

Meeting of West Berkshire District Council

**Thursday, 12th December,
2013**

Summons and Agenda

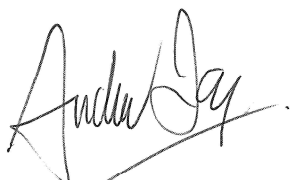


To: All Members of the Council

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

on

Thursday, 12th December, 2013
at 7.00 pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Tuesday, 3 December 2013

AGENDA

1. **APOLOGIES FOR ABSENCE**

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

2. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 19th September 2013. (**Pages 1 - 12**)

3. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).



Agenda - Council to be held on Thursday, 12 December 2013 (continued)

4. CHAIRMAN'S REMARKS AND CHANGES TO COMMITTEES SINCE THE PREVIOUS COUNCIL MEETING

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

5. JUNIOR CITIZEN OF THE YEAR 2013

To present the Junior Citizen of the Year Awards for 2013.

6. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

7. PUBLIC QUESTIONS

(There were no questions received relating to items not included on the agenda)

8. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 26th September 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

9. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of Council, the Personnel Committee met on 30th October 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

10. GOVERNANCE AND AUDIT COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Audit Committee met on 25th November 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

11. DISTRICT PLANNING COMMITTEE

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

12. 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 21st October 2013 and 10th December 2013. Copies of the Minutes of these meetings can be obtained from Strategic Support or via the [Council's website](#).

13. STANDARDS COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Standards



Agenda - Council to be held on Thursday, 12 December 2013 (continued)

Committee met on 14th October 2013. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

14. **CLOSURE OF PUBLIC HOUSES - RESPONSE TO MOTION AT COUNCIL (C2756)**
To provide a response to the Motion raised at the September Council meeting pertaining to the action the Council could take in relation to the potential closure of public houses. **(Pages 13 - 20)**
15. **COUNCIL TAX REDUCTION SCHEME 2014/2015 (C2729)**
To meet legislation that requires that for each financial year the Council must consider whether to revise its Council Tax Support Scheme or to replace it with another Scheme. A decision must be made by 31st January each year. **(Pages 21 - 32)**
16. **LEISURE CENTRES' FEES AND CHARGES 2014 (C2593)**
To implement the contractual requirement for an annual price review for 2014 for Parkwood Community Leisure to come into effect from 1st January 2014. **(Pages 33 - 42)**
17. **ADVENTURE DOLPHIN FEES AND CHARGES 2014/15 (C2595)**
To bring forward agreement on increases in fees and charges for the 2014/15 Adventure Dolphin activity programme in order to be able to competitively advertise and promote activities and maximise advance bookings and income. **(Pages 43 - 54)**
18. **LICENSING ACT 2003 (C2766)**
To adopt the updated and amended Licensing Policy Statement as required by the Licensing Act 2003 Part 2.5(1)(a)(b). **(Pages 55 - 82)**
19. **REVISED CODE OF CONDUCT FOR MEMBERS (INCLUDING A SOCIAL MEDIA PROTOCOL) (C2737)**
To agree any recommended changes to the Members Code of Conduct following the scheduled review by the Standards Committee and to consider the introduction of an associated Social Media Protocol for Members. **(Pages 83 - 112)**
20. **AMENDMENTS TO THE CONSTITUTION - PARTS 4, 7 AND 13 (C2728)**
To review and amend Part 4 (Council Rules of Procedure), Part 7 (Regulatory and Other Committees Rules of Procedure) and Part 13 (Codes and Protocols) in light of legislative changes, policy changes and recent government guidance. **(Pages 113 - 214)**
21. **PROPOSED MEMBER DEVELOPMENT PROGRAMME FOR 2014 TO 2015 (C2672)**
To agree the Member Development Programme for 2014/2015. **(Pages 215 - 220)**



22. 2014/15 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C2594)

To agree the timetable of public meetings for the year 2014/15. **(Pages 221 - 226)**

23. NOTICES OF MOTION

(a) The following Motion has been submitted in the name of Councillor David Rendel:

"It has been discovered that at least one parcel of land within West Berkshire has been deemed subject to escheat to the Crown at common law (i.e. the company which used to own the land went into liquidation, and as a result the land is now ownerless). This parcel therefore falls to be dealt with by the Crown Estate, on whose behalf the firm of Burges Salmon acts. As Burges Salmon has made clear in a letter to Councillor Rendel, "The Crown Estate does not propose to take any action which might be construed as an act of management, possession or ownership in relation to the Property, since to do so may incur upon it liabilities with which the Property is, or may become encumbered." This means that the rights of access across this land which are enjoyed by a number of local householders, as laid out in their title deeds, are gradually being spoiled by a total absence of any management of the land, including a failure to repair, for example, pothole damage. Moreover the local householders have no legal means to enforce the carrying out of such maintenance, even though any costs involved would be recoverable from those householders.

This council will therefore write to the Secretary of State for Communities and Local Government with a copy to each of the three local MPs, to request that he institutes as soon as possible a review of the way in which land deemed subject to escheat to the Crown is managed, and that following the review he should speedily propose legislation to ensure that in future such land is passed into the ownership of a Local Authority body who will then be made responsible for its proper maintenance."

(b) The following Motion has been submitted in the name of Councillor Royce Longton:

"This Council

Welcomes the Coalition Government's decision to delay the deadline for implementing the Community Infrastructure Levy (CIL) for 12 months until April 2015;

Notes that the existing system involving "Section 106" financial contributions from developers, which CIL will replace, has proved to be fair and generates about one third more in capital receipts than is expected under CIL; also that West Berkshire's operation of Section 106 was endorsed by Government as exemplary under both Liberal Democrat and Conservative Administrations; but that Ward Members and local councils in this District are not always involved in every stage of the process;

Therefore we call:

a. On the Leaders of both Parties on this Council to continue pressing for retention of



Agenda - Council to be held on Thursday, 12 December 2013 (continued)

- the S106 system by writing to the Minister of Planning; and
- b. On the Planning Department to amend its procedures so as to ensure that local town and parish councils and Ward Members are involved from the outset in the allocation of S106 funds, from the pre-application stage through to post-construction of new developments.”

(c) **The following Motion has been submitted in the name of Councillor Tony Vickers:**

“This Council

Notes that large areas of employment land, including sites in “Protected Employment Areas”, near the centre of Newbury have been vacant or derelict for years;

Further notes:

- a) that the Local Plan Inspector in his report on the Core Strategy of July 2012 said that a review of the District’s Employment Land Requirement should be completed during the next stage of the Local Plan preparation;
- b) the global and national economy has changed in its land requirements, as exemplified by this Council’s TimeLord programme and the rapid move to online shopping and business-to-business activity;
- c) that the vibrancy of Newbury is being damaged by allowing edge-of-town-centre empty sites;
- d) the resistance of our planning department to the NPPF’s call for planning decisions to take account of ‘market signals’;
- e) the buoyant market for new housing in areas occupied by low quality commercial property (such as the Travis Perkins site);
- f) the benefits to certain demographics of affordable homes near facilities such as rail stations and night-time economy, combined with minimal need by such households for outdoor private ‘amenity space’;

Therefore calls:

1. For the Employment Boundary Review to be given the highest priority in the Local Plan Programme, with cross-party Member input to the Terms of Reference of this work in recognition of the public concern about waste land and empty offices, and meanwhile
2. For greater flexibility to be given to mixed use redevelopment, with significant housing, on land designated for employment near Newbury town centre.”

(d) **The following Motion has been submitted in the name of Councillor Keith Woodhams:**

“Council will be aware that the Local Government Association has received funding from the Department of Transport (DfT) to undertake strategic reviews of local authorities’ highways departments.



Agenda - Council to be held on Thursday, 12 December 2013 (continued)

These peer reviews bring together the LGA's proven peer review approach, with very significant sector specific knowledge available through the Highways Maintenance Efficiency Programme (HMEP).

This motion proposes that this Council commissions a peer led review of the Highways Department on the lines outlined below.

The peer reviews are being led by Surrey County Council and have already been undertaken by Cambridgeshire, Blackpool and Oxfordshire councils. Each review involves a team of peers from local government who spend time on site at the council to fully review its practices so that the authority can reflect on its processes and improve the way it works. These reviews focus on a wide range of people working in the Local Authority and key findings are delivered rapidly. The major cost to the Council would be officer support.

Surrey County Council advised that the DfT has agreed that they will fully fund a further 4 reviews this year and are in discussions with a number of Council's who have expressed an interest in a review. If for any reason any of these do not proceed this year they would be able to offer a review to another authority at no charge.

West Berkshire Council therefore agrees that it will invite the LGA to undertake a peer review of the West Berkshire Council Highways Department as soon as possible."

24. MEMBERS' QUESTIONS

(There were no questions received relating to items not included on the agenda)

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



This page is intentionally left blank

COUNCIL

MINUTES OF THE MEETING HELD ON

THURSDAY, 19 SEPTEMBER 2013

Councillors Present: David Allen, Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck (Vice-Chairman), Dominic Boeck, Jeff Brooks, Paul Bryant, George Chandler, Keith Chopping (Chairman), Hilary Cole, Richard Crumly, Adrian Edwards, Sheila Ellison, Dave Goff, Manohar Gopal, Paul Hewer, John Horton, Roger Hunneman, Carol Jackson-Doerge, Mike Johnston, Graham Jones, Alan Law, Tony Linden, Mollie Lock, Royce Longton, Gordon Lundie, Alan Macro, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, Graham Pask, James Podger, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Tony Vickers, Virginia von Celsing, Quentin Webb, Emma Webster and Keith Woodhams

Also Present: Liz Alexander (Team Leader - Planning Policy), John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Gary Lugg (Head of Planning & Countryside), Bryan Lyttle (Planning & Transport Policy Manager), Caroline Peddie (Principal Planning Officer), Keith Ulyatt (Public Relations Manager), Rachael Wardell (Corporate Director - Communities), Geoff Findlay (Honorary Alderman), Moira Fraser (Democratic and Electoral Services Manager), Linda Pye (Principal Policy Officer) and Robin Steel (Group Executive (Cons))

Apologies for inability to attend the meeting: Councillor Brian Bedwell, Councillor David Betts, Councillor Roger Croft, Councillor Billy Drummond, Councillor Marcus Franks, Alan Thorpe (Honorary Alderman), Councillor Ieuan Tuck and Councillor Laszlo Zverko.

PART I

27. Tribute to Councillor David Holtby

Following a minute's silence Councillor Gordon Lundie paid tribute to Councillor David Holtby who had passed away on the 10 June 2013.

Tributes were also paid by Councillors Paul Hewer, Jeff Brooks and Andrew Rowles. Councillor Holtby was remembered as a true representative of his community, an honourable, caring and kind man, a true friend, an 'Officer and a Gentleman', fun loving and easy to like, a champion of the less fortunate and a 'true people's champion'. Councillor Hewer said that the world would be a much sadder place without him.

28. Minutes

The Minutes of the meeting held on 14 May 2013 and the special meeting on the 06 June 2013 were approved as true and correct records and signed by the Chairman.

29. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Items 8, 15, 17 and 20(b) and reported that, as her interest was a disclosable pecuniary interest, she would be leaving the meeting during the course of consideration of these matters.

Councillor Roger Hunneman declared an interest in Agenda Item 15 and reported that, as his interest was a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

Councillor Tim Metcalfe declared an interest in Agenda Item 17 and reported that, as his interest was a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.

30. **Appointment of Vice Chairman (September 2013 to May 2014)**

The Chairman requested nominations for the position of Vice-Chairman of Council. In response to this request Councillor Jeff Beck was nominated by Councillor Adrian Edwards and the nomination was seconded by Councillor Quentin Webb. There were no further nominations for the position of Vice-Chairman.

Councillor Edwards in proposing Councillor Beck noted that Councillor Beck was hard working, conscientious, knowledgeable, impartial, courteous, considerate, meticulous and dignified and he was therefore a very suitable nominee for this role.

Councillor Webb stated that Councillor Beck was a worthy nomination and he was therefore pleased to second the nomination.

RESOLVED that Councillor Jeff Beck be appointed Vice-Chairman of Council until May 2014.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Beck thanked the Council for electing him. He noted that this was a huge honour and he would support Councillor Chopping to the best of his ability. Councillor Beck thanked Councillors Edwards and Webb for nominating him and thanked his fellow Councillors for putting their trust in him.

31. **Chairman's Remarks**

The Chairman reported that he had attended 47 events since the last Council meeting and that, each had been interesting, informative and impressive. The Chairman thanked all those Members (the late Councillor David Holtby, Councillor Peter Argyle, Councillor Pamela Bale and Councillor Adrian Edwards) that had attended events on his behalf when he was unable to do so.

The Chairman reported that he had been particularly inspired by the work of, and with, West Berkshire's youth organisations. He felt that the effort and enthusiasm of the District's young people was inspiring and something all Councillors should be extremely proud of. In particular he noted that 21 young people from the District would be receiving gold Duke of Edinburgh awards later that year.

The Chairman welcomed Councillor James Podger the newly elected Ward Member for Hungerford to the Chamber.

32. **Petitions**

Councillor Julian Swift-Hook presented a petition containing 1292 signatures relating to Greenham Control Tower. Councillor Swift-Hook was informed that the petition would be considered as part of the paperwork for the item on the Greenham Control Tower being considered by the Executive at its meeting on the 17 October 2013.

33. **Public Questions**

(Councillor Emma Webster declared a disclosable pecuniary interest in Agenda item 8 by virtue of the nature of her employment. As her interest was a disclosable pecuniary interest she left the meeting and took no part in the debate on the matter).

Councillor Webster left the meeting at 7.36pm and returned at 7.41pm.

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

There were no public questions received relating to items not included on this agenda.

In accordance with paragraph 4.12.1 of the Constitution the following questions were submitted in relation to Item 15 Sandleford Park Supplementary Planning Document:

(a) Question submitted to the Executive Member for Planning, Transport (Policy), Culture, Customer Services and Countryside by Mr Tony Hammond:

'The Statement of Consultation for the Sandleford Supplementary Plan contains a submission from Paul Goddard regarding addition access points to the development and includes the statement:

"An access onto the A343 Andover Road would reduce development traffic onto Monks Lane by 43 to 46% that would reduce traffic through the Andover Road / Monks Lane / Essex Street Mini Roundabouts and fronting Parkhouse School by some 300 vehicles for both peak travel periods."

Can the Council tell us where this traffic has gone?'

The question received a response from the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside.

(b) Question submitted to the Executive Member for Planning, Transport (Policy), Culture, Customer Services and Countryside by Mr Peter Norman:

'Does the Council now accept that it is unrealistic to reduce the number of car journeys arising from the Sandleford development to a level that would allow the site to function with only two all vehicular access points to Monks Lane?'

The question received a response from the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside.

(c) Question submitted to the Executive Member for Planning, Transport (Policy), Culture, Customer Services and Countryside by Mr Peter Norman:

'The early ecological reports from the promoters of Sandleford laid great emphasis on the fact that years of neglect had reduced the bio-diversity of the area. Can the Council confirm that as part of the SPD there will be a commitment in establishing a Parkland to restore the bio diversity of what will be left of Sandleford, through the restoration of hedgerows where these have fallen into disrepair, clearance of ponds and other such measures - i.e. that there will be proactive management rather than just maintaining the status quo?'

The question received a response from the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services and Countryside.

Councillor Tony Linden arrived at 7.40pm.

34. Licensing Committee

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

35. Personnel Committee

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

36. Governance and Audit Committee

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 08 July 2013 and 02 September 2013.

37. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee had met on 18 September 2013.

38. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had met on 21 May 2013, 21 July 2013, 02 September 2013 and 17 September 2013.

39. Standards Committee

The Council noted that, since the last meeting, the Standards Committee had met on 01 July 2013.

40. Sandleford Park Supplementary Planning Document (C2675)

(Councillor Emma Webster declared a disclosable pecuniary interest in Agenda item 15 by virtue of the nature of her employment. As her interest was a disclosable pecuniary interest she left the meeting and took no part in the debate or voting on the matter).

(Councillor Roger Hunneman declared a disclosable pecuniary interest in Agenda item 15 by virtue of the fact that he owned a property that overlooked the Sandleford site. As his interest was a disclosable pecuniary interest he left the meeting and took no part in the debate or voting on the matter).

Councillors Emma Webster and Roger Hunneman left the meeting at 7.42pm.

The Council considered a report (Agenda Item 15) which set out the representations received in response to the consultation on the Draft Supplementary Planning Document (SPD) undertaken between 22 March and 03 May 2013, the revisions needed in light of these representations and the adoption of the ensuing SPD.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Virginia von Celsing:

“That the Council resolves that:

- a) No new information or evidence has arisen through the consultation to warrant major changes being made to the Supplementary Planning Document although a number of minor changes have been made.
- b) The Council's responses to the representations received as set out in Appendix A are agreed.
- c) The Sandleford Park Supplementary Planning Document as attached in Appendix C is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

- d) delegated authority is given to the Head of Planning and Countryside to agree any minor typographical and formatting refinements to the Sandleford Park Supplementary Planning Document before publication. ”

Councillor Cole in introducing the report thanked the Planning Policy Team led by Bryan Lyttle and Liz Alexander for the work and diligence they had put into producing this report as well as the reports associated with items 16 and 17 on this agenda.

Councillor Cole explained that Sandleford Park was allocated through the Core Strategy as a strategic site for up to 2,000 dwellings with associated infrastructure. The Supplementary Planning Document (SPD) for the Sandleford Park site had been prepared to set out in more detail how the site would be delivered, taking into account the opportunities and constraints of the site as well as the outcomes of the comprehensive evidence base. The SPD could only supplement adopted policy CS3 of the Core Strategy - it could not provide new details or set new policy. Once adopted the SPD would be used in conjunction with the Development Plan, holding significant weight as a material consideration in the determination of any planning application and/or appeal on this site.

On 21st March 2013 the Council's Executive had approved the draft Supplementary Planning Document for a six week period of public consultation which took place from 22nd March 2013 to 3rd May 2013. A consultation event also took place at Newbury Rugby Club on 18th April 2013. Overall the Council had received 96 comments on the draft SPD from 69 consultees. However, it was noted that no new information or evidence had arisen through the consultation to warrant major changes being made to the SPD. Some minor changes had, however, been made and these were set out in appendix B to the report.

Councillor Anthony Stansfeld arrived at 7.51pm.

Councillor Tony Vickers noted that Officers had put a lot of hard work into producing the document but he still had some concerns that had not been addressed. He felt that it was regrettable that the information about traffic flows referred to by Mr Hammond (when asking question 8(a)) had not been placed in the public domain. He felt that the comments in the document relating to access points needed to be significantly strengthened prior to the document being signed off.

Councillor Alan Law explained that the production of the SPD was the first step in terms of implementation and that further details relating to issues such as accesses would become evident once a planning application was submitted. The Council had recognised that this would be an issue and other options were being seriously considered. He refuted Councillor Vickers's assertion that additional evidence was available and had not been taken into account.

Councillor Julian Swift-Hook noted that in the event that a planning application was submitted (without any additional accesses) the Council would not be able to refuse the application on these grounds as it would not be contrary to the SPD or the Core Strategy.

Councillor Virginia von Celsing reported that the SPD would help to ensure that a long term vibrant and sustainable community would be delivered offering a high quality of life for residents.

Councillor Cole reiterated that no new information or evidence had emerged and therefore no major changes had to be made to the document. The Council would continue to investigate options for access onto the site. The SPD contained strong words of guidance for any future planning applications.

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

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

After the vote had taken place and in accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on the Motion be recorded in the minutes.

FOR the Motion:

Councillors Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Dominic Boeck, Paul Bryant, Virginia von Celsing, George Chandler, Keith Chopping, Hilary Cole, Richard Crumly, Adrian Edwards, Sheila Ellison, Dave Goff, Manohar Gopal, Paul Hower, John Horton, Carol Jackson-Doerge, Mike Johnson, Graham Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Joe Mooney, Irene Neill, Graham Pask, James Podger, Andrew Rowles, Garth Simpson, Anthony Stansfeld and Quentin Webb (32)

AGAINST the Motion:

Councillors David Allen, Jeff Brooks, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (11)

Councillors Emma Webster and Roger Hunneman returned at 8.08pm.

41. Pirbright Institute Site, Compton, Supplementary Planning Document (SPD) (C2650)

The Council considered a report (Agenda Item 16) that set out the representations received in response to the Draft Supplementary Planning Document (SPD) consultation undertaken between 15th February and the 02 April 2013, revisions to the SPD arising out of the consultation and adoption of the ensuing SPD.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Virginia von Celsing:

“That Council resolves that:

1. No new information or evidence has arisen through the consultation to warrant major changes being made to the Supplementary Planning Document.
2. The Council’s responses to the representations received as set out in Appendix A are agreed.
3. The Pirbright Institute site, Compton, Supplementary Planning Document as attached in Appendix C is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).
4. Delegated authority is given to the Head of Planning and Countryside to agree any minor typographical and formatting refinements to the Pirbright Institute site, Compton, Supplementary Planning Document before publication.”

Councillor Cole in introducing the item reported that the SPD for the site had been produced to supplement existing planning policies within the West Berkshire Local Plan and to facilitate the comprehensive redevelopment of the site which had been identified as an opportunity site in the Adopted West Berkshire Core Strategy. The purpose of the SPD was to establish the principles and parameters to guide and manage any future development of this complex site.

Consultation on the SPD had taken place over a six week period from 15th February 2013 to 2nd April 2013. Overall the Council had received 28 representations on the draft SPD but Councillor Cole confirmed that no new information or evidence had arisen through the

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

consultation period to warrant major changes being made to the SPD. Councillor Cole thanked respondents for taking part in the consultation and she felt that their input had been very valuable.

Councillor Keith Woodhams stated that he was pleased to see that the site had come forward as it was a brownfield site but he had concerns about access to the site and would therefore not be able to vote in favour of approval of the SPD.

Councillor Tony Vickers made reference to the letter received by all Members from Barton Willmore earlier that day and sought reassurance that the Council would resist the request to reduce the number of affordable homes on the site.

Councillor Virginia von Celsing acknowledged that this was a sensitive site as it was located in the North Wessex Downs Area of Outstanding Natural Beauty and it was intrinsically linked with the village of Compton. She thanked both the villagers and the Parish Council for the active role they had taken in the preparation of the SPD.

Councillor Cole noted that the residents had not raised any issues in regard to the access to the site and they were happy with the road access arrangements set out in the SPD. She therefore refuted Councillor Woodhams assertions about access. She did however share Councillor Vickers's concerns about a reduction in the level of affordable housing and stated that the Council's policy on this issue would be robustly defended.

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

42. **West Berkshire Local Plan - Local Development Scheme and Sustainability Appraisal Scoping Reports for the Site Allocations and Delivery DPD and West Berkshire Minerals and Waste DPD (C2720)**

(Councillor Emma Webster declared a disclosable pecuniary interest in Agenda item 17 by virtue of the nature of her employment. As her interest was a disclosable pecuniary interest she left the meeting and took no part in the debate or voting on the matter).

(Councillor Tim Metcalfe declared a disclosable pecuniary interest in Agenda item 17 by virtue of the fact that property he owned had a large amount of minerals on it. As his interest was a disclosable pecuniary interest he left the meeting and took no part in the debate or voting on the matter).

Councillors Emma Webster and Tim Metcalfe left the meeting at 8.20pm.

Councillors Gordon Lundie and Keith Woodhams left the meeting at 8.20pm and returned at 8.22pm.

The Council considered a report (Agenda Item 17) concerning the adoption of the revised Local Development Scheme (LDS) for the Local Plan. The report also sought delegated authority for the Head of Planning and Countryside, in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesman to approve variations of the LDS. In addition the report asked Members to grant authority to consult on the Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) Scoping Reports for the West Berkshire Minerals and Waste Development Plan Document (DPD) and the Site Allocations and Delivery DPD in accordance with the requirements of the SEA Directive. Finally the report asked Members to consider the process of Council approval of the Issues and Options stage in the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Virginia von Celsing:

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

That the Council:

- "a) To adopt the revised Local Development Scheme for the West Berkshire Local Plan.
- b) That delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to approve subsequent variations to the LDS.
- c) i) To approve consultation on the Sustainability Appraisal / Strategic Environmental Assessment Scoping Reports for the West Berkshire Minerals and Waste Development Plan Document (DPD) and the Site Allocations and Delivery DPD in accordance with the requirements of the SEA Directive.
 - ii) That delegated authority is given to the Head of Planning and Countryside to agree any minor typographical and formatting refinements to the Sustainability Appraisal / Strategic Environmental Assessment Scoping Reports for the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD before publication.
- d) That delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to carry out the issues and Options consultation as part of the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD."

Councillor Cole in introducing the item reported that the publication of a Local Development Scheme (LDS) for the West Berkshire Local Plan was a statutory requirement together with the need to undertake a Strategic Environmental Assessment/Sustainability Assessment of a Development Plan Document. The LDS was a public statement which set out details of which development plan documents would be produced by the Council as part of its Local Plan. The latest approved LDS had been adopted in May 2012 but since then there had been changes in circumstances which had resulted in the need to revise the LDS. Councillor Cole also outlined the timetable for preparation and adoption of the development plan documents.

Councillor Mollie Lock left the meeting at 8.25pm and returned at 8.26pm.

Councillor Royce Longton congratulated Officers on the hard work that they had put into producing the documents. He noted that West Berkshire Council was the only unitary authority in Berkshire that would be producing a Minerals and Waste Plan. He was however concerned about the length of time it would take to develop the plans which would only be adopted in September 2016. He therefore sought reassurance that the saved policies would be protected until they were replaced.

Councillor Cole reassured Councillor Longton that the saved policies would be retained.

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

Councillors Emma Webster and Tim Metcalfe returned to the meeting at 8.31pm.

43. **Amendments to the Constitution - Scheme of Delegation (C2709)**

The Council considered a report (Agenda Item 18) following a review of the Scheme of Delegation.

MOTION: Proposed by Councillor Jeff Beck and seconded by Councillor Gordon Lundie:

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

That the Council:

“agrees the amendments as set out in the report”.

Councillor Beck in introducing the item reported that this was an opportunity to refresh the Scheme in light of recent legislative changes. The Governance and Audit Committee had agreed to recommend the changes to Council when it met on the 02 September 2013.

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

44. Refresh of the Council's Petitions Protocol (C2653)

The Council considered a report (Agenda Item 19) following a review of the Council's Petitions Protocol in accordance with the agreed timescales for doing so.

MOTION: Proposed by Councillor Jeff Beck and seconded by Councillor Gordon Lundie:

That the Council:

“approves the minor amendments to Appendix C to Part 13 Codes and Protocols of the Council's Constitution”.

Councillor Beck in introducing the item reported that, at the time the original protocol was adopted, it had been agreed that the protocol would be reviewed in September 2013. Since the adoption of the protocol the Council had received 51 petitions. No major issues had been experienced with the protocol and therefore the revision only included a few minor amendments. The Governance and Audit Committee had agreed to recommend the changes to Council when it met on the 02 September 2013.

Councillor Jeff Brooks commented that the Governance and Audit Committee had not agreed a recommendation put forward by the Liberal Democrat Group to lower the threshold for petitions which would trigger a debate at full Council from 5,000 to 1,500 signatures. He felt that this was a missed opportunity and that West Berkshire Council's threshold was out of sync when compared to the other Berkshire Unitary authorities. He was puzzled as to why this reasonable request had been rejected.

Councillor Roger Hunneman left the meeting at 8.36am and returned at 8.40pm.

Councillor Gordon Lundie responded that the Executive had no view on the level the threshold should be set at but that a persuasive case had not been made at the Governance and Audit Committee.

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

45. Notices of Motions

(a) Potential Closure of Newbury magistrate's Court

The Council considered the under-mentioned Motion (Agenda item 20(a) refers) submitted in the name of Councillor David Goff relating to the potential closure of Newbury's Magistrate's Court.

MOTION: Proposed by Councillor David Goff and seconded by Councillor Jeff Brooks:

“That this Council urges the Chairman of the Council to write to the Minister of State for Justice, the Justices Clerk, the appropriate Directors of the Court Service and the Judicial Issues Group urging them to ensure that Newbury Magistrates' Court remains fully operational for the day to day business of a magistrates court in order to preserve local justice and to increase its usage for the people of the West of Berkshire. The Council considers that the running down of business dealt with in this Court combined with the restrictions imposed on the type of work it can deal with is unacceptable. Especially as this comes only two years after a Ministerial decision to keep Newbury

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

Magistrates Court open; which decision was supported by a wide range of local interests.”

The Chairman, with the consent of Councillor Goff, proposed that the Council also include the Prime Minister and the three Local Members of Parliament in seeking to preserve Newbury Magistrate’s Court.

Councillor James Podger left the meeting the meeting at 8.59pm and returned at 9.02pm.

Councillor Keith Woodhams left the meeting at 9.02pm and returned at 9.04pm

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

Councillor Joe Mooney left the meeting at 9.13pm.

(b) **Closure of Public Houses**

(Councillor Emma Webster declared a disclosable pecuniary interest in Agenda item 20(b) by virtue of the nature of her employment. As her interest was a disclosable pecuniary interest she left the meeting and took no part in the debate or voting on the matter).

Councillor Emma Webster left the meeting at 9.13pm.

The Council considered the under-mentioned Motion (Agenda item 20(b) refers) submitted in the name of Councillor Royce Longton relating to the closure of public houses.

The Chairman informed the Council that should the motion be approved, under Procedural Rule 4.5.8 it would be referred to the Heads of Planning and Countryside and Strategic Support to draft a report that would be brought to the December 2013 Council meeting after being considered by the Planning Policy Task Group.

MOTION: Proposed by Councillor Royce Longton and seconded by Councillor Tony Vickers:

“This Council believes that well-run public houses make a significant, positive contribution to the social and economic well being of communities. The decline in numbers of such pubs, especially in rural areas within West Berkshire, is therefore a matter of considerable regret.

This Council therefore resolves to use its powers and influence to support public houses in the following ways:

1. Encourage and support communities to apply to list pubs as Assets of Community Value;
2. Ensure that pubs of historic or architectural interest, that currently lack a statutory designation, are included in the Council’s Local Heritage Listing;
3. Promote and champion award winning local pubs;
4. Lobby the Government to close the loopholes that currently, for example, allow the demolition of pubs, or their change of use to other commercial activities, without planning permission;
5. Investigate the use of the CAMRA Public House Viability Test as a tool when considering planning applications involving pubs;

COUNCIL - 19 SEPTEMBER 2013 - MINUTES

6. Lobby local MPs and other political representatives to support CAMRA's *Fair Deal For Your Local* campaign;
7. Lobby the Government to take measures to reduce the price differential for beer between pubs and supermarkets, for example by reducing the tax on beer, or introducing a minimum retail price.”

The Motion was put to the meeting and duly **RESOLVED** that it would be referred to the Heads of Planning and Countryside and Strategic Support to draft a report that would be brought to the December 2013 Council meeting after being considered by the Planning Policy task Group.

Councillor Emma Webster returned to the meeting at 9.16pm.

46. Members' Questions

- (a) A question standing in the name of Councillor Jeff Brooks on the subject of the number of signatures required to trigger a debate at Full Council was answered by the Chairman of the Governance and Audit Committee.
- (b) A question standing in the name of Councillor Jeff Brooks on the subject of the Council's practices in respect of debt collecting was answered by the Leader of the Council.

(The meeting commenced at 7.00pm and closed at 9.20pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

Title of Report:	Closure of Public Houses – Response to Motion at Council
Report to be considered by:	Council
Date of Meeting:	12th December 2013
Forward Plan Ref:	C2756

Purpose of Report: To provide a response to the Motion raised at the September Council meeting pertaining to the action the Council could take in relation to the potential closure of public houses.

Recommended Action: Members to agree the response to the motion.

Reason for decision to be taken: To respond to a motion submitted at the September 2013 Council meeting.

Other options considered: None

Key background documentation: Minutes of September Council
West Berkshire Supplementary Planning Guidance No 19 Public Houses
The Campaign for Real Ale – Public House Viability Test

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 principle:

CSP7 - Empowering people and communities

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Empowering the local communities in West Berkshire to use the Localism Act to register their pubs on the Asset of Community Value Register.

Portfolio Member Details

Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	21 st November 2013

Contact Officer Details

Name:	Bryan Lyttle
Job Title:	Planning and Transportation Policy Manager
Tel. No.:	01635 519638
E-mail Address:	Blyttle@westberks.gov.uk

Implications

Policy: Changes to Planning Policy can be made if required or desired through the Site Allocations and Delivery Development Plan Document provided enough evidence can be found to support such policies and the Planning Inspector agrees following the Public Examination.

No changes are needed to the Assets of Community Value process or the Local Heritage Listing process.

However, a large increase in the number of applications to both processes would have resourcing issues which could cause a delay in the processing of such applications.

Financial: No Comments

Personnel: Not Consulted as deemed not appropriate

Legal/Procurement: Under the Localism Act, requests to nominate an ACV must pass a test that it is "realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further ...the social wellbeing or social interests of the local community". The definition of "realistic" has been challenged and the ruling suggests that the term means - "more than fanciful". This is likely to be significant in the future.

Property: No Comments

Risk Management: Low

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"/>

Executive Summary

1. Introduction

At the September meeting of the Council the motion (set out in the Executive Report 1.1) was approved for debate at the December Council meeting following discussion at the Planning Policy Task Group.

2. Proposals

- 2.1 The motion contains 7 proposals each of which is set out and responded to in detail in the body of the report, most of which the Council can support as it is already doing what the motion calls for.

3. Response to the Motion

- (1) Encourage and support communities to apply to list pubs as Assets of Community Value; - Partial AGREE The Council is already doing this as set out in section 3.
- (2) Ensure that pubs of historic or architectural interest, that currently lack a statutory designation, are included in the Council's Local Heritage Listing; - Partial AGREE The Council cannot "Ensure" but can encourage the West Berkshire Heritage Forum to nominate such establishments.
- (3) Promote and champion award winning local pubs; - AGREE The Council is already doing this as set out in section 4.
- (4) Lobby the Government to close the loopholes that currently, for example, allow the demolition of pubs, or their change of use to other commercial activities, without planning permission; - AGREE The Council is already doing this as set out in section 3.
- (5) Investigate the use of the CAMRA Public House Viability Test as a tool when considering planning applications involving pubs; - AGREE As set out in section 3 the PHVT would be suitable as one of the tools available to Development Control Officers
- (6) Lobby local MPs and other political representatives to support CAMRA's Fair Deal For Your Local campaign; - CAN'T AGREE it is not appropriate for the Council to be involved in this campaign, however members may support the campaign on an individual basis.
- (7) Lobby the Government to take measures to reduce the price differential for beer between pubs and supermarkets, for example by reducing the tax on beer, or introducing a minimum retail price." – Partial AGREE for the reasons set out in section 6 and 7.

4. Equalities Impact Assessment Outcomes

- 4.1 This item is not relevant to equality.

Executive Report

1. Introduction

- 1.1 At the September meeting of the Council the following motion was approved for debate at the December Council meeting “This Council believes that well-run public houses make a significant, positive contribution to the social and economic well being of communities. The decline in numbers of such pubs, especially in rural areas within West Berkshire, is therefore a matter of considerable regret.

This Council therefore resolves to use its powers and influence to support public houses in the following ways:

- (1) Encourage and support communities to apply to list pubs as Assets of Community Value;
- (2) Ensure that pubs of historic or architectural interest, that currently lack a statutory designation, are included in the Council’s Local Heritage Listing;
- (3) Promote and champion award winning local pubs;
- (4) Lobby the Government to close the loopholes that currently, for example, allow the demolition of pubs, or their change of use to other commercial activities, without planning permission;
- (5) Investigate the use of the CAMRA Public House Viability Test as a tool when considering planning applications involving pubs;
- (6) Lobby local MPs and other political representatives to support CAMRA’s Fair Deal For Your Local campaign;
- (7) Lobby the Government to take measures to reduce the price differential for beer between pubs and supermarkets, for example by reducing the tax on beer, or introducing a minimum retail price.”

2. Background

- 2.1 There are currently 638 licensed premises in West Berkshire of which 151 can be regarded as pubs/bars. In the last five years (since January 2008) Licensing has determined 118 applications relating to the closure/renaming/reopening of public houses in West Berkshire. It should be noted that these applications can relate to the same building (the Bricklayers on Bartholomew Street, closed, renamed the Purple Lounge, closed again and then re-opened as the Newbury).
- 2.2 20 public houses in West Berkshire are currently considered as closed. Some have been lost to the residents of West Berkshire such as the Falcon Inn (Burghfield Road, Tadley (administratively in West Berkshire)) which has been demolished while others such as the Rising Sun in Burghfield Common have been converted into other uses. However, two pubs have also been brought back in use in the last two months - the George and Pelican (Bartholomew Street is now Bar Sport and the Tally Ho in Hungerford Newtown has reopened as a community pub following its' listing as a Asset of Community Value).

3. Current Procedures and Policies relating to planning issues

- 3.1 The reform of planning with the introduction of the Localism Act, the National Planning Policy Framework and the further reforms announced regarding technical planning regulations has changed how applications for the closure or redevelopment of public houses can be treated.
- 3.2 Following the Localism Act 2011 which was enacted in 2012 the Council has set up a dedicated webpage to receive nominations for "Assets of Community Value" (ACV). This webpage contains details of who can make a nomination, how to submit an application and how the Council will process the application.
- 3.3 West Berkshire was one of the first councils in the South East to adopt the process and the first council in the region to list a public house as an ACV, the Tally Ho in Hungerford Newtown. CAMRA is currently running a campaign (The 300 Challenge) to get 300 pubs listed as ACVs by the end of 2013, of the 150 so far registered in England, West Berkshire has two: the Tally Ho, Hungerford Newtown and the Swan, Great Shefford.
- 3.4 The Council is therefore already supporting communities and listing pubs as Assets of Community Value.
- 3.5 However, due to the fact that the Council is also responsible for initially determining applications for inclusion on the ACV it cannot be seen to "encourage" as this might be construed as either an actual or merely implied bias and therefore represent a conflict of interest.
- 3.6 West Berkshire has also adopted a Local Listing Process (September 2012) and has undertaken training of local assessors. However, the local listing process is to be undertaken by the West Berkshire Heritage Forum and the Council will review their recommendations and either approve, refuse or ask for further work to be undertaken.
- 3.7 4 pubs in West Berkshire have been identified by CAMRA of being worthy of "Historical" or "Regional" recognition because of their interiors (only 270 nationally recognised) and would appear worthy of consideration by the West Berkshire Heritage Forum.
- 3.8 Since the local listing process is run by the West Berkshire Heritage Forum and not the Council, the Council cannot "Ensure" that pubs of historic or architectural interest, that currently lack a statutory designation, are included in the Council's Local Heritage Listing.
- 3.9 The CAMRA Public House Viability Test (PHVT) comprises a set of detailed questions under seven headings, the answers to which should resolve a bigger question "What could this business achieve, given a management dedicated to it, and with full discretion over stocking policy and type of operation"? However, this guidance is aimed at activists looking to respond to applications and local authority planners who do not have a local policy and require a degree of guidance around public house viability. It also needs to be National Planning Policy Framework Proofed.
- 3.10 The Council has an adopted Supplementary Planning Guidance No 19 Public Houses which although somewhat dated (it predates the PHVT) still provides

clarification and advice on the way the Council will deal with applications for redevelopment or change of use resulting in the loss of a public house. One of the stated aims of the guidance was "to safeguard the public house as a focus of community life". (SPG19 para 2.3)

- 3.11 Section 6 sets out the 4 criteria to be used in the assessment of applications for development resulting in the loss of a public house in West Berkshire together with other considerations. The PHVT merely expands on the West Berkshire Guidance by means of providing thought provoking questions.
- 3.12 It should be noted that there may be other viability models available and that the use of the PHVT as one of the tools available to Development Control Officers in the determination of any applications relating to the closure of a public house might be suitable.
- 3.13 The Coalition Government is determined to simplify the planning process and the publication of the NPPF was the first stage in this process. The Government has announced that it aims to consolidate the rules on permitted development to make them easier to understand, tackle unnecessary and overly burdensome requirements in the application process and scrap 38 redundant regulations.
- 3.14 The Council has (via the Planning Policy Task Group) responded to every consultation held on changes to the planning system and will continue to do so.
- 3.15 In addition to the land use planning processes above the Council has also been recognised for its pioneering work in community empowerment via community plans. Lots of the Adopted Parish Plans have sections on "Planning and Development" or "Social Environment" and if the local village pub is of importance to the local community then it is appropriate for it to be included under these or similar sections.

