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Meeting of West Berkshire District Council

Thursday 7 December 2017

Summons and Agenda



To: All Members of the Council

You are requested to attend a meeting of

West Berkshire Council

to be held in the

Council Offices Market Street Newbury

on

Thursday 7 December 2017

at 7.00pm



Andy Day
Head of Strategic Support
West Berkshire District Council

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Wednesday 29 November 2017

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.

Agenda - Council to be held on Thursday, 7 December 2017 (continued)

3. PRESENTATION OF THE WEST BERKSHIRE COMMUNITY CHAMPION AWARDS (C3225)

The Chairman will present the following Community Champion Awards for 2017:

- Pat Eastop Junior Citizen of the Year
- Volunteer of the Year
- Community Group of the Year
- Lifetime Achievement Award

4. MINUTES

The Chairman to sign as a correct record the Minutes of the ordinary Council meeting held on 14 September 2017 and the extraordinary Council meeting held on 31 October 2017. **(Pages 7 - 20)**

5. DECLARATIONS OF INTEREST

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

6. MEMBERSHIP OF COMMITTEES

To agree changes to the membership of Council appointed Committees.

7. PETITIONS

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

8. PUBLIC QUESTIONS

Members of the Executive to answer questions submitted by members of the public in accordance with the Council's Constitution. *(There were no public questions submitted in relation to items not included on the agenda.)*

9. LICENSING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Licensing Committee held an extraordinary meeting on 28 September 2017. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

10. PERSONNEL COMMITTEE

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



Agenda - Council to be held on Thursday, 7 December 2017 (continued)

11. GOVERNANCE AND ETHICS COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 27 November 2017. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

12. DISTRICT PLANNING COMMITTEE

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

13. 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 17 October 2017. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

14. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 19 September 2017. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

15. ADJOURNMENT OF THE MEETING

At this point, the Council meeting will be adjourned to enable the Licensing and Governance and Ethics Committees appointed by the Council to meet to determine their Chairmen and Vice-Chairmen, as appropriate.

16. RECOMMENCEMENT OF THE MEETING

At the conclusion of the meeting of the Governance and Ethics Committee, the Council meeting will recommence.

17. LEISURE CENTRE FEES AND CHARGES 2018 (C3223)

Purpose: To implement the contractual requirement for an annual price review for 2018 for the leisure contractor to come into effect from 1st January 2018. **(Pages 21 - 32)**

18. AMENDMENTS TO THE SCHEME OF DELEGATION (C3093)

Purpose: To amend the Scheme of Delegation which forms Part 3 of the Constitution. **(Pages 33 - 192)**

19. PROPOSED MEMBER DEVELOPMENT PROGRAMME 2018/19 (C3221)

Purpose: To agree the proposed Member Development Programme for 2018/19. **(Pages 193 - 200)**



20. **2018/19 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C3224)**

Purpose: To recommend a timetable of meetings for the 2018/19 Municipal Year.
(Pages 201 - 208)

21. **MEMBERS' QUESTIONS**

Members of the Executive to answer the following questions submitted by Councillors in accordance with the [Council's Constitution](#):

(a) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro:**

"Since the new charges for the disposal of waste at the HWRC have been introduced, how many instances of fly tipping have been reported on private land?"

(b) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro:**

"How does the Council penalise those who fly tip?"

(c) **Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Councillor Alan Macro:**

"Is the Council considering using CPO powers on the Sandford development?"

(d) **Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Lee Dillon:**

"Can the Council provide assurance that the Highwood Copse School project is being properly project managed?"

(e) **Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Councillor Lee Dillon:**

"Can you confirm to what BREEAM level Highwood Copse School is going to be built to?"

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



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Agenda Item 4.

DRAFT

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

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 14 SEPTEMBER 2017

Councillors Present: Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Dominic Boeck, Paul Bryant, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Richard Crumly, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Dave Goff, Manohar Gopal, Carol Jackson-Doerge (Vice-Chairman), Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Graham Pask, Anthony Pick, Richard Somner, Quentin Webb (Chairman) and Laszlo Zverko

Also Present: Joanne Bassett (Public Relations Assistant), Nick Carter (Chief Executive), Sarah Clarke (Acting Head of Legal Services), Mac Heath (Head of Children and Family Services), Peta Stoddart-Crompton (Public Relations Officer), Rachael Wardell (Corporate Director - Communities), Moira Fraser (Democratic and Electoral Services Manager), Gabrielle Mancini (Group Executive - Conservatives) and Jo Reeves (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Steve Ardagh-Walter, John Ashworth, Councillor Jeremy Bartlett, Councillor Dennis Benneyworth, Councillor Graham Bridgman, Councillor Jason Collis, Councillor Marcus Franks, Councillor James Fredrickson, Councillor Clive Hooker, Councillor Alan Law, Councillor Ian Morrin, Councillor Anthony Stansfeld and Councillor Emma Webster

Councillors Absent: Councillor Rob Denton-Powell, Councillor Sheila Ellison, Councillor Nick Goodes, Councillor Paul Hewer, Councillor James Podger, Councillor Garth Simpson and Councillor Virginia von Celsing

PART I

38. Chairman's Remarks

The Chairman reported that he had attended 21 events since the last Council meeting and the Vice Chairman had attended six events on behalf of the Council.

The Chairman noted that the West Berkshire Community Champion Awards had been launched and he encouraged Members to promote the scheme within their communities.

39. Minutes

The Minutes of the meeting held on 04th July 2017 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the word 'Councillor' before 'Manohar Gopal' on page 10 of the agenda.

40. Declarations of Interest

There were no declarations of interest received.

41. Petitions

There were no petitions presented at the meeting.

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

42. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#). (right click on link and 'Edit Hyperlink'. Insert URL to pdf on website in 'address' field)

- a) A question standing in the name of Mr Jamie Heath on the subject of the difference between the WBC 'Pothole Policy and Guidance' and WBC intervention levels document would receive a written response from the Portfolio Holder for Highways and Transport as Mr Heath was not able to attend the meeting.
- b) A question standing in the name of Mr Jamie Heath on the subject of the Council's adherence to the Pothole Policy would receive a written response from the Portfolio Holder for Highways and Transport as Mr Heath was not able to attend the meeting.

43. Membership of Committees

Councillor Graham Jones proposed that Councillor James Cole replace Councillor Nick Goodes on the Licensing Committee. The recommendation was seconded by Councillor Hilary Cole.

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

44. Licensing Committee

The Council noted that, since the last meeting, the Licensing Committee had met on 18 July 2017.

45. Personnel Committee

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

46. Governance and Ethics Committee

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 21 August 2017.

47. District Planning Committee

The Council noted that, since the last meeting, the District Planning Committee had met on 23 August 2017.

48. Overview and Scrutiny Management Commission

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had not met.

49. Joint Public Protection Committee

The Council noted that, since the last meeting, the Joint Public Protection Committee had not met.

50. Appointment of the Independent Remuneration Panel (C3310)

The Council considered a report (Agenda Item 14) concerning the membership of the West Berkshire Council Independent Remuneration Panel (IRP) for 2017 and which sought agreement on the scope of the allowances the IRP would consider at its next meeting.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Lee Dillon:

"That the Council:

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

- “1 Agrees the membership of the West Berkshire Council IRP.
- 2 Agrees that the scope that the IRP will consider will include:
- Basic Allowance
 - Special Responsibility Allowances - with particular attention to the following:
 - Governance and Ethics Committee
 - Personnel Committee
 - Overview and Scrutiny Management Commission
 - Standards Committee
 - Allowances for Independent Members
 - Childcare and Dependent Carers Allowance
 - Travelling Allowance
 - Subsistence Allowance
 - The administration of the scheme”

Councillor Graham Jones in introducing the item noted that The Local Authorities (Members' Allowances) (England) Regulations 2003 required Councils to establish and maintain an Independent Remuneration Panel (IRP).

The last meeting of the panel took place in February 2015 and provided an extensive review of Members' Allowances. The panel members at that time were Ms Lindsey Appleton, Mr David Danielli and Mr Declan Hall. Ms Appleton was now a West Berkshire Council Independent Person and could therefore not form part of the panel. Mr Hall was employed as an advisory consultant for the Panel and it was not intended that he be employed on this occasion.

Given the need to replace two of the previous panel members, and in line with the statutory requirements, the proposed membership of the Panel for November 2017 was as follows: Mr David Danielli, Mr Jonathon Hopson and Mr Tim Renouf.

Councillor Graham Jones asked Members to support the scope of the review and highlighted that there was a statutory requirement for the Panel to meet and that he anticipated that this would be a 'light touch' review.

Councillor Lee Dillon supported the membership of the Panel and the scope of the review.

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

51. **New Arrangements for Appeals Panel (C3361)**

The Council considered a report (Agenda Item 15) which proposed an increase in the number of Members on an Appeals Panel from three to four and to remove the requirement for a substitute.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor James Cole:

“That the Council:

- “1 Agrees that the Panel for future Appeals Panel meetings will consist of four Members with no substitute required.

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

- 2 Agrees that subject to agreement with the paragraph above the necessary changes be made to the Council's Constitution."

Councillor Graham Jones noted that the report set out a change to the way Appeals Panels currently operated. Where an appeal needed to be heard an Appeals Panel of three Members and a substitute was constituted by the Head of Strategic Support. The substitute was required to attend the whole hearing in case an unexpected conflict of interest or illness arose, but they were precluded from taking part in the deliberations and final decision making.

Members had found this frustrating. It was proposed that in order to fully involve all Appeals Panel Members in the decision making process and provide them with the opportunity to gain necessary relevant experience and to make better use of their time the number of Members sitting on an Appeals Panel should be increased to four, but with substitutes no longer being appointed.

Councillor James Cole noted that the amendment had received the full support of the Governance and Ethics Committee when it was discussed at that meeting.

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

52. **West Berkshire's Children's Services are "Good" (C3383)**

The Council considered a report (Agenda Item 16) which sought to inform Council of the outcome of the Children's Services Ofsted Inspection of May 2017, responded to Ofsted's recommendations arising from that inspection and which set out the Council's ambition to build on the successful 'Good' Ofsted grading to achieve excellent and sustainable Children's Services.

The report also noted that future consideration would be given to going beyond the action plan in response to Ofsted's seven recommendations, in order to further develop and improve the service.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Gordon Lundie:

"That the Council:

1. Notes the progress made by West Berkshire Children Services since its Ofsted inspection in March 2015 to achieve a 'good' judgement in the inspection undertaken in May in 2017.
2. Endorses the service's Action Plan in response to the seven recommendations in Ofsted's inspection report published in July 2017.
3. Notes that further consideration will be given to the next steps for the development of West Berkshire Children Services to further embed good practice and consider what more needs to be achieved to progress beyond "good" to great services."

Councillor Lynne Doherty explained that the report served to inform Members of the outcome of the Children's Services Ofsted Inspection which took place in May 2017. The report also included an Action Plan which had been drafted in order to respond to Ofsted's recommendations. She was delighted to present the report but recognised that there was further work to do and that the Council would not be complacent. The Service, which had been on a journey over the last two years, had now been transformed from inadequate to good.

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

One of the core functions of the service was to protect the District's children and the Service noted the outcome of the inspection which showed that 'children who need help and protection' still required improvement.

The inspection had identified the following key points:

- The workforce had been stabilised. At the time of the initial inspection in 2015 the agency rate was 50% which had been reduced to 12% at the time of the 2017 inspection.
- Timely decision making had been aided by the introduction of the multi-agency safeguarding hub (MASH).
- Leaders demonstrated their care for looked after children through thoughtful attention to improving services.
- Members through their role as corporate parents encouraged children to achieve all they could.
- The relationships between various agencies including foster carers and social workers were good.

Councillor Doherty thanked all those involved in making this happen including frontline staff, social workers, the leadership team, administrative team, Education Services, Prevention Team, Safeguarding Team, Members and partner agencies. She appreciated the level of commitment that was required to achieve this result.

She also thanked Councillor Gordon Lundie for appointing her to the role as Portfolio Holder for Children's Services, Rachael Wardell for her steadfast leadership and Dr Mac Heath who was instrumental in driving the improvement plan forward.

While she was pleased to reflect on the successes she accepted that there was still a lot of work to do. She therefore asked Council to note the progress that had been made and to endorse the 39 improvement streams in the Action Plan.

Councillor Gordon Lundie stated that in his 14 years as a Councillor, with the exception of delivering eulogies for friends, the most difficult speech he had to make was when the Council's Children's Services were judged to be inadequate. While he had disagreed with some of the judgments made by Ofsted in 2015 he had felt it would be more productive to focus on areas that needed improvement.

At the time the Council was struggling with high vacancy rates and a high turnover of social workers in particular. A decision had been taken to make a significant financial investment in this area. Councillor Lundie acceded that at the time he was sceptical that it would deliver the results that were needed but he was very pleased to see the fruits of that investment now.

He too thanked all those involved in delivering the improvement and in particular he thanked Rachael Wardell, Councillor Lynne Doherty and Dr Mac Heath who had joined the organisation at a very difficult juncture.

He accepted that there were still areas to focus on including health and communication but he was pleased to endorse this great report and looked forward to seeing a strategy to take the service to outstanding.

Councillor Jeanette Clifford congratulated Councillor Doherty and her team on a great achievement and asked her to elaborate on the next steps that would be taken. Councillor Doherty noted that a Strategy Board had been set up. They were looking at other authorities, she thought that there were two, that had been designated as

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

outstanding and other authorities delivering best practice to see what could be implemented locally to take the service forward.

Councillor Graham Pask, as a former Portfolio Holder in this area, echoed his thanks to all those involved in this process. He commented that the safety of the district's children was paramount. He also noted the role of Members as corporate parents and highlighted that the Corporate Parenting Panel had been overhauled in order to ensure that Members received up to date information which benefitted the district's children.

Councillor Alan Macro stated that he also wished to add his commendation to all those involved in this tough journey and he thanked them all for their efforts. He noted however that the report showed that children who needed help and protection still required improvement. The report also stated that Leaders had been told to give more attention to children who went missing from home or care. He also drew attention to the comments that the risk analysis of those at risk of child sexual exploitation was not sufficiently robust. He was disappointed that recommendation 4 in the Action Plan, which sought to address this concern, had not yet been started.

Councillor Hilary Cole stated that she had attended the feedback on the inspection in May 2017 and had found it to be a very enlightening experience. She was very pleased for the team and commented that she would like them to keep up the good work. She stated that the success was attributable to the outstanding leadership that had been shown and the professionalism of Officers, and she wished them every success on their continuing journey.

Councillor Lee Dillon commented that his group were very supportive of the service moving forward. He did, however, have some concerns which he wished to raise. He commented on the absence of an apology to the children who had been let down at the time.

In terms of the Action Plan, he noted that one of the commitments was 'we will simplify and clarify language used in our plans' and he hoped that this could be applied to the Action Plan itself.

He noted the comments on page 7 of the Action Plan which related to assessment periods for assessing mental health needs and commented that there were no timescales included in the Action Plan for assessing these needs.

He also noted that in Sections D and E reference was made to children being consulted on whether their diversity needs were being met and he queried how this could be achieved if the children were not aware of what their needs were.

Councillor Dillon also commented that the tense of the language used in relation to objective C on page 11 was incorrect. He also commented that the Executive Summary stated that no additional resources would be required but that on page 13 of the document reference was made to considering recommissioning a RH provider which would require resources.

Councillor Rick Jones added his congratulations to the Team for the improvements that had taken place. As far as he was aware the Council was currently the only unitary authority to make a two grade improvement in their inspection results and this was in itself a fantastic achievement. He was a member of the Foster Panel and he had been able to observe at first hand the improvements that had been made.

Councillor Tony Linden queried if modern day slavery had been taken into account given that this was a potential risk for vulnerable children.

In accordance with paragraph 4.13.16 (Points of Order/Explanation) Councillor Lundie was heard on a point of personal explanation. In relation to Councillor Dillon's comments

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

about an apology to the affected children he explained that he had offered an apology two years ago, would be happy to apologise again and to take responsibility for the judgement.

Councillor Doherty thanked Members for their kind words which she welcomed on behalf of the service too.

In relation to the comments made by Councillor Macro she reaffirmed that the Council would not be resting on its laurels and would enact the associated actions relating to health and protection requirements set out in the Action Plan.

In terms of missing children the Local Children's Safeguarding Board had met in July 2017 where they had looked at this issue in detail. She would be happy to share that report with Councillor Macro. Processes around child sexual exploitation were being addressed by SEMRAC (Sexual Exploitation and Missing Risk Assessment Conference).

She thanked Councillor Dillon for his comments around the language and tense used in the Action Plan and she would ask Officers to look into this prior to the Plan being submitted to Ofsted. In terms of timescales associated with mental health needs assessments these depended on the type of mental health issue the child was experiencing and so they could not be quantified. CAMHS did however have timescales that they worked to. The Council could however consider how it prioritised need and that this could be articulated going forward.

In terms of diversity of needs social workers had a range of age appropriate tools that they used when working with children which helped to identify needs.

In terms of the RHI (Return Home Interviews) service this was a service that was commissioned and was therefore already funded. Actions would not be driven by costs and that action related to recommissioning a service if it was deemed necessary.

Councillor Doherty noted that modern day slavery was one of a number of emerging issues that the service would have to keep abreast of. Continuous improvement would always be needed to meet new challenges.

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

53. Members' Questions

A full transcription of the Member question and answer session is available from the following link: (link to pdf on website)

- (a) A question standing in the name of Councillor Mollie Lock on the subject of delays to the Highwood Copse School was answered by the Executive Member for Culture and Environment.
- (b) A question standing in the name of Councillor Alan Macro on the subject of charges at the HWRC was answered by the Executive Member for Culture and Environment.
- (c) A question standing in the name of Councillor Lee Dillon on the subject of the current proposals of the Boundary Commission was answered by the Leader of the Council.

(The meeting commenced at 7.00pm and closed at 7.49pm)

COUNCIL - 14 SEPTEMBER 2017 - MINUTES

CHAIRMAN

.....

Date of Signature

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DRAFT

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

COUNCIL

MINUTES OF THE SPECIAL MEETING HELD ON TUESDAY, 31 OCTOBER 2017

Councillors Present: Steve Ardagh-Walter, Pamela Bale, Jeff Beck, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Keith Chopping, Hilary Cole, James Cole, Jason Collis, Richard Crumly, Rob Denton-Powell, Lee Dillon, Adrian Edwards, Sheila Ellison, James Fredrickson, Dave Goff, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge (Vice-Chairman), Marigold Jaques, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Virginia von Celsing, Quentin Webb (Chairman), Emma Webster and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Martin Dunscombe (Communications Manager), Honorary Alderman John Chapman, Moira Fraser (Democratic and Electoral Services Manager), Honorary Alderman Royce Longton and Gabrielle Mancini (Group Executive - Conservatives)

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Dennis Benneyworth, Councillor Jeanette Clifford, Councillor Lynne Doherty, Councillor Billy Drummond, Honorary Alderman Geoff Findlay, Councillor Marcus Franks, Councillor Nick Goodes, Councillor Mike Johnston, Honorary Alderman Joe Mooney, Councillor Richard Somner, Councillor Anthony Stansfeld and Honorary Alderman Alan Thorpe

Councillor Absent: Councillor Howard Bairstow, Councillor Jeremy Bartlett and Councillor Gordon Lundie

PART I

54. **Declarations of Interest**

There were no declarations of interest received.

55. **Membership of Committees**

Councillor Graham Jones proposed that Councillor James Cole replace Councillor Howard Bairstow on the Western Area Planning Committee. Councillor Howard Bairstow would be appointed as a substitute on this Committee. The recommendation was seconded by Councillor Clive Hooker.

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

56. **Boundary Review - Response to the Local Government Boundary Commission's Draft Proposals (C3399)**

The Council considered a report (Agenda Item 4) concerning the Council's response to the Local Government Boundary Commission's (LGBC) proposed changes to the District's warding patterns from the 2019/20 District Council Elections.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Lee Dillon:

That the Council:

“approves the proposed changes to the following wards (set out below and in more detail in Appendix B) as the Council's formal response to the Local Government Boundary Commission's review of the Council's warding patterns.

COUNCIL - 31 OCTOBER 2017 - MINUTES

- (i) Bucklebury and Aldermaston (Paragraphs 3.2 to 3.6)
- (ii) Hungerford and Kintbury (Paragraph 3.7)
- (iii) Basildon and Compton (Paragraph 3.8)
- (iv) Wash Common, Newbury Central and Greenham (Paragraphs 3.9 to 3.21)
- (v) Thatcham Central and Crookham (Paragraphs 3.22 to 3.25)
- (vi) Purley and Tilehurst (Paragraphs 3.26 to 3.29)
- (vii) Florence Gardens (Paragraph 3.30)".

Councillor Graham Jones noted that there was a typographical error on page 19 of the documentation and that the net effect of changes to the proposed new Ridgeway Ward should read **minus** 4%. The Leader noted that this was a cross party submission and he thanked Councillor Lee Dillon for his input on the Steering Group. He also thanked all the other Members of the Steering Group for their contributions. He also thanked Andy Day and his team for all the work they had put into getting the proposals prepared.

Councillor Graham Jones commented that this was a very difficult piece of work to get right and he accepted that there might not be universal support for all of the proposals contained within the Council's submission. The draft recommendations published by the LGBC on the 29 August 2017 proposed that the number of Councillors be reduced from 52 to 43. After considering the LGBC's recommendations the Steering Group felt that it would be more beneficial to focus on specific proposals and that it was not possible to re-consider all the boundary changes.

The Council would continue to state its preference not to have three Member wards, where practicably possible, and that any modifications needed to ensure that Councillors were close to the people they were representing and that wards were based on community interest. The building blocks for wards should therefore continue to be the parishes. It was however accepted that a three Member ward should remain in Hungerford and Kintbury as there was local support for the proposal.

The Council was also proposing to retain a three Member ward in Burghfield and Mortimer. Councillor Graham Jones accepted that there were divergent views on this proposal.

Councillor Alan Law commented that at the March 2017 meeting he had voted against the Conservative Administration for the first time in his life. He felt that the original proposal for the Basildon and Compton Ward did not meet the objective of strengthening a sense of community. He also felt that the previously proposed ward was too big for one Councillor to cover properly.

He had therefore submitted an alternative proposal to the LGBC and he was now happy with the revised proposals splitting the area into two one Member wards (Basildon and Ridgeway Wards). He would be writing to the LGBC to offer his support.

Councillor Graham Pask commented that he was not supportive of the LGBCs proposal for the three Member Bucklebury and Aldermaston Ward which would cover 15 parishes. In his opinion having to cover that many parishes would diminish the representation afforded to parishioners. The villages to the south of the A4 had a different feel to the rest of the proposed ward, much of which was in the Area of Outstanding Natural Beauty (AONB). He felt the Council's proposed revision, three one Member wards, was an excellent proposal and he hoped that it would find favour with the Boundary Commission.

Councillor Mollie Lock stated that she was not in favour of the three Member Burghfield and Mortimer Ward. This was a diverse ward with communities built around schools,

COUNCIL - 31 OCTOBER 2017 - MINUTES

churches, pubs and doctors surgeries. Mortimer had recently had its Neighbourhood Development Plan approved and Burghfield was in the process of developing their own one. She felt that it would be difficult to democratically represent their residents. Members knew their residents and their diverse needs and they knew how to assist those residents. She did not therefore think that a three Member ward in this area would properly serve the needs of the residents.

Councillor Graham Bridgman commented that he did not agree with Councillor Lock's comments. He had liaised with Councillors Keith Chopping, Carol Jackson-Doerge and Ian Morrin, all of whose wards were affected by the proposals that he was going to comment on. These three wards (Burghfield, Mortimer and Sulhamstead) were those that formed an overlap with the Wokingham Constituency. He and these three Councillors supported the proposed three Member Burghfield and Mortimer Ward, but wished to exclude any part of the Sulhamstead Parish.

The previous Council submission to the LGBC included a single Member Mortimer Ward covering the Stratfield Mortimer parish alone and a two Member Burghfield Ward comprised of the Beech Hill, Burghfield, Sulhamstead and Wokefield parishes, despite the stated desire of both the Beech Hill and Wokefield parishes that they preferred to be linked to Mortimer rather than Burghfield.

The fundamental premise running through the original WBC proposal was that parishes were the basic building blocks of local democracy, and splitting them between district council wards should not be undertaken unless it was wholly unavoidable.

This premise was unfortunately ignored by the LGBC in their proposals for their new Burghfield and Mortimer ward, by including the southern part of the Sulhamstead parish but putting the northern part into the new Aldermaston and Bucklebury ward. As a consequence the new Burghfield and Mortimer ward would be up to a plus 10% margin over the average electorate, whilst the Aldermaston and Bucklebury ward would be -7%. Sulhamstead Parish Council had also expressed a strong desire not to be split into two wards.

This group of Councillors therefore felt that there was some logic to creating a ward containing the service villages of Burghfield and Mortimer based on the concentration of local population in those villages, the fact that the Beech Hill and Wokefield Parish Councils had expressed a desire to remain connected to Mortimer, and that the area shared a secondary school namely The Willink School. In addition there was a developing synergy between local voluntary groups in the two villages.

Councillor Bridgman commented that the Members were however not supportive of creating a vast new Aldermaston and Bucklebury ward. This was primarily due to the fact that this area was situated in sparsely populated rural countryside. They therefore supported the Council's proposal to have three one-Member wards in this area rather than a single three-Member ward.

Councillor Rick Jones stated that the Council's proposed submission set out a well balanced proposal. He was concerned that the LGBC appeared to base their proposal on a mistaken view of boundaries and linkages. He had some concerns about the proposals around Purley and Tilehurst but they were not sufficient to reject the Council's proposal as a whole.

Councillor Alan Macro stated that although he was broadly supportive of the proposals he wished that the Council had gone further and objected to all three Member wards.

Councillor Dominic Boeck stated that he too was very concerned about the LGBC's proposals for the Bucklebury and Aldermaston ward which would cover 15 parishes. In his experience residents in rural areas generated a lot more case work and these

COUNCIL - 31 OCTOBER 2017 - MINUTES

communities were more difficult to service, due to their rurality. The idea of addressing individual parishioners' issues around this giant ward was extremely daunting. The LGBC appeared to have ignored the Council's fundamental principle of boundaries following communities.

Councillor Tim Metcalfe commented on the proposed Tilehurst North Ward, where it was proposed that the three Member ward for Purley and Tilehurst be amended to one two Member ward for Purley and a one Member ward for Tilehurst. He agreed that the Purley Ward was too big a ward for one Member but did not think that residents would recognise the Tilehurst North Ward. He noted the Council's preference not to have three Member wards but felt that this ward should be included in a three Member Birch Copse Ward.

Councillor James Fredrickson commenting on the LGBC's proposal for Greenham and stated that as Ward Member he supported the Council's proposal to redraw the Greenham Ward and to create a new Newbury St John's Ward. In talking to the community and looking at responses to a range of consultation exercises affecting these residents it had become evident that they considered themselves to form part of the wider Newbury Community and not that of Greenham. He therefore commended Officers for suggesting the proposed change.

Councillor Emma Webster commented that although she agreed with the Council's position in respect of three Member wards, as a Member representing residents in a three Member ward, she would not want residents to think that this configuration did not work. It was important to put residents at the heart of all decisions and to ensure that Members represented their residents to the best of their ability. Councillor Tony Linden supported Councillor Webster's comments on three Member wards.

Councillor Lee Dillon thanked Councillor Alan Macro for attending the Steering Group on his behalf at late notice on one occasion. He commented that this was a difficult issue to get right and that where it was not possible to get things right it would be necessary to make compromises in order to get the numbers to stack up. Following the last Council meeting all Members had been invited to make submissions to the LGBC and his Group had taken the opportunity to do so.

Councillor Dillon stated that he too welcomed the Council's proposal to remove the majority of the three Member wards. He noted that a three Member ward in Thatcham could be problematic for the Town Council.

Councillor Dillon noted his thanks that the report had been brought back to full Council for discussion and he asked if the result of the vote could be recorded in the minutes.

Councillor Graham Jones in summing up stated that it was not possible to 'please all the people all the time'. He thanked Members for the positive debate on the proposal and stressed the need to get the boundaries right in order to represent the residents properly. He accepted that there was a divergence of views on the Burghfield and Mortimer Wards and he felt that both cases had been well put. In terms of the Purley on Thames Ward he accepted that the decision was marginal. He hoped that the LGBC would draw heavily on the evidence presented by the Council and that they would support the Council's amendments. He encouraged all Members to write to the LGBC setting out their views.

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

In accordance with Procedure Rule 4.17.3 it was requisitioned that the voting on the recommendation be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Motion:

COUNCIL - 31 OCTOBER 2017 - MINUTES

Councillors Steve Ardagh-Walter, Jeff Beck, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Virginia von Celsing, Keith Chopping, Hilary Cole, James Cole, Jason Collis, Richard Crumly, Rob Denton-Powell, Lee Dillon, Adrian Edwards, Sheila Ellison, James Fredrickson, Dave Goff, Manohar Gopal, Paul Hewer, Clive Hooker, Carol Jackson-Doerge, Marigold Jaques, Graham Jones, Rick Jones, Alan Law, Tony Linden, Mollie Lock, Alan Macro, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Garth Simpson, Quentin Webb, Emma Webster

AGAINST the Motion: None

Abstained: Councillors Pamela Bale, Tim Metcalfe, Laszlo Zverko

(The meeting commenced at 7.00pm and closed at 7.42pm)

CHAIRMAN

Date of Signature

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Leisure Centre Fees and Charges 2018

Committee considering report:	Council
Date of Committee:	07 December 2017
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	09 November 2017
Report Author:	Jim Sweeting
Forward Plan Ref:	C3223

1. Purpose of the Report

- 1.1 To implement the contractual requirement for an annual price review for 2018 for the leisure contractor to come into effect from 1st January 2018.

2. Recommendation

- 2.1 That Council approve the proposed increase in Fees and Charges as outlined for the leisure management contract.

3. Implications

- 3.1 **Financial:** There are no direct implications to the Council's own budgets from the contractor implementing any increase in Fees and Charges. Within the terms of the Leisure Contract, the contractor retains all income. An income share arrangement is specified within the contract should end of year surpluses be above a certain threshold
- 3.2 **Policy:** The Leisure contract was changed in 2010/11 to accommodate a review of Fees and Charges prior to January of the following and subsequent years. This now forms a condition of the contract between West Berkshire Council and Legacy Leisure
- 3.3 **Personnel:** None
- 3.4 **Legal:** Agreement to any increase in leisure contract Fees and Charges will be formally recorded through an exchange of letters and will be included in the Council's published schedule of Fees and Charges for 2018/19
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 The Fees and Charges for the Leisure Centres are set by the leisure contractor, the proposals outlined are those which have been presented by Legacy Leisure as part of their Business Plan for the West Berkshire contract for 2018. Consideration is given to the level of fees and charges set by local competitors in the industry.
- 4.2 The contractor was invited to consider an increase in fees and charges above the rate of inflation however it was considered this would make the centres uncompetitive and increase the potential for a fall in income received.

Executive Summary

5. Introduction / Background

- 5.1 In establishing their proposed fees and charges for core activity at leisure centres for 2018 the contractor has outlined the standard (non card holder) prices as outlined in Appendix C. Once discounts as set out in 5.2 are applied it results in an average increase of 3.1% in the charges applied to West Berkshire Card holders in line with the Retail Price Index at the end of the Contract year (3.5% - June 2017) when rounded to the nearest 5p.
- 5.2 To make it simpler for customers to understand the benefits of being a West Berkshire Card holder it was agreed in December 2015 that the discount applied to West Berkshire Card holders would change from a basic 10% to flat rates applied as follows:
- (a) £1.00 for adult activity
 - (b) £0.50p for junior activity
 - (c) £5.00 for team sports

It is not proposed by the contractor to change the level of discount received by West Berkshire Card Holders in 2018.

- 5.3 Benchmarking against other authorities indicates that the discounts applied for West Berkshire card holders are in line with other Local Authority leisure centres in the neighbouring areas

6. Proposal

- 6.1 The fees and charges for 2018 for core activity at West Berkshire Leisure Centres are outlined in Appendix C.

7. Conclusion

- 7.1 When the proposed fees and charges are benchmarked against surrounding Local Authority owned facilities it is seen that charges in West Berkshire are at the lower end of the comparison thus representing good value for money to West Berkshire residents.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Maximum Fees and Charges Proposed for ‘Core Activity’ at the Leisure Centres for 2018

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	To approve the maximum fees and charges to be applied at Leisure Centres in 2018 for identified Core Activity.
Summary of relevant legislation:	None – leisure provision to the community is a discretionary service.
Does the proposed decision conflict with any of the Council’s key strategy priorities?	No
Name of assessor:	Jim Sweeting
Date of assessment:	09-10-2017

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To consider the fees and charges proposed by the leisure contractor for 2018
Objectives:	To agree the maximum core fees and charges with the leisure contractor for 2018
Outcomes:	Maximum Fees and Charges agreed and published prior to coming into effect on January 1 st 2018.
Benefits:	Consistent charging policy across facilities in West Berkshire.

2 Note which groups may be affected by the proposed decision. 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
Age		

Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		
None of the listed groups are affected more positively or negatively than others by the proposed changes. For those on low incomes in which ever group access to a concessionary programme is available which provides reduced admission during off peak times. Bespoke schemes have also been commissioned by Public Health and the Communities directive to provide further support towards programmes.		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Benchmarking suggests that the charges levied at West Berkshire’s leisure centres compare very favourably with other similar types of facilities in the area. Access is by both pay and play and membership so participants can access the facility on a pay as you go basis rather than having to commit to a monthly membership or contract	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes/No
Please provide an explanation for your answer: Benchmarking suggests that the charges levied at West Berkshire’s leisure centres compare very favourably with other similar types of facilities in the area. Access is by both pay and play and membership so participants can access the facility on a pay as you go basis rather than having to commit to a monthly membership or contract.	

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 Two 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	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Jim Sweeting

Date: 09-10-2017

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

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Leisure Centre Fees and Charges 2018 – Supporting Information

1. Introduction/Background

- 1.1 The leisure centre fees and charges are reviewed annually for implementation on the 1st January each year.
- 1.2 The Council's contractor is Parkwood Leisure Ltd with the management of the centres delivered by their charitable arm Legacy Leisure. The current contract runs through to the end of June 2022. The contractor sets the charges for each year based on its business plan and then submits them to West Berkshire Council as part of their business plan for the year.
- 1.3 For 2017 West Berkshire Council agreed an average increase in Fees of Charges of 1.6%
- 1.4 Within the terms of the Leisure Contract, the contractor retains all income raised. An income share arrangement is specified within the contract should end of year surpluses be above a certain threshold.

2. Supporting Information

- 2.1 In drawing up their proposed fees and charges for 2018 the contractor has reviewed their business plans for the West Berkshire contract and benchmarking of the proposed fees and charges against Local Authority owned leisure facilities for the surrounding area demonstrates that the proposed Fees and Charges represent good value for money for West Berkshire residents.
- 2.2 The West Berkshire Card was introduced in 2009 in response to an Audit Commission inspection of Cultural Services which recommended that a methodology should be adopted to ensure that service providers knew who their customers were.
- 2.3 The West Berkshire card is provided free of charge to West Berkshire residents and the ability to purchase the benefits at leisure centres was made available to non residents. Card holders initially received a 10% discount against standard charges at leisure centres.
- 2.4 To date over 48,000 cards have been activated in leisure centres with over 25,000 currently regarded as being active in 2017.
- 2.5 Following a proposal from the contractor to simplify the discounts applied for card holders it was agreed in December 2015 that the 10% discount would be replaced with a flat rate as follows:
 - (a) £1 per for adult activity
 - (b) £0.50p for junior activity

- (c) £5.00 for team sports

With a minimum discount of 10% applied to ensure any future price increases maintain the level of discount outlined.

- 2.6 For 2018 the contractor is not proposing any changes to the discounts applied to West Berkshire card Holders.

