his group felt that the strategy had a lot of merit they were not able to support it due to the omission of measures to deal with housing referred to earlier by Councillor Vickers.

Councillor Dominic Boeck in seconding the strategy explained that it had been well received by external organisations and he thanked those that had helped to produce this condensed version of the document.

Councillor Roger Croft commended the report to Council for approval.

The Motion was put to the meeting and duly **RESOLVED**.

57. **Borrowing Limits and Annual Investment Strategy 2013/14 (C2506)**

The Council considered a report (Agenda Item 14) concerning the Council's borrowing limits as set out by CIPFA's Prudential Code and seeking approval of the Annual Borrowing and Investment Strategy for 2013/14. The report was required in order to comply with the Local Government Act 2003.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Laszlo Zverko:

That the Council:

“adopts the 2013/14 Borrowing and Investment Strategy.”

Councillor Alan Law in introducing this report noted that this was an administrative paper which sought permission to increase the Council's borrowing limits by £27m for the forthcoming financial year. He explained that £25m of this related to a technical adjustment that had to be made to bring the Padworth Waste site onto the balance sheet

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as a result of changes to accounting regulations. The other funding related to a number of small amendments to capital funding largely to fund basic need numbers in some of the District's schools.

The Motion was put to the meeting and duly **RESOLVED**.

58. **Medium Term Financial Strategy (MTFS) 2013-16 (C2504)**

The Council considered a report (Agenda Item 15) concerning the medium term financial planning and strategy for the Council.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Laszlo Zverko:

That the Council:

“approves and adopts the 2013-2016 Medium Term Financial Strategy.”

Councillor Law in introducing this item noted that it was one of the most important documents to be considered by the Council. The document set out how resources would be directed to support the Council's four main priorities over the medium term.

To maintain the current level of service the Council would need to find an additional 2.4m over each of the next three years. An additional £8m of unavoidable pressures, primarily from the demand led services, would also need to be factored into future planning. The Council would also need to find an additional £10m to fund contractual increases and reductions in government grants over the next three years.

It was proposed that this £25m funding gap would be met by £17m of savings over the next three years. The remaining revenue funding (£7.6m) would therefore have to be generated by a 2% increase in Council Tax in 2013/14. (With 0% anticipated increases in 2014/15 and 2015/16).

Councillor David Rendel noted that the figures provided in this year's MTFS differed significantly from the previous year's version. Councillor Rendel implored the Council to accept the Government's Council Tax Freeze Grant thereby negating the need for the 2% Council Tax increase.

Councillor Graham Jones responded by saying that it was inevitable that the figures in the MTFS would change as new information emerged. The Council was faced with many difficult decisions and the Administration was seeking to maintain services within a framework of diminishing resources.

Councillor Jeff Brooks explained that his group would not be supporting the MTFS as they had concerns that the document lacked consistency.

Councillor Gordon Lundie in seconding the report noted that the MTFS was an organic document that had to be updated numerous times to take cognisance of information emerging from Central Government. Councillor Lundie referred to the illustrative document circulated by the Liberal Democrat Group and noted the suggestion of a 2.94% increase in 2015/16 and reminded Members that an increase in Council Tax over 2% would trigger a referendum which would have significant costs attached to it.

Councillor Alan Law reiterated that the MTFS and the figures within it needed to be amended on an ongoing basis to reflect information and funding emanating from Central Government. He illustrated this by explaining that information pertaining to the basic needs grant had only been issued the previous day and would need to be factored into future planning.

The Motion was put to the meeting and duly **RESOLVED**.

In accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on the Motion be recorded.

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FOR the Motion:

Councillors Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Paul Bryant, Virginia von Celsing, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Garth Simpson, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (34)

AGAINST the Motion:

Councillors David Allen, Jeff Brooks, Billy Drummond, Roger Hunneman, Royce Longton, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (11)

ABSTAINED:

Adrian Edwards (1)

59. Capital Strategy and Programme 2013-2018 (C2503)

The Council considered a report (Agenda Item 16) concerning the draft five year Capital Strategy (2013 to 2018) including the Minimum Revenue Provision (MRP) statement and the Asset Management Plan (AMP).

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Gordon Lundie:

That the Council:

1. “approves the proposed Capital Strategy and Programme;
2. keeps the proposed level of Education capital commitments under review until future levels of government grant funding are known and more detailed and accurate estimates of future pupil numbers and the cost of works required to provide sufficient school places are available.”

Councillor Alan Law in introducing this item reported that it set out the planned investment for the next five years. The majority of the programme reflected the Council's strategic priorities with £38.6m being spent on schools, £39m would be spent on the district's road network and £8.2m on various programmes to support vulnerable people. The document was similar to the programme agreed the previous year. The most notable changes were an additional £4.9m investment to address the increase in basic needs numbers in the district's schools and £1.8m in ICT to support the Council's efficiency programmes.

Councillor Tony Vickers reported that he had concerns about the disposal of assets in the current economic climate and suggested that it might be preferable to retain these assets until the market was more favourable. Councillor Vickers also suggested that it would be beneficial to residents for the Council to use s106 funding to purchase additional affordable housing stock

Councillor Gordon Lundie in seconding the item explained that the Administration had sought to establish the best possible programme for the residents of West Berkshire. The demise of the Council's highly successful s106 scheme, which would be replaced by the Community Infrastructure Levy (CIL), would result in less income for the Council. Councillor Lundie noted Councillor Vickers's comments on asset disposal. He felt that the issue of purchasing additional affordable housing stock was an interesting point to ponder.

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Councillor Alan Law explained that the vast majority of the assets being disposed of (which would realise around £4m over the next few years) would be used for social housing.

The Motion was put to the meeting and duly **RESOLVED**.

60. **Revenue Budget: 2013/14 (C2502)**

The Council considered a report (Agenda Item 17) concerning the Council's revenue budget for 2013-14.

Prior to the debate on this item taking place it was agreed that in accordance with paragraph 4.5.12 of the Council's Constitution the speaking limits for this item would be amended.

Councillor Hilary Cole left the meeting at 8.16pm and returned at 8.17pm.

Councillor David Betts left the meeting at 8.17pm and returned at 8.20pm.

MOTION: Proposed by Councillor Gordon Lundie and seconded by Councillor Alan Law:

That the Council:

1. "notes that at its meeting on 17th January 2013 the Executive calculated the following amounts for the year 2013/2014 in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended (by the Localism Act 2011):-
 - (a) 59,884.24 being the amount calculated by the Council, (Item T) in accordance with regulation 31B of the Local Authorities Calculation of Council Tax Base) Regulations 1992 (as amended by the Localism Act 2011), as its council tax base for the year.
 - (b) Part of the Council's area as per Appendix N being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which a parish precept relates.
2. Calculates that the Council Tax requirement for the Council's own purposes for 2013/14 (excluding Parish precepts) is £75,660,209
3. Calculates that the following amounts for the year 2013/2014 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, amended by the Localism Act 2011:-
 - (a) £296,206,485 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act taking into account all precepts issued to it by parish councils
 - (b) (£217,185,851) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act
 - (c) £79,020,634 being the amount by which the aggregate at 3(a) above, exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year (Item R)

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- (d) £1,319.56 being the amount at 3(c) above (Item R), all divided by 1(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the 'basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £3,360,425 being the aggregate amount of all special items (parish precepts) referred to in Section 34(1) of the Act (as per Appendix N).
 - (f) £1,263.44 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special items relates.
- (4) Notes that for the year 2013/2014 the Police and Crime Commissioner for Thames Valley & The Royal Berkshire Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Councils area as indicated in Appendix N.
- (5) in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables in Appendix N as the amounts of Council Tax for 2013/14 for each part of its area and for each of the categories of dwellings.”

In introducing the item Councillor Lundie reflected on the Union's comments that had been circulated to all Members electronically prior to the meeting. He felt that the comment about cuts to services provided to vulnerable people did not resonate with the proposals in the MTFs, Capital Programme and Revenue Budget and he had raised this issue with the Unions earlier that afternoon.

Councillor Lundie reported that the proposals included provision for a 1% increase in salaries for staff. Members allowances were index linked to the rate used for Local Government employees. Following discussions with the Leader of the Opposition it had been agreed that Members would forego this increase and that the sum would be placed in reserves until it was decided how it could be best utilised.

Councillor Manohar Gopal left the meeting at 8.19pm and returned at 8.22pm.

Councillor Lundie noted that the Revenue budget would total £129m which was a reduction on the budget for the previous financial year. He regretted having to increase Council Tax by 2% but explained that it was inevitable in order to continue to deliver the services as set out in his group's manifesto. Savings had been delivered by capping expenditure limits within individual services, making increased use of shared services where appropriate, and improving procurement thereby circumventing the need to make significant cuts in services.

Councillor Alan Law seconded the motion.

AMENDMENT: Proposed by Councillor Alan Law and seconded by Councillor Irene Neill:

That the Council:

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“In responding to the recently reduced level of Education Services Grant (estimated at circa £850k) when compared to the grant previously received as part of formula grant, the Education service have come forward with a number of further savings proposals over the next 2 years in the region of £450k.

We estimate £200k of these will be found in 2013/14 through greater efficiencies and rationalisation of services. However, it is also our intention to recycle this back into measures to improve schools performance.

The proceeds from the second year of savings will help to assist funding the delivery of further savings required as set out in the Council’s MTFs.

The service has also agreed to bring forward a £100k saving originally planned for 2015/16 into 2014/15.”

Councillor Alan Law in proposing the amendment noted that quite late in the process of producing the Revenue Budget the Council had been informed that it would be receiving £850k less in the Educational Grant than it had in the previous year. Discussions had taken place with the Education Service who identified £200k that could be used to address part of this shortfall. As it had been agreed that improving education was one of the Council’s priorities it had been agreed that the £200k would be included in the Education Improvement Programme and that the shortfall would instead be funded from Council Tax contributions.

Councillor Irene Neill in seconding the amendment noted that the revised Ofsted inspection regime was focusing on new areas which was making it difficult for some schools previously being graded as satisfactory to achieve the good rating that was now required. Councillor Neill acknowledged that the School Improvement Team had been downsized following the cessation of external funding for some posts and also due to the service being required to meet savings targets.

Councillor Neill was therefore pleased to have the additional £200k to address emerging issues. It had been agreed that the finding would not be used to fund posts but would instead be used on an ad hoc basis for example bringing in specialists when the need arose and to provide additional training for school governors. She welcomed this flexible approach which could be used alongside the existing strong team to achieve attainment levels the district was capable of achieving.

The Amendment was put to the vote and declared **CARRIED**.

Councillor Jeff Brooks in responding the motion introduced the Liberal Democrat amendment to the Revenue Budget.

AMENDMENT: Proposed by Councillor Jeff Brooks and seconded by Councillor David Rendel:

That the Council:

- “Recruit 2 school improvement advisors at a cost of £116,000
- Not introduce on-street parking charges in Newbury, thereby losing estimated income of £30,000 (£25,000 net of the capital charge against revenue)
- Retain the second Handyman for the elderly at a cost of £32,000

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This programme will cost an additional £173,000 in revenue, offset by £364,000 of extra savings and additional income, £200,000 from general reserves and £359,000 from the Economic Downturn Provision. This will be provided by taking the savings and disinvestment measures listed in the table below.

