

Meeting of West Berkshire District Council

Tuesday 19 May 2015

Summons and Agenda

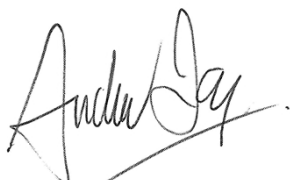


WestBerkshire
C O U N C I L

To: All Members of the Council

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

on
Tuesday 19 May 2015
at 7.00pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Monday, 11 May 2015

AGENDA

1. **APOLOGIES FOR ABSENCE**

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

2. **CHAIRMAN'S REMARKS**

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

3. **PRESENTATIONS**

The Chairman will make presentations to:

- Claire Phillips of the Cystic Fibrosis Trust
- Members who are in receipt of long service awards



Agenda - Council to be held on Tuesday, 19 May 2015 (continued)

4. **ELECTION OF CHAIRMAN FOR THE MUNICIPAL YEAR 2015/16 (C2853)**
To elect a Chairman of the Council for the 2015/16 Municipal Year. Following election the Chairman will sign the Declaration of Acceptance of Office.
5. **APPOINTMENT OF VICE CHAIRMAN FOR THE MUNICIPAL YEAR 2015/16 (C2854)**
To appoint a Vice Chairman for the 2015/16 Municipal Year. Following appointment the Vice Chairman will sign the Declaration of Acceptance of Office.
6. **MINUTES**
The Chairman to sign as a correct record the Minutes of the Council meeting held on 3 March 2015 (**Pages 7-20**).
7. **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](#).
8. **REPORT OF THE RETURNING OFFICER (C2988)**
To inform Council of the process and the results of the recent elections (**Pages 21-26**).
9. **ELECTION OF THE STRONG LEADER (C2855)**
To elect the Executive Leader for the next four years.
10. **APPOINTMENT OF THE EXECUTIVE BY THE LEADER OF THE COUNCIL FOR THE 2015/16 MUNICIPAL YEAR (C2856)**
The Leader of the Council to announce the composition of the Executive for the 2015/16 Municipal Year.
11. **APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES FOR THE 2015/16 MUNICIPAL YEAR (C2857)**
 1. To consider the appointment and allocation of seats on Committees and associated bodies for the next Municipal Year.
 2. To agree the Council's Policy Framework for 2015/16 as set out in Paragraph 6.1 (**Pages 27-40**).
12. **RECOMMENDATIONS OF THE WEST BERKSHIRE COUNCIL INDEPENDENT REMUNERATION PANEL 2015 (C2843)**
To inform Council of the recommendations of the West Berkshire Council Independent Remuneration Panel 2015 (**Pages 41-76**).



Agenda - Council to be held on Tuesday, 19 May 2015 (continued)

13. **ADJOURNMENT OF THE MEETING**

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

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

14. **RECOMENCEMENT OF THE MEETING**

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

15. **CHANGES TO THE CONSTITUTION - PARTS 2 (ARTICLES OF THE CONSTITUTION), 4 (COUNCIL RULES OF PROCEDURE), 11 (CONTRACT RULES OF PROCEDURE) AND 12 (PERSONNEL RULES OF PROCEDURE) (C2969)**

To review and amend Parts 2 (Articles of the Constitution), 4 (Council Rules of Procedure), 11 (Contract Rules of Procedure) and 12 (Personnel Rules of Procedure) in light of legislative changes, policy changes and recent government guidance (**Pages 77-148**).

16. **MEMBERS ICT PROTOCOL 2015 (C2984)**

To seek approval for an updated Members ICT Protocol (**Pages 149-164**).

17. **STANDARDS COMMITTEE ANNUAL REPORT 2014/15 (C2858)**

To present the Annual Standards Committee report to Full Council (**Pages 165-178**).

18. **WEST BERKSHIRE COUNCIL STRATEGY 2015/19 CONSULTATION FEEDBACK REPORT (C2838B)**

To inform Members of the feedback received from the consultation on the draft Council Strategy 2015/16 (**Pages 179-204**).

19. **OUTSIDE BODY APPOINTMENTS - ROYAL BERKSHIRE FIRE & RESCUE SERVICE AND THAMES VALLEY POLICE & CRIME PANEL (C2968)**

To consider West Berkshire Council nominations to the following outside bodies:

- Royal Berkshire Fire and Rescue Service Fire Authority;
- Thames Valley Police and Crime Panel (**Pages 205-208**).



20. A339/FLEMING ROAD JUNCTION COMPULSORY PURCHASE ORDER (C2955)

PLEASE NOTE – THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA.

21. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 24 March 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

22. PERSONNEL COMMITTEE

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

23. GOVERNANCE AND AUDIT COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Audit Committee met on 27 April 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

24. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee held a special meeting on 25 March 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

25. 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 31 March 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

26. STANDARDS COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Standards Committee met on 20 April 2015. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

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

Agenda Item 6.

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON TUESDAY, 3 MARCH 2015

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

Honorary Aldermen Present: John Chapman and Geoff Findlay

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Gary Lugg (Head of Planning & Countryside), Keith Ulyatt (Public Relations Manager), Andy Walker (Head of Finance) and Rachael Wardell (Corporate Director - Communities), Robert Alexander (Policy Officer), Moira Fraser (Democratic and Electoral Services Manager) and Jo Reeves (Policy Officer)

Apologies for inability to attend the meeting: Councillor David Allen, Councillor Pamela Bale, Councillor Dave Goff and Honorary Alderman Alan Thorpe

PART I

87. Chairman's Remarks

The Chairman reported that he and the Vice-Chairman had attended 30 events since the last Council meeting.

(Councillor Jeff Brooks and George Chandler arrived at 6.35pm)

The Chairman welcomed the new Ward Member for Purley on Thames, Councillor Rick Jones, to the chamber. The Chairman also announced that Councillor Joe Mooney had stood down as the Ward Member for Birch Copse. He wished, on behalf of the authority, to wish Councillor Mooney and his wife a happy retirement and thanked him again for all the work he had done for the District.

The Chairman stated that it was with regret that he had to announce that former Councillor Mike James had recently passed away. Councillor Julian Swift-Hook reported that Mr James was a long standing County Councillor and a Member of Newbury District Council and West Berkshire Council. He was also a leading light in the Newbury Society and had made an immense contribution to the District. He had actively campaigned for others even when he was unwell. Mike had, personally, provided selfless support to both himself and Councillor Bill Drummond and Councillor Swift-Hook was very grateful for that support. His thoughts were with Mike's wife Norma and his son Paul, who had recently been re-employed by the Council. The Chairman asked that the authority's condolences be passed onto Mike's family.

COUNCIL - 3 MARCH 2015 - MINUTES

The Chairman reminded Members that his annual charity golf day would be taking place on the 25th March 2015 at Newbury and Crookham Golf Club and he encouraged all Members to participate in this event.

88. Minutes

The Minutes of the meeting held on 11th December 2014 were approved as a true and correct record and signed by the Chairman.

89. Declarations of Interest

The Deputy Monitoring Officer announced that all Members present, in accordance with the Localism Act 2011, had applied for and had been granted a dispensation to speak and vote on any matter which pertained to “any beneficial interest” in land within the Authority’s area (Items 16 and 17 (Capital Strategy and Programme 2015/16 to 2019/20 and Revenue Budget 2015/16).

Councillor Roger Hunneman declared an interest in Agenda Item 19, and reported that, as his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.

Councillors Ieuan Tuck declared an interest in Agenda Item 19, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Emma Webster declared that she no longer had a personal or prejudicial interest in Agenda Item 19.

Councillors Jeff Brooks declared an interest in Agenda Item 17, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Tony Vickers declared an interest in Agenda Item 20, but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

90. Petitions

Councillor Billy Drummond presented a petition containing 288 signatures relating to 8 Westwood Road. The petition would be referred to officers and a response would be provided in due course.

91. Public Questions

- (a) **Question submitted by Mr James Spackman to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards, Licensing.**

A question standing in the name of Mr James Spackman on the subject of the number of outstanding planning enforcement issues across the district was answered by the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards, Licensing.

- (b) **Question submitted by Mr James Spackman to the Portfolio Holder for Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards, Licensing.**

A question standing in the name of Mr James Spackman on the subject of the adequacy of staffing levels within the Council’s enforcement team was answered by the Portfolio

COUNCIL - 3 MARCH 2015 - MINUTES

Holder for Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards, Licensing.

(c) **Question submitted by Mrs Judith Bunting to the Leader of the Council.**

A question standing in the name of Mrs Judith Bunting on the subject of the empty affordable housing units in the Park Way development in Newbury was answered by the Leader of the Council.

(d) **Question submitted by Mrs Judith Bunting to the Leader of the Council.**

A question standing in the name of Mrs Judith Bunting on the subject of the fee income for car parking in Park Way due to the Council from Standard Life was answered by the Leader of the Council.

92. **Membership of Committees**

The Deputy Monitoring Officer advised of the following changes to the membership of Committees since the previous Council meeting.

Councillor Garth Simpson had stood down as a Member of the Overview and Scrutiny Management Commission as he was now a Member of the Executive. Councillor Dominic Boeck would be replacing him on the Commission.

Councillor Joe Mooney had stood down as the Ward Member for Birch Copse with effect from the 01st March 2015.

93. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had met on 16th December 2014.

94. **Personnel Committee**

The Council noted that, since the last meeting, the Personnel Committee had met on 9th February 2015.

95. **Governance and Audit Committee**

The Council noted that, since the last meeting, the Governance and Audit Committee had met on 9th February 2015.

96. **District Planning Committee**

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

97. **Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had met on 27th January 2015 and 24th February 2015.

98. **Standards Committee**

The Council noted that, since the last meeting, the Standards Committee had met on 12th January 2015.

99. **Investment and Borrowing Strategy (C2837)**

The Council considered a report (Agenda Item 14) concerning the Council's borrowing limits as set out by CIPFA's Prudential Code, and recommended the Annual Investment and Borrowing Strategy for 2015/16.

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

COUNCIL - 3 MARCH 2015 - MINUTES

That the Council:

“adopt the 2015/16 Investment and Borrowing Strategy”.

Councillor Alan Law introduced the report which set out that it was proposed to increase the Council's maximum borrowing limits by £7m (to £162m) in 2015/16, by a further £7m (to £169m) in 2016/17 and by £3m (to £172m) in 2017/18. The increases in borrowing limits over the next three years were to allow for the planned level of borrowing to fund the proposed capital programme which also took into account the planned level of debt repayment.

The report also recommended prudential limits for exposure to borrowing at fixed and variable rates of interest, the maturity structure of borrowing and parameters for the types and minimum credit ratings for institutions with which the Council would invest its funds. No changes were proposed to the main limits and parameters for 2015/16.

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

100. **Medium Term Financial Strategy (MTFS): 2015-18 (C2834)**

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

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

That the Council:

“approve and adopt the 2015-2018 Medium Term Financial Strategy”.

Councillor Alan Law introduced the report and explained that the Medium Term Financial Strategy (MTFS) set out the financial planning framework for the Council over the coming years. The MTFS was a rolling three year strategy which was fundamentally about ensuring the financial resources, both revenue and capital, were available to deliver the Council Strategy. The document itself outlined the key challenges that the Council faced from 2015 to 2018 and how these were expected to be met at a strategic level. The premise for the strategy was based on the following four principles:

1. Residents money would be used wisely;
2. Essential core services would be protected;
3. Invest in future for all residents;
4. Communities and residents would be helped to help themselves.

The Council had a good track record of strong financial management and historically budgets had been delivered without significant over or under spends.

Councillor Law noted that although the Council had seen a healthy growth in its taxbase this had to be balanced against a £31m decrease in Government Grant funding since 2010 and pressures of around £3m arising from the introduction of the Care Act. This needed to be considered in the context of increasing demographic pressures and the Administration's desire to invest in education and infrastructure including roads, broadband and ICT. In addition the Council would need to find around £6m savings per annum over the following three years. Strong financial leadership, long term planning, a growing taxbase and an efficiently run Council had meant that the Council had been able to protect front line services.

Councillor Gordon Lundie supported the proposals as set out in the Strategy.

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

(Councillor Carol Jackson-Doerge joined the meeting at 6.55pm)

101. Capital Strategy and Programme 2015/16 to 2019/20 (C2836)

(All Members had been granted a dispensation to speak and vote on Agenda Item 16)

The Council considered a report (Agenda Item 16) concerning the five year Capital Strategy for 2015/16 to 2019/20, including the Minimum Revenue Provision (MRP) statement and the Asset Management Plans for property and highways, and set out the funding framework for the Council's five year Capital Programme for 2015/16 to 2019/20.

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

That the Council:

“approve the Capital Strategy and Programme 2015/16 to 2019/20”.

Councillor Alan Law stated that the proposed Capital Programme helped deliver the key priorities set out in the Council Strategy 2014-2018, including investment over the next five years in the following key areas:

- Protecting the Vulnerable: £10.1 million for assets to support the care of older people and people with physical, sensory or learning disabilities and looked after children;
- Promoting a Vibrant District: £44.0 million for maintenance and improvement of highways; £2.5 million for maintenance and improvement of parks, open spaces sporting and cultural facilities; and £1.7 million to facilitate the delivery of superfast broadband across the majority of West Berkshire;
- Improving Education: £65.1 million for new school places and improvement of school buildings.

Councillor Alan Macro stated that although he was pleased to see that £7m of funding had been set aside for Theale primary School he was disappointed that the project was not due to be completed until 2017. Councillor Tony Linden welcomed the investment of £2.9m set aside for A4 improvements.

Councillor Roger Croft welcomed the expenditure on Superfast Broadband which represented an investment in the future of the District and would also support the rural economy. Under this project 15,000 additional premises would have access to fast broadband by September 2015 as part of this scheme. Phase 2 of the scheme would be rolled out in the Summer. Phase 2 would result in 95% of the premises in the District having access to fast broadband and 100% of premises would have access to faster connections.

Councillor Hilary Cole welcomed the investment in libraries, parks, leisure centres, public rights of way, recreation grounds etc which all helped to contribute towards the wellbeing of residents.

Councillor Irene Neill welcomed the investment in the district's schools including a new school for Newbury and the investment in Theale Primary. Provision had also been made for new sixth forms at Little Heath and Denefield Schools and an extension to the sixth form block at Brookfield School. Funding was also included for the refurbishment of classrooms at Lambourn Primary and temporary classroom would be replaced at Kennet Valley School.

Councillor Garth Simpson noted that £43m had been set aside for improving the district's roads and bridges and for flood alleviation schemes in Tull Way and Dunstan Park and nine schemes in the Downlands.

Councillor Tony Vickers noted that on page 70 (paragraph 3.5) of the agenda reference was made to the sale of The Starting Gate Pub. He queried why this sale had not been raised during the long running discussions on Kersey Crescent. He was also concerned

COUNCIL - 3 MARCH 2015 - MINUTES

about the future use of the sports fields at Trinity School as they were outside the settlement boundary. Councillor Paul Bryant explained that the sports fields were part of the deal agreed as part of the refurbishment of Shaw House and that planning permission had already been sought in respect of this scheme. Councillor Vickers was supportive of the disposal of the land adjacent to the Phoenix Centre.

Councillor Gordon Lundie reported that he was delighted to support the Strategy and Programme. He especially welcomed the investment in superfast broadband which would help to grow business and therefore bring additional employment to the district. He was pleased to report that the refurbishment of the Museum had been completed on time and within budget. The Programme would also result in investment of £13.8m in education and the Council would continue to invest in libraries, children's centres, roads and waste management.

Councillor Alan Law noted that Councillor Vickers supported the disposal of the land adjacent to the Phoenix Centre. He explained that the Council had not been able to sell the Starting Gate Pub previously due to the existence of a long term lease with Punch Taverns. Councillor Law was happy to propose the Strategy and Programme which would improve the infrastructure and provide benefits for the residents and taxpayers of the district.

Prior to the vote being taken the Monitoring Officer announced that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (SI 2014/165) (2014 Regulations) came into effect on the 25 February 2014 and as a consequence the Council was required to record the names of Members voting for and against the budget proposals.

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

FOR the Motion

Councillors Peter Argyle, Howard Bairstow, Jeff Beck, Brian Bedwell, Dominic Boeck, Paul Bryant, , George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Manohar Gopal, Paul Hower, John Horton, Carol Jackson-Doerge, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Irene Neill, Graham Pask, James Podger, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Ieuan Tuck, Virginia von Celsing, Quentin Webb, Emma Webster, Laszlo Zverko (36)

AGAINST the Motion

None

ABSTAINED:

Jeff Brooks, Billy Drummond, Roger Hunneman, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (12)

102. Revenue Budget 2015/16 (C2835)

(All Members had been granted a dispensation to speak and vote on Agenda Item 17)

(Councillor Jeff Brooks declared a personal interest in Agenda item 17 by virtue of the fact that his wife was employed at the Watermill Theatre. As his interest was personal and not prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 17) concerning the 2015/16 revenue budget.

COUNCIL - 3 MARCH 2015 - MINUTES

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

That the Council:

“The Council resolve as follows:

- (1) That it be noted that the following amounts for the year 2015/2016 in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended (by the Localism Act 2011):-
 - (a) 62,083.05 being the amount calculated by the Council, (Item T) in accordance with regulation 31B of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended by the Localism Act 2011), as its council tax base for the year.
 - (b) Part of the Council's area as per Appendix K being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which a parish precept relates.
- (2) Calculate that the Council Tax requirement for the Council's own purposes for 2015/16 (excluding Parish precepts) is £78,438,210.
- (3) That the following amounts be now calculated by the Council for the year 2015/2016 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992, amended by the Localism Act 2011:-
 - (a) £302,969,234 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act taking into account all precepts issued to it by parish councils.
 - (b) £220,913,960 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act.
 - (c) £82,055,274 being the amount by which the aggregate at 3(a) above, exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year (Item R).
 - (d) £1321.70 being the amount at 3(c) above (Item R), all divided by 1(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the 'basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £3,617,064.40 being the aggregate amount of all special items (parish precepts) referred to in Section 34(1) of the Act (as per Appendix K).
 - (f) £1,263.44 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special items relates.
- (5) That it be noted that for the year 2015/2016 Police and Crime Commissioner for Thames Valley & The Royal Berkshire Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Councils area as indicated in Appendix K.
- (6) That the Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables in Appendix K as the amounts of Council Tax for 2015/16 for each part of its area and for each of the categories of dwellings”.

COUNCIL - 3 MARCH 2015 - MINUTES

Councillor Lundie stated that the report should be read in conjunction with the Council's Medium Term Financial Strategy 2015-2018 (MTFS) also included on this agenda. The report highlighted the fact that for West Berkshire residents there would be a Council Tax freeze in 2015/16. Councillor Lundie noted that this was the fourth year out of five that a Council Tax freeze had been in place and that since 2009 Council Tax had only increased by 3.9% in total.

Councillor Lundie noted that the Council's net revenue budget was £122.86m. Despite a cut in funding of around 20% in the Revenue Support Grant and additional pressures of £6m arising out of the implementation of the Care Act the Council would be maintaining services such as libraries and children's centres which some other authorities were closing.

The pressures on the budget would lead to a savings programme of £5.91m in 2015/16. In the period since 2010 the Council had put in place a programme to remain within budget which had delivered savings of around £31m. This programme of controlled expenditure would continue for the period of the MTFS 2015-18. Councillor Lundie explained that the Council would be required to draw on reserves (£2m) during the forthcoming financial year to buy time in order to mitigate the shortfall of government funding arising from the Care Act. Councillor Lundie lamented the fact that the authority was only able to retain £18.5m of the £82m that was collected locally from business rates.

It was noted that the precept amount for Newbury Town Council had updated following confirmation of their actual requirement. This would affect the amount of Council Tax attributable to the Newbury area and had therefore been corrected in Appendices K3 (page 266) and K4 (page 268). No other parishes had been affected.

Councillor Keith Chopping noted that the Adult Social Care budget comprised around 37% of the Council's total revenue budget. This covered a number of services including Older People (£14m), Adults with Learning Difficulties (14m), Adults with Mental Health Disabilities (£2m) and Adults with Physical Disabilities (£3m). Currently the Council had around 1800 clients. Around 100 residents currently resided in the Council's care homes. The Council had to work with a range of agencies including health, the police and the voluntary sector to deliver services to its clients. The Council continued to provide a good service despite the level of savings it was having to make.

Councillor Anthony Stansfeld stated that the police precept would be set at 1.99% following agreement by all members of the Thames Valley Police and Crime Panel.

Councillor Jeff Brooks explained that his group had decided not to submit an amendment to the budget that year, as based on previous experience, it would not be accepted. Councillor Brooks stated that he would have liked to have seen a 'root and branch' review of the budget being undertaken.

He noted that budget made provision for inflationary increases of 1.5%. He remained of the view that if there was a professional procurement team in place they would have managed to reduce this requirement. He also stated that a plan needed to be put in place to ensure that Shaw House was commercially viable. He also noted that, as in previous years, the Resources Directorate were predicting an underspend of around £416 and the budget should therefore be reduced by £300k. He felt that if the savings from these three areas were taken they would deliver savings in excess of £1m which would prevent some of the cuts set out in the budget having to be made.

Councillor Brooks drew Members' attention to the Unison Comments and their concerns about the impact on vulnerable people and those with protected characteristics. Unison

COUNCIL - 3 MARCH 2015 - MINUTES

was of the opinion that an Equalities Impact Assessment was required and that this had not been undertaken.

Councillor Brooks lamented that the budget did not include any innovative ideas for income generation. Councillor Brooks accepted the need to use reserves to meet the funding gap created by the introduction of the care Act.

Councillor Roger Hunneman stressed the need to have an adequate budget in place for Adult Social Care in order to deliver the good quality of service the residents of the District deserved.

Councillor Alan Macro was concerned about some of the risks associated with some of the savings in the Children and Young People area. In particular he highlighted the savings set out in the training budget, the Youth Offending Team, the Reduction in Placement Spend on Looked After Children, Support for Families with Disabled Children, some of the one off changes in provision for vulnerable young people, Place Planning Transport, Therapies and Other Health Related Services and CAMHS. Councillor macro stated that some of these savings were very high risk for a minimal reward and he therefore queried the need to take them up.

Councillor Keith Woodhams raised concern about the £85k saving in relation to bus subsidies. He noted that there was no information available currently as to which services would be cut. He stated that the Council should be promoting more use of public transport to ease congestion.

Councillor Paul Bryant welcomed the fact that Council Tax would be frozen and stated that he supported the fact that the authority would not be indulging in 'vanity projects'.

Councillor Gwen Mason was concerned about the proposed savings associated with the CAMHS budget. She stated that poor mental health could have a negative impact on young people's self esteem and could lead to episodes of self harming and even suicide. She questioned if it would be worth the risk associated with highly vulnerable young people for such small levels of saving.

Councillor Mollie Lock was concerned about the proposed savings associated with Children's Centres. She queried what impact the shared management arrangement would have on the provision of good development plans.

Councillor Graham Jones reminded Councillor Brooks that the Administration had accepted one of the Opposition's proposals in their alternate budget the previous year.

Councillor Irene Neill agreed that she too would not, ordinarily, want to make some of the savings set out in the Children and Young People's area but there was a funding gap, arising from the implementation of the Care Act, which had to be met.

Councillor Roger Croft stated that the Council Tax freeze should be celebrated as it impacted on all residents including the vulnerable, the disadvantaged and those on low or fixed incomes.

Councillor Garth Simpson responded to Councillor Woodhams comments on savings associated with bus subsidies by explaining that it was always more expensive to subsidise a bus than a traveller. The Council would always seek to find ways to mitigate the impact on people's lives.

Councillor Tony Vickers noted that the budget was usually based on the Council Strategy but that this year they had not been brought to Council for adoption simultaneously. He felt that the Strategy should be in place to build the budget on.

Councillor Alan Law stated that the delivery of the Council Strategy was referenced in the Medium Term Financial Strategy. The emerging Strategy was currently out to

COUNCIL - 3 MARCH 2015 - MINUTES

consultation and would form the framework for future decision making. Councillor Law reiterated that the Council would have to draw on reserves for a one off payment to cover the implications of the implementation of the Care Act.

Councillor Law noted that the 1.5% provision for inflation was as a result of some historical clauses in contracts. He reminded members that a root and branch review had been undertaken in the Highways team during this financial year. He highlighted a number of innovative schemes that the Council was implementing including the Superfast broadband project, flood prevention schemes, Parkway and the London Road Industrial estate development.

Councillor Gordon Lundie stated that the best way to protect residents was to keep bills down and he therefore asked Members to support this revenue budget.

Prior to the vote being taken the Monitoring Officer announced that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (SI 2014/165) (2014 Regulations) came into effect on the 25 February 2014 and as a consequence the Council was required to record the names of Members voting for and against the budget proposals.

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

FOR the Motion

Councillors Peter Argyle, Howard Bairstow, Jeff Beck, Brian Bedwell, Dominic Boeck, Paul Bryant, , George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Adrian Edwards, Sheila Ellison, Marcus Franks, Manohar Gopal, Paul Hower, John Horton, Carol Jackson-Doerge, Mike Johnston, Graham Jones, Rick Jones, Alan Law, Tony Linden, Gordon Lundie, Tim Metcalfe, Irene Neill, Graham Pask, James Podger, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Ieuan Tuck, Virginia von Celsing, Quentin Webb, Emma Webster, Laszlo Zverko (36)

AGAINST the Motion

Jeff Brooks, Billy Drummond, Roger Hunneman, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers, Keith Woodhams (12)

103. Statutory Pay Policy Statement (C2833)

The Council considered a report (Agenda Item 18) concerning approval of a Pay Policy Statement which needed to be published from 1st April 2015.

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

That the Council:

“approve the Pay Policy Statement attached to the report at Appendix A”.

Councillor Alan Law stated that Section 38 of the Localism Act required local authorities to publish an annual pay policy statement as from 2012/13. This report sought approval for the 2015 statement which would be published with effect from 1st April 2015.

In previous years, the Council had combined the statutory pay policy statement with the publication of specific pay and terms and conditions related aspects of the Local Government Transparency Code. The latest version of the Code published in October 2014 included additional items, such as publication of spending on trade unions. It was therefore proposed that this year's pay policy statement would only cover the requirements of s38 of the Localism Act. Publication of data required by the Transparency Code would instead be included on the Council's Transparency pages on the website as that did not require approval from full Council.

COUNCIL - 3 MARCH 2015 - MINUTES

Councillor Alan Law reminded Members that the Council employed a number of apprentices and that a decision had been made to pay them the age related pay and not the minimum wage.

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

104. **Sandleford Park: Supplementary Planning Document (C2948)**

(Councillor Roger Hunneman left the meeting during the consideration of this item).

(Councillor Ieuan Tuck declared a personal interest in Agenda item 19 by virtue of the fact that he lived close to the Sandleford site. As his interest was personal and not a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

(Councillor Roger Hunneman declared a disclosable pecuniary interest in Agenda item 19 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).

(Councillor Emma Webster declared that she no longer had a personal or disclosable pecuniary interest in Agenda Item 19 as she was no longer employed by the company that had been undertaking work on this site.)

The Council considered a report (Agenda Item 19) concerning the Sandleford Park Supplementary Planning Document.

MOTION: Proposed by Councillor Hilary Cole and seconded by Councillor Paul Bryant:

“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 set out in Appendix B is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).
- (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 Hilary Cole presented the report which considered the representations received in response to the consultation on the amended Draft Supplementary Planning Document (SPD) undertaken between 12 December 2014 and 30 January 2015.

Sandleford Park had been allocated through the Core Strategy as a strategic site for up to 2,000 dwellings (policy CS3). A SPD was prepared for the site and adopted in September 2013. This 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 had now been updated to reflect the need for a single planning application for the site, which was a change from Sandleford being originally promoted as a shared site. It was noted that at present, the two landowners of the site had been likely to submit separate planning applications which would create a more complex planning process. A

COUNCIL - 3 MARCH 2015 - MINUTES

single application would ensure that the site was comprehensively delivered, with timely and well planned provision of infrastructure. This requirement was set out as a new development principle for the site (principle S1) and was reflected through other amendments throughout the SPD.

The SPD had been published for a seven week period of public consultation which took place between 12 December 2014 and 30 January 2015. This was widely advertised, in accordance with the Council's adopted Statement of Community Involvement. The comments received together with the Council's proposed responses were set out in the appendix to the report. It was explained that of the 32 responses received many were unrelated to the consultation. Comments that were relevant to the consultation were broadly supportive of the development, apart from an objection received from Sandleford Farm Partnership.

The recommendations proposed to the Council were that no new information or evidence had arisen through the consultation to warrant major changes being made to the SPD, although a number of minor changes would be made; the Council's responses to the representations received as set out in Appendix A be agreed; the Sandleford Park SPD be adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended); and that delegated authority be given to the Head of Planning and Countryside to agree minor typographical and formatting refinements to the amended SPD prior to adoption and publication.

Councillor Alan Macro stated that he supported the submission of a single plan for the site. He reminded Members that prior to the consultation he had requested that the SPD be updated to take cognisance of the revised position in respect of the access roads for the site and that this had not happened. He therefore felt that the document was out of date which was regrettable.

Councillor Paul Bryant stated that he had some sympathy with Councillor Macro's comments. He stated that he had revisited the plans on display at the rugby club during the previous week and felt that it was difficult to understand how the road layout would work. He concurred that that a single application for the site was needed.

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

105. Health and Wellbeing Strategy - Updated Version (C2657)

(Councillor Tony Vickers declared a personal interest in Agenda item 17 by virtue of the fact that his wife was a member of Healthwatch West Berkshire. As his interest was personal and not a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 20) concerning the amended Health and Wellbeing Strategy following public consultation in November 2014.

MOTION: Proposed by Councillor Marcus Franks and seconded by Councillor Gordon Lundie

That the Council:

“adopt the amended Health and Wellbeing Strategy from March 2015”.

Councillor Marcus Franks stated that the Strategy had been approved by the Health and Wellbeing Board at its meeting on 22 January 2015.

The redrafted Health and Wellbeing Strategy had gone out for consultation to all stakeholders and the public from 27 October 2014 until 21 November 2014. The consultation was conducted by Healthwatch and the final report was received on 9 December 2014.

COUNCIL - 3 MARCH 2015 - MINUTES

The report set out the main points of feedback that came from the consultation and made a number of proposals on how the Strategy could be amended to take into account the consultation and what process could then be followed to ensure that an implementation plan could be developed. However, the support received for all priorities was in excess of 65% of all respondents. Two priorities had been amended following consultation where respondents had asked for cancer and terminal illness to be included. As a result cancer had been added to the priority of cardiovascular disease but that terminal illness already fell under the priority of addressing long term conditions and end of life care. One additional priority had been added as a result of comments in relation to the need to tackle loneliness and social isolation as well as mental health and wellbeing.

There was considerable support for the need to include an Implementation Plan within the Strategy, which would show how the aims of the Strategy would be achieved and how each priority would be addressed. It was therefore proposed that a multi-agency group would be set up to develop the Strategic Implementation Plan that would set out the specific actions that would need to be taken in partnership to ensure that the priorities were addressed. Progress would be reported to the Health and Wellbeing Board throughout the year.

In addition three half day meetings would be set up to focus on three priorities namely; looked after children, mental health and wellbeing and falls prevention.

AMENDMENT: Proposed by Councillor Tony Vickers and seconded by Councillor Alan Macro:

That the Council:

“amends Priority 5 – Health Damaging Behaviours – Alcohol and Smoking by adding ‘Drug Use’ ”

(The meeting was adjourned from 8.25pm to 8.26pm to allow Councillors Franks and Lundie to consult on the amendment.)

Councillor Franks stated that he was happy to accept the amendment.

Councillor Graham Jones explained that life expectancy had increased by an average of 15 years and that much of this could be spent in ill health. This would have a significant impact for the Council as well as the NHS and Clinical Commissioning Groups. He welcomed the strategy which set out a holistic approach and involved a co-ordinated approach to dealing with the health and wellbeing of the District’s residents.

Councillor Gordon Lundie welcomed the Strategy and noted that this was just the start of the journey for the work of the Health and Wellbeing Board.

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

106. **Amendments to Constitution - Scheme of Delegation (C2911)**

The Council considered a report (Agenda Item 21) concerning the Scheme of Delegation which had been amended in light of legislative changes and current practice.

MOTION: Proposed by Councillor Quentin Webb and seconded by Councillor Julian Swift-Hook:

That the Council:

“agree the proposed amendments to the Scheme of Delegation”.

Councillor Quentin Webb in introducing the report stated that the Finance and Governance Group had ownership of the Council’s Constitution and a timetable had been established to review individual sections of the Constitution and a number of Officers had

COUNCIL - 3 MARCH 2015 - MINUTES

been involved in revising specific parts of the Constitution. This report proposed amendments to Part 3 – the Scheme of Delegation. In addition, there was a constitutional requirement for the Leader of the Council to present to the Council a written record of delegations they had made for inclusion in Part 3 of the Constitution.

The Scheme of Delegation summarised which part of the decision-making process was responsible for which function and also the extent to which the powers and duties of the Council were delegated to Officers.

The report set out the main changes to the document.