3. Options for Consideration

- 3.1 The contractor has considered a range of fees and charges which ensure the leisure centres remain competitive with other facilities within the district and those within neighbouring authorities also.
- 3.2 The contractor was invited to consider an increase in fees and charges above the rate of inflation however it was considered this would make the centres uncompetitive and increase the potential for a fall in the level of income received.

4. Proposals

- 4.1 For 2018 the contractor is looking at Flexible competitive charges across the contract which particularly factor in the competition and market rates for West Berkshire Leisure centres both within the district and from those in neighbouring authorities. To accommodate this, Legacy Leisure are looking at flexible charges to respond to local markets with an average rise across the contract of 3.1%, against the RPI rate of 3.5% for June 2017 – the end of the previous contract year.
- 4.2 The proposed maximum 'Core' activity charges for the leisure centres would be as set out in Appendix C.

5. Conclusion

- 5.1 When the proposed fees and charges are benchmarked against surrounding Local Authority owned facilities it is seen that charges in West Berkshire are at the lower end of the comparison thus representing good value for money to West Berkshire residents

6. Consultation and Engagement

- 6.1 The proposed fees and charges are being considered during the current round of leisure centre Joint Advisory Committee meetings involving representatives from schools, Parish/Town Councils, contractor. In addition the most recent customer survey has informed the report.

Background Papers:

Minutes from Joint Advisory Committees for the Leisure centres

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected:

The leisure centres draw customers from across the district therefore all wards are affected.

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

HQL – Maintain a high quality of life within our communities

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

HQL1 – Support communities to do more to help themselves

The proposals contained in this report will help to achieve the above Council Strategy aim and priority by encouraging residents to participate in Physical Activity and the associated benefits of such participation.

Officer details:

Name: Jim Sweeting
Job Title: Sport and Leisure Manager
Tel No: 01635 519251
E-mail Address: jim.sweeting@westberks.gov.uk

Appendix C

Proposed Core Charges for Leisure Centre Users 2018

	2017		2018		
	WB Card price	Standard (Non WB Card price)	WB Card price	Standard (Non WB Card price)	
West Berkshire Card Resident	Free		Free		
West Berkshire Card - non resident	£20.00		£20.00		
Swimming					
Adult	£3.70	£4.70	£3.80	£4.80	
Junior	£2.40	£2.90	£2.50	£3.00	
Over 60's	£2.40	£3.40	£2.50	£3.50	
Early Morning Swim					
Adult	£2.90	£3.90	£3.00	£4.00	
Junior	£1.70	£2.20	£1.75	£2.25	
Over 60's	£1.70	£2.70	£1.75	£2.75	
Gym and Fitness					
Casual User	£7.30	£8.30	£7.55	£8.55	
Casual User Induction	£15.00	£16.00	£15.50	£16.50	
Classes	£5.70	£6.70	£5.90	£6.90	
Activity for Health – GP Referral	£3.20	£4.20	£3.30	£4.30	
Hall Hire/Sports					
Full Sports Hall (4 courts) - adult	£43.00	£48.00	£44.50	£49.50	
Full Sports Hall (4 courts) - junior	£22.50	£27.50	£23.30	£28.30	
Badminton Court - adult	£9.00	£10.00	£9.30	£10.30	
Badminton - junior	£5.60	£6.10	£5.80	£6.30	
Squash Court - adult	£10.50	£11.50	£10.85	£11.85	
Squash Court - junior	£3.90	£4.40	£4.00	£4.50	
Membership					
Membership - Flexi (monthly)	£38.00	£41.00	£38.00	£41.00	
Membership - Fixed (monthly)	£34.00	£37.00	£34.00	£37.00	
Concession					
Gym	£3.50		£3.60		During concessionary periods
Swimming/Badminton/Squash/Table Tennis	£1.90		£1.95		During concessionary periods

Amendments to the Scheme of Delegation

Committee considering report:	Council on 7 December 2017
Portfolio Member:	Councillor Keith Chopping
Date Portfolio Member agreed report:	09 November 2017
Report Author:	Shiraz Sheikh
Forward Plan Ref:	C3093

1. Purpose of the Report

- 1.1 To amend the Scheme of Delegation which forms Part 3 of the Constitution.

2. Recommendation

- 2.1 The Council resolves to approve the amendments to Scheme of Delegation, Part 3 of the Constitution and adopts the version contained in Appendix A.

3. Implications

- 3.1 **Financial:** None. The Scheme of Delegation operates in conjunction with other key documents such as the Financial and Contract Rules of Procedure.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** Section 101 of the Local Government Act 1972 states that a local authority may delegate authority for the discharge of its functions to a committee, sub-committee or officer. Similarly, the Local Government Act 2000 authorises the Leader of the Executive to make arrangements for the discharge of executive functions by a member or committee of the Executive, or by officers. The Scheme of Delegation is therefore a key Constitutional document as it details who is authorised to take operational decisions on behalf of the Council.
- 3.5 **Risk Management:** As a matter of good governance, the Council reviews the Constitution on an annual basis. Regularly reviewing the Constitution ensures that it is amended to reflect legislative and organisational change, which reduces the risk of successful litigation against the Council.
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 Do not change the Scheme.

Executive Summary

5. Introduction / Background

- 5.1 During 2010/11 following an audit of the Constitution and its processes the Finance and Governance Group of Officers which includes the Monitoring Officer, S151 Officer, Chief Internal Auditor and Head of Strategic Support began a systematic review of each part of the Constitution.
- 5.2 This systematic review of the Constitution ensures that the Council's administrative arrangements remain effective and efficient bearing in mind changes imposed by government and other bodies as well as improving transparency and openness. This process has been recognised as good best practice.
- 5.3 The changes introduced as part of the Senior Management Review implemented on the 1st April 2017 meant that the Scheme of Delegation had to be amended to accurately reflect the revised Council structure.

6. Proposal

- 6.1 It is proposed that the amendments to the Scheme of Delegation as detailed at Appendix C be adopted. The amendments reflect the current organisational structure of the Council.
- 6.2 The previous version of the Scheme had been subject to various amendments over a period of time, which meant that the specific delegations given to different Heads of Service was not consistent in style or format. Whilst some of those differences still exist, it is considered that the proposed revisions help to align the delegations to all Heads of Service in all service areas.
- 6.3 One significant change is that the proposed amendments will grant a general delegation to each customer facing service area to undertake all the day to day functions necessary for that service area to fulfil its statutory duties and obligations. It is considered that this should provide greater flexibility and certainty about the powers exercisable by each Head of Service.
- 6.4 The general delegations and reservations remain largely the same as the previous version of the scheme, which should ensure that the general delegation of powers are exercised in an appropriate manner and are subject to appropriate controls.
- 6.5 This report was considered by the Council's Governance and Ethics Committee on the 27th November 2017. The Governance and Ethics Committee proposed a number of further amendments, which are detailed in the Supporting Information. These amendments have all been incorporated into the revised Scheme attached to this Report.

7. Conclusion

- 7.1 It is considered that the proposed amendments to the Scheme of Delegation provide greater certainty and flexibility for the Council to operate in an effective and efficient manner. It is therefore recommended that the Council adopts the amended version of the Scheme of Delegation at Appendix C.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment.
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Scheme of Delegation
- 8.4 Appendix D – Scheme of Delegation – Track Changes

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Council to make:	Amend the Scheme of Delegation
Summary of relevant legislation:	Local Government Act 1972
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Shiraz Sheikh
Date of assessment:	18.10.17

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To ensure that the Scheme of Delegation remains up to date and fit for purpose.
Objectives:	To provide greater certainty to staff and the communities that we serve as to how the Council will operate when exercising its powers.
Outcomes:	Clear and lawful decision making
Benefits:	Clear understanding of who is responsible for exercising the Council's powers and duties.

2 Note which groups may be affected by the proposed decision. 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
Age	None	
Disability	None	

Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Gender	None	
Sexual Orientation	None	
Further Comments relating to the item:		
The changes to the policies will impact all staff equally. The policies seek to clarify obligations which are in fact imposed by legislative requirements.		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision 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 Two 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	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name:

Date:

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

Amendments to the Scheme of Delegation – Supporting Information

1. Introduction/Background

- 1.1 During 2010/11 following an audit of the Constitution and its processes the Finance and Governance Group of Officers which includes the Monitoring Officer, S151 Officer, Chief Internal Auditor and Head of Strategic Support began a systematic review of each part of the Constitution.
- 1.2 This systematic review of the Constitution ensures that the Council's administrative arrangements remain effective and efficient bearing in mind changes imposed by government and other bodies as well as improving transparency and openness. This process has been recognised as good best practice.
- 1.3 The Scheme of Delegation also needed to be amended to accurately reflect the revised Council structure which was implemented with effect from the 1st April 2017.

2. Supporting Information

- 2.1 The proposed amendments to the Scheme are contained at Appendix C. The amendments reflect the new organisational structure together with provision for greater flexibility to respond to legislative changes.
- 2.2 Prior to reviewing the Council's Scheme of Delegation, regard was had to the adopted Schemes of Delegation in force in other local authorities. Some of these had schemes which sought to list every individual statutory provision under which an officer would be given delegated powers. Others had Schemes which were very brief and simply gave a general delegation to a particular officer to undertake the duties, powers and functions of that authority relating to an area of work such as housing or planning.
- 2.3 The difficulty with being overly prescriptive about the powers being delegated is that there is a significant risk that provisions which are necessary for the day to day operation of a Service may be overlooked. This could impact on the ability to function on a day to day basis and could lead to more frequent revisions to the Scheme being necessary. This would also require regular updates to take account of any and all legislative changes.
- 2.4 The current version of the Scheme has been subject to various amendments over a period of time and the specific delegations given to different Heads of Service is no longer consistent in style or format. Some Services have very general delegations whilst others are very specific although most list specific powers delegated to the Head of Service.
- 2.5 The proposed amendments therefore grant a general delegation to each customer facing service area to undertake all the day to day functions necessary for that

service area to fulfil its statutory duties and obligations. Some of the more specific details and narratives have also been retained.

- 2.6 The Scheme contains delegation (subordinate) to each Head of Service and for the Chief Executive and Directors to act in the absence of their Heads of Services. Heads of Service have the ability to delegate any powers given to them to any other officer.
- 2.7 A number of third tier officers raised concerns following the consultation about their desire to have specific powers delegated to them, as per the existing version of the Scheme. Given that both the existing and proposed versions of the Scheme explicitly permit Heads of Service to authorise other officers to perform powers delegated to them on their behalf, it is considered that it is unnecessary to specifically delegate powers to some third tier officers. It is considered that the Scheme should be consistent across all Services.
- 2.8 The statutory appointments of the director of children services and adult social care as required under the Children Act 2004 and Local Authority Social Services Act 1970 has been clarified under the delegation to the Corporate Director (Communities).
- 2.9 The role of Head of Finance & Property and attendant responsibility under Section 151 of the Local Government Act 1972 to act in accordance with all relevant legislation pertaining to proper administration of the financial affairs of the Council is expressly stated with flexibility to act in accordance with duties and powers contained in legislation.
- 2.10 It is proposed that the power to institute or otherwise engage in legal proceedings is reserved to the Head of Legal, along with the power to authorise officers to appear in any legal proceedings. This will not prevent service areas from continuing to perform their current roles, but it will necessitate appropriate authorisations. This should ensure that the Monitoring Officer retains oversight of any legal action taken on behalf of or against the Council.
- 2.11 The amendments to the Scheme of Delegation were considered by the Council's Governance and Ethics Committee on the 27th November 2017. A number of amendments were proposed by Governance and Ethics, including the following:
 - i. An introduction has been included before the general delegations to officers detailed in paragraph 3.3
 - ii. The 3rd column in Tables 1 and 2, and the 2nd column in Table 4 (detailing number of members of the various Committees etc) has been deleted. This is otiose and can lead to unnecessary work when the membership of Committees is amended by Council or the Executive.
 - iii. In Table 1, the work of the Appeals Panel has been clarified and the references to the School Appeals Panels made consistent.
 - iv. The Table relating to appointments made to outside bodies has been clarified so that the appointments will be made by either Council or Executive depending on the nature of functions to be exercised.
 - v. Functions delegated to the Head of Legal Services as Monitoring Officer or the Head of Finance & Property as the section 151 officer have been clarified so that delegations are made to the head of service post rather than the statutory post, in an effort to maintain consistency through the Scheme.

- vi. The document needs to be properly formatted and this work will be undertaken if the proposed revisions are approved by Council.

3. Options for Consideration

3.1 The options for consideration are as follows:

3.2

- (1) We continue to operate under the existing scheme
- (2) We implement the revised Scheme of Delegation

4. Proposals

4.1 It is proposed that the proposed amendments to the Scheme of Delegation as detailed in Appendix C be adopted by Council.

5. Conclusion

5.1 It is hoped that the proposed revisions to the Scheme of Delegation will accurately reflect the current organisational structure of the Council and provide greater flexibility for each Service area to undertake its day to day functions.

6. Consultation and Engagement

6.1 All Heads of Service, Moira Fraser, Ian Priestly, Melanie Ellis, Sean Murphy

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

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

MEC1 – Become an even more effective Council

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Part 3

Scheme of Delegation

Document Control

Document Ref:	WB/P&C/MF/2008-11	Date Created:	May 2007
Version:	26	Date Modified:	
Revision due			
Author:	Maira Fraser – Democratic and Electoral Services Manager		
Owning Service	Strategic Support		

Change History

Version	Date	Description	Change ID
2	June 2008	Updated to incorporate new legislation and to apply the scheme to officers in two services	
2.1	Dec 2008	Paragraph 3.15.1	
3	Dec 2010	Entire document revised to align functions following Senior Management Review and to make amendments in line with changes to legislation	
4	October 2011	Entire document revised	
5	March 2012	Entire document revised to align functions following Senior Management Review and to make amendments in line with changes to legislation. Approved at Council meeting on 1 March 2012.	
6	May 2012	Changes arising from the introduction of the Localism Act	
7	Sept 2012	Added Paragraph 3.14.23	

Version	Date	Description	Change ID
8	December 2012	Amended Paragraph 3.13.2	
9	July 2013	Added Head of Public Health and Wellbeing (Paragraph 3.17)	
10	September 2013	Typos corrected in 3.8.2 and 3.8.5. Additional paragraph inserted in 3.8.6 and new section 3.8.10 added. Additions made to 3.15.3 and paragraph 3.15.5 amended.	
10.1	November 2013	Local Development Plan renamed Development Plan	
11	March 2014	Amendments to under the Head of Legal Services insert provisions pertaining to the Localism Act 2011, and permit the Monitoring officer to make minor amendments to the Constitution. Insert provisions under the Goods vehicles (Licensing of Operators) Act 1985. Changes to paragraphs 3.3.3. (final bullet point), 3.12.2, 3.12.3, 3.12.7, 3.12.14 and 3.15.3	
12	May 2014	To reflect revision of numbers of Members on the Licensing, Governance and Audit and Personnel Committees	
13	July 2014	Changes to paragraphs 3.15.3 and 3.15.5	
14	September 2014	Amendments to Paragraph 3.13.11	
15	September 2014	A new 3.1.6 – Table of Partner Functions A new 3.9.6 to delegate to the Head of Strategic Support, in consultation with the Head of Legal Services, to make a Public Spaces Protection Order. A new 3.13.14 delegating authority to the Head of Legal Services in consultation with the Head of Care Commissioning, Safeguarding and Housing, to seek civil injunctions in accordance with Part 1 of the ASB, Crime and Policing Act 2014. A new 3.13.14 to delegate authority to the Head of Legal Services or his/her nominee in consultation with the Head of Strategic Support, to issue Closure Notices and apply for a Closure Order. A new 3.15.7 delegating authority to the Head of Culture and Environmental Protection, in consultation with the Head of Legal Services, to serve Community Protection Notices. The delegation to serve Community Protection Notice is also extended to Registered Landlords and Police Community Support Officers who are also authorised to serve Fixed Penalty Notices.	
16	March 2015	Changes to paragraphs 3.3.3, 3.7.2, 3.7.3, 3.7.4, , 3.8.1, 3.8.11, 3.9.7, 3.12.15, 3.14.1, 3.15.2, 3.15.3, 3.15.4, 3.15.6, 3.16.1, 3.16.2, 3.16.3, 3.16.4, 3.16.5, 3.16.7, 3.16.8, 3.16.9, 3.16.10, 3.14.22	
17	March 2015	3.15.3(a) add Animals Act 1971	Monitoring Officer under delegated authority
18	March 2015	3.15.3(b) add Consumer Rights Act 2015	Monitoring Officer under delegated authority
19	July 2015	Amendments arising out of the merge of the Governance and Audit and Standards Committees 3.1.1, 3.1.3, 3.13.2	As per the Council Report
20	August 2015	3.13.11, 3.13.13, 3.14.6, 3.14.7, 3.14.8, 3.14.9, 3.14.10, 3.15.1, 3.15.3, 3.15.6 to 3.15.15	Monitoring Officer under delegated authority
21	March 2016	3.1.3, 3.3.3, 3.3.6, 3.4, 3.5.3, 3.5.7, 3.7.3 (new), 3.8.10 (Energy Act 2011), 3.8.10 (Disability), 3.12.2, 3.14.5 (Berkshire Act 1986), 3.14.16 (Section 1 Burial Act 1986), 3.14.17 (Section 215 Local Government Act 1972), 3.15.1, 3.15.3, 3.15.8 (Berkshire Act 1986), 3.15.17 (Section 1 of the Burial Act 1853), 3.15.18 (Section 215 Local Government Act 1972), 3.16.2,3.16.3 and 3.16.15	As per the Council Report March 2016
22	April 2016	Update the Schedule of Proper Officer Appointments	Monitoring Officer under delegated authority
23	April 2016	3.15.3 - addition of Psychoactive Substances Act 2016	Monitoring Officer under delegated authority
24	July 2016	3.16.14	Monitoring Officer under delegated authority
25	October 2016	3.3.3 and 3.5.3	Monitoring Officer under delegated authority

Version	Date	Description	Change ID
26	January 2017	3.15	Monitoring Officer under delegated authority
27	June to November 2017	Update to take into account changes in processes, legislation and corporate structure.	DMO

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

3.1	Delegation of Functions	1
	• Introduction	1
	• Table 1- Responsibility for Local Choice Functions	1
	• Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations)	4
	• Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below).....	8
	• Table 4 - Summary of Executive Functions	9
	• Table 5 - Summary of Partner Functions	10
3.2	Officers' Scheme of Delegation.....	11
	• Scope of Scheme.....	11
	• Consultation	11
	• Conditions of Delegation.....	12
	• Overall Limitations.....	12
3.3	General Delegation to Corporate Directors/Heads of Service ...	13
	• All Corporate Directors and Heads of Service shall be authorised to exercise the following powers and functions of the Council to the extent that they fall within the remit of their Service (or in the case of Directors, within the Directorate):	13
	• Legal Matters	13
	• Human Resources	14
	• Tenders/Contracts	15
	• Emergencies	15
3.4	Delegation to Specific Directors	16
	• 16	
	• 16	
	• 17	
3.5	Schedule of Proper Officer Appointments	17
	• Delegations to Heads of Service	22
	• 22	

3.6	Head of Adult Social Care.....	22
	• 22	
	Subject to the	22
	• 22	
	• 23	
	• 23	
	• 24	
	• 25	
3.7	25	
	• 27	
	• 28	
3.8	29	
	• not be limited to the following:	29
	• Residential and Nursing Home Accommodation	29
	• Home Care Services: Financial Matters.....	30
3.9	Head of Children and Family Services	33
3.10	33	
	• 33	
	• 33	
	• Child Protection.....	34
	• 34	
	• 34	
	• 34	
	• Accommodation, Care, Fostering and Adoption	35
	• Home Care Services: Financial Matters.....	35
	• 35	
	• 36	
3.11	and ICT	36
3.12	Head of Development and Planning.....	36
	• Town and Country Planning Act 1990.....	39
	• Planning (Listed Buildings and Conservation Areas) Act 1990	39

•	Planning (Hazardous Substances) Act 1990	39
•	Planning and Compulsory Purchase Act 2004.....	39
•	Planning Act 2008.....	39
•	Housing and Planning Act 2016.....	39
•	Localism Act 2011.....	39
•	Housing Grants, Construction & Regeneration Act 1996	39
•	Caravan Act 1968	39
•	Local Government and Housing Act 1989	39
•	Housing Act 1985.....	39
•	Housing Act 1996.....	40
•	Act 1988.....	40
•	Housing Act 2004.....	42
•	42	
•	43	
•	43	
•	43	
•	45	
•	45	
•	46	
•	46	
•	46	
•	Homelessness Reduction Act 2017	48
	To approve discretionary.....	51
•	51	
	grants and loans as exceptions to the.....	51
•	53	
•	59	
3.13	Head of Education	62
•	Admissions.....	63
•	Attendance at School	63
•	Special Educational Needs (SEN)	64
•	School Term Dates	64
•	Name of School	64
•	Curriculum.....	64

•	Staffing – in respect of Nursery Schools	64
•	Staffing – in respect of Maintained Primary, Secondary and Special Schools	64
•	All Educational Establishments	65
•	Provision of Information Concerning Individual Performance of Pupils	65
•	Governance	65
•	Miscellaneous	65
•	Post 16 Years - Education and Training Provision.....	66
3.14	Head of Finance and Property	66
•	Designation	66
•	Responsibility	66
•	Finance General	66
•	Loans and Borrowing	67
•	Valuation	67
•	Matters Relating to Children and Young Persons	68
•	Property Matters.....	68
•	Insurance	68
3.15	Head of Legal Services	68
•	General	68
•	Local Government Act 1972.....	69
•	Local Government (Miscellaneous Provisions) Act 1976:	69
•	Miscellaneous	69
•	Commons Registration.....	70
•	Berkshire Act 1986.....	70
•	Road Traffic Regulation Act 1984	70
•	Town and Country Planning (General Permitted Development) (England) Order 2015	70
•	Localism Act 2011.....	71
•	Property Matters.....	71
•	Anti Social Behaviour, Crime and Policing Act 2014.....	71
3.16	Head of Prevention and Safeguarding	72
3.17	Head of Public Health and Wellbeing.....	72

•	General	72
•	Health of the Population.....	72
•	General	72
•	Dental Health	72
•	Health of Prisoners	72
•	Weight Measurement and Children’s Sexual Health Service.....	73
•	Violent Offenders	73
•	Health Protection	73
•	Health Improvement.....	73
•	Health Care Public Health	73
3.18	Head of Public Protection and Culture	73
•	73	
•	Culture General.....	77
•	Anti Social Behaviour, Crime and Policing Act 2014	77
•	Registration of Births, Deaths and Marriages.....	78
•	Civil Contingencies.....	78
3.19	Head of Strategic Support.....	78
•	General	78
•	Local Government Act 1972.....	78
•	Local Land Charges	79
•	Electoral Matters	79
•	Localism Act 2011 - Part 5 Chapter 3 - Assets of Community Value	79
•	Local Authorities (Members’ Allowances) (England) Regulations 2003 (as amended)	79
3.20	Head of Transport and Countryside	79
•	80	
•	Countryside including Rights of Way functions	83

3.1 Delegation of Functions

- Introduction

This section of the Constitution summarises which part of the decision-making process is responsible for which function. Further detail is set out in paragraph 3.2 (Officer’s Scheme of Delegation) of this Constitution.

The aim is to show which functions are the responsibility of the Council, the Area Planning Committees, Licensing Committee/Sub-Committee, the Governance and Ethics Committee and the Personnel Committee and which are the responsibility of the Executive. This section also clarifies which functions are the responsibilities of the Executive to a specified extent. Delegation to Partners is also included in this section.

The allocation of functions follows the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and as subsequently amended, referred to in the tables that follow as ‘The Function Regulations’.

The information is set out in tabular form as follows:

Table 1 – Responsibility for Local Choice Functions

Table 2 – Council Functions

Table 3 – Licensing Authority Functions

Table 4 – Executive Functions

Table 5 - Partners

- Table 1- Responsibility for Local Choice Functions

Function	Decision-Making Body		Delegation of Function
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Regulations 2000	Executive		Some highway-related functions under the Berkshire Act 1986 are delegated to the Head of Transport and Countryside or other Heads of Service, depending on the function concerned. See Scheme of Delegation
The determination of an appeal against any decision in relation to employment matter made by or on behalf of the Authority	Employment Appeals Panel		These functions will not be further delegated.
The determination of Appeals relating to council tax, home-to-school transport and Tourist Information Signs or any other appeal which is not otherwise specified but which must be determined by Members of the Council	Appropriate Appeal panel		These functions will not be further delegated

Function	Decision-Making Body		Delegation of Function
The appointment of Review Boards under regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of the Social Security Act 1998	Council		These functions will not be further delegated.
The making of arrangements pursuant to Sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Act (Appeals against the Exclusion of Pupils)	School Appeals Panel		These functions will not be further delegated.
The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (Admissions Appeals)	School Appeals Panel		These functions will not be further delegated.
The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom Section 87 applies: appeals by Governing Bodies)	School Appeals Panel		These functions will not be further delegated.
The making of arrangements under Section 20 (Questions on Police Matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	Council		These functions will not be further delegated.
The making of appointments under paragraphs 2 to 4 (Appointment of Members by Relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996	Leader of the Council		These functions will not be further delegated.
Any function related to contaminated land	Licensing Committee		Functions delegated to the Head of Public Protection and Culture, in accordance with the Scheme of Delegation
The discharge of any function relating to control of pollution or the	Licensing Committee		Functions delegated to the Head of Public Protection and Culture

Function	Decision-Making Body		Delegation of Function
management of air quality			in accordance with the Scheme of Delegation
The serving of an Abatement Notice in respect of a statutory nuisance	Licensing Committee		Functions delegated to the Head of Public Protection and Culture in accordance with the Scheme of Delegation
The passing of a resolution to which Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Licensing Committee		Functions delegated to the Head of Public Protection and Culture in accordance with the Scheme of Delegation
The inspection of the Authority's area to detect any statutory nuisance	Licensing Committee		Functions delegated to the Head of Public Protection and Culture in accordance with the Scheme of Delegation
The investigation of any complaint as to the existence of a statutory nuisance	Licensing Committee		Functions delegated to the Head of Public Protection and Culture in accordance with the Scheme of Delegation
The obtaining of information under Section 330 of the Town and Country Planning Act 1990	District/Area Planning Committees		Functions delegated to the Head of Development and Planning in accordance with the Scheme of Delegation
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	District/Area Planning Committees		Functions delegated to the Head of Development and Planning in accordance with the Scheme of Delegation
The making of agreements for the execution of highway works	District/Area Planning Committees		Functions delegated to Head of Transport and Countryside in accordance with the Scheme of Delegation
The appointment of any individual: a) to any office other than an office in which they are employed by the Authority; b) to any other body than: i) the Authority; ii) a Joint Committee or Sub-Committee	Executive (for specified appointments) Council for Council functions		These functions will not be delegated further.

Function	Decision-Making Body		Delegation of Function
of two or more Authorities; or c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment			
The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities	Executive		Function delegated to Chief Executive where an emergency situation exists

- Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations)

Functions	Committee		Delegation of Functions
Functions relating to elections	Council		Some of these functions are delegated to the Returning Officer as set out in the Scheme of Delegation
Functions relating to the name and status of areas and individuals	Council		These functions will not be further delegated
Power to make, amend, revoke or re-enact bylaws	Council		These functions will not be further delegated
Power to promote or approve local or personal Bills	Council		These functions will not be further delegated
Functions relating to pensions, severance payments and premature retirements	Council		These functions will not be delegated further except for requests for the early release of pensions. (Where the total cost to the Council of a termination will exceed £10,000, the costs must first be approved by the Executive. Below £10,000, the costs must be approved by the Chief Executive in consultation with the Leader and Shadow Leader of the Council) which are delegated to the Personnel Committee

Functions	Committee		Delegation of Functions
Miscellaneous functions. Duty to approve Authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	Governance and Ethics		These functions will not be further delegated
Duty to make arrangements for proper administration of financial affairs, etc.	Council		Function delegated to Head of Finance and Property as set out in the Scheme of Delegation
Power to amend the Council's Constitution	Council		These functions will not be further delegated – although the Head of Legal Services may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected
Power to appoint Officers for particular purposes (appointment of 'Proper Officers')	Personnel Committee		These functions will not be further delegated
Duty to designate an Officer as the Head of the Authority's Paid Service and to provide staff	Personnel Committee		These functions will not be further delegated
Duty to designate an Officer as the Monitoring Officer, and to provide staff	Personnel Committee		These functions will not be further delegated
Power to make Standing Orders as to contracts	Council		Function delegated to the Head of Finance and Property and to the Head of Legal Services as set out in the Scheme of Delegation
Power to make payments or provide other benefits in cases of maladministration, etc.	Council		This function is delegated to the appropriate Head of Service for payments / benefits up to the value of £2,500
Functions relating to Town and Country Planning and Development Control	District/Area Planning Committees		Functions are delegated to the appropriate Area Planning Committee (Eastern and Western). Where their proposed resolutions

Functions	Committee		Delegation of Functions
			<p>are deemed by the Development Control Manager to have a significant impact on the implementation of the policies and proposals in the Local Development Plan, these will be referred to the District Planning Committee.</p> <p>Functions delegated to the Head of Development and Planning as set out in the Scheme of Delegation.</p> <p>Some functions are delegated to the Head of Development and Planning in consultation with the Head of Legal Services as set out in the Scheme of Delegation.</p>
Powers relating to the Planning and Compulsory Purchase Act 2004	Area Planning Committees		Functions delegated to the Head of Development and Planning as set out in the Scheme of Delegation
Licensing and registration functions	Licensing Committee		Functions delegated to the Head of Public Protection and Culture as set out in the Scheme of Delegation
Power to make closing order in respect of take-away shops	Licensing Committee		Functions delegated to the Head of Public Protection and Culture as set out in the Scheme of Delegation
Functions relating to health and safety (except those relating to the Council as an employer)	Licensing Committee		Functions delegated to the Chief Executive and / or the Head of Public Protection and Culture as set out in the Scheme of Delegation
Duty to keep and maintain a register of commons	Area Planning Committees		Functions delegated to the Head of Legal Services as set out in the Scheme of Delegation
Duty to keep definitive maps and statement under review	Area Planning Committees		Functions delegated to the Head of Transport and Countryside as set

Functions	Committee		Delegation of Functions
			out in the Scheme of Delegation
Powers relating to the preservation of important hedgerows	Area Planning Committees		Functions delegated to the Head of Transport and Countryside as set out in the Scheme of Delegation
Functions relating to public rights of way	Individual Decision Scheme		Functions delegated to the Head of Transport and Countryside in consultation with Head of Legal Services as set out in the Scheme of Delegation
Powers relating to the preservation of trees	Area Planning Committees		Functions delegated to Head of Transport and Countryside as set out in the Scheme of Delegation
Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council		Powers to appoint staff at Head of Service level and above delegated to the Personnel Committee by means of an Appointments Panel. Appointments below Head of Service level are delegated to the Chief Executive or the relevant Head of Service
As set out in Article 8 of this Constitution	Governance and Ethics Committee		These functions will not be further delegated

- Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below)

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Premises Licence (Section 18(3))		If a representation is made	If no representation is made
Application for a Personal Licence (Section 120(7))		If a representation is made	If no representation is made
Application for a Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate (Section 18(3) and 72(3))		If a representation is made	If no representation is made
Application for		If a representation	If no representation

Matter to be dealt with	Full Committee	Sub-Committee	Officers
provisional statement (Section 31(3))		is made	is made
Application to vary Premises Licence/Club Premises Certificate (Sections 35(3) and 85(3))		If a representation is made	If no representation is made
Application to vary designated Personal Licence (Section 39(3))	If Police representation is made	If Police representation is made	All other cases
Request to be removed as a designated Personal Licence holder			All cases
Application for transfer of Premises Licence (Section 44(5))	If Police representation is made	If Police representation is made	All other cases
Application for interim Authorities (Section 48(3))	If Police representation is made	If Police representation is made	All other cases
Application to review Premises Licences/Club Premises Licence (Sections 52(2) or (3) and 88(2) or (3))		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			Officer in consultation with the Chairman and Vice-Chairman of the Licensing Committee or other appropriate appointed Members for this purpose.
Decision to object when Local Authority is a consultee and not the lead Authority			All cases
Determination of a Police representation to a temporary event notice (Section 105(2))		All cases	
Rights of Entry to investigate Licensable activities (Section 179)			Licensing Officers

- Table 4 - Summary of Executive Functions

Responsibility	Delegation of Functions	Onward limits on delegations
Executive	The formulation, review and monitoring of the Budget and Policy Framework, including consultation with relevant Committees, members of the public and interested	This function will not be delegated

Responsibility	Delegation of Functions	Onward limits on delegations
	parties, and the submission of recommendations for amending the Budget and Policy Framework of the Council	
Executive	<p>The implementation of the approved Budget and Policy Framework, except in relation to those functions set out in Tables 1 and 2 of Part 3 of this Constitution which are shown as the responsibility of the Council or its Committees.</p> <p>This will include the management, control and supervision of :</p> <p>measures to promote the economic, environmental and social wellbeing of the District</p> <p>the development and review of plans and strategies to support the Council's Budget and Policy Framework and statutory responsibilities</p> <p>the Council's own financial and property resources</p> <p>Revenue Services and Benefits administration</p> <p>Support Services</p> <p>Library and Information Services</p> <p>Education Services and the promotion of Lifelong Learning</p> <p>Social Services and Health</p> <p>Environmental Services including planning, countryside, public protection and highway services</p>	<p>Functions will be delegated to the Chief Executive, Corporate Directors and Heads of Service in accordance with the Scheme of Delegation</p> <p>Functions delegated to the Head of Paid Service (Chief Executive in accordance with Scheme of Delegation and in consultation with Members of the Joint Consultative Panel)</p>
Executive	Representing the Council and the District to the public, other organisations and agencies, both within the District and at a regional / national level	This function will, in part, be delegated to the Chief Executive under the Scheme of Delegation

- Table 5 - Summary of Partner Functions

Responsibility	Delegation of Functions	Onward limits on delegations
Registered Social Landlords	Serving of Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.	
Police Community Support Officers	Serving of Community Protection Notices and Fixed Penalty Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.	

3.2 Officers' Scheme of Delegation

- Scope of Scheme

This Scheme sets out the extent to which the powers and duties of the Council shall be delegated to Officers. It encompasses both existing legislation (to include but not limited to primary and secondary legislation, Orders and regulations etc.) and shall be deemed to include references to amending, substituted or extending legislation in force from time to time.

Powers designated to a Head of Service under this Scheme of Delegation shall immediately transfer to a successor Head of Service following a transfer of any functions as a result of a restructuring of Council Services.

The Scheme operates under Sections 101 and 151 of the Local Government Act 1972, Section 9E of the Local Government Act 2000 and all other powers under which the Council exercises its functions.

The Scheme places an obligation on Officers to keep Members properly informed of action arising within the scope of these delegations.

For the purposes of Section 101 of the Local Government Act 1972 the Council may authorise an Officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not Officers of the Authority. Such people will be bound by this Scheme and the obligations contained in it at all times when they are engaged on Council business.

The term "Officer" means any employee of the Council and includes any person engaged as a contractor, consultant or otherwise to perform the functions of an employee of the Council (and includes statutory officers, directors and managers).

- Consultation

In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given. Consultation in areas of financial, legal, personnel and property will be of paramount importance which includes the Council's strategic partners.

Officers shall liaise closely with the Executive on executive functions and the Chairmen of the Area Planning Committees and District Planning Committee

or Chairman of the Licensing Committee on regulatory functions and Group Spokesmen before exercising delegated powers in relation to any matter which is likely to be regarded as politically sensitive or contentious.

Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting their Ward and when the matter is likely to be regarded as politically sensitive or contentious.

It shall always be open to an Officer to consult the Executive, the Area Planning Committees, the Licensing Committee, Personnel Committee or the Leader before the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Executive, the relevant Committee or to Council for decision.