4. Current Procedures and Policies relating to cultural issues

- 4.1 There are a vast array of associations that run awards for pubs including; trade bodies, breweries, CAMRA and the Good Pub Guide at local, county, regional, super regional and national levels. These awards can be for the quality of the beer, the community spirit or family friendly nature of the establishment.
- 4.2 In addition Trading Standards run the "Responsible Retailer Award Scheme" which includes a number of pubs. Furthermore, the Visit Newbury web site includes a section on "Eat and Drink" which highlights the Vineyard and the Pot Kiln as first class places to eat on the home page before a secondary page on "Pubs, Bars and Inns" highlights a further 14.
- 4.3 Given the level of promotion for local pubs already available in West Berkshire, it is considered that the Council need take no further action to promote this single business area.

5. Current Procedures and Policies relating to legal issues

- 5.1 The Fair Deal for Your Local is a current CAMRA campaign aimed at changing the relationship between tied licensees and large pub companies so that it is beneficial to both the tenant and the pub company.

5.2 However, there are many other “overheads” concerned with the running of a public house that are independent of large pub companies and a significant number of “free houses” in West Berkshire are also struggling to keep open. It is therefore difficult to justify why the Council should support this campaign when viability is not just an issue for public houses.

6. Current Procedures and Policies relating to finance issues

6.1 The Beer duty escalator has been an automatic tax on beer since 2008 set at +2% above inflation which has seen the amount of beer duty rise by 42%. However, in the 2013 budget the beer duty escalator was scrapped and a penny cut on the price of beer introduced. This was the first time that beer duty had been cut since 1959.

6.2 With regards to setting a differential rate for supermarkets and pubs relating to the sale of alcohol, there are many other supermarket activities that impact on other businesses in the area and especially in the rural parts of the district. Rural garages, newspaper/ grocery stores and even the local butcher have all had to adapt to the rise of the supermarket.

7. Current Procedures and Policies relating to health issues

7.1 The introduction of a minimum price for alcohol has been shelved following consultation but remains under consideration the Government announced in July 2013.

7.2 The Health and Wellbeing Strategy aims to promote sensible drinking of alcohol and the introduction of a minimum price might assist in promoting this objective.

7.3 However, the motion before Council is concerned with the closure of pubs and it is unlikely that by itself a price differential for the sale of alcohol will reverse the decline of pubs.

8. Response to the Motion

- (1) Encourage and support communities to apply to list pubs as Assets of Community Value;

The Council is already doing this as set out in section 3.

- (2) Ensure that pubs of historic or architectural interest, that currently lack a statutory designation, are included in the Council’s Local Heritage Listing;

The Council cannot “Ensure” but can encourage the West Berkshire Heritage Forum to nominate such establishments.

- (3) Promote and champion award winning local pubs;

The Council is already doing this as set out in section 4.

- (4) Lobby the Government to close the loopholes that currently, for example, allow the demolition of pubs, or their change of use to other commercial activities, without planning permission;

The Council is already doing this as set out in section 3.

- (5) Investigate the use of the CAMRA Public House Viability Test as a tool when considering planning applications involving pubs;

As set out in section 3 the PHVT would be suitable as one of the tools available to Development Control Officers

- (6) Lobby local MPs and other political representatives to support CAMRA's Fair Deal For Your Local campaign;

As set out in Section 5 it is not appropriate for the Council to support just one rural activity when other rural businesses are equally affected by supermarkets, however members may respond on an individual basis.

- (7) Lobby the Government to take measures to reduce the price differential for beer between pubs and supermarkets, for example by reducing the tax on beer, or introducing a minimum retail price."

As set out in section 6 and 7.

Appendices

There are no appendices to this report.

Consultees

Local Stakeholders: N/a

Officers Consulted: Andy Day, Gary Lugg, David Holling, Melanie Ellis, Gary Rayner, Steve Broughton, Lesley Wyman, Brian Leahy

Trade Union: N/a

Title of Report:	Council Tax Reduction Scheme 2014/2015
Report to be considered by:	Council
Date of Meeting:	12th December 2013
Forward Plan Ref:	C2729

Purpose of Report:

Legislation requires that for each financial year the Council must consider whether to revise its Council Tax Support Scheme or to replace it with another Scheme. A decision must be made by 31st January each year.

Recommended Action:

The recommendation to Council is that, for the purposes of a Council Tax Support Scheme for 2014/15:

1. The CTR Scheme for 2014/15 should replicate that in place for 2013/14 with the single exception that claimants in the unprotected group will be required to pay a minimum of 10% of their Council Tax liability rather than 8.5% as in 2013/14
2. An amount of £6.23m be drawn from Revenue Support Grant to contribute towards funding of the Scheme together with £1.27m income generated by earlier changes to Council Tax discounts
3. That the proposals for addressing variations between estimated and actual costs through the Collection Fund be approved
4. No transfer of funding will be made to parish and town councils.
5. That the associated risks be noted.

Reason for decision to be taken:

There is a statutory requirement to adopt a Scheme for each financial year by 31st January in the preceding financial year

Other options considered:

Covered in section 5 to the report

Key background documentation:

Report to Council on 13th December 2012 "Council Tax Support Scheme" (agenda item 16) supported by report "Technical Reforms to Council Tax" (agenda item 17) to the same meeting.

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

CSP1 – Caring for and protecting the vulnerable

The proposals will also help achieve the following Council Strategy principle):

CSP6 - Living within our means

The proposals contained in this report will help to achieve the above Council Strategy priority and principle by:

Putting into place a Scheme which provides support on low income in order that they may meet their Council Tax liabilities whilst ensuring that such a Scheme remains affordable for the Council and its Council Tax payers in general.

Portfolio Member Details

Name & Telephone No.:	Councillor Alan Law - Tel (01491) 873614
E-mail Address:	alaw@westberks.gov.uk
Date Portfolio Member agreed report:	28 Nov 2013

Contact Officer Details

Name:	Bill Blackett
Job Title:	Revenues and Benefits Manager
Tel. No.:	01635 519305
E-mail Address:	bblackett@westberks.gov.uk

Implications

Policy:	If the recommendation to this report is accepted by Council it will establish the Council's policy for Council Tax Support for the year 2014/15. In view of the statutory requirements this policy will need to be refreshed for 2015/16 and for each subsequent year.
Financial:	Claimant entitlements, Revenue Support Grant funding and income from reduced Council Tax discounts all affect the likely cost of the Scheme. The cost of the Scheme may be higher or lower than estimated and any surplus/deficit will be managed through the Collection Fund. Based upon existing caseload, the cost of an unchanged Scheme in 2014/15 would be £7.49m whereas, if the recommendation is accepted, this cost would reduce to £7.44m. The recommendation requires a Revenue Support Grant contribution of £6.23m with the balance being met from income generated by earlier changes to Council Tax discounts (£1.27m).
Personnel:	None
Legal/Procurement:	None
Property:	None
Risk Management:	The level of Government funding will not be known until after the Council has to make its decision on a Scheme for 2014/15. Assumptions have been made based on information available

but it seems highly likely that, given the Government's Government fiscal policy and our reducing caseload, the Council will see a reduction in this funding. The specific risks are:

- Reduction in Government grant
- Changes in the number of claimants entitled to support
- Changes in the number of claimants within each of the four groups identifying the level of protection they receive
- Changes in Council Tax liabilities affecting the amount of additional income from discounts and exemptions

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 checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>		<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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>		<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Not relevant to equality			<input 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 West Berkshire's Council Tax Reduction Scheme replaced Council Tax Benefit from 1st April 2013 and provides assistance to those on low income in order that they may pay their Council Tax. Each Council is required to establish its own local Scheme for Council Tax Support and, if they do not do so, a default Scheme is imposed by Central Government and which will have the potential to create additional financial pressures.
- 1.2 The report focuses on affordability of the current Scheme if carried forward to 2014/15 and takes account of Government funding, anticipated caseload and the potential impact on Council Tax collection performance. Government funding is to be received within unringfenced Revenue Support Grant rather than as a specific grant. Revenue Support Grant is subject to annual reduction. Lower levels of active caseload and Scheme costs may well be reflected in further reductions in the scale of Government funding.
- 1.3 This report seeks the establishment of a Scheme for 2014/15 and draws together information about existing caseload and costs together with indicative values for the year 2014/15 and the lower level of Government support available. The total amount of support is expected to be reduced depending upon how it is allocated. The Government's Transition Grant of £170k received in 2013/14 allowed us to change the original proposals for a claimant contribution of 10% to 8.5% for those claimants in the unprotected group. That grant will not be received in 2014/15.
- 1.4 Section 4 of the report deals with Government grant funding in detail, explains how there is little certainty as to the actual level of grant to be received in 2014/15 and the difficulties that this presents in being able to develop proposals for 2014/15. This section also deals with the issues of passing an element of grant to parish and town councils. The Government have given no clear identification of any grant intended for parish and town councils and this Council will not be in a position to make such a payment unless the Government reverses its position on the matter.
- 1.5 Section 5 develops matters further by looking at the anticipated caseload and costs for 2014/15. Options for change are explained with information given as to the impact on caseload and costs. Section 5.5 illustrates the cost of an unchanged Scheme to be £7.49m falling to £7.44m for a Scheme where the unprotected claimant's minimum contribution is increased from 8.5% to 10%.

2. Equalities Impact Assessment Outcomes

- 2.1 This report follows on from the report "Council Tax Reduction Scheme" submitted to Council on 13th December 2012 in respect of which a full assessment was made. The major impact relates to financial debt across all groups. The Scheme provides financial assistance towards Council Tax liabilities for low income residents.
- 2.2 Pensioners and vulnerable persons (those in receipt of disability benefits) are protected and will receive support of up to 100% of their liability. Working age claimants outside the vulnerable group will not receive full support and will be required to make a contribution themselves. For these cases a hardship Scheme is

in place where each will be assessed on an individual basis if their circumstances give rise to any vulnerability.

3. Proposals

3.1 Section 7 to the report deals with the proposals:

- (1) Due to the diminishing funding via Revenue Support Grant there is a need to make an assumption as to the level of that grant to be used for Council Tax Support;
- (2) The way in which this uncertainty could result in a shortfall in funding and how this may be addressed, Comparisons are made to other areas where uncertainty is treated in a similar manner;
- (3) No transfer funding by West Berkshire to parish and town councils will take place;
- (4) In the light of diminishing funding, and following an appraisal of options within this section, the preferred Scheme for recommendation to Council is for the 2013/14 Scheme to be carried forward unchanged to 2014/15 apart from an increase to the minimum contribution for unprotected claimants from 8.5% to 10%.

4. Recommendations

4.1 The recommendation to Council is that, for the purposes of a Council Tax Support Scheme for 2014/15:

- (1) The CTR Scheme for 2014/15 should replicate that in place for 2013/14 with the single exception that claimants in the unprotected group will be required to pay a minimum of 10% of their Council Tax liability rather than 8.5% as in 2013/14
- (2) An amount of £6.23m be drawn to from Revenue Support Grant to contribute towards funding of the Scheme with the balance being met from income generated by earlier changes to Council Tax discounts (£1.27m).
- (3) That the proposals for addressing variations between estimated and actual costs through the Collection Fund be approved
- (4) No transfer of grant funding will be made to parish and town councils.
- (5) That the associated risks be noted.

Executive Report

1. Introduction

- 1.1 Council Tax Reduction replaced Council Tax Benefit from 1st April 2013 and provides assistance to those on low income in order that they may pay their Council Tax. Legislation requires that each billing authority is required to establish its own local Scheme and to review that Scheme annually. This must be done by 31st January each year. Failure to do so will result in the imposition of a “default” Scheme which will have the potential to create further financial pressures.
- 1.2 This report seeks the establishment of a Scheme for 2014/15 and draws together information about existing caseload and costs together with indicative values for the year 2014/15 and the likely lower level of Government funding available. The level of Government funding is not yet known.
- 1.3 The report focuses on the perceived cost of the current Scheme if carried forward to 2014/15 and takes account of existing Government funding, anticipated caseload and the potential impact on Council Tax collection performance.

2. Experience and impacts of the Scheme adopted for 2013/14

- 2.1 The Scheme adopted by the Council at its meeting on 13th December 2012, following earlier wide consultation, mirrored the previous Council Tax Benefit Scheme with the following specific conditions:
 - (1) Pensioners and those in the vulnerable group (identified as being those in receipt of various forms of disability benefit) were protected so that they would see no change in their level of entitlement to assistance with Council Tax charges. This was in response to a Government ruling that such protection should be in place
 - (2) The maximum amount of support available to other claimants would be limited to 91.5% of the net Council Tax due, after discounts and other forms of reduction. This means that all claimants outside the two protected groups are required to pay at least 8.5% of their Council Tax liability.

3. Impact on Council Tax collection

- 3.1 The introduction of partly funded Council Tax Reduction as a replacement for a fully funded Council Tax Benefit had the potential for a significant detrimental impact on Council Tax collection. The degree to which this impact would be felt was very much dependent upon the extent to which the adopted Scheme required a contribution from Council Tax payers outside the vulnerable groups.
- 3.2 The full impact cannot be assessed with certainty until the end of the financial year as our collection/enforcement process continues throughout the year and on into subsequent years. However initial data suggests Council Tax collection rates are holding up well with only a marginal variation from the previous year.

4. Government funding for a Scheme in respect of 2014/15

- 4.1 The Council Tax reduction Scheme takes the form of a discount on the Council Tax bill and, like other discounts (e.g. the single person’s 25 per cent discount), has the

effect of reducing the council's Council Tax base. Reducing the tax base means that, if the council's budget requirement remained the same, the amount of Council Tax charged would increase, or if Council Tax was not increased the income generated would reduce. This applies to billing authorities and major precepting authorities (the Fire Authority and the Police and Crime Commissioner), as well as local precepting authorities (town and parish councils).

- 4.2 To mitigate the impact of the reduced Council Tax base, each year the Government is distributing to billing authorities and major precepting authorities, via revenue support grant and business rates retention, a grant that is not ring fenced.
- 4.3 Fundamental to any decision on the future model for West Berkshire's CTR Scheme must be the extent to which Central Government funding is available. However there is no certainty as to the level of grant and this is likely to remain the case until after the Council needs to make its decision on a Scheme for 2014/15.
- 4.4 We already know that Revenue Support Grant is to be reduced by 18.5% in 2014/15. We also know that, because of our reducing caseload, our relative share of the national funding in respect of Council Tax Reduction schemes will almost certainly be reduced.
- 4.5 Although the Government identified the specific amount attributable to local precepting authorities in 2013/14 it has said it will not do so for 2014/15
- 4.6 As the decision making process for the 2013/14 Scheme progressed, the Government made a late stage Government announcement of a Transition Grant Scheme for those authorities who adopted Schemes that comply with criteria set by Government to ensure that low income households did not face an extensive increase in their Council Tax liability in 2013-14. This funding was intended to enable councils to explore more sustainable approaches to managing the funding reduction which minimised the impact on vulnerable taxpayers. In response to this the Scheme proposals were modified so that the only change from the Council Tax Benefit Scheme was the requirement of a minimum 8.5% contribution from unprotected claimants rather than the 10% originally proposed. Government have stated that this grant will not continue into 2014/15
- 4.7 Because the level of Government funding has such a significant impact; assumptions have to be made as to the level which will be available in 2014/2015. There is certainly a considerable degree of risk in doing so but unless Council accept that risk it will not be possible to define a Scheme for 2014/15.

5. Other matters for consideration - Caseload

- 5.1 The other equally significant factor is the anticipated caseload level for 2014/15 as this will drive the cost of the Scheme and we have seen a gradual reduction in the last year. Indicative values for an unchanged Scheme suggest a caseload of 7,937 and a cost of £7.49m. Details of this change in caseload are shown in the table below

	Pensioners	Working age vulnerable	Working age but not working	Working age on low income or in receipt of other benefits	Total number of claimants
October 2012	4,010 (£3.85m)	400 (£0.30m)	1,848 (£2.03m)	2,069 (£1.93m)	8,327 (£8.11m)
October 2013	3,775 (£3.89m)	1,677 * (£1.84m)	1,231 (£0.82m)	1,460 (£1.43m)	8,143 (£7.98m)
Anticipated 2014/15	3,677 (£3.57m)	1,555 (£1.67m)	976 (£0.63m)	1,729 (£1.62m)	7,937 (£7.49m)

*This change in values was caused by a discrepancy in the computer software used to identify claimants within the four groups and affected other councils

- 5.2 Changes to the Scheme will inevitably impact on caseload both in terms of eligible applicants and the cost of the Scheme. Proposed changes to the Scheme from that currently in place should not be outside the principles upon which the earlier consultation took place as advice received is that this would require further wide consultation. Such consultation could not be effectively achieved within the constraints imposed by the Council's own decision making timetable and the need to have a Scheme in place by 31st January 2014.
- 5.3 The Scheme adopted for 2013/14 does vary from that upon which earlier consultation had taken place. This is because the Transition Grant provided additional funds to allow the Council to change the minimum payment requirement from 10% to 8.5% and to retain the capital limit of £16k rather than the proposed limit of £6k. It would therefore be possible to vary the Scheme to change the limits whilst remaining within the scope of the original consultation.
- 5.4 Three alternative options for change have been modelled based on the anticipated caseload for 2014/15 each of which and which may be adopted alone or in combination with others. Only option (1) is carried forward to a recommendation as it represents the most sustainable approach to managing the funding reduction whilst also seeking to minimise the impact on vulnerable taxpayers. The table below illustrates impact on caseload and Scheme cost for each option:

Option	Number of claimants ceasing to receive support under this proposal	Reduction in Scheme cost	Cost of Scheme
(1) Increase minimum liability from 8.5% to 10% - Recommended	45	£50k	£7.44m
(2) Reduce capital limit to £10k – Not Recommended	26	£10k	£7.48m
(3) Reduce capital limit to £6k – Not Recommended	65	£39k	£7.45m

- 5.5 Assuming no increase in Council Tax charges, no significant change in caseload and continuation of the current Council Tax Reduction Scheme (with a requirement for an 8.5% contribution from those in the unprotected groups) indications are shown in the table below along with the effect of increasing that contribution to 10%:

	Anticipated costs in October 2012	Current values in October 2013	Assuming retention of 8.5% claimant contribution	Assuming 10% claimant contribution
Cost of Scheme;	£7.73m	£7.54m	£7.49m	£7.44m
Less Revenue Support Grant support	-£6.98m	-£5.98m	-£6.23m	-£6.23m
Transition grant	-£0.17m	-£0.17m		
Less income generated by the changes certain Council Tax discounts and exemptions from 1st April 2013	-£0.58m	-£0.58m	-£1.23m	-£1.23m
Balance of cost over available funding	£0.0m	£0.81m shortfall in funding	£0.03m shortfall in funding	-£0.02m Surplus funding

6. Going forward

- 6.1 There is a requirement for the Council's Scheme to be considered annually and officers propose to commence this process during the early part of 2014/15 when more comprehensive information will be available.

7. Proposals

- 7.1 As Council Tax Support is a form of Council Tax discount it falls within the Collection Fund arrangements. It is therefore proposed that any variation between the anticipated and actual Scheme costs (including grant levels) will be addressed

within the Collection Fund where any surplus or deficit is addressed in the following year. This mirrors existing arrangements for the treatment of variations between anticipated and actual levels of Council Tax Debit. It also follows the pattern in place for Housing Benefit grant where grant is received based upon estimated values of claims paid and a final adjustment is made following audit during the course of the next financial year.

- 7.2 The uncertainty surrounding the amount of funding presents difficulty, however it is essential that an assumption is made in order to model a Scheme for 2014/15. For this reason a Revenue Support Grant contribution of £6.23m is proposed, this being the amount of Government funding received in 2013/14 and taking at face value the statement from Government that the amount of this funding will, in cash terms, remain the same. This is the only specific figure currently identified in relation to this matter. Where this approach produces either a surplus or deficit in funding it will be managed through the Collection Fund arrangements.
- 7.3 The uncertainty relating to the amount of grant also impacts on a decision as to whether grant funding is to be passed over to parish and town councils. These bodies have been advised that, in the absence of a specific grant for that purpose, no transfer will take place.
- 7.4 There are options to reduce Scheme costs shown at section 5.4.
- 7.5 For each option the anticipated income generated by the ongoing effect of the Council's decision to exercise its discretion in respect of certain types of Council Tax discount and exemption will be £1.23m.
- 7.6 Having regard to the above it is proposed that the CTR Scheme for 2014/15 should replicate that in place for 2013/14 with the single exception that claimants in the unprotected group will be required to pay a minimum of 10% of their Council Tax liability rather than 8.5% as in 2013/14
- 7.7 In support of this recommendation officers consider that this amendment:
- (1) Remains within the scope of the earlier consultation process
 - (2) Is affordable for the Council
 - (3) Is an acceptable solution in terms of clarity and sustainability to claimants
 - (4) Does not increase the Council Tax burden for taxpayers in general
 - (5) Contributes to maintaining the current high level of Council Tax collection.
 - (6) Does not introduce additional administration costs

8. Recommendation

- 8.1 The recommendation to Council is that, for the purposes of a Council Tax Support Scheme for 2014/15:

- (1) The CTR Scheme for 2014/15 should replicate that in place for 2013/14 with the single exception that claimants in the unprotected group will be required to pay a minimum of 10% of their Council Tax liability rather than 8.5% as in 2013/14
 - (2) An amount of £6.23m be drawn to from Revenue Support Grant to contribute towards funding of the Scheme with the balance being met from income generated by earlier changes to Council Tax discounts (£1.27m).
 - (3) That the proposals for addressing variations between estimated and actual costs through the Collection Fund be approved
 - (4) No transfer of grant funding will be made to parish and town councils.
 - (5) That the associated risks be noted.
- 8.2 In making this recommendation officers do need to remind Council that all figures are based upon indicative values and best estimates. Some of these figures will inevitably change during the course of the remainder of this year and certainty as to the level of grant will not be in place until after the Council has to make this decision.

Appendices

There are no appendices attached to this report.

Consultees

- Local Stakeholders:** Not consulted on this report but were consulted in 2012 on the Scheme proposed now
- Officers Consulted:** Andy Walker, Head of Finance
- Trade Union:** Not consulted

This page is intentionally left blank

Title of Report:	Leisure Centres' Fees and Charges 2014
Report to be considered by:	Council
Date of Meeting:	12th December 2013
Forward Plan Ref:	C2593

Purpose of Report: To implement the contractual requirement for an annual price review for 2014 for Parkwood Community Leisure to come into effect from 1st January 2014.

Recommended Action: (1) That Council approves of the proposed increase in Fees and Charges for the Leisure Management Contract.

Reason for decision to be taken: It is a contractual requirement that West Berkshire Council and Parkwood Community Leisure review core charges and for West Berkshire Council to agree for Parkwood to implement any increase from 1st January each year.

Other options considered: N/A

Key background documentation: None

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 principle:

CSP5 - Putting people first

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Ensuring that Leisure Centre users are provided with clear information about the costs of participating in physical activity at council leisure centres for the next 12 months.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	01 November 2013

Contact Officer Details	
Name:	Chris Jones
Job Title:	Arts & Leisure Manager
Tel. No.:	01635 519558
E-mail Address:	ccjones@westberks.gov.uk

Implications

Policy: The Leisure Contract was changed in 2010/11 to accommodate a review of Fees and Charges prior to January of the following and subsequent years. This now forms a condition of the contract between West Berkshire Council and Parkwood Community Leisure.

Financial: There are no direct implications to the Council's own budgets in Parkwood Community Leisure implementing any increase in Fees and Charges. Within the terms of the Leisure Contract, Parkwood retain all income. A profit share arrangement is specified within the contract should end of year surpluses be above a certain threshold.

Personnel: None

Legal/Procurement: Agreement to any increase in Leisure Contract Fees and Charges will be formally recorded through an exchange of letters and will be included in the Council's published schedule of Fees and Charges for 2014/15.

Property: None

Risk Management: Nonechri

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"/>	
Not relevant to equality			<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"/>	

Executive Summary

1. Introduction

- 1.1 It is a contractual requirement for Parkwood Community Leisure to introduce any increase in Fees and Charges on 1st January of each year. The proposed Fees and Charges within this report reflect an average increase of 3.00% across the contract as a whole. This will take into account local variations based on market trends, local circumstances and nearest competition such as charges for facilities in adjoining areas.

2. Proposals

- 2.1 Parkwood Community Leisure are looking at flexible competitive charges across the contract which particularly factor in the competition and market rates for West Berkshire centres in the east of the district within an easy travel time for Reading facilities.
- 2.2 The indicative proposed average charges for 'core' activity for the leisure centres would be as set out in Appendix B.
- 2.3 The proposed increase in the level of charging has been presented to the recent round of Joint Advisory Committees and no objections have been raised.

3. Equalities Impact Assessment Outcomes

- 3.1 A Stage 1 EIS has been undertaken (Appendix A). Concessionary pricing will still apply to ensure prices and core activities remain accessible. On this basis the item has been assessed as not relevant to equality.

4. Recommendations

- 4.1 That Council approves the content of this report for Parkwood Community Leisure to set Fees and Charges for 2014 on 1st January in line with the requirements of the Leisure Contract.

Executive Report

1. Introduction

- 1.1 West Berkshire Council's leisure centres are managed by Parkwood Community Leisure. For 2011 the Council agreed to a variation in the contractual arrangements to allow for the review of charges to be brought forward to 1st January each year. The review of core fees and charges for implementation on 1st January 2014 falls into the agreed cycle.
- 1.2 The Council agrees the maximum level for any increase in Fees and Charges that can be charged for core activities for the leisure contract. The actual level of charge is set in accordance with Parkwood's own marketing policies, taking account of the Council's objectives for the residents' leisure card. This approach is designed to ensure access to core services at charges that can be afforded by all whilst allowing for Parkwood to achieve a full cost recovery for value added activity such as teaching, coaching, and instructional programmes and other commercial activity within the Council's leisure centres.
- 1.3 For 2013 West Berkshire Council agreed a maximum average increase for Parkwood of 3.15%.

2. Proposals

- 2.1 For 2014, Parkwood Community Leisure are looking at flexible competitive charges across the contract which particularly factor in the competition and market rates for West Berkshire centres in the east of the district within an easy travel time for Reading facilities. To accommodate this, Parkwood are looking at flexible charges to respond to local markets with an average rise across the contract of 3.00%, against the RPI rate of 3.10% for June 2013 - the end of the previous contract year.
- 2.2 The indicative proposed average 'Core' activity charges for the leisure centres would be as set out in Appendix B.
- 2.3 The proposed increase in the level of charging has been presented to the recent round of Joint Advisory Committees and no objections have been raised.
- 2.4 Any increase in Parkwood's prices will have no impact on the Council's budget. The terms of the contract allow the contractor to retain all income up to an agreed threshold. If the total income exceeds this threshold then a sliding scale of income share arrangements start to apply. Both the threshold and the actual scale of charges are subject to year on year inflationary uplifts. In practical terms the threshold is unlikely to be reached unless windfall conditions apply. For example, the complete closure of a significant competitor in the same catchment area. Increases in fees and charges for leisure centres will therefore have no effect on the income generated by West Berkshire Council.

3. Equalities Impact Assessment Outcomes

- 3.1 A Stage 1 EIS has been undertaken (Appendix A). Concessionary pricing will still apply to ensure prices and core activities remain accessible. It is on this basis that the item has been assessed as not relevant to equality.

4. Recommendations

4.1 That Council approves the content of this report.

5. Conclusion

5.1 A rise in Fees and Charges by Parkwood Community Leisure for 2014 will have no impact on Council budgets and are in line with contractual requirements.

Appendices

Appendix A - Equality Impact Assessment – Stage One

Appendix B - Core Charges for Leisure Centre Users

Consultees

Local Stakeholders: Members of the Joint Advisory Committees for Willink, Lambourn, Kennet and Hungerford - i.e Governing Bodies of Schools, Town and Parish Councils. Plus Leisure Centre customers. Parkwood Leisure.

Officers Consulted: Head of Culture & Environmental Services Steve Broughton; Leisure Officer Jeanette Hodge, Arts & Leisure Information Officer Jim Sweeting.

Trade Union: N/A

This page is intentionally left blank

Equality Impact Assessment – Stage One

Name of item being assessed:	Leisure Centre Fees and Charges 2014
Version and release date of item (if applicable):	Version 1 25/09/2013
Owner of item being assessed:	Chris Jones
Name of assessor:	Jim Sweeting
Date of assessment:	25/09/2013

1. What are the main aims of the item?

Parkwood Community Leisure implementing an annual price review for 2014 to come into effect from 1st January 2014.

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.
Age	The price rises for the Leisure Contract will be subject to consultation with stakeholders. Concessionary pricing is available for people over 60 and under 16 (junior pricing)	JAC minutes – Leisure Contract. Parkwood pricing policy
Disability	The price rises for the Leisure Contract will be subject to consultation with stakeholders. Concessionary pricing is available for disabled people and their carer.	JAC minutes – Leisure Contract Parkwood pricing policy
Gender	The price rises for the Leisure Contract will be subject to consultation with stakeholders.	JAC minutes – Leisure Contract
Race	The price rises for the Leisure Contract will be subject to consultation with stakeholders.	JAC minutes – Leisure Contract
Religion/belief	The price rises for the Leisure Contract will be subject to	JAC minutes – Leisure Contract

DRAFT DOCUMENT

	consultation with stakeholders.	
Sexual Orientation	The price rises for the Leisure Contract will be subject to consultation with stakeholders.	JAC minutes – Leisure Contract

Further comments relating to the item:

The price rises proposed for the Leisure Contract have been kept to a minimum and are supported by the West Berkshire Card which offers concessionary rates for older people and people under 16; disabled people and their carers, people on low income and Looked After Children. Further payment incentives, offers and concessions are introduced by Parkwood to address market opportunities.

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	No
Owner of Stage Two assessment:	N/A
Timescale for Stage Two assessment:	N/A
Stage Two not required:	Stage 2 not require.

Name: Jim Sweeting

Date: 25/9/2013

DRAFT DOCUMENT

APPENDIX B

Core Charges for Leisure Centre Users

	2013		2014		
	WB Card price	Non WB Card price	WB Card price	Non WB Card price	
West Berkshire Card Resident	Free		Free		
West Berkshire Card - non resident	£20.00		£20.00		
Swimming					
Adult	£3.40	£3.80	£3.50	£3.90	
Junior	£2.15	£2.35	£2.20	£2.40	
Early Morning Swim					
Adult	£2.60	£2.85	£2.70	£2.95	
Junior	£1.50	£1.65	£1.55	£1.70	
Gym					
Casual User	£6.90	£7.60	£7.00	£7.70	
Casual User Induction	£15.00	£20.00	£15.00	£20.00	
Classes	£5.30	£6.00	£5.40	£6.10	
Activity for Health – GP Referral	£3.00	£3.25	£3.00	£3.25	
Hall Hire/Sports					
Full Sports Hall (4 courts) - adult	£41.00	£46.00	£41.00	£46.00	
Full Sports Hall (4 courts) - junior	£21.50	£24.50	£21.50	£24.50	
Badminton Court - adult	£8.40	£9.45	£8.50	£9.55	
Badminton - junior	£5.30	£5.90	£5.30	£5.90	
Squash Court - adult	£9.70	£10.80	£10.00	£11.00	
Squash Court - junior	£3.60	£3.90	£3.60	£3.90	
Monthly Direct Debit	£36.00	39.00	£36.00	39.00	
Concession					
Gym	£3.20		£3.20		During concessionary periods
Swimming/Badminton/Squash/Table Tennis	£1.70		£1.70		During concessionary periods

This page is intentionally left blank

Title of Report:	Adventure Dolphin Fees and Charges 2014/15
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2595

Purpose of Report: To bring forward agreement on increases in fees and charges for the 2014/15 Adventure Dolphin activity programme in order to be able to competitively advertise and promote activities and maximise advance bookings and income.

Recommended Action: That Council discusses and approves the proposed increase in Fees and Charges for the Adventure Dolphin programme, equipment and resources as set out in Appendix B and the revised pricing structure for room hire as set out in Appendix C.

Reason for decision to be taken: To enable the service to introduce and advertise the new 2014/15 pricing and programme in line with market competition prior to the activities starting in April 2014.

Other options considered: The decision to raise or amend fees and charges could remain within the current budget decision calendar. However, this would delay advertising and promotion of the programme, have an impact on bookings, income and competition in the market place.

Key background documentation: Council Report, 13 December 2012; Management Board Report and business plan 20th June 2013.

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:

Putting people first

Transforming our services to remain affordable and effective

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Ensuring that Adventure Dolphin service users are provided with clear information about the revised costs of participating in the programme for 2014/15.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	01/11/13

Contact Officer Details	
Name:	Chris Jones
Job Title:	Arts & Leisure Manager
Tel. No.:	01635 519558
E-mail Address:	cccjones@westberks.gov.uk

Implications

Policy: Last year's price rises brought prices in line with a fair market price for such activity. The proposal is to raise prices for the 2014/15 activity programme by an average of 1.5%: revise equipment; resources and room hire charges and by early agreement of these, enable the activities to be advertised in a timely manner to achieve business objectives.

Financial: The proposal is to increase the activity fees and charges to service users by 1.5% for 2014/15 and introduce a more competitive pricing policy for equipment, resources and room hire. If an early decision on a changes to fees and charges cannot be agreed, there will be an impact on the service's ability to meet income targets.

Personnel: None

Legal/Procurement: None

Property: None.

Risk Management: Non - The price increases represent a fair increase in line with inflation.

Equalities Impact Assessment: EIA stage 1 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 A business plan has been developed which supports West Berkshire Council's intention for the Adventure Dolphin service to operate effectively and efficiently to achieve cost neutral delivery of non targeted universal activity.
- 1.2 The proposed Fees and Charges for activities within this report reflect a fair market price for the commercially based, traded activity through a price increase of on average 1.5%.

2. Proposals

- 2.1 To introduce a range of increased competitive charges which reflect the market price for similar activity centres elsewhere.
- 2.2 To increase the equipment, resources and room hire charges to reflect the market for similar facilities.

3. Equalities Impact Assessment Outcomes

- 3.1 A Stage 1 EIS has been undertaken (Appendix A). Concessionary pricing will no longer apply through use of West Berkshire Card.

4. Recommendations

- 4.1 That Council discusses and approves the proposals in this report for Adventure Dolphin to set and advertise activity Fees and Charges for 2014/15 with an increase of 1.5% and equipment and resource hire charges as set out in Appendix B and revised room hire charges as set out in Appendix C to maximise advance bookings and income.

Executive Report

1. Introduction

- 1.1 A business plan has been developed which supports West Berkshire Council's intention for the Adventure Dolphin service to operate effectively and efficiently and seek to achieve cost neutral delivery of the non targeted universal activity element of the business.
- 1.2 For the 2013/14 financial year, increases in prices for service activity, where applied, were agreed over inflation with price increases ranging in the main from 10% - 20% which took account of market trends, local circumstances and nearest competition such as charges for facilities in adjoining areas and moved closer to the true cost of delivering the activities. This increased the Service's chances of becoming cost neutral and supported the business objectives to grow new markets and become sustainable.
- 1.3 For 2014/15 financial year, the Adventure Dolphin Activity Service is looking at introducing charges for the new programme of commercial activity with a nominal 1.5% increase.
- 1.4 An increase in Adventure Dolphin fees and charges in line with fair market pricing will help the service achieve its business objectives and help grow new markets.
- 1.5 Alongside the rise in activity charges, a revised set of charges is proposed for equipment, resources and room hire which reflects the market for similar facilities.
- 1.6 This new set of charges takes account of previous booking trends; recognises peak and off peak time tariffs and compares with other local facilities to remain competitive and maximise the potential for room bookings.

2. Proposals

- 2.1 To introduce a range of increased competitive charges for the commercial element of the programme along with revised room hire tariffs which particularly factor in the competition and market price for similar activity centres elsewhere.
- 2.2 The indicative proposed average charges for activity and revised hire charges for equipment, resources and room hire are set out in Appendix B and Appendix C.
- 2.3 The proposed increases are for the commercially focussed 'traded' programme and do not include any aspect of the internal Service Level Agreements, Alongside the rise in activity charges, a revised set of charges is proposed for equipment, resources and room hire which reflects the local market for similar facilities.
- 2.4 This new set of charges takes account of previous booking trends; recognises peak and off peak time tariffs and compares with other local facilities to remain competitive and maximise the potential for room bookings.
- 2.5 The proposed increase in the level of charging is yet to be discussed with the Adventure Dolphin Stakeholder group for their comment but the minimal level of price rise should not cause any problems for potential service users.

3. Equalities Impact Assessment Outcomes

3.1 A Stage 1 EIS has been undertaken (appendix A). As the main subsidy has been removed, concessionary pricing will no longer apply through use of West Berkshire Card.

4. Conclusion

4.1 A rise in Fees and Charges of 1.5% for the 2014/15 Adventure Dolphin Activity Service programme and a revision of equipment, resources and room hire tariffs will place the service on a similar footing to market competition for the commercial traded aspect of the programme.

5. Recommendations

5.1 That Council approves for Adventure Dolphin to set and advertise Fees and Charges for 2014/15 with an increase of 1.5% for activity and revised tariffs for equipment and resource hire as set out in Appendix B and the revised room hire tariff as set out in Appendix C to maximise advance bookings and income.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B - Fees and Charges for Adventure Dolphin Activity Service programme Users

Appendix C – Revised room hire tariffs 2014/15

Appendix D - Room hire tariff 2013/14 (for comparison)

Consultees

Local Stakeholders: Members of the Adventure Dolphin Stakeholder group are to be consulted prior to a final decision being reached. This group represents West Berkshire members, Pangbourne Parish Council, Adventure Dolphin Charity; activity programme customers, Pangbourne Canoe Club, Adventure Dolphin.

Officers Consulted: Head of Culture & Environmental Services Steve Broughton; Youth Activity Manager, Kevin Dennis; Wendy Howells; Finance officer.

Trade Union: N/A

Equality Impact Assessment – Stage One

Name of item being assessed:	Adventure Dolphin Fees and Charges 2013/14.
Version and release date of item (if applicable):	Version 1
Owner of item being assessed:	Chris Jones
Name of assessor:	Jim Sweeting
Date of assessment:	29/10/2013

1. What are the main aims of the item?
Adventure Dolphin Activity Service implementing a price rise of 1.5% for 2014/15 to be advertised from January/February 2014.