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

107. Members' Questions

- (a) A question standing in the name of Councillor Keith Woodhams on the subject of fixed penalty notices for motorists who had apparently contravened the 'parked beyond bay markings' was answered by the Executive Member for Highways, Transport (Operations).

(The meeting commenced at 6.30 pm and closed at 8.40 pm)

CHAIRMAN

Date of Signature

Agenda Item 8.

Title of Report:	Report of the Returning Officer
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2988

Purpose of Report: To inform Council of the process and the results of the recent elections.

Recommended Action: To note the attached report.

Reason for decision to be taken: To report back on the elections that took place on the 7th May 2015.

Other options considered: N/a

Key background documentation: N/a

Published Works: N/a

The proposals will help achieve the following Council Strategy principle: <input checked="" type="checkbox"/> CSP8 - Doing what's important well The proposals contained in this report will help to achieve the above Council Strategy principle by: This report is a statutory requirement
--

Contact Officer Details	
Name:	Nick Carter
Job Title:	Returning Officer
Tel. No.:	01635 519101
E-mail Address:	ncarter@westberks.gov.uk

Implications

Policy: This report will not require any policy changes.

Financial: Budgetary provision of £120,000 has been set aside to fund the costs of this District Council election. The cost of the Town/Parish elections will be recovered from the respective Councils. Funding will also be available from the Cabinet Office to recover costs associated with the Parliamentary Election.

Personnel: N/a

Legal/Procurement: Ensuring that Elections are conducted in accordance with Representation of the People Act and the EAA 2006.

Property: N/a

Risk Management: Insurance cover taken for Election. Indemnity to Returning Officer in respect of the policy excess.

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"/>	
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?		<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 http://intranet/EqIA			<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 checked="" type="checkbox"/>

Executive Summary

1. Introduction

Three elections were being held on 7th May 2015 which created a major logistical exercise for the Returning Officer and his staff. Such an alignment is unlikely to occur for another 20 years but the exercise has provided a number of useful learning points for the future.

1.1 *Parliamentary Election*

There were 8 candidates who contested the Newbury Parliamentary Seat. Candidates represented the following parties:

Conservative
Liberal Democrat
Labour
Apolitical
Independent
UKIP
Green
Patriotic Socialist

1.2 *District Election*

160 candidates contested 52 seats on the District Council in 30 Wards. Of those the representation of the various parties was as follows:

Apolitical Democrats: 3
Conservative: 52
Green: 11
Liberal Democrat: 51
Labour: 36
Patriotic Socialist Party: 1
UKIP: 6

1.2 Of the 30 wards there are:

10 Single Member Wards
18 Two Member Wards
2 Three Member Wards

1.3 *Parish/ Town Council Elections*

Elections were only held in 16 parishes or parish wards. There were a total of 466 candidates contesting 492 seats.

2. The Election Process

2.1 The conduct of three separate Elections on May 7th created a unique challenge for the Returning Officer and his staff. The Election was followed by several verification exercises and three separate counts on consecutive days. The demands on certain

key staff were significant alongside the need to find sufficient staff to do all that was needed.

- 2.2 Eight candidates contested the Newbury Parliamentary seat. For the District election 160 candidates contested 52 seats on the District Council in 30 wards. There were 16 parish/parish wards with elections – 7 wards in Newbury and 4 wards in Thatcham and 5 other parish councils. Three parish councils, however, did not have sufficient members to form a Council, and a further election will be held.
- 2.3 The nomination arrangements were complex but the procedure ran smoothly and compliments were received from those involved in the nomination process.
- 2.4 The number of postal votes remained high in the 2015 election. At the 2000 election approximately 1,900 postal votes were requested. In 2003, this rose to 7,700. In 2007 this again increased to 14,745 and in 2011 a total of 24,013 people asked to vote by post. This number slightly decreased in 2015 to 23,131 postal votes. A total of 10,507 postal votes were issued for parish elections which had to be sent out separately.
- 2.5 In the 2015 election, for the first time, voters were able to make use of emergency proxy votes should they be unable to vote due to unforeseen work or medical circumstances. This caused the Electoral Registration Office to receive a high number of telephone calls on the day of the election.
- 2.6 On the day of the poll 133 Polling Stations, held 133 District Ballot Boxes, 133 General Election Ballot Boxes (99 of which were Newbury Constituency, 20 Reading West and 14 Wokingham) and 48 Parish/Town Ballot Boxes. All Stations were open between 7am to 10pm. Visiting Officers attended all stations through the day and a revised check list was issued to each Officer to ensure not only that notices required under the Representation of the People Acts were in place, but also access arrangements were adequate for disabled voters and health and safety aspects were covered.
- 2.7 The votes cast for District and Parish elections within the Reading West or Wokingham constituencies were verified by that constituency and delivered to Newbury Racecourse on Friday 8th May 2015.

3. Issues Relating to the Count

- 3.1 The Parliamentary count began at 10.00pm on Thursday 7th May 2015 at Newbury Racecourse.
- 3.2 The District count began at 10.00am on Friday 8th May 2015 at Newbury Racecourse.
- 3.3 The Parish/ Town Council count began at 10.00am on Saturday 9th May 2015 at Newbury Racecourse.
- 3.4 Verifying three separate sets of ballot papers on Thursday night/Friday morning was a very major task and took longer than anticipated. Along with much of the rest of the country this delayed the declaration of the Parliamentary election until around

5.30am on the Friday morning. The need for further verification for the District and Parish/Town elections also made Friday and Saturday long days.

3.5 Whilst such a series of elections are unlikely to occur for another 20 years there is a need going forward to give more thought to the time required for verification so that candidates are not left waiting for the Count to start. It is also the Returning Officer's view that conducting counts on successive days should be avoided in future since it places too much pressure on the limited number of staff able to support the election process.

3.6 I would like to thank all of the staff involved in the election whether counting postal votes, working on the Polling Station or at the Count. My particular thanks to the Election Team without which none of this would have been possible. My thanks too, to the Election Agents who helped ensure a long and, at times, difficult Count, flowed as well as it could.

4. Election Results

4.1 Full details of the election results including the turnout figures in each ward are set out in appendix 'A'.

5. Conclusion

5.1 The election process was dealt with both effectively and efficiently. There were naturally problems that were experienced as a consequence of having to run the Parliamentary, District and Parish/Town elections concurrently.

Appendices

Appendix A – Election 2015 Results (to be tabled)

This page is intentionally left blank

DECLARATION OF RESULT OF POLL

West Berkshire

District Councillor Elections on Thursday 7 May 2015

I, Nick Carter, being the Returning Officer at the following elections, do hereby give notice of the number of votes recorded. Candidates against whose name the word 'Elected' appears are duly elected.

Aldermaston

Electorate: 2205

Ballots Issued: 1237

Turnout: 56.10%

Rejected Ballots: 12

Name of Candidate	Description (if any)	Number of Votes
BOECK, Dominic Kevin	Conservative Party Candidate	1087 Elected
COOPER, Leslie Edward	Labour Party	159
SPACKMAN, James Edward	Liberal Democrats	390

Basildon

Electorate: 2495

Ballots Issued: 1998

Turnout: 80.08%

Rejected Ballots: 24

Name of Candidate	Description (if any)	Number of Votes
COYLE, Laura Rose	Liberal Democrats	583
LAW, Alan	Conservative Party Candidate	1390 Elected

Birch Copse

Electorate: 6140

Ballots Issued: 4463

Turnout: 72.68%

Rejected Ballots: 54

Name of Candidate	Description (if any)	Number of Votes
BENDA, Cara Lorenz	Labour Party	1134
CHADLEY, Anthony Robert	Conservative Party Candidate	2638 Elected
COOPER, David Edward	Liberal Democrats	441
COOPER, Judith	Liberal Democrats	445
HARTNEY, Senan Christopher	Labour Party	991
LINDEN, Anthony Nicholas	Conservative Party Candidate	2288 Elected
TAYLOR, Clive	Labour Party	965
WEBSTER, Emma Louise Simone	Conservative Party Candidate	2319 Elected

Bucklebury

Electorate: 4823

Ballots Issued: 3713

Turnout: 77.0%

Rejected Ballots: 21

Name of Candidate	Description (if any)	Number of Votes
HINDHAUGH, Charles Robert Theoran	Labour Party	283
MIRANDA, Janette Buckley	Liberal Democrats	611
PASK, Graham Gerald	Conservative Party Candidate	2621 Elected
SPRIGGS, Emma Janet	Liberal Democrats	778
WEBB, Quentin Geoffrey	Conservative Party Candidate	2125 Elected

Burghfield

Electorate: 4605

Ballots Issued: 3265

Turnout: 70.9%

Rejected Ballots: 7

Name of Candidate	Description (if any)	Number of Votes
JACKSON-DOERGE, Carol Ingrid	Conservative Party Candidate	1652 Elected
LEES, James	Labour Party	429
LONGTON, Royce Ekins	Liberal Democrat	1362
MORRIN, Ian Christopher	Conservative Party Candidate	1455 Elected
MORSE, Nicholas Scott	Liberal Democrat	892

Calcot

Electorate: 6800

Ballots Issued: 4503

Turnout: 66.22%

Rejected Ballots: 67

Name of Candidate	Description (if any)	Number of Votes
ARGYLE, Peter	Conservative Party Candidate	2326 Elected
BUTLER, Catherine	Labour Party	1116
CROAL, Charles Spalding	Labour Party	1252
FARRANT, Susan Rietta	Liberal Democrats	359
GOPAL, Manohar	Conservative Party Candidate	2241 Elected
HOOD, Michael	Liberal Democrats	296
LEWIS, Gordon	Labour Party	1183
PRIME, Susan	Liberal Democrats	336
SOMNER, Richard James	Conservative Party Candidate	2458 Elected

Chieveley

Electorate: 1854

Ballots Issued: 1434

Turnout: 77.34%

Rejected Ballots: 8

Name of Candidate	Description (if any)	Number of Votes
COLE, Hilary	Conservative Party Candidate	1089 Elected
OSBORNE, George John	Labour Party	131
PIKE, Simon Everett	Liberal Democrats	205

Clay Hill

Electorate: 4754

Ballots Issued: 2956

Turnout: 62.26%

Rejected Ballots: 32

Name of Candidate	Description (if any)	Number of Votes
BARNETT, Philip Ashley	Liberal Democrats	694
BECK, Jeffrey George	Conservative Party Candidate	1621 Elected
GOFF, David	Conservative Party Candidate	1257 Elected
LUSBY TAYLOR, Pamela Jean	Liberal Democrats	679
TAYLOR, Neil	Labour Party	442
WATERS, Ian Gerald	UK Independence Party (UKIP)	503

Cold Ash

Electorate: 2401

Ballots Issued: 1862

Turnout: 77.55%

Rejected Ballots: 25

Name of Candidate	Description (if any)	Number of Votes
KAIN, Jacqueline Sophie	Labour Party	152
SIMPSON, Garth Whiteley	Conservative Party Candidate	1379 Elected
STOWELL, Janet	Liberal Democrats	305

Compton

Electorate: 2417

Ballots Issued: 1803

Turnout: 74.59%

Rejected Ballots: 25

Name of Candidate	Description (if any)	Number of Votes
ORBELL, Gerald Raymond Henry	Labour Party	252
VON CELSING, Virginia Anne	Conservative Party Candidate	1191 Elected
WHITE, James Feaks	Liberal Democrats	335

Downlands

Electorate: 2422

Ballots Issued: 1862

Turnout: 76.87%

Rejected Ballots: 9

Name of Candidate	Description (if any)	Number of Votes
CULVER, Carolyne Lindsey	The Green Party Candidate	258
HOOD, Christopher Thomas Charles	Liberal Democrats	204
HOOKER, Clive Arthur	Conservative Party Candidate	1214 Elected
MURPHY, Grahame John	Labour Party	177

Falkland

Electorate: 4893

Ballots Issued: 3675

Turnout: 75.10%

Rejected Ballots: 26

Name of Candidate	Description (if any)	Number of Votes
BAIRSTOW, Howard Martin	Conservative Party Candidate	1902 Elected
COOPER, Linda Lou	Labour Party	391
DIBAS, Sam	Liberal Democrats	819
EDWARDS, Adrian Arthur Walter	Conservative Party Candidate	1764 Elected
FERGUSON, Peter Napier	Liberal Democrats	716
MARSH, David Ralph	The Green Party Candidate	643
NORMAN, Peter Michael	Apolitical Democrats	387

Greenham

Electorate: 4600

Ballots Issued: 3046

Turnout: 66.21%

Rejected Ballots: 1

Name of Candidate	Description (if any)	Number of Votes
ASHLEY, Charles	UK Independence Party (UKIP)	448
BARTLETT, Jeremy Mark	Conservative Party Candidate	1256 Elected
COLLIS, Jason Paul	Conservative Party Candidate	945
DRUMMOND, William	Liberal Democrats	1165 Elected
PUFFETT, Gary	Labour Party	281
SWIFT-HOOK, Julian Mark	Liberal Democrats	1004
WALLIS, Stephen Russell	The Green Party Candidate	294

Hungerford

Electorate: 4404

Ballots Issued: 3157

Turnout: 71.68%

Rejected Ballots: 16

Name of Candidate	Description (if any)	Number of Votes
CHICKEN, Robert Richard	Liberal Democrats	562
GAINES, Denise Anne	Liberal Democrats	864
HEWER, Paul Owen	Conservative Party Candidate	1713 Elected
PODGER, Tara James	Conservative Party Candidate	1293 Elected
WELLINGTON, Peter Reginald	Labour Party	341
WHITHAM, Patricia Grace	The Green Party Candidate	448

Kintbury

Electorate: 4016

Ballots Issued: 3023

Turnout: 75.27%

Rejected Ballots: 23

Name of Candidate	Description (if any)	Number of Votes
COLE, James William John	Conservative Party Candidate	1949 Elected
DAVIS, Timothy John	The Green Party Candidate	464
GLASS, Lucy Deakin	Labour Party	305
HUDSON, Simon	Liberal Democrats	513
MOLE, James Edward Richard	Liberal Democrats	394
STANSFELD, Anthony Hamer Rennie	Conservative Party Candidate	1669 Elected
STOTT, Andrew Stuart Gordon	Patriotic Socialist Party	51

Lambourn Valley

Electorate: 4325

Ballots Issued: 3006

Turnout: 69.5%

Rejected Ballots: 35

Name of Candidate	Description (if any)	Number of Votes
COOPER, Hannah	Labour Party	362
GREENHALGH, Mavis Janet	Liberal Democrats	452
GREENHALGH, Peter Alexander	Liberal Democrats	309
JONES, Arthur Graham Baylis	Conservative Party Candidate	2212 Elected
LUNDIE, Amos Gordon	Conservative Party Candidate	1924 Elected

Mortimer

Electorate: 4404

Ballots Issued: 3237

Turnout: 73.5%

Rejected Ballots: 28

Name of Candidate	Description (if any)	Number of Votes
BRIDGMAN, Graham Henry	Conservative Party Candidate	1501 Elected
FRITZ, Archie	Labour Party	445
LOCK, Mollie Enid	Liberal Democrat	1548 Elected
MAYES, Geoffrey Brian	Liberal Democrat	1030
STEPHENSON, Andrea Louise	Conservative Party Candidate	1207

Northcroft

Electorate: 4080

Ballots Issued: 2813

Turnout: 68.92%

Rejected Ballots: 26

Name of Candidate	Description (if any)	Number of Votes
ANDERSON, Catherine Maria	UK Independence Party (UKIP)	338
CLIFFORD, Jeanette	Conservative Party Candidate	1109 Elected
COOPER, Pamela	The Green Party Candidate	358
DOHERTY, Lynne	Conservative Party Candidate	931 Elected
DRAY, Clive Herbert Charles	UK Independence Party (UKIP)	270
FARROW, Charlotte Erica	Apolitical Democrats	165
MASON, Gwendoline Phyllis	Liberal Democrats	750
OVEREND, Thomas Edwin	Labour Party	280
VICKERS, Anthony James Muschamp	Liberal Democrats	739
YATES, David Edward	Apolitical Democrats	165

Pangbourne

Electorate: 2280

Ballots Issued: 1709

Turnout: 74.95%

Rejected Ballots: 11

Name of Candidate	Description (if any)	Number of Votes
BALE, Pamela Ann	Conservative Party Candidate	1076 Elected
KENNET, Miriam Frances	The Green Party Candidate	106
SHAKESPEARE, Matthew James	Liberal Democrats	329
STEVENS, Ian Ashley	Labour Party	186

Purley on Thames

Electorate: 5282

Ballots Issued: 3865

Turnout: 73.17%

Rejected Ballots: 29

Name of Candidate	Description (if any)	Number of Votes
BOWN, Stephen Geoffrey	Liberal Democrats	330
DUNAWAY, Frank John	Labour Party	737
DUNAWAY, Shirley-Ann	Labour Party	708
JONES, Richard John	Conservative Party Candidate	2448 Elected
METCALFE, Timothy William	Conservative Party Candidate	2549 Elected
TURNER, Ann	Liberal Democrats	233

Speen

Electorate: 4246

Ballots Issued: 3108

Turnout: 73.19%

Rejected Ballots: 32

Name of Candidate	Description (if any)	Number of Votes
BRYANT, Paul Edgar	Conservative Party Candidate	1828 Elected
CROFT, Gareth Stuart	Labour Party	345
FRANKS, Marcus Robert	Conservative Party Candidate	1700 Elected
HARRIS, Anthony William	Liberal Democrats	652
HOBLIN, Jill Caroline	The Green Party Candidate	461
LALLY, Ceinwen	Liberal Democrats	409

St Johns

Electorate: 4570

Ballots Issued: 3415

Turnout: 74.70%

Rejected Ballots: 15

Name of Candidate	Description (if any)	Number of Votes
BOYD, John Andrew	Liberal Democrats	984
JOHNSTON, Michael Keith	Conservative Party Candidate	1591 Elected
MELLOR, Robert John	The Green Party Candidate	440
MOORE, Andrew Gregory	Liberal Democrats	1002
MOREIRA VAZQUEZ, Gabriela	Labour Party	309
MORTON, Robert Baden	UK Independence Party (UKIP)	371
PICK, Anthony Corbett	Conservative Party Candidate	1384 Elected
ROBERTS, Jonathan Paul	Labour Party	336

Sulhamstead

Electorate: 2241

Ballots Issued: 1586

Turnout: 70.77%

Rejected Ballots: 25

Name of Candidate	Description (if any)	Number of Votes
CHOPPING, Keith Leonard Druce	Conservative Party Candidate	1029 Elected
GODWIN, David Mark	Liberal Democrat	321
SCOTT, Stephen	Labour Party	222

Thatcham Central

Electorate: 4559

Ballots Issued: 3008

Turnout: 65.97%

Rejected Ballots: 38

Name of Candidate	Description (if any)	Number of Votes
CRUMLY, Richard John	Conservative Party Candidate	1556 Elected
JAQUES, Marigold Mary	Conservative Party Candidate	1328 Elected
JOHNSON, Gary Edward	Liberal Democrats	934
RIVERS, Alan Bradley	Labour Party	445
STEEVENSON, Stephanie Diane	Liberal Democrats	930

Thatcham North

Electorate: 4305

Ballots Issued: 2889

Turnout: 67.10%

Rejected Ballots: 32

Name of Candidate	Description (if any)	Number of Votes
DILLON, Lee Raymond James	Liberal Democrats	2160 Elected
ELLISON, Sheila Margaret	Conservative Party Candidate	1523 Elected
JEFFERY, Owen Edward	Liberal Democrats	877
STRETTON, Anthony Vincent	Conservative Party Candidate	1163
WAKELYN, Michael John	Labour Party	381

Thatcham South and Crookham

Electorate: 5125

Ballots Issued: 3590

Turnout: 70.04%

Rejected Ballots: 45

Name of Candidate	Description (if any)	Number of Votes
CROFT, Roger Eric Malcolm	Conservative Party Candidate	1812 Elected
FIELD, Paul John	The Green Party Candidate	447
MORGAN, Ann Marie	Liberal Democrats	1034
MORGAN, Robert Victor	Liberal Democrats	1031
ORBELL, Juno Edwina	Labour Party	386
POWELL, Robert William	Conservative Party Candidate	1768 Elected

Thatcham West

Electorate: 4937

Ballots Issued: 3377

Turnout: 68.04%

Rejected Ballots: 57

Name of Candidate	Description (if any)	Number of Votes
ARDAGH-WALTER, Stephen John	Conservative Party Candidate	1493 Elected
BROOKS, Jeffrey Charles George	Liberal Democrats	1208
GOODES, Nicholas	Conservative Party Candidate	1455 Elected
HUTT-BERRINGTON, Sarah Anne	Labour Party	423
PARAMO, Ernesto	Labour Party	251
WOODHAMS, Keith William	Liberal Democrats	1133

Theale

Electorate: 2197

Ballots Issued: 1569

Turnout: 71.41%

Rejected Ballots: 6

Name of Candidate	Description (if any)	Number of Votes
MACRO, Alan Michael	Liberal Democrats	908 Elected
REYNOLDS, Billie Sarah	Labour Party	229
THOMPSON, Andrew Guy	Conservative Party Candidate	425

Victoria

Electorate: 3760

Ballots Issued: 2330

Turnout: 61.96%

Rejected Ballots: 17

Name of Candidate	Description (if any)	Number of Votes
BENNEYWORTH, Dennis Charles	Conservative Party Candidate	793 Elected
FREDRICKSON, James Victor	Conservative Party Candidate	931 Elected
HUNNEMAN, Roger	Liberal Democrats	789
MCMAHON, David John	UK Independence Party (UKIP)	343
MILLINGTON, Susan	The Green Party Candidate	332
SWAFFIELD, Karen Margaret	Labour Party	359
VICKERS, Martha	Liberal Democrats	631

Westwood

Electorate: 2222

Ballots Issued: 1603

Turnout: 72.14%

Rejected Ballots: 17

Name of Candidate	Description (if any)	Number of Votes
HUTCHINSON, James William	Labour Party	376
WALTER, Paul Robert	Liberal Democrats	160
ZVERKO, Laszlo Ferenc	Conservative Party Candidate	1048 Elected

Dated Friday 10 April 2015

Nick Carter
Returning Officer

Title of Report:	Appointment of and Allocation of Seats on Committees for the 2015/16 Municipal Year
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2857

Purpose of Report:

1. To consider the appointment and allocation of seats on Committees and associated bodies for the next Municipal Year.
2. To agree the Council's Policy Framework for 2015/16 as set out in Paragraph 6.1.

Recommended Action:

1. That the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of this report are to be regarded as Members of the Conservative and Liberal Democrat Groups respectively.
2. That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.2 (Table A).
3. That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 (Table B).
4. That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).
5. In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning Meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.
6. That the Council approves the appointment of Members to the Committees as set out in Appendix A and in accordance with the wishes of the Political Groups.
7. That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and

the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008, agrees the Council's Policy Framework for 2015/16 be as set out in paragraph 6.1 and that any appropriate amendments be made to the Council's Constitution should this be necessary.

8. That the Council, in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.
9. That the Council agrees that Paragraph 2.6.5 of Article 6, setting out the Executive Portfolios, be amended to reflect any changes made by the Leader of the Council at the Annual Council meeting.
10. That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.
11. That the appointment of two Parish/Town Councillors and two independent members be made to the Standards Committee's Advisory Panel.
12. To appoint two Independent Persons.
13. To agree to the membership of the Health and Wellbeing Board as set out in paragraph 9.1
14. That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.
15. That the Council agree to consider whether or not it would be appropriate to merge the Governance and Audit and Standards Committee at the July 2015 Council meeting.

Reason for decision to be taken:

It is a statutory requirement

Other options considered:

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

Key background documentation:

- The Local Government and Housing Act 1989

- Local Government (Committees and Political Groups) Regulations 1990
- Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- The Localism Act 2011
- The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

The proposals will help achieve the following Council Strategy principle:

CSP8 - Doing what's important well

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

Ensuring that the Council complies with the legislative framework.

Portfolio Member Details

Name & Telephone No.:	Leader of the Council
----------------------------------	-----------------------

Contact Officer Details

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

Implications

Policy: The appointments and allocations will be made in accordance with the Council's statutory obligations. The Council's Policy making framework is updated annually.

Financial: Members Allowances, proposed by the Independent Remuneration Panel, will be agreed at this Council meeting.

Personnel: None

Legal/Procurement: The allocation of seats to Political Groups in accordance with Section 15(5) of the Local Government and Housing Act 1989 and related regulations mentioned in this report.

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"/>	<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"/>	<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"/>	<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"/>	<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

1. Introduction

- 1.1. In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council's Committees is agreed annually at the May Council meeting.
- 1.2. This report sets out the Membership of the Political Groups, the size and Membership of the Committees as well as the number of substitutes to be appointed for each of the bodies. It also sets out the 2015/16 Policy Framework.

2. Proposals

- 2.1 In allocating seats on Committees, the Council must give effect, so far as reasonably practical, to the principles contained in Section 15(5) of the Local Government and Housing Act 1989.
- 2.2 This report sets out the number of seats on each group based on the 'basket principle'.

3. Equalities Impact Assessment Outcomes

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

4. Conclusion

- 4.1 Members are asked to agree the appointment of and allocation of seats on the Committees for the 2015/16 Municipal Year.
- 4.2 Members are asked to agree the Council's Policy Framework for 2015/16 as set out in Paragraph 6.1 of the report.

Executive Report

1. Introduction

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

Conservative Group	Liberal Democrat Group
Steve Ardagh-Walter	Lee Dillon
Peter Argyle	Billy Drummond
Howard Bairstow	Mollie Lock
Pamela Bale	Alan Macro
Jeremy Bartlett	
Jeff Beck	
Dennis Benneyworth	
Dominic Boeck	
Graham Bridgman	
Paul Bryant	
Anthony Chadley	
Keith Chopping	
Jeanette Clifford	
Hilary Cole	
James Cole	
Roger Croft	
Richard Crumly	
Rob Denton-Powell	
Lynne Doherty	
Adrian Edwards	
Sheila Ellison	
Marcus Franks	
James Fredrickson	
Dave Goff	
Nick Goodes	
Manohar Gopal	
Paul Hewer	
Clive Hooker	
Carol Jackson-Doerge	
Marigold Jaques	
Mike Johnston	
Graham Jones	
Rick Jones	
Alan Law	
Tony Linden	

Gordon Lundie	
Tim Metcalfe	
Ian Morrin	
Graham Pask	
Anthony Pick	
James Podger	
Garth Simpson	
Richard Somner	
Anthony Stansfeld	
Virginia von Celsing	
Quentin Webb	
Emma Webster	
Laszlo Zverko	

Recommendation 1:

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

2. Appointment of Committees

- 2.1 In accordance with Paragraph 4.2.2 of the Constitution, the Council is required to appoint Committees and other Member bodies that are not part of the Executive.
- 2.2 It is proposed that Council appoint the Committees (as set out in Table A) and their relevant Sub-Committees with the number of places shown for each.

Table A

Body	Number of Seats
Overview and Scrutiny Management Commission	12
Licensing Committee	12
District Planning Committee	12 <i>(six members of the Eastern Area Planning Committee and six Members of the Western Area Planning Committee)</i>
Eastern Area Planning Committee	12
Western Area Planning Committee	12
Personnel Committee	6
Appeals Panel	12
Governance and Audit Committee	8
Standards Committee	6 <i>(two non-voting co-opted Parish Councillors will also be appointed to this Committee)</i>
Total	92

Recommendation 2 and 14:

- That the Council agrees to the appointment of the various Committees and to the number of places on each as set out in paragraph 2.2 (Table A).
- That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.

3. Allocation of Seats

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

	Number of Members No.	Political Composition %
Conservative Group	48	92.3%
Liberal Democrat Group	4	7.7%
	52	100.00%

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

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

3.3 Based on **92** seats (Table A), the "basket" principle and the normal rules of rounding the following number of seats would therefore be allocated to each Group.

Group	Ratio	No of Seats
Conservative Group	92% x 92	85
Liberal Democrat Group	8% x 92	7
Total		92

However in accordance with rule (1) as set out in paragraph 3.2 above the Liberal Democrat group would be entitled to one seat on each of the above nine committees. *This means that they would therefore be entitled to nine seats.

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

Table B			
Committee	Total Number of Seats	Conservative Group	Liberal Democrat Group
Overview and Scrutiny Management Commission	12	11	1
Licensing Committee	12	11	1
District Planning Committee	12	11	1
Eastern Area Planning Committee	12	11	1
Western Area Planning Committee	12	11	1
Personnel Committee	6	5	1
Appeals Panel	12	11	1
Standards Committee	6	5	1
Governance and Audit Committee	8	7	1
Total	92	83	9*

Recommendation 3:

- That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.4 (Table B).
- That authority be delegated to the Monitoring Officer to make any changes required to the Constitution as a result of the appointments to Committees.

4 Substitutes

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

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

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

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

Recommendations 4 and 5:

- **That the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 (Table C).**
- **In respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.**

5 Appointment to Committees

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

Recommendation 6:

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

6 Planning and Policy Framework

6.1 In accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Authorities (Functions and Responsibilities) (England) (Amendment No.2) Regulations 2008 the Council is requested to confirm the Policy Framework for 2015/16 as set out below:

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

Recommendations 7 and 8:

- **That the Council, in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Local Authorities (Functions and Responsibilities) (England)**

(Amendment No.2) Regulations 2008, the Council's Policy Framework for 2015/16 be as set out above and that any appropriate amendments be made to the Council's Constitution should this be necessary.

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

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

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

As of the end of April 2015 the 2014/15 Portfolios were:

Leader of the Council
Highways, Transport (Operations), Newbury Vision
Adult Social Care
Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards, Licensing
Strategy and Performance, Housing, ICT & Corporate Support, Legal and Strategic Support
Health and Well Being
Finance, Economic Development, Health and Safety, Human Resources, Pensions, Property, Insurance
Children & Young People, Youth Service, Education, Safeguarding
Partnerships, Equality, Communities, Community Safety, Hungerford & Eastern Area Visions, Cleaner & Greener, Thatcham Vision
Emergency Planning

Recommendation 9:

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

8. Standards Committee

- 8.1 The Standards Committee is required to undertake the "standards arrangements" as required by the Localism Act 2011. The Standards Committee will comprise

eight Members and must accord with the proportionality rules. It has also been agreed that two non voting Parish/Town Council representatives will be appointed to the Standards Committee to build confidence when dealing with local complaints.

- 8.2 In addition an Advisory Committee of the Standards Committee comprising eight Members (2 Members of the Administration and two Members of the Opposition, two Parish Councillors and two Independent Members) will be appointed. The Advisory Committee will be chaired by one of the independent members. The Advisory Panel makes recommendations to the Standards Committee particularly as regards complaints and investigations.

Recommendations 10, 11, 12 and 15:

- **That the appointment of two non voting co-opted Parish/Town Councillors be made to the Standards Committee.**
- **That the appointment of two Parish/Town Councillors and two independent members be made to the Standards Committee's Advisory Panel.**
- **To appoint two Independent Persons.**
- **That the Council agree to consider whether or not it would be appropriate to merge the Governance and Audit and Standards Committee at the July 2015 Council meeting.**

9. Health and Wellbeing Board

- 9.1 The Health and Wellbeing Board is a Sub-Committee of the Executive in accordance with the Health and Social Care Act 2012. A number of regulations linked to Committee have been disapplied in relation to this Committee such as the proportionality rules and rules pertaining to voting. It has been agreed that the membership of the Board will be as follows*:

- Leader of the Council or other appropriate elected Member
- Portfolio Holder with responsibility for Health and Wellbeing
- North and West Reading Clinical Commissioning Group
- Newbury and District Clinical Commissioning Group
- Strategic Director of Public Health or Assistant Director of Public Health
- Director of Community Services (role covers Children's Services and Adult Social Services)
- Local Healthwatch Representative
- Representative from the Umbrella Organisation (Empowering West Berkshire) representing the Voluntary and Community Sector
- Portfolio Holder with responsibility for Children and Young People
- Portfolio Holder with responsibility or Adult Social Care
- Shadow Portfolio Holder with responsibility for Health and Wellbeing
- NHS England Local Area Team

- Chief Officer (Federation of CCGs)

*Subject to any changes made to the Portfolio Holders by the Leader at the Council meeting.

Recommendation 13

- **To agree the membership of the Health and Wellbeing Board as set out in paragraph 9.1.**

Appendices

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

Consultees

Local Stakeholders: None

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

Trade Union: Not consulted

This page is intentionally left blank

Appointments to Committees 2015/16

Council has been recommended to appoint the Committees listed below. Also incorporated in the list are the recommended allocation of seats to the two political groups and the list of names of Members submitted by the political groups.