- **Conditions of Delegation**

By this Scheme, and subject to the limitations and reservations contained in it:

- (a) Council authorises the Officers identified personally to exercise the powers specified herein; and
- (b) powers delegated to Directors and Heads of Service may be exercised by any other duly authorised Officer on their behalf.
- (c) Powers delegated to Heads of Service may be exercised by the appropriate Corporate Director or the Chief Executive.

If any case where the Officer given general authorisation to act considers that a new departure in policy is likely to be involved or if the implications are such that they consider, after consulting the Chief Executive, that reference should be made to Members, the matter shall be referred to the Executive or the relevant Area Planning Committee for consideration.

Exercise of delegated powers by Sub-Committees or Officers does not, by virtue of Section 101(4) Local Government Act 1972, prevent the Executive the Council or its Committees from exercising those functions or powers.

(Note: Directors and Heads of Service need to ensure that substantial matters dealt with under delegation are recorded.)

- **Overall Limitations**

Matters not Delegated

The Scheme does not delegate to Officers any matter:

- reserved to full Council by Standing Orders;
- reserved to the Executive or a Committee by the Scheme;
- withdrawn from delegation by the Scheme; and
- which may not by law be delegated to an Officer.

General Requirements

Any exercise of delegated powers shall comply with:

- any statutory restrictions;
- Rules of Procedure as contained in the Constitution;

- Policies and Plans approved by full Council, the Executive or the Council's committees; and
- Codes and Protocols.

Exercising Delegated Powers

In exercising delegated powers, Officers shall have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or Section 66 of the Local Government Act 2000 or a report of the Section 151 Officer which is produced under Section 114 of the Local Government Finance Act 1988.

Financial Powers

Any decision taken under this Scheme must be made within the approved Revenue and Capital Budgets, subject to any discretion allowed by the Financial Rules of Procedure.

Acceptance of quotations and tenders and entering into contracts must be in accordance with the Finance Rules of Procedure and the Contract Rules of Procedure, detailed at Parts 10 and 11 of the Constitution.

Legal Powers

Any reference to the power to administer or enforce the provisions of any Act, Order or Regulation etc., shall include the power to decide whether to administer or otherwise enforce those provisions. Any reference to the power to commence or institute legal proceedings shall include the decision to commence proceedings or prosecute, as well as all other action in the matter (including in appropriate cases, the power to reach a settlement, withdraw or discontinue proceedings).

3.3 General Delegation to Corporate Directors/Heads of Service

- All Corporate Directors and Heads of Service shall be authorised to exercise the following powers and functions of the Council to the extent that they fall within the remit of their Service (or in the case of Directors, within the Directorate):
 - Legal Matters
- Service of requisitions for information as to ownership of any property under statutory powers.
- Authority to apply for planning permission in respect of projects and minor modifications to projects subject to a report on the action taken being submitted to the Executive.
- To grant, renew, refuse or cancel any authorisation that may be required under the Provisions of the Regulation of Investigatory Powers Act 2000 insofar as it affects their service area. This function may be delegated to third tier Officers but may not be delegated further.

- Human Resources
- To agree temporary posts provided costs are contained within service staffing budgets (in accordance with West Berkshire Council's Conditions of Service).
- Employment of consultants to advise on specialist aspects of work within the relevant Service Area
- Advertisement of staff vacancies within establishment (in accordance with the Council's recruitment procedures).
- To fill a post without advertisement (in consultation with the Service Head, Human Resources and appropriate Trade Unions).
- Appointment of staff to posts below second tier.
- Determination of starting point within grade.
- To sign job offers and/or contract of employment for:
 - Corporate Director appointments (by Chief Executive)
 - Heads of Service appointments (by Chief Executive or responsible Corporate Director)
 - Other employee appointments (Corporate Director, Head of Service or Officer delegated by one of these)
- To agree flexible contracts, including job share, home working and term-time working (in consultation with Corporate Director, Head of Human Resources and appropriate Trade Unions).
- Confirmation of appointments on completion of probationary period.
- Exercise of the discretion contained within the National Conditions for sick payment entitlements.
- Approval of car purchases and car leases in accordance with West Berkshire Council's Conditions of Service and the Council's relevant policies (in consultation with the Head of Finance and Property).
- Extension of industrial accident pay (in consultation with the Head of Finance and Property).
- Approval of application of West Berkshire Council Service Related Additional Payments Scheme (in consultation with the Head of Human Resources).
- Approval of variations to Council payment schemes (in consultation with the Head of Human Resources and where appropriate with employees representatives).
- To implement the Council's disciplinary and grievance procedures in accordance with West Berkshire Council's Conditions of Service.
- To sign contracts for external employment services within approved budgets (with agreement of Corporate Director or Officer delegated by one of these).
- Authorising attendance of Officers at professional, administrative and educational meetings, conferences and courses.
- To determine new organisation structures below Head of Service level provided that:

- there are no resultant redundancies;
- the change is following consultation with relevant staff, existing staff; and
- the change can be contained within service budgets.
- In consultation with the Head of Finance and the Head of Legal Services, to make ex-gratia payments in respect of claims not exceeding £1,000 in respect of damage or injury resulting from the actions of clients looked after by the District Council both in relation to young people and adults.
- General organisation of services within policy laid down by Council.
- To determine whether a post falls within the definition of a 'sensitive post' under the Local Government and Housing Act 1989 and should therefore be included on the list of sensitive posts within the Council, which are subject to political restriction.
 - Tenders/Contracts
- No Officer shall place orders or authorise contracts to be awarded, otherwise than in accordance with the Council's Financial Rules of Procedure and Contract Rules of Procedure, as set out in this Constitution.
 - Emergencies
- If the Council needs to act urgently in any matter including, without limitation, complying with the Major Incident Plan or taking any action under new legislation of powers, the Chief Executive may authorise any action taken or expenditure occurred as necessary. A Corporate Director may act in the place of the Chief Executive where the Chief Executive is unwell, unobtainable or where there is no Chief Executive in post. The Chief Executive, or Corporate Director as appropriate, may delegate responsibility to a Head of Service or other nominated Officer where it is considered appropriate.

3.4 Delegation to Specific Directors

The Corporate Director Communities :

- Shall be appointed as a Director of Children Services and carryout functions pursuant to section 18 of the Children Act 2004.
- Shall be appointed as a Director of Adult Social Services and carryout functions pursuant to section 6 of the Local Authority Social Services Act 1970.
- Is authorised to give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
- Is authorised to exercise the powers of the Council under paragraph 20 of Schedule 2 of the Children Act 1989 in relation to the death of children looked after by local authorities.
- Is authorised to exercise the functions of the Council under Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.

- Is authorised to approve the registration of children’s homes under Part VIII of the Children Act 1989.
- Is authorised to agree Service Level Agreements/Joint Arrangements with other agencies in respect of the provision of joint leisure, cultural and information services
- Is authorised to appoint Officers to act as Approved Mental Health Professionals under the Mental Health Act 1983.
-

The Corporate Director Economy and Environment:

- Is authorised to make changes to the Integrated Waste Management contract regarding operational matters in order to achieve improvements to the quality and efficiency of the service provided by the Contractor in consultation with the Section 151 Officer and Monitoring Officer and the Portfolio Holder for Waste matters may.
- Any such decision shall be recorded in writing on an agreed Decision Form signed by all consultees in order to provide a recognised audit trail of all such decisions and to ensure Member consultation.
- The financial limits set out in the constitution will provide the basis of any financial assessment of the benefit or otherwise of any amendment to the operational requirements of the contract and under the above process will require approval by the Section 151 Officer.
- The Corporate Director (Economy and Environment) retains the option to refer any matter to the Executive having assessed the potential risk to the Council and impact on service provision to the public.

The Chief Executive:

- Is authorised to approve new and revised HR policies and procedures. The Chief Executive may decide to refer particular HR policies and procedures to the Personnel Committee rather than exercise the delegation.

3.5 Schedule of Proper Officer Appointments

Sect	Function	Exercised by
The following Officers have been appointed Proper Officer for the purposes of exercising the functions under the legislation referred to below:		
	Local Government Act 1972	
83	Witness and receipt of declarations of acceptance of office	The Chief Executive or Head of Legal Services
84	Receipt of declarations of resignation of office	The Chief Executive or Head of Legal Services
86	Declaration of a vacancy	The Chief Executive or Head of Legal Services
88(2)	Convening of meeting of Council	Head of Strategic

Sect	Function	Exercised by
	to fill a casual vacancy in the office of Chairman	Support
89(1)(b)	Receipt of notice of casual vacancy from two local government electors	The Chief Executive or Head of Legal Services
100B-F	Circulation of Reports and Agendas Supply of Papers to the Press Summaries of Minutes Members' Right to Papers Compilation of Lists Background Papers and Identification of Background papers.	The Head of Strategic Support
115(2)	Receipt of money due from Officers	Head of Finance and Property
146 (1)	Declarations and certificates with and regards to securities	Head of Finance and Property
151	Officers having responsibility for the administration of the Council's financial matters	Head of Finance and Property or deputy appointed in writing
191	Functions with respect of Ordnance Survey	Head of Development and Planning
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to Proper Officers	Head of Legal Services
212(1) & (2)	Proper Officer to act as local registrar for Land Charges Act 1925	Head of Strategic Support
225(1)	Proper Officer for the depositing with the Independent Adjudicator the list of politically restricted posts under Section 2(4) of the Local Government & Housing Act 1989	Chief Executive
225(1)	Deposit of Documents	Head of Legal Services
228(3)	Accounts of 'any Proper Officer' to be open to inspection by any Member of the authority	Head of Finance and Property

Sect	Function	Exercised by
229(5)	Certification of photographic copies of documents	Appropriate Director or Head of Service from which the document originates
234	Authentication of all documents on behalf of the Council	Appropriate Director or Head of Service from which the document originates
	Sealing of all documents on behalf of the Council	Head of Legal Services or their deputy authorised in writing.
236(9)	To send copies of byelaws for Parish records	Head of Legal Services
	To receive copies of byelaws and deposit them with public documents of Parish or community	Head of Legal Services
238	Certification of Byelaws	Head of Legal Services
248	Keeping a Roll of Freeman	Head of Strategic Support
Sch. 12 Para 4(2)(b) & 4(3)	Signature of summonses to Council meetings	Head of Strategic Support
	Schedule 12 Receipt of notices regarding Para 4(3) address to which summons to meetings is to be sent	Head of Strategic Support
Sch. 14 Para 25(7)	Certification of resolutions under Para 25 of Schedule 14	Head of Strategic Support
Sch. 16 Para 28	Receipt on deposit of lists of protected buildings (Sections 146(6) and (7) of the Town & Country Planning Act 1990	Head of Development and Planning
Local Government (Miscellaneous Provisions) Act 1976		
Section 41 - Local Government (Miscellaneous Provisions) Act 1976: Certification of minutes and resolutions		Head of Strategic Support
Representation of the People Act 1983 as follows:		
Section 8 - Registration Officer and the Deputy Registration Officer under Section 8 of the Act		Chief Executive Elections and Land Charges Manager

Sect	Function	Exercised by
	Section 35 - Returning Officer for elections	Chief Executive
	To ensure that the Council's policies on Data Protection and Freedom of Information are complied with.	Head of Strategic Support
	Any reference to any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26th October 1972, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.	Chief Executive Corporate Directors
	Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any Instrument made before 26th October 1972, to the Public Health Inspector of a District or Borough Council which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.	Head of Public Protection and Culture
	For the purpose of: - Marriage Act 1949 - Registration Services Act 1953 - Local Registration Scheme - Provisions relating to new governance of the Registration Services	Head of Public Protection and Culture with Superintendent Registrar as deputy
	Designated Officer as 'Head of Paid Service' under the provisions of the Local Government and Housing Act 1989	Chief Executive
	Designated Officer as 'Monitoring Officer' under the provisions of the Local Government and Housing Act 1989	Head of Legal Services or deputy appointed in writing.
	Signing and authorising all property valuations on behalf of the Council	Head of Finance and Property
	Carrying out the various statutory duties required under the Weights and Measures Acts 1963 and 1985 and/or any regulations or amendments made there-under on behalf of the Council.	The most senior qualified Trading Standards Officer as approved and appointed by the Head of Public Protection and Culture
	Nominating representatives for the purpose of the Local Government Pension Scheme (Internal Dispute Resolution Procedure) Regulations 1997.	Head of Finance and Property

Sect	Function	Exercised by
	Neighbourhood Planning (Referendums) Regulations 2012	Head of Development and Planning
	Any proper officer post not specified in the above list.	The Chief Executive
In the event of any Officers appointed as Proper Officer being absent or otherwise unable to act, the following Officers have been authorised to act as Proper Officers in their place:		
	For the Chief Executive	Appropriate Corporate Director or other officer authorised in writing by the Chief Executive.
	For the Head of Legal Services	Legal Services Managers within Legal Services with relevant knowledge
	For the Head of Finance and Property	Appropriate Corporate Director or deputy authorised in writing by the Head of Finance and Property.
	Others	Appropriate Corporate Director

- **Delegations to Heads of Service**

Specific delegations are granted to Heads of Service as set out in section 3.6 to 3.17 below.

3.6 Head of Adult Social Care

- Subject to the reservations and exceptions set out in this Scheme, the Head of Adult Social Care shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to Adult Social Care, which shall include but not be limited to the following:

The Care Act 2014

Mental Health Act 1983

Mental Capacity Act 2005

- Residential and Nursing Home Accommodation
- Subject to the Council's Contract Rules of Procedure and Financial Rules of Procedure, to authorise and approve the maintenance costs for the admission

of any person to any residential or nursing home accommodation and enter into such contracts.

- To authorise applications to the Court of Protection for the Council to act as Financial and Property Affairs Deputy (Authorisation for Health and Welfare applications to remain with the Head of Legal Services).
- To act as Financial Deputy in all matters in which it is appropriate for the Council to act and in accordance with any Court Orders made by the Court of Protection.

Better Care Fund

- Quarterly Performance Reporting
- To approve performance reporting for the Better Care Fund Programme
 - Home Care Services: Financial Matters
- In accordance with procedures approved in advance by the Head of Finance and Property to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.
- In accordance with procedures agreed in writing in advance, with the Head of Finance and Property, to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and Community Care legislation where failure to do so would adversely affect the welfare of the child/ or adult in question.
- Within the provisions of community care legislation, to arrange for the purchase and provision of appropriate care services to those persons assessed as having needs that fall within the Council's agreed priorities, subject always to appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of appropriate suppliers including carers.

Mental Health Act 1983

- To accept a guardianship application and to exercise the powers of guardianship under the Mental Health Act 1983
- To exercise the functions of the Nearest Relative under the powers contained in the Mental Health Act 1983 and the Mental Health Act 2007 in all matters in which it is appropriate for an Officer of the Council so to act.

Deprivations of Liberty

- To authorise deprivations of liberty in accordance with Schedule A1 of the Mental Capacity Act 2005.
- To authorise applications to the Court of Protection in conjunction with the Head of Legal Services for those being deprived of their liberty falling outside Schedule A1 of the Mental Capacity Act 2005.

3.7 Head of Children and Family Services

- Subject to the reservations and exceptions set out in this Scheme, the Head of Children and Family Services shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to Children and Family Services, which shall include but not be limited to the following:
 - Children Act 1989
 - National Health Service and Community Care Act 1990
 - Children Act 2004
 - Children and Young Persons Act 2008
 - Children and Families Act 2014
 - Children and Social Work Act 2017

- In accordance with procedures agreed in writing in advance with the Head of Finance and Property, to vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 to the child in question.
 - Child Protection
- To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children.
- To take such action as is necessary to bring a child or young person before a Court where it is considered that there are grounds for bringing care proceedings.
- To present an application to a Court for the variation or discharge of any care order or supervision order.
- To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order.
 - Accommodation, Care, Fostering and Adoption
- To provide accommodation, care, fostering and adoption services for children in need, including by the arrangement of interest free loans to foster parents.
 - Home Care Services: Financial Matters
- In accordance with procedures approved in advance by the Head of Finance and Property to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.
- In accordance with procedures agreed in writing in advance, with the Head of Finance and Property, to vary or waive the charges for any service provided by

the Council under Part III of the Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.

3.18 Head of Commissioning

Subject to the reservations and exceptions set out in this Scheme, the Head of Commissioning shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to commissioning, which shall include but not be limited to the following:

- Specifically in relation to Care Act 2014: market shaping, promoting quality & supporting sustainability places statutory duty on LA for Market Shaping and the need to commission effective appropriate commissioned services as well as managing market failure and market interruptions.
- Through the function of Care Quality the Care Quality Commission (Registration Regulations) 2009 (SI 2009/3112) to provide Care Quality Commission with access to information to inform the assessment of quality of care provided to people who use services, the Commissioning Service meets the duty to provide explanation of a relevant matter where so requested by Care Quality Commission.
- Health & Social Care Act 2008: to ensure failing services are improved and to support improvement of services - by ensuring Care Quality Commission views are fed in.
- to make arrangements to secure a range of services as set out in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012.
- In the delegated function of commissioning services on behalf of CCGs the Commissioning Service meets the NHS Act 2006 (Supply of goods and services by the local authority and the duty to cooperate with the National Health Service.
- commissioning and providing direct support for schools catering in line with the School Standards and Framework Act 1998 Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations Supports statutory function.

3.8 Head of Customer Services and ICT

Local Government (Miscellaneous Provisions) Act 1982 - Section 38 – Use of spare capacity of computers of Local Authorities.

3.9 Head of Development and Planning

- Subject to the reservations and exceptions set out in this Scheme, the Head of Development and Planning shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to town and country planning and housing, which shall include but not be limited to the following:-

- Town and Country Planning Act 1990
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Hazardous Substances) Act 1990
 - Planning and Compulsory Purchase Act 2004
 - Planning Act 2008
 - Housing and Planning Act 2016
 - Localism Act 2011
 - Housing Grants, Construction & Regeneration Act 1996
 - Caravan Act 1968
 - Local Government and Housing Act 1989
 - Housing Act 1985
 - Housing Act 1996
 - Housing Act 1988
 - Housing Act 2004
 - Homelessness Reduction Act 2017
- Subject to the conditions set out below, the determination, granting or refusal of Notifications and Applications for permission, certification approval or consent relating to developments and works.
 - Subject to the conditions set out below, the approval or refusal of items reserved or conditioned by any permission, approval or consent.
 - Subject to the conditions set out below, the determination of applications for advertisement consent.
 - In respect of applications determined by the District Planning Committee or relevant Area Planning Committees and subject to the conditions set out below and consultation with the Ward Members, the acceptance of minor amendments to schemes already permitted, approved or consented to.
 - Prior to determination of submitted application, the acceptance of amendments to submitted application for permission approval or consent.

Conditions

The delegations set out above shall be exercised subject to the following:

- The Area Planning Committees shall reserve the authority to determine any type or class of application.
- The Council may modify or revoke the scheme of delegation at any time.
- An application may be referred to the appropriate Area Planning Committee for determination by:
 - the relevant Area Planning Committee Chairman; or
 - a Member for the Ward to which the application relates;

- a Member for a Ward adjoining the Ward to which the application relates.
- the Head of Development and Planning or the Development Control Manager
- Members who wish to 'call-in' an item to be discussed at an Area Planning Committee will be required to complete the agreed proforma which must be submitted either in hard copy by letter or fax or electronic copy via e-mail. The consent of the Chairman of the appropriate Area Planning Committee, or if unavailable, the Vice-Chairman, is required.

(Note: If the Chairman or, if unavailable, the Vice-Chairman, does not give consent then the application will not be referred to a Planning Committee.)

The Officers will refer for determination to the appropriate Area Committee any application, including:

- Where the application is a major one or there are five or more objections and it is submitted by, or on behalf of West Berkshire Council, or where the land in question is owned by the Council if there are five or more objections or if the application is a major one;
- those submitted by or on behalf of a member of staff of Planning,
- those submitted by or on behalf of a West Berkshire Council Member, if there are five or more objections or if the application is a major one;
- those recommended for approval, for which a petition of objection has been received of at least 20 signatories;
- those recommended for approval, for which at least 10 letters of objection have been received;
- those applications not considered prudent by the Development Control Manager to be determined under delegated authority.

Traveller Sites

- To commission professional services in relation to traveller and gypsy sites
- To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting those needs, in accordance with the Housing Act 2004
- To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.

Housing

- To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing
- To exercise the duties conferred on the Council in relation to homelessness.
- To promote energy efficient homes including administering grants for energy efficiency.

- To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.
 - To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.
 - To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub-region
 - To approve discretionary grants and loans as exceptions to the adopted Housing Grants & Loans Policy
 - To offer grants for the improvement and/or repair of housing.
 - To determine applications for Housing Association Grant with regard to the purchase of properties in the second-hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.
 - Determination of application for individual DIYSO Housing Association Grant.
 - Implementing rent reviews in accordance with valuers' instructions.
 - Carry out repairs to units of temporary accommodation.
 - Repurchase of ex-Council House Stock in Rural Areas
 - To approve exceptions to the application of the local connection criteria for homes subject to s.19 of the Housing Act 1980 and s.157 of the Housing Act 1985
 - To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.
 - To make use of planning and housing powers to address poor housing
 - Service of Notice to Quit on tenants of Council dwellings. Allocation of pitches on Council owned caravan sites.
 - Decisions on all matters relating to the Council's conditions of tenancy in relation to the Council's statutory housing function.
 - Assessing current and future need for affordable housing and demand for market housing
- Future Development Sites
- The Head of Development and Planning be given delegated authority to determine the mix of types of affordable housing (that is to say the ratio of shared ownership to rented or a financial contribution instead that is to be varied, based on individual site/community needs) to be provided on future development sites, in line with adopted planning policies, and that this process form part of any pre-application or general application negotiations undertaken as part of the development control function.

- The Head of Development and Planning be given delegated authority to determine the level of affordable housing financial contribution in line with current policy.

Sites with Existing Planning Permission

- The Head of Development and Planning be authorised to negotiate with developers variations in the mix of types of affordable housing specified in Section 106 Agreements to be provided on specified sites, following consultation with the Head of Legal Services and in line with adopted planning policies.

3.10 Head of Education

Subject to the reservations and exceptions set out in this Scheme, the Head of Education shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to education, which shall include but not be limited to the following:-

Education Act 1962

Further Education Act 1985

Education Reform Act 1988

Further and Higher Education Act 1992

Education Act 1996

School Inspections Act 1996

Education Act 1997

School Standards and Framework Act 1998

Special Educational Needs and Disability Act 2001

Education Act 2002

Education Act 2005

Education and Inspections Act 2006

Education and Skills Act 2008

Apprenticeships, Skills, Children and Learning Act 2009

Education (Schools) Act 1992

Learning and Skills Act 2000

Further Education and Training Act 2007

Special Educational Needs (Information) Act 2008

Academies Act 2010

Equalities Act 2010

Education Act 2011

Children and Families Act 2014.

Education and Adoption Act 2016

Schools admission legislation including appeals

Schools exclusion legislation including appeals

- Admissions
- To consult with governing bodies about admission arrangements as required by the School Admission Code issued under Section 88 of the School Standards and Framework Act 1998.
- To keep Admission Numbers under review and to implement any necessary changes, where these are agreed with the governing body.
- To respond to any proposals from governing bodies to increase or reduce Admission Numbers.
- To set admission limits which exceed the Admission Number where this is considered necessary.
- To administer arrangements for admissions to nursery schools and classes in accordance with agreed policies.
- To administer arrangements for the admission of individual pupils to primary and secondary schools including designated catchment areas and other relevant factors and to present the case on behalf of the Authority to admission appeal panels.
 - Attendance at School
- To ensure that appropriate transport arrangements are made having regard to statutory guidance and the Authority's Home to School Transport Policy and Post-16 Statement.
- To authorise home to school transport outside existing policy, in exceptional circumstances through the Stage 1 Appeal process.
- To exercise the powers and duties of the Authority in respect of children excluded from school and to make arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.
- To authorise any proceedings relating to the non-attendance of pupils at school, or education other than at school.
- To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders.
 - Special Educational Needs (SEN)
- To arrange for children to be assessed in accordance with the requirements of the Children and Families Act 2014 to determine the special educational provision which should be made for them and to maintain and review statements of special educational need and Education and Health and Care Plans in accordance with any regulations concerning these.
- To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.
- To determine and authorise the payment of fees and expenses at schools where fees are payable, in accordance with the policy of the Council.

- To determine applications for assistance towards home to school transport costs for Children with SEN within the Council's approved scheme.
 - School Term Dates

In the case of the Local Authority (LA), Voluntary Controlled and Special Schools, including residential schools, to propose school term dates after consultation with the Education Management Advisory Board.

 - Name of School

To approve the name of a school proposed by the governors.

 - Curriculum

To provide on behalf of the Authority any information which the Secretary of State may by regulation require.

 - Staffing – in respect of Nursery Schools
- To advise the Governing Body and/or the Selection Panel as to the shortlisting of candidates for Headship in accordance with the provisions of the Education Act 1996.
- Subject to the Articles of Government and the disciplinary procedures applicable in each specific case, to authorise disciplinary action as appropriate.
 - Staffing – in respect of Maintained Primary, Secondary and Special Schools
- To appoint persons selected by Governing Bodies to fill vacant posts in schools, unless the person so recommended does not meet the staff qualification requirements applicable to the appointment.
- In the case of Aided and Foundation Schools, to exercise any advisory rights where appropriate relating to the appointment of Headteachers, Deputy Headteachers or other teaching or ancillary staff conferred by agreement or legislation.
- To nominate persons for consideration to fill vacancies in other teaching posts in schools where Governing Bodies have notified their intention to fill those vacancies.
- To appoint persons selected by Governing Bodies as their Clerks.
- To implement decisions of Governing Bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals which are in the Authority's power to determine.
 - All Educational Establishments

To exercise the powers and duties under the Education (School Teachers' Appraisal) (England) Regulations 2012

 - Provision of Information Concerning Individual Performance of Pupils
- In accordance with Section 537 of the Education Act 1996, to provide performance information as specified.
- In accordance with Section 38 of the Education Act 1997, to provide such information to the Chief Inspector as may be prescribed.

- Governance
- Appointment of local education authority governors: in accordance with Section 19 of the Education Act 2002 and relevant regulations to appoint and dismiss local education authority governors.
- Training and support of governors: in accordance with Section 22 of the Education Act 2002, to provide information for governors and necessary training.
 - Miscellaneous
- In accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013, to make significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.
- In accordance with the academy/free school presumption, to establish new schools.
- Pursuant to Academies Act 2010 to enter into Commercial Transfer Agreement and property transfer/ lease agreements.
- To approve instruments of Government for all LEA maintained schools in the District in the future and to review or vary such instruments of Government (including nursery schools) as may be required by the Governors or the LEA.
- To make provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.
- To approve minor amendments to the Council's Code of Conduct regarding the use of Fixed Penalty Notices for school non-attendance.
 - Post 16 Years - Education and Training Provision

To exercise the powers and duties of the Council under:

- the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009),
- Part 3 of the Children and Families Act 2014,
- the Education and Skills Act 2008
- the Education and Skills Act 2008

3.11 Head of Finance and Property

- Designation

The Head of Finance and Property will be the Council's designated Section 151 Officer under the Local Government Act 1972.

- Responsibility

To take all appropriate steps and measures to discharge the functions of the Section 151 officer as having responsibility for the proper administration of the financial affairs of the Council under all appropriate legislation.

The Head of Finance and Property provides strategic financial advice to the Council.

- Finance General

Subject to the reservations and exceptions set out in this Scheme, the Head of Finance & Property shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to finance, revenues, benefits and property, which shall include but not be limited to the following:-

- Local Government Finance Act 1992
- Local Government Finance Act 1988.
- The power to administer and enforce the collection of council tax.
- The power to calculate the Council's council tax base for the purpose of the calculation of its council tax.
- The power to administer and enforce the collection of business rates (NDR)
- The power to opt to tax certain properties for VAT purposes (in consultation with Head of Legal Services).
- Determination of the appropriate rate of interest which may be charged, under Section 24 of the Health and Social Services and Social Security Adjudications Act 1983, on any sum charged on or secured over an interest in land under Section 22 of the Act (in consultation with the Corporate Director (Communities))
- Decisions to write off arrears of irrecoverable debt of an amount not exceeding £10,000 and in cases where the debtor is subject to formal insolvency proceedings, sums exceeding £10,000.
- Declaration of the Local Rate of Interest on Mortgage Advances on the basis that all mortgages are treated as if they are advances under the Housing Act 1985 and subject to decisions being reported to the Executive (in consultation with Head of Prevention and Safeguarding).
- Agreement as to reduction in rateable value.
- Investment of surplus funds in accordance with the Council's approved investment policies.

- To make any necessary changes to the Constitution consequent upon amendments to the European thresholds on Procurement (see Contract Rules of Procedure).
 - Loans and Borrowing
- Raising of loans in sterling to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary.
- Borrowing in sterling from banks up to a prescribed limit by way of overdraft.
- Raising and repayment of temporary loans in sterling.

- Valuation
 - Service on Valuation Officer of Notice of Objection to any proposals for alteration of the Valuation List.
 - Making proposals for the alteration of the Valuation List or for the inclusion of particular properties in the Valuation List.
- Matters Relating to Children and Young Persons
 - Where requested by the Head of Legal Services, to take joint action to take out letters of administration with or without the will annexed for:
 - the estate of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
 - the estates of children or young persons who die whilst in the care of the Council;
 - and to administer such estates in the manner directed by the appropriate probate registry.
 - Jointly with the Head of Legal Services to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.
 - Jointly with the Head of Legal Services and the Head of Children and Family Services to invest and administer any funds received by the Council on behalf of a child in care by way of any compensation or settlement or award of damages from legal proceedings.
 - Property Matters
 - The day-to-day management of the Council portfolio of land and buildings, including lease renewals, assignments and rent reviews.
 - Making proposals to the Valuation Office Rating List.
 - Agreeing to reductions in rent affecting Council-owned property.
 - Reaching an agreement on compulsory purchase and home loss payment claims up to £15,000.
 - Determination of rents of new properties in line with rents of other Council properties.
 - All matters pertaining to rent collection and the recovery of arrears.
 - Service of Notices to secure possession where there are arrears of rent.
 - Authority to approve applications for consent to transfer existing mortgages into joint names of Mortgagor and other members of the Mortgagor's family.
 - Authority to write off amounts of up to £50 in respect of rent arrears.

- Insurance

All insurance arrangements and settlement of claims.

3.12 Head of Legal Services

- General
 - On behalf of the Council, to defend, institute, participate in, appeal from, settle or abandon any legal proceedings whether administrative, civil or criminal in any court arbitration or tribunal where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services considers that such an action is necessary to protect the Council's interests.
 - Pursuant to Section 223 of the Local Government Act 1972 and other relevant legislation and Practice Directions, authorise persons to represent the Council in legal proceedings.
 - to instruct external Solicitors or Barristers to represent the Council.
 - Make such orders, issue such notices and execute such agreements and instruments as are necessary to give effect to any decision or authorisation of the Council, its Committees, Sub-Committees, the Executive or of an Officer acting within the scope of his or her authorised or delegated powers.
 - Determine whether inspection of a document in the possession of the Council should not be allowed on the grounds that it is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
 - This role also provides advice and support to the Council on procurement and the development and delivery of efficiency programmes.
 - Sealing of all documents on behalf of the Council and to be authorised signatory of behalf of the Council.
 - Where appropriate exercise powers in consultation with relevant officers.
 - Local Government Act 1972
 - Section 85 - Authority be delegated to the Monitoring Officer to allow the Monitoring Officer to approve applications in writing from absent Councillors in exceptional circumstances (such as serious illness, extended work commitments abroad or extended service in the Forces) subject to consultation with Group Leaders. Any applications for extended absence would be limited to two three month periods only and in the event of disagreement between the Group Leaders, the application would be determined by a Special Meeting of the Governance and Ethics Committee.
 - Section 229(5) - Certification of photographic copies of documents.
 - Section 234(1) and (2) - Sealing of documents.
 - Local Government (Miscellaneous Provisions) Act 1976:
Section 29 - Application to High Court for repayment of monies paid into Court under Sub-Sections 76 or 85 Land Clauses Consolidation Act 1945 or Section 9 or Schedules 2 and 3 of the Compulsory Purchase Act 1965.

- Miscellaneous
- To take all necessary steps to take out letters of administration with or without the will annexed either alone or jointly with the Head of Finance and Property for:
 - the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
 - the estates of children or young persons who die whilst in the care of the Council;
 - and to administer such estates in the manner directed by the appropriate probate registry.
- To exercise the Council's powers to be a Trust Corporation.
- To act for all Trading Standards Officers authorised as Inspectors.
- The Head of Legal Services may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.
 - Commons Registration
- To exercise the Council's powers and duties in relation to the registration of Commons and Towns and Village Greens.
 - Berkshire Act 1986
- Pursuant to Section 7 of the Berkshire Act 1986, to make application to the County Court for an order vesting former highway land in the highway authority.
- Pursuant to Section 9 of the Berkshire Act 1986, to recover from the person responsible the cost of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade.
 - Road Traffic Regulation Act 1984
- To exercise the Council's powers under the Road Traffic Regulation Act 1984 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a "relevant event" when it is considered that an order under the Town Police Clauses Act 1847 is inappropriate (in consultation with the Head of Transport and Countryside).
- To advertise proposals to make orders for traffic management other than temporary orders under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991 and to subsequently make the orders where no objections to those proposals are received.
- To make temporary orders for traffic management under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991.

- Town and Country Planning (General Permitted Development) (England) Order 2015
- To exercise the Council's powers under the Town and Country Planning (General Permitted Development) (England) Order 2015, on the instructions of the Head of Development and Planning, subject to the conditions below:
 - Article 4: the making, service and confirmation of directions restricting permitted development;
 - Schedule 2, Part 6: Determination whether planning permission is required following notification of agricultural development
- The delegations relating to Article 4 Directions above shall be exercised subject to the following:
 - The action shall be taken after consultation with the Head of Finance and Property to consider any financial implications.
 - Consultation must also take place with the Chairman or in their absence the Vice-Chairman of the District Planning Committee and appropriate Ward Members, if available.
 - The action taken shall be reported to the next meeting of the appropriate Area Planning Committee.
 - In exercising these powers the Officers shall have regard to the urgency of the action which is required.
- Subject to circumstances, the Officers may report the matter to the appropriate Area Planning Committee for decision where it is prudent to do so.
 - Localism Act 2011

The Head of Legal Services (or their nominated representative) in consultation with an Independent Person pursuant to the Localism Act 2011 and its associated Regulations shall ensure that an Initial Assessment of any complaint in respect of Councilors' (District, Town or Parish) behavior in relation to the Code of Conduct is determined in accordance with the complaints procedure adopted by the Council.

- Property Matters

To enter into, in consultation with Head of Finance,

- Agreements for easements and wayleaves to an unlimited value.
- Agreement for leases and licences up to a value of £100,000 per annum.
- Agreements relating to acquisition and disposal of investment properties pursuant to the Council's Investment and Borrowing Strategy accompanying Property Investment Strategy as amendment and/or revised from time to time.
- Agreements to acquire and dispose of land up to consideration of £300,000.
- Surrenders.
- Lifting of all restrictive covenants up to a value of £300,000.
- Agreements relating to deferred payments (including registration of a legal charge) pursuant to the Care Act 2014.

- Anti Social Behaviour, Crime and Policing Act 2014

The Head of Legal Services, in consultation with the relevant Head of Service, be authorised to seek a civil injunction in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.

The Head of Legal Services in consultation with the Head of Strategic Support, be authorised to issue a Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti Social Behaviour, Crime and Policing Act 2014.

3.13 Head of Prevention and Safeguarding

Subject to the reservations and exceptions set out in this Scheme, the Head of Prevention and Safeguarding shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to prevention and safeguarding, which shall include but not be limited to the following:

- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006
- Children Act 1989
- To ensure that a Local Safeguarding Adults Board and a Local Safeguarding Children’s Board are established, to provide representation on such Boards and to ensure compliance with all the statutory functions and objectives of those Boards
- To support the framework of those Boards in relation to Safeguarding Adults Reviews arranged in accordance with the Care Act 2014 and Serious Case Reviews arranged in accordance with the Children Act 1989 and associated Regulations.