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.
Age	The price rises will be subject to consultation with stakeholders.	Stakeholder Group minutes.
Disability	The price rises will be subject to consultation with stakeholders.	Stakeholder Group minutes.
Gender	The price rises will be subject to consultation with stakeholders.	Stakeholder Group minutes.
Race	The price rises will be subject to consultation with stakeholders.	Stakeholder Group minutes.
Religion/belief	The price rises will be subject to consultation with stakeholders.	Stakeholder Group minutes.
Sexual Orientation	The price rises will be subject to consultation with stakeholders.	Stakeholder Group minutes.

Further comments relating to the item:

The price rises proposed for the Adventure Dolphin activity programme are within a fair market value for similar activity centres.

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	N/A
Owner of Stage Two assessment:	N/A
Timescale for Stage Two assessment:	N/A
Stage Two not required:	Stage Two not required.

Name: Jim Sweeting

Date:29/10/2012

APPENDIX B

Adventure Dolphin proposed pricing 2014/15

Subscription charges

Adventure Dolphin DofE Registration (New for 2014/2015)	0	£20	0
---------------------------------------------------------	---	-----	---

Participants	Cost 13/14	Proposed cost 14/15	Increase/decrease
Bronze DofE Package (New for 2013/2014)	£366	£371.50	1.5%
Silver DofE Package (New 2013/2014)	£451	£458	1.5%
Gold DofE Package. (New 2013/2014)	£542	£550	1.5%
Evening Climbing Course	£60	£60	0
Adult Evening Courses	£70	£70	0

School Holiday activities – core commercial activity

Participants	Cost 13/14	Proposed cost 14/15	Increase / decrease
Taste of Adventure (1 day)	£36	£36	0%
School Holiday all day courses (5 day)	£200	£200	0
School Holiday half day canoeing courses –adult (5 half days)	£130	£130	0
School Holiday half day canoeing courses –young person (5 half days)	£110	£110	0
School Holiday half day climbing courses –Adult (4 half days)	£120	£120	0
School Holiday half day climbing courses – young person (4 half days)	£100	£110	0
All day climb & canoeing course (5 days) new for 2014		£230	0

School Block prices

	2013/14 price	Price per head 13/14	2014/15 proposed	Price per head	@% Increase / decrease
School (groups of 8) (2hrs)	£80.00 /£120.00	£10.00 /£15.00	£100.00	£12.50	
School Climbing (12)			£144.00	£12.00	
1:2 Session (1.5hrs) Individual coaching (market led)	0	0	£90	£45	0
1:1 Session (1.5hrs) Individual coaching (market led)	0	0	£90	£90	0
Support Staff	0	0	£40 per hour	0	0
Evening Sessions (1.5) (scouts/guides/brownies/community groups (Market Led) New 2014/2015) (1:8)	0	0	£80	£10	0
AAP DofE Bronze (New)	0	0	£95	0	0
AAP DofE Silver (New)	0	0	£142.50	0	0
AAP DofE Gold (New)	0	0	£190	0	0
Parties per 12	£170	£14.17	£150	£12.50	
Parties per 16	£200	£12.50	£200	£12.50	-0

Services and Residential	Price 2013/2014	Price 2014/2015	Increase / decrease
Minibus Hire Per ½ Day	0	£35	0
Minibus Hire Per Day	0	£50	0
Minibus Hire Per Week	0	£300	0
Minibus Cleaning per hr	0	£40	0
Trailer Per ½ Day	0	£10	0
Trailer Per Day	0	£15	0
Trailer Per Week	0	£75	0
Boat Hire (Must have own qualified staff) per boat per 2 hr Session.	0	£5	0
Administration Charge Per Hour	0	£25	0
Staff Day Rate (7.5 hrs)	0	£300	0
Staff Residential Day Rate (16hrs)	0	£500	0
Night Staff Rate (7.5hrs)	0	£300	0
Emergency Staff call out	0	£250	0

APPENDIX C

HALL HIRE CHARGES

1ST April 2014 – 1ST April 2015

	MAIN HALL Hourly Rate	LOUNGE Hourly Rate	DEVELOPMENT ROOM Hourly Rate
Monday to Friday 9-3	£15.00	£10.00	£10.00
Monday to Friday 3.30-6pm	£20.00	£12.50	£10.00
Monday to Friday 6pm-10pm	£25.00	£15.00	£15.00
Saturday and Sunday 10am-6pm	£25.00	£15.00	£17.50
Saturday 6pm – 11.30pm	£250.00 Total Hire <i>(Plus £250 Bond – refundable after event)</i>	Included	Not Available
Weddings This would include setup Friday after 6pm and take down up to 12pm on the Sunday.	£750.00	Included	Not Available
Corporate Events – This rate is exclusive to hirers booking 1 or more activity sessions @ £130 per 2 hour session.	£130.00		

APPENDIX D

HALL HIRE CHARGES

1ST APRIL 2013 – 31ST MARCH 2014

	MAIN HALL Hourly Rate	LOUNGE Hourly Rate	DEVELOPMENT ROOM Hourly Rate
Corporate	£ 52.80	£ 23.10	£ 26.40
Private Hire	£ 33.00	£ 16.50	£ 19.80
Youth Service / WB / Schools / Community	£ 25.80	£ 13.20	£ 16.20
Evening - Parties	£250.00 Total Hire <i>(Plus £250 damage holding cheque – refundable after event)</i>	N/A	N/A
Weddings – contact the office			
Activity Parties & Hall Hire	West Berkshire Leisure Card/AD Member	Non West Berks Leisure Card	
12 No.	£160	£ 170	
16 No.	£190	£ 200	
24 No.	£260	£ 270	
32 No.	£305	£ 315	

This page is intentionally left blank

Agenda Item 18.

Title of Report:	Licensing Act 2003
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2766

Purpose of Report: To consider the Council's Licensing Policy Statement as required under the Licensing Act 2003 Part 2. 5. (1) (a) (b).

Recommended Action: To agree to the adoption of the Licensing Policy.

Reason for decision to be taken: The Licensing Act 2003 Part 2.5. (1) (a) (b) requires that the Council approve and adopt a Licensing Policy Statement no later than December 2013. Introduction of new legislation.

Other options considered: None

Key background documentation:

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
- DCMS Guidance
- Home Office Guidance

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 will also help achieve the following Council Strategy principle:

- CSP7 - Empowering people and communities**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principle by:

CSP1 - There are elements of the policy which aim to recognise vulnerable groups and ensure that they are protected from the impacts of excessive alcohol consumption.

CSP2 - There are elements of this policy which aim to encourage good business practices and ensure that there is reliable decision making when considering regulated entertainment.

CSP7 - The policy will protect the rights of the local community through their ability to keep the licensing trade accountable for their actions using representations.

Portfolio Member Details	
Name & Telephone No.:	Councillor Dominic Boeck - Tel (07956) 546506
E-mail Address:	dboeck@westberks.gov.uk
Date Portfolio Member agreed report:	26 September 2013

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519494
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy:	The policy once adopted will be the document by which licensing decisions must be considered and no other.
Financial:	None
Personnel:	None
Legal/Procurement:	This proposal accords with the requirements of the Licensing Act 2003
Property:	None
Risk Management:	None

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 checked="" 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 checked="" type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 The Licensing Act 2003 requires that the Council formulate a Licensing Policy Statement and review the policy every 3 years.
- 1.2 The Licensing Authority must ensure that its policy is kept up to date and review as necessary if major changes occur within any 3 year period.
- 1.3 The current policy is due to expire in December 2013. During 2013, changes in legislation have affected the policy and as such, have been added to the draft policy document attached at Appendix A. The Policy has been reformatted and some text, which was considered as extraneous, has been removed. Legislative changes are outlined at 2.1 of the Executive Report.

2. Equalities Impact Assessment Outcomes

- 2.1 This item is not relevant to equality.

3. Conclusion

- 3.1 Officers do not believe there are any changes that should concern the Council and that the adoption of this policy should not present any risk or financial impact on the authority.
- 3.2 The Committee should agree to the adoption of the policy.
- 3.3 The policy has been consulted upon in accordance with the guidance provided by the Act.

Executive Report

1. Introduction

- 1.1 Section 5 of the Licensing Act 2003, as amended (“the 2003 Act”) requires a Licensing Authority to produce a Statement of Licensing Policy in respect of each five year period starting with the first appointed day 7th February 2005.
- 1.2 The statement of licensing policy and the guidance to the Act are the documents which the Licensing Committee and the Licensing Sub Committees must have due regard to, in making decisions regarding applications for licences, variations to licences and dealing with representations made against licences and which are subsequently reviewed.
- 1.3 Licensing Authorities were previously required to publish and review licensing policy statements every three years. This requirement was changed from three years to five years by amendments to the 2003 Act brought about by the Police Reform and Social Responsibility Act 2011 for any policies adopted after January 2011. Thus the policy will be valid for a period of 5 years unless legislative changes require a further revision within that time.
- 1.4 The Council adopted its first Licensing Policy Statement in December 2004 and was subsequently reviewed and re-adopted in 2007 and 2010. As the Council’s most recent policy was adopted prior to January 2011, it is required to be reviewed at this time.

2. Proposals

- 2.1 The draft policy attached at Appendix A has been consulted upon and changes required by new legislation have been added.

(1) The amendments proposed to the policy are:

- (a) The Live Music Act 2012 has exempted live music from the requirement to be licensed in certain circumstances and the policy has been amended to reflect this.
- (b) In addition, the Police Reform and Social Responsibility Act 2011 made amendments to the 2003 Act, the main amendments are summarised below and the policy has been amended to reflect this.
 - (i) Introduced Licensing Authorities and Primary Care Trusts/Local Health Boards as responsible authorities;
 - (ii) Removed the vicinity test in relation to the submission of relevant representations;
 - (iii) reduced the evidential burden on licensing authorities by changing the term necessary, used throughout the 2003 Act, to the term appropriate;
 - (iv) introduced the concept of late temporary event notices, extended those who can object to temporary event notices to include Environmental Health (in addition to the Police) and

extended the grounds upon which objections can be made to include all of the licensing objectives;

2.2 The Police Reform and Social Responsibility Act 2011 also introduced powers relating to Early Morning Restriction Orders and the Late Night Levy. These provisions are outlined in the Policy.

Appendices

Appendix A - Draft Licensing Policy Version 2

Consultees

Local Stakeholders: N/A

Officers Consulted: Julia Waymouth - Principal Licensing Officer, Paul Anstey - Joint Service Delivery Manager, Emilia Matheou - Licensing Officer, Corporate Board

Trade Union: None

This page is intentionally left blank

Licensing Policy

Document Control

Document Ref:	Licensing Policy	Date Created:	9/12/10
Version:	3	Date Modified:	9/9/13
Revision due	9/9/19		
Author:	Environmental Health and Licensing	Sign & Date:	
Owning Service	Culture and Environmental Protection		
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Change History

Version	Date	Description	Change ID
13	21/11/13	Removal of extraneous wording.	
2			
3			



Contents

Licensing Policy	1
1. Definitions	3
2. Introduction	3
3. Scope.....	4
4. Consultation on this Policy.....	5
5. The Licensing Process.....	6
6. Temporary Event Notices	9
7. Partnerships and Policy Integration	10
8. Each Application to be Determined on its Merits	11
9. Licence Conditions.....	12
10. Licensing Hours	14
11. Cumulative Impact and Public Nuisance.....	15
12. Children and Licensed Premises	15
13. Film Exhibitions.....	17
14. The Planning System.....	17
15. Enforcement	17
16. Early Morning Restriction Orders (EMROs).....	18
17. Late Night Levy.....	20
Annex A – Delegation of Licensing Functions.....	20
Annex B – Responsible Authority Contact List.....	21

1. Definitions

- 1.1 The Council means West Berkshire District Council;
- 1.1.1 The Licensing Authority means the Council acting as defined by PART 2, 3 [1] [a] of the Licensing Act 2003. For all official correspondence, the address of the Licensing Authority is The Head of Culture And Environmental Protection, Environmental Health & Licensing, Council Offices, Market Street, Newbury, Berkshire RG14 5LD
- 1.2 All correspondence is to be marked for the attention of the Team Manager - Licensing.
- 1.3 The Act means the Licensing Act 2003 and its associated Regulations.
- 1.4 Licensing Committee means the full committee or a Sub-Committee of not less than three members.
- 1.5 The term etc. is used to denote the whole range of licensing matters.
- 1.6 DCMS means the central government Department of Culture, Media and Sport.
- 1.7 HO means the Home Office.
- 1.8 Zoning means to control licensing hours in a defined geographical area.
- 1.9 Child means a person under 18 years of age.
- 1.10 DCMS guidance means the current guidance, as amended, issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport.
- 1.11 SIA means the Security Industry Authority.
- 1.12 EMRO means Early Morning Restriction Order.
- 1.13. LNL means Late Night Levy.
- 1.14 EA10 means Equalities Act 2010.
- 1.15 PRSRA12 means the Police Reform & Social Responsibility Act 2012.
- 1.16 PCC means Police and Crime Commissioner.

2. Introduction

- 2.1 This Licensing Policy Statement addresses the requirements of section 5 of Part 2 of the Act. It sets out the Council's Licensing Policy and takes account of DCMS and HO guidance.
- 2.2 This Policy is **not** intended to;

- 2.2.1 repeat national legislation or national guidance. Rather, it will aim to clearly state the Policy of the Council, quoting or paraphrasing such sources only when considered appropriate for a full understanding of the text;
- 2.2.2 set out detailed conditions which, where appropriate, may be published separately and in a form as may be prescribed by central government in the future;
- 2.2.3 Set out the detailed constitutional arrangements of the Council in relation to licensing matters such as the Licensing Committee and its sub Committees;

3. Scope

3.1 The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-

- 3.1.1 Retail sale of alcohol.
- 3.1.2 Supply of alcohol to club members.
- 3.1.3 Provision of 'Regulated Entertainment' – to the public, to club members or with a view to profit.
- 3.1.4 A performance of a play.
- 3.1.5 An exhibition of a film.
- 3.1.6 An indoor sporting event.
- 3.1.7 Boxing or wrestling entertainment.
- 3.1.8 A performance of live music.
- 3.1.9 Any playing of recorded music.
- 3.1.10 A performance of dance.
- 3.1.11 The supply of hot food and/or drink from any premises between 23:00 and 05:00 hours.
- 3.1.12 Anything of a similar description to that falling within 2.2.12, 2.2.13 and 2.2.14 above
- 3.1.13 Live unamplified music taking place between 08.00 hours and 23.00 hours and live amplified music taking place between 08.00 hours and 23.00 hours, before audiences of no more than 200 people on premises authorised to supply alcohol on the premises, or in workplaces, is not regulated entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

3.2 The Policy covers all licensing matters including but not limited to applications, variations, renewals and transfers.

- 3.3 The Licensing Authority recognises its duty under the Act to carry out its functions with a view to promoting the four Licensing Objectives, and all decisions will be made solely based on those objectives. These are:-
- 3.3.1 the prevention of crime and disorder;
 - 3.3.2 public safety;
 - 3.3.3 the prevention of public nuisance;
 - 3.3.4 the protection of children from harm.
- 3.4 The Licensing Authority recognises that the Act is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals, once they are away from the premises and therefore, beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. Nevertheless, it is a key aspect of such control and the Licensing Authority recognises that licensing law will always be part of a holistic approach to the management of licensed activities in its area.
- 3.5 The Licensing Authority would not wish to see the liberalising advantages of the Act negated by the development of anti-social behaviour regularly associated with the excessive consumption of alcohol. Accordingly, the Licensing Authority will pay particular attention when determining licences etc, to the Operating Schedules submitted by applicants. In so doing, the Licensing Authority will seek assurances that measures are in place to promote the licensing objectives of the Act. In this respect, the Council recognises its responsibilities under licensing and other affiliated legislation and any associated guidance, as is applicable at the time. The Council will regularly consult and co-operate closely with the Police, and other agencies making up the West Berkshire Safer Communities Partnership.
- 3.6 The Licensing Authority recognises the contribution made by the leisure and entertainment industry to the economy and vibrancy of West Berkshire. However, the Licensing Authority is also aware of the negative impacts of noise, nuisance, light pollution, noxious smells crime and disorder and other anti social activities which may have an impact upon the safety and amenity of residents and local businesses.
- 3.7 The Licensing Authority recognises the obligations placed upon it by the Equalities Act 2010 (EA10). The Licensing Authority will continue to meet its responsibilities in this respect and be mindful of the EA10 in discharging its licensing duties.

4. Consultation on this Policy

- 4.1 The Council will review, and after consultation, re-publish its Licensing Policy at least once every five years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed necessary.
- 4.2 Before publishing any revised Policy Statement, or any periodic review, the Council will consult with the following:-

- 4.2.1 the Chief Officer of Police responsible for the West Berkshire area;
- 4.2.2 the Fire Authority;
- 4.2.3 representatives of licence holders of the various types.
- 4.2.4 local businesses and their representatives;
- 4.2.5 local residents and their representatives;
- 4.2.6 the West Berkshire Safety Advisory Group (SAG);
- 4.2.7 the Local Safeguarding Children Board/ Area Child Protection Committee;
- 4.2.8 the West Berkshire Children and Young People Strategic Partnership;
- 4.2.9 the West Berkshire Safer Communities Partnership; and
- 4.2.10 other groups or individuals the Council feels appropriate.

4.3 The Council reserves the right to limit its consultations. The Council will give careful consideration and appropriate weight to the views of all those consulted before the publication of any revised policy.

5. The Licensing Process

5.1 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee of the Licensing Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A. This will be used in the processing of applications received under the Act for personal and premises licences, club premises registration and temporary event notices. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.

5.2 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder. Generally the Licensing Authority will be concerned only with the premises in question and its surrounding area notwithstanding any future decisions regarding the introduction of a LNL or EMRO. The Licensing Authority will focus on the direct impact which the licensed premise, and its licensed activities, could have on members of the public living, working or engaged in normal activities in the area concerned. The Licensing Authority will expect individual applicants to address the Licensing Objectives in their Operating Schedule having regard to the type of premises and the licensable activities to be provided.

5.3 The Licensing Authority recommends that the Operating Schedule address detailed activities, depending on the nature of the event and the premises concerned. Typical examples could include references to:

- 5.3.1 procedures at closing time between the last sales of alcohol and the closure of the premises;
 - 5.3.2 the drugs policy, although not within the scope of licensable activity;
 - 5.3.3 the emergency closure and evacuation procedures in the event of violence, power failure or similar occurrences;
 - 5.3.4 the use of glasses and open bottles;
 - 5.3.5 the use of licensed door staff to control entry at specific times and for specific functions and where appropriate, the use of 'search' facilities to prevent the entry of both illegal substances and weapons into the licensed premises.
 - 5.3.6 training for staff in crime prevention measures and issues such as the prevention of excessive alcohol consumption and the protection of children, in particular the sale of alcohol directly to children or bought by proxy with the intention of supplying to children;
 - 5.3.7 the adoption by licensed premises of, and adherence to, appropriate best practice guidance issued by government or other recognized bodies or organisations;
 - 5.3.8 participation in Pubwatch, Best Bar None, Blue Flag or other local initiatives;
 - 5.3.9 the use of CCTV and security lighting as measures to prevent violence and disorder.
 - 5.3.10 adherence to the principles and practice defined in best practice advice where public safety could be compromised in the context of Regulated Entertainment;
 - 5.3.11 the prevention of disturbance to neighbouring residents by patrons arriving at, or leaving, licensed premises through noise or light pollution;
 - 5.3.12 prevention and/or clearance of litter deposited by customers in the surrounding area of the licensed premises;
- 5.4 The extent to which applicants take these various strategies into account will largely depend on the nature and scale of the proposal. However, local crime prevention strategies will usually need to be considered for most undertakings, as will the dispersal of people from licensed premises with later trading hours.
- 5.5 In determining licensing matters the Licensing Authority will;
- 5.5.1 consider only pertinent licensing factors as set out in law and in approved guidance;
 - 5.5.2 act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with a licence application for one of its own properties;

- 5.5.3 act in accordance with the principles of natural justice;
 - 5.5.4 only impose conditions on a licence when a relevant representation has been made. Such conditions must be appropriate in the particular circumstances of individual premises and not duplicate other statutory requirements.
- 5.6 The Council recognises its licensing responsibilities under the Act and in particular will provide;
- 5.6.1 appropriate levels of resources including personnel, systems (including computer systems), and support;
 - 5.6.2 training for Elected Members and Officers.
 - 5.6.3 facilities at licensing hearings for applicants, the public and witnesses;
 - 5.6.4 hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
 - 5.6.5 guidance and assistance to licence applicants as far as reasonably practicable;
 - 5.6.6 guidance to organisers and audiences in particular cases, or for particular types of events;
 - 5.6.7 an appropriate system to receive related complaints and service requests;
 - 5.6.8 elected members and officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications;
- 5.7 The Council recognises there are personnel and financial implications linked to discharging its duties under the Act. Where the fees are unlikely to cover even the basic costs of administering licensing, the Council will need to consider carefully the advisability of undertaking any licensing service which exceeds its statutory duty.
- 5.8 The Licensing Authority will, as far as reasonably practicable, check all applications and similar documents as they are received. In the case of those applications not properly made, the Licensing Authority may return the application package by second class mail, to the sender, with an appropriate explanation. The Licensing Authority will also inform the applicant that any timescale applicable in the circumstances will only start when a properly made application is received.
- 5.8.1 If the applicant returns the application package correctly made, any timescales will begin in accordance with the Regulations and the application will not be prioritised as if it had been received at the earlier time.
 - 5.8.2 A properly made application means an application package complete with all necessary forms, fully completed, dated and signed, all

necessary enclosures including a plan of the premises and any fee current at the time.

5.8.3 Applications, notices and representations can be transmitted by electronic means.

5.8.4 The Licensing Authority will inform Parish Councils, Town Councils and Elected Members of valid applications received within their areas of jurisdiction.

5.8.5 Generally applications etc received by the Licensing Authority will be processed in the order received. However, the Licensing Authority reserves the right, subject to statutory time scales, to process more urgent applications in preference to those of a non-urgent nature, earlier.

5.9 The quasi-judicial nature of the licensing process is such that the process, although formal, will be carried out without undue bureaucracy and formality. However, all applications and representations will be dealt with in an equal and considerate way. The Licensing Sub Committee will be attended by a Council Solicitor who will advise and monitor proceedings ensuring that all legal and Constitutional requirements are being met. It is important therefore that those giving evidence either as applicants or objectors:

5.9.1 consider taking legal or other professional advice;

5.9.2 consider seeking the advice of the Licensing Authority or statutory bodies listed in annex B well before the hearing;

5.9.3 consult any advisory material produced by the Council or other informed sources and;

5.9.4 prepare thoroughly including, having all notes and evidence etc to hand and having sufficient copies of documents for all parties that might legitimately require them.

6. Temporary Event Notices

6.1 Where events are taking place which consist of either the sale of alcohol or the provision of Regulated Entertainment and there are to be less than 499 attendees at any one time, a Temporary Event Notice (TEN) must be served on the Licensing Authority, Environmental Health and the Police. For events which have 499 attendees or more, a Premises Licence will be required.

6.2 The Licensing Authority advises organisers of Temporary Events to submit their Notice as soon as reasonably possible in order for the Police and Environmental Health to consider the event and for the Licensing Authority to check that the limitations set down in part 5 of the Act are being observed. The Licensing Authority recommends that at least two calendar months notification of an event is given.

6.3 A standard notice must be given no later than 10 working days before the event; and a late notice is given, not before 9 and not later than 5 working days before the event. Notification two calendar months prior to the event will enable the

Police and Environmental Health to work with the organiser, should the Police and/ or Environmental Health have concerns regarding the event undermining any of the licensing objectives.

- 6.4 Working days are any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales. Ten or five working days notice means ten or five working days exclusive of the day on which the event is to start.
- 6.5 Where reasonable notification is given, the Council may provide local advice about any impact around health and safety, noise pollution, the building of temporary structures and other appropriate permissions e.g. road closures or the use of pyrotechnics in public places, local bylaws and the need to prevent anti-social behaviour by those attending.
- 6.6 Event organisers are strongly advised to submit their Notice on a weekday and before 1200hrs on a Friday. Notices should be submitted to the Council Offices as in Annex B.
- 6.7 Notification to the Police as referred to in Annex B.
- 6.8 Notification to the Team Manager - Environmental Quality in Annex B.
- 6.9 It is strongly recommended, although not mandatory, that the Fire Authority is consulted, as in Annex B.
- 6.10 In the event of a representation being made by the Police and /or Environmental Health, a hearing will be held and a decision given not later than 24 hours before the event is due to start.

7. Partnerships and Policy Integration

- 7.1 The Council recognises there is often a mistaken perception that West Berkshire Council is the primary agency responsible for solving anti-social behaviour problems. The Council recognises the licensing function is only one means of securing the delivery of the licensing objectives. It should not, therefore, be seen as a panacea for all anti social or criminal problems within the community. The Council will continue to work in partnership with its neighbouring authorities, the Police, local businesses and local people, directly, or through Parish and Town Councils, towards the promotion of the Licensing Objectives.
- 7.2 To achieve the Licensing Objectives, the Council will engage a full range of measures, including crime and disorder policies and powers, as applicable, in the circumstances. The Licensing Authority will seek to enter into partnership arrangements, working closely with the Police, the Fire Authority, local businesses, the Local Safeguarding Children Board/Area Child Protection Committee and the West Berkshire Safer Communities Partnership, community representatives and local people, in meeting these objectives.
- 7.3 The Council recognises that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from but are associated with licensed premises. These include –

7.3.1 planning controls;

- 7.3.2 ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
 - 7.3.3 powers to designate parts of the district as places where alcohol may not be consumed publicly;
 - 7.3.4 existing Police powers of enforcement including issuing fixed penalty notices;
 - 7.3.5 enforcement action taken against people who are excessively under the influence of alcohol;
 - 7.3.6 confiscation of alcohol from adults and children in designated areas;
 - 7.3.7 police powers of closure where appropriate;
 - 7.3.8 the power of Police, Responsible Authorities, any other persons such as local businesses or residents and elected members of council to seek a review of the licence.
- 7.4 The Council will endeavour to integrate its various strategies, and use the available legal powers, to achieve the Licensing Objectives.
- 7.5 The Council recognises that a major contributor to the prevention of crime and anti-social behaviour is getting customers home at night when premises close. It will therefore periodically liaise with major transport providers in the district, and monitor the dispersal of people from Town Centres, particularly at night.
- 7.6 The Council recognises that on occasions there will be conflicts between its other strategies.
- 7.6.1 The Council will periodically update Members of the Licensing Committee on changes in legislation and any changes made by its partners, in licensing policy.

8. Each Application to be Determined on its Merits

- 8.1 Whilst this Policy sets out the general approach for making licensing decisions, the Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, its Guidance and this Policy. In particular, this Policy does not override the right of any individual to make representations on an application, nor does it prevent anyone seeking a review of a licence or certificate, where that provision has been made in the Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits. Due regard will be given to the individual characteristics of the premises or person concerned.
- 8.2 The Licensing Authority recognises that pubs, night-clubs, restaurants, hotels, theatres, and other clubs may all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, proper regard will be had to these differences and the impact they are likely to have on the local community and the licensing objectives.

8.3 The Licensing Authority recognises that in relation to applications for licences etc, its discretion is engaged only where relevant representations have been received. Therefore, all references in this policy to the Licensing Authority's approach to decision making will take effect where its discretion has been so engaged.

9. Licence Conditions

9.1 The Licensing Authority recognises its legal obligation whereby, if no Relevant Representations are received; they must grant the licence/permit etc in the terms sought, with no additional conditions.

9.2 The Licensing Authority may;

9.2.1 publish, periodically review and update a pool of appropriate licence conditions;

9.2.2 prepare and publish guidance to licence applicants about the licensing scheme.

9.3 However, any conditions attached to any particular licence will:

9.3.1 always be tailored to the style and characteristics of the premises or event in question;

9.3.2 only be applied when needed for the prevailing circumstances and;

9.3.3 will only be applied when appropriate to help achieve the Licensing Objectives.

9.4 The Licensing Authority recognises that a pool of conditions could lead an applicant to believe only the listed conditions, and no others, will be applied. Care will be taken to ensure this danger is minimised. Applicants are reminded, however, that self-imposed conditions detailed in an Operating Schedule will, on the grant of a licence, form part of the final licence conditions, providing no Relevant Representations are received from any other persons, which might change these.

9.5 Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.

9.6 The Licensing Authority may impose conditions other than those contained in the Operating Schedule or attached to the existing licence. However, they can do so only when Relevant Representations are made. For example, conditions may be attached requiring the provision or control of:

9.6.1 CCTV;

9.6.2 door staff

9.6.3 the use of toughened glass or polycarbonate drinking glasses and restrictions on open bottles and glasses being removed from the premises;

- 9.6.4 drinks promotions;
 - 9.6.5 'proof of age' measures;
 - 9.6.6 other measures intended to address the Licensing Objectives such as the playing of ambient music towards the end of an evening to reduce the possibility of violence and the handing out of sweets as people leave premises to reduce public nuisance by noise.
- 9.7 The Licensing Authority wishes to encourage a wide range of entertainment activities and promote live music, dancing and theatre for the wider cultural benefit of the community. When attaching conditions, the Licensing Authority will try to avoid imposing substantial indirect costs which might deter live music, dancing or theatre.
- 9.8 The Licensing Authority recognises the wider community and cultural benefits which can accrue from the production of live music, dancing and theatre productions, including those for children. However, the local disturbance to neighbourhoods, particularly of open air events, will be carefully balanced against the community gain. Each event will therefore be considered on its merits.
- 9.9 The Council will seek to monitor the impact of its Licensing Policy on live music and dancing performances in the district. If the Council becomes aware that its Licensing Policy is having an adverse effect on such performances in its area, it will endeavour to consult with appropriate local bodies and others, where necessary, and consider a review of its policy.
- 9.10 The Licensing Authority recognises the importance of premises not being overcrowded in helping to achieve the Licensing Objectives. The Licensing Authority will normally:
- 9.10.1 advise applicants for premises licences or applicants for club premises certificates to consider undertaking an appropriate assessment to determine the safe occupancy capacity and, where appropriate, to incorporate this in the operating schedule;
 - 9.10.2 consider any proposals by the applicant for the capacity of the premises, and, if it considers it appropriate, will consider representations made by other bodies as listed in Annex B. The Licensing Authority will normally consider whether a condition relating to capacity is appropriate in order to promote either or both of the Public Safety and Crime Prevention Objectives. The Licensing Authority may decide to impose a capacity figure which differs from that proposed by the applicant;
 - 9.10.3 work closely with the Fire Service to ensure previously imposed limits noted on earlier fire certification, where in place, are still relevant and appropriate in the prevailing circumstances;
 - 9.10.4 place considerable weight on the use of "during performance" inspections to determine safe occupancy and ensure compliance with licence conditions,

9.11 In addressing the Licensing Objectives, the Licensing Authority recognises the significant role played by the combination of drugs and alcohol at some licensable events whilst acknowledging that drug abuse is not specifically addressed as a licensing objective. Accordingly the Licensing Authority may, in circumstances where representations have been made, impose licence conditions aimed at addressing these problems. In so doing, the Licensing Authority will consider:

9.11.1 Appropriate guidance on the subject, for instance “Safer Clubbing” and other appropriate publications;

9.11.2 the provision of designated chill out areas;

9.11.3 staff training in first aid to an appropriate standard and

9.11.4 the provision of SIA licensed door supervisors.

10. Licensing Hours

10.1 The Licensing Authority recognises that fixed closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Accordingly, the Licensing Authority will consider all applications for longer licensing hours in the interests of avoiding the concentration of such disturbance, whilst also ensuring that nuisance is minimised to local residents.

10.2 Shops, stores and supermarkets will generally be permitted to sell alcohol during the hours they intend to open. However, in the case of individual shops which are known to be a focus of disorder and disturbance, the Licensing Authority may limit the licensing hours following representations or review.

10.3 In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter noise control conditions are likely to be imposed on premises in residential areas.

10.4 The Licensing Authority will encourage applicants to anticipate exceptional conditions or events which could require special or extended trading times and to incorporate these in their Operating Schedule.

10.5 Generally, the Licensing Authority will consider proposed licensing hours submitted in applications for the sale and supply of alcohol and adjust these appropriately, where relevant representations are made.

10.6 When setting licensing times, the Licensing Authority can only consider those factors directly relevant to the Act; consequently all other factors must be set aside. The Licensing Authority may not be influenced by other legislation including those which may be contrary to contractual law. Most notably this will include controls in relation to permitted working hours for employees. In practice, therefore, the Licensing Authority cannot refuse to grant opening hours solely because this would breach a worker’s employment rights. Similar examples may arise in other areas outside employment law.

11. Cumulative Impact and Public Nuisance

- 11.1 The Licensing Authority recognises that from time to time it may receive representations on the grounds of cumulative impact of a number of licensed premises on the Licensing Objectives. In these circumstances the Licensing Authority will expect the objector to provide, in full, his or her own evidence for consideration.
- 11.2 The Licensing Authority recognises it may receive representations from either a Responsible Authority, or any other person, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming a focal point for large groups of people to gather, and so creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. On receiving such representations, or on its own volition, the Licensing Authority may consider the cumulative effect that such a proliferation of premises in one area may be having.
- 11.3 In determining whether to adopt a cumulative impact policy for a particular area the Licensing Authority may, among other things;
- 11.3.1 gather evidence of serious and chronic concern from Responsible Authority's or local residents about nuisance and disorder;
 - 11.3.2 identify the area from which problems are arising and the boundaries of that area;
 - 11.3.3 make an assessment of the causes and;
 - 11.3.4 adopt a special policy about future applications for premises within that area. Such a policy would be one of refusing licences whenever it receives Relevant Representations about the cumulative impact on the Licensing Objectives. These may be from Responsible Authorities or any other persons. The Licensing Authority may conclude after hearing those representations, that a refusal may be appropriate.
- 11.4 If the Council establishes a special policy for a particular area, it will review that policy regularly and at least once every five years. It will not use such a policy to:
- 11.4.1 revoke an individual premises licence that is already in force;
 - 11.4.2 vary a licence except when directly relevant to the policy and when appropriate for the promotion of the Licensing Objectives or;
 - 11.4.3 impose a terminal hour as a matter of policy, although a terminal hour may be imposed if such is appropriate in order to promote the Licensing Objectives.

12. Children and Licensed Premises

- 12.1 The Licensing Authority recognises the wide variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, night-clubs, cafes, takeaways, community halls and schools. Although the Act sets out various controls restricting admission to children, nothing in the Act makes it a requirement that children must, or must not be admitted to licensed

premises. Beyond the statutory controls, the Licensing Authority will not normally further control entry to licensed premises by children unless it considers this to be appropriate to protect minors from physical, moral or psychological harm. Where a licence includes children on the premises, then the suitability and safety of the premises will be considered.

12.2 Licence holders are not to provide alcohol to those under 18 years of age, except as provided for by the Act. The Licensing Authority expects applicants for a licence to be able to demonstrate that satisfactory arrangements are in place to prevent such sales and recommends the following documents should be considered as proof of age:

12.2.1 Passport;

12.2.2 Photo card Driving Licence issued in the European Union;

12.2.3 Proof of Age Card Scheme e.g. PASS Card;

12.2.4 Citizen Card issued on behalf of the Home Office;

12.2.5 Identity Card issued to HM or NATO Forces bearing a photograph and date of birth of the holder.

12.3 When appropriate representations have been made, the Licensing Authority may, where it deems appropriate, impose conditions to restrict entry to children in premises, for example;

12.3.1 where entertainment or services of an adult or sexual nature are commonly provided;

12.3.2 where there have been convictions or the issue of fixed penalty notices on members of the current staff at the premises for serving alcohol to minors, or those premises with a reputation for underage drinking;

12.3.3 with a known association with drug taking or dealing;

12.3.4 where there is a strong element of gambling on the premises. This would normally not include the presence of a small number of cash prize machines;

12.3.5 where there have been convictions of any member of staff leading to registration under Protection of Children legislation.

12.4 When the Licensing Authority considers restricting access by those under 18 this may mean a broad prohibition. However, depending on the circumstances, the Licensing Authority may include one or more of the following controls:

12.4.1 specific times when children can or cannot be present;

12.4.2 age limits for certain types of activities on the premises;

12.4.3 age limits for those under 18;

12.4.4 requirements for suitably qualified accompanying adults;

12.4.5 such other conditions or restrictions as may be appropriate to achieve the Licensing Objectives.

12.5 The Licensing Authority recognises that licensees may wish to control entry to children, but regards this as a trade decision. Therefore, if a licence holder decides to prohibit entry by children and the Licensing Authority has chosen not to restrict entry, then the Licensing Authority will respect that decision. Such a decision by a licence holder may give rise to human rights issues beyond the remit of the Council acting under its licensing powers.

12.6 Only where representations are made can the Licensing Authority consider imposing conditions to control the safe access and egress of children and generally ensure their safety. However, applicants are advised to consider child supervision/control in their Operating Schedule. In imposing such conditions referred to above, the Licensing Authority may draw up appropriate conditions for the number of supervising adults required.

13. Film Exhibitions

13.1 Where the exhibition of films is permitted, the Licensing Authority will require age restrictions to be complied with; Mandatory conditions will be attached to all Licences in this respect in accordance with the British Board of Film Classifications recommendations for the film in question.

14. The Planning System

14.1 The Licensing Committee will act independently of the Planning system and licence applications will be considered solely against licensing criteria. The Council will at all times separate its licensing and planning roles.

14.2 In considering a licence application, the Licensing Authority cannot generally take account of "need".

15. Enforcement

15.1 Where enforcement action is appropriate, the Council will act in accordance with its published Enforcement Policy and other statutory codes.

15.2 The Licensing Authority will establish protocols with the local Police and Fire Service on enforcement issues to provide an efficient deployment of those who are commonly engaged in enforcing licensing law and the inspection of licensed premises. In particular, these protocols will provide for the targeting of agreed problem and high risk premises requiring greater attention, whilst providing a lighter touch in respect of low risk premises which are well run.

15.3 The Licensing Authority believes that to maintain trade, public and partner's confidence in the licensing regime, it needs to establish an active inspection and regulatory service. The Licensing Authority will therefore, in combination with the Police and other partnership organisations, actively engage in seeking to:

15.3.1 advise licence holders and potential licence holders to prevent problems arising;

15.3.2 inspect premises both before and during their use under the Act;

15.3.3 when appropriate, institute legal actions including issuing formal cautions and taking prosecutions.

15.4 The Licensing Authority will actively enforce, alone or in partnership, all breaches of the licence conditions applied under the Act. The Council will, when deciding on best use of limited resources, place greater weight on offences linked to:

15.4.1 Underage sales and;

15.4.2 The sale of alcohol to persons already drunk.

15.5 The Licensing Authority reserves the right to introduce a penalty points or similar scheme intended to provide a cumulative score for one or more minor infringements of licence conditions. This may lead to the Licensing Authority instituting legal proceedings against the licence holder or applying for a review, in its own right. This process is independent of the licence review by any other person or Responsible Authority. The introduction of any scheme will only supplement any decisions concerning enforcement or legal actions and will not replace other legal powers and duties.