	Cut/Additional Income proposed in Administration Budget	Lib Dem Proposals: Amounts to be retained
Education and YP		
2 X School improvement advisors		116000
Adult Social Care		
Reinstate service dis-investment – Handy man	32000	32000
Highways and Transport		
On Street Parking Charges (net) in Newbury	25000	25000
Total	57000	173000
The spending above will be funded as follows:		
Car Parking Charges – see Appendix C		128000
Replacing some Library Assistants with volunteers (assumes a 1 st July implementation after staff consultation)		37000
Internet Charges in Libraries		15000
Chief Executive Contingency fund		30000
Additional income from Utilities/fines from highways		40000
Income from Mobile phone re-charging		9000
Reversal of Accruals		55000
Property Maintenance reduction		50000
Total		364000
Balance of Savings		191000
Make-up of £750,000 savings required to reduce the council budget increase to £0 in order to qualify for the £1.5M Government grant:		
	Balance of Savings (see above)	191000
	From General Reserves	200000
	From the Economic	359000

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Development Fund	
Total	750000

”

In commenting on the Amendment Councillor Brooks noted that the Opposition were concerned that the Administration's savings proposals would affect vulnerable people despite the fact that the paperwork stated that the proposals would have little or no impact. He was also concerned that £155k of the proposals were for unspecified schemes.

Councillor Irene Neill left the meeting at 8.35pm and returned at 8.40pm.

Councillor Brooks asked Members to reconsider the proposal to remove funding for the second handyman as he felt that it would be difficult for some vulnerable residents to access this type of service at a cost they could afford.

Councillor David Holtby left the meeting at 8.36pm and returned at 8.41pm.

Councillor Brooks reported that he was concerned that the authority was not seeking to use all of the Discretionary Housing Grant that was available to them and also felt that the Administration should not be increasing Council Tax when it had funds available in its reserves that could be utilised instead.

Councillor David Allen noted the need to focus on education and lamented that the School Advisory Team had been disbanded two years previously. He felt that it was essential that two School Improvement Advisors be recruited to address some of the attainment issues being experienced in West Berkshire.

Councillor Keith Woodhams was concerned about the impact on local businesses of introducing on street car parking charges in Newbury and therefore urged Members not to vote in favour of the proposal to introduce it. He was also concerned about the impact making a decision at this meeting would have on the outcome of the consultation exercise that was being undertaken on this matter.

Councillor Joe Mooney noted, in respect of the handyman proposal, that the service was provided by Age UK and they had been made aware that the funding was temporary and that it could be withdrawn at any time. The impact of the withdrawal of this funding was that residents would have to wait longer for the service although they would have the ability to seek an alternate provider.

Councillor Alan Law was concerned about the proposal to use reserves to fund the amendments as he felt that the use suggested over the previous few years by the Liberal Democrats would have depleted the reserves. He also drew Members' attention to the S151 Officer's comments on potential funding gaps in 2014/15 and 2015/16 should the suggested amendments be approved.

Councillor Emma Webster noted that although the amendment suggested that the on street car parking in Newbury should not be introduced the alternate budget made provision for an additional £128k of income to be generated from increased car parking tariffs in the Newbury Central, Outer and Coach Parks and from increased charges in respect of season tickets. This was likely to impact on footfall in the town. The amendment also referred to additional income of £15k being generated by income from

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charging for internet usage in libraries. Councillor Webster opined that this charge was likely to impact on some of the districts most vulnerable residents.

Councillor David Rendel explained that the increased car parking tariffs would only be applied to the long stay car parks which would not affect shoppers and therefore would not impact negatively on businesses in the town. He also explained that as proposals to use reserves in previous years had been rejected the proposals in this budget should not be considered on a cumulative basis. He suggested that if Members had accepted the proposal to charge for homes that stood empty for less than four weeks the Council would only have had to raise Council Tax by 1.5% and that this could be delayed until 2015/16. Council Rendel urged Members to use the reserves to fund the proposals and explained that the sheet tabled at the meeting explained how the shortfall referred to by the S151 Officer could be met.

Councillor Jeff Brooks reported that this was an opportune time to use the Council's reserves and therefore urged Council to support the amendment.

Councillor Virginia von Celsing left the meeting at 9.08pm and returned at 9.10pm.

Councillor Gordon Lundie speaking as the proposer of the original motion clarified the issue in respect of on street parking by explaining that a vote tonight was not agreement to implement the scheme. Comments arising from the consultation would be taken on board before a final decision was arrived at. Should it be determined that the scheme should not be implemented the Highways Team would have to find the £30k income shortfall from elsewhere. Councillor Lundie raised concerns about the savings proposals in relation to libraries, the handyman, parking charges and use of reserves in the amendment and therefore asked Council to vote against it.

The Amendment was put to the vote and declared **LOST**.

In accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on the Amendment be recorded.

FOR the Motion:

Councillors David Allen, Jeff Brooks, Billy Drummond, Roger Hunneman, Royce Longton, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (11)

AGAINST the Motion:

Councillors Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Paul Bryant, Virginia von Celsing, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hwer, David Holtby, John Horton, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Garth Simpson, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (34)

ABSTAINED:

Adrian Edwards (1)

Discussions then returned to the substantive motion as amended. Councillor Graham Jones stated that the proposed Revenue Budget underpinned the Administration's commitment to preserve services and keep Council Tax low. This had to be achieved in light of ongoing reductions in Government grants and some uncertainty on future

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responsibilities for the Council (for example the responsibilities the Council might incur in respect of the Dilnot report). Councillor Alan Law explained that reserves should be used to fund one off unexpected events and not to fund ongoing revenue costs.

Councillor Gordon Lundie explained that the Council had to identify around £17m over the next three years which meant that difficult choices had to be made. Councillor Lundie sought to put the Council Tax increase into context by explaining that a 2% increase amounted to 47p per week for a Band D property. While he acknowledged that this might cause difficulties for some residents he was sure that the majority of residents would accept it in order to protect services.

The Substantive Motion was put to the meeting and duly **RESOLVED**.

In accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on the Motion be recorded.

FOR the Motion:

Councillors Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Paul Bryant, Virginia von Celsing, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Sheila Ellison, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Garth Simpson, Ieuan Tuck, Quentin Webb, Emma Webster, Laszlo Zverko (34)

AGAINST the Motion:

Councillors David Allen, Jeff Brooks, Billy Drummond, Roger Hunneman, Royce Longton, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (11)

ABSTAINED:

Adrian Edwards (1)

61. Statutory Pay Policy Statement (C2597)

The Council considered a report (Agenda Item 18) concerning the Council's pay policy statement which had to be published by the 01 April 2013.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Laszlo Zverko:

That the Council:

"approves the Pay Policy Statement".

Councillor Alan Law in introducing this item explained that the Council was required to publish this information as part of the Government's drive to increase transparency in Local Government.

The Motion was put to the meeting and duly **RESOLVED**.

62. Health and Wellbeing Strategy (C2581)

(Councillor David Rendel declared a personal interest in Agenda item 19 by virtue of the fact that his wife was a local GP. As his interest was personal and not a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 19) concerning the emerging priorities within the first Health and Wellbeing Strategy which had been adopted by the Health and Wellbeing Board at its meeting on the 28 February 2013.

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MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Quentin Webb:

That the Council:

“agrees the health and Wellbeing Strategy and the emerging priorities for 2013/14”.

Councillor Graham Jones in introducing the report explained that the Strategy fell within the remit of the Health and Wellbeing Board. It was an organic document which would be updated on an ongoing basis. He would therefore take on board the comments from Councillor Lundie about health issues arising from alcohol misuse.

Councillor Jones reiterated that the integration of Public Health into the Council would be one of the challenges for the forthcoming year. Good relationships were being built up with the Clinical Commissioning Groups who were eager to consider some of the broader determinants of health under the auspices of the Shadow Health and Wellbeing Board.

Councillor Richard Crumly left the meeting at 9.44pm.

Councillor David Allen offered support for the strategy accepting that it was an organic document. He also requested that consideration be given to including reference to homelessness in the document.

Councillor Tony Linden left the meeting at 9.44pm and returned at 9.45pm

Councillor Manohar Gopal left the meeting at 9.45pm and returned at 9.46pm

Councillor Jones agreed to take away this issues raised at the meeting and to feed them into discussions on the evolving document which would seek to take into account the broader determinants of health as it became embedded.

The Motion was put to the meeting and duly **RESOLVED**.

63. **Localisation of Council Tax Support - Detailed Administration of the West Berkshire Scheme (C2611)**

The Council considered a report (Agenda Item 20) concerning the administration process associated with the newly adopted Council Tax Support Scheme.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Roger Croft:

That the Council:

1. “adopts the detailed administrative arrangements as currently set out for the default scheme in SI 2012 No.2886 except and in so far as the Council's policy decision on 13th December 2012 provided otherwise.
2. in the event of amendment to SI 2012 No. 2886, the Councils own scheme be similarly amended except and in so far as the Council's policy decision on 13th December 2012 provides otherwise”.

Councillor Alan Law in introducing the paper noted that the principles behind the scheme had been agreed at the Council meeting in December 2012. The Council now had a statutory duty to agree the administrative processes to underpin the scheme.

The Motion was put to the meeting and duly **RESOLVED**.

64. **Members' Questions**

- (a) A question standing in the name of Councillor Keith Woodhams on the subject of speed enforcement on roads without speed limits was answered by the Portfolio Holder for Planning, Property, Highways and Transport.

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- (b) A question standing in the name of Councillor Keith Woodhams on the subject of usage of the park and Stride facility at the Thatcham Nature Discovery Centre was answered by the Portfolio Holder for Countryside, Environmental Protection, 'Cleaner and Greener', Culture and Customer Services.
- (c) A question standing in the name of Councillor Gwen Mason on the subject of the impact of the Housing Allocations Policy on families with a disabled child was answered by the Portfolio Holder for the Council Strategy & Performance, Housing, ICT, Corporate Support, Strategic Support and Legal.

(The meeting commenced at 6.30 pm and closed at 9.51 pm)

CHAIRMAN

Date of Signature

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Title of Report:	Appointment of and Allocation of Seats on Committees 2013/14 Municipal Year
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2512

- Purpose of Report:**
- (1) To consider the appointment and allocation of seats on Committees and associated bodies for the next Municipal Year.
 - (2) To agree the Council's Policy Framework for 2013/14 as set out in Paragraph 6.1.

- Recommended Action:**
1. That the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of this report are to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.
 2. That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.10 (Table A).
 3. That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 and Table B.
 4. In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee.
 5. That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).
 6. That the Council approves the appointment of Members to the Committees as set out in Appendix B and in accordance with the wishes of the Political Groups.
 7. That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2)

Regulations 2008, agrees the Council's Policy Framework for 2013/14 be as set out in paragraph 6.1 and that any appropriate amendments be made to the Council's Constitution should this be necessary.

- 8. That the Council, in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.**
- 9. That the Council agrees that Paragraph 2.6.5 of Article 6 of the Council's Constitution, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting.**
- 10. That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.**
- 11. Two Parish/Town Councillors and two independent members be appointed to the Standards Committee's Advisory Panel.**
- 12. To note that the council has appointed James Rees and John Bingham to be its Independent Persons.**
- 13. Authority be delegated to the Head of Strategic Support and the Head of Legal Services to amend the Council's Scheme of Delegation and Overview and Scrutiny Rules of Procedure to reflect the work of the Health Scrutiny Panel and the Resource Management Working Group being subsumed into the Overview and Scrutiny Management Commission.**
- 14. The Council's Calendar of Meetings be amended to reflect that the Health Scrutiny Panel and the Resource Management Working Group have been subsumed in to the Overview and Scrutiny Management Commission.**

Reason for decision to be taken:

It is a statutory requirement

Other options considered:

As it is a statutory requirement no additional options were considered.