3.14 Head of Public Health and Wellbeing

Subject to the reservations and exceptions set out in this Scheme, the Head of Public Health and Wellbeing shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to public health and wellbeing, which shall include but not be limited to the following:

- General

Those matters which the Director of Public Health, working through the Head of Public Health and Wellbeing are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social care Act 2012).

- Health of the Population

The duty imposed upon the Council to “take such steps as it considers appropriate for improving the health of the people of its area”.

- General

Any public health functions of the Secretary of State which he requires local authorities to discharge on their behalf.

- Dental Health

Dental health functions for which the Council has responsibility.

- Health of Prisoners

The duty to co-operate with the prison service to secure and maintain the health of prisoners.

- Weight Measurement and Children's Sexual Health Service

The Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils including the weighing and measuring of pupils and the provision of children sexual health services.

- Violent Offenders

Arrangements for assessing the risks posed by violent and sexual offenders.

- Health Protection

To include the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.

- Health Improvement

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

- Health Care Public Health

The provision of specialist public health advice to Clinical Commissioning Groups (CCGs) in the following areas which will be the subject of the "core offer":

- (a) production of the Joint Strategic Needs Assessment;
- (b) reviewing service provision and providing advice to CCGs to reduce health inequalities;
- (c) advising Clinical Commissioning Groups on priorities based on appropriate data; and
- (d) procuring services and advising on the cost effectiveness of interventions.

3.15 Head of Public Protection and Culture

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Subject to the reservations and exceptions set out in this Scheme, the Head of Public Protection and Culture shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to

environmental health, trading standards, licensing, building control and public protection, which shall include but not be limited to the following:

Administration of Justice Act 1970
Agricultural Act 1970
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Animals Act 1971
Anti Social Behaviour Act 2003
Anti-social Behaviour Crime and Policing Act 2014
Berkshire Act 1980
Breeding of Dogs Act 1973, 1991
Building Act 1984
Cancer Act 1939
Caravan Act 1968, 1985
Caravan Sites and Control of Development Act 1960-1985
Charities Act 1992
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1933
Chiropractors Act 1994
Chronically Sick and Disabled Persons Act 1970
Cinema Act 1968-1985
Civil Contingencies Act 2004
Clean Air Acts 1956-1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 2006
Consumer Credit Act 1974, 2006
Consumer Protection Act 1987
Consumer Rights Act 2015
Control of Pollution Act 1974
Copyright Designs and Patents Act 1988
Courts and Legal Services Act 1990
Crime and Disorder Act 1997
Criminal Justice Act 1988
Criminal Justice and Public Order Act 1994
Customs & Excise (Management) Act 1979

Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Disabled Persons Act 1981
Public Space Protection Orders
Education Reform Act 1988
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875, 1923
Factories Act 1961
Financial Services and Markets Act 2000
Fireworks Act 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Home Safety Act 1961
Housing Acts 1957, 1985, 1996, 2004
Housing Grants, Construction and Regeneration Act 1996
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Land Compensation Act 1973
Late Night Refreshment Houses Act 1969
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1965, 1976, 1982
Local Government Acts 1953-1989
Local Government Act 1972
Local Government and Housing Act 1989
Malicious Communications Act 1988

National Assistance (Amendment) Act 1951
National Assistance Act 1948
National Lotteries etc Act 1993
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Olympic Symbols etc. (Protection) Act 1995
Osteopaths Act 1993
Performing Animals (Regulation) Act 1925
Pesticides Act 1996
Pet Animals Act 1951
Pollution, Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974
Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002
Proceeds of Crime Act 2002
Protection from Harassment Act 1997
Psychoactive Substances Act 2016
Public Health (Control of Disease) Act 1984
Public Health Act 1936-1984
Radioactive Substances Act 1993
Rag Flock Act 1961
Regulation of Investigatory Powers Act 2000
Regulatory Enforcement and Sanctions Act 2008
Riding Establishments Act 1964, 1970
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988, 1991
Road Traffic Regulation Act 1984
Safety of Sports Grounds Act 1975
Scotch Whisky Act 1982
Scrap Metal Dealers Act 1964, 2013
Slaughter of Poultry Act 1967
Slaughterhouses Act 1974
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994

Tattooing of Minors Act 1969
 Theatres Act 1968
 Theft Act 1968
 Tobacco Advertising and Promotion Act 2002
 Tobacco Products Duty Act 1979
 Town Police Clauses Acts 1847-1889
 Trade Descriptions Act 1968
 Trade Marks Act 1994
 Transport Act 1980
 Unsolicited Goods and Services Act 1971, 1975
 Vehicles (Crime) Act 2001
 Video Recordings Act 1984, 2010
 Violent Crime Reduction Act 2006
 Water Acts 1945-1989
 Water Industries Act 1991
 Weights and Measures Act 1985
 Zoo Licensing Act 1981

(a)

- This extends to any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts
 - appoint the Council's Chief Inspector of Weights and Measures ;
 - act as the Council's Proper Officer for the purposes of any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any other instrument made before 26th October 1972, which refers to the post of Public Health Inspector.
- Culture General
 - To grant a licence and associated consents for the annual Michaelmas Fair.
 - Local Government (Miscellaneous Provisions) Act 1982, Action considered appropriate in relation to property found in buildings or premises administered by Cultural and Environmental Protection Services.
 - Letting of recreation facilities and premises (also Head of Transport and Countryside and Head of Development and Planning
 - Admission and exclusion of public to recreation facilities and premises (also Head of Transport and Countryside and Head of Development and Planning) .
 - Acquisition of items under Museum acquisition scheme.
 - Administer Archive Service on behalf of all six Unitary Authorities in Berkshire.

- To manage public libraries in conformity with the Public Libraries and Museums Act 1964 (as amended) and the Local Government and Housing Act 1989 and the policies of the Council.

- Anti Social Behaviour, Crime and Policing Act 2014

To delegate to the Head of Culture & Public Protection the authority to make a Public Space Protection Order in accordance with Chapter 2 of the Anti Social Behaviour, Crime and Policing Act 2014. The Head of Public Protection and Culture, in consultation with the Head of Legal Services, is authorised to serve Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.

- Registration of Births, Deaths and Marriages

- To grant or refuse applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995 and to revoke any approval which has been granted. To determine, in consultation with the Head of Finance and Property, and from time to time vary, the fees payable for the granting or refusal of applications for the approval of said premises.

- Civil Contingencies

Subject to the reservations and exceptions set out in this Scheme, the Head of Public Protection and Culture shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to civil protection and emergency planning, which shall include but not be limited to the following;

- Put in place emergency plans;
- Put in place Business Continuity Management arrangements;
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Share information with other local responders to enhance co-ordination;
- Co-operate with other local responders to enhance co-ordination and efficiency; and
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only). To form and participate in Local Resilience Forums (based on Police areas) which will help co-ordination and co-operation between responders at the local level.

3.16 Head of Strategic Support

- General

Power under Section 92 of the Local Government Act 2000 to direct the appropriate Corporate Director or Head of Service in consultation with the relevant Portfolio Member, to make ex-gratia payments up to £2,500 or to provide other benefits to remedy complaints, within the framework of the Local

Government Ombudsman Good Practice Remedies (March 2003) document, and Financial Rules of Procedure, and where necessary in consultation with the Monitoring Officer.

- Local Government Act 1972
- Section 225(1) – to receive and retain documents deposited.
- Schedule 12 Paragraph 4(2)(a) – to publish the time and place, within five clear working days, of the Council meeting.
- Schedule 12 Paragraph 4(2)(b) – to sign the summons to attend the Council meeting
- Schedule 12 Paragraph 4(3) – to receive notices regarding addresses to which summons to meetings are to be sent.
- Schedule 14 Paragraph 25(7) – to certify copies of resolutions for the purposes of legal proceedings.
- Section 248 – to retain a roll of Freeman.
 - Local Land Charges
- To authorise the issue of official certificates of search of the Council's Land Charges Register.
 - Electoral Matters

Designation of Polling Places (in consultation with the Returning Officer and Ward Members).

- Localism Act 2011 - Part 5 Chapter 3 - Assets of Community Value

To delegate to the Head of Strategic Support the management of the Assets of Community Value provisions (Community Right to Bid) in accordance with Part 5, Chapter 3 of the Localism Act 2011. The Head of Strategic Support shall be authorised to determine applications which have been properly made.

- Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)

To delegate authority to the Head of Strategic Support in consultation with the Leader of the Council and the Leader of Opposition, to appoint members to the Independent Remuneration Panel.

3.17 Head of Transport and Countryside

Subject to the reservations and exceptions set out in this Scheme, the Head of Transport and Countryside shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to transport, highways, street management, street works, waste, countryside and rights of way, which shall include but not be limited to the following:

- Highways Act 1980
- Transport Act 1985
- Transport Act 2000
- Traffic Management Act 2004

- Local Transport Act 2008
- Goods Vehicles (Licensing of Operators) Act 1995
- New Roads and Street Works Act 1991
- Town Police Clauses Act 1847
- Road Traffic Regulations Act 1984
- Berkshire Act 1986
- Clean Neighbourhoods and Environment Act 2005
- Countryside Act 1968
- Countryside and Rights of Way Act 2000
- Criminal Damage Act 1971
- Environmental Protection Act 1990
- Land Drainage Act 1991
- Local Government (Miscellaneous Provisions Act) 1976
- National Parks and Access to the Countryside Act 1949
- Natural Environment and Rural Communities Act 2006
- Rights of Way Act 1990
- Town and Country Planning Act 1990
- Wildlife and Countryside Act 1981
- Goods Vehicles (Licensing of Operators) Act 1985
- Flood and Water Management Act 2010
- Local Government Miscellaneous Provisions Act 1976
- Anti Social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution Act 1974
- Control of Pollution (Amendment) Act 1989
- Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
- Environment Act 1995
- Environmental Protection Act 1990
- European Communities Act 1972
- Refuse Disposal (Amenity) Act 1978
- Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005

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Agreements, Notices and Orders

- To enter into agreements with other public authorities for the provision of services and the recoupment of charges.
- To enter into agreements relating to placing etc of certain apparatus in or under a highway.
- To enter into agreements providing for contributions by developers towards the cost of highway improvements, transportation schemes, or other development to be carried out by the Council.
- To enter into agreements and make creation orders, where appropriate, and in consultation with Ward Members, for the creation of new public rights of way
- To extinguish rights of way, where appropriate, and in consultation with Ward Members
- To divert public rights of way, where appropriate, and in agreement with Ward Members.
- To enter into maintenance agreements, where appropriate, and in consultation with Ward Members.

Miscellaneous

- To agree contributions to regional water authorities' surface water drainage schemes calculated on the proportion of highway "run-off" to that from other areas, including related matters such as contributions towards the cost of cleansing village ponds, and to make payments to any minor drainage scheme of any type where they are satisfied that highways will benefit.
- To extinguish public rights of way (stop up) and dispose of land not exceeding 500sq m no longer required for highway purposes.
- In consultation with the Head of Legal Services to accept dedications of land donated to the Council for highway purposes.
- To approve and protect development and improvement lines.
- To construct and/or light cycle tracks.
- To alter or remove any cycle tracks.
- To settle compensation claims in respect of drainage or sewerage schemes on behalf of the Council (in consultation with Head of Legal Services).
- To take all necessary action to safeguard the interests of the Council in relation to applications by water undertakings for orders or schemes under the legislation operated by such undertakings.
- to advise on the highway aspects of development control
- To demolish property acquired for road schemes in advance of requirements subject always to due regard to planning considerations or consent as appropriate.
- To arrange for the temporary use of land for the dumping or storing of highways materials or equipment.

- To erect traffic signs and to arrange wayleaves for their erection on private property.
- To adopt streets constructed to specification.
- To plan and carry out highway improvements not requiring planning permission subject to consultation with the appropriate Executive Member and Ward Members. If the purchase of land is necessary then delegated authority (for land up to the value of £300,000) from the Head of Legal Services will be required.
- To fix contributions to private street works and charges apportioned in flank and rear frontages in accordance with the Council's approved policy.
- To apply for planning permission.
- To approve and licence (including charging any appropriate fees for doing so):
 - the placing of structures within highway limits;
 - the laying maintenance and inspection of pipes, cables or other lines over or under highways;
 - the erection of stiles, gates or cattle grids and enforcement and maintenance of stiles and gates under the Highways Act 1980;
 - arrangements for motor vehicles and cycle trails;
 - the construction of a building over any part of a highway.
 - the placing of tables and chairs on the public highway.
- To exercise the Council's powers :
 - To grant permits to utility companies to work on the public highway
 - to prohibit horses, cattle or vehicles entering on ornamental gardens within the highway;
 - to pipe or culvert and fill up roadside ditches;
 - to require the execution of works to prevent soil or refuse from land from falling or being washed on to a street;
 - to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof;
 - to require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;
 - to require the removal, lopping and cutting of trees or hedges overhanging or near to a highway.
- To carry out minor temporary repairs in private streets required to remove danger to persons or vehicles;
- To carry out emergency works of any kind whether or not provision has been made in the estimates, where justified in their opinion (and that of the Head of Legal Services and in

consultation with the Head of Finance), by the scale of the potential legal liability.

- Selection of sites for street seats.
- Approval of requests for street closures or for making orders for the prevention of obstructions in the street during public processions etc in accordance with Section 21 of the Town Police Clauses Act 1847.
- Approval of applications for permission to hold events in Council car parks.
- Approval of requests to waive car parking charges in the period leading up to Christmas.
- To implement highway maintenance and improvement works in accordance with approved budgets and to agreed service standards in accordance with the Highways Act 1980 and current guidance.
- Where a Committee, the Executive or Council have already approved in principle an experimental traffic order to exercise powers under the Act to advertise that order and subsequently implement it provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised.
- Where a Committee, the Executive or Council have already approved in principle any traffic order (for speed limits, prohibitions of movement, weight limits, etc.) to exercise powers under the Act to advertise that order and subsequently implement it provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised.
- In consultation with the Head of Finance and Property to issue licences and fix and collect fees in relation to the matters governed by the Highways Act 1980.
- In consultation with the Head of Legal Services and the Head of Development and Planning to submit objections to the Traffic Commissioner on behalf of the Council.
- To act as the Traffic Manager in accordance with the requirements of the Traffic Management Act 2004.

Transport

- West Berkshire Council is a designated body for the issuing of Section 19 Bus Permits in accordance with the Transport Act 1985 and changes introduced by the Local Transport Act 2008
- To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges therefore, where it is anticipated that extra Council expenditure would result.

Other Powers –Consultation Provisions

- All consultations on Transport issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Head of Transport and Countryside in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.

- Countryside including Rights of Way functions
- Management of Recreation Facilities where these are public open spaces.
- Admission and exclusion of public to recreation facilities and premises (also Head of Public Protection and Culture).
- Letting of recreation facilities and premises (also Head of Public Protection and Culture).
- To carry out powers in relation to The Hedgerow Regulations 1997.
- To grant a licence and associated consents for the annual Michaelmas Fair.
- To enter into maintenance agreements in relation to Public Rights of Way, where appropriate, and in consultation with the Head of Legal Services
- To approve and protect development and improvement lines.
- The exercise (in consultation with the Head of Legal Services), of the common law duty to 'seek, prevent and remove obstructions' (Bagshaw vs Buxton Local Board of Health 1875).
- To keep the definitive maps and statement under review
- In consultation with the Head of Public Protection and Culture to submit objections and such representations considered necessary or permitted in respect of closed churchyard applications under the Section 1 Burial Act 1853.
- To exercise the Council's obligations under the Act in relation to transfers of maintenance responsibilities relating to closed churchyards under Section 215 Local Government Act 1972.

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Part 3

Scheme of Delegation

Document Control

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6	May 2012	Changes arising from the introduction of the Localism Act	
7	Sept 2012	Added Paragraph 3.14.23	



West Berkshire
C O U N C I L

<u>Version</u>	<u>Date</u>	<u>Description</u>	<u>Change ID</u>
8	December 2012	Amended Paragraph 3.13.2	
9	July 2013	Added Head of Public Health and Wellbeing (Paragraph 3.17)	

Version	Date	Description	Change-ID
10	September 2013	Typos corrected in 3.8.2 and 3.8.5. Additional paragraph inserted in 3.8.6 and new section 3.8.10 added. Additions made to 3.15.3 and paragraph 3.15.5 amended.	
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11	March 2014	Amendments to under the Head of Legal Services insert provisions pertaining to the Localism Act 2011, and permit the Monitoring officer to make minor amendments to the Constitution. Insert provisions under the Goods vehicles (Licensing of Operators) Act 1985. Changes to paragraphs 3.3.3. (final bullet point), 3.12.2, 3.12.3, 3.12.7, 3.12.14 and 3.15.3	
12	May 2014	To reflect revision of numbers of Members on the Licensing, Governance and Audit and Personnel Committees	
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14	September 2014	Amendments to Paragraph 3.13.11	
15	September 2014	A new 3.1.6 – Table of Partner Functions A new 3.9.6 to delegate to the Head of Strategic Support, in consultation with the Head of Legal Services, to make a Public Spaces Protection Order. A new 3.13.14 delegating authority to the Head of Legal Services in consultation with the Head of Care Commissioning, Safeguarding and Housing, to seek civil injunctions in accordance with Part 1 of the ASB, Crime and Policing Act 2014. A new 3.13.14 to delegate authority to the Head of Legal Services or his/her nominee in consultation with the Head of Strategic Support, to issue Closure Notices and apply for a Closure Order. A new 3.15.7 delegating authority to the Head of Culture and Environmental Protection, in consultation with the Head of Legal Services, to serve Community Protection Notices. The delegation to serve Community Protection Notice is also extended to Registered Landlords and Police Community Support Officers who are also authorised to serve Fixed Penalty Notices.	
16	March 2015	Changes to paragraphs 3.3.3, 3.7.2, 3.7.3, 3.7.4, , 3.8.1, 3.8.11, 3.9.7, 3.12.15, 3.14.1, 3.15.2, 3.15.3, 3.15.4, 3.15.6, 3.16.1, 3.16.2, 3.16.3, 3.16.4, 3.16.5, 3.16.7, 3.16.8, 3.16.9, 3.16.10, 3.14.22	
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21	March 2016	3.1.3, 3.3.3, 3.3.6, 3.4, 3.5.3, 3.5.7, 3.7.3 (new), 3.8.10 (Energy Act 2011), 3.8.10 (Disability), 3.12.2, 3.14.5 (Berkshire Act 1986), 3.14.16 (Section 1 Burial Act 1986), 3.14.17 (Section 215 Local Government Act 1972), 3.15.1, 3.15.3, 3.15.8 (Berkshire Act 1986), 3.15.17 (Section 1 of the Burial Act 1853), 3.15.18 (Section 215 Local Government Act 1972), 3.16.2,3.16.3 and 3.16.15	As per the Council Report March 2016
22	April 2016	Update the Schedule of Proper Officer Appointments	Monitoring Officer under delegated authority
23	April 2016	3.15.3 - addition of Psychoactive Substances Act 2016	Monitoring Officer under delegated authority
24	July 2016	3.16.14	Monitoring Officer under delegated authority
25	October 2016	3.3.3 and 3.5.3	Monitoring Officer under delegated authority



<u>Version</u>	<u>Date</u>	<u>Description</u>	<u>Change ID</u>
<u>26</u>	<u>January 2017</u>	<u>3.15</u>	<u>Monitoring Officer under delegated authority</u>
<u>27</u>	<u>June to November 2017</u>	<u>Update to take into account changes in processes, legislation and corporate structure.</u>	<u>DMO</u>

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Moira Fraser on 01635 519045 who will be able to help.

Contents

3.1	Delegation of Functions	<u>1</u>
•	Introduction	<u>1</u>
•	Table 1- Responsibility for Local Choice Functions	<u>1</u>
•	Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations)	<u>4</u>
•	Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below)	<u>87</u>
•	Table 4 - Summary of Executive Functions	<u>98</u>
•	Table 5 - Summary of Partner Functions	<u>10</u>
3.2	Officers’ Scheme of Delegation.....	<u>1140</u>
•	Scope of Scheme	<u>1140</u>
•	Consultation	<u>1140</u>
•	Conditions of Delegation.....	<u>1244</u>
•	Overall Limitations	<u>1244</u>
3.3	General Delegation to Corporate Directors/Heads of Service	<u>1342</u>
•	All Corporate Directors and Heads of Service shall be authorised to exercise the following powers and functions of the Council to the extent that they fall within the remit of their Service (or in the case of Directors, within the Directorate):	<u>1342</u>
•	Legal Matters	<u>1342</u>
•	Human Resources	<u>1443</u>
•	Tenders/Contracts	<u>1544</u>
•	Emergencies	<u>1544</u>
3.4	Delegation to Specific Directors	<u>1644</u>
•	<u>1645</u>	
•	<u>1645</u>	
•	<u>1745</u>	
3.5	Schedule of Proper Officer Appointments	<u>1745</u>
•	Delegations to Heads of Service	<u>2249</u>
•	<u>2249</u>	

3.6	Head of Adult Social Care.....	<u>2219</u>
	• <u>2219</u>	
	Subject to the.....	<u>2219</u>
	• <u>2219</u>	
	• <u>2319</u>	
	• <u>2319</u>	
	• <u>2420</u>	
	• <u>2520</u>	
3.7	<u>2520</u>	
	• <u>2720</u>	
	• <u>2820</u>	
3.8	<u>2920</u>	
	• <u>not be limited to the following:</u>	<u>2920</u>
	• <u>Residential and Nursing Home Accommodation</u>	<u>2920</u>
	• <u>Home Care Services: Financial Matters</u>	<u>3021</u>
3.9	Head of Children and Family Services	<u>3322</u>
3.10	<u>3322</u>	
	• <u>3322</u>	
	• <u>3322</u>	
	• <u>Child Protection</u>	<u>3423</u>
	• <u>3423</u>	
	• <u>3423</u>	
	• <u>3423</u>	
	• <u>Accommodation, Care, Fostering and Adoption</u>	<u>3523</u>
	• <u>Home Care Services: Financial Matters</u>	<u>3523</u>
	• <u>3524</u>	
	• <u>3624</u>	
3.11	and ICT	<u>3624</u>
3.12	Head of Development and Planning.....	<u>3624</u>
	• <u>Town and Country Planning Act 1990</u>	<u>3926</u>
	• <u>Planning (Listed Buildings and Conservation Areas) Act 1990</u>	<u>3926</u>

•	Planning (Hazardous Substances) Act 1990	3926
•	Planning and Compulsory Purchase Act 2004	3926
•	Planning Act 2008.....	3926
•	Housing and Planning Act 2016	3926
•	Localism Act 2011	3926
•	Housing Grants, Construction & Regeneration Act 1996.....	3926
•	Caravan Act 1968.....	3926
•	Local Government and Housing Act 1989	3926
•	Housing Act 1985	3926
•	Housing Act 1996	4026
•	Act 1988	4026
•	Housing Act 2004	4226
•	4226	
•	4326	
•	4326	
•	4327	
•	4527	
•	4527	
•	4627	
•	4627	
•	4627	
•	Homelessness Reduction Act 2017	4828
	To approve discretionary	5130
•	5130	
	grants and loans as exceptions to the	5130
•	5330	
•	5930	
3.13	Head of Education	6231
•	Admissions	6332
•	Attendance at School.....	6332
•	Special Educational Needs (SEN)	6433
•	School Term Dates	6433
•	Name of School	6433
•	Curriculum	6433

•	Staffing – in respect of Nursery Schools.....	6433
•	Staffing – in respect of Maintained Primary, Secondary and Special Schools	6433
•	All Educational Establishments.....	6534
•	Provision of Information Concerning Individual Performance of Pupils.....	6534
•	Governance	6534
•	Miscellaneous	6534
•	Post 16 Years - Education and Training Provision	6635
3.14	Head of Finance and Property	6635
•	Designation.....	6635
•	Responsibility.....	6635
•	Finance General	6635
•	Loans and Borrowing.....	6736
•	Valuation.....	6736
•	Matters Relating to Children and Young Persons.....	6836
•	Property Matters	6837
•	Insurance	6837
3.15	Head of Legal Services	6837
•	General.....	6837
•	Local Government Act 1972	6938
•	Local Government (Miscellaneous Provisions) Act 1976:.....	6938
•	Miscellaneous	6938
•	Commons Registration	7038
•	Berkshire Act 1986	7038
•	Road Traffic Regulation Act 1984.....	7039
•	Town and Country Planning (General Permitted Development) (England) Order 2015.....	7039
•	Localism Act 2011	7139
•	Property Matters	7140
•	Anti Social Behaviour, Crime and Policing Act 2014	7140
3.16	Head of Prevention and Safeguarding	7240
3.17	Head of Public Health and Wellbeing.....	7241

3.1 Delegation of Functions

- Introduction

This section of the Constitution summarises which part of the decision-making process is responsible for which function. Further detail is set out in paragraph 3.2 (Officer's Scheme of Delegation) of this Constitution.

The aim is to show which functions are the responsibility of the Council, the Area Planning Committees, Licensing Committee/Sub-Committee, the Governance and Ethics Committee and the Personnel Committee and which are the responsibility of the Executive. This section also clarifies which functions are the responsibilities of the Executive to a specified extent. Delegation to Partners is also included in this section.

The allocation of functions follows the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and as subsequently amended, referred to in the tables that follow as 'The Function Regulations'.

The information is set out in tabular form as follows:

- Table 1 – Responsibility for Local Choice Functions
- Table 2 – Council Functions
- Table 3 – Licensing Authority Functions
- Table 4 – Executive Functions
- Table 5 - Partners

- Table 1- Responsibility for Local Choice Functions

Function	Decision-Making Body	Membership	Delegation of Function
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Regulations 2000	Executive	Executive Leader plus 9 other Members	Some highway-related functions under the Berkshire Act 1986 are delegated to the Head of Highways and Transport and Countryside or other Heads of Service, depending on the function concerned. See Scheme of Delegation
The determination of an appeal against any decision <u>in relation to employment matter</u> made by or on behalf of the Authority	Council (Employment Appeals Panel)	Dependent on nature of appeal: Home/ School-Transport = 3 Members Housing/ Council Tax-Benefit = 3 Members Corporate Director, Head of Service and one elected Member	These functions will not be further delegated.
<u>The determination of Appeals relating to including council tax, home-to-school transport</u>	<u>Appropriate Appeal panel</u>	<u>4 independent Members</u>	<u>These functions will not be further delegated</u>

Function	Decision-Making Body	Membership	Delegation of Function
<u>and Tourist Information Signs against any decision made by or on behalf of the Authority or any other appeal which is not otherwise specified but which must be determined by Members of the Council</u>			
The appointment of Review Boards under regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of the Social Security Act 1998	Council	All Members	These functions will not be further delegated.
The making of arrangements pursuant to Sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Act (Appeals against the Exclusion of Pupils)	Council (School Appeals Panel)	3 of 5 independent Members	These functions will not be further delegated.
The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (Admissions Appeals)	Council (School Appeals Panel)	3 of 5 independent Members	These functions will not be further delegated.
The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom Section 87 applies: appeals by Governing Bodies)	Council (School Appeals Panel)	3 of 5 independent Members	These functions will not be further delegated.
The making of arrangements under Section 20 (Questions on Police Matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	Council	All Members	These functions will not be further delegated.
The making of appointments under paragraphs 2 to 4 (Appointment of Members by Relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the	Leader of the Council	All Members	These functions will not be further delegated.

Function	Decision-Making Body	Membership	Delegation of Function
Police Act 1996			
Any function related to contaminated land	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture , in accordance with the Scheme of Delegation
The discharge of any function relating to control of pollution or the management of air quality	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture in accordance with the Scheme of Delegation
The serving of an Abatement Notice in respect of a statutory nuisance	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture in accordance with the Scheme of Delegation
The passing of a resolution to which Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture in accordance with the Scheme of Delegation
The inspection of the Authority's area to detect any statutory nuisance	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture in accordance with the Scheme of Delegation
The investigation of any complaint as to the existence of a statutory nuisance	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture in accordance with the Scheme of Delegation
The obtaining of information under Section 330 of the Town and Country Planning Act 1990	District/Area Planning Committees	12 Members	Functions delegated to the Head of Development and Planning and Countryside in accordance with the Scheme of Delegation
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous	District/Area Planning Committees	12 Members	Functions delegated to Heads the Head of Service Development and Planning in accordance with the

Function	Decision-Making Body	Membership	Delegation of Function
Provisions) Act 1976			Scheme of Delegation
The making of agreements for the execution of highway works	District/Area Planning Committees	12 Members	Functions delegated to Head of Highways and Transport <u>and Countryside</u> in accordance with the Scheme of Delegation
The appointment of any individual: a) to any office other than an office in which they are employed by the Authority; b) to any other body than: i) the Authority; ii) a Joint Committee or Sub-Committee of two or more Authorities; or c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Executive (for specified appointments) Individual Decision-Scheme (for local appointments) <u>Council for Council functions</u>	Executive Leader plus 9 other Members Leader of the Council	These functions will not be delegated further.
The making of agreements with other Local Authorities for the placing of staff at the disposal of those other Authorities	Executive	Executive Leader plus 9 other Members	Function delegated to Chief Executive where an emergency situation exists

- Table 2 - Responsibility for Council Functions (Schedule 1 of the Functions Regulations)

Functions	Committee	Membership	Delegation of Functions
Functions relating to elections	Council	All Members	Some of these functions are delegated to the Returning Officer as set out in the Scheme of Delegation
Functions relating to the name and status of areas and individuals	Council	All Members	These functions will not be further delegated
Power to make, amend, revoke or re-enact bylaws	Council	All Members	These functions will not be further delegated
Power to promote or approve local or personal	Council	All Members	These functions will not be further

Functions	Committee	Membership	Delegation of Functions
Bills			delegated
Functions relating to pensions, severance payments and premature retirements	Council	All Members	These functions will not be delegated further except for requests for the early release of pensions. (Where the total cost to the Council of a termination will exceed £10,000, the costs must first be approved by the Executive. Below £10,000, the costs must be approved by the Chief Executive in consultation with the Leader and Shadow Leader of the Council) which are delegated to the Personnel Committee
Miscellaneous functions. Duty to approve Authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	Governance and Ethics	8 Members 2 non-voting co-opted Parish Councillors	These functions will not be further delegated
Duty to make arrangements for proper administration of financial affairs, etc.	Council	All Members	Function delegated to Section 151 Officer Head of Finance and Property as set out in the Scheme of Delegation
Power to amend the Council's Constitution	Council	All Members	These functions will not be further delegated – although the Head of Legal Services acting as Monitoring Officer may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected
Power to appoint Officers for particular purposes (appointment of 'Proper Officers')	Personnel Committee	65 Members	These functions will not be further delegated
Duty to designate an Officer as the Head of the Authority's Paid Service	Personnel Committee	65 Members	These functions will not be further delegated

Functions	Committee	Membership	Delegation of Functions
and to provide staff			
Duty to designate an Officer as the Monitoring Officer, and to provide staff	Personnel Committee	65 Members	These functions will not be further delegated
Power to make Standing Orders as to contracts	Council	All Members	Function delegated to the Head of Finance and <u>Property and</u> to the Head of Legal Services as set out in the Scheme of Delegation
Power to make payments or provide other benefits in cases of maladministration, etc.	Council	All Members	This function is delegated to the appropriate Head of Service for payments / benefits up to the value of £2,500
Functions relating to Town and Country Planning and Development Control	District/Area Planning Committees	12 Members	Functions are delegated to the appropriate Area Planning Committee (Eastern and Western). Where their proposed resolutions are deemed by the Development Control Manager to have a significant impact on the implementation of the policies and proposals in the Local Development Plan, these will be referred to the District Planning Committee. Functions delegated to the Head of <u>Development and Planning and</u> Countryside as set out in the Scheme of Delegation. Some functions are delegated to the Head of <u>Development and Planning and</u> Countryside in consultation with the Head of Legal Services as set out in the Scheme of Delegation.
Powers relating to the Planning and Compulsory Purchase Act 2004	Area Planning Committees	12 Members	Functions delegated to the Head of <u>Development and Planning and</u> Countryside as set out in the Scheme of

Functions	Committee	Membership	Delegation of Functions
			Delegation
Licensing and registration functions	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture as set out in the Scheme of Delegation
Power to make closing order in respect of take-away shops	Licensing Committee	12 Members	Functions delegated to the Head of Culture and Environmental Public Protection and Culture as set out in the Scheme of Delegation
Functions relating to health and safety (except those relating to the Council as an employer)	Licensing Committee	12 Members	Functions delegated to the Chief Executive and / or the Head of Culture and Environmental Public Protection and Culture as set out in the Scheme of Delegation
Duty to keep and maintain a register of commons	Area Planning Committees	12 Members	Functions delegated to the Head of Legal Services as set out in the Scheme of Delegation
Duty to keep definitive maps and statement under review	Area Planning Committees	12 Members	Functions delegated to the Head of Planning Transport and Countryside as set out in the Scheme of Delegation
Powers relating to the preservation of important hedgerows	Area Planning Committees	12 Members Members for the relevant Wards	Functions delegated to the Head of Planning Transport and Countryside as set out in the Scheme of Delegation
Functions relating to public rights of way	Individual Decision Scheme	Members for the relevant Wards	Functions delegated to the Head of Planning Transport and Countryside in consultation with Head of Legal Services as set out in the Scheme of Delegation
Powers relating to the preservation of trees	Area Planning Committees	12 Members	Functions delegated to Head of Planning Transport and Countryside as set out in the Scheme of Delegation
Power to appoint staff and	Council	All Members	Powers to appoint staff at Head of Service

Functions	Committee	Membership	Delegation of Functions
to determine the terms and conditions on which they hold office (including procedures for their dismissal)			level and above delegated to the Personnel Committee by means of an Appointments Panel. Appointments below Head of Service level are delegated to the Chief Executive or the relevant Head of Service
As set out in Article 8 of this Constitution	Governance and Ethics Committee	68 District Councillors (only one of whom may be a Member of the Executive) 2 non-voting co-opted Parish Councillors	These functions will not be further delegated

- Table 3 - Summary of Licensing Authority functions in accordance with the Licensing Act 2003 (except where delegated below)

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Premises Licence (Section 18(3))		If a representation is made	If no representation is made
Application for a Personal Licence (Section 120(7))		If a representation is made	If no representation is made
Application for a Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate (Section 18(3) and 72(3))		If a representation is made	If no representation is made
Application for provisional statement (Section 31(3))		If a representation is made	If no representation is made
Application to vary Premises Licence/Club Premises Certificate (Sections 35(3) and 85(3))		If a representation is made	If no representation is made
Application to vary designated Personal Licence (Section 39(3))	If Police representation is made	If Police representation is made	All other cases
Request to be removed as a designated Personal Licence holder			All cases
Application for transfer	If Police	If Police	All other cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
of Premises Licence (Section 44(5))	representation is made	representation is made	
Application for interim Authorities (Section 48(3))	If Police representation is made	If Police representation is made	All other cases
Application to review Premises Licences/Club Premises Licence (Sections 52(2) or (3) and 88(2) or (3))		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			Officer in consultation with the Chairman and Vice-Chairman of the Licensing Committee or other appropriate appointed Members for this purpose.
Decision to object when Local Authority is a consultee and not the lead Authority			All cases
Determination of a Police representation to a temporary event notice (Section 105(2))		All cases	
Rights of Entry to investigate Licensable activities (Section 179)			Licensing Officers

- Table 4 - Summary of Executive Functions

Responsibility	Delegation of Functions	Onward limits on delegations
Executive	The formulation, review and monitoring of the Budget and Policy Framework, including consultation with relevant Committees, members of the public and interested parties, and the submission of recommendations for amending the Budget and Policy Framework of the Council	This function will not be delegated
Executive	The implementation of the approved Budget and Policy Framework, except in relation to those functions set out in Tables 1 and 2 of Part 3 of this Constitution which are shown as the responsibility of the	Functions will be delegated to the Chief Executive, Corporate Directors and Heads of Service in accordance with the Scheme of Delegation Functions delegated to

Responsibility	Delegation of Functions	Onward limits on delegations
	<p>Council or its Committees.</p> <p>This will include the management, control and supervision of :</p> <p>measures to promote the economic, environmental and social wellbeing of the District</p> <p>the development and review of plans and strategies to support the Council's Budget and Policy Framework and statutory responsibilities</p> <p>the Council's own financial and property resources</p> <p>Revenue Services and Benefits administration</p> <p>Support Services</p> <p>Library and Information Services</p> <p>Education Services and the promotion of Lifelong Learning</p> <p>Social Services and Health</p> <p>Environmental Services including planning, countryside, public protection and highway services</p>	<p>the Head of Paid Service (Chief Executive in accordance with Scheme of Delegation and in consultation with Members of the Joint Consultative Panel)</p>
Executive	<p>Representing the Council and the District to the public, other organisations and agencies, both within the District and at a regional / national level</p>	<p>This function will, in part, be delegated to the Chief Executive under the Scheme of Delegation</p>

• Table 5 - Summary of Partner Functions

Responsibility	Delegation of Functions	Onward limits on delegations
Registered Social Landlords	<p>Serving of Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.</p>	
Police Community Support Officers	<p>Serving of Community Protection Notices and Fixed Penalty Notices in accordance with Part 4 of the Anti Social Behaviour,</p>	

	Crime and Policing Act 2014.	
--	------------------------------	--

3.2 Officers' Scheme of Delegation

- Scope of Scheme

This Scheme sets out the extent to which the powers and duties of the Council shall be delegated to Officers. It encompasses both existing legislation (to include but not limited to primary and ~~any future re-enactment~~ secondary legislation, Orders and regulations etc.) and shall be deemed to include references to amending, substituted or addition to it extending legislation in force from time to time.

