

Individual Decision



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The attached report will be taken as Individual Portfolio Member Decision on:

Thursday 15th February 2018

Ref:	Title	Portfolio Member	Page No.
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Individual Executive Member Decision

West Berkshire Council Forward Plan - 20 March to 31 May 2018

Committee considering report:	Individual Executive Member Decision
Date of Committee:	15 February 2018
Portfolio Member:	Councillor Graham Jones – Leader of the Council
Forward Plan Ref:	ID3241

1. Purpose of the Report

- 1.1 To advise Members and residents of items to be considered by West Berkshire Council over the next four months.

2. Recommendation

- 2.1 That the Leader of the Council agrees and where appropriate amends the West Berkshire Council Forward Plan.

3. Implications

- 3.1 **Financial:** The Forward Plan has no financial implications.
- 3.2 **Policy:** The Forward Plan details the Policies to be adopted by West Berkshire Council.
- 3.3 **Personnel:** The Forward Plan has no personnel implications.
- 3.4 **Legal:** The Forward Plan has no legal implications.
- 3.5 **Risk Management:** The Forward Plan has no risk management implications.
- 3.6 **Property:** The Forward Plan has no property implications.
- 3.7 **Other:** Not applicable.

4. Consultation Responses

Members:

Leader of Council:	Councillor Graham Jones
Overview & Scrutiny Management Commission Chairman:	Councillor Emma Webster at Overview and Scrutiny Management Commission meetings.
Ward Members:	All Members
Opposition	Councillor Lee Dillon at Overview and Scrutiny Management

Spokesperson: Commission meetings.

Local Stakeholders: The West Berkshire Forward Plan will be published the first working day after the Individual Decision is signed.

Officers Consulted: Nick Carter, John Ashworth, Rachael Wardell, Heads of Service, Group Executive.

Trade Union: Not sought.

5. Other options considered

5.1 Not applicable.

6. Appendices

6.1 Appendix A – Supporting Information

6.2 Appendix B - Equalities Impact Assessment

6.3 Appendix C – West Berkshire Council Forward Plan - 20 March to 31 May 2018

6.4 Appendix D – Notice of Private Decisions

Individual Executive Member Decision

West Berkshire Council Forward Plan - 20 March to 31 May 2018 - Supporting Information

1. Introduction/Background

- 1.1 West Berkshire Council's Forward Plan, which is published monthly, sets out the key decisions that the Executive (either collectively or by Individual Executive Members) are expected to take over the next four months.
- 1.2 Key decisions are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
- (1) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision is related.
 - (2) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 The introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012 included a requirement to publish 28 clear days' notice of any intended key decision. It should be noted that "clear days" means working days, from midnight to midnight, and excludes weekends and public holidays, so 28 clear days equates to around 5½ normal weeks.
- 1.4 On occasions, however, situations may arise where an urgent decision needs to be made in respect of an item that does not appear on the Forward Plan. There are two different ways in which this can be done:
- (i) The authority can take an urgent key decision without giving 28 days' notice where it is impracticable to give the full notice, provided that the authority gives at least five days' clear notice to all Members of the Overview and Scrutiny Management Commission, which can then call in the decision to check that it was genuinely urgent; or
 - (ii) Where a key decision is so urgent there is not even time to give five clear days' notice, the authority can take the decision if the Chairman of the Overview and Scrutiny Management Commission has agreed that the key decision is urgent and cannot reasonably be deferred.
- 1.5 In addition The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 introduced an entirely new requirement for the Council to publish 28 clear days' notice of the intention to hold a private meeting (or part of a meeting) of the Executive. This 28 day notice must be

reinforced by a five day notice which sets out the reasons for the meeting to be held in private, details of any propositions received as to why the meeting should be open, and the Council’s response. The response will be provided by the Monitoring Officer. The regulations again provide for an urgency procedure, under which the Council can decide the matter with shorter than 28 or five days’ notice, provided that it has first obtained the consent of the Chairman of the Overview and Scrutiny Management Commission.