16. Early Morning Restriction Orders (EMROs)

16.1 The Police Reform and Social Responsibility Act 2012 amended the Licensing Act by setting out powers conferred on Licensing Authorities to make early morning alcohol restriction orders. These powers are designed to help Licensing Authorities address specific problems caused by late night supply of alcohol in their areas, thus allowing Licensing Authorities to restrict the sale of alcohol in the whole or a part of their areas between 24:00 midnight and 06:00 hours. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of the West Berkshire Council area. However, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between 24:00 midnight and 06:00 hours is creating specific problems, the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO, the Licensing Authority will consider evidence from partners, including Responsible Authorities and local Community Safety Partnerships or other sources. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.

17 The Late Night Levy (LNL)

17.1 The Police Reform and Social Responsibility Act 2012 amended the Licensing Act by introducing the Late Night Levy. These powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (24:00 midnight to 0:600 hours) towards policing the late night economy. This is a power that licensing authorities can choose to adopt for their areas. If adopted, the powers must apply to the whole of the licensing authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the licensing authority. At the time of writing this policy the Licensing

Authority has no plans to collect a LNL. However, the situation will be kept under review and prior to making a decision to implement a LNL, the licensing authority would have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce a LNL. If a proposal to implement a LNL arises in the future, the licensing authority will consult the PCC, the police, licence holders and others about its proposal.

18. End of Licensing Policy

DRAFT

Annex A – Delegation of Licensing Functions

Matter to be dealt with	Determined by Committee	Delegated to Officers
Application for Personal Licence	If a representation is made by the Police	If no representation is made by the Police
Application for a personal licence with unspent convictions	All cases	
Application for Premises Licence/Club Premises Certificate	If a representation is made	If no representation is made
Application for a Provisional Statement	If a representation is made	If no representation is made
Application to vary Premises Licence/Club Registration Certificate	If a representation is made	If no representation is made
Application to vary Designated Personal Licence Holder	If a Police representation made	All other cases
Request to be removed as Designated Personal Licence Holder		All cases
Application for transfer of Premises Licence	If a Police representation made	All other cases
Application for Interim Authority	If a Police representation made	All other cases
Application to review Premises Licence/Club Premises Registration	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		In consultation with Chairman of the Licensing Committee
Application by the Local Authority	All cases	
Determination of representation to a Temporary Event Notice	All cases	
Determination of minor variation application		<u>All cases</u>
Decision whether to consider other Responsible Authorities on minor variation application		<u>All cases</u>
Determination of application to vary premises licence at community premises to include alternative licence condition	If a Police representation made	<u>All other cases</u>

Annex B – Responsible Authority Contact List

The Licensing Authority	<p>Team Manager Licensing West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD licensing@westberks.gov.uk</p>
The Chief Officer of Police	<p>Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire, OX5 2NX licensing@thamesvalley.pnn.police.uk</p>
The Fire Authority	<p>The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD NewburyFireSafety@rbfrs.co.uk</p>
The Enforcing Authority for Health & Safety at Work Act 1974	<p>Team Manager - Commercial West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD EHadvice@westberks.gov.uk</p> <p>For all Council owned or operated premises and those others where the Health & Safety Executive is the Enforcing Authority Principal Inspector Mr Bob Meldrum, Health & Safety Executive, Priestly House, Priestly Road, Basingstoke, Hampshire RG24 9NW</p>
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	<p>Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD planapps@westberks.gov.uk</p>
The Enforcing Authority for Pollution	<p>Team Manager - Environmental Quality, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD EHadvice@westberks.gov.uk</p>
Trading Standards Office	<p>Principal Trading Standards Officer, West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD tsadvice@westberks.gov.uk</p>

<p>Public Health and Wellbeing Local Safeguarding Children Board</p>	<p>Ian Wootton Commissioning Manager (Substance Misuse) Public Health and Wellbeing West Berkshire Council, Market Street Newbury RG14 5LD iwootton@westberks.gov.uk</p>
<p>In relation to a Vessel – A Navigation Authority British Waterways Board or The Secretary of State</p>	<p>British Waterways Board, Harbour House, West Quay, The Dock, Gloucester GL1 2LG. Tourism Division, 3rd Floor, 2-4 Cockspur Street, London SW1Y 5DH</p>
<p>The Environment Agency</p>	<p>Responsible Officer Isis House, Wallingford, Oxfordshire OX10 8BD enquiries@environment-agency.gov.uk</p>

Agenda Item 19.

Title of Report:	Revised Code of Conduct for Members (including a Social Media Protocol)
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2737

Purpose of Report: To agree any recommended changes to the Members Code of Conduct following the scheduled review by the Standards Committee and to consider the introduction of an associated Social Media Protocol for Members.

Recommended Action: To consider and if appropriate amend Appendix H (the Code of Conduct for Members) as set out in Part 13 (Codes and Protocols) of the Councils Constitution and to consider the introduction of a Social Media Protocol for Members (Appendix K Social Media Protocol for Councillors to Part 13 of the Constitution (Codes and Protocols)).

Reason for decision to be taken: A review date for the Code of Conduct was agreed at the time of its adoption.

Other options considered: Not to adopt the Social Media Protocol
Not to amend the Code of Conduct

Key background documentation: Localism Act 2011

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

CSP7 - Empowering people and communities

CSP9 - Doing what's important well

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by: ensuring that the constitution is up to date and accords with the relevant legislation

Member Details	
Name & Telephone No.:	Peter Argyle/ Jeff Beck
E-mail Address:	pargyle@westberks.gov.uk / jbeck@westberks.gov.uk
Date Member agreed report:	25 September 2013/e-mailed on 29 October 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 13 (Codes and Protocols) 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:	None

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 checked="" type="checkbox"/>
Not relevant to equality			<input checked="" 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 and Report

1. Introduction

- 1.1 West Berkshire Council's Code of Conduct for Councillors was adopted by Full Council at its meeting on 10th May 2012 and came into effect from 1st July 2012. The new processes have now been in operation for over a year and as suggested in the original report the Code and underpinning processes has been subject to a thorough review by a Task Group of the Standards Committee to reflect on its effectiveness. The Task Group comprised Councillors David Allen and Peter Argyle, James Rees (Independent Person) and Tony Renouf (Parish Councillor). The Task Group concluded that overall the revised Code and underpinning processes have worked well. A number of minor amendments to the existing Code of Conduct (Appendix A) are therefore set out in the attached document.
- 1.2 In addition blogging and social networking have become increasingly popular and effective methods for councillors to interact with parishioners. Used effectively, they can engage those who would not normally have access to local councillors. However, it is not always clear whether such activities are covered by the Code of Conduct. A draft Social Media Protocol for Councillors (Appendix C) I has therefore been drafted to assist Members in complying with the Code and ensuring that the use of online media is well received.
- 1.3 The revised Code of Conduct and the Social Media Protocol were also discussed at the Governance and Audit Committee meeting on the 25 November 2013 who recommended the changes to Council for approval.

2. Proposals

- 2.1 The following amendments to the existing Code of Conduct were proposed by the Task Group:
 - a) The scope of when the code was applicable should be reviewed and if appropriate clarified;
 - b) Footnotes pertaining to the Bribery Act 2010 and the Local Authority Code of Publicity should be inserted;
 - c) The terms 'you must' and 'you must not' to be inserted into the Code relating to the obligations of Members;
 - d) The level at which gifts and hospitality should be declared to be reviewed and if appropriate amended;
- 2.2 The following amendments to the existing procedures were proposed by the Task Group:
 - a) In future there would be an assumption that hearings should take place in public, in reality Members would be asked to vote on whether to go into Part II or not after hearing representations from the subject member or complainant;

- b) The flowchart (Appendix B) to be amended to allow the Advisory Panel to refer an investigation back to the investigator if appropriate; and
- c) The flowchart to be amended to include naming the meeting between the Monitoring Officer and the Independent Person as the 'Individual Assessment Meeting'.

2.3 The Standards Committee met on the 14 October 2013 to consider the proposals and agreed to make the following recommendations to Council.

- a) that the scope of when the Code was applicable should be amended as set out in the revised document;
- b) the insertion of the footnotes relating to the Bribery Act 2010 and the Local Authority Code of Publicity should be retained;
- c) the layout using the terms 'you must' and 'must not' clarified the document;
- d) the level at which Members should declare the receipt of a gift or hospitality should remain at £25.00 and that mention be inserted of 'serial givers';
- e) the typographical error on page 24 to be amended with the word 'vacation' being replaced by 'vocation' notwithstanding that this is contained in the Regulations;
- f) the suggested amendments to the flowchart be accepted;
- g) the Social Media Protocol is a useful tool and guidance for Members and it should therefore be adopted.

2.4 The Governance and Audit Committee met on the 25 November 2013 to consider the proposals and agreed to make the following recommendations to Council.

Revised Code of Conduct for Members (Para 1.1)	Replace the text in the third line 'It is effective from' with 'It came into effect on'
Revised Code of Conduct for Members 3(d)	The words disclosable pecuniary interests should be written with a capital at the start of each word.
Revised Code of Conduct for Members (Para 4.1.1)	Insert the word 'of' at the end of the first paragraph and insert semicolons after items (b) and (c) and a full stop at the end of (c).
Revised Code of Conduct for Members (Para 7.1)	In the third line replace the word 'of' with 'or' after the word 'receipt'.
Revised Code of Conduct for Members (Para 2.2 (i))	Insert a hyphen into the word 'decision-making'
Revised Code of Conduct for Members (Para 2.2 (iv))	Delete the words 'They suggest that'.
Revised Code of Conduct for Members (Para 3.1)	Insert the word 'the' before 'Standards Committee'.

Revised Code of Conduct for Members (Para 3.	Insert the words 'these are' after the words 'are objective and' and replace the 'a' before Standards Committee with the word 'the'.
Revised Code of Conduct for Members (Para 5 (ii))	Insert a comma after 'If appropriate' in the first sentence
Revised Code of Conduct for Members (Para 5 (iv))	Delete the word 'the' before 'Monitoring Officer'.
Revised Code of Conduct for Members (Para 5 (ix))	The word 'Act' should not be deleted
Revised Code of Conduct for Members (Flowchart)	Insert the word 'relevant' in front of the word 'committee' under sanction 2
Social Media Protocol	You should not: (d) spell the word 'council' with a capital 'C'.
Social Media Protocol	Align the text with that in paragraph 4.6.2

2.5 Councillors are asked to adopt a Social Media Protocol to assist Councillors with making effective use of social media whilst avoiding potential accusations that they may be breaching the Council's Code of Conduct. It is also designed to ensure that the reputation of the Council is not adversely affected and that the Council is not subject to legal challenge as a result of information posted on social networking sites or blogs.

3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

4. Conclusion

4.1 The Council is asked to agree the amended Code of Conduct and the new Social Media Protocol for Councillors.

Appendices

Appendix A – Code of Conduct for Members of West Berkshire District Council

Appendix B – Flowchart of processes underpinning the processes

Appendix C - Social Media Protocol for Councillors

Consultees

Local Stakeholders: Standards Committee Task Group, Standards Committee, Governance and Audit Committee

Officers Consulted: Andy Day, Sarah Clarke, Keith Ulyatt, Phil Rumens, Moira Fraser, Corporate Board

Trade Union: Not consulted.

This page is intentionally left blank

CODE OF CONDUCT FOR MEMBERS OF WEST BERKSHIRE DISTRICT COUNCIL

1. INTRODUCTION

1.1. The initial Code of Conduct was adopted by the Council at its meeting on 10th May 2012 and confirmed at a meeting on 16th July 2012 pursuant to the Localism Act 2011 and its duty to promote and maintain High Standards of Conduct by members and co-opted members of the Council. ~~It is effective from came into effect on 1st July 2012. The revised Code was adopted at the Council meeting on the 12 December 2013.~~

2. APPLICATION

~~2.1. This Code of Conduct applies to you as a member of this Council when you are acting or purporting to act in your role as a member and you have a responsibility to comply with the provisions of this Code.~~

~~OR~~

This Code applies to you whenever you are acting in your capacity as a member of West Berkshire Council:

- a) When acting as a representative of the Council;
- b) At briefing meetings with officers and members of the public;
- c) When corresponding with the authority other than in your private capacity.

It is **your** responsibility to comply with the provisions of this Code.

2.2. This Code of Conduct is consistent with and based upon the ~~following principles~~ Seven Principles of Public Life as set out in section 28(1) of the Localism Act 2011:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The above terms are expanded at the end of this Code under the heading 'The Principles'.

2.3. Should a complaint be made against you in your role as a Councillor it will be dealt with in accordance with the Localism Act 2011 and its supporting regulations.

2.4. If you need any guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

3. GENERAL OBLIGATIONS

When acting or purporting to act in your role as a member of the Council, you must have regard to the following obligations. If you are not acting in your role as Councillor then no breach of the Code is likely to occur:

You must:

- a. Treat members, officers, members of the public and service providers with courtesy and respect
- b. Ensure that you are aware of and comply with the requirements which the Bribery Act 2010¹ places on you in your role as a Member and on the Council.
- c. When involved in the decision making of the Council:
 - i. Have regard to any advice provided to you by the Council's Chief Financial Officer and Monitoring Officer pursuant to their statutory duties.
 - ii. Give reasons for the decisions in accordance with any legal requirements or reasonable requirements of the Council.
- ~~d.~~—When using or authorising the use by others of the resources of the Council:-
 - e-d. _____ act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and all relevant policies. *(Copies of these policies have been provided to you, are available on the Council's Intranet and you are deemed to have read and understood them The Policies referred to in paragraph 3.6.1 may be updated from time to time and you will be notified of any changes. You must comply with the updated policies as soon as you have been provided with a copy of the same.)*
 - f.e. Make sure that Council resources are used for and in accordance with your duties as a Councillor and are not used improperly.
 - g-f. Have regard to the applicable Local Authority Code of Publicity² under the Local Government Act 1986.

You must not:

- a. engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation.
- b. disclose information given to you in confidence by anyone or information acquired by you which you believe or are aware is of a confidential nature except where.

¹ The Act creates offences of offering or receiving bribes, bribery of foreign public officials and of failure to prevent a bribe

² This code covers the rules around content and style of publicity, dissemination, advertising, promotion of individual councillors and restrictions during the pre-election period.

- (i) you have the consent of a person authorised to give it;
- (ii) you are required to do so by law;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice;
- (iv) the disclosure is reasonable and in the public interest;
- (v) the disclosure is made in good faith and in compliance with the reasonable requirements of the Council or “its professional advisers”.

c. prevent another person from accessing information if that person is entitled to do so by law;

d. improperly use knowledge gained solely as a result of your role as a member for the advancement of your Disclosable Pecuniary Interests (DPIs);

e.e. conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

3.8. **4. DISCLOSABLE PECUNIARY INTERESTS AND INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS**

4.1. Disclosable Pecuniary Interests

4.1.1. By virtue of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 you must disclose and register Disclosable Pecuniary Interests as defined in the foregoing legislation by notifying the Monitoring Officer within 28 days of:

- (a) the adoption of this Code; or
- (b) becoming a member of the Council; or
- (c) becoming aware of such an interest.

4.1.2 Failure to disclose such interests may result in prosecution by which could result in a fine not exceeding £5,000.00 (~~Level 5~~Level 5 on the Standard scale).

4.1.3. A Disclosable Pecuniary Interest [DPI] is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if you are civil partners). The descriptions of Disclosable Pecuniary Interests are set out in Appendix 1 to this Code of Conduct.

4.2. Other Interests

4.2.1. You must, within 28 days of:

- (a) this Code being adopted by or applied ; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

- 4.2.2. You have a personal interest in any business of your authority where either:
- (a) it relates to or is likely to affect
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body
 - a. (aa) exercising functions of a public nature;
 - b. (bb) directed to charitable purposes; or
 - c. (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

4.3. Disclosure of interests

4.3.1. Subject to sub-paragraphs 4.3.2 to 4.3.5, where you have a personal interest described in paragraph 4.2 above or in paragraph 4.3.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

4.3.2. You have a personal interest in any business of your authority

- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a ~~d~~Disclosable ~~p~~ecuniary ~~i~~nterest.

In sub-paragraph 4.3.2, a *relevant person* is:

- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.00; or
 - (d) any body of a type described in paragraph 4.2.2(a)(i) or (ii).
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 4.2.2(a)(i) or 4.2.2(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- (4) Where you have a personal interest but, by virtue of paragraph 5, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

4.4. Register of interests

4.4.1. Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

4.5. Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business;
 - (a) affects your financial position or the financial position of a person or body described in paragraphs 4.2.2 ;or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority;
 - (a) you may not participate in any discussion of the matter at the meeting.
 - (b) you may not participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition the Rules of Procedure of the Council and its Committees require you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.
- 4.6. Interests arising in relation to overview and scrutiny committees
- 4.6.1. In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:
- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 4.6.1(a) above and you were present when that decision was made or action was taken,
- 4.6.2. You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

5. SENSITIVE INTERESTS

- 5.1. Where a member is concerned that the disclosure of the details of an interest (either a DPI or any other interest which the member is required to disclose) at a meeting or on the Register of Members' Interests, and such disclosure would lead to the member or a person associated with him/her being subject to violence or intimidation, the member may request the Monitoring Officer agree that such interest is a sensitive interest.
- 5.2. If the Monitoring Officer agrees that the interest is a sensitive interest the member must still disclose the existence of the interest at a relevant meeting but the member is not required to provide the details of the sensitive interest during the meeting. The Monitoring Officer shall also exclude the details of the sensitive interest from the published version of the Register of Members' Interests.

6. DISCLOSURE AND PARTICIPATION

- 6.1. Should you have a **D**isclosable **p**ecuniary **i**nterest you **MUST NOT** take part in the decision making process of the Council and in order to ensure transparency you must withdraw from such process as regards that DPI.
- 6.2. The Localism Act 2011 makes participation in such matters if you have a DPI a criminal offence.

7. GIFTS AND HOSPITALITY

- 7.1. You must disclose and record any gift or hospitality you receive or are offered in your capacity as a member of the Council in excess of an estimated value of £25.00 within 28 days of receipt or acceptance. Such disclosure should be made in writing or by email to the Monitoring Officer in accordance with the Council's Protocol on Gifts and Hospitality. In addition Members should be aware of 'serial giver's or repeat offers of hospitality as these may indicate a pattern of behaviour which could may result in a breach of this Code.

8. DISPENSATIONS

- 8.1. Members who have a Disclosable Pecuniary [or other interest] may apply for a dispensation on specific grounds which are set out in the Dispensation Procedure set out in Appendix 2 to this Code of Conduct.

9. INTERPRETATION

"Co-opted member", means a person who is not a member of the Council but who:-

- (a) is a member of any committee or sub-committee of the Council; or
- (b) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council;

and who is entitled to vote on any question which is to be decided at any meeting of the committee or sub-committee.

"Disclosable Pecuniary Interests (DPI)" means those interests prescribed by the Secretary of State as such under the Localism Act 2011 and set out in Appendix 1 to this Code of Conduct.

"Other Interests" means interests other than DPI's which a member is required (by law) to disclose.

"Meeting" means any meeting of:-

- (a) the Council;
- (b) the executive of the Council;
- (c) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

"Member" includes a co-opted member.

"Bullying and intimidating behaviour" means offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability and health.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of the Code of Conduct).

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a member will

| be found guilty of bullying when both parties have contributed to a breakdown in relations.”

THE PRINCIPLES (referred to in paragraph 2.2 above)

- **Selflessness**
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- **Honesty and Integrity**
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity**
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- **Accountability**
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- **Openness**
Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- **Leadership**
Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Appendix 1

(In the extracts from the Regulations below, 'M' means you, when acting as a member of the Council, and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Dispensations under the Localism Act 2011

1. Introduction

- 1.1. The provisions on dispensations are significantly changed under the Localism Act. Previously there was a reference in the legislation and over a number of years Government produced regulations dealing with the process.
- 1.2. It should be noted that Parish Councils under the legislation are given the ability to deal with their own dispensations but it is not clear at this time whether or not they will be required to consult either the Monitoring Officer or the Independent Person. Further it is not clear if any regulations relating to Parish Councils will be issued.
- 1.3. At present a Member who has a prejudicial interest may apply to the Standards Committee for a dispensation on two grounds. These are:-
 - (i) that at least half of the Members of the decision making body have a prejudicial interest thus preventing the transaction of business. This provision has been used on a number of occasions in respect of Parish Councils.
 - (ii) that so many Members of one political party have prejudicial interests in the matter that it would upset the result of the vote on a political matter by impacting on the proportionality rules affecting the particular body.
- 1.4. Members will be aware of the current process and the documentation which is used in order that in effect a “digital” meeting of the Standards Committee comments and proves otherwise that application for a dispensation.

2. The ~~New~~ Dispensation Regime

- 2.1. Under Section 33 of the Localism Act 2001 ~~in future~~ a dispensation will be able to be granted in the following circumstances.

The Council may on:-

- (a) a written request
- (b) made to the Proper Officer of the Council
- (c) by a Member or Co-Opted Member of the authority.

grant a dispensation enabling a Member or Co-opted Member to participate in a meeting notwithstanding that they have a Disclosable Pecuniary Interest under Section 31 of the Act.

- 2.2. The criteria ~~which now apply are increased and~~ cover the following circumstances:-
 - (i) that so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would “impede” the transaction of the business of that body. [In practice this means the decision making body would be inquorate as a result.]
 - (ii) that without the dispensation the representation of different political groups on the body transacting the business would be such as to alter the outcome of the vote on that particular matter.

- (iii) that the authority considers that the dispensation is in the interests of persons living in the authority's area.
- (iv) that without a dispensation no Member of the Executive would be able to participate in a particular matter. ~~They suggest that w~~here the Executive would be inquorate as a result then the particular decision could be dealt with by an individual Member of the Executive. It may be necessary to make provision in the Scheme of Delegation to enable this to occur although it does appear to be an unlikely event.
- (v) that the Council considers that it is "otherwise appropriate" to grant a dispensation. This is a particularly wide provision as to some extent is (iii) above.

2.3 In each case when a dispensation is granted it must specify how long it lasts for to a maximum of four years (this reflects the previous legislation) and the Council must consider the application "after having had regard to all relevant circumstances".

2.4. ~~Overall the provisions of the new legislation do expand the instances when a dispensation may be granted which for Parish Councils may be of assistance although it could equally bring comment from the public who may perceive that certain individuals have an interest but are still taking part in the decision making process.~~

3. Delegation

3.1. ~~A major change from the previous legislation under the Local Government Act 2000 is that t~~The Localism Act gives discretion for this power to be delegated to the Standards Committee, a Sub-Committee or to the Monitoring Officer. ~~Previously, the Standards Committee itself had to deal with any applications for dispensation.~~

3.2. It is considered that grounds (i) and (iv) are objective and these are it is recommended that dispensations on these grounds are delegated to the Monitoring Officer with an appeal to athe Standards Committee. ~~This would enable dispensations to be granted effectively "at the door of the meeting".~~

3.3. Grounds (ii), (iii) and (v) are ~~rather~~ more complex and subjective and it is considered appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee after consultation with the independent person.

4. Considerations in granting a dispensation

4.1. The following matters will be taken into account when assessing a dispensation application:

~~As mentioned above it is not clear whether not the Department of Communities and Local Government will issue further guidance and/or regulations dealing with dispensations but it is considered that Members should be given some pointers as to what they may wish to consider when considering a dispensation and when matters are delegated to the Monitoring Officer to ensure consistency. Having reviewed the previous guidance it is considered that the following applies:-~~

- (i) the Standards Committee should weigh up the effect of Members' prejudicial Interest(s) against the outcome of the vote if they are not participating in the vote.

- (ii) the Standards Committee should consider whether the nature of the interest in question is such that public confidence in the authority would be damaged if that Member were allowed to vote.
- (iii) the Standards Committee should look at whether the interest in question is one that is common to both the Member and to a significant proportion of the population.
- (iv) account should also be taken of the expertise and knowledge of the Member and whether this justifies their participation in the item in question. For example, if members of Police and/or Fire authorities would be able to bring their expertise by addressing the meeting.
- (v) Standards Committee Members should have regard to whether the business in question relates to a voluntary or public body which is to be considered by an Overview and Scrutiny Committee, and additionally whether the interest is a financial one.
- (vi) if a dispensation not being granted would mean the meeting was not quorate, this might be a reason to grant the dispensation.

5. Process for granting and recording a dispensation

- (i) a Member must apply in writing to the Monitoring Officer for a dispensation as soon as possible, setting out why it is required. The Monitoring Officer will then arrange for the ~~Standards Committee to consider~~ the request to be considered. Only written requests are acceptable, and cannot be made by someone else on behalf of the Member. Group and joint requests are not permitted. Each Member should apply individually.
- (ii) If appropriate, a meeting of the Standards Committee must be then convened to consider the application. In the case of urgent items if it is possible to convene a virtual meeting of the Committee, an urgent dispensation may still be granted.
- (iii) the Standards Committee/ Monitoring Officer should then consider the legal implications for the dispensation set out at 4(i) to (v) as well as at 2.1(a) above. This consideration may also take account of any other relevant circumstances or local criteria.
- (iv) members of the Standards Committee/ Monitoring Officer should determine whether the applicant should be permitted to make oral representations to the meeting of the Standards Committee/ Monitoring Officer or whether written applications only will be allowed.
- (v) the Standards Committee/ Monitoring Officer should then determine the nature of any dispensation they are minded to grant:
 - (a) whether the applicant can speak and not vote; or
 - (b) whether the applicant can participate fully and vote.
 Additionally the Committee/ Monitoring Officer can also decide the length of the dispensation (not more than four years).
- (vi) it should be noted that the regulations do not allow for the Standards Committee/ Monitoring Officer to grant a general dispensation to cover any situation where a prejudicial interest may arise.
- (vii) if the Standards Committee/ Monitoring Officer grants a dispensation it should do so in writing and before the meeting in question is held.

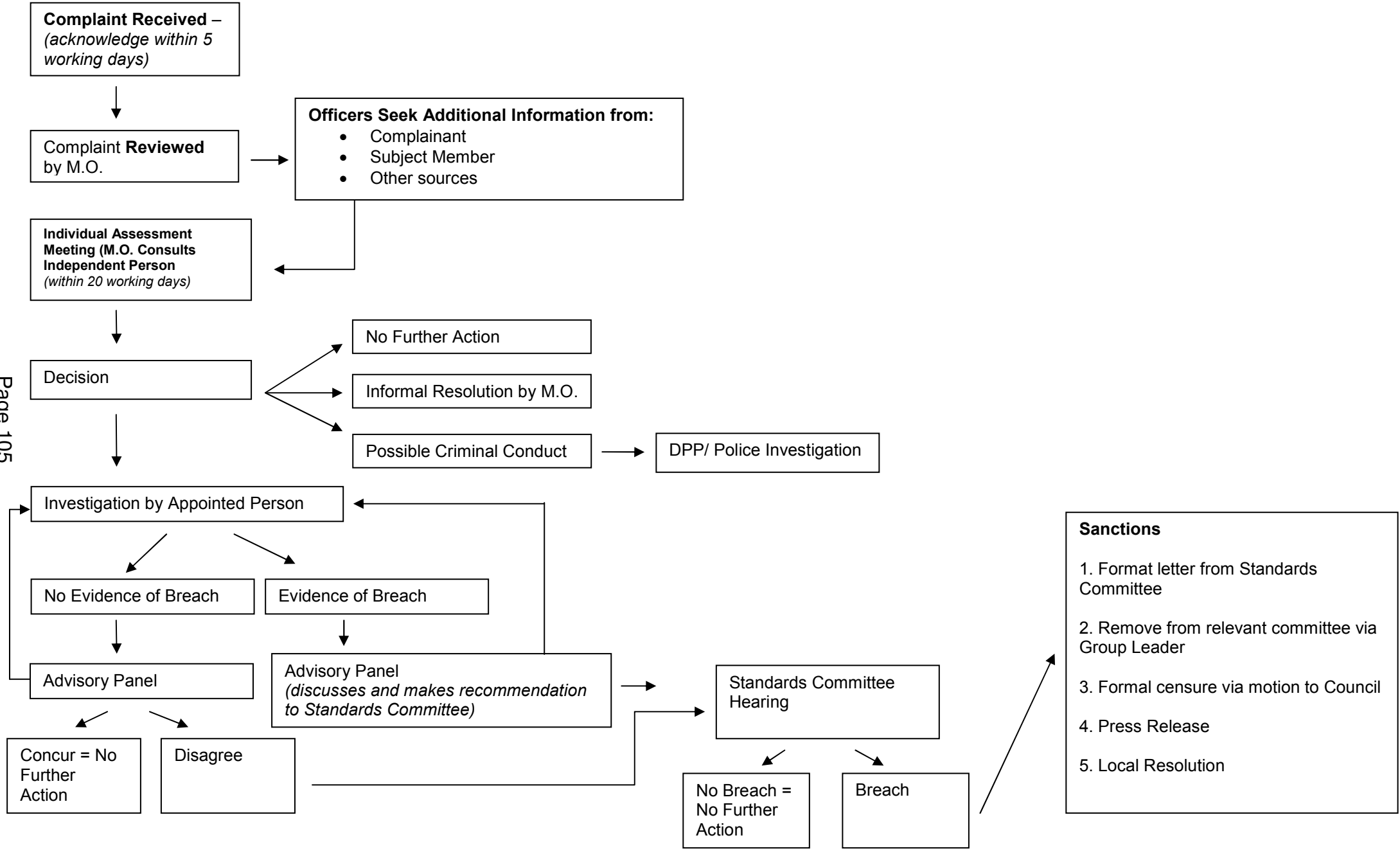
- (viii) the Standards Committee/ Monitoring Officer may decide to refuse an application for a dispensation. This is within their discretion under the regulations.
- (ix) a written record of the decision taken must be kept and placed with the Register of Interests maintained under ~~Section 81(1) of the Localism Government Act 2000~~11.

5.2. Any advice on the process of granting dispensations and any questions relating to this arrangement should be directed to the Monitoring Officer.

This page is intentionally left blank

Processing Complaints: Code of Conduct: Localism Act 2011

Page 105



- Sanctions**
1. Format letter from Standards Committee
 2. Remove from relevant committee via Group Leader
 3. Formal censure via motion to Council
 4. Press Release
 5. Local Resolution

Key: M.O. = Monitoring Officer

This page is intentionally left blank

Appendix K

Social Media Protocol for Councillors

1. Background

- (a) The Scheme was approved at the full meeting of West Berkshire Council on 12 December 2013 and is available on the Council's website.
- (b) The scheme will be reviewed in December 2016 or such earlier time as may be required.
- (c) The purpose of the protocol is to ensure that eCouncillors make use of social media effectively whilst avoiding potential accusations that they may be breaching the Council's Code of Conduct. It is also designed to ensure that the reputation of the Council is not adversely affected and that the Council is not subject to legal challenge as a result of information posted on social networking sites or blogs.
- (d) Advice on the use of social media can be sought from different departments across the Council but enquiries should in the first instance be directed to the Head of Strategic Support, West Berkshire Council, Market Street Offices, Market Street, Newbury, RG14 5LD.

2. Application

- 2.1 This protocol applies to you as a Member of this Council when you are acting or purporting to act in your role as a Member and you have a responsibility to comply with the provisions of this protocol. The protocol should be read in conjunction with the Members Code of Conduct (Appendix H to Part 13 Codes and Protocols of the Council's Constitution).
- 2.2 Bear in mind the Code of Conduct when you blog, use social networking sites or any other digital content publication service. You should pay particular attention to the following paragraphs of the Code:
 - Disrespect;
 - Bullying;
 - Disclosure of confidential information;
 - Disrepute;
 - Misuse of authority resources.
- 2.3 It is difficult to give definitive advice on the application of the Code of Conduct as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code of Conduct.

There are However two general rules that councillors should bear in mind when deciding on whether to publish content:

- 1) Only publish what you would say verbally in public, even in an informal discussion, when representing the Council.
- 2) Only publish what you could defend in court if asked to do so.

2.4 Ethical use of online social media is not limited to what is covered in the Code of Conduct. Councillors are encouraged to respect the Seven Principles of Public Life as set out in section 28(1) of the Localism Act 2011 which can be found at paragraph 2.2 in the Members Code of Conduct (Appendix H to Part 13 Codes and Protocols of the Council's Constitution). While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and the Council.

3. Associated Policies

3.1 This protocol should be read in conjunction with the Members Code of Conduct (Appendix H to Part 13 Codes and Protocols of the Council's Constitution), the Council's ICT Policy, the Council's Equalities Policy, the Local Authority Code of Publicity under the Local Government Act 1986, The Council's Social Media Guidelines as set out on the Council's website at <http://www.westberks.gov.uk/index.aspx?articleid=24913>; and The Council's Social Media Guidance which can be found on the Council's website at <http://www.westberks.gov.uk/CHttpHandler.ashx?id=30412>.

4. Introduction

4.1 All Members of the authority are required to act in accordance with the Members Code of Conduct whilst acting in their official capacity. Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

4.2 However it is not always clear whether such activities are covered by the Code of Conduct. This guide is intended to assist councillors in complying with the Code and ensuring that the use of online media is well received. You should think about what you say and how you say it, in just the same way as you must when making statements in person or in writing. You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor.

4.3 If you do give the impression that you are acting in your official capacity whilst blogging or using social media, such activity may be subject to the Code of Conduct. Individual councillors are permitted to write their own official blogs as Members of West Berkshire Council but in these they must conform to the protocols of the Council. If you have a private blog you must bear in mind that if you refer to council business in it, you may be viewed as acting in your official capacity. To make sure you comply with the Code of Conduct, you are requested to observe the following guidelines:

You should:

- a. consider whether you need to set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog;
- b. keep an eye out for defamatory, untrue or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views and to prevent any potential libel action being taken against you;
- c. act in accordance with the Council's Equality Policy which can be found at <http://www.westberks.gov.uk/CHttpHandler.ashx?id=32429>
- d. be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network;
- e. be careful about being 'friends' with service users who are vulnerable adults or children, as this could be regarded as a safeguarding issue;
- f. ensure you use Council facilities appropriately; and be aware that any posts you make using Council facilities will be viewed as being made in your official capacity and/ or an inappropriate use of Council resources;
- g. be aware that by publishing information that you could not have accessed without your position as a councillor, you will be seen as acting in your official capacity;
- h. make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.
- i. consider that English Law allows actions for libel to be brought in the High Court for any published statements alleged to defame a named or identifiable individual or individuals. Blogging, social media and other forms of digital content publication are covered by the libel laws.***

You should not:

- a. blog, tweet or network in haste;
- b. place images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission;
- c. post comments that you would not be prepared to make in writing or face to face;
- d. use **e**Council facilities for personal or party political blogs;

- e. refer in a blog to any information identified by the Council as confidential or exempt;
- f. disclose information given to you in confidence by anyone or information acquired by you which you believe or are aware is of a confidential nature;
- g. publish personal data of individuals unless you have their express written permission to do so;
- h. give the impression that you are expressing the views of the Council where it is not appropriate to do so;
- i. use online accounts and digital publishing services associated with a specific council office if you no longer hold that office, or during Purdah;
- j. if you are involved in determining planning or licensing applications or other quasi-judicial decisions, publish anything on your blog that might suggest you do not have an open mind about a matter you may be involved in determining.

5. Derogatory comments

5.1 On occasion, councillors might find themselves the subject of offensive or defamatory remarks on other people's blogs or networking sites. The following approach is advised in such circumstances, and applies equally to any form of publication:

- Pursue a policy of indifference to such remarks, but if you do wish to respond, do not be tempted into retaliation because you may risk breaching the Code. You could ask the blog owner/person making the remarks to remove them from the site.
- If the person making the comments is a local authority, town or parish councillor, discuss the situation with the Monitoring Officer. It might be the case that the person has breached the Code of Conduct by making the remarks, and it could be appropriate to make a complaint to the Standards Committee.
- Aside from any possible breaches of the Code of Conduct, the matter is usually deemed private between yourself and the individual. The Council cannot provide legal assistance for pursuit of a claim through the civil courts, but you may decide that you wish to take independent legal advice.

6. Use of Social Media During and after Council Meetings

6.1 Members are permitted to use social media for the reporting of proceedings of public Council meetings. If Members wish to use social media during meetings they should ~~seek the consent of~~ inform the Chairman who will make it clear to any members of the public attending that this activity ~~has been authorised~~ is permissible. Members will need to consider whether using social

media may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.

~~6.2~~ Councillors should however switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. ~~The Chairman of the relevant meeting will have absolute discretion to prevent the use of social media if such use is not in keeping with this protocol in their view or if the use is deemed to be disrupting the meeting. If, at a meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.~~

Formatted: Indented Paragraph, Left, No bullets or numbering

~~6.36.2~~ Members wishing to ~~film~~ record (whether in an audio or visual format) meetings will need to do so in accordance with Appendix A to Parts 4 (Council Rules of Procedure), 5 (Executive Rules of Procedure), 6 (Overview and Scrutiny Rules of Procedure) and 7 (Regulatory and Other Committees Rules of Procedure).

Formatted: Justified, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 1.27 cm + Indent at: 1.27 cm

This page is intentionally left blank

Title of Report:	Amendments to the Constitution - Parts 4, 7 and 13 of the Constitution
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2728

Purpose of Report: To review and amend Part 4 (Council Rules of Procedure), Part 7 (Regulatory and Other Committees Rules of Procedure) and Part 13 (Codes and Protocols) in light of legislative changes, policy changes and recent government guidance.

Recommended Action:

1. To agree the amendments and any additional changes required prior to the report being discussed at Full Council.
2. To seek delegated authority for the Monitoring Officer to make amendments to Part 5 (Executive Rules of Procedure) and Part 6 (Scrutiny Rules of Procedure) in respect of the use of Electronic Communication Devices and the Code of Practice Relating to Televising and Sound Recording of Meetings to align them with the changes made to Parts 4 and 7.
3. To agree that the changes will come into effect on the 13 December 2013.

Reason for decision to be taken:

1. To ensure that the Council has adjusted the scheme in light of legislative and policy changes.
2. To consider the changes requested by the Portfolio Holder for Finance in respect of the publication of amendments in respect of the annual budget meeting.

Other options considered: Not to agree the changes

Key background documentation: None

The proposals will help achieve the following Council Strategy principles:

- CSP7 - Empowering people and communities**
- 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

Member Details	
Name & Telephone No.:	Councillor Jeff Beck
E-mail Address:	jbeck@westberks.gov.uk
Date Portfolio Member agreed report:	E-mailed on 29 October 2013

Contact Officer Details	
Name:	David Holling/ Andy Walker
Job Title:	Monitoring Officer/ S151 Officer
Tel. No.:	01635 519422/ 01635 519433
E-mail Address:	dholling@westberks.gov.uk / awalker@westberks.gov.uk

Implications

Policy:	Will require changes to the Constitution
Financial:	None – will be undertaken within existing resources.
Personnel:	None
Legal/Procurement:	Will require the Constitution to be updated
Property:	None
Risk Management:	None

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"/>

Executive Report and Summary

1. Introduction

- 1.1 Following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution.
- 1.2 A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Parts 4 (Council Rules of Procedure), 7 (Regulatory and Other Committees Rules of Procedure) and 13 (Codes and Protocols) of the Constitution.
- 1.3 The report was considered at the Governance and Audit Committee meeting on the 25 November where a number of changes were made to the report.

2. Part 4 Council Rules of Procedure

2.1 The following key changes have been made to the document by Officers:

- (a) Align the Use of Electronic Devices (4.6.2) with the proposed Social Media Protocol which will also be discussed at the December 2013 Council meeting.
- (b) Amend paragraph 4.13.7 (Amendments to Motions) to take on board the request made by the Portfolio Holder for Finance about making information available on amendments proposed at the annual budget meeting.
- (c) Amend Appendix A to take cognisance of the guidelines issued by Central Government on broadcasting meetings.