Key background

- The Local Government and Housing Act 1989

- documentation:**
- Local Government (Committees and Political Groups) Regulations 1990
 - Local Authorities (Functions and Responsibilities) (England) Regulations 2000
 - The Localism Act 2011

The proposals will help achieve the following Council Strategy principle:	
<input checked="" type="checkbox"/>	CSP9 - Doing what's important well
The proposals contained in this report will help to achieve the above Council Strategy principle by: Ensuring that the Council complies with the legislative framework.	

Portfolio Member Details	
Name & Telephone No.:	Councillor Gordon Lundie
E-mail Address:	glundie@westberks.gov.uk
Date Portfolio Member agreed report:	E-mailed on 19 March 2013

Contact Officer Details	
Name:	Moira Fraser
Job Title:	Democratic Services Manager
Tel. No.:	01635 519045
E-mail Address:	mfraser@westberks.gov.uk

Implications

Policy:	The appointments and allocations will be made in accordance with the Council's statutory obligations. The Council's Policy making framework is updated annually.
Financial:	Members Allowances, proposed by the Independent Remuneration Panel, were agreed at Council meeting held on the 03 March 2011.
Personnel:	None
Legal/Procurement:	The allocation of seats to Political Groups in accordance with Section 15(5) of the Local Government and Housing Act 1989 and related regulations mentioned in this report. The provisions of the Localism Act were brought into effect on 1st July 2012 which resulted in an amendment to the Governance Structures in respect of the Standards Committee.
Property:	None
Risk Management:	None
Equalities Impact Assessment:	Stage 1 EIA completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1. In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the May Council meeting.
- 1.2. This report sets out the Membership of the two Political Groups, the size and Membership of the Committees as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2013/14 Policy Framework.

2. Proposals

- 2.1 In allocating seats on Committees, the Council must give effect, so far as reasonably practical, to the principles contained in Section 15(5) of the Local Government and Housing Act 1989.
- 2.2 This report sets out the number of seats on each group based on the 'basket principle' whereby the Liberal Democrat Group would be entitled to 25% of the seats and the Conservative Group 75% of the seats following the May 2011 elections.

3. Equalities Impact Assessment Outcomes

- 3.1 Officers do not consider that any groups will be affected by this report. Councillors will be asked if they want to be appointed to Committees or Commissions. The Council strives to ensure that all venues used for meetings accord with any relevant legislation.

4. Conclusion

- 4.1 Members are asked to agree the appointment of and allocation of seats on the Committees for the 2013/14 Municipal Year.
- 4.2 Members are asked to agree the Council's Policy Framework for 2013/14 as set out in Paragraph 6.1 of the report.

Executive Report

1. Introduction

- 1.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Members have given notice of their wish to be regarded as Members of the Political Groups set out below.

Conservative Political Group	Liberal Democrat Political Group
Argyle, Peter	Allen, David
Bairstow, Howard	Brooks, Jeff
Bale, Pamela	Drummond, Billy
Beck, Jeff	Hunneman, Roger
Bedwell, Brian	Lock, Mollie
Betts, David	Longton, Royce
Boeck, Dominic	Macro, Alan
Bryant, Paul	Mason, Gwendoline
Chandler, George	Mayes, Geoff
Chopping, Keith	Rendel, David
Cole, Hilary	Swift-Hook, Julian
Croft, Roger	Vickers, Tony
Crumly, Richard	Woodhams, Keith
Edwards, Adrian	
Ellison, Sheila	
Franks, Marcus	
Goff, Dave	
Gopal, Manohar	
Hewer, Paul	
Holtby, David	
Horton, John	
Jackson-Doerge, Carol	
Johnston, Mike	
Jones, Graham	
Law, Alan	
Linden, Tony	
Lundie, Gordon	
Metcalfe, Tim	
Mooney, Joe	
Neill, Irene	
Pask, Graham	
Rowles, Andrew	
Stansfeld, Anthony	
Simpson, Garth	
Tuck, Ieuan	
Von Celsing, Virginia	

Webb, Quentin
Webster, Emma
Zverko, Laszlo

Recommendation:

- **That the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of this report are to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.**

2. Appointment of Committees

- 2.1 In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive.
- 2.2 It is proposed that Council appoint the Committees (as set out in Table A) and their relevant Sub-Committees with the number of places shown for each.
- 2.3 The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided for the current statutory Standards Committee. It is considered that the Council should appoint a Standards Committee as a Committee of Council to deal with the "standards arrangements" as required by the Act. The Standards Committee comprising six members will need to accord with the proportionality rules. Although there is no requirement to have a Standards Committee or Parish/ Town Council representatives appointed to it, it is suggested that this approach would help to build confidence in the new ethical framework which will be important when dealing with complaints in the future. If agreed the two Parish/ Town Council representatives would be non voting members of the Committee.
- 2.4 It has also been agreed that an Advisory Committee of the Standards Committee comprising eight members being two from the Administration, two from the Opposition group, two Parish and two Independent members be set up. The Advisory Committee would be chaired by one of the existing independent members. It would make recommendations to Standards Committee particularly as regards complaints and investigations.
- 2.5 A new Committee known as the Health and Wellbeing Board has been established as a Sub-Committee of the Executive in accordance with the Health and Social Care Act 2012. A number of regulations linked to Committee have been disapplied such as the proportionality rules and rules pertaining to voting. This will need to be reflected in the Executive Rules of Procedure.
- 2.6 The Health and Social Care Act 2001 requires the Council to scrutinise "any matter relating to the planning, provision and operation of health services within an area of its local authority". In order to fulfil these responsibilities the Council has had in place a Health Scrutiny Panel. The health landscape has changed dramatically recently with the demise of Primary Care Trusts and the emergence of Clinical Commissioning Groups, Health and Wellbeing Boards and local Healthwatch.
- 2.7 In order to recognise this new health structure and to assist in reducing an increasing meeting workload it is proposed that the Council's roles and

responsibilities under the Health and Social Care Act 2001 are incorporated into the work programme of the Overview and Scrutiny Management Commission. This will require the Council's Scheme of Delegation and Overview and Scrutiny Rules of Procedure to be amended to reflect this change.

- 2.8 As part of the Council's scrutiny of its internal processes and procedures the Council has had in place a Resource Management Working Group. However, given the need to reduce the number of meetings held it is proposed not to appoint the Resource Management Working Group in 2013. The duties and responsibilities of this Group will be incorporated into the work programme for the Overview and Scrutiny Management Commission.
- 2.9 As part of the changes referred to in Paragraphs 2.6-2.9 it is proposed to extend the number of Members on the Overview and Scrutiny Commission from 12 to 16 Members. This will enable the Commission to establish time limited task groups should this be necessary.
- 2.10 As part of the proposed governance changes it will be necessary to amend the 2013/14 calendar of meetings.

Table A

Body	Number of Seats
Overview and Scrutiny Management Commission	16
Licensing Committee	14
District Planning Committee	12 <i>(six members of the Eastern Area Planning Committee and six Members of the Western Area Planning Committee)</i>
Eastern Area Planning Committee	12
Western Area Planning Committee	12
Governance and Audit Committee	7
Personnel Committee	5
Standards Committee	6 <i>(two non-voting co-opted Parish Councillors will also be appointed to this Committee)</i>
Total	84

Recommendation:

- **That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.10 (Table A).**

3. Allocation of Seats

3.1 The political balance of the Council currently stands as follows:

	Number of Members No.	Political Composition %
Conservative Group	39	75%
Liberal Democrat Group	13	25%
	52	100.00%

3.2 In allocating seats on Committees, the Council must give effect, so far as reasonably practical, to the principles contained in Section 15(5) of the Local Government and Housing Act 1989 which may be summarised as follows:

- (1) Not all seats on any Committee are to be allocated to the same political group;
- (2) The majority of seats on any Committee must be allocated to the majority Group;
- (3) Subject to (1) and (2) above, the number of seats on ordinary Committees must be allocated to each political group in the same proportion as their representation on the Council;
- (4) Subject to (1) and (3) above, the number of seats on any Committee must be the same proportion as the political groups representation on full Council.
- (5) To qualify two or more Members must form a group.

3.3 Based on 84 seats (Table A), the “basket” principle and the normal rules of rounding the following number of seats would therefore be allocated to each Group.

Conservatives	$84 \times 75\% = 63$
Liberal Democrats	$84 \times 25\% = 21$
Total	84

3.4 The seats on Committees will therefore be allocated as follows:

Table B			
Committee	Total Number of Seats	Liberal Democrats	Conservatives
Overview and Scrutiny Management Commission	16	4	12
Licensing Committee	14	3	11
District Planning Committee	12	3	9
Eastern Area Planning Committee	12	3	9
Western Area Planning Committee	12	3	9
Governance and Audit Committee	7	2	5
Personnel Committee	5	1	4
Standards Committee	6	2	4
Total	84	21	63

Recommendation:

- That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 and Table B.

4. Substitutes

4.1 In accordance with the Council's Constitution, the Council is required to determine the number of substitute Members that may be appointed in respect of each Committee. The current numbers of substitutes for each is as follows:

Table C	
Overview and Scrutiny Management Commission	4 per Political Group
Area Planning Committees	4 per Political Group
District Planning Committee	4 per Political Group – 2 from the Eastern Area of the District and 2 from the Western Area of the District

Licensing Committee	No substitutes permitted
Governance and Audit Committee	2 per Political Group
Personnel Committee	2 per Political Group
Standards Committee	No substitutes permitted

4.2 In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee.

Recommendation:

- **That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).**

5. Appointment to Committees

5.1 Appendix B is a list of Committees and the nominations from each Political Group.

Recommendation:

- **That the Council approves the appointment of Members to the Committees as set out in Appendix B and in accordance with the wishes of the Political Groups.**

6. Planning and Policy Framework

6.1 In accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008 the Council is requested to confirm the Policy Framework for 2012/13 as set out below:

- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy ;
- Plans and strategies which together comprise the Local Development Framework;
- Health and Wellbeing Strategy.

Recommendations:

- **That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, the Council's Policy Framework for 2013/14 be as set out above and that any appropriate amendments be made to the Council's Constitution should this be necessary.**

- **That the Council, in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, all other plans, approves that policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.**

7. Executive – Article 6 and Part 5 Rules of Procedure

- 6.1 Paragraph 2.6.5 of Article 6 sets out the current Executive Portfolio and this may need to be amended in the light of any proposed changes to these Portfolios.