EXECUTIVE (Up to 10 Members)

Portfolio	Proposed
Leader of the Council, Strategy & Performance, Legal & Strategic Support	Gordon Lundie
Deputy Leader, Finance, Insurance, Health & Safety, HR, Pensions, ICT & Corporate Support	Roger Croft
Children's Services	Lynne Doherty
Education	Dominic Boeck
Adult Social Care, Housing	Hilary Cole
Planning, Economic Development, Newbury, Hungerford, Thatcham and Eastern Area Visions	Alan Law
Highways, Transport, Emergency Planning	Garth Simpson
Partnerships, Equality, Community Safety	Marcus Franks
Health and Wellbeing	Graham Jones
Property, Culture, Customer Services, Environmental Health, Trading Standards, Countryside, Cleaner & Greener, Waste	Keith Chopping

SHADOW EXECUTIVE

Portfolio	Proposed
Leader of the Opposition, Housing, Planning, Transport, Environment, Culture	Alan Macro
Deputy Leader of the Opposition, Finance	Lee Dillon
Education and Young People, Adult Social Care	Mollie Lock
Highways, Public Protection, Community Safety	Billy Drummond

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION (12 Members)

	2014/15 Membership	Proposed
Conservative Group (11 Members)	Brian Bedwell , Dominic Boeck, Sheila Ellison, David Goff, Mike Johnston, Virginia von Celsing, Quentin Webb, Emma Webster, Laszlo Zverko	Emma Webster, Virginia von Celsing, David Goff, Mike Johnston, Laszlo Zverko, Ian Morrin, Rick Jones, Anthony Chadley, Clive Hooker, James Fredrickson, Richard Somner
Conservative Substitutes (4 Members)	Paul Bryant, Peter Argyle, Tim Metcalfe, George Chandler	Paul Bryant, Peter Argyle, Tim Metcalfe, James Cole
Liberal Democrat Group (1 Member)	Jeff Brooks , Alan Macro, Roger Hunneman	Alan Macro
Liberal Democrat Substitutes (4 Members)	David Rendel, Julian Swift-Hook, Keith Woodhams, Gwen Mason	Lee Dillon, Billy Drummond, Mollie Lock

LICENSING COMMITTEE (12 Members) – no substitutes

	2014/15 Membership	Proposed
Conservative Group (11 Members)	Peter Argyle , Paul Bryant, Adrian Edwards, Manohar Gopal, Sheila Ellison, Tony Linden, Andrew Rowles, Ieuan Tuck, Quentin Webb	Jeff Beck, Peter Argyle, Adrian Edwards, Paul Bryant, Jeanette Clifford, Manohar Gopal, Sheila Ellison, Tony Linden, Quentin Webb, Howard Bairstow, Nick Goodes
Liberal Democrat Group (1 Member)	Billy Drummond, Mollie Lock , Geoff Mayes	Billy Drummond

DISTRICT PLANNING COMMITTEE (12 Members)

	2014/15 Membership	Proposed
Conservative Group (11 Members)	Hilary Cole , Brian Bedwell, Paul Bryant, Alan Law, Graham Pask, Pamela Bale, Virginia von Celsing, Garth Simpson, Quentin Webb	Alan Law, Graham Pask, Pamela Bale, Jeff Beck, Richard Crumly, Virginia von Celsing, Hilary Cole, Keith Chopping, Paul Hewer, Garth Simpson, Paul Bryant
Conservative Substitutes (4 Members – 2 from the Eastern Area of the District and 2 from the Western Area of the District)	George Chandler, Richard Crumly, Tim Metcalfe, Jeff Beck	Anthony Pick, Clive Hooker, Tim Metcalfe, Marigold Jaques
Liberal Democrat Group (1 Member)	David Allen, Royce Longton, Alan Macro	Alan Macro
Liberal Democrat Substitutes (4 Members – 2 from the Eastern Area of the District and 2 from the Western Area of the District)	Geoff Mayes, Roger Hunneman, Julian Swift-Hook, Keith Woodhams	Lee Dillon, Mollie Lock, Billy Drummond

EASTERN AREA PLANNING COMMITTEE (12 Members)

	2014/15 Membership	Proposed
Conservative Group (11 Members)	Quentin Webb , Graham Pask, Peter Argyle, Pamela Bale, Keith Chopping, Richard Crumly, Alan Law, Tim Metcalfe, Brian Bedwell	Graham Pask, Emma Webster, Quentin Webb, Graham Bridgman, Peter Argyle, Pamela Bale, Keith Chopping, Marigold Jaques, Richard Crumly, Tim Metcalfe, Alan Law
Conservative Group Substitutes (4 Members)	Roger Croft, Irene Neill, Manohar Gopal, Tony Linden	Manohar Gopal, Tony Linden, Richard Somner, Rob-Denton-Powell
Liberal Democrat Group (1 Member)	Royce Longton, Alan Macro, Geoff Mayes	Alan Macro
Liberal Democrat Group Substitutes (4 Members)	Jeff Brooks, Mollie Lock, David Rendel, Keith Woodhams	Lee Dillon, Mollie Lock

WESTERN AREA PLANNING COMMITTEE (12 Members)

	2014/15 Membership	Proposed
Conservative Group (11 Members)	Paul Bryant , Jeff Beck, George Chandler, Hilary Cole, Paul Hewer, Garth Simpson, Anthony Stansfeld, Ieuan Tuck, Virginia von Celsing	Paul Bryant, Jeremy Bartlett, Jeff Beck, Howard Bairstow, Clive Hooker, Hilary Cole, Paul Hewer, Garth Simpson, Anthony Stansfeld, Anthony Pick, Virginia von Celsing
Conservative Group Substitutes (4 Members)	Andrew Rowles, Howard Bairstow, Mike Johnston, Adrian Edwards	Lynne Doherty, Jeanette Clifford, Mike Johnston, Adrian Edwards
Liberal Democrat Group (1 Member)	David Allen, Roger Hunneman, Julian Swift-Hook	Billy Drummond
Liberal Democrat Group Substitutes (4 Members)	Billy Drummond, Gwen Mason, Tony Vickers, Vacancy	4 Vacancies

GOVERNANCE AND AUDIT COMMITTEE (8 Members)

	2014/15 Membership	Proposed
Conservative Group (7 Members)	Quentin Webb Paul Bryant, Sheila Ellison, Tony Linden, Brian Bedwell, Peter Argyle	Quentin Webb, Steve Ardagh-Walter, Jeff Beck, Paul Bryant, James Cole, Sheila Ellison, Anthony Pick
Conservative Group Substitutes (2 Members)	Richard Crumly, Tim Metcalfe	Richard Crumly, Tim Metcalfe
Liberal Democrat Group (1 Member)	Julian Swift-Hook , Geoff Mayes	Lee Dillon
Liberal Democrat Group Substitutes (2 Members)	Gwen Mason, Tony Vickers	Billy Drummond, Alan Macro

STANDARDS COMMITTEE (6 Members) (There are no substitutes on this Committee – Please note that these members can not form part of the Standards Committee’s Advisory Panel)

	2014/15 Membership	Proposed
Conservative Group (5 Members)	Peter Argyle , Adrian Edwards, Virginia von Celsing, Garth Simpson	Peter Argyle, Jeanette Clifford, Adrian Edwards, Anthony Pick, Rick Jones
Liberal Democrat Group (1 Member)	Mollie Lock, Gwen Mason	Mollie Lock
Co-optees (2)	Chris Bridges, Barry Dickens	Chris Bridges, Barry Dickens

PERSONNEL COMMITTEE (5 Members)

	2014/15 Membership	Proposed
Conservative Group (4 Members)	Quentin Webb , Peter Argyle, Tony Linden, Andrew Rowles, Adrian Edwards	Quentin Webb, Peter Argyle, Tony Linden, Adrian Edwards
Conservative Group Substitutes (2 Members)	Paul Bryant, Tim Metcalfe	Paul Bryant, Tim Metcalfe
Liberal Democrat Group (1 Member)	Mollie Lock	Mollie Lock
Liberal Democrat Group Substitutes (2 Members)	David Allen, Jeff Brooks	Lee Dillon, Billy Drummond

HEALTH AND WELLBEING BOARD (13 Members) (There are no substitutes on this Committee and it is not subject to the proportionality rules) – Chairman will be elected at the first meeting in the Municipal Year of the Board

	2014/15 Membership	Proposed
Leader of the Council (or other appropriate elected Member)	Gordon Lundie	Gordon Lundie
Portfolio Holder with Responsibility for Health and Wellbeing	Marcus Franks	Graham Jones
North and West Reading Clinical Commissioning Group	Dr Bal Bahia	Dr Bal Bahia
Newbury and District Clinical Commissioning Group	Dr Barbara Barrie	Dr Barbara Barrie
Strategic Director of Public Health or Assistant Director of Public Health	Lise Llewellyn	Lise Llewellyn
Director of Community Services	Rachael Wardell	Rachael Wardell
Local Healthwatch Representative	Adrian Barker	Adrian Barker
Representative from the Umbrella Organisation Representing the Voluntary and Community Sector	Leila Ferguson	Leila Ferguson
Portfolio Holder with Responsibility for Children and Young People	Irene Neill	Lynne Doherty
Portfolio Holder with Responsibility for Adult Social Care	Keith Chopping	Hilary Cole
Shadow Portfolio Holder with responsibility for Health and Wellbeing	Gwen Mason	Mollie Lock
NHS England Local Area Team	Mathew Tait/ Nikki Luffingham	Mathew Tait/ Nikki Luffingham
Chief Officer (Federation of CCGs)	Cathy Winfield	Cathy Winfield

APPEALS PANEL (12 Members) (There are no substitutes on this Panel) – Chairman elected at each meeting

	2014/15 Membership	Proposed
Conservative Group (11 Members)	Ieuan Tuck, Carol Jackson-Doerge, Adrian Edwards, Andrew Rowles, Hilary Cole, Jeff Beck, Garth Simpson, Keith Chopping, Richard Crumly	Carol Jackson-Doerge, Adrian Edwards, Hilary Cole, Jeff Beck, Garth Simpson, Keith Chopping, Richard Crumly, Graham Bridgman, Jeanette Clifford, Dennis Benneyworth, Jeremy Bartlett
Liberal Democrat Group (1 Members)	Mollie Lock, Royce Longton, and Geoff Mayes	Mollie Lock

Title of Report:	Recommendations of the West Berkshire Council Independent Remuneration Panel 2015
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2843

Purpose of Report: To inform Council of the recommendations of the West Berkshire Council Independent Remuneration Panel 2015.

Recommended Action: Members are asked to consider and if appropriate agree the recommendations of the Independent Remuneration Panel set out in paragraph 2.1 of the report.

Reason for decision to be taken: In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council must have regard to the recommendations of an Independent Remuneration Panel before making or amending their Scheme of Allowances.

Other options considered: None

Key background documentation: The report of the West Berkshire Council Independent Remuneration Panel 2011. Documents set out in Appendix B

Published Works: Local Government Act 2000
Local Authorities (Members' Allowances) (England) Regulations 2003.

The proposals will help achieve the following Council Strategy principle:
 CSP8 - Doing what's important well
 The proposals contained in this report will help to achieve the above Council Strategy principle by:
 Ensuring that the allowance scheme is set at a level that attracts candidates for the right reasons and rewards Members adequately for the work that they do whilst recognising the current economic context.

Portfolio Member Details	
Name & Telephone No.:	Leader of the Council
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:** The West Berkshire Council Members' Allowances Scheme will need to be amended as a result of any changes agreed by Council.
- Financial:** The financial implications of implementing the scheme are set out in Appendix A to the Independent Remuneration Report.
 In summary, if Members are minded to adopt all the recommendations there would be a net cost to the Council of £43,100. This is as a result of the proposed changes which amount to an additional £58,702 offset against savings of £15,600 as a result of the removal of the broadband and IT consumables allowances. These additional costs would have to be met from reserves in 2015/16 and would be built into the base budget from 2016/17.
 The indexation of the Allowances would result in an additional uplift of approx £5,000 per year from 2016/17 which would be built into the base budget based on a 1% increase.
- 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 http://intranet/EqIA				<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"/>

Executive Summary and Report

1. Introduction

- 1.1 All Councils are required to convene an Independent Remuneration Panel (IRP) and seek its advice before they make any changes or amendments to their Members' Allowances Scheme. The Council must 'pay regard' to their Panel's recommendations before setting a new or amended Scheme.
- 1.2 A copy of the report of the IRP is attached at Appendix 1 to this report. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to publish the recommendations of the Panel and will be required to publish the new Scheme of Allowances (Part 14 of the Constitution) when it is agreed.
- 1.3 West Berkshire Council's Panel last met in 2011 and has therefore had to be reconvened in accordance with the 2003 Regulations that require an Independent Remuneration Panel to meet at least once every four years to agree the level of indexation applied to the Members' Allowances Scheme.
- 1.4 The membership and Terms of Reference of the 2015 West Berkshire IRP was considered by Corporate Board at the 6 January 2015 meeting. The Head of Strategic Support in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) appointed the members to the Independent Remuneration Panel on the 4 February 2015 under authority delegated to him.
- 1.5 The Terms of Reference of the Panel for this review were agreed as follows:

To review the whole West Berkshire Scheme of Members Allowances as follows:
 - Basic Allowance
 - Special Responsibility Allowances
 - Allowances for Independent Members¹
 - Dependants' Carers' Allowance
 - ICT Allowance (to include consumables, printing and mobile phones)
 - Travelling Allowance
 - Subsistence Allowance
 - Pensions (legislative changes excluding Members from the LGPS)
 - The administration of the scheme.
- 1.6 The Panel met on the 11th and 12th February 2015 and received evidence from Officers, and Members in both written and oral format. The Panel also considered written documentation as detailed in Appendix B to the Panel's report. This includes a summary of the South East Employers Members' Allowances Survey and a range of benchmarking information as set out in Appendix C to the Panel's report.

2. Proposals

- 2.1 Council is asked to consider and if appropriate agree the recommendations of the West Berkshire Independent Remuneration Panel 2015 as set out below:
-

- (1) The Basic Allowance be increased from £6,288 to £7,324 per annum and is inclusive of all items listed in paragraph 2.1 of the Panel's Report (Appendix 1).
- (2) The Special Responsibility Allowance for the Leader of the Council should be 2.5 x the recommended Basic Allowance which equates to £18,310 per annum.
- (3) The Deputy Leader and the Executive Members (up to 8) continue to receive a Special Responsibility Allowance of 50% of the Leader's allowance which equates to £9,155.
- (4) The Chairman of the Overview and Scrutiny Management Commission receive a Special Responsibility Allowance set at 30% of the Leader's recommended Special Responsibility Allowance (£18,310) which equates to £5,493.
- (5) The Chairman of the Council receives a Special Responsibility Allowance set at 30% of the Leader's Special Responsibility Allowance which equates to £5,493 per annum.
- (6) The Vice-Chairman of the Council receives a Special Responsibility Allowance set at 20% of the Council Chairman's Special Responsibility Allowance which equates to £1,099.
- (7) The Special Responsibility Allowance for the Chairmen of the two Planning Committees be maintained at 25% of the Leader's Allowance which equates to £4,578.
- (8) The Special Responsibility Allowance for the Chairman of the Licensing Committee continues to be set at the current ratio of 15% of the Leader's Special Responsibility Allowance, which equates to £2,747.
- (9) A Special Responsibility Allowance be paid to the Chairman of the Governance and Audit Committee set at 15% of the Leader's Special Responsibility Allowance which equates to £2,747.
- (10) No Special Responsibility Allowance be paid to Chairmen of the Licensing Sub Committees, Personnel Committee and Standards Committee or any Co-opted Members of the Council.
- (11) The Leader of the Opposition should receive a Special Responsibility Allowance set at 40% of the Leader's Special Responsibility Allowance which equates to £7,324.
- (12) The Opposition Spokespersons should receive a Special Responsibility Allowance set at 30% of the Leader of the Opposition's Special Responsibility Allowance which equates to £2,197 per annum and that this Special Responsibility Allowance should be paid to a maximum of four members of the Opposition (in addition to the Leader of the Opposition).
- (13) The Leader of any Minority Groups should receive a Special Responsibility Allowance set at 10% of the Leader's Special

Responsibility Allowance which equates to £1,831 but that this allowance is only payable if they have a minimum of five Members

- (14) No Councillor shall be entitled to more than one Special Responsibility Allowance paid by the Council.
- (15) Travel Allowance rates should continue to be in line with Inland Revenue approved rates and that they should only rise in accordance with any increase in the Inland Revenue rates.
- (16) When claiming a Travel Allowance for attending an approved duty within the district then that claim will be made with the starting point being a Member's usual place of residence or work within the District, or, if the usual place of residence or work is outside the District boundary, then the total return journey for which that claim can be made is capped at 36 miles.
- (17) The current Subsistence Allowances remain unchanged but are indexed linked to relevant Officers' rates.
- (18) The current Dependents' Carers' Allowance of £6.13 per hour up to a maximum of 40 hours per month per Councillor be increased to the current UK Living Wage (currently £7.85 per hour) up to a maximum of 40 hours per month per Councillor.
- (19) The Local Government Pension Scheme (LGPS) be removed from the Members' Allowances Scheme.
- (20) The Members' Allowances Scheme be amended to state that Members shall submit all claims relating to travelling, subsistence and Child Care and Dependents' Carers Allowance within two months of the date of the meeting being claimed for.
- (21) The level of indexation for the Basic Allowance and Special Responsibility Allowances be automatically linked to that used for West Berkshire Council Officers unless Members choose to forgo index linked increases in a particular year.
- (22) In accordance with the 2003 Members' Allowances Regulations (21.1e) the level of indexation be revisited in February 2019 if not before.
- (23) The scheme to be implemented from the 20th May onwards and any amendments made to the Basic and Special Responsibility Allowances be payable from June 2015.

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

4. Conclusion

- 4.1 The West Berkshire Council Scheme of Members Allowances will be updated in accordance with all recommendations agreed by Members at the Council meeting. In accordance with the Members' Scheme of Allowances, the Basic and Special

Responsibility Allowances are paid over 11 months from June – April with no payment made in May. Any amendments made to the Basic and Special Responsibility Allowances will therefore be payable from June 2015 onwards. All other changes will be implemented from the 20th May 2015 onwards.

Appendices

Appendix 1 - Report of the West Berkshire Independent Remuneration Panel
11th and 12th February 2015

Consultees

Local Stakeholders: The Independent Remuneration Panel

Officers Consulted: Andy Day, Kevin Griffin, Nick Carter. Wendy Howells, Jo Watt

Trade Union: Unison

Report of the West Berkshire Independent Remuneration Panel 11th and 12th February 2015

Draft



Contents

1.	Chair’s Foreword	1
2.	Executive Summary – Recommendations	1
3.	Regulatory context	4
4.	Membership of the Independent Remuneration Panel.....	5
5.	Terms of Reference.....	6
6.	Method of Working	6
7.	Key Messages	7
8.	Basic Allowance	8
9.	Special Responsibility Allowances	11
10.	Travel Allowances	18
11.	Subsistence Allowances.....	19
12.	Co-optees’ Allowances	19
13.	Dependants’ Carers’ Allowance (DCA)	20
14.	The Local Government Pension Scheme.....	20
15.	The Administration of the Scheme (including indexation)	20
16.	Implementation	21
17.	APPENDICES	21

1. Chair's Foreword

There is rarely an opportune moment to review Members' Allowances and this moment is particularly inopportune. However, the legislation provides for a periodic independent review of allowances and the Council is once again required to seek advice on its Members' Allowances scheme as the last review was in 2011. The Panel has taken the opportunity to fundamentally review the whole scheme.

The Panel acknowledges that its recommendations, based on the Council's current configuration will, if adopted, result in an increase of £58,702 (2015/16) on the current spend on the Basic Allowance and Special Responsibility Allowances. Although there will be an annual offset as a result of the recommendation to abolish the £200 IT Consumables Allowance that Members are able to claim (a saving of £5,200 on the budget as not all Members claim their allowance) and the recommendation to abolish the additional £200 uplift to the Basic Allowance for broadband provision, both of which, in terms of budget provision, provides for maximum savings of £15,600 per year (see Appendix A for further details).

The main conclusion of the Panel was that the Basic Allowance, in particular, is obsolete at its current level in that it undermines one of its main purposes: namely, to enable most people to be a Councillor and carry out the full range of duties expected of them without incurring undue personal financial cost. While Members' remuneration can never fully compensate the workloads and responsibilities undertaken by Members at commercial or market rates, indeed the statutory framework requires that the voluntary principle is recognised in the Basic Allowance, the recommendations should go some way to redress that imbalance.

Moreover, the Panel has explicitly laid out its deliberations, dilemmas and how it has arrived at its main recommendations. In this way the Panel feels that it shows its recommendations are evidence-based, transparent and can stand up to public scrutiny.

Declan Hall (PhD) Chair
27 April 2015

2. Executive Summary – Recommendations

2.1 The full proposed scheme alterations are detailed within the report and comparative data for the Berkshire Unitary Councils and the South East Employer's survey is shown in Appendix C, but the main features of the Panel's recommendations are that:

1. *The Basic Allowance* be increased from £6,288 to £7,324 per annum and is inclusive of:
 - Costs associated with home telephone landline and calls
 - All costs associated with Broadband
 - Mobile phone contracts and calls (personal)
 - IT consumables (such as paper and cartridges for personal printer)
 - The cost of replacing damaged or lost West Berkshire Council ICT equipment in accordance with the Members ICT Policy. This includes:
 - Tablet device

- Bluetooth Mouse
- Bluetooth Keyboard
- Docking Station
- Stylus
- Keyboard, Video Mouse (KVM) switch (where relevant)
- Projector connection
- Carry case
- Batteries and cables
- The costs associated with returning West Berkshire Council ICT equipment and other sundries to the Council, when ceasing to be a Councillor
- Headed paper (following initial supply after Election)
- Business cards
- Online or paper subscriptions or memberships
- Registration with the Information Commissioner's Office (ICO) and similar
- Incidental Expenses not otherwise specified in the scheme (see Travelling and Subsistence Allowances)

2. *The Special Responsibility Allowances* be as follows:

Role	Proposed amount
Leader of the Council (x1)	£18,310 (2.5 x the Basic Allowance)
Deputy Leader of the Council (x1)	£9,155 (50% of Leader's Allowance)
Executive Members (x8)	£9,155 (50% of the Leader's Allowance)
Chairman of Overview and Scrutiny Management Commission (x1)	£5,493 (30% of the Leader's Allowance)
Chairman of the Council (x1)	£5,493 (30% of the Leader's Allowance)
Vice-Chairman of the Council (x1)	£1,099 (20% of Chairman's Allowance)
Chairman of Planning Committee (x2)	£4,578 (25% of the Leader's Allowance)
Chairman of Licensing Committee (x1)	£2,747 (15% of the Leader's Allowance)
Chairman of the Governance and Audit Committee (x1)	£2,747 (15% of the Leader's Allowance)
Leader of the main Opposition Group (x1)	£7,324 (40% of the Leader's Allowance)
Opposition Spokespersons (x4)	£2,197 (30% of the Leader of the Opposition's Allowance)
Leader(s) of Minority Group(s) if have 5 Group Members	£1,831 (10% of the Leaders Allowance)

A table showing the above information, the level of current allowance and the potential budgetary impact is attached at Appendix A.

No Councillor shall be entitled to more than one special responsibility allowance paid by the Council.

3. *Travel Allowances*

Travel allowance rates should continue to be in line with Inland Revenue approved rates and they should only rise in accordance with any increase in the Inland Revenue rates.

- The current HMRC rates be paid as follows:

- 45 pence per mile for cars;
 - 24 pence per mile for motor-cycles;
 - 20 pence per mile for bicycle
- Members continue to be entitled to claim 5 pence per mile for every passenger they carry in their car.
 - For clarification purposes, the scheme should specify that when claiming a Travel Allowance for attending an approved duty within the district then that claim will be made with the starting point being a Members' usual place of residence or work within the District, or if the usual place of residence or work is outside the District boundary then the total return journey for which that claim can be made is capped at 36 miles.
 - The use of public transport is encouraged, in line with the West Berkshire Council Staff Travel Plan. The rate of travel by public transport shall not exceed the ordinary fare or any available cheap fare. The occasional use of taxis where public transport is not available or for reasons of ill health is permitted.
 - Reimbursements for travelling expenses are only provided with evidence of expenditure. Where receipts or evidence of expenditure (in the case of car parking payments made by phone) are not provided, the expenditure will be treated as an 'incidental expense' under the Basic Allowance.

4. *The Subsistence Allowance*

The current Subsistence Allowances (as set out in section 9) remain unchanged.

5. *Co-optees' Allowance*

The Panel does not recommend that the Allowances' Scheme include provision for the payment of a Co-optees' Allowance.

6. *Dependants' Carers' Allowance*

The current allowance of £6.13 per hour up to a maximum of 40 hours per month per Councillor is increased to the current UK Living Wage (currently £7.85 per hour) up to a maximum of 40 hours per month per Councillor.

7. *The Local Government Pension Scheme*

The Panel recommended that reference to the Local Government Pension Scheme (LGPS) be removed from the Members' Allowances Scheme for the reasons set out in section 14.

8. *The Administration of the Scheme*

The administration of the scheme remains unchanged with the exception of the following change of wording with regard to the submission of claims:

“Members **shall** submit all claims relating to travelling, subsistence and Child Care and Dependants’ Carers Allowance in writing and in arrears within two months of the date of the meeting in respect of which the entitlement to the allowance arises and must be received for processing by the Members’ Services Officer by the 5th of each month.”

Failure to do so will result in any claim being void unless the Head of Strategic Support has approved payment of a claim from a Member submitted after that period due to illness.

9. *Indexation*

That the level of indexation for the Basic Allowance and Special Responsibility Allowances be automatically linked to that used for West Berkshire Council Officers unless Members choose to forgo index linked increases in a particular year.

The Dependants’ Carers’ Allowance’s maximum hourly rate is indexed to the living wage.

The Subsistence Allowances are indexed to relevant Officer rates.

The mileage allowances are indexed to HMRC rates.

That in accordance with the 2003 Members’ Allowances Regulations (21.1e) the level of indexation will be revisited in February 2019 if not before.

3. Regulatory context

- 3.1 This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the Panel) for West Berkshire Council to advise the Council on its Members’ Allowances Scheme.
- 3.2 The Panel was convened under *The Local Authorities’ (Members’ Allowances) (England) Regulations 2003 (SI 1021)* (“the 2003 Regulations”). These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent [Members] Remuneration Panel to review and provide advice on Members’ allowances on a periodic basis.
- 3.3 All Councils are required to convene their Panel and seek its advice before they make any changes or amendments to their Members’ Allowances Scheme. They must ‘pay regard’ to their Panel’s recommendations before setting a new or amended Members’ Allowances Scheme.
- 3.4 On this particular occasion, the Panel has been reconvened in accordance with the 2003 Members’ Allowances Regulations (21.1e) that requires a panel to meet at least once every four years to agree the level of indexation applied to the Members’ Allowances Scheme.

4. Membership of the Independent Remuneration Panel

- 4.1 The West Berkshire Council Independent Remuneration Panel last met in February 2011 (to review the full scheme) and in July 2011 (to recommend minor amendments to the scheme following changes to the decision making structure). The panel members who took part in 2011 were no longer available to take part in the 2015 process and therefore the Council undertook to recruit new panel members. In order to provide a thorough review of the scheme, the Council approached Dr Declan Hall, an expert in the field of Members' Allowances to chair the Panel, along with two local panellists.
- 4.2 The membership and Terms of Reference (see section 5.1) of the February 2015 meeting of the West Berkshire IRP was considered by Corporate Board at the 6th January 2015 meeting. The Head of Strategic Support in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) appointed the members to the Independent Remuneration Panel on the 4 February 2015 under authority delegated to him
- 4.3 The Council is required to ensure that the composition and regulation of its Independent Remuneration Panel accords with the 2003 Regulations. The Regulations require the following:
- (a) The Panel should consist of at least three members.
 - (b) The members of the Panel cannot be members of any local authority in respect of which that Panel makes recommendations. Anyone who would be disqualified from being an elected member of a local authority is also disqualified from being a member of the Panel.
 - (c) The members of the Panel cannot also be members of a Committee or Sub-Committee of an authority in respect of which the Panel makes recommendations. This includes co-opted members and members of the Standards Committee.
- 4.4 Based on the above requirements, the Council's current Independent Remuneration Panel accords with the 2003 Regulations.
- 4.5 The current membership of the Panel is as follows:

Lindsey Appleton

A Corporate Ethics Manager at AWE Aldermaston, a major business in West Berkshire and a magistrate in Newbury and Reading. Lindsey is also a member of the judging panel for the annual West Berkshire Council Community Champion of the Year Awards.

David Danielli

A freelance Corporate Communications Consultant. David was formerly a Community Relations Manager at Vodafone, a major business in West Berkshire. David is a member of the West Berkshire Chamber of Commerce and is a former Chairman of Empowering West Berkshire.

Declan Hall PhD (Chair)

An independent consultant specialising in members' allowances who has led on allowances reviews across the whole of the UK. Declan is a political scientist by training and was a lecturer at the Institute of Local Government at the University of Birmingham.

4.6 Following the discussion at Corporate Board the winner of the Junior Citizen Award 2014 was invited to observe the Panel's proceedings. However, she was unable to attend due to school commitments.

4.7 The Panel was supported by:

- Moira Fraser, Democratic and Electoral Services Manager who acted as advisor to the Panel.
- Jo Watt and Jude Thomas, Members Services Officers who kept a record of proceedings.

5. Terms of Reference

5.1 The Terms of Reference of the Panel for this review were agreed as follows:

To review the whole West Berkshire Scheme of Members Allowances as follows:

- Basic Allowance
- Special Responsibility Allowances
- Allowances for Independent Members¹
- Dependants' Carers' Allowance
- ICT Allowance (to include consumables, printing and mobile phones)
- Travelling Allowance
- Subsistence Allowance
- Pensions (legislative changes excluding Members from the Local Government Pension Scheme)
- The administration of the scheme

6. Method of Working

6.1 The Panel met at the Council Offices Newbury on Wednesday 11th and Thursday 12th February 2015, to consider the written evidence and to receive evidence from Members of West Berkshire Council in accordance with the Terms of Reference. The Panel received expert advice from Dr Declan Hall and also received briefings from the following West Berkshire Council Officers:

- Andy Day, Head of Strategic Support
- Kevin Griffin, Head of ICT and Corporate Support
- Moira Fraser, Democratic and Electoral Services Manager.

6.2 The Panel received representations in person from the following Members:

- Jeff Beck, Chairman of the Council;

¹ This refers to the Co-optees' Allowance under the 2003 Regulations

- Jeff Brooks, Leader of the Opposition (Liberal Democrat);
- Hilary Cole, Executive Member;
- Gordon Lundie, Leader of the Council.

6.3 All Members were sent an aide memoire that formed the basis of an invitation to make written submissions to the Panel if they so wished. Written representations were received from the following Members:

- Peter Argyle (Conservative), Chairman of the Licensing Committee and Standards Committee;
- Pamela Bale (Conservative), Executive Member for Highways, Transport (Operations) and Newbury Vision;
- Virginia von Celsing (Conservative), Vice-Chairman of Western Area Planning Committee;
- Hilary Cole (Conservative), Executive Member for Planning, Transport (Policy), Culture, Customer Services, Countryside, Waste, Environmental Health, Trading Standards and Licensing;
- Roger Hunneman (Liberal Democrat), Deputy Leader Opposition Group and Opposition Spokesperson for Community Care, The Visions and Equality;
- Tony Linden (Conservative), Member of various committees including Licensing and Governance and Audit;
- Royce Longton (Liberal Democrat), Opposition Spokesperson for Environment, Waste, Countryside, Environmental Health and Trading Standards;
- Gwen Mason (Liberal Democrat), Opposition Spokesperson for Health and Wellbeing, Partnerships, Community Safety and Health and Safety;
- Garth Simpson (Conservative), Executive Member for Emergency Planning
- Quentin Webb (Conservative), Chairman of Eastern Area Planning Committee, Personnel Committee and Governance and Audit Committee

6.4 For the full list of other evidence considered by the Panel see Appendix B (NB circulated under separate cover).

6.5 For the full summary of allowances paid in other unitary councils included in the benchmarking group see Appendix C.

7. Key Messages

7.1 Comparison of Remuneration with Peers

7.2 The evidence shows that the remuneration of West Berkshire Council Members is well below that paid to peers in regards to the Basic Allowance (BA) and the senior Special Responsibility Allowances (SRAs).

This in itself is not a watertight case to increase these allowances, but when looking at the variables utilised in the formula to arrive at the Basic Allowance in particular, it is low in both relative and real terms. The representation received generally recognised this. Aside from the issue of parity, there is one of equity; the Basic Allowance undervalues the work of Members. While the Basic Allowance and Special Responsibility Allowances were never intended to reflect the 'market value' of the workload and responsibilities undertaken by Members they are intended to go a long way to recognising that there is a substantial time commitment required in

being a Councillor and complex issues need to be addressed that are not recognised in the current payments to Members.

- 7.2.1 In particular the Panel noted the policy intent that underpins the work of remuneration panels when considering the principles for establishing a Members' Allowances Scheme:

'The financial support for Councillors must also reinforce the culture of the modern council and address, as far as possible, any disincentives to serving in local politics. People do not enter public service to make their fortune. But neither should they pay a price for serving the public' – Modern Local Government – In touch with the People: Cm 4014 July 1998 3.54

7.3 **Recognising the Current Economic Context**

- 7.3.1 At the same time a countervailing message that came across strongly in the representation received was that the Panel should be cognisant of the current economic restraints in general and the need for the Council to find further savings in the next couple of years. The Panel has taken this message on board and sought to strike a balance between alleviating some of more glaring anomalies in the current Members' Allowances Scheme and ensuring that the recommendations are transparent, based on a logical construct and defensible. While this has led the Panel to recommend increases in many allowances it has also recommended decreases or no Special Responsibility Allowances, when necessary.