2.2 The following changes were requested by Governance and Audit Committee:

Item/ Ref	Amendment
Para 4.6.2	Delete the words 'seek the consent of' and replace with 'inform' in the first paragraph.
Para 4.6.2	Delete the words 'The Chairman of the relevant meeting will have absolute discretion to prevent the use of devices if such use is deemed to be disrupting the meeting. In the second paragraph. This paragraph needs to be aligned to paragraph 4.15. (Behaviour of Members) This should be replaced with 'If at a Council meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.'
Para 4.6.2	Insert the word 'so' between 'do' and 'in' in the first sentence of the last paragraph.

Para 4.8.3	That the word Gambling Act in the final paragraph be written using a capital 'G'
Para 4.9.12 (p)	That a Member named under Rule 4.6.2 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.
Para 4.12.2	Delete the word fax and search remainder of the documents to ensure all references removed.
Para 4.13.7	In the first line of the last paragraph replace the word 'substantive' with the word 'substantial'.
Part 4 Appendix A	If approved this will be replaced with Appendix A

3. Part 7 Regulatory and Other Committees Rules of Procedure

3.1 The following key changes have been made to the document by Officers:

- (a) To standardise information presented on the various meetings covered by this part of the Constitution.
- (b) Align the Use of Electronic Devices (7.2.5) with the proposed Social Media Protocol which will also be discussed at the December 2013 Council meeting.
- (c) Remove reference to authority to appoint Members to Outside Bodies as this function has been delegated to the Leader of the Council.
- (d) Removal of reference to Urgency Sub-Committee as this committee no longer forms part of the Council's governance structure.
- (e) Amend Appendix A to take cognisance of the guidelines issued by Central Government on broadcasting meetings.

3.2 The following changes were requested by Governance and Audit Committee:

Para 7.1.1 & 7.1.2	Delete the words 'or the Local Development Framework'
Para 7.2.5	Align the text to the wording on 4.6.2
Para 7.2.5	Insert the word 'so' between 'do' and 'in' in the first sentence of the last paragraph.
Para 7.3.4	Delete the words 'or the Local Development Framework'
Para 7.3.1	Insert 'and licensing' after the word 'planning' in the second line of the bold text
Para 7.8	Delete the first sentence and in the second sentence replace the word 'Commission' with the word 'Committee'. Remove any similar text to the first sentence from the rest of the Constitution.
Para7.13.4	Remove the reference to U.S. Formatting and insert a bullet point next to 'Adjoining Ward Member(s)'.
Para 7.13.7	Delete the words 'or the Local Development Framework'
Para 7.14.2	Amend the first sentence to read 'The procedure set out below shall apply in respect of each item where any of the following persons are present:'
Para 7.14.3	In the fourth bullet point delete all the text from e.g. onwards
Part 7 Appendix A	If approved this will be replaced with Appendix A

4. Part 13 Codes and Protocol

4.1 The following key changes have been made to the document by Officers:

- (a) To align this Part of the Constitution with the revisions to the Members Code of Conduct which will also be discussed at the December 2013 Council meeting.
- (b) To update the Officer's Code of Conduct to align it with changes to a number of HR Policies and to provide additional clarity to this section of the Constitution. This section has also had the text changed in respect of gifts and hospitality to align it with current working practices.
- (c) Appendix B (Protocol for Decision Making by Individual Executive Member) to align it with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- (d) Appendix H (Members Code of Conduct) will also be discussed at the December 2013 meeting.
- (e) Appendices D and E will be amended at the March 2014 Council meeting once they have been considered by the Standards Committee.
- (f) Appendices A, G and J will be amended at the March 2014 Council meeting once they have been considered by the Governance and Audit Committee.
- (g) Appendices F and I will be amended at the May 2014 Council meeting once they have been considered by the Governance and Audit Committee.
- (h) Appendix C was amended at the September 2013 Council meeting.

4.2 The following changes were requested by Governance and Audit Committee:

Para 13.1.10	Make a reference to the fact that posts referred to in para 13.1.10 are politically restricted
Para 13.1. 11	Replace the heading 'Role of Group Executives' with 'Politically Restricted Roles'
Para 13.3.4	In the fourth bullet point the word 'spokesperson' should be written with a small 's'.
Para 13.3.7	Replace the word 'has' with 'have' in the second line of the third paragraph and the last line of the fourth paragraph.
Para 13.4.1	The word conduct in the last paragraph should be written with a capital 'C'.
Para 13.4.8	Replace the word 'should' with the word 'must'.
Para 13.5.4	Add an 's' onto the word 'cost' in the last line of the second paragraph
Para 13.5.5	Replace the word 'They' with 'The Head of Service' in the second line of the final paragraph on this page
Para 13.5.6	Replace 'scp' with 'spinal column point'
Para 13.5.10	In the first sentence of the second paragraph delete the word 'they'.
Para 13.5.11	Delete the first paragraph.

Para 13.5.12	The second paragraph insert an apostrophe into the word 'employees' in the last line
Para 13.5.13	The word 'should' with the word 'must' in all four paragraphs.
Appendix B item 5	Replace the word 'happy' with 'content'

5. Proposals

5.1 It is proposed that the amendments to Parts 4, 7 and 13 of the Council's Constitution be approved.

6. Equalities Impact Assessment Outcomes

6.1 This item is not relevant to equality.

7. Conclusion

7.1 The report is a required update to take cognisance of legislative and policy changes. For the avoidance of doubt the Changes to Parts 4, 7 and 13 will come into effect on the 13 December 2013.

Appendices

Appendix A – Part 4 of the Constitution (Council Rules of Procedure)

Appendix B – Part 7 of the Constitution (Regulatory and Other Committees Rules of Procedure)

Appendix C – Part 13 of the Constitution (Codes and Protocols)

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Andy Day, Sarah Clarke, Moira Fraser, Finance and Governance Group, Corporate Board

Trade Union: Consulted on Appendix 1 and the Trade Unions comments were discussed in depth at the Governance and Audit Committee meeting on the 25 November 2013

West Berkshire Council Constitution

Part 4

Council Rules of Procedure

Document Control

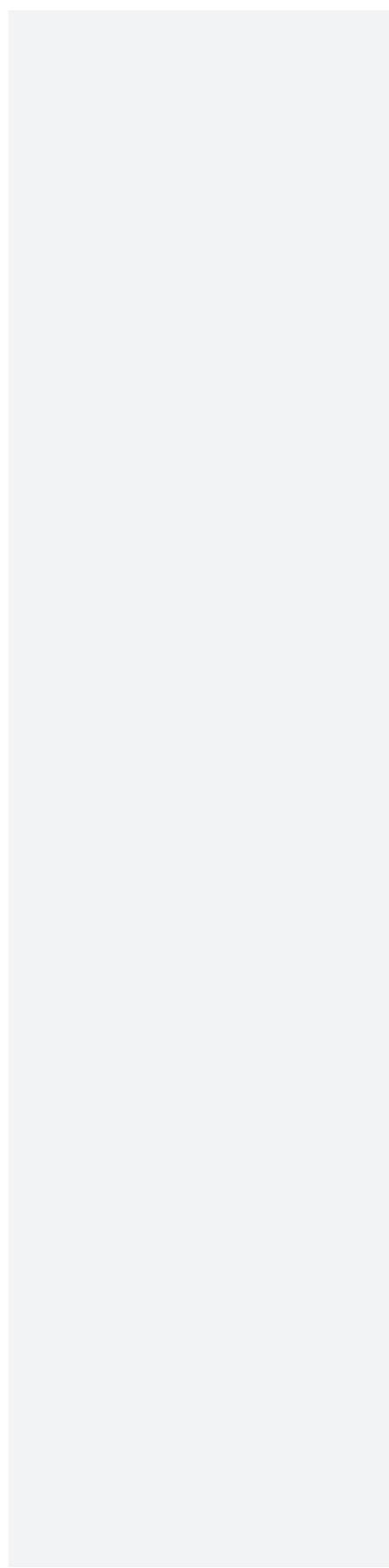
Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	5	Date Modified:	December 2012
Revision due			
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1	23 Sept 2010	Change to paragraph 4.1.3	
2	22 Sept 2011	See Council agenda 22 September 2011 for changes	
3	April 2012	Changes to whole document to reflect changes as a consequence of Senior Management Review	
4	May 2012	Changes arising from the Localism Act 2012	
5	Dec 2012	Change to paragraph 4.13.7	



West Berkshire
COUNCIL



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:
<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

Contents

4.1	Council Meetings	1
4.2	Annual Meeting	1
4.2.1	Order of Business - Annual Meeting	1
4.2.2	Appointment to Standing Committees	2
4.2.3	Appointment of Other Committees	2
4.2.4	Dissolution	2
4.2.5	Appointment of Members	2
4.2.6	Sub-Committees	3
4.3	Ordinary Meetings	3
4.3.1	Order of Business - Ordinary Meetings	3
4.4	Extraordinary Meetings	4
4.4.1	Order of Business - Extraordinary Meetings	4
4.5	Variation	4
4.6	Meetings of the Council	4
4.6.1	Adjustment to Dates	4
4.6.2	Electronic Communication Devices	5
4.6.3	Quorum	5
4.6.4	Continuation of Meeting	5
4.6.5	Council Summons	65
4.6.6	Themed Debates	65
4.6.7	Absence of Chairman and Vice-Chairman	6
4.6.8	Powers of Chairman	6
4.7	Council Minutes	6
4.7.1	Approval	6
4.7.2	Accuracy	6
4.7.3	Signing Minutes	6
4.8	Petitions	76
4.8.1	Scope of Petitions	76
4.8.2	Inspection of Petitions	Error! Bookmark not defined.6
4.8.3	Notice of Petitions	77

4.8.4	Presentation of Petitions by Members of Council	77
4.8.5	Presentation of Petitions by Members of the Public	Error! Bookmark not defined.7
4.8.6	Petitions received outside of the Council's meetings	Error! Bookmark not defined.7
4.9	Motions	78
4.9.1	Scope of Motion	78
4.9.2	Submission of Motion	78
4.9.3	Receipt of Motion	88
4.9.4	Urgent Motion	88
4.9.5	Inclusion in Summons and Possible Amendments of Motion	88
4.9.6	Record of Motion	8
4.9.7	Procedure at Council	8
4.9.8	Reference or Non-Reference to Committee	8
4.9.9	Consideration of Referred Motion	99
4.9.10	Abandonment of Motion	99
4.9.11	Mover of Motion ceasing to be a Member	99
4.9.12	Motions which may be moved without Notice	9
4.9.13	Motions on Expenditure or Revenue	1040
4.10	Suspension, Variation and Revocation of Rules of Procedure	10
4.10.1	Suspension of Rules of Procedure	10
4.10.2	Variation/Revocation of Rules of Procedure	1044
4.11	Procedure for Reports at Council Meetings	1144
4.11.1	Executive Report	1144
4.11.2	Committee Report	1144
4.11.3	Reports for Information	1144
4.11.4	Confidentiality and Non-Disclosure of Reports	1144
4.11.5	Record of Opposition	11
4.12	Questions	11
4.12.1	Public Written Questions	11
4.12.2	Members' Written Questions	1242
4.12.3	Scope of Questions	12
4.12.4	Written Questions concerning the Thames Valley Police Authority (TVPA) and Royal Berkshire Fire and Rescue Service (RBFRS)	12
4.12.5	Member and Public Written Questions - Procedure at Council	1343
4.12.6	Answers to Questions	1343

4.12.7	Supplementary Questions.....	1313
4.12.8	Time Limit on Questions	13
4.12.9	Multiple Member and Public Questions.....	13
4.12.10	Order of Questions	13
4.12.11	Absence of Questioner	1444
4.13	Rules of Debate	1414
4.13.1	Seconding.....	1444
4.13.2	Writing.....	1444
4.13.3	Standing.....	1444
4.13.4	Speech Content	1444
4.13.5	Speech Length.....	1444
4.13.6	Closing Speeches.....	1444
4.13.7	Amendments to Motions	14
4.13.8	Single Speech.....	1545
4.13.9	Minor Alteration to Motions or Amendments	1545
4.13.10	Withdrawal of Motion or Amendment.....	15
4.13.11	Acceptance of Other Motions.....	15
4.13.12	Closure Motions	1646
4.13.13	Seconding of Closure Motion	1646
4.13.14	Carrying of Closure Motion	1646
4.13.15	Close of Debate	16
4.13.16	Points of Order/Explanation	1746
4.13.17	Respect for Chair.....	1747
4.13.18	Officers' Advice.....	1747
4.14	State of the District Debate.....	1747
4.14.1	Calling of Debate	1747
4.14.2	Form of Debate.....	17
4.14.3	Results of Debate	17
4.15	Behaviour of Members.....	17
4.15.1	Disorderly Conduct	17
4.15.2	Suspension of Sitting	1848
4.16	Rescinding an Earlier Resolution.....	1848
4.16.1	Six Months Rule.....	1848
4.16.2	Rejected Motion.....	1848
4.16.3	Committee Decision.....	1848

4.17 Voting..... 18

 4.17.1 Method of Voting 18

 4.17.2 Chairman’s Casting Vote..... 18

 4.17.3 Recording of Votes..... 18

4.18 Press and Public ~~1949~~

 4.18.1 Admission..... ~~1949~~

 4.18.2 Exclusion of Employee ~~1949~~

 4.18.3 Removal ~~1949~~

 4.18.4 Speaking ~~1949~~

 4.18.5 Televising and Sound Recording of Meeting..... 19

Appendix A
Code of Practice Relating to Televising and Sound Recording of Meetings 20

4.1 Council Meetings

Council meetings will be conducted in accordance with all relevant legislation including the relevant provisions of the Local Government Act 1972, Local Government and Housing Act 1989, the Local Government Act 2000 and the Localism Act 2011.

There are three different types of Council meeting:

- (a) Annual Meeting
- (b) Ordinary Meeting
- (c) Extraordinary Meetings.

The rules of procedure for each of these types of meetings is set out below.

4.2 Annual Meeting

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in ~~March, April or~~ May.

4.2.1 Order of Business - Annual Meeting

The order of business at the annual meeting of the Council shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
- (b) receive apologies for inability to attend the meeting;
- (c) elect the Chairman of Council;

[Note: In accordance with Section 3 of the Local Government Act 1972, the Chairman shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Chairman.]

- (d) appoint the Vice-Chairman of Council;
- (e) approve the Minutes of the last meeting;
- (f) receive any declarations of interest;
- (g) receive any announcements from the Chairman;
- (h) elect the Strong Executive Leader for a four year term following the first ordinary election;
- (i) receive notification from the Executive Leader of the number of Members appointed to the Executive and the Leader to appoint Members to the Executive;
- (j) appoint all Committees the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (see rule 4.2.2 – Appointments to Standing Committees);
- (k) decide the size and terms of reference for those Committees;

- (l) decide the allocation of seats to political groups in accordance with the political balance rules;
- (m) receive nominations of Councillors to serve on each Committee and outside body except where appointment to those bodies has been delegated by the Council;
- (n) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council;
- (o) agree any amendments to the Scheme of Delegation and any amendments to the Constitution;
- (p) approve a programme of Ordinary Meetings of the Council for the year;
- (q) consider any business set out in the notice convening the meeting.

[Note: No Public or Member Questions, Petitions or Motions may be dealt with at the Annual Meeting.]

4.2.2 Appointment to Standing Committees

At the Annual Meeting of the Council or as soon as possible afterwards, the Council shall appoint the following Standing Committees:

- Licensing Committee
- Eastern Area Planning Committee
- Western Area Planning Committee
- District Planning Committee
- Overview and Scrutiny Management Commission
- Standards Committee
- Governance and Audit Committee
- Personnel Committee
- Appeals Panel

The Chairman of Council shall not be elected Chairman or Vice-Chairman of any Standing Committee during their period of office.

4.2.3 Appointment of Other Committees

At any time the Council may appoint such other Committees as are necessary to carry out the work of the Council.

4.2.4 Dissolution

The Council may at any time dissolve or alter the size of a Committee.

4.2.5 Appointment of Members

Where a seat on a Committee, Commission, Panel, Task Group or outside body has been allocated to a political group, the Head of Strategic Support may make an appointment to that seat in accordance with the wishes of the relevant political group.

4.2.6 Sub-Committees

In these Rules of Procedure references to Committees shall include references to Sub-Committees unless the contrary is indicated.

During the course of a Municipal Year each Committee may appoint special Sub-Committees for purposes specified by the Committee and within its own terms of reference. Unless previously discontinued, each Sub-Committee shall cease at the same time as the Committee which appointed it.

Members of the Council may be appointed to serve on a Sub-Committee even though they are not members of the parent Committee.

4.3 Ordinary Meetings

Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

4.3.1 Order of Business - Ordinary Meetings

The order of business at an ordinary meeting of the Council shall be to:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) receive apologies for inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive any announcements from the Chairman, Executive Leader, Members of the Executive or the Head of Paid Service;
- (f) deal with business expressly required by statute;
- (g) receive petitions;
- (h) receive written questions from and provide answers to the public in relation to any business of the Council ~~which in the opinion of the person presiding at the meeting is relevant to the business of the Council~~ as set out in the Scope of Questions at paragraph 4.12.3;
- (i) deal with any business from the last Council meeting;
- (j) receive reports from the Executive and the Council's Overview and Scrutiny Management Commission or its Sub-Committees and receive questions and provide answers on any of those reports;
- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (l) receive any annual reports of the Overview and Scrutiny Management Commission;
- (m) consider any other business specified in the Summons to the meeting including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Management Commission for debate and any reports from Officers;
- (n) consider any Motions;

- (o) receive written questions from and provide answers to Members in relation to matters relating to the business of the Council [in accordance with paragraph 4.12.3 \(Scope of Questions\)](#).

4.4 Extraordinary Meetings

Extraordinary meetings may be convened by the Chairman of Council, the Monitoring Officer or by Members (providing that 25% of eligible Members of the Council present a signed requisition that there is a need to hold an Extraordinary Meeting of the Council). Such a meeting shall be called by the Chairman as soon as is practicably possible but not later than 15 working days from the date that the requisition is presented to the Chairman.

4.4.1 Order of Business - Extraordinary Meetings

The order of business at an extraordinary meeting shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the Summons to the meeting.

[Note: No Public or Member Questions, Petitions or Motions may be dealt with at an Extraordinary Meeting.]

4.5 Variation

With the exception of business specified in (a)–(g) of Rule 4.2.1, (a)–(f) of Rule 4.3.1 and (a)–(c) of Rule 4.4.1 above, the order of business may be varied:

- (a) at the discretion of the Chairman; or,
- (b) by a resolution passed on a Motion (which need not be in writing).

[Note: In relation to (b) above items which are deemed to be of public concern can be discussed and debated earlier in the meeting.]

4.6 Meetings of the Council

4.6.1 Adjustment to Dates

In the event that any adjustment to the date of a Council meeting is found to be necessary, the following procedure shall be adhered to:

- The appropriate Proper Officer should contact the Head of Strategic Support or Democratic and Electoral Services Manager to make them aware of the circumstances requiring a change of date.
- Communication should then be undertaken between the Proper Officer (or their representative) and the Group Leaders to articulate the need for the change of date.
- Should the Group Leaders not be available, the Deputy Group Leaders should then be the point of contact.

- The Group Leaders should be asked their views on the proposal. The resultant conversation needs to be recorded in writing, dated and timed. A copy should then be e-mailed to the Group Leaders and made available to the Head of Strategic Support or Democratic and Electoral Services Manager.
- Contact with the Chairman should then be made by the appropriate Proper Officer (or their representative) to articulate the need for the change of date. The Chairman will be given the views of the Group Leaders and will then make a decision on how to proceed.
- The result of that discussion will then be confirmed to the Group Leaders in writing and to the Head of Strategic Support or Democratic and Electoral Services Manager.

4.6.2 Electronic Communication Devices

~~There shall be a ban on the inappropriate and unauthorised use of electronic communication devices at all meetings~~

~~Members are permitted to use electronic devices at Council meetings.~~

~~If Members wish to use these devices during meetings they should inform the Chairman who will make it clear to any members of the public attending that this activity is permissible. Members will need to consider whether using a device may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.~~

~~Councillors should however switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a Council meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.~~

~~Members wishing to record meetings will need to do so in accordance with Appendix A to Parts 4 (Council Rules of Procedure).~~

Formatted: Indented Paragraph, Left, No bullets or numbering

Formatted: Font: 12 pt

Formatted: Font: 12 pt

4.6.3 Quorum

The quorum of all Council meetings will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.6.4 Continuation of Meeting

Meetings of the Council should not normally continue past 10.00pm. If however the Chairman believes that business could be concluded by 10.30pm, a Motion under Rule 4.89.12 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

4.6.5 Council Summons

The Head of Strategic Support will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8). The Head of Strategic Support will send a Summons by post or email to every Member of the Council, or leave it at their usual place of residence, at least five clear working days before a meeting, unless the meeting is convened at shorter notice as a matter of urgency. The Summons will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

[Note: Clear working days do not include day of agenda despatch or day of meeting.]

4.6.6 Themed Debates

Speakers from outside the Council may be invited to address the Council for themed debates.

4.6.7 Absence of Chairman and Vice-Chairman

If the Chairman and Vice-Chairman of Council are absent from a meeting of the Council, another Member of the Council chosen by the Members of the Council present shall preside.

4.6.8 Powers of Chairman

Any power or duty assigned to the Chairman of Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

4.7 Council Minutes

4.7.1 Approval

The Chairman of Council shall move "that the Minutes of the meeting of the Council held on *(date)* be signed as a correct record".

4.7.2 Accuracy

Only the accuracy of the Council Minutes may be raised and this may only be done by a Motion which shall propose a change in wording. As soon as any such Motions have been dealt with the Chairman will sign the Minutes.

[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]

4.7.3 Signing Minutes

Minutes shall be submitted to and signed at the next meeting of Council which is not an extraordinary meeting.

4.8 Petitions

4.8.1 Scope of Petitions

~~The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Council Officers.~~ Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

4.8.2 Notice of Petitions

Where notice of a petition is given to the Head of Strategic Support by 10.00am seven clear working days before the meeting details will be included in the Summons or agenda.

4.8.3 Presentation of Petitions by Members of Council

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

Only Members of Council may present petitions to Council, and must do so by formally reading or summarising the petition, giving details of the number of signatures and stating its purpose. They must not otherwise address the Council unless the Chairman so consents.

The Chairman of Council will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting of Council at which it is presented it shall be dealt with at that meeting.

~~Members of the Council may present petitions directly to the Executive, a Committee, Commission or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.~~

Petitions relating to licensing or planning applications will normally be received by Officers during the Licensing or Planning consultation process. Petitions relating to a specific application under the Licensing Act 2003 or the ~~g~~Gambling Act 2005 must be submitted within the statutory consultation period if it is to be considered by the Sub-Committee determining the application.

4.9 Motions

4.9.1 Scope of Motion

Motions must relate to matters of concern to the District of West Berkshire.

4.9.2 Submission of Motion

At any meeting of the Council except the Annual Meeting or an Extraordinary Meeting that does not appear in the timetable of meetings, a notice of Motion may be submitted under this Rule for consideration.

4.9.3 Receipt of Motion

Notice of every Motion, except those moved under Rule 4.9.12 (Motions which may be Moved without Notice), shall be submitted to the Head of Strategic Support by 10.00am, seven clear working days before the Council meeting to which it is to be submitted. The Notice of Motion should clearly indicate the name of the person(s) submitting it. A Motion may be delivered in writing, ~~by fax~~ or by electronic mail.

4.9.4 Urgent Motion

Subject to the consent of the Chairman of Council, a Motion may be considered by the Council if it is submitted to the Head of Strategic Support by 10.00am on the day of the meeting.

4.9.5 Inclusion in Summons and Possible Amendments of Motion

Motions submitted in accordance with Rule 4.9.3 (Receipt of Motions) will be included in the Summons for the next Council meeting in the order in which they are received (unless the person submitting the Motion requests it be withdrawn or considered at a later meeting) and may be:

- amended by the Head of Strategic Support for the purpose of clarification, in consultation with the person who submitted the Motion; or
- amended or withdrawn by the Chairman, after consulting the person who submitted the Motion, if it appears the wording is not in order or is framed in improper or unbecoming language.

4.9.6 Record of Motion

All Motions shall be dated, numbered and entered onto a database in the order in which they are received. The log may be inspected by Members and should be open to inspection by the public.

4.9.7 Procedure at Council

The Member who submitted the Motion or another Member nominated by them shall move the Motion “as stated in the Summons”. If the Motion is not to be considered at that meeting the mover of the Motion will be permitted to speak on the Motion for a maximum of three minutes.

4.9.8 Reference or Non-Reference to Committee

Once moved and seconded the Chairman will indicate that the Motion will be dealt with in one of the following ways:

- be referred to the Executive without discussion, notwithstanding Rule 4.9.7 (Procedure at Council), for determination because the subject matter falls within their remit. A report will be included on the next Council agenda on the outcome of the decision;
- be referred to the appropriate Committee(s), Commissions or Sub-Committee(s) without discussion for consideration and report back to Council because the subject matter falls within their remit;

- unless the matter relates to an Executive function, be considered at the meeting because in the opinion of the Chairman the matter is urgent, of great local concern or such consideration would facilitate the discharge of business.

4.9.9 Consideration of Referred Motion

The Motion shall be considered at the next Executive meeting or special meeting (as appropriate) , Committee(s), Commissions or Sub-Committee(s) unless the mover of the Motion requests in writing to the Head of Strategic Support that it be considered at a later meeting. The mover of the Motion shall receive a copy of the agenda for the meeting to which the Motion has been referred and shall be entitled to attend that meeting to explain the Motion.

4.9.10 Abandonment of Motion

If a Motion specified in the Summons is not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

4.9.11 Mover of Motion ceasing to be a Member

If the mover of a Motion ceases to be a Member of Council after the Motion has been formally moved and seconded, the seconder or any other Member may progress the Motion.

4.9.12 Motions which may be moved without Notice

The following Motions may be moved without notice:

- (a) To appoint a Chairman of the meeting if the Chairman and Vice-Chairman of Council are absent.
- (b) Motions relating to:
 - accuracy of Minutes;
 - closure or adjournment of the meeting;
 - order of or next business.
- (c) To refer any matter to the Executive or a Committee, or a Statutory Officer.
- (d) To appoint a Committee or Members of a Committee if it arises from an item mentioned in the Council Summons.
- (e) To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- (f) To withdraw a Motion or amendment with leave of the Chairman.
- (g) To amend a Motion.
- (h) To extend the time limit for speeches.
- (i) To allow continuation of a meeting past 10.00pm.
- (j) To suspend a Procedure Rule in accordance with Rules 4.10.1 (Suspension Rules of Procedure) and 4.10.2 (Variation /Revocation of Rules of Procedure).

- (k) To exclude the press and public in accordance with the statutory provisions.
- (l) That the question be now put.
- (m) That a Member named under Rule 4.15. ~~1~~(Behaviour of Members/Disorderly Conduct) be not further heard or leave the meeting.
- (n) Giving consent of the Council where consent of the Council is required by these Rules of Procedure.
- ~~(o)~~ To allow a member of the public to speak in accordance with Rule 4.18.4 (Speaking).
- ~~(p)~~ That a Member named under Rule 4.6.2 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.

[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 4.9.12 (Motions which may be moved without notice) and 4.10.1 (Suspension Rules of Procedure) and 4.10.2 (Variation /Revocation of Rules of Procedure) provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

4.9.13 Motions on Expenditure or Revenue

Any Motion which would materially increase expenditure, involves capital expenditure, or materially reduces the revenue of the Council, or involves the disposal of a significant asset, shall when seconded stand adjourned without discussion to the next meeting of the Executive, with a report back to the next ordinary meeting of the Council. This Rule does not apply to any Motion proposed at the Budget meeting of the Council.

4.10 Suspension, Variation and Revocation of Rules of Procedure

4.10.1 Suspension of Rules of Procedure

With the exception of Rules 4.7.1 (Approval of Minutes) and 4.17.3 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

- notice of Motion has been given; or
- at least one half of the whole number of members of the Council, Committee or Sub-Committee are present.

[Note: See Rule 4.9.12 (Motions which may be moved without notice) above.]

4.10.2 Variation/Revocation of Rules of Procedure

Except at an Annual Meeting of the Council any Motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Council.

4.11 Procedure for Reports at Council Meetings

4.11.1 Executive Report

The ~~Executive-Strong~~ Leader or relevant Member of the Executive shall present the report and move the recommendation requiring the Council's approval. Upon being seconded the matter is open for debate, and Members of the Council may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in Rule 4.13 will apply.

4.11.2 Committee Report

The Chairman, or other Member, of the relevant Committee will present the report and move the recommendations requiring the Council's approval. Upon being seconded, the matter is open for debate and Members of the Council may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in Rule 4.13 will apply.

4.11.3 Reports for Information

In the case of any reports submitted to the Council for information, a Member may ask the relevant Chairman or Executive Member a question or may make a statement lasting no longer than three minutes. The relevant Chairman or Executive Member is entitled to reply.

4.11.4 Confidentiality and Non-Disclosure of Reports

Reports to Committees, Sub-Committees, Panels or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Committee, Sub-Committee, Panel or Task Group decides otherwise.

After the meeting of the Committee, Sub-Committee, Panel or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

4.11.5 Record of Opposition

A Member may request that their opposition to a decision be recorded in the Minutes (see rule 4.17.3(Recording of Votes)).

4.12 Questions

4.12.1 Public Written Questions

Members of the public residing or working in the District, or their representative, may ask a question. The Chairman of Council will nominate an appropriate person to provide an answer if the questioner has not indicated from whom they would prefer to receive a response. Questions must relate to the business of the Council, be a matter for which the Council has responsibility or related to the wellbeing of West Berkshire. Such questions may only be asked at ordinary meetings of the Council.

Questions must be submitted in writing by post, ~~fax~~ or electronic mail to the Head of Strategic Support and must specify the name, address and contact telephone number of the person asking the question.

Questions that do not relate to an item for business for that meeting of Council must be submitted no later than 10.00am, seven clear working days before the meeting.

Questions relating to an item of business for that meeting of Council must be submitted no later than 10.00am, one working day before the meeting.

4.12.2 Members' Written Questions

Members may ask any Member of the Executive and any Chairman of a Committee of the Council any question relating to the business of the Council, a matter over which the Council has responsibility or relate to the wellbeing of the West Berkshire. Such questions may only be asked at ordinary meetings of the Council.

Questions indicating the name of the person submitting it, must be submitted in writing by post, ~~fax~~ or electronic mail to the Head of Strategic Support.

Questions must be submitted no later than 10.00am, seven clear working days before the Council meeting.

Subject to the consent of the Chairman of Council where a question relates to an urgent matter it may be considered by the Council if it is submitted to the Head of Strategic Support by 10.00am on the day of the meeting.

Councillors must confine their contributions to questions and answers and must not make statements or attempt to debate the matter. Where the Chairman feels that a Councillor is contravening this rule they will stop the Councillor concerned from speaking on this matter.

4.12.3 Scope of Questions

The Monitoring Officer or Head of Strategic Support may reject a question or a supplementary question if it is not about a matter over which the Council has responsibility, it is defamatory, frivolous, it is abusive, it is substantially the same as a question which has been put at a meeting of the Council in the past six months, it requires the disclosure of confidential or exempt information or relates to a licensing or planning application.

Where a question has been rejected a letter will be sent to the questioner setting out the reasons for the rejection.

4.12.4 Written Questions concerning the Thames Valley Police Authority (TVPA) and Royal Berkshire Fire and Rescue Service (RBFPS)

Subject to the Rules of Procedure on receipt, a Member may also ask the person nominated to the TVPA a question on the functions or performance of that Authority or one of the Council's representatives on the RBFPS a question in relation to the functions or performance of the RBFPS.

4.12.5 Member and Public Written Questions - Procedure at Council

Subject to Rule 4.12.9 (Multiple Member and Public Questions), questions shall be taken in order of receipt and shall be asked by saying 'I ask my question as set out in the Summons', and then answered without discussion.

Any Executive Member or Chairman may decline to answer a question or nominate another Member to answer a question on their behalf.

4.12.6 Answers to Questions

An answer may take the form of:

- (a) a direct oral answer;
- (b) a reference to a Council publication containing the desired information;
- (c) a written answer where a reply cannot conveniently be given orally or because of a lack of time.

The Chairman in consultation with the Monitoring Officer may reject any supplementary questions on any of the grounds in rule 4.12.3 (Scope of Questions).

4.12.7 Supplementary Questions

A person asking a written question may ask one supplementary question arising directly out of the answer given to the original question but the supplementary question shall be relevant to the original question and shall not introduce any new subject matter. For the avoidance of any doubt the Chairman will invite the questioner to ask a supplementary question if the questioner has one.

4.12.8 Time Limit on Questions

The time allowed for written and supplementary questions at any meeting shall not exceed thirty minutes for public questions or one hour for Members' questions or such longer period as the Chairman of Council may permit. Questions not answered within that period will receive a written reply.

4.12.9 Multiple Member and Public Questions

If any person(s) submit(s) more than one question at any meeting only their first question shall be asked and answered. If after all other questions have been asked and answered there is sufficient time available the Chairman of Council may ask the questioner(s) to ask their further question(s) in such order as the Chairman determines.

4.12.10 Order of Questions

The Chairman has the discretion to alter the order in which questions are asked.

4.12.11 Absence of Questioner

If a person who has submitted a question is not present when the question is called, the question may, with the consent of the Chairman of Council, be asked by any other person.

4.13 Rules of Debate**4.13.1 Seconding**

A Motion or amendment shall not be discussed until it has been formally moved and seconded. When seconding a Motion or amendment, a Member may reserve his/her speech until a later period in the debate.

4.13.2 Writing

The Chairman of Council may require a Motion or amendment to be put into writing before it is discussed or voted upon.

4.13.3 Standing

Members shall, if able, stand when speaking and address the Chairman of Council. The Chairman shall decide the order of speakers if more than one Member wishes to speak.

4.13.4 Speech Content

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

4.13.5 Speech Length

Speeches shall not exceed five minutes, unless Council consents or another time limit is specified in these Procedure Rules.

4.13.6 Closing Speeches

Members exercising a right of speech under Rule 4.13.15 (Close of Debate) or reply at the end of a debate shall not introduce new matter.

4.13.7 Amendments to Motions

An amendment to a Motion must be relevant to the Motion and will either be:

- (a) to refer the matter to the Executive, Individual Portfolio Holder, a Committee, Commission or Statutory Officer for consideration or reconsideration unless the Chairman of the Council rules otherwise in the interests of expediency; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words as long as the effect of (b) to (d) is not to negate the Motion or to introduce a new subject matter.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is not carried, other amendments to the original Motion may be moved.

If the amendment is carried, the Motion, as amended, takes the place of the original Motion. This becomes the Substantive Motion to which any further amendments are moved. The Chairman will read out the Substantive Motion before accepting any further amendments, or if there are none, put the Substantive Motion to the vote.

Any amendments considered to be substantive by the Section 151 Officer in relation to in year reports or motions which have a financial implication shall be the subject of discussions with and receive the approval of the Section 151 Officer in advance of the meeting to ensure that the amendment does not compromise the Council's financial position. In relation to the budget meeting, any substantive amendments proposed to the budget shall be submitted to the Council's Section 151 Officer at least three working days before the meeting. The Section 151 Officer will then add an opinion on the proposed amendment and will distribute to all Members of the Council the following working day.

Formatted: Not Highlight

4.13.8 Single Speech

A Member shall speak only once on any Motion and/or amendment except:

- (a) to move or speak to a further amendment;
- (b) to move that the press and public be excluded;
- (c) to exercise a right of reply;
- (d) on a point of order or personal explanation; or
- (e) to move that the question be put.

4.13.9 Minor Alteration to Motions or Amendments

The proposer of a Motion may make a minor alteration to a Motion with the consent of the seconder and with the consent of the Council. The Council's consent will be sought by the Chairman of the meeting. Only alterations which could be made as an amendment may be made.

4.13.10 Withdrawal of Motion or Amendment

A Motion or amendment may be withdrawn by the proposer if the seconder and the Council consent. The Council's consent will be sought by the Chairman of the meeting. Unless consent is refused, no Member may then speak on the Motion or amendment.

4.13.11 Acceptance of Other Motions

When a Motion is under debate no other Motion shall be moved except:

- (a) to withdraw the motion;
- (b) to amend the Motion;
- (c) to adjourn the meeting to a specified time and place;
- (d) to adjourn or postpone the debate to a specified time and place;
- (e) to proceed to the next business;
- (f) to put the question immediately to the vote;

- (g) that the meeting continue past 10pm (see rule 4.6.4 (Continuation of Meeting));
- (h) not to hear a Member further;
- (i) to exclude the press and public;
- (j) that a Member shall immediately leave the meeting.

4.13.12 Closure Motions

At the conclusion of a speech of another Member, a Member may move without comment that:

- (a) the debate be adjourned;
- (b) the meeting be adjourned;
- (c) the Council proceed to the next business; or
- (d) the question be put.

4.13.13 Seconding of Closure Motion

Should the Closure Motion be seconded, the Chairman of Council shall proceed as follows if in their opinion the question before the meeting has been sufficiently discussed:

- in the case of a Motion under (a) to (c) in rule 4.13.12 (Closure Motions) above, invite the mover of the original Motion to reply and then put the Closure Motion to the vote; or
- in the case of a Motion under (d) in rule 4.13.12 (Closure Motions) above, put the closure Motion to the vote.

4.13.14 Carrying of Closure Motion

Should the Closure Motion be carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

4.13.15 Close of Debate

At the close of the debate on the original or substantive Motion, the undermentioned shall have the right of speech or reply in the following order:

- the Seconder, if he/she has not already spoken;
- the relevant Executive Member or Chairman of the appropriate Committee if he/she has not already spoken;
- the mover of the original Motion.

If an amendment is moved, the undermentioned shall have the right of speech or reply at the close of the debate on the amendment in the following order:

- the relevant Executive Member or Chairman of the appropriate Committee if he/she has not already spoken;

- the mover of the amendment;
- the mover of the original Motion who shall not otherwise speak on the amendment.

4.13.16 Points of Order/Explanation

A Member may rise and shall:

- be heard immediately on a point of order, relating to an alleged breach of a Procedure Rule or statutory provision . The Councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.
- be heard when the Chairman decides it is relevant, on a point of personal explanation, concerning some material part of a preceding speech by them in the present debate which appears to have been misunderstood. The ruling of the Chairman on the matter will be final.

4.13.17 Respect for Chair

If the Chairman of Council stands during a debate any Member then standing shall resume their seat and the Council shall be silent.

4.13.18 Officers' Advice

The Chairman of Council may request the Chief Executive or appropriate Officer to speak by way of explanation of or to draw the attention of the Council to any legal, technical or administrative matters.

4.14 State of the District Debate

4.14.1 Calling of Debate

The Executive Leader may call a State of the District debate annually on a date and in a form to be agreed with the Chairman.

4.14.2 Form of Debate

The Executive Leader will decide the form of debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

4.14.3 Results of Debate

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the district and considered by the Executive Leader in proposing the Budget and Policy Framework to the Council.

4.15 Behaviour of Members

4.15.1 Disorderly Conduct

If, at a meeting of Council, a Member:

- persistently disregards the ruling of the Chairman of Council; or
- behaves irregularly, improperly or offensively; or

- wilfully obstructs the business of Council;
- any Member may move:
- that the Member named not be heard any further;
 - that the Member named shall leave the meeting; and
 - if the Motion is seconded, it be put to the vote without discussion.