Powers designated to a Head of Service under this Scheme of Delegation shall immediately transfer to a successor Head of Service following a transfer of any functions as a result of a restructuring of Council Services.

The Scheme operates under Sections 101 and 151 of the Local Government Act 1972, Section 9E of the Local Government Act 2000 and all other powers under which the Council exercises its functions.

The Scheme places an obligation on Officers to keep Members properly informed of action arising within the scope of these delegations.

For the purposes of Section 101 of the Local Government Act 1972 the Council may authorise an Officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not Officers of the Authority. Such people will be bound by this Scheme and the obligations contained in it at all times when they are engaged on Council business.

The term "Officer" means any ~~Employee/Manager/Director employed by West Berkshire~~ employee of the Council- and includes any person engaged as a contractor, consultant or otherwise to perform the functions of an employee of the Council (and includes statutory officers, directors and managers).

- Consultation

In exercising delegated powers, Officers shall consult other Officers as appropriate and shall have regard to any advice given. Consultation in areas of financial, legal, personnel and property will be of paramount importance which includes the Council's strategic partners.

Officers shall liaise closely with the Executive on executive functions and the Chairmen of the Area Planning Committees and District Planning Committee or Chairman of the Licensing Committee on regulatory functions and Group Spokesmen before exercising delegated powers in relation to any matter which is likely to be regarded as politically sensitive or contentious.

Officers shall inform the local Ward Member(s) when they exercise any delegated powers affecting their Ward and when the matter is likely to be regarded as politically sensitive or contentious.

It shall always be open to an Officer to consult the Executive, the Area Planning Committees, the Licensing Committee, Personnel Committee or the Leader before the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Executive, the District Planning relevant Committee ~~the Area Planning Committees~~ or to Council for decision.

- Conditions of Delegation

By this Scheme, and subject to the limitations and reservations contained in it:

- (a) _____ Council authorises the Officers identified personally to exercise the powers specified herein; and
- (b) _____ powers delegated to Directors and Heads of Service may be exercised by any other duly authorised Officer on their behalf. _
- (c) _____ Powers delegated to Heads of Service may be exercised by the appropriate Corporate Director or the Chief Executive.

If any case where the Officer given general authorisation to act considers that a new departure in policy is likely to be involved or if the implications are such that they consider, after consulting the Chief Executive, that reference should be made to Members, the matter shall be referred to the Executive or the relevant Area Planning Committee for consideration.

Exercise of delegated powers by Sub-Committees or Officers does not, by virtue of Section 101(4) Local Government Act 1972, prevent the Executive the Council or its Committees from exercising those functions or powers.

~~Powers delegated to Heads of Service may be exercised by the appropriate Corporate Director or the Chief Executive.~~

_(Note: Directors and Heads of Service need to ensure that substantial matters dealt with under delegation are recorded.)

- Overall Limitations

Matters not Delegated

The Scheme does not delegate to Officers any matter:

- reserved to full Council by Standing Orders;
- reserved to the Executive or a Committee by the Scheme;
- withdrawn from delegation by the Scheme; and
- which may not by law be delegated to an Officer.

General Requirements

Any exercise of delegated powers shall comply with:

- any statutory restrictions;
- Rules of Procedure as contained in the Constitution;
- Policies and Plans approved by full Council, the Executive or the Council's committees; and
- Codes and Protocols.

Exercising Delegated Powers

In exercising delegated powers, Officers shall have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or Section 66 of the Local

Government Act 2000 or a report of the Section 151 Officer designated which is produced under Section 114 of the Local Government Finance Act 1988.

Financial Powers

Any decision taken under this Scheme must be made within the approved Revenue and Capital Budgets, subject to any discretion allowed by the Financial Rules of Procedure.

Acceptance of quotations and tenders and entering into contracts must be in accordance with the Finance Rules of Procedure and the Contract Rules of Procedure, detailed at Parts 10 and 11 of the Constitution.

Legal Powers

~~Officers are authorised to appear, institute proceedings prosecute and defend on behalf of the Council proceedings before a Magistrates' Court, County Court or similar tribunal in the first instance where the matters fall within the remit of their service unit. Officers are not authorised to exercise any of the powers delegated under this paragraph of any other legal proceedings (such powers being reserved to the Head of Legal Services).~~

Any reference to the power to administer or enforce the provisions of any Act, Order or Regulation etc., shall include the power to decide whether to administer or otherwise enforce those provisions. Any reference to the power to commence or institute legal proceedings shall include the decision to commence proceedings or prosecute, as well as all other action in the matter (including in appropriate cases, the power to reach a settlement, withdraw or discontinue proceedings).

3.3 General Delegation to Corporate Directors/Heads of Service

3.3.1 ~~Equipment~~

- ~~• Purchase of vehicles, plant and equipment for which expenditure has been approved subject to any policy for standardisation.~~
- ~~• Hire of plant as may be necessary for special works subject to inclusion of costs of hire within the approved estimates of the works.~~
 - Disposal of surplus plant equipment and materials. All Corporate Directors and Heads of Service shall be authorised to exercise the following powers and functions of the Council to the extent that they fall within the remit of their Service (or in the case of Directors, within the Directorate):
- ~~•~~
 - Legal Matters
- Service of requisitions for information as to ownership of any property under statutory powers.
 - ~~• Signature of licences, notices etc.~~

- Authority to apply for planning permission in respect of ~~small~~ projects and minor modifications to projects subject to a report on the action taken being submitted to the Executive.
- To grant, renew, refuse or cancel any authorisation that may be required under the Provisions of the Regulation of Investigatory Powers Act 2000 insofar as it affects their service area. This function may be delegated to third tier Officers but may not be delegated further.
 - Human Resources
- To agree temporary posts provided costs are contained within service staffing budgets (in accordance with West Berkshire Council's Conditions of Service).
- Employment of consultants to advise on specialist aspects of work within the relevant Service Area
- Advertisement of staff vacancies within establishment (in accordance with the Council's recruitment procedures).
- To fill a post without advertisement (in consultation with the Service Head, Human Resources and appropriate Trade Unions).
- Appointment of staff to posts below second tier.
- Determination of starting point within grade.
- To sign job offers and/or contract of employment for:
 - Corporate Director appointments (by Chief Executive)
 - Heads of Service appointments (by Chief Executive or responsible Corporate Director)
 - Other employee appointments (Corporate Director, Head of Service or Officer delegated by one of these)
- To agree flexible contracts, including job share, home working and term-time working (in consultation with Corporate Director, Head of Human Resources and appropriate Trade Unions).
- Confirmation of appointments on completion of probationary period.
- Exercise of the discretion contained within the National Conditions for sick payment entitlements.
- Approval of car purchases and car leases in accordance with West Berkshire Council's Conditions of Service and the Council's relevant policies (in consultation with the Head of Finance and Property).
- Extension of industrial accident pay (in consultation with the Head of Finance and Property).
- Approval of application of West Berkshire Council Service Related Additional Payments Scheme (in consultation with the Head of Human Resources).
- Approval of variations to Council payment schemes (in consultation with the Head of Human Resources and where appropriate with employees representatives).
- To implement the Council's disciplinary and grievance procedures in accordance with West Berkshire Council's Conditions of Service.

- To sign contracts for external employment services within approved budgets (with agreement of Corporate Director or Officer delegated by one of these).
- Authorising attendance of Officers at professional, administrative and educational meetings, conferences and courses.
- To determine new organisation structures below Head of Service level provided that:
 - there are no resultant redundancies;
 - the change is following consultation with relevant staff, existing staff; and
 - the change can be contained within service budgets.
- ~~In consultation with the Head of Finance and the Head of Legal Services, to make ex-gratia payments in respect of claims not exceeding £1,000 in respect of damage or injury resulting from the actions of clients looked after by the District Council both in relation to young people and adults. (See under Head of Strategic Support for ex-gratia payments for maladministration.)~~
- General organisation of services within policy laid down by Council.
- To determine whether a post falls within the definition of a 'sensitive post' under the Local Government and Housing Act 1989 and should therefore be included on the list of sensitive posts within the Council, which are subject to political restriction.
 - Tenders/Contracts
 - ~~General supervision and progressing of contracts.~~
 - ~~Execution of work and invitation for and acceptance of tenders for recurring or non recurring items provided for in the approved annual revenue estimates and estimates for the General Housing Repairs Fund, except items reserved by the Executive for further approval.~~
 - ~~Acceptance of tenders for demolition works approved by the Executive or Full Council.~~
 - ~~Acceptance, renewal and variation of maintenance contracts for installed equipment within the approved estimates.~~
 - No Officer shall place orders or authorise contracts to be awarded, otherwise than in accordance with the Council's Financial Rules of Procedure and Contract Rules of Procedure, as set out in this Constitution.
 - Emergencies
- If the Council needs to act urgently in any matter including, without limitation, complying with the Major Incident Plan or taking any action under new legislation of powers, the Chief Executive may authorise any action taken or expenditure occurred as necessary. A Corporate Director may act in the place of the Chief Executive where the Chief Executive is unwell, unobtainable or where there is no Chief Executive in post. The Chief Executive, or Corporate Director as appropriate, may delegate responsibility to a Head of Service or other nominated Officer where it is considered appropriate.

•3.4 Delegation to Specific Directors

(a) _____ The Corporate Director

Communities : _____
To

- Shall be appointed as a Director of Children Services and carryout functions pursuant to section 18 of the Children Act 2004.
- Shall be appointed as a Director of Adult Social Services and carryout functions pursuant to section 6 of the Local Authority Social Services Act 1970.
- Is authorised to give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
- Tels authorised to exercise the powers of the Council under paragraph 20 of Schedule 2 of the Children Act 1989 in relation to the death of children looked after by local authorities.
- Tels authorised to exercise the functions of the Council under Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.
- Tels authorised to approve the registration of children's homes under Part VIII of the Children Act 1989 ~~in accordance with the Children's Homes Regulations 1991.~~
- Tels authorised to agree Service Level Agreements/Joint Arrangements with other agencies in respect of the provision of joint leisure, cultural and information services
 - ~~To respond to and determine responses to recommendations made at any stage of the Social Services statutory complaints processes and other complaints procedures operated within Social Care Services, including application of financial redress, as considered appropriate by the Corporate Director or Head of Service, in consultation with the relevant Portfolio Member, within the framework of the Local Government Ombudsman Good Practice Remedies (March 2003), Revised in 2005 document, any relevant guidance from the Department of Health, Financial Rules of Procedure, and where necessary, in consultation with the Monitoring Officer.~~
- Tels authorised to appoint Officers to act as Approved Mental Health Professionals under the Mental Health Act ~~2007~~1983.
 - ~~Caravan Act 1968~~
 - ~~Local Government and Housing Act 1989, Part VIII~~
 - ~~Housing Act 1985~~
 - ~~Housing Act 1996 – Parts VI and VII~~
 - ~~Housing Grants, Construction & Regeneration Act~~
 - ~~Housing Act 1988 – Part II~~
 - ~~Gypsy Sites~~
 - ~~Housing Act 1985:~~

- ~~Determination of rents of new properties in line with rents of other Council properties.~~
- ~~All matters pertaining to rent collection and the recovery of arrears.~~
- ~~Service of Notices to secure possession where there are arrears of rent.~~
 - ~~Service of Notice to Quit on tenants of Council dwellings. The Head of Care Commissioning, Housing and Safeguarding can also undertake this function.~~
- ~~Allocation of pitches on Council owned caravan sites.~~
 - ~~Applications for emergency housing accommodation from persons threatened with eviction.~~
- ~~Decisions on all matters relating to the Council's conditions of tenancy in relation to the Council's statutory housing function.~~
- ~~Assessing current and future need for affordable housing and demand for market housing~~

~~(b) Environment~~

- ~~The Corporate Director (Environment) [or in their absence the Head of Culture and Environmental Protection] in consultation with the Section 151 Officer and Monitoring Officer and the Portfolio Holder for Waste matters may ____~~

The Corporate Director Economy and Environment:

- Is authorised to make changes to the Integrated Waste Management contract regarding operational matters in order to achieve improvements to the quality and efficiency of the service provided by the Contractor in consultation with the Section 151 Officer and Monitoring Officer and the Portfolio Holder for Waste matters may.
- Any such decision shall be recorded in writing on an agreed Decision Form signed by all consultees in order to provide a recognised audit trail of all such decisions and to ensure Member consultation.
- The financial limits set out in the constitution will provide the basis of any financial assessment of the benefit or otherwise of any amendment to the operational requirements of the contract and under the above process will require approval by the Section 151 Officer.
- The Corporate Director (Economy and Environment) retains the option to refer any matter to the Executive having assessed the potential risk to the Council and impact on service provision to the public.

~~(e)~~

The Chief Executive:

- ~~The Power~~Is authorised to approve new and revised HR policies and procedures ~~is delegated to the Chief Executive.~~ The Chief Executive may decide to refer particular HR policies and procedures to the Personnel Committee rather than exercise the delegation.

3.43.5 Schedule of Proper Officer Appointments

Sect	Function	Exercised by
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Sect	Function	Exercised by
<p>The following Officers have been appointed Proper Officer for the purposes of <u>exercising the functions under the legislation referred to below under mentioned provisions of the Local Government Act 1972:</u></p>		
	<u>Local Government Act 1972</u>	
83	Witness and receipt of declarations of acceptance of office	The Chief Executive or Head of Legal Services
84	Receipt of declarations of resignation of office	The Chief Executive or Head of Legal Services
86	Declaration of a vacancy	The Chief Executive or Head of Legal Services
88(2)	Convening of meeting of Council to fill a casual vacancy in the office of Chairman	Head of Strategic Support
89(1)(b)	Receipt of notice of casual vacancy from two local government electors	The Chief Executive or Head of Legal Services
<u>100B-F</u>	<u>Circulation of Reports and Agendas</u> <u>Supply of Papers to the Press</u> <u>Summaries of Minutes</u> <u>Members' Right to Papers</u> <u>Compilation of Lists Background Papers and Identification of Background papers.</u>	<u>The Head of Strategic Support</u>
<u>115(2)</u>	<u>Receipt of money due from Officers</u>	<u>Head of Finance and Property</u>
<u>146 (1)</u>	<u>Declarations and certificates with and regards to securities</u>	<u>Head of Finance and Property</u>
151	Officers having responsibility for the administration of the Council's financial matters	Head of Finance <u>and Property</u> or deputy appointed in writing
<u>191</u>	<u>Functions with respect of Ordnance Survey</u>	<u>Head of Development and Planning</u>
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to Proper Officers	Head of Legal Services
212(1) & (2)	Proper Officer to act as local registrar for Land Charges Act 1925	Head of Strategic Support

Sect	Function	Exercised by
225(1)	Proper Officer for the depositing with the Independent Adjudicator the list of politically restricted posts under Section 2(4) of the Local Government & Housing Act 1989	Chief Executive
225(1)	Deposit of Documents	Head of Legal Services
228(3)	Accounts of 'any Proper Officer' to be open to inspection by any Member of the authority	Head of Finance <u>and Property</u>
229(5)	Certification of photographic copies of documents	Appropriate Director or Head of Service from which the document originates
234	Authentication of all documents on behalf of the Council	Appropriate Director or Head of Service from which the document originates
	Sealing of all documents on behalf of the Council	Head of Legal Services or their deputy authorised in writing.
236(9)	To send copies of byelaws for Parish records	Head of Legal Services
	To receive copies of byelaws and deposit them with public documents of Parish or community	Head of Legal Services
238	Certification of Byelaws	Head of Legal Services
248	Keeping a Roll of Freeman	Head of Strategic Support
Sch. 12 Para 4(2)(b) & 4(3)	Signature of summonses to Council meetings	Head of Strategic Support
	Schedule 12 Receipt of notices regarding Para 4(3) address to which summons to meetings is to be sent	Head of Strategic Support
Sch. 14 Para 25(7)	Certification of resolutions under Para 25 of Schedule 14	Head of Planning and Countryside <u>Strategic Support</u>
Sch. 16 Para 28	Receipt on deposit of lists of protected buildings (Sections 146(6) and (7) of the Town & Country Planning Act 1990	Head of <u>Development and</u> Planning and Countryside
<u>Local Government (Miscellaneous Provisions) Act 1976</u>		
Section 41 - Local Government (Miscellaneous Provisions) Act 1976:		Head of Strategic Support

Sect	Function	Exercised by	
	Certification of minutes and resolutions		
	Representation of the People Act 1983 as follows:		
	Section 8 - Registration Officer and the Deputy Registration Officer under Section 8 of the Act	Chief Executive Elections and Land Charges Manager	
	Section 35 - Returning Officer for elections	Chief Executive	
	Local Government Act 1972:		
	Section 115(2) - Receipt of money due from Officers	Head of Finance	
	Section 146 (1)	Declarations and certificates with and regards to securities	Head of Finance
	To ensure that the Council's policies on Data Protection and Freedom of Information are complied with.	Head of Strategic Support	
	Any reference to any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any Instrument made before 26th October 1972, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.	Chief Executive Corporate Directors	
	The provisions of Section 191 of the Local Government Act 1972 - Functions with respect of Ordnance Survey	Head of Planning and Countryside	
	Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any Instrument made before 26th October 1972, to the Public Health Inspector of a District or Borough Council which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.	Head of Culture and Environmental <u>Public Protection and Culture</u>	
	For the purpose of: - Marriage Act 1949 - Registration Services Act 1953 - Local Registration Scheme - Provisions relating to new governance of the Registration Services	Head of Customer Services <u>Public Protection and Culture</u> with Superintendent Registrar as deputy	
	Local Government Act 1972 as amended:		
	Section 100B(2) Circulation of Reports-	Head of Strategic Support	

Sect	Function	Exercised by	
Section 100B(7)	Supply of Papers to the Press		
Section 100C(2)	Summaries of Minutes		
Section 100F	Members' Right to Papers		
Section 100d(1)(a) & Section 100D(5)(a)	Compilation of Lists Background Papers and Identification of Background papers.		
Designated Officer as 'Head of Paid Service' under the provisions of the Local Government and Housing Act 1989		Chief Executive	
Designated Officer as 'Monitoring Officer' under the provisions of the Local Government and Housing Act 1989		Head of Legal Services or deputy appointed in writing by the Monitoring Officer.	
Signing and authorising all property valuations on behalf of the Council		Head of Finance <u>and Property</u>	
Carrying out the various statutory duties required under the Weights and Measures Acts 1963 and 1985 and/or any regulations or amendments made there-under on behalf of the Council.		The most senior qualified Trading Standards Officer as approved and appointed by the Head of Culture- and Environmental <u>Public Protection and Culture</u>	
Nominating representatives for the purpose of the Local Government Pension Scheme (Internal Dispute Resolution Procedure) Regulations 1997.		Head of Finance <u>and Property</u> (Section 151 Officer)	
<u>Neighbourhood Planning (Referendums) Regulations 2012</u>		<u>Head of Development and Planning</u>	
<u>Any proper officer post not specified in the above list.</u>		<u>The Chief Executive</u>	
In the event of any Officers appointed as Proper Officer being absent or otherwise unable to act, the following Officers have been authorised to act as Proper Officers in their place:			
For the Chief Executive		Appropriate Corporate Director <u>or other officer authorised in writing by the Chief Executive.</u>	
For the Head of Legal Services		Legal Services Managers within Legal Services with relevant knowledge	
For the Head of Finance <u>and Property</u>		Appropriate Corporate Director <u>or deputy authorised in writing by the s151 Officer</u> Head of Finance and Property.	
Others		Appropriate Corporate Director	

- **Delegations to Heads of Service**

The following Specific delegations are granted to ~~the~~ Heads of Service as set out in section 3.56 to 3.17 below.

3.5 ~~Head of Finance~~

- ~~Designation~~

3.6 Head of Adult Social Care

~~The Head of Finance will be the Council's designated Section 151 Officer under the Local Government Act 1972.~~

- ~~Responsibility~~

~~The Head of Finance provides strategic support on commissioning~~

~~Subject to the Council.~~

~~The Head of Finance provides strategic financial advice to the Council.~~

- ~~Finance General~~
- ~~Local Government Finance Act 1992 S17 reservations and Local Government Finance Act 1988 Schedule 4A.~~
- ~~The power to opt to tax certain properties for VAT purposes (in consultation with Head of Legal Services).~~
- ~~Determination of the appropriate rate of interest which may be charged, under Section 24 of the Health and Social Services and Social Security Adjudications Act 1983, on any sum charged on or secured over an interest in land under Section 22 of the Act (in consultation with the Corporate Director (Communities))~~
 - ~~Decisions to write off arrears in the case of bankruptcies and liquidations once the Council has proved the debt.~~
 - ~~Declaration of the Local Rate of Interest on Mortgage Advances on the basis that all mortgages are treated as if they are advances under the Housing Act 1985 and subject to decisions being reported to the Executive (in consultation with Head of Care Commissioning, Housing and Safeguarding).~~
- ~~Agreement as to reduction in rateable value.~~
 - ~~Investment of surplus funds.~~
- ~~Writing off debts as irrecoverable up to an amount not exceeding £10,000 and exceeding £10,000 in cases where the debtor has been declared bankrupt.~~
- ~~To make any necessary changes to the Constitution consequent upon amendments to the European thresholds on Procurement (see Contract Rules of Procedure).~~
 - ~~To accept terms and conditions attached to any Government grants (e.g. s31 grant for Major Schemes)~~

- ~~Loans and Borrowing~~
- ~~Raising of loans in sterling to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary.~~
- ~~Borrowing in sterling from banks up to a proscribed limit by way of overdraft.~~
- ~~Raising and repayment of temporary loans in sterling.~~
 - ~~Valuation~~
- ~~Service on Valuation Officer of Notice of Objection to any proposals for alteration of the Valuation List.~~
- ~~Making proposals for the alteration of the Valuation List or for the inclusion of particular properties in the Valuation List.~~

~~3.6.1 Housing Benefits~~

- ~~Housing Benefits General Regulations 1987 Regulations 79 and 81. Council Tax Benefits (General Regulations 69-70).~~
- ~~Housing Benefit Regulations 11 (Unsuitable Accommodation) 69(8) (Additional Amount of Benefit in Exceptional Cases), 20 (Benefit by Reference to Another Person's Income). Housing Benefits Regulations 61 (3)(4) (Exceptional Hardship Payments).~~

~~3.6.2 Local Government Finance Act 1988~~

- ~~Sections 89, 91, 92, 97 and 98 – Establishment and Maintenance of Funds.~~
- ~~Section 134 – Consultation with representatives of National Non-Domestic Ratepayers. (Exercised by the Chief Executive). Schedule 9 and regulations made there under – all functions. This schedule gives the service the powers to administer, collect and enforce business rates. It gives the same powers as those for council tax as given in 3.5.8 and 3.5.9.~~
- ~~Section 41 Publication of Draft NNDR list.~~
- ~~Sections 27, 73 and 77 – Supply of Information to Secretary of State.~~
- ~~Section 42A – compilation and maintenance, in accordance with section 42B, of a rural settlement list~~
(Note: this relates solely to the provisions for rate relief for certain types of property in rural settlements having populations of less than 3,000)
- ~~Sections 5, 95(1) (3), 95(5) (9), 97 and 107 – Statutory Calculations.~~

~~3.6.3 Council Tax (Administration and Enforcement) Regulations 1992~~

~~All Local Authority powers/duties contained within regulations except those within Sections 25 and 26 (discounts).~~

~~3.6.4 Council Tax (Administration and Enforcement) Regulations 1992 and Schedule 4 Local Government Finance Act 1992~~

- ~~Representing the Council at all proceedings in connection with the collection of Council Tax.~~
- ~~All Local Authority powers/duties contained within the Regulations.~~

~~3.6.5 Council Tax (Situation and Valuation of Dwellings) Regulations 1992~~

~~All Local Authority powers/duties contained within the Regulations.~~

~~3.6.6 Council Tax (Reductions for Disabilities) Regulations 1992~~

~~All Local Authority powers/duties contained within the Regulations.~~

~~3.6.7 Local Authorities (Calculation of Council Tax Base) Regulations 1992~~

- ~~• Regulations 3 to 5 – calculation of the amount of a billing authority's council tax base for the purposes of the calculation of its council tax.~~
- ~~• Regulation 6 calculation of a billing authority's council tax base for a part of its area for the purposes of the calculation of its council tax similarly to the way in which the council tax base is to be calculated for the whole of a billing authority's area under regulations 3 to 5.~~
- ~~• Regulation 7 the calculation of the council tax base of the area or part of the area of a billing authority for the purposes of the calculation of a major precepting authority's council tax and the amount payable by a billing authority to a major precepting authority, based on the rules/exceptions set out in regulations 3 to 6.~~

~~(Note: the power to delegate to officers is contained in section 67 of the Local Government Finance Act 1992 as amended by s.84 of the Local Government Act 2003)~~

~~3.6.8 Local Government Finance Act 1992 Section 13A~~

~~Reduction of the amount a person is liable to pay by way of council tax including a power to reduce an amount to nil. The power may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.~~

- ~~• Matters Relating to Children and Young Persons~~
- ~~• Where requested by the Head of Legal Services, to take joint action to take out letters of administration with or without the will annexed for:~~
 - ~~• the estate of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;~~
 - ~~• the estates of children or young persons who die whilst in the care of the Council;~~
 - ~~• and to administer such estates in the manner directed by the appropriate probate registry.~~
- ~~• Jointly with the Head of Legal Services to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.~~
- ~~• Local Government Act 1972 Schedule 13 Paragraph 5 – Issue of money bills.~~

~~3.6.9 — Local Government (Miscellaneous Provisions) Act 1976~~

- ~~• Section 30 — to forgo payment of advances of remuneration paid to deceased employees (in consultation with the Head of Legal Services).~~
- ~~• Section 40 — powers and duties relating to register kept of persons entitled to instruments relating to loans to a Local Authority.~~

~~3.6.10 — Housing Act 1985~~

- ~~• Applications from tenants to carry out external or internal improvements or alterations to Council dwellings, subject to compliance with Building Regulations and Planning requirements.~~
- ~~• Applications from tenants for the erection of garages, sheds, hard-standing etc., subject to conformity with Building Regulations and Planning requirements. Decisions on all matters relating to Council's conditions of tenancy.~~
- ~~• Applications for consent to transfer existing mortgages into joint names of Mortgagor and other members of the Mortgagor's family.~~
- ~~• Authority to write off amounts of up to £50 in respect of rent arrears.~~
 - ~~• Implementation of Court Orders for Possession of Council houses. (Head of Legal Services as instructed by Head of Finance)~~
 - ~~• Institution of proceedings for possession of mortgaged houses. (Head of Legal Services as instructed by Head of Finance in consultation with Head of Finance). Decision to 'buy back' Council houses under terms of pre-emption clause.~~

~~3.6.11 — Property Matters~~

- ~~• Making proposals to the Valuation Office Rating List.~~
 - ~~• Agreement to reductions affecting Council-owned property.~~
 - ~~• An agreement of compulsory purchase and home loss payment claims up to £15,000.~~
 - ~~• Insurance~~
- ~~All insurance arrangements and settlement of claims.~~

~~3.6.12 — Human Resources~~

~~Application of market shift to a post within approved establishment in case of difficulties in recruitment.~~

~~3.7 Head of Children and Family Services~~

~~3.7.1 — General~~

- ~~• Within the provisions of Part III of the Children Act 1989 and the National Health Service and Community Care Act 1990, to arrange for the purchase and provision of appropriate care services to those persons assessed as having needs that fall within the Council's agreed priorities, subject always to appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of appropriate suppliers.~~

- ~~To grant applications for and impose conditions of registration of child-minding and day-care for young people under the Children Act 1989.~~
- ~~To revise and cancel registration.~~
 - ~~To vary the conditions of registrations, shall be authorised to~~
 - ~~To set up arrangements for the hearing of representations and complaints in accordance with Section 26 of the Children Act 1989 and the National Health and Community Care Act 1996.~~
- ~~To make provision for the accommodation of children in secure accommodation in accordance with Section 25 of the Children Act 1989.~~
- ~~To approve and sign applications for passports for children and young persons in the care of the Council.~~
- ~~To arrange for a child in care to live abroad subject to the approval of a Court in accordance with paragraph 19 of Schedule 2 of the Children Act 1989.~~
- ~~To approve the applications of children and young persons in the care of the Council who wish to join HM Forces.~~
- ~~To exercise the functions of the Council under Part VI of the Children Act 1989 in relation to the provision of accommodation for children in community homes.~~
- ~~To arrange interest free loans to foster parents to provide accommodation for children and young people in care by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be reduced by the way of a special allowance for as long as they care for foster children.~~
- ~~To approve the institution of adoption proceedings by foster parents, duties and powers of the Council as set out in any relevant legislation relating to Adult Social Care, which shall include~~
 - ~~To set up an adoption panel in accordance with Regulation 56 of the Adoption Agencies Regulations 1983 and to make such decisions and notifications as to the adoption of children as are specified in those regulations.~~
 - ~~To exercise the functions of the Council under Sections 85 and 86 of the Children Act 1989 in relation to the children accommodated by health and education authorities or in residential care homes or mental nursing homes.~~
 - ~~To assess the contributions to be paid towards board and lodging by working children in accordance with the currently agreed formulae, provided that the amount remaining for weekly personal pocket money and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.~~
 - ~~To waive charges or make additional allowances where the child has exceptional circumstances, such as apprenticeship and heavy travelling expenses.~~

- ~~To increase the contribution of children in lodgings in appropriate circumstances in order to help to assimilate the heavier cost of lodging after leaving care.~~
- ~~To approve request for young people in care to reside outside the UK for the purpose of training, work experience or work opportunities.~~

3.7.2 ~~Support to Children and Families in their Own Home~~

- ~~To exercise the powers of the Council under Section 7 of the Children Act 1989 to report to the Court on the welfare of children in private proceedings.~~
- ~~To exercise any functions of the Council relating to Orders with respect to children in family proceedings under Part II of the Children Act 1989.~~
- ~~To exercise the powers of the Council under Section 16 of the Children Act 1989 to provide advice, assistance and befriending under the terms of a Family Assistance Order.~~
- ~~To exercise the functions of the Council under Section 17 and Part I of Schedule 2 of the Children Act 1989 to safeguard and promote the welfare of children in need including financial assistance within current budgetary limits.~~
- ~~To guarantee to housing associations, district councils and private landlords, and to authorise the payment of any rent accruing due from tenants in those cases where the Council has asked the housing associations or private landlord to retain the tenants in their houses whilst efforts are made by Council's Officers to rehabilitate them in cases coming within the provision of Section 17 of the Children Act 1989.~~
- ~~Approve arrangements for the financial and other support of young people formerly looked after by the Council and by others under Section 24 of the Children Act 1989 within current budgetary limits.~~
 - ~~In accordance with procedures agreed in writing in advance, with the Head of Finance, to vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the child in question. (Note: The assessment scale is never varied but the amount that is paid is covered by the delegated power to waive charges see above).~~
 - ~~Child Protection~~
 - ~~To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children in accordance with Section 47 of the Children Act 1989.~~
 - ~~To take such action as is necessary under Section 31 of the Children Act 1989 to bring a child or young person before a Court where there are grounds for bringing care proceedings.~~
 - ~~To present an application to a Court for the variation or discharge of any care order or supervision order in accordance with Section 39 of the Children Act 1989.~~

- ~~To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order under Part V of the Children Act 1989.~~
- ~~Accommodation, Care, Fostering and Adoption~~
- ~~To provide accommodation for children in need in pursuance of the Council's duty under Section 20 to 23 of the Children Act 1989.~~
- ~~To exercise the functions of the Council to undertake parental responsibility for children who are the subject of Care Orders and to make arrangements for reasonable contact with parents and others in accordance with Sections 33 and 34 of the Children Act 1989.~~
- ~~To allow children who are the subject of a care order to reside at home in accordance with Section 23 (5) of the Children Act 1989, subject to the Accommodation with Parents Regulations 1994.~~
- ~~To make contributions towards the maintenance of children placed with a person as a result of a Residence Order in accordance with paragraph 15 of Schedule 1 of the Children Act 1989.~~
- ~~To approve payment of the legal expenses of applicants for a Residence Order or other Section 8 Orders in respect of children in care to the extent that they are not met by Legal Aid Fund.~~
- ~~To change the names of children who are the subject of a care order in favour of the Council, subject to the requirements of Section 33 of the Children Act 1989.~~
- ~~To appoint an independent visitor for a child where appropriate in accordance with paragraph 17 of Schedule 2 of the Children Act 1989.~~
- ~~To guarantee apprenticeship and similar deeds under paragraph 18 of Schedule 2 of the Children Act 1989.~~
- ~~To approve the payment of the legal expense of prospective adoptive parents for children who are being placed for adoption by the Council as an Adoption Agency.~~
- ~~To grant allowances to persons who have adopted children in accordance with Section 57 of the Adoption Act 1976 and regulations which may be issued by the Secretary of State.~~
- ~~To take in such action as may be necessary to implement the payment of the various foster care allowances for the time being approved by the Council within current budgetary limits, and in consultation with the Head of Finance, to increase the allowances annually in accordance with the scales recommended by the National Foster Care Association.~~
- ~~To sanction payment of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.~~
- ~~To approve applications to go on school expeditions, including expeditions abroad, of children looked after by the Council including~~

~~expenditure on equipment and pocket money within the current budgetary limits.~~

- ~~• To make payments within limits set by the appropriate Corporate Director from time to time to promote contact between parents and children looked after by the Council in accordance with paragraph 16 of Schedule 2 of the Children Act 1989.~~
- ~~• To exercise the powers of the Council under Part III of Schedule 2 of the Children Act 1989 relating to contributions towards the maintenance of children looked after by local authorities.~~
- ~~• To exercise the powers conferred on the Council under Part IX of the Children Act 1989 in respect of arrangements for the care of privately fostered children.~~
- ~~• To make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 of the Children Act 1989.~~

~~3.7.3 Home Care Services: Financial Matters~~

- ~~• In accordance with procedures approved in advance by the Head of Finance to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.~~
- ~~• In accordance with procedures agreed in writing in advance, with the Head of Finance, to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.~~

3.8 ~~Head of Adult Social Care~~

- ~~• not be limited to the following:~~

~~The Care Act 2014~~

~~Mental Health Act 1983~~

~~Mental Capacity Act 2005~~

- ~~• Residential and Nursing Home Accommodation~~

- ~~• To Subject to the Council's Contract Rules of Procedure and Financial Rules of Procedure, to authorise and approve the maintenance costs for the admission of any person to any residential or nursing home accommodation and enter into such contracts.~~

~~3.8.1 Disability~~

- ~~• To authorise the following facilities applications to the Court of Protection for any registered disabled person, within the approved budget and within approved policies:~~
 - ~~• attendance at a centre providing appropriate development opportunities;~~
 - ~~• the provision of special facilities;~~

- ~~• minor alterations and adaptations to premises including the installation of appropriate equipment, the works to be supervised by the appropriate professional staff;~~
 - ~~• contribute, where assessed as appropriate, to the cost of adaptations to premises where the client is not eligible for a grant.~~
 - ~~Within the approved policies and estimates of the Council to discharge the duties towards people~~ act as Financial and Property Affairs Deputy (Authorisation for Health and Welfare applications to remain with disabilities imposed upon the Council by community care legislation the Head of Legal Services).
 - To act as Financial Deputy in all matters in which it is appropriate for the Council to act and in accordance with any Court Orders made by the Court of Protection.-
- Better Care Fund
 - Quarterly Performance Reporting
 - To approve performance reporting for the Better Care Fund Programme
 - ~~• To accept a guardianship application and to exercise the powers of Guardianship under ss.7-10 of the Mental Health Act 1983.~~
 - ~~• To exercise the functions of the nearest relative under the powers contained in the Mental Health Act 2007 in all matters in which it is appropriate for an Officer of the Council so to act.~~
 - ~~• To exercise the functions as laid out in the Deprivation of Liberty Safeguards guidance April 2009~~
- Better Care Fund
 - Quarterly Performance Reporting
 - To approve performance reporting for the Better Care Fund Programme
 - ~~• within the provisions of the Health and Social Care Act 2012 the Head of Adult Social Care in consultation with the Chair and Vice Chair of the Health and Wellbeing Board~~
 - Home Care Services: Financial Matters
 - In accordance with procedures approved in advance by the Head of Finance and Property to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.
 - In accordance with procedures agreed in writing in advance, with the Head of Finance and Property, to vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and Community Care legislation where failure to do so would adversely affect the welfare of the child/ or adult in question.
 - Within the provisions of community care legislation, to arrange for the purchase and provision of appropriate care services to those persons assessed as having needs that fall within the Council's agreed priorities,

subject always to appropriate Contract and Financial regulations, the approved policies and estimates of the Council and the proper identification of appropriate suppliers including carers.