As of the end of November 2012 the 2012/13 Portfolios were:

Leader of Council
Partnerships, Equality, The Visions, Communities, Emergency Planning
Finance, Pensions, Procurement, Economic Development, H & S, HR
Children & Young People, Education, Youth Service
Community Care, Insurance
Environment, 'Cleaner Greener,' Public Protection, Customer Services, Culture & Leisure
Planning, Highways, Transport, Property
Health & Well Being, Community Safety
Strategy & Performance, Housing, ICT & Corporate Support, Strategic Support, Legal

Recommendation:

- **That the Council agrees that Paragraph 2.6.5 of Article 6, setting out the Executive Portfolios, be amended to reflect any changes made at the Annual Council meeting.**

8. Standards Committee

- 8.1 The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided for the current statutory Standards Committee. It is considered that the Council should appoint a Standards Committee as a Committee of Council to deal with the "standards arrangements" as required by the Act. The Standards Committee comprising six members will be governed by proportionality arrangements. It is suggested that from a public perspective two co-opted representatives from Parish Councils will also sit on this committee but would be non-voting.
- 8.2 It has also been suggested that an Advisory Committee comprising eight members being two from the Administration, two from the Opposition group, two Parish and two Independent members be set up. The Advisory Committee, which is not subject to the proportionality rules would be chaired by an independent member. It would

make recommendations to Standards Committee particularly as regards complaints and investigations.

Recommendation:

- **That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.**
- **Two Parish/Town Councillors and two independent members be appointed to the Standards Committee’s Advisory Panel.**
- **To note that the council has appointed James Rees and John Bingham to be its Independent Person(s).**

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Membership of Committees *(to be tabled at the meeting)*

Appendix C – Revised calendar of public meetings

Consultees

Local Stakeholders: None

Officers Consulted: Andy Day, David Holling, Robin Steel, Gillian Durrant, Corporate Board

Trade Union: Not consulted

Equality Impact Assessment – Stage One

Name of item being assessed:	Appointment and Allocation of Seats on Committees
Version and release date of item (if applicable):	May 2013
Owner of item being assessed:	Andy Day
Name of assessor:	Moira Fraser
Date of assessment:	07/03/12

1. What are the main aims of the item?
This report sets out the Membership of the two Political Groups, the size and Membership of the Committees and Commissions as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2011/12 Policy Framework

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.

Further comments relating to the item:
I do not consider that any groups may be affected by this report. Councillors will be asked if they want to be appointed to committee or commission. The Council strives to ensure that all venues used for meetings are DDA compliant etc.

3. Result (please tick by clicking on relevant box)
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	yes

Name: Moira Fraser

Date: 07 March 2013

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West Berkshire Council – Timetable of Meetings- May 2013 to May 2014

	MAY 2013	JUN 2013	JUL 2013	AUG 2013	SEP 2013	OCT 2013	NOV 2013	DEC 2013	JAN 2014	FEB 2014	MAR 2014	APR 2014	MAY 2014
Mon			1	CPP									
Tues			2	OSMC		1						1	
Weds	1		3	E		2	W					2	E
Thur	2	CON	4		1	3						3	
Fri	3		5		2	4	1					4	2
Sat	4	1	6		3	5	2			1	1	5	3
Sun	5	2	7		4	6	3	1		2	2	6	4
Mon	6	3	8	G&A	5	2	G&A	7	4	2	3	7	5
Tues	7	4	9		6	OSMC	3	8	DPC	5	3	7	6
Weds	8	W	5	LIC	10	W	7	D	4	E	9	6	E
Thur	9	X	6	WBP	11	LD	8		5	X	10	CON	8
Fri	10		7		12		9	6		11		10	9
Sat	11		8		13		10	7		12		11	10
Sun	12		9		14		11	8		13		12	11
Mon	13		10	STDS	12	9	14	STDS	11	9	CPP	13	STDS
Tues	14	C	11		16		13	10		15	OSMC	14	13
Weds	15	D	12	E	17	14	E	11	W	16	E	13	E
Thur	16		13	CON/LD	18	CON	15		12	WBP/CON/LD	17	X	14
Fri	17		14		19		16	13		18		15	16
Sat	18		15		20		17	14		19		16	17
Sun	19		16		21		18	15		20		17	18
Mon	20		17		22		19	16	CPP	21		18	19
Tues	21	OSMC/HWBB	18		23		20	17	OSMC	22		19	20
Weds	22	E	19	W	24	E	21	W	18	D	19	E	21
Thur	23	LD	20	X	25	HWBB/X	22		19	C	24	LD	21
Fri	24		21		26		23	20		25		22	23
Sat	25		22		27		24	21		26		23	24
Sun	26		23		28		25	22		27		24	25
Mon	27		24		29		26	23		28		25	26
Tues	28		25		30		27	24	OSMC	26		23	27
Weds	29	W	26	D	31	W	28	25	E	30	D	27	28
Thur	30		27			29	26	HWBB/LIC	31		28	HWBB/X	29
Fri	31		28		30		27		29		26		30
Sat			29		31		28		30		27		31
Sun			30				29				28		
Mon							30				29		
Tues											30		

C Council – 7.00pm	HSP Health Scrutiny Panel – 6.30pm	W Western Area Planning Cttee – 6.30pm	CON Conservative Group Meeting – 6.30pm
X Executive – 5.00pm	STDS Standards Committee – 6.30pm	E Eastern Area Planning Cttee – 6.30pm	LD Liberal Democrat Group Meeting – 6.00pm
G&A Governance and Audit Committee – 6.00pm	LIC Licensing Committee – 6.30pm	D District Planning Committee (provisional dates) – 6.30pm	HWBB Health and Wellbeing Board – 9.00am
OSMC Overview & Scrutiny Management Commission – 6.30pm	MDP Member Development Training	WBP West Berkshire Partnership Board – 2.00pm	1 Bank Holiday
RM Resource Management Working Group – 6.30pm	CPP Corporate Parenting Panel – 6.30pm	DPC District/Parish Conference – 6.30pm	School Holiday

Public Meetings: All meetings are open to the public, with the exception of Conservative & Liberal Democrat Group Meetings.
Venues: All meetings are held at Council Offices, Market Street, Newbury with the exception of: Eastern Area Planning Committee is usually held at the Calcot Centre, Highview; West Berkshire Partnership Board to be confirmed.
Questions to Council and Executive: Questions must be submitted by 10.00am seven clear working days before the meeting.
District Planning: All stated dates are provisional subject to requirement.

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Title of Report:	Standards Committee Annual Report 2012/13
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2508

Purpose of Report: To present the Annual Standards Committee report to the Council.

Recommended Action:

1. Members are requested to note the content of the report.
2. Report to be circulated to all Parish/Town Councils in the District for information.

Reason for decision to be taken: There is no decision. The Council is encouraged to produce an annual report.

Other options considered: None

Key background documentation: Quarter 2 and Quarter 3 Monitoring Officer's Reports to the Standards Committee

The proposals will help achieve the following Council Strategy principle:	
<input checked="" type="checkbox"/>	CSP7 - Empowering people and communities
The proposals contained in this report will help to achieve the above Council Strategy principle by:	
Ensuring that the activity of the Standards Committee be reported back to all District/Town and Parish Councillors	

Member Details	
Name & Telephone No.:	Councillor Dominic Boeck
E-mail Address:	dboeck@westberks.gov.uk
Date Portfolio Member agreed report:	02 April 2013

Contact Officer Details	
Name:	David Holling
Job Title:	Head of Legal Services (Monitoring Officer)
Tel. No.:	01635 519422
E-mail Address:	dholling@westberks.gov.uk

Implications

- Policy:** Revised policy and changes to processes adopted at Council in May 2012
- Financial:** There are no financial issues arising from this report. All costs associated with the investigation of complaints are met from within existing budgets.
- Personnel:** There are no personnel issues associated with this report
- Legal/Procurement:** There are no legal issues arising from this report, The matters covered by this report are generally requirements of the Local Government Act 2000 in so far as appropriate and the Localism Act 2011 and its supporting regulations.
- Property:** None
- Risk Management:** The benefits of this process are the maintenance of the Council's credibility and good governance by a high standard of ethical behaviour. The threats are the loss of credibility of the Council if standards fall.
- Equalities Impact Assessment:** The report is to note only. The subject of this report is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input checked="" type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 The Localism Act 2011 was enacted on 15th November 2011 and it made fundamental changes to the system of regulation of the standards of conduct for elected and co-opted members of Councils and Parish Councils.
- 1.2 In order to ensure that the process was working effectively it was agreed that the Monitoring Officer would make quarterly reports to Standards Committee which set out the number and nature of complaints received and draw the Committee's attention to areas where training or other action might avoid further complaints in the future. It also provides a means of updating the Committee on the progress of investigations together with any costs incurred.
- 1.3 The Quarter Four report has been incorporated into the Annual Report which will raise awareness of activity undertaken by the Standards Committee over the previous year.

2. Proposals

- 2.1 Members are asked to note the content of the report.

3. Equalities Impact Assessment Outcomes

- 3.1 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken.

Executive Report

1. Introduction

- 1.1 The Localism Act 2011 was enacted on 15th November 2011 and it made fundamental changes to the system of regulation of the standards of conduct for elected and co-opted members of Councils and Parish Councils.
- 1.2 In order to ensure that the process was working effectively it was agreed that the Monitoring Officer would make quarterly reports to Standards Committee which set out the number and nature of complaints received and draw the Committee's attention to areas where training or other action might avoid further complaints in the future. It would also provide a means of updating the Committee on the progress of investigations together with any costs incurred.
- 1.3 The Quarter Four report has been incorporated into the Annual Report which will raise awareness of activity undertaken by the Standards Committee over the previous year.

2. Governance

- 2.1 The Council adopted a new Standards Regime to implement the requirements of the Localism Act 2011 and the Regulations made under that Act. This included the following documents which were approved at Full Council on the 10 May 2012:
 - New Terms of Reference for the Standards Committee and Advisory Panel;
 - A new Code of Conduct for West Berkshire District Councillors;
 - New outline complaints procedures for breaches of that code;
 - A new dispensations procedure.
- 2.2 The Council agreed to appoint a Standards Committee subject to the proportionality arrangements comprising six District Councillors together with two co-opted Parish Representatives.
- 2.3 The Council also agreed to appoint an Advisory Panel to deal with complaints and processes and report to the Standards Committee. The Advisory Panel would comprise two independent members, four District Councillors (not subject to proportionality arrangements) and two Parish Councillors. The Advisory Panel would also appoint two substitute Parish Councillors to ensure continuity and to build experience amongst the Parish Councillors.
- 2.4 Under Section 28 of the Localism Act 2011 the Council also had to ensure it appointed at least one Independent Person who would be consulted before any decision was made to investigate an allegation against any Member of the Council or any Parish Councillor. It was agreed at the Full Council meeting on the 27 September 2012 that the Independent Person may be consulted directly either by the person who has made the complaint or the person the complaint has been made about. Two Independent Persons were therefore appointed in order to ensure that a conflict situation did not arise.

3. Independent Persons

3.1 Interviews were held on 6th August 2012 with the interview panel comprising the Chairman and Vice-Chairman of Standards Committee and the Monitoring Officer. Following receipt of satisfactory references the Panel resolved to appoint Mr James Rees and Mr John Bingham as Independent Persons for the next 12 months in accordance with the Localism Act (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012.

3.2 James Rees

James Rees has many years' experience of business in a variety of roles. The majority of these have been in general management both at national and international level.

Originally a pharmacist, organic chemist and pharmacologist he then entered the pharmaceutical industry. After wide experience with several multinational companies he became a Corporate VP with Syntex responsible for total business activities in a large group of markets including the U.K., Benelux, Scandinavia, Eastern Europe, Greece, Turkey and Israel, Anglophone Africa and the Indian sub-continent.

