

Meeting of West Berkshire District Council

Thursday 8 December 2016

Summons and Agenda



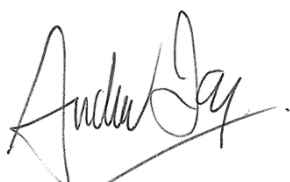
WestBerkshire
C O U N C I L

To: All Members of the Council

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

on

**Thursday 8 December 2016
at 7.00pm**



Andy Day
Head of Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Wednesday 30 November 2016

AGENDA

1. **APOLOGIES FOR ABSENCE**

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

2. **CHAIRMAN'S REMARKS**

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

3. **PRESENTATION OF THE WEST BERKSHIRE COMMUNITY CHAMPION AWARDS
(C3096)**

The Chairman will present the following Community Champion Awards for 2016:

- Volunteer of the Year
- Community Group of the Year



Agenda - Council to be held on Thursday, 8 December 2016 (continued)

- Lifetime Achievement Award

4. MINUTES

The Chairman to sign as a correct record the Minutes of the Council meeting held on 15 September 2016 and the Extraordinary Council meeting held on 22 November 2016. (Pages 7 - 26)

5. DECLARATIONS OF INTEREST

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

6. PETITIONS

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

7. PUBLIC QUESTIONS

(Note: There were no questions submitted relating to items not included on the agenda)

8. MEMBERSHIP OF COMMITTEES

The Monitoring Officer to advise of any changes to the membership of Committees since the previous Council meeting.

9. LICENSING COMMITTEE

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

10. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 21 October 2016. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

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 28 November 2016. 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 met on 28 September 2016. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).



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 6 December 2016. Copies of the Minutes of this meeting can be obtained from Strategic Support or via the [Council's website](#).

14. JOINT PUBLIC PROTECTION PARTNERSHIP (C3158)

This report proposes the creation of a Joint Committee to deliver a shared service arrangement between West Berkshire, Wokingham and Bracknell Forest Councils. This new arrangement will be known as the Public Protection Partnership (PPP).

This report follows the decision by all three Councils' Executives to enter into this arrangement. **(Pages 27 - 34)**

15. PROPOSED MAIN MODIFICATIONS TO THE HOUSING SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (HSA DPD) (C3188)

To consider the Schedule of Proposed Main Modifications to the Housing Site Allocations Development Plan Document (HSA DPD), the updated Sustainability Appraisal Report and updated Habitats Regulations Assessment, and to approve these for publication for a 7 week period of public consultation. This is a regulatory stage of the DPD process and requires Council resolution. **(Pages 35 - 40)**

16. NEIGHBOURHOOD PLANNING (C3198)

To inform Members of the Neighbourhood Planning process and to set out the proposed approval process for the adoption of a Neighbourhood Plan. **(Pages 41 - 46)**

17. COUNCIL TAX SUPPORT SCHEME 2017/18 (C3171)

To advise Council of the scope for changes to the Council Tax Support Scheme for 2017/18. Review of the scheme is a statutory responsibility and, in addition, the Council needs to identify the scope for cost reduction in the light of budget pressures. **(Pages 47 - 56)**

18. ACTIVITY TEAM WEST BERKSHIRE FEES AND CHARGES 2017/18 (C3098)

To consider the fees and charges for the 2017/18 Activity Team West Berkshire programme in order to enable the service to competitively advertise and promote activities, and maximise advanced bookings and income. **(Pages 57 - 60)**

19. LEISURE CENTRE FEES AND CHARGES 2017 (C3099)

To implement the contractual requirement for an annual price review for 2017 for the leisure contractor to come into effect from 1 January 2017. **(Pages 61 - 64)**

20. PROPOSED MEMBER DEVELOPMENT PROGRAMME - 2017/18 (C3097)

To agree the proposed Member Development Programme for 2017/18. **(Pages 65 - 70)**

21. 2017/18 WEST BERKSHIRE COUNCIL TIMETABLE OF PUBLIC MEETINGS (C3197)

To recommend a timetable of meetings for the 2017/18 Municipal Year. **(Pages 71 - 78)**

22. NOTICES OF MOTION

(a) **The following Motion has been submitted in the name of Councillor Lee Dillon:**

Transitional Funding

“That this Council agrees to award transitional funding to the Short Breaks programme for the 2017/18 financial year to the value of £170,000.

This will ensure that voluntary organisations have a longer term period to consider their strategy to combat the reduction of Council funding in the longer term and for this Council to consider other ways to secure the provision of or fund short breaks”.

Comment from the Section 151 Officer:

“The proposed use of £170k for short breaks would be funded from the yet to be allocated £1.37m of Transitional Grant Funding for 2017/18.”

23. MEMBERS' QUESTIONS

(Note: There were no questions submitted relating to items not included on the agenda)

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



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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, 15 SEPTEMBER 2016

Councillors Present: Pamela Bale, Jeremy Bartlett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Anthony Chadley, Jeanette Clifford (Vice-Chairman), Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Adrian Edwards, Sheila Ellison, Marcus Franks, James Fredrickson, Dave Goff, Paul Hewer, Clive Hooker, Carol Jackson-Doerge (Vice-Chairman), Marigold Jaques, Rick Jones, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Anthony Pick, James Podger, Garth Simpson, Richard Somner, Anthony Stansfeld, Virginia von Celsing, Quentin Webb (Chairman), Emma Webster and Laszlo Zverko

Also Present: Sarah Clarke (Legal Services Manager), Mac Heath (Head of Children and Family Services), Peta Stoddart-Crompton (Public Relations Officer), Rachael Wardell (Corporate Director - Communities), Robert Alexander (Group Executive (Conservatives)), Moira Fraser (Democratic and Electoral Services Manager), Jo Reeves (Policy Officer) and Honorary Alderman Andrew Rowles

Apologies for inability to attend the meeting: Councillor Steve Ardagh-Walter, Councillor Peter Argyle, John Ashworth, Nick Carter, Councillor Keith Chopping, Councillor Billy Drummond, Councillor Manohar Gopal, Councillor Mike Johnston, Councillor Graham Jones, Councillor Alan Law, Honorary Alderman Royce Longton, Honorary Alderman Joe Mooney, Councillor Graham Pask and Honorary Alderman Alan Thorpe

Councillors Absent: Councillor Howard Bairstow and Councillor Nick Goodes

PART I

23. Appointment of Vice Chairman

The Chairman requested nominations for the position of Vice-Chairman of Council for the remainder of the Municipal Year 2016/17. In response to this request Councillor Carol Jackson-Doerge was nominated by Councillor Jeanette Clifford and the nomination was seconded by Councillor Anthony Pick. There were no further nominations for the position of Vice-Chairman.

Councillor Clifford stated that Councillor Jackson-Doerge, a former Vice Chairman of Council, was experienced, good humoured, stylish, knowledgeable and hard working and she had the attributes needed to fulfil the role of Vice-Chairman.

Councillor Pick commented that Councillor Jackson-Doerge had previously undertaken the role of Vice Chairman with great dignity and would do so again.

RESOLVED that Councillor Carol Jackson-Doerge be appointed Vice-Chairman of Council for the remainder of the Municipal Year 2016/17.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Jackson-Doerge thanked the Council for electing her. She noted that this was a huge honour and she would support Councillor Webb to the best of her ability.

Councillor Jackson-Doerge thanked the outgoing Vice-Chairman, Councillor Clifford, for her contribution to the Council since being elected as Vice Chairman in May 2016.

24. Chairman's Remarks

The Chairman conveyed his sincere thanks to the previous Vice-Chairman, Councillor Jeanette Clifford, for her support during the first half of the year and also congratulated her on her appointment to the Executive.

The Chairman also thanked Jo Watt who had supported all Members, including all Chairmen and Vice-Chairmen, for the past 18 Years. He expressed gratitude for the contributions she had made during her time as a Member Support Officer and he wished her every success in her new role as Appeals Officer.

The Chairman reported that he had attended 57 events since the last Council meeting; Councillor Clifford had attended ten events and Councillor Adrian Edwards had attended one event on the Chairman's behalf.

In particular he highlighted the Duke of Edinburgh's Awards, judging of the Queen's birthday card competition and the subsequent prize giving, the Bayer 10k race, being invited to the 'Dream of Production' event at Parsons Down School, the armed service briefing at Sandhurst, the 'Tigris' commemoration service and meeting relatives of the submariners who had died in the 1943 tragedy, celebrating 10 years of the Autism Spectrum Disorder (ASD) Department at Theale Green School and attending the reaffirmation of the civic honour of the Royal School of Military Survey Freedom of the Town of Thatcham.

25. Minutes

The Minutes of the meeting held on 19 May 2016 and the extraordinary meeting on the 31 May 2016 were approved as a true and correct record and signed by the Chairman.

26. Declarations of Interest

Councillor Alan Macro declared an interest in Agenda Items 18 and 21, and reported that, as his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.

Councillor Pamela Bale declared an interest in Agenda Items 18 and 21, but reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Lynne Doherty noted that she had previously declared an interest in item 17 (Short Breaks for Disabled Children) by virtue of the fact that she was employed by Homestart. She had been granted a dispensation by the Governance and Ethics Committee to speak and vote on associated matters. She was however no longer an employee of Homestart and therefore no longer needed to declare this interest.

Councillor Jeanette Clifford declared a personal interest in question 7(e) which she would be answering but it was noted that no decision on this matter was required. Councillor Clifford declared the interest by virtue of the fact that her son was employed by BT Openreach.

27. Petitions

Councillor Gordon Lundie, on behalf of Ms Sue Cocker, presented a petition containing 378 signatures relating to the West Berkshire Library Service.

The petition requested that the Council:

1. Publish the full Libraries' Needs Assessment Report in the interests of transparency and decision making.

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2. Consult with stakeholder groups on proposals resulting from the Needs Assessment in order to allow co-creation of practical joint solutions.
3. Discuss and decide on the proposals in Full Council so that all Members can participate.

The Chairman thanked the petitioner for the petition. He explained that the petition would be referred to the appropriate Officers. He commented that in relation to points 1 and 2 the Council had committed to publishing the Needs Assessment and to consulting with the public. In relation to point 3 it was proposed that the final decision would be made at Council.

28. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Paul Inman.**

A question standing in the name of Paul Inman on the subject of using s106 contributions from new developments (including the Living at the Racecourse development) to mitigate the harm of visitors to Greenham Common was answered by the Portfolio Holder for Planning and Housing. As the questioner was not present they would also be sent a written response to their question.

(b) **Question to be answered by the Leader of the Council submitted by Balu Sidra.**

A question standing in the name of Balu Sidra on the subject of marketing costs for the Greenham Control Tower was answered by the Leader of the Council. As the questioner was not present they would also be sent a written response to their question.

(Councillor Gordon Lundie left the meeting at 7.35pm)

(c) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by John Gage.**

A question standing in the name of John Gage on the subject of a failure to identify the existence of an existing planning permission for change of use of the Control Tower to a visitor centre was answered by the Portfolio Holder for Planning and Housing.

(d) **Question to be answered by the Portfolio Holder for Highways and Transport submitted by Elizabeth O' Keefe.**

A question standing in the name of Elizabeth O' Keefe on the subject of measures being taken by the Council to ensure that the new link road on the Sterling Industrial Estate was built in accordance with the LEP funding requirements was answered by the Portfolio Holder for Highways and Transport.

(e) **Question to be answered by the Portfolio Holder for Highways and Transport submitted by Kim Hetheron.**

A question standing in the name of Kiim Hetheron on the subject of minimising disruption to businesses as a result of utility companies digging up the highway was answered by the Portfolio Holder for Highways and Transport. As the questioner was not present they would also be sent a written response to their question.

(Councillor Jeremy Bartlett arrived at 7.40pm)

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29. **Membership of Committees**

The Leader of the Council took this opportunity to welcome Councillors Jeanette Clifford and Rick Jones to the Executive. Following their appointments it had been necessary to make some adjustments to other Committees.

The Leader of the Council therefore proposed that the Council approve the following appointments:

Councillor Keith Chopping to replace Councillor Rick Jones on the Governance and Ethics Committee.

Councillor Marigold Jaques to replace Councillor Rick Jones on the Communities Select Committee.

Councillor Marigold Jaques to replace Councillor Rick Jones as substitute on the Overview and Scrutiny Management Commission.

Councillor Jeanette Clifford to replace Councillor Garth Simpson on the Planning Advisory Group

The proposal was seconded by Councillor Emma Webster.

The Council agreed to the changes to the membership of Committees.

30. **Licensing Committee**

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

31. **Personnel Committee**

The Council noted that, since the last meeting, the Personnel Committee had met on 30 June 2016.

32. **Governance and Ethics Committee**

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 05 September 2016.

33. **District Planning Committee**

The Council noted that, since the last meeting, the District Planning Committee had met on 27 July 2016 and 30 August 2016.

34. **Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had met on 07 June 2016.

35. **Changes to the Constitution - Part 11 (Contract Rules of Procedure) (C3134)**

The Council considered a report (Agenda Item 14) concerning proposed amendments to the Council's Contract Rules of Procedure (Part 11 of the Constitution).