8. **Basic Allowance**

- 8.1 In giving consideration to the level of Basic Allowance (BA), the Panel were mindful of the 2003 Statutory Guidance:

'Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which councillors ought to be remunerated'. (2003 Guidance Para.67)

- 8.2 This guidance highlights three considerations when arriving at the recommended BA namely:

- The 'hours' or time required to be an effective ordinary Member
- The amount of this time that should be remunerated
- The rate of remuneration

- 8.3 In effect the BA is primarily a time-based allowance, that must be paid equally to all Members and that takes into account the full range of duties and activities that Members are expected to undertake including:

- Attending various meetings of the Council and its committees
- Ward work and constituent meetings
- Attendance at meetings of external organisations (Outside Bodies)
- Liaison with Town and Parish Councils
- Reading, preparation and relevant training where necessary

- 8.4 The Panel noted that the majority of Local Authorities used a time based formula for setting a Basic Allowance. With this in mind, a panel should have regard to three variables, namely:
- The hours 'devoted to these tasks' (2003 guidance)
 - The number of these hours for which 'Councillors ought to be remunerated' and the element which should be conceptualised as the voluntary contribution by Members (often referred to as the Public Service Discount or PSD)
 - The rate of remuneration
- 8.5 The Panel noted that the hours dedicated to Council work in West Berkshire varied between Members. However, the written and verbal submissions suggested that Members typically spent between 14 to 16 hours a week on Council work although the LGA Census of Councillors 2013 shows that, on average, an elected Member of a unitary council who does not hold any positions of responsibility put in over 21 hours per week.
- 8.6 A number of Members highlighted the difficulty that the political groups have in recruiting new Councillors, particularly with reference to the time commitment required and the relatively low level of remuneration. The Panel noted that in order to attract candidates from more diverse backgrounds, as well as young employed professionals, it is necessary to attempt to mitigate some of the factors that may dissuade some people from standing for election.
- 8.7 That said, the Panel was also mindful of not setting allowances at a level that attracts candidates for financial reasons as an element of public service is explicitly built into Members' remuneration. The Panel has recommended a Basic Allowance which reflects a "reasonable recompense" that would allow most people to stand and be a Councillor without suffering undue financial hardship. In other words, allowances should be an 'enabler' and seek to reduce financial barriers to being a Councillor rather than provide full compensation for work undertaken and responsibilities held. Against this backdrop, a number of Members were keen to say that they did not believe politics should be professionalised and could and should not be seen as a full time job. Indeed, the statutory guidance reminds Panels that in arriving at the recommended Basic Allowance they should recognise that not all the time put in by Members should be remunerated. There is an element of public service. Historically at West Berkshire Council the time expectation has been discounted by 50% for remuneration purposes. The more typical 'public service discount' is 30%-35%.
- 8.8 Thirdly, the rate of remuneration which historically was based on a Local Government Association advisory rate to Panels that is no longer available has been based on the median daily salary of all full time employees in the District (£125.20 – 2014). A locally based rate of remuneration is commonly adopted by Panels. It relates the BA to median earnings of Members constituents and cannot be deemed excessive.

Variable	Amount	Evidence provided
Time/Hours	117 days per year	Based on Members submissions stating 14-16 hours per week and the LGA Councillor Census 2013 figure of 21.6 hours per week.
Public Service Discount	50% (58.5 days)	Historical figure of 50% equates to 58.5 days
Day Rate	£125.20 per day	Based on the ONS ASHE table 7.7a: median full time annual salary of all jobs in West Berkshire 2014 which was calculated as £32,553 divided by 260 working days per year.

8.9 Thus by following the approach laid out in the 2003 Statutory Guidance the Panel has arrived at a tentative Basic Allowance based on the following calculation:

- $117 \text{ days} \times 50\% \times £125.20 = £7,324$

8.10 The representations received from Members expressed the view that the Basic Allowance should be, if not on full parity with the allowances paid in other similar authorities across Berkshire and the South East, at least, more consistent with similar authorities. Indeed, benchmarking shows that in comparison with similar councils the Basic Allowance paid to West Berkshire Council Members is low (see Appendix C). The current Basic Allowance of £6,285 is the lowest paid across the Berkshire Unitary Authorities (where the mean is £7,796) and, indeed the lowest from among the unitary authorities who responded to the South East Employers Members Allowances Survey 2014-2015 (where the mean is £8,539). A Basic Allowance of £7,324 would still leave WBC at the lower end of the comparative spectrum.

8.11 The current Basic Allowance of £6,285 includes an allowance of £200 to cover Broadband. This was an historical inclusion which reflected the relatively high costs of Broadband when it was first introduced. Members are also currently additionally entitled to claim up to £200 in IT consumables such as paper and printer cartridges along with stationery items such as headed paper and business cards.

8.12 The Panel noted that the submission from the Head of ICT and Corporate Support stated that the Council would no longer be providing Members with printers. On this basis the Panel recommends that the £200 allowance for IT consumables should no longer be available to Members, and any such costs should be borne by the increased Basic Allowance. In addition, given the prevalence and lower costs associated with Broadband, the Panel also recommends that costs associated with Broadband provision should be met from the Members' Basic Allowance.

The Panel considered that for the avoidance of doubt, the Basic Allowance should cover all items listed in paragraph 2.1 (section 1).

8.13 The Panel recommends that the Basic Allowance should be £7,324 inclusive of IT and Broadband expenses.

9. Special Responsibility Allowances

9.1 The Panel was mindful of Paragraph 72 of the 2003 Statutory Guidance which states, in relation to the total number of Special Responsibility Allowances (SRAs) and the number of SRAs payable to any one Member,:

“However, these are important considerations for local authorities. If the majority of Members of a Council receive a Special Responsibility Allowance the electorate may rightly question whether this was justified. Local Authorities will wish to consider very carefully the additional roles of Members and the significance of these roles, both in terms of responsibility and real time commitment, before deciding which will warrant the payment of a Special Responsibility Allowance”.

9.2 The Panel considered each of the Special Responsibility Allowances currently paid by the Council and also those roles that currently do not attract a Special Responsibility Allowance. The Panel was also guided in their deliberations by the evidence provided by the Members and Officers.

Leader of the Council (x1)

9.3 The Panel gave detailed consideration to the Special Responsibility Allowance paid to the Leader of the Council. It was noted that the role of Leader of the Council varied greatly between authorities with some authorities having a full time Leader with an allowance similar to a ‘salary’. Traditionally, the role of Leader of West Berkshire Council has not been perceived as requiring a full time commitment and this was reflected in the current allowance of £16,757 per annum.

9.4 Nonetheless, the post is clearly an onerous one that requires a significant time commitment that precludes normal full time employment. Moreover, the Panel heard that the role of Leader of the Council was an extremely complex one which involved having a varied skill set (similar to that of a Company Director) to carry out duties such as:

- Offering strategic advice and guidance to the authority which employed 1600 people and had a budget of £300 million;
- Ensuring that the political objectives of the ruling group are implemented;
- Managing good working relationships between Members and Officers;
- Attending high level meetings with the Chief Executive on regular basis to discuss the direction of the Council;
- Working closely with external partner organisations and Government bodies.

9.5 Benchmarking shows that the Leader's Special Responsibility Allowance is below the average paid across the other Berkshire unitary councils (£18,761) and the South East Employers' Allowances Survey of Unitary Councils (£20,544) (see Appendix C).

9.6 In arriving at the recommended Special Responsibility Allowance for the Leader, the Panel adopted the 'factor approach' as suggested by the 2003 Statutory Guidance and the approach followed by most IRPs. In this approach the Leader's Special Responsibility Allowance is arrived at by multiplying the Basic Allowance by an appropriate factor which in this case was 2.5. This figure maintains the current factor in West Berkshire and is in line with differential between the average Basic Allowance and Leader's Special Responsibility Allowance in the benchmarking

councils. Moreover, it would still leave the Leader as one of the lowest remunerated Leaders of a unitary council in the south east.²

- 9.7 Having considered the evidence presented to them and taken into account the level of responsibility and the time commitment involved in fulfilling the role of Leader of the Council, **the Panel recommends that the Special Responsibility Allowance for the Leader of the Council should be 2.5 x the recommended Basic Allowance which equates to £18,310 per annum.**

Deputy Leader of the Council (x1)

- 9.8 The Leader of the Council is supported by a Deputy Leader who also has historically had their own portfolio of service areas. Typically Deputy Leaders are remunerated at a higher level than other Executive Members. However this is not the case in West Berkshire Council. The Deputy Leader's Special Responsibility Allowance is the same as the eight other Executive Members (£8,379).
- 9.9 The Panel felt there was no evidence presented to suggest that the Deputy Leader of the Council should be paid a higher allowance than the other Executive Members and therefore **recommended that they should receive a Special Responsibility Allowance of 50% of the Leader's allowance which equates to £9,155 per annum.**

Executive Members (x8)

- 9.10 By law the Executive can comprise a maximum of ten (10) Members including the Leader and Deputy Leader. Currently all the Executive Members receive the same Special Responsibility Allowance of £8,379. Whilst there was some representation to pay varying amounts depending on the size and scope of each portfolio, the current arrangement worked well and afforded the Leader of the Council greater flexibility in appointing his or her Executive.
- 9.11 The Panel heard that each of the Executive Members 'manages' a portfolio of service areas and are responsible for delivering the Council Strategy in those areas. This involves working at a high level with Officers, attending a large number of meetings and ensuring they are fully briefed on all aspects of their portfolio.
- 9.12 Historically, the other Executive Members' Special Responsibility Allowance has been set at 50% of the Leaders Allowance to reflect the statutory duties and level of responsibility, time commitment and specialist service area knowledge required to fulfil the role. No evidence was received to suggest the current 50% ratio (of the Leader's Special Responsibility Allowance) used by West Berkshire was out of line. Benchmarking showed this was broadly comparable across the other Berkshire unitary councils (just under 54% equating to a mean average SRA of £10,111) and just over 48% for the South East Employers' Allowances Survey of Unitary Councils (equating to a mean SRA of £9,912).
- 9.13 **The Panel therefore recommends that other Members of the Executive (up to eight) continue to receive a Special Responsibility Allowance set at 50% of the**

² The obvious exception to this is the SRA paid to the Leader of Reading which is £7,004 and less than the Reading Basic Allowance. While Reading has been included for benchmarking purposes it is such an anomaly regarding the remuneration of its Leader that for the Panel to use this as a meaningful reference point is a fruitless exercise.

Leader's Special Responsibility Allowance (£18,310) which equates to £9,155 per annum.

Chairman of Overview and Scrutiny Commission (x1)

- 9.14 West Berkshire Council has only one Overview and Scrutiny Committee, which is a statutory committee charged with holding the Executive to account. It is also charged with reviewing wider policies, decisions and performance of the Council. Most other councils will have a number of scrutiny leads or panels to fulfil overview and scrutiny responsibilities. The West Berkshire Council Commission typically meets eight or nine times per annum and the Chairman is also involved in numerous ad hoc scrutiny reviews each year. The Chair receives a Special Responsibility Allowance of £5,237, which historically was set at 30% of the Leader's Special Responsibility Allowance (although it is now 31% due to post indexation rounding up over the years). Benchmarking shows that a similar model of overview and scrutiny is adopted in only three other Berkshire unitary councils with the mean Special Responsibility Allowance being £6,303.
- 9.15 No evidence was received to suggest that the current ratio of 30% requires revising. **The Panel recommends that the Chairman of the Overview and Scrutiny Management Commission receive a Special Responsibility Allowance set at 30% of the Leader's recommended Special Responsibility Allowance (£18,310) which equates to £5,493 per annum.**

Chairman of Council (x1)

- 9.16 West Berkshire Council has a Chairman of the Council rather than a Mayor, although the roles are similar. The Chairman of the Council fulfils a largely civic role that is extremely demanding in terms of the time commitment involved in attending a large number of events (normally around 200 a year). In addition, the Chairman of the Council chairs all the Council meetings (which is often a very demanding role when constitutional issues arise), acts as the ambassador for the Council and is required to cover the following day to day costs from their Special Responsibility Allowance:
- Clothing required to attend numerous high profile events, sometimes involving Royalty;
 - Tickets for events such as charity concerts, plays and performances;
 - Charity donations and raffle tickets;
 - Gifts and thank you cards.
- 9.17 Under the relevant provisions of the Local Government Act 1972 it is possible to pay the Chairman of the Council a Civic Allowance (rather than a Special Responsibility Allowance) paid directly to the Chairman at the beginning of the civic year to assist with the costs of holding the office of Council Chair. Whilst using powers to pay a civic allowance has positive tax implications, it makes the auditing of expenditure extremely difficult. For this reason, **the Panel recommends that the remuneration and operational expenses for the Chairman of the Council should stay as a Special Responsibility Allowance within the Members Allowances Scheme.**
- 9.18 Currently the Council Chairman receives a Special Responsibility Allowance of £4,729; the basis for this figure is historical rather than based on an explicit methodology. Given the value of the role as the Civic Head of the Council and the fact that it is the most labour intensive role in terms of attendance at events, the

Panel takes the view that the post is at least on a par with the Chairman of the Overview and Scrutiny Commission. **The Panel therefore recommends that the Chairman should receive 30% of the Leader's Special Responsibility Allowance which equates to £5,493 per annum.**

Vice-Chairman of the Council (x1)

- 9.19 Similarly the Council has chosen to remunerate the Vice-Chairman of the Council though a Special Responsibility Allowance (currently £606) rather than the Civic Allowance.
- 9.20 The Vice-Chairman provides much needed support to the Chairman of the Council given the large number of events that the Chairman is expected to attend. The Vice-Chairman is also required to chair Council meetings in the absence of the Chairman of the Council. For this reason the Panel felt that the current Special Responsibility Allowance of £606 did not sufficiently reflect the role of Vice-Chairman of the Council and day to day expenses that could be incurred.
- 9.21 **The Panel recommends that the Vice-Chairman of the Council receives a Special Responsibility Allowance set at 20% of the Council Chairman's Special Responsibility Allowance (as the most relevant marker for the Vice Chairman) which equates to £1,099 per annum.**
- 9.22 The Allowances Scheme should also specify the day-to-day expenses that the Chairman and Vice-Chairman are expected to meet from their Special Responsibility Allowances set out in paragraph 9.16.

Chairman of Planning Committee (x2)

- 9.23 West Berkshire Council operates two (Area) Planning Committees reflecting the wide spread geographical nature of the District. Each Planning Committee meets every three weeks in the evening and meetings are often lengthy. The Chairman of a Planning Committee is a high profile and demanding role and often subject to high pressure. The role is also relatively time consuming in terms of attending the Planning meetings themselves, site visits and preparing for the meetings.
- 9.24 Benchmarking shows that the current Special Responsibility Allowance (£4,190) paid to the Chairmen of the two Planning Committees (which was set at 25% of the Leader's Special Responsibility Allowance) is below the mean (£4,770) across the other Berkshire Unitary Councils and below the mean (£6,002) for planning chairs in the South East Employers' Allowances' Survey. However, this is balanced by virtue of paying two Chairmen a Special Responsibility Allowance which is not typical in Berkshire. Only Windsor and Maidenhead have adopted a similar model with three area planning chairs.
- 9.25 However, due to the workload, high public profile and sensitive nature of planning in West Berkshire **the Panel recommends that the Special Responsibility Allowance for Chairmen of the Planning Committees be maintained at 25% of the Leader's Allowance which equates to £4,578 per annum.**

Chairman of the Licensing Committee (x1)

- 9.26 The Special Responsibility Allowance (£2,619) for the chairman of the West Berkshire Council's Licensing Committee was originally set at 15% of the Leader's Special Responsibility Allowance. While licensing, like planning, is a statutory and quasi-judicial committee the nature of the work is not on the same level as planning as evidenced by the Licensing Committee meeting four times a year, with functions under the Licensing Act 2003 delegated to ad hoc sub committees. The Panel received no evidence to indicate that the current ratio of 15% requires revising.
- 9.27 **The Panel recommends that the Special Responsibility Allowance for the Chairman of the Licensing Committee continues to be set at the current ratio of 15% of the Leader's Special Responsibility Allowance, which equates to £2,747 per annum.**

The Chairs of the Licensing Sub Committees

- 9.28 The Licensing Sub Committees consider licensing applications where representations are received on an ad-hoc basis. Typically there are between seven and ten Licensing Sub-Committees each year with the three members (+ substitute) drawn from the parent committee on a rotating basis, subject to availability, with the Chairman appointed on the day. Representation was received making a case to remunerate the Chairs of the Licensing Sub Committees.
- 9.29 However, benchmarking shows that these posts are not normally remunerated. In Berkshire only Windsor & Maidenhead pays the Chairs of the licensing panels (£1,879), as well as the other members at £25.26 per meeting. Moreover, given the relatively small number of these meetings and the fact that a Chairman is appointed for each Sub-Committee which means no Licensing Member is typically required to chair more than two Sub Committee meetings per year. The Panel felt that, as a result, the workload and responsibility did not meet the significant responsibility threshold.
- 9.30 **The Panel has not recommended that the Chairs of the Licensing Sub Committees be paid a Special Responsibility Allowance.**

Chairman of the Governance and Audit Committee (x1)

- 9.31 The Chairman of the Council's Governance and Audit Committee does not currently receive a Special Responsibility Allowance. It is increasingly common to have a dedicated audit (often coupled with governance function) to fulfil a number of statutory functions that previously lay in a number of places, mostly Overview and Scrutiny, the Executive and Officers, namely:
- Signing off the Council's Statement of Accounts
 - Monitoring the internal and external audit functions
 - Acting as custodian of the Council's Constitution
- 9.32 Benchmarking shows that all the Chairmen of equivalent committees across Berkshire receive a Special Responsibility Allowance, with the mean being £2,494. Across the South East Unitary Councils the mean is £3,906. The lack of a Special Responsibility Allowance for the Chairman of the Governance and Audit Committee devalued the role particularly as it is now regarded as good practice to have a

dedicated audit committee as advocated by the Audit Commission to give proper focus to financial monitoring and audit processes.

- 9.33 Given the statutory nature of the Committee functions, the responsibility associated with its workload and the fact that the Committee is scheduled to meet at least five times a year **the Panel recommends that a Special Responsibility Allowance be paid to the Chairman of the Governance and Audit Committee set on a par with the recommended Special Responsibility Allowance for the Licensing Committee Chairman, which is 15% of the Leader's Special Responsibility Allowance and equates to £2,747 per annum.**

Chairman of the Personnel Committee (x1)

- 9.34 The Personnel Committee is responsible for making changes to Human Resources 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, although the financial implications of each request has to be approved by the Executive. It consists of five Members and meets on an ad hoc basis (historically two or three times a year) and the workload associated with the Chairmanship is relatively low.
- 9.35 Currently the Chairman of the Personnel Committee does not receive a Special Responsibility Allowance. Benchmarking shows that the Chair of equivalent committees in Berkshire are remunerated except in Windsor and Maidenhead but this is in a context where they normally have scheduled meetings and in some cases a wider remit.
- 9.36 **The Panel received no evidence to suggest that a Special Responsibility Allowance should be paid for this role at this point in time and therefore does not make any recommendations with respect to this role.**

Chairman of the Standards Committee (x1)

- 9.37 Although there is no longer a statutory requirement to maintain a Standards Committee the Council still has a statutory responsibility to maintain a Code of Conduct and to promote high standards of conduct including, when required, to consider any complaints where there is an allegation that a district, town or parish councillor may have breached their organisation's Code of Conduct. The Standards Committee is made up of six district councillors as well as two co-opted non-voting parish councillors.
- 9.38 Currently the Chairman of the Standards Committee does not receive a Special Responsibility Allowance. Benchmarking shows that a standards committee has been maintained in 4 out of the 5 other Berkshire councils, the Chairmen of which are all in receipt of a Special Responsibility Allowance, with a mean of £1,475 although in some councils the governance functions lie with a standards committee.
- 9.39 The role of Chairing the Standards Committee is not as significant as it once was as most complaints are now dealt with by the Monitoring Officer and Independent Person. No strong representation was received to indicate the current situation needed revising. Consequently, **the Panel does not make any recommendations with respect to this role.**

Leader of the Main Opposition Group (x1)

- 9.40 The 2003 Regulations require that where the Council is controlled by one or more political groups (defined as having a minimum of two Members) then at least one Special Responsibility Allowance must be paid to an Opposition Member. Typically this statutory requirement is fulfilled by paying the Leader of the Opposition a Special Responsibility Allowance which in the case of West Berkshire Council is currently the Leader of the Liberal Democrat Group.
- 9.41 The role of the Opposition is to hold the Administration to account and challenge the Executive. These functions are carried out by the Leader of the Opposition and the Shadow Executive.
- 9.42 The Panel heard that the Leader of the Opposition has to have a broad understanding of all the Council services in order to provide an effective challenge. The Opposition can also produce an alternative budget. The current Opposition consists of 13 Members which meant the group had to be very proactive and resilient to carry out their role.
- 9.43 Currently the Leader of the Opposition receives a Special Responsibility Allowance of £8,379 that was set on a par with the Executive Members i.e., 50% of the Leader's Special Responsibility Allowance. Whilst the Panel appreciates the significant responsibility and time commitment associated with being Leader of the Opposition the fact remains that the ultimate responsibility rests with the Leader of the Council and Executive Members. By definition, the Leader of the Opposition cannot have the same level of responsibility as other Executive Members. Moreover, benchmarking shows that the mean Special Responsibility Allowance paid to Opposition Leaders in the other Berkshire councils is £5,712 and in the South East unitary councils the mean is £5,655.
- 9.44 The Panel has decided to recalibrate the Special Responsibility Allowance for the Leader of the Opposition by setting it at 40% of the Leaders' recommended Special Responsibility Allowance. **The Panel recommends that the Leader of the Opposition should receive a Special Responsibility Allowance set at 40% of the Leader's Special Responsibility Allowance which equates to £7,324.**

Opposition Spokespersons (x4)

- 9.45 Unusually four of the six Opposition Spokespersons receive a Special Responsibility Allowance of £4,190 which is on a par with the Chairmen of Planning. No other Berkshire councils pay Special Responsibility Allowances to Opposition Spokespersons. The Panel recognises the importance of the role of the Opposition Spokespersons in working with the Leader of the Opposition to hold the Executive to account. In a similar way to the Executive Members, the Opposition Spokespersons each have a shadow portfolio made up of a number of service areas that they are responsible for. Opposition Spokespersons are required to:
- Be fully aware of the issues within their shadow portfolio area;
 - Scrutinise the decisions of the Executive;
 - Attend regular officer briefings;
 - Read briefing papers and prepare for meetings;
 - Lead and sit on various task groups.

- 9.46 There is scope in the Members Allowances Scheme to pay up to seven Opposition Spokespersons but only four Opposition Spokespersons receive a Special Responsibility Allowance. This was an historical arrangement based on concerns about proportionality and agreed by Council in September 2011.
- 9.47 Whilst the Panel recognised the importance of the role of Opposition Spokespersons in providing an effective scrutiny role and the time commitment involved, it was noted that they did not have the same level of responsibility as Executive Members. In addition, the Panel noted that there was only a legal responsibility to pay one member of the Opposition and West Berkshire was the only authority in Berkshire to pay Opposition Spokespersons.
- 9.48 For these reasons, **the Panel recommends that the Opposition Spokespersons should receive a Special Responsibility Allowance set at 30% of the Leader of the Opposition's Special Responsibility Allowance which equates to £2,197 per annum and that this Special Responsibility Allowance should be paid to a maximum of four members of the opposition.**

Leader(s) of Minority Group(s) (if have 5 group members)

- 9.49 Currently the Members Allowances Scheme does not include scope to pay allowances to any Leaders of Minority Groups. To future proof the scheme the Panel has made recommendations in this regard.
- 9.50 **The Panel recommends that a Special Responsibility Allowance be set at 10% of the Leader's Special Responsibility Allowance which equates to £1,831 and is only payable to Leaders of any Minority Groups provided they have a minimum of five Members.**

Confirming the one Special Responsibility Allowance only rule

- 9.51 **The Panel also recommends that the rule that no Councillor shall be entitled to receive more than one Special Responsibility Allowance be retained.**

10. Travel Allowances

- 10.1 No evidence was received to indicate that the current terms and conditions, including approved duties, and rates at which these allowances are claimable needed revisiting.
- 10.2 **The Panel recommends that the current travel allowances, including the approved duties and terms and conditions for which they are claimable, be maintained at current rates subject to any indexation that may be applicable.** The scheme also needs updating to reflect the current HMRC mileage rates for bicycle use of 20p per mile and for carrying additional passengers of 5p per passenger per mile.

For clarification purposes, **the Panel further recommends that when claiming a Travel Allowance for attending an approved duty within the district then that claim will be made with the starting point being a Members' usual place of residence or work within the District, or if the usual place of residence or work is outside the District boundary then the total return journey for which that claim can be made is capped at 36 miles.**

In the interests of transparency and the requirements of internal audit for Officers to carry out the necessary checks of Members travelling claims, the Panel felt that reimbursements for travelling expenses should only be provided with evidence of expenditure. Where receipts or evidence of expenditure (in the case of car parking payments made by phone) are not provided, the expenditure will be treated as an 'incidental expense' under the Basic Allowance.

11. Subsistence Allowances

11.1 No evidence was received to indicate that the current terms and conditions, including approved duties, and rates at which these allowances are claimable needed revisiting.

11.2 **The Panel recommends that the current subsistence allowances, including the approved duties and terms and conditions for which they are claimable, be maintained as follows:**

Claims for Subsistence Allowance for meetings that take place at any of the Council Offices are liable to tax but those that take place 'off-site' are not, and any claims made should reflect this.

Claims for Subsistence Allowance must fall within the relevant time periods, as set out below, and therefore start and finish times of journeys must be included with each claim. The following rates are currently payable:

- Breakfast Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, before 11.00am) - £5.00;
- Lunch Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, between 12 noon and 2.00pm) - £7.00;
- Tea Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, including the period 3.00pm to 6.00pm) - £3.00;
- Evening Meal Allowance (more than four hours away from normal place of residence or, where the Authority permits, a lesser period, ending after 7.00pm) - £12.00.

11.3 In the interests of transparency and the requirements of internal audit for Officers to carry out the necessary checks of Members subsistence claims, the Panel felt that reimbursements for subsistence expenses should only be provided with evidence of expenditure. Where receipts or evidence of expenditure are not provided, the expenditure will be treated as an 'incidental expense' under the Basic Allowance.

12. Co-optees' Allowances

12.1 Currently, the two co-optees (as defined by the 2003 Regulations paragraph 9.5) appointed by West Berkshire Council onto the Standards Committee are not paid a Co-optees' Allowance. No evidence was received to change this stance. Therefore **the Panel does not recommend that the Allowances' Scheme include provision for the payment of a Co-optees' Allowance.**

13. Dependants' Carers' Allowance (DCA)

- 13.1 The Panel discussed the importance of continuing to pay the Dependants' Carers' Allowance in order to not discourage people who undertake a caring role from standing for Election and becoming a Councillor.
- 13.2 **The Panel agreed that the current allowance of £6.13 per hour up to a maximum of 40 hours per month per Councillor should be increased to £7.85 per hour up to a maximum of 40 hours per month per Councillor to reflect the current UK Living Wage.**

14. The Local Government Pension Scheme

- 14.1 The Panel noted that by virtue of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (in force from 1st April 2014), access to the Local Government Pension Scheme for new Councillors in England was abolished. The regulations also terminated access to the Scheme for existing Councillors from the point at which their current fixed term of office ends.
- 14.2 Given this change in the legislation, **the Panel recommended that reference to the Local Government Pension Scheme be removed from the Members' Allowances Scheme from May 2015 (following the District Council Elections).**

15. The Administration of the Scheme (including indexation)

- 15.1 The Panel gave consideration to a recent Internal Audit report (December 2014) into Members Allowances and noted that the report had highlighted the following moderate weakness in the submission of Members claim forms:
- a) Claims should be submitted using the current claim form on a monthly basis, prior to the 5th of each month.
 - b) The claim form needs to be fully completed i.e. to include all relevant personal and expenses details to enable claims to be validated."
- 15.2 The Panel also noted that the untimely and late submission of claim forms often resulted in difficulties in forecasting the Members travel budget and made the thorough checking of claim forms a difficult and time consuming process.
- 15.3 For these reasons, the Panel recommended that the current wording contained in the Members Allowances Scheme be changed as follows:
- 15.4 'Members **shall** (rather than are encouraged to) submit all claims relating to travelling, subsistence and Dependants' Carers' Allowance in writing and in arrears within two months of the date of the meeting in respect of which the entitlement to the allowance arises and must be received for processing by the Members' Services Officer by the 5th of each month.
- 15.5 The Panel noted that the scheme already made provision for Members who are unable to submit claims within the timescales due to illness.
- 15.6 The Panel confirms the following indices are applied from 2015/16 and run for up to four years:

That the level of indexation for the Basic Allowance and Special Responsibility Allowances be automatically linked to that used for West Berkshire Council Officers unless Members choose to forgo index linked increases in a particular year.

The Dependants' Carers' Allowance's maximum hourly rate is indexed to the living wage.

The Subsistence Allowances are indexed to relevant Officer rates.

The mileage allowances are indexed to HMRC rates.

16. IMPLEMENTATION

16.1 The implementation of any recommendations to take place from the Annual Council meeting on 19th May 2015. In accordance with the Members' Scheme of Allowances, the Basic and Special Responsibility Allowances are paid over 11 months from June – April with no payment made in May. Any amendments made to the Basic and Special Responsibility Allowances would therefore be payable from June 2015. All other changes would be implemented from the 20th May 2015 onwards.

17. APPENDICES

Appendix A - The budgetary impacts of the Panels' recommendations

Appendix B - List of information considered by the Panel

Appendix C - Summary of benchmarking data

**Appendix A:
The budgetary impacts of the Panels' recommendations**

Position	Amount January 2015	Proposed Allowance May 2016	Difference	Change as a %	Budgetary Impact
Basic Allowance	£6,285	£7,324	£1,039	16.5%	£54,028
Special Responsibility Allowances					
Chairman of Council (1)	£4,729	£5,493	£764	16%	£764
Vice-Chairman of Council (1)	£606	£1,099	£493	81%	£493
Leader of Council (1)	£16,757	£18,310	£1,553	9%	£1,553
Deputy Leader of the Council (1)	£8,379	£9,155	£776	9%	£776
Executive Members (up to 8)	£8,379	£9,155	£776	9%	£6,208
Chairman of the Overview & Scrutiny Management Commission (1)	£5,237	£5,493	£256	5%	£256
Chairman of Licensing Committee (1)	£2,619	£2,747	£128	5%	£128
Chairman of Governance and Audit Committee (1)	£0	£2,747	£2,747	New allowance	£2,747
Chairman of Planning Committee (2)	£4,190	£4,578	£388	9%	£776
Leader of the Main Opposition (1)	£8,379	£7,324	-£1,055	-12.5%	-£1,055
Opposition Spokespersons (up to 4)*	£4,190	£2,197	-£1,933*	-46%	-£7,972
Leader(s) of Minority Group(s)**	£0	£1,831	£1,831	New allowance	£0
Total***					£58,702

* On a voluntary basis the Council currently pays 4 Opposition Spokesman £4,190

** The Special Responsibility Allowance for Leader(s) of Minority Groups is only payable if a Minority Group attains 5 Members. At present no Minority Group has reached that threshold.

*** The total additional yearly spend does not include any indexation that may be applied nor the annual savings of £15,600 that is saved by the abolition of the IT allowance and the £200 uplift to the BA for broadband provision.

Appendix B: List of information considered by the Panel³

1. Itinerary/Agenda - Independent Remuneration Panel 11-12 February 2015
2. The Panel's Terms of Reference
3. General Information on WBC Including People and Place
4. WBC IRP Report May 2011 and July 2011
5. WBC Allowances Scheme 2014/15 (Includes Recent Indexation)
6. WBC Statutory Publication of Allowances and Expenses Received by Members 2013/14
7. WBC Governance Structure Diagram
8. WBC List of Committees and Associated Membership and Calendar of Meetings
9. WBC List of Executive Members and Associated Portfolios
10. WBC List of Opposition Spokesmen and Associated Portfolios
11. LGA Councillors Census 2013 (including summary of hours put in by Councillors by Council type and positions held)
12. National Joint Council for Local Government Services, 2014 -16 Pay Scales and Allowances, 14 November 2014
13. Powerpoint presentation by Chair, "A Review of Allowances for West Berkshire Council" (tabled on day)
14. Written representations received from Members
15. Summary of SE Employers Members' Allowances Survey - Unitary Councils in the south east 2014/15
16. BM1 - BM4: Summary of Benchmarking - SE Survey Unitary and Other Berkshire Unitary Councils

³ Full copies of items 1-13 have been published on line, item 14 has not been published for privacy reasons, and items 15-16 are summarized in appendix C.