~~3.9 — Head of Care Commissioning, Housing and Safeguarding~~

- ~~HousingMental Health Act 20041983~~
 - ~~To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.~~
 - ~~To make use of planning and housing powers to address poor housing~~
 - ~~Housing Grants, Construction & Regeneration Act 1996~~
 - ~~To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.~~
 - ~~To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.~~
 - ~~To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub region~~

~~3.9.1 — Local Government and Housing Act 1989, Part VIII~~

- ~~To offer grants for the improvement and/or repair of housing.~~
- ~~To determine applications for Housing Association Grant with regard to the purchase of properties in the second hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.~~
- ~~Determination of application for individual DIYSO Housing Association Grant.~~
- ~~Implementing rent reviews in accordance with valuers' instructions.~~

~~3.9.2 — Housing Act 1988 — Part I~~

- ~~Carry out repairs to units of temporary accommodation in accordance with Housing Sub-Committee Minute 39 (03.02.98).~~
- ~~Action under Section 157 of the Housing Act 1985 re: Repurchase of ex-Council House Stock on Rural Areas.~~

~~3.9.3 — Gypsy Sites~~

- ~~To commission professional services in relation to gypsy sites~~To accept a guardianship application and to exercise the powers of guardianship under the Mental Health Act 1983
 - ~~To exercise the functions of the Nearest Relative~~ under the Caravan Sites Act 1988.
- ~~To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting these needs, in accordance with the Housing Act 2004~~

- ~~To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.~~

~~3.9.4 — Housing Act 1996 (as amended by the Homelessness Act 2002~~

- ~~To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing~~

~~To exercise powers contained in the duties conferred on the Council under Part VII of the Housing/Mental Health Act 1996 in relation to homelessness.~~

~~3.9.5 — Home Energy 1983 and Conservation the Mental Health Act 1995~~

- ~~To promote energy efficient homes including administering grants for energy efficiency.~~

~~3.9.6 — Future Development Sites~~

~~The Head of Care Commissioning, Housing and Safeguarding, in consultation with the Head of Planning and Countryside, be given delegated authority to determine the mix of types of affordable housing (that is to say the ratio of shared ownership to rented or a financial contribution instead that is to be varied, based on individual site/community needs) to be provided on future development sites, in line with adopted planning policies, and that this process form part of any pre-application or general application negotiations undertaken as part of the development control function.~~

~~The Head of Care Commissioning, Housing and Safeguarding be given delegated authority to determine the level of affordable housing financial contribution in line with current policy.~~

~~3.9.7 — 2007 Sites with Existing Planning Permission~~

~~The Head of Care Commissioning, Housing and Safeguarding be authorised to negotiate with developers variations in the mix of types of affordable housing specified in Section 106 Agreements to be provided on specified sites, following consultation with the Head of Legal Services, the Head of Planning and Countryside, and in line with adopted planning policies.~~

~~3.9.8 — Disability~~

- ~~To act as Deputy in all matters in which it is appropriate for an Officer of the Council so to act and in accordance with any Court Orders made by the Court of Protection.~~

~~3.9.9 — Safeguarding~~

~~Deprivations of Liberty~~

- To authorise deprivations of liberty in accordance with Schedule A1 of the Mental Capacity Act 2005.
- To authorise applications to the Court of Protection in conjunction with the Head of ~~Service for legal~~ Legal Services for those being deprived of their liberty falling outside Schedule A1 of the Mental Capacity Act 2005.
 - ~~To authorise applications (with ability to delegate to the Client Financial Services Manager) to the Court of Protection for the Council to act as Financial and Property Affairs Deputy (Authorisation for Health and Welfare applications to remain with the Head of Legal Services).~~

3.103.9 Head of Children and Family Services

3.113.10 Head of Strategic Support

- ~~General~~

~~Power under Section 92 of the Local Government Act 2000 to direct the appropriate Corporate Director or Head of Service in consultation with the relevant Portfolio Member, to make ex-gratia payments up to £2,500 or to provide other benefits to remedy complaints, within the framework of the Local Government Ombudsman Good Practice Remedies (March 2003) document, and Financial Rules of Procedure, and where necessary in consultation with the Monitoring Officer.~~

- ~~Local Government Act 1972~~

- ~~Section 225(1) to receive and retain documents deposited.~~
- ~~Schedule 12 Paragraph 4(2)(a) to publish the time and place, within five clear working days, of the Council meeting.~~
- ~~Schedule 12 Paragraph 4(2)(b) to sign the summons to attend the Council meeting.~~
- ~~Schedule 12 Paragraph 4(3) to receive notices regarding addresses to which summons to meetings are to be sent.~~
- ~~Schedule 14 Paragraph 25(7) to certify copies of resolutions for the purposes of legal proceedings.~~
- ~~Section 248 to retain a roll of Freeman.~~
- Subject to the reservations and exceptions set out in this Scheme, the Head of Children and Family Services shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to Children and Family Services, which shall include but not be limited to the following:
 - Children Act 1989 Civil Contingencies
 - National Health Service and Community Care Act 1990
 - Children Act 2004
 - Children and Young Persons Act 2008
 - Children and Families Act 2014
 - Children and Social Work Act 2017

- In accordance with procedures agreed in writing in advance with the Head of Finance and Property, to vary the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 to the child in question.

- Child Protection

~~The Civil Contingencies Act, 2004 provides a single framework for civil protection in the United Kingdom. Part 1 of the Act and supporting regulations and guidance (Emergency Preparedness) establishes a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level. The Act divides local responders into two categories, imposing a different set of duties on each.~~

~~Those in Category 1, are these organisations at the core of the response to most emergencies (e.g. emergency services, local authorities, NHS bodies). Category 1 responders are subject to the full set of civil protection duties. They will be required to:~~

- ~~Assess the risk of emergencies occurring and use this to inform contingency planning;=~~
- ~~Put in place emergency plans;=~~
- ~~Put in place Business Continuity Management arrangements;=~~
- ~~Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;=~~
- ~~Share information with other local responders to enhance co-ordination;=~~
- ~~Co-operate with other local responders to enhance co-ordination and efficiency; and=~~
- ~~Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).=~~

~~Category 1 and 2 organisations will come together to form Local Resilience Forums (based on Police areas) which will help co-ordination and co-operation between responders at the local level.~~

- Electoral Matters

~~Designation of Polling Places (in consultation with Ward Members).~~

- ~~Localism Act 2011 – Part 5 Chapter 3 – Assets of Community Value~~

~~To delegate to the Head of Strategic Support the management of the Assets of Community Value provisions (Community Right to Bid) in accordance with Part 5, Chapter 3 of the Localism Act 2011.~~

- ~~Anti Social Behaviour, Crime and Policing Act 2014~~

- To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children.
- To delegate to the Head of Strategic Support the authority to make take such action as is necessary to bring a child or young person before a Court where it is considered that there are grounds for bringing care proceedings.
- To present an application to a Public Space Protection Court for the variation or discharge of any care order or supervision order.

- To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order.
 - Accommodation, Care, Fostering and Adoption
- in To provide accommodation, care, fostering and adoption services for children in need, including by the arrangement of interest free loans to foster parents.
 - Home Care Services: Financial Matters
- In accordance with Chapter 2 procedures approved in advance by the Head of Finance and Property to waive the assessment charges for any services to clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring such action in a register to be provided for this purpose.
- In accordance with procedures agreed in writing in advance, with the Head of Finance and Property, to vary or waive the charges for any service provided by the Council under Part III of the Anti-Social Behaviour, Crime and Policing Children Act 1989 where failure to do so would adversely affect the welfare of the child in question.

3.18 Head of Commissioning

Subject to the reservations and exceptions set out in this Scheme, the Head of Commissioning shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to commissioning, which shall include but not be limited to the following:

- Specifically in relation to Care Act 2014: market shaping, promoting quality & supporting sustainability places statutory duty on LA for Market Shaping and the need to commission effective appropriate commissioned services as well as managing market failure and market interruptions.
 - Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)
~~To delegate authority to the Head of Strategic Support in consultation with the Leader of the Council and the Leader of Opposition, to appoint members to the Independent Remuneration Panel.~~
- Through the function of Care Quality the Care Quality Commission (Registration Regulations) 2009 (SI 2009/3112) to provide Care Quality Commission with access to information to inform the assessment of quality of care provided to people who use services, the Commissioning Service meets the duty to provide explanation of a relevant matter where so requested by Care Quality Commission.
- Health & Social Care Act 2008: to ensure failing services are improved and to support improvement of services - by ensuring Care Quality Commission views are fed in.

- to make arrangements to secure a range of services as set out in The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012.
- In the delegated function of commissioning services on behalf of CCGs the Commissioning Service meets the NHS Act 2006 (Supply of goods and services by the local authority and the duty to cooperate with the National Health Service.
- commissioning and providing direct support for schools catering in line with the School Standards and Framework Act 1998 Secondary - Education (Nutritional Standards and Requirements for School Food) (England) Regulations Supports statutory function.

3.12 Head of Customer Services

- ~~Registration of Births, Deaths and Marriages~~
- ~~To grant or refuse applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995 and to revoke any approval which has been granted.~~
- ~~To determine, in consultation with the Head of Finance, and from time to time vary, the fees payable for the granting or refusal of applications for the approval of said premises.~~

3.133.11 Head of and ICT and Corporate Support

Local Government (Miscellaneous Provisions) Act 1982 - Section 38 – Use of spare capacity of computers of Local Authorities.

3.143.12 Head of Highways Development and Transport Planning

3.14.1 ~~Agreements~~

- ~~To enter into agreements with other public authorities for the provision of services and the recoupment of charges.~~
 - ~~To enter into agreements relating to placing etc of certain apparatus in or under a highway pursuant Subject to the New Roads reservations and Street Works Act 1991.~~
- ~~To enter into agreements providing for contributions by developers towards the cost of highway improvements, transportation schemes, or other development to be carried out by the Council.~~

3.14.2 ~~Transport~~

- ~~West Berkshire Council is a designated body for the issuing of Section 19 Bus Permits in accordance with the Transport Act 1985 and changes introduced by the Local Transport Act 2008~~
 - ~~To make payments towards the provision of cross boundary public transport services which are the subject of service subsidy agreements entered into by adjoining authorities and which serve the District.~~

- ~~In consultation with exceptions set out in this Scheme, the Head of Legal Services Development and Planning shall be authorised to exercise the functions, duties and powers of the Council under Public Passenger Vehicle Act 1981 including the submission of objections to applications for the grant of the operator's licences under Section 14A, as set out in any relevant legislation relating to town and country planning and housing, which shall include but not be limited to the following:-~~
 - ~~To exercise the power of the Council under Section 7 of the Transport Act 1985 to request the Traffic Commissioners to make, vary or revoke traffic regulations conditions affecting local services or to hold an inquiry prior to determination of such conditions.~~
 - ~~To enter into public transport service subsidy agreements under the provisions of the Transport Act 1985 where they are exempt from the tendering requirements in that Act, including de-minimis arrangements.~~
 - ~~To issue concessionary travel scheme notices under section 150(1) of the Transport Act 2000 provided that significant changes are only made after consultation with the Portfolio Holder.~~
- ~~To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges therefor, where it is anticipated that extra Council expenditure would result.~~
 - ~~To serve a 42 day Notice of Deregulation provided that such response is made within existing policy.~~
 - ~~To make objections to applications for Vehicle Operators Licences under Sections 12 to 14 of the Goods Vehicles (Licensing of Operators) Act 1995~~

~~3.14.3 — Miscellaneous~~

- ~~To agree contributions to regional water authorities' surface water drainage schemes calculated on the proportion of highway "run-off" to that from other areas, including related matters such as contributions towards the cost of cleansing village ponds, and to make payments to any minor drainage scheme of any type where they are satisfied that highways will benefit.~~
- ~~To extinguish public rights of way (stop up) and dispose of land not exceeding 500sq m no longer required for highway purposes.~~
- ~~In consultation with the Head of Legal Services to accept dedications of land donated to the Council for highway purposes.~~
- ~~To approve and protect development and improvement lines.~~
 - ~~To exercise the Council's powers in relation to cycle tracks under the Cycle Track Act 1984.~~
- ~~To construct and/or light cycle tracks.~~
- ~~To alter or remove any cycle tracks.~~
- ~~To settle compensation claims in respect of drainage or sewerage schemes on behalf of the Council (in consultation with Head of Legal Services).~~

- ~~To take all necessary action to safeguard the interests of the Council in relation to applications by water undertakings for orders or schemes under the legislation operated by such undertakings.~~
 - ~~In the exercise of the functions of the Council as Highway Authority, to advise on the highway aspects of development control.~~
- ~~To demolish property acquired for road schemes in advance of requirements subject always to due regard to planning considerations or consent as appropriate.~~
- ~~To arrange for the temporary use of land for the dumping or storing of highways materials or equipment.~~
- ~~To erect traffic signs and to arrange wayleaves for their erection on private property.~~
- ~~To adopt streets constructed to specification.~~
- ~~To plan and carry out highway improvements not requiring planning permission subject to consultation with the appropriate Executive Member and Ward Members. If the purchase of land is necessary then delegated authority (for land up to the value of £300,000) from the Head of Legal Services will be required.~~
- ~~To fix contributions to private street works and charges apportioned in flank and rear frontages in accordance with the Council's approved policy.~~
 - ~~To apply for planning permission for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992.~~
- ~~To approve and licence (including charging any appropriate fees for doing so):~~
 - ~~the placing of structures within highway limits;~~
 - ~~the laying maintenance and inspection of pipes, cables or other lines over or under highways;~~
 - ~~the erection of stiles, gates or cattle grids and enforcement and maintenance of stiles and gates under Sections 146 and 147 of the Highways Act 1980;~~
 - ~~arrangements for motor vehicles and cycle trails;~~
 - ~~the construction of a building over any part of a highway.~~
 - ~~the placing of tables and chairs on the public highway.~~
 - ~~To exercise the Council's powers including the giving of formal notices:~~
 - ~~to prohibit horses, cattle or vehicles entering on ornamental gardens within the highway;~~
 - ~~to pipe or culvert and fill up roadside ditches;~~
 - ~~to require the execution of works to prevent soil or refuse from land from falling or being washed on to a street;~~
 - ~~to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof;~~

- ~~to exercise the Council's powers and duties under Part III of the New Roads and Street Works Act 1991 (other than the institution of legal proceedings);~~
- ~~to require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;~~
- ~~to require the removal, lopping and cutting of trees or hedges overhanging or near to a highway;~~
- ~~to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof.~~
- ~~To carry out:~~
 - ~~minor temporary repairs in private streets required to remove danger to persons or vehicles;~~
 - ~~emergency works of any kind whether or not provision has been made in the estimates, where justified in their opinion (and that of the Head of Legal Services), by the scale of the potential legal liability.~~
 - ~~To respond to consultations from the Department for Transport, and others pursuant to Sections 247, 248, 251 and 253 of the Town and Country Planning Act 1990;~~
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Hazardous Substances) Act 1990
 - Planning and Compulsory Purchase Act 2004
 - Planning Act 2008
 - Housing and Planning Act 2016
 - Localism Act 2011
 - Housing Grants, Construction & Regeneration Act 1996
 - Caravan Act 1968
 - Local Government and Housing Act 1989
 - Housing Act 1985
- ~~Selection of sites for street seats.~~
- ~~Approval of requests for street closures or for making orders for the prevention of obstructions in the street during public processions etc in accordance with Section 21 of the Town Police Clauses Act 1847.~~
- ~~Approval of applications for permission to hold events in Council car parks.~~
- ~~Approval of requests to waive car parking charges in the period leading up to Christmas.~~
- ~~To implement highway maintenance and improvement works in accordance with approved budgets and to agreed service standards in accordance with the Highways Act 1980 and current guidance.~~

- ~~Road Traffic Regulations~~Housing Act ~~1984~~1996
- ~~To exercise powers under Sections 14(1) and 16(a) for works and events (respectively) on the public highway.~~
- ~~To post temporary notices for traffic management under Section 14(2).~~
- ~~Where a Committee, the Executive or Council have already approved in principle an experimental traffic order to exercise powers under the Act to advertise that order and subsequently implement it provided no objections are received. Where an order is implemented, the Ward Members will be advised.~~
- ~~Where a Committee, the Executive or Council have already approved in principle any traffic order (for speed limits, prohibitions of movement, weight limits, etc.) to exercise powers under the Act to advertise that order and subsequently implement it provided no objections are received.~~ Housing ~~Where an order is implemented, the Ward Members will be advised.~~
 - Berkshire Act 19861988
 - ~~Section 4 – to recover expenses reasonably incurred in fencing or lighting a source of danger or obstruction to persons or vehicles using a highway from the owner or other person responsible for the danger or obstruction.~~
 - ~~Section 5 – to specify modifications to plans sections and particulars submitted by a landowner in support of a private street works scheme.~~
 - ~~Section 8 – to affix to any building or structure in or having a frontage to or construction over any road in the District a traffic sign or any apparatus required for illumination forming part of any sign.~~

~~3.14.4~~ Highways Act 1980

- ~~Section 38 – For the construction and dedication of new streets to standards laid down by the Highway Authority.~~
- ~~Section 41 – To exercise powers in respect of the duty to maintain highways.~~
- ~~Sections 64 and 69 – Provision of planting within the highway by the Local Authority (in consultation with Head of Planning and Countryside).~~
- ~~Sections 64 and 96 – To enter into agreements for the maintenance and planting of land within highways limits and to authorise other authorities.~~
- ~~Section 65 – To exercise the Council's powers under this Section of the Act.~~
- ~~Section 100 – To exercise powers relating to highway drainage.~~
- ~~Section 132 – To exercise powers relating to unauthorised markings on highways.~~
- ~~Section 134 – To grant extensions to the statutory periods of reinstatement of footpaths and bridleways.~~
- ~~Sections 141 and 142 – Determination of applications for licences to plant on the public highway and removal of unauthorised planting (in consultation with Head of Planning and Countryside).~~

- ~~Section 144 – To exercise powers relating to the erection or consent to erection of flagpoles, pylons or structures on highways for the purpose of displaying decorations.~~
- ~~Section 154 – To exercise powers relating to the service of notices requiring the cutting or felling of trees etc. that overhang or are a danger to roads or footpaths.~~
- ~~Sections 165 and 166 – Serving of Notices in respect of dangerous forecourts and land adjacent to the public highway.~~
- ~~Section 169 – To exercise powers relating to the control of scaffolding or other structure on or over the highway.~~
- ~~Section 170 – To exercise powers relating to the control of mixing mortars, cement or other bound materials on the highway.~~
- ~~Section 171 – To exercise powers relating to the control of deposits of building materials or excavations within the highway.~~
- ~~In consultation with the Head of Finance to issue licences and fix and collect fees in relation to the following matters governed by the Highways Act 1980:~~
 - ~~Mixing of Mortar – Section 170;~~
 - ~~Construction of bridges – Section 176;~~
 - ~~Placing of rails, beams etc on highways – Section 178;~~
 - ~~Construction of cellars under streets – Section 179;~~
 - ~~Control of openings into cellars etc under streets and pavement lights and ventilators – Section 180.~~
- ~~Section 184 – To exercise powers relating to the service of notices that the Council proposes to construct a vehicle crossing over the footway.~~
- ~~Section 219 – To exercise powers relating to the service of notices under the Advance Payments Code.~~
- ~~Section 256 – To enter into agreements to exchange land to straighten or adjust boundaries.~~

3.14.5 Land Drainage Act 1991

~~To exercise the Council's powers and duties under the Land Drainage Act 1991 and any secondary legislation made there under and including any amending or updating to this legislation.~~

- ~~Reservoirs Act as Amended by the Flood and Water Management Act 2010~~

~~To exercise the Council's powers and duties under the Reservoirs Act 1975 and the Flood and Water Management Act 2010.~~

3.14.6 Environmental Protection Act 1990

~~To exercise powers including serving of notices in respect of statutory nuisance relating to drainage.~~

- ~~Goods Vehicles (Licensing of Operators) Act 1985~~

~~In consultation with the Head of Legal Services and the Head of Planning and Countryside to submit objections to the Traffic Commissioner on behalf of the Council.~~

- ~~• Traffic ManagementHousing Act 2004~~
- ~~• To act as the Traffic Manager in accordance with the requirements of the Traffic Management Act 2004.~~
- ~~• To exercise powers in relation to road and street works co-ordination and related matters.~~
 - ~~• Clean Neighbourhoods and Environment Act 2005~~

~~To exercise powers in relation to Part 2 (Section 3-8) of Clean Neighbourhoods and Environment Act 2005.~~

~~3.14.7 Other Powers – Consultation Provisions~~

~~All consultations on Transport issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Head of Highways and Transport in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.~~

~~3.14.8 Flood and Water Management Act 2010~~

~~To exercise the Council's powers and duties under the Flood and Water Management Act 2010 and any secondary legislation made there under and including any amending or updating to this legislation.~~

~~3.14.9 The Traffic Management (West Berkshire Council) Permit Scheme Order 2014~~

~~To grant permits to utility companies to work on the public highway.~~

3.15 Head of Legal Services

~~3.15.1 General~~

- ~~• Institution and defence of any legal proceedings in the name of the Council.~~
- ~~• This role also manages corporate procurement activity and provides advice and support to the Council on procurement and the development and delivery of efficiency programmes.~~
- ~~• Sealing of all documents on behalf of the Council~~
 - ~~• Local Government Act 1972~~
 - ~~• Section 85 – Authority be delegated to the Monitoring Officer to allow the Monitoring Officer to approve applications in writing from absent Councillors in exceptional circumstances (such as serious illness, extended work commitments abroad or extended service in the Forces) subject to consultation with Group Leaders. Any applications for extended absence would be limited to two three month periods only and in the event of disagreement between the Group Leaders, the application would be determined by a Special Meeting of the Governance and Ethics Committee.~~
- ~~• Section 229(5) – Certification of photographic copies of documents.~~

~~● Section 234(1) and (2) – Authorisation of documents.~~

- ~~● Local Government (Miscellaneous Provisions) Act 1976:~~

~~Section 29 – Application to High Court for repayment of monies paid into Court under Sub Sections 76 or 85 Land Clauses Consolidation Act 1945 or Section 9 or Schedules 2 and 3 of the Compulsory Purchase Act 1965.~~

- ~~● Miscellaneous~~

~~● To take all necessary steps to take out letters of administration with or without the will annexed either alone or jointly with the Head of Finance for:~~

- ~~● the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;~~
- ~~● the estates of children or young persons who die whilst in the care of the Council;~~
- ~~● and to administer such estates in the manner directed by the appropriate probate registry.~~

- ~~● To exercise the Council's powers to be a Trust Corporation.~~
- ~~● To act for all Trading Standards Officers authorised as Inspectors.~~
- ~~● To authorise the issue of official certificates of search of the Council's Land Charges Register.~~
- ~~● The Head of Legal Services acting as Monitoring Officer may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.~~

- ~~● Commons Registration~~

~~To exercise the Council's powers and duties in relation to Commons and Towns and Village Greens.~~

~~3.15.2 – Licences~~

- ~~● Following approval of applications by the Head of Planning and Countryside, to issue waste disposal site licences or management licences (including notices of modification) incorporating suitable conditions.~~
- ~~● To make objections to applications for Vehicle Operator's Licence under Sections 12 to 14 of the Goods Vehicles (Licensing of Operators) Act 1995.~~

~~3.15.3 – Highways Act 1980~~

~~(All powers under this Act to be exercised in consultation with the Head of Highways and Transport and to be exercised also in consultation with the Head of Planning and Countryside where relating to a Public Rights of Way.)~~

- ~~● To enter into Wayleave and Drainage easements~~

- ~~To enter into public path creation agreements under Section 25 of the Highways Act 1980 except where a capital payment by the Council is involved.~~
- ~~To enter into agreement under Section 38 of the Highways Act 1980 for the construction and dedication of new streets.~~
- ~~Under the provisions of Section 135 of the Highways Act 1980 to make Orders to allow for excavation or other engineering operations reasonably necessary for the purpose of agriculture.~~
- ~~To enter into highway maintenance agreements with adjacent Authorities in the interests of operational efficiency under Section 8 of the Highways Act 1980.~~

3.15.4 ~~Notices and Orders in relation to Highways and Public Rights of Way~~

~~(All powers to be exercised in consultation with the Head of Highways and Transport or the Head of Planning and Countryside in respect of Public Rights of Way.)~~

- ~~Head of Planning and Countryside to be able to serve Notices, in consultation with the Head of Legal Services~~
- ~~To exercise the Council's powers including the giving of formal notices:~~
 - ~~to require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;~~
 - ~~to require the removal, lopping and cutting of trees or hedges overhanging or near to a highway;~~
 - ~~to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof.~~
 - ~~to serve notices in respect of obstructions and other nuisances and to take enforcement action as required.~~
- ~~To make and confirm orders for the diversion or extinguishment of footpaths or bridleways proposed by the Head of Planning and Countryside.~~
- ~~To make and confirm orders for the modification of the Definitive Map and Statement under Sections 53, 53B, 55, 57 and 57A Wildlife and Countryside Act 1981 as proposed by the Head of Planning and Countryside.~~
- ~~To accept in respect of property blighted by approved schemes blight and purchase notices, and to serve counter notices of objections under the town and country planning and land compensation legislation, and to authorise payment on the execution of works to any person who appears to be entitled to the same under the legislation in force from time to time (in consultation with the appropriate Corporate Director or Head of Service)~~
- ~~To sign, on behalf of the Council, application requests for any direction and for any restriction to access to public open access land or related matters, in accordance with the Countryside and Rights of Way Act 2000.~~

3.15.5 ~~Berkshire Act 1986~~

~~(All powers under this Act to be exercised in consultation with the Head of Highways and Transport).~~

- ~~• Pursuant to Section 7 of the Berkshire Act 1986, to make application to the County Court for an order vesting former highway land in the highway authority.~~
- ~~• Pursuant to Section 9 of the Berkshire Act 1986, to recover from the person responsible the cost of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade.~~
 - ~~• Road Traffic Regulation Act 1984~~
 - ~~• To exercise the Council's powers under the Road Traffic Regulation Act 1984 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a "relevant event" when it is considered that an order under the Town Police Clauses Act 1847 is inappropriate (in consultation with the Head of **Highways and Transport**).~~
- ~~• To advertise proposals to make orders for traffic management other than temporary orders under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991 and to subsequently make the orders where no objections to those proposals are received.~~
- ~~• To make temporary orders for traffic management under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991.~~
 - ~~• Town and Country Planning (General Permitted Development) (England) Order 2015~~
 - ~~• To exercise the Council's powers under the Town and Country Planning (General Permitted Development) (England) Order 2015, on the instructions of the Head of **Planning and Countryside**, subject to the conditions below:~~
 - ~~• Article 4: the making, service and confirmation of directions restricting permitted development;~~
 - ~~• Schedule 2, Part 6: Determination whether planning permission is required following notification of agricultural development~~
- ~~• The delegations relating to Article 4 Directions above shall be exercised subject to the following:~~
 - ~~• The action shall be taken after consultation with the Chairman or in their absence the Vice Chairman of the District Planning Committee and appropriate Ward Members, if available.~~
 - ~~• The action taken shall be reported to the next meeting of the appropriate Area Planning Committee.~~
 - ~~• In exercising these powers the Officers shall have regard to the urgency of the action which is required.~~

- ~~Subject to circumstances, the Officers may report the matter to the appropriate Area Planning Committee for decision where it is prudent to do so.~~

- ~~Localism Act 2011~~

~~The Head of Legal Services acting as Monitoring Officer (or their nominated representative) in consultation with an Independent Person pursuant to the Localism Act 2011 and its associated Regulations shall ensure that an Initial Assessment of any complaint in respect of Councilors' (District, Town or Parish) behavior in relation to the Code of Conduct is determined in accordance with the complaints procedure adopted by the Council.~~

- ~~Property Matters~~

- ~~Agreements for easements and wayleaves to an unlimited value.~~
- ~~Agreement for leases and licences up to a value of £100,000 per annum.~~
- ~~Agreement to purchases and sales of land up to consideration of £300,000.~~
- ~~Surrenders.~~
- ~~Lifting of all restrictive covenants up to a value of £300,000.~~
 - ~~The creation of charges on property, in appropriate circumstances, in accordance with Section 22 of the Health and Social Services and Social Security Adjudications Act 1983 as amended (in consultation with the Corporate Director (Communities)).~~

~~3.15.6 Anti Social Behaviour, Crime and Policing Act 2014~~

~~The Head of Legal Services, in consultation with the Head of Care Commissioning, Safeguarding and Housing, be authorised to seek a civil injunction in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.~~

~~The Head of Legal Services or his/her nominee, in consultation with the Head of Strategic Support, be authorised to issue a Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti Social Behaviour, Crime and Policing Act 2014.~~

~~3.16 Head of Planning and Countryside~~

- ~~Countryside including Rights of Way functions~~
- ~~Management of Recreation Facilities where these are public open spaces.~~
 - ~~Admission and exclusion of public to recreation facilities and premises (also Head of Culture and Environmental Protection).~~
 - ~~Letting of recreation facilities and premises (also Head of Culture and Environmental Protection).~~
- ~~To carry out powers in relation to The Hedgerow Regulations 1997.~~
- ~~To grant a licence and associated consents for the annual Michaelmas Fair.~~
 - ~~To exercise powers in relation to the Clean Neighbourhoods and Environment Act 2005.~~
 - ~~To exercise the powers and duties of the Council (in consultation with the Head of Legal Services), in relation to public rights of way, including the~~

~~making and service of Notices and Orders, under the following primary legislation, and any secondary legislation made thereunder, including amendments or updates to the legislation.~~

~~Countryside Act 1968~~

~~Countryside and Rights of Way Act 2000~~

~~Criminal Damage Act 1971~~

~~Environmental Protection Act 1990~~

~~Highways Act 1980~~

~~• Land Drainage Act 1991~~

~~• Local Government (Miscellaneous Provisions Act) 1976~~

~~• National Parks and Access to the Countryside Act 1949~~

~~• Natural Environment and Rural Communities Act 2006~~

~~New Roads and Street Works Act 1991~~

~~• Rights of Way Act 1990~~

~~• Town and Country Planning Act 1990~~

~~• Wildlife and Countryside Act 1981~~

- ~~• To enter into maintenance agreements in relation to Public Rights of Way, where appropriate, and in consultation with the Head of Legal Services~~
- ~~• To approve and protect development and improvement lines~~
- ~~• The exercise (in consultation with the Head of Legal Services), of the common law duty to 'seek, prevent and remove obstructions' (Bagshaw vs Buxton Local Board of Health 1875).~~

~~3.16.1 Highways Act 1980 and Town and Country Planning Act 1990~~

- ~~• To enter into agreements and make creation orders, where appropriate, and in consultation with Ward Members, for the creation of new public rights of way~~
- ~~• To extinguish rights of way, where appropriate, and in consultation with Ward Members~~
- ~~• To divert public rights of way, where appropriate, and in agreement with Ward Members~~
- ~~• To enter into maintenance agreements, where appropriate, and in consultation with Ward Members~~

~~3.16.2 Agreements relating to Public Rights of Way~~

- ~~• To enter into agreements with other public authorities for the provision of services and the recoupment of charges.~~
- ~~• To enter into agreements relating to placing etc of certain apparatus in or under a highway pursuant to the New Roads and Street Works Act 1991.~~
- ~~• To enter into agreements providing for contributions by developers towards the cost of highway improvements, transportation schemes, or other development to be carried out by the Council.~~

3.16.3 ~~Miscellaneous relating to Public Rights of Way~~

- ~~• To extinguish public rights of way (stop up) and dispose of land not exceeding 500sq m no longer required for highway purposes.~~
- ~~• In consultation with the Heads of Legal Services and Highways and Transport:~~
 - ~~• to accept dedications of land donated to the Council for highway purposes.~~
 - ~~• In the exercise of the functions of the Council as Highway Authority, to advise on the highway aspects of development control.~~
 - ~~• To arrange for the temporary use of land for the dumping or storing of highways materials or equipment.~~
- **To keep the definitive maps and statement under review**
 - ~~• To plan and carry out highway improvements not requiring planning permission subject to consultation with the appropriate Executive Member and Ward Members.~~
 - ~~• To approve and licence (including charging any appropriate fees for doing so):~~
 - ~~• the placing of structures within highway limits;~~
 - ~~• the erection of stiles, gates or cattle grids and enforcement and maintenance of stiles and gates under Sections 146 and 147 of the Highways Act 1980;~~
 - ~~• arrangements for motor vehicles and cycle trails;~~
 - ~~• To exercise the Council's powers including the giving of formal notices:~~
 - ~~• to pipe or culvert and fill up roadside ditches;~~
 - ~~• to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof;~~
 - ~~• to require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;~~
 - ~~• to require the removal, lopping and cutting of trees or hedges overhanging or near to a highway;~~
 - ~~• to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof.~~
 - ~~• To respond to consultations from the Department of Transport, Environment and the Regions and others pursuant to Sections 247, 248, 251 and 253 of the Town and Country Planning Act 1990.~~
 - ~~• To implement highway maintenance and improvement works in accordance with approved budgets and to agreed service standards in accordance with the Highways Act 1980.~~
 - ~~•~~
 - ~~• Planning Homelessness Reduction Act 2017~~
 - ~~•~~

- Subject to the conditions set out below, the determination, granting or refusal of Notifications and Applications for permission, certification approval or consent relating to developments and works.
- Subject to the conditions set out below, the approval or refusal of items reserved or conditioned by any permission, approval or consent.
- Subject to the conditions set out below, the determination of applications for advertisement consent.
- In respect of applications determined by the District Planning Committee or relevant Area Planning Committees and subject to the conditions set out below and consultation with the Ward Members, the acceptance of minor amendments to schemes already permitted, approved or consented to.
- Prior to determination of submitted application, the acceptance of amendments to submitted application for permission approval or consent.