MOTION: Proposed by Councillor James Fredrickson and seconded by Councillor Jeanette Clifford.

That the Council:

“the proposed amendments to Part 11 (Contract Rules of Procedure) be agreed and that the changes come into effect on the 16th September 2016”.

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AMENDMENT: Proposed by Councillor James Fredrickson and seconded by Councillor Jeanette Clifford:

“That the recommendations set out in Paragraphs 2.1 and 2.2 set out in the report be approved and adopted subject to the following amendments:

11.4 Authority

That the first column of paragraph 11.4.4 be amended to read:

Total Contract Value
per annum*

Less than £100,000

£100,000 or more and less than £500,000

£500,000 or more and less than £2.5 million

£2.5 million or more

11.5 Tendering

That the first column of paragraph 11.5.2 be amended to read:

Total Value £

A Less than 10,000

B 10,000 or more and less than 100,000

C 100,000 or more and less than relevant EU threshold²

D Relevant EU threshold or more²

Councillor Fredrickson commented that the amendments which had been previously circulated to Members and also tabled at the meeting were minor amendments to clarify the action required if contracts amounted to the exact value of some of the thresholds.

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

Councillor Fredrickson noted that the report sought to adjust the thresholds required for the Executive to sign off contracts. The key change was that contracts valued between £500k and £2.5m would be signed off by Heads of Service, in consultation with the relevant Portfolio Holder, under delegated authority. As these decisions were key decisions they would still have to appear on the Forward Plan for 28 days and would be subject to the Council's usual call-in procedures. These changes were designed to streamline decision making.

Councillor Lee Dillon commented that he was happy to support the changes as Members and the public would still be aware of forthcoming decisions as they would appear on the Forward Plan and the decisions could still be called-in. He requested that the decisions be monitored to ensure that Heads of Service did not aggregate or disaggregate contracts to circumvent the agreed processes.

Councillor Alan Macro commented that, although not a contract, the Council had recently spent significant sums of money (around £250k) on legal fees associated with a Judicial Review. He stated that although he did not necessarily disagree with the decision to

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review he felt that the process was not transparent and he asked if this was something that the Governance and Ethics Committee could look into.

Councillor Clifford noted that the changes had involved a lot of work and she thanked all Members and Officers for their input. She noted that the Council had a duty to obtain best value and these changes represented a more mobile and streamlined process but retained the checks and balances described by Councillor Fredrickson.

Councillor Fredrickson thanked Councillors Dillon and Clifford for their comments. He responded to Councillor Macro by explaining that the sums he was quoting for the Judicial Review covered a five year period and that a large proportion of the costs had been funded by the Local Enterprise Partnership. He therefore stated that there was no need for the Governance and Ethics Committee to consider this matter.

The Substantive Motion, as amended, was put to the meeting and duly **RESOLVED**.

36. **A New Councillors Code of Conduct (C3066)**

The Council considered a report (Agenda Item 15) concerning revisions to the Councillor's Code of Conduct.

MOTION: Proposed by Councillor James Fredrickson and seconded by Councillor Graham Bridgman:

That the Council:

- (1) Approves and adopts the new Councillors Code of Conduct.
- (2) Delegates authority to the Monitoring Officer to make any required changes to the Council's Constitution in light of the new Councillors Code of Conduct.
- (3) Delegates authority to the Monitoring Officer to update the process for investigating alleged breaches of the Code of Conduct.
- (4) Delegates authority to the Monitoring Officer to publicise the revisions and replacement of the Councillors Code of Conduct in accordance with Section 28 (12) of the Localism Act 2011."

AMENDMENT: Proposed by Councillor James Fredrickson and seconded by Councillor Graham Bridgman:

That the Council:

"That the recommendation set out in paragraphs 2.1 (1), (2), (3) and (4) be approved and adopted subject to the following amendments:

Page 66 (of agenda pack) - "How does a Councillor register gifts and hospitality that they receive?" should be amended to read "How does a Councillor register gifts and hospitality they are offered or receive?"

Page 75 at 11.1 – "Other Interest" should be amended to read "Other Registerable Interest".

Page 78 (Flowchart) – "Has the Monitoring Officer granted you a Dispensation?" (in two places) should be amended to read "Has the Monitoring Officer or Governance & Ethics Committee granted you a Dispensation?".

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Councillor Fredrickson noted that this was a minor amendment to ensure that gifts, both received and offered, needed to be reported by Members and clarified the role of the Governance and Ethics Committee in respect of granting dispensations.

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

Councillor Fredrickson noted that the changes were largely cosmetic but were designed to ensure that Members met their legal duties under the Bribery Act 2010. Officers had been asked to review the guidance to ensure that it was clear and precise so that Members were able to understand their obligations. He thanked Councillor Quentin Webb for the work he had done on getting the changes made.

Councillor Bridgman noted that a Task Group had been set up to review the documents. He paid tribute to the Officers especially Jo Reeves who had spent a lot of time on getting the work done. The document was designed to be more accessible on a tablet, and sought to clarify the Gifts and Hospitality Protocol. He reminded Members of the need to declare gifts that were both received and offered.

Councillor Webb commented that it would be useful for Parish Councils to have sight of the revised document. Councillor Bridgman commented that it was hoped that a template could be produced for the parishes to use.

The Substantive Motion, as amended, was put to the meeting and duly **RESOLVED**.

37. **Response to the Motion that the Council investigates Webcasting (C3065)**

The Council considered a report (Agenda Item 16) which provided a response from the Webcasting Task and Finish Group to Councillor Alan Macro's Motion that the Council investigated the cost and practicality of webcasting all Council, Executive and Committee meetings which was put to the Council on the 02 July 2015.

MOTION: Proposed by Councillor James Fredrickson and seconded by Councillor Alan Macro:

That the Council:

- "(1) The Council to webcast meetings of particular public interest.
- (2) A project board of officers from Property, IT and Strategic Support be set up to make arrangements to complete the repairs and acquire the equipment needed to webcast meetings in the Council Chamber and at other locations.
- (3) The Governance and Ethics Committee to develop a Webcasting Policy, to include a procedure for identifying meetings to be webcast and guidance for Members."

Councillor Fredrickson reported that following the submission of a Motion to Council by Councillor Macro a cross party task group had been set up to look into webcasting Council meetings. He noted that the anticipated expenditure of £80k would be met from the Capital Programme and would not incur a revenue cost burden. He also highlighted that around £35k would be spent on equipment and that the remaining £45k was associated with maintenance costs that would have to be incurred in any event to ensure that the Council was meeting all its statutory requirements.

Councillor Fredrickson reported that the recent level of interest in the Full Council meeting where the Development Plan Document had been discussed had highlighted the need for the Council to consider webcasting future meetings. A process would be put in place whereby the agreement of the Group Leaders and relevant Officers would be

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required as to which meetings should be broadcast. He thanked Councillor Macro for agreeing to second the motion.

Councillor Macro congratulated the task Group on the work they had done to progress this matter. He welcomed the additional transparency that webcasting would provide.

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

38. **Short Breaks for Disabled Children (C3173)**

Prior to the discussion on this item commencing the Chairman clarified why Members were being asked to consider this matter. On 1 March 2016 and 31 May 2016, the Council made decisions relating to the budget for Short Breaks for disabled children.

Those decisions had both been quashed by High Court judgement. As detailed in the executive summary in regards to decision 1, Justice Laing concluded that Members did not ask 'the right questions' regarding the Council's obligations under the Equalities Act 2010. In regards to decision 2, Justice Laing assessed that this decision addressed the flaws of decision 1. However, this decision was also quashed, as Justice Laing concluded that Members were not informed as to how to rescind the previous decision should they have been minded to, through suspending standing orders.

The Chairman commented that as a Council, Members and Officers were obviously disappointed with this result. This was particularly so for decision 2, given that Councillors received training regarding the rules of the Constitution, including how to suspend Standing Orders.

The Chairman noted that the Council respected the Court's judgement and Members were being asked to consider the matter completely afresh at this meeting. He invited Councillors to consider the issue with fresh eyes, casting discussions at the previous 2 meetings of Council concerning this matter aside."

(Councillor Lynne Doherty clarified that although she had previously declared an interest in this item, this conflict no longer existed as she had left the employment of a provider in July 2016.)

The Council considered a report (Agenda Item 17) following the High Court decision on the 22nd July 2016 that ordered that the Council's previous decisions, made on the 01st March 2016 and the 31st May 2016, relating to the reduction in funding for short breaks, be quashed.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor James Fredrickson:

That the Council:

1. "having considered this report and its appendices fully agrees that the service redesign, reductions and budgetary measures proposed relating to short breaks funding are appropriate and proportionate following assessment of the statutory requirements.
2. Instructs that Officers robustly monitor the impact of the budgetary reduction and continue to work in close partnership with local providers of short breaks provision in West Berkshire."

Councillor Doherty, in introducing this item reminded Members that they were required to make a new decision on the redesign of short breaks for disabled children, for reasons already explained by the Chairman.

Councillor Doherty explained that as elected Members it was their duty to question whether the proposed budget reduction was justifiable in the context of the important

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need to protect and promote the welfare of disabled children and their carers. She reported that the information set out within the report should enable Members to consider the impact on this extremely vulnerable cohort of residents.

Councillor Doherty commented that she could not fully comprehend the daily difficulties faced by these children or their families. She accepted that this was a highly emotive decision but that Members were charged with balancing the needs of all residents as well as this vulnerable group. Councillor Doherty noted that the Council had received a petition containing 4,447 signatures from West Berkshire Mencap the previous day requesting that: 'West Berkshire Council change their mind on their proposal to cut the funding of disabled children's short breaks at West Berkshire Mencap'.

Councillor Doherty commented that she had carefully studied the information within the report and attached appendices, met with the services involved, both internal to the Local Authority and External Providers, she had met and heard from parents and she had compared 'Short Break Services' data from across the country. As a result she was of the opinion the Council provided a 'good' service to these children and their families.

The March 2015 Ofsted Inspection had highlighted that the 'specialist team provides good quality child-focused work'. She noted that the Disabled Children's Team worked hard to provide the support needed through Education, Health and Care Plans and were making good progress with required Special Education Needs and Disability (SEND) reforms. This would be tested by the new Ofsted SEND inspections which had just started, but initial feedback from parents was positive.

Councillor Doherty cited an email from a parent received two weeks previously with regard to the Castlegate service: "my younger son who would literally run to their door to be let in so I can only assume he loved to go there and felt safe and secure".

Councillor Doherty commented that the financial implications were set out in paragraph 6.1 of the report. She asked Members to note that the spend for 2016/17 was actually (£1,335,252.00) which totalled nearly 9% of the total Children's Services budget. Short Breaks, which were provided by voluntary groups, should be viewed as a part of a larger service delivered by the Local Authority for disabled children and their families. Members needed to determine if the level of expenditure was proportionate and justifiable in light of other savings that had to be made. The Council had protected frontline services for disabled children, and invested in them at the last Full Council in the Getting to Good Paper. The Council continued to support and invest in its overnight facility Castlegate which provided the largest component of the Council's Short Break Service and enabled the Council to meet its statutory obligations. She noted that there would be no change to the care packages for children with the highest level of need.

Paragraph 8.3 explained that it was the discretionary element that might change, particularly for those individuals who did not meet statutory levels of need. Councillor Doherty stated that through her research and working knowledge of this area she was confident that an effective service could still be delivered and that the Council would be able to minimise the effect such a reduction would have on the needs of both children and carers within West Berkshire.

The local offer which was promoted to all families would be key in ensuring clear detail in what and where support was available. It contained information not only on current providers who were continuing to deliver but also new providers and new supported services coming to some of our local communities that were self-funded and run by the communities themselves.

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Transition Funding was enabling the Council to manage any changes carefully and over an extended period of time as the Council recognised that change could be difficult and even more so for vulnerable individuals.

Councillor Roger Croft commented, albeit that this was a very difficult decision, it was one of many that Councillors had to make. He urged all Members to take careful consideration of their legal duties (set out in section 7 of the paperwork), and the legal processes they were required to follow. Members had a duty to take account of legal restrictions, balancing the needs of all the District's vulnerable groups yet at the same time producing a balanced budget.

Members were being asked to consider reducing funding for short breaks for the carers of disabled children. The Council needed to make decisions on the balance of the services it was able to provide whilst being mindful of the needs of all those they served.

Councillor Croft noted that the Council provided lots of services, around 800, all of which were important in varying degrees. The decision before Members was about balancing those difficult options and making decisions that were appropriate and proportionate given the wider context of all the Council's functions. The Council's financial position had meant that services had to be reduced in many discretionary areas including rural buses, neighbourhood wardens, cross boundary waste and recycling services to name but a few.

Councillor Croft stated that the Council's financial position had been well publicised and all decisions needed to take cognisance of the Council's duty to operate within a balanced budget. Unlike other organisations the Council did not have the luxury of being able to operate a deficit budget.

He asked Members to consider what kind of service would remain if Members were minded to approve this proposal and how that offer compared with other parts of England.

Councillor Richard Somner asked the Portfolio Holder to explain how this proposal would compare to other Local Authorities offering Short Break Services.