With his wealth of experience in science based and other enterprises James Rees offers a broad range of management and business skills.

He also has extensive experience as a management consultant specialising in business performance improvement.

Assignments have included:

- Chairmanships of various companies.
- Company acquisitions and sales.
- Market investigation and development.
- Public Relations.
- Strategic Planning.
- General business guidance.

James is a Fellow of the Royal Pharmaceutical Society, a Fellow of the Chartered Institute of Management, a Fellow of the Institute of Directors and a graduate of the Harvard Business School.

James Rees was the former Chairman of the West Berkshire Council Standard's Committee.

3.3 John Bingham

John Bingham joined the Standards Committee in 2006 as an Independent Member. John previously was the Town Centre Manager for Wokingham in East Berkshire following many years owning and running a restaurant in the town. He was also very active locally being a member of the Wokingham Society and very involved with the Winter Carnival in the town. John Bingham was the former Vice-Chairman of the Standards Committee.

4. Standards Committee

4.1 *Role and Function*

The Standards Committee has the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members, to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption and subsequent revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct;
- (g) ensuring arrangements are in place under which allegations of misconduct in respect of the members' Code of Conduct can be investigated and to review such arrangements appropriately;
- (h) the exercise of (a) to (g) above in relation to the Parish / Town Councils wholly or mainly in its area and the Members of those Parish / Town Councils;

4.2 The District Councillors on the Standards Committee are representatives of both political groups within the Council but are subject to the proportionality rules. The Standards Committee is however politically neutral. The Standards Committee is expected to operate above party politics and its Members have the respect of the whole authority, regardless of their political party.

4.3 During 2012/13 the Standards Committee comprised the following Members:

- Dominic Boeck (Chairman) (Conservative)
- Adrian Edwards (Conservative)
- Mollie Lock (Liberal Democrat)
- Gwen Mason (Vice-Chairman) (Liberal Democrat)
- Garth Simpson (Conservative)
- Virginia von Celsing (Conservative)

4.4 The Standards Committee has a special responsibility to the 56 Town and Parish Councils within the District. It is responsible for ensuring that high standards of conduct are met within the parishes and that all Parish and Town Councillors are aware of their responsibilities under their Codes of Conduct.

4.5 The District Councillors are therefore supported on the Standards Committee by two co-opted Parish Councillors who are elected in a non-voting capacity. During 2012/13 the Standards Committee comprised the following Parish Councillors:

- Chris Bridges
- Richard Hudspith (who resigned as a Parish Councillor during 2012)
- Mauline Akins (who replaced Richard Hudspith)

5. Advisory Panel

5.1 The Advisory Panel is responsible for dealing with complaints where evidence of breach of the Code has been identified and reports its findings to the Standards Committee for formal decision.

5.2 The District Councillors on the Advisory Panel are representatives of both political groups within the Council and are not appointed in accordance with the proportionality rules. During 2012/13 the Advisory Panel comprised the following District Councillors:

- David Allen (Liberal Democrat)
- David Holtby (Conservative)
- Geoff Mayes (Liberal Democrat)
- Andrew Rowles (Conservative)

5.3 During the 2012/13 Municipal Year the following Parish Councillors were appointed to the Advisory Panel:

- Tony Renouf
- Peter Iveson
- Mauline Akins (sub – who later replaced Richard Hudspith on the Standards Committee)
- David Russell (sub- who later resigned as a Parish Councillor and therefore from the Committee)
- there are currently two vacancies for substitutes on the Panel.

5.4 During the 2012/13 Municipal year the following Independent Member was appointed to the Advisory Panel:

- Mike Wall
- There is also a vacancy for a second Independent Person.

6. The Monitoring Officer

6.1 In West Berkshire Council the role of the Monitoring Officer is a statutory post and rests with the Head of Legal Services. The Monitoring Officer has a key role in promoting and maintaining standards of conduct.

6.2 As well as acting as legal adviser to the Standards Committee and Advisory Panel, the Monitoring Officer carries out the following functions:

- reporting on contraventions or likely contraventions of any enactment or rule of law and reporting on any maladministration or injustice where the Ombudsman has carried out an investigation;
- establishing and maintaining registers of Members' interests and gifts and hospitality;
- maintaining, reviewing and monitoring the Constitution;

- advising Members and Parish Councillors on interpretation of the Code of Conduct;
- supporting the Standards Committee and Advisory Panel;
- conducting or appointing an external investigator to look into allegations of misconduct;
- performing ethical framework functions in relation to Parish Councils;
- acting as the proper officer for access to information;
- undertaking an initial assessment , in consultation with the Independent Person, when complaints relating to alleged breach of the Code of Conduct are received;
- making arrangements for relevant matters to be considered by the Standards Committee and Advisory Panel;
- advising whether Executive decisions are within the policy framework; and
- advising on vires issue and maladministration, and in consultation with the Section 151 Officer financial impropriety, probity, and budget and policy issues to all Members.

7. The Work of the Committee 2012 – 2013

- 7.1 The Standards Committee continues to develop, revise, promote and monitor the Council's new Code of Conduct. One of the other roles of the Standards Committee is to promote and maintain high standards of conduct within the Council. The Committee has to that end started to assess and amend its policies and procedures to take cognisance of revised legislation and best practice.
- 7.2 During the 2012/13 Municipal Year the Standards Committee hosted one training event for District and Parish Councillors in July 2012 on the New Standards Arrangements. Training for the Standards Committee and Advisory Panel members is ongoing.
- 7.3 The Department for Communities and Local Government issued some guidance for Councillors on personal interests in August 2012 and this was circulated to all District Councillors as well as to the clerks to the Town and Parish Councils.
- 7.4 Since June 2012 Part 3 (Scheme of Delegation), Part 4 (Council Rules of Procedure), Part 5 (Executive Rules of Procedure), Parts 9 (Budget and Policy Framework), 10 (Financial Rules of Procedure), Part 11 (Contract Rules of Procedure) and Part 13 (Codes and Protocols - Appendices A and G (Codes of Conduct for Planning and Licensing)) of the Constitution have been updated.
- 7.5 The Standards Committee Assessment Criteria and Protocol for Dealing with Requests for Confidentiality have also been updated during the course of the year.

8. District Council

- 8.1 All elected Members of West Berkshire Council have completed the new declaration of interests forms and copies of those forms have been published on the Council's website as required by the legislation.
- 8.2 All Members had, in accordance with the Localism Act 2011, applied for and had been granted a dispensation to consider any matter which had a bearing on the setting of the council tax.
- 8.3 A new Code of Conduct and process for dealing with requests for dispensations for West Berkshire District Councillors has been adopted and applied during the year to date.

9. Parish/ Town Councils

- 9.1 All Parish/Town Councils were also required to adopt a new Code of Conduct and new procedures for dealing with dispensations. Parish/Town Councillors are also required to declare their interests under their respective codes.
- 9.2 The Monitoring Officer wrote to all Parish/Town Councils to provide copies of documents to assist Parish Councils with the development of their revised Codes of Conduct. A significant amount of time was spent on advising the Parishes on how to proceed with introducing the new regime.
- 9.3 All Parishes have submitted their Registers of Interest for their councillors. A verification process had been undertaken and Officers had asked for a number of issues to be clarified. The information had been posted on the Council's website or where Parishes had their own websites links had been set up on the Council's website.
- 9.4 The majority of Parishes have adopted the West Berkshire model Code of Conduct and the rest have opted for the National Association of Local Councils (NALC) version. Three have a hybrid version.

10. Local Assessment of Complaints

10.1 Quarter One April 2012 – June 2012 (under the previous Standards Regime)

During Quarter 1, five complaints were received by the Monitoring Officer. Three complaints pertained to District Councillors ((DC7/12, DC8/12 and DC9/12) and two to Parish Councillors (PC2/12 and PC3/12). The Assessment Sub-Committee determined that in respect of complaints DC7/12, PC2/12, PC3/12 and DC9/12 no further action should be taken.

In respect of DC8/12 it was decided that if the allegations were substantiated a minor breach of the Code of Conduct would have occurred. The Monitoring Officer was asked to write to the subject member to reiterate the relevant sections of the Planning Code of Conduct. The Monitoring Officer was also asked to write to all Members reminding them of the relevant sections of the Code of Conduct for Planning and to write to the Head of Planning and Countryside and request that the Pro Forma for Calling an Application to Committee be amended to include a section where Members would be able to declare an interest when calling an application in.

10.2 *Quarter Two July 2012 – September 2012*

During Quarter 2 three complaints were received by the Monitoring Officer. Two complaints pertained to District Councillors (NDC1/12 and NDC2/12) and one to a Parish Councillor (NPC1/12).

The Monitoring Officer, in consultation with the Independent Person, concluded that no further action should be taken in respect of complaints NDC2/12 and NPC1/12.

In the case of NDC1/12 the Monitoring Officer in consultation with the Independent Person decided that it would be appropriate for the matter to be investigated by an external investigator. The investigator concluded that there was no evidence of a breach of the Code of Conduct in this case. The investigator's report was discussed at an Advisory Panel meeting on the 23 January 2013 and they recommended to the Standards Committee that no further action should be taken on this matter. This decision was upheld by the Standards Committee when they met later that month.

As some complaints, submitted prior to the changes to the Standards regime, were still outstanding the Review Sub-Committee had to meet once in Quarter 2 to review a decision to take no further action in respect of complaint PC3/12. The decision to take no further action on this complaint was upheld.

The Monitoring Officer also received two draft reports from the external investigator in respect of breaches of the old Code of Conduct. These were reviewed by Members and appropriate action agreed. Costs associated with investigations have been met from existing resources.

Under the previous regime if the complainant disagreed with this finding they could ask for the item to be reconsidered by a Review Sub-Committee. The Localism Act does not provide any appeals mechanism. However the decision could be open to Judicial Review by the High Court should the complainant wish to take up this option. In one case the complainant has submitted two letters before action which are being addressed by Legal Services.

10.3 *Quarter Three October 2012 – December 2012*

During Quarter 3 one complaint was received by the Monitoring Officer. The complaint pertained to a Parish Councillor (NPC2/12).

The Monitoring Officer, in consultation with the Independent Person, concluded that no further action should be taken in respect of NPC2/12.

10.4 *Quarter Four January 2013-March 2013*

During Quarter 4 nine complaints have been received although three of these were subsequently withdrawn. Of the remaining six complaints four pertained to Parish Councillors (NPC1/13, NPC3/13, NPC5/13 and NPC6/13) and two to District Councillors (NDC1/13 and NDC3/13).

The Monitoring Officer, in consultation with the Independent Person, concluded that no further action should be taken in respect of complaints NPC3/13, NDC3/13, NPC1/13 and NPC6/13. In the case of NDC1/13 it was agreed that informal

resolution (in this case the subject member should write a letter of explanation to the complainant) was the most appropriate action. It was agreed that NPC5/13 should be investigated and the independent investigator has been appointed and has produced a draft report which is being taken through the revised procedures.