Conditions

The delegations set out above shall be exercised subject to the following:

- The Area Planning Committees shall reserve the authority to determine any type or class of application.
- The Council may modify or revoke the scheme of delegation at any time.
- An application may be referred to the appropriate Area Planning Committee for determination by:
 - the relevant Area Planning Committee Chairman; or
 - a Member for the Ward to which the application relates;
 - a Member for a Ward adjoining the Ward to which the application relates.
 - the Head of Development and Planning ~~and Countryside~~ or the Development Control Manager
- Members who wish to 'call-in' an item to be discussed at an Area Planning Committee will be required to complete the agreed proforma which must be submitted either in hard copy by letter or fax or electronic copy via e-mail. The consent of the Chairman of the appropriate Area Planning Committee, or if unavailable, the Vice-Chairman, is required.

(Note: If the Chairman or, if unavailable, the Vice-Chairman, does not give consent then the application will not be referred to a Planning Committee.)

The Officers will refer for determination to the appropriate Area Committee any application, including:

- Where the application is a major one or there are five or more objections and it is submitted by, or on behalf of West Berkshire Council, or where the land in question is owned by the Council if there are five or more objections or if the application is a major one;
- those submitted by or on behalf of a member of staff of Planning,
- those submitted by or on behalf of a West Berkshire Council Member, if there are five or more objections or if the application is a major one;

- those recommended for approval, for which a petition of objection has been received of at least 20 signatories;
- those recommended for approval, for which at least 10 letters of objection have been received;
- those applications not considered prudent by the Development Control Manager to be determined under delegated authority.

~~3.16.4 Town and Country Planning Act 1990~~

~~Subject to the conditions at paragraph 3.14.6 (Planning) above, to exercise the powers and duties of the Council under the Town and Country Planning Act 1990 and any secondary legislation made thereunder, and including any amendments or updates to the legislation, including but not limited to the following powers:~~

- ~~• Determination of applications as to whether Planning Permission is required.~~
- ~~• To request further information evidence or plans under the provisions of article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Article 4 of the Town and Country Planning (Applications) Regulations 1998 and subsequent amendments where details submitted with an application are considered inadequate or incomplete.~~
- ~~• Response to Purchase Notices.~~
- ~~• The serving and enforcement of Planning Contravention Notices.~~
- ~~• The issuing, service and enforcement of Enforcement Notices including action in default when required.~~
- ~~• The service and enforcement of Stop Notices.~~
- ~~• The service and enforcement of Breach of Condition Notices.~~
- ~~• Injunctions restraining breaches of planning controls.~~
- ~~• Authority to take Direct Action under the Planning and Compensation Act 1991, to carry out works under an Enforcement Notice~~
- ~~• The issue of Lawful Use or Development Certificates.~~
- ~~• The making and enforcement of Tree Preservation Orders and the determination of applications for consent in respect of such Orders.~~

~~The service of Notices Traveller Sites~~

- ~~• To commission professional services in relation to untidy land and consequent action to secure compliance traveller and gypsy sites~~
- ~~• To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting those needs, in accordance with the Housing Act 2004~~
- ~~• To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.~~

Housing

- To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing
 - ~~Enforcement against breaches of Advertisement Regulations.~~
- ~~To carry out powers To exercise the duties conferred on the Council in relation to Part VIII and Part X of the Town and Country Planning Act 1990 homelessness.~~
- To promote energy efficient homes including administering grants for energy efficiency.

- To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.
- To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.
- To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub-region

~~To approve Entering into Planning performance Agreements which shall include the power to charge for any discretionary services provided, pursuant to Section 93 of the Local Government Act 2003.~~

- Planning (Listed Buildings and Conservation Areas) Act 1990

~~Subject to the conditions at paragraph 3.14.6 above (Planning), to exercise the powers and duties of the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990 and any secondary legislation made thereunder, and including any amendments or updates to the legislation, including but not limited to the following powers:~~

- ~~The service of Building Preservation Notices.~~
- ~~Enforcement in respect of unauthorised works to listed buildings.~~
- ~~The issuing and service of Listed Building Enforcement Notices.~~
- ~~The issuing and service of Urgent Works Notices and execution of works grants and loans as contained in exceptions to the Notice.~~

~~3.16.5 Other Powers – Technical, Legal and Consultation Provisions~~

- ~~Authority to sign Decision Notices regarding the granting or refusal of planning permissions, consents or approvals.~~
- ~~Authority to enter into Legal Agreements to secure planning obligations for the provision of mitigation where unacceptable harm would otherwise result as a consequence of development~~
- ~~To respond to requests under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment Regulations 2011 (as amended) for a view as to whether an environmental statement is~~

~~considered necessary in connection with a particular development proposal and to establish the scope of any such assessment.~~

- ~~• To express the Council's view on planning applications in respect of former County Matters referred by local authorities outside the District for development which would not prejudice the Council's planning policies.~~
- ~~• The issue of approvals or the making of formal observations concurring with other local authorities, Crown bodies or government departments, where they accord with Council policy.~~
- ~~• All consultations on Planning issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Head of Planning and Countryside in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.~~

~~3.16.6 Minerals~~

- ~~• Consultations on Mineral Safeguarding Areas.~~
- ~~• Complying with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended):~~
 - ~~• Screening Opinions (Part II Regulation 5)~~
 - ~~• Scoping Opinions (Part IV Regulation 13)~~
- ~~• Provision of information in respect of compilation of Environmental Statements notification of consultees of intention to compile an Environmental Statement and the need to supply information for this purpose. (Part IV Regulation 15). Also advertising.~~
- ~~• Responding to notifications under the Town and Country Planning (General Permitted Development) (England) Order 2015:~~
 - ~~• Mining and mineral exploration (Class B, Part 17, of Schedule 2);~~
 - ~~• the removal of material from mineral workings (Class M Part 173, of Schedule 2)~~
 - ~~• To determine whether or not to issue an Article 5 Direction upon notification of a developer's intention to exercise any permission for mineral operations granted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015.~~
- ~~• Review of mineral planning applications under the Environment Act 1995 (as amended):~~
 - ~~• deciding the dates by which applications for development must be made;~~
 - ~~• determining applications for postponement of the review date.~~
- ~~• Serving aftercare non-compliance notices in relation to permissions for mineral workings and waste disposal sites (in accordance with Schedule 5 of the Town and Country Planning Act 1990 and the Planning Practical Guidance);~~
- ~~• Responding to adjoining local authorities on consultations on:~~
 - ~~• minerals and waste disposal consultations;~~

- ~~their minerals and waste plans.~~

~~3.16.7 Environmental Protection Act 1990 (as amended by Environment Act 1995)~~

~~To consider and make representations on proposals referred to the Council by the Environment Agency on the issuing of Waste Management Licences.~~

~~3.16.8 Local Government Miscellaneous Provisions Act 1976~~

- ~~Section 16 – The serving of Requisition of Information Notices.~~
- ~~Section 23 and 24 – Authorisation of action and service of Notices to make trees safe and recovery of costs from owner or occupier.~~

~~3.16.9 Wildlife Heritage Sites and Regionally Important Geological and Geomorphological Sites~~

~~To make decisions on recommendations from the Berkshire Nature Conservation Forum in relation to the designation, re-designation or change to boundaries of Wildlife Heritage Sites and Regionally Important Geological and Geomorphological Sites in accordance with the Planning Policy Guidance Note No.9, in consultation with the Portfolio and Shadow Portfolio Holders.~~

- ~~Planning and Compulsory Purchase Act 2004~~

~~To exercise the Council's powers and duties under the Planning and Compulsory Purchase Act 2004.~~

~~3.16.10 Planning Act 2008~~

~~To exercise the Council's powers and duties under the Planning Act 2008 and any secondary legislation made thereunder, and including any amendments or updates to the legislation.~~

~~3.16.11 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000~~

~~To exercise responsibility for accepting or rejecting a request for a local listing unless the proposed listing receives 10 letters of objection or the local Ward Member or adjoining Ward Member requests that the listing be determined by the appropriate Area Planning Committee.~~

~~3.16.12 Section 1 Burial Act 1853~~

~~In consultation with the Head of Culture and Environmental Protection to submit objections and such representations considered necessary or permitted in respect of closed churchyard applications under the Act.~~

~~3.16.13 Section 215 Local Government Act 1972~~

~~To exercise the Council's obligations under the Act in relation to transfers of maintenance responsibilities relating to closed churchyards.~~

3.17 – Head of Culture and Environmental Protection

3.17.1 – Authorisation

The Head of Culture and Environmental Protection shall be authorised:

- ~~to authorise any Officers or other persons for the purpose of enforcement and administration of the legislation listed;~~

- ~~• to institute legal proceedings or authorise other Officers to institute legal proceedings in respect of those matters set out in this part of the Scheme~~
- ~~to appoint the Council's Chief Inspector of Weights and Measures;~~
- ~~to act as the Council's Proper Officer for the purposes of any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any other instrument made before 26th October 1972, which refers to the post of Public Health Inspector.~~
 - ~~• The Trading Standards and Building Control Manager, the Environmental Health and Licensing Manager and Waste Manager shall be authorised to:~~
 - ~~• to authorise any Officers or other persons for the purpose of enforcement and administration of the legislation listed in any part of 3.15.3 (Enforcement and Administration of Legislation);~~
 - ~~• to institute legal proceedings or authorise other Officers to institute legal proceedings in respect of those matters set out in any part of 3.15.3 (Enforcement and Administration of Legislation)~~

~~3.17.2 General~~

~~The day to day management of the Council portfolio of land and buildings, including lease renewals, assignments and rent reviews, subject to the concurrence of the appropriate Heads of Service and/or Corporate Director.~~

~~3.17.3 Enforcement and Administration of Legislation~~

- ~~(a) The Trading Standards and Building Control Manager shall be authorised to enforce and administer the following primary legislation and any secondary legislation made thereunder and this includes any amendments to or updating of the legislation set out below. This authorisation shall also apply to matters set out in the agreement between West Berkshire District Council by Wokingham Borough Council dated 2 June 2010:~~

~~Administration of Justice Act 1970~~

~~Agricultural Act 1970~~

~~Animals Act 1971~~

~~Animal Health Act 1981~~

~~Animal Welfare Act 2006~~

~~Anti Social Behaviour Act 2003~~

~~Cancer Act 1939~~

~~Charities Act 1992~~

~~Children and Young Persons Act 1933~~

~~Children and Young Persons (Protection from Tobacco) Act 1991~~

~~Chiropractors Act 1994~~

~~Clean Air Act 1993~~

~~Clean Neighbourhoods and Environment Act 2005~~
~~Companies Act 2006~~
~~Consumer Credit Act 1974~~
Consumer Credit Act 2006
~~Consumer Protection Act 1987~~
Consumer Rights Act 2015
~~Copyright Designs and Patents Act 1988~~
~~Courts and Legal Services Act 1990~~
~~Criminal Justice Act 1988~~
Customs & Excise (Management) Act 1979
Education Reform Act 1988
Enterprise Act 2002

- adopted ~~Environmental Protection Act 1990~~

~~Estate Agents Act 1979~~
~~European Communities Act 1972~~
Explosives Act 1875
~~Explosives Act 1923~~
Financial Services and Markets Act 2000
Fireworks Act 2003
~~Food and Environment Protection Act 1985~~
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Hallmarking Act 1973
Health and Safety at Work etc. Act 1974
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Licensing Act 2003
~~Local Government (Miscellaneous Provisions) Act 1976~~
~~Local Government (Miscellaneous Provisions) Act 1982~~
Malicious Communications Act 1988
~~National Lotteries etc Act 1993~~
Olympic Symbols etc. (Protection) Act 1995
~~Osteopaths Act 1993~~
Performing Animals (Regulation) Act 1925
~~Prices Acts 1974~~

~~Proceeds of Crime Act 2002*~~
~~Protection from Harassment Act 1997~~
~~Psychoactive Substances Act 2016~~
~~Public Health Act 1936-1984~~
~~Regulatory Enforcement and Sanctions Act 2008~~
~~Road Traffic Act 1988~~
~~Road Traffic Act 1991~~
~~Road Traffic (Foreign Vehicles) Act 1972~~
~~Road Traffic Regulation Act 1984~~
~~Scotch Whisky Act 1982~~
~~Solicitors Act 1974~~
~~Sunbeds (Regulation) Act 2010~~
~~Tattooing of Minors Act 1969~~
~~Theft Act 1968~~
~~Tobacco Advertising and Promotion Act 2002~~
~~Tobacco Products Duty Act 1979~~
~~Trade Descriptions Act 1968~~
~~Trade Marks Act 1994~~
~~Unsolicited Goods and Services Act 1971 and 1975~~
~~Vehicles (Crime) Act 2001~~
~~Video Recordings Act 1984 and 2010~~
~~Violent Crime Reduction Act 2006~~
~~Weights and Measures Act 1985~~

~~* Note: Financial Investigators are authorised by a body delegated under the Proceeds of Crime Act~~

- ~~(b) The Environmental Health and Licensing Manager shall be authorised to enforce and administer the following primary legislation and any secondary legislation made there under and include any amending or updating the legislation set out below. This authorisation shall also apply to matters set out in the agreement between West Berkshire District Council by Wokingham Borough Council dated 10 January 2012.~~

~~**Environmental Health and Licensing**~~

~~Animal Boarding Establishments Act 1963~~
~~Anti-social Behaviour Crime and Policing Act 2014~~
~~Berkshire Act 1980~~
~~Breeding of Dogs Act 1973~~
~~Breeding of Dogs Act 1991~~
~~Building Act 1984~~

~~Caravan Act 1968~~
~~Caravan Act 1985~~
~~Caravan Sites and Control of Development Act 1960-1985~~
~~Chronically Sick and Disabled Persons Act 1970~~
~~Cinema Act 1968-1985~~
~~Clean Air Acts 1956-1993~~
~~Clean Neighbourhoods and Environment Act 2005~~
~~Consumer Rights Act 2015~~
~~Control of Pollution Act 1974~~
~~Crime and Disorder Act 1997~~
~~Criminal Justice and Public Order Act 1994~~
~~Dangerous Dogs Act 1991~~
~~Dangerous Wild Animals Act 1976~~
~~Disabled Persons Act 1981~~
~~Dogs (Fouling of Land) Act 1996~~
~~Environment Act 1995~~
~~Environmental Protection Act 1990~~
~~European Communities Act 1972~~
~~Factories Act 1961~~
~~Food Safety Act 1990~~
~~Gambling Act 2005~~
~~Guard Dogs Act 1975~~
~~Health and Safety at Work etc. Act 1974~~
~~Health Act 2006~~
~~Home Safety Act 1961~~
~~Housing Acts 1957, 1985, 1996, 2004~~

- Housing Grants, Construction and Regeneration Act 1996 & Loans Policy
- To offer grants for the improvement and/or repair of housing.
- To determine applications for Housing Association Grant with regard to the purchase of properties in the second-hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.
- Determination of application for individual DIYSO Housing Association Grant.
- Implementing rent reviews in accordance with valuers' instructions.

~~Land Compensation Act 1973~~
~~Late Night Refreshment Houses Act 1969~~
~~Licensing Act 2003~~

~~Local Government (Miscellaneous Provisions) Act 1976~~

~~Local Government (Miscellaneous Provisions) Act 1982~~

~~Local Government Acts 1953-1989~~

- ~~Local Government and Carry out repairs to units of temporary accommodation.~~

- ~~Repurchase of ex-Council House Stock in Rural Areas~~

~~To approve exceptions to the application of the local connection criteria for homes subject to s.19 of the Housing Act 1989~~

~~National Assistance (Amendment) Act 1954~~

~~National Assistance Act 1948~~

~~Noise Act 1996~~

~~Noise 1980 and Statutory Nuisance Act 1993~~

~~Offices, Shops and Railway Premises Act 1963~~

~~Pesticides Act 1996~~

~~Pet Animals Act 1951~~

~~Pollution, Prevention and Control Act 1999~~

~~Prevention of Damage by Pests Act 1949~~

~~Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002~~

~~Public Health (Control of Disease) Act 1984~~

~~Public Health Acts 1936, 1961~~

~~Radioactive Substances Act 1993~~

~~Rag Flock Act 1961~~

~~Regulation of Investigatory Powers Act 2000~~

~~Riding Establishments Act 1964/1970~~

~~Scrap Metal Dealers Act 1964/ 2013~~

~~Safety's 157 of Sports Grounds Act 1975~~

~~Slaughter of Poultry Act 1967~~

~~Slaughterhouses Act 1974~~

~~Sunday Trading Act 1994~~

~~Theatres Act 1968~~

~~Town Police Clauses Acts 1847-1889~~

~~Transport Act 1980~~

~~Water Acts 1945-1989~~

~~Water Industries Act 1991~~

~~Zoo Licensing Act 1981~~

- (c) ~~The Waste Manager shall be authorised to enforce and administer the following primary legislation and any secondary legislation made-~~

~~thereunder and this includes any amendments to or updating of the legislation set out below:~~

- ~~• Anti Social Behaviour Act 2003~~
- ~~• Anti social Behaviour, Crime and Policing Act 2014~~
- ~~• Clean Neighbourhoods and Environment Act 2005~~
- ~~• Control Of Pollution Act 1974~~
- ~~• Control of Pollution (Amendment) Act 1989~~
- ~~• Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1994~~
- ~~• Environment Act 1995~~
- ~~• Environmental Protection Act 1990~~
- ~~• European Communities Act 1972~~
- ~~• Refuse Disposal (Amenity) Act 1978~~
- ~~• Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005~~
- ~~Culture General~~
- ~~To grant a licence and associated consents for the annual Michaelmas Fair.~~
 - ~~• Local Government (Miscellaneous Provisions) Act 1982, Section 41 – Action considered appropriate in relation to property found in buildings or premises administered by Cultural and Environmental Protection Services.~~
 - ~~• Letting of recreation facilities and premises (also Head of Planning and Countryside).~~
 - ~~• Admission and exclusion of public to recreation facilities and premises (also Head of Planning and Countryside).~~
- ~~Acquisition of items under Museum acquisition scheme.~~
- ~~Administer Archive Service on behalf of all six Unitary Authorities in Berkshire.~~
- ~~To act in conformity with the Public Libraries and Museums Act 1964, as amended, and the Local Government and Housing Act 1989 and the policies of the Council.1985~~
- To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.
- To make use of planning and housing powers to address poor housing
 - Service of Notice to Quit on tenants of Council dwellings. Allocation of pitches on Council owned caravan sites.
 - Decisions on all matters relating to the Council's conditions of tenancy in relation to the Council's statutory housing function.
 - Assessing current and future need for affordable housing and demand for market housing

- ~~To manage public libraries in conformity with the Public Libraries and Museums Act 1964 (as amended) and the Local Government and Housing Act 1989 and the policies of the Council.~~

~~Anti Social Behaviour, Crime and~~ Future Development Sites

- The Head of Development and Planning be given delegated authority to determine the mix of types of affordable housing (that is to say the ratio of shared ownership to rented or a financial contribution instead that is to be varied, based on individual site/community needs) to be provided on future development sites, in line with adopted planning policies, and that this process form part of any pre-application or general application negotiations undertaken as part of the development control function.
- The Head of Development and Planning be given delegated authority to determine the level of affordable housing financial contribution in line with current policy.

3.17.4 Sites with Existing Planning Permission ~~Policy Act 2014~~

~~The Head of Culture and Environmental Protection, in _~~

- The Head of Development and Planning be authorised to negotiate with developers variations in the mix of types of affordable housing specified in Section 106 Agreements to be provided on specified sites, following consultation with the Head of Legal Services, ~~be authorised to serve Community Protection Notices and in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014~~ line with adopted planning policies.

3.17.5 Building Control Functions

~~The Trading Standards and Building Control Manager is authorised to enforce and administer the following provisions:~~

3.17.6 The Building Act 1984

- ~~Sections 1, 8 and 16 – Determination of applications for Building Regulation Consent; applications for dispensation from, or relaxation of, Building Regulation requirements.~~
- ~~Section 10 – Advertisement of proposed dispensation.~~
- ~~Section 15 – To consult the Fire Service concerning dispensations.~~
- ~~Section 18 – Building over/close to Thames Water sewers.~~
- ~~Section 19 – Short lived materials.~~
- ~~Section 20 – Unsuitable materials.~~
- ~~Section 21 – Provision of drainage.~~
- ~~Section 24 – Fire exits.~~
- ~~Section 25 – Water supply.~~
- ~~Section 32 – Lapse of Building Regulations approval.~~
- ~~Section 33 – Tests for conformity.~~
- ~~Sections 35 and 36 – Prosecution of offences (and removal of offending work) under the Building Regulations.~~

- ~~Sections 47-54 — Monitoring of building work supervised by approved inspectors.~~
- ~~Section 57 — Prosecution of offences by approved inspectors.~~
- ~~Section 71 — Exits and entrances to public buildings.~~
- ~~Section 72 — Means of escape from certain high buildings.~~
- ~~Section 73 — Raising of chimneys.~~
- ~~Section 74 — Rooms below subsoil water level.~~
- ~~Section 76 — Defective premises~~
- ~~Sections 77 and 78 — Notices and action in respect of dangerous buildings and structures.~~
- ~~Section 79 — Ruinous and dilapidated buildings and neglected sites.~~
- ~~Section 80 — The power to prosecute in respect of failure to give notice of intention to demolish~~
- ~~Section 81 — Notices in respect of demolition.~~
- ~~Section 95 — Power to enter premises.~~
- ~~Section 96 — Provisions as to entry.~~
- ~~Section 107 — Recovery of expenses.~~

~~3.17.7 — Berkshire Act 1986~~

- ~~Section 32 — To ensure access for the Fire Service in planning applications.~~
- ~~Section 33 — To ensure the provision of means of escape from fire in certain buildings.~~
- ~~Section 35 — To ensure adequate fire and safety precautions in public buildings.~~
- ~~Section 36 — To ensure adequate safety precautions in relation to vehicle parking in buildings.~~
- ~~Section 37 — To ensure adequate fire precautions in storage buildings over 7,000m³.~~
- ~~Section 38 — To ensure adequate fire precautions in high buildings~~

~~3.17.8 — Local Government Miscellaneous Provisions Act 1976~~

- ~~Section 16 — The serving of Requisition of Information Notices.~~
- ~~Section 25 and 26 — Serving of Notices and subsequent action to provide protection to the public from dangerous excavations on private land to which the public has access.~~

~~3.17.9 — Environmental Protection (Controls on Injurious Substances) Regulations 1993~~

- ~~Sections 5 & 6 — Prohibiting the use of timber containing Pentachlorophenol.~~

~~3.17.10—Local Government (Miscellaneous Provisions) Act 1982~~

~~• Section 17—Power of entry.~~

~~• Section 29—Protection of buildings.~~

~~3.17.11—Clean Air Act 1993~~

~~Section 16—Height of chimneys.~~

~~3.17.12—The Building Regulations 2010~~

~~Section 16—Laying open uninspected work.~~

~~3.17.13—The Building (Local Authority Charges) Regulations 1998~~

~~Section 3—Fix charges for Building Regulation fees.~~

~~3.17.14—Party Walls Act 1996~~

~~To be the Appointing Officer under the Party Walls Act 1996.~~

~~3.17.15—The Building (Local Authority Charges) Regulations 2010—Scheme of Charges~~

~~Fix charges for Building Regulation Fees.~~

~~3.17.16—Section 1 Burial Act 1853~~

~~In consultation with the Head of Planning and Countryside to submit objections and such representations considered necessary or permitted in respect of closed churchyard applications under the Act.~~

~~3.17.17—Section 215 Local Government Act 1972~~

~~To exercise the Council's obligations under the Act in relation to transfers of maintenance responsibilities relating to closed churchyards.~~

3.183.13 Head of Education Services

~~3.18.1—General~~

~~The Subject to the reservations and exceptions set out in this Scheme, the Head of Education Services shall be authorised to exercise the powers and functions, duties and powers of the Council under as set out in any relevant legislation relating to education, which shall include but not be limited to the following primary legislation and any secondary legislation made there under and including any amending or updating to this legislation:-~~

~~Education Act 1962~~

~~Further Education Act 1985~~

~~Education Reform Act 1988~~

~~Further and Higher Education Act 1992~~

~~Education Act 1996~~

~~School Inspections Act 1996~~

~~Education Act 1997~~

~~School Standards and Framework Act 1998~~

Special Educational Needs and Disability Act 2001
Education Act 2002
Education Act 2005
Education and Inspections Act 2006
Education and Skills Act 2008
Apprenticeships, Skills, Children and Learning Act 2009
Education (Schools) Act 1992
Learning and Skills Act 2000
Further Education and Training Act 2007
Special Educational Needs (Information) Act 2008
Academies Act 2010
Equalities Act 2010
Education Act 2011
Children and Families Act 2014.

[Education and Adoption Act 2016](#)

[Schools admission legislation including appeals](#)

[Schools exclusion legislation including appeals](#)

- Admissions
- To consult with governing bodies about admission arrangements as required by the School Admission Code issued under Section 88 of the School Standards and Framework Act 1998.
- To keep Admission Numbers under review and to implement any necessary changes, where these are agreed with the governing body.
- To respond to any proposals from governing bodies to increase or reduce Admission Numbers.
- To set admission limits which exceed the Admission Number where this is considered necessary.
- To administer arrangements for admissions to nursery schools and classes in accordance with [agreed](#) policies ~~agreed by the Local Education Authority~~.
- To administer arrangements for the admission of individual pupils to primary and secondary schools including designated catchment areas and other relevant factors and to present the case on behalf of the Authority to admission appeal panels.
 - Attendance at School
- To ensure that appropriate transport arrangements are made ~~in accordance with~~ [having regard to](#) statutory guidance and ~~the Authority's Home to School Transport Policy and Post-16 Statement~~.
- To authorise home to school transport outside existing policy, in exceptional circumstances through the Stage 1 Appeal process.

- To exercise the powers and duties of the Authority in respect of children excluded from school and to make arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.
- To authorise any proceedings ~~necessary to enforce legal action~~ relating to the non-attendance of pupils at school, or education other than at school.
- To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders.
 - Special Educational Needs (SEN)
- To arrange for children to be assessed in accordance with the requirements of the Children and Families Act 2014 to determine the special educational provision which should be made for them and to maintain and review statements of special educational need and Education and Health and Care Plans in accordance with any regulations concerning these.
- To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs.
 - ~~To ensure that the requirements of any statutory Codes of Practice, or other regulations are complied with.~~
- To determine and authorise the payment of fees and expenses at schools where fees are payable, in accordance with the policy of the Council.
- To determine applications for assistance towards home to school transport costs for Children with SEN within the Council's approved scheme.

- School Term Dates

In the case of the Local Authority (LA), Voluntary Controlled and Special Schools, including residential schools, to propose school term dates after consultation with the Education Management Advisory Board.

- Name of School

To approve the name of a school proposed by the governors.

- Curriculum

To provide on behalf of the Authority any information which the Secretary of State may by regulation require.

- Staffing – in respect of Nursery Schools

- To advise the Governing Body and/or the Selection Panel as to the shortlisting of candidates for Headship in accordance with the provisions of the Education Act 1996.
- Subject to the Articles of Government and the disciplinary procedures applicable in each specific case, to authorise disciplinary action as appropriate.
 - Staffing – in respect of Maintained Primary, Secondary and Special Schools
- To appoint persons ~~elected~~selected by Governing Bodies to fill vacant posts in schools, unless the person so recommended does not meet the staff qualification requirements applicable to the appointment.

- In the case of Aided and Foundation Schools, to exercise any advisory rights where appropriate relating to the appointment of Headteachers, Deputy Headteachers or other teaching or ancillary staff conferred by agreement or legislation.
- To nominate persons for consideration to fill vacancies in other teaching posts in schools where Governing Bodies have notified their intention to fill those vacancies ~~unless this is redeployment issues for redundancies.~~
- To appoint persons selected by Governing Bodies as their Clerks.
- To implement decisions of Governing Bodies of schools relating to the determination of potential dismissals and any subsequent appeals against such dismissals which are in the Authority's power to determine.

- All Educational Establishments

To exercise the powers and duties under the ~~The~~ Education (School Teachers' Appraisal) (England) Regulations 2012

~~3.18.2~~ Finance

- ~~• To design and keep under review the Authority's Scheme of Delegation in accordance with the Authority's policies and any statutory requirements.~~
- ~~• To approve loans for any education project within the policy of the Council which provides for loans.~~
- ~~• To determine applications for financial assistance from staff in accordance with any schemes approved by the Council.~~
- ~~• Acceptance of tenders and authority to sign, or authorise the sealing of contracts, for works and/or services for schools funded other than by the Council (or where the funding is in whole or in part passported through the Council).~~

- Provision of Information Concerning Individual Performance of Pupils
- In accordance with Section 537 of the Education Act 1996, to provide performance information as specified.
- In accordance with Section 38 of the Education Act 1997, to provide such information to the Chief Inspector as may be prescribed.
 - Governance
- Appointment of local education authority governors: in accordance with Section 19 of the Education Act 2002 and relevant regulations to appoint and dismiss local education authority governors.
- Training and support of governors: in accordance with Section 22 of the Education Act 2002, to provide information for governors and necessary training.
 - Miscellaneous
- In accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013, to make significant changes to maintained schools (e.g. expansion), establishing new provision and school closure.

- In accordance with the academy/free school presumption, to establish new schools.
- Pursuant to Academes Act 2010 to enter into Commercial Transfer Agreement and property transfer/ lease agreements.
- To approve instruments of Government for all LEA maintained schools in the District in the future and to review or vary such instruments of Government (including nursery schools) as may be required by the Governors or the LEA.
- To make provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.
- To approve minor amendments to the Council's Code of Conduct regarding the use of Fixed Penalty Notices for school non-attendance.
- ~~To delegate to the Property Services Manager (in consultation with the Head of Legal Services) the Delegated Authority Decisions to be taken by the Property Service~~

- Post 16 Years - Education and Training Provision

To exercise the powers and duties of the Council under ~~Sections 15ZA and 18A of:~~

- ~~the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009), Part 3 of the Children and Families Act 2014, Section 68 of the Education and Skills Act 2008 as updated by Section 20 in Part 3 of the Children and Families Act 2014 and Section 10 Education and Skills Act 2008~~
- Part 3 of the Children and Families Act 2014,
- the Education and Skills Act 2008
- the Education and Skills Act 2008

3.14 Head of Finance and Property

- Designation

The Head of Finance and Property will be the Council's designated Section 151 Officer under the Local Government Act 1972.

- Responsibility

To take all appropriate steps and measures to discharge the functions of the Section 151 officer as having responsibility for the proper administration of the financial affairs of the Council under all appropriate legislation.

The Head of Finance and Property provides strategic financial advice to the Council.

- Finance General

Subject to the reservations and exceptions set out in this Scheme, the Head of Finance & Property shall be authorised to exercise the functions, duties and powers

of the Council as set out in any relevant legislation relating to finance, revenues, benefits and property, which shall include but not be limited to the following:-

- Local Government Finance Act 1992
- Local Government Finance Act 1988.
- The power to administer and enforce the collection of council tax.
- The power to calculate the Council's council tax base for the purpose of the calculation of its council tax.
- The power to administer and enforce the collection of business rates (NDR)
- The power to opt to tax certain properties for VAT purposes (in consultation with Head of Legal Services).
- Determination of the appropriate rate of interest which may be charged, under Section 24 of the Health and Social Services and Social Security Adjudications Act 1983, on any sum charged on or secured over an interest in land under Section 22 of the Act (in consultation with the Corporate Director (Communities)).
- Decisions to write off arrears of irrecoverable debt of an amount not exceeding £10,000 and in cases where the debtor is subject to formal insolvency proceedings, sums exceeding £10,000.
- Declaration of the Local Rate of Interest on Mortgage Advances on the basis that all mortgages are treated as if they are advances under the Housing Act 1985 and subject to decisions being reported to the Executive (in consultation with Head of Prevention and Safeguarding).
- Agreement as to reduction in rateable value.
- Investment of surplus funds in accordance with the Council's approved investment policies.
-
- To make any necessary changes to the Constitution consequent upon amendments to the European thresholds on Procurement (see Contract Rules of Procedure).
 - Loans and Borrowing
- Raising of loans in sterling to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary.
- Borrowing in sterling from banks up to a prescribed limit by way of overdraft.
- Raising and repayment of temporary loans in sterling.
 - Valuation
- Service on Valuation Officer of Notice of Objection to any proposals for alteration of the Valuation List.
- Making proposals for the alteration of the Valuation List or for the inclusion of particular properties in the Valuation List.

- Matters Relating to Children and Young Persons
- Where requested by the Head of Legal Services, to take joint action to take out letters of administration with or without the will annexed for:
 - the estate of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;
 - the estates of children or young persons who die whilst in the care of the Council;
 - and to administer such estates in the manner directed by the appropriate probate registry.
- Jointly with the Head of Legal Services to accept money or other gifts from third parties for and on behalf of children or young persons in care and to hold or convert such money or gifts on their behalf and to their benefit.
- Jointly with the Head of Legal Services and the Head of Children and Family Services to invest and administer any funds received by the Council on behalf of a child in care by way of any compensation or settlement or award of damages from legal proceedings, and any other relevant statutory provisions acting on behalf of the Council for the benefit of any child.
 - Property Matters
 - The day-to-day management of the Council portfolio of land and buildings, including lease renewals, assignments and rent reviews.
 - Making proposals to the Valuation Office Rating List.
 - Agreeing to reductions in rent affecting Council-owned property.
 - Reaching an agreement on compulsory purchase and home loss payment claims up to £15,000.
 - Determination of rents of new properties in line with rents of other Council properties.
 - All matters pertaining to rent collection and the recovery of arrears.
 - Service of Notices to secure possession where there are arrears of rent.
 - Authority to approve applications for consent to transfer existing mortgages into joint names of Mortgagor and other members of the Mortgagor's family.
 - Authority to write off amounts of up to £50 in respect of rent arrears.
- Insurance
All insurance arrangements and settlement of claims.

3.15 Head of Legal Services

- General
- On behalf of the Council, to defend, institute, participate in, appeal from, settle or abandon any legal proceedings whether administrative, civil or criminal in

any court arbitration or tribunal where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services considers that such an action is necessary to protect the Council's interests.