Councillor Alan Macro noted that Justice Laing had made mention of the fact that at the 31 May 2016 meeting Members had not been informed about the ability to rescind the March 2016 decision. He had pointed this issue out at the time and his comments had not been well received.

Councillor Macro drew Members' attention to the statement of Christine Lanehan, the Director of the Council for Disabled Children, set out from page 250 of the paperwork. He made specific reference to paragraph 17 on page 255 where Ms Lanehan stated that the Council had misinterpreted the Government's intention regarding Aiming High Funding. She commented that in the final year of the ring fenced funding the Regulations and Short Breaks funding statement were introduced which made it clear to both parents and local authorities that it was the Government's intention that the local provision should continue.

Councillor Macro also commented on paragraph 18 of Ms Lanehan's statement where she stated that the Council's distinction between Aiming High short breaks provision and core provision was inaccurate as it carried the same statutory intent. In paragraph 19 she stated that in her view it was not appropriate for local authorities to focus solely on meeting assessed need as stated by the Council. He asked that Members take these comments into account in reaching a decision at the meeting.

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Councillor Lee Dillon noted that the report directed Members to consider various pieces of legislation. He stated that Members also had a moral imperative to ensure that the District's most vulnerable individuals and their carers got the care that they required. The Care Act 2004 stated that where appropriate the Council should use reserves to fund services or seek to increase charges elsewhere to meet these costs. He accepted that in West Berkshire Council's case it would not be appropriate to use reserves but that the report did not set out any detailed analysis of charges that could potentially be increased. He asked Members to consider using some of the 2017/18 Transitional Funding to give more time to consider all the options for this important service.

Councillor Emma Webster sought assurance from the Portfolio Holder that in her opinion this proposal was both proportionate and appropriate given the Council's financial position.

Councillor Anthony Chadley, the Portfolio Holder for Finance, reminded Members of the need to operate within a balanced budget. He noted that Members had been required to make very difficult decisions during the previous financial year and the Council was still in the same financial cycle. The Council would again be required to find additional savings for the forthcoming financial year. In terms of making use of the Council's reserves both the S151 Officer and the Council's external auditors were clear that the Council's current reserves were very close to the minimum reserve levels. Members could use reserves but any depletion would mean that the Council might be unable to respond to any other unforeseen emergencies.

Councillor Pamela Bale queried whether the Council had looked at other options and alternative income generation.

Councillor Fredrickson stated that Members had a lot of information to consider at this meeting and that it was important to consider the decision afresh. The Council had decided to reduce funding for short breaks by £175k. Members were being asked to decide whether or not that decision could be justified. Members would need to balance the Council's statutory and discretionary responsibilities whilst being mindful of the needs of all residents and being mindful of the Council's budgetary environment. He stated that Members would need to determine if this proposal was appropriate and proportionate.

Councillor Fredrickson stated that a number of comments had been made about spending the Council's reserves. It would be permissible to suspend standing orders and agree to spend the reserves. As the Portfolio Holder for Finance had already stated the Council's reserves were very close to the minimum prudent level. Should the Council be minded to spend the reserves it might not be possible to react to an emergency or to fund other services.

Members had also discussed generating other income. Council Tax had been increased already. Other income could be generated from other sources such as staff car parking charges or increasing other fees across the Council. These options were being looked at but were not unique to this proposal. Councillor Fredrickson queried whether cuts could have been made to other services instead. Members however had a duty to be mindful of the needs of all residents and service users and as Members made this decision they needed to be mindful of all the obligations that had to be met. Members needed to compare West Berkshire Council's offering in terms of this area with those of other authorities.

Councillor Doherty commented that mention had been made of how West Berkshire Council's offering compared with other authorities. During the research that she had conducted she had established that this Council's offering was good and would compare

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favourably with other authorities. The 'Local Offer' set out available services and she was pleased to note that new providers and community groups were coming into the market. She stated that the discretionary services would still be provided but just not by the Council.

Transition Funding had already been granted for this area as Members recognised that change was difficult. The funding had meant that the Council was able to work with partners to allow for positive transition to take place.

Councillor Doherty commented that should Members be minded to approve the recommendations she would, as set out in recommendation in 2.3, advocate that this process be continually reviewed to ensure the Council's offer was meeting need. The Council would however have to reduce and realign budgets over the coming years to ensure that it continued to meet its statutory duties. Councillor Doherty commented that although this budgetary reduction might adversely impact on some people, in the light of the Council's need to appropriately balance all of its strategic aims and priorities and to fairly secure protection and support across the wide range of vulnerable people who needed this, the recommendation remained to approve the proposal.

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

In accordance with paragraph 4.17.3 of the Constitution, immediately after the vote was taken Councillors Alan Macro, Lee Dillon and Mollie Lock asked that their vote against the proposal be recorded.

39. **West Berkshire District Council (land at Englefield Road and North Street, Theale) Compulsory Purchase Order 2016 (C3172)**

(Councillor Alan Macro declared a personal and a disclosable pecuniary interest in Agenda item 18 by virtue of the fact that was a Member of Theale Parish Council, he was a Governor at Theale Church of England Primary School and was a member of the project team. As his interest was personal and a disclosable pecuniary interest he determined to leave the meeting and took no part in the debate or voting on the matter).

(Councillor Pamela Bale declared a personal interest in Agenda item 18 by virtue of the fact that she was a governor at Theale Green School (one of the discounted options). As her interest was personal and not a disclosable pecuniary interest she determined to take part in the debate and vote on the matter).

(Councillor Alan Macro left the meeting at 8.30pm and returned at 8.40pm)

The Council considered a report (Agenda Item 18) which sought approval to purchase land using compulsory purchase powers to replace Theale Church of England Primary School. The Council would be unable to provide sufficient primary school places in Theale by September 2017 if agreement to purchase the land by negotiation did not occur immediately.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Dominic Boeck:

That the Council:

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1. "Having given consideration to all the provisions of this report including the impact on Human Rights and Equalities, resolves to delegate to the Head of Legal Services authority to make a Compulsory Purchase Order(s) and other such powers as detailed in the appropriate Section of this report.
2. Whilst negotiations are continuing to take place, successful negotiated purchase agreements cannot be reached despite numerous attempts to engage over the last 18 months.
3. Without the Council's involvement to acquire the necessary interests in land, the Council will be unable to unlock the site for the relocation of Theale Church of England Primary School. The school has already exceeded capacity and there is an urgent need to provide more primary school places in Theale to meet current demand and projected pupil modelling numbers. The proposal will assist with meeting the Council's duty to provide sufficient primary school places."

Councillor Doherty noted that the National Audit had warned that there was a national shortage of places at both primary and secondary level. West Berkshire Council had a duty to ensure that there were sufficient school places available to every West Berkshire resident child that requested one between the ages of five and eleven and thereafter to seventeen.

The Council had therefore been working with Theale Church of England Primary School to replace the existing school situated in Church Street in Theale as part of the Education Capital Programme. The existing school was already over capacity and there was an urgent need to deliver suitable accommodation for a new school.

The land identified for the relocation was currently owned by Englefield Estate but was leased by Theale Parish Council. Negotiations had been progressing over the past 18 months with the freeholder but the Parish Council had not engaged and the Council was being forced to consider making a Compulsory Purchase Order (CPO) to acquire the land.

Councillor Emma Webster commented that it was sad that the Council was having to resort to a CPO and she hoped that the process could now be expedited.

Councillor Lee Dillon stated that while he supported the CPO route he hoped that the Council would not have to resort to this costly and time consuming process. He would prefer to see the costs spent on legal fees being used towards the building of the school.

Councillor Roger Croft explained that Members had not suggested this CPO lightly. There was a need for additional school spaces in Theale. The Council wanted to agree a way forward with the Parish Council that would allow it to build this school, but unfortunately the Council had been unable so to do. The Council had only proposed the CPO so that it could build a new school for Theale based children to educate them without them having to travel too far. The Council did not like CPO's as they were expensive and coercive and it would introduce a further delay with no guarantee of success. If the Council did not undertake this CPO or it was not granted then there would sadly be no new school in Theale. He therefore recommended that Members support the motion so that the Council could take another step forward towards making a £7m investment in a new school in Theale.

Councillor Fredrickson stated that he too did not like making use of the CPO process but that it seemed that only option available to the Council to deliver this new school.

Councillor Boeck stated that he too would prefer to see all of the £7m spent on the school for the residents of Theale. Theale had a growing population and by 2017 there would be insufficient places available at the current school to meet demand. This would mean that

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pupils would have to be bussed to nearby schools or more temporary accommodation would need to be placed on the already over crowded site. Unfortunately Theale Parish Council had refused to relinquish the lease and as a last resort the Council was being forced to use the CPO process.

Councillor Doherty stated that the children deserved the new school and it was the Council's duty to ensure that it was delivered.

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

(Councillor Pamela Bale, in accordance with paragraph 4.17.3 of the Constitution requested that her abstention from voting be recorded.)

40. Members' Questions

- (a) A question standing in the name of Councillor Billy Drummond on the subject of safety concerns on the A34 was answered by the Portfolio Holder for Highways and Transport. As the questioner was not present they would also be sent a written response to their question.

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

41. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers](#).

42. West Berkshire District Council (Land at Englefield Road and North Street, Theale) Compulsory Purchase Order 2016 (C3172a)

(Councillor Alan Macro declared a personal and a disclosable pecuniary interest in Agenda item 21 by virtue of the fact that was a Member of Theale Parish Council, he was a Governor at Theale Church of England Primary School and was a member of the project team. As his interest was personal and a disclosable pecuniary interest he determined to leave the meeting and took no part in the debate or voting on the matter).

(Councillor Pamela Bale declared a personal interest in Agenda item 21 by virtue of the fact that she was a governor at Theale Green School (one of the discounted options). As her interest was personal and not a disclosable pecuniary interest she determined to take part in the debate and vote on the matter).

(Councillor Alan Macro left the meeting at 8.42pm and returned at 8.44pm).

The Committee considered an exempt report (Agenda Item 21) concerning the exempt Exchange Land Plan.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor James Fredrickson:

That the Council agrees the exempt element of the report.

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

(The meeting commenced at 7.00pm and closed at 8.44pm)

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CHAIRMAN

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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 MEETING HELD ON TUESDAY, 22 NOVEMBER 2016

Councillors Present: Steve Ardagh-Walter, Howard Bairstow, Pamela Bale, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Paul Bryant, Keith Chopping, Jeanette Clifford, Hilary Cole, James Cole, Roger Croft, Richard Crumly, Rob Denton-Powell, Lee Dillon, Lynne Doherty, Billy Drummond, Adrian Edwards, Marcus Franks, James Fredrickson, Dave Goff, Nick Goodes, Clive Hooker, Carol Jackson-Doerge (Vice-Chairman), Marigold Jaques, Mike Johnston, Graham Jones, Rick Jones, Tony Linden, Mollie Lock, Gordon Lundie, Alan Macro, Tim Metcalfe, Ian Morrin, Graham Pask, Anthony Pick, James Podger, Quentin Webb (Chairman), Emma Webster and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Nick Carter (Chief Executive), Andy Day (Head of Strategic Support), Martin Dunscombe (Communications Manager), Rachael Wardell (Corporate Director - Communities), Robert Alexander (Group Executive (Conservatives)) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Anthony Chadley, Councillor Sheila Ellison, Councillor Manohar Gopal, Councillor Alan Law, Honorary Alderman Royce Longton, Councillor Richard Somner, Councillor Anthony Stansfeld and Councillor Virginia von Celsing

Councillors Absent: Councillor Jeremy Bartlett, Councillor Paul Hewer and Councillor Garth Simpson

PART I

43. Declarations of Interest

All Councillors present declared an interest in Agenda Item 3, but reported that, as their interest was a personal but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

44. Council Size Boundary Review - Phase 1 (C3029)

(All Councillors declared a personal interest in Agenda item 3 by virtue of the fact that as Councillors they could be affected by the reduction in the number of Councillors being proposed. As their interest was personal they determined to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 3) which appraised them of the work that had been undertaken in relation to the Boundary Review (Council Size) and recommended a single figure as the proposed future number of Members with effect from the 2019/20 District Council elections.

Prior to the Motion being introduced the Chairman explained that Councillor Graham Jones would be proposing the recommendation as set out in paragraph 2.1 of the report and as part of his introduction he would also be proposing an amendment to the recommendation set out in paragraph 2.2 of the report which had been circulated to all Members in advance of the meeting.

MOTION: Proposed by Councillor Graham Jones and seconded by Councillor Steve Ardagh-Walter:

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That the Council:

“2.1 approves and adopts the Governance Report.”

AMENDMENT: Proposed by Councillor Graham Jones and seconded by Councillor Alan Macro:

That:

“2.2 for the purposes of Phase 1 of the Boundary Review process, the Council be requested to agree that the number of Members required from 2019/20 be reduced from the current number of 52 to 42 (+ or -1).”

Councillor Graham Jones noted the current boundaries were established in 2002. Since then the profile of the wards had changed over time as developments were erected. As a result of the development the disparity between the number of electors in various wards had grown. This imbalance meant that it had become necessary to revisit the ward boundaries and this was seen as an opportune time to examine the number of Members the authority needed to effectively govern the district.