11. Year on Year Comparison of Complaints

11.1 Table 1 Number of District and Parish Councillor Complaints Received 2009/10 to 2012/13

	2009/10	2010/11	2011/12	2012/13
District Councillors	4	4	5	8
Parish Councillors	7	5	6	10
Total	11	9	11	18

No of complaints received over three year period

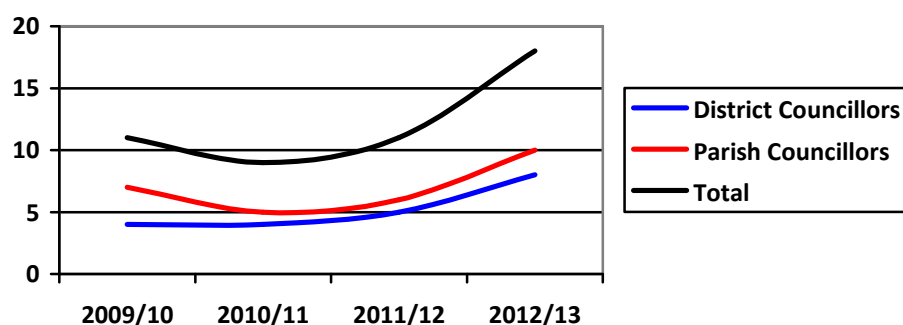


Table 2 Action Taken on Complaints Received 2009/10 to 2012/13

	2009/10	2010/11	2011/12	2012/13
No Further Action	1	3	6	11
Other Action	5	2	3	2
Investigation	5	4	2	2
Withdrawn	0	0	0	3
Total	11	9	11	18

11.2 Table 3 Outcome of Items Investigated 2009/10 to 2012/13

	2009/10	2010/11	2011/12	2012/13
Breach	2	1	2	0
No Breach	3	3	0	1
Result awaited	0	0	0	1
Total	5	4	2	2

12. Conclusion

- 12.1 The transition to the new Standards arrangements has not been straight forward mainly due to the speed at which the changes were introduced by Government and the fact little or no consultation was carried out with local authorities who are responsible for maintaining ethical standards.
- 12.2 The new processes are in their infancy and as suggested in the original report the procedure and ways of working will need a thorough review after 12 months of operation to reflect on its operation. Members may wish to raise any concerns they have at this stage and subsequently keep a note of potential changes they feel would enhance the arrangements.
- 12.3 Although the number of complaints at this stage remains relatively low, it should be noted that during Quarter 4 of 2012/13 there has been an increase in the number of complaints and this will need to be monitored closely.
- 12.4 The range of matters recently complained about has varied somewhat. The most likely area for a complaint to arise for District Councillors relates to Planning meetings (five complaints received). For Parish Councillors there are two significant areas that have generated concerns firstly behaviour at Parish Council meetings and secondly where conflict has arisen between Parish Planning Groups and Parish Councils.
- 12.5 It is suggested that to help mitigate complaints being made in the planning arena that the Member Development Session covering this function should incorporate a short refresher session on the new code and its processes.
- 12.6 It is also suggested that an item be added to the October District Parish Conference to discuss a ranges of issues arising at meetings including dealing with planning applications for the Parish Councils.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: N/a

Officers Consulted: Andy Day, Sarah Clarke, Moira Fraser, Corporate Board

Trade Union: N/a

Agenda Item 13.

Title of Report:	Public Health - Scheme of Delegation
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2651

Purpose of Report: To propose that the Council's Scheme of Delegation is updated to reflect the new Public Health duties placed on the Council in accordance with the Health and Social Care Act 2012.

Recommended Action: That authority be delegated to the Head of Strategic Support to update the Council's Constitution (Scheme of Delegation) to reflect the Council's duties in relation to Public Health.

Reason for decision to be taken: To ensure that the Council's complies with its duties under the Health and Social Care Act 2012.

Other options considered: N/A

Key background documentation: Health and Social Care Act 2012

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:
Ensuring that the Council has a robust decision making framework

Portfolio Member Details	
Name & Telephone No.:	Councillor Graham Jones - Tel 07767 690228
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	25 February 2013

Contact Officer Details	
Name:	Andy Day
Job Title:	Head of Strategic Support
Tel. No.:	01635 519459
E-mail Address:	aday@westberks.gov.uk

Implications

- Policy:** This report has no direct policy implications.
- Financial:** This report has no financial implications.
- Personnel:** This report has no personnel implications.
- Legal/Procurement:** This report accords with the Council's obligations to maintain an up to date Constitution.
- Property:** This report has no property implications.
- Risk Management:** There are no risks associated with this report.
- Equalities Impact Assessment:** There are no equalities issues arising from this report.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: X
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		X
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

1.1 The Health and Social Care Act 2012 received Royal Assent on 27 March 2012. The Act introduced a number of reforms to the Health and Social Care arena including:

- (i) The transfer of commissioning responsibilities from Primary Care Trust's (PCT's) to the General Practitioner (GP) led Clinical Commissioning Groups (CCG's).
- (ii) The responsibility for strategic planning and commissioning of NHS Services transferring to the NHS Commissioning Board and locally based CCGs;
- (iii) Local Authorities (LA's) given a statutory duty and a ring fenced budget to improve and protect the health and wellbeing of their populations by delivering effective public health initiatives and programmes;
- (iv) Strategic Health Authorities (SHA's) and PCT's ceasing to exist beyond April 2013; and
- (v) A number of Commissioning Support Services (CSS) being established by the NHS Commissioning Board to provide the necessary skills and expertise to support local CCG's;

2. Public Health Responsibilities and Local Authorities

2.1 As part of the 2012 Act Local Authorities will take the lead for improving the health and co-ordinating local efforts to protect the public's health and well being and ensuring health services effectively promote population health. Local political leadership is seen to be central to making this work.

2.2 On the 01st April 2013 the following Public Health commissioner functions became the responsibility of Local Authorities.

(i) Health Protection

Health Protection involves the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.

(ii) Health Improvement

Health Improvement includes children's public health, adult healthy lifestyles (drug and alcohol misuse, campaigns to prevent cancer and long term conditions, dental public health and local initiatives to reduce deaths as a result of seasonal mortality) and the wider determinants of public health such as housing, planning, and education.

(iii) Health Care Public Health

This involves the provision of specialist public health advice to CCGs in the following areas which will be the subject of the “core offer”:

- (a) Production of the Joint Strategic Needs Assessment,
- (b) Reviewing service provision and providing advice to CCGs to reduce health inequalities,
- (c) Advising CCGs on priorities based on appropriate data, and
- (d) Procuring services and advising on the cost effectiveness of interventions.

3.0 Scheme of Delegation - Director of Public Health

3.1 The Health and Social Care Act 2012 requires Council's to appoint (jointly with the Secretary of State) a Director of Public Health. The Director of Public Health is required to have responsibility for the following functions:

- (i) The duty imposed upon the Council to “take such steps as it considers appropriate for improving the health of the people in its area”.
- (ii) Any public health functions of the Secretary of State which he requires local authorities to discharge on his/her behalf.
- (iii) Dental health functions for Berkshire.
- (iv) The duty to co-operate with the prison service to secure and maintain the health of prisoners.
- (v) The Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services.
- (vi) Arrangements for assessing the risks posed by violent and sexual offenders.

3.2 A Director of Public Health has been appointed across the six Berkshire Unitary Authorities. The Director will be hosted by Bracknell Forest Borough Council.

3.3 Given the transfer of Public Health into Local Authorities on 1 April 2013 it is necessary for Part 3 of the Council's Constitution (Scheme of Delegation) to be updated to incorporate the above duties and responsibilities. The Director of Public Health will be permitted to delegate some of these functions to the Assistant Directors of Public Health.

3. Equalities Impact Assessment Outcomes

3.1 There are no equality impacts associated with this report.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: N/A

Officers Consulted: Corporate Board, Governance and Audit Committee

Trade Union: N/A

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Title of Report:	Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	C2641

Purpose of Report: To propose an amendment to speaking rights for adjoining Parish Councils at Planning Committee meetings.

Recommended Action: To amend the Regulatory and Other Committees Rules of Procedure (Paragraphs 7.13.3 and 7.13.4) which deal with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings.

Reason for decision to be taken: The request was raised at the Planning Policy Task Group meeting on 25 January 2013.

Other options considered: Not to amend the speaking rights

Key background documentation: None

The proposals will help achieve the following Council Strategy principles:	
<input checked="" type="checkbox"/>	CSP7 - Empowering people and communities
<input checked="" type="checkbox"/>	CSP9 - Doing what's important well
The proposals contained in this report will help to achieve the above Council Strategy principles by: ensuring that the constitution is up to date and accords with the relevant legislation	

Portfolio Member Details	
Name & Telephone No.:	Councillor Gordon Lundie - Tel (01488) 73350
E-mail Address:	glundie@westberks.gov.uk
Date Portfolio Member agreed report:	01 April 2013

Contact Officer Details	
Name:	David Holling
Job Title:	Head of Legal Services
Tel. No.:	01635 519422
E-mail Address:	dholling@westberks.gov.uk

Implications

- Policy:** Will require Part 7 of the Constitution to be amended
- Financial:** None – will be undertaken within existing resources
- Personnel:** None
- Legal/Procurement:** Will require changes to the Constitution in accordance with relevant Local Government Acts
- Property:** None
- Risk Management:** Limited risk of challenge in cases where two or more parishes support/oppose application and Applicant considers imbalance in representation
- Equalities Impact Assessment:** EIA attached at Appendix 1.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 At the Planning Policy Task Group meeting which took place on 25th January 2013, Members requested that consideration be given to amending Part 7 of the Constitution, Regulatory and Other Committees Rules of Procedure (Paragraphs 7.13.3 and 7.13.4) that deal with the procedure for dealing with and the time allowed in respect of speaking rights at Planning Committee meetings.
- 1.2 In particular they noted that a few instances had arisen recently where planning decisions would have a significant impact on adjoining parishes. Although the Constitution currently permitted the adjoining Parish Council to make representations, this was at the discretion of the Committee. This provision was also subject to both Parish Councils sharing the maximum time permitted under the rules of five minutes.
- 1.3 The Task Group noted that there were occasions where the Parish and other neighbouring Parish Councils had a different view and sharing five minutes speaking time had proved problematic.

2. Proposals

- 2.1 It is suggested that the Paragraph 7.13.3 be amended by the insertion of the text as set out in italics below and the deletion of the Parish Council element of Note 2:

The following procedure shall apply in respect of each item where any of the aforementioned persons are present:

- Introduction of item by Officers;
- Representations by Parish/Town Council representative (s);
- Members' questions to Parish/Town Council representative (s);
- *Representations by Adjoining Parish/Town Council representative(s) (when formally consulted or as agreed by the Chairman and Development Control Manager (or his representative) in advance of the meeting);*
- *Members' questions to Adjoining Parish/Town Council representative(s)*
- Representations by objector(s);
- Members' questions to objector(s);
- Representations by supporter(s);
- Members' questions to supporter(s);
- Representations by applicant or agent.
- Members' questions to applicant or agent;
- Representation by Ward Member(s)
- Members' questions to Ward Member(s)
- Members' questions to Officers
- Consideration of application by Members.

[Note 1: Questions raised as part of the above process may only be asked to clarify a statement made and not to introduce new business.]

[Note 2: For the avoidance of doubt and in accordance with the Council's custom and practice, should the Committee consider an application affecting more than one ~~Parish and/or Ward~~, the Chairman, with the agreement of the Committee, may allow additional ~~speakers/representatives~~ from the relevant ~~Ward and/or Parish~~.]