1.6 There are currently two confidential items scheduled for the 29 March 2018 Executive meeting. The required notice is attached as Appendix D and will be displayed at the Council. If any representations are received the five day notice will be issued on 21 March 2018. The items are:

- Recruitment and Retention – Provider Services (EX3435) (*Paragraph 4 – information relating to terms proposed in negotiations in labour relations matters*)
- Proposed Property Investment (EX3347) (*Paragraph 3 - information relating to financial/business affairs of particular person*)

1.7 Details of decisions that Full Council, the Governance and Ethics Committee and the Personnel Committee are going to take are also included for ease of reference. It should, however, be noted that the 2012 Regulations only apply to Executive meetings.

1.8 It should also be noted that any changes made to Executive Member Portfolios will be reflected in the Forward Plan once they are known.

1.9 Publication of the Forward Plan remains a statutory requirement of the Local Authority. The Forward Plan, any General Exception Decision Notices and Notices of Private Decisions have to be available for inspection and also have to be published on the Council’s website.

Background Papers: None.

Subject to Call-In:

Yes: No:

- | | |
|---|-------------------------------------|
| The item is due to be referred to Council for final approval | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | <input type="checkbox"/> |
| Delays in implementation could compromise the Council’s position | <input checked="" type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months | <input checked="" type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |
| Report is to note only | <input type="checkbox"/> |

Officer details:

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

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Forward Plan
Version and release date of item (if applicable):	
Owner of item being assessed:	Moira Fraser
Name of assessor:	Maria Legge
Date of assessment:	7 February 2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	
Objectives:	
Outcomes:	
Benefits:	

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this.
None		

Further Comments relating to the item:

3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

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

Name: Maria Legge

Date: 7 February 2018

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

West Berkshire Council Forward Plan

APPENDIX C

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Key:

C= Council
DOD= Delegated Officer Decision
EX= Executive
GE= Governance and Ethics Committee
ID= Individual Decision
PC= Personnel Committee
PP= Joint Public Protection Committee

West Berkshire Council Forward Plan 20 March 2018 - 31 May 2018

The items included in the Forward Plan were correct at the time of publication. The Forward Plan may however change and you are asked to contact Moira Fraser – Tel (01535) 519045 or email: moira.fraser@westberks.gov.uk to confirm the contents of any meeting agenda before attending. **Executive decisions may be taken by the Executive acting as a collective body or by officers acting under delegated powers.**

Reference	Item	Purpose	Decision Body	Month/Year	Executive	ID	Date Report Published	Council	Governance and Ethics Committee	OSMC	Other	Officer and Contact No	Directorate	Lead Member	Consultee(s)	Part II	Call In
EX3435	Recruitment and Retention – Provider Services <i>(Paragraph 4 – information relating to terms proposed in negotiations in labour relations matters)</i>	To seek a decision on options put forward for improving recruitment and retention in Provider Services.	EX	01 March 2018	29/03/18 EX		21/03/18					Tandra Forster	Communities	Adult Social Care	Care Home Staff and Unions	Yes	
EX3248	Key Accountable Performance 2017/18: Quarter Three	To report quarter three outturns against the Key Accountable Measures contained in the 2017/18 Council Performance Framework and any additional performance intelligence.	EX	01 March 2018	29/03/18 EX		21/03/18			10/04/18		Catalin Bogos	Resources	Leader of the Council, Strategy			
EX3418	Updated approach to the Management of Responsibilities Under Section 117 of the Mental Health Act 1983	To agree the revised approach to managing responsibilities under the Mental Health Act 1983.	EX	01 March 2018	29/03/18 EX		21/03/18					Paul Coe	Communities	Adult Social Care	local stakeholders		
EX3433	Proposed Changes to the Council's Home to School Transport Policy	To consider amendments to the Policy	EX	01 March 2018	29/03/18 EX		21/03/18					Mark Edwards/ Ian Pearson	Environment and Communities	Children, Education & Young People			
EX3347	Proposed Property Investment <i>(Paragraph 3 - information relating to financial/business affairs of particular person)</i>	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	EX	01 March 2018	29/03/18 EX		21/03/18					Richard Turner	Communities	Leader of the Council		Yes	No
ID3391	Newbury Town Design Statement (2017)	To report on the formal public consultation undertaken on the Newbury Town Design Statement and to consider its adoption as part of the community planning process.	ID	01 March 2018		01/03/18	tbc					Sarah Conlon	Economy and Environment	Planning and Housing	Statutory consultees, local stakeholders and members of the public. Community involvement has been an integral	No	Yes
ID3409	Traffic Management & Road Safety Programme 2018/19	To advise Members of the Traffic Management & Road Safety works programme for 2018/19	ID	01 March 2018		01/03/18	tbc					Chris Vidler	Economy and Environment	Highways and Transport		No	Yes