In terms of governance the authority operated a Strong Leader Model supported by an Executive. The Council had scrutiny arrangements in place to hold the Executive to account and to review decisions which had an impact across the district. Quasi judicial committees such as Licensing and Planning were also in place as part of a comprehensive governance structure. The governance needs had however to be balanced against a membership that was affordable. These proposals could generate around £70k of savings.

At the September 2015 Council meeting it was agreed that the Local Government Boundary Commission (LGBC) would be approached about undertaking a Council Size Boundary Review so that the discrepancies between wards could be corrected.

Councillor Graham Jones noted that typically each Ward Member in West Berkshire represented around 2208 residents which was significantly lower than many other authorities in the South East e.g. Wiltshire (3538) and Portsmouth (3502). He noted that some other nearby unitary authorities operated with fewer than 52 Councillors e.g. Bracknell (42 Councillors). From this data it was apparent that if Members were minded to approve the recommendations, as amended, West Berkshire Council would not be an outlier in terms of its configuration. The implications of the changes for Councillors were clear and he urged Members to have the courage to do the right thing for the residents of West Berkshire.

Councillor Graham Jones noted that the amendment had originally been proposed by the Liberal Democrat Group. They had originally suggested a figure of 44 (+ or – 1) Councillors but following discussions between the Leaders this had been revised down to 42 (+ or -1). Councillor Jones’s personal view was that he would have preferred a figure of 40 (+ or -1) but that he felt that it was more important to present a unanimous view to the LGBC.

Councillor Steve Ardagh-Walter stated that he was pleased to second the Motion in relation to paragraph 2.1. As paragraph 2.2 was the subject of an amendment he would only be seconding the first recommendation.

Councillor Alan Macro, in seconding the amendment to recommendation 2.2, stated that it was the role of a Councillor not only to represent the residents of their own ward but also to represent the residents of the district as a whole. The compromise that needed to be sought was the ability to effectively represent those residents against the ability to

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have a useful Council. He commented that West Berkshire was one of the most sparsely populated parts of the South East of England.

Decreasing the number of Councillors to 42 would constitute a 24% increase in the number of residents a Councillor would be representing. This would be the fourth highest figure for a district unitary authority. Councillor Macro noted that some wards already covered a large geographical area and noted that one single member ward currently covered eight parishes. Attending all eight parish meetings could be difficult for a ward member that chose to do so.

Councillor Macro acknowledged that modern technology did make it easier to contact residents but highlighted that Members did not have electronic contact details for all their residents and indeed some residents did not have access to electronic communication. This would still mean that Members would need to distribute leaflets and do some 'door knocking' to keep their residents informed.

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

The debate then returned to the Substantive Motion. Councillor Steve Ardagh-Walter accepted that decreasing the number of Councillors would mean that the workload of individual Councillors might increase but felt that in the current financial climate this was the right thing to do.

(Councillor Mike Johnston arrived at 7.13pm)

Councillor Graham Jones questioned some of the statistics that were quoted by Councillor Macro. He also noted that issues such as the geographical size of wards, rurality and deprivation issues were outside of the criteria for this exercise.

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

(Councillor Mike Johnston did not vote on this item as he was not present for the whole discussion)

(The meeting commenced at 7.00pm and closed at 7.15pm)

CHAIRMAN

Date of Signature

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Joint Public Protection Partnership

Committee considering report:	Council
Date of Committee:	08 December 2016
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	29 November 2016
Report Author:	Sean Murphy
Forward Plan Ref:	C3158

1. Purpose of the Report

- 1.1 West Berkshire District Council currently delivers its Trading Standards, Environmental Health and Licensing functions as part of a shared service arrangement with Wokingham Borough Council. The current agreements end on the 8th January 2017.
- 1.2 This report proposes the creation of a Joint Committee to deliver a shared service arrangement between West Berkshire, Wokingham and Bracknell Forest Councils. The new arrangement will be known as the Public Protection Partnership (PPP).
- 1.3 This report follows the decision by all three Councils Executives to enter into this arrangement.

2. Recommendations

- 2.1 Insofar as the functions and arrangements are for the Council it resolves:-
- 2.2 To authorise the arrangements set out in this report including the creation of a Joint Committee with Wokingham Borough Council and Bracknell Forest Council through the Public Protection Partnership (PPP) with effect from the 9th January 2017.
- 2.3 To delegate authority to the Head of Legal Services, in consultation with the Head of Finance and Head of Culture and Environmental Protection, to finalise the terms of the PPP as set out in the draft Inter Authority Agreement (IAA) between the three Councils and to make any necessary drafting or other amendments to the terms of the draft Agreement which are necessary to reach final agreement but do not materially affect the intent and substance of the Agreement.
- 2.4 To authorise the Joint Committee to determine policy, strategy and oversee the performance monitoring and management of the new PPP and have the powers set out in the terms of reference contained in Schedule 1 of the draft Inter Authority Agreement.
- 2.5 To authorise the Head of Culture and Environmental Protection and Public Protection Service Managers (Currently known as Trading Standards and Building Control Manager and Environmental Health and Licensing Manager) to receive a delegation of Trading Standards, Environmental Health and Licensing functions from Bracknell Forest Council and Wokingham Borough Council and to exercise

those functions jointly with West Berkshire District Council functions under the strategy direction and oversight of the Joint Committee.

- 2.6 The proposed agreement authorises West Berkshire District Council to institute and defend proceedings on behalf of Wokingham and Bracknell. This does not preclude the other authorities from taking their own legal actions.
- 2.7 To receive a TUPE transfer of the staff of Bracknell Forest Council currently providing the Trading Standards, Environmental Health and Licensing functions on the terms set out in the draft Inter Authority Agreement and authorise any relevant pensions and employment implications.
- 2.8 To appoint Head of Culture and Environmental Protection as the Council's Lead Officer to manage the Councils arrangements under the Agreement on the Council's behalf and to authorise the Monitoring Officer to make any necessary variations to the Agreement as may be required from time to time in consultation with the Leader of the Council.
- 2.9 To appoint Councillor Emma Webster to represent the Council on the Joint Committee. The Executive previously approved the appointment of Cllr Marcus Franks as its Member on the Joint Committee and Cllr Dominic Boeck as substitute Member
- 2.10 To authorise the Joint Committee and the Head of Culture and Environmental Protection to enter into arrangements with other local authorities, shared services or other bodies for the provision of Trading Standards, Licensing or Environmental Health Services, up to the limits permitted within the Council's Contract Rules (pursuant to the Local Authorities (Goods and Services) Act 1970, sections 111 and 113 Local Government Act 1972 and other enabling legislation

3. Implications

- 3.1 **Financial:** The model which governs the PPP budget has a flexible approach which accommodates fluctuating demands and the potential for partner authorities to request changes in the activity levels.

An initial full year budget (for 2017/18) has been set based on agreed levels from each of the partner authorities using retrospective activity level data. Ongoing activity levels will be monitored to inform subsequent budgets to be considered and proposed annually by the Joint Committee. Each Council will subsequently approve the budget, retaining control of allocations to the Joint Committee at all times. This process is set out in more detail in Schedule 4 of the legal agreement.

The initial budget for the part year (9th Jan 2017 – 31st Mar 2017) will be based on existing budgets.

The proposal will deliver a recurring saving in 2017-18 of £120K for West Berkshire.

The agreement also sets out in detail how unforeseen expenditure is managed. Examples of this would include major investigations or a major animal health disease outbreak. Initially this would need to be managed from existing budget but where this is not possible then the matter would need to be referred back to

the relevant council or councils.

It is important to note that any subsequent efficiencies made through the PPP will also be redistributed using the budget proportions, once agreed by the governing Committee. This is set out in the business plan and the agreement.

It has been acknowledged that there will be resource implications for the host in supporting the PPP a series of agreements for the following services have been made:

- Finance; ongoing accountancy support to contribute to discussions around in year budget management and year end reconciliation.
- Legal; direct costs as a result of initiating the project and any costs specifically incurred as a result of operating the PPP i.e. those over and above that covered by the legal agreement.
- Democratic services; direct support to the Committee.
- HR; to manage the initial TUPE process as part of the project.

These costs will be met by the PPP and in accordance with the model these costs will be split proportionately.

- 3.2 **Policy:** The PPP will be an important contributor to Council objectives around protecting vulnerable people and the operating model being considered shows strong, effective leadership which focuses on the most important issues affecting communities and business. The proposals build on increased resilience, reduced risk to the community and the Council, building expertise in areas where cost recovery is possible and giving employees improved professional opportunities. All policy will have input from the Joint Committee and wherever possible a common approach will be sought.
- 3.3 **Personnel:** This proposal will result in the TUPE transfer of 25 employees from Bracknell Forest Council. Whilst it will require existing West Berkshire employees to carry out their functions across a wider geographical area, they acknowledge the professional development opportunities that this will bring. The existing employees have been kept informed on a regular basis as the business case was developed. Appropriate indemnifications will be put in place as part of the finalisation of the legal arrangements.
- 3.4 **Legal:** The proposed shared service model is based on a Joint Committee under Section 102 of the Local Government Act 1972 which will have powers delegated to it by each of the participating authorities to take decisions on behalf of all of them.

As a Joint Committee is not a legal entity separate from its constituent authorities, it cannot enter into contracts, own land or employ staff in its own right but can have delegated authority to enter into arrangements conducive to the partnership. There is therefore a need for one of the Authorities (in this instance, West Berkshire Council) to take a lead authority role to undertake these activities on behalf of the other authorities. It is possible for one or more of the participating authorities to decide to pull out of the joint arrangements. Any financial implications arising from

this will be dealt with in accordance with the terms of the agreement.

An inter Authority Agreement will be entered into prior to the shared service becoming operational setting out the contractual obligations of the three parties under the arrangement including withdrawal by notice requirements.

As a Joint Committee is a voluntary arrangement, it is always possible for one or more of the participating authorities to decide to pull out of the joint arrangements. The IAA has provisions to require participating authority wishing to withdraw from the arrangements to have to give reasonable notice to the remaining authorities and to be liable to those remaining authorities for any loss which its withdrawal causes to the remaining authorities.

As the Joint Committee is intended to carry out a combination of Executive and Non-Executive functions the decision to set up the Joint Committee must be considered by Council, but both Council and the Executive must agree the arrangements and each must separately resolve to delegate their particular functions to the Joint Committee.

The Councils existing scrutiny arrangements are not affected by the transfer of functions to the Joint Committee i.e. the right to call in decisions remains in place.

To avoid the risk of procurement challenge the arrangement must demonstrate genuine cooperation between the parties. The Joint Committee arrangement and the IAA satisfy this requirement

- 3.5 **Risk Management:** These proposals if adopted will be notified to the Councils insurers. The legal agreement deals with allocation of risk and liability in significant detail. The underlying principal is one a shared liability. Safeguards exist to indemnify the parties against the actions of other parties in appropriate circumstances. One identified risk is that one or other of Executive or Council do not approve the recommendations.

In terms of insurance the relevant notifications will be made to the councils insurers. As with the existing shared service it is not anticipated that this would present any issues.

- 3.6 **Property:** There are no property implications as accommodation will be retained at Bracknell Forest Council Offices.

4. Other options considered

- 4.1 Alternatives considered would be to revert to West Berkshire only provision or retain the current combination of authorities i.e. West Berkshire and Wokingham. Neither option would deliver the savings identified above without further cuts to service provision which in turn would have the effect of reducing resilience which is one of the strengths in the proposal. The currently proposal allows for the management of potential further saving through providing services to others or developing the shared service through the admission of further Councils.
- 4.2 Another option taken by handful of Councils has been outsourcing to the private sector. There significant complexities around this arrangement not least of which are the fact that many of the functions can only be delegated to 'officers' of local

authorities and certain functions such as decisions on legal actions can only be made by the authority. These services are very much in their infancy and time will tell whether this is an effective way of delivering enforcement services. It is certainly clear that the current legislative framework with respect to the statutory duties of a local authority do not lend themselves easily to this model. For this reason it has not been explored further at this stage. It is of course something the joint committee could consider in due course.

- 4.3 In the final instance this proposed approach builds on the experience drawn from our own shared service and that of others. The proposal for a combined single service involves joining these service areas into one large unit with the licensing function. It is believed that the joining of these three service areas in this way provides the greatest opportunity to improve efficiencies, maintain service standards and further reduce costs. The model proposed allows for further expansion, income generation and should it ever be considered a better option, outsourcing to the benefit of the partner organisations.