4.15.2 Suspension of Sitting

If there is a general disturbance or if the named Member or member of the public continues to misbehave after a Motion under Rule 4.9.12 (Motions which may be Moved without Notice) has been carried and orderly business is prevented, the Chairman of Council may adjourn the meeting for as long as they consider necessary.

4.16 Rescinding an Earlier Resolution

4.16.1 Six Months Rule

A Motion may not be moved to rescind a decision made at a meeting of the Council within the preceding six months unless notice of the Motion is given under Rule 4.9 (Motions) and is signed by at least one-quarter of all Members of Council. See Rule 4.16.3 (Committee Decision) below.

4.16.2 Rejected Motion

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved.

4.16.3 Committee Decision

A Committee or Sub-Committee may, by a majority of those voting, rescind a decision that it has previously made.

4.17 Voting

4.17.1 Method of Voting

Voting shall be by show of hands. Unless the Constitution or the law provides otherwise any matter will be decided by a simple majority of those present and permitted to vote on the matter at the time the question is put.

4.17.2 Chairman's Casting Vote

If there are equal numbers of votes for and against the Chairman will have a second or casting vote. There will be no restriction on how the Chairman exercises their vote.

4.17.3 Recording of Votes

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request by standing in their places. In these circumstances the Monitoring Officer or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;

- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

4.18 Press and Public

4.18.1 Admission

The press and public shall be permitted to attend meetings of Council unless excluded under provisions contained in Part 1 Schedule 12A of the Local Government Act 1989 and in accordance with Part 8 of the Access to Information Rules of Procedure.

4.18.2 Exclusion of Employee

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his/her own behalf either personally or by or with such representatives as the Council may agree to receive.

4.18.3 Removal

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Council meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

4.18.4 Speaking

Members of the public may only speak at a meeting if the Council so resolves when asking a question in accordance with these Rules of Procedure.

4.18.5 Televising and Sound Recording of Meeting

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 4.

Appendix A

Code of Practice Relating to Televising and Sound Recording of Meetings

Formatted: Right, Border: Bottom: (No border)

Formatted: Right

Formatted: Right, Border: Top: (No border)

Formatted: Right

Formatted: Normal, Right, No bullets or numbering

Formatted: Normal, Right, Space Before: 0 pt, No bullets or numbering

Formatted: Right, Space Before: 0 pt, After: 6 pt, No bullets or numbering

Formatted: Normal, Right, Space Before: 0 pt, No bullets or numbering

The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:

1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Strategic Support and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Strategic Support.
 2. The Head of Strategic Support shall consult the Chairman or Vice Chairman of the meeting regarding a request to film or record a meeting.
 3. Filming or recording will only be permitted for a public purpose.
 4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Strategic Support or his/her representatives as to arrangements for filming and recording.
 5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
 6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, Commission, etc agrees.
 7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
 8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
- If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting.

Appendix A

Protocol Relating to Televising and Sound Recording of Meetings

The televising or sound recording of the Council's public meetings, namely, the Council, Executive, Planning Committees, Licensing Committee, Governance and Audit Committee, Personnel Committee, and Overview and Scrutiny Management Commission, will be permitted, subject to the Protocol set out below. This is in accordance with guidance issued by the Department for Communities and Local Government in July 2013.

1. Requests for permission to take visual or sound recordings should be submitted 3 clear working days before the date of the relevant meeting to the Head of Strategic Support.

2. The Head of Strategic Support shall advise the relevant Chairman or Vice-Chairman of the meeting of the request to record a meeting whether in audio or visual format.

3. Audio or Visual recordings will only be permitted for a public purpose.

4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Strategic Support or their representative as to arrangements for recording.

5. No audio or visual recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.

6. Members of the public who have given notice of their wish to speak at any public meeting shall be advised of the request to record the meeting and shall be able to decide to "opt out" of being recorded. This information will be relayed to the person wishing to record the meeting.

7. The Chairman shall be advised of any "objections to being recorded by members of the public speaking and shall ensure that before debate commences on any item the meeting and public attending are absolutely clear about who can and cannot be recorded.

8. Recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting. In this situation the Chairman may ask for the person recording the meeting to cease this activity at any time.

9. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.

10. If there is a breach of this Protocol, the Chairman may at his or her discretion, after a warning, order that no further sound recording shall take place during the meeting.

West Berkshire Council Constitution

Part 7

Regulatory and Other Committees Rules of Procedure

Document Control

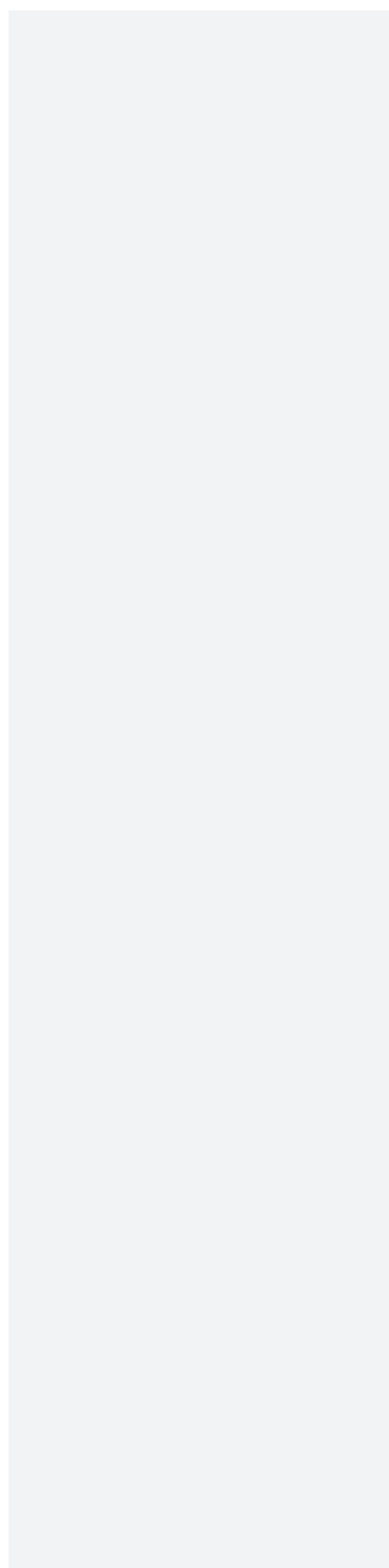
Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	5	Date Modified:	May 2013
Revision due	Annual		
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1.1	Jan 2010	Amendments to include speaking rights for Ward Members and align them with speaking rights of other parties accorded this right.7.13.3 and 7.13.4	
1.2	March 2011	Amendment to 7.1.5 and addition of 7.1.6. Addition of Terms of Reference of Committees	
2	Dec 2011	Changes approved at Council meeting on 6 December 2011.	
3	April 2012	Changes to whole document as a consequence of the Senior Management Review	
4	May 2012	Changes arising from implementation of the Localism Act 2012	
5	May 2013	Changes arising from Annual Council on 14 May 2013	



West Berkshire
C O U N C I L



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:
<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

Contents

7.1	How Regulatory and Other Committees Work	1
7.1.1	Area Planning Committees	1
7.1.2	District Planning Committee	1
7.1.3	Licensing Committee.....	1
7.1.4	Licensing Sub-Committee.....	24
7.1.5	Governance and Audit Committee.....	24
7.1.6	Standards Committee	2
7.1.7	Personnel Committee.....	32
7.1.8	Appointment of Chairman and Vice-Chairman	32
7.2	Meetings of Regulatory and Other Committees	3
7.2.1	Ordinary Meetings	3
7.2.2	Extraordinary Meetings	3
7.2.3	Adjustment to Dates	3
7.2.4	Smoking	3
7.2.5	Mobile Phones.....	3
7.2.6	Quorum	43
7.2.7	Substitutes	4
7.2.8	Continuation of Meeting	54
7.2.9	Committee and Sub-Committee Agendas.....	54
7.3	Order of Business	65
7.3.1	Ordinary Meetings of Committees and Sub-Committees.....	65
7.3.2	Extraordinary Meetings of Committees and Sub-Committees.....	65
7.3.3	Variation	6
7.3.4	Referencing-up	6
7.3.5	Exceptions.....	76
7.3.6	Attendance of Non-Members of Committees	76
7.3.7	Confidentiality and Non-Disclosure of Reports.....	7
7.4	Minutes of Committees and Sub-Committees	87
7.4.1	Approval	87
7.4.2	Accuracy	87
7.4.3	Signing Minutes	87
7.5	Urgent Items going to Urgency Sub-Committees	87
7.5.1	Definition of Urgent Items.....	87
7.5.2	Decisions by Urgency Sub-Committees	8
7.5.3	Minutes of Urgency Sub-Committee Meetings	8
7.5.4	Items Affecting Policy	8
7.5.5	Late Urgent Reports	8

7.6	Motions	98
7.6.1	Consideration of Motion.....	98
7.6.2	Motions which may be Moved without Notice.....	98
7.7	Suspension, Variation and Revocation of Rules of Procedure	109
7.7.1	Suspension of Rules of Procedure	109
7.7.2	Variation/Revocation of Rules of Procedure	109
7.8	Petitions	109
7.9	Rules of Debate	10
7.9.1	Seconding.....	10
7.9.2	Writing.....	10
7.9.3	Speech content	10
7.9.4	Speech length	10
7.9.5	Amendments.....	1140
7.10	Behaviour of Members	1140
7.10.1	Disorderly Conduct	1140
7.10.2	Suspension of Sitting.....	11
7.11	Voting	11
7.11.1	Method of Voting	11
7.11.2	Recording of Votes	11
7.11.3	Equality of Votes	1244
7.11.4	Appointments to Outside Bodies	1244
7.12	Press and Public	1244
7.12.1	Admission.....	1244
7.12.2	Exclusion of Employee	1244
7.12.3	Removal	1244
7.12.4	Speaking.....	12
7.12.5	Televising and Sound Recording of Meeting.....	12
7.13	Planning Applications	12
7.13.1	Speaking Rights	12
7.13.2	Notifying Head of Service.....	12
7.13.3	Procedure	1342
7.13.4	Time Allowed.....	13
7.13.5	Continuation of Meeting.....	1443
7.13.6	Suspension or Variation	1443
7.13.7	Referencing-up.....	14

7.14	Licensing Applications	<u>1514</u>
7.14.1	Speaking Rights	<u>1514</u>
7.14.2	Procedure.....	<u>1514</u>
7.14.3	Time Allowed	15
7.14.4	Continuation of Meeting	<u>1615</u>
7.14.5	Suspension or Variation	<u>1615</u>
7.14.6	Determination of Applications	16
Appendix A.....	Code of Practice Relating to Televising and Sound Recording of Meetings	<u>1817</u>
Appendix B.....	Terms of Reference of Committees	<u>2118</u>

7.1 How Regulatory and Other Committees Work

7.1.1 Area Planning Committees

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint two Area Planning Committees (Eastern and Western) and a District Planning Committee. The Area Planning Committees shall consist of 12 Members reflecting the political balance of the Council.

The Area Planning Committees will consider, on behalf of the Council, applications for planning permission and other Development Control issues which are either outside the process delegated to Officers or applications or issues referred to the Committee in accordance with the approved protocol. The Area Planning Committees may refer a planning application to the District Planning Committee for determination.

Recommendations from Area Planning Committees considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan or the Local Development Framework, there is a district wide public interest or there is a possibility for claims for significant costs against the Council, will be referred to the District Planning Committee.

Formatted: Not Highlight

7.1.2 District Planning Committee

The District Planning Committee will be appointed at the Annual Meeting of Councils and when necessary, or as soon as possible thereafter.. -and Membership shall be drawn from the Eastern and Western Area Planning Committees. The District Planning Committees shall consist of 12 Members reflecting the political balance of the Council and in addition will comprise six Members drawn from the Eastern Area Planning Committee and six Members drawn from the Western Area Planning Committee.

The Committee will consider, on behalf of the Council, recommendations from Area Planning Committees considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan or the Local Development Framework, there is a district wide public interest or there is a possibility for claims for significant costs against the Council.

7.1.3 Licensing Committee

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Licensing Committee. The Licensing Committee shall consist of 14 Members reflecting the political balance of the Council.

The Licensing Committee will consider, on behalf of the Council as Licensing Authority, applications for licences where relevant representations have been received by the Police. The Committee will also consider licensing matters (as set out in Part 3 of this Constitution).

7.1.4 Licensing Sub-Committee

The Licensing Committee will appoint, as and when necessary, a Sub-Committee to determine applications where representations have been received (as set out in Part 3 of this Constitution).

7.1.5 Governance and Audit Committee

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Governance and Audit Committee. The Governance and Audit Committee shall consist of 7 Members reflecting the political balance of the Council.

The Council will delegate its work in relation to challenge and independent assurance on the Risk Management Framework and associated internal control to the Committee.

The main roles of the Governance and Audit Committee are to challenge and provide independent assurance on the Risk Management Framework and associated internal controls of the Council, consider and make recommendations to the Council on proposed changes to the Constitution, review the Council's financial statements and review the external auditors' annual audit letter.

7.1.6 Standards Committee

At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Standards Committee. The Standards Committee shall consist of 6 Members and two co-opted non voting Parish/Town Councillors. The composition of the District Councillors will reflect the political balance of the Council.

The main role of the Standards Committee is to promoting and maintaining high standards of conduct by Councillors and co-opted Members; assisting Councillors and co-opted Members, to observe the Members' Code of Conduct; advising the Council on the adoption or revision of the Members' Code of Conduct; monitoring its operation; advising and training Councillors and co-opted Members on matters relating to the Members' Code of Conduct; granting dispensations to Councillors and co-opted Members on requirements relating to interests; 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; and to exercise the above in relation to the Parish and Town Councils in the District.

The Standards Committee has established an Advisory Panel (comprising 8 members: 2 from the Administration, 2 from the main opposition party, 2 parish/town councillors and 2 independent members) who will be responsible for dealing with any complaints where evidence of breach of the Code of Conduct has been identified. The Advisory Panel will report its findings to the Standards Committee for a formal decision. The Advisory Panel will be chaired by an Independent Member.

The Standards Committee also has a role in considering and recommending improvements to the relevant sections of the Constitution covering the conduct of Councillors and ethical standards of the Council.

7.1.7 Personnel Committee

~~At the Annual Meeting of Council, or as soon as possible thereafter, the Council shall appoint a Personnel Committee. The~~ Personnel Committee shall consist of 5 Members reflecting the political balance of the Council. The Council will delegate its work in relation to agreeing and making changes to HR Policies and Procedures, appointing staff at Head of Service level and above by means of an Appointments Panel, and for determining requests for the early release of pensions, subject to the financial implications of each request being approved the Executive decision-making process.

7.1.8 Appointment of Chairman and Vice-Chairman

Each Committee, Sub-Committee, Panel and Task Group shall at its first meeting, before proceeding to any other business, elect a Chairman and Vice-Chairman who shall hold office for the same period as the Committee or such shorter period as may be determined at any time by the Council.

If a Chairman or Vice-Chairman ceases to hold office the Committee shall elect a new Chairman or Vice-Chairman at its next meeting.

The Chairman of Council shall not be elected Chairman or Vice-Chairman of any Committee during his/her period of office.

7.2 Meetings of Regulatory and Other Committees

7.2.1 Ordinary Meetings

Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

7.2.2 Extraordinary Meetings

The Chairman of a Committee or Sub-Committee may direct the summoning of an extraordinary meeting of a Committee, Sub-Committee at any time.

The Head of Strategic Support shall summons an extraordinary meeting of a Committee or Sub-Committee if three members of the Committee have requisitioned the Chairman of the Committee or Sub-Committee to summons an extraordinary meeting and ~~they~~ ~~has~~ ~~ve~~ refused to do so or has not within seven clear working days of the requisition called an extraordinary meeting to be held within twenty-one days of the requisition.

7.2.3 Adjustment to Dates

The Chairman of the relevant Committee or Sub-Committee in consultation with the Vice-Chairman and the Head of Strategic Support, may make any adjustment to the date, time and place of meetings considered necessary or desirable.

7.2.4 Smoking

There shall be a ban on smoking at all meetings.

7.2.5 Mobile Phones Electronic Communication Devices

~~There shall be a ban on the use of mobile phones at all meetings.~~

Members are permitted to use electronic devices at meetings. If Members wish to use these devices during meetings they should inform the Chairman who will make it clear to any members of the public attending that this activity is permissible. Members will need to consider whether using a device may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.

Members should however switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a Committee or Sub-Committee, a Members' use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.

Members wishing to record meetings (in visual or audio format) will need to do so in accordance with Appendix A to Parts 7 (Regulatory and Other Committees Rules of Procedure).

7.2.6 Quorum

The quorum for Committees and Sub-Committee meetings shall be as follows:

- Committees: One third of the whole number of Members of the Committee or four Members whichever is the greater.

[Note: The numbers above do not include named substitutes unless they are representing a Member of the Council who is unable to attend. (Rule 7.2.7(b) below refers.)]

- Licensing Sub-Committees: Three Members.
- ~~Urgency Sub-Committees: Three Members.~~
- Other Sub-Committees, Panels or Task Groups: One-third of the whole number of Members of the Sub-Committee, Panel or Task Group or three Members, whichever is the greater.

7.2.7 Substitutes

General

In respect of Regulatory or other Committees, there shall be appointed for the Municipal Year such number (if any) of substitute members as Council may from time to time determine.

Appointment of Substitute

If any member of a Regulatory or other Committee is unable to attend a meeting of the Committee or Sub-Committee they may appoint one of the nominated substitute members for that Committee or Sub-Committee to act in their place at the meeting. The appointment shall only take effect if the member making the appointment, or in the Member's absence their Group Leader or Deputy Group Leader, notifies the Head of Strategic Support no later than 30 minutes before the meeting that they will be unable to attend the meeting and of the name of the appointed substitute Member.

At the District Planning Committee the substitute must be a Member of the same Area Planning Committee as the Member they are substituting for.

[Note: The Licensing Committee may not appoint substitutes].

Changing Substitutes

A substitute may be changed during the ~~m~~Municipal ~~y~~Year provided that the Head of Strategic Support or designated Officer receives a written request from the appropriate Group Leader or Deputy Group Leader no later than 30 minutes before the meeting.

7.2.8 Continuation of Meeting

Meetings of the Regulatory or other Committees or Sub-Committees should not normally continue past 10.00pm. If however the Chairman believes that business could be concluded by 10.30pm, a Motion under Rule 7.6.2 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest

7.2.9 Committee and Sub-Committee Agendas

- The Head of Strategic Support will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8 of the Constitution refers). The Head of Strategic Support will send an agenda by post or email to every Member of the Committee or Sub-Committee, or leave it at their usual place of residence, at least five clear working days before a meeting unless the meeting is convened at shorter notice as a matter of urgency. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

[Note: Clear working days do not include day of agenda despatch or day of meeting]

- Members may raise an item of business at a Committee or Sub-Committee meeting by notifying the Head of Strategic Support of the subject matter on or by the Monday two weeks before the meeting. That item shall be included on the agenda for the meeting together with a report of appropriate Officers.
- Subject to Rule (d) below, copies of all Committee and Sub-Committee agendas and reports shall be circulated to all Members and substitutes of the relevant Committee or Sub-Committee and copies of the agenda front sheets shall be circulated to all other Members provided that the agenda and reports shall be circulated to any other Member on request.
- Copies of the agenda and reports relating to Area Planning Committees shall only be circulated to:
 - Members of the Committee;
 - Members representing the wards within the area of the Committee;
 - other Members on request.

7.3 Order of Business

7.3.1 Ordinary Meetings of Committees and Sub-Committees

The order of business at an ordinary meeting of a Committee or Sub-Committee shall be to:

- a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- b) receive apologies for the inability to attend the meeting;
- c) approve the Minutes of the last meeting;
- d) receive any declarations of interest from Members;
- e) receive petitions.

[Note: Petitions relating to planning and licensing applications will normally be received by Officers during the planning or licensing consultation process.]

- f) receive responses of the Council, Executive or other Committees to reports of the relevant Committee; and
- g) consider any business specified in the agenda to the meeting.

7.3.2 Extraordinary Meetings of Committees and Sub-Committees

The order of business at an extraordinary meeting of a Committee or Sub-Committee shall be to:

- a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- b) receive apologies for the inability to attend the meeting;
- c) receive any declarations of interest from Members;
- d) consider any business specified in the agenda to the meeting.

[Note: No Petitions may be received at an Extraordinary Meeting.]

7.3.3 Variation

With the exception of business specified in (a)-(d) of Rule 7.3.1 and (a)-(c) of Rule 7.3.2 above, the order of business may be varied at the discretion of the Chairman.

7.3.4 Referencing-up

Subject to Rule 7.3.5 below, where:

- (a) an application referred to an Area Planning Committee:
 - is considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan ~~or the Local Development Framework~~, there is a district wide public interest or there is a possibility of a claim for significant costs against the Council; or

- following a vote on the matter /application where the majority of Members of an Area Planning Committee so resolve

then the application shall be referred to the District Planning Committee;

- (b) a matter is referred to the District Planning Committee in accordance with (a) above, the matter shall be determined by the District Planning Committee in accordance with Rule 7.9 - Rules of Debate.

7.3.5 Exceptions

Rule 7.3.4 (Referencing-up) shall not apply to any matter which:

- is being considered by an Urgency Sub-Committee, or by a special meeting of a Committee or Sub-Committee which has been called because of the urgency of the matter; or
- is being considered by an ordinary meeting of a Committee or Sub-Committee and in respect of which the Chairman of the meeting acting reasonably considers that delay in determining the matter would prejudice the Council's position; or
- concerns the appointment, discipline or dismissal of a member of staff; or
- involves the hearing of representations (except in connection with petitions and planning applications) from persons other than Members of the Council.

7.3.6 Attendance of Non-Members of Committees

Members of the Council shall be entitled to attend the proceedings of all Committees, Sub-Committees, Panels and Task Groups.

Members of the Council who are not Members of the Committee, Sub-Committee, or Panel (except Appointment/Appeals Panels) and Task Groups may speak during the proceedings of those bodies in the following circumstances:

- if the Chairman consents;
- in explanation of a Motion referred to it;
- if, in the case of an Area Planning Committee, a matter affects the Member's ward.

7.3.7 Confidentiality and Non-Disclosure of Reports

Reports to Committees, Sub-Committees, Panels or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Committee, Sub-Committee, Panel or Task Group decides otherwise.

After the meeting of the Committee, Sub-Committee, Panel or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

7.4 Minutes of Committees and Sub-Committees

7.4.1 Approval

The Chairman of the Committee or Sub-Committee shall move "that the Minutes of the meeting of the (*specify which*) Committee/Sub-Committee held on (*date*) be signed as a correct record".

7.4.2 Accuracy

Only the accuracy of the Minutes may be questioned and an amendment put forward to propose a change of wording. As soon as any such amendment has been agreed, the Chairman will sign the Minutes.

[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]

7.4.3 Signing Minutes

Minutes shall be submitted to and signed at the next meeting of the Committee which is not an extraordinary meeting.

Due to the nature of the Licensing Sub-Committee Minutes (Record of Proceedings), these will be circulated after the meeting to the three Members of the Sub-Committee for them to sign as a true and correct record.

7.5 Urgent Items going to Urgency Sub-Committees

7.5.1 Definition of Urgent Items

For the purposes of this Standing Order "urgent item" means an item of business which needs to be decided before the next meeting of the appropriate Committee and which cannot be dealt with under the existing Scheme of Delegation to Officers.

~~7.5.2 Decisions by Urgency Sub-Committees~~

~~Before an item is submitted to an Urgency Sub-Committee the appropriate Corporate Director shall, where possible, consult the Chief Executive and Chairman of the Committee and a statement as to the urgency shall be included in the report on the item.~~

~~7.5.3 Minutes of Urgency Sub-Committee Meetings~~

~~The Minutes of meetings of Urgency Sub-Committees shall be submitted to the next meeting of the appropriate Standing Committee.~~

~~7.5.4~~ **7.5.2 Items Affecting Policy**

Items which would be of major significance to the established policies of the Council shall not be dealt with under this Rule of Procedure.

~~7.5.5~~ **7.5.3 Late Urgent Reports**

If an urgent matter arises after an agenda for a meeting has been published, the Chairman may consent to a late urgent report being submitted to the Committee, Sub-Committee, Panel or Task Group.

The author(s) of such reports must, if possible, consult the appropriate Members (e.g. Ward Member or Member representative on an outside body) and include details of this consultation in their report.

The report must be circulated as soon as practicable to all Members who would usually receive the report, plus those consulted, even if this is after the meeting.

7.6 Motions

7.6.1 Consideration of Motion

At any meeting of a Committee or Sub-Committee, except an extraordinary meeting that does not appear in the timetable of meetings, a Notice of Motion may be submitted under this Rule for consideration.

The Committee or Sub-Committee can debate the Motion at the meeting, or if deemed appropriate, refer the Motion to Officers for a report to be considered at a subsequent meeting.

7.6.2 Motions which may be Moved without Notice

The following Motions may be moved without notice:

- To appoint a Chairman of the meeting if the Chairman and Vice-Chairman of a Committee or Sub-Committee are absent.
- Motions relating to:
 - o accuracy of Minutes;
 - o closure or adjournment of the meeting;
 - o order of or next business.
- To refer any matter to the Council, the Executive, a Committee, or a Statutory Officer.
- To appoint a Task Group or members of a Task Group if it arises from an item mentioned in the Committee or Sub-Committee agenda.
- To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- To withdraw a Motion or amendment with leave of the Chairman.
- To amend a Motion.
- To extend the time limit for speeches where these are in place.
- To allow the continuation of a meeting past 10.00pm.
- To suspend a Procedure Rule in accordance with Rule 7.7.1 (Suspension, Variation and Revocation of Rules of Procedure).
- To exclude the press and public in accordance with the statutory provisions.
- That the question be now put.
- That a Member named under paragraph 7.10.1 (Behaviour of Members Disorderly Conduct) be not further heard or leave the meeting
- To allow a member of the public to speak in accordance with paragraph 7.12.4 (Speaking).

Formatted

- ~~That a Member named under Rule 7.2.5 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.~~

Formatted: Normal, Indent: Left: 1.27 cm

Formatted: English (United States)

[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 7.6.2 and 7.7.1 provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

7.7 Suspension, Variation and Revocation of Rules of Procedure

7.7.1 Suspension of Rules of Procedure

With the exception of Rules 7.4.3 (Signing Minutes) and 7.11.2 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

- notice of Motion has been given; or
- at least one half of the whole number of members of the Council, Committee or Sub-Committee are present.

[Note: See Rule 7.6.2 above.]

~~7.7.2 Variation/Revocation of Rules of Procedure~~

~~Except at an Annual Meeting of the Council any Motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Council.~~

7.8 Petitions

~~The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns.~~ Petitions fall within the terms of reference of the ~~Commissiontee~~. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

7.9 Rules of Debate

7.9.1 Seconding

A Motion or amendment shall not be discussed until it has been formally moved and seconded.

7.9.2 Writing

The Chairman may require a Motion or amendment to be put into writing before it is discussed or voted upon.

7.9.3 Speech content

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

7.9.4 Speech length

The Chairman may terminate a speech by a Member if he/she considers that it is not contributing to the effective working of the meeting.

7.9.5 Amendments

An amendment shall:

- refer a subject of debate to Council, a Committee or Statutory Officer for consideration or reconsideration unless the Chairman rules otherwise in the interests of expedience; or
- leave out words; or
- leave out words and add others; or
- insert or add words
- not have the effect of introducing new subject matter or of negating the Motion before the Committee.

7.10 Behaviour of Members

7.10.1 Disorderly Conduct

If, at a meeting of a Committee or Sub-Committee, a Member:

- persistently disregards the ruling of the Chairman; or
- behaves irregularly, improperly or offensively; or
- willfully obstructs the business of the Committee or Sub-Committee;
any Member may move:
 - that the Member named not be heard any further;
 - that the Member named shall leave the meeting; and
 - if the Motion is seconded, it be put to the vote without discussion.

7.10.2 Suspension of Sitting

If there is a general disturbance or if the named Member continues to misbehave after a Motion under Rule 7.6.2 (Motions which may be Moved without Notice) has been carried and orderly business is prevented the Chairman may adjourn the meeting for as long as he/she considers necessary.

7.11 Voting

7.11.1 Method of Voting

Voting shall be by show of hands.

7.11.2 Recording of Votes

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request. In these circumstances the Head of Strategic Support or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

7.11.3 Equality of Votes

In the event of an equality of votes the Chairman shall have a second or casting vote.

~~7.11.4 Appointments to Outside Bodies~~

~~If more than two persons are nominated for any position to be filled by a Committee or Sub-Committee the outcome shall be determined by obtaining a simple majority of votes. If a majority is not obtained the relevant Committee or Sub-Committee can decide not to appoint.~~

7.12 Press and Public

7.12.1 Admission

The press and public shall be permitted to attend meetings of Committees or Sub-Committees unless excluded under provisions contained in Part 1 Schedule 12A of the Local Government Act 1989.

7.12.2 Exclusion of Employee

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his / her own behalf either personally or by or with such representatives as the Committee may agree to receive.

7.12.3 Removal

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Committee or Sub-Committee meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

7.12.4 Speaking

Members of the public may only speak at a meeting if the Committee or Sub-Committee so resolves when asking a question in accordance with these Rules of Procedure.

7.12.5 Televising and Sound Recording of Meeting

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 7.

7.13 Planning Applications

7.13.1 Speaking Rights

Members of the public shall be entitled to speak during the consideration of any application for any approval or consent required under Town and Country Planning legislation in accordance with Rules 7.13.2 to 7.13.5 below.

7.13.2 Notifying Head of Service

Any member of the public who wishes to speak shall notify the Head of Planning and Countryside by 4.00 p.m. on the day prior to the meeting.

7.13.3 Procedure

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 Adjoining Ward Member(s)
- Members' questions to Adjoining Ward Member(s)
- 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 Ward, the Chairman, with the agreement of the Committee, may allow additional speakers from the relevant Ward.]

7.13.4 Time Allowed

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;
- Adjoining Ward Member(s);
- 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.

7.13.5 Continuation of Meeting

Meetings of Committees and Sub-Committees shall not normally continue past 10.00pm. If, however, the Chairman believes that business can be concluded by 10.30pm, a Motion under Rule 7.6.2 (Motions which may be moved without notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

7.13.6 Suspension or Variation

The Chairman may:

- suspend the operation of Rule 7.13.4 above (Time Allowed) during the consideration of any application or for the remainder of the meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or
- vary the order of representations if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties concerned.

7.13.7 Referencing-up

Subject to Procedure Rules 7.3.4 (Referencing-up) and 7.3.5 (Exceptions), the Area Planning Committees may refer a planning application to District Planning Committee for determination. Recommendations from Area Planning Committees considered by the Development Control Manager and/or his representative to have a possible conflict with a policy that would undermine the Development Plan ~~or the Local Development Framework~~, there is a district wide public interest or there is a possibility for claims for significant costs against the Council, will be referred to the District Planning Committee; or

Following a vote on the matter/ application where the majority of Members of an Area Planning Committee so resolve will be referred to the District Planning Committee.

7.14 Licensing Applications

7.14.1 Speaking Rights

Members of the public shall be entitled to speak during the consideration of any application for any approval or consent required under the Licensing Act 2003 in accordance with Rules 7.14.2 to 7.14.4 below.

7.14.2 Procedure

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

- Introduction of item by Officers;
- Representation by Applicant/Agent;
- Members' questions to Applicant/Agent;
- Questioning of Applicant/Agent by interested parties;
- Representations by objector(s);
- Members' questions to objector(s);
- Questioning of objector(s) by interested parties;
- Representations by supporter(s);
- Members' questions to supporter(s);
- Questioning of supporter(s) by interested parties;
- Representations by Responsible Authorities;
- Members' questions to Responsible Authorities
- Questioning of Responsible Authorities by interested parties;
- Representations by Ward Member;
- Members' questions to Ward Member(s);
- Questioning of Ward Member(s) by interested parties;
- Applicant/Agent's right to address comments made at the Sub-Committee meeting;
- Consideration of application by Members.

[Note: Questions raised as part of the above process must either be for clarification, be relevant to the application or the Council's Licensing Policy]

7.14.3 Time Allowed

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

- Applicant;
- Objectors;
- Supporters;

- Each Responsible Authority as defined by the Act; eg ~~Police, Environmental Health;~~
- Ward Member(s);
- Applicant/Agent whilst addressing comments made at the Sub-Committee meeting.

Where more than one objector to an application 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.

[Note: If the Sub-Committee consents to a longer period for speeches this will be applicable for all those groups of speakers as set out above.]

7.14.4 Continuation of Meeting

Meetings of Committees and Sub-Committees shall not normally continue past 10.00pm. If, however, the Chairman believes that business can be concluded by 10.30pm, a Motion under Rule 7.6.2 (Motions which may be moved without notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

7.14.5 Suspension or Variation

The Chairman may:

- suspend the operation of Rule 7.14.3 above (Time Allowed) during the consideration of any application or for the remainder of the meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or
- vary the order of representations if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties concerned.

7.14.6 Determination of Applications

Following the hearing of all the evidence the Sub-Committee will then retire to a separate room, from that used for the Sub-Committee meeting, to make its determination.

(a) In the case of a hearing under:

- Section 105(2)(a) – counter notice following police objection to temporary event notice;
- Section 167(5)(a) – review of premises licence following closure order;
- Paragraph 4(3)(a) of Schedule 8 – determination of application for conversion of existing licence;
- Paragraph 16(3)(a) of Schedule 8 – determination of application for conversion of existing club certificate; or

- Paragraph 26(3)(a) of Schedule 8 – determination of application by holder of a justices' licence for grant of personal licence;

The Sub-Committee must make its determination at the conclusion of the hearing.

- (b) In any other case the Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

In relation to the hearings identified in (a) above once the Sub-Committee has come to a decision they will return to the meeting room and notify all parties of their determination.

~~Appendix A~~

~~Code of Practice Relating to Televising and Sound Recording of Meetings~~

Formatted: Heading 4,Appendix No., Border: Bottom: (No border)

Formatted: Heading 4,Appendix No.

Formatted: Heading 4,Appendix No., Border: Top: (No border)

~~The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:~~

Formatted: Font: 12 pt

Formatted: Heading 4,Appendix No.

~~1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Strategic Support and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Strategic Support.~~

Formatted: Heading 4,Appendix No., Space Before: 0 pt, No bullets or numbering

~~2. The Head of Strategic Support shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.~~

~~3. Filming or recording will only be permitted for a public purpose.~~

~~4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Strategic Support or his/her representatives as to arrangements for filming and recording.~~

~~5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.~~

~~6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, Sub-Committee, etc., agrees.~~

~~7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.~~

~~8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.~~

~~9. If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting.~~

Appendix A

Protocol Relating to Televising and Sound Recording of Meetings

The televising or sound recording of the Council's public meetings, namely, the Council, Executive, Planning Committees, Licensing Committee, Governance and Audit Committee, Personnel Committee, and Overview and Scrutiny Management Commission, will be permitted, subject to the Protocol set out below. This is in accordance with guidance issued by the Department for Communities and Local Government in July 2013.

1. Requests for permission to take visual or sound recordings should be submitted 3 clear working days before the date of the relevant meeting to the Head of Strategic Support.

2. The Head of Strategic Support shall advise the relevant Chairman or Vice-Chairman of the meeting of the request to record a meeting whether in audio or visual format.

3. Audio or Visual recordings will only be permitted for a public purpose.

4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Strategic Support or their representative as to arrangements for recording.

5. No audio or visual recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.

6. Members of the public who have given notice of their wish to speak at any public meeting shall be advised of the request to record the meeting and shall be able to decide to "opt out" of being recorded. This information will be relayed to the person wishing to record the meeting.

7. The Chairman shall be advised of any "objections to being recorded by members of the public speaking and shall ensure that before debate commences on any item the meeting and public attending are absolutely clear about who can and cannot be recorded.

8. Recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting. In this situation the Chairman may ask for the person recording the meeting to cease this activity at any time.

9. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.

10. If there is a breach of this Protocol, the Chairman may at his or her discretion, after a warning, order that no further sound recording shall take place during the meeting.

Formatted: Font: 12 pt

Appendix B

Terms of Reference of Committees

Area Planning Committees and District Planning Committee

See Part 3 – Scheme of Delegation.

Licensing Committee and Sub-Committee

See Part 3 – Scheme of Delegation.

Governance and Audit Committee

The overall purpose of the Governance and Audit Committee is to provide effective challenge across the Council and independent assurance on the risk management framework and associated internal control environment to Members and the public, independently of the Executive.

Specifically the Governance and Audit Committee will:

- Consider and make recommendations to the Council on proposed changes to the Constitution.
- Consider any issues emanating from the Government and determine their effect on the Council's business and governance processes.
- Review the effectiveness of the Council's Risk Management arrangements, the control environment and associated Anti Fraud and Corruption arrangements.
- Seek assurance that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the Council's assurance statements (currently produced annually by all Heads of Service) and the Annual Governance Statement properly reflect the risk environment and any actions required to improve it.
- Be satisfied that any Partnership that the Council enters into has robust Governance and Risk Management arrangements and that any risk to the Council from the Partnership is minimised.
- Approve the Internal Audit Strategy and Plan (to ensure that there is adequate coverage) and monitor performance (assessing whether adequate skills and resources are available to provide an effective function).
- Review summary internal audit reports and the main issues arising and seek assurances that action has been taken where necessary.
- Receive the annual report from the Head of Internal Audit.
- To consider any issues brought to the attention of the Committee, or Chair and Vice-Chair, by the Head of Internal Audit at any time during the year.
- Consider reports of external audit and inspection agencies.

- Ensure that there are effective relationships between external and internal audit and inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
- Review the financial statements, including the suitability of accounting policies and treatments, provisions or adjustments.
- Review the external auditors annual audit letter, any other reports and opinion and monitor management action in response to issues raised. (Also comment on the external auditors planned work programme.)

Standards Committee

The general functions of the Standards Committee are:

- promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- assisting the Councillors and co-opted Members, to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct;
- 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;
- 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;

Personnel Committee

That, in order to comply with the Regulations under the Local Government Act 2000, the Council appoint a Personnel Committee (reporting direct to Council) consisting of five Members with the following terms of reference:

- powers to appoint staff at Head of Service level and above by means of an Appointments Panel.
(Note: The Appointments Panel shall be selected from a pool of relevant Members.)
- powers to determine requests for the early release of pensions subject to the financial implications of each request being approved through the Executive decision making process.
- powers to appoint Proper Officers.
- powers to designate officers as Head of Paid Service, Monitoring Officer and Section 151 Officer.
- powers to agree the financial implications of requests for the early release of pensions, subject to the personnel aspects of each request being approved by the Personnel Committee.

- to approve new and revised Human Resources and Health and Safety Policies
- to approve new and revised Human Resources and Health and Safety Procedures.

The power to approve new and revised Human Resources policies and procedures be delegated to the Chief Executive. The Chief Executive may decide to refer particular Human Resources policies and procedures to the Personnel Committee rather than exercise the delegation.