- 2.2 It will also be necessary to amend Paragraph 7.13.4 by the insertion of the text in italics below:

The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such longer period as the Chairman may allow with the consent of the Committee:

- Parish/Town Council representative (s);
- *Adjoining Parish/Town Council representative(s)*
- Objectors;
- Supporters;
- Applicant or agent;
- Ward Member(s) (if not on the Committee).

Where more than one individual representing the parties accorded speaking rights wishes to speak, the Chairman may if he/she considers it convenient and conducive to the despatch of the business of the meeting, require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.

Where there is more than one adjoining Parish/Town Council speaking but requiring a fundamentally different outcome of either refusal or approval, the speakers will be allowed five minutes each; where the outcome required is fundamentally the same, the five Minutes will be shared by the speakers.

3. Equalities Impact Assessment Outcomes

- 3.1 EIA Stage 1 attached as Appendix A

4. Conclusion

- 4.1 The amendment proposed to Paragraphs 7.13.3 and 7.13.4 will provide greater certainty and clarity to planning meetings where adjoining parishes indicate that they wish to address the Planning Committee. It is therefore proposed that Members agree the suggested amendments.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Andy Day, Sarah Clarke, Moira Fraser, Gary Lugg, Gary Rayner, Corporate Board, Governance and Audit Committee

Trade Union: N/a

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Amendment to Part 7 of the Constitution
Version and release date of item (if applicable):	
Owner of item being assessed:	David Holling
Name of assessor:	David Holling
Date of assessment:	13 February 2013

1. What are the main aims of the item?
The item is to approve the amendments to Part 7 of the Council's Constitution.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		
There are not believed to be any implications affecting any groups with this item. The item is to discuss the proposed amendments to Parts 7 of the Council's Constitution. This means that Officers making decisions will be required to act according to Council Policy already in place, and remain neutral when making a decision.		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
Stage Two not required:	X

Name: David Holling

Date: 13 February 2013

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Agenda Item 15.

Title of Report:	Re-profiling of Highways and Transport Capital Programme
Report to be considered by:	Council
Date of Meeting:	14 May 2013
Forward Plan Ref:	Urgent

Purpose of Report:	To seek approval for re-profiling of the Highways and Transport capital budget allocation.
Recommended Action:	That Council approve this proposal.
Reason for decision to be taken:	To ensure that the additional schedule of failed road surfaces reported by the Highways and Transport Service is included in the 2013/14 Highway Improvement Programme.
Other options considered:	Reducing the number of schemes to fit the available budget.
Key background documentation:	Highway Asset Management Plan Local Transport Plan 2011-2026

The proposals contained in this report will help to achieve the following Council Strategy priority:

CSP2 – Promoting a vibrant district

The proposals will also help achieve the following Council Strategy principles:

CSP6 - Living within our means

CSP9 - Doing what's important well

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - Tel (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	30 th April 2013
Contact Officer Details	
Name:	Mark Edwards
Job Title:	Head of Highways and Transport
Tel. No.:	01635 519208
E-mail Address:	medwards@westberks.gov.uk

Implications

- Policy:** Road maintenance is a priority for the Council.
- Financial:** If this is to be funded from within the existing 5 year highways capital programme it would be necessary to reduce the highways capital maintenance programme by £345,000 per year in 2014/15 to 2018/19 to £1,162,000 per year. The effect on revenue funding of capital would be an increase in total revenue spend of £153,000 in 2014/15. The planned increase in revenue spend will then be lower by £38,000 each year from 2015/16 to 2018/19 so that the total revenue spend in 2018/19 will be in line with the existing forecast.
- Personnel:** n/a
- Legal/Procurement:** There are no legal implications. The additional work will be procured through the Highway Term Contract 2006-2016.
- Property:** n/a
- Risk Management:** The risks are addressed within the report.

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 There is approximately 1260km of public highway in West Berkshire (more than Reading and Wokingham combined). As a consequence, maintenance of the road network presents real challenges. Using an asset management approach, the Highways and Transport service is able to treat roads at the right time using the available budget so as to achieve best value.
- 1.2 Annual road condition surveys were undertaken in Autumn 2012 and based on this data, the 2013/14 Annual Highway Improvement programme was developed and subsequently approved by Individual Decision on 5 March 2013.
- 1.3 However, following prolonged periods of rainfall in November and December 2012 and snowfall and freezing conditions in January 2013, the road network rapidly deteriorated with a consequent increase in requests from Members of the public for safety repairs to be completed together with a rise in claims against the Council for vehicle damage.
- 1.4 An additional list of roads requiring treatment was therefore drawn up. The cost of resurfacing these roads was estimated to be £1.39m.

2. Proposals

- 2.1 The circumstances described above led Officers to conclude that there were two options to consider. Firstly, to work within the existing budget by reducing the number of schemes in the approved programme in order to accommodate the additional roads or secondly, to bring forward capital funding from future years so that the additional roads can be included in this year's improvement programme.
- 2.2 At a special meeting of the Capital Strategy Group on 26 April 2013, Members considered the business case attached as Appendix A and unanimously agreed to the second option proposed i.e. to bring forward capital funding.

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

4. Conclusion

- 4.1 That Council agree to £1.39m of highways capital funding being brought forward to 2013/14 from the years 2014/15 - 2017/18.

Executive Report

1. Introduction

- 1.1 Highway maintenance and improvement is one of the six local transport goals set out in the Local Transport Plan (LTP). The LTP also shows how this goal and the Council's sustainable approach helps to address other key issues identified in the Plan such as safer travel, minimising the impact on the environment and improving accessibility. The LTP confirms that the Council will continue to operate a rolling highway improvement programme refreshed annually through its supporting Implementation Plan.
- 1.2 During the period December 2012 to January 2013, a full and detailed analysis was undertaken across the West Berkshire road network using the most current survey data to establish the condition of the local network. From this analysis, the 2013/14 Annual Highway Improvement Programme was developed and produced in line with the highway asset management principles as detailed in the Code of Practice for Highway Maintenance Management 'Well-maintained Highways', the Transport Infrastructure Assets Code 'Guidance to Support Asset Management, Financial Management and Reporting' and the Council's approved Highway Asset Management Plan. This programme was approved by Individual Decision on the 5 March 2013 by the Executive Member for Planning, Property, Highways and Transport. In accordance with the requirements of the Transport Infrastructure Assets Code, the Annual Highway Improvement Programme is fully funded from the Capital Programme.
- 1.3 Following prolonged periods of sustained rainfall in November and December 2012 and snowfall and freezing conditions in January 2013, the network suffered further damage in addition to the deterioration identified by the annual surveys and the above analysis. As a consequence, the affected roads do not appear in the approved 2013/14 Annual Highway Improvement Programme or any other ongoing repair programme. However due to the potential safety concerns for highway users and cost of claims, they are considered to be of high priority and in need of imminent repair. A list of these additional schemes is included in the business case at Appendix A.
- 1.4 In addition to the above, some of the road sections listed within the approved 2013/14 Annual Highway Improvement Programme have also suffered further deterioration following the 2012/13 winter period. As a consequence, the current capital budget is insufficient to fund these additional repairs listed in the business case as Appendix B.

2. Proposal

- 2.1 To accommodate the additional roads in the 2013/14 Highway Improvement Programme at a cost of £1.39m, it is proposed that funding is brought forward from each of the four years in the period 2014/15 - 2017/18.
- 2.2 It is recognised that this reduces the funding over the period 2014/15 - 2017/18 to maintain roads to the condition prescribed in the Highway Asset Management Plan. It is considered that given the extreme conditions experienced over last winter and the resulting damage to the local road network, the money needs to be spent this year to restore the affected roads as soon as possible.

2.3 If the roads are not improved this year, the Council will still be required to carry out temporary repairs under its legal obligations. This would not be a good use of highway funds. Much better value for money will be achieved by repairing and resurfacing these roads now.

3. Recommendations

3.1 Council are asked to ratify the conclusion arrived at by the Capital Strategy Board that £1.39m of capital funding is brought forward from the Highways and Transport Programme for spending on road maintenance this year.

Appendices

Appendix A - Business Case for Capital Scheme

Consultees

Local Stakeholders: Parish and Town Councils will be advised of the additional roads to be included in the programme. There will be no consultation as the Programme is based on technical surveys and assessment.

Officers Consulted: Paul Clements, Nick Carter, John Ashworth, Corporate Board

Trade Union: n/a

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Business Case for Capital Scheme **Post Snow Emergency Highway Repair Programme 2013**

1. Project Summary

Project Title	Post Snow Emergency Highway Programme 2013
Version Number	2
Date Created	4 April 2013
Date modified, if applicable	23 April 2013
Author	Melvyn May
Project (Budget) Manager	Melvyn May
Project Sponsor	John Ashworth
Head of Service	Mark Edwards

Is this project already included in the Capital Programme?	No
Is this an 'invest to save' project? (Revenue savings to be shown in Part 5)	No
If this is an ICT project, has the bid been approved by ICT Strategy Board?	N/A

Authorisation signatures

Project Sponsor Date:

Head of Service: Date:

Corporate Director: Date:

Note:

All authorisers are advised to acquaint themselves with the Guidance Notes for Completion of Business Cases before signing off any project. These notes are available from the originator of the project or the Finance Manager Capital and Treasury Management

2. Project details

Project stakeholders:	All users of West Berkshire's highway network.
Project Description: Identify the Business Need	<p>There is approximately 1260km of public highway in West Berkshire (more than Reading and Wokingham combined) comprising 116km of A roads, 75km of B roads, 422km of C roads and 648km of unclassified roads. As a consequence, maintenance of the road network presents real challenges, however, using an asset management approach, the Highways and Transport service is now able to identify and treat roads at the right time so as to maximise design life at minimum cost. This ensures the road is maintained at the optimum time without the need for expensive full depth reconstruction projects.</p> <p>The Council's approach to highway maintenance and asset management is described in the Local Transport Plan 2011 – 2026 (LTP) and the Council's approved Highway Asset Management Plan.</p> <p>Highway maintenance and improvement is one of the six local transport goals set out in the LTP. The LTP also shows how this goal and the Council's sustainable approach helps to address other key issues identified in the plan such as safer travel, minimising the impact on the environment and improving accessibility. The LTP confirms that the Council will continue to operate a rolling highway improvement programme refreshed annually through its supporting Implementation Plan.</p> <p>During the period December 2012 to January 2013, a full and detailed analysis was undertaken across the network using the most current survey data to establish the condition of the local network. From this analysis, the 2013/14 Annual Highway Improvement Programme was developed and produced in line with the highway asset management principles as detailed in the Code of Practice for Highway Maintenance Management 'Well-maintained Highways', the Transport Infrastructure Assets Code 'Guidance to Support Asset Management, Financial Management and Reporting' and the Council's approved Highway Asset Management Plan. This programme was approved by Individual Decision on the 5 March 2013 by the Executive Member for Planning, Property, Highways and Transport. In accordance with the requirements of the Transport Infrastructure Assets Code, the Annual Highway Improvement Programme is fully funded from the Capital programme.</p> <p>In addition to the LTP Government Grant, the Government made available an additional £599k for highway maintenance under its annual Autumn Statement. This additional capital funding was included when developing the 2013/14 Highway Improvement Programme.</p>

Following prolonged periods of sustained rainfall in November and December and snow fall and freezing conditions in January, the network suffered further damage in addition to the deterioration identified by the annual surveys and the above analysis. As a consequence, the affected roads do not appear in the approved 2013/14 Annual Highway Improvement Programme or any other ongoing repair programme. However they are considered to be of high priority and in need of imminent repair. A list of these additional schemes has been appended to this business case (Appendix A). It should be noted that this is unlikely to be an exhaustive list as other roads in a similar condition may be brought to our attention as the cyclic safety inspections are completed.