5. Executive Summary

- 5.1 In June 2010 West Berkshire Council entered into a five year shared service arrangement with Wokingham Borough Council for the delivery of the Trading Standards Service. This was followed by a five year agreement for Environmental Health and Licensing Services in January 2012. These combined arrangements have delivered savings of £200K per annum for West Berkshire.
- 5.2 Additionally the new arrangements have assisted in a number of key areas of delivery around sustainability. They have also allowed the service to meet changing patterns of offending and the enforcement regime around them. For the Trading Standards service the integration of the National Intelligence Model into day to day delivery along with a new integrated operating model with Thames Valley Police has again further improved efficiency in targeting resource.
- 5.3 Whilst both of the shared services at their time of development were not exclusive nationally they were relatively pioneering. The prevailing economic climate since 2010 has seen a steady increase in the number of collaboration arrangements particularly in the area of Trading Standards and we have been consulted and advised on shared services by a number of county council's, unitary authorities and welsh unitary authorities. We have considered other models and particularly the merits of the joint Surrey / Buckinghamshire which developed the initial West Berkshire / Wokingham model to introduce governance by Joint Committee. This is now seen as the favourable model going forward.
- 5.4 The initial legal agreement for trading standards ran for five years to June 2015. This was extended by Executive decision to bring it into line with the Environmental Health and Licensing agreement which is due to end in January 2017.
- 5.5 Towards the end of 2015 we were approached by officers of Bracknell Forest District Council about the possibility of looking at a new shared service arrangement to cover West Berkshire, Wokingham and Bracknell Forest Councils areas. This matter was considered by Corporate Board and Operations Board and authority granted to work up a proposal for further consideration. There are ongoing discussions with Reading Borough Council and Royal Borough of Windsor and Maidenhead about they may engage with the new arrangement in the future.
- 5.6 A significant amount of work has now been conducted by officers across a number of work streams relating to legal, HR, finance, ICT and operational matters as well consideration of other models and in particular the merits of the joint Surrey / Buckinghamshire Joint Committee Model. This has concluded in draft inter-authority agreement (Appendix C) and recommendation at page 1.
- 5.7 Should these proposals be approved by Executive and its functions delegated as set out in the resolutions the matter will then go before full Council to consider the proposal to delegate its functions also.
- 5.8 Any additional costs for support services (including for any legal activity) will be met by the PPP.

6. Conclusion

- 6.1 These proposals will delivery further opportunities to reduce revenue costs of delivering Trading Standards, Environmental Health and Licensing. In addition the

potential for operational efficiencies, service resilience and the likelihood of income generating opportunities is enhanced. For these reasons this is the option recommended to Executive and Council.

7. Appendices

- 7.1 Appendix A – Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Draft Inter-Authority Agreement

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Proposed Main Modifications to the Housing Site Allocations Development Plan Document (HSA DPD)

Committee considering report:	Council
Date of Committee:	08 December 2016
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	20 October 2016
Report Author:	Paula Amorelli
Forward Plan Ref:	C3188

1. Purpose of the Report

- 1.1 To consider the Schedule of Proposed Main Modifications to the Housing Site Allocations Development Plan Document (HSA DPD), the updated Sustainability Appraisal Report and updated Habitats Regulations Assessment and to approve these for publication for a 7 week period of public consultation. This is a regulatory stage of the DPD process and requires Council resolution.

2. Recommendations

- 2.1 That Council resolves that:

- (1) The Schedule of Proposed Main Modifications to the Housing Site Allocations Development Plan Document is published in accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 (as amended) for a 7 week period of consultation
- (2) The accompanying updated SA/SEA Report and updated Habitats Regulations Assessment are published in accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 (as amended) for a 7 week period of consultation where they relate to the Proposed Main Modifications
- (3) Delegated authority is given to the Head of Planning and Countryside in consultation with the Portfolio member for Planning and Housing, to agree any non-material supporting documentation and any other non-material refinements to the wording of the DPD before consultation.

3. Implications

- 3.1 **Financial:** The Council is committed to producing planning policy documents within the stated timescale set out in the adopted Local Development Scheme. Budgetary provision has been made to carry out the relevant work.

- 3.2 **Policy:** The West Berkshire Core Strategy sets out the strategic direction for the Council's planning policy, setting out the broad strategy for development in West Berkshire to 2026. The Housing Site Allocations DPD implements the spatial framework of the Core Strategy to allocate non-strategic housing sites to contribute towards meeting the District's longer term objectively assessed housing need. It is also an opportunity to update some parts of the planning policies that provide the starting point for development management decisions.
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) requires the local planning authority to keep under review the matters which may be expected to affect the development of their area or the planning of its development. The West Berkshire Housing Site Allocations DPD seeks to take forward a commitment to fulfil this obligation.
- 3.5 **Risk Management:** The risks to development management are much higher without an up to date development plan in place. Having a development plan in place will boost the Council's 5 year housing land supply position bringing forward development in a coordinated and managed way and reducing the risk of planning by appeal.
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

4. Other options considered

- 4.1 The preparation of the DPD is an iterative process and involves exploring different options to accommodate development, within the framework of the adopted Core Strategy. The process began with a 'call for sites' following which sites were included within the Strategic Housing Land Availability Assessment (SHLAA) and were assessed according to their potential for future development. The sites assessed as 'potentially developable' then had their suitability for development explored further through the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and site selection process. Consultation on the preferred options version of the DPD took place in the summer of 2014 as well as further technical work which enabled the sites to be assessed further. The proposed submission version of the DPD was published for consultation in November/December 2015 and was accompanied by a number of supporting and evidence based documents which informed its preparation. Following the consultation all the responses were submitted to the Secretary of State.

5. Executive Summary

- 5.1 The Housing Site Allocations Development Plan Document (HSA DPD) is currently being independently examined by a Planning Inspector appointed by the Secretary of State. The Inspector's role is to assess whether the DPD has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound (positively prepared, justified, effective and consistent with national policy). If the Inspector concludes that the Housing Site Allocations DPD is sound and meets the necessary tests, it can then be adopted by Council and will form part of the Local Plan for the District.
- 5.2 The Inspector is examining the DPD as it was submitted to the Secretary of State on 6th April 2016. Examination hearing sessions were held in June and July 2016 to discuss a number of issues upon which the Inspector required clarification. The purpose of the discussions at the hearings was for the Inspector, the Council and participants to gain the fullest possible understanding of any Main Modifications that may be required to make the DPD sound and legally compliant. The Council was then invited by the Inspector to make a formal request under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) for him to recommend Main Modifications to the DPD. The Council made this formal request on 2nd September 2016.
- 5.3 During the hearing sessions, the Inspector asked the Council to undertake additional work on a number of issues. This work was completed in August 2016 and was submitted to the Inspector at the beginning of September. The Inspector then sought additional comments on this work from those participants who attended the relevant hearing sessions.
- 5.4 Based on the outcomes of the hearing sessions and the additional work undertaken, the Inspector issued his preliminary findings on 17th October 2016. The findings are without prejudice to his final report but set out the Main Modifications he considers are required in order to make the DPD sound.
- 5.5 In many cases it is the Council that has proposed the Main Modifications but in some cases the Inspector has amended or added to them in order to make the DPD capable of adoption. These Main Modifications usually consist of redrafted text, the omission of a policy or section of text (or the inclusion of a new one). As far as the housing sites are concerned, other than the Main Modifications already put forward by the Council, the Inspector has not proposed the inclusion of any additional housing sites, nor has he identified any sites which should be removed from the DPD.
- 5.6 It is important that any proposed Main Modifications do not undermine, or possibly undermine, the sustainability process that has informed the preparation of the DPD. The Council has therefore updated the SA/SEA Report (Appendix C ii) and produced an addendum to the Habitats Regulations Assessment (Appendix C iii), both of which accompany the DPD.

6. Schedule of Proposed Main Modifications

- 6.1 The proposed Main Modifications are set out as a schedule in Appendix Ci with either the conventional form of strikethrough for deletions and underlining for additions of text. The main changes are summarised as follows:

- To set out the role of the DPD, its relationship to the Core Strategy and its time frame by clarifying the DPD is a daughter document to the Core Strategy, that it covers the period 2006-2026 and that it does not reassess the housing requirement of 'at least' 10,500 new additional dwellings per annum set out in the Core Strategy. The Strategic Housing Market Assessment, and what the future requirement should be, will be considered as part of the preparation of the new Local Plan. This will allocate additional development and will look longer term to 2036, as well as dealing with other policy issues.
- To clarify the Council's approach to development within the AONB by including the windfall allowance in the first five years of the plan period only. Core Strategy Policy ADPP5 says that provision will be made for the delivery of "up to 2,000" dwellings over the plan period. As at March 2016, 1,230 homes had already been completed in the spatial area and 200 units had planning permission. The HSA DPD allocates approximately a further 385 dwellings in the AONB. If the DPD is adopted, specific provision will therefore have been made for the delivery of 1,815 units in accordance with bullet point 1 of ADPP5. A windfall allowance has also been assumed of 251 between 2016 and 2026. If this is correct, this would then result in the completion of more than 2,000 dwellings in the AONB. Should this windfall allowance be shown only for the first five years, as in the other spatial areas, the total anticipated completions for the AONB to 2026 would be slightly over 1,900 units. As a new Local Plan is due to be adopted in 2019, the spatial strategy would by that time have been reviewed anyway.
- To clarify that the DPD has only reviewed the settlement boundaries for those settlements within the settlement hierarchy set out in the Core Strategy. All settlement boundaries will be reviewed through the preparation of the new Local Plan.
- To clarify that the Council will support communities wishing to develop a Neighbourhood Plan. Any Neighbourhood Plans coming forward following the adoption of this DPD will help to boost the supply of housing across the District, adding additional flexibility. Any future allocations and housing requirements for Neighbourhood Plans to deliver will be considered as part of the new Local Plan.
- To make specific changes to policies dealing with individual housing sites, including the clarification of developable areas and the development potential of some sites. The most significant of these are:
 - (a) the removal of Policy HSA14 North Lakeside, Theale and redrawing the settlement boundary of Theale around the whole of the Lakeside site. The southern portion of the site already has an extant planning permission for residential development and inclusion of the whole site would help to enable a comprehensive scheme which takes account of the nature and character of the area.
 - (b) to increase the developable area of site ref:THE009 land between the A340 and The Green, Theale (Policy HSA 15) from 2.3 hectares to 3.4 hectares and increase the development potential of the site from approximately 70 dwellings to approximately 100 dwellings.

- (c) to increase the developable area of site ref:EUA025 land adjacent to Junction 12 of M4, Bath Road, Calcot (Policy HSA 12) from 1.7 hectares to approximately 4 hectares and increase the development potential of the site from approximately 100 dwellings to between 150 and 200 dwellings.
- (d) the removal of Policy TS3 relating to the Clappers Farm Area of Search, Beech Hill (site ref:GTTS6) for Gypsies and Travellers. The evidence is now not sufficient to support the allocation, whose pitches were not profiled to be needed until later in the plan period, after 2021.
- To make specific changes to some settlement boundaries, the most significant of which are:
 - (e) to delete the proposed inclusion of Green Lane within the settlement boundary of Chieveley
 - (f) to include the properties at Hermitage Green within the settlement boundary of Hermitage
- To clarify that there is a presumption in favour of development and redevelopment within the settlement boundaries of Burghfield, Curridge, Donnington, Eddington, Upper Bucklebury and Wickham. These settlements had been erroneously omitted from Policy C1 at the submission stage.
- To clarify Policy C1 that the circumstances where new dwellings in the countryside can be permitted will include limited infill in settlements in the countryside with no defined boundary.
- To clarify that Policy C5 does not apply to the existing educational and institutional establishments within the rural area of West Berkshire. The policy provisions for new development associated with these establishments are set out in saved policy ENV.27 of the West Berkshire District Local Plan.
- To clarify Policy P1, parking standards in relation to new development, with regard to visitor spaces for flats and reduce the requirement for two bed flats in Zone 1 to one space per dwelling in line with two bed houses in this zone.

7. Next steps

7.1 Any proposed Main Modifications to the DPD require consultation in accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 (as amended). If Council approves the Schedule of Proposed Main Modifications consultation will take place for a 7 week period from 12 December 2016 to 30 January 2017. Copies of the Schedule will be made available for inspection on the Council's website together with:

- a Schedule of Proposed Main Modifications to the DPD setting out the changes being proposed by the Council in order to address issues of "soundness" identified by the Planning Inspector during the examination process;
- an updated Sustainability Appraisal and an updated Habitats Regulations Assessment.

- 7.2 The Council will also publish a Schedule of Proposed Minor Changes comprising modifications of a minor nature to update the DPD, to correct errors and to provide clarification in interpreting the policies of the DPD. This is not subject to public consultation and so will not be considered by the Inspector, but will be published for information.
- 7.3 Following the consultation the Council will be able to make a brief written response to any submissions received. All submissions and the Council's response will then be sent to the Inspector so that he can prepare his final report. If the Inspector concludes that the HSA DPD is sound and meets the necessary tests, it can then be adopted by the Council and form part of the Local Plan for the District.

8. Conclusion

- 8.1 As set out earlier, in many cases it is the Council that has proposed the Main Modifications but in some cases the Inspector has amended or added to them in order to make the DPD capable of adoption. None of the proposed Main Modifications are considered to be significant or would cause concern for the Authority. All relate to issues that were discussed at the hearing sessions.
- 8.2 If the Schedule of Proposed Main Modifications is approved by Council a seven week period of consultation will be held between 12 December 2016 and 30 January 2017 in accordance with the Council's adopted Statement of Community Involvement. As this is a regulatory period of consultation, views will be sought on the 'soundness' of the proposed Main Modifications.