This page is intentionally left blank

West Berkshire Council Constitution

Part 13

Codes and Protocols

Document Control

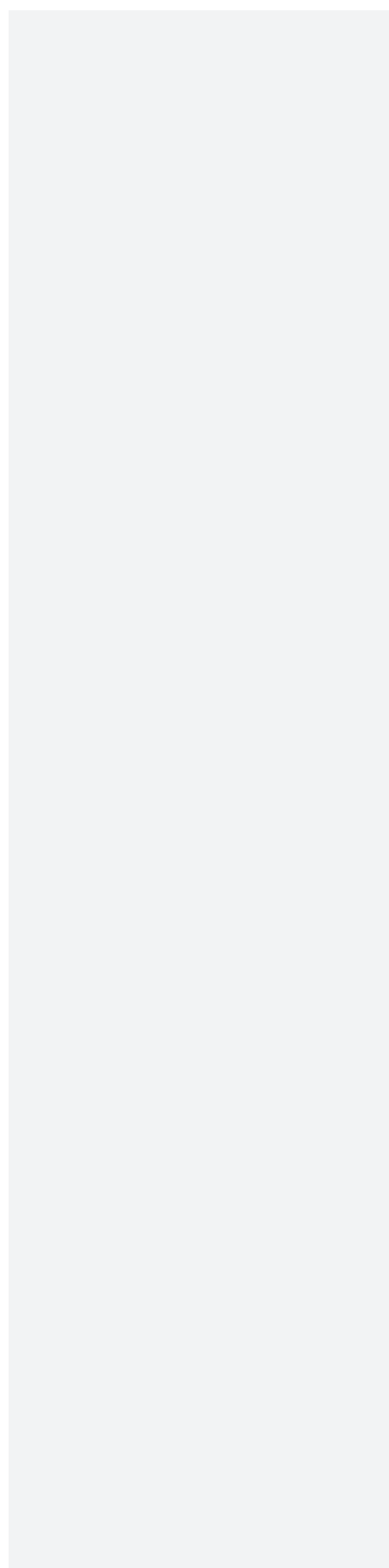
Document Ref:	WB/P&C/MF/2008-11	Date Created:	April 2007
Version:	8	Date Modified:	September 2013
Revision due			
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1	Dec 2008		
2	Oct 2009	Appendix B updated. Appendix I added.	
3	Sept 2010	Appendix C updated with Petition Scheme	
4	May 2011	Numbers realigned due to the removal of the previous Section 8 of the Constitution	
5	Sept 2011	Appendix B updated. Approved at Council 22 September 2011	
6	April 2012	Changes to whole document as a consequence of the Senior Management Review	
7	Dec 2012	Appendix A (paragraph 21) and Appendix G (paragraph 18)	
8	Sept 2013	Appendix C updated. Approved at Council on 19 Sept 2013	



West Berkshire
COUNCIL



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:
<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

Contents

13.1	Protocol on Member/Officer Relations.....	6
13.1.1	Purpose and Scope	6
13.1.2	Definition of ‘Officers’	6
13.1.3	Associated Documents	6
13.1.4	Principles Underlying Member/Officer Relations.....	6
13.1.5	Reasons for Close Working Relations	6
13.1.6	Role of Members	7
13.1.7	Role of Officers	7
13.1.8	Political Neutrality	8
13.1.9	Responsibility to Council.....	8
13.1.10	Officers’ Advice.....	8
13.1.11	Role of Group Executives	8
13.2	Relationships between Members and Officers.....	8
13.2.1	Chairman of the Council	8
13.2.2	Support by Officers to the Executive.....	9
13.2.3	Support by Officers to the Overview and Scrutiny Management Commission	9
13.2.4	Questions for Officers Attending Overview and Scrutiny Management Commission	10
13.2.5	Support by Officers to Other Committees	10
13.2.6	Political Groups.....	10
13.2.7	Request for Officer to attend a Political Group Meeting.....	10
13.3	Relationships between Individual Members and Officers	11
13.3.1	Mutual Respect.....	11
13.3.2	Member/Officer Relations	11
13.3.3	Support by Officers to Ward Members.....	12
13.3.4	Requests for an Officer to attend a Public Meeting.....	12
13.3.5	Informing Members	12
13.3.6	Member Access to Information	12
13.3.7	Inspection of / Access to Documents (see also Access by the Public to Information Rules of Procedure)	13
13.3.8	Press Releases.....	13
13.3.9	Members’ Support Services.....	14
13.3.10	Review of Protocol.....	14
13.3.11	Links with Other Council Policies	14
13.4	Members’ Code of Conduct.....	14

13.4.1	Purpose of the Code	14
13.4.2	Adoption of Code.....	14
13.4.3	Application of the Code	14
13.4.4	The Code	15
13.4.5	Personal Interests	15
13.4.6	Prejudicial Interests.....	15
13.4.7	Dispensations.....	16
13.4.8	Disclosure in Other Dealings	17
13.4.9	Leadership and Chairmanship	17
13.4.10	Councillors and Officers	17
13.4.11	Use of Exempt, Confidential and Private Information.....	18
13.4.12	Gifts and Hospitality	18
13.4.13	Expenses	18
13.4.14	Dealings with the Council	18
13.4.15	Use of Council Facilities	19
13.4.16	Appointment to Other Bodies	19
13.5	Officers' Code of Conduct	19
13.5.1	Introduction	19
13.5.2	Gifts & Hospitality.....	20
13.5.3	Rules and Procedure.....	20
13.5.4	Hospitality.....	21
13.5.5	Personal and Prejudicial Interests, Other Employment and Activities, and Confidentiality.....	22
13.5.6	Interests	22
13.5.7	Rules Governing Interests.....	23
13.5.8	Other Employment and Activities	24
13.5.9	Confidentiality.....	24
13.5.10	Recruitment and Appointment.....	25
13.5.11	General Conduct	25
13.5.12	Dress and Presentation.....	26
13.5.13	Service Delivery	26
13.5.14	Working with the Manager.....	27
13.5.15	Working with Councillors	28
13.5.16	Working with other Employees	28
13.5.17	Working with Money and making Financial Claims	29
13.5.18	Working Safely	29
13.5.19	Protecting the Council and its Standards	30
Appendix A Error! Bookmark not defined.	
	West Berkshire Code of Conduct for Planning To be updated in March 2014	
 Error! Bookmark not defined.	

Appendix B.....	32
Protocol for Decision-Making by Individual Executive Members attached....	32
Appendix C.....	Error! Bookmark not defined.
Procedure Rules for Dealing with Representations Amended in September 2013	Error! Bookmark not defined.
Appendix D.....	Error! Bookmark not defined.
Gifts and Hospitality: A Code of Conduct for Councillors To be amended in March 2014.....	Error! Bookmark not defined.
Appendix E.....	Error! Bookmark not defined.
Procedure for Local Determination of Allegations To be amended in March 2014	Error! Bookmark not defined.
Appendix E1.....	Error! Bookmark not defined.
Appendix F.....	Error! Bookmark not defined.
Protocol for use of ICT Equipment supplied to Members To be amended in May 2014	Error! Bookmark not defined.
Appendix G.....	Error! Bookmark not defined.
West Berkshire Code of Conduct for Licensing To be amended in March 2014	Error! Bookmark not defined.
Appendix H.....	Error! Bookmark not defined.
Code of Conduct for Members - West Berkshire Council Amended in December 2013.....	Error! Bookmark not defined.
Appendix I.....	Error! Bookmark not defined.
Councillor Call for Action Protocol To be amended in May 2014	Error! Bookmark not defined.
Appendix J.....	Error! Bookmark not defined.
Protocol for Council Representation on Outside Bodies To be amended in March 2014.....	Error! Bookmark not defined.

13.1 Protocol on Member/Officer Relations

13.1.1 Purpose and Scope

Member and Officer relations within the Council are positive and effective. This Protocol provides guidance to Members and Officers, and is intended to strengthen and develop those relationships for the benefit of the Council, the community and effective service delivery by setting out the appropriate standard. The Protocol reflects the recommendations of the Nolan report.

The Protocol is a working document to assist both Members and Officers and, as such:

- it is not exhaustive, and will evolve over time;
- it aims to set the context and tone for working relationships;
- it seeks to clarify how day to day, practical Member/Officer relationships will work.

13.1.2 Definition of ‘Officers’

For the purpose of this protocol ‘Officer’ means any Employee/ Manager/Director employed by West Berkshire Council.

13.1.3 Associated Documents

The Protocol should be read in conjunction with the following documents:

- The Council’s Rules of Procedure;
- The Members’ Code of Conduct;
- The Officers’ Code of Conduct.
- The Council’s Code of Conduct for Planning.

13.1.4 Principles Underlying Member/Officer Relations

The Council’s values include Respect, Integrity and Efficiency in reaching our goals. These are reflected in the corporate style and culture which includes close working between Members and Officers.

13.1.5 Reasons for Close Working Relations

Close working relations are essential to:

- maintain mutual trust, confidence and respect between Members and Officers;
- provide the right environment for partnership working;
- facilitate good communications and understanding of political aims and objectives;
- ensure clarity about management and operational responsibilities;
- avoid potentially damaging misunderstandings or tensions which might harm service delivery.

As a general principle, relationships between Members and Officers should be conducted on the basis of mutual respect, openness and partnership.

The approach will be supported by regular and effective two-way communications at both an informal and formal level.

13.1.6 Role of Members

The role of elected Members is defined nationally by legislation and locally with the Council's Constitution.

The role of Members may be broadly described as:

- setting the strategic direction and policies of the Council;
- representing the interests and views of their Constituents;
- monitoring the performance of services;
- overseeing the implementation of policy.

In practice, Members discharge several different roles at the same time depending upon their interests and their position within the Council. The new decision-making arrangements set out Member responsibilities for taking particular decisions, for scrutiny and for other matters such as area working. The relationship is different where the Member is part of the Executive and is empowered to take a decision. All Members are, however, representatives of their [constituents](#) and need to be supported by all Officers in this duty.

Members are also, through the Council, the 'employers' of staff and this relationship is dealt with elsewhere in the Constitution (see Part 12, Personnel Rules of Procedure).

13.1.7 Role of Officers

The key responsibilities of Officers are to:

- provide professional, technical or other advice to the Council, the Executive, Overview and Scrutiny Management Commission, Committees, Sub-Committees and other Member forums;
- manage the staff;
- implement effectively the decisions of the Council, the Executive and Overview and Scrutiny Commission, Committees and Sub-Committees;
- exercise any statutory or delegated powers in the best interests of the Council and in accordance with legislation and the Scheme of Delegation;
- provide information when requested by Members in order that they can discharge their duties;
- respect the rights of individual Members;
- refrain from expressing personal or political opinions on Council matters;

- observe their contract of employment, including provisions relating to the Code of Conduct, political restrictions and confidentiality.

Many Officers will also have management responsibilities and are accountable, through their line manager, to the Head of the Paid Service (Chief Executive) for these duties.

13.1.8 Political Neutrality

Officers are employed by the Council and serve the Council in the delivery of services. As such, Officers are politically neutral and have a duty to provide information to all Members and all Party Groups, subject to the Rules on confidentiality.

13.1.9 Responsibility to Council

The responsibility of Officers to the Council as a whole means that:

- Officers may report to the Council, the Executive or other Member bodies on any matter where they consider that this is required;
- Officers may express a contrary view to that of the Executive or other Member body where there are sound professional or technical reasons for doing so;
- Officer reports may not be changed by Members.

13.1.10 Officers' Advice

Any individual Member may seek the advice of an Officer on a matter relating to the Council's services. The Statutory Officers of the Council have a duty to provide independent advice to the Council and Members on specific matters. These politically restricted posts are:

- Head of the Paid Service: Chief Executive;
- Monitoring Officer: Head of Legal Services;
- Section 151 Officer: Head of Finance.

13.1.11 ~~Role of Group Executives~~ Politically Restricted Roles

Group Executives have been appointed in the Council to support the functioning of the ~~Conservative and Liberal Democrat~~ political groups. These posts are politically restricted and postholders are Officers of the Council. A list of the posts within the Council that are politically restricted is maintained by the Monitoring Officer.

13.2 Relationships between Members and Officers

13.2.1 Chairman of the Council

The Chairman of the Council is the first citizen of the District with particular statutory responsibilities, including chairing meetings of the full Council.

Officers will provide appropriate support to the Chairman in ~~his/her~~ their role of promoting the interests of the District and the Council. For example, by inviting the Chairman to community or staff events, ensuring that the Chairman is kept up to date with major service developments, or supporting the representational role of the Chairman with the Council's key

partners. The Chairman will be supported in ~~his/her~~their duties by Members' Services Staff.

13.2.2 Support by Officers to the Executive

The Executive Leader and other Members of the Executive will receive all necessary advice and support to enable them to discharge their functions effectively. They will need to respect the political neutrality of Officers in giving advice or support.

The Council has decided not to establish a separate team of Officers to work with the Executive; any Officer may be called upon to advise Executive Members or to attend meetings of the Executive. In practice, there will be particularly frequent contact between Executive Members and senior Officers. The Chief Executive and other Officers will attend Executive meetings as necessary.

In addition, Executive Members with specific portfolios will have day-to-day dealings with the relevant Corporate Directors, Heads of Service, senior managers on particular service and policy issues. It is essential that arrangements for these regular meetings are agreed and that a proper record is kept of the purpose and outcome to avoid any unnecessary misunderstanding. Executive Members and their principal Officer contacts will need to work co-operatively and openly and respect each other's responsibilities.

Where an Executive Member has specific delegated powers they should ensure that they adhere to the appropriate protocol on decision-making by Executive Members and obtain all relevant legal, financial and professional advice before any decision is made. They should also consider to what extent they should consult other Members of the Executive or local Ward Members. Decisions made must be recorded as required by Regulations and this Constitution. The Protocol for Decision-Making by Individual Executive Members is set out in Appendix B.

13.2.3 Support by Officers to the Overview and Scrutiny Management Commission

The Chairman and Members of the Overview and Scrutiny Management Commission will receive all necessary support to enable them to discharge their functions effectively.

Any Officer of the Council may be called upon to advise or attend meetings of the Overview and Scrutiny Management Commission. However, to ensure that the scrutiny and policy development role is developed, the Lead Officer for Scrutiny in conjunction with the appropriate Corporate Director ~~and Principal Policy Officer, based in Strategic Support~~, will work with the Overview and Scrutiny Management Commission.

Members will need to respect the role of Officers in providing advice to the Executive as well as to the Overview and Scrutiny Management Commission in a politically neutral way. The Chairman of the Overview and Scrutiny Management Commission will, in particular, have a role in ensuring that questioning of Officers is conducted in a positive and

constructive way and that the respective accountabilities of the Executive for decision-making and Officers for providing advice are understood.

13.2.4 Questions for Officers Attending Overview and Scrutiny Management Commission

Officers attending the Overview and Scrutiny Management Commission may be asked questions of fact about:

- a particular policy;
- the justification for the policy and its objectives;
- the extent to which those objectives have been met;
- how operational factors relate to the policy;
- what advice they gave to the Executive;
- their reasons for taking decisions under Delegated Powers.

13.2.5 Support by Officers to Other Committees

The Chairmen and Members of the Area Planning Committees, [Licensing Committees, Governance and Audit Committee, Personnel Committee and Standards Committee](#) and other relevant Member bodies will receive all the necessary advice and support to enable them to discharge their functions effectively.

These Committees will be supported by a wide range of Officers depending upon the function under discussion.

13.2.6 Political Groups

Officers will provide impartial advice and support to all political Groups on the Council.

13.2.7 Request for Officer to attend a Political Group Meeting

Requests for an Officer to attend a Political Group meeting will be on the following basis:

- Any request must be made through the Chief Executive or a Corporate Director normally five working days in advance of the meeting;
- Officers below senior manager level will not normally attend Group meetings;
- Officers below Head of Service level must not attend Group meetings unless there is another Officer present;
- No Officer can be required to attend a Group meeting;
- Advice given at Group meetings and the views of Members of the Group thereon will be treated as strictly confidential (unless otherwise agreed);
- Any policy formulated as a result of the advice will be regarded solely as the policy of the Group, and not a policy supported by Officers;
- Officers attending Group meetings must be treated fairly and their political neutrality respected;

- Any non-Councillors present at a Group meeting, except Group Executives, must not be given confidential papers and will be asked to leave the meeting if the Officer briefing is confidential.

13.3 Relationships between Individual Members and Officers

13.3.1 Mutual Respect

All contacts, formal or informal, between individual Members and Officers must be on the basis of mutual respect, trust and courtesy. This is particularly important in relation to the reputation of the Council with the community.

13.3.2 Member/Officer Relations

In their dealings with Officers, particularly junior ones, Members need to be aware that staff may feel uneasy or at a disadvantage, and to make allowances for this accordingly.

A Member must not apply pressure on an employee to make a particular decision, to act improperly, or to provide a service to an individual where there is no entitlement.

Similarly, Officers must not apply pressure on a Member to make a decision, nor raise personal matters relating to employment etc. with a view to influencing the Member.

Close personal familiarity between an individual Member and Officer should be avoided. Any close relationship between a Member and an Officer must be made known to the relevant Group Leader and the Officer's manager.

Where a Member is involved in an Officer appointment, grievance or disciplinary panel, they should not let their personal or political views influence their judgement or discuss the matter with others outside the Panel. The overriding consideration must be the best interests of the Council following the procedures as laid down.

Any Member who proposes to act in a professional or private capacity against the Council, must notify the Chief Executive/Monitoring Officer in writing. This notification should also apply to a Member's spouse, partner, employer or company within which the Member has an interest.

Any Member who considers that ~~he/she has~~ they have not been treated with respect and courtesy by an Officer, or has any other concern about the conduct of an Officer (and this has not been resolved by direct discussion with the Officer), may raise this with the Chief Executive or a relevant Corporate Director. Any concern will be investigated and, if appropriate, action may be taken.

If an Officer considers that ~~he/she has~~ they have not been treated appropriately by a Member, or has any other concern about the conduct of a Member, ~~he/she~~ they may raise it with their Manager or Head of Service. Any concern will be investigated and discussed with the relevant Group Leader and the Chief Executive. If the matter cannot be resolved satisfactorily, the Council's Grievance Procedure or Standards Committee procedures may be invoked.

13.3.3 Support by Officers to Ward Members

Officers will support Members in their role as representatives of their local Constituents. This will include:

- providing information on service delivery;
- answering queries from constituents;
- meeting constituents with a Member to hear their views.

13.3.4 Requests for an Officer to attend a Public Meeting

Any request for an Officer to attend a public meeting arranged by a local Member will be dealt with on the following basis:

- the request must be made to the relevant Head of Service or Director, who will consider whether attendance is possible;
- the purpose of the meeting must be clearly stated;
- any publicity for the meeting (e.g. a Ward newsletter) must make it clear that it is not a Council meeting;
- the relevant Spokesperson and other Ward Members (if appropriate) will be advised if an Officer is to be present;
- any Officer attendance will be strictly on an impartial basis;
- no representative of the media should be invited, unless this has been agreed with the Officer.

13.3.5 Informing Members

Officers will seek to keep Members informed about the major issues facing the Council and, in particular, on issues and events affecting their ward. This will include notification of issues coming before the Executive or other Member body. A regular information bulletin which contains Planning Information will be issued and will contain Officer contact details.

13.3.6 Member Access to Information

Where a Member seeks information or advice from an Officer, the request should normally be responded to within two working days. If longer time is needed to prepare a substantive response an acknowledgement should be given and a full response should be provided, at the latest, within 10 working days (which is the Council's performance target for answering all enquiries). The response should be provided on a confidential basis to the Member making the enquiry unless the original correspondence was copied to other Members or the Member agrees that this should happen.

Where the relevant Director or Head of Service considers that the cost of providing the information requested is unreasonable, the request may be declined. In such cases the relevant Group Leader should be advised.

If a Member is seeking information or advice on a politically contentious or controversial issue they should direct their request to the relevant Director or Head of Service. If a request is made of an Officer by a Member for information/advice of other than a factual nature, the Officer may need to liaise with ~~his/her~~ their manager.

Where a Director or Head of Service provides general information to individual Group Leaders, spokespersons or Members, this information will also be provided to other Party Groups.

Where Officers consider that information is of a confidential nature which should not be openly available to the public or press, this information will be supplied by Officers to Members on a private and confidential basis. Any information provided to Members on this basis will be treated as such and will not be circulated outside the Council.

The Council's Access to Information Rules contain the formal legal provisions relating to access to documents by Members. This is supplemented in the Code of Conduct in relation to confidentiality.

13.3.7 Inspection of / Access to Documents (see also Access by the Public to Information Rules of Procedure)

A Member of the Executive, Overview and Scrutiny Commission and other Committees or Sub-Committees, has the right to inspect documents about the business of that body. If not a Member of the specific body, ~~he/she~~ they must satisfy the Chief Executive or the relevant Director why sight of the documents is necessary to perform ~~his/her~~ their duties.

Except as otherwise provided, any Member of Council may inspect any document, or have access to information, held by the Council where such inspection or access is necessary to perform ~~his/her~~ their duties as a Member of the Council.

A Member of Council is not entitled to inspect any document, or have access to any information about a matter in which ~~he/she/they~~ has a ~~disclosable pecuniary or~~ prejudicial interest or where the Member is acting against the Council in a professional capacity. However, this does not remove from the Member the basic rights of a member of the public.

The Chief Executive or relevant Director may, with good reason, refuse a Member of the Council access to, or inspection of, a document or other information. This is likely to be in cases where the information is of a highly sensitive or personal nature and the Member has not demonstrated adequately why ~~he/she/they~~ has a genuine 'need to know' about the information.

If a Member is not satisfied with a decision of the Chief Executive or relevant Director to refuse access to a document or information, ~~he/she~~ they may refer it to the Monitoring Officer. If a Member remains dissatisfied, ~~he/she/they~~ may ask for the matter to be considered by the Standards Committee, who may decide to refer the issue to Council for decision.

13.3.8 Press Releases

Arrangements for the issue of Press Releases will be in accordance with the Code of Practice on Local Authority Publicity ~~(under review)~~. In particular, Council Press Releases will reflect the policies and decision of the Council, the Executive and Executive Members or other Member bodies, not the views of Party Groups. Press Releases will be ~~circulated~~ available to all Members of the Council ~~on a weekly basis~~.

13.3.9 Members' Support Services

Member Support Services will be provided through Strategic Support. These services will assist Members to discharge their various roles as elected representatives and cannot be used for party political or private purposes, or for any campaign unrelated to the Council's functions.

13.3.10 Review of Protocol

This Protocol will be kept under review in the light of experience and will be reviewed at the request of the Leader of the Council and after the Council's Elections.

13.3.11 Links with Other Council Policies

There are close links between this Protocol and the following Council policies:

- Members' Code of Conduct
- Officers' Code of Conduct
- Anti-Fraud Strategy
- Confidential Reporting Code
- Access to Information Procedure Rules

13.4 Members' Code of Conduct

13.4.1 Purpose of the Code

The Code of Conduct provides, by way of guidance to Members of Local Authorities, recommended standards of conduct in carrying out their duties, and their relationships with the Council and the Council's Officers.

~~13.4.2 Adoption of Code~~

~~The Code was adopted by the Council on 01 July 2007 under the provisions of Part III of the Local Government Act 2000. The Council has also adopted a Procedure for Local Determination of Allegations which can be found at Appendix E.~~

~~The initial Code of Conduct was adopted by the Council at its meeting on 10th May 2012 and confirmed at a meeting on 16th July 2012 pursuant to the Localism Act 2011 and its duty to promote and maintain High Standards of Conduct by members and co-opted members of the Council. It is effective from 1st July 2012. The revised Code was adopted at the Council meeting on the 12 December 2013.~~

~~Details of the Code of Conduct are attached at Appendix H to Part 13 (Codes and Protocols).~~

~~13.4.3 Application of the Code~~

~~The Code applies to all elected, co-opted and independent Members of all Local Authorities, including Town and Parish Councils, Fire, Police and National Park Authorities.~~

Formatted: Indent: Left: 2 cm

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

13.4.4 ~~The Code~~

~~The overriding duty as a Councillor is to the whole local community. Councillors have a special duty to their constituents, including those who did not vote for them.~~

~~Whilst they may be strongly influenced by the views of others, and of their party in particular, it is their responsibility alone to decide what view to take on any issue which the Council has to determine.~~

~~If they have a prejudicial interest in a question which Councillors have to decide, they should never take part in the decision, except in special circumstances described below. Where such decisions do permit them to participate, they should never let their interest influence the decision.~~

~~They should never do anything as a Councillor which they could not justify to the public. Their conduct, and what the public believes about their conduct, will affect the reputation of the Council, and the party if they belong to one.~~

~~It is not enough to avoid actual impropriety. They should at all times avoid any occasion for suspicion and any appearance of improper conduct.~~

Formatted: Bullets and Numbering

13.4.5 ~~Personal Interests~~

~~The law makes provision requiring Members to disclose both personal and prejudicial interests (including those of a spouse/partner with whom they are living) which they may have in any matter coming before the Council, Executive, Committee, Sub-Committee or Task Groups etc.~~

~~A personal interest under the Code is briefly described as follows:~~

~~*“A Member must regard himself/herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under Paragraphs 14 and 15 (Registration of Financial and other interests) or if a decision upon it might reasonably be regarded as affecting to a greater extent than other Council taxpayers, ratepayers or inhabitants of the authority’s area, the well-being or financial position of himself/herself, a relative or friend.”*~~

~~They should not allow the impression to be created that they are, or may be, using their position to promote a personal interest, rather than forwarding the interest of the general public.~~

~~If they have a personal interest in a matter, they may, having declared it, take part in the discussion of the matter and may vote on it.~~

Formatted: Bullets and Numbering

13.4.6 ~~Prejudicial Interests~~

~~A prejudicial interest under the Code is briefly described as follows:~~

~~*“A Member with a personal interest in a matter will also have a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest.”*~~

~~Under Schedule 1 (Part 2— Paragraph 10) of the Model Code of Conduct —Authorities operating Executive Arrangements— a Member may regard~~

Formatted: Bullets and Numbering

himself/herself as not having a prejudicial interest in a matter if that matter relates to:

- another relevant authority of which he/she is a member.
- another public authority in which he/she holds a position of general control or management.
- a body to which he/she has been appointed or nominated by the authority as its representative.
- the housing functions of the authority where the Member holds a tenancy or lease with a relevant authority, provided that he/she does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the Member's tenancy or lease.
- the functions of the authority in respect of school meals, transport and travelling expenses, where the Member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends.
- the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- the functions of the authority in respect of an allowance or payment under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

In the above circumstances, a Member must declare a personal interest and clarify that the interest is not prejudicial by virtue of one of the exemptions.

A Member, with a prejudicial interest in any matter at a meeting, must:

- withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter in which he has an interest is being considered at that meeting, unless he has obtained a dispensation from the authority's Standards Committee;
- not exercise Executive functions in relation to that matter; and
- not seek improperly to influence a decision about that matter.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

13.4.7 Dispensations

Section 81(4) of the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 permits the Standards Committee to grant dispensations in the following circumstances:

- If the transaction of business of the authority would, on each occasion on which the dispensation would apply, be impeded by the mandatory provisions because:
 - the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or so required to participate.

Formatted: Bullets and Numbering

- ~~the authority is not able to comply with any duty which applies to it under Section 15 (4) of the Local Government and Housing Act 1989.~~

13.4.8 Disclosure in Other Dealings

~~A Member should always apply the principles about the disclosure of interests to their dealings with Council Officers, and to their unofficial relations with other Councillors (at party group meetings, or other formal occasions), including informal meetings with other Members and/or Officers relating to the discharge of the Authority's functions no less scrupulously than at formal meetings of the Council, Executive, Executive Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Area Committees.~~

~~They, or some firm or body with which they are personally connected, may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of one or more of the Council's Committees or Sub-Committees.~~

13.4.9 13.4.2 Leadership and Chairmanship

A Member should not seek, or accept, the leadership of the Council if they, or any body with which they are associated, has a significant financial interest in, or is closely related to, the business or affairs of the Council. Likewise, they should not accept the chairmanship of the Executive, a Committee or Sub-Committee if they have similar interest in the business of that Committee or Sub-Committee.

13.4.10 13.4.3 Councillors and Officers

Both Councillors and Officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council, Executive and/or its Committees and Sub-Committees.

Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

The law and the Council's Constitution lay down rules for the appointment, discipline and dismissal of staff. Councillors must ensure that they observe these scrupulously at all times. In all other circumstances, if they are called upon to take part in appointing an Officer, the only question they should consider is which candidate would best serve the whole Council. They should not let their political or personal preferences influence their judgement. They should not canvass the support of colleagues for any candidate and they should resist any attempt by others to canvass theirs.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

13.4.1113.4.4 Use of Exempt, Confidential and Private Information

Formatted: Bullets and Numbering

As a Councillor or a Committee or Sub-Committee Member, they necessarily acquire much information that has not yet been made public and is still exempt or confidential. It is a betrayal of trust to breach such confidences. They should never disclose or use exempt or confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

13.4.1213.4.5 Gifts and Hospitality

Formatted: Bullets and Numbering

(Further information is supplied at Appendix D)

A Member should treat with extreme caution any offer or gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

~~The Council, at its meeting of 17 December 2002, whilst noting the provisions contained in Schedule 1 of Part 3 of the Model Code of Conduct – Authorities Operating Executive Arrangements (Paragraph 17 – a Member is required within 28 days of receiving any gift or hospitality over the value of £25, to provide written notification to the Monitoring Officer of the existence and nature of that “gift” or “hospitality”), agreed that all gifts, irrespective of value, should be recorded in the appropriate register of gifts and hospitality which will be open to public inspection.~~

Members are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.

13.4.1313.4.6 Expenses

Formatted: Bullets and Numbering

There are rules enabling Members to claim expenses in connection with their duties as a Councillor or Member of a Committee or Sub-Committee. These rules are set out in Part 14 (Members’ Allowances Scheme) and must be scrupulously observed.

13.4.1413.4.7 Dealings with the Council

Formatted: Bullets and Numbering

A Member may have dealings with the Council on a personal level, for instance as a Uniform Business Rate payer or Council Tax payer, as a tenant or as an applicant for a grant or planning permission.

They should never seek or accept preferential treatment in those dealings because of their position as a Councillor or Member of a Committee or Sub-Committee.

They should also avoid placing themselves in a position that could lead the public to think that they are receiving preferential treatment in those dealings because of their position as a Councillor or Member of a Committee or Sub-Committee.

They should also avoid placing themselves in a position that could lead the public to think that they are receiving preferential treatment; for instance, by being in substantial arrears to the Council, or by using their

position to discuss a planning application personally with Officers when other members of the public would not have the opportunity to do so (Planning Code of Conduct also refers).

Likewise, they should never use their position as a Councillor or Member of a Committee or Sub-Committee to seek preferential treatment for friends or relatives, or any firm or body with which they are personally connected.

~~13.4.15~~13.4.8 **Use of Council Facilities**

A Member ~~should~~**must** always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Council for use in their duties are used strictly for those duties and for no other purpose. In relation to the use of ICT equipment supplied to Members, please see the ICT Protocol attached at Appendix F.

Formatted: Bullets and Numbering

~~13.4.16~~13.4.9 **Appointment to Other Bodies**

A Member may be appointed or nominated by the Council as a member of another body or organisation – for instance, to a Joint Authority or a voluntary organisation. They should always observe this Code in carrying out their duties on that body in the same way they would with their own Authority.

Formatted: Bullets and Numbering

13.5 Officers' Code of Conduct

13.5.1 Introduction

This Code of Conduct for West Berkshire Council ~~non-school based~~ employees ~~sets out the expected standards of~~ ~~gives information on the types of~~ behaviour ~~for employees of the Council that are acceptable and unacceptable for employees of the Council~~ ~~other than those based in schools~~.

The public is entitled to expect the highest standards of integrity from local government employees and to know that decisions and actions taken are fair and impartial. Public confidence is shaken if there is the least suspicion, however ill-founded, that there has been improper conduct or that decisions and/or actions have been influenced by improper motives or pressures. Councils are expected to provide clear guidance to their employees on what is acceptable conduct and what is not.

The Council, ~~as employer~~, also has a right to expect high standards of conduct and loyalty ~~from its employees~~. In ~~the delivery of services~~ ~~Council of~~ ~~employees should maintain the high standards of services~~, behaviour ~~of employees should, at all times, be to the highest standard~~ that the public is entitled to expect. Employees ~~are should~~ also ~~expected to~~ behave in a fair, courteous and supportive manner to colleagues within the Council, and ~~to~~ operate within the Council's employment policies.

The Council has three organisational values which help guide its philosophy and culture. The values underpin what the employer, employees and the public can expect in terms of delivery of services, standards and styles of management. These values are:

- respect in all relationships;

Formatted: Bullets and Numbering

- integrity in everything we do:

~~efficiency in reaching our goals~~ The Council has declared values by which it operates and which underpin, in the broadest sense, what the employer, employees and the public can expect in terms of delivery of services, standards and styles of management. These values are:

~~Respect;~~

- Integrity;

~~Ambition.~~

This Code of Conduct reflects those values and provides staff with information about the rules and standards expected of them.

Breaches of the Code of Conduct will normally result in disciplinary action being taken. Serious breaches may result in dismissal from the Council's employment.

The Code of Conduct is in three sections:

- Gifts and Hospitality
- Financial and Personal Interests, Other Employment and Activities and Confidentiality
- General Behaviour and Conduct.

13.5.2 Gifts & Hospitality - General

~~Providing the public with the highest quality of service possible not only involves being responsive, helpful and polite but above all, it requires integrity and honesty at all times.~~

The acceptance of gifts and hospitality is a sensitive area where actions can easily be misconstrued. ~~There are always dangers in accepting a gift or hospitality.~~ Much of what is acceptable practice in the private sector is not acceptable in local government employment ~~where.~~ ~~Unlike private industry,~~ actions of employees are ~~totally~~ open to public scrutiny. In deciding whether to accept gifts or hospitality, employees should consider how their actions might be considered by a member of the public; they should not be embarrassed to explain them. Therefore, the actions of employees should be such that they would not be embarrassed to explain them to anyone. These guidelines will help to judge what sort of gift, and what level of hospitality is acceptable.

13.5.3 Rules and Procedure for Gifts and Hospitality

Acceptance of gifts or hospitality should be the exception. If in any doubt, they should be refused.

~~The following general rules apply and must guide decisions on receipt of gifts and hospitality as an employee of the Council:~~

- (a) ~~to accept gifts should be the exception.~~ Employees may accept small "thank you" gifts of token value, such as a diary, a coffee mug or bunch of flowers, if they have not asked for any such gift and if their manager agrees (in advance as far as possible). ~~Their~~ manager ~~will~~must note all such gifts in the hospitality register (see (e) below).

Formatted: Indent: Left: 2 cm, Hanging: 1 cm

Formatted: Bullets and Numbering

- Gifts that their manager ~~does not permit them to~~ refuses permission to accept must be returned;
- (b) Employees should always say no if it is ~~thought~~ believed that the giver has an ulterior motive. ~~They should~~ Be sensitive to the possibility that the giver may think that even small gifts or simple hospitality will elicit a more prompt service or preferential treatment;
- (c) Employees should not accept gifts or hospitality ~~should not be accepted~~ from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking planning consent, seeking employment with the Council, or in dispute with the Council, even if the employee is not directly involved in that service area;
- (d) if an employee is in doubt about the acceptability of any gift or offer of hospitality ~~it is their responsibility to~~ they should consult the Head of Service or ~~ir~~ Corporate Director ~~or Head of Service~~;
- (e) ~~Employees must~~ prevent an employee from being suspected of dishonesty, each Head of Service will keep a hospitality register. This will enable managers to record any offer of a gift or hospitality, whether accepted or not. It is the employees' duty to report in writing (if requested to do so) to their manager, straight away, any offer of hospitality made to them. The manager will make sure it is entered in the Service Unit's gifts and hospitality register. Each Head of Service will keep a hospitality register to record any offer of a gift or hospitality, whether accepted or not and this should be reported to Strategic Support.

13.5.4 Hospitality

A gauge of what is acceptable hospitality is whether this Council would offer a similar level of hospitality in similar circumstances.

Occasional working lunches with customers, providers or partners are generally acceptable as a way of doing business provided ~~they are not to an unreasonable level or cost.~~ that the frequency and costs are reasonable.

Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules at 13.5.3 above have been taken into account, it may be acceptable to join other company/organisation guests at:

- sponsored cultural and sporting events, or other public performances, as a representative of the Council
- special events such as jubilee or millennium celebrations.

In all such cases, Corporate Directors or Heads of Service must be consulted. When deciding acceptability, employees and managers should take account of:

- the number of events attended

Formatted: Bullets and Numbering

- the possible public perception of the attendance of employees at such events
- the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee.

~~But, the number of these events should be considered, taking into account what public perception is likely to be if they knew employees were attending.~~

~~Acceptability depends on the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee. In all such cases, Corporate Directors or Heads of Service must be consulted.~~

~~Acceptance of Paid holidays, or concessionary travel rates, are not acceptable. Neither are offers of hotel accommodation or the use of company flats is not acceptable.~~

If an employee is visiting a company to view equipment that the Council is considering buying, ~~they should ensure that~~ expenses ~~of for~~ the trip ~~are~~ should be paid by the Council. Acceptance of refreshments and/or a working lunch may be acceptable, but care must be taken to ensure that the Council's purchasing and/or tender procedures are not compromised.

Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to an employee's work is acceptable.

Offers to speak at corporate dinners and social gatherings, or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Council ~~may be accepted must be if~~ agreed in advance with the Head of Service. ~~In such cases W~~where a spouse or partner is included in the invitation, ~~and approval has been given by the relevant Head of Service for an employee to attend, it will be is~~ acceptable for the ~~m~~ spouse or partner to attend as well, ~~but if provided that~~ expenses ~~are~~ incurred, ~~these will be are~~ met ~~personally by the employee.~~

Any invitation accepted should be made to the employee in their professional/working capacity as a representative of the Council.

13.5.5 Personal and Prejudicial Interests, Other Employment and Activities, and Confidentiality

Formatted: Bullets and Numbering

~~Local Government employees must, at all times, be seen to be acting fairly and impartially and must consider how their actions appear to members of the public. Everything they do is open to public scrutiny. The public must never have reason to suspect that an employee's personal needs or interests or those of their family or friends influence actions or decisions.~~

13.5.6 Interests

Formatted: Bullets and Numbering

~~These can be Personal or Prejudicial. Further details of these interests can be found in Rules 13.4.5 and 13.4.6.~~

~~Although generally, off-duty hours are an employee's personal concern, they must not engage in any additional employment or outside activity which conflicts with the Council's interests or which could damage public~~

~~confidence. Rules 13.5.7 and 13.5.8 below provide more information about additional employment.~~

~~13.5.7~~**13.5.5 Rules Governing Interests**

~~The following rules are to assist Officers in determining whether they have a financial or personal interest that should be declared. These rules also outline the actions they must take should such an interest exist or if they wish to take up additional employment or engage in certain other activities: Local Government employees must, at all times, be seen to be acting fairly and impartially and must consider how their actions appear to members of the public. Everything they do is open to public scrutiny. The public must never have reason to suspect that an employee's personal needs or interests or those of their family or friends influence actions or decisions.~~

~~Further details of personal or prejudicial interests can be found in Rules 13.4.5 and 13.4.6.~~

~~The following rules set out what constitutes an interest that may conflict with the interests of the Council and the actions that employees must take should such an interest exist.~~

- Financial interests can be either direct (e.g. an employee or family member making application for planning consent or a grant from the Council) or indirect (e.g. an employee or family member being a committee member of a club that is making such an application).
- A personal interest ~~would be exists~~ when an employee or their family or close friends or any organisation they belong to could at sometime gain or lose (other than financially) from an act or decision of the Council.
- ~~Employees must disclose to the Head of Service if they have if an employee has~~ a friend, associate or relative who is involved in providing goods or services to the Council or who is receiving grants or benefits from the Council of a kind that they deal with directly or monitor in any way in the course of their work, ~~this is disclosabl_e.~~
- If ~~in an employee's job~~ circumstances arise during employment in which the ~~employeee~~ could exploit Council information or procedures ~~in any way~~ they should inform the Head of ~~Service~~ Human Resources in writing, ~~with a copy to their manager.~~ ~~Thus t~~he manager should be informed if the employee, their partner or a close relative:
 - is applying for a service or benefit that in the job the employee supplies, administers or influences; or
 - is or could be affected by a change to service delivery, enforcement or control procedures which in the job the employee carries out, administers or influences.
- An employee should register with the Council their membership with any organisation not open to the public that has secrecy about rules, membership and/or conduct, for example Freemasons.