In addition to the above, some of the road sections listed within the approved 2013-14 Annual Highway Improvement Programme have also suffered further deterioration following the 2012-13 winter period. As a consequence, the current capital budget is insufficient to fund these additional repairs (Appendix B) and therefore there are two options:

1. Retain the current level of funding and reduce the number of schemes in the approved 2013-14 Annual Improvement Programme in order to accommodate the additional roads.
2. Provide additional capital funding in 2013/14 and extend the programme to include the schemes identified in Appendices A and B. It is suggested that to fund this proposal, Capital is brought forwards from future years.

The total value of this bid is £1.39m

As stated, these roads are considered to be in a critical condition, however, there will be other less critical sections of road which have also suffered deterioration as a result of last winter's conditions which do not appear in any current repair programme but may deteriorate over the 2013/14 winter period. In order to capture and assess these as part of the 3 Year Highway Improvement Programme refresh in December, we are looking to increase this year's survey coverage to 100% on all road classes.

In order to meet the Council's statutory duty in maintaining the network in a safe and useable condition and minimise the Council's exposure to risk and third party claims, temporary 2 hour/24 hour emergency and 28 day permanent pothole repairs continue to be carried out as needed. It should be noted that if option 1 is instructed, resulting in a reduced improvement programme this year, emergency repairs will still be needed to the 28 roads listed in Appendix A until such time that they are included in a future improvement programme. It is estimated that emergency repairs could cost around £450,000 in the first year.

Project Outputs:	<p>To enable the Council to restore the condition of its Highway network to pre-winter conditions.</p> <p>To deliver the approved 2013/14 Annual Highway Improvement Programme without revision.</p> <p>To meet the Council's set service and performance targets.</p>
Alternative Options for Delivery of Business Need (to include reasons why not suitable):	<p>Option 1 is considered to be the default option should the proposal to bring forward capital not proceed. If this is the case then agreement will need to be reached on the schemes to be removed from the programme.</p>

3. Project Priority

Does the Project form part of any of the following plans/priorities?

	Yes/No	If yes, specify which one(s)
West Berkshire Council Priority	Yes	Council Strategy 2013 – 2017: Promoting a Vibrant District
West Berkshire Council Outcome	Yes	Infrastructure: Focus on carrying out essential highways maintenance.
Local Transport Plan	Yes	
Asset Management Plan	Yes	Highways Asset Management Plan
Parish Plan	Yes	A high priority in many Parish plans.
Service Plan Priority	Yes	
Other (please specify)		

If this project is not part of one or more of the above plans or priorities why is it required?

N/A

4. Project Management and Timescale

Project Manager	Melvyn May
Methodology used to deliver project	Highways Asset Management Plan Transport Infrastructure Assets Code 'Guidance to Support Asset Management, Financial Management and Reporting' Code of Practice for Highway Maintenance Management 'Well-maintained Highways'
Estimated Start Date	May 2013
Estimated Completion Date	November 2013

Detail any flexibility/constraints/ risks to the project timing

Re-assessment of the approved 2013 Annual Highway Improvement Programme and the setting of new priorities in order to protect and minimise the Council’s exposure to risk and third party claims will lead to programme delays and could prevent the successful delivery of the improvement programme this financial year.

Inability to restore the condition of the network and deliver the agreed service/performance targets.

Has a Feasibility Study been carried out?	No
---	----

If not, is one required?	No
--------------------------	----

Will this project require involvement from other Services (e.g. Property, ICT)?	No
---	----

If yes, which service, and what involvement?	N/A
--	-----

Can the project be resourced sufficiently to allow completion on time?	Yes
--	-----

5. Project Costs and Funding

Breakdown of Costs

Feasibility / other studies	Covered in revenue and capital salaries	% of Total Scheme Cost	2
Project Management	Covered in revenue and capital salaries	% of Total Scheme Cost	10
Infrastructure			
Buildings	n/a		
Refurbishment / minor works	n/a		
Vehicles / plant / equipment / machinery	n/a		
VAT (<i>seek advice if unsure</i>)	n/a		
Other (specify - please note that all projects incurring capital salaries costs MUST explicitly & specifically state to which project it relates)	n/a		
Total Cost of Project	£1.39m		

Phasing of Spend/Funding

	2013/2014	2014/2015	2015/2016	Later Years	Total
Funding Source A (specify)	nil	nil	nil	nil	nil
Funding Source B (specify)	nil	nil	nil	nil	nil
Funding Source C (specify)	nil	nil	nil	nil	nil
Balance required from Council Funds	£1.39m				
Total Cost of Project	£1.39m				

Additional Revenue Costs or Savings as a result of the Scheme

(enter reduced costs/savings as a negative in brackets)

There are no revenue consequences of this project



(uncheck box if this does not apply and complete below)

	2013/2014	2014/2015	2015/2016	Later Years	Total
Salaries					
Premises Expenses	nil	nil	nil	nil	nil
Supplies & Services	nil	nil	nil	nil	nil
Transport	nil	nil	nil	nil	nil
Income	nil	nil	nil	nil	nil
Net Costs / (Savings)					

Project Sponsor/Officer comment on Affordability of the Project (link to cost profile above)

Finance Manager Capital comment on Affordability of the Project and impact upon Minimum Revenue Provision and the Capital Programme

If this is to be funded from within the existing 5 year highways capital programme it would be necessary to reduce the highways capital maintenance programme by £345,000 per year in 2014/15 to 2018/19 to £1,162,000 per year. The effect on revenue funding of capital would be an increase in total revenue spend of £153,000 in 2014/15. The planned increase in revenue spend will then be lower by £38,000 each year from 2015/16 to 2018/19 so that the total revenue spend in 2018/19 will be in line with the existing forecast.

6. Risk and Reward

Comment on the Major Risks to Project/Council

Further deterioration of the Council's highway network and loss of asset value.

Increased exposure to risk and third party claims.

Inability to deliver set service and performance levels.

Increased adverse publicity both locally and nationally

Comment on Benefits and Benefit Realisation Plan

To enable the Council to meet its Statutory Duty to maintain the network in a safe and useable condition.

To restore the network to its pre-winter condition.

Maintain the value of the highway asset.

To deliver Whole Government Accounts (WGA) and demonstrate that the Council is maintaining its network in accordance with national asset management guidelines.

7. Criteria for Success

How will the project be deemed to have been successful? How will this be recognised?

Service delivered to set service/performance targets

Reduced third party claims and financial outlay

Reduced service requests/complaints

What is the plan for Post Project Evaluation and sharing Lessons Learnt?

Summary to be provided in the 2014-2016 Three Year Highway Improvement Programme ID Report.

8. Environmental Impact Assessment

Please comment on the Environmental Impact of the project and how it will contribute to the Council's Carbon Management and Efficiency Targets.

Maintaining the condition of the asset to the set service /performance targets will help minimise the need for major road reconstruction and the use of bituminous material. Reducing disruption and inconvenience to road users will also help reduce emissions.

Winter Damaged Highway Improvement Programme 2013-14

These are sections of road which do not form part of any approved programme of repair but are in need of urgent repair following the 2012-13 winter period.

Location	Road	From	End	Treatment
Aldermaston	A340 Paices Hill	West Gate to AWE	300m north of Roundabout	Inlay
Ashampstead	Aldworth Road	Yattendon Lane	Kiln Hill (Road to Upper Basildon)	Inlay
Beedon	Hailey Lane, Peasemore	Heath Lane	Ball Pit Road	Overlay
Beedon	Westons	Stanmore Road	School	Inlay
Burghfield	Burnthouse Lane, Grazeley	Pingewood Road South	Fullers Lane	Haunch / Inlay
Burghfield	Church Lane	Reading Road	End of Highway	Overlay
Calcot	Bayford Drive	Carters Rise	End of Highway	Inlay
Compton	Un-named Road	Compton Road	Hackney Bottom	Overlay
Compton	Coombe Road	Compton Crossing/New Farm		Overlay
Enborne	Watery Lane, Hampstead Marshall	UNR From Watery Lane	Wheatlands Lane	Surface Dress
Shefford Woodlands	Baydon Road (Wickfield Farm)	B4000	End of Highway	Overlay
Greenham	Bishops Green	A339 Basingstoke Road	District Boundary	Inlay
Greenham	Racecourse Road, Newbury	Greenham Road	Westwood Road	Inlay
Hamstead Marshall	Old Lane, Hamstead Marshall	Un-named Road from Holt Road	UNR from Park Lane	Overlay
Hermitage	Marlston Road, Hermitage	Marlston Farm	Briff Lane	Haunch / Inlay
Hungerford	A338, Hungerford Newtown	To the North of Tally Ho PH	Speed Limit	Inlay
Inkpen	Trapps Hill	Crown and Garter PH	Rolfes Farm	Overlay
Kintbury	Elcot Lane	Hotel	Highway Boundary	Inlay
Newbury	Hambridge Road, Newbury	Bone Lane	Boundary Road	Inlay
Newbury	Highwood Close	80m section		Inlay
Peasemore	Sheepleaze Lane, Peasemore	Hailey Lane	Field Road	Overlay
Speen	Grove Road, Newbury	B4494 Oxford Road	Station Road	Inlay
Streatley	Rectory Road, Streatley	A417	End of Highway	Overlay
Thatcham	Agricola Way, Thatcham	Junction of Pipers Way		Inlay
Thatcham	Crockham Common Road, Crookham	Thornford Road	West of Hyde End Lane	Inlay
Ufton Nervet	Padworth Road, Ufton Nervet	West of Camp Road	Double Mini Roundabouts	Inlay / Surface Dress
Ufton Nervet	A4 Bath Road	Ufton Lane	The Spring Inn	Inlay
Wokefield	Bloomfield Hatch Lane	Cross Lane	Wokefield Park	Inlay

Winter Damaged Highway Improvement Programme 2013-14

These section of road form part of the approved Annual Highway Improvement Programme but have suffered further damage following the 2012-13 winter period.

Location	Road	Start	End	Treatment
Boxford	Westbrook	Hangman's Stone Lane	End of cul de sac	Pre-patch, Micro Asphalt
Brightwalton	Un-named road and Ash Close	Long Lane	Honesty Bottom	Pre-patch, Surface Dress
Brightwalton	Common Lane	Long Lane	Spray Lane	Pre-patch, Surface Dressing, Micro Asphalt
Hungerford	Church Way	A338 Salisbury Road	Moores Place	Pre-patch, Micro Asphalt
Hungerford	Priory Avenue	Priory Road	Tarrant's Hill	Grouted Macadam inlay
Kintbury	Watery Lane	Old Hat	Un-named road to district boundary	Pre-patch, Surface Dressing
Lambourn	Malt Shovel Lane	B4000 Upper Lambourn Road	Drain Hill	Pre-patch, Micro Asphalt.
Lambourn	Newbury Road	Woodbury	Long Hedge	Inlay
Lambourn	Stony Lane	B4000 Ermin Street	End of public highway	Pre-patch, Surface Dressing
Tilehurst	Partridge Drive	Goldcrest Way	30 m past Curlew Drive	Full depth reconstruction
				Total