9. Appendices

- 9.1 Appendix A - Supporting Information
- 9.2 Appendix B – Equalities Impact Assessment of the Housing Site Allocations DPD (including Proposed Main Modifications)
- 9.3 Appendix C –
- (i) Schedule of Proposed Main Modifications to the Housing Site Allocations DPD
 - (ii) Updated SA/SEA Report
 - (iii) Addendum to the Habitats Regulations Assessment Screening Report

Neighbourhood Planning

Committee considering report:	Council on 8 December 2016
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	30 September 2016
Report Author:	Rachael Lancaster
Forward Plan Ref:	C3198

1. Purpose of the Report

- 1.1 To inform Members of the Neighbourhood Planning Process and to set out the proposed approval process for the adoption of a Neighbourhood Plan.

2. Recommendations

- 2.1 Members are asked to approve the process for approving Neighbourhood Plans

- (1) The designation of Neighbourhood areas is delegated to the Head of Planning.
 - (a) The Scheme of Delegation is updated to allow the designation of a Neighbourhood Area to be approved by the Head of Planning.
- (2) Following the examination, but prior to the referendum taking place. Council are asked to approve the Neighbourhood Plan progresses to referendum and agreed to adopt the Neighbourhood Plan into the development plan if there is a successful 'yes' vote at the referendum.

3. Implications

- 3.1 **Financial:** The Council are currently able to claim up to £30,000 per Neighbourhood area designated (up to a maximum of 20 areas per year). Payments are broken down into stages:
- 1) £5,000 following the designation of a neighbourhood area
 - 2) £5,000 following publication of the proposed neighbourhood plan once it has been submitted to the council
 - 3) £20,000 following successful completion of the neighbourhood plan examination. This is to part pay for the examination and costs associated with the referendum.

The cost to the council is largely through officer time, and in the organisation of the referendum. It is estimated that approximately 90 to 100 hours of officer time is required to support a community develop a neighbourhood plan, at a cost of approximately £2,500. This is based on the time

given to support the development of the Stratfield Mortimer Neighbourhood Plan and does not include the cost of the examination.

Based on average length of examinations the cost of the examination should be between £3,000 and £8,500 depending on the length of time taken to examine the Neighbourhood Plan. However, the Stratfield Mortimer examination cost approximately £18,185.

On average referendums cost £5,000 per ballot box to deliver, plus the officer time associated with arranging the referendum. Some polling stations will have more than one ballot box.

- 3.2 **Policy:** National Planning Policy makes provision for the development of Neighbourhood Planning. An adopted Neighbourhood plan forms part of the district's development plan.
- 3.3 **Personnel:** The Council has a duty to support the development of Neighbourhood Plans. Officer time will be required to offer this support.
- 3.4 **Legal:** An adopted Neighbourhood Plan forms part of the development Plan.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

4. Other options considered

- 4.1 None

5. Executive Summary

- 5.1 The Localism Act 2011 brought in the ability for local communities to develop Neighbourhood Plans, allowing communities to decide the future shape of the places where they live.
- 5.2 Neighbourhood Plans can only be developed by 'Qualifying Bodies'. In West Berkshire Parish Councils are the 'Qualifying Body'. As West Berkshire is wholly Parished, only parish council are able to develop Neighbourhood plans. Unfortunately, the legislation does not make any allowances for parishes that don't have a large enough electorate/population to support a Parish Council.
- 5.3 The Council have a duty to support communities in the development of Neighbourhood Plans, and some limited funding is currently available to support the Council (up to £30,000 per neighbourhood area for up to 20 areas per year).
- 5.4 There are a number of stages to the development of a Neighbourhood Plan these are set out in table 1 below.

Stage	Responsibility	Notes
Neighbourhood Area Application	Parish Council	The Application form (shown in appendix C) will be published on the Council's website for communities to download.
Determination of Neighbourhood Area	West Berkshire Council (Officer)	<p><u>Current method</u></p> <p>Upon receiving the application for a neighbourhood area from the parish council, the Council must publicise and consult upon the application for 4 weeks (if the neighbourhood area is the same as the parish boundary) or 6 weeks (for all other areas).</p> <p>The Council must determine the application within a prescribed timeframe (from the day after the application is publicised, this is 20 weeks for neighbourhood areas falling within two or more local authority areas, 8 weeks if the application is the same as the parish boundary, and 13 weeks for all other applications).</p> <p><u>Proposed Change though the Neighbourhood Planning Bill</u></p> <p>The Government are proposing that if the neighbourhood area is the same as the parish boundary, then the designation would have to be made as soon as possible once the Council is satisfied that the application is valid and complete.</p>
Designation of Neighbourhood Area	West Berkshire Council (Head of Planning)	Approval of the Neighbourhood Area is proposed to be delegated to the Head of Planning.
Development of the Neighbourhood Plan	Parish Council	<p>The Council have a duty to support the development of Neighbourhood Plans.</p> <ul style="list-style-type: none"> • Service Level Agreement – Appendix D • Neighbourhood Planning guidance –

Stage	Responsibility	Notes
	West Berkshire Council (Officers)	<p data-bbox="794 197 963 228">Appendix E</p> <p data-bbox="699 235 1442 412">The Council have a duty to support the development of the Neighbourhood Plan. This will involve attending a set number of meetings to offer advice and guidance as set out in the Service Level Agreement.</p> <p data-bbox="699 454 1442 703">In addition the Council are required to carry out Screening to determine whether Strategic Environmental Assessment (SEA) is required. This is best done early on in the development of the Neighbourhood Plan, once it has been agreed what Policy topics the will be included in the Neighbourhood Plan.</p> <p data-bbox="699 745 1390 815">If a Neighbourhood Plan is proposing to allocate sites it is likely that SEA will be required.</p>
Pre Submission Consultation (6 weeks)	Parish Council	<p data-bbox="699 822 1422 925">The Parish Council are required to consult their local community on their proposed plan before it is submitted to the Council for examination.</p> <p data-bbox="699 967 1422 1144">The Council will respond to the pre-submission consultation giving an initial view of whether the proposed plan will meet the basic conditions and if any changes are required. Internal council consultees will also be consulted at this point.</p>
Submission of the Neighbourhood Plan	Parish Council	<p data-bbox="699 1151 1422 1254">The Parish Council will submit the proposed Neighbourhood Plan to the council for examination along with the following 'Submission documents'</p> <ul data-bbox="699 1261 1442 1742" style="list-style-type: none"> <li data-bbox="699 1261 1422 1330">• Map/Statement identifying the area to which the proposed neighbourhood plan relates <li data-bbox="699 1337 1422 1480">• Consultation statement (setting out who was consulted, and how and a summary of the main issues raised and how these issues have been considered) <li data-bbox="699 1487 1422 1590">• Basic Conditions statement (setting out how the proposed neighbourhood plan meets the requirements) <li data-bbox="699 1597 1442 1742">• Copy of Screening opinion/Environmental report (depending on the outcome of the SA/SEA screening carried out by the Council during the development of the plan).
Publication of the Neighbourhood Plan (6 weeks)	West Berkshire Council (Officers)	<p data-bbox="699 1749 1378 1854">The Council is required to publish the proposed Neighbourhood Plan, inviting comments for 6 weeks.</p>
Examination	West Berkshire Council (Officers)	<p data-bbox="699 1861 1442 1964">West Berkshire Council will, in discussion with the Parish Council, appoint an examiner to examine the proposed Neighbourhood Plan.</p> <p data-bbox="699 1971 1378 2040">All procurement requirements will be completed following the appointment of an examiner.</p>

Stage	Responsibility	Notes
Examiner's Report	West Berkshire Council (Officers)	Once the examiner's report has been received the Council will review the report and consider the recommendations made within the report. It is likely that a meeting will take place at this stage with the Parish Council to discuss the recommendations included in the report.
Modifications	West Berkshire Council (Officers)	Where the examiner has requested modifications are made to ensure the plan the council will review these and propose changes to the Parish Council for agreement. <i><u>Proposed Change to bring in time limits</u></i> It is proposed that Local Planning Authorities will have a period of five weeks from receiving the examiner's report to determine whether to submit the plan to referendum. This would bring the Council policy in line with national policy.
Determination / Approval to proceed	Council to approve referendum and adoption of Plan	Following agreement of modifications with the Parish Council the Neighbourhood Plan will be brought to Council for approval. This will include a copy of the draft determination notice to be published. The motion would be: To approve the neighbourhood plan for referendum and to adopt the neighbourhood plan immediately following a successful 'yes' vote
Referendum	West Berkshire Council (Officers)	The Council are required to make the arrangement for the referendum. <i><u>Proposed Change to bring in time limits</u></i> It is proposed that the referendum should take place within 10 weeks of the decision being made that the referendum should be held. This would bring the Council policy in line with national policy.
Adoption (Automatic on successful 'yes' vote)	West Berkshire Council	Following a 'yes' vote the Council will have adopted the Neighbourhood Plan into the development plan for the area (following the council resolution above) and will use it to determine planning applications for the neighbourhood area. <i><u>Proposed Change to bring in time limits</u></i> It is proposed that The Council should bring the neighbourhood plan into force within 8 weeks of the date of the referendum, unless there are unresolved legal challenges. This would bring the Council policy in line with national policy.

6. Conclusion

- 6.1 The provision for Neighbourhood Planning is set out in the National Planning Policy Framework (NPPF) and Neighbourhood Planning legislation.

- 6.2 The Council have a duty to support communities wishing to develop Neighbourhood Plans, and following a successful 'yes' vote at referendum the council are required to adopt the Neighbourhood Plan into the Development plan for the district.
- 6.3 This report will progress through the committee process to be approved at Council in December 2016.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Neighbourhood Area Application Form

Template form to be submitted to the Council by Parish Councils wishing to apply for a neighbourhood area designation

- 7.4 Appendix D – Service Level Agreement

Template agreement between the Council and the Parish Council setting out the expectations for the development of the Neighbourhood Plan. The Neighbourhood Planning Bill requires Councils to set out clearly the advice/assistance that the Council can offer the parish council. The SLA provides a clear indication of what the Council will, and will not do to support the development of a Neighbourhood Plan.

- 7.5 Appendix E – Neighbourhood Planning Guidance

Guidance notes for communities wishing to develop a Neighbourhood Plan

Council Tax Scheme 2017/18

Committee considering report:	Council
Date of Committee:	8 December 2016
Portfolio Member:	Councillor James Fredrickson
Date Portfolio Member agreed report:	29 November 2016
Report Author:	Sean Anderson
Forward Plan Ref:	C3171

1. Purpose of the Report

- 1.1 To advise Council of the scope for changes to the Council Tax Support Scheme for 2017/18. Review of the scheme is a statutory responsibility and, in addition, we need to identify the scope for cost reduction in the light of budget pressures.

2. Recommendation

- 2.1 Council is asked to:

- (1) Note the various options contained within this report and in particular paragraph 12.2. as the preferred recommendation.

3. Implications

- 3.1 **Financial:** The report describes 19 options which may be used for 2017/18. Option 1 retains the existing scheme, the remaining 18 identify potential cost savings ranging between £76k and £685K
- 3.2 **Policy:** No direct implications at this stage but the options in the report for the year 2017/18 will inform the establishment of a policy
- 3.3 **Personnel:** None
- 3.4 **Legal:** There is a statutory obligation to define a policy and to consult on proposals, failure to do so could result in legal challenge
- 3.5 **Risk Management:** All figures given are estimated based on caseloads and factors as they exist at present. A less generous scheme may also result in a higher level of unpaid Council Tax.
- 3.6 **Property:** None
- 3.7 **Other:**

4. Other options considered

- 4.1 None, where any change to a scheme is proposed there is a statutory requirement to consult on those changes and to make a decision reflecting the consultation outcomes by 31st January in the financial year preceding that in which the changes are due to take place

5. Executive Summary

6. Introduction/Background

- 6.1 Council Tax support (CTS) is a local scheme which replaced Council Tax Benefit (a national scheme) from 1st April 2013). The scheme provides assistance for those on low income to meet their council tax liabilities. Every billing authority is required to adopt its own scheme and to review that scheme annually. Legislation requires that pensioners and claimants deemed to be vulnerable are to be no worse off under CTS than they would be under the earlier Council Tax Benefit scheme.
- 6.2 Council Tax Support schemes are a form of Council Tax discount, the effect of which is to reduce the size of the tax base and its ability to generate Council Tax income. Prior to 2013/14 support for those on low incomes was by way of Council Tax Benefit, this being fully funded by government grants.
- 6.3 Government funding for CTS has reduced since 2013/14. However, the true value of government support is impossible to assess because it has been rolled into the Revenues Support Grant and has ceased to be identified as a separate item.
- 6.4 At the present time the cost and volumes attributable to Council Tax Support are:

Claim Group	Claimants	Cost
Pensioners	3243	£3,219,268.06
Vulnerable persons	1862	£2,051,177.55
Working age – not working	902	£730,989.91
Working age - working	702	£455,264.53
Total	6709	£6,456,698.05

7. Comparison to schemes adopted elsewhere

- 7.1 The supporting information gives details of schemes adopted elsewhere for 2016/17:
- 7.2 Within Berkshire the schemes adopted for 2016/17 have the following characteristics:

Local Authority	Minimum council tax payment level	Savings limit	Council Tax band support is restricted to	Minimum weekly council tax support payment	Taper rate
Bracknell Forest	20.0%	£16,000	N/A	£0.00	21%
Reading	20.0%	£6,000	D	£5.00	20%
Slough	20.0%	£16,000	C	£0.00	20%
West Berkshire	25.0%	£16,000	D	£3.00	20%
Windsor and Maidenhead	10.0%	£16,000	N/A	£0.00	25%
Wokingham	10.0%	£16,000	D	£3.00	25%

7.3 In general terms the scheme currently adopted by West Berkshire uses factors which are common to the majority of councils and avoids the extremes; however it does need to be understood that all councils will currently be considering their schemes for 2017/18 and details are not yet available to form a basis for comparison in respect of next year.

