

Individual Executive Member Decision

Title of Report:	West Berkshire Council Forward Plan - December 2012 to March 2013
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	15 November 2012
Forward Plan Ref:	ID2422

Purpose of Report: To advise Members and residents of items to be considered by West Berkshire Council over the next 4 months.

Recommended Action: That the Leader of the Council agrees and where appropriate amends the West Berkshire Council Forward Plan.

Reason for decision to be taken: It is a statutory requirement that a Forward Plan be produced.

Other options considered: Not applicable.

Key background documentation: Forward Plan.

Portfolio Member Details	
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Implications

Policy:	The Forward Plan details the Policies to be adopted by West Berkshire Council.
Financial:	The Forward Plan has no financial implications.
Personnel:	The Forward Plan has no personnel implications.
Legal/Procurement:	The Forward Plan has no legal or procurement implications.
Environmental:	The Forward Plan has no environmental implications.
Property:	The Forward Plan has no property implications.
Risk Management:	The Forward Plan has no risk management implications.
Equalities:	The Forward Plan is a publication of the Council available for all residents at the Council Office in Market Street and on the Council's website.

Consultation Responses

Members:

Leader of Council:	Councillor Gordon Lundie – comments to be raised at signing
Overview & Scrutiny Management Commission Chairman:	Councillor Brian Bedwell. – consulted at OSMC meetings
Ward Members:	All Members - Comments to be raised at signing.
Opposition Spokesperson:	Councillor Jeff Brooks. – comments to be raised at signing
Local Stakeholders:	The West Berkshire Forward Plan will be published the first working day after the Individual Decision is signed.
Officers Consulted:	Nick Carter, John Ashworth, Margaret Goldie, Heads of Service, Group Executives.
Trade Union:	Not sought.

Is this item subject to call-in.	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input 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 O&SMC or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input checked="" type="checkbox"/>	

Supporting Information

1. Background

- 1.1 West Berkshire Council's Forward Plan, which is published monthly, sets out the key decisions that the Executive (either collectively or by Individual Executive Members) are expected to take over the next four months.
- 1.2 Key decisions are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
- (i) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision is related.
 - (i) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 The introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012 replaced the 2000 Executive Access to Information Regulations. As a consequence a requirement to publish a rolling forward plan at least 14 days before the start of each month has now been replaced by a requirement to publish 28 clear days' notice of any intended key decision. It should be noted that "clear days" means working days, from midnight to midnight, and excludes weekends and public holidays, so 28 clear days equates to around 5½ normal weeks. In this case the Forward Plan for items to be considered by the Special Executive on the 20 December 2012 would have to be published for consultation by the 09 November 2012.
- 1.4 On occasions, however, situations may arise where an urgent decision needs to be made in respect of an item that does not appear on the Forward Plan. There are two different ways in which this can be done:
- (i) the authority can take an urgent key decision without giving 28 days' notice where it is impracticable to give the full notice, provided that the authority gives at least five days' clear notice to all members of the Overview and Scrutiny management Commission, which can then call in the decision to check that it was genuinely urgent; or
 - (ii) where a key decision is so urgent there is not even time to give five clear days' notice, the authority can take the decision if the Chairman of the Overview and Scrutiny Management Commission has agreed that the key decision is urgent and cannot reasonably be deferred.
- 1.5 In addition The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have introduced an entirely new requirement for the Council to publish 28 clear days' notice of the intention to hold a private meeting (or part of a meeting) of the Executive. This 28 day notice must be reinforced by a five day notice which sets out the reasons for the meeting to be held in private, details of any propositions received as to why the meeting should be

open, and the Council's response. The response will be provided by the Monitoring Officer. The regulations again provide for an urgency procedure, under which the Council can decide the matter with shorter than 28 or five days' notice, provided that it has first obtained the consent of the Chairman of the Overview and Scrutiny Management Commission. There are currently three confidential items scheduled for the 20 December 2012 Executive meeting and the required notice is attached as an appendix and will be displayed at the Council. If any representations are received the five day notice will be issued in December.

- 1.6 Details of decisions that Full Council, the Governance and Audit Committee and the Personnel Committee are going to take are also included on the Forward Plan for ease of reference. It should, however, be noted that the new requirements only apply to Executive meetings.
- 1.7 The Work Programme of Overview and Scrutiny Management Commission and its Sub-Committees is attached as a separate document.
- 1.8 Publication of the Forward Plan remains a statutory requirement of the Local Authority. The Forward Plan, any General Exception Decisions Notices and Notices of Private Decisions have to be available for inspection and also has to be published on the Council's website.

Appendices

Appendix A – West Berkshire Council Forward Plan – November 2012 to February 2013

Appendix B – Overview and Scrutiny Management Commission and Sub-Committee Work Programmes.

Appendix C – Notice of Private Decision

West Berkshire Council Forward Plan