**Appendix C:
Summary of benchmarking data referred to by Panel**

BM1 West Berks BM Group - Other Berks Councils + SE Employers Allowances Survey Unitary Councils 2014/15: BA + Exec + Scrutiny + Civic SRAs (14/15)													
Comparator Council	BA	Leader	Leader Total Package	Deputy Leader	Exec Members	Deputy Exec or Champion	Chair Main O&S	Main O&S V/Chair	Chairs or Leads Scrutiny	V/Chairs Scrutiny	Chairs Scrutiny or Other Panels	Chair Council	Council V/Chair
Bracknell Forest	8,687	28,954	37,641	17,372	15,926	2,201	7,239		5,791				
Reading	8,220	7,004	15,224	5,722	3,816				2,147	1,074			
RBW&M	7,255	18,790	26,045	11,274	10,335	1,879			4,698		1,879		
Slough 1/01/15	7,329	19,055	26,384	13,338	10,480		6,671	2,224	2,858				
Wokingham	7,487	20,000	27,487		10,000	2,000	5,000		2,500				
Mean	7,796	18,761	26,556	11,927	10,111	2,027	6,303		3,599				
Median	7,487	19,055	26,384	12,306	10,335	2,000	6,671		2,858				
<i>West Berks 1/01/15</i>	<i>6,285</i>	<i>16,757</i>	<i>23,042</i>		<i>8,379</i>		<i>5,237</i>					<i>4,729</i>	<i>606</i>
Highest	8,687	28,954	37,641	17,372	15,926	2,201	7,239		5,791				
Lowest	7,255	7,004	15,224	5,722	3,816	1,879	5,000		2,147				
Mean Ratios	2.41	100%		63.6%	53.9%	10.8%	33.6%		19.2%				
SEE Survey Mean	£8,539	£20,544	29,083	£11,919	£9,912	NA	NA	NA	£6,181	Only 3 payable			

**BM2 West Berks BM Group: Other Berks Unitary Councils + SE Employers Allowances Survey Unitary Councils:
Planning & Licensing/Regulatory SRAs (2014/15)**

Comparator Council	Chair Planning (DCC)	V/Chair Planning	Planning Members	Chair Licensing &/or Regulatory	V/Chair Licensing	Chairs Licensing Panels or Subs	Licensing Members	Comments
Bracknell Forest	7,239	723		5,626	553			
Reading	2,147	1,074		2,147	1,074			
RBW&M	4,698			4,698		1,879	£25.26 p/meeting	<i>3 Chairs Area DCC SRAs payable for total of £14,094</i>
Slough 1/01/15	4,764	1,587		3,811	1,270			
Wokingham	5,000		1,250	2,500				
Mean	4,770	1,128		3,756	966			
Median	4,764	1,074		3,811	1,074			
West Berks 1/01/15	4,190			2,619				<i>2 Chairs Area DCC SRAs payable for total of £8,380</i>
Highest	7,239	1,587		5,626	1,270			
Lowest	2,147	723		2,147	553			
Mean Ratios	25.5%			20.1%				
SEE Survey Mean	6,002	1,918		4,787	2,228			

**BM3 West Berks BM Group: Other Berkshire Unitary Councils + SE Employers Survey Unitary Councils:
Other Regulatory & Misc SRAs (2014/15)**

Comparator Council	Chair Standards	V/Chair Standards	Chair Audit	V/Chair Audit	Chair Personnel or Employment	V/Chair Personnel or Employment	Chairs Local Forums	Deputy Chair Cabinet	Other Committees	Comments
Bracknell Forest	638		2,201		2,201					<i>Standards Chair is Co-optee, Education Appeals Mbrs: £30/£59 p/meeting up to/over 4 hrs</i>
Reading	2,147	1,074	2,147	1,074	2,147	1,074			2,147	<i>Standards Chair is Co-optee</i>
RBW&M			3,758				1,879	11,274	1,879	
Slough 1/01/15	1,864		1,864		1,864					
Wokingham	1,250		2,500		1,250					<i>Below Exec level Members can get >1 SRA</i>
Mean	1,475		2,494		1,866					
Median	1,557		2,201		2,006					
<i>West Berks 1/01/15</i>										
Highest	2,147		3,758		2,201					
Lowest	638		1,864		1,250					
Mean Ratio	7.9%		13.4%		10.0%					
SEE Survey Mean	NA		3,906		NA				4,770	

**BM4 West Berks BM Group: Other Berks Unitary Councils & SE Employers Survey Unitary Councils:
Group SRAs + Co-optees (2014/15)**

Comparator Council	Main Opposition Group Leader	D/Leader Main Opposition Group	Opposition Spokespersons	Minor Opposition Group Leader	Co-optees Standards	Co-optees Other
Bracknell Forest	9,651	965			291	291
Reading	3,816			2,147		
RBW&M	1,879			940	359	32/64 p/meeting up/over 4 hrs
Slough 1/01/15	5,716			3,811	516	516
Wokingham	7,500				NA	NA
Mean	5,712			2,299	389	
Median	5,716			2,147	359	
West Berks 1/01/15	8,379		4,190			
Highest	9,651			3,811	516	
Lowest	1,879			940	291	
Mean Ratio	30.6%			12.3%		
SEE Survey Mean	5655	Only 3 returns	only 3 returns	NA	NA	NA

This page is intentionally left blank

Title of Report:	Changes to the Constitution - Parts 2 (Articles of the Constitution), 4 (Council Rules of Procedure), 11 (Contract Rules of Procedure) and 12 (Personnel Rules of Procedure)
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2969

Purpose of Report:

To review and amend Parts 2 (Articles of the Constitution), 4 (Council Rules of Procedure), 11 (Contract Rules of Procedure) and 12 (Personnel Rules of Procedure) in light of legislative changes, policy changes and recent government guidance.

Recommended Action:

1. To consider and agree the proposed amendments and discuss any additional changes required.
2. Authority be delegated to the Monitoring Officer to amend Appendix A to Parts 5 (Executive Rules of Procedure), 6 (Overview and Scrutiny Rules of Procedure) and 7 (Regulatory and Other Committees Rules of Procedure) in line with any changes agreed to Appendix A to Part 4 of the Constitution.
3. Authority to be delegated to the Monitoring Officer to make any additional amendments to the Constitution arising from the enactment of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
4. To agree that the changes will come into effect on the 20 May 2015.

Reason for decision to be taken:

To ensure that the Council has adjusted the scheme in light of legislative and policy changes.

Changes are required to implement consequential effects of the Public Contract Regulations 2015 which came into force on the 26th February 2015.

Changes are required to implement consequential effects of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

To consider a request from Members to decrease the time frame for submitting questions to Council where the

questions pertained to an item on the agenda.

Other options considered: Not to agree the changes.

Key background documentation: Previous versions of Parts 2, 4, 11 and 12 Of the Constitution

Published Works: Public Contracts Regulations 2015
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

The proposals will help achieve the following Council Strategy principles:

CSP7 - Empowering people and communities

CSP8 - 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

2014/15 Governance and Audit Committee Chairman

Name & Telephone No.:	Councillor Quentin Webb – Tel (01635) 202646
E-mail Address:	qwebb@westberks.gov.uk
Date Portfolio Member agreed report:	8 May 2015

Contact Officer Details

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

Implications

Policy: Will require changes to Parts 2, 4, 11 and 12 of the Constitution

Financial: S151 Officer at the Finance, Audit & Governance Group approved the amendments to Part 11 of the Constitution

Personnel: Changes are required to comply with new legislation.

Legal/Procurement: Changes are required to take into account and comply with new legislation and to improve working practices in particular the Public Contract Regulations and The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

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:				
1. Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
2. Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3. Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
4. 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"/>		
5. 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 Report

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 2 (Articles of the Constitution), 4 (Council Rules of Procedure), 11 (Contract Rules of Procedure) and 12 (Personnel Rules of Procedure) in light of legislative changes, policy changes and recent government guidance.
- 1.3 The amendments to Part 11 of the Council's Constitution (Contract Rules of Procedure) are required to implement the Public Contracts Regulations 2015. There are several amendments to Part 11 which are necessary to comply with the Public Contracts Regulations 2015, practices and procedures.
- 1.4 The purpose of Part 11 is to set minimum rules and should not be treated as a guide to Procurement within the Council. It sets out the rules governing contracts in accordance with the aforementioned Act.
- 1.5 Following the publication of new regulations on local authorities' disciplinary procedures for removing a senior statutory officer, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881), the Council is required to amend its Constitution in order to incorporate the new arrangements for taking disciplinary action against the most senior council staff. This modification must be made by the first ordinary council meeting held after the 7 May 2015 elections. These changes are incorporated into Parts 2 and 12 of the Constitution. Authority is also being sought to delegate any additional changes required to the Constitution to the Monitoring Officer to make.

2. Part 2 Articles of the Constitution

- 2.1 Following the discussion at the Governance and Audit Committee meeting on the 27 April 2015 the following amendment is required to this part of the Constitution:
 - Amend paragraph 2.9.3 to reflect the changes required to the role of the Independent Person as a result of the enactment of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881).

3. Part 4 Council Rules of Procedure

- 3.1 The following minor changes have been made to the document by the Finance and Governance Group:
 - (a) Reference to legislation has been updated where appropriate;

- (b) Typographical errors have been corrected and references to his/her have been removed;
- (c) Following the removal of the legislative requirement to hand deliver hard copies of the Council agendas to Members' homes the relevant section has been updated;
- (d) The section on petitions has had a paragraph removed to avoid duplication with the information set out in Appendix C (Process for Dealing with Representations) to Part 13 (Codes and Protocols);
- (e) Recording of Opposition to a decision has been moved to the section on voting;
- (f) At the request of a Member the timeframe for submission of public and Member questions relating to an item on the agenda have been extended to two clear working days before the meeting; Corporate Board supported this timeframe and the Council is asked to consider whether or not the change is appropriate.
- (g) Following the introduction of the legislative requirement to record how Members vote on the budget an additional paragraph has been included to deal with this issue.
- (h) Appendix A has been re-written to take into account legislative changes.

3.2 The Governance and Audit Committee at its meeting on the 27 April 2015:

- supported the proposed changes as set out above with the exception of item (f). Their recommendation was that the status quo should be retained and that questions relating to items included on the agenda should be submitted by 10.00am one working day before the meeting.
- They also requested that paragraph 4.2.1 (C) the typographical error in the note be corrected.

The formatting of the report will be corrected once all the tracked changes are agreed.

4. Part 11 Contract Rules of Procedure

4.1 The following minor changes have been made to the document by the Finance and Governance Group

- Updated legislative reference to include the new EU Directives Directive (2014/24/EU, 2014/25/EU & 2014/23/EU) and the Public Contracts Regulations 2015 (the Regulations) in paragraph 11.1.14.
- Guidance and updates to replace the Desktop Procurement Guide. It is intended that general non-specific advice and guidance will be published and updated on the intranet.
- General duty to improve the economic, social and environmental well-being of West Berkshire in paragraph 11.2.3 and 11.2.4, Public Services (Social

Value) Act 2012. This came into force on 31 January 2013. It requires commissioners of services to think about how they can also secure wider social, economic and environmental benefits before they start the procuring process. It also encourages the Council when commissioning services to talk to their local provider market or community to design better services, often finding new and innovative solutions to difficult problems. These solutions can include creation of apprenticeships, partnership working with local stakeholders, working with local schools and colleges to develop employability skills that improve employment and social inclusion outcomes.

- Clarity on decision making and delegated powers prior to letting of contracts by reference to thresholds in paragraph 11.4.3 and 11.4.4. This introduces three levels of decision making. Generally all contracts over £500,000, where such contracts have not been approved in the Capital Programme, is a key decision requiring Executive approval. It is recommended that contract awards below £500,000, are delegated to the relevant Head of Service with approval from Corporate Board for contracts above £100,000.
- Removal of Pre-Qualification Stage (PQQ) stage (11.5.1).

Part 4 of the 2015 Regulations introduces requirements relating to below threshold procurements. The new requirements are driven to make public procurement more accessible to SMEs (an enterprise falling within the category of micro, small and medium-sized enterprises). Under Regulation 111 the Council is not permitted to include a PQQ stage in any procurement where the value of the procurement is below the EU threshold for goods and services (currently £172,514). However if the estimated value is less than £25,000, then this requirement does not apply. PQQ is unlikely to be necessary or proportionate for contracts below this sum.

- Advertising Requirements.
 - (1) Under the new transparency obligations, the Council is required to publish contract opportunities and award information on the Contracts Finder, where the contract is being advertised. Contracts Finder is a database/ portal run by the Cabinet Office. The threshold for publishing opportunities is £25,000, or standing order limits. The proposal is to set the Council's financial threshold to £100,000, after which it becomes mandatory for Officers to advertise.
 - (2) For contracts below £100,000, the table in 11.5.2 requires at least three invitations to quote to be sought from the market with at least one from a local supplier where appropriate. This change is required to address the impact on resources on running a tender exercise. However this does not mean a tender exercise is prohibited but adds flexibility in operational terms. Invitation to quote will be issued to a limited select group of providers and it is encouraged, where possible, legal and appropriate that these providers are SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) and/or VCSE (means a non-governmental organisation that is value-driven and

which principally reinvests its surpluses to further social, environmental or cultural objectives).

(3) For contracts above the EU threshold the award opportunities will continue to be published on the Official Journal of the European Union however this information will now need to be mirrored on the Contracts Finder database.

(4) The Council's Procurement Portal is interfaced with a link to and publishes contract opportunities on both the OJEU and the Contracts Finder.

- Paragraph 11.11 on Exclusion and Exceptions

(1) This now provides two distinct mechanisms for determining where the requirement to conduct a regulated procurement is either excluded or where it can be excepted.

(2) Under 11.11.1 (d) is a new addition which deals with social care contracts that are let where procurement may not be appropriate and lists the circumstances.

(3) The exceptions procedure in 11.11.2 remains largely unchanged.

- Record keeping and reporting requirements under 11.13

The Council is required to record and keep a written report on each contract, framework agreement and dynamic purchasing system entered into under the Regulations.

(1) The information recorded must include information relating to the following (amongst other):

- (a) the qualification and selection of tenderers and the award;
- (b) where applicable, why electronic procurement is not used;
- (c) the use of the negotiated procedure without a call for competition;
- (d) how conflicts of interest have been managed; and
- (e) the non-application of the regulations in certain circumstances.

(2) The Regulations require the Council to document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions. This may include:

- (a) communications with contractors/suppliers; and
- (b) internal deliberations; and
- (c) preparation of procurement documents; and
- (d) any dialogue and negotiation; and

- (e) selection and award.

Documentation must be kept for three years from the award of the contract.

- Payment obligations under 11.15.5.
 - (1) The Regulations and the Statutory Guidance issued under Regulation 113 requires the Council to pay valid and undisputed invoices within 30 days. The Council is required to consider and verify invoices in "timely fashion". It also requires that any contracts that the Council enter into should also contain provision to impose the requirement of payments within 30 days.
 - (2) The Council is required to publish on the internet each year information on their performance in relation to this including the proportion of invoices paid on time to their first tier contractors. (Regulation 113(7)).
 - (3) In common with other monitoring requirements, this obligation will be monitored by the Cabinet Office's 'mystery shopper' service.
- Currently there is a requirement for the Head of Service when procuring a contract (mainly for works) over £50,000, (11.16.2) to require the contractor to have in place a performance bond in the event of contractor insolvency and non performance. It is proposed that this limit is increased to £500,000. The contractors when procuring these bonds will pass this cost on to the Council as part of their bid and this presents a cost implication.

4.2 The Governance and Audit Committee at its meeting on the 27 April 2015 noted the proposed changes.

4.3 The formatting of the report will be corrected once all the tracked changes are agreed.

5. Part 12 Personnel Rules of Procedure

5.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 were made on 25th March 2015 and provide that before taking the final decision to dismiss any statutory officer (and not just the Head of Paid Service as now) by full Council, the Council must invite at least two Independent Persons to be members of a Panel, and Council must take into account any recommendation of that Panel before taking a final decision to dismiss.

5.2 The Panel must be a committee of the authority and therefore subject to all the legal requirements for committees, including the proportionality rules.

5.3 The Council therefore has to modify the Constitution to give effect to the new arrangements. The contracts of the Head of Paid Service, Monitoring Officer and S151 Officer will be updated to reflect these changes.

5.4 The Regulations only apply to dismissal of a statutory officer and not to disciplinary action short of dismissal.

5.5 The Governance and Audit Committee at its meeting on the 27 April 2015 noted these required amendments.

6. Proposals

6.1 It is proposed that the Council considers and if appropriate approves the amendments to Parts 2 (Articles of the Constitution), 4 (Council Rules of Procedure), 11 (Contract Rules of Procedure) and 12 (Personnel Rules of Procedure).

6.2 Authority to be delegated to the Monitoring Officer to make any additional amendments to the Constitution arising from the enactment of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

7. Equalities Impact Assessment Outcomes

7.1 This item is not relevant to equality.

8. Conclusion

8.1 The report is a required update to take cognisance of legislative and policy changes. For the avoidance of doubt the changes will come into effect on 20 May 2015 if approved.

Appendices

Appendix A – Extract from Part 2 of the Constitution – Articles of the Constitution

Appendix B - Part 4 of the Constitution – Council Rules of Procedure

Appendix C – Part 11 of the Constitution – Contract Rules of Procedure

Appendix D –Part 12 of the Constitution – Personnel Rules of Procedure

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Corporate Board, Andy Day, Sarah Clarke, Robert O' Reilly, Jane Milone, Shiraz Sheikh, Moira Fraser

Trade Union: Not consulted.

This page is intentionally left blank

2.9 Article 9 - The Standards Committee

(Part 7 (Regulatory and Other Committee Rules of Procedure) also refers)

2.9.1 Composition

The Standards Committee will be composed of six District Councillors, only one of whom may be a Member of the Executive; this cannot include the Executive Leader; together with two co-opted Parish Representatives.

2.9.2 Advisory Panel

The Standards Committee shall be supported by an Advisory Panel of eight members comprising 2 members of the administration, 2 members of the opposition, 2 parish council representatives and 2 independent members (who shall not be Independent Persons)

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

The Advisory Panel shall be chaired by an Independent Member.

2.9.3 Independent Person(s)

An Independent Person(s) shall be appointed by the Council and shall be consulted by it before any decision is made to investigate an allegation against any member of the Council. The Independent Person may be consulted by any member or Parish Council member against whom an allegation is made. The Independent Person(s) shall not chair the Standards Committee or be entitled to vote on matters before it.

In addition The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 include provisions requiring a panel to be set up to advise on matters relating to the dismissal of the Council's Proper Officers (Head of Paid Service, S151 Officer and Monitoring Officer). The Act requires at least two Independent Persons who have been appointed under section 28(7) of the Localism Act 2011 to be appointed to the panel.

2.9.4 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members, to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

- (f) granting dispensations to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct;
- (g) ensuring arrangements are in place under which allegations of misconduct in respect of the members' Code of Conduct can be investigated and to review such arrangements appropriately;
- (h) the exercise of (a) to (g) above in relation to the Parish / Town Councils wholly or mainly in its area and the Members of those Parish / Town Councils;

West Berkshire Council Constitution

Part 4

Council Rules of Procedure

Document Control

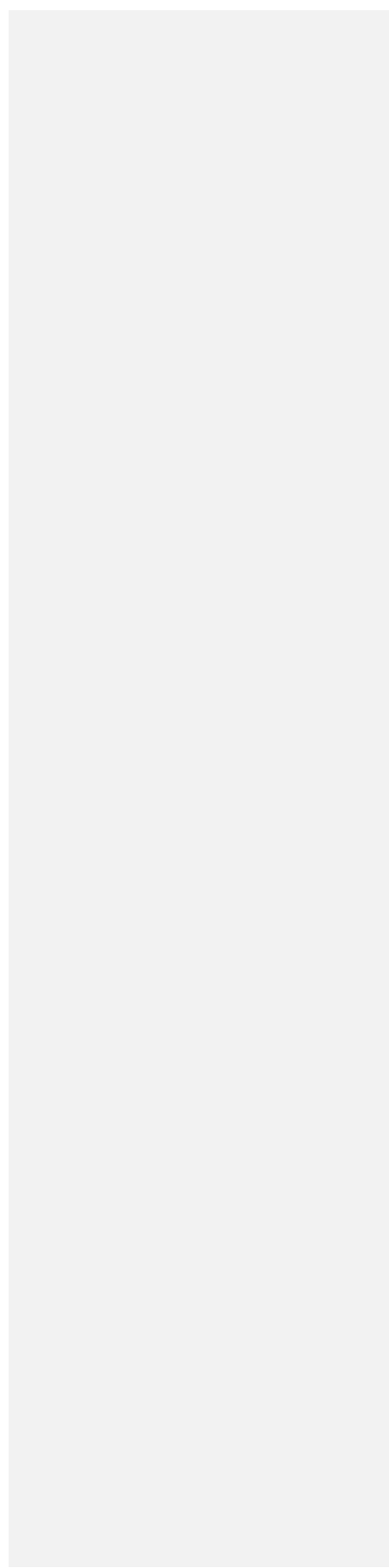
Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	6	Date Modified:	December 2013
Revision due			
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description
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
6	Dec 2013	Changes to paragraphs 4.2; 4.3.1(h) and (o); 4.6.2; 4.8.1; 4.8.3; 4.9.12(m) and (o); 4.13.7 and Appendix A
Z	March 2015	4.1, 4.2.1, 4.6.2, 4.6.4, 4.6.5, 4.8.2, 4.8.3, 4.9.2, 4.9.5, 4.11.4, 4.12.1, 4.12.2, 4.12.4, 4.13.1, 4.13.7, 4.13.11, 4.13.15, 4.16.3, 4.17.3, 4.17.4 (added), Appendix A



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

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	6 5
4.6.6	Themed Debates	6
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	7 6
4.8.1	Scope of Petitions	7 6
4.8.2	Notice of Petitions	7
4.8.3	Presentation of Petitions by Members of Council	7

4.9	Motions	7
4.9.1	Scope of Motion	7
4.9.2	Submission of Motion	7
4.9.3	Receipt of Motion	7
4.9.4	Urgent Motion.....	87
4.9.5	Inclusion in Summons and Possible Amendments of Motion	8
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.....	98
4.9.10	Abandonment of Motion	9
4.9.11	Mover of Motion ceasing to be a Member	9
4.9.12	Motions which may be moved without Notice.....	9
4.9.13	Motions on Expenditure or Revenue	10
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.....	10
4.11	Procedure for Reports at Council Meetings	10
4.11.1	Executive Report.....	10
4.11.2	Committee Report	1149
4.11.3	Reports for Information.....	11
4.11.4	Confidentiality and Non-Disclosure of Reports.....	11
4.11.5	Record of Opposition.....	11
4.12	Questions	11
4.12.1	Public Written Questions	11
4.12.2	Members' Written Questions	1244
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 (RBFPS).....	12
4.12.5	Member and Public Written Questions - Procedure at Council	1342
4.12.6	Answers to Questions	1342
4.12.7	Supplementary Questions	13
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	1413
4.13	Rules of Debate	1413
4.13.1	Seconding.....	1413
4.13.2	Writing.....	1413
4.13.3	Standing.....	1413
4.13.4	Speech Content	14
4.13.5	Speech Length.....	14
4.13.6	Closing Speeches	14
4.13.7	Amendments to Motions	14
4.13.8	Single Speech.....	1544
4.13.9	Minor Alteration to Motions or Amendments	15
4.13.10	Withdrawal of Motion or Amendment	15
4.13.11	Acceptance of Other Motions.....	15
4.13.12	Closure Motions	1645
4.13.13	Seconding of Closure Motion	16
4.13.14	Carrying of Closure Motion	16
4.13.15	Close of Debate	16
4.13.16	Points of Order/Explanation	1746
4.13.17	Respect for Chair.....	17
4.13.18	Officers' Advice	17
4.14	State of the District Debate	17
4.14.1	Calling of Debate	17
4.14.2	Form of Debate.....	17
4.14.3	Results of Debate	17
4.15	Behaviour of Members.....	1847
4.15.1	Disorderly Conduct	1847
4.15.2	Suspension of Sitting	1847
4.16	Rescinding an Earlier Resolution.....	18
4.16.1	Six Months Rule.....	18
4.16.2	Rejected Motion.....	18
4.16.3	Committee Decision.....	18
4.17	Voting	18
4.17.1	Method of Voting.....	18

4.17.2	Chairman’s Casting Vote.....	1948
4.17.3	Recording of Votes.....	1948
4.18	Press and Public	1948
4.18.1	Admission.....	1948
4.18.2	Exclusion of Employee	1948
4.18.3	Removal	19
4.18.4	Speaking	2049
4.18.5	Televising and Sound Recording of Meeting.....	2049

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 and The Local Authorities (Standing orders) (England) (Amendment) Regulations 2014.

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 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 Chair~~men~~ shall, unless ~~he/she~~ they resign or become disqualified, continue in office until ~~his/her~~ their 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 or Head of Paid Service;
- (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 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

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 Part 4 (Council Rules of Procedure).

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 4.9.12 (i) (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

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.

~~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 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 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~~ **informing** 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:

- a) 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;
- b) 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;
- c) 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(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 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. Members of the public must confine their contributions to questions and must not make statements.

Questions must be submitted in writing by post, 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, ~~two~~ one working days 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 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.

Questions relating to an item of business for that meeting of Council must be submitted no later than 10.00am, two clear working days before the 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 Crime Panel (TVPCP) and Royal Berkshire Fire and Rescue Service (RBFRS)

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

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~~ their 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 substantial 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 clear 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.

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;

~~(j)~~(k) That a Member be prevented from further using their electronic communication device at the meeting.

Formatted: Bullets and Numbering

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

In [accordance with The Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2014 \(SI 2014/165\) \(2014 Regulations\) the names of those who vote for and against any decisions relating to the setting of the Council's budget, at the Council's budget meeting must be recorded](#)

4.17.4 Record of Opposition

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

4.18 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

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 three 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.~~

The Openness of Local Government Bodies Regulations came into effect on 6th August 2014. The Regulations give the public the right to film, audio record, take photographs and use social media and the internet at meetings to report on any meetings that are open to the public.

The Council's public meetings are the Council, Executive, Planning Committees, Licensing Committee, Governance and Ethics Committee, Health and Wellbeing Board, Personnel Committee, and Overview and Scrutiny Management Commission.

The Protocol is set out below:

1. Although no prior permission is required, members of the public who wish to use any of the above listed recording mechanisms are advised to inform the Head of Strategic Support in advance.
2. The Head of Strategic Support shall ensure "reasonable facilities" are provided to facilitate reporting. This may include space to view and hear the meeting, seats, and a desk.
3. Television crews or persons undertaking audio or visual recording shall comply with the requests of the Head of Strategic Support or their representative as to arrangements for recording, including:
 - a) filming, photography or audio recordings should not be disruptive and distracting to the good conduct of the meeting and recording devices must be set in silent mode
 - b) no flash or additional lighting is permitted
 - c) filming, photography or audio recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings
 - d) attendees would be advised at the start of the meeting that is being filmed, photographed or audio recorded
 - e) a person undertaking the filming or audio recording shall respect any request from members of the public that they do not wish to be filmed
 - f) There shall be no oral commentary permitted in the Meeting
 - g) There shall be no filming of children present at the Meeting.
4. The Head of Strategic Support shall advise the relevant Chairman or Vice-Chairman of the meeting of the method in which it is being recorded so that they may notify the attendees of the meeting.

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

5. 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.
6. 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.
7. 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.
8. If there is a breach of this Protocol, the Chairman may at their discretion, after a warning, order that no further sound recording shall take place during the meeting.

West Berkshire Council Constitution

Part 11

Contract Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	5	Date Modified:	June 2014
Revision due	Annual		
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1.1	Sept 2008	Amended to include up to date guidance on the use of consultants	
2	Jan 2010	Significant re-write in line with current legislation.	
3	April 2012	Changes to whole document as a consequence of the Senior Management Review	
4	December 2012	Significant re-write to bring in line with current law, practice and procedures. Also to streamline it.	
5	June 2014	11.11.3(a)	Delegated authority
6	May 2015	11.1.1 , 11.1.2 , 11.1.3 , 11.1.4 , 11.1.5 , 11.1.6 , 11.1.7 , 11.2.1 , 11.2.2 , 11.2.3 , 11.2.4 , 11.3.1 (b) and (f) , 11.4.3 , 11.4.4 , 11.5.1 , 11.5.2 , 11.6.1 , 11.6.2 , 11.6.4 , 11.7.2 , 11.7.3 , 11.6.1 , 11.6.2 (amended), 11.9.1 , 11.9.2 , 11.9.3 , 11.9.4 , 11.11.1 , 11.11.2 , 11.11.3 , 11.11.4 , 11.11.5 , 11.11.6 , 11.11.7 , 11.11.8 , 11.11.9	



Version	Date	Description	Change ID
		11.16.2, 11.16 Implementation of the new Directives and Regulations	

West Berkshire Council Constitution

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>

Field Code Changed

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.



West Berkshire
C O U N C I L

Contents

11.1	Application of Contract Rules of Procedure.....	11 14
11.2	Purpose of Contract Rules of Procedure.....	22 22
11.3	Tendering – Preliminaries.....	22 22
11.4	Authority.....	33 33
11.5	Tendering - Financial Thresholds & Procedures.....	44 44
11.6	Tendering - Advertising.....	65 65
11.7	Tendering - Contract Value & Aggregation.....	66 66
11.8	Tendering - Principles and Evaluation.....	76 76
11.9	Tendering - Submission and Opening of Tenders.....	76 76
11.10	Tendering – Evaluations of Quotes and Tenders.....	87 87
11.11	Exceptions to Contract Rules of Procedure.....	97 97
11.12	Purchasing Schemes.....	1210 1210
11.13	Prevention of Corruption.....	1311 1311
11.14	Entering into a Contract.....	1311 1311
11.15	Legal Consideration.....	1412 1412

Field Code Changed

Field Code Changed

11.1 Application of Contract Rules of Procedure

11.1.1 These Contract Rules of Procedure (also referred to as the Contract Standing Orders) are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

~~11.1.1~~11.1.2 These Contract Rules of Procedure apply to purchases by or on behalf of the Council of works, supplies (~~goods~~) and services.

11.1.3 These Contract Rules of Procedure apply to all contracts including purchase orders, consultancy agreements, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are expressly excluded under the Procurement Legislation.

11.1.4 The Procurement Legislation referred to in these Contract Rules of Procedure includes the following:

a. The EU Directives, as follows:

- (i) Directive 2014/24/EU on public procurement, replacing Directive 2004/18/EC, for Public Sector Contracts;
- (ii) Directive 2014/25/EU procurement by entities operating in water, energy, transport and postal services sectors, replacing Directive 2004/17/EC; and
- (iii) Directive 2014/23/EU on award of concession contracts, which does not directly replace any previous directive.

11.1.5

a. Public Contracts Regulations 2015 implementing 11.1.34 (a) (i) and any further domestic regulations implementing the above Directives.

Public Procurement Regulations 2006.

~~11.1.2~~ These Contract Rules of Procedure (also referred to as the Contract Standing Orders) are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

~~11.1.3~~11.1.6 These Contract Rules of Procedure do not provide guidelines on ~~what~~ is the best way to purchase works, supplies (~~goods~~) and services. They seek to set out minimum requirements to be followed. Further information ~~is and guidelines provided by of guidance and updates on the Legal Services intranet pages, will be set out in the Council's Desktop Procurement Guide which it is intended when developed and approved will accompany these Contract Rules of Procedure is document. This further information is made available and and updated from time to time.~~

~~11.1.4~~11.1.7 The Council has designated that the Head of Legal Services to be the Monitoring Officer. The Head of Legal Services shall be responsible for interpreting these Contract Rules of Procedure. All reference to Head of Legal Services hereafter includes any such officers nominated by the Head of Legal Services.

~~11.1.5~~11.1.8 In the event where a Governing Body of a school, under the control of the Local Education Authority, intends to enter into a contract for works,

~~supply of goods~~supplies or services the Head teacher or such persons as delegated by them must follow these Contract Rules of Procedures.

~~11.1.6~~11.1.9 In the event of a declaration of major incident the Council's Major Incident Plan and/or Business Continuity Plan may be invoked. This in turn may lead to the need to incur additional unbudgeted expenditure. When this becomes necessary the Contract Rules of Procedure will be suspended and the Chief Executive, or an officer nominated by the Chief Executive, is then authorised to incur whatever expenditure is necessary in consultation with the Head of Finance. A Corporate Director will act in the place of the Chief Executive if they are unavailable.

~~11.1.7~~11.1.10 Failure to comply with these Contract Rules of Procedure will be viewed by the Council as a breach of the Officers' Code of Conduct contained within Part 13 (Codes and Protocols) of this Constitution and may be considered a disciplinary matter.

11.2 Purpose of Contract Rules of Procedure

11.2.1 The purpose of these Contract Rules of Procedure is to provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality ~~supplies~~goods, services and works.