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Reference	Item	Purpose	Decision Body	Month/Year	Executive	ID	Date Report Published	Council	Governance and Ethics Committee	OSMC	Other	Officer and Contact No	Directorate	Lead Member	Consultee(s)	Part II	Call In
ID3429	Permission to Consult on the Licensing and Gambling Policies	To seek authority to consult on amendments to the Council's Licensing and Gambling Policies in accordance with the relevant legislation.	ID	01 March 2018		22/03/18	14/03/18					Laura Driscoll	Environment	Community Resilience & Partnerships			
PC3396	Revised Sickness Absence Procedure	To gain approval for a revised procedure for the management of sickness absence for corporate staff	PC	01 March 2018			16/03/18				26/03/18 Personnel	Rebecca Bird	Resources	Corporate Services			
GE3324	Internal Audit Plan 2018/19	To outline the proposed internal audit work programme for the next three years	GE	01 April 2018					23/04/18 GE			Ian Priestley	Resources	Corporate Services			
GE3325	External Audit Plan 2018-19	To provide Members with a copy of the External Audit Plan for 2018-19	GE	01 April 2018					23/04/18 GE			Ian Priestley	Resources	Corporate Services			
ID3379	Council wide revision of weight limit orders. To modernise them and ensure they are fit for purpose	To consider the response received during statutory consultation	ID	01 April 2018		01/04/18	tbc					Glyn Davis	Economy and Environment	Highways and Transport			
C3215	SACRE Annual Report	To provide Members with the Annual Report of the Standing Advisory Council on Religious Education (SACRE).	C	01 May 2018			27/04/18	08/05/18 C				Jo Watt	Resources	Leader of the Council, Strategy			No
C3323	Monitoring Officer's Annual Report to the Governance and Ethics Committee –2017/18 Year End	To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other problems within West Berkshire.	C	01 May 2018			27/04/18	08/05/18 C	23/04/18 GE			Sarah Clarke	Resources	Chairman of Governance and Ethics			No