8. Consultation

8.1 In order that Council may make a properly informed decision on its scheme for 2017/18 a consultation process needed to be carried out with affected parties if there is to be any change to the scheme. The Consultation commenced on the 26 September and was completed on the 6 November 2016 The consultation consisted of a direct mail shot to all affected claimants and by using the Council's on line consultation tools.

8.2 Any element of the Council Tax Support Scheme can be modified subject to consultation and in developing the proposals for this years scheme 19 options were put forward for consideration. Those options are shown in table 10.3. It should be noted that options 18 & 19 were not consulted upon as the decision was taken after proper consideration that those claimants receiving Employment Support Allowance should maintain their vulnerable status.

8.3 Each option was described along with details of the numbers likely to be affected and the anticipated average financial impact on claimants. Consultees were asked to explain how each proposed change will affect them and for any additional comment they wish to make,

8.4 A total of 71 responses were received. 15 of these failed to answer any of the proposal specific questions so were removed for the purpose of the analysis. Given the statistically low level of response it is difficult to draw any meaningful conclusion(s) but Members will be able to read the responses in full in Appendix E of this report.

9. Options for Consideration

9.1 The Council's Council Tax Support Scheme mirrors to a large degree its predecessor the Council Tax Benefit Scheme. This is essentially a set rules of over laid with a complex calculation formulae. It is possible for the Council to vary any aspect of the scheme but has opted since 2013 to maintain the broad underlying principals of the original Council Tax Benefit Scheme.

9.2 In considering the 2017 - 2018 scheme many possible amendments were considered – particularly in respect of the Council's locally defined definition of what constitutes a "Vulnerable Claimant" (typically those in receipt if a range of disability benefits) which in 2016 – 2017 constituted over £2m of Council Tax Support out of a £6.4m spend.

9.3 Eighteen options to vary the current scheme are explained in the supporting information report, these being:

- (1) Redefine the vulnerable group
- (2) Increase the contribution required from working age claimants from 25% to 30% when calculating entitlement.

- (3) Change the tapers used in the calculation process
- (4) Change the Council Tax band to which support is restricted
- (5) Applying a limit to savings
- (6) Setting a minimum weekly amount of support

9.4 In summary, the table below shows how each of the options when taken in isolation, would generate in terms of cost reductions and the number of claimants who would cease to receive any support towards their council tax costs.

Option	Anticipated cost reduction £,000	Anticipated number of claimants ceasing to receive support
Redefine the vulnerable group (ESA)	£240.69	106
Increase the contribution required from working age claimants from 25% of their Council Tax liability to 30%	£157.16	117
Change the tapers used in the calculation process to 25%	£116.31	173
Change the tapers used in the calculation process to 30%	£155.05	251
Change the Council Tax band to which support is restricted from band D to Band C	£106.50	92
Reduce the limit on savings from £16k to £6k	£76.31	96
Change the minimum weekly amount of support from £3 to £10	£163.17k	371

9.5 Combinations of these options will produce levels of cost reduction which differ from simple addition of the impacts of the individual components, various permutations being shown in the table below.

Option	Anticipated cost reduction £,000	Anticipated number of claimants ceasing to receive support
Redefine the vulnerable group, Capped at Band C.	£308.49	131

Redefine the vulnerable group, 30% deduction from liability.	£351.97	155
Redefine the vulnerable group, 30% deduction from liability, Capped at Band C.	£395.21	170
Capped at band C, minimum award of £10.00 per week	£186.26	371
30% deduction from liability, Capped at Band C.	£197.47	132
30% deduction, capped at band C, minimum £10.00 award per week	£527.96	640
30% deduction, capped at band c, minimum £10.00 award per week, capital limit of £6k	£537.90	657
30% deduction, capped at band C, minimum £10.00 award per week, capital limit of £6k and tapering 25%	£572.52	708
30% deduction, capped at band C, minimum £10.00 award per week, capital limit of £6k, tapering 30%	£592.24	739

9.6 It does need to be stressed that the figures given are anticipated based on modelling of data as it currently exists in the software used to manage Council Tax Support. Any change in the council's council tax levels will change the impacts identified above and, regardless of the Council's own budget decisions, will be affected by the decisions of other precepting bodies.

10. Proposals

10.1 Eighteen options plus the current scheme have been modelled in order to assess the amount of cost reduction and the number of claimants affected. However only sixteen plus the current scheme have been consulted upon.

10.2 The detailed summaries are supplied at Appendix D to the Supporting Information report.

10.3 The tables show as follows:

Scheme	Details
1	Current scheme - ESA Protection, 25% contribution, Band D capping, £3 minimum
2	Uniform protection for ESA claimants removed (still protected where disability premium included)
3	30% deduction from liability, prior to deduction of CTR (currently 25%).
4	tapering 25%
5	tapering 30%
6	Capped at Band C rather than Band D

7	capital limit changed to £6k
8	Minimum award £10.00 per week
9	ESA protection removed, capped at Band C
10	ESA protection removed, 30% deduction from liability
11	ESA protection removed, 30% deduction from liability, capped at Band C
12	Capped at Band C, minimum award £10.00 per week
13	30% deduction from liability, capped at Band C
14	30% deduction from liability, capped at Band C, minimum award £10.00 per week
15	30% deduction from liability, capped at Band C, minimum award £10.00 per week, capital limit of £6k
16	30% deduction from liability, capped at Band C, minimum award £10.00 per week, capital limit of £6k and tapering 25%
17	30% deduction from liability, capped at Band C, minimum award £10.00 per week, capital limit of £6k and tapering 30%
18	30% deduction from liability, capped at Band C, minimum award £10.00 per week, capital limit of £6k and tapering 25% with ESA protection removed (not consulted upon)
19	30% deduction from liability, capped at Band C, minimum award £10.00 per week, capital limit of £6k and tapering 30% with ESA protection removed (not consulted upon)

10.4 The following table summarises the level of cost reduction when compared to the anticipated cost of the current scheme in 2017/18.

Scheme	Estimated cost	change from current scheme
1	£6,622,278.74	
2	£6,251,028.47	-£240,693.51
3	£6,230,817.34	-£157,158.98
4	£6,271,666.60	-£116,309.72
5	£6,232,926.11	-£155,050.21

6	£6,281,473.80	-£106,502.52
7	£6,311,667.40	-£76,308.92
8	£6,224,802.76	-£163,173.56
9	£6,183,234.53	-£308,487.45
10	£6,139,748.98	-£351,973.00
11	£6,096,509.78	-£395,212.70
12	£6,201,717.36	-£186,258.96
13	£6,190,503.85	-£197,472.47
14	£5,860,014.01	-£527,962.31
15	£5,850,079.79	-£537,896.53
16	£5,815,451.94	-£572,524.38
17	£5,793,965.30	-£594,011.02
18	£5,951,333.05	-£670,945.69
19	£5,936,571.22	-£685,707.52

11. Conclusion

- 11.1 Based upon current Council Tax costs (i.e. an assumption that council Tax for 2017/18 will remain the same as 2016/17) the various schemes modelled lead to reduced costs, when compared to the costs of the current scheme if continued into 2017/18 of between £76.31K and £685,707K
- 11.2 The number of claimants who would cease to receive support varies depending upon which, if any, of the modelled options is adopted. All of these claimants, by virtue of their current entitlement, have been identified as being on low income and it follows that they will have limited capacity to absorb additional costs within their current disposable income. The inevitable conclusion would be that those among the least able to afford additional cost would be required to pay a higher proportion of their income in order to bridge the gap in council funding.
- 11.3 Reduction of costs in council tax support does present a risk for council tax collection. Although council tax collection remains high it is virtually impossible to predict how reductions in council tax support will impact on this in the future. The potential savings need to be considered with a degree of caution because the actual impacts are very difficult to assess. Whilst the cost of the scheme may reduce there is always a risk that other factors such as bad debt or calls on the exceptional hardship fund will reduce the value of those savings. The ability to assess impacts is severely constrained by the fact that those in receipt of CTS may also be in receipt of other benefits where changes are driven by Government rather than local authorities.

12. Recommendation

- 12.1 Having due regard to the continuing financial challenges faced by the council the recommendation to Council is for Option 17. This option maintains protection for the Districts most vulnerable claimants (typically those in receipt of disability benefits) and provides a continuing level of support for those most in need. As indicated at 8.2 thought was given to consult on options 18 & 19 which involved the removal of the ESA protection for claimants, but the decision was made to maintain that protection. In view that, Option 17 is recognised as being difficult but is considered the most viable proposal; protecting the most vulnerable claimants, and recognising and supporting the Governments ongoing preservation of pensioner entitlement to Council Tax Support, and the significant financial challenges facing the Council.
- 12.2 Therefore, the recommendation, to Council is for the follow changes to be made to the Council Tax Support scheme for 2017 – 2018 (option 17);

Variable	16/17 (now)	17/18 (proposed)
Support for working age claimants	75%	70%
Cap support at property band	Band D	Band C
Redefine 'vulnerable'	No	NO
Capital limit before reduction	16k	6k * See below
Minimum weekly payment	£3	£10
Tapering rate	20%	30%

*Those "Non-Passported" persons of working age, for the purposes of who hold capital of £6,000 or above at the date of claim for a council tax reduction or during that same billing year within which a further claim is made, irrespective of whether or not their capital

subsequently falls below this level will be precluded from Council Tax Support within that billing year.

Appendices

Appendix A - Supporting Information

Appendix B – Equalities Impact Assessment

Appendix C - Anticipated scheme costs for various options modelled and Anticipated number of claimants in receipt of support for each scheme modelled

Appendix D - Detailed presentation of each of the 17 schemes modelled and consulted upon.

Appendix E – Maps illustrating average cuts in Council Tax Support from 2013 to 2016 in England and Wales compared to previous system

Appendix F - Consultation Responses

Activity Team West Berkshire Fees and Charges 2017/18

Committee considering report:	Council
Date of Committee:	8 December 2016
Portfolio Member:	Councillor Graham Jones
Date Portfolio Member agreed report:	24 November 2016
Report Author:	Jim Sweeting
Forward Plan Ref:	C3098

1. Purpose of the Report

- 1.1 To consider the fees and charges for the 2017/18 Activity Team West Berkshire programme in order to enable the service to competitively advertise and promote activities and maximise advanced books and income.

2. Recommendations

- 2.1 That Council approves the proposed maximum Fees and Charges for the Activity Team West Berkshire's programme and the hire of equipment and resources for 2017/18 as set out in appendix C

3. Implications

- 3.1 **Financial:** Activity Team West Berkshire have been tasked at delivering a cost neutral programme to the Council, the proposal takes into account charges levied by alternative providers and what is believed to be sustainable in the market.
- 3.2 **Policy:** In 2013/14 Price rises brought activity prices into line with a fair market price, this was followed by an average price rise of 1.5% in 2014/15, 2% for 2015/16 and a price freeze in 2016/17. Early agreement on price changes enables activities to be advertised in a timely manner to achieve business objectives
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** If income streams are lost there is a risk that the cost neutral objective would not be achieved. It is felt increasing the current level of charges would not negate this risk
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 An further freeze in charges – this was not pursued however as it was felt it would be counterproductive given inflationary pressures on costs

5. Executive Summary

- 5.1 Following the development of a business plan in 2013/14 to support a target of Activity Team West Berkshire delivering their programme cost neutral to the Council the fees and charges were reviewed to align them to other providers in the Outdoor Activity Market.
- 5.2 It is proposed to increase the fees and charges for activity for 2016/17 (in line with other increases in sports and leisure activity) to allow Activity Team West Berkshire:
- (a) To remain competitive in the market with other neighbouring providers
 - (b) To remain an attractive offer to local groups and organisations whilst developing new markets and income streams
 - (c) To counter inflationary increases in costs incurred by the team.
- 5.3 The proposed charges are for the commercially focussed 'traded' programme and do not include any aspect of the internal Service Level Agreements or the agreement to use the site with the Adventure Dolphin (Pangbourne) Charity.
- 5.4 This proposed set of charges takes account of previous booking trends and compares with other local facilities to remain competitive and maximise the potential for bookings.

6. Conclusion

- 6.1 An increase of 1.6% in Fees and Charges for activity for 2016/17 will allow the team to remain competitive with local competition for the commercial traded aspect of the programme whilst new markets are explored

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Proposed Fees and Charges for 2017/18.