11.2.2 These Contract Rules of Procedure protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the Citizens of West Berkshire. ~~The Head of Legal Services shall be responsible for interpreting these Contract Rules of Procedure~~

11.2.3 ~~Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duty of Best Value, Equality and Sustainable Commissioning.~~

11.2.4 ~~When proposing to procure or making arrangements for procuring a service contract where the estimated value exceeds the EU Threshold (for Services) then consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012~~

11.3 Tendering – Preliminaries

11.3.1 It is the responsibility of the Chief Executive, Corporate Directors, and Head of Services to ensure all purchases of ~~goods~~supplies and services and works comply with:

- (a) all relevant statutory requirements;
- (b) the relevant EU Rules ~~and including~~ EU Treaty Principles and Directives.

- (c) the Council Constitution including these Contract Rules of Procedure and Financial Rules of Procedure and Scheme of Delegation.
- (d) any code, guidance or conditions approved by the Governance & Audit Committee and/or the Executive and/or the Council to the exercises of powers delegated by them.
- (e) any conditions attached by the Executive or the Council to the exercise of powers delegated by them.
- (f) the [guidance and updates \(available from time to time\) on the Legal intranet pages proposed Council's Desktop Procurement Guide](#) (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.
- 11.3.2 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then (c), (d), (e), and (f) as above.

11.4 Authority

- 11.4.1 All transactions must fall within the powers delegated to the Chief Executive or Corporate Director or the Head of Service or must have been approved by a decision (in accordance with the Council's Constitution) of the Executive, an authorised Member of the Executive, the Council or one of its committees or sub-committees.
- 11.4.2 No contract, agreement or other document shall be signed or sealed unless it gives effect to:
- a decision or resolution (in accordance with the Council's Constitution) of the Executive, an authorised Member of the Executive or one of its committees or sub committees; or
 - a decision by an officer exercising delegated powers.
- 11.4.3 [Budgetary provision must exist before any contract can be entered into. This provision should be explicit in a budget approved by resolution of the Council. Where budgetary approval exists for a specific item within the Capital Programme further Member approval is generally not required.](#)
- 11.4.4 [For items outside of the Capital Programme \(e.g. revenue\) the relevant Head of Service does not have the delegated authority then an approval or a resolution \(as appropriate\) is required as outlined in the table below \(provided the expenditure can be met within budget\) before the contract can be awarded:](#)

Total Contract Value £	Delegated decision or Resolution of:
Up to £99,999	Relevant Head of Service (or such officers as nominated by the Head of Service in writing) shall have delegated authority to award the enter into such contract.
£100,000 to £499,999	Relevant Head of Service following recommendation of S151 officer and Head of Legal Services Corporate Board following recommendation of S151 officer and Head of Legal Services. Corporate Board

<u>Total Contract Value £</u>	<u>Delegated decision or Resolution of:</u>
	shall will submit need to receive a report to Corporate Board from the relevant officer either recommending for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the Ss151 officer and Head of Legal Services.
<u>Over £500,000</u>	These contracts shall require a key decision of the Executive following recommendation by S151 officer and Head of Legal Services. Executive will need to <u>shall</u> receive a report from the relevant officer either recommending <u>recommending</u> for the contract to be awarded or seeking delegated authority for the relevant Head of Service to award the contract in consultation with the <u>relevant Portfolio Holder, s151 officer and the Head of Legal Services.</u>

11.5 Tendering - Financial Thresholds & Procedures

11.5.1 Officers with the conduct of the procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing. Where the contract is ~~not subject to EU Rules and is~~ below the EU threshold for goods and services officers must not include a pre-qualification stage. However questions relating to a supplier's suitability assessment may be included provided such questions are relevant to the subject matter of the procurement and proportionate.

~~11.5.1~~ 11.5.2 The financial value thresholds (exclusive of Value Added Tax) at which processes become mandatory are set out in the table below:

	<u>Total Value £</u>	<u>Type of contract</u>	<u>Procedure to be used</u> <u>Award Procedure</u>	<u>Advertising requirements</u>
<u>A</u>	1,000 to <u>up to</u> 9,999	Works, supplies and services	At least one quote must be sought from an appropriate source <u>via the Procurement Portal.</u>	<u>None mandated.</u>
<u>B</u>	10,000 to <u>49,999</u> 10,000 to <u>99,999</u>	Works, supplies and	At least three written invitation to quote must be sent <u>via the Procurement Portal</u> to appropriate	<u>None mandated, however if advertising then</u>

	Total Value £	Type of contract	Procedure to be used	Advertising requirements
		services	sources <u>with at least one from SME* or VCSE* a local organisationsupplier (where appropriate and possible)</u> ¹ .	<u>information about the opportunity should be placed on Contracts Finder database.</u>
<u>C</u>	<u>10050,000 to EU threshold</u> ^{2*}	Works, supplies and services	Full competitive tender process applies and at least five written tenders must be sought <u>-via the Procurement Portal following advertisement by public notice.</u>	<u>An advert should be placed on the Portal together with information on the Contracts Finder database</u>
<u>D</u>	<u>Above relevant EU threshold</u> ^{2*} <u>for supplies and services</u>	<u>Works, Supplies and services</u>	<u>EU -ProceduresRules apply— full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal. following advertisement in the Official Journal of the European Union for supplies and Part A* services. For Part B* services reduced requirements apply under the EU Rules however there is a requirement to adhere to EU principles of openness, transparency, equal treatment and fairness.</u>	<u>An advert should be placed on the Official Journal of the European Union together with information on the Contracts Finder database.</u>
<u>Above EU threshold* for works</u>		<u>Works</u>	<u>EU Rules apply— full competitive process following advertisement in the Official Journal of the European Union</u>	

*SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or *VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives).

¹The Council cannot give preference to SME/VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.

^{* 2}There are ~~three~~ different EU thresholds for Works, Supply and Services, Social and Other Specific Services, one for works and the other for supplies and services. The To obtain the latest values are published on the Legal intranet page as updated from time to time, please contact Legal Services.

11.6 Tendering - Advertising

11.6.1 There is a general presumption in favour of competition. Subject to advertising requirement in paragraph 11.5.2 Where possible all contract opportunities being should be advertised by the relevant Head of Service by way of a public notice and/or should be done so electronically on the Council's Procurement Portal to ensure that such opportunities also appear on the Contracts Finder database. For opportunities relating to works, services and supplies which fall below the EU threshold a UK Government Certified national database ~~(such as Constructionline)~~ can be used to select tenderers.

11.6.2 Subject to 11.6.1 (above) Aall contract opportunities which are:

- above the EU thresholds; and
- subject to the full application of EU Rprocurement rules

must be advertised by notice in the Official Journal of the European Union ("OJEU notice") and Contracts Finder database prior to such advertisement appearing on any other advertising medium (such as trade journal etc.). Contracts Finder means a web-based portal provided by the Cabinet Office.

11.6.3 However under the EU Treaty principles where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.

11.6.4 Where a contracts is above the EU financial threshold are of a type and value that mean the EU Rules apply to them then there are ~~five~~our main types of EU procedures available. These are Oopen procedure, Rrestricted procedure, Competitive procedure with negotiation, eCompetitive dialogue and Innovation -partnership~~competitive negotiated procedure~~. Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought from Legal Services on the choice and use of EU procedure. OJEU notices must be approved and issued by Legal Services who will also assist in the conduct of the procurement.

11.7 Tendering - Contract Value & Aggregation

11.7.1 The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the

contract value for the purposes of these Contract Rules of Procedure is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).

11.7.2 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the [EU Rules Procurement Legislation](#) and/or these Contract Rules of Procedure.

11.7.3 The [EU Rules Procurement Legislation](#) can cover contracts, which are below the stated EU threshold, where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for the procurement should therefore seek advice on the application of the [EU Rules Procurement Legislation](#) where they envisage that they may be required to make such purchases.

11.8 Tendering - Principles and Evaluation

11.8.1 All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner so as to ensure:

- sufficient time is given to plan and run the process;
- equal opportunity and equal treatment;
- openness and transparency;
- proportionality;
- probity;
- outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

~~11.8.2 Before undertaking any procurement exercise the Officer responsible for the procurement must complete (in writing) the following:~~

- ~~• Sustainability Impact Assessment (as appropriate).~~
- ~~• Equality Impact Assessment (as appropriate).~~

11.9 Tendering - Submission and Opening of Tenders

11.9.1 An [electronic](#) Invitation to Tender shall be issued by the Council for all contracts ~~with an estimated value of over £100,000, or more~~^{49,999} and tenders shall be submitted [electronically via the Council's Procurement Portal](#) in accordance with the requirements of the Invitation to Tender.

~~Any tenders received (other than those received electronically, to which [11.1.1](#) shall apply) shall be:~~

~~addressed to the relevant Head of Service; in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates; kept in a secured cabinet;~~

~~11.9.2 retained unopened until the date and time specified for its opening.~~

Field Code Changed

~~11.9.3~~ ~~Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically using the Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is submitted by tenderers and such tenders shall be, then those tenders shall be:~~

~~11.9.4~~ ~~in the format specified in the Invitation to Tender;~~

~~11.9.5~~ ~~11.9.2~~ stored in a secure portal account which is locked until the date and time specified for its opening.

~~11.9.6~~ ~~11.9.3~~ No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Head of Legal is satisfied that there are exceptional circumstances and the other tenders have not been opened.

~~11.9.7~~ ~~Where a tender is expected to have a value in excess of £49,999, and is not electronically submitted using the Procurement Portal, the relevant Head of Services shall invite the appropriate Portfolio Holder and a Procurement or Legal Officer to undertake the tender opening and shall complete a standard tender opening form as issued by Legal Services (available on the intranet).~~

~~11.9.4~~ ~~The electronic opening of tenders submitted on the Procurement Portal shall be conducted. Where the tender is expected to have a value in excess of £49,999, and is electronically submitted by a Procurement or Legal Officer and using the Procurement Portal then the relevant Head of Service or their nominated representative.~~

~~11.9.5~~ ~~Only in limited circumstances a tender process should be undertaken by hard copy submissions. In such cases written approval of the Head of Legal Services is required. The following circumstances shall apply:~~

- ~~a. The Invitation to Tender shall specify that such tenders should be returned to the relevant Head of Service; in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates; and~~
- ~~b. Tenders should be kept unopened in a secured cabinet until the tender opening date; and~~
- ~~c. The relevant Head of Services shall invite the appropriate Portfolio Holder and an officer from Legal Services to undertake the tender opening and shall complete a standard tender opening form as issued by Legal Services (available on the intranet) in order to avoid risk of challenge.~~

~~-shall facilitate electronic tender opening in the presence of an appropriate Portfolio Holder and a Procurement or Legal Officer. Further details on how to facilitate electronic tender opening will be detailed in the Council's Desktop Procurement Guide.~~

11.10 Tendering – Evaluations of Quotes and Tenders

11.10.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.

11.10.2 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Advice from Legal Services should be sought on the selection and evaluation criteria.

11.10.3 Save in exceptional circumstances approved in advance by the relevant Head of Service all contracts shall be awarded on the basis of the quote or tender which is most economically advantageous and represents best value for money to the Council and not on the basis of lowest price.

11.11 Exclusions and Exceptions to Contract Rules of Procedure

Exclusions

11.11.1 The requirement to conduct a competitive procurement process is excluded in the following circumstances:

	<u>Type of circumstance</u>	<u>Written record and approval</u>
a)	<u>the proposed contract is excluded under the Procurement Legislation;</u>	<u>Prior written approval from the Head of Legal Services is required.</u>
b)	<u>the proposed contract is being awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or</u>	<u>Prior written approval from the Head of Legal Services is required.</u>
c)	<u>the proposed contract is an extension to or a variation of the scope of an existing contract where the existing contract provides for such extension or a variation or where the variation is a modification permitted under the Procurement Legislation.</u>	<u>For contract value below £50,000 prior written approval from the Head of Legal Services and S151 Officer is required.</u> <u>For contract value greater than £50,000, approval of the Procurement Board provided an extension report has been submitted to the Procurement Board with recommendation from Head of Legal Services</u>

		<u>and S151 Officer</u>
<u>d)</u>	<u>the contract is for the following social care services:</u> <u>i. residential placements sought for an individual with a registered care provider of their choice;</u> <u>ii. supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990;</u> <u>iii. individual school placements sought for a child with Special Educational Needs (SEN);</u> <u>iv. social care packages managed by or on behalf of individual clients under the personalisation agenda;</u> <u>v. where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider.</u> <u>vi. residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme).</u>	<u>Head of Service must ensure that a record of the reasons for the choice of provider is maintained on the individual's case notes. A record of the annual cumulative expenditure with each provider should be maintained by each directorate and made available for audit.</u>

Exceptions

~~11.10.411.11.2~~ Subject to ~~11.11.311.11.311.11.2~~ the requirement for the Council to conduct a competitive purchasing process for contracts in excess of £9,999, may be excepted or waived in the following circumstance:

- for contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
- ~~the circumstances set out in the Public Contract Regulations 2006 Regulation 14 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or~~
- ~~the contract is awarded under a Purchasing Scheme (refer to 11.12) of a type where a competition has already been undertaken on behalf of the Council or other public sector organisation; or~~
- ~~the proposed contract is an extension to or a variation of the scope of an existing contract where the contract is not subject to the~~

~~application of the EU Rules:~~

- ~~at the discretion of the relevant Corporate Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the ~~service/~~ Council with reasons recorded in writing.~~

~~11.10.5~~11.11.3 Only the Head of Legal Services and/or the Head of Finance (as S151 Officer) ~~or such officer as nominated by them~~ may grant a waiver or an exception to these Contract Rules of Procedure, subject to Exception Values and delegations below, ~~to these Contract Rules of Procedure~~. An Officer, who seeks a waiver of Contract Rules of Procedure, shall do so only in advance and only in exceptional circumstances.

~~11.10.6~~11.11.4 Exception values and delegations

- (a) For all contracts up to £49,999 the Section 151 Officer or nominated Officer must approve the exception.
- (b) For contracts above £50,000, and up to the £200,000, EU threshold the Section 151 Officer or nominated Officer will consult with the Head of Legal Services and the appropriate Corporate Director provided an exception report has been approved by the Procurement Board.
- (c) For contracts between EU threshold £200,000 and £500,000 the exception will be dealt with by way of recommendation to the Corporate Board after consultation with the Section 151 Officer and with the Head of Legal Services or such officer as nominated by them provided an exception report has been approved by the Procurement Board.
- (d) For contracts over £500,000 the Section 151 Officer and the Head of Legal Services or such officer as nominated by them will make a recommendation to the Executive provided an exception report has been prepared and approved by the Procurement Board and the Corporate Board.

~~11.10.7~~11.11.5 All exceptions or waivers ~~from to~~ these Contract Rules of Procedure must be:

- Fully documented;
- Subject to a written exception report to be submitted in advance to the Procurement Board (for 11.11.3 b, c, d) by the relevant Head of Service or Corporate Director which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required.
- Subject to ~~an~~ approval by the Section 151 Officer ~~(or nominated officer)~~ who shall record that he/she has considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional. Applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional.

- Relevant approval has been sought under 11.11.3.

~~11.10.8~~11.11.6 For contracts subject to the EU Rules, any waiver or [an](#) exception from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.

~~11.11~~11.12 **Purchasing Schemes**

~~11.11.1~~11.12.1 An officer responsible for the procurement exercise may use Purchasing Schemes subject to the following conditions: -

~~11.11.2~~11.12.2 An officer responsible for the procurement must seek advice in advance that:

- the Council is legally entitled to use the Purchasing Scheme;
- the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
- the establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.

~~11.11.3~~11.12.3 A "Purchasing Scheme" may include:

- Contractor prequalification lists/select lists;
- Framework arrangements (including those set up by the Government Procurement Service);
- Purchasing arrangements set up by central purchasing bodies and commercial organizations;
- Consortium purchasing;
- Collaborative working arrangements;
- Formal agency arrangements;
- E-procurement / purchasing schemes and methods;
- Other similar arrangements.

[11.12.4](#) Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Rules of Procedures in respect of the choice and conduct of procedures. Advice should be sought from Legal Services prior to entering to such arrangements.

11.13 Reporting Requirements

[11.13.1](#) A written report should be drawn by the relevant Head of Service for each contract that is awarded which is above EU threshold and subject to the Procurement Legislation. The Procurement Legislation places an obligation on the Council to document, for each procurement, key decision and steps taken and stages leading to the award of contracts. This report may be requested by the European Commission and/or the Cabinet Office and should be kept for a period of 3 years. A guidance note and template for such report will be made available by way of guidance and updates on the Legal Services intranet pages which accompany these Contract Rules of Procedure.

~~11.11.4~~11.13.2 In addition to the above, the relevant Head of Service should document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Documentation must be kept for three years from the award of the contract.

11.14 Prevention of Corruption

~~11.11.5~~11.14.1 The public is entitled to demand of Local Government Officers conduct of the highest standard. Public confidence in their integrity would be undermined were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motives.

~~11.11.6~~11.14.2 Where a Member or Officer of the Council has an interest in a contract or a proposed contract whether it is a disclosable pecuniary interest or otherwise and is also involved in the process of letting or managing of that contract, this interest must be registered with the Monitoring Officer who shall decide on whether that Member or Officer should be involved or not.

11.14.3 In the case of ownership of shares Members should seek advice from the Head of Legal Services as to the current level of share ownership accepted by the Standards Committee or any such successor authority as being de minimus for the purposes of declarations of interest.

11.1211.15 Entering into a Contract

~~11.12.4~~11.15.1 There should be written evidence of all purchases, including electronic evidence.

~~11.12.2~~11.15.2 All contracts entered into by the Council must be in writing in a form approved by the Head of Legal Services or his delegated officer. Where a standard form of contract is used, or a standard form is to be amended, the form of contract shall be prepared/amended by the Head of Legal Services or his delegated officer. The Head of Legal Services shall retain all relevant contract documents.

~~11.12.3~~11.15.3 The relevant Head of Service must formally notify the Head of Legal Services (or nominated officer) of the award of all contracts with the relevant data for the purpose of it being recorded on the Council Contract Register.

~~11.12.4~~11.15.4 Every contract shall include wherever possible the standard clauses set out in Standard Form of Agreement issued and updated from time to time by the Head of Legal Services or his nominated officer and available from Legal Services.

~~11.12.5~~11.15.5 As a minimum, where appropriate, all contracts ~~of a value of £9,999 or more~~ shall include clauses which set out:

- the works, supplies (goods), services, material, matters or things to be carried out or supplied;

- the time within which the contract is to be performed. Quality requirements and/or standards which must be met;
- requirements on the contractor to hold and maintain appropriate insurance;
- what happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part);
- requirements on the contractor to comply with all relevant equalities and health and safety legislation;
- that the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010.
- payment obligations which require that:
 - a. any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and
 - b. any subcontract imposes obligations similar to those required above (a) and an obligation that the subcontractor is required to impose such obligations in any further subcontract.
- All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate). ~~and the information set out in the Council's Desktop Procurement Guide~~

11.13.11.16 Legal Consideration

11.13.11.16.1 *Indemnities*; No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument should be allowed unless authorised in writing by the Head of Legal Services and the Head of Finance or nominated Officer.

11.13.211.16.2 *Risk Assessment & Performance Bond*; Where a contract is estimated to exceed ~~£49,999~~£100,000, in value or amount and is for the execution of works (or for the supplies ~~y of goods or materials~~ or services by a particular date or series of dates) the relevant Head of Service should consider requiring a performance bond (for an amount equal to 10% of the value of the contract) from the contractor. The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender. This is to provide sufficient security for the due performance of the contract. If a performance bond is considered not necessary then the relevant Head of Service must:

- a. undertake a risk assessment in writing; ~~and~~
- b. seek approval from the Head of Finance; ~~and~~

c. keep a copy the risk assessment on the contract file for inspection.

~~11.13.3~~11.16.3 *Insurances*; Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Head of Service must:

- in consultation with the Head of Finance or nominated Officer set adequate levels of insurance cover. This includes employer's liability, public liability and any other as determined by the needs of the particular contract;
- in consultation with the Head of Finance or nominated Officer ensure that the required insurances are in fact held by the contractor and that the policies concerned are renewed, if necessary, during the period required;
- in consultation with the Head of Finance or nominated Officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);
- in consultation with the Head of Finance set an appropriate level of consultants' professional indemnity insurance for each specific contract that require professional and/or design services (for Consultancy agreements), minimum £5,000,000 cover unless the Risk Manager feels that a greater amount is required if so determined by the risk assessment process. This should not be a standard level but be assessed on a case by case basis.

~~11.13.4~~11.16.4 *Sealing*: All contracts above the value of £49,999 shall be sealed. The affixing of the seal shall be attested and witnessed in writing by the Head of Legal Services, or an Officer duly designated by them in accordance with the delegated powers conferred by the Council. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person attesting the sealing.

The Common Seal shall be in the Custody of the Head of Legal Services and kept in a safe place at their discretion. The Common Seal of the Council may be affixed to any document that has been approved by a resolution of the Council; or of the appropriate Committee or an Officer to which the Council or the Executive has delegated its powers on its behalf, provided that a resolution of the Council or of the appropriate Committee or Officer where that appropriate Committee or Officer has the appropriate authority authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of stock, the presentation of any petition, memorial or address, the making of any rate, contract or order, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

The Common Seal of the Council may be affixed to any:

- petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;

- mortgage in respect of a loan arranged by the Head of Finance or nominated Officer under the powers of Heads of Service approved by the Council;
- incomplete form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.

~~41.13.5~~11.16.5 *Signature of Documents:* Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Head of Legal Services.

~~41.13.6~~11.16.6 Where it becomes necessary to execute any document on behalf of the Council not required by law to be under Seal, the Head of Legal Services or an Officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Head of Legal Services or Officer duly designated by them.

~~41.13.7~~11.16.7 *Counsel:* Within budget, the Head of Legal Services (or nominated offer) shall have discretion to select Counsel, obtain Counsel whenever it is considered expedient in the Council's interest to do so.

Part 12

Personnel Rules of Procedure

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	4	Date Modified:	December 2014
Revision due			
Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
1	May 2011	Numbers realigned due to the removal of the previous Section 8 of the Constitution	
2	December 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	December 2014	12.1.1, 12.1.2, 12.1.3, 12.1.8 and 12.2.1	



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

12.1	Recruitment and Appointment.....	1
12.1.1	Recruitment and Selection Policy	1
12.1.2	Legislation.....	1
12.1.3	Declarations.....	1
12.1.4	Seeking Support for an Appointment	2
12.1.5	Recruitment of Chief Executive, Corporate Directors and Heads of Service	2
12.1.6	Appointment of Chief Executive	2
12.1.7	Appointment of Corporate Directors and Heads of Service	2
12.1.8	Other Appointments.....	2
12.2	Disciplinary Action.....	3
12.2.1	Suspension	3
12.2.2	Dismissal	3
12.3	Appointment of Assistants to Political Groups	43
12.3.1	Number of Posts	43
12.3.2	Rules Relating to Creation of Posts	43

12.1 Recruitment and Appointment

12.1.1 Recruitment and Selection Policy

Recruitment of staff will be in accordance with the Council's adopted Recruitment and Selection Policy. It is the Council's policy to carry out all recruitment and selection activities to ensure that:

- Selection for interview and appointment is based solely on the qualifications, skills, experience and abilities necessary to do the job;
- Opportunities for promotion for existing employees are encouraged by advertising suitable vacancies internally only in the first instance;
- Disabled applicants who meet the minimum selection criteria for the job are guaranteed an interview;
- The Council works towards a workforce which matches, as closely as possible, the demographic make-up of the population of West Berkshire.

12.1.2 Legislation

The Council's recruitment and selection policy and procedures are governed by legislation and codes of practice, particularly the law relating to equality. The Council's recruitment and selection policy is set out in the Recruitment and Selection Policy, Procedure and Guidance document on the Council's intranet.

12.1.3 Declarations

These will be considered as follows:

- The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are a relative or partner of an existing Councillor or employee of the Council.

[Note: For the purposes of this paragraph a 'relative' is defined as a person who is related by blood or marriage.]

- A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- Every Member and Officer of the Council at senior management level or above shall disclose to the Chief Executive any relationship known to them to exist between themselves and any person they know is a candidate for an appointment with the Council.
- Where the recruiting manager selects for appointment a candidate who has a declared relevant relationship, they must clear the appointment with their Head of Service.
- Where one party to the relationship is the Head of Service, the appointment should be authorised by the Corporate Director and Head of Human Resources.

12.1.4 Seeking Support for an Appointment

The following conditions will apply:

- (a) Subject to Rule (c) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this Rule will be included in any recruitment information.
- (b) Subject to Rule (c) below, no Member will seek support for any person for any appointment with the Council.
- (c) Nothing in Rule (a) and (b) above will preclude a Member from giving a written reference for a candidate for submission with an application for employment.

12.1.5 Recruitment of Chief Executive, Corporate Directors and Heads of Service

Where the Council proposes to appoint a Chief Executive, Corporate Director or Head of Service, and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement specifying:
 - the duties of the Officer concerned; and
 - any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

12.1.6 Appointment of Chief Executive

The full Council will approve the appointment of the Chief Executive following the recommendations of the Appointments Panel. The Appointments Panel will include at least one Member of the Executive.

The full Council may only make or approve the appointment of the Chief Executive where no well-founded objection has been made by any Member of the Executive.

12.1.7 Appointment of Corporate Directors and Heads of Service

Corporate Directors and Heads of Service will be appointed by the Appointments Panel, which will include at least one Member of the Executive.

An offer of employment as a Corporate Director or Head of Service shall only be made where no well-founded objection from any Member of the Executive has been received.

12.1.8 Other Appointments

The following conditions will apply:

- Appointment of Officers below Head of Service (other than Group Executives) is the responsibility of the Chief Executive or their nominee and may not be made by Members.
- Appointment of a Group Executive shall be made in accordance with the wishes of that political group.

12.2 Disciplinary Action

12.2.1 Suspension

In terms of suspension, it must be noted that:

- only the Chief Executive has the authority to suspend a Corporate Director;
- only the Chief Executive or a Corporate Director has the authority to suspend a Head of Service;
- only an Officer at Head of Service level or above, or nominated manager where the Head of Service has authorised delegation, has the authority to suspend an employee not covered in the two points above.

12.2.2 Disciplinary action

Members will not be involved in ~~the~~ disciplinary action against any Officer below Head of Service except where such involvement is necessary for any investigation or enquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action.

~~*[Note: This procedure does not apply to the following employees: The Chief Executive, the Section 151 Officer or the Monitoring Officer who are subject to Statutory Regulations. Any disciplinary action against them must only be taken on the basis of a report from the Designated Independent Person and in accordance with the relevant statutory requirements.]*~~

~~12.2.2~~ 12.2.3 Dismissal

Members will not be involved in the dismissal of any Officer below Head of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

Any proposal to dismiss the Chief Executive, the Section 151 Officer or the Monitoring Officer will be considered by full council, taking account of any advice, views or recommendations of the independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the relevant officer. The independent panel must be appointed under the terms of Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, at least 20 working days before any meeting at which dismissal is to be considered.

12.3 Appointment of Assistants to Political Groups

12.3.1 Number of Posts

The Local Government and Housing Act 1989 enables Councils to create not more than three posts of Assistants to Political Groups.

12.3.2 Rules Relating to Creation of Posts

It also specifies processes that must be included in the Council's Rules relating to the making of appointments to any such posts. These are set out below:

- No such appointment shall be made until the Council has allocated such a post to each political group, which qualifies for one under the Act.
- No such appointment shall be made in respect of any political group, which does not qualify for one under the Act.
- Not more than one post shall be allocated to any political group.
- The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group

Agenda Item 16.

Title of Report:	Members ICT Protocol 2015
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2984

Purpose of Report: To seek approval for an updated Members ICT Protocol.

Recommended Action: To approve the attached Members ICT Protocol 2015.

Reason for decision to be taken: The WBC ICT facilities provided to Members after the 2015 elections have changed so the protocol for using this equipment has been updated to reflect these changes.

Other options considered: None

Key background documentation: West Berkshire Council ICT Policy and ICT User Usage Agreement

Published Works: None

The proposals will help achieve the following Council Strategy principle:

CSP8 - Doing what's important well

2014/15 Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel 07765 224249
E-mail Address:	rcroft@westberks.gov.uk
Date Portfolio Member agreed report:	25 March 2015

Contact Officer Details	
Name:	Kevin Griffin
Job Title:	Head of ICT & Corporate Support
Tel. No.:	01635 519292
E-mail Address:	kgriffin@westberks.gov.uk

Implications

Policy: The protocol referred to in this report is included in the Council's Constitution and the requirements of the Code of Conduct , Appendix D to Part 13 (Codes and Protocols) will apply to the protocol.

Financial: None

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 http://intranet/EqIA			<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

1. Introduction

- 1.1 A new Members ICT solution has been devised and piloted over 6-months with 12 Council Members.
- 1.2 This system will, following the May 2015 elections, replace the ageing laptop-based solution that the Members have used since May 2007.
- 1.3 The new Members ICT solution uses tablet computer running Microsoft Windows 8.1 and Office 2013.
- 1.4 Members' use of their ICT equipment to access WBC's information and systems is governed by a Members ICT Protocol, which is included as an appendix to the Council's constitution. As the Members ICT solution has changed it has been necessary to reflect these changes in an updated protocol which is attached as Appendix A to this report.

2. Proposals

- 2.1 It is proposed that the updated Members ICT protocol (attached at Appendix A) be approved and included in the Council's constitution and that the requirements of the Code of Conduct, Appendix D to Part 13 (Codes and Protocols) will apply.

3. Equalities Impact Assessment Outcomes

- 3.1 Any Member with a disability requiring changes or adaptations to the setup of their tablet computer, or associated software or systems, may request these via the WBC ICT Help Desk.

4. Conclusion

- 4.1 The revision of this protocol mainly concerns the updating of descriptions and information to reflect the changes from a Microsoft Windows XP based laptop solution to a Microsoft Windows 8.1 based tablet solution.

5. Recommendation

- 5.1 That the updated Members ICT Protocol (Attached at Appendix A) be approved.

Executive Report

1. Introduction

- 1.1 West Berkshire Council Members have had Council provided ICT equipment since 2003 which were introduced as part of the Implementing Electronic Government (IEG) initiative. These ICT systems were refreshed and updated in 2007, but Councillors chose not to update after the 2011 elections to avoid unnecessary costs.
- 1.2 The Council conducts much of its business by electronic means, so Members require appropriate modern IT tools to engage effectively with this business. The Members ICT facilities provided are designed to;
- facilitate Members' communication with their peers, Council Officers and with their constituents.
 - provide access to information and data pertinent to their role as a Councillor
 - reduce the dependency on paper-based information for conducting Council meetings
 - be compliant with the Data Protection and Information Security requirements that the Council is bound by, in particular compliance with the Public Service Network (PSN) requirements set by Government.

2. New Members ICT System Overview

- 2.1 The new Members ICT solution replaces the previous laptops with lightweight tablet computer running Microsoft Windows 8.1 (These are described in the Members ICT Protocol attached at Appendix A).
- 2.2 The new system has been piloted with 12 Members and 5 officers as shown in the tables below.

User (Members)	Role
Cllr Keith Chopping (Conservative)	Executive Member
Cllr Hilary Cole (Conservative)	Executive Member
Cllr Roger Croft (Conservative)	Deputy Leader, Executive Member
Cllr Marcus Franks (Conservative)	Executive Member
Cllr Alan Law (Conservative)	Executive Member
Cllr Gordon Lundie (Conservative)	Leader of the Council
Cllr Roger Hunneman (Lib Dem)	Liberal Democrat Deputy Leader
Cllr Graham Jones (Conservative)	Vice Chairman of the Council
Cllr Mollie Lock (Lib Dem)	Liberal Democrat Member
Cllr Royce Longton (Lib Dem)	Shadow Executive Member
Cllr Alan Macro (Lib Dem)	Shadow Executive Member
Cllr Graham Pask (Conservative)	Executive Member

User (Officers)	Role
John Ashworth	Corporate Director Environment
Nick Carter	Chief Executive
Gillian Durrant	Lib Dem Group Executive
Robin Steel	Conservative Group Executive
Rachael Wardell	Corporate Director Communities

2.3 The pilot started in October 2014 and is continuing. At the Members ICT project Board meeting of 3rd March 2015 it was agreed that this solution was suitable for rollout to all 52 of West Berkshire Council's Members, following the 2015 elections.

3. Changes Made to this Protocol

3.1 The members ICT Protocol was first drafted and agreed in 2006 and has been revised several times and the current iteration is Version 7. Changes made in the latest update are listed below;

- All descriptions and diagrams of ICT equipment updated to reflect new systems
- Section on members allowances removed
- Statements referring to using non-WBC equipment to access WBC information removed, as this access is now disallowed under Government PSN rules
- Paragraph added to Security Requirements section explaining that WBC systems and data should only be accessed from WBC supplied equipment
- ICT Support section updated to include ICT Help Desk opening hours
- List of Contacts updated (Also renamed to Useful Contacts)

4. Conclusions

4.1 New Members ICT facilities have been designed that will address many of the issues and complaints associated with the ageing systems they replace.