Formatted: Bullets and Numbering

Disclosures must be made in writing to the Head of ~~Human Resources~~Service, with a copy to the ~~employee's~~Head of ~~Service~~Human Resources. ~~He or she~~The Head of Service will enter brief details of the enclosure in a register that is open for inspection by elected Members of the Council, but not the general public. Disclosures will also be circulated to other Heads of Service for the attention of any Officers who might need to know.

The Head of Human Resources will liaise as appropriate with the Head of Finance and the Audit Manager, who will also have access to any disclosures.

~~13.5.8~~13.5.6 Other Employment and Activities

~~Employees must not engage in any additional employment, unpaid appointments or other outside activity which conflicts with the Council's interests or which could damage public confidence. In some circumstances permission must be sought before taking on additional employment, as follows:~~

~~(a)~~ Senior Employees

Senior employees (on or above ~~spinal column point~~ 33) must not engage in any other business or take up any additional appointment or employment without the written consent of their Head of Service. ~~To avoid doubt, they should obtain such consent in writing.~~

(b) All Employees

There is no requirement, ~~in terms of conduct,~~ for ~~other~~ employees on spinal column point 32 or under to obtain the consent of their Head of Service before taking up additional employment. However, all employees must inform their manager if they do so because the Working Time Directive requires employers to know the total number of hours worked by their employees, ~~all employees must inform their manager if they do so.~~

~~Any additional employment/appointments taken up must not conflict with the Council's interests or in any way weaken public confidence.~~

~~Engagement or involvement in other activities, whether for pay or not, must not conflict with the Council's interests or in any way weaken public confidence.~~

The Council owns any inventions, writings and drawings created in the course of employment (intellectual ownership). Employees must obtain their Head of Service's written permission to publish or use this material for any other purpose.

Employees should consider with caution any requests to do private work, using their professional/technical skills, and must always be aware of the potential for conflict of interest and damage to public confidence in those circumstances.

~~13.5.9~~13.5.7 Confidentiality

Some Council documents are public documents e.g. the Constitution and Complaints Procedures. Other information is strictly exempt/confidential

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

e.g. personal information about staff and clients and tendering information. Such information must not be made public or disclosed without authorisation.

Employees must not disclose any information that is exempt and/or confidential or that, if it were made public, may lead to a breakdown in the trust and confidence that the Council is required to provide to the public and therefore to expect of its' employees. It may be necessary to discuss confidential information with colleagues, but when this is the case, it should always be borne in mind that the sensitive information is sensitive and should not be discussed in public, where it may be overheard. Employees should not disclose exempt/confidential information gained through employment in a social or public setting. ~~Employees are sometimes asked for information about the Council when they are socialising. It is important to remember that information an employee may be party to is exempt/ confidential, and should not be discussed in public.~~

~~It is particularly important to ensure that exempt/confidential information does not become generally public.~~ Employees must not pass any information, or make comment, to the press or other media unless they are expressly authorised to do so. Media enquiries in particular should be handled with care and employees should notify the appropriate Head of Service and the Public Relations Team if they have been approached by the media.

~~13.5.10~~ **13.5.8 Recruitment and Appointment**

If an employee is involved in recruitment or making an appointment, they must apply the Council's Recruitment and Selection processes, and ensure that fairness and equity is applied at all stages.

~~If they are Employees~~ involved in recruitment or making an appointment, ~~they~~ must inform their manager if they are closely associated with any of the candidates (e.g. ~~he/she is they are~~ a relative or close friend).

~~If they are Employees~~ making a work-related application to the Council (e.g. for a different job, secondment or development opportunity) ~~they~~ must disclose to the decision-maker any information that could affect the outcome or cause public concern, ~~however groundless~~ (e.g. the relationship to an important contractor or client of the service or a conviction relevant to the work).

~~When applying for a post or other work related opportunity~~ ~~they~~ must not seek the help or influence of Members of the Council or senior employees.

~~13.5.11~~ **13.5.9 General Conduct**

All employees are expected to apply the Council's values to all aspects of their behaviour and conduct at work. The Council has an Equality Opportunities Policy that must be applied in all dealings; with work colleagues as well as with those individuals and organisations ~~they that employees~~ have contact with in their work.

The Council has agreed ~~procedures for the Management of~~ Disciplinary Rules, which contain examples of conduct which is unacceptable.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Employees must make themselves aware of ~~these procedures and the~~ ir content of these rules.

~~In general terms, t~~The Council expects ~~that~~ the conduct of its employees ~~is to be~~ such that no justifiable complaint can be made by members of the public, other bodies and agencies, other employees, managers or Council Members. Any complaints about inappropriate conduct will be dealt with ~~fairly and reasonably~~ using the Council's ~~agreed procedures~~ Disciplinary Procedure.

All employees are expected to ~~obey~~ comply with the law relating to their work and general conduct. If they break the law outside of working time and the offence is one that could damage public confidence or have a direct effect on their work, they may be subject to disciplinary procedures.

All employees are expected to treat the equipment and facilities that they use at work with care. Abuse of Council property and facilities will be considered as a serious matter and dealt with under the Disciplinary Procedure.

~~13.5.12~~13.5.10 **Dress and Presentation**

Formatted: Bullets and Numbering

The Council expects its employees to dress in a manner that ~~creates~~ gives a good impression to the public, and is suitable for the type of work being carried out. Clothes should provide sufficient cover at all times of the year ~~not to be offensive~~. Managers will advise employees of the type of clothes that are appropriate for the type of work they are employed to do. ~~If in doubt, ask for clarification.~~

~~Employees who are required to wear~~ If an employee provides a service that requires the wearing of a uniform ~~they~~ must conform to those requirements. If they have personal, cultural or religious objections to these requirements, they must raise them with their Head of Service, who will consider each case on its merits and take appropriate action, including using the Council's agreed procedures where appropriate, seeking advice from Human Resources where necessary.

Clothes should be clean and tidy unless soiled by work duties on that day.

~~13.5.13~~13.5.11 **Service Delivery**

Formatted: Bullets and Numbering

~~Good customer care is essential. The first impression created with service users, either in personal contact or on the telephone, will often determine how the interaction will proceed and how the Council will be perceived.~~

Employees must treat all service users with courtesy and respect. If a service user is aggressive or offensive, an employee may firmly and politely end their interaction with him or her or summon assistance, but they should not be aggressive or rude in response. They should inform their manager in writing immediately of details of any aggressive or offensive customer or colleague they have dealt with. Details of the protocol that operates in each Sservice area for dealing with aggressive or offensive customers ~~can be accessed through Managers should be~~ provided by the Head of Service.

Training programmes are provided for staff to help develop ways of dealing with difficult customers appropriately. Managers should provide details if an employee believes it may help them in their job.

-It may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Staff Employees who are directly assaulted may be entitled as a last resort to take reasonable action to defend themselves, but over-reaction can constitute a criminal offence. The Council ~~would wish to will~~ support and take appropriate action on behalf of staff employees who are assaulted in the course of their duties.

Employees should try at all times to make service users feel that they are receiving the best attention. Every effort should be made to satisfy the service user or enquirer at ~~his/her the fir~~ irst point of contact. If an employee needs to refer the enquiry or matter to another member of staff or another agency, they must explain the reason why.

~~13.5.14~~ 13.5.12 Working with the Manager

Formatted: Bullets and Numbering

Managers should deal with staff courteously, reasonably and fairly at all times.

~~It is important to keep a good working relationship with the manager. As part of this, the m~~ Managers will use the Council's Employee Performance Management scheme to appraise performance and provide feedback. ~~They will define expectations, advise on; with advice on~~ how to improve; ~~define what is expected of employees~~ and deal with any concerns they may have about ~~their an employee's~~ work.

Managers should ~~also provide~~ advise of relating to the Council's ~~personnel human resources~~ policies ~~where they affect employees~~ and provide access to appropriate training and career development within the context of budget and service delivery needs.

~~Managers should also will deal with staff courteously, reasonably and fairly at all times. Managers will~~ support staff in the proper performance of their duties, including assistance, where necessary, in dealing with other employees or members of the public.

Employees should treat managers with respect and courtesy and carry out any reasonable and lawful instructions their manager gives them to the best of their ability.

~~Employees should carry out any reasonable and lawful instructions their manager gives them to the best of their ability.~~

Employees should ~~fill in complete~~ any document, form or record in an honest way and never damage, alter or falsify them. ~~They should never conceal any matter that is known should be reported.~~

~~All dealings with managers should involve the same emphasis on honesty as with the public or colleagues.~~

Employees have a responsibility to report any breaches of disciplinary or other Council rules.

~~13.5.15~~13.5.13 Working with Councillors

Formatted: Bullets and Numbering

~~When dealing with Councillors' enquiries~~ employees are expected to must be both polite and efficient, when dealing with enquiries from elected Members while working within whatever procedures apply in each Service Service Unit. Councillors ~~should~~ must deal with employees courteously and reasonably.

~~Employees must not discuss Anyany~~ personal matters to do with the job ~~should not be discussed~~ with CouncillorsMembers directly, but ~~should~~ must go through ~~the accepted~~ agreed Council procedures, such as grievance and appeals procedures and consultative panels. ~~In the same way,~~ Allegations or claims about other employees should must be taken up with an appropriate manager and not ~~a Councillor~~ with Members.

Employees ~~should~~ must not use CouncillorMembers to bypass formal Council procedures in any way, for example to influence the outcome of any disciplinary matter. This does not affect the rights of trade unions to take up matters on behalf of their members through the recognised channels, or for CouncillorsMembers to be formally involved in Council procedures when appropriate - for example as a witness.

Employees ~~should~~ must ~~not~~ try to influence CouncillorMembers prior to any appointment, although this does not preclude them from approaching their local Ward Councillor in his/her their role as their elected representative.

~~13.5.16~~13.5.14 Working with other Employees

Formatted: Bullets and Numbering

Employees should show respect for their colleagues and should not disrupt or hinder their work in any way.

All forms of bullying, including violence or verbal aggression towards colleagues is unacceptable and will be dealt with ~~seriously by the Council under the Disciplinary Procedure~~. It is not acceptable for employees to abuse their position with the Council to take advantage of other employees. If there are important issues that they cannot resolve amicably with another employee, they must make the situation known to their manager.

All forms of harassment, including on the grounds of sex, race, religion or belief, sexual orientation, age, gender identity, political affiliation, or membership of a trade union, are unacceptable. The Council's approach is set out in the Responding to Bullying and Harassment Policy. Allegations will be investigated and dealt with under the terms of the Disciplinary Procedure where necessary.

~~All forms of harassment, including racial and sexual harassment, and harassment on the grounds of religion, class, sexuality, age and political affiliations and membership of a Trade Union are unacceptable. It is the person who is harassed, rather than the person who is alleged to be harassing, who defines harassment. If behaviour is beyond the behaviour of a reasonable person, or if the person concerned says that it is unwelcome, it must stop immediately. Failure to do so will be dealt with seriously by the Council.~~

Personal relationships with colleagues who would have a line or other management ~~'parent' or 'grandparent'~~ relationship must be declared on appointment. If ~~subsequent to appointment close~~ personal relationships develop between colleagues who have a line-management ~~'parent' or 'grandparent'~~ relationship, ~~the~~ employees concerned must inform their Head of Service. ~~If they are unsure about the need to inform their Head of Service about relationships with colleagues, they should seek clarity from their line manager, or from the Human Resources teams. Some Service Units have specific codes of conduct on this issue and employees must adhere to the rules they contain.~~ This information will be treated with confidentiality.

13.5.15 Smoking, Alcohol and Prescription Drugs at Work

Formatted: Bullets and Numbering

The Council operates a no smoking policy. This applies to all Council ~~buildings, buildings~~ and those where Council services are provided. It also applies when transporting customers in Council or private vehicles.

Employees should not consume alcohol when they are on duty unless agreed beforehand by their manager for specific occasions.

Employees should ensure that any alcohol which is consumed whilst off duty but during the normal working day will not damage the reputation of the Council. For certain types of work, for example those which involve operating heavy machinery, driving Council vehicles and working in Social Services, it is not acceptable to consume any alcohol during the working day. ~~the manager will be able to advise further and give a copy of local arrangements. Managers must provide employees with details of local arrangements~~

Prescribed drugs may be taken on the condition that they do not interfere with service delivery. If an employee is taking prescribed drugs that may affect their behaviour and/or their performance they should inform their line manager, who will take a view on their attendance at work.

13.5.1713.5.16 Working with Money and making Financial Claims

Formatted: Bullets and Numbering

Employees receiving or responsible for public money need to take particular care. Monies collected on behalf of the Council must be banked by them or otherwise passed to responsible Officers without undue delay.

All processes and procedures laid down for the management of the Council's financial affairs must be followed, including Financial Regulations, Standing Orders and the Council's Anti-Fraud and Anti-Corruption Policy.

Claims submitted to the Council for reimbursement of expenditure or for legitimate allowances, the correct procedures must be followed and details of the claim are within set limits, are correct and can be substantiated.

13.5.1813.5.17 Working Safely

Formatted: Bullets and Numbering

The Council and its employees have statutory responsibilities for ensuring that a healthy and safe working environment is maintained. These are set out in the Council's Health and Safety Policy.

Actions or omissions of any individual that place others in danger may lead to ~~serious~~ disciplinary action.

Employees are expected to:

- adhere to the Council's Health and Safety Policy and the safety rules relating to their particular service;
- make known to their manager any unsafe situations or practices that they become aware of;
- take appropriate steps to ensure the health and safety of other employees and any other users of the Council's premises;
- wear any safety clothing and use any safety equipment provided for work;
- report promptly any injuries, accidents or near misses suffered at work;
- report incidents of abusive/aggressive or bullying/threatening behaviour experienced by the employee or they come into contact with during their work;
- tell their manager if they are taking any medications that could affect their ability to work safely;
- comply with hygiene requirements.

~~13.5.19~~13.5.18 **Protecting the Council and its Standards**

Formatted: Bullets and Numbering

The Council needs its employees help to ensure that West Berkshire can continue to be a fair and equitable provider of services, a safe and rewarding place to work and a local authority with the highest standards and reputation. It recognises that ~~E~~employees are often the first to know when things are going wrong in the Council's operations.

However, there may be reasons why ~~the employees~~ ~~is~~ ~~are~~ reluctant to draw attention to their concerns e.g. they feel that reporting on colleagues, managers or ~~e~~Elected Members is disloyal; they are worried that they may not be believed or they are afraid of possible victimisation or future disadvantage.

The Council values employees and others who are prepared to acknowledge when things are not right and to bring such matters to the attention of others that can deal with them. Only by encouraging those people to report inappropriate or unlawful conduct can the Council protect its reputation and maintain its high standards.

Improper or unlawful conduct can cover a wide range including financial irregularity; abuse of clients; abuse of power or position; neglect of duty; sexual or racial discrimination; bullying or harassment.

If an employee detects or has reason to suspect that colleagues, managers or ~~E~~Elected Members are acting improperly, the Council has a reporting process that can be followed without fear of victimisation, discrimination or disadvantage. The process is set out in part of the Council's Confidential Reporting Policy. (~~o~~often referred to as athe whistle blowing policy.)

~~Improper or unlawful conduct can cover a wide range including financial irregularity; abuse of clients; abuse of power or position; neglect of duty; sexual or racial discrimination; bullying or harassment.~~

~~Further information about the Confidential Reporting Policy and process is available from managers, Heads of Service, Trade Union representatives or the Head of Human Resources.~~

~~The Council needs its employees help to ensure that West Berkshire can continue to be a fair and equitable provider of services, a safe and rewarding place to work and a local authority with the highest standards and reputation.~~

Appendix B

Protocol for Decision-Making by Individual Executive Members

1. Introduction

At its Annual Meeting on 7 May 2002, the Council approved a protocol for decision making by Individual Portfolio Members. The Protocol was drafted on the basis that individual Portfolio Members would not have powers to make “key decisions”. These are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:

- (i) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority’s budget for the service or function to which the decision is related.
- (ii) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.

It was found that this protocol was too restrictive, particularly in relation to the second definition of a “key decision”, which restricted decisions to single wards or electoral divisions.

The Council, at its meeting on 17 December 2002, therefore agreed the following list of exceptions to the “key decisions”:

- (i) All decisions relating to Highway Matters which are within the approved budget and policy framework;
- (ii) With the exception of those strategic plans, strategies and policies requiring Council approval (as set out in Article 5 of the [Constitution](#)) decisions relating to all other plans, strategies and policies that the Council is required to produce;
- (iii) The Council’s response to Government and other consultation documents;
- (iv) Appointments to outside bodies.

A further exception was agreed at the Council meeting on 4 May 2004:

- (v) Insofar as the Public Rights of Way issues referred to in Part 3 of the [Constitution](#) (Scheme of Delegation) Rule 3.14.9 (Notices and Orders in Relation to Highways and Public Rights of Way) and 3.15.1 (Countryside including Rights of Way Functions) are concerned, it is proposed that, where these issues affect more than one Ward, whether objections are received or not, the decision shall be the subject of the Individual Decision-making process.

At the Council meeting on the 13 December 2005 the list of exemptions to “key decisions” was extended to allow the following to be the subject of the Individual Decision-making process:

- (vi) the Leader of the Council to approve the Council’s Forward Plan for subsequent publication in accordance with the Local Government Act 2000 later replaced by the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

At the Council meeting on the 22 September 2011 the list of exemptions to “key decisions” was extended to allow the following to be the subject of the Individual Decision-making process:

- (vii) Annual Reports and Statement of Purpose – e.g. Castlegate, Fostering and Adoption Annual Reports;
- (viii) Permission to go out to consultation – e.g. Home to School Transport and School Admissions.

A step by step guide to the Individual Decision Making Process is attached as Appendix B1 to this protocol.

2. West Berkshire Council Forward Plan

Subject to the provisions contained in Part 5 (Executive Rules of Procedure) Rule 5.4.6 (General Exception) and Rule 5.4.7 (Special Urgency) of the [Constitution](#) all decisions to be made by Executive Members **must** be included in the [West Berkshire Council Forward Plan](#).

A Forward Plan Submission Form **must** be completed and returned to Strategic Support in all cases. Deadlines for items to be included on the Forward Plan must be strictly adhered to. Failure to comply with these deadlines will result in the decision(s) having to be delayed by a further month. Revised regulations now require the forward plan to be published 28 clear days’ before a key decision can be taken. It should be noted that “clear days” means working days, from midnight to midnight, and excludes weekends and public holidays, so 28 clear days equates to around 5½ normal weeks.

The provisions contained in Rules 5.4.6 and 5.4.7 will apply when a decision is deemed to be urgent. The rules relating to call-in set out in the Rule 5.3 will not apply in the case of urgent decisions.

3. Dates when Individual Decisions can be made

The Executive Member will make their decision at a meeting with the relevant Corporate Director or their representative. An Officer from Strategic Support must also be in attendance. **It is the responsibility of the Service Areas to ensure that the Executive Member is aware of the forthcoming item and agrees the date when the decision will be taken.** In the absence of the Executive Member (and with their agreement) the Leader or Deputy Leader of the Council can be authorised to make a decision on their behalf at a meeting. The date and time of the meeting will, however, be at the discretion of the relevant Executive Member.

4. Formal Written Report

A written report will be prepared by the relevant Corporate Director or Head of Service. The report shall include the following information:

- The name of the Executive Member within whose portfolio the issue falls
- The issue to be decided with reasons for the decision
- Supporting information – a summary of the facts relating to the matter under consideration. This section of the report should confirm that the proposed course of action is in accordance with the approved policy and budget framework. It should also include all the necessary corporate implications (e.g. finance, personnel, legal etc)
- The Officer's recommendation and the reasons for that recommendation
- Other options considered (where appropriate)
- A list of background papers
- Implications e.g. policy, financial, personnel, etc
- Any consultations undertaken, **the method of consultation** and a summary of any representations
- A report which contains confidential or exempt information must state the reasons why such information is contained (**Rule 8.10.4 refers**).

The report should be e-mailed to Strategic Support seven clear working days before the decision is due to be made. This is in order that it can be sent out to all Members five clear working days prior to the decision being made. The five clear working days do not include the day of the meeting or day of despatch of the report. A copy of the Decision Record Notice should be completed by the Service Area and e-mailed with the report.

5. Decision Record Notice

An Officer from Strategic Support will bring a copy of the relevant report with the partially completed Decision Record Notice to the Decision Meeting. Prior to the meeting the Corporate Director or their representative will check with the Executive Member that they are content with the decision notice.

The Decision Record Notice shall contain the following information:

- The issue to be decided with reasons for the decision
- Other options considered (where appropriate)
- Any consultations undertaken and a summary of comments received. (including other Members consulted if appropriate)
- A list of background papers
- If the report contains confidential or exempt information this must be stated with the reasons why such information is contained (Rule 8.10.4 refers).
- Whether or not any Member consulted in connection with the matter or participating in the making of the decision has declared a conflict of interest under the Local Code of Conduct.

- If a conflict of interest has been declared, a copy of the minute of any dispensation granted by the Standards Committee or Monitoring Officer should be attached to the decision notice (if appropriate).

After each decision has been taken, the Executive Member, Corporate Director or their representative will finalise and sign the Decision Record Notice. The report and Decision Record Notice will then be handed over to the attending Officer from Strategic Support who will also sign it and a copy of the Notice will be sent to the Corporate Director or their representative for their records.

The Decision Record Notice will then be made available via the [Council's website](#).

6. Call-In

Decisions will usually be subject to call-in. The call-in procedure shall not apply where the decision taken by the Portfolio Holder has to be implemented before the expiry of the call-in period. This will only be the case if one of the following applies:

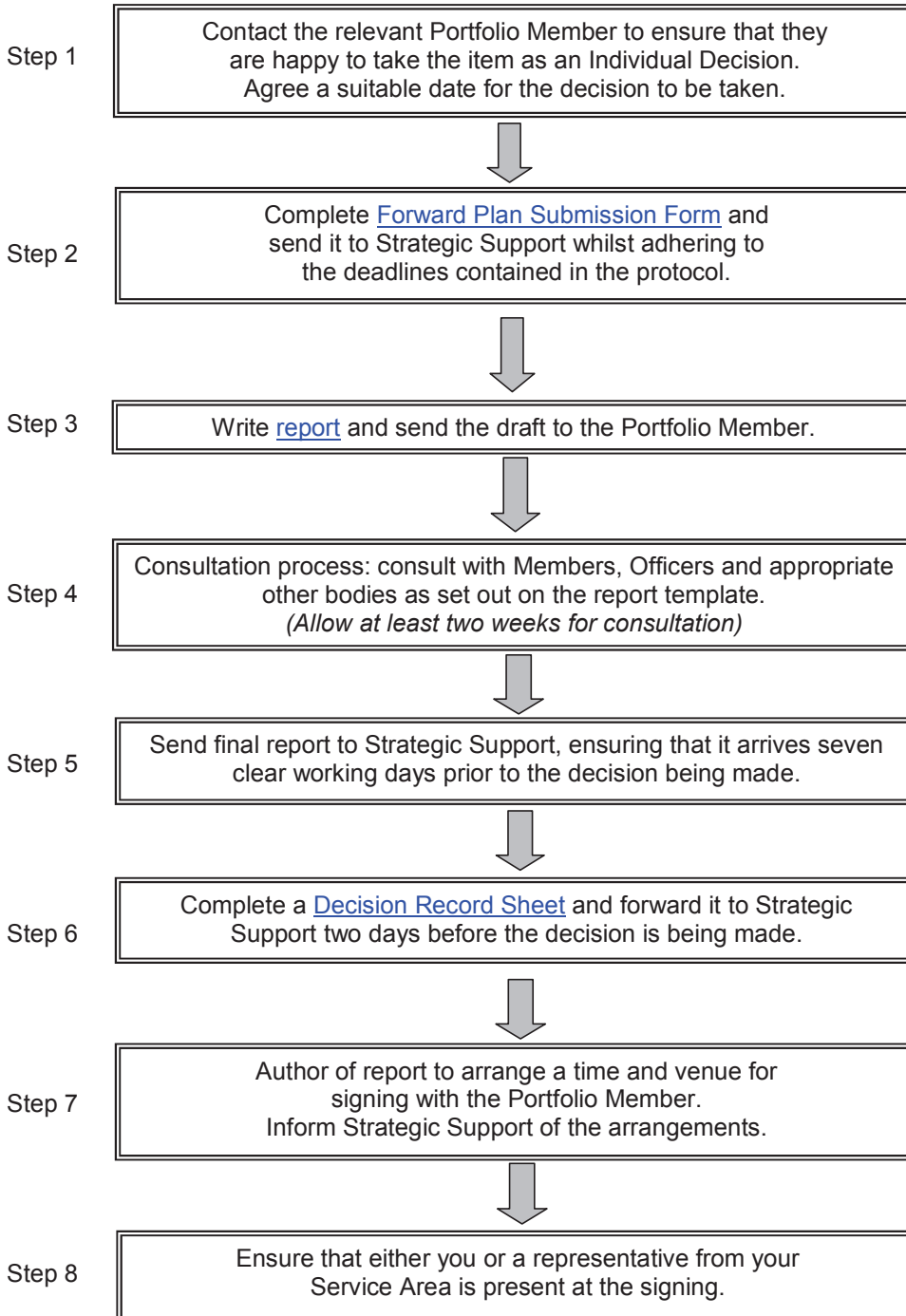
- If there were a delay in implementing the decision, this would have serious financial implications for the Council or could compromise the Council's position.
- The item has been considered by the Overview and Scrutiny Management Commission, or has been the subject of a review undertaken by another body e.g. Task Group, within the preceding six months.
- The item is deemed an Urgent Key Decision as set out in Rule 5.4.7 (Special Urgency – Key Decision).
- Reports that do not require a decision and are for information only will also not be subject to 'call-in'.

The reason why the item is "not subject to call-in" must be specified in the report. In the event of a dispute over the reason why the item is "not subject to call-in" the Monitoring Officer or the Section 151 Officer will be the final arbiter.

In the event that an item is called in an Officer from Strategic Support will inform the relevant Corporate Director and/or Head of Service if the item has been called-in. If the item has not been called-in after five clear working days have elapsed the decision can then be implemented.

Appendix B1

Individual Decision Making Process



This page is intentionally left blank

Title of Report:	Proposed Member Development Programme for 2014 to 2015
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2672

Purpose of Report: To agree the Member Development Programme for 2014/2015.

Recommended Action:

1. Council is asked to consider and agree a Member Development Programme for 2014/15.
2. The two Leaders are asked to nominate three Members from each group to join an E learning pilot group.

Reason for decision to be taken: To allow the future delivery of the Member Development Programme until May 2015.

Other options considered: None

Key background documentation: None

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 Members are adequately trained and briefed for their roles.	

Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel (01635) 868638
E-mail Address:	rcroft@westberks.gov.uk
Date Portfolio Member agreed report:	12 November 2013

Contact Officer Details	
Name:	Jude Thomas/Jo Watt
Job Title:	Member Services Officers
Tel. No.:	01635 519083/519242
E-mail Address:	jathomas@westberks.gov.uk/jwatt@westberks.gov.uk

Implications

Policy:	The programme has been developed taking the principles of the previously agreed strategy agreed at the Council meeting on 06 December 2011 into consideration.
Financial:	A budget of £2k has been set aside for Member training. Wherever appropriate, training will be delivered in-house to ensure that costs are kept as low as possible.
Personnel:	N/A
Legal/Procurement:	N/A
Property:	N/A
Risk Management:	N/A

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 and Report

1. Introduction

- 1.1 The Member Development Group (chaired by the Chief Executive and attended by Councillors Paul Bryant and Roger Hunneman) met on 14th October 2013 to propose a programme for the delivery of Member Development Sessions until the next Election in May 2015.
- 1.2 The Member Development Strategy was agreed at the Council meeting held on 6 December 2011. The strategy outlined that no more than three service-based sessions should be held per year and Members should have the options to seek inclusions in the programme where there were vacancies. In addition it was recommended that the Chief Executive should provide a joint policy/finance session to Members every six months. The strategy also suggested that Equalities Training was held every three years, hence its inclusion in the 2014/15 programme.
- 1.3 The Group agreed that the principle of holding Member Development sessions should continue, with repeat daytime sessions being offered where possible as this had significantly improved attendance levels.
- 1.4 Members were surveyed over the summer regarding the current Member Development arrangements and future training requirements. Although response levels were low, a number of Members did put forward suggestions that were considered by the Member Development Group. These suggestions have been incorporated into the programme, where possible. Those sessions resulting from Member feedback are asterisked on the programme table in 2.3.
- 1.5 E-learning was also discussed as an option for the provision of future Member training and it was agreed that the officers should pursue the opportunity of delivery via Learning Pool (the company with whom the Council currently holds a licence for staff training). If the principle of e-learning is agreed, Officers would organise a pilot for a small group of Members prior to e-learning being built into the post 2015 programme more substantially.

2. Proposals

- 2.1 Those Members who are appointed to Planning and Licensing Committees should receive training on an annual basis, before one of their scheduled meetings, and in line with any significant policy changes.
- 2.2 The two Group Leaders are asked to nominate three Members to participate in an e learning pilot.
- 2.3 The following Member Development programme is proposed by the Member Development Group for the period up until 2015:

2014/2015	
Public Health Update - to include the Health Economy	31 March & 3 April 2014
Six monthly Policy/Finance Update - to include Troubled Families* and Safeguarding*	29 April & 7 May 2014

Local Authority Role of Education and Schools' Update	9 & 13 June 2014
West Berkshire Council's Power to Enforce Issues that Annoy Residents - to include dog fouling, graffiti, litter dropping, noise, breaches of planning and parking on pavements*	7 & 10 July 2014
Equalities (three yearly requirement)	TBC
Annual Planning and Licensing Updates	TBC
Economy - to include the LEP Perspective and what businesses expect from the council*	29 September 2014
Six monthly Policy/Finance update with Nick Carter	13 & 16 October 2014

2.4 The following sessions are scheduled for the current year:

2013/2014	Session date	No of members attending the session
The Changing Face of Education	8 April 2013	12
Policy/Finance update with Nick Carter/Andy Day	22 April 2013	15
Policy/Finance update with Nick Carter/Andy Day	1 May 2013	11
Community Infrastructure Levy	29 May 2013	16
Community Infrastructure Levy	30 May 2013	7
Adult Social Care	3 June 2013	15
Adult Social Care	4 June 2013	9
Chairing Skills (limited invitation)	30 July 2013	7
Public Health Update	9 September 2013	15
Scrutiny Training (limited invitation)	10 September 2013	15
Public Health Update	16 September 2013	9
Policy Finance Update	21 October 2013	11
Policy Finance Update	30 October 2013	15
Children's Services	27 January 2014	
Children's Services	3 February 2014	
Partnership & Visions	24 February 2014	

Partnership & Visions	5 March 2014	
Annual Planning & Licensing Update	TBC	
Annual Planning & Licensing Update	TBC	

3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

4. Conclusion

4.1 Members are asked to agree the proposed Member Development Programme and the setting up of a pilot e-learning group to trial e-learning for Members.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: Councillors Paul Bryant, Gwen Mason and Roger Hunneman

Officers Consulted: Moira Fraser, Democratic Services Manager
Corporate Board

Trade Union: Not consulted

This page is intentionally left blank

Title of Report:	2014/15 West Berkshire Council Timetable of Public Meetings
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2594

Purpose of Report: To recommend a timetable of meetings for 2014/15.

Recommended Action: To approve the timetable of public meetings for the 52014/14 Municipal Year.

Reason for decision to be taken: To ensure that a timetable of meetings for 2014/15 is published.

Other options considered: None

Key background documentation: None

The proposals contained in this report will help to achieve all the Council Strategy priorities and principles by: ensuring that a robust decision making framework is in place.

Portfolio Member Details	
Name & Telephone No.:	Councillor Gordon Lundie
E-mail Address:	glundie@westberks.gov.uk
Date Portfolio Member agreed report:	12 November 2013

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

Implications

Policy: This report accords with the council's policy of publishing its timetable of meetings

Financial: There are no financial implications associated with the publication of this report. The costs associated with holding meetings, Members' attendance and the publication of agendas will be from within existing budgets.

Personnel: None

Legal/Procurement: None

Property: None

Risk Management: None

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"/>
Not relevant to equality			<input checked="" 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 and Report

1. Introduction

1.1 The Timetable of Meetings for the Municipal Year 2014/15 is attached as Appendix A and has been based on the following principles:

- Executive meetings have been arranged to take cognisance of democratic requirements and holiday periods (meetings to take place between five and eight weeks apart);
- Overview and Scrutiny Management Commission to meet two weeks after the Executive meeting (to allow called in items to be considered expediently);
- Council meetings to be held in May, July (additional meeting arranged for determining planning papers), September, December and March;
- Area Planning Committees to be held three weekly;
- Provisional dates have been included for District Planning Meetings. These dates will only be used if the meetings are required and additional meetings may be arranged to ensure that the Planning timescales are adhered to;
- Four Licensing Committee dates (in June, September, December and March) have also been included on the timetable;
- Health and Wellbeing Board meetings have been included on a bi-monthly basis;
- Quarterly Standards Committee meetings have been arranged in accordance with the requirements of the Localism Act 2011;
- Governance and Audit meetings have been arranged in order to meet deadlines for Council meetings and to facilitate the signing off of the Council's financial accounts;
- Two District/Parishes Conference meetings to be scheduled each year.

2. Proposals

It is recommended that the schedule for the 2014/15 Municipal Year be approved.

3. Equalities Impact Assessment Outcomes

3.1 It is not envisaged that agreeing the dates of meetings in advance of the Municipal Year in which they will take place will adversely affect the majority of individuals who would wish to attend the meetings. Care is taken to ensure that meetings are held in venues with disabled access. It is noted that most of the Council's public meetings do take place in the evenings which might impact on the ability of some residents to attend the meetings. Advertising meeting dates in advance should assist with mitigating this issue as those wishing to attend the meetings would have advance warning as to when they should take place.

4. Conclusion

4.1 The schedule has been widely consulted on and is recommended for approval.

Appendices

Appendix A – Timetable of meetings May 2014 – May 2015

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Melanie Ellis, Andy Walker, Ian Priestley, Gary Rayner, David Pearson, Derek Carnegie, Paul Anstey, Brian Leahy, Strategic Support Team (including Group Executives), David Holling, Sarah Clarke and Corporate Board

Trade Union: Not consulted

West Berkshire Council – Timetable of Meetings- May 2014 to May 2015

	MAY 2014	JUN 2014	JUL 2014	AUG 2014	SEP 2014	OCT 2014	NOV 2014	DEC 2014	JAN 2015	FEB 2015	MAR 2015	APR 2015	MAY 2015
Mon					1 G&A			1					
Tues			1 OSMC		2			2 OSMC					
Weds			2 W		3	1 D		3 WBP/D				1 E	
Thur	1 CON		3		4 X	2 CON		4 CON	1			2	
Fri	2		4	1	5	3		5	2			3	1
Sat	3		5	2	6	4	1	6	3			4	2
Sun	4	1	6	3	7	5	2	7	4	1	1	5	3
Mon	5	2	7	4	8	6	3	8	5	2	2	6	4
Tues	6 LD	3 LIC	8	5 OSMC	9 LD	7	4	9 LD	6	3	3 C	7	5
Weds	7	4 E	9 D	6 E	10 WBP	8 E	5 W	10 E	7	4 W	4 D	8 W	6
Thur	8 X	5	10	7	11 CON	9 X	6	11 C	8 CON	5 CON	5	9	7 Election
Fri	9	6	11	8	12	10	7	12	9	6	6	10	8
Sat	10	7	12	9	13	11	8	13	10	7	7	11	9
Sun	11	8	13	10	14	12	9	14	11	8	8	12	10
Mon	12	9	14 G&A	11	15	13 STDS	10	15 CPP	12 STDS	9 G&A	9	13	11
Tues	13	10	15 LD	12	16 OSMC	14 DPC	11	16 LIC	13 LD	10 LD	10 DPC	14	12 LD
Weds	14 E	11 W	16 E	13 W	17 E	15 W	12 D	17 W	14 E/W	11	11 E	15 D	13
Thur	15 HWBB/C	12 CON	17 CON	14	18 C	16	13 CON	18 X	15 X	12 X	12 CON	16 CON	14 CON
Fri	16	13	18	15	19	17	14	19	16	13	13	17	15
Sat	17	14	19	16	20	18	15	20	17	14	14	18	16
Sun	18	15	20	17	21	19	16	21	18	15	15	19	17
Mon	19	16 STDS	21	18	22 CPP	20	17	22	19	16	16	20 STDS	18
Tues	20 OSMC	17 LD	22 C	19	23 LIC	21 OSMC	18 LD	23	20	17	17 LD	21 LD	19 C
Weds	21 W	18 WBP	23 W	20 D	24 W	22	19 E	24	21 D	18 E	18 WBP/W	22 E	20 E/W
Thur	22 European Election	19 X	24 HWBB	21	25 HWBB	23	20 X	25	22 HWBB	19	19 X	23 X	21
Fri	23	20	25	22	26	24	21	26	23	20	20	24	22
Sat	24	21	26	23	27	25	22	27	24	21	21	25	23
Sun	25	22	27	24	28	26	23	28	25	22	22	26	24
Mon	26	23 CPP	28	25	29	27	24 G&A	29	26	23	23 CPP	27 G&A	25
Tues	27	24	29	26	30	28	25	30	27 OSMC	24 OSMC	24 LIC	28 OSMC	26
Weds	28 D	25 E	30	27 E		29 E	26 W	31	28 E	25 W	25	29 W	27 D
Thur	29	26	31	28		30	27 HWBB		29	26	26 HWBB	30	28 HWBB/X
Fri	30	27		29		31	28		30	27	27		29
Sat	31	28		30			29		31	28	28		30
Sun		29		31			30				29		31
Mon		30									30		
Tues											31 OSMC		

C Council – 7.00pm except Budget meeting which starts at 6.30pm	STDS Standards Committee – 6.30pm	W Western Area Planning Cttee – 6.30pm	CON Conservative Group Meeting – 6.30pm
X Executive – 5.00pm	LIC Licensing 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	CPP Corporate Parenting Panel – 6.30pm	D District Planning Committee (provisional dates) – 6.30pm	HWBB Health and Wellbeing Board – 9.00am
OSMC Overview & Scrutiny Management Commission – 6.30pm		WBP West Berkshire Partnership Board – 2.00pm	1 Bank Holiday
		DPC District/Parish Conference – 6.30pm	School Holiday

MB = Management Board SM = Strategy Meeting

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.

This page is intentionally left blank