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Leisure Centre Fees and Charges 2017

Committee considering report:	Council
Date of Committee:	8 December 2016
Portfolio Member:	Councillor Graham Jones
Date Portfolio Member agreed report:	10 November 2016
Report Author:	Jim Sweeting
Forward Plan Ref:	C3099

1. Purpose of the Report

- 1.1 To implement the contractual requirement for an annual price review for 2017 for the leisure contractor to come into effect from 1st January 2017.

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 2017/18
- 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 2016. 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.

5. Executive Summary

- 5.1 In establishing their proposed fees and charges for core activity at leisure centres for 2017 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 1.6% in the charges applied to West Berkshire Card holders in line with the Retail Price Index at the end of the Contract year (June 2016).
- 5.2 To make it simpler for customers to understand the benefits of being a West Berkshire Card holder it was agreed in December 2016 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 2017.

- 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 area

6. Conclusion

- 6.1 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.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Maximum Fees and Charges Proposed for ‘Core Activity’ at the Leisure Centres for 2017

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Proposed Member Development Programme 2017/18

Committee considering report:	Council on 8 December 2016
Portfolio Member:	Councillor James Fredrickson
Date Portfolio Member agreed report:	16 November 2016
Report Author:	Jude Thomas
Forward Plan Ref:	C3097

1. Purpose of the Report

- 1.1 To agree the proposed Member Development Programme for 2017/18.

2. Recommendation

- 2.1 Members are asked to discuss and, if appropriate, agree the proposed Member Development Programme for 2017/18.

3. Implications

- 3.1 **Financial:** The Member Development 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

Not to run a Member Development Programme

5. Executive Summary

- 5.1 The Member Development Group initially met on 21 September 2016 and gave consideration to the Member Development Programme for the 2017/18 Municipal Year. Following initial consultation, the Member Development Group met again on 23 November 2016 to update and finalise the draft programme.
- 5.2 To ensure that the programme for 2017/18 addresses the issues that are of most interest and use, Members, Corporate Directors and Heads of Service had been canvassed for suggestions as to what should be included. All proposals were given full consideration.
- 5.3 The Member Development Group agreed to continue with the three tier programme for 2017/18 which included mandatory, strategic (linked to the Council's priorities) and specialist subjects. The proposed programme has been populated with these topics, together with the suggestions received from Members and Heads of Service. See Appendix A.
- 5.4 The start time for evening sessions was moved to 7:00pm from 6:00pm for the current programme, in response to requests from Members that found the earlier start time an obstacle to attendance. It was agreed that the impact on attendance of the new time would be reviewed at the end of the programme and the start time adjusted, if appropriate. Some Members that have previously been unable to attend the sessions due to the 6:00pm start time, have attended within the current year's programme, whilst others have found the start time too late. With this in mind, the Member Development Group proposes amending the start time from 7:00pm to 6:30pm. In the main, an earlier 2:00pm session is also scheduled.
- 5.5 Mindful of the demands upon Members' time, the Member Development Group is continually exploring additional ways of delivering the training, in order to make it more accessible to Members.
- 5.6 With this in mind, the use of webcasting for some sessions to allow them to be viewed remotely is also being explored. The Policy & Finance Update session held on 23 November 2016, was webcast to four Members, as a pilot. At the time of writing the report, Members and presenters have not had the opportunity to provide detailed feedback but initial comments have been received. Feedback is mixed, but would suggest that it is worth developing further. As a result, further sessions will be piloted and specific sessions within the programme have been identified for possible webcasting, subject to the pilot. Whilst webcasting removes the disadvantages of travel for geographically remote Members, there is some concern about the impact live-streaming will have on the quality of discussion and debate within the more interactive/workshop style of session, favoured by Members. The impact on officer time should also be noted. A short session on the technicalities of webcasting will be organised for Members immediately before the June Council meeting.
- 5.7 Further to the contents of the draft programme, an additional, more strategic discussion session, The Future of Transport in West Berkshire, has been proposed and will be confirmed upon the decision of Council.
- 5.8 Officers are also exploring other options such as video-conferencing, on-line training, instant messaging and Skype to complement and enhance the current format of the Member Development Programme and further training on the how to

get the best from the tablets will be offered in the new year. It is hoped that this will encourage greater use and maximise the potential of the tablets.

5.9 It is also proposed that e-learning sessions be re-launched.

5.10 As is existing practice, the presentations from all sessions will be published on the intranet after the repeat session.

6. Conclusion

6.1 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 and make every effort to attend all sessions.

7. Appendices

7.1 Appendix A - Proposed Member Development Programme 2017/18

7.2 Appendix B – Equalities Impact Assessment

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Title	Date	Time	Venue	Audience	Mandatory	Content	Lead Officer
MANDATORY							
Planning & Licensing Update 1	13.11.17 23.11.17 TBC	14:00 18:30		All	For Planning and Licensing Members	To include Planning Committees for Planning Members	Head of Planning & Countryside Head of Culture & Environment Protection
Planning & Licensing Update 2	Ad Hoc	TBC		All	For Planning and Licensing Members	Standing item	Head of Planning & Countryside Head of Culture & Environment Protection
STRATEGIC							
How the Council works (Update) *	22.5.17 7.6.17	18:30 14:00		All	No		Head of Strategic Support Monitoring Officer
Health Prevention Matters */**	15.6.17 20.6.17	18:30 14:00		All	No	Abbreviated update of LGA training - Oct 2016	Head of Health & Wellbeing
Housing *	3.7.17 13.7.17	18:30 14:00		All	No	Benefits & Welfare Reform Update/Staying Put	Head of Care Comm, Housing & Safeguarding Housing Strategy & Operations Manager
Safeguarding	7.9.17 11.9.17	18:30 14:00		All	No	Children & Adult	Head of Children & Family Services Head of Care Comm, Housing & Safeguarding Head of Adult Social Care
Policy & Finance Update 1 *	19.10.17 7.11.17	18:30 14:00		All	No	Standing item	Chief Executive Head of Strategic Support Head of Finance
Future of Transport in West Berkshire TBC	15.2.18 26.2.18 TBC	18:30 14:00		All	No	Strategic discussion session	Head of Highways & Transport
Policy & Finance Update 2 *	19.3.18 29.3.18	14:00 18:30		All	No	Standing item	Chief Executive Head of Strategic Support Head of Finance
Corporate Programme *	19.4.18 24.4.18	14:00 18:30		All	No	Standing item	Head of Corporate Programme Management

Title	Date	Time	Venue	Audience	Mandatory	Content	Lead Officer
SPECIALIST							
Dealing With Waste in West Berkshire – Padworth & Chineham	18.9.17	18:30	Padworth Household Waste & Recycling Centre	All	No	Including tour of Padworth site and film of Chineham Limited No.s	Head of Culture & Environment Protection Waste Manager
	25.9.17 TBC	18:30					
Digital Transformation *	2.10.17 11.10.17	18:30 14:00		All	No		Head of Strategic Support Digital Services Manager
Scrutiny – for Scrutiny Members	18.1.18	18:30		All	No		External provider
	22.1.18	14:00					
E-LEARNING							
Declarations of Interest	TBC						Head of Legal Democratic Services Manager
Pre-budget finance	TBC						Head of Finance
REPEAT MANDATORY INDUCTION SESSIONS							
Equalities **				All Members that have not already attended training	Yes		Principal Policy Officer (Equalities) Solicitor Team Leader - Legal

* Subject to the pilot, these sessions have been identified for webcasting.

** These sessions have been identified as suitable for parish attendance.

2017/18 West Berkshire Council Timetable of Public Meetings

Committee considering report:	Council on 8 December 2016
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	10 November 2016
Report Author:	Moira Fraser, Democratic and Electoral Services Manager
Forward Plan Ref:	C3197

1. Purpose of the Report

- 1.1 To recommend a timetable of meetings for the 2017/18 Municipal Year.

2. Recommendation

- 2.1 To approve the timetable of public meetings for the 2017/18 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

5. Executive Summary

5.1 The timetable of meetings for the Municipal Year 2017/18 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;
- Two Overview and Scrutiny Management Commission meetings are scheduled (May and December). Further meetings and Select Committee meetings will be convened as and when required;
- 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.
- 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. Members are currently being consulted on a proposal to reschedule sessions at the conclusion of early evening meetings. These proposed dates will be finalised at the Member Development Group on 23 November 2016 and will be agreed at the December 2016 Council meeting.

5.2 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.

6. Conclusion

6.1 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.

7. Recommendation

7.1 It is recommended that the schedule for the 2017/18 Municipal Year be approved.

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: n/a

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

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Timetable of meetings May 2017 – May 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.

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 30 November 2016
Owner of item being assessed:	Moira Fraser
Name of assessor:	Stephen Chard
Date of assessment:	1 October 2015

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.

<p>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.</p> <p>(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.)</p>

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: Stephen Chard

Date: 1 October 2015

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 2017 to May 2018

	MAY 2017	JUN 2017	JUL 2017	AUG 2017	SEP 2017	OCT 2017	NOV 2017	DEC 2017	JAN 2018	FEB 2018	MAR 2018	APR 2018	MAY 2018													
Mon	1								1																	
Tues	2			1					2				1													
Weds	3	E		2			1	W	3				2	E												
Thur	4	X	1	3			2		4	1	1	C	3	X												
Fri	5		2	4	1		3		5	2	2		4													
Sat	6		3	5	2		4	2	6	3	3		5													
Sun	7		4	6	3	1	5	3	7	4	4	1	6													
Mon	8		5	7	4	2	6	4	8	5	G&E	5	2	7												
Tues	9	C	6	CPP	4	C	8	DPC	5	CPP/OSMC	9	6	3	8	C											
Weds	10		7	W	5	E	9	W	6	E	6	7	E	7	D	4	W	9								
Thur	11		8	6	10		7	X	5		9	7	C	11	8	8	5	10								
Fri	12		9	7	11	8	6	10	8		12	9		9		6	11	11								
Sat	13		10	8	12	9	7	11	12	9	10	10	7	10	10	7	12	12								
Sun	14		11	9	13	10	8	12	10	10	11	11	8	13	13											
Mon	15		12	10	14	11	9	13	11	11	12	12	9	14	14											
Tues	16	OSMC	13	11	15	12	10	14	12	12	13	13	10	15	15											
Weds	17	W	14	E	12	D	16	E	13		11	W	15	D	13	W	17	E/W	14	14	W	11	E	16	W	
Thur	18		15	X	13	17	14	C	12	16	14	15	X	15	X	15	DPC	12	17							
Fri	19		16	14	18	15	13	17	15	15	16	16	13	18	18											
Sat	20		17	15	19	16	14	18	16	16	17	17	14	19	19											
Sun	21		18	16	20	17	15	19	17	17	18	18	15	20	20											
Mon	22		19	G&E/ARE	17		21	G&E	18		20	18	16	21	21											
Tues	23		20	18	22	19	CPP	17	21	19	23	20	17	22	22											
Weds	24	E	21	19	W	23	D	20	W	18	E	22	W	20	E	24	D	21	W	21	E	17	18	D	23	E
Thur	25	HWBB	22	20	24		21	19	X	23	X	21	X	25	HWBB	22		22		22		19		24	HWBB	
Fri	26		23	21	25	22	20	24	22	22	23	23	20	25	25							20		25	25	
Sat	27		24	22	26	23	21	25	23	23	24	24	21	26	26							21		26	26	
Sun	28		25	23	27	24	22	26	24	24	25	25	22	27	27							22		27	27	
Mon	29		26	24	28	25	23	27	G&E	25		29	26	28	28							23		28		
Tues	30		27	25	29	26	24	28	26		30	27	24	29	29							24		29	29	
Weds	31	D	28	W	26	E	30	W	27	E	25	29	E	27		31	W	28	E	28		25	W	30	D	
Thur			29		27	X	31		28	HWBB	26	30		28								29	X	26	31	
Fri			30		28		29		27		29			29								30		27		
Sat				29		30		28		30				30								31		28		
Sun				30				29		31													29			
Mon				31				30															30			
Tues								31																		

C Council – 7.00pm except Budget meeting which starts at 6.30pm	OSMC Overview & Scrutiny Mgmt Com – 6.30pm	W Western Area Planning Cttee – 6.30pm	HWBB Health and Wellbeing Board – 9.30am
X Executive – 5.00pm	CSC Communities Select Cttee – 6.30pm	E Eastern Area Planning Cttee – 6.30pm	
G&E Governance and Ethics Committee – 5.00pm	ESC Environment Select Cttee – 6.30pm	D District Planning Committee (provisional dates) – 6.30pm	1 Bank Holiday
CPP Corporate Parenting Panel – 6.30pm	RSC Resources Select Cttee – 6.30pm	DPC District/Parish Conference – 6.30pm	School Holiday

Public Meetings: All meetings are open to the public, with the exception of Conservative & Liberal Democrat Group Meetings.
Venues: All meetings are held at Council Offices, Market Street, Newbury with the exception of: Eastern Area Planning Committee is usually held at the Calcot Centre, Highview.
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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