4.2 These new facilities have been piloted with a cross-section of WBC council Members over a 6-month period and mostly have been well received by those pilot users.

4.3 The protocol, previously approved, has been updated to reflect the changes made to the ICT solution provided to Members.

5. Recommendations

5.1 That the updated Members ICT Protocol be approved

Appendices

Appendix A - Members ICT Protocol 2015

Consultees

Local Stakeholders: All WBC Council Members, Strategic Support Members Support staff, ICT support staff

Officers Consulted: Andy Best, Mike Dufield, Moira Fraser and Corporate Board

Trade Union: N/a

This page is intentionally left blank

West Berkshire Council

**MEMBERS ICT
PROTOCOL
2015**

CHANGE HISTORY

Version	Date	Description	Reviewer(s)
V1	June 2006	First Draft Protocol	Jo Watt
V2	August 2006	As amended by ICT	Jackie Jordan
V3	16 August 06	As amended by Members Services	Jo Watt
V4	20 January 07	Further amendments by ICT Service and Member Services	Jackie Jordan Andy Day Jo Watt
V4.1	25 January 07	Amended to add Equality statement in application form	Jackie Jordan
V4.2	7 February 07	Amended specification of printer from HP 1600 to HP 2605 (duplex)	Jackie Jordan
V4.3	21 March 07	Minor amendments throughout – Memory stick added to hardware on offer; changes to Training offered on 12/5/07, Router Model amended to WAG200G (earlier version no longer available)	Jackie Jordan
V5	30 March 07	Final changes made – prices/ordering procedure for consumables updated	Jackie Jordan
V6	18 April 11	As amended by ICT	Andy Best Sally Hiscock Moirra Fraser Jo Watt
V7	3 February 15	Updated to reflect upgrade of Members ICT to a Windows 8.1 tablet solution in 2015	Kevin Griffin

CONTENTS

1. Purpose of Document	4
2. Background	4
3. ICT Facilities Provided	4
4. Use of the Members ICT Equipment.....	5
5. Security Requirements.....	6
6. Privacy	7
7. ICT Support.....	7
8. Training	8
9. Accessibility.....	8
10. Useful Contacts	9
Appendix A – ICT Tablet Options Available to Members	10

1. Purpose of Document

This document constitutes the protocol for the use of Information and Communications Technology (ICT) facilities provided for West Berkshire Council Members and should be read in conjunction with the *West Berkshire Council ICT Policy and ICT User Usage Agreement*. This protocol is included in the Council's Constitution and the requirements of the Code of Conduct (Appendix D to Part 13 (Codes and Protocols) will apply to the protocol. This protocol should also be read in conjunction with the Social Media Protocol for Councillors (Appendix K to Part 13 (Codes and Protocols).

2. Background

This protocol was developed when West Berkshire Council Members were first provided with ICT facilities in 2002, to support them in carrying out their role as District Councillors, and has been periodically updated to reflect changes in the technology provided or to reflect changes in policy or legislation.

3. ICT Facilities Provided

Following the 2015 election all West Berkshire Councillors will be provided with the following ICT equipment, software and services;

Hardware

- A tablet computer running Microsoft Windows 8.1 (A choice of 3 tablet devices is available, See Appendix A)
- A bluetooth keyboard
- A bluetooth Mouse
- A stylus
- A tablet docking station (To allow external screens and keyboards to be attached)
- A protective carry case
- The option of a BlackBerry smartphone upon request for Executive Members

Software

- Microsoft Office 2013
- Modern.gov Mod.Gov - Paperless meeting software
- Foxit Phantom PDF - PDF document reader/annotator
- Microsoft Bitlocker - Hard disk encryption
- Microsoft System Center Endpoint Protection – Anti-virus/malware protection

Services

- Wireless connectivity in West Berkshire Council corporate buildings (Market Street Offices, Shaw House, Turnhams Green, West Street House, West Point)
- Follow Me Printing – Allowing members to print to multi-function devices (MFDs) in all WBC corporate buildings
- Access to technical support through the WBC ICT Help Desk 01635 519440 during core office hours 08:30-17:00 Mon-Thu, 08:30-16:30 Fri.

4. Use of the Members ICT Equipment

- The Council will provide each elected Member with a tablet computer with a standard build/configuration as described above.
- The primary purpose of the ICT facilities provided is to allow Members to effectively carry out their role as elected Councilors. However, it is permissible for Members to make minor configuration changes to this equipment and/or to install additional software for their own business use, or for private use at their own expense.
- All the standard software installed on the supplied tablet is appropriately licensed and WBC ICT department hold these licences. Should Members install additional software, it is their responsibility to ensure that it is appropriately licensed.
- In the event that changes made by Members render their tablet computer unusable the Council's ICT department will address this by reinstating the device back to its standard configuration. It is each individual Member's responsibility to ensure that they take regular back-ups of any applications or data they may have installed or stored locally on the tablet hard drive, and to reinstate these as necessary following a device rebuild.
- As custodian of the Council's provided ICT equipment, Members are responsible for how the equipment is used and by whom
- The primary means by which the tablets will connect to WBC systems is via WiFi, either in WBC corporate offices, Members homes or elsewhere. All Members will be expected to have suitable WiFi enabled internet connectivity in their homes and these costs will be funded from their allowance.
- Computer viruses and malware present a very real threat to all ICT systems, particularly when connecting to the internet. Member ICT equipment has been configured to protect it from these threats and Members should not attempt to disable or bypass these protection mechanisms.
- In the event of loss or damage to Members ICT equipment, it would normally be expected that any cost would be indemnified by the person in possession of the equipment. Failure to do so will result in costs being incurred by the Council. It is recommended that Members ensure that the WBC ICT equipment provided is included in their household contents insurance policy. This should not usually result in any additional premium
- Should a member to whom ICT equipment has been supplied cease to hold office, for whatever reason, all of the equipment supplied must be returned to the Member Services Officer within two weeks – at which point all data on the machine will be deleted and the equipment will be scrapped or re-issued.

- All members will be provided with their own *westberks.gov.uk* email address. This is available using Microsoft Outlook which is part of the Office 365 suite of programs installed on their tablet. In the interests of Council branding, ease of data sharing and security it is expected that Members will opt to access this email account directly rather than forwarding or re-directing mail to another address. It is expected that Members will check their West Berkshire email accounts at least daily. Officers of the Council will assume this to be a reliable method of communication to all Members

5. Security Requirements

As custodians of the data of its citizens and customers West Berkshire Council operates rigid information security standards and is also required to comply with standards imposed by central Government under the Public Services Network (PSN) accreditation scheme. This protocol identifies specific information security considerations that Members should be aware of in relation to the use of the provided ICT equipment.

1.1. Password

Members should be aware that the ID/password that is issued to enable them to connect to West Berkshire systems is unique to them and is for their sole use. They should not divulge their password, share it with anyone nor should they write it down unless it is stored securely where it is not available to anyone else. Members are required to change their password at 3-monthly intervals or more frequently if there is evidence of system or password compromise. Members should not use the same password for West Berkshire Council and other uses.

1.2. Data Protection

Members have access to sensitive and personal information of the Council and its stakeholders. Members should ensure that this information is only used in the course of Council business and must not be disclosed to a third party without authority of the data owners. Failure to treat sensitive and personal information could lead to a complaint being made against a Member for breaching the Council's Code of Conduct.

1.3. Use of Personal ICT Equipment

PSN rules dictate that access to WBC systems and data should only be made using equipment supplied by and owned by the Council. The use of Members own, or other third party ICT equipment to access WBC system (other than those publicly available) is not allowed.

1.4. Security Breaches or Incidents

Members should report actual or suspected breaches of security to the ICT Helpdesk. Security incidents examples include;

- An unauthorised person gaining access to a Members account
- A third party obtaining a Members password
- Loss or theft of Members ICT equipment
- Loss of sensitive information or divulgence to an unauthorised third party
- A virus, malware infection or attempted hacking attempt

6. Privacy

Whilst not routinely monitoring an individual Members use of ICT, the Council maintains the right to review, audit, intercept, access, monitor, delete or disclose any information, created, sent, received or stored on its ICT systems. Members' use of the Council's systems implies that they recognise and consent to the rights of the Council described above. The strictest confidentiality is observed in respect of such monitoring, and any inappropriate use generally is only known to the ICT Operations Manager and the Head of ICT & Corporate Support. However, the Chief Executive, in consultation with the Monitoring Officer and/or Section 151 Officer would determine whether the Member concerned should be reported to the Police and / or the Council's Standards Committee.

7. ICT Support

1.5. Reporting Issues

ICT support to Members is accessed through the Council's ICT Help Desk (01635 519440) which is staffed during normal working hours 08:30-17:00 Mon-Thu, 08:30-16:30 Fri and should be used to report all urgent problems.

Outside of normal working hours, an email can be addressed to WBCICTHELPDESK@westberks.gov.uk These messages will normally be dealt with as soon as possible on the next working day. When logging a Help Desk call it is useful if a contact telephone number is given.

In the first instance, Members might prefer to contact their Group Executive, or Members Services Officer who will either be able to help with the query, or contact the ICT Help Desk on Members behalf.

1.6. Resolving Issues

It should be possible to resolve most issues through verbal advice provided via telephone. If the issue cannot be resolved in this way, Members may need to arrange for their ICT equipment to be brought to the ICT Helpdesk (Ground Floor, Council Offices, Market Street) to allow the issue to be investigated and resolved.

Any faults will be dealt with either by correcting them on the existing equipment, or by the provision of replacement equipment. In the latter case, Members should be aware, that the Council's ICT Department cannot accept liability for loss of any personal data stored or application installed on the tablet; it is a Member responsibility to keep backup copies of any personal data or software.

1.7. Support Exclusions

The Council's ICT Department cannot usually resolve the following issues;

- Members' home broadband connectivity
- Members' own ICT equipment

8. Training

Illustrated Help Guides are provided on the *ICT Support – for Members* page on the Intranet (<http://www.westberks.gov.uk/index.aspx?articleid=9529>)

Training Sessions for Members are provided when receiving their equipment and Members are encouraged to attend these so that they can make best use of the facilities offered.

Members who are less confident in using ICT are encouraged to attend further training sessions and can take advice from the IT Training Team on the most appropriate course to meet their needs.

9. Accessibility

Any Member with a disability that affects the use of the Members ICT equipment or facilities may request configuration changes or adaptations via the WBC ICT Helpdesk

10. Useful Contacts

Fault reporting & support	ICT Help Desk	01635 519440	WBCICTHELPDESK@westberks.gov.uk
Human Resources (Training) IT Training Officer	Kerry Taylor	01635 519099	ktaylor@westberks.gov.uk
Strategic Support (Democratic and Electoral Services) Member Services Officer	Jo Watt	01635 519242	jwatt@westberks.gov.uk
Strategic Support (Democratic and Electoral Services) Member Services Officer	Jude Thomas	01635 519083	jthomas@westberks.gov.uk
Strategic Support (Democratic and Electoral Services) Group Executive Conservatives	Robin Steel	01635 519644	rsteel@westberks.gov.uk
Strategic Support (Democratic and Electoral Services) Group Executive Liberal Democrats	Gillian Durrant	01635 519097	gdurrant@westberks.gov.uk

Appendix A – ICT Tablet Options Available to Members

Option 1 – Lenovo Thinkpad 10 (Tablet)

Smallest: 257mm x 177mm x 9mm
Lightest: 600g
Smallest Screen: 10.1”
Battery: 10 hours
Separate Screen Cover / Keyboard / Docking Unit



Option 2 – Microsoft Surface Pro 3 (Tablet)

(Middle Ground Option)
Size: 292mm x 201mm x 9mm
Weight: 800g
Screen Size: 12”
Battery: 9 Hours
Keyboard built into cover



Option 3 – Lenovo Thinkpad Yoga (Hybrid)

Largest: 317mm x 221mm x 19mm
Heaviest: 1.6kg
Largest Screen: 12.5”
Battery: 8 hours
Laptop / Tablet 'Hybrid' – can be used as a conventional laptop or folded into a tablet format.



Title of Report:	Standards Committee Annual Report 2014/15
Report to be considered by	Council on 19 May 2015
Forward Plan Ref:	C2858

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

Recommended Action:

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

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

Other options considered: None

Key background documentation:

- Reports to Council 10 May 2012 and Special Council on the 16 July 2012
- New Terms of Reference for the Standards Committee and Advisory Panel;
- A new Code of Conduct for West Berkshire District Councillors (Full Council December 2013).
- Quarter 1, 2 and Quarter 3 of 2014/15 Monitoring Officer's Reports to the Standards Committee

Published Works:

- Localism Act 2011

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

2014/15 Standards Committee Chairman	
Name & Telephone No.:	Councillor Peter Argyle – Tel (0118) 9376853
E-mail Address:	pargyle@westberks.gov.uk
Date Member agreed report:	11 March 2015

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

Implications

- Policy:** Revised policy and changes to processes adopted at Council in May 2012 and reviewed in December 2013.
- Financial:** There are no financial issues arising from this report. All costs associated with the investigation of complaints are met from within existing budgets.
- Personnel:** There are no personnel issues associated with this report
- Legal/Procurement:** There are no legal issues arising from this report. The matters covered by this report are generally requirements of the Local Government Act 2000 in so far as appropriate and the Localism Act 2011 and its supporting regulations.
- Property:** None
- Risk Management:** The benefits of this process are the maintenance of the Council's credibility and good governance by a high standard of ethical behaviour. The threats are the loss of credibility of the Council if standards fall.
- Equalities Impact Assessment:** The report is to note only. The subject of this report is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

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

Executive Summary

1. Introduction

- 1.1 Following the enactment of the Localism Act 2011 the Council made a number of amendments to the Standards Regime. As part of the process it was agreed that quarterly update reports would be produced for the Standards Committee and that an annual report would be presented to full Council.

Membership

- 1.2 Membership of the Standards Committee and Advisory Panel has remained stable over the previous Municipal Year. The only adjustment was that following the resignation of Councillor Peter Iveson as a Parish Councillor he was replaced on the Advisory Panel by Councillor Darren Peace.
- 1.3 In accordance with the regulations the Authority will need to re-consider the nominations for Independent Persons for the forthcoming Municipal Year.

Complaints

- 1.4 During the 2014/15 Municipal Year 9 complaints about potential breaches of the Code of Conduct were submitted to the Monitoring Officer. Of these 9 complaints 7 pertained to Parish Councillors and 2 pertained to District Councillors. The table below sets out Action Taken on Complaints

No Further Action	2
Other Action	3
Investigation	3
Withdrawn/ not progressed	1
Total	9

- 1.5 Three complaints were being investigated. The findings of the investigator in relation to NPC4/14 were reported to the Advisory Panel on the 23 March 2015. Due to the fact that new information came to light after the agenda was published the matter was deferred to a later meeting so that further clarity could be sought. The other investigations in respect of NPC5/14 and NPC1/15 are still underway.
- 1.6 The number of complaints at this stage remains low.

2. Proposals

- 2.1 Members are asked to note the report and agree that it be circulated to all Town and Parish Councils for information once its been adopted by Full Council in May 2015.

3. Equalities Impact Assessment Outcomes

- 3.1 The report does not require a decision and therefore no EIA is required.

Executive Report

1. Introduction

- 1.1 The Localism Act 2011 was enacted on 15th November 2011 and it made fundamental changes to the system of regulation of the standards of conduct for elected and co-opted members of Councils and Parish Councils.
- 1.2 In order to ensure that the process was working effectively locally it was agreed that the Monitoring Officer would make quarterly reports to Standards Committee which set out the number and nature of complaints received and inform Members of any other activity that was taking place around the Standards regime. It would also provide a means of updating the Committee on the progress of investigations.
- 1.3 It was also agreed that an annual report would be presented to Full Council at the Annual meeting and that the year end report would be circulated to all Town and Parish Councils. The annual report would include the quarter four activity. This report also includes a look forward to the forthcoming Municipal Year.

2. Governance

- 2.1 The Council adopted a new Standards Regime to implement the requirements of the Localism Act 2011 and the Regulations made under that Act. This included the following documents which were approved at Full Council on the 10 May 2012:
 - New Terms of Reference for the Standards Committee and Advisory Panel;
 - A new Code of Conduct for West Berkshire District Councillors;
 - New outline complaints procedures for breaches of that code;
 - A new dispensations procedure.
- 2.2 The Council agreed to appoint a Standards Committee subject to the proportionality arrangements comprising six District Councillors together with two co-opted Parish Representatives.
- 2.3 The Council also agreed to appoint an Advisory Panel to deal with complaints and processes and report to the Standards Committee. The Advisory Panel would comprise two independent members, four District Councillors (not subject to proportionality arrangements) and two Parish Councillors. The Advisory Panel would also appoint two substitute Parish Councillors to ensure continuity and to build experience amongst the Parish Councillors.
- 2.4 At the time the new Code was adopted it was agreed that the Code of Conduct would be reviewed a year after its inception. A small task group was set up in the summer of 2013 to consider the Council's existing Code and to suggest amendments in line with good practice. A number of minor amendments to the existing Code of Conduct and existing procedures were suggested and the revisions were agreed at the December 2013 Council meeting.

3. Independent Persons

- 3.1 Under Section 28 of the Localism Act 2011 the Council also has to ensure it has appointed at least one Independent Person who is consulted before any decision is made to investigate an allegation against any Member of the Council or any Parish

Councillor. It was agreed at the Full Council meeting on the 27 September 2012 that the Independent Person may be consulted directly either by the person who has made the complaint or the person the complaint has been made about. Two Independent Persons have therefore been appointed in order to ensure that a conflict situation does not arise.

- 3.2 James Rees and John Bingham were appointed as the Council's Independent Persons for the 2014/15 Municipal Year.
- 3.3 In accordance with the regulations the Authority will need to re-consider the nominations for Independent Persons for the forthcoming Municipal Year. The Independent Persons must be appointed through the process of public advertisement, application and appointment by Full Council. If required an interview process will be undertaken.
- 3.4 A person is not considered to be "independent" if:-
- (i) They are or have been, within the last five years, an elected or co-opted Member or officer of the Council or of any Parish Council's within this area. This also applies to committees or sub-committees of the various Councils.
 - (ii) They are a relative or close friend of a current elected, or co-opted, Member or officer of the Council or any Parish Council within its area, or any elected or co-opted member of any committee or sub-committee.
 - (iii) The definition of relative includes the candidate's spouse, civil partner, grandparent, child etc.
- 3.5 In addition The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have recently been enacted which require the Council to make changes to the Constitution to include certain provisions relating to the potential dismissal or disciplining of the Head of Paid Service, Monitoring Officer or S151 Officer. As part of the procedural changes required a panel needs to be set up to advise on matters relating to the dismissal of these Officers. The Act requires at least two Independent Persons who have been appointed under section 28(7) of the Localism Act 2011 to be appointed to the panel. The roles of the Independent Persons therefore need to be updated for 2015/16.

4. Standards Committee

4.1 *Role and Function*

The Standards Committee has the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting Councillors and co-opted Members, to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption and subsequent revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

- (f) granting dispensations to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct;
- (g) ensuring arrangements are in place under which allegations of misconduct in respect of the Members' Code of Conduct can be investigated and to review such arrangements appropriately;
- (h) the exercise of (a) to (g) above in relation to the Parish / Town Councils wholly or mainly in its area and the Members of those Parish / Town Councils;

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

4.3 During 2014/15 the Standards Committee comprised the following Members:

- Peter Argyle; (Chairman) (Conservative);
- Adrian Edwards (Conservative);
- Virginia von Celsing (Conservative);
- Garth Simpson (Conservative);
- Mollie Lock (Liberal Democrat);
- Gwen Mason (Vice Chairman) (Liberal Democrat).

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

4.5 The District Councillors are therefore supported on the Standards Committee by two co-opted Parish Councillors who are appointed in a non-voting capacity. During 2014/15 the Standards Committee comprised the following Parish Councillors:

- Barry Dickens (co-opted non voting Parish Councillor)
- Chris Bridges (co-opted non voting Parish Councillor)

5. Advisory Panel

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

5.2 The District Councillors on the Advisory Panel are representatives of both political groups within the Council and are not appointed in accordance with the proportionality rules. During 2014/15 the Advisory Panel comprised the following District Councillors:

- Quentin Webb;
- Andrew Rowles;
- Geoff Mayes;
- David Allen;

5.3 During the 2014/15 Municipal Year the following Parish Councillors were appointed to the Advisory Panel:

- Tony Renouf
- Peter Iveson (resigned during quarter 4)
- Darren Peace (replaced Peter Iveson in quarter 4)
- Lee Dillon (Parish Council Representative – Substitute)

During Quarter 4 Peter Iveson decided to stand down as a Parish Councillor and therefore from the Advisory Panel. The Monitoring Officer wrote to both of the substitutes on the Panel and it was therefore agreed that Darren Peace would replace him.

5.4 During the 2014/15 Municipal year the following Independent Member was appointed to the Advisory Panel:

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

6. The Monitoring Officer

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

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

- reporting on contraventions or likely contraventions of any enactment or rule of law and reporting on any maladministration or injustice where the Ombudsman has carried out an investigation;
- establishing and maintaining registers of Members' interests and gifts and hospitality;
- maintaining, reviewing and monitoring the Constitution;
- advising Members and Parish Councillors on interpretation of the Code of Conduct;
- supporting the Standards Committee and Advisory Panel;
- conducting or appointing an external investigator to look into allegations of misconduct;
- performing ethical framework functions in relation to Parish Councils;
- acting as the proper officer for access to information;
- undertaking an initial assessment, in consultation with the Independent Person, when complaints relating to alleged breach of the Code of Conduct are received;
- making arrangements for relevant matters to be considered by the Standards Committee and Advisory Panel;
- advising whether Executive decisions are within the policy framework; and

- advising on vices issue and maladministration, and in consultation with the Section 151 Officer financial impropriety, probity, and budget and policy issues to all Members.

7. The Work of the Committee 2014 – 2015

- 7.1 One of the functions of the Standards Committee is to oversee the Council's Constitution. The Committee was therefore asked to note that since May 2014 Part 3 (Scheme of Delegation), Part 7 (Regulatory and Other Committees, Part 9 (Budget and Policy Framework), Part 10 (Finance Rules of Procedure), Part 12 (Personnel Rules of Procedure), Part 13 (Codes and Protocols) Appendices C, I and J, have been amended.
- 7.2 No dispensations were requested or granted by the Standards Committee during the Municipal Year. The Monitoring Officer has granted a dispensation to Councillor Rick Jones to speak and vote on any items pertaining to Council Tax and a previously granted dispensation to the same effect remains in place for all Councillors.
- 7.3 No specific training needs were identified during the Municipal Year. Training on the Code of Conduct has been factored into the District Councillor's Member Induction Programme post the May 2015 elections. In addition Officers have contacted all town and parish councils to notify them that a training session for all new Town and Parish Councillors has been arranged for the 17 June 2015.

8. District Council

- 8.1 All elected Members of West Berkshire Council have completed the register of interests' forms and copies of those forms have been published on the Council's website as required by the legislation.
- 8.2 All Members are encouraged to check their forms to ensure that all relevant information is included and that any changes made since the form was completed are updated.
- 8.3 New interests paperwork will be issued to all Members post the May 2015 election.

9. Parish/ Town Councils

- 9.1 Parishes have continued to provide the Monitoring Officers with updates to parish councillors' Registers of Interest and changes to their membership which are fed through and posted on the relevant websites.

10. Local Assessment of Complaints

Quarter 1 (April to June 2014)

- 10.1 During Quarter 1 of 2014/15 two complaints were received by the Monitoring Officer. Both complaints pertained to Parish Councillors (NPC1/14 and NPC2/14).
- 10.2 The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC1/14 no further action should be taken.

- 10.3 Further clarity was sought in relation to complaint NPC2/14. Despite numerous requests the complainant did not stipulate which of the Parish Councillors he wished to complain about and as a consequence the matter could not be progressed

Quarter Two (July to September 2014)

- 10.4 During Quarter 2 of 2014/15 three complaints were received by the Monitoring Officer. Two complaints pertained to Parish Councillors (NPC3/14 and NPC4/14). The other complaint, while referring to a single incident, pertained to two different District Councillors (NDC2/14)
- 10.5 The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC3/14 a potential breach of the Code of Conduct had occurred and as a consequence an advertisement was placed in a newspaper local to the Parish Council concerned. The outcome was also reported to the Parish Council and they were asked to notify all councillors of the outcome at the next Parish Council meeting and make a reference to the announcement in the minutes of that meeting.
- 10.6 The Deputy Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC4/14 a potential breach of the Code of Conduct might have occurred and the matter was referred to an independent investigator to investigate. The initial findings of the investigator were reported to the Advisory Panel on the 23 March 2015. New information came to light after the agenda was published and as a result of this the panel agreed to defer consideration of that item until the matter could be more fully investigated.
- 10.7 In relation to NDC2/14 the Monitoring Officer, in consultation with the Independent person, concluded that no further action should be taken in respect of the allegations made against one of the District Councillors. They did find, however, that the second Councillor had breached the District Council's Code of Conduct and as a consequence an advert was placed in a local newspaper, on the Council's website and the Councillor was asked to write a letter of apology to another Councillor.

Quarter Three (October to December 2014)

- 10.8 During Quarter 3 of 2014/15 one complaint was received by the Monitoring Officer. The Monitoring Officer in consultation with the Independent Person concluded that in respect of NPC5/14 the matter should be referred for investigation.

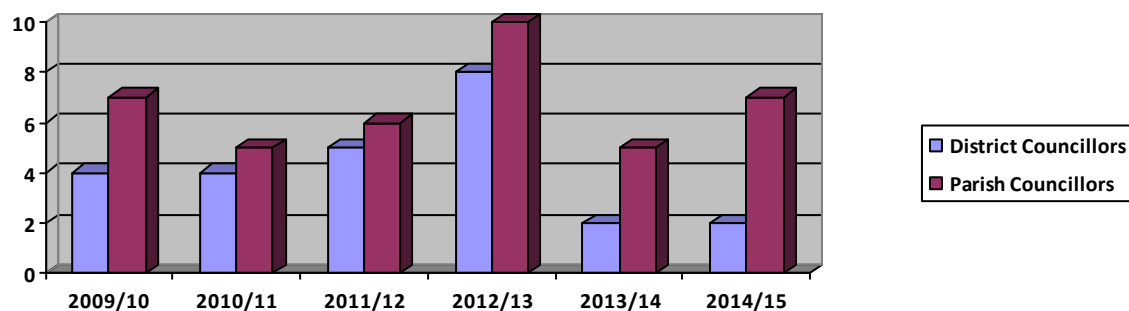
Quarter Four (January to March 2015)

- 10.9 During Quarter 4 of 2014/15 two complaints were received by the Monitoring Officer. The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC1/15 a potential breach of the Code of Conduct might have occurred and the matter was referred to an independent investigator to investigate. The matter is currently being investigated.
- 10.10 The Deputy Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC2/15 that, based on the facts available there did not appear to be a breach of the Code of Conduct. However, on the facts, it was also considered appropriate for the Monitoring Officer to write to the clerk of the Council concerned to offer some guidance.

11. Year on Year Comparison of Complaints

11.1 Table 1 Number of District and Parish Councillor Complaints Received 2009/10 to 2014/15

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
District Councillors	4	4	5	8	2	2
Parish Councillors	7	5	6	10	5	7
Total	11	9	11	18	7	9



11.2 With the exception of 2012/13 the number of complaints has remained relatively stable. The slight decline in numbers might be attributable to the changes to the sanctions which could be imposed as a result of the implementation of the Localism Act.

Table 2 Action Taken on Complaints Received 2009/10 to 2013/14

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
No Further Action	1	3	6	11	3	2
Other Action	5	2	3	2	1	3
Investigation	5	4	2	2	0	3
Withdrawn/ not progressed	0	0	0	3	3	1
Total	11	9	11	18	7	9

11.3 Table 3 Outcome of Items Investigated 2009/10 to 2014/15

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Breach	2	1	2	0	0	0
No Breach	3	3	0	2	0	0
Outcome awaited	0	0	0	0	0	3
Total	5	4	2	2	0	3

12. Gifts and Hospitality

12.1 Appendix D (Gifts and Hospitality: A Code of Conduct for Councillors) to Part 13 of the Constitution (Codes and Protocols) states that 'Regular updates of declarations will be reported to the Standards Committee as part of the quarterly performance monitoring reports'. A copy of the register for 2014/15 is therefore attached at Appendix A to this report.

12.2 In essence Members are required to:

- Register *every* individual gift or item of hospitality received, in their capacity as a Councillor, that is over £25 in value;
- Prior to accepting any hospitality with a value of £25 or more, a Councillor must seek authorisation from the Monitoring Officer;
- Members should be aware of serial givers or repeat offers of hospitality;
- registration of the gift or hospitality must be made *within 28 days of the date you received*;
- Failure to comply with the rules is a breach of the Members' Code of Conduct and could lead to a complaint being reported to the Monitoring Officer or the Standards Committee;
- The press and public have the right to inspect your gift and hospitality declaration forms;
- Where the spouse/partner of a Councillor is also a recipient of any gifts or hospitality the Councillor must ensure that the combined value is also recorded by the Monitoring Officer in accordance with the procedures.

13. Conclusion

13.1 The number of complaints at this stage remains low. It could be as a result of improved behaviour amongst District and Parish Councillors or that complainants are less willing to instigate a complaint given the reduction in severity of sanctions that the Standards Committee are able to impose.

13.2 What is less uncertain is that the new regime has resulted in a significant reduction in the number of complaints that are investigated. This can be directly ascribed to the fact that the Monitoring Officer is able to request information from both the complainant and the subject member prior to deciding on the appropriate course of action to take which enables a more complete assessment of the circumstances to be undertaken at an early stage in the process.

13.3 As the number of complaints at this stage remains low no specific training needs have been identified other than post May 2015 election induction training for new District and Parish/Town Councillors. Corporate Board has requested that the governance arrangements for the Standards Committee be revisited during the forthcoming Municipal Year.

Appendices

Appendix A – Register of Members Gifts and Hospitality for 2014/15

Consultees

Local Stakeholders: N/a

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

Trade Union: N/a

Members' Register of Offers of Gifts & Hospitality

May 2014-May 2015

Date Received	Member	Event	Offer	Value	Accepted?
23.9.14	Hilary Cole	Newbury Agricultural Society on Saturday 20th September.	Lunch guest of President Entry into show and parking	Approx £40	Yes
3.11.14	Peter Argyle	Ticket for Manmade Boys Platform performance at The Corn Exchange, Newbury	Ticket and interval refreshments	£8 to the public	No
4.12.14	Roger Croft	Sovereign Housing's 25th Birthday lunch at The Vineyard	Set lunch	£50	Yes
5.1.15	Hilary Cole	Mr & Mrs Manley - constituents	3 bottles of wine and bunch of flowers	£30	Yes
2.2.15	Geoff Mayes	Christmas /New Year Meal from Padworth Parish Council	Meal	not exceeding £25	Yes
2.2.15	Mollie Lock	Christmas /New Year Meal from Padworth Parish Council	Meal	£21	Yes
17.2.15	Adrian Edwards	Opening of refurbished Lock Stock and Barrel pub	Non alcoholic drinks and food	£30 approx	Yes
26.4.15	Virginia von Celsing	West Berkshire brewery in Yattendon.	Beer	£100	Yes

This page is intentionally left blank

Title of Report:	West Berkshire Council Strategy 2015/19 Consultation Feedback Report
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2838b

Purpose of Report:

To inform Members of the feedback received from the consultation on the Draft Council Strategy 2015/16

Recommended Action:

- (1) To note the feedback received to the proposed Council Strategy.
- (2) In response to the feedback received:
 - (2.1) To refer all of the comments in relation to the east of the district to the Eastern Area Vision Task Group for them to consider when formulating their new vision.
 - (2.2) To develop a "Delivery Plan" to support the Council Strategy 2015-2019.
 - (2.3) To approve a number of textual changes offering more clarity and format changes
- (3) That Council, at its annual meeting, be requested to adopt the West Berkshire Council Strategy for 2015 - 2019 as amended following consultation.

Reason for decision to be taken:

The Council Strategy forms part of the Council's approved Policy Framework

Other options considered:

None

Key background documentation:

West Berkshire Draft Council Strategy 2015 - 2019
Consultation feedback received

Published Works:

None

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**
- CSP3 – Improving education**
- CSP4 – Protecting the environment**

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

- CSP5 - Putting people first**
- CSP6 - Living within our means**
- CSP7 - Empowering people and communities**
- CSP8 - 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 feedback from the consultation is given due consideration

2014/15 Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel 07765 224249
E-mail Address:	rcroft@westberks.gov.uk
Date Portfolio Member agreed report:	23 April 2015

Contact Officer Details	
Name:	Catalin Bogos
Job Title:	Performance, Research and Consultation Manager
Tel. No.:	01635 519102
E-mail Address:	cbogos@westberks.gov.uk

Implications

Policy:	The Council Strategy is part of the Council's approved Policy Framework
Financial:	The MTFs approved by Council in March of this year reflects the draft Council Strategy.
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 http://intranet/EqIA		<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 Council Strategy 2015-2019 sets out what the Council aims to achieve as priority areas for improvement over the next four years and to highlight how we intend to achieve it.
- 1.2 The previous Council Strategy expired on 31 March 2015.
- 1.3 Comments were invited on the draft Council Strategy 2015-19 between 2nd February and 16th March 2015. Comments were able to be submitted by the public or organisations via an online survey or through paper copies. The consultation was published on the Council's website, Twitter feed, Facebook page and media releases were sent to the local media. Key target groups, organisations and stakeholders were also contacted directly by email and encouraged to comment.