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Reference	Item	Purpose	Decision Body	Month/Year	Executive	ID	Date Report Published	Council	Governance and Ethics Committee	OSMC	Other	Officer and Contact No	Directorate	Lead Member	Consultee(s)	Part II	Call In
C3334	Election of the Chairman for the Municipal Year 2018/19	To elect the Chairman for the 2018/19 Municipal Year.	C	01 May 2018			27/04/18	08/05/18 C				Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		No
C3335	Appointment of Vice-Chairman for the Municipal Year 2018/19	To appoint the Vice-Chairman for the 2018/19 Municipal Year.	C	01 May 2018			27/04/18	08/05/18 C				Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		No
C3336	Appointment of the Executive by the Leader of the Council for the 2018/19 Municipal Year	For the Leader of the Council to announce the composition of the Executive for the 2018/19 Municipal Year.	C	01 May 2018			27/04/18	08/05/18 C				Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		No
C3337	Appointment of and Allocation of Seats on Committees for the 2018/19 Municipal Year	To allocate seats on the various Council Committees for the 2018/19 Municipal Year.	C	01 May 2018			27/04/18	08/05/18 C				Moira Fraser	Resources	Leader of the Council, Strategy	Corporate Directors and Heads of Service		No
EX3349	Annual Property Investment Review	To note the Council's property investment activity over the previous year.	C	01 May 2018			27/04/18	08/05/18 C				Richard Turner	Resources	Finance, Transformation and Economic Development	Corporate Services		No
C3260	Amendments to the Constitution – Scheme of Delegation	To review and amend sections of the Scheme of Delegation in light of legislative changes and current practice.	C	01 May 2018			27/04/18	08/05/18 C	23/04/18 GE			Sarah Clarke	Resources	Corporate Services			No
EX3348	Proposed Property Investment (Paragraph 3 - information relating to financial/business affairs of particular person)	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	EX	01 May 2018	03/05/18 EX		25/04/18					Richard Turner	Communities	Leader of the Council		Yes	No
EX3419	Housing Benefit Overpayment Write Off	To confirm that a Housing Benefit overpayment can be written off due to the Individual's circumstances	EX	01 May 2018	03/05/18 EX		25/04/18					Iain Bell	Resources	Corporate Services		Yes	
ID3413	Parking scheme - Consolidation Order Amendment 28	To consider the responses received during statutory consultation	ID	01 May 2018		01/05/18	TBC					Alex Drysdale	Environment	Highways and Transport	Statutory consultees, general public, Town and Parish Councils and Ward Members	No	Yes
ID3432	Outside Body Appointments	To agree the appointment of representatives on a variety of outside bodies, including the Local Government Association General Assembly, Royal Berkshire Fire and Rescue Service,	ID	01 May 2018		10/05/18	01/05/18					Jude Thomas	Resources	Leader of the Council, Strategy			

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NOTICE OF A PRIVATE MEETING OF A DECISION-MAKING BODY¹

Notice of an imminent occasion when the public may be excluded from a meeting due to the likelihood that if members of the public were present during an item of business confidential or exempt information would be disclosed to them.

¹ In accordance with Regulation 5(7) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1. At least 28 clear days before a private meeting² of a decision-making body, public notice³ must be given which must include a statement of reasons for the meeting to be held in private.
2. At least 5 clear days before a private meeting of a decision-making body, further public notice⁴ must be given which must include a statement of reasons for the meeting to be held in private, details of any representations received by the decision-making body about why the meeting should be open to the public and a statement of the Council's response to such representations.
3. Where the date by which a meeting must be held makes compliance with the above requirements impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from the Chair of the Overview and Scrutiny Management Commission.

Date of Decision or period within which the decision is to be made	Ref No:	Matter in respect of which the decision is to be made	Short Description	Decision maker	Executive Member & Lead Officer	List of documents to be submitted to decision maker	Public or Private meeting. Statement of reasons if private.
29 March 2018	EX3435	Recruitment and Retention – Provider Services	To seek a decision on options put forward for improving recruitment and retention in Provider Services.	Executive	Councillor Rick Jones Tandra Forster	Report and associated appendices	<i>(Paragraph 4 – information relating to terms proposed in negotiations in labour relations matters)</i>
29 March 2018	EX3347	Proposed Property Investment	To agree to the potential purchase of a property which does not conform with the criteria of the Property Investment Strategy	Executive	Councillor Graham Jones Richard Turner	Report and associated appendices	<i>(Paragraph 3 - information relating to financial/business affairs of particular person)</i>

Andy Day
Head of Strategic Support
West Berkshire Council

Date: 7 February 2018

² A 'private meeting' means a meeting or part of a meeting of a decision making body which is open to the public except to the extent that the public are excluded due to the confidential or exempt business to be transacted.

³ In accordance with Regulation 5(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

⁴ In accordance with Regulation 5(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.