- Pursuant to Section 223 of the Local Government Act 1972 and other relevant legislation and Practice Directions, authorise persons to represent the Council in legal proceedings.
- to instruct external Solicitors or Barristers to represent the Council.
- Make such orders, issue such notices and execute such agreements and instruments as are necessary to give effect to any decision or authorisation of the Council, its Committees, Sub-Committees, the Executive or of an Officer acting within the scope of his or her authorised or delegated powers.
- Determine whether inspection of a document in the possession of the Council should not be allowed on the grounds that it is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
- This role also provides advice and support to the Council on procurement and the development and delivery of efficiency programmes.
- Sealing of all documents on behalf of the Council and to be authorised signatory of behalf of the Council.
- Where appropriate exercise powers in consultation with relevant officers.
 - Local Government Act 1972
- Section 85 - Authority be delegated to the Monitoring Officer to allow the Monitoring Officer to approve applications in writing from absent Councillors in exceptional circumstances (such as serious illness, extended work commitments abroad or extended service in the Forces) subject to consultation with Group Leaders. Any applications for extended absence would be limited to two three month periods only and in the event of disagreement between the Group Leaders, the application would be determined by a Special Meeting of the Governance and Ethics Committee.
- Section 229(5) - Certification of photographic copies of documents.
- Section 234(1) and (2) - Sealing of documents.
 - Local Government (Miscellaneous Provisions) Act 1976:
 - Section 29 - Application to High Court for repayment of monies paid into Court under Sub-Sections 76 or 85 Land Clauses Consolidation Act 1945 or Section 9 or Schedules 2 and 3 of the Compulsory Purchase Act 1965.
 - Miscellaneous
- To take all necessary steps to take out letters of administration with or without the will annexed either alone or jointly with the Head of Finance and Property for:
 - the estates of parents or any other person where there is a beneficial interest for children or young persons for whom the Council has parental rights under provisions of the Children Act 1989, or any other statutory provision affecting children and young persons;

- the estates of children or young persons who die whilst in the care of the Council;
- and to administer such estates in the manner directed by the appropriate probate registry.
- To exercise the Council's powers to be a Trust Corporation.
- To act for all Trading Standards Officers authorised as Inspectors.
- The Head of Legal Services acting as Monitoring Officer may make minor amendments to the Constitution in order to ensure that legislative provisions are current and any typographical or other errors are corrected.
 - Commons Registration
- To exercise the Council's powers and duties in relation to the registration of Commons and Towns and Village Greens.
 - Berkshire Act 1986
- Pursuant to Section 7 of the Berkshire Act 1986, to make application to the County Court for an order vesting former highway land in the highway authority.
- Pursuant to Section 9 of the Berkshire Act 1986, to recover from the person responsible the cost of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade.
 - Road Traffic Regulation Act 1984
- To exercise the Council's powers under the Road Traffic Regulation Act 1984 to restrict or prohibit vehicular and pedestrian movements as necessary to facilitate the holding of a "relevant event" when it is considered that an order under the Town Police Clauses Act 1847 is inappropriate (in consultation with the Head of Transport and Countryside).
- To advertise proposals to make orders for traffic management other than temporary orders under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991 and to subsequently make the orders where no objections to those proposals are received.
- To make temporary orders for traffic management under Section 14(1) of the Road Traffic Regulation Act 1984 as substituted by the Road Traffic (Temporary Restrictions) Act 1991.
 - Town and Country Planning (General Permitted Development) (England) Order 2015
- To exercise the Council's powers under the Town and Country Planning (General Permitted Development) (England) Order 2015 , on the instructions of the Head of Development and Planning, subject to the conditions below:
- Article 4: the making, service and confirmation of directions restricting permitted development;
- Schedule 2, Part 6: Determination whether planning permission is required following notification of agricultural development

- The delegations relating to Article 4 Directions above shall be exercised subject to the following:
 - The action shall be taken after consultation with the s151 Officer/Head of Finance and Property to consider any financial implications.
 - Consultation must also take place with the Chairman or in their absence the Vice-Chairman of the District Planning Committee and appropriate Ward Members, if available.
 - The action taken shall be reported to the next meeting of the appropriate Area Planning Committee.
 - In exercising these powers the Officers shall have regard to the urgency of the action which is required.
- Subject to circumstances, the Officers may report the matter to the appropriate Area Planning Committee for decision where it is prudent to do so.
 - Localism Act 2011
The Head of Legal Services acting as Monitoring Officer (or their nominated representative) in consultation with an Independent Person pursuant to the Localism Act 2011 and its associated Regulations shall ensure that an Initial Assessment of any complaint in respect of Councilors' (District, Town or Parish) behavior in relation to the Code of Conduct is determined in accordance with the complaints procedure adopted by the Council.
 - Property Matters

To enter into, in consultation with Head of Finance,

- Agreements for easements and wayleaves to an unlimited value.
- Agreement for leases and licences up to a value of £100,000 per annum.
- Agreements relating to acquisition and disposal of investment properties pursuant to the Council's Investment and Borrowing Strategy accompanying Property Investment Strategy as amendment and/or revised from time to time.
- Agreements to acquire and dispose of land up to consideration of £300,000.
- Surrenders.
- Lifting of all restrictive covenants up to a value of £300,000.
- Agreements relating to deferred payments (including registration of a legal charge) pursuant to the Care Act 2014.
 - Anti Social Behaviour, Crime and Policing Act 2014

The Head of Legal Services, in consultation with the relevant Head of Service, be authorised to seek a civil injunction in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.

The Head of Legal Services in consultation with the Head of Strategic Support, be authorised to issue a Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti Social Behaviour, Crime and Policing Act 2014.

3.16 Head of Prevention and Safeguarding

Subject to the reservations and exceptions set out in this Scheme, the Head of Prevention and Safeguarding shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to prevention and safeguarding, which shall include but not be limited to the following:

- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006
- Children Act 1989
-
- To ensure that a Local Safeguarding Adults Board and a Local Safeguarding Children's Board are established, to provide representation on such Boards and to ensure compliance with all the statutory functions and objectives of those Boards
-
- To support the framework of those Boards in relation to Safeguarding Adults Reviews arranged in accordance with the Care Act 2014 and Serious Case Reviews arranged in accordance with the Children Act 1989 and associated Regulations.

3.17 Head of Public Health and Wellbeing

Subject to the reservations and exceptions set out in this Scheme, the Head of Public Health and Wellbeing shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to public health and wellbeing, which shall include but not be limited to the following:

- General

~~The~~Those matters which the Director of Public Health, working through the Head of Public Health and Wellbeing, ~~has delegated authority for those matters which they~~ are required to be responsible for under the National Health Service Act 2006 (as amended by the Health and Social care Act 2012).

- Health of the Population

The duty imposed upon the Council to “take such steps as it considers appropriate for improving the health of the people of its area”.

- General

Any public health functions of the Secretary of State which he requires local authorities to discharge on ~~his/her~~their behalf.

- Dental Health

Dental health functions for which the Council has responsibility.

- Health of Prisoners

The duty to co-operate with the prison service to secure and maintain the health of prisoners.

- Weight Measurement and Children's Sexual Health Service

The Council's duties set out in Schedule 1 of the National Health Act 2006, which include medical inspection of pupils including the weighing and measuring of pupils and the provision of children sexual health services.

- Violent Offenders

Arrangements for assessing the risks posed by violent and sexual offenders.

- Health Protection

To include the provision of screening and immunisation programmes, sexual health services, infectious disease control and emergency planning.

- Health Improvement

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

- Health Care Public Health

The provision of specialist public health advice to Clinical Commissioning Groups (CCGs) in the following areas which will be the subject of the "core offer":

- production of the Joint Strategic Needs Assessment;
- reviewing service provision and providing advice to CCGs to reduce health inequalities;
- advising Clinical Commissioning Groups on priorities based on appropriate data; and
- procuring services and advising on the cost effectiveness of interventions.

3.18 Head of Public Protection and Culture

-

Subject to the reservations and exceptions set out in this Scheme, the Head of Public Protection and Culture shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to environmental health, trading standards, licensing, building control and public protection, which shall include but not be limited to the following:

Administration of Justice Act 1970

Agricultural Act 1970

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Welfare Act 2006

Animals Act 1971

[Anti Social Behaviour Act 2003](#)
[Anti-social Behaviour Crime and Policing Act 2014](#)
[Berkshire Act 1980](#)
[Breeding of Dogs Act 1973, 1991](#)
[Building Act 1984](#)
[Cancer Act 1939](#)
[Caravan Act 1968, 1985](#)
[Caravan Sites and Control of Development Act 1960-1985](#)
[Charities Act 1992](#)
[Children and Young Persons \(Protection from Tobacco\) Act 1991](#)
[Children and Young Persons Act 1933](#)
[Chiropractors Act 1994](#)
[Chronically Sick and Disabled Persons Act 1970](#)
[Cinema Act 1968-1985](#)
[Civil Contingencies Act 2004](#)
[Clean Air Acts 1956-1993](#)
[Clean Neighbourhoods and Environment Act 2005](#)
[Companies Act 2006](#)
[Consumer Credit Act 1974, 2006](#)
[Consumer Protection Act 1987](#)
[Consumer Rights Act 2015](#)
[Control of Pollution Act 1974](#)
[Copyright Designs and Patents Act 1988](#)
[Courts and Legal Services Act 1990](#)
[Crime and Disorder Act 1997](#)
[Criminal Justice Act 1988](#)
[Criminal Justice and Public Order Act 1994](#)
[Customs & Excise \(Management\) Act 1979](#)
[Dangerous Dogs Act 1991](#)
[Dangerous Wild Animals Act 1976](#)
[Disabled Persons Act 1981](#)
[Public Space Protection Orders](#)
[Education Reform Act 1988](#)
[Enterprise Act 2002](#)
[Environment Act 1995](#)
[Environmental Protection Act 1990](#)

[Estate Agents Act 1979](#)
[European Communities Act 1972](#)
[Explosives Act 1875, 1923](#)
[Factories Act 1961](#)
[Financial Services and Markets Act 2000](#)
[Fireworks Act 2003](#)
[Food and Environment Protection Act 1985](#)
[Food Safety Act 1990](#)
[Forgery and Counterfeiting Act 1981](#)
[Fraud Act 2006](#)
[Gambling Act 2005](#)
[Guard Dogs Act 1975](#)
[Hallmarking Act 1973](#)
[Health Act 2006](#)
[Health and Safety at Work etc. Act 1974](#)
[Home Safety Act 1961](#)
[Housing Acts 1957, 1985, 1996, 2004](#)
[Housing Grants, Construction and Regeneration Act 1996](#)
[Intoxicating Substances \(Supply\) Act 1985](#)
[Knives Act 1997](#)
[Land Compensation Act 1973](#)
[Late Night Refreshment Houses Act 1969](#)
[Licensing Act 2003](#)
[Local Government \(Miscellaneous Provisions\) Act 1965, 1976, 1982](#)
[Local Government Acts 1953-1989](#)
[Local Government Act 1972](#)
[Local Government and Housing Act 1989](#)
[Malicious Communications Act 1988](#)
[National Assistance \(Amendment\) Act 1951](#)
[National Assistance Act 1948](#)
[National Lotteries etc Act 1993](#)
[Noise Act 1996](#)
[Noise and Statutory Nuisance Act 1993](#)
[Offices, Shops and Railway Premises Act 1963](#)
[Olympic Symbols etc. \(Protection\) Act 1995](#)
[Osteopaths Act 1993](#)

[Performing Animals \(Regulation\) Act 1925](#)
[Pesticides Act 1996](#)
[Pet Animals Act 1951](#)
[Pollution, Prevention and Control Act 1999](#)
[Prevention of Damage by Pests Act 1949](#)
[Prices Acts 1974](#)
[Private Hire Vehicles \(Carriage of Guide Dogs etc.\) Act 2002](#)
[*Proceeds of Crime Act 2002*](#)
[Protection from Harassment Act 1997](#)
[Psychoactive Substances Act 2016](#)
[Public Health \(Control of Disease\) Act 1984](#)
[Public Health Act 1936-1984](#)
[Radioactive Substances Act 1993](#)
[Rag Flock Act 1961](#)
[Regulation of Investigatory Powers Act 2000](#)
[Regulatory Enforcement and Sanctions Act 2008](#)
[Riding Establishments Act 1964, 1970](#)
[Road Traffic \(Foreign Vehicles\) Act 1972](#)
[Road Traffic Act 1988, 1991](#)
[Road Traffic Regulation Act 1984](#)
[Safety of Sports Grounds Act 1975](#)
[Scotch Whisky Act 1982](#)
[Scrap Metal Dealers Act 1964, 2013](#)
[Slaughter of Poultry Act 1967](#)
[Slaughterhouses Act 1974](#)
[Solicitors Act 1974](#)
[Sunbeds \(Regulation\) Act 2010](#)
[Sunday Trading Act 1994](#)
[Tattooing of Minors Act 1969](#)
[Theatres Act 1968](#)
[Theft Act 1968](#)
[Tobacco Advertising and Promotion Act 2002](#)
[Tobacco Products Duty Act 1979](#)
[Town Police Clauses Acts 1847-1889](#)
[Trade Descriptions Act 1968](#)
[Trade Marks Act 1994](#)

Transport Act 1980

Unsolicited Goods and Services Act 1971, 1975

Vehicles (Crime) Act 2001

Video Recordings Act 1984, 2010

Violent Crime Reduction Act 2006

Water Acts 1945-1989

Water Industries Act 1991

Weights and Measures Act 1985

Zoo Licensing Act 1981

- This extends to any offence under any legislation, or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts
- appoint the Council's Chief Inspector of Weights and Measures ;
- act as the Council's Proper Officer for the purposes of any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any other instrument made before 26th October 1972, which refers to the post of Public Health Inspector.
 - Culture General
- To grant a licence and associated consents for the annual Michaelmas Fair.
- Local Government (Miscellaneous Provisions) Act 1982, Action considered appropriate in relation to property found in buildings or premises administered by Cultural and Environmental Protection Services.
- Letting of recreation facilities and premises (also Head of Transport and Countryside and Head of Development and Planning
- Admission and exclusion of public to recreation facilities and premises (also Head of Transport and Countryside and Head of Development and Planning).
- Acquisition of items under Museum acquisition scheme.
- Administer Archive Service on behalf of all six Unitary Authorities in Berkshire.
- To manage public libraries in conformity with the Public Libraries and Museums Act 1964 (as amended) and the Local Government and Housing Act 1989 and the policies of the Council.
 - Anti Social Behaviour, Crime and Policing Act 2014
To delegate to the Head of Culture & Public Protection the authority to make a Public Space Protection Order in accordance with Chapter 2 of the Anti Social Behaviour, Crime and Policing Act 2014. The Head of Public Protection and Culture, in consultation with the Head of Legal Services, is authorised to serve Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.

3.20

- Registration of Births, Deaths and Marriages
- To grant or refuse applications for the approval of premises under the Marriage Act 1949 (as amended) and the Marriage (Approved Premises) Regulations 1995 and to revoke any approval which has been granted. To determine, in consultation with the Head of Finance and Property, and from time to time vary, the fees payable for the granting or refusal of applications for the approval of said premises.
- Civil Contingencies
- Subject to the reservations and exceptions set out in this Scheme, the Head of Public Protection and Culture shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to civil protection and emergency planning, which shall include but not be limited to the following:
 - Put in place emergency plans;
 - Put in place Business Continuity Management arrangements;
 - Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
 - Share information with other local responders to enhance co-ordination;
 - Co-operate with other local responders to enhance co-ordination and efficiency; and
 - Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only). To form and participate in Local Resilience Forums (based on Police areas) which will help co-ordination and co-operation between responders at the local level.

3.213.19 Head of Strategic Support

- General

Power under Section 92 of the Local Government Act 2000 to direct the appropriate Corporate Director or Head of Service in consultation with the relevant Portfolio Member, to make ex-gratia payments up to £2,500 or to provide other benefits to remedy complaints, within the framework of the Local Government Ombudsman Good Practice Remedies (March 2003) document, and Financial Rules of Procedure, and where necessary in consultation with the Monitoring Officer.
- Local Government Act 1972
- Section 225(1) – to receive and retain documents deposited.
- Schedule 12 Paragraph 4(2)(a) – to publish the time and place, within five clear working days, of the Council meeting.
- Schedule 12 Paragraph 4(2)(b) – to sign the summons to attend the Council meeting.

- Schedule 12 Paragraph 4(3) – to receive notices regarding addresses to which summons to meetings are to be sent.
- Schedule 14 Paragraph 25(7) – to certify copies of resolutions for the purposes of legal proceedings.
- Section 248 – to retain a roll of Freeman.
 - Local Land Charges
- To authorise the issue of official certificates of search of the Council's Land Charges Register.
 - Electoral Matters

Designation of Polling Places (in consultation with the Returning Officer and Ward Members).

 - Localism Act 2011 - Part 5 Chapter 3 - Assets of Community Value

To delegate to the Head of Strategic Support the management of the Assets of Community Value provisions (Community Right to Bid) in accordance with Part 5, Chapter 3 of the Localism Act 2011. The Head of Strategic Support shall be authorised to determine applications which have been properly made.

 - Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)

To delegate authority to the Head of Strategic Support in consultation with the Leader of the Council and the Leader of Opposition, to appoint members to the Independent Remuneration Panel.

3.20 Head of Transport and Countryside

Subject to the reservations and exceptions set out in this Scheme, the Head of Transport and Countryside shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to transport, highways, street management, street works, waste, countryside and rights of way, which shall include but not be limited to the following:

- Highways Act 1980
- Transport Act 1985
- Transport Act 2000
- Traffic Management Act 2004
- Local Transport Act 2008
- Goods Vehicles (Licensing of Operators) Act 1995
- New Roads and Street Works Act 1991
- Town Police Clauses Act 1847
- Road Traffic Regulations Act 1984
- Berkshire Act 1986
- Clean Neighbourhoods and Environment Act 2005
- Countryside Act 1968

- Countryside and Rights of Way Act 2000
- Criminal Damage Act 1971
- Environmental Protection Act 1990
- Land Drainage Act 1991
- Local Government (Miscellaneous Provisions Act) 1976
- National Parks and Access to the Countryside Act 1949
- Natural Environment and Rural Communities Act 2006
- Rights of Way Act 1990
- Town and Country Planning Act 1990
- Wildlife and Countryside Act 1981
- Goods Vehicles (Licensing of Operators) Act 1985
- Flood and Water Management Act 2010
- Local Government Miscellaneous Provisions Act 1976
- Anti Social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution Act 1974
- Control of Pollution (Amendment) Act 1989
- Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
- Environment Act 1995
- Environmental Protection Act 1990
- European Communities Act 1972
- Refuse Disposal (Amenity) Act 1978
- Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005

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Agreements, Notices and Orders

- To enter into agreements with other public authorities for the provision of services and the recoupment of charges.
- To enter into agreements relating to placing etc of certain apparatus in or under a highway.
- To enter into agreements providing for contributions by developers towards the cost of highway improvements, transportation schemes, or other development to be carried out by the Council.
- To enter into agreements and make creation orders, where appropriate, and in consultation with Ward Members, for the creation of new public rights of way

- To extinguish rights of way, where appropriate, and in consultation with Ward Members
- To divert public rights of way, where appropriate, and in agreement with Ward Members.
- To enter into maintenance agreements, where appropriate, and in consultation with Ward Members.

Miscellaneous

- To agree contributions to regional water authorities' surface water drainage schemes calculated on the proportion of highway "run-off" to that from other areas, including related matters such as contributions towards the cost of cleansing village ponds, and to make payments to any minor drainage scheme of any type where they are satisfied that highways will benefit.
- To extinguish public rights of way (stop up) and dispose of land not exceeding 500sq m no longer required for highway purposes.
- In consultation with the Head of Legal Services to accept dedications of land donated to the Council for highway purposes.
- To approve and protect development and improvement lines.
- To construct and/or light cycle tracks.
- To alter or remove any cycle tracks.
- To settle compensation claims in respect of drainage or sewerage schemes on behalf of the Council (in consultation with Head of Legal Services).
- To take all necessary action to safeguard the interests of the Council in relation to applications by water undertakings for orders or schemes under the legislation operated by such undertakings.
- to advise on the highway aspects of development control
- To demolish property acquired for road schemes in advance of requirements subject always to due regard to planning considerations or consent as appropriate.
- To arrange for the temporary use of land for the dumping or storing of highways materials or equipment.
- To erect traffic signs and to arrange wayleaves for their erection on private property.
- To adopt streets constructed to specification.
- To plan and carry out highway improvements not requiring planning permission subject to consultation with the appropriate Executive Member and Ward Members. If the purchase of land is necessary then delegated authority (for land up to the value of £300,000) from the Head of Legal Services will be required.
- To fix contributions to private street works and charges apportioned in flank and rear frontages in accordance with the Council's approved policy.
- To apply for planning permission.

- To approve and licence (including charging any appropriate fees for doing so):
 - the placing of structures within highway limits;
 - the laying maintenance and inspection of pipes, cables or other lines over or under highways;
 - the erection of stiles, gates or cattle grids and enforcement and maintenance of stiles and gates under [the Highways Act 1980](#);
 - arrangements for motor vehicles and cycle trails;
 - the construction of a building over any part of a highway.
 - the placing of tables and chairs on the public highway.
- To exercise the Council's powers :
 - To grant permits to utility companies to work on the public highway
 - to prohibit horses, cattle or vehicles entering on ornamental gardens within the highway;
 - to pipe or culvert and fill up roadside ditches;
 - to require the execution of works to prevent soil or refuse from land from falling or being washed on to a street;
 - to take action in relation to any obstruction of or damage to or nuisance to the highway or users thereof;
 - to require the removal of obstructions to sight lines at corners and to remove unauthorised signs on any part of the highway;
 - to require the removal, lopping and cutting of trees or hedges overhanging or near to a highway.
- To carry out minor temporary repairs in private streets required to remove danger to persons or vehicles;
- To carry out emergency works of any kind whether or not provision has been made in the estimates, where justified in their opinion (and that of the Head of Legal Services and in consultation with the Head of Finance), by the scale of the potential legal liability.
- Selection of sites for street seats.
- Approval of requests for street closures or for making orders for the prevention of obstructions in the street during public processions etc in accordance with Section 21 of the Town Police Clauses Act 1847.
- Approval of applications for permission to hold events in Council car parks.
- Approval of requests to waive car parking charges in the period leading up to Christmas.
- To implement highway maintenance and improvement works in accordance with approved budgets and to agreed service standards in accordance with the Highways Act 1980 and current guidance.

- Where a Committee, the Executive or Council have already approved in principle an experimental traffic order to exercise powers under the Act to advertise that order and subsequently implement it provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised.
- Where a Committee, the Executive or Council have already approved in principle any traffic order (for speed limits, prohibitions of movement, weight limits, etc.) to exercise powers under the Act to advertise that order and subsequently implement it provided no objections are received. Where objections are received, the matter will be referred back to the relevant decision maker for consideration and determination. Where an order is implemented, the Ward Members will be advised.
- In consultation with the Head of Finance and Property to issue licences and fix and collect fees in relation to the matters governed by the Highways Act 1980.
- In consultation with the Head of Legal Services and the Head of Development and Planning to submit objections to the Traffic Commissioner on behalf of the Council.
- To act as the Traffic Manager in accordance with the requirements of the Traffic Management Act 2004.

Transport

- West Berkshire Council is a designated body for the issuing of Section 19 Bus Permits in accordance with the Transport Act 1985 and changes introduced by the Local Transport Act 2008
- To lodge holding objections regarding proposals by operators for withdrawals of or alterations to rail services, or the fares and charges therefore, where it is anticipated that extra Council expenditure would result.

Other Powers – Consultation Provisions

- All consultations on Transport issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Head of Transport and Countryside in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson.
 - Countryside including Rights of Way functions
- Management of Recreation Facilities where these are public open spaces.
- Admission and exclusion of public to recreation facilities and premises (also Head of Public Protection and Culture).
- Letting of recreation facilities and premises (also Head of Public Protection and Culture).
- To carry out powers in relation to The Hedgerow Regulations 1997.
- To grant a licence and associated consents for the annual Michaelmas Fair.
- To enter into maintenance agreements in relation to Public Rights of Way, where appropriate, and in consultation with the Head of Legal Services
- To approve and protect development and improvement lines.

- The exercise (in consultation with the Head of Legal Services), of the common law duty to 'seek, prevent and remove obstructions' (Bagshaw vs Buxton Local Board of Health 1875).
 - To keep the definitive maps and statement under review
 - In consultation with the Head of Public Protection and Culture to submit objections and such representations considered necessary or permitted in respect of closed churchyard applications under the Section 1 Burial Act 1853.
 - To exercise the Council's obligations under the Act in relation to transfers of maintenance responsibilities relating to closed churchyards under Section 215 Local Government Act 1972.
-

Proposed Member Development Programme 2018/19

Committee considering report:	Council on 7 December 2017
Portfolio Member:	Councillor Keith Chopping
Date Portfolio Member agreed report:	31 October 2017
Report Author:	Jude Thomas
Forward Plan Ref:	C3221

1. Purpose of the Report

- 1.1 To agree the proposed Member Development Programme for 2018/19.

2. Recommendations

- 2.1 Members are asked to discuss and, if appropriate, agree the proposed Member Development Programme for 2018/19.

3. Implications

- 3.1 **Financial:** The induction programme will be delivered within the existing budget.
- 3.2 **Policy:** N/A
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** N/A
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

4. Other options considered

- 4.1 Not to run a Member Development Programme.

Executive Summary

5. Introduction / Background

- 5.1 The Member Development Group met on 9 October 2017 and gave consideration to the Member Development Programme for the 2018/19 Municipal Year.
- 5.2 Whilst attendance at the Member Development Sessions is still of some concern, feedback from the sessions remains very positive and it is hoped that more Members might be encouraged to attend.
- 5.3 Mindful that this programme is scheduled for the year immediately prior to the District elections, it will curtail at the end of 2018, unless there are any requests for specific updates. It is, therefore, a more concise programme than previous years.
- 5.4 Members, Corporate Directors and Heads of Service have been canvassed for suggestions as to what should be included. Responses were received from two Members and all proposals were given full consideration.
- 5.5 The Member Development Programme is a three tier model offering mandatory, strategic (linked to the Council's priorities) and specialist subjects. The proposed programme has been populated with mandatory and strategic sessions and potential specialist sessions have also been identified. The latter sessions will be scheduled later in the year, when officers believe them to be most timely. This programme also allows for additional sessions should they be requested by Members or officers. See Appendix A.
- 5.6 Repeat Equalities training will be offered, as directed by Group Leaders, via E-learning or the traditional format for those Members that have not, as yet, completed it.
- 5.7 It is hoped that the use of webcasting for some sessions, to allow them to be viewed remotely, will continue to be explored, once issues of IT reliability are resolved.
- 5.8 Members have appreciated receiving the presentations in advance of sessions, to allow them to download and annotate; this will continue together with the publication of all presentations on the Councillors' intranet page.

6. Proposal

- 6.1 It is proposed that this Programme be agreed and implemented for the municipal year 2018/19.

7. Conclusion

- 7.1 In order to ensure that all Members are fully briefed on the diverse activities, responsibilities and pressures on the Council, and in order to best undertake their roles as elected Councillors, Members are encouraged to adopt the proposed programme.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Proposed Member Development Programme 2018/19

Appendix A

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 as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

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

What is the proposed decision that you are asking the Executive to make:	To agree the Member Development Programme for 2018/19
Summary of relevant legislation:	NA
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	
Date of assessment:	

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

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?		
Aims:	To give Members the opportunity to receive training and information updates on the key issues affecting the Council in a variety of formats to improve accessibility.	
Objectives:	That the majority of Members attend the sessions offered.	
Outcomes:	That Members are better informed in their decision making and Council business having attended the Programme.	
Benefits:	That decision making is well informed	
2 Note which groups may be affected by the proposed decision. 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
Age	N/A	N/A
Disability	N/A	N/A

Gender Reassignment	N/A	N/A
Marriage and Civil Partnership	N/A	N/A
Pregnancy and Maternity	N/A	N/A
Race	N/A	N/A
Religion or Belief	N/A	N/A
Sex	N/A	N/A
Sexual Orientation	N/A	N/A
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision 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 Two 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:	

Name:

Date:

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

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Title	Prov Date	Audience	Mandatory	Content	Lead Officer
MANDATORY					
Licensing Update	Sep-18	Licensing Members	For Licensing Members		External Trainer organised by Licensing/ Solicitor - Corporate and Communities Public Protection Manager
Planning Update 1	Nov-18	All	For Planning Members	Standing item	Head of Development & Planning
Planning Update 2	Ad hoc	All	For Planning Members	Standing item	Head of Development & Planning
STRATEGIC					
Corporate Programme *	May-18	All	No	Standing item	Corporate Programme Manager
Policy & Finance Update 1 *	Sep-18	All	No	Standing item	Chief Executive Head of Strategic Support Head of Finance & Property
Policy & Finance Update 2 *	TBA	All	No	Standing item	Chief Executive Head of Strategic Support Head of Finance & Property
Health & Wellbeing	Jul-18	All	No	Closing the gap in health outcomes – priorities in public health in West Berkshire	(Interim) Head of Public Health & Wellbeing
Family Hubs	May-18	All	No		Head of Education
Family Safeguarding Model	Jun-18	All	No	New ways of working in Children and Family Services	Head of Children & Family Services
POSSIBLE ADDITIONAL SESSIONS					
Media Training	TBA	Executive & Shadow Executive	No		Communications Manager
IT: The Art of the Possible	TBA	All	No	Including OneNote & Skype for Business	Head of Customer Services & ICT
Brexit: The Implications for WBC	TBA	All	No		Heads of Service, as appropriate

Title	Prov Date	Audience	Mandatory	Content	Lead Officer
E-LEARNING					
Equalities	TBC	All Members that have not already attended training	Yes		E-learning
REPEAT MANDATORY INDUCTION SESSIONS					
Equalities	TBC	All Members that have not already attended training	Yes		Principal Policy Officer (Equalities) Solicitor Team Leader - Legal

2018/19 West Berkshire Council Timetable of Public Meetings

Committee considering report:	Council on 7 December 2017
Portfolio Member:	Councillor Graham Jones
Date Portfolio Member agreed report:	09 November 2017
Report Author:	Moira Fraser, Democratic and Electoral Services Manager
Forward Plan Ref:	C3224

1. Purpose of the Report

- 1.1 To recommend a timetable of meetings for the 2018/19 Municipal Year.

2. Recommendation

- 2.1 To approve the timetable of public meetings for the 2018/19 Municipal Year.

3. Implications

- 3.1 **Financial:** There are no financial implications associated with the publication of this report. The costs associated with holding meetings, Members' attendance and the publication of agendas will be met from existing budgets.
- 3.2 **Policy:** This report accords with the Council's policy of publishing its timetable of meetings.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** None.
- 3.5 **Risk Management:** None.
- 3.6 **Property:** None.
- 3.7 **Other:** n/a.

4. Other options considered

- 4.1 None

Executive Summary

4.2 The timetable of meetings for the Municipal Year 2018/19 is attached as Appendix B to the report and has been based on the following:

- Council meetings to be held in May, July, September, December and March;
- Executive meetings have been arranged to take cognisance of democratic requirements and holiday periods;
- Area Planning Committees (both Western and Eastern) to be held on a three weekly cycle with provisional dates included for District Planning Committees. District Planning Committees will only be held if the meetings are required and additional meetings may be arranged to ensure that Planning timescales are adhered to;
- Four Overview and Scrutiny Commission meetings have now been scheduled into the Executive timetable of meetings;
- Licensing Committee meetings are arranged on an ad hoc basis;
- Health and Wellbeing Board meetings have been included on a bi-monthly basis;
- Governance and Ethics Committees have been arranged to perform the roles previously undertaken by both the Standards Committee, i.e. to promote and maintain high standards of conduct by Councillors/co-opted Members and by the Governance and Audit Committee, i.e. to meet deadlines for Council meetings and to facilitate the signing off of the Council's financial accounts;
- Personnel Committee meetings are arranged on an ad hoc basis;
- Four Corporate Parenting Panels are scheduled (June, September, December and March);
- Two District/Parish Conferences are scheduled each year (at the request of parishes these will be held on two different days of the week);
- Member Development sessions are scheduled in the timetable. The proposed dates will be finalised at the Member Development Group meeting in December 2017 and will be agreed at the December 2017 Council meeting.

4.3 In addition the timetable, once agreed, is also shared with Town and Parish Councils and the Fire Authority so that it can be taken into consideration when their schedules of meetings are agreed.

5. Conclusion

5.1 The schedule has been drafted to ensure that the number of meetings takes into account the volume of business demands. Early adoption will allow time for Members to put meetings into their diaries prior to the commencement of the Municipal Year. The timetable will also form the basis of a committee programme for administrative purposes.

6. Recommendation

6.1 It is recommended that the schedule for the 2018/19 Municipal Year be approved.

Subject to Call-In:

Yes: No:

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"/>

The proposals contained in this report will help to achieve all the Council Strategy aims and priorities by ensuring that a robust decision making framework is in place.

Officer details:

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

7. Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Timetable of meetings May 2018 – May 2019

Appendix A

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:	Timetable of public meetings
Version and release date of item (if applicable):	Proposed timetable due for publication on 29 November 2017
Owner of item being assessed:	Moira Fraser
Name of assessor:	Linda Pye
Date of assessment:	10 October 2017

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
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:	To agree a timetable of public meetings for publication.
Objectives:	
Outcomes:	
Benefits:	Agreeing and publishing the timetable in advance of the Municipal Year gives advanced notice of forthcoming public meetings.

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.)

Comments relating to the item:

It is not envisaged that agreeing the dates of meetings in advance of the Municipal Year in which they will take place will adversely affect the majority of individuals who would wish to attend the meetings. Care is taken to ensure that meetings are held in venues with disabled access. It is noted that most of the Council's public meetings do take place in the evenings which might impact on the ability of some residents to attend the meetings. Advertising meeting dates in advance should assist with mitigating this issue as those wishing to attend the meetings would have advance warning as to when they should take place.

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: Please see comments above.

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, then you should carry out a Stage Two 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

No.

Owner of Stage Two assessment:

Timescale for Stage Two assessment:

Stage Two not required:

Name: Linda Pye

Date: 10 October 2017

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

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West Berkshire Council – Timetable of Meetings- May 2018 to May 2019

	MAY 2018	JUN 2018	JUL 2018	AUG 2018	SEP 2018	OCT 2018	NOV 2018	DEC 2018	JAN 2019	FEB 2019	MAR 2019	APR 2019	MAY 2019
Mon						1						1	
Tues	1					2			1			2	
Weds	2	E			1	3	D		2			3	W
Thurs	3	X			2	4	HWBB	1	3			4	2
Fri	4		1		3	5		2	4			5	3
Sat	5		2		4	6		3	5	1		6	4
Sun	6		3	1	5	7		4	6	2		7	5
Mon	7		4	2	6	8		5	7	3		8	6
Tues	8	C	5	3	C	9	OSMC	6	DPC	4		8	7
Weds	9		6	W	4	E	8	W	7	E	5	6	D
Thurs	10		7	5	HWBB Dev Mtg	9		6	X	11		7	10
Fri	11		8	6	10	7		12	9	7		11	10
Sat	12		9	7	11	8		13	10	8		12	11
Sun	13		10	8	12	9		14	11	9		13	12
Mon	14		11	ARE	9	13		15	12	10		14	G&E
Tues	15		12	JPPC	10	OSMC	14		11	JPPC	15	OSMC	12
Weds	16	W	13	E	11	D	15	E	12	W	16	E/W	13
Thurs	17		14	X	12		16		13	X	14	X	14
Fri	18		15	13	17		14		16			15	17
Sat	19		16	14	18		15		17			16	18
Sun	20		17	15	19		16		18			17	19
Mon	21		18	G&E	16	20		17	19			18	20
Tues	22		19		17	21	JPPC	23	20			19	21
Weds	23	E	20		18	W	22	D	19	W	20	E/JPPC	23
Thurs	24	HWBB	21		19	23		20	22	HWBB Dev Mtg	20	X	24
Fri	25		22	20	24	21		23	21			22	24
Sat	26		23	21	25	22		24	22			23	25
Sun	27		24	22	26	23		25	23			24	26
Mon	28		25		23	G&E	27		24			25	27
Tues	29		26	CPP	24		28		25	CPP	30		28
Weds	30	D	27	W	25	E	29	W	26	E	27		29
Thurs	31		28		26	X	30		27			28	30
Fri			20	27	31		28		30			29	31
Sat			30	28			29		29			30	
Sun				29			30		30			31	
Mon				30					31				
Tues				31									

Page 207

- C** Council – 7.00pm except Budget meeting which starts at 6.30pm
- X** Executive – 5.00pm
- G&E** Governance and Ethics Committee – 5.00pm
- CPP** Corporate Parenting Panel – 6.30pm
- OSMC** Overview & Scrutiny Management Commission – 6.30pm
- JPPC** Joint Public Protection Committee – Wokingham BC @ 7pm

- W** Western Area Planning Cttee – 6.30pm
- E** Eastern Area Planning Cttee – 6.30pm
- D** District Planning Committee (provisional dates) – 6.30pm
- DPC** District/Parish Conference – 6.30pm
- ARE** Annual Recognition Event
- HWBB** Health and Wellbeing Board – 9.30am

- 1** Bank Holiday
- 1** School Holiday

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

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