2. Proposals

- 2.1 This paper summarises the responses received from the consultation activity and actions to be taken based on this feedback. Individual proposals are being recommended as part of each section within the report.

3. Context

- 3.1 A total of 118 responses were received in response to the consultation exercise. These can be summarised as follows:
 - (i) 96 (81.4%) from individual members of the public;
 - (ii) 2 (1.7%) from Elected Members who responded in personal capacity,
 - (iii) 5 (4.2%) from Town and Parish Councils.
 - (iv) The remaining responses were from the Political Party, Love Tilehurst, Save Tilehurst, Friends of the Earth, West Berkshire Council Team, Newbury College, Unison, Senior citizens, Small Businesses, Safer Communities Partnership and BBOWT (Berks, Bucks & Oxon Wildlife Trust).
- 3.2 Section 149 of the Equality Act 2010 sets out the public sector equality duty which, in the exercise of its functions, includes the requirement to have due regard to eliminate discrimination, to advance equal opportunity and foster good relations. As a result it was decided to offer an opportunity for respondents to provide information on their equalities characteristics.
- 3.3 The majority of respondents were aged 35 and over and were from white ethnic background. Of the total respondents: less females responded to the consultation, only 4% of total respondents consider themselves to have a disability and 4% were the primary carer for an elderly or disabled person. Almost half of respondents answered that Christianity was their religion. Two responses received were from people reporting their sexual orientation as Bisexual, Gay/Lesbian.

4. Themes resulting from the qualitative analysis of the responses to the consultation

4.1 A number of distinct themes have resulted from the qualitative analysis of the 118 responses received as part of the consultation activity and are listed below starting with the one that included the highest number of comments/responses.

5. Theme 1: Relevance of the vision, aims and priorities for the Eastern area of West Berkshire (primarily Tilehurst but also Calcot and Purley)

5.1 40 of 118 respondents fed back that they did not see how they would benefit directly from the new Council Strategy. They considered that the scarce resources seemed to be primarily focused on Newbury and Thatcham to the detriment of the East of the District. They also considered that proposed new housing in their green areas would negatively impact on quality of life of the residents living there and that not enough investment was made in infrastructure (roads) and facilities (GPs, Hospitals, libraries, leisure etc.).

6. Theme 2: Positive feedback on the proposed vision, aims and priorities

6.1 16 of the 118 responses fully support the draft Council Strategy and its vision, aims and objectives. Comments included: 'A great overall strategic Vision to have and to aim towards', 'The vision is fine', 'Agree with the vision and can clearly see how the Partnership can contribute', 'It looks well thought out, easy to read and presented in a good manner'.

7. Theme 3: Agree/Good, but...

7.1 9 of the 118 responses supported the vision, aims and priorities but added supplementary comments some of which are set out below.

7.2 Some of the responses suggested more focus on the practical plans and for the statements included in the strategy to be more specific and measurable. Others commented that the vision should be more ambitious and 'to have more teeth'. It is intended to develop a "Delivery Plan" to support the Council Strategy and these comments will be addressed as part of this on-going work.

7.3 Some of those responding questioned if the proposed aims were achievable given the limited level of resources available. Other responses suggested more partnership working between organisations would be beneficial particularly when those organisations were located in the same geographical area.

8. Theme 4: A lack of focus on the Environment

8.1 A number of respondents (8 of 118) highlighted that the environment was no longer included as part of the Council Strategy. The comments argue that:

- (1) Climate change was a more important issue and should be prioritised;
- (2) Actions to reduce CO2 emissions, fuel poverty, air pollution, should continue to promote sympathetic renewable energy developments and focus on energy and carbon efficiencies;

- (3) Investment in the environment supported healthier lifestyles, contract with BBOWT did not 'tick the box' with regard to environment responsibilities;
- (4) Actions should include improving the insulation of buildings; incentives to use electric vehicles, public transport, bicycles and walking; encouragement to buy locally-sourced food; measurement of existing CO2 emissions for benchmark purposes; education and incentives for individuals to change their behaviour; encouragement for local energy generation;
- (5) A detailed response was provided suggesting that not including the protection and enhancing natural environment was not compliant with statutory obligations, national or local planning policy. Without this the other aims and priorities would not be effectively met.

8.2 The item relating to the electrification to Bedwyn needed rewording as "We will have secured rail electrification to Bedwyn as early as possible within Network Rail's future programme."

9. Theme 5: Items not included in the strategy

9.1 A number of respondents proposed that other items should be included in the strategy for example:

- (1) cycling and investment in cycling infrastructure;
- (2) the economy and diversification of rural economy, opportunity to use underutilised rural assets; job creation, attracting businesses into the area and promote locally owned and run businesses;
- (3) the Education section of the strategy had no mention of Early Years (Children Centres and providers);
- (4) health not being given enough focus;
- (5) Neighbourhood Plans - the Council continue to promote 'community plans' but there is no mention of the more influential 'neighbourhood plans';
- (6) no provision for youth; After school sporting activities.

9.2 As part of responding to this feedback (themes 4 and 5) it is proposed that the foreword clarifies that the draft Council Strategy 2015-2019 is not intended to cover all of the services that the Council delivers. The Strategy needs to reflect the fact that the Council is required to deliver hundreds of core/essential services including protecting the environment, waste, trading standards, environmental health, licensing, elections, land charges, countryside and improving public health. The purpose of this strategy is not to detail all of them but to focus on areas where the Council need and want to improve. The broader range of services provided by the Council are included in other strategic or operational plans such as the Health and Wellbeing Strategy.

10. Formatting and wording suggestions

- 10.1 A number of suggestions have been received on the format of the strategy and wording and, where appropriate some changes have been made to make them more clear. Appendix 1 incorporates all these suggested amendments.

11. Equalities Impact Assessment Outcomes

- 11.1 This paper reports on the feedback received to a consultation activity. Respondents have been offered the opportunity to provide information on their equalities characteristics.

12. Conclusion

A good level of response was received to the consultation on the Draft Council Strategy 2015-2019 from individuals and on behalf of organisations. A high level summary of these comments has been provided within this report.

Based on the analysis of the feedback received no substantial changes are suggested and more clarity is included to highlight the fact that the strategy details the priorities for further improvement.

Appendices

Appendix 1 Amended Council Strategy following consultation

Consultees

The report and the amended Council Strategy have been produced as a result of a wide consultation exercise as detailed in Sections 1 and 3 of this report.

This page is intentionally left blank

Shaping our District

West Berkshire
Council Strategy

Working together to make West Berkshire an even greater place in which to live, work and learn

2015-2019

Page 199

B
E
D
U
C
A
T
E
D
C
O
M
M
U
N
I
T
I
E
R
R
E
S
P
E
C
T

A
M
O
R
E
E
F
F
E
C
T
I
V
E
C
O
U
N
C
I
L
R
E
S
P
O
N
S
I
B
I
L
I
T
Y

M
O
R
E
R
E
S
I
L
I
E
N
T
C
O
M
M
U
N
I
T
I
E
S
I
N
I
N
T
E
G
R
I
T
Y

S
U
P
P
O
R
T
I
N
G
T
H
O
S
E
W
H
O
N
E
E
D
I
T

L
O
C
A
L
E
C
O
N
O
M
Y



West Berkshire
C O U N C I L

Contents

Foreword	2
Summary	3
Our Achievements so far	4
West Berkshire - The Place and its People	5
Our Vision, Aims and Priorities for Improvement	6
Better Educated Communities	7
A Stronger Local Economy	9
Protect and Support Those Who Need It	11
Maintaining a High Quality of Life Within our Communities	13
Our Approach & Our Values - Become an Even More Effective Council	15



*“Working together
to make West
Berkshire an even
greater place in
which to live,
work and learn”*

Foreword

*to adapt to the
changing world
we now live in*

Page 201

“Despite our successes there is no room for complacency and many challenges remain.”

Looking back over the four years since our last Council Strategy was published, it is clear that despite the many economic and financial challenges that we have had to face, the council has continued to deliver on the tasks that it set itself.

Despite our successes, there is no room for complacency and many challenges remain. There is a need for more housing, in particular affordable housing. Educational attainment should be better and the gap between the best and worst performing pupils remains too wide. We need to strive for a more highly skilled workforce and to make sure that our strong economic performance is sustained by a modern and effective infrastructure. Demographic changes will bring further challenges and highlight the need for the council to do more to support vulnerable people in its communities.

All this needs to be considered alongside the ongoing financial constraints. There will be further reductions in council spending over the period of our Strategy and these will need to be accommodated alongside new legal duties; perhaps the most significant being the Care Act.

Over the last 24 months or so it is clear that the national and the local economy has begun to recover. One of our aims will be to continue to support this growth recognising that we will need to achieve this with very limited, and often reducing, resources. We will also need to ensure that we continue to build and develop the partnerships we have successfully established since 1998. We recognise that we cannot realise this vision alone.

We also need to be realistic. Success will be dependent on focusing our resources where they are most needed and where they can bring greatest benefit to our communities. We recognise that we will not succeed if we, as a council, do not change. Going forward we will need to do things differently. As an organisation we need to continue to become more efficient and effective, but at the same time the way in which we work with, and support, our local communities needs to adapt to the changing world we now live in.

The council will continue to deliver hundreds of core/essential services including protecting the environment, waste management, trading standards, environmental health, licensing, elections, land charges, countryside and improving public health. The purpose of this strategy is not to detail all of them but to focus on areas where we need and want to improve. The broader range of services provided by the council are included in other strategic or operational plans such as the Health and Wellbeing Strategy.

The new Council Strategy is intended to clarify what we aim to improve over the next four years and to highlight how we intend to achieve these improvements.



Gordon Lundie
Leader of the Council



Nick Carter
Chief Executive

Summary

Our Vision:

“Working together to make West Berkshire an even greater place in which to live, work and learn”

Our Place

Over the next four years West Berkshire as a district will continue to grow and that growth will be at its highest for those aged under 18 and over 65. The impact of the Care Act will increase the number of older and vulnerable adults we will need to provide care for.

We have a strong local economy with high levels of employment but we cannot afford to be complacent. West Berkshire needs to remain an attractive place to do business, so continued investment in our infrastructure is vital. We also need to continue to ensure that our local workforce has the appropriate skills.

We will need more housing, in particular affordable housing, whilst at the same time protecting the natural environment that makes West Berkshire such a good place to live.

Our communities are well educated and we have good schools but attainment could be better. We need to be more ambitious for our young people.

Our Strategic Aims

We have set four strategic aims to support our vision:

- A.** Better educated communities.
- B.** A stronger local economy.
- C.** Protect and support those who need it.
- D.** Maintain a high quality of life within our communities.

Our Priorities for Improvement

We have identified six key priorities for improvement

- 1.** Improve educational attainment.
- 2.** Close the educational attainment gap.
- 3.** Enable the completion of more affordable housing.
- 4.** Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy.
- 5.** Good at safeguarding children and vulnerable adults.
- 6.** Support communities to do more for themselves.

Our Approach - A More Effective Council

As an organisation we have been told, and we know, that we have many strengths. Those strengths alone however will not see us through the coming four years because of the financial constraints. As we reshape

West Berkshire we also need to reshape ourselves. In particular, we need to:

- encourage communities to do more for themselves recognising the council will have to withdraw from directly supporting some areas of activity where others can be more effective;
- find new ways of commissioning and delivering services;
- learn more from others;
- celebrate our achievements more effectively;
- develop a more modern and flexible workforce.

Our Track Record

We published our last Council Strategy in 2011. Despite major financial challenges, we have achieved a great deal over the last four years, including:

- helped to significantly improve SAT and GCSE results;
- 97% of the principal road network is now in good condition;
- helped reduce domestic burglaries by 28%;
- recycling rates increased from 42% to 49%;
- completion of a new West Berkshire Museum;
- over 9000 homes have been enabled for superfast broadband.

Our Achievements so far

Since 2011 we have:



- Improved the educational achievement of our disadvantaged pupils.
- Invested over £70M in our school buildings.
- Reached the top 25% of councils in England for 11 and 16 year old attainment.
- Increased the number of young people starting an Apprenticeship.
- Significantly increased the number of primary school places.



- Increased the number of empty properties that could be lived in.
- Helped reduce domestic burglaries.
- 1.7 million visits to culture and leisure facilities and activities supported by the council.
- 9000 homes enabled for superfast broadband.



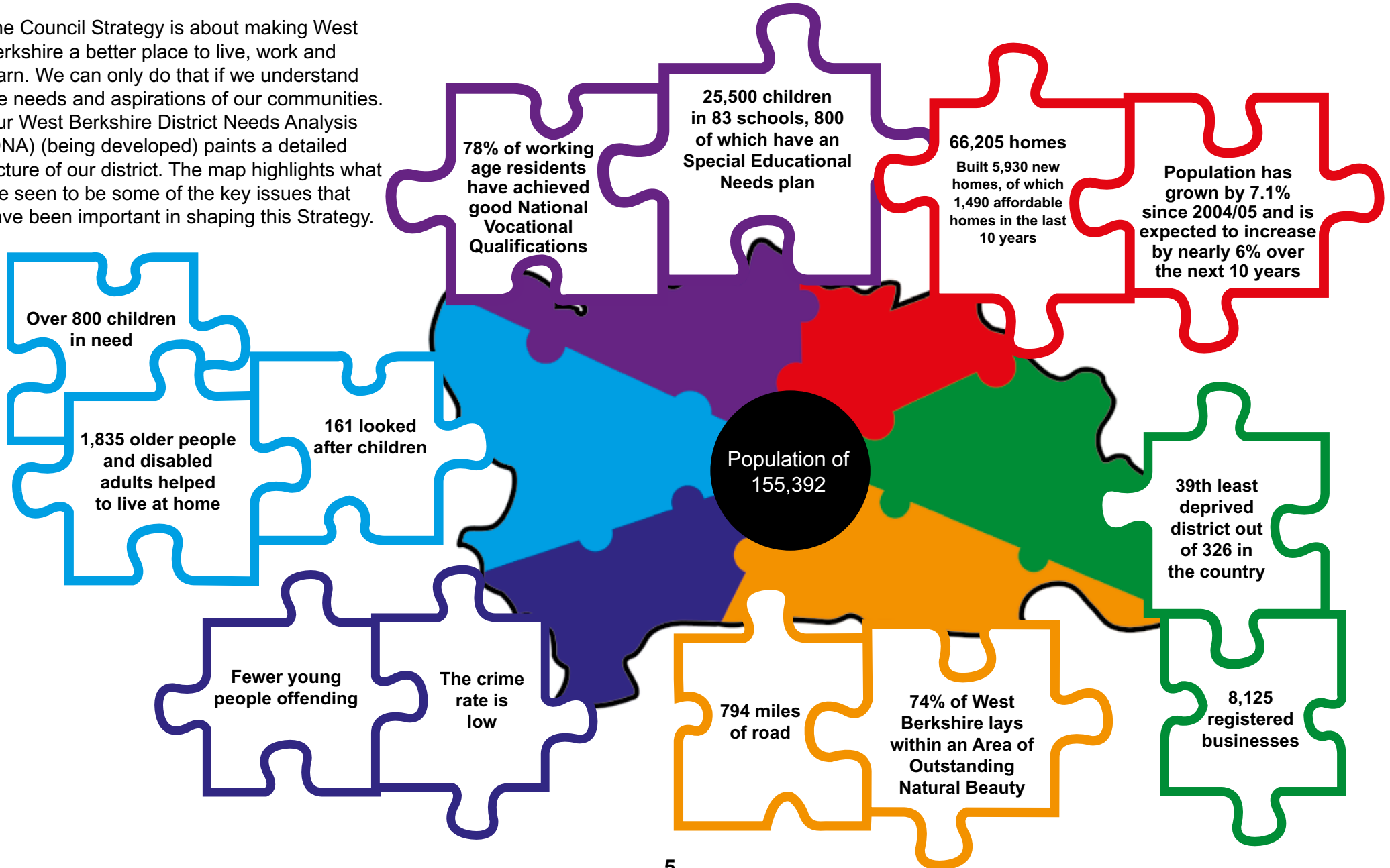
- Established a new 'early help' service for families and made it easier to access advice for safeguarding children cases.
- Better working with partner organisations to stop children being sexually exploited and to address cases of children who have gone missing.
- More vulnerable adults and families with disabled children have control of their support money.
- More children in care go on to higher education.
- More vulnerable children live with their relatives rather than placed with other carers.
- Enabled the provision of two extra-care sheltered housing schemes.
- Use of our discretionary housing payment fund to support people affected by welfare reform.



- Increased the district's recycling rate.
- Opened a new recycling centre at Padworth.
- Partnered with Berks, Bucks & Oxon Wildlife Trust to enhance our countryside sites.
- Invested £4m in flood alleviation schemes to protect homes.
- Adopted a Core Strategy setting the framework for development to 2026.
- Opened the new West Berkshire Museum.

West Berkshire – The Place and its People

The Council Strategy is about making West Berkshire a better place to live, work and learn. We can only do that if we understand the needs and aspirations of our communities. Our West Berkshire District Needs Analysis (DNA) (being developed) paints a detailed picture of our district. The map highlights what are seen to be some of the key issues that have been important in shaping this Strategy.



Our Vision, Aims and Priorities for Improvement

Vision Working together to make West Berkshire an even greater place to live, work and learn

Aims



Priorities for Improvement



The council provides a range of core services which it believes are essential for the communities of West Berkshire. These include:

- Protecting our children
- Maintaining our roads
- Collecting your bins and keeping the streets clean
- Providing benefits
- Collecting council tax and business rates
- Ensuring the wellbeing of older people and vulnerable adults
- Planning and Housing

Given the scale of the financial challenges that lie ahead it is impossible to guarantee that these services will be immune from cuts. We will however, seek to ensure that these services are delivered to a standard that is good for those who receive them.

Aim A Better Educated Communities



Why is this important?

We recognise that children and young people are integral to the future of the area and we have a responsibility to ensure that all of them are given the best possible opportunity to succeed and to enjoy growing up in a safe, secure, healthy and economically prosperous environment.

For an area as affluent as West Berkshire, our educational attainment should be much better and we have made this our priority.

We continue to work positively with all local academies and schools for the benefit of pupils across West Berkshire.



Our priorities for improvement 2015-2019

- Raise the attainment of all our children at every key stage – *specifically we are aiming to be in the top 10% of councils for every key stage by 2019.*
- Close the attainment gap for vulnerable pupils – *we are aiming to eliminate the current attainment gap between disadvantaged children and other children.*

Key things we will do

- Continue to develop our work with schools to improve outcomes for all children and young people.
- Invest £70m in our schools.
- Implement a West Berkshire School Improvement Strategy.
- Increase safety, health and wellbeing support for children and young people in schools.
- Ensure a good start for every child.
- Develop outstanding leaders and governors in our schools.

How will we know we have succeeded?

- Nationally published pupil attainment data will show improvements across a range of areas.
- Completion of a number of school building projects including:
 - *Little Heath School*
 - *John Rankin Infant and Junior Schools*
 - *Kennet Valley Primary School*
- Annual evaluation of the effectiveness of the education service will show improvement.
- Our disadvantaged children will have better results and will be closer to the results of other children.

Aim B A Stronger Local Economy

Why is this important?

Having a good job, with a living wage and the resources to pay for the things you need is an essential requirement for a good quality of life, and improves wellbeing and sound health.

West Berkshire has traditionally had a healthy local economy and has now emerged strongly through the recent economic recession. The council has an important role in helping to create the conditions for private sector businesses to prosper and grow. Infrastructure, regeneration and ensuring that our workforce has the appropriate skills will be our focus areas over the coming four years.



Our priorities for improvement 2015-2019

- Enable the completion of more affordable housing – *we are setting an ambitious target of facilitating the completion of 1000 new affordable homes across the district over the coming five years.*
- Deliver or enable key infrastructure projects in relation to roads, rail, flood prevention, regeneration and the digital economy:
 - *In relation to roads, our target is to be in the top 25% of councils nationally by 2019 for the condition of our main roads.*
 - *For rail, we will lobby for the extension of electrification from Newbury to Bedwyn.*
 - *We will implement a five year flood prevention programme through local flood forums and with the support of local communities.*
 - *We will take forward the regeneration of the London Road Industrial Estate, Newbury Wharf and Market Street sites in Newbury and support the regeneration of Thatcham Town Centre.*
 - *We will ensure that all of West Berkshire has access to broadband this year with 95% of households having access to superfast broadband and all have access to faster broadband by 2017.*

Key things we will do

- Investigate new ways of delivering affordable housing.
- Invest £17m in our roads.
- Seek to develop new partnerships with the private sector and local communities to enhance local infrastructure.
- Keep our Community Infrastructure Levy policy under review.
- Invest £5.2m in flood prevention schemes.
- Support and develop Flood Forums.
- Implement the Superfast Broadband Programme for Berkshire and West Berkshire.
- Lobby the government for rail electrification to Bedwyn.



How will we know we have succeeded?

- We will publish the number of new affordable homes built on a quarterly basis.
- Benchmarking our highway maintenance performance with others using nationally published indicators will show improved results.
- Our agreed five year plan will have been implemented in accordance with the programme agreed with local flood forums.
- Newbury regeneration projects will have started on site by 2019 with clear plans in place for Thatcham by the same date.
- 95% of households will be able to access superfast broadband by 2017 and 100% will have faster broadband.
- We will have secured rail electrification to Bedwyn as early as possible within Network Rail's future programme.

Why is this important?

Supporting the vulnerable, whether they are older people, adults with disabilities or children is at the heart of what the council is about. The council has very clear legal duties to support vulnerable people and it is where the majority of its resources are spent. It carries out these duties by working with partners through the Local Children's Safeguarding Board and Safeguarding Adults Board.

The new Care Act will be implemented during the life of this strategy which is also likely to result in more people being cared for by the council. Population pressures and other factors will also increase the demand for social care in future years. We see safeguarding the most vulnerable in our communities as the most important thing we do and we have therefore maintained this as a priority.

The personalisation of social care and safeguarding adults empowers people to speak out, make informed decisions with support if necessary so that members of our communities can help each other.

Our priorities for improvement 2015-2019

- Good at safeguarding children and vulnerable adults.



Key things we will do

- Ensure that it is easy for local people to refer their safeguarding concerns to us.
- We will make sure that our limited resources are focused on the agreed priorities of the Local Children's Safeguarding Board and Safeguarding Adults Board.
- Ensure that the council's services dealing with initial enquiries regarding vulnerable children and adults are adequately resourced.
- Work in partnership with health, education, Police and voluntary and community sector organisations to improve safeguarding.
- Improve the retention of good quality social workers through the establishment of a Social Worker Academy.
- Implement an effective quality assurance programme for safeguarding services.
- Improve our current training programme.

How will we know we have succeeded?

- Where services are independently inspected they are rated at least good and peer reviews of safeguarding rated highly.
- We will see a reduction in the number of looked after children and children on a child protection plan.
- We will see an increase in the number of people that are helped to remain living at home after a period of enablement.



Aim D

Maintain a high quality of life within our communities

Why is this important?

The council has four underlying principles which guide how it works;

- (i). **Helping you to help yourself**
- (ii). **Helping you to help one another**
- (iii). **Helping you when you cannot help yourself**
- (iv). **Promoting and acting in the interests of our local community**

The council recognises that many people see themselves more as part of their immediate local area rather than as part of an administrative area called West Berkshire. As a result our focus has always been on working closely with local communities and parish councils, recognising that local people know what is best for their own community. We will also continue to work closely with communities of interest such as carers, voluntary groups etc.

We intend to do more work in this area over the coming four years, not only because limited resources mean the council will be able to do less itself, but also because it is vital that we continue to unlock the potential resources that reside within our communities and identify the most effective way of delivering services.

Our priorities for improvement 2015-2019

- Support communities to do more to help themselves



Key things we will do

- Accelerate the delivery of local services for local communities by local communities.
- Work with local people to develop and improve our community planning programme.
- Provide additional resources to work with communities to enhance volunteering activities.
- Implement new ways of working to develop communities to be more resilient in meeting the needs of vulnerable people.
- Ensure the continuation of access to libraries across the district and opportunities to participate in leisure activities.
- Develop opportunities to engage with West Berkshire's heritage.
- Work with local communities to help people live longer, healthier and more fulfilling lives and improve the health of the poorest fastest.



How will we know we have succeeded?

- We will have successfully transferred services/ assets to local communities where the desire exists.
- Our communities will be more 'self sufficient' and less dependent on the council and wider 'State' for support.
- We will ask our communities if they have appropriate plans in place to support their local area.
- More communities will refresh their community plans.
- We will see that the physical and virtual use of the library service and participation in sport and activity programmes at our leisure centres is maintained.
- We will maintain a programme of outreach activities promoting learning about the heritage of West Berkshire.
- Our least affluent communities and vulnerable groups will be as healthy as those with the best health and wellbeing in West Berkshire.
- We will improve the health and wellbeing of all children and young people aged 0-19 through the delivery of an effective Health Visiting and School Nursing service.

Our Approach & Our Values - Become an Even More Effective Council

Why is this important?

The council is expecting to continue to see its government funding fall over the life of this strategy. The council will need to save around £5-6m every year in order to balance its books. Such a level of savings cannot be found by further trimming of existing services. A more radical reshaping of the council is now required. This needs to be driven by a review of what the council has and wishes to do itself and a consideration of what might be best done by others, or possibly not done at all.

A review of the council was recently completed by the Local Government Association. This highlighted a number of the council's strengths but also a number of areas where we could be more efficient with the processes we operate, be a bit more innovative and work with the public and our partners in a more open and transparent way. Alongside our ongoing financial challenges these areas of improvement will be where we will focus our efforts internally to enhance our effectiveness over the coming four years.

Our Values

We recognise that how we do things is as important as what we do. We have therefore established four values which reflect the culture we are seeking to create in the council.

These values are:

- **Respect**
- **Integrity**
- **Ambition**
- **Responsibility**

Our priorities for improvement 2015-2019

- Become an even more effective council



Key things we will do

- Continue to deliver our core services to the agreed standard.
- Retain and build on our strengths.
- Reshape what we do and how we do it so that we can continue to live within our means.
- Improve our partnership working especially with Health.
- Senior management will spend more time on strategic rather than operational issues.
- Encourage more flexibility and innovation amongst our staff and foster ideas from the 'grass roots'.
- Strengthen our leadership capability.
- Develop a modern and flexible workforce where staff are recognised and valued.
- Get better at celebrating our successes and explaining our failures.
- Make greater use of other appropriate information to help assess the cost and effectiveness of what we do.

How will we know we have succeeded?

- Our local communities will tell us if we are becoming more effective when we ask them.
- Benchmark ourselves against similar councils to ensure we compare favourably with them.
- Ask the Local Government Association to conduct a biennial review so that we have an independent assessment of how successful we are being.
- Ask our staff how we are doing.



This page is intentionally left blank

Title of Report:	Outside Body Appointments – Royal Berkshire Fire and Rescue Service and Thames Valley Police and Crime Panel
Report to be considered by:	Council on 19 May 2015
Forward Plan Ref:	C2968

Purpose of Report: To consider West Berkshire Council nominations to the following outside bodies:

- Royal Berkshire Fire and Rescue Service Fire Authority;
- Thames Valley Police and Crime Panel.

Recommended Action: To agree the Council's representatives on the following outside bodies:

- Royal Berkshire Fire and Rescue Service;
- Thames Valley Police and Crime Panel;

Reason for decision to be taken: To ensure that the Council is represented on the outside organisations.

Other options considered: Not to appoint representatives.

Key background documentation: None

Published Works: None

The proposals will help achieve the following Council Strategy principle:
 CSP8 - Doing what's important well
 The proposals contained in this report will help to achieve the above Council Strategy principle by:
 Ensuring that the Council is appropriately represented on the outside bodies

Portfolio Member Details	
Name & Telephone No.:	Leader of the Council
Contact Officer Details	
Name:	Moira Fraser
Job Title:	Democratic and Electoral Services Manager
Tel. No.:	01635 519045
E-mail Address:	mfrasser@westberks.gov.uk

Implications

- Policy:** Appointments will be made in accordance with Part 13 Appendix J (Protocol for Council Representation on Outside Bodies) of the Council's Constitution
- Financial:** West Berkshire Council Members are not paid to attend Outside Body meetings however any costs associated with meeting attendance will be met from within existing Members Allowances budget where the Outside Body does not pay these costs.
- Personnel:** None except for the Thames Valley Police and Crime Panel where Buckinghamshire County Council acts as Host Authority, providing Scrutiny Officer and other secretariat support as needed to enable the Panel to undertake its functions. Any dedicated staff employed to support the Panel will be employed by the Host Authority, and as such their terms and conditions will be that of the Host Authority.
- Legal/Procurement:** The introduction of the Police Reform and Social Responsibility Act 2011 ('the Act') introduced revised structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- Property:** None
- Risk Management:** The Council indemnifies Members in certain circumstances – details are set out in Appendix J to Part 13 of the Constitution (Protocol for Council representatives on Outside Bodies).

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 http://intranet/EqIA			<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"/>

Executive Summary

1. Introduction

- 1.1 The Council is required to appoint representatives to a range of Outside Bodies. The bulk of these appointments will be made via an Individual Decision in June 2015. Where appropriate these appointments will be aligned to the Council's electoral cycle and the bulk of these appointments will be made for a four year period.
- 1.2 The Council is however required to make annual appointments to the Royal Berkshire Fire Authority and the Thames Valley Police and Crime Panel. As this has been an election year the appointments will be made by Full Council to expedite the decision making process. In the following three years these appointments will revert to being Individual Decisions made by the Leader of the Authority as was agreed at the 17 May 2007 Executive meeting.
- 1.3 Appointments will be made in accordance with Appendix J to Part 13 of the Constitution (Protocol for Council Representatives on Outside Bodies).

2. Royal Berkshire Fire Authority

- 2.1 Members are responsible for setting the Fire and Rescue Service operating budget and determining how the service is run. Meetings of the Royal Berkshire Fire Authority take place in the evenings, on a quarterly basis, at the authority's Headquarters in Calcot, Reading. Members should note that a Member appointed to this Fire Authority is expected to attend all Fire Authority meetings and to serve on at least one committee or working party.
- 2.2 Appointments to the Royal Berkshire Fire Authority are made on a proportionality basis based on the electoral roll. There will be 25 members appointed in 2015/16. The Fire Authority comprises local councillors appointed by the six unitary authorities in the county: Bracknell Forest Borough Council (3 seats); Reading Borough Council (4 seats); Royal Borough of Windsor and Maidenhead (4 seats); Slough Borough Council (4 seats); West Berkshire Council (5 seats) and Wokingham District Council (5 seats). West Berkshire Council has gained a seat in 2015/16 and Reading has lost a seat in 2015/16.
- 2.3 The RBFRS has agreed to set up a task group to consider the appropriate level of representation and the methodology for allocating seats. It was therefore possible that the membership and methodology for 2016/17 might be amended.
- 2.4 At the Executive meeting in May 2007 it was agreed that West Berkshire Council appointments will be made based on the Council's proportionality rules.
- 2.5 The representatives for the 2014/15 period were Councillors Jeff Brooks, Paul Bryant, Adrian Edwards and Emma Webster.
- 2.6 The following Members have expressed an interest in being nominated to this Outside Body: Councillors Emma Webster, Paul Bryant, Adrian Edwards, Anthony Chadley, Carol Jackson-Doerge and Alan Macro.

3. Thames Valley Police and Crime Panel

- 3.1 The Panel comprises 18 elected members (one from each Authority) and 2 co-optees. Appointments of elected Members to the Panel are made in accordance with each Authorities own procedures with a view to ensuring that the 'balanced appointment objective' is met so far as is reasonable practicable.
- 3.2 The balanced appointment objective requires that the Panel should (when taken together):
- (1) Represent all parts of the police area;
 - (2) Represent the political make-up of the Authorities;
 - (3) Have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.3 A Member shall be appointed annually to the Panel to hold office matching the Municipal Year, subject to the following provisos that he/she:
- (1) Shall cease to be a Member of the Panel if he/she ceases to be a member of:
 - (a) The Authority;
 - (b) The political group in the Authority when the appointment to hold office was made.
- 3.4 The Council's current representative on the organisation is Councillor Quentin Webb.
- 3.5 The following Member has expressed an interest in being appointed to the panel: Councillor Quentin Webb.

4. Equalities Impact Assessment Outcomes

- 4.1 There are no equalities issues associated with this report.

5. Conclusion

- 5.1 That the Council appoints representatives to the organisations as set out in the paragraphs above.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: Fayth Rowe (RBFRS) and Clare Gray (BCC)

Officers Consulted: Robin Steel, Gillian Durrant, Corporate Board

Trade Union: